

1 SENATE BILL NO. 393
2 INTRODUCED BY S. FITZPATRICK, D. SALOMON
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CAMPAIGN FINANCE LAWS; REMOVING THE
5 REQUIREMENT THAT CAMPAIGN TREASURERS MUST BE REGISTERED VOTERS; ELIMINATING THE
6 REQUIREMENT THAT AN UNOPPOSED CANDIDATE FILE 48-HOUR REPORTS; CLARIFYING THE TIME
7 OF DAY WHEN A REPORT IS DUE; PROVIDING EXCEPTIONS FOR CERTAIN DISCLOSURE
8 REQUIREMENTS RELATED TO 48-HOUR REPORTS; ~~AND DEBT, AND CONTRIBUTORS' OCCUPATIONS~~
9 ~~AND EMPLOYERS~~; REVISING REPORTING REQUIREMENTS FOR INCIDENTAL COMMITTEES; AND
10 AMENDING SECTIONS 13-37-203, 13-37-226, 13-37-229, AND 13-37-232, MCA."

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

13
14 **Section 1.** Section 13-37-203, MCA, is amended to read:

15 **"13-37-203. Qualifications of campaign Campaign and deputy campaign treasurers.** ~~(1) Any~~
16 ~~campaign or deputy campaign treasurer appointed pursuant to 13-37-201 and 13-37-202 must be a registered~~
17 ~~voter in this state.~~

18 ~~(2)~~—An individual may be appointed and serve as a campaign treasurer of a candidate, political
19 committee, or joint fundraising committee or two or more candidates, political committees, or joint fundraising
20 committees. A candidate may serve as the candidate's own campaign or deputy campaign treasurer or as the
21 treasurer or deputy treasurer of a joint fundraising committee in which the candidate is a participant. An
22 individual may not serve as a campaign or deputy campaign treasurer or perform any duty required of a
23 campaign or deputy campaign treasurer of a candidate, political committee, or joint fundraising committee until
24 the individual has been designated and the individual's name certified by the candidate or political committee."

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

27 **"13-37-226. Time for filing reports.** (1) Except as provided in 13-37-206 and 13-37-225(3), a

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1 (5) Except as provided by 13-37-206, candidates for a local office and political committees that
2 receive contributions or make expenditures referencing a particular local issue or a local candidate shall file the
3 reports specified in subsections (1) through (4) only if the total amount of contributions received or the total
4 amount of funds expended for all elections in a campaign exceeds \$500.

5 (6) A candidate is not required to file a report required by subsection (1)(c) or (1)(d) if the
6 candidate is not opposed in the election.

7 ~~(6)(7)~~ A report required by this section must cover contributions received and expenditures made
8 pursuant to the time periods specified in 13-37-228.

9 (8) A report required by this section is due by 11:59 p.m. on the due date.

10 ~~(7)(9)~~ A political committee may file a closing report prior to the date in 13-37-228(3) and after the
11 complete termination of its contribution and expenditure activity during an election cycle.

12 ~~(8)(10)~~ For the purposes of this section:

13 (a) a candidate participates in an election by attempting to secure nomination or election to an
14 office that appears on the ballot; and

15 (b) a political committee or a joint fundraising committee participates in an election by receiving a
16 contribution or making an expenditure."

17

18 **Section 3.** Section 13-37-229, MCA, is amended to read:

19 **"13-37-229. Disclosure requirements for candidates, ballot issue committees, political party**
20 **committees, and independent committees -- exceptions.** (1) The reports required under 13-37-225 through
21 13-37-227 from candidates, ballot issue committees, political party committees, independent committees, and
22 joint fundraising committees must disclose the following information concerning contributions received:

23 (a) the amount of cash on hand at the beginning of the reporting period;

24 (b) ~~except as provided in subsection (5),~~ the full name, mailing address, occupation, and employer,
25 if any, of each person who has made aggregate contributions, other than loans, of \$50 or more to a candidate,
26 political committee, or joint fundraising committee, including the purchase of tickets and other items for events,
27 such as dinners, luncheons, rallies, and similar fundraising events. If a contribution is made by a joint

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1 fundraising committee to a participant in the joint fundraising committee, the participant shall disclose the
2 information in this subsection (1)(b) for each contributor of the funds allocated to the participant by the joint
3 fundraising committee.

4 (c) for each person identified under subsection (1)(b), the aggregate amount of contributions made
5 by that person within the reporting period and the total amount of contributions made by that person for all
6 reporting periods;

7 (d) the total sum of individual contributions made to or for a political committee, candidate, or joint
8 fundraising committee and not reported under subsections (1)(b) and (1)(c);

9 (e) the name and address of each political committee, candidate, or joint fundraising committee
10 from which the reporting committee or candidate received any transfer of funds, together with the amount and
11 dates of all transfers;

12 (f) ~~except as provided in subsection (5),~~ each loan from any person during the reporting period,
13 together with the full names, mailing addresses, occupations, and employers, if any, of the lender and
14 endorsers, if any, and the date and amount of each loan;

15 (g) ~~except as provided in subsection (6) (5),~~ the amount and nature of debts and obligations owed
16 to a political committee, candidate, or joint fundraising committee in the form prescribed by the commissioner;

17 (h) an itemized account of proceeds that total less than \$50 from a person from mass collections
18 made at fundraising events;

19 (i) each contribution, rebate, refund, or other receipt not otherwise listed under subsections (1)(b)
20 through (1)(h) during the reporting period; and

21 (j) the total sum of all receipts received by or for the committee or candidate during the reporting
22 period.

23 (2) (a) Except as provided in subsection (2)(c), the reports required under 13-37-225 through 13-
24 37-227 from candidates, ballot issue committees, political party committees, independent committees, and joint
25 fundraising committees must disclose the following information concerning expenditures made:

26 (i) the full name, mailing address, occupation, and principal place of business, if any, of each
27 person to whom expenditures have been made by the committee or candidate during the reporting period,

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1 including the amount, date, and purpose of each expenditure and the total amount of expenditures made to
2 each person;

3 (ii) the full name, mailing address, occupation, and principal place of business, if any, of each
4 person to whom an expenditure for personal services, salaries, and reimbursed expenses has been made,
5 including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each
6 person;

7 (iii) the total sum of expenditures made by a political committee, candidate, or joint fundraising
8 committee during the reporting period. If the expenditure is made by a joint fundraising committee, the joint
9 fundraising committee shall report gross and net allocations to each participant.

10 (iv) the name and address of each political committee, candidate, or joint fundraising committee to
11 which the reporting committee or candidate made any transfer of funds, together with the amount and dates of
12 all transfers;

13 (v) the name of any person to whom a loan was made during the reporting period, including the full
14 name, mailing address, occupation, and principal place of business, if any, of that person and the full names,
15 mailing addresses, occupations, and principal places of business, if any, of the endorsers, if any, and the date
16 and amount of each loan;

17 (vi) except as provided in subsection ~~(6)~~ (5), the amount and nature of debts and obligations owed
18 by a political committee, candidate, or joint fundraising committee in the form prescribed by the commissioner;
19 and

20 (vii) if a joint fundraising committee allocated contributions to a participant, the contribution
21 information under subsections (1)(a) through (1)(c) for each contributor that contributed to the gross amount
22 allocated by the joint fundraising committee to the participant.

23 (b) Reports of expenditures made to a consultant, advertising agency, polling firm, or other person
24 that performs services for or on behalf of a candidate, political committee, or joint fundraising committee must
25 be itemized and described in sufficient detail to disclose the specific services performed by the entity to which
26 payment or reimbursement was made.

27 (c) A candidate is required to report the information specified in this subsection (2) only if the

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1 transactions involved were undertaken for the purpose of supporting or opposing a candidate.

2 (d) Subsection (2)(a)(vii) applies only to the report of a joint fundraising committee.

3 (3) (a) A candidate, a political committee, or a joint fundraising committee is not required to report
4 the following expenditures under the 2-business-day reporting requirements in 13-37-226(1)(d) and (2)(d):

5 (i) bookkeeping expenses paid to track and ensure campaign finance compliance; ~~and~~

6 (ii) payroll expenditures;

7 (iii) mileage; and

8 (iv) payment on a previously disclosed debt.

9 (b) A candidate, a political committee, or a joint fundraising committee is not relieved of the duty to
10 report the expenditures listed in subsection (3)(a) in the next periodic report.

11 (4) A candidate is not required to report:

12 (a) contributions received from a political party committee for compensation of the personal
13 services of another person that are rendered to the candidate if the political party committee reports the amount
14 of contributions made to the candidate in the form of personal services; and

15 (b) tangible campaign materials such as campaign signage, literature, or photographs produced
16 for a previous campaign or video produced for a previous campaign if the expenditures to produce the tangible
17 materials or video were reported in a previous campaign by the candidate.

18 ~~(5) A candidate, political committee, or joint fundraising committee shall request the occupation~~
19 ~~and employer of a contributor or person who provided a loan to the candidate, political committee, or joint~~
20 ~~fundraising committee. If the contributor or person who provided a loan does not provide the requested~~
21 ~~information, the candidate, political committee, or joint fundraising committee is only required to report what is~~
22 ~~provided.~~

23 ~~(6)(5) A candidate, political committee, or joint fundraising committee is not required to report a debt~~
24 ~~or obligation unless the debt or obligation exists and has not been paid as of the day the report must be filed."~~

25

26 **Section 4.** Section 13-37-232, MCA, is amended to read:

27 **"13-37-232. Disclosure requirements for incidental committees.** (1) A combination of two or more