

HOUSE BILL NO. 407

INTRODUCED BY ADDY, VINCENT

BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES

IN THE HOUSE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 26, 1989	FIRST READING.
FEBRUARY 7, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 8, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 63; NOES, 32.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 13, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 14, 1989	SECOND READING, CONCURRED IN.
MARCH 16, 1989	THIRD READING, CONCURRED IN. AYES, 30; NOES, 18.
	RETURNED TO HOUSE.

MARCH 17, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 407
 2 INTRODUCED BY Adm. Vigant
 3 BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
 6 DEFINITION OF "CANDIDATE"; REQUIRING REPORTS FROM STATEWIDE
 7 CANDIDATES AND POLITICAL COMMITTEES IN YEARS PRIOR TO AN
 8 ELECTION YEAR; AND AMENDING SECTIONS 13-1-101 AND 13-37-226,
 9 MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 13-1-101, MCA, is amended to read:

13 "13-1-101. Definitions. As used in this title, unless
 14 the context clearly indicates otherwise, the following
 15 definitions apply:

16 (1) "Anything of value" means any goods that have a
 17 certain utility to the recipient that is real and that is
 18 ordinarily not given away free but is purchased.

19 (2) "Candidate" means:

20 (a) an individual who has filed a declaration or
 21 petition for nomination, acceptance of nomination or
 22 appointment as a candidate for public office as required by
 23 law;

24 (b) for the purposes of chapters 35, 36, or 37, an
 25 individual who has publicly-announced-his-intention-to--seek

1 nomination-or-election-to-public-office-by-write-in-vote-and
 2 who--has--received--a-contribution-or-made-an-expenditure-or
 3 has-given-an-authorization-to-another-person--to--receive--a
 4 contribution--or--make--an--expenditure--for--the-purpose-of
 5 supporting-his-nomination-or-election; solicited or received
 6 and retained contributions, made expenditures, or given
 7 consent to an individual, organization, political party, or
 8 committee to solicit or receive and retain contributions or
 9 make expenditures on his behalf to secure nomination or
 10 election to any office at any time, whether or not the
 11 office for which the individual will seek nomination or
 12 election is known when the:

13 (i) solicitation is made;

14 (ii) contribution is received and retained; or

15 (iii) expenditure is made; and

16 (c) an officeholder who is the subject of a recall
 17 election.

18 (3) (a) "Contribution" means:

19 (i) an advance, gift, loan, conveyance, deposit,
 20 payment, or distribution of money or anything of value to
 21 influence an election;

22 (ii) a transfer of funds between political committees;

23 (iii) the payment by a person other than a candidate or
 24 political committee of compensation for the personal
 25 services of another person that are rendered to a candidate

1 or political committee.

2 (b) "Contribution" does not mean:

3 (i) services provided without compensation by
4 individuals volunteering a portion or all of their time on
5 behalf of a candidate or political committee or meals and
6 lodging provided by individuals in their private residence
7 for a candidate or other individual;

8 (ii) the cost of any bona fide news story, commentary,
9 or editorial distributed through the facilities of any
10 broadcasting station, newspaper, magazine, or other
11 periodical publication of general circulation;

12 (iii) the cost of any communication by any membership
13 organization or corporation to its members or stockholders
14 or employees, so long as such organization is not a primary
15 political committee; or

16 (iv) filing fees paid by the candidate.

17 (4) "Election" means a general, special, or primary
18 election held pursuant to the requirements of state law,
19 regardless of the time and/or purpose.

20 (5) "Election administrator" means the county clerk
21 and recorder or the individual designated by a county
22 governing body to be responsible for all election
23 administration duties, except that with regard to school
24 elections, the term means the school district clerk.

25 (6) "Elector" means an individual qualified and

1 registered to vote under state law.

2 (7) (a) "Expenditure" means a purchase, payment,
3 distribution, loan, advance, promise, pledge, or gift of
4 money or anything of value made for the purpose of
5 influencing the results of an election.

6 (b) "Expenditure" does not mean:

7 (i) services, food, or lodging provided in a manner
8 that they are not contributions under subsection (3);

9 (ii) payments by a candidate for his filing fee or for
10 personal travel expenses, food, clothing, lodging, or
11 personal necessities for himself and his family;

12 (iii) the cost of any bona fide news story, commentary,
13 or editorial distributed through the facilities of any
14 broadcasting station, newspaper, magazine, or other
15 periodical publication of general circulation; or

16 (iv) the cost of any communication by any membership
17 organization or corporation to its members or stockholders
18 or employees, so long as such organization is not a primary
19 political committee.

20 (8) "General election" means an election held for the
21 election of public officers throughout the state at times
22 specified by law, including elections for officers of
23 political subdivisions when the time of the election is set
24 on the same date for all similar political subdivisions in
25 the state. For ballot issues required by Article III,

section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1).

(9) "Individual" means a human being.

(10) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35, 36, or 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes an "issue" upon approval by the secretary of state of the form of the petition or referral.

(11) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (2) of this section.

(12) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee

organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(13) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(14) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for such nominations is set on the same date for all similar subdivisions in the state.

(15) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(16) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(17) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in

conjunction with a statutorily scheduled election.

(18) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Section 2. Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports. (1) Candidates for a state office filled by a statewide vote of all the electors of Montana and political committees which are specifically organized to support or oppose a particular statewide candidate or issue shall file reports:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year the candidate expects to be on the ballot or an issue is expected to be on the ballot;

~~(a)(b)~~ on the 10th day of March and September in each year that an election is to be held and on the 15th and 5th days next preceding the date on which an election is held and within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before and the day of the election;

~~(b)(c)~~ not more than 20 days after the date of the election; and

~~(c)(d)~~ on the 10th day of March and September of each year following an election until the candidate or political

committee files a closing report as specified in 13-37-228(3).

(2) Candidates for a state district office, including but not limited to candidates for the legislature, public service commission, or district court judge, and political committees which are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 10th day next preceding the date on which an election is held and within 24 hours after receiving a contribution of \$100 or more if received between the 15th day before and the day of the election;

(b) not more than 20 days after the date of the election; and

(c) whenever a candidate or political committee files his or its closing report as specified in 13-37-228(3).

(3) Candidates for any other public office and political committees which are specifically organized to support or oppose a particular local issue shall be required to file the reports specified in subsection (2) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.

(4) For the purposes of this subsection, a committee

1 which is not specifically organized to support or oppose a
2 particular candidate or ballot issue and which receives
3 contributions and makes expenditures in conjunction with an
4 election is an independent committee. For the purpose of
5 reporting, a political party committee is an independent
6 committee. An independent committee shall file reports:

7 (a) on the 10th day next preceding the date of an
8 election in which it participates by making an expenditure;

9 (b) not more than 20 days after the date of the
10 election in which it participates by making an expenditure;
11 and

12 (c) a closing report at the close of each calendar
13 year, on a date to be prescribed by the commissioner.

14 (5) The commissioner may promulgate rules regarding
15 the extent to which organizations that are not primary
16 political committees but are incidental political committees
17 shall report their politically related activities in
18 accordance with this chapter.

19 (6) All reports required by this section shall be
20 complete as of the fifth day before the date of filing as
21 specified in 13-37-225(2) and subsections (1) through (5) of
22 this section."

23 NEW SECTION. **Section 3.** Extension of authority. Any
24 existing authority to make rules on the subject of the
25 provisions of [this act] is extended to the provisions of

1 [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB407, as introduced.

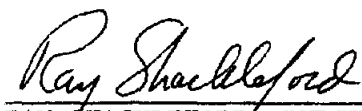
DESCRIPTION OF PROPOSED LEGISLATION:

An Act clarifying the definition of "candidate"; requiring reports from statewide candidates and political committees in years prior to an election year; and amending Sections 13-1-101 and 13-37-226, MCA.

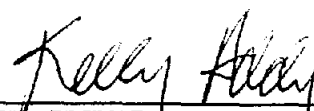
ASSUMPTIONS:

1. Based on the 1988 election cycle, as many as 16 statewide candidates would be required to file quarterly reports in a year or years preceding the election year when they expect to be on the ballot.
2. At least 16 additional reports would be filed with the Commissioner of Political Practices in any year preceding an election year.
3. The filing of additional reports would have a negligible impact on staff and resources of the Office of the Commissioner of Political Practices.

FISCAL IMPACT: None

2/2/89

RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Feb 6, 1989

KELLY ADDY, PRIMARY SPONSOR DATE

Fiscal Note for HB407, as introduced

HB 407

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 407

INTRODUCED BY ADDY, VINCENT

BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
DEFINITION OF "CANDIDATE"; REQUIRING REPORTS FROM STATEWIDE
CANDIDATES AND CERTAIN POLITICAL COMMITTEES IN YEARS PRIOR
TO AN ELECTION YEAR; AND AMENDING SECTIONS 13-1-101 AND
13-37-226, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. **Definitions.** As used in this title, unless
the context clearly indicates otherwise, the following
definitions apply:

(1) "Anything of value" means any goods that have a
certain utility to the recipient that is real and that is
ordinarily not given away free but is purchased.

(2) "Candidate" means:

(a) an individual who has filed a declaration or
petition for nomination, acceptance of nomination or
appointment as a candidate for public office as required by
law;

(b) for the purposes of chapters 35, 36, or 37, an
individual who has publicly-announced-his-intention-to-
seek

nomination-or-election-to-public-office-by-write-in-vote-and
who-has-received-a-contribution-or-made-an-expenditure-or
has-given-an-authorization-to-another-person-to-receive-a
contribution-or-make-an-expenditure-for-the-purpose-of
supporting-his-nomination-or-election: solicited or received
and retained contributions, made expenditures, or given
consent to an individual, organization, political party, or
committee to solicit or receive and retain contributions or
make expenditures on his behalf to secure nomination or
election to any office at any time, whether or not the
office for which the individual will seek nomination or
election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall
election.

(3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit,
payment, or distribution of money or anything of value to
influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or
political committee of compensation for the personal
services of another person that are rendered to a candidate

1 or political committee.

2 (b) "Contribution" does not mean:

3 (i) services provided without compensation by
4 individuals volunteering a portion or all of their time on
5 behalf of a candidate or political committee or meals and
6 lodging provided by individuals in their private residence
7 for a candidate or other individual;

8 (ii) the cost of any bona fide news story, commentary,
9 or editorial distributed through the facilities of any
10 broadcasting station, newspaper, magazine, or other
11 periodical publication of general circulation;

12 (iii) the cost of any communication by any membership
13 organization or corporation to its members or stockholders
14 or employees, so long as such organization is not a primary
15 political committee; or

16 (iv) filing fees paid by the candidate.

17 (4) "Election" means a general, special, or primary
18 election held pursuant to the requirements of state law,
19 regardless of the time and/or purpose.

20 (5) "Election administrator" means the county clerk
21 and recorder or the individual designated by a county
22 governing body to be responsible for all election
23 administration duties, except that with regard to school
24 elections, the term means the school district clerk.

25 (6) "Elector" means an individual qualified and

1 registered to vote under state law.

2 (7) (a) "Expenditure" means a purchase, payment,
3 distribution, loan, advance, promise, pledge, or gift of
4 money or anything of value made for the purpose of
5 influencing the results of an election.

6 (b) "Expenditure" does not mean:

7 (i) services, food, or lodging provided in a manner
8 that they are not contributions under subsection (3);

9 (ii) payments by a candidate for his filing fee or for
10 personal travel expenses, food, clothing, lodging, or
11 personal necessities for himself and his family;

12 (iii) the cost of any bona fide news story, commentary,
13 or editorial distributed through the facilities of any
14 broadcasting station, newspaper, magazine, or other
15 periodical publication of general circulation; or

16 (iv) the cost of any communication by any membership
17 organization or corporation to its members or stockholders
18 or employees, so long as such organization is not a primary
19 political committee.

20 (8) "General election" means an election held for the
21 election of public officers throughout the state at times
22 specified by law, including elections for officers of
23 political subdivisions when the time of the election is set
24 on the same date for all similar political subdivisions in
25 the state. For ballot issues required by Article III,

1 section 6, or Article XIV, section 8, of the Montana
2 constitution to be submitted by the legislature to the
3 electors at a general election, "general election" means an
4 election held at the time provided in 13-1-104(1).

5 (9) "Individual" means a human being.

6 (10) "Issue" or "ballot issue" means a proposal
7 submitted to the people at an election for their approval or
8 rejection, including but not limited to initiatives,
9 referenda, proposed constitutional amendments, recall
10 questions, school levy questions, bond issue questions, or a
11 ballot question. For the purposes of chapters 35, 36, or 37,
12 an issue becomes a "ballot issue" upon certification by the
13 proper official that the legal procedure necessary for its
14 qualification and placement upon the ballot has been
15 completed, except that a statewide issue becomes an "issue"
16 upon approval by the secretary of state of the form of the
17 petition or referral.

18 (11) "Person" means an individual, corporation,
19 association, firm, partnership, cooperative, committee,
20 club, union, or other organization or group of individuals
21 or a candidate as defined in subsection (2) of this section.

22 (12) "Political committee" means a combination of two
23 or more individuals or a person other than an individual who
24 makes a contribution or expenditure:

25 (a) to support or oppose a candidate or a committee

1 organized to support or oppose a candidate or a petition for
2 nomination; or

3 (b) to support or oppose a ballot issue or a committee
4 organized to support or oppose a ballot issue; or

5 (c) as an earmarked contribution.

6 (13) "Political subdivision" means a county,
7 consolidated municipal-county government, municipality,
8 special district, or any other unit of government, except
9 school districts, having authority to hold an election for
10 officers or on a ballot issue.

11 (14) "Primary" or "primary election" means an election
12 held throughout the state to nominate candidates for public
13 office at times specified by law, including nominations of
14 candidates for offices of political subdivisions when the
15 time for such nominations is set on the same date for all
16 similar subdivisions in the state.

17 (15) "Public office" means a state, county, municipal,
18 school, or other district office that is filled by the
19 people at an election.

20 (16) "Registrar" means the county election
21 administrator and any regularly appointed deputy or
22 assistant election administrator.

23 (17) "Special election" means an election other than a
24 statutorily scheduled primary or general election held at
25 any time for any purpose provided by law. It may be held in

conjunction with a statutorily scheduled election.

(18) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Section 2. Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports. (1) Candidates for a state office filled by a statewide vote of all the electors of Montana and political committees which are specifically organized to support or oppose a particular statewide candidate or issue shall file reports:

(a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year THAT:

(I) the candidate expects to be on the ballot; or

(II) an issue SUBJECT TO A REFERENDUM SUBMITTED BY THE LEGISLATURE OR THE PEOPLE IS OR is expected to be on the ballot;

(b) on the 10th day of March and September in each year that an election is to be held and on the 15th and 5th days next preceding the date on which an election is held and within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before and the day of the election;

(c) not more than 20 days after the date of the

election; and

(d) on the 10th day of March and September of each year following an election until the candidate or political committee files a closing report as specified in 13-37-228(3).

(2) Candidates for a state district office, including but not limited to candidates for the legislature, public service commission, or district court judge, and political committees which are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 10th day next preceding the date on which an election is held and within 24 hours after receiving a contribution of \$100 or more if received between the 15th day before and the day of the election;

(b) not more than 20 days after the date of the election; and

(c) whenever a candidate or political committee files his or its closing report as specified in 13-37-228(3).

(3) Candidates for any other public office and political committees which are specifically organized to support or oppose a particular local issue shall be required to file the reports specified in subsection (2) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding

1 the filing fee paid by the candidate, exceeds \$500, except
2 as provided in 13-37-206.

3 (4) For the purposes of this subsection, a committee
4 which is not specifically organized to support or oppose a
5 particular candidate or ballot issue and which receives
6 contributions and makes expenditures in conjunction with an
7 election is an independent committee. For the purpose of
8 reporting, a political party committee is an independent
9 committee. An independent committee shall file reports:

10 (a) on the 10th day next preceding the date of an
11 election in which it participates by making an expenditure;

12 (b) not more than 20 days after the date of the
13 election in which it participates by making an expenditure;
14 and

15 (c) a closing report at the close of each calendar
16 year, on a date to be prescribed by the commissioner.

17 (5) The commissioner may promulgate rules regarding
18 the extent to which organizations that are not primary
19 political committees but are incidental political committees
20 shall report their politically related activities in
21 accordance with this chapter.

22 (6) All reports required by this section shall be
23 complete as of the fifth day before the date of filing as
24 specified in 13-37-225(2) and subsections (1) through (5) of
25 this section."

1 NEW SECTION. **Section 3.** Extension of authority. Any
2 existing authority to make rules on the subject of the
3 provisions of [this act] is extended to the provisions of
4 [this act].

-End-

HOUSE BILL NO. 407

INTRODUCED BY ADDY, VINCENT

BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DEFINITION OF "CANDIDATE"; REQUIRING REPORTS FROM STATEWIDE CANDIDATES AND CERTAIN POLITICAL COMMITTEES IN YEARS PRIOR TO AN ELECTION YEAR; AND AMENDING SECTIONS 13-1-101 AND 13-37-226, MCA."

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(1) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(2) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an individual who has publicly announced his intention to seek

~~nomination or election to public office by write-in vote and who has received a contribution or made an expenditure or has given an authorization to another person to receive a contribution or make an expenditure for the purpose of supporting his nomination or election; solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on his behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:~~

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(3) (a) "Contribution" means:

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1 or political committee.

2 (b) "Contribution" does not mean:

3 (i) services provided without compensation by
4 individuals volunteering a portion or all of their time on
5 behalf of a candidate or political committee or meals and
6 lodging provided by individuals in their private residence
7 for a candidate or other individual;

8 (ii) the cost of any bona fide news story, commentary,
9 or editorial distributed through the facilities of any
10 broadcasting station, newspaper, magazine, or other
11 periodical publication of general circulation;

12 (iii) the cost of any communication by any membership
13 organization or corporation to its members or stockholders
14 or employees, so long as such organization is not a primary
15 political committee; or

16 (iv) filing fees paid by the candidate.

17 (4) "Election" means a general, special, or primary
18 election held pursuant to the requirements of state law,
19 regardless of the time and/or purpose.

20 (5) "Election administrator" means the county clerk
21 and recorder or the individual designated by a county
22 governing body to be responsible for all election
23 administration duties, except that with regard to school
24 elections, the term means the school district clerk.

25 (6) "Elector" means an individual qualified and

1 registered to vote under state law.

2 (7) (a) "Expenditure" means a purchase, payment,
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(12) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee

organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(13) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(14) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for such nominations is set on the same date for all similar subdivisions in the state.

(15) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(16) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(17) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in

1 conjunction with a statutorily scheduled election.

2 (18) "Voting machine or device" means any equipment
3 used to record, tabulate, or in any manner process the vote
4 of an elector."

5 **Section 2.** Section 13-37-226, MCA, is amended to read:

6 "13-37-226. Time for filing reports. (1) Candidates
7 for a state office filled by a statewide vote of all the
8 electors of Montana and political committees which are
9 specifically organized to support or oppose a particular
10 statewide candidate or issue shall file reports:

11 (a) quarterly, due on the fifth day following a
12 calendar quarter, beginning with the calendar quarter in
13 which funds are received or expended during the year or
14 years prior to the election year THAT:

15 (I) the candidate expects to be on the ballot; or

16 (II) an issue SUBJECT TO A REFERENDUM SUBMITTED BY THE
17 LEGISLATURE OR THE PEOPLE IS OR is expected to be on the
18 ballot;

19 {a}(b) on the 10th day of March and September in each
20 year that an election is to be held and on the 15th and 5th
21 days next preceding the date on which an election is held
22 and within 24 hours after receiving a contribution of \$500
23 or more if received between the 10th day before and the day
24 of the election;

25 {b}(c) not more than 20 days after the date of the

1 election; and

2 {c}(d) on the 10th day of March and September of each
3 year following an election until the candidate or political
4 committee files a closing report as specified in
5 13-37-228(3).

6 (2) Candidates for a state district office, including
7 but not limited to candidates for the legislature, public
8 service commission, or district court judge, and political
9 committees which are specifically organized to support or
10 oppose a particular state district candidate or issue shall
11 file reports:

12 (a) on the 10th day next preceding the date on which
13 an election is held and within 24 hours after receiving a
14 contribution of \$100 or more if received between the 15th
15 day before and the day of the election;

16 (b) not more than 20 days after the date of the
17 election; and

18 (c) whenever a candidate or political committee files
19 his or its closing report as specified in 13-37-228(3).

20 (3) Candidates for any other public office and
21 political committees which are specifically organized to
22 support or oppose a particular local issue shall be required
23 to file the reports specified in subsection (2) only if the
24 total amount of contributions received or the total amount
25 of funds expended for all elections in a campaign, excluding

1 the filing fee paid by the candidate, exceeds \$500, except
2 as provided in 13-37-206.

3 (4) For the purposes of this subsection, a committee
4 which is not specifically organized to support or oppose a
5 particular candidate or ballot issue and which receives
6 contributions and makes expenditures in conjunction with an
7 election is an independent committee. For the purpose of
8 reporting, a political party committee is an independent
9 committee. An independent committee shall file reports:

10 (a) on the 10th day next preceding the date of an
11 election in which it participates by making an expenditure;

12 (b) not more than 20 days after the date of the
13 election in which it participates by making an expenditure;
14 and

15 (c) a closing report at the close of each calendar
16 year, on a date to be prescribed by the commissioner.

17 (5) The commissioner may promulgate rules regarding
18 the extent to which organizations that are not primary
19 political committees but are incidental political committees
20 shall report their politically related activities in
21 accordance with this chapter.

22 (6) All reports required by this section shall be
23 complete as of the fifth day before the date of filing as
24 specified in 13-37-225(2) and subsections (1) through (5) of
25 this section."

1 NEW SECTION. **Section 3.** Extension of authority. Any
2 existing authority to make rules on the subject of the
3 provisions of [this act] is extended to the provisions of
4 [this act].

-End-

HOUSE BILL NO. 407

INTRODUCED BY ADDY, VINCENT

BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DEFINITION OF "CANDIDATE"; REQUIRING REPORTS FROM STATEWIDE CANDIDATES AND CERTAIN POLITICAL COMMITTEES IN YEARS PRIOR TO AN ELECTION YEAR; AND AMENDING SECTIONS 13-1-101 AND 13-37-226, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(2) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an individual who has ~~publicly-announced-his-intention-to-seek~~

~~nomination-or-election-to-public-office-by-write-in-vote-and who-has-received-a-contribution-or-made--an--expenditure--or has--given--an--authorization-to-another-person-to-receive-a contribution-or-make--an--expenditure--for--the--purpose--of supporting-his-nomination-or-election; solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on his behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:~~

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate

1 or political committee.

2 (b) "Contribution" does not mean:

3 (i) services provided without compensation by
4 individuals volunteering a portion or all of their time on
5 behalf of a candidate or political committee or meals and
6 lodging provided by individuals in their private residence
7 for a candidate or other individual;

8 (ii) the cost of any bona fide news story, commentary,
9 or editorial distributed through the facilities of any
10 broadcasting station, newspaper, magazine, or other
11 periodical publication of general circulation;

12 (iii) the cost of any communication by any membership
13 organization or corporation to its members or stockholders
14 or employees, so long as such organization is not a primary
15 political committee; or

16 (iv) filing fees paid by the candidate.

17 (4) "Election" means a general, special, or primary
18 election held pursuant to the requirements of state law,
19 regardless of the time and/or purpose.

20 (5) "Election administrator" means the county clerk
21 and recorder or the individual designated by a county
22 governing body to be responsible for all election
23 administration duties, except that with regard to school
24 elections, the term means the school district clerk.

25 (6) "Elector" means an individual qualified and

1 registered to vote under state law.

2 (7) (a) "Expenditure" means a purchase, payment,
3 distribution, loan, advance, promise, pledge, or gift of
4 money or anything of value made for the purpose of
5 influencing the results of an election.

6 (b) "Expenditure" does not mean:

7 (i) services, food, or lodging provided in a manner
8 that they are not contributions under subsection (3);

9 (ii) payments by a candidate for his filing fee or for
10 personal travel expenses, food, clothing, lodging, or
11 personal necessities for himself and his family;

12 (iii) the cost of any bona fide news story, commentary,
13 or editorial distributed through the facilities of any
14 broadcasting station, newspaper, magazine, or other
15 periodical publication of general circulation; or

16 (iv) the cost of any communication by any membership
17 organization or corporation to its members or stockholders
18 or employees, so long as such organization is not a primary
19 political committee.

20 (8) "General election" means an election held for the
21 election of public officers throughout the state at times
22 specified by law, including elections for officers of
23 political subdivisions when the time of the election is set
24 on the same date for all similar political subdivisions in
25 the state. For ballot issues required by Article III,

1 section 6, or Article XIV, section 8, of the Montana
2 constitution to be submitted by the legislature to the
3 electors at a general election, "general election" means an
4 election held at the time provided in 13-1-104(1).

5 (9) "Individual" means a human being.

6 (10) "Issue" or "ballot issue" means a proposal
7 submitted to the people at an election for their approval or
8 rejection, including but not limited to initiatives,
9 referenda, proposed constitutional amendments, recall
10 questions, school levy questions, bond issue questions, or a
11 ballot question. For the purposes of chapters 35, 36, or 37,
12 an issue becomes a "ballot issue" upon certification by the
13 proper official that the legal procedure necessary for its
14 qualification and placement upon the ballot has been
15 completed, except that a statewide issue becomes an "issue"
16 upon approval by the secretary of state of the form of the
17 petition or referral.

18 (11) "Person" means an individual, corporation,
19 association, firm, partnership, cooperative, committee,
20 club, union, or other organization or group of individuals
21 or a candidate as defined in subsection (2) of this section.

22 (12) "Political committee" means a combination of two
23 or more individuals or a person other than an individual who
24 makes a contribution or expenditure:

25 (a) to support or oppose a candidate or a committee

1 organized to support or oppose a candidate or a petition for
2 nomination; or

3 (b) to support or oppose a ballot issue or a committee
4 organized to support or oppose a ballot issue; or

5 (c) as an earmarked contribution.

6 (13) "Political subdivision" means a county,
7 consolidated municipal-county government, municipality,
8 special district, or any other unit of government, except
9 school districts, having authority to hold an election for
10 officers or on a ballot issue.

11 (14) "Primary" or "primary election" means an election
12 held throughout the state to nominate candidates for public
13 office at times specified by law, including nominations of
14 candidates for offices of political subdivisions when the
15 time for such nominations is set on the same date for all
16 similar subdivisions in the state.

17 (15) "Public office" means a state, county, municipal,
18 school, or other district office that is filled by the
19 people at an election.

20 (16) "Registrar" means the county election
21 administrator and any regularly appointed deputy or
22 assistant election administrator.

23 (17) "Special election" means an election other than a
24 statutorily scheduled primary or general election held at
25 any time for any purpose provided by law. It may be held in

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17 LEGISLATURE OR THE PEOPLE IS OR is expected to be on the
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21 days next preceding the date on which an election is held
22 and within 24 hours after receiving a contribution of \$500
23 or more if received between the 10th day before and the day
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25 ~~(b)(c)~~ not more than 20 days after the date of the

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19 his or its closing report as specified in 13-37-228(3).

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16 year, on a date to be prescribed by the commissioner.

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