

SENATE BILL 176

Introduced by Bianchi, et al.

1/16	Introduced
1/16	Referred to State Administration
1/16	First Reading
1/22	Hearing
1/27	Fiscal Note Requested
2/02	Fiscal Note Received
2/05	Fiscal Note Printed
2/05	Tabled in Committee
2/16	Committee Report--Bill Passed as Amended
2/17	Revised Fiscal Note Requested
2/17	Revised Fiscal Note Received
2/17	Revised Fiscal Note Printed
2/18	2nd Reading Passed
2/19	3rd Reading Passed
	Transmitted to House
2/23	Referred to State Administration
2/23	First Reading
3/16	Hearing
3/18	Tabled in Committee
4/01	Motion Failed to Take From Committee and Place on 2nd Reading (3/5 Vote Required for this Motion to Pass)

1 ~~SENATE~~ BILL NO. 174 *Barbara*  
2 INTRODUCED BY *Branch*  
3 *Henderson* *Swanson* *Barbara* *amended* *B.C.R.*  
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE  
5 LAWS RELATING TO BALLOT ISSUE CAMPAIGNS; SPECIFICALLY  
6 PROHIBITING FALSE PUBLICATIONS RELATED TO A BALLOT ISSUE;  
7 REQUIRING COMPLIANCE REVIEW OF CERTAIN DIRECT-MAIL CAMPAIGNS  
8 RELATED TO BALLOT ISSUES; PROVIDING FOR SUBSCRIPTION TO THE  
9 CODE OF FAIR CAMPAIGN PRACTICES BY OFFICERS OF CERTAIN  
10 POLITICAL COMMITTEES; LIMITING OUT-OF-STATE CONTRIBUTIONS IN  
11 RELATION TO BALLOT ISSUE CAMPAIGNS; PROVIDING FOR AUDITS OF  
12 THE BOOKS OF POLITICAL COMMITTEES WORKING ON INITIATIVE  
13 BALLOT MEASURES; AND AMENDING SECTIONS 13-35-225, 13-35-301,  
14 13-35-302, 13-37-209, AND 13-37-216, MCA."

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

17        NEW SECTION.    **Section 1.** False publication related to  
18        ballot issue -- penalty. (1) A person may not publish  
19        information for the purpose of influencing the vote of  
20        another person on a ballot issue when the person publishing  
21        the information knows that the information is false.

22 (2) A person who violates this section is guilty of a  
23 misdemeanor and may be punished as provided in 46-18-212.

24      **Section 2.** Section 13-35-225, MCA, is amended to read:

25        "13-35-225. Election materials not to be anonymous. (1)

1 Whenever a person makes an expenditure for the purpose of  
2 financing communications advocating the success or defeat of  
3 a candidate, political party, or ballot issue through any  
4 broadcasting station, newspaper, magazine, outdoor  
5 advertising facility, direct mailing, poster, handbill,  
6 bumper sticker, or other form of general political  
7 advertising, the communication must clearly and  
8 conspicuously state the name and address of the person who  
9 made or financed the expenditure for the communication,  
10 including in the case of a political committee, the name and  
11 address of the treasurer. Communications in a partisan  
12 election financed by a candidate or a political committee  
13 organized on the candidate's behalf must state the  
14 candidate's party affiliation or include the party symbol.

15 (2) If a document or other article of advertising is  
16 too small for the requirements of subsection (1) to be  
17 conveniently included, the person financing the  
18 communication shall file a copy of the article with the  
19 commissioner of political practices, together with the  
20 required information, prior to its public distribution.

21 (3) If any document or other material prepared to  
22 advocate the success or defeat of a ballot issue and covered  
23 under subsection (1) is directly mailed to more than 50  
24 addressees, the document or other material must be submitted  
25 to the commissioner not later than the day of mailing. The

commissioner shall within 5 working days issue an opinion as to whether the material is in compliance with subsection (1).

~~†3†~~(4) If information required in subsection (1) is inadvertently omitted or not printed, upon discovering the omission, the person financing the communication shall file notification of the omission with the commissioner within 5 days and make every reasonable effort to bring the material into compliance with subsection (1)."

**Section 3.** Section 13-35-301, MCA, is amended to read:

"13-35-301. Adoption of code of fair campaign practices. The following code of fair campaign practices is adopted by Montana:

"There are basic principles of decency, honesty, and fair play that every candidate for public office and every officer of a political committee in the United States has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues before the country. Therefore:

I will conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and

criticizing without fear or favor the record and policies of my opponent and his my opponent's party which that merit such criticism.

I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I will conduct my campaign without the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on my opposition opponent or his my opponent's personal or family life.

I will not use campaign material of any sort which that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which that aim at creating or exploiting doubts, without justification, as to the loyalty and patriotism of my opposition.

I will not make any appeal to prejudice based on race, sex, creed, or national origin.

I will not undertake or condone any dishonest or unethical practice which that tends to corrupt or undermine our American system of free elections or which that hampers or prevents the full and free expression of the will of the voters.

Insofar as is possible, I will immediately and publicly repudiate support deriving from any individual or group which that resorts, on behalf of my candidacy or the

position of my political committee or in opposition to that of my opponent or an opposing political committee, to the methods and tactics that I have pledged not to use or condone.""

**Section 4.** Section 13-35-302, MCA, is amended to read:

"13-35-302. Candidates and officers of political committees to be given opportunity to subscribe to campaign practices code -- publicity. (1) The commissioner of campaign political practices shall prepare a form which that contains the code of fair campaign practices provided for in 13-35-301 and a place for a candidate or officer of a political committee to sign the form and to indicate that the candidate or officer endorses, subscribes to, and pledges to abide by the code.

(2) Each candidate required to file statements or reports with the commissioner and each officer of a political committee registered under 13-37-201 shall must be sent a copy of this form. Signing the form is voluntary, and a failure or refusal to sign is not a violation of the election laws. A form shall must be sent for each election as soon as feasible. The signed form shall must be returned to the commissioner.

(3) The commissioner shall supply the secretary of state, the county registrars, and the city and town clerks with forms. Any candidate or officer of a political

committee not required to file with the commissioner but wishing to subscribe to the code may obtain the form from the commissioner, the secretary of state, a county registrar, or a city or town clerk and may sign the form and deliver it to the commissioner."

**Section 5.** Section 13-37-209, MCA, is amended to read:

"13-37-209. Inspection of records -- random audits required. (1) Accounts kept by the campaign treasurer of a candidate or political committee may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by the campaign treasurer of any opposing candidate or political committee in the same electoral district. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction. The campaign treasurers of political committees supporting a candidate may be joined with the campaign treasurer of the candidate as respondents in such a proceeding.

(2) For each election at which there are one or more ballot measures, the commissioner shall audit the statements, records, funds, accounts, and reports of one political committee working on an initiative ballot measure for which a criminal or civil action for a violation of this chapter is not barred by the applicable statute of limitations. The audited committee must be selected at

1 random. The commissioner shall conduct the audit to  
2 determine whether:

3 (a) expenditures have been made only in furtherance of  
4 authorized activities and in accordance with applicable  
5 laws;

6 (b) the committee collected and accounted properly for  
7 all revenues and receipts arising from its activities; and

8 (c) all reports and statements required by law are  
9 prepared in accordance with applicable laws and standard  
10 principles of accounting and fully disclose the nature and  
11 scope of the activities conducted by the committee.

12 (3) The result of audits conducted under this section  
13 must be published by the commissioner in written audit  
14 reports. The reports are public documents and must be made  
15 available by the commissioner to any member of the public  
16 upon request.

17 (4) There is an audit fee imposed on the audited  
18 political committee equal to 0.2% of the total money that  
19 the political committee spent on the initiative campaign.  
20 The fee is due upon completion of the audit. The  
21 commissioner may retain the fee to cover the audit costs."

22 **Section 6.** Section 13-37-216, MCA, is amended to read:

23 **"13-37-216. Limitations on contributions.** (1) Aggregate  
24 contributions for all elections in a campaign by an  
25 individual, other than the candidate, to a candidate and

1 political committees organized on ~~his~~ the candidate's behalf  
2 are limited as follows:

3 (a) for candidates filed jointly for the office of  
4 governor and lieutenant governor, not to exceed \$1,500;

5 (b) for a candidate to be elected for state office in a  
6 statewide election, other than the candidates for governor  
7 and lieutenant governor, not to exceed \$750;

8 (c) for a candidate for public service commissioner,  
9 district court judge, or state senator, not to exceed \$400;  
10 and

11 (d) for a candidate for any other public office, not to  
12 exceed \$250.

13 (2) For the purposes of this subsection, an independent  
14 committee means a committee ~~which that~~ which that is not specifically  
15 organized on behalf of a particular candidate or ~~which that~~ which that  
16 is not controlled either directly or indirectly by a  
17 candidate or candidate's committee and ~~which that~~ which that does not  
18 act jointly with a candidate or candidate's committee in  
19 conjunction with the making of expenditures or accepting  
20 contributions. For the purpose of limitation on  
21 contributions, political party organizations are independent  
22 committees. Aggregate contributions by an independent  
23 committee to a candidate and political committees organized  
24 on ~~his~~ a candidate's behalf for all elections in a campaign  
25 are limited as follows:

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

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

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

(d) for a candidate for the state senate, not to exceed \$600;

(e) for a candidate for any other public office, not to exceed \$300.

(3) Aggregate contributions accepted from persons residing or political committees organized outside of Montana by a political committee organized in Montana to support or oppose a Montana ballot issue may not exceed 49% of total contributions to the political committee in Montana in any reporting period.

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

NEW SECTION. Section 7. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, apply to [section 1].

NEW SECTION. Section 8. Severability. If a part of

[this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0176, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill revises the laws relating to ballot issue campaigns by prohibiting false publications related to a ballot issue, requiring compliance review of certain direct-mail campaigns related to ballot issues and limiting out-of-state contributions in relation to ballot issue campaigns.

ASSUMPTIONS:

1. A Grade 12 0.50 FTE will be necessary in the Office of the Commissioner of Political Practices (commissioner) in order to meet the increased workload added by this bill. It is assumed that an average year will include 400 school special levy elections, 15 major school bond issues, various county and local bond issues, and statewide ballot issues.
2. The commissioner must issue an opinion within five working days of receipt of direct mail material which advocates the passage or defeat of a ballot issue. It is assumed that during the primary election cycle in 1994 (FY94), six statewide ballot issues will require issuance of opinions. Review of these will require contracted services expenses of \$30,000 (estimated at \$5,000 per issue) for consultation with experts for both sides of each ballot issue.
3. The bill requires one audit of a political committee per election at which there is at least one ballot issue and allows for an audit fee to be charged to cover audit costs. It is impossible to predict the fiscal impact, which could range from \$500 to \$20,000 depending on the size, complexity and duration of the committee (OLA). The commissioner would need contracted services authority to provide for payment of the audit costs and this probably would require statutory authority.

FISCAL IMPACT:

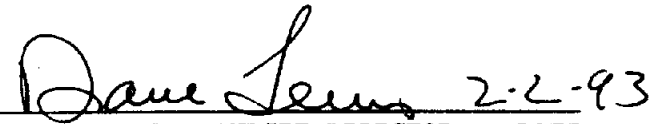
	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	3.25	3.75	0.50	3.25	3.75	0.50
Personal Services	97,697	110,697	13,000	98,021	111,021	13,000
Operating Expenses	31,315	61,315	30,000	29,135	29,135	0
Equipment	1,525	1,525	0	1,564	1,564	0
Debt Service	232	232	0	0	0	0
Total	130,769	173,769	43,000	128,720	141,720	13,000

Funding:

General Fund	130,769	173,769	43,000	128,720	141,720	13,000
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TECHNICAL NOTE:

Following section 5, a state special revenue account and a statutory appropriation probably should be inserted for the deposit of the audit fee and the payment of audit costs.

  
 DAVID LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

  
 DON BIANCHI, PRIMARY SPONSOR      DATE

Fiscal Note for SB0176, as introduced

**SB176**

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0176, second reading.

DESCRIPTION OF PROPOSED LEGISLATION:


The bill revises the laws relating to ballot issue campaigns by providing for subscriptions to the code of fair campaign practices and limiting out-of-state contributions in relation to ballot issue campaigns.


ASSUMPTIONS:

1. The additional workload imposed on the Office of the Commissioner of Political Practice would be absorbed within the current level budget request.

FISCAL IMPACT:

Minimal impact from the current level budget request.

 2-17-93  
DAVID LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

 2-17-93  
DON BIANCHI, PRIMARY SPONSOR      DATE  
Fiscal Note for SB0176, second reading  
SB 176.#2



APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

SENATE BILL NO. 176

INTRODUCED BY BIANCHI, ELLIOTT, DOWELL, BARDANOUVE,  
HARDING, SWANSON, BRANDEWIE, WANZENRIED, B. BROWN,  
DOHERTY, S. RICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE  
LAWS RELATING TO BALLOT ISSUE CAMPAIGNS; SPECIFICALLY  
PROHIBITING FALSE PUBLICATIONS RELATED TO A BALLOT ISSUE;  
REQUIRING COMPLIANCE REVIEW OF CERTAIN DIRECT MAIL CAMPAIGNS  
RELATED TO BALLOT ISSUES; PROVIDING FOR SUBSCRIPTION TO THE  
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THE BOOKS OF POLITICAL COMMITTEES WORKING ON INITIATIVE  
BALLOT MEASURES; AND AMENDING SECTIONS 13-35-225, 13-35-301,  
13-35-302, 13-37-209, AND 13-37-216, MCA."

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

NEW SECTION: Section 1, False publication related to  
ballot issue --- penalty. (1) A person may not publish  
information for the purpose of influencing the vote of  
another person on a ballot issue when the person publishing  
the information knows that the information is false.

(2) A person who violates this section is guilty of a  
misdemeanor and may be punished as provided in 46-10-212.

Section 2, Section 13-35-225, MCA, is amended to read:

"13-35-225. Election materials not to be anonymous. (1)  
Whenever a person makes an expenditure for the purpose of  
financing communications advocating the success or defeat of  
a candidate, political party, or ballot issue through any  
broadcasting station, newspaper, magazine, outdoor  
advertising facility, direct mailing, poster, handbill,  
bumper sticker, or other form of general political  
advertising, the communication must clearly and  
conspicuously state the name and address of the person who  
made or financed the expenditure for the communication,  
including in the case of a political committee, the name and  
address of the treasurer. Communications in a partisan  
election financed by a candidate or a political committee  
organized on the candidate's behalf must state the  
candidate's party affiliation or include the party symbol.

(2) If a document or other article of advertising is  
too small for the requirements of subsection (1) to be  
conveniently included, the person financing the  
communication shall file a copy of the article with the  
commissioner of political practices, together with the  
required information, prior to its public distribution.

(3) If any document or other material prepared to  
advocate the success or defeat of a ballot issue and covered  
under subsection (1) is directly mailed to more than 50

~~addressees; the document or other material must be submitted to the commissioner not later than the day of mailing. The commissioner shall within 5 working days issue an opinion as to whether the material is in compliance with subsection (3).~~

~~(3)(4) If information required in subsection (1) is inadvertently omitted or not printed, upon discovering the omission, the person financing the communication shall file notification of the omission with the commissioner within 5 days and make every reasonable effort to bring the material into compliance with subsection (1)."~~

**Section 1.** Section 13-35-301, MCA, is amended to read:

"13-35-301. Adoption of code of fair campaign practices. The following code of fair campaign practices is adopted by Montana:

"There are basic principles of decency, honesty, and fair play that every candidate for public office and every officer of a political committee in the United States has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues before the country. Therefore:

I will conduct my campaign in the best American

tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and his my opponent's party which that merit such criticism.

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I will not use campaign material of any sort which that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which that aim at creating or exploiting doubts, without justification, as to the loyalty and patriotism of my opposition.

I will not make any appeal to prejudice based on race, sex, creed, or national origin.

I will not undertake or condone any dishonest or unethical practice which that tends to corrupt or undermine our American system of free elections or which that hampers or prevents the full and free expression of the will of the voters.

Insofar as is possible, I will immediately and publicly

repudiate support deriving from any individual or group which that resorts, on behalf of my candidacy or the position of my political committee or in opposition to that of my opponent or an opposing political committee, to the methods and tactics that I have pledged not to use or condone."

**Section 2.** Section 13-35-302, MCA, is amended to read:

"13-35-302. Candidates and officers of political committees to be given opportunity to subscribe to campaign practices code -- publicity. (1) The commissioner of campaign political practices shall prepare a form which that contains the code of fair campaign practices provided for in 13-35-301 and a place for a candidate or officer of a political committee to sign the form and to indicate that the candidate or officer endorses, subscribes to, and pledges to abide by the code.

(2) Each candidate required to file statements or reports with the commissioner and each officer of a political committee registered under 13-37-201 shall must be sent a copy of this form. Signing the form is voluntary, and a failure or refusal to sign is not a violation of the election laws. A form shall must be sent for each election as soon as feasible. The signed form shall must be returned to the commissioner.

(3) The commissioner shall supply the secretary of

state, the county registrars, and the city and town clerks with forms. Any candidate or officer of a political committee not required to file with the commissioner but wishing to subscribe to the code may obtain the form from the commissioner, the secretary of state, a county registrar, or a city or town clerk and may sign the form and deliver it to the commissioner."

~~Section 5. Section 13-37-209, MCA, is amended to read:~~

~~"13-37-209. Inspection of records --- random audits required. (1) Accounts kept by the campaign treasurer of a candidate or political committee may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by the campaign treasurer of any opposing candidate or political committee in the same electoral district. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction. The campaign treasurers of political committees supporting a candidate may be joined with the campaign treasurer of the candidate as respondents in such a proceeding.~~

~~(2) For each election at which there are one or more ballot measures, the commissioner shall audit the statements, records, funds, accounts, and reports of one political committee working on an initiative ballot measure for which a criminal or civil action for a violation of this~~

chapter is not barred by the applicable statute of limitations. The audited committee must be selected at random. The commissioner shall conduct the audit to determine whether:

(a) expenditures have been made only in furtherance of authorized activities and in accordance with applicable laws;

(b) the committee collected and accounted properly for all revenues and receipts arising from its activities; and

(c) all reports and statements required by law are prepared in accordance with applicable laws and standard principles of accounting and fully disclose the nature and scope of the activities conducted by the committee;

(3) The result of audits conducted under this section must be published by the commissioner in written audit reports. The reports are public documents and must be made available by the commissioner to any member of the public upon request.

(4) There is an audit fee imposed on the audited political committee equal to 0.2% of the total money that the political committee spent on the initiative campaign. The fee is due upon completion of the audit. The commissioner may retain the fee to cover the audit costs."

**Section 3.** Section 13-37-216, MCA, is amended to read:

"13-37-216. Limitations on contributions. (1) Aggregate

contributions for all elections in a campaign by an individual, other than the candidate, to a candidate and political committees organized on ~~his~~ the candidate's behalf are limited as follows:

(a) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed \$1,500;

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

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

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

(2) For the purposes of this subsection, an independent committee means a committee which that is not specifically organized on behalf of a particular candidate or which that is not controlled either directly or indirectly by a candidate or candidate's committee and which that does not act jointly with a candidate or candidate's committee in conjunction with the making of expenditures or accepting contributions. For the purpose of limitation on contributions, political party organizations are independent committees. Aggregate contributions by an independent committee to a candidate and political committees organized

on his a candidate's behalf for all elections in a campaign are limited as follows:

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(3) Aggregate contributions accepted from persons residing or political committees organized outside of Montana by a political committee organized in Montana to support or oppose a Montana ballot issue may not exceed 49% of total contributions to the political committee in Montana in any reporting period.

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

~~NEW-SECTION--Section-7--Codification-----instruction--  
{Section-1}-is-intended-to-be-codified-as-an--integral--part  
of-Title-137-chapter-357-part-27-and-the-provisions-of-Title~~

~~137-chapter-357-apply-to-{section-1}-~~

NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

## SENATE BILL NO. 176

INTRODUCED BY BIANCHI, ELLIOTT, DOWELL, BARDANOUVE,  
HARDING, SWANSON, BRANDEWIE, WANZENRIED, B. BROWN,  
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~~(3)(4) If information required in subsection (1) is inadvertently omitted or not printed, upon discovering the omission, the person financing the communication shall file notification of the omission with the commissioner within 5 days and make every reasonable effort to bring the material into compliance with subsection (1);"~~

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"There are basic principles of decency, honesty, and fair play that every candidate for public office and every officer of a political committee in the United States has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues before the country. Therefore:

I will conduct my campaign in the best American

tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and his my opponent's party which that merit such criticism.

I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I will conduct my campaign without the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on my opposition or his my opponent's personal or family life.

I will not use campaign material of any sort which that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which that aim at creating or exploiting doubts, without justification, as to the loyalty and patriotism of my opposition.

I will not make any appeal to prejudice based on race, sex, creed, or national origin.

I will not undertake or condone any dishonest or unethical practice which that tends to corrupt or undermine our American system of free elections or which that hampers or prevents the full and free expression of the will of the voters.

Insofar as is possible, I will immediately and publicly

repudiate support deriving from any individual or group which that resorts, on behalf of my candidacy or the position of my political committee or in opposition to that of my opponent or an opposing political committee, to the methods and tactics that I have pledged not to use or condone.""

**Section 2.** Section 13-35-302, MCA, is amended to read:

"13-35-302. Candidates and officers of political committees to be given opportunity to subscribe to campaign practices code -- publicity. (1) The commissioner of campaign political practices shall prepare a form which that contains the code of fair campaign practices provided for in 13-35-301 and a place for a candidate or officer of a political committee to sign the form and to indicate that the candidate or officer endorses, subscribes to, and pledges to abide by the code.

(2) Each candidate required to file statements or reports with the commissioner and each officer of a political committee registered under 13-37-201 ~~shall~~ must be sent a copy of this form. Signing the form is voluntary, and a failure or refusal to sign is not a violation of the election laws. A form ~~shall~~ must be sent for each election as soon as feasible. The signed form ~~shall~~ must be returned to the commissioner.

(3) The commissioner shall supply the secretary of

state, the county registrars, and the city and town clerks with forms. Any candidate or officer of a political committee not required to file with the commissioner but wishing to subscribe to the code may obtain the form from the commissioner, the secretary of state, a county registrar, or a city or town clerk and may sign the form and deliver it to the commissioner."

~~Section 5. Section 13-37-209, MCA, is amended to read:~~

~~"13-37-209. Inspection of records --- random audits required. (1) Accounts kept by the campaign treasurer of a candidate or political committee may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by the campaign treasurer of any opposing candidate or political committee in the same electoral district. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction. The campaign treasurers of political committees supporting a candidate may be joined with the campaign treasurer of the candidate as respondents in such a proceeding.~~

~~(2) For each election at which there are one or more ballot measures, the commissioner shall audit the statements, records, funds, accounts, and reports of one political committee working on an initiative ballot measure for which a criminal or civil action for a violation of this~~



~~chapter is not barred by the applicable statute of limitations. The audited committee must be selected at random. The commissioner shall conduct the audit to determine whether:~~

~~(a) expenditures have been made only in furtherance of authorized activities and in accordance with applicable laws;~~

~~(b) the committee collected and accounted properly for all revenues and receipts arising from its activities; and~~

~~(c) all reports and statements required by law are prepared in accordance with applicable laws and standard principles of accounting and fully disclose the nature and scope of the activities conducted by the committee;~~

~~(3) The result of audits conducted under this section must be published by the commissioner in written audit reports. The reports are public documents and must be made available by the commissioner to any member of the public upon request.~~

~~(4) There is an audit fee imposed on the audited political committee equal to 0.2% of the total money that the political committee spent on the initiative campaign. The fee is due upon completion of the audit. The commissioner may retain the fee to cover the audit costs."~~

**Section 3.** Section 13-37-216, MCA, is amended to read:

"13-37-216. Limitations on contributions. (1) Aggregate

contributions for all elections in a campaign by an individual, other than the candidate, to a candidate and political committees organized on his the candidate's behalf are limited as follows:

(a) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed \$1,500;

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

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

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

(2) For the purposes of this subsection, an independent committee means a committee which that is not specifically organized on behalf of a particular candidate or which that is not controlled either directly or indirectly by a candidate or candidate's committee and which that does not act jointly with a candidate or candidate's committee in conjunction with the making of expenditures or accepting contributions. For the purpose of limitation on contributions, political party organizations are independent committees. Aggregate contributions by an independent committee to a candidate and political committees organized

1 on his a candidate's behalf for all elections in a campaign  
2 are limited as follows:

3 (a) for candidates filed jointly for the offices of  
4 governor and lieutenant governor, not to exceed \$8,000;

5 (b) for a candidate to be elected for state office in a  
6 statewide election, other than the candidates for governor  
7 and lieutenant governor, not to exceed \$2,000;

8 (c) for a candidate for public service commissioner,  
9 not to exceed \$1,000;

10 (d) for a candidate for the state senate, not to exceed  
11 \$600;

12 (e) for a candidate for any other public office, not to  
13 exceed \$300.

14 (3) Aggregate contributions accepted from persons  
15 residing or political committees organized outside of  
16 Montana by a political committee organized in Montana to  
17 support or oppose a Montana ballot issue may not exceed 49%  
18 of total contributions to the political committee in Montana  
19 in any reporting period.

20 ~~{3}{4}~~ The limitations imposed by this section do not  
21 apply to public funds contributed to a candidate under part  
22 3 of this chapter."

23 ~~NEW-SECTION--Section-7--Codification-----instruction--~~  
24 ~~{Section-1}-is-intended-to-be-codified-as-an--integral--part~~  
25 ~~of-Title-13,chapter-35,part-2,and-the-provisions-of-Title~~

1 ~~13,chapter-35,apply-to-{section-1}-~~

2 NEW SECTION. Section 4. Severability. If a part of  
3 [this act] is invalid, all valid parts that are severable  
4 from the invalid part remain in effect. If a part of [this  
5 act] is invalid in one or more of its applications, the part  
6 remains in effect in all valid applications that are  
7 severable from the invalid applications.

-End-