

HOUSE BILL 239

Introduced by Harper, et al.

1/19	Introduced
1/19	Referred to State Administration
1/19	First Reading
1/29	Hearing
2/05	Tabled in Committee
2/20	Motion Failed to take from Committee and Place on 2nd Reading

1 *House* BILL NO. *239*  
 2 INTRODUCED BY *John Holman Ferguson Bevan*  
 3 *By Benhart* *Yellowtail* *Decherly*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING VOLUNTARY  
 5 CAMPAIGN EXPENDITURE LIMITATIONS; IMPOSING A SCHEDULE OF  
 6 FINES FOR EXCEEDING THE VOLUNTARY EXPENDITURE LIMITATIONS;  
 7 PROVIDING FOR DEPOSIT OF THE FINES; PROVIDING THAT ALL  
 8 CANDIDATES EXCEEDING THE EXPENDITURE LIMIT NOTIFY THE  
 9 COMMISSIONER OF POLITICAL PRACTICES; PROVIDING AN OPTION TO  
 10 REMOVE THE EXPENDITURE LIMITATIONS; PROVIDING A PENALTY; AND  
 11 AMENDING SECTION 13-10-202, MCA."

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

14 NEW SECTION. **Section 1.** voluntary limitations on  
 15 campaign expenditures -- procedure. (1) By filing an  
 16 affidavit with the secretary of state, a candidate may  
 17 voluntarily agree to limit campaign expenditures and the  
 18 expenditures made on behalf of the candidate by the  
 19 candidate's committee, by an independent committee, and by  
 20 the candidate's immediate family.

21 (2) The affidavit must state that the candidate knows  
 22 the voluntary expenditure limitations as set out in [section  
 23 2] and voluntarily agrees to limit the expenditures  
 24 described in subsection (1) to the amount set by law. The  
 25 affidavit must further state that the candidate does not

1 condone any independent expenditures made on behalf of the  
 2 candidacy. The affidavit must be sworn and subscribed to by  
 3 the candidate and must be notarized.

4 (3) An affidavit in compliance with this section must  
 5 be filed with the secretary of state on the date on which  
 6 the candidate files the declaration of candidacy or is  
 7 declared a write-in winner of a primary election.  
 8 Immediately after receiving an affidavit filed pursuant to  
 9 this section, the secretary of state shall forward a copy of  
 10 the affidavit to the commissioner.

11 NEW SECTION. **Section 2.** Voluntary campaign expenditure  
 12 limitation amounts. (1) Total expenditures by a candidate  
 13 who voluntarily agrees to limit campaign expenditures, as  
 14 provided in [section 1], are as follows:

15 (a) for United States senator or for governor, \$1  
 16 million for the election cycle;

17 (b) for United States representative, \$500,000 for the  
 18 election cycle;

19 (c) for a statewide office other than a statewide  
 20 office provided for in subsection (1)(a) or (1)(b), \$150,000  
 21 for the election cycle;

22 (d) for public service commission member, \$50,000 for  
 23 the election cycle;

24 (e) for state senator, \$15,000 for the election cycle;

25 (f) for state representative or for county elected

official, \$7,500 for the election cycle; and

(g) for district court judge, \$20,000 for the election cycle.

(2) On July 1, 1995, and on July 1 of each odd-numbered year thereafter, the commissioner shall increase the dollar amounts contained in subsections (1)(a) through (1)(g) by the amount equal to the aggregate percentage increase in the previous 2 calendar years' consumer price index for all urban consumers as provided by the U.S. department of labor, bureau of labor statistics, or by any other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor of that index. The new amounts must be rounded up to the nearest \$100. The commissioner shall adopt new amounts by rule.

**NEW SECTION. Section 3. Fines -- penalty.** (1) A candidate who voluntarily agrees to limit campaign expenditures, as provided in [section 1], and who exceeds the total expenditure limitations provided in [section 2], not including amounts excluded under [section 4], in a campaign for any office in a primary or general election, or both, is subject to a fine schedule that is based on the percentage by which the candidate exceeds permitted campaign expenditures. The candidate shall pay a percentage of the excess campaign expenditures as follows:

(a) for a candidate for United States senator, United States representative, or governor:

(i) under \$2,000, 1%;

(ii) \$2,000 - \$10,000, 10%;

(iii) over \$10,000 - \$20,000, 25%; and

(iv) over \$20,000, 50%;

(b) for a candidate for a statewide office other than a statewide office provided for in subsection (1)(a):

(i) under \$500, 1%;

(ii) \$500 - \$1,000, 10%;

(iii) over \$1,000 - \$5,000, 25%; and

(iv) over \$5,000, 50%;

(c) for a candidate for public service commission member:

(i) under \$250, 1%;

(ii) \$250 - \$750, 10%;

(iii) over \$750 - \$2,000, 25%; and

(iv) over \$2,000, 50%;

(d) for a candidate for state senator:

(i) under \$100, 1%;

(ii) \$100 - \$500, 10%;

(iii) over \$500 - \$1,000, 25%; and

(iv) over \$1,000, 50%;

(e) for a candidate for state representative or county elected official:

- 1 (i) under \$50, 1%;
- 2 (ii) \$50 - \$250, 10%;
- 3 (iii) over \$250 - \$500, 25%; and
- 4 (iv) over \$500, 50%; and
- 5 (f) for a candidate for district court judge:

- 6 (i) under \$100, 1%;
- 7 (ii) \$100 - \$500, 10%;
- 8 (iii) over \$500 - \$1,000, 25%; and
- 9 (iv) over \$1,000, 50%.

10 (2) A fine assessed under this section must be paid to

11 the commissioner for deposit in the general fund prior to

12 the certification of the results of an election. A

13 certificate of election may not be granted to a candidate

14 who fails to pay a fine assessed under this section.

15 **NEW SECTION. Section 4. Exclusion from expenditures.**

16 For the purposes of [sections 1 through 5], campaign

17 expenditures do not include:

18 (1) payments made by a candidate, the candidate's

19 committee, an independent committee, or the candidate's

20 family more than 1 year prior to the primary election date

21 for goods or services not used directly in the campaign;

22 (2) payment of filing fees; and

23 (3) payment of fines pursuant to [section 3].

24 **NEW SECTION. Section 5. Report exceeding limitations**

25 -- option to remove voluntary limitations -- penalty. (1) A

1 candidate who exceeds the total expenditure limitation

2 provided in [section 2], whether or not the candidate has

3 voluntarily agreed to the expenditure limitation provided in

4 [section 2], shall notify the commissioner within 1 working

5 day of exceeding the expenditure limitation.

6 (2) Upon notification by a candidate that the candidate

7 has exceeded the candidate's voluntary expenditure

8 limitation, the commissioner shall notify the secretary of

9 state. Upon notification from the commissioner, the

10 secretary of state shall notify the opposing candidates of

11 the action. An opposing candidate who has voluntarily

12 assumed the expenditure limitation may, within 5 working

13 days of receipt of notice of an opponent's overspending, pay

14 the additional filing fee required under 13-10-202(2) and is

15 no longer subject to the fines provided in [section 3].

16 (3) A candidate who knowingly fails to notify the

17 commissioner as required under subsection (1) is subject to

18 removal of the candidate's name from the ballot.

19 **Section 6. Section 13-10-202, MCA, is amended to read:**

20 **"13-10-202. Filing fees -- alternative filing fees.**

21 **Filing (1) Except as provided in subsection (2), filing fees**

22 **are as follows:**

23 **(1)(a) for offices having an annual salary of \$2,500 or**

24 **less and candidates for the legislature, \$15;**

25 **(2) for county offices having an annual salary of more**

1 ~~than \$2,500, 8.5% of the total annual salary;~~  
 2 ~~{3}--for other offices having an annual salary--of--more~~  
 3 ~~than \$2,500, 1% of the total annual salary;~~  
 4 ~~{4}{b}~~ for offices in which compensation is paid in  
 5 fees, \$10;  
 6 {c} for offices not provided for in subsection (1)(a),  
 7 (1)(b), or (1)(d), 0.5% of the total annual salary; and  
 8 ~~{5}{d}~~ for officers of political parties, presidential  
 9 electors, and officers who receive no salary or fees, no  
 10 filing fee is required.  
 11 (2) A person who is qualified to run for office but who  
 12 does not, pursuant to [section 1], voluntarily accept the  
 13 expenditure limitation set forth in [section 2] shall, in  
 14 order to have the person's name printed on the primary  
 15 ballot of any party, file with the appropriate official a  
 16 written assent to candidacy, together with the filing fee,  
 17 as follows:  
 18 (a) for United States senator, \$5,000;  
 19 (b) for governor and United States representative,  
 20 \$2,500;  
 21 (c) for statewide office, other than a statewide office  
 22 covered under subsection (2)(a) or (2)(b), \$1,500;  
 23 (d) for public service commission member, \$1,000;  
 24 (e) for state senator, \$200;  
 25 (f) for state representative, \$100;

1 (g) for district court judge, \$1,000."  
 2 NEW SECTION. Section 7. Codification instruction.  
 3 [Sections 1 through 5] are intended to be codified as an  
 4 integral part of Title 13, chapter 37, and the provisions of  
 5 Title 13, chapter 37, apply to [sections 1 through 5].  
 6 NEW SECTION. Section 8. Severability. If a part of  
 7 [this act] is invalid, all valid parts that are severable  
 8 from the invalid part remain in effect. If a part of [this  
 9 act] is invalid in one or more of its applications, the part  
 10 remains in effect in all valid applications that are  
 11 severable from the invalid applications.

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