

HOUSE BILL NO. 181

INTRODUCED BY F. GARNER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CAMPAIGN FINANCE REPORTS AND FILINGS LAWS; REVISING DEADLINES FOR CAMPAIGN FINANCE REPORTS; REQUIRING THE COMMISSIONER OF POLITICAL PRACTICES TO POST CERTAIN INFORMATION ON THE COMMISSIONER'S WEBSITE; REQUIRING ELECTRONIC CAMPAIGN FINANCE REPORTS; PROVIDING EXCEPTIONS; AND AMENDING SECTIONS 13-37-208, 13-37-215, 13-37-225, 13-37-226, AND 13-37-228, MCA."

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

Section 1. Section 13-37-208, MCA, is amended to read:

"13-37-208. Treasurer to keep records. (1) (a) Except as provided in subsection (1)(b), the campaign treasurer of each candidate and each political committee shall keep detailed accounts of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a report filed under this chapter. The accounts must be current within not more than 10 days after the date of receiving a contribution or making an expenditure.

(b) The accounts described in subsection (1)(a) must be current as of the 5th day before the date of filing of a report as specified in ~~13-37-226~~ 13-37-228.

(2) Accounts of a deputy campaign treasurer must be transferred to the treasurer of a candidate or political committee before the candidate or political committee finally closes its books or when the position of a deputy campaign treasurer becomes vacant and no successor is appointed.

(3) Accounts kept by a campaign treasurer of a candidate or political committee must be preserved by the campaign treasurer for a period coinciding with the term of office for which the person was a candidate or for a period of 4 years, whichever is longer."

Section 2. Section 13-37-215, MCA, is amended to read:

"13-37-215. Petty cash funds allowed. (1) The campaign treasurer for each candidate or political committee is authorized to withdraw the following amount each week from the primary depository for the purpose of providing a petty cash fund for the candidate or political committee:

1 (a) ~~for all statewide candidates and political committees filing reports pursuant to 13-37-226(1); \$100~~
2 per week for:

3 (i) all statewide candidates; and

4 (ii) political committees that receive a contribution or make an expenditure supporting or opposing a
5 candidate for a statewide office or a statewide ballot issue; and

6 (b) \$25 per week for all other candidates and political committees, ~~\$25 per week.~~

7 (2) The petty cash fund may be spent for office supplies, transportation expenses, postage stamps, and
8 other necessities in an amount of less than \$25. Petty cash may not be used for the purchase of time, space, or
9 services from any communications medium."

10

11 **Section 3.** Section 13-37-225, MCA, is amended to read:

12 **"13-37-225. Reports of contributions and expenditures required -- electronic filing and**
13 **publication.** (1) (a) Except as provided in 13-37-206, each candidate and political committee shall file with the
14 commissioner periodic electronic reports of contributions and expenditures made by or on the behalf of a
15 candidate or political committee.

16 (b) The commissioner may, for good cause shown in a written application by a candidate or political
17 committee, grant a waiver to the requirement that reports be filed electronically.

18 (2) The commissioner shall post on the commissioner's website:

19 (a) all reports filed under 13-37-226 within 7 business days of filing; and

20 (b) for each election, the calendar dates that correspond with the filing requirements of 13-37-226.

21 ~~(2)(3)~~ (3) In lieu of all contribution and expenditure reports required by this chapter, the commissioner shall
22 accept copies of the reports filed by candidates for congress and president of the United States and their political
23 committees pursuant to the requirements of federal law.

24 ~~(3)(4)~~ (4) A person who makes an election communication, electioneering communication, or independent
25 expenditure is subject to reporting and disclosure requirements as provided in chapters 35 and 37 of this title."

26

27 **Section 4.** Section 13-37-226, MCA, is amended to read:

28 **"13-37-226. Time for filing reports.** (1) ~~Candidates for a state office filled by a statewide vote of all the~~
29 ~~electors of Montana, statewide ballot issue committees, and political committees that receive a contribution or~~
30 ~~make an expenditure supporting or opposing a candidate for statewide office or a statewide ballot issue~~ Except

1 as provided in 13-37-206 and 13-37-225(3), a candidate shall file reports electronically required by
 2 13-37-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:

3 (a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in
 4 which:

5 ~~—— (i) funds are received or expended during the year or years prior to the election year that the candidate~~
 6 ~~expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which~~
 7 ~~the candidate participates; or~~

8 ~~—— (ii) an issue becomes a ballot issue, as defined in 13-1-101(6)(b);~~

9 ~~—— (b) on the 1st day of each month from March through November during a year in which an election is~~
 10 ~~held;~~

11 ~~—— (c) on the 15th day preceding the date on which an election is held;~~

12 ~~—— (d) within 2 business days after receiving a contribution of \$200 or more if received between the 20th~~
 13 ~~day before the election and the day of the election;~~

14 ~~—— (e) not more than 20 days after the date of the general election; and~~

15 (b) the 20th day of March, April, May, June, August, September, October, and November in the year of
 16 an election in which the candidate participates;

17 (c) within 2 business days of receiving a contribution of \$100 or more if received between the 15th day
 18 of the month preceding an election in which the candidate participates and the day of the election;

19 (d) within 2 business days of making an expenditure of \$100 or more if made between the 15th day of
 20 the month preceding an election in which the candidate participates and the day of the election;

21 ~~(f)(e) semiannually on the 10th day of March and September, starting in the of each year following an~~
 22 ~~election in which the candidate participates until the candidate or political committee files a closing report as~~
 23 ~~specified in 13-37-228(3); and~~

24 (f) as provided by subsection (3).

25 ~~(2) Candidates for a state district office, including but not limited to candidates for the legislature, the~~
 26 ~~public service commission, or a district court judge, and political committees that receive contributions or make~~
 27 ~~expenditures to support or oppose a particular state district candidate or issue, unless the political committee is~~
 28 ~~already reporting under the provisions of subsection (1), shall file reports as follows:~~

29 ~~—— (a) on the 35th and 12th days preceding the date on which an election is held;~~

30 ~~—— (b) within 2 business days after receiving a contribution of \$100 or more if received between the 17th~~

1 ~~day before the election and the day of the election;~~

2 ~~—— (c) not more than 20 days after the date of the election; and~~

3 ~~—— (d) on the 10th day of March and September of each year following an election until the candidate or~~

4 ~~political committee files a closing report as specified in 13-37-228(3).~~

5 (2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee shall file reports
 6 required by 13-35-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as
 7 follows:

8 (a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in
 9 which the political committee receives a contribution or makes an expenditure after an individual becomes a
 10 candidate or an issue becomes a ballot issue, as defined in 13-1-101(6)(b), and ending in the final quarter of the
 11 year preceding the year in which the candidate or the ballot issue appears on the ballot;

12 (b) the 30th day of March, April, May, June, August, September, October, and November in the year of
 13 an election in which the political committee participates;

14 (c) within 2 business days of receiving a contribution, except as provided in 13-37-232, of \$500 or more
 15 if received between the 25th day of the month before an election in which the political committee participates and
 16 the day of the election; and

17 (d) within 2 business days of making an expenditure of \$500 or more that is made between the 25th day
 18 of the month before an election in which the political committee participates and the day of the election;

19 (e) quarterly, due on the 5th day following a calendar quarter, beginning in the calendar quarter following
 20 a year of an election in which the political committee participates until the political committee files a closing report
 21 as specified in 13-37-228(3); and

22 (f) as provided by subsection (3).

23 (3) In addition to the reports required by subsections (1) and (2), if a candidate or a political committee
 24 participates in a special election, the candidate or political committee shall file reports as follows:

25 (a) a report on the 60th, 35th, and 12th days preceding the date of the special election; and

26 (b) 20 days after the special election.

27 ~~(3)(4) Candidates for any other public office~~ Except as provided by 13-37-206, candidates for a local
 28 office and political committees that receive contributions or make expenditures to support or oppose ~~referencing~~
 29 a particular local issue or a local candidate shall file the reports specified in ~~subsection (2)~~ subsections (1) through
 30 (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a

1 campaign exceeds \$500, ~~except as provided in 13-37-206.~~

2 ~~—— (4) Independent and political party committees not required to report under subsection (1) or (2) shall~~
3 ~~file:~~

4 ~~—— (a) a report on the 90th, 35th, and 12th days preceding the date of an election in which they participate~~
5 ~~by making an expenditure;~~

6 ~~—— (b) a report within 2 business days of receiving a contribution of \$500 or more if received between the~~
7 ~~17th day before the election and the day of the election;~~

8 ~~—— (c) a report within 2 business days of making an expenditure of \$500 or more for an electioneering~~
9 ~~communication if the expenditure is made between the 17th day before the election and the day of the election;~~

10 ~~—— (d) a report not more than 20 days after the date of the election in which they participate by making an~~
11 ~~expenditure; and~~

12 ~~—— (e) a report on a date to be prescribed by the commissioner for a closing report at the close of each~~
13 ~~calendar year.~~

14 ~~—— (5) An incidental committee not required to report under subsection (1) or (2) shall file a report:~~

15 ~~—— (a) on the 90th, 35th, and 12th days preceding the date of an election in which it participates by making~~
16 ~~an expenditure;~~

17 ~~—— (b) within 2 business days of receiving a contribution as provided in 13-37-232(1) of \$500 or more if~~
18 ~~received between the 17th day before an election and the day of the election;~~

19 ~~—— (c) within 2 business days of making an expenditure of \$500 or more for an electioneering~~
20 ~~communication if the expenditure is made between the 17th day before the election and the day of the election;~~

21 ~~—— (d) not more than 20 days after the date of the election in which it participated; and~~

22 ~~—— (e) on a date to be prescribed by the commissioner for a closing report at the close of each calendar~~
23 ~~year.~~

24 ~~—— (6) The commissioner shall post on the commissioner's website:~~

25 ~~—— (a) all reports filed under this section within 7 business days of filing; and~~

26 ~~—— (b) for each election the calendar dates that correspond with the filing requirements of subsections (1),~~
27 ~~(2), (4), and (5).~~

28 ~~—— (7) The commissioner may require reports filed under this section to be submitted electronically.~~

29 ~~(8)(5) Except as provided in subsections (1)(d), (2)(b), (4)(b), (4)(c), (5)(b), and (5)(c), all reports A report~~
30 ~~required by this section must be complete as of the 5th day before the date of filing as specified in 13-37-228(2)~~

1 ~~and this section must cover contributions received and expenditures made pursuant to the time periods specified~~
 2 ~~in 13-37-228.~~

3 ~~(9)(6)~~ A political committee may file a closing report prior to the date ~~prescribed by rule or set~~ in
 4 13-37-228(3) and after the complete termination of its contribution and expenditure activity during an election
 5 cycle.

6 (7) For the purposes of this section:

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

9 (b) a political committee participates in an election by receiving a contribution or making an expenditure."
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11 **Section 5.** Section 13-37-228, MCA, is amended to read:

12 **"13-37-228. Time periods covered by reports.** Reports filed under 13-37-225 and 13-37-226 must be
 13 filed to cover the following time periods even though no contributions or expenditures may have been received
 14 or made during the period:

15 (1) The initial report must cover all contributions received or expenditures made by a candidate or
 16 political committee ~~prior to~~ from the time that a person became a candidate or a political committee, as defined
 17 in 13-1-101, until the 5th day before the date of filing of the appropriate initial report pursuant to ~~13-37-226(1)~~
 18 ~~through (5) 13-37-226.~~ Reports filed by political committees organized to support or oppose a statewide ballot
 19 issue must disclose all contributions received and expenditures made prior to the time an issue becomes a ballot
 20 issue by transmission of the petition to the proponent of the ballot issue or referral by the secretary of state even
 21 if the issue subsequently fails to garner sufficient signatures to qualify for the ballot.

22 (2) Subsequent periodic reports must cover the period of time from the closing of the previous report to
 23 5 days before the date of filing of a report pursuant to ~~13-37-226(1) through (5) 13-37-226.~~ For the purposes of
 24 this subsection, the reports required under ~~13-37-226(1)(d), (2)(b), (4)(b), (4)(c), (5)(b), and (5)(c)~~
 25 13-37-226(1)(c), (1)(d), (2)(c), and (2)(d) are not periodic reports and must be filed as required by
 26 ~~13-37-226(1)(d), (2)(b), (4)(b), (4)(c), (5)(b), and (5)(c)~~ 13-37-226(1)(c), (1)(d), (2)(c), and (2)(d), as applicable.

27 (3) Closing reports must cover the period of time from the last periodic report to the final closing of the
 28 books of the candidate or political committee. A candidate or political committee shall file a closing report
 29 following an election in which the candidate or political committee participates whenever all debts and obligations
 30 are satisfied and further contributions or expenditures will not be received or made that relate to the campaign

1 unless the election is a primary election and the candidate or political committee will participate in the general
2 election."

3 - END -