

HOUSE BILL 612

Introduced by Thomas

2/08	Introduced
2/09	Referred to State Administration
2/17	Hearing
2/17	Tabled in Committee

1 HOUSE BILL NO. 602
2 INTRODUCED BY Thomas

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS
5 REGARDING CAMPAIGN FINANCE; REVISING THE DEFINITION OF
6 "CONTRIBUTION" AND "EXPENDITURE" TO INCLUDE IN-KIND
7 CONTRIBUTIONS AND IN-KIND EXPENDITURES; INCREASING THE
8 AGGREGATE AMOUNT THAT AN INDIVIDUAL OR INDEPENDENT COMMITTEE
9 MAY CONTRIBUTE TO A CERTAIN CANDIDATE OR POLITICAL COMMITTEE
10 ORGANIZED ON THE CANDIDATE'S BEHALF; AND AMENDING SECTIONS
11 13-1-101 AND 13-37-216, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 13-1-101, MCA, is amended to read:
15 "13-1-101. Definitions. As used in this title, unless
16 the context clearly indicates otherwise, the following
17 definitions apply:

18 (1) "Anything of value" means any service, property,
19 or goods that have a certain utility to the recipient that
20 is real and that is ordinarily not given away free but is
21 purchased.

22 (2) "Candidate" means:

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

1 law;

2 (b) for the purposes of chapters 35, 36, or 37, an
3 individual who has publicly announced his intention to seek
4 nomination or election to public office by write-in vote and
5 who has received a contribution or made an expenditure or
6 has given an authorization to another person to receive a
7 contribution or make an expenditure for the purpose of
8 supporting his nomination or election.

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

10 (i) an advance, gift, loan or the forgiveness of a
11 loan, conveyance, deposit, payment, or distribution of money
12 or anything of value to influence an election;

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

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

18 (iv) except as provided in subsection (3)(b)(i), the
19 furnishing of anything of value without charge or at a
20 charge that is less than fair market value to a candidate or
21 political committee for the purpose of influencing the
22 results of an election. The furnishing of anything of value
23 as used in this subsection (iv) is commonly known as an
24 "in-kind contribution".

25 (b) "Contribution" does not mean:



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

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

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

14 (iv) filing fees paid by the candidate.

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

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

23 (6) "Elector" means an individual qualified and
24 registered to vote under state law.

25 (7) (a) "Expenditure" means:

1 (i) a purchase, payment, distribution, loan or the
2 forgiveness of a loan, advance, promise, pledge, or gift of
3 money or anything of value made for the purpose of
4 influencing the results of an election; or

5 (ii) except as provided in subsection (7)(b), the
6 furnishing of anything of value without charge or at a
7 charge that is less than fair market value to a candidate or
8 political committee for the purpose of influencing the
9 results of an election. The furnishing of anything of value
10 as used in this subsection (ii) is commonly referred to as
11 an "in-kind expenditure".

12 (b) "Expenditure" does not mean:

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

15 (ii) payments by a candidate for his filing fee or for
16 personal travel expenses, food, clothing, ~~lodging~~, or
17 personal necessities for himself and his family;

18 (iii) the cost of any bona fide news story, commentary,
19 or editorial distributed through the facilities of any
20 broadcasting station, newspaper, magazine, or other
21 periodical publication of general circulation; or

22 (iv) the cost of any communication by any membership
23 organization or corporation to its members or stockholders
24 or employees, so long as such the organization is not a
25 primary political committee.

1 (8) "General election" means an election held for the
 2 election of public officers throughout the state at times
 3 specified by law, including elections for officers of
 4 political subdivisions when the time of the election is set
 5 on the same date for all similar political subdivisions in
 6 the state. For ballot issues required by Article III,
 7 section 6, or Article XIV, section 8, of the Montana
 8 constitution to be submitted by the legislature to the
 9 electors at a general election, "general election" means an
 10 election held at the time provided in 13-1-104(1).

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

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

24 (11) "Person" means an individual, corporation,
 25 association, firm, partnership, cooperative, committee,

1 club, union, or other organization or group of individuals
 2 or a candidate as defined in subsection (2) of this section.

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

6 (a) to support or oppose a candidate or a committee
 7 organized to support or oppose a candidate or a petition for
 8 nomination; or

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

11 (c) as an earmarked contribution.

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

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

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

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

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

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

11 **Section 2.** Section 13-37-216, MCA, is amended to read:

12 "13-37-216. Limitations on contributions. (1)
13 Aggregate contributions for all elections in a campaign by
14 an individual, other than the candidate, to a candidate and
15 political committees organized on his behalf are limited as
16 follows:

17 (a) for candidates filed jointly for the office of
18 governor and lieutenant governor, not to exceed ~~\$17,500~~
19 \$3,000;

20 (b) for a candidate to be elected for state office in
21 a statewide election, other than the candidates for governor
22 and lieutenant governor, not to exceed ~~\$750~~ \$1,500;

23 (c) for a candidate for public service commissioner,
24 district court judge, or state senator, not to exceed ~~\$400~~
25 \$800; and

1 (d) for a candidate for any other public office, not
2 to exceed ~~\$250~~ \$500.

3 (2) For the purposes of this subsection, an
4 independent committee means a committee which that is not
5 specifically organized on behalf of a particular candidate
6 or which that is not controlled either directly or
7 indirectly by a candidate or candidate's committee and which
8 that does not act jointly with a candidate or candidate's
9 committee in conjunction with ~~the~~ making of expenditures or
10 accepting contributions. For the purpose of limitation on
11 contributions, political party organizations are independent
12 committees. Aggregate contributions by an independent
13 committee to a candidate and political committees organized
14 on his behalf for all elections in a campaign are limited as
15 follows:

16 (a) for candidates filed jointly for the offices of
17 governor and lieutenant governor, not to exceed ~~\$8,000~~
18 \$16,000;

19 (b) for a candidate to be elected for state office in
20 a statewide election, other than the candidates for governor
21 and lieutenant governor, not to exceed ~~\$2,000~~ \$4,000;

22 (c) for a candidate for public service commissioner,
23 not to exceed ~~\$1,000~~ \$2,000;

24 (d) for a candidate for the state senate, not to
25 exceed ~~\$600~~ \$1,200;

1 (e) for a candidate for any other public office, not
2 to exceed ~~§300~~ §600.

3 (3) The limitations imposed by this section do not
4 apply to public funds contributed to a candidate under part
5 3 of this chapter."

6 NEW SECTION. **Section 3.** Extension of authority. Any
7 existing authority to make rules on the subject of the
8 provisions of [this act] is extended to the provisions of
9 [this act].

-End-