

HOUSE BILL NO. 335

INTRODUCED BY R. COOK

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS; CLARIFYING THE TERM "ELECTIONEERING COMMUNICATION" WITHIN THE ELECTION LAWS, INCLUDING THAT A PERSON MAKING ELECTIONEERING COMMUNICATIONS MUST REPORT CERTAIN INFORMATION TO THE COMMISSIONER OF POLITICAL PRACTICES; AND AMENDING SECTIONS 13-1-101 AND 13-37-225, MCA."

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

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination

1 or election to any office at any time, whether or not the office for which the individual will seek nomination or
2 election is known when the:

3 (i) solicitation is made;

4 (ii) contribution is received and retained; or

5 (iii) expenditure is made; or

6 (c) an officeholder who is the subject of a recall election.

7 (7) (a) "Contribution" means:

8 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value
9 to influence an election;

10 (ii) a transfer of funds between political committees;

11 (iii) the payment by a person other than a candidate or political committee of compensation for the
12 personal services of another person that are rendered to a candidate or political committee.

13 (b) "Contribution" does not mean:

14 (i) services provided without compensation by individuals volunteering a portion or all of their time on
15 behalf of a candidate or political committee or meals and lodging provided by individuals in their private
16 residences for a candidate or other individual;

17 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
18 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

19 (iii) the cost of any communication by any membership organization or corporation to its members or
20 stockholders or employees; or

21 (iv) filing fees paid by the candidate.

22 (8) "Election" means a general, regular, special, or primary election held pursuant to the requirements
23 of state law, regardless of the time or purpose.

24 (9) "Election administrator" means the county clerk and recorder or the individual designated by a county
25 governing body to be responsible for all election administration duties, except that with regard to school elections
26 not administered by the county, the term means the school district clerk.

27 (10) (a) "Electioneering communication" means any communication made within 60 days of an election
28 that can be received by more than 100 recipients in the district voting on the candidate, ballot issue, or question
29 and:

30 (i) refers to one or more clearly identified candidates in that election;

1 (ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that
2 election; or

3 (iii) refers to a political party, a ballot issue, or another question submitted to the voters in that election.

4 (b) The term does not mean:

5 (i) a bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting
6 station, newspaper, magazine, internet website, or other periodical of general circulation;

7 (ii) expenditures that must otherwise be reported to the commissioner; or

8 (iii) a candidate debate or forum or communication that solely promotes a debate or forum when the
9 communication is made by or on behalf of the sponsor.

10 ~~(10)~~(11) "Elector" means an individual qualified to vote under state law.

11 ~~(11)~~(12) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or
12 gift of money or anything of value made for the purpose of influencing the results of an election.

13 (b) "Expenditure" does not mean:

14 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

15 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
16 personal necessities for the candidate and the candidate's family;

17 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
18 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

19 (iv) the cost of any communication by any membership organization or corporation to its members or
20 stockholders or employees.

21 ~~(12)~~(13) "Federal election" means a general or primary election in which an elector may vote for
22 individuals for the office of president of the United States or for the United States congress.

23 ~~(13)~~(14) "General election" or "regular election" means an election held for the election of public officers
24 throughout the state at times specified by law, including elections for officers of political subdivisions when the
25 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues
26 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the
27 legislature to the electors at a general election, "general election" means an election held at the time provided
28 in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted
29 as a constitutional initiative at a regular election, regular election means an election held at the time provided in
30 13-1-104(1).

1 ~~(14)~~(15) "Inactive elector" means an individual who failed to respond to confirmation notices and whose
2 name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

3 ~~(15)~~(16) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

4 ~~(16)~~(17) "Individual" means a human being.

5 ~~(17)~~(18) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their
6 approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall
7 questions, school levy questions, bond issue questions, or a ballot question.

8 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the
9 proper official that the legal procedure necessary for its qualification and placement upon the ballot has been
10 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the
11 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

12 ~~(18)~~(19) "Legally registered elector" means an individual whose application for voter registration was
13 accepted, processed, and verified as provided by law.

14 ~~(19)~~(20) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing
15 ballots to all active electors.

16 ~~(20)~~(21) "Person" means an individual, corporation, association, firm, partnership, cooperative,
17 committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

18 ~~(21)~~(22) "Place of deposit" means a location designated by the election administrator pursuant to
19 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

20 ~~(22)~~(23) "Political committee" means a combination of two or more individuals or a person other than an
21 individual who makes a contribution or expenditure:

22 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
23 petition for nomination; or

24 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

25 (c) as an earmarked contribution.

26 ~~(23)~~(24) "Political subdivision" means a county, consolidated municipal-county government, municipality,
27 special district, or any other unit of government, except school districts, having authority to hold an election for
28 officers or on a ballot issue.

29 ~~(24)~~(25) "Polling place election" means an election primarily conducted at polling places rather than by
30 mail under the provisions of Title 13, chapter 19.

1 ~~(25)~~(26) "Primary" or "primary election" means an election held throughout the state to nominate
2 candidates for public office at times specified by law, including nominations of candidates for offices of political
3 subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

4 ~~(26)~~(27) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not
5 been verified as provided by law.

6 ~~(27)~~(28) "Provisionally registered elector" means an individual whose application for voter registration
7 was accepted but whose identity or eligibility has not yet been verified as provided by law.

8 ~~(28)~~(29) "Public office" means a state, county, municipal, school, or other district office that is filled by
9 the people at an election.

10 ~~(29)~~(30) "Random-sample audit" means an audit involving a manual count of ballots from designated
11 races and ballot issues in precincts selected through a random process as provided in 13-17-503.

12 ~~(30)~~(31) "Registrar" means the county election administrator and any regularly appointed deputy or
13 assistant election administrator.

14 ~~(31)~~(32) "School election" has the meaning provided in 20-20-101.

15 ~~(32)~~(33) "School election filing officer" means the filing officer with whom the declarations for nomination
16 for school district office were filed or with whom the school ballot issue was filed.

17 ~~(33)~~(34) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount
18 duties in school elections.

19 ~~(34)~~(35) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that
20 is designed to:

21 (a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot
22 is being submitted by someone who is in fact a qualified elector and who has not already voted; and

23 (b) allow it to be used in the United States mail.

24 ~~(35)~~(36) "Special election" means an election other than a statutorily scheduled primary or general
25 election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily
26 scheduled election.

27 ~~(36)~~(37) "Statewide voter registration list" means the voter registration list established and maintained
28 pursuant to 13-2-107 and 13-2-108.

29 ~~(37)~~(38) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an
30 elector to transfer the elector's registration when the elector's residence address has changed within the county.

1 ~~(38)~~(39) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided
2 in 13-15-206.

3 ~~(39)~~(40) "Voted ballot" means a ballot that is:

- 4 (a) deposited in the ballot box at a polling place;
5 (b) received at the election administrator's office; or
6 (c) returned to a place of deposit.

7 ~~(40)~~(41) "Voting system" or "system" means any machine, device, technology, or equipment used to
8 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."
9

10 **Section 2.** Section 13-37-225, MCA, is amended to read:

11 **"13-37-225. Reports of contributions and expenditures required.** (1) Except as provided in
12 13-37-206, each candidate and political committee shall file periodic reports of contributions and expenditures
13 made by or on the behalf of a candidate or political committee. Except as provided in subsection (3), all reports
14 required by this chapter must be filed with the commissioner and with the election administrator of the county in
15 which a candidate is a resident or the political committee has its headquarters. However, where residency within
16 a district, county, city, or town is not a prerequisite for being a candidate, copies of all reports must be filed with
17 the election administrator of the county in which the election is to be held or, if the election is to be held in more
18 than one county, with the election administrator in the county that the commissioner specifies.

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

22 (3) Reports required by this chapter for candidates for a state district office, including but not limited to
23 candidates for the legislature, the public service commission, or district court judge, and candidates for a state
24 office filled by a statewide vote must be filed with the commissioner and do not have to be filed with the election
25 administrator of a county.

26 (4) A person who makes an electioneering communication shall register, attribute, report, and disclose
27 contributions and expenditures as required by chapter 35 and this chapter."
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