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INTRODUCED BY Hayden Costello House BILL NO. 423

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING VOLUNTARY CAMPAIGN EXPENDITURE LIMITATIONS; IMPOSING A SCHEDULE OF FINES FOR EXCEEDING THE VOLUNTARY EXPENDITURE LIMITATIONS; PROVIDING FOR DEPOSIT OF THE FINES TO THE CREDIT OF THE OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES; PROVIDING THAT ALL CANDIDATES EXCEEDING THE EXPENDITURE LIMIT NOTIFY THE COMMISSIONER OF POLITICAL PRACTICES; PROVIDING AN OPTION TO REMOVE THE EXPENDITURE LIMITATIONS; PROVIDING A PENALTY; PROVIDING INCREASED FILING FEES FOR PERSONS WHO DO NOT AGREE TO THE VOLUNTARY CAMPAIGN EXPENDITURE LIMITATIONS; PROVIDING FOR A REFUND; AND AMENDING SECTION 13-10-202, MCA."

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

NEW SECTION. Section 1. Voluntary limitations on campaign expenditures -- procedure. (1) By filing an affidavit with the secretary of state, a candidate may voluntarily agree to limit campaign expenditures. An expenditure, as defined in 13-1-101, that is subject to voluntary limitation under [sections 1 through 5] includes an expenditure made by the candidate's committee and any in-kind expenditure made by a person or political committee on behalf of the candidate.

(2) The affidavit must state that the candidate knows the voluntary expenditure limitations, as set out in [section 2], and voluntarily agrees to limit the expenditures described in subsection (1) to the amount set by law. The affidavit must be sworn and subscribed to by the candidate and must be notarized.

(3) An affidavit in compliance with this section must be filed with the secretary of state within 30 days of the date on which the candidate files the declaration of candidacy or is declared a write-in winner of a primary election. Immediately after receiving an affidavit filed pursuant to this section, the secretary of state shall forward a copy of the affidavit to the commissioner.

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

- 1 (a) for governor, \$1 million for the election cycle;
- 2 (b) for state office elected statewide, other than the governor, \$150,000 for the election cycle;
- 3 (c) for public service commission member, \$50,000 for the election cycle;
- 4 (d) for state senator, \$15,000 for the election cycle;
- 5 (e) for state representative or for county elected official, \$7,500 for the election cycle; and
- 6 (f) for district court judge, \$20,000 for the election cycle.

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

14

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

- 21 (a) for a candidate for governor:
- 22 (i) under \$2,000, 1%;
- 23 (ii) \$2,000 - \$10,000, 10%;
- 24 (iii) over \$10,000 - \$20,000, 25%; and
- 25 (iv) over \$20,000, 50%;
- 26 (b) for a candidate for state office elected statewide, other than the governor:
- 27 (i) under \$500, 1%;
- 28 (ii) \$500 - \$1,000, 10%;
- 29 (iii) over \$1,000 - \$5,000, 25%; and
- 30 (iv) over \$5,000, 50%;

- 1 (c) for a candidate for public service commission member:
- 2 (i) under \$250, 1%;
- 3 (ii) \$250 - \$750, 10%;
- 4 (iii) over \$750 - \$2,000, 25%; and
- 5 (iv) over \$2,000, 50%;
- 6 (d) for a candidate for state senator:
- 7 (i) under \$100, 1%;
- 8 (ii) \$100 - \$500, 10%;
- 9 (iii) over \$500 - \$1,000, 25%; and
- 10 (iv) over \$1,000, 50%;
- 11 (e) for a candidate for state representative or county elected official:
- 12 (i) under \$50, 1%;
- 13 (ii) \$50 - \$250, 10%;
- 14 (iii) over \$250 - \$500, 25%; and
- 15 (iv) over \$500, 50%; and
- 16 (f) for a candidate for district court judge:
- 17 (i) under \$100, 1%;
- 18 (ii) \$100 - \$500, 10%;
- 19 (iii) over \$500 - \$1,000, 25%; and
- 20 (iv) over \$1,000, 50%.

21 (2) A fine assessed under this section must be paid to the commissioner and deposited in a state
 22 special revenue account to the credit of the office of the commissioner of political practices prior to the
 23 certification of the results of an election. A certificate of election may not be granted to a candidate who
 24 fails to pay a fine assessed under this section.

25

26 **NEW SECTION. Section 4. Exclusion from expenditures.** For the purposes of [sections 1 through
 27 5], campaign expenditures do not include:

- 28 (1) payments made by a candidate, the candidate's committee, an independent committee, or the
 29 candidate's family more than 1 year prior to the primary election date for goods or services not used
 30 directly in the campaign;

1 (2) payment of filing fees; and

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

3

4 **NEW SECTION. Section 5. Report exceeding limitations -- option to remove voluntary limitations**

5 -- **penalty.** (1) A candidate who exceeds the total expenditure limitation provided in [section 2], whether
6 or not the candidate has voluntarily agreed to the expenditure limitation provided in [section 2], shall notify
7 the commissioner within 1 working day of exceeding the expenditure limitation.

8 (2) Upon notification by a candidate that the candidate has exceeded the candidate's voluntary
9 expenditure limitation, the commissioner shall notify the secretary of state. Upon notification from the
10 commissioner, the secretary of state shall notify the opposing candidates of the action. An opposing
11 candidate who has voluntarily assumed the expenditure limitation may, within 5 working days of receipt
12 of notice of an opponent's overspending, pay the additional filing fee required under 13-10-202(2) and is
13 no longer subject to the fines provided in [section 3].

14 (3) A candidate who knowingly fails to notify the commissioner, as required under subsection (1),
15 is subject to removal of the candidate's name from the ballot.

16

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

18 "**13-10-202. Filing fees -- alternative filing fees.** ~~Filing~~ (1) For a person who is qualified to run for
19 office and who voluntarily agrees, pursuant to [section 1], to limit campaign expenditures, as set forth in
20 [section 2], filing fees are as follows:

21 ~~(1)(a) for offices having an annual salary of \$2,500 or less and candidates for the legislature, \$15;~~

22 ~~(2) for county offices having an annual salary of more than \$2,500, 0.5% of the total annual~~
23 ~~salary;~~

24 ~~(3) for other offices having an annual salary of more than \$2,500, 1% of the total annual salary;~~

25 ~~(4)(b) for offices in which compensation is paid in fees, \$10;~~

26 (c) for offices not provided for in subsection (1)(a), (1)(b), or (1)(d), 0.5% of the total annual salary;

27 and

28 ~~(5)(d) for officers of political parties, presidential electors, and officers who receive no salary or~~
29 ~~fees, no filing fee is required.~~

30 (2) A person who is qualified to run for office but who does not, pursuant to [section 1], voluntarily

1 accept the expenditure limitation set forth in [section 2] shall file with the appropriate official a written
2 assent to candidacy, together with the filing fee, as follows:

3 (a) for governor, \$2,500;

4 (b) for state office elected statewide, other than the governor, \$1,500;

5 (c) for public service commission member, \$1,000;

6 (d) for state senator, \$200;

7 (e) for state representative or for county elected official, \$100;

8 (f) for district court judge, \$1,000.

9 (3) A person who files an affidavit under the provisions of [section 1] after having filed a
10 declaration for candidacy must receive the applicable refund from the secretary of state."

11

12 NEW SECTION. Section 7. Codification instruction. [Sections 1 through 5] are intended to be
13 codified as an integral part of Title 13, chapter 37, and the provisions of Title 13, chapter 37, apply to
14 [sections 1 through 5].

15

16 NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are
17 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
18 applications, the part remains in effect in all valid applications that are severable from the invalid
19 applications.

20

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0423, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing voluntary campaign expenditure limitations; imposing a schedule of fines for exceeding the voluntary expenditure limitations.

ASSUMPTIONS:

1. Candidate filing procedures will not be altered by the bill.
2. Losses in revenue to the Secretary of State, due to decreased alternate fees, will be offset by increases in revenue from fees paid by those choosing not to participate in the voluntary spending limit program.
3. Expenditure limitation amounts set by Section 2 are assumed to be adequate and, therefore, it is assumed that both violations and fine revenue will be minimal.
4. A 0.25 FTE (grade 9) will be needed in the office of the Commissioner of Political Practices to handle the paperwork generated by this bill. The position will work half-time for the 12 continuous months of even numbered calendar years.
5. The provisions of the bill would be funded with general fund in the absence of any specific provisions (see technical note).

FISCAL IMPACT:

Political Practices:

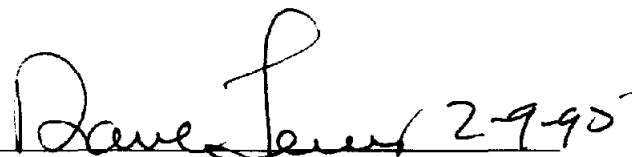
	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
FTE	.25	.25
Personal services	5,400	5,400
Operating expenses	<u>2,500</u>	<u>2,500</u>
Total	7,900	7,900

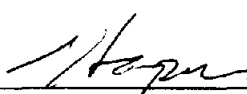
Funding:

General fund (01)	7,900	7,900
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TECHNICAL NOTES:

Section 3, subsection (2) creates a state special revenue account, but does not designate the use or purpose for the disposition of funds collected.


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


HAL HARPER, PRIMARY SPONSOR DATE

Fiscal Note for HB0423, as introduced

HB 423

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0423, 2nd reading, amended

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing voluntary campaign expenditure limitations; describing expenditures that are subject to limitation; providing for the reporting of the expenditures; imposing a schedule of fines for exceeding the voluntary expenditure limitations.

ASSUMPTIONS:

1. Candidate filing procedures will not be altered by the bill.
2. Losses in revenue to the Secretary of State, due to decreased alternate fees, will be offset by increases in revenue from fees paid by those choosing not to participate in the voluntary spending limit program.
3. Expenditure limitation amounts set by Section 2 are assumed to be adequate and, therefore, it is assumed that both violations and fine revenue will be minimal.
4. A 0.25 FTE (grade 9) will be needed in the office of the Commissioner of Political Practices (CPP) to handle the paperwork generated by this bill. The position will work half-time for the 12 continuous months of even numbered calendar years.
5. The provisions of the bill would be funded with general fund in the absence of any specific provisions (see technical note).
6. A political committee will report, on a format approved by the CPP, their expenditures, by candidate, to ease the job of combining the committee's expenditures with the candidates.

FISCAL IMPACT:

CPP:	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
FTE	.25	.25
Personal services	5,400	5,400
Operating expenses	<u>2,500</u>	<u>2,500</u>
Total	7,900	7,900

Funding:

General fund (01)	7,900	7,900
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TECHNICAL NOTES:

Section 3, subsection (2) creates a state special revenue account, but does not designate the use or purpose for the disposition of funds collected.

Dave Lewis 2-20-95

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

HAL HARPER, PRIMARY SPONSOR DATE

Fiscal Note for HB0423, 2nd reading,
amended

HB 423-#2

APPROVED BY COM ON
STATE ADMINISTRATION

HOUSE BILL NO. 423

INTRODUCED BY HARPER, BARTLETT

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING VOLUNTARY CAMPAIGN EXPENDITURE LIMITATIONS; DESCRIBING EXPENDITURES THAT ARE SUBJECT TO LIMITATION; PROVIDING FOR THE REPORTING OF THE EXPENDITURES; PROVIDING GUIDELINES RELATED TO INDEPENDENT COMMITTEES; IMPOSING A SCHEDULE OF FINES FOR EXCEEDING THE VOLUNTARY EXPENDITURE LIMITATIONS; PROVIDING FOR DEPOSIT OF THE FINES TO THE CREDIT OF THE OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES; PROVIDING THAT ALL CANDIDATES EXCEEDING THE EXPENDITURE LIMIT NOTIFY THE COMMISSIONER OF POLITICAL PRACTICES; PROVIDING AN OPTION TO REMOVE THE EXPENDITURE LIMITATIONS; PROVIDING A PENALTY; PROVIDING INCREASED FILING FEES FOR PERSONS WHO DO NOT AGREE TO THE VOLUNTARY CAMPAIGN EXPENDITURE LIMITATIONS; PROVIDING FOR A REFUND; AND AMENDING ~~SECTION~~ SECTIONS 13-10-202 AND 13-37-225, MCA."

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

NEW SECTION. Section 1. Voluntary limitations on campaign expenditures -- procedure. (1) (A)

By filing an affidavit with the secretary of state, a candidate may voluntarily agree to limit campaign expenditures.

(B) An expenditure, as defined in 13-1-101, that is subject to voluntary limitation under [sections 1 through ~~5~~ 6] includes;

(I) an expenditure made by the candidate's committee ~~and~~;

(II) any in-kind expenditure made by a person or political committee on behalf of the candidate;

(III) WORK PERFORMED BY THE CANDIDATE ON BEHALF OF THE CANDIDATE'S CAMPAIGN, WHICH MUST BE VALUED AS IF THE CANDIDATE WERE PAID THE DAILY RATE OF CURRENT LEGISLATIVE SALARY PROVIDED IN 5-2-301;

(IV) VOLUNTEER WORK, WHICH MUST BE VALUED AS IF THE CANDIDATE PAID EACH VOLUNTEER WORKER MINIMUM WAGE AS DETERMINED UNDER 39-3-409, THAT IS PERFORMED:

(A) ON BEHALF OF THE CANDIDATE; OR

(B) ON BEHALF OF A COMMITTEE INDEPENDENT OF THE CANDIDATE'S CAMPAIGN BUT THAT

1 INFLUENCES THE ELECTION IN FAVOR OF THE CANDIDATE; AND

2 (V) AN EXPENDITURE MADE BY A CANDIDATE, THE CANDIDATE'S FAMILY, OR, SUBJECT TO
 3 [SECTION 6], A COMMITTEE ACTING INDEPENDENTLY OF THE CANDIDATE'S CAMPAIGN, MADE IN
 4 SUPPORT OF THE CANDIDATE OR IN OPPOSITION TO THE CANDIDATE'S OPPONENT.

5 (2) The affidavit must state that the candidate knows the voluntary expenditure limitations, as set
 6 out in [section 2] OR IN A MUTUAL AGREEMENT NEGOTIATED BETWEEN CANDIDATES, and voluntarily
 7 agrees to limit the expenditures described in subsection (1) to the amount set by law OR IN THE MUTUAL
 8 AGREEMENT. The affidavit must be sworn and subscribed to by the candidate and must be notarized.

9 (3) An affidavit in compliance with this section must be filed with the secretary of state within 30
 10 days of the date on which the candidate files the declaration of candidacy or is declared a write-in winner
 11 of a primary election. Immediately after receiving an affidavit filed pursuant to this section, the secretary
 12 of state shall forward a copy of the affidavit to the commissioner.

13
 14 NEW SECTION. Section 2. Voluntary campaign expenditure limitation amounts. (1) Total
 15 expenditures by a candidate who voluntarily agrees to limit campaign expenditures, as provided in [section
 16 1], are as follows:

- 17 (a) for governor, \$1 million for the election cycle;
 18 (b) for state office elected statewide, other than the governor, \$150,000 for the election cycle;
 19 (c) for public service commission member, \$50,000 for the election cycle;
 20 (d) for state senator, \$15,000 for the election cycle;
 21 (e) for state representative or for county elected official, \$7,500 for the election cycle; and
 22 (f) for district court judge, \$20,000 for the election cycle.

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

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

8 (a) for a candidate for governor:

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

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

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

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

13 (b) for a candidate for state office elected statewide, other than the governor:

14 (i) under \$500, 1%;

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

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

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

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

19 (i) under \$250, 1%;

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

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

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

23 (d) for a candidate for state senator:

24 (i) under \$100, 1%;

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

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

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

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

29 (i) under \$50, 1%;

30 (ii) \$50 - \$250, 10%;

- 1 (iii) over \$250 - \$500, 25%; and
 2 (iv) over \$500, 50%; and
 3 (f) for a candidate for district court judge:
 4 (i) under \$100, 1%;
 5 (ii) \$100 - \$500, 10%;
 6 (iii) over \$500 - \$1,000, 25%; and
 7 (iv) over \$1,000, 50%.

8 (2) A fine assessed under this section must be paid to the commissioner and deposited in a state
 9 special revenue account to the credit of the office of the commissioner of political practices prior to the
 10 certification of the results of an election. A certificate of election may not be granted to a candidate who
 11 fails to pay a fine assessed under this section.

12
 13 **NEW SECTION. Section 4. Exclusion from expenditures.** For the purposes of [sections 1 through
 14 5 6], campaign expenditures do not include:

- 15 (1) payments made by a candidate, the candidate's committee, an independent committee, or the
 16 candidate's family more than 1 year prior to the primary election date for goods or services not used
 17 directly in the campaign;
 18 (2) payment of filing fees; and
 19 (3) payment of fines pursuant to [section 3].

20
 21 **NEW SECTION. Section 5. Report exceeding limitations -- option to remove voluntary limitations**
 22 **-- penalty.** (1) A candidate who exceeds the total expenditure limitation provided in [section 2], whether
 23 or not the candidate has voluntarily agreed to the expenditure limitation provided in [section 2], shall notify
 24 the commissioner within 1 working day of exceeding the expenditure limitation.

25 (2) Upon notification by a candidate that the candidate has exceeded the candidate's voluntary
 26 expenditure limitation, the commissioner shall notify the secretary of state. Upon notification from the
 27 commissioner, the secretary of state shall notify the opposing candidates of the action. An opposing
 28 candidate who has voluntarily assumed the expenditure limitation may, within 5 working days of receipt
 29 of notice of an opponent's overspending, pay the additional filing fee required under 13-10-202(2) and is
 30 no longer subject to the fines provided in [section 3].

1 (3) A candidate who knowingly fails to notify the commissioner, as required under subsection (1),
2 is subject to removal of the candidate's name from the ballot.

3
4 NEW SECTION. SECTION 6. INDEPENDENT COMMITTEE ACTIVITIES APPROVED OR
5 DISAPPROVED BY CANDIDATE. (1) BEFORE A COMMITTEE OPERATING INDEPENDENTLY OF A
6 CANDIDATE'S CAMPAIGN MAY ENGAGE IN ACTIVITIES THAT WILL BENEFIT A CANDIDATE, THE
7 COMMITTEE SHALL CONTACT THE CANDIDATE AND ASK THE CANDIDATE IF THE CANDIDATE
8 APPROVES OF THE COMMITTEE'S ACTIVITIES.

9 (2) IF THE CANDIDATE APPROVES OF THE COMMITTEE'S ACTIVITIES:

10 (A) THE COMMITTEE IS NO LONGER AN INDEPENDENT COMMITTEE BUT IS A POLITICAL
11 COMMITTEE AS DEFINED IN 13-1-101. THE COMMITTEE SHALL ACKNOWLEDGE ON ALL LITERATURE,
12 POSTERS, ADVERTISEMENTS, RADIO OR TELEVISION SPOTS, OR OTHER MATERIAL PROMULGATED IN
13 A WAY THAT BENEFITS A CANDIDATE'S CAMPAIGN THAT THE CANDIDATE APPROVES OF THE
14 COMMITTEE'S ACTIVITIES; AND

15 (B) THE COMMITTEE'S EXPENDITURES RELEVANT TO THE CANDIDATE'S CAMPAIGN MUST BE
16 COUNTED TOWARD THE CANDIDATE'S EXPENDITURE LIMIT IF THE CANDIDATE HAS AGREED TO
17 VOLUNTARY EXPENDITURE LIMITATIONS UNDER [SECTION 1].

18 (3) IF THE CANDIDATE DOES NOT WANT THE ENDORSEMENT OF THE COMMITTEE AND DOES
19 NOT APPROVE OF THE COMMITTEE'S ACTIVITIES:

20 (A) THE COMMITTEE SHALL ACKNOWLEDGE ON ALL LITERATURE, POSTERS, ADVERTISEMENTS,
21 RADIO OR TELEVISION SPOTS, OR OTHER MATERIAL PROMULGATED IN A WAY THAT BENEFITS A
22 CANDIDATE'S CAMPAIGN THAT THE CANDIDATE DOES NOT APPROVE OF THE COMMITTEE'S
23 ACTIVITIES; AND

24 (B) THE COMMITTEE'S EXPENDITURES DO NOT COUNT TOWARD THE CANDIDATE'S LIMIT IF
25 THE CANDIDATE HAS AGREED TO VOLUNTARY EXPENDITURE LIMITATIONS UNDER [SECTION 1].

26 (4) IF A COMMITTEE INTENTIONALLY OR NEGLIGENTLY FAILS TO COMPLY WITH THE
27 REQUIREMENTS OF THIS SECTION, THE COMMITTEE MAY BE FINED UNDER THE PROVISIONS OF
28 13-37-128.

29
30 **Section 7.** Section 13-10-202, MCA, is amended to read:

1 "**13-10-202. Filing fees -- alternative filing fees. Filing (1)** For a person who is qualified to run for
 2 office and who voluntarily agrees, pursuant to [section 1], to limit campaign expenditures, as set forth in
 3 [section 2] OR IN A MUTUAL AGREEMENT NEGOTIATED BETWEEN CANDIDATES, filing fees are as
 4 follows:

5 ~~(1)(a)~~ for ~~offices having an annual salary of \$2,500 or less and~~ candidates for the legislature, \$15;

6 ~~(2)~~ for ~~county offices having an annual salary of more than \$2,500, 0.5% of the total annual~~
 7 ~~salary;~~

8 ~~(3)~~ for ~~other offices having an annual salary of more than \$2,500, 1% of the total annual salary;~~

9 ~~(4)(b)~~ for offices in which compensation is paid in fees, \$10;

10 (c) for offices not provided for in subsection (1)(a), (1)(b), or (1)(d), 0.5% of the total annual salary;

11 and

12 ~~(5)(d)~~ for officers of political parties, presidential electors, and officers who receive no salary or
 13 fees, no filing fee is required.

14 (2) A person who is qualified to run for office but who does not, pursuant to [section 1], voluntarily
 15 accept the expenditure limitation set forth in [section 2] OR IN A MUTUAL AGREEMENT NEGOTIATED
 16 BETWEEN CANDIDATES shall file with the appropriate official a written assent to candidacy, together with
 17 the filing fee, as follows:

18 (a) for governor, \$2,500;

19 (b) for state office elected statewide, other than the governor, \$1,500;

20 (c) for public service commission member, \$1,000;

21 (d) for state senator, \$200;

22 (e) for state representative or for county elected official, \$100;

23 (f) for district court judge, \$1,000.

24 (3) A person who files an affidavit under the provisions of [section 1] after having filed a
 25 declaration for candidacy must receive the applicable refund from the secretary of state."

26
 27 **SECTION 8. SECTION 13-37-225, MCA, IS AMENDED TO READ:**

28 "**13-37-225. Reports of contributions and expenditures required.** (1) (a) Except as provided in
 29 13-37-206, each candidate and political committee shall file periodic reports of contributions and
 30 expenditures made by or on the behalf of a candidate or political committee.

1 HOUSE BILL NO. 423

2 INTRODUCED BY HARPER, BARTLETT

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING VOLUNTARY CAMPAIGN EXPENDITURE
5 LIMITATIONS; DESCRIBING EXPENDITURES THAT ARE SUBJECT TO LIMITATION; PROVIDING FOR THE
6 REPORTING OF THE EXPENDITURES; PROVIDING GUIDELINES RELATED TO INDEPENDENT COMMITTEES;
7 IMPOSING A SCHEDULE OF FINES FOR EXCEEDING THE VOLUNTARY EXPENDITURE LIMITATIONS;
8 PROVIDING FOR DEPOSIT OF THE FINES TO THE CREDIT OF THE OFFICE OF THE COMMISSIONER OF
9 POLITICAL PRACTICES; PROVIDING THAT ALL CANDIDATES EXCEEDING THE EXPENDITURE LIMIT
10 NOTIFY THE COMMISSIONER OF POLITICAL PRACTICES; PROVIDING AN OPTION TO REMOVE THE
11 EXPENDITURE LIMITATIONS; PROVIDING A PENALTY; PROVIDING INCREASED FILING FEES FOR
12 PERSONS WHO DO NOT AGREE TO THE VOLUNTARY CAMPAIGN EXPENDITURE LIMITATIONS;
13 PROVIDING FOR A REFUND; AND AMENDING ~~SECTION~~ SECTIONS 13-10-202 AND 13-37-225, MCA."

14

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

THERE ARE NO CHANGES IN THIS BILL AND IT WILL
NOT BE REPRINTED. PLEASE REFER TO SECOND
READING COPY (YELLOW) FOR COMPLETE TEXT.