

**FILED**

JUN 01 2021

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**MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY**

FORWARD MONTANA; LEO  
GALLAGHER; MONTANA  
ASSOCIATION OF CRIMINAL DEFENSE  
LAWYERS; ALEXANDER BLEWETT III;  
LARRY ANDERSON; MAXON DAVIS;  
GARY ZADICK,

Plaintiffs,

vs.

THE STATE OF MONTANA, by and  
through GREG GIANFORTE, Governor,

Defendants.

Cause No.: BDV-2021-611

**COMPLAINT**

**MICHAEL F. McMAHON**  
Presiding Judge

**INTRODUCTION**

Legislators call it “hijacking.” In the waning hours of a legislative session, legislators in a “free” conference committee commandeer a bill and bolt on new, unrelated provisions without public comment. The new bill is then quickly passed into law. This complaint for declaratory and injunctive relief challenges Senate Bill 319 (“SB319”), which was transformed in the final

24 hours of the 2021 legislative session and passed in violation of the Montana Constitution.

As originally introduced, SB319 concerned Montana campaign finance law governing joint fundraising committees. But less than a day before the 2021 legislative session ended, a “free” conference committee took control of SB319 and grafted two entirely unrelated provisions onto it. The first provision requires judges to recuse themselves anytime they have received \$91 or more in independent spending from a political committee that a party or attorney before them supported financially *in any amount*. The second provision bans voter registration and other First Amendment activities on public university campuses, such as near a Montana Grizzly football game.

The hearing that commandeered SB319 lasted just sixteen minutes and was closed to public comment. The new bill passed both houses the next day.

The Montana Constitution forbids the legislature from passing bills that contain more than one subject, and from so modifying bills as they pass into law that their original purpose is changed. The Constitution is clear: “Each bill . . . shall contain only one subject, clearly expressed in its title.” Mont. Const., art. V, § 11(3). Moreover, no bill shall “be so altered or amended on its passage through the legislature as to change its original purpose.” Mont. Const., art. V, § 11(1). The Constitution expressly allows for private enforcement of these provisions, providing that “[a] law may be challenged on the ground of noncompliance with this section only within two years after its effective date.” Mont. Const., art. V, § 11(6).

Because SB319 contains multiple subjects, and because it underwent such contortions during its passage through the legislature—in closed hearings, *after* the original bill passed both houses, and without any public participation—SB319 violates Article V, Section 11 of the Montana Constitution and is void.

## PARTIES

1. Forward Montana is a nonpartisan, not-for-profit organization headquartered in Missoula, MT. Forward Montana is dedicated to building political power for young Montanans by driving a culture of civic engagement, and by electing leaders and passing policies that represent the needs and vision of younger Montanans. Forward Montana was founded in 2004 by a group of passionate students at the University of Montana who found there were too many barriers to getting young people involved in civic life in Montana. Its first advocacy projects focused on recycling, renewable energy, sexual assault, and tenant rights at the university and the local level. Since then, Forward Montana has grown into the largest youth civic engagement organization in Montana, with year-round staff in Billings, Bozeman, and Missoula. Forward Montana is supported in large part by small donations, including recurring monthly donations from everyday Montanans of as little as \$3 through its “Rockstar” monthly donor program. At the heart of Forward Montana’s work is empowering young Montanans to exercise their civic rights through voting. As a result, Forward Montana dedicates itself in significant part to voter identification and “get out the vote” efforts. Much of this work occurs on and around public university campuses. To do this work, Forward Montana has at times registered as a political committee in Montana. Forward Montana plans to engage in voter identification, get out the vote, and other efforts prohibited by SB319 on and around public university campuses in connection with local elections in 2021 and state elections in 2022. SB319 will injure Forward Montana by penalizing and barring Forward Montana’s planned—and otherwise-protected—political speech activities on and around public university campuses in Montana.

2. Leo Gallagher is the duly elected, qualified, and acting County Attorney for Lewis & Clark County, Montana. Gallagher and his office are collectively responsible for

hundreds of pending criminal cases in Lewis & Clark County. Gallagher routinely appears before all four judges of the First Judicial District as well as on appeals to the Montana Supreme Court. Consistent with his First Amendment rights and commitment to civic life in Montana, Gallagher has donated to nonpartisan candidates for judicial office in the past six years. Gallagher contributes to nonpartisan judicial elections because of his interest in an experienced, independent, and nonpartisan judiciary in Montana. SB319's judicial recusal provisions will injure Gallagher in the performance of his official duties by requiring potentially hundreds of substitutions in pending cases before the First Judicial District and the Montana Supreme Court anytime a defense attorney, prosecutor, or party has made a donation in the past six years covered by the bill.

3. The Montana Association of Criminal Defense Lawyers ("MACDL") is a 501(c)(6) unincorporated association of State Bar members who defend and represent "the accused" and "the convicted" traditionally protected by the Montana and United States Constitutions. MACDL and its members are civic-minded and have an interest in an experienced, independent, and nonpartisan judiciary in Montana. In the past six years, MACDL's members have donated to nonpartisan candidates for judicial office in Montana. SB319's recusal provisions will injure MACDL's members by requiring potentially hundreds of substitutions in pending cases across the State of Montana and before the Montana Supreme Court anytime a defense attorney, prosecutor, or party has made a donation in the past six years covered by the bill. SB319 will also injure the rights of MACDL's member's clients by infringing on their access to the courts, right to a speedy remedy, and right to be defended by counsel. *See* Mont. Const. art. II, §§ 16, 24.

4. Alexander "Zander" Blewett III is a founding and managing partner of Hoyt &

Blewett PLLC, in Great Falls, MT. Blewett engages in a wide variety of litigation, representing plaintiffs in civil actions across the practice spectrum. He has tried numerous jury trials in state and federal court. Blewett contributes to nonpartisan judicial elections because of his interest in an experienced, independent, and nonpartisan judiciary in Montana. SB319's recusal provisions will injure Blewett by requiring substitutions in pending cases across the State of Montana and before the Montana Supreme Court anytime an attorney or party on either side of a case has made a donation in the past six years covered by the bill.

5. Larry Anderson owns Anderson Law Office and practices in Great Falls, MT. Anderson engages in a wide variety of litigation, representing plaintiffs in civil actions across the practice spectrum. He has tried numerous jury trials in state and federal court. Anderson contributes to nonpartisan judicial elections because of his interest in an experienced, independent, and nonpartisan judiciary in Montana. SB319's recusal provisions will injure Anderson by requiring substitutions in pending cases across the State of Montana and before the Montana Supreme Court anytime an attorney or party on either side of a case has made a donation in the past six years covered by the bill.

6. Maxon Davis is the senior member of Davis, Hatley, Haffeman, & Tighe, PC, in Great Falls, MT. Davis focuses his practice on a wide spectrum of civil litigation, primarily for defendants, including professional and products liability defense, employment claims, environmental and toxic torts, commercial and business disputes, as well as the defense of insureds, self-insureds and insurers. He has tried over 85 cases to verdict in federal and state courts throughout Montana and has argued appeals before the Montana Supreme Court, the Blackfeet Supreme Court, the Ninth Circuit Court of Appeals and the United States Supreme Court. Consistent with his First Amendment rights and commitment to civic life in Montana,

Davis has donated to nonpartisan candidates for judicial office in the past six years. Davis contributes to nonpartisan judicial elections because of his interest in an experienced, independent, and nonpartisan judiciary in Montana. SB319's recusal provisions will injure Davis by requiring substitutions in pending cases across the State of Montana and before the Montana Supreme Court anytime an attorney or party on either side of a case has made a donation in the past six years covered by the bill.

7. Gary Zadick is one of the founding members of Ugrin, Alexander, and Zadick, PC, in Great Falls, MT. Zadick frequently lectured at the University of Montana School of Law and at other Continuing Legal Education seminars on the issues of insurance law, insurance bad faith, and other litigation related topics. He is also an invited faculty member of the University of Montana School of Advanced Trial Advocacy Program and a member of the Montana Supreme Court Commission on the Rules of Evidence and the United States District Court Local Rules Committee. Zadick has tried numerous jury trials in state and federal court. Zadick also devotes a significant part of his practice to mediation and arbitration as a neutral and is a member of The National Academy of Distinguished Neutrals. Zadick contributes to nonpartisan judicial elections because of his interest in an experienced, independent, and nonpartisan judiciary in Montana. SB319's recusal provisions will injure Zadick by requiring substitutions in pending cases across the State of Montana and before the Montana Supreme Court anytime an attorney or party on either side of a case has made a donation in the past six years covered by the bill.

8. Plaintiffs challenge SB319 for violating Article V, Section 11 of Montana Constitution. SB319 also violates Plaintiffs' First Amendment rights and enumerated fundamental rights under the Montana Constitution, including the rights to free speech and assembly, and to access the court system.

9. Defendant Greg Gianforte is the Governor of the State of Montana and is ultimately responsible for the execution of its laws. He is named in his official capacity only.

### **JURISDICTION AND VENUE**

10. The conduct at issue here arises in Lewis & Clark County, Montana, where the Montana Legislature and the Governor are located.

11. This Court has jurisdiction under the provisions of the Montana Constitution art. VII, § 4, and § 27-8-201, MCA of the Montana Declaratory Judgment Act.

12. Venue is properly laid in Lewis & Clark County pursuant to § 25-2-126, MCA because the claim arose in Lewis & Clark County.

### **COMMON FACTUAL ALLEGATIONS**

#### **Constitutional Framework**

13. The Montana Constitution provides for a system of orderly lawmaking by the legislature.

14. The framers believed that government should be open and transparent. The Montana Constitution reflects the framers' considered judgment that transparency and public participation also improve the legislative process. *See, e.g.*, Mont. Const. art. II, §§ 1, 2, 8 and 9. Bills must therefore be prepared in the bright light of day, where the public can both scrutinize and contribute. Mont. Const. art. V, § 11. This holds true at every stage of a bill's life: from its inception in drafting (any Montanan may request a "junque file" for any bill and review all correspondence between legislators and their drafting staff) to its transmittal to the Governor.

15. The Montana Constitution protects these values by imposing constitutional requirements on the lawmaking process to ensure that the public can meaningfully participate, and that eleventh-hour, backroom deals do not become law.

16. Article V, Section 11 of the Montana Constitution provides,

**(1) A law shall be passed by bill which shall not be so altered or amended on its passage through the legislature as to change its original purpose.** No bill shall become law except by a vote of the majority of all members present and voting.

(2) Every vote of each member of the legislature on each substantive question in the legislature, in any committee, or in committee of the whole shall be recorded and made public. On final passage, the vote shall be taken by ayes and noes and the names entered on the journal.

**(3) Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title. If any subject is embraced in any act and is not expressed in the title, only so much of the act not so expressed is void.**

(4) A general appropriation bill shall contain only appropriations for the ordinary expenses of the legislative, executive, and judicial branches, for interest on the public debt, and for public schools. Every other appropriation shall be made by a separate bill, containing but one subject.

(5) No appropriation shall be made for religious, charitable, industrial, educational, or benevolent purposes to any private individual, private association, or private corporation not under control of the state.

**(6) A law may be challenged on the ground of noncompliance with this section only within two years after its effective date.**

(emphasis added).

17. The same principles of orderly, transparent lawmaking are repeated throughout the Montana Constitution. For example, the provisions governing constitutional amendment by initiative require that distinct amendments to the Constitution be presented to voters separately to allow consideration of each by separate vote. Mont. Const. art. XIV, § 11 (“If more than one amendment [to the Constitution] is submitted at the same election, each shall be so prepared and distinguished that it can be voted upon separately.”).

18. Each transparency-oriented requirement correlates to and promotes the Montana Constitution’s first principle: popular sovereignty. The first declared, fundamental right in the Montana Constitution is to popular sovereignty, a guarantee that “[a]ll political power is vested in and derived from the people. All government of right originates with the people, is founded

upon their will only, and is instituted solely for the good of the whole.” Mont. Const. art. II, § 1.

19. Courts are unwavering in voiding lawmaking that fails to conform with these requirements.

20. In 2017, for example, the Montana Supreme Court threw out a constitutional initiative that would have amended multiple parts of the Montana Constitution because it violated the single vote requirement. Justice McKinnon wrote on behalf of the Court, holding that the initiative “violates the separate-vote requirement and for that reason is void in its entirety” and explaining that,

a constitutional amendment submitted to the electorate in violation of the separate-vote requirement is void in its entirety because the constitutional defect lies in the submission of [the proposed amendment] to the voters of Montana with more than one constitutional amendment.

*MACo v. State*, 2017 MT 267, ¶ 51, 389 Mont. 183, 205, 404 P.3d 733, 747 (quotation marks omitted).

21. The Montana Supreme Court has also held that if “it is apparent that two or more independent and incongruous subjects are embraced in its provisions, the act will be held to transgress the constitutional provision, and to be void by reason thereof.” *Evers v. Hudson*, 36 Mont. 135, 92 P. 462, 465–66 (1907).

22. The Court has described the purposes for the single subject rule and a closely related rule—which requires that bills’ titles accurately describe their contents—as they appeared in the 1889 Constitution this way:

Stated briefly, those purposes are to restrict the Legislature to the enactment of laws the subjects of which are made known to the lawmakers and to the public, to the end that any one interested may follow intelligently the course of pending bills to prevent the legislators and the people generally being misled by false or deceptive titles, and to guard against the fraud which might result from incorporating in the body of a bill provisions foreign to its general purpose and concerning which no information is given by the title.

*Johnson v. Meagher Cty.*, 116 Mont. 565, 155 P.2d 750, 752 (1945) (citing *State ex rel. Foot v. Burr*, 73 Mont. 586, 238 P. 585 (1925)).

23. During the 1972 Constitutional Convention, the framers revisited and strengthened these rules, adding a cause of action that allows bills to be challenged within two years of their passage. Delegate Nutting reiterated that the single subject rule would guard against “additional material” being “slipped in” to bills. Mont. Const. Conv., IV Verbatim Trans., at 647 (Feb. 22, 1972).

#### **Senate Bill 319**

24. Senator Greg Herz introduced Senate Bill 319 on February 19, 2021.

25. As introduced, SB319 concerned only a single subject: it allowed for the creation of joint fundraising committees under state law, in which “[o]ne or more candidates for a statewide office and political committees may join together to establish a joint fundraising committee to act as a fundraising representative for all participants.” *See* Ex. A, passed version reflecting amendments, SB319, Section 1(1)(a).

26. At first, SB319 followed the legislative process in the normal course. It was referred to the Senate State Administration Committee and discussed in a hearing on February 26, 2021. After the Committee took executive action on it on March 1, the bill advanced to the Senate Floor, where it passed second reading the same day and third reading on March 2. SB319 passed through the House of Representatives in much the same way: after a hearing in the House State Administration Committee, it advanced to the House Floor, passing second reading on March 31, and third reading on April 6. *See* Ex. B, SB319 Legislative History. Exhibit B provides a complete history of the bill’s route through the legislative process.

27. Over the course of its passage through the normal legislative process, SB319 was

amended several times. For example, the number of participants in a joint fundraising committee was increased. The bill was also amended to include an effective date.

28. Because of these amendments, the two houses passed slightly different versions of SB319. On April 23, the Senate rejected the House's amendments.

29. A document prepared by legislative staff describes how two different versions of a bill are reconciled if the first chamber rejects the second chamber's amendments:

If the amendments are rejected on second reading, the first chamber may ask the other chamber to "recede from," or withdraw, its amendments. Or the first chamber may ask a conference committee to resolve the differences between the versions passed by the House and Senate. The conference committee may only accept, reject, or amend the disputed amendments.

If the conference committee can't come to an agreement, either chamber may request a free conference committee. A free conference committee can propose amendments to a bill in its entirety and is not confined to debating a particular amendment. **However, the committee may only consider amendments that are within the scope of the title of the introduced bill.**

Leg. Servs. Division, *Conference Committees: A Legislator's Guide to Reconciling Bill Differences Between Chambers*, 1 (March 2011) (internal citations omitted) (emphasis added).<sup>1</sup>

30. The 67th Legislature's Joint Rules also expressly limit the scope of activity in a free conference committee, providing that "a free conference committee is limited to consideration of amendments that are within the scope of the title of the introduced bill." Senate Joint Resolution No. 1, Joint Rule 30-30(3)(a), at 12-13 (67th Legislature).<sup>2</sup>

31. The House and Senate did not appoint a conference committee to resolve the minor discrepancies between passed versions of SB319. Instead, they proceeded directly to appoint a "free" conference committee. The House appointed its members on April 23 and the Senate appointed its members on April 26.

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<sup>1</sup> Available at <https://leg.mt.gov/content/For-Legislators/Publications/conference-committees.pdf>.

<sup>2</sup> Available at [https://leg.mt.gov/bills/2021/SenJoint/SJ0001\\_1.pdf](https://leg.mt.gov/bills/2021/SenJoint/SJ0001_1.pdf).

### “Free” Conference Committee Transforms SB319

32. In a closed meeting that lasted just sixteen minutes, members of the free conference committee adopted four amendments to SB319 that so altered or amended the bill as to change its original purpose. *See* Mont. Leg., Senate Free Conf. Comm. on SB319, Hrg. Video (April 27, 2021).<sup>3</sup> Specifically, the free conference committee adopted two amendments that were substantive, consequential, and that had nothing to do with the original bill or its subject.

33. The first of these now appears as Section 21 in SB319 and bans a wide array of political activities in college dorm rooms and university dining and athletic facilities, including voter identification and registration drives, signature or ballot collection efforts, or “voter turnout efforts for a federal, state, local or school election.” Ex. A, SB319, Enrolled Bill, § 21(1).

“Voter turnout efforts” is not defined. Alleged violators may be sued and face penalties of \$1,000 per day. The provision includes a private cause of action. Ex. A, § 21(3).

34. At the hearing, the sponsor explained the amendment as follows:

I have no problem if kids vote, but I think at some point they need a little space and we got to quit treating kids like they’re some kind of, or, I’m sorry, the young men and women who are our university students like they’re some kind of [*inaudible*] to be exploited for, you know, really activist causes. You know, I think that they need to have a break. If you want to go run your “get out the vote” plan, do it outside the building, out of the dormitory. You know, and like we did in the old days, where you set up a booth in the student union building.

Senate Free Conf. Comm. on SB319, Hrg. Video at 15:03:34.

35. The second substantive amendment, which appears as SB319’s Section 22, requires that judges recuse themselves if any party or attorney appearing before them contributed more than half of a maximum donation—\$91 or more—to their election, or donated to any

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<sup>3</sup> Available at [http://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20170221/-1/43496?agendaId=215509#agenda\\_](http://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20170221/-1/43496?agendaId=215509#agenda_).

political committee that in aggregate made expenditures amounting \$91 or more in support of the judge. Ex. A, § 22(1).

36. Neither amendment is “closely related to” the other provisions in SB319, which create and regulate joint fundraising committees.

37. The free conference committee did not allow public comment on the amendments.

38. Sweeping as they were, neither amendment received a legal review note from the Legislative Services Division.

39. On April 28, the day after the free conference committee, both the Senate and the House quickly passed the new SB319.

40. As passed, SB319’s title is as follows:

AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS; CREATING JOINT FUNDRAISING COMMITTEES; PROVIDING FOR CERTAIN REPORTING; ESTABLISHING THAT IF STUDENT ORGANIZATIONS THAT ARE REQUIRED TO REGISTER AS POLITICAL COMMITTEES ARE FUNDED THROUGH ADDITIONAL OPTIONAL STUDENT FEES, THOSE FEES MUST BE OPT-IN; PROHIBITING CERTAIN POLITICAL ACTIVITIES IN CERTAIN PLACES OPERATED BY A PUBLIC POSTSECONDARY INSTITUTION; PROVIDING FOR JUDICIAL RECUSALS UNDER CERTAIN CIRCUMSTANCES; PROVIDING PENALTIES; AMENDING SECTIONS 13-I-101, 13-35-225, 13-35-237, 13-37-201, 13-37-202, 13-37-203, 13-37-204, 13-37-205, 13-37-207, 13-37-208, 13-37-216, 13-37-217, 13-37-218, 13-37-225, 13-37-226, 13-37-227, 13-37-228, AND 13-37-229, MCA; AND PROVIDING AN EFFECTIVE DATE.

Ex. A, at 1.

41. The Governor signed SB 319 into law on May 12, 2021.

#### **COUNT ONE**

**(Violation of the Single Subject Rule, art. V, § 11(3))**

42. Plaintiffs incorporate herein all the foregoing allegations in the previous

paragraphs of the Complaint as if set forth in full.

43. The Montana Constitution provides that “Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title.” Mont. Const. art. V, § 11(3).

44. Article V, Section 11(6) provides a cause of action when a law fails to conform to this requirement.

45. SB319 contains at least three distinct subjects: the creation of joint fundraising committees, prohibitions on political speech in certain university settings, and the creation of a new judicial recusal scheme.

46. The creation of joint fundraising committees, standards for judicial conflicts of interest, and political speech on campus are independent and incongruous subjects. They are plainly unrelated.

47. SB319 is not a bill of codification, appropriation, or general revision. To the extent it purports to be a general revision bill, the bill’s own title limits its general revisions to the arena of campaign finance regulation. Moreover, because SB319 sets out substantive regulation in several disparate subject areas, it is, by definition, not a general revision bill.

48. As a result, SB319 violates Article V, Section 11(3) of the Montana Constitution on its face.

49. Traditional severability doctrine does not apply to bills that violate the single subject rule. Rather, where an enacted bill contains multiple subjects, the defect is in the enactment of the bill itself and is void in its entirety. *Evers*, 36 Mont. 135, 92 P. 462, 465–66 (holding that the act “transgress[ed] the constitutional provision, and [was] void by reason thereof.”); see *MACo*, ¶ 51 (holding that “violation of the separate-vote requirement . . . void[s

the constitutional initiative] in its entirety because the constitutional defect lies in the submission of [the proposed amendment] to the voters of Montana with more than one constitutional amendment”).

50. Accordingly, the whole act is unconstitutional and Plaintiffs request that this Court declare it void.

## **COUNT TWO**

### **(Change of Original Purpose, art. V, § 11(1))**

51. Plaintiffs incorporate herein all the foregoing allegations in the previous paragraphs of the Complaint as if set forth in full.

52. The Montana Constitution provides that “A law shall be passed by bill which shall not be so altered or amended on its passage through the legislature as to change its original purpose.” Mont. Const. Art. V, Section 11(1).

53. Article V, Section 11(6) provides a cause of action when a law fails to conform to this requirement.

54. As introduced, SB319 concerned the creation of joint fundraising committees.

55. SB319 first passed both the House and the Senate covering exclusively this subject matter.

56. One day before the end of the legislative session, a “free” conference committee grafted two major, unrelated policy amendments onto SB319.

57. Because these new amendments pertained to subjects that were independent of and incongruous with the original bill, the amendments changed the bill’s purpose. The last-minute amendments shifted the bill’s scope from a limited intervention into the minutiae of joint fundraising activities under campaign finance law to a sweeping bill that purported to limit the

political speech of Montanans in certain university places, as well as a tectonic change in the administration of the Montana courts system.

58. As a result, SB319 violates Article V, Section 11(1) of the Montana Constitution on its face.

59. Plaintiffs request that this Court declare the act unconstitutional and accordingly void and unenforceable.

### COUNT THREE

#### **(Restriction on Political Speech and Assembly, art. II, §§ 6 and 7)**

60. Plaintiffs incorporate herein all the foregoing allegations in the previous paragraphs of the Complaint as if set forth in full.

61. SB319, Section 21 prohibits political committees from engaging in election-related speech and assembly in campus environments and violates both the First Amendment and Montanans' fundamental free speech and assembly rights. Mont. Const. art. II, §§ 6 and 7.

62. The First Amendment and its Montana Constitution counterpart, Article II, sections 6 and 7, embrace "the unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Dorn v. Bd. of Trustees of Billings Sch. Dist. No. 2*, 203 Mont. 136, 145, 661 P.2d 426 (1983) (quoting *Roth v. United States*, 354 U.S. 476, 484 (1956)). While this does not prevent regulation of assembly and expressive activity in every circumstance, it is well established that "when property owned or controlled by the government is a public forum, few restrictions on its use for exercise of First Amendment freedoms are tolerated; any regulation must not only be content-neutral but must be closely related to a significant governmental interest and must be least restrictive means of serving that interest." *Id.* at 146 (collecting cases); *see also Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503,

509 (1969) (“In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved.”). And to the extent that “a manner of expression is incompatible [with the school environment],” that determination “must be made on an individual basis, given a particular fact situation, and not by means of broad classifications, especially those based on subject matter.” *Dorn*, 203 Mont. at 149 (citing *Grayned v. City of Rockford*, 408 U.S. 104, 119 (1972); *Police Dep’t of City of Chicago v. Mosley*, 408 U.S. 92, 101 (1972)).

63. In no uncertain terms, Section 21 imposes a content-based restriction (barring undefined “voter turnout efforts,” among other election-related communications) on a class of individuals organized into a political committee and it was passed without reference to any compelling or substantial state interest. *See* Senate Free Conf. Comm. on SB319, Hrg. Video at 15:03:34 (sponsor introducing the amendment).

64. Section 21 constitutes a political speech ban that will substantially and injuriously affect the exercise of free expression and assembly on public college and university properties across the state of Montana, harming young Montanans and needlessly disrupting constitutionally protected political discourse.

65. This Court should apply “the most exacting scrutiny” to SB319, Section 21 because it is a content-based regulation. *See Doe v. Harris*, 772 F.3d 563, 574 (9th Cir. 2014) (“Content-based regulations are subject to the most exacting scrutiny because the ‘government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.’” (quoting *Mosley*, 408 U.S. at 95)).

66. SB 319, Section 21 is overbroad and cannot withstand any level of scrutiny, let alone the most exacting standard.

67. Because SB319, Section 21 violates the Montana Constitution, Article II, Sections 6 and 7, Plaintiffs request that the Court declare it unconstitutional and unenforceable.

#### **COUNT FOUR**

##### **(Restriction on Political Speech and Assembly, U.S. Const. amend. 1)**

68. Plaintiffs incorporate herein all the foregoing allegations in the previous paragraphs of the Complaint as if set forth in full.

69. To the extent SB319, Section 21 violates Article II, Sections 6 and 7 of the Montana Constitution, it also independently violates the First Amendment of the United States Constitution.

70. This Court should therefore apply “the most exacting scrutiny” to SB319, Section 21 because it is a content-based restriction on speech. *See Doe*, 772 F.3d at 574.

71. Because SB319, Section 21 violates the First Amendment, Plaintiffs request that the Court declare it unconstitutional and unenforceable.

#### **COUNT FIVE**

##### **(Restricting Access to Courts, Speedy Remedy, the Right to be Defended by Counsel, and Other Court Access and Procedural Rights, art. II, §§ 16, 17, and 24)**

72. Plaintiffs incorporate herein all the foregoing allegations in the previous paragraphs of the Complaint as if set forth in full.

73. SB319, Section 22 violates provisions of the Montana Constitution that secure access to the courts. *See, e.g.*, Mont. Const., art. II, §§ 16, 17, and 24.

74. Section 22 requires judges to recuse themselves anytime they have received in the previous 6 years a contribution of \$91 or more in independent spending from a political committee that a party or attorney before them has supported financially in any amount.

75. Section 22 is vague, overbroad, and likely to impinge particularly on Montana’s

guarantees to redress and court access. Mont. Const. art. II, §§ 16, 17, and 24.

76. Section 22 will fundamentally alter the administration of justice in Montana.

77. First, Section 22 appears to be mandatory, stating that “[a] judicial officer shall disqualify the judicial officer in a proceeding.” Some judges could interpret this to require *sua sponte* inquiries into whether individuals before them have made contributions to the judges themselves or to organizations that supported their election. Others might recuse solely on the parties’ motion. The face of the statute is unclear as to the correct approach.

78. Second, the text of Section 22 requires recusal where a lawyer or party to the proceeding contributed to the “judicial officer’s . . . election within the previous 6 years.” It is unclear whether this six-year lookback provision applies retroactively or not, and will also likely be subject to varying interpretations across the state. If retroactive, the bill will substantially disrupt existing case assignments and may require reassignment even where a case is years in progress. Not only will the process of determining who contributed to which judges be onerous, but the ensuing need to juggle cases will generate chaos and extraordinary delay.

79. Third, the potential for extreme delays in the administration of justice will implicate the rights of criminal defendants, Mont. Const. art. II, § 24 (guaranteeing the right to “to appear and defend in person and by counsel” and the right to “a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed”), as well as the rights of all Montanans seeking their constitutionally protected day in court, Mont. Const. art. II, § 16 (“Courts of justice shall be open to every person, and speedy remedy afforded for every injury of person, property, or character. . . . Right and justice shall be administered without sale, denial, or delay.”).

80. Fourth, going forward, attorneys will be able to use this provision to engage in

“legal” forum selection simply by contributing \$91 to every judge they would prefer not to draw.

81. Article II, Sections 16, 17, and 24 of the Montana Constitution secure fundamental rights. “[F]undamental rights [are] entitled to the highest level of constitutional scrutiny and protection.” *Lenz v. FSC Sec. Corp.*, 2018 MT 67, ¶ 19, 391 Mont. 84, 94, 414 P.3d 1262, 1272 (citation omitted); *see Bucy v. Edward Jones & Co., L.P.*, 2019 MT 173, ¶ 30, 396 Mont. 408, 424, 445 P.3d 812, 823 (“full legal redress” is a “fundamental Montana constitutional rights”); *Kortum-Managhan v. Herbergers NBGL*, 2009 MT 79, ¶ 25, 349 Mont. 475, 482, 204 P.3d 693, 699 (In Montana, the “access to the courts (Article II, § 16) [is a] fundamental constitutional right[] that deserve[s] the highest level of court scrutiny and protection.”).

82. The Montana Supreme Court applies strict scrutiny to any law that impermissibly interferes with the exercise of a fundamental right. *Driscoll v. Stapleton*, 2020 MT 247, ¶ 18, 401 Mont. 405, 415, 473 P.3d 386, 392. To survive, the statute must be “narrowly tailored to further a compelling government interest.” *Id.* ¶ 40.

83. SB319, Section 22 cannot survive strict scrutiny. It is overbroad, vague, and not narrowly tailored.

84. Because SB319, Section 21 violates the Montana Constitution’s guarantees of access to justice and the court system and related constitutional guarantees, Plaintiffs request that the Court declare it unconstitutional and unenforceable.

## COUNT SIX

### (Restriction on Free Speech, U.S. Const. amend. 1)

85. Plaintiffs incorporate herein all the foregoing allegations in the previous paragraphs of the Complaint as if set forth in full.

86. SB319, Section 22 impermissibly restricts litigants’ and attorneys’ First

Amendment free speech rights.

87. Section 22 imposes a penalty on litigants and attorneys who have made or will make political contributions by rendering them unable to appear potentially before a whole array of judges whom they supported, even indirectly. *See Davis v. Fed. Elec. Com'n*, 554 U.S. 724, 737 (2008) (explaining that limits on expenditures “cannot stand unless they are ‘closely drawn’ to serve a ‘sufficiently important interest,’ such as preventing corruption and the appearance of corruption.”).

88. Section 22 deters litigants and attorneys from participating in electing judicial officials—and “[t]here is no right more basic in our democracy than the right to participate in electing our political leaders.” *See McCutcheon v. Fed. Elec. Com'n*, 572 U.S. 185, 191 (2014).

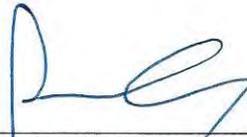
89. Because SB319, Section 22 violates the First Amendment, Plaintiffs request that the Court declare it unconstitutional and unenforceable.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays that this Court enter:

1. A declaratory judgment that SB319 is unconstitutional.
2. An order enjoining Defendants from enforcing any aspects of SB319.
3. An award of costs and attorneys fees, as the Court deems just and appropriate.

Respectfully submitted this 1st day of June, 2021.



Raphael J.C. Graybill  
Graybill Law Firm, PC



Rylee K. Sommers-Flanagan  
Upper Seven Law

*Attorneys for Plaintiffs*

# Exhibit A

## 1 SENATE BILL NO. 319

2 INTRODUCED BY G. HERTZ

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS;  
 5 CREATING JOINT FUNDRAISING COMMITTEES; PROVIDING FOR CERTAIN REPORTING;  
 6 ESTABLISHING THAT IF STUDENT ORGANIZATIONS THAT ARE REQUIRED TO REGISTER AS  
 7 POLITICAL COMMITTEES ARE FUNDED THROUGH ADDITIONAL OPTIONAL STUDENT FEES, THOSE  
 8 FEES MUST BE OPT-IN; PROHIBITING CERTAIN POLITICAL ACTIVITIES IN CERTAIN PLACES  
 9 OPERATED BY A PUBLIC POSTSECONDARY INSTITUTION; PROVIDING FOR JUDICIAL RECUSALS  
 10 UNDER CERTAIN CIRCUMSTANCES; PROVIDING PENALTIES; AND AMENDING SECTIONS 13-1-101, 13-  
 11 35-225, 13-35-237, 13-37-201, 13-37-202, 13-37-203, 13-37-204, 13-37-205, 13-37-207, 13-37-208, 13-37-  
 12 216, 13-37-217, 13-37-218, 13-37-225, 13-37-226, 13-37-227, 13-37-228, AND 13-37-229, MCA; AND  
 13 PROVIDING AN EFFECTIVE DATE."

14  
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16  
 17 NEW SECTION. Section 1. Joint fundraising committee. (1) (a) One or more candidates for a  
 18 statewide office and political committees may join together to establish a joint fundraising committee to act as a  
 19 fundraising representative for all participants. A joint fundraising committee may not be construed to be a  
 20 political committee.

21 (b) The participants in a joint fundraising committee may only include a candidate for statewide office,  
 22 an independent committee, or a political party committee. Any combination of these entities may form a joint  
 23 fundraising committee.

24 (c) The participants in a joint fundraising committee may not include an incidental committee, a ballot  
 25 issue committee, a judicial candidate, or a political committee that is a corporation or a union.

26 (d) The joint fundraising committee may not be a participant in any other joint fundraising effort.

27 (e) A participant may participate in ~~no more than three~~ AN UNLIMITED AMOUNT OF concurrent joint  
 28 fundraising committees.

1 (f) A joint fundraising committee may not amend its list of participants after filing its certification and  
2 organizational statement as provided by 13-37-201.

3 (2) A joint fundraising committee shall:

4 (a) appoint a campaign treasurer and certify an organization statement pursuant to 13-37-201;

5 (b) designate one separate campaign depository as provided in 13-37-205 to be used solely for the  
6 receipt of all contributions received and the disbursement of all expenditures made by the joint fundraising  
7 committee; and

8 (c) keep records as provided by 13-37-207 and 13-37-208.

9 (3) The participants in a joint fundraising committee shall enter into a written agreement that states a  
10 formula for the allocation of fundraising proceeds. The formula must be stated as the amount or percentage of  
11 each contribution received to be allocated to each participant. The joint fundraising committee shall retain the  
12 written agreement for the same amount of time the campaign treasurer is required to retain accounts under 13-  
13 37-208(3) and shall make it available to the commissioner on request.

14 (4) Each solicitation for contributions to the joint fundraising committee must include a notice that  
15 includes the following information:

16 (a) the name of each participant in the joint fundraising committee;

17 (b) the allocation formula to be used for distributing joint fundraising proceeds;

18 (c) a statement informing contributors that, despite the state allocation formula, they may designate  
19 their contributions for particular participants;

20 (d) a statement informing contributors that the allocation formula may change if a contributor makes a  
21 contribution that would exceed the amount that a contributor may give to a participant OR IF A PARTICIPANT IS  
22 OTHERWISE PROHIBITED FROM RECEIVING THE CONTRIBUTION; and

23 (e) if one or more participants engage in the joint fundraising activity solely to satisfy outstanding  
24 debts, a statement informing contributors that the allocation formula may change if a participant receives  
25 sufficient funds to pay its outstanding debts.

26 (5) (a) A joint fundraising committee may accept contributions on behalf of its participants under the  
27 provisions of the fundraising formula and may make expenditures on behalf of and to its participants under the  
28 limitations provided in this section.

1 (b) Except as provided by subsection (8), a joint fundraising committee may not accept a contribution  
 2 that, when allocated pursuant to the joint fundraising committee's allocation formula in subsection (3), in  
 3 addition to any other contributions received by the participant from that contributor, would be in excess of the  
 4 contribution limits of that contributor calculated pursuant to this section. A participant may not accept  
 5 contributions allocated from the joint fundraising committee that, but for the joint fundraising committee acting  
 6 as an intermediary, the participant could not otherwise accept.

7 (c) Contributions to the joint fundraising committee may only be deposited in the joint fundraising  
 8 committee depository.

9 (d) The joint fundraising committee shall report and maintain records concerning contributions as  
 10 provided by Title 13, chapter 37. The joint fundraising committee shall make its records available to each  
 11 participant.

12 (e) A participant shall make the participant's contributor records available to the joint fundraising  
 13 committee to enable the joint fundraising committee to carry out its duty to screen contributions pursuant to  
 14 subsection (6)(a).

15 (6) (a) The joint fundraising committee shall screen all contributions received to ensure the  
 16 prohibitions provided in Title 13, chapters 35 and 37, are followed.

17 (b) A corporation or a union prohibited from making a contribution to a candidate under 13-35-227(1)  
 18 may ~~not~~ make a contribution to a joint fundraising committee. A IF ONE OR MORE PARTICIPANTS ARE NOT  
 19 OTHERWISE PROHIBITED FROM RECEIVING THE CONTRIBUTION. A JOINT FUNDRAISING COMMITTEE MAY NOT MAKE AN  
 20 EXPENDITURE IN CONTRAVENTION OF 13-35-227(1), AND A PARTICIPANT IN A joint fundraising committee may not  
 21 accept or receive PROHIBITED FROM ACCEPTING OR RECEIVING a contribution ~~prohibited~~ under ~~13-35-277(1)~~ 13-35-  
 22 227(1) MAY NOT ACCEPT OR RECEIVE SUCH A CONTRIBUTION FROM A JOINT FUNDRAISING COMMITTEE.

23 (c) A joint fundraising committee may not make an expenditure in contravention of 13-35-231 if a  
 24 participant is a political party committee.

25 (d) A joint fundraising committee may not act as an intermediary for contributions or expenditures by  
 26 any entity, including participants, that is otherwise prohibited under Title 13, chapters 35 and 37.

27 (7) For reporting and limitation purposes:

28 (a) the joint fundraising committee shall report contributions in the reporting period in which they are

1 received and expenditures in the reporting period in which they are made; and

2 (b) the date of receipt of a contribution by a participant is the date that the contribution is disbursed by  
3 the joint fundraising committee to the participant. However, the funds must be allocated to the general election  
4 or primary election cycle during which the joint fundraising committee received them.

5 (8) (a) Expenditures by the joint fundraising committee must be allocated to each participant in  
6 proportion to the formula in the written agreement provided for in subsection (3).

7 (b) If expenditures are made for fundraising costs, a participant may pay more than its proportionate  
8 share. However, the amount that is in excess of the participant's proportionate share may not exceed the  
9 amount that the participant could legally contribute to the remaining participants. A participant may only pay  
10 expenditures on behalf of another participant subject to the limits provided in 13-37-216 and 13-37-218.

11 (c) If distribution according to the fundraising formula extinguishes the debts of one or more  
12 participants and results in a surplus for those participants, or if distribution under the formula results in a  
13 violation of the contribution limits under 13-37-216 or 13-37-218, the joint fundraising committee may reallocate  
14 the excess funds. Reallocation must be based on the remaining participants' proportionate shares under the  
15 allocation formula. If reallocation results in a violation of a contributor's limit under 13-37-216, the joint  
16 fundraising committee shall return the amount of the contribution that exceeds the limit to the contributor.  
17 However, contributions that have been designated by a contributor may not be reallocated by the joint  
18 fundraising committee without prior written permission of the contributor. If the contributor does not give the  
19 contributor's permission for reallocation, the funds must be returned to the contributor.

20 (9) The joint fundraising committee shall allocate total gross contributions received by the joint  
21 fundraising committee to the participants. The joint fundraising committee shall inform each participant of the  
22 participant's gross contribution total, make the joint fundraising committee's contribution and expenditure  
23 records available to each participant, and subject to the limitations provided in 13-37-216, 13-37-218, and this  
24 section, pay fundraising expenses and distribute each participant's allocated net contributions.

25 (10) An independent committee may not be construed to violate the requirement that it is not  
26 controlled directly or indirectly by a candidate or that it may not coordinate with a candidate in connection with  
27 the making of expenditures as provided in 13-1-101 solely because:

28 (a) the independent committee participates in a joint fundraising committee; and

1 (b) the joint fundraising committee makes a total gross contribution to a candidate that is in excess of  
 2 an individual independent committee's limits provided in 13-37-216 but that is not in excess of the remaining  
 3 combined limit, if any, of all the entities within the joint fundraising committee.

4 (11) A candidate may not be construed to violate the provisions of 13-37-218 solely because the joint  
 5 fundraising committee receives aggregate contributions in excess of the limit on the candidate's total combined  
 6 monetary contributions from political committees, as long as the gross amount allocated to the candidate by the  
 7 joint fundraising committee on behalf of political committees, along with any other contributions received by the  
 8 candidate from political committees, does not exceed the limits provided in 13-37-218.

9 (12) The joint fundraising committee is liable for its violations of the provisions of Title 13, chapters 35  
 10 and 37. In addition, each participant of a joint fundraising committee is severally liable for violations of the  
 11 provisions of Title 13, chapters 35 and 37, pertaining to the contributions allocated or disbursed to the  
 12 participant by the joint fundraising committee.

13

14 **NEW SECTION. SECTION 2. STUDENT ORGANIZATIONS FUNCTIONING AS POLITICAL COMMITTEES --**  
 15 **FUNDING. (1) A STUDENT ORGANIZATION THAT IS REQUIRED TO REGISTER AS A POLITICAL COMMITTEE AND IS REGULARLY**  
 16 **ACTIVE MAY BE FUNDED IN THE SAME MANNER AS OTHER STUDENT ORGANIZATIONS, EXCEPT THAT IF THE ORGANIZATION**  
 17 **IS FUNDED BY AN ADDITIONAL OPTIONAL STUDENT FEE, THE FEE MUST BE AN OPT-IN FEE.**

18 **(2) THE OPT-IN FEE MAY ONLY BE DELIVERED TO THE STUDENT ORGANIZATION BY MEANS OF A WRITTEN**  
 19 **INSTRUMENT SIGNED BY THE STUDENT OR THROUGH AN ELECTRONIC PAYMENT SYSTEM THAT OPERATES**  
 20 **INDEPENDENTLY OF ANY SYSTEMS, ELECTRONIC OR OTHERWISE, USED BY A PUBLIC POSTSECONDARY INSTITUTION FOR**  
 21 **THE PURPOSE OF COLLECTING, RECEIVING, OR DISBURSING ANY TUITION OR FEES.**

22 **(3) AS USED IN THIS SECTION, THE FOLLOWING DEFINITIONS APPLY:**

23 **(A) "BENEFIT" MEANS ANY TYPE OF ADVANTAGE, INCLUDING BUT NOT LIMITED TO:**

24 **(I) RECOGNITION;**

25 **(II) REGISTRATION;**

26 **(III) THE USE OF FACILITIES OF THE PUBLIC POSTSECONDARY INSTITUTION FOR MEETINGS OR SPEAKING**  
 27 **PURPOSES;**

28 **(IV) THE USE OF CHANNELS OF COMMUNICATION; AND**

1           (V) FUNDING SOURCES THAT ARE OTHERWISE AVAILABLE TO OTHER STUDENT ORGANIZATIONS AT THE PUBLIC  
 2 POSTSECONDARY INSTITUTION.

3           (B) "POLITICAL COMMITTEE" HAS THE MEANING PROVIDED IN 13-1-101.

4           (C) "PUBLIC POSTSECONDARY INSTITUTION" MEANS:

5           (I) A UNIT OF THE MONTANA UNIVERSITY SYSTEM AS DESCRIBED IN 20-25-201; OR

6           (II) A MONTANA COMMUNITY COLLEGE DEFINED AND ORGANIZED AS PROVIDED IN 20-15-101.

7           (D) "REGULARLY ACTIVE" MEANS HAVING EXPENDED MORE THAN \$10,000 IN EACH OF TWO OR MORE  
 8 STATEWIDE ELECTIONS IN THE PRECEDING 10 YEARS.

9           (E) "STUDENT ORGANIZATION" MEANS AN OFFICIALLY RECOGNIZED GROUP OR A GROUP SEEKING OFFICIAL  
 10 RECOGNITION AT A PUBLIC POSTSECONDARY INSTITUTION THAT IS COMPRISED OF STUDENTS WHO RECEIVE OR ARE  
 11 SEEKING TO RECEIVE A BENEFIT THROUGH THE PUBLIC POSTSECONDARY INSTITUTION.

12

13           **Section 3.** Section 13-1-101, MCA, is amended to read:

14           **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the  
 15 following definitions apply:

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

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

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

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

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

27           (6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their  
 28 approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment,

1 recall question, school levy question, bond issue question, or ballot question.

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

6 (7) "Ballot issue committee" means a political committee specifically organized to support or oppose a  
7 ballot issue.

8 (8) "Candidate" means:

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

11 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained  
12 contributions, made expenditures, or given consent to an individual, organization, political party, or committee  
13 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure  
14 nomination or election to any office at any time, whether or not the office for which the individual will seek  
15 nomination or election is known when the:

16 (i) solicitation is made;

17 (ii) contribution is received and retained; or

18 (iii) expenditure is made; or

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

20 (9) (a) "Contribution" means:

21 (i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit,  
22 payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

23 (ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or  
24 ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

25 (iii) the receipt by a political committee of funds transferred from another political committee; or

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

28 (b) The term does not mean services provided without compensation by individuals volunteering a

1 portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by  
2 individuals in their private residences for a candidate or other individual.

3 (c) This definition does not apply to Title 13, chapter 37, part 6.

4 (10) "Coordinated", including any variations of the term, means made in cooperation with, in  
5 consultation with, at the request of, or with the express prior consent of a candidate or political committee or an  
6 agent of a candidate or political committee.

7 (11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not  
8 trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant  
9 enforcement as a campaign practices violation under Title 13, chapter 37.

10 (12) "Election" means a general, special, or primary election held pursuant to the requirements of state  
11 law, regardless of the time or purpose.

12 (13) (a) "Election administrator" means, except as provided in subsection (13)(b), the county clerk and  
13 recorder or the individual designated by a county governing body to be responsible for all election  
14 administration duties, except that with regard to school elections not administered by the county, the term  
15 means the school district clerk.

16 (b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or  
17 the individual designated by a county governing body to be responsible for all election administration duties  
18 even if the school election is administered by the school district clerk.

19 (14) (a) "Election communication" means the following forms of communication to support or oppose a  
20 candidate or ballot issue:

21 (i) a paid advertisement broadcast over radio, television, cable, or satellite;

22 (ii) paid placement of content on the internet or other electronic communication network;

23 (iii) a paid advertisement published in a newspaper or periodical or on a billboard;

24 (iv) a mailing; or

25 (v) printed materials.

26 (b) The term does not mean:

27 (i) an activity or communication for the purpose of encouraging individuals to register to vote or to  
28 vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

1 (ii) a communication that does not support or oppose a candidate or ballot issue;

2 (iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any  
3 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general  
4 circulation;

5 (iv) a communication by any membership organization or corporation to its members, stockholders, or  
6 employees; or

7 (v) a communication that the commissioner determines by rule is not an election communication.

8 (15) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to  
9 perform duties as specified by law.

10 (16) (a) "Electioneering communication" means a paid communication that is publicly distributed by  
11 radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other  
12 distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does  
13 not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the  
14 district voting on the candidate or ballot issue, and that:

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

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

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

19 (b) The term does not mean:

20 (i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any  
21 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general  
22 circulation unless the facilities are owned or controlled by a candidate or political committee;

23 (ii) a communication by any membership organization or corporation to its members, stockholders, or  
24 employees;

25 (iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the  
26 candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

27 (iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate  
28 debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

1 (v) a communication that the commissioner determines by rule is not an electioneering  
2 communication.

3 (17) "Elector" means an individual qualified to vote under state law.

4 (18) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or  
5 gift of money or anything of value:

6 (i) made by a candidate or political committee to support or oppose a candidate or a ballot issue; or

7 (ii) used or intended for use in making independent expenditures or in producing electioneering  
8 communications.

9 (b) The term does not mean:

10 (i) services, food, or lodging provided in a manner that they are not contributions under subsection  
11 (9);

12 (ii) payments by a candidate for personal travel expenses, food, clothing, lodging, or personal  
13 necessities for the candidate and the candidate's family;

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

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

18 (c) This definition does not apply to Title 13, chapter 37, part 6.

19 (19) "Federal election" means an election in even-numbered years in which an elector may vote for  
20 individuals for the office of president of the United States or for the United States congress.

21 (20) "General election" means an election that is held for offices that first appear on a primary election  
22 ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.

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

25 (22) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

26 (23) (a) "Incidental committee" means a political committee that is not specifically organized or  
27 operating for the primary purpose of supporting or opposing candidates or ballot issues but that may  
28 incidentally become a political committee by receiving a contribution or making an expenditure.

1 (b) For the purpose of this subsection (23), the primary purpose is determined by the commissioner  
2 by rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of  
3 purpose or goal of the person or individuals that form the committee.

4 (24) "Independent committee" means a political committee organized for the primary purpose of  
5 receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate  
6 and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant  
7 to the limits set forth in 13-37-216(1).

8 (25) "Independent expenditure" means an expenditure for an election communication to support or  
9 oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue  
10 committee.

11 (26) "Individual" means a human being.

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

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

16 (29) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,  
17 including a political committee, club, union, or other organization or group of individuals or a candidate as  
18 defined in subsection (8).

19 (30) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-  
20 307 for a mail ballot election conducted under Title 13, chapter 19.

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

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

25 (ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

26 (iii) to prepare or disseminate an election communication, an electioneering communication, or an  
27 independent expenditure.

28 (b) Political committees include ballot issue committees, incidental committees, independent

1 committees, and political party committees.

2 (c) A candidate and the candidate's treasurer do not constitute a political committee.

3 (d) A political committee is not formed when a combination of two or more individuals or a person  
4 other than an individual makes an election communication, an electioneering communication, or an  
5 independent expenditure of \$250 or less.

6 (e) A joint fundraising committee is not a political committee.

7 (32) "Political party committee" means a political committee formed by a political party organization  
8 and includes all county and city central committees.

9 (33) "Political party organization" means a political organization that:

10 (a) was represented on the official ballot in either of the two most recent statewide general elections;  
11 or

12 (b) has met the petition requirements provided in Title 13, chapter 10, part 5.

13 (34) "Political subdivision" means a county, consolidated municipal-county government, municipality,  
14 special purpose district, or any other unit of government, except school districts, having authority to hold an  
15 election.

16 (35) "Polling place election" means an election primarily conducted at polling places rather than by  
17 mail under the provisions of Title 13, chapter 19.

18 (36) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate  
19 candidates for offices filled at a general election.

20 (37) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not  
21 been verified as provided by law.

22 (38) "Provisionally registered elector" means an individual whose application for voter registration was  
23 accepted but whose identity or eligibility has not yet been verified as provided by law.

24 (39) "Public office" means a state, county, municipal, school, or other district office that is filled by the  
25 people at an election.

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

28 (41) "Registrar" means the county election administrator and any regularly appointed deputy or

1 assistant election administrator.

2 (42) "Regular school election" means the school trustee election provided for in 20-20-105(1).

3 (43) "School election" has the meaning provided in 20-1-101.

4 (44) "School election filing officer" means the filing officer with whom the declarations for nomination  
5 for school district office were filed or with whom the school ballot issue was filed.

6 (45) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount  
7 duties in school elections.

8 (46) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is  
9 designed to:

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

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

13 (47) "Special election" means an election held on a day other than the day specified for a primary  
14 election, general election, or regular school election.

15 (48) "Special purpose district" means an area with special boundaries created as authorized by law for  
16 a specialized and limited purpose.

17 (49) "Statewide voter registration list" means the voter registration list established and maintained  
18 pursuant to 13-2-107 and 13-2-108.

19 (50) "Support or oppose", including any variations of the term, means:

20 (a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or  
21 "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election  
22 or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to  
23 voters in an election; or

24 (b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or  
25 ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the  
26 nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the  
27 passage or defeat of the ballot issue or other question submitted to the voters in an election.

28 (51) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in

1 13-15-206.

2 (52) "Voted ballot" means a ballot that is:

3 (a) deposited in the ballot box at a polling place;

4 (b) received at the election administrator's office; or

5 (c) returned to a place of deposit.

6 (53) "Voter interface device" means a voting system that:

7 (a) is accessible to electors with disabilities;

8 (b) communicates voting instructions and ballot information to a voter;

9 (c) allows the voter to select and vote for candidates and issues and to verify and change selections;

10 and

11 (d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's  
12 accuracy and that may be manually counted.

13 (54) "Voting system" or "system" means any machine, device, technology, or equipment used to  
14 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."

15

16 **Section 4.** Section 13-35-225, MCA, is amended to read:

17 **"13-35-225. Election materials not to be anonymous -- notice -- penalty.** (1) All election

18 communications, electioneering communications, and independent expenditures must clearly and

19 conspicuously include the attribution "paid for by" followed by the name and address of the person who made  
20 or financed the expenditure for the communication. The attribution must contain:

21 (a) for election communications or electioneering communications financed by a candidate or a  
22 candidate's campaign finances, the name and the address of the candidate or the candidate's campaign;

23 (b) for election communications, electioneering communications, or independent expenditures  
24 financed by a political committee or a joint fundraising committee, the name of the committee, the name of the  
25 committee treasurer, deputy treasurer, secretary, vice chairperson, or chairperson, as designated pursuant to  
26 13-37-201(2)(b), and the address of the committee or the named committee officer; and

27 (c) for election communications, electioneering communications, or independent expenditures  
28 financed by a political committee that is a corporation or a union, the name of the corporation or union, its chief

1 executive officer or equivalent, and the address of the principal place of business.

2 (2) Communications in a partisan election financed by a candidate, ~~or a political committee organized~~  
3 on the candidate's behalf, or a joint fundraising committee with a participant who is a candidate or a political  
4 committee organized on the candidate's behalf must state the candidate's party affiliation or include the party  
5 symbol.

6 (3) If a document or other article of advertising is too small for the requirements of subsections (1)  
7 and (2) to be conveniently included, the candidate responsible for the material or the person financing the  
8 communication shall file a copy of the article with the commissioner of political practices, together with the  
9 required information or statement, at the time of its public distribution.

10 (4) If information required in subsections (1) and (2) is omitted or not printed or if the information  
11 required by subsection (3) is not filed with the commissioner, upon discovery of or notification about the  
12 omission, the candidate responsible for the material or the person financing the communication shall:

13 (a) file notification of the omission with the commissioner of political practices within 2 business days  
14 of the discovery or notification;

15 (b) bring the material into compliance with subsections (1) and (2) or file the information required by  
16 subsection (3) with the commissioner; and

17 (c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

18 (5) Whenever the commissioner receives a complaint alleging any violation of subsections (1) and (2),  
19 the commissioner shall as soon as practicable assess the merits of the complaint.

20 (6) (a) If the commissioner determines that the complaint has merit, the commissioner shall notify the  
21 complainant and the candidate or political committee of the commissioner's determination. The notice must  
22 state that the candidate or political committee shall bring the material into compliance as required under this  
23 section:

24 (i) within 2 business days after receiving the notification if the notification occurs more than 7 days  
25 prior to an election; or

26 (ii) within 24 hours after receiving the notification if the notification occurs 7 days or less prior to an  
27 election.

28 (b) When notifying the candidate or campaign committee under subsection (6)(a), the commissioner

1 shall include a statement that if the candidate, ~~or political committee,~~ or joint fundraising committee fails to bring  
2 the material into compliance as required under this section, the candidate, ~~or political committee,~~ or joint  
3 fundraising committee is subject to a civil penalty pursuant to 13-37-128."  
4

5 **Section 5.** Section 13-35-237, MCA, is amended to read:

6 **"13-35-237. Disclaimer on election materials funded by anonymous contributors.** If a political  
7 committee or a joint fundraising committee claims to be exempt from disclosing the name of a person making a  
8 contribution to the political committee or the joint fundraising committee, the committee shall clearly and  
9 conspicuously include in all communications advocating the success or defeat of a candidate, political party, or  
10 ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing,  
11 poster, handbill, bumper sticker, internet website, or other form of general political advertising or issue  
12 advocacy the following disclaimer: "This communication is funded by anonymous sources. The voter should  
13 determine the veracity of its content."  
14

15 **Section 6.** Section 13-37-201, MCA, is amended to read:

16 **"13-37-201. Campaign treasurer.** (1) Except as provided in 13-37-206, each candidate, and each  
17 political committee, and each joint fundraising committee shall appoint one campaign treasurer and certify the  
18 full name and complete address of the campaign treasurer pursuant to this section.

19 (2) (a) A candidate shall file the certification within 5 days after becoming a candidate.

20 (b) Except as provided in subsection (2)(c), a political committee and a joint fundraising committee  
21 shall file the certification, which must include an organizational statement and the name and address of all  
22 officers, if any, within 5 days after it makes an expenditure or authorizes another person to make an  
23 expenditure on its behalf, whichever occurs first. A joint fundraising committee shall also provide a list of  
24 participants with the certification.

25 (c) A political committee that is seeking to place a ballot issue before the electors shall file the  
26 certification, including the information required in subsection (2)(b), within 5 days after the issue becomes a  
27 ballot issue, as defined in 13-1-101(6)(b).

28 (3) The certification of a candidate, ~~or political committee,~~ or joint fundraising committee must be filed

1 with the commissioner."  
2

3 **Section 7.** Section 13-37-202, MCA, is amended to read:

4 **"13-37-202. Deputy campaign treasurers.** (1) A campaign treasurer may appoint deputy campaign  
5 treasurers, but not more than one in each county in which the campaign is conducted. Each candidate, ~~and~~  
6 political committee, and joint fundraising committee shall certify the full name and complete address of the  
7 campaign treasurer and all deputy campaign treasurers with the office with whom the candidate, ~~or the~~ political  
8 committee, or joint fundraising committee is required to file reports.

9 (2) Deputy campaign treasurers may exercise any of the powers and duties of a campaign treasurer  
10 as set forth in this chapter when specifically authorized in writing to do so by the campaign treasurer and the  
11 candidate, in the case of a candidate, or the campaign treasurer and the presiding officer of the political  
12 committee or the joint fundraising committee, in the case of a political committee or a joint fundraising  
13 committee. The written authorization must be maintained as a part of the records required to be kept by the  
14 treasurer, as specified in 13-37-208."  
15

16 **Section 8.** Section 13-37-203, MCA, is amended to read:

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

20 (2) An individual may be appointed and serve as a campaign treasurer of a candidate, ~~and a~~ political  
21 committee, ~~or joint fundraising committee~~ or two or more candidates, ~~and~~ political committees, ~~or joint~~  
22 fundraising committees. A candidate may serve as the candidate's own campaign or deputy campaign treasurer  
23 or as the treasurer or deputy treasurer of a joint fundraising committee in which the candidate is a participant.

24 An individual may not serve as a campaign or deputy campaign treasurer or perform any duty required of a  
25 campaign or deputy campaign treasurer of a candidate, ~~or~~ political committee, or joint fundraising committee  
26 until the individual has been designated and the individual's name certified by the candidate or political  
27 committee."  
28

1           **Section 9.** Section 13-37-204, MCA, is amended to read:

2           "**13-37-204. Removal of campaign and deputy campaign treasurers.** A candidate, ~~or~~ political  
3 committee, or joint fundraising committee may remove the candidate's or committee's campaign or deputy  
4 campaign treasurer. The removal of any treasurer or deputy treasurer must immediately be reported to the  
5 officer with whom the name of the campaign treasurer was originally filed. In case of death, resignation, or  
6 removal of the candidate's or committee's campaign treasurer before compliance with any obligation of a  
7 campaign treasurer under this chapter, the candidate, ~~or~~ political committee, or joint fundraising committee shall  
8 appoint a successor and certify the name and address of the successor as specified in 13-37-201."

9

10           **Section 10.** Section 13-37-205, MCA, is amended to read:

11           "**13-37-205. Campaign depositories.** (1) Except as provided in 13-37-206, each candidate, ~~and each~~  
12 political committee, and each joint fundraising committee shall designate one primary campaign depository for  
13 the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or  
14 political committee.

15           (2) The candidate or political committee may also designate one secondary depository in each county  
16 in which an election is held and in which the candidate or committee participates. Deputy campaign treasurers  
17 may make deposits in and expenditures from secondary depositories when authorized to do so as provided in  
18 13-37-202(2).

19           (3) Only a bank, credit union, savings and loan association, or building and loan association  
20 authorized to transact business in Montana may be designated as a campaign depository.

21           (4) The candidate, ~~or~~ political committee, or joint fundraising committee shall file the name and  
22 address of each designated primary and secondary depository at the same time and with the same officer with  
23 whom the candidate or committee files the name of the candidate's or committee's campaign treasurer  
24 pursuant to 13-37-201.

25           (5) This section does not prevent a ~~political committee or candidate,~~ political committee, or joint  
26 fundraising committee from having more than one campaign account in the same depository, but a candidate  
27 may not utilize the candidate's regular or personal account in the depository as a campaign account."

28

1           **Section 11.** Section 13-37-207, MCA, is amended to read:

2           **"13-37-207. Deposit of contributions -- statement of campaign treasurer.** (1) All funds received by  
3 the campaign treasurer or any deputy campaign treasurer of any candidate, ~~or political committee, or joint~~  
4 fundraising committee must be deposited prior to the end of the fifth business day following their receipt,  
5 Sundays and holidays excluded, in a checking account, share draft account, share checking account, or  
6 negotiable order of withdrawal account in a campaign depository designated pursuant to 13-37-205.

7           (2) A statement showing the amount received from or provided by each person and the account in  
8 which the funds are deposited must be prepared by the campaign treasurer at the time the deposit is made.  
9 This statement along with the receipt form for cash contributions deposited at the same time and a deposit slip  
10 for the deposit must be kept by the treasurer as a part of the treasurer's records."  
11

12           **Section 12.** Section 13-37-208, MCA, is amended to read:

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

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

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

24           (3) Accounts kept by a campaign treasurer of a candidate, ~~or political committee, or joint fundraising~~  
25 committee must be preserved by the campaign treasurer for a period coinciding with the term of office for which  
26 the person was a candidate, the longest term of office for which a participant was a candidate, or for a period of  
27 4 years, whichever is longer."  
28

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

2           **"13-37-216. Limitations on contributions -- adjustment.** (1) (a) Subject to adjustment as provided  
3 for in subsection (3) and subject to 13-35-227 and 13-37-219, aggregate contributions for each election in a  
4 campaign by a political committee or by an individual, other than the candidate, to a candidate are limited as  
5 follows:

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

7           (ii) for a candidate to be elected for state office in a statewide election, other than the candidates for  
8 governor and lieutenant governor, not to exceed \$250;

9           (iii) for a candidate for any other public office, not to exceed \$130.

10          (b) Except as provided in [section 1] and subsection (5) of this section:

11          (i) A contribution to a candidate includes contributions made to any political committee organized on  
12 the candidate's behalf; and

13          (ii) A political committee that is not independent of the candidate is considered to be organized on  
14 the candidate's behalf.

15          (2) All political committees except those of political party organizations are subject to the provisions of  
16 subsection (1). Political party organizations may form political committees that are subject to the following  
17 aggregate limitations, adjusted as provided for in subsection (3) and subject to 13-37-219, from all political party  
18 committees:

19          (a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed  
20 \$18,000;

21          (b) for a candidate to be elected for state office in a statewide election, other than the candidates for  
22 governor and lieutenant governor, not to exceed \$6,500;

23          (c) for a candidate for public service commissioner, not to exceed \$2,600;

24          (d) for a candidate for the state senate, not to exceed \$1,050;

25          (e) for a candidate for any other public office, not to exceed \$650.

26          (3) (a) The commissioner shall adjust the limitations in subsections (1) and (2) by multiplying each  
27 limit by an inflation factor, which is determined by dividing the consumer price index for June of the year prior to  
28 the year in which a general election is held by the consumer price index for June 2002.

1 (b) The resulting figure must be rounded up or down to the nearest:

2 (i) \$10 increment for the limits established in subsection (1); and

3 (ii) \$50 increment for the limits established in subsection (2).

4 (c) The commissioner shall publish the revised limitations as a rule.

5 (4) A candidate may not accept any contributions, including in-kind contributions, in excess of the  
6 limits in this section.

7 (5) For the purposes of applying the limits in this section if the contributions were received by a joint  
8 fundraising committee, a contribution must be construed to be:

9 (a) from the person who originally contributed funds to the joint fundraising committee; and

10 (b) received by the candidate participant to whom the funds were allocated by the joint fundraising  
11 committee as provided in [section 1].

12 (5)(6) For purposes of this section, "election" means the general election or a primary election that  
13 involves two or more candidates for the same nomination. If there is not a contested primary, there is only one  
14 election to which the contribution limits apply. If there is a contested primary, then there are two elections to  
15 which the contribution limits apply."

16

17 **Section 14.** Section 13-37-217, MCA, is amended to read:

18 **"13-37-217. Contributions in name of undisclosed principal. (1) A-Except as provided by**  
19 **subsection (2), a person may not make a contribution of the person's own money or of another person's money**  
20 **to any other person in connection with any election in any other name than that of the person who in truth**  
21 **supplies the money. A person may not knowingly receive a contribution or enter or cause the contribution to be**  
22 **entered in the person's accounts or records in another name than that of the person by whom it was actually**  
23 **furnished.**

24 **(2) A joint fundraising committee shall allocate contributions as provided in [section 1] to a participant**  
25 **in the name of the original contributor to the joint fundraising committee, and a participant may receive and may**  
26 **enter these contributions into the participant's account. A participant shall account for the original contributors of**  
27 **the gross contributions allocated by the joint fundraising committee in the participant's records."**

28

1           **Section 15.** Section 13-37-218, MCA, is amended to read:

2           "**13-37-218. Limitations on receipts from political committees.** (1) A candidate for the state senate  
3 may receive no more than \$2,150 in total combined monetary contributions from all political committees  
4 contributing to the candidate's campaign, and a candidate for the state house of representatives may receive no  
5 more than \$1,300 in total combined monetary contributions from all political committees contributing to the  
6 candidate's campaign.

7           (2) The limitations in this section must be multiplied by an inflation factor, which is determined by  
8 dividing the consumer price index for June of the year prior to the year in which a general election is held by the  
9 consumer price index for June 2003. The resulting figure must be rounded up or down to the nearest \$50  
10 increment. The commissioner shall publish the revised limitations as a rule. In-kind contributions must be  
11 included in computing these limitation totals.

12           (3) The limitation provided in this section does not apply to contributions made by a political party  
13 eligible for a primary election under 13-10-601.

14           (4) If a candidate has received contributions from a joint fundraising committee, the limits provided in  
15 this section must be applied as follows:

16           (a) from the original contributor of funds received by the joint fundraising committee; and

17           (b) to the candidate participant to whom the funds were allocated by the joint fundraising committee."

18

19           **Section 16.** Section 13-37-225, MCA, is amended to read:

20           "**13-37-225. Reports of contributions and expenditures required -- electronic filing and**  
21 **publication.** (1) (a) Except as provided in 13-37-206, each candidate, ~~and~~ political committee, and joint  
22 fundraising committee shall file with the commissioner periodic electronic reports of contributions and  
23 expenditures made by or on the behalf of a candidate, ~~or~~ political committee, or joint fundraising committee.

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

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

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

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

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

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

6

7 **Section 17.** Section 13-37-226, MCA, is amended to read:

8 **"13-37-226. Time for filing reports.** (1) Except as provided in 13-37-206 and 13-37-225(3), a  
9 candidate shall file reports required by 13-37-225(1)(a) containing the information required by 13-37-229, 13-  
10 37-231, and 13-37-232 as follows:

11 (a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in  
12 which funds are received or expended during the year or years prior to the election year that the candidate  
13 expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which  
14 the candidate participates;

15 (b) the 20th day of March, April, May, June, August, September, October, and November in the year  
16 of 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  
18 day 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 (e) semiannually on the 10th day of March and September, starting in the year following an election in  
22 which the candidate participates until the candidate files a closing report as specified in 13-37-228(3); and

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

24 (2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee or a joint  
25 fundraising committee shall file reports required by 13-35-225(1)(a) containing the information required by 13-  
26 37-229, 13-37-231, and 13-37-232 as follows:

27 (a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in  
28 which the political committee or the joint fundraising committee receives a contribution or makes an expenditure

1 after an individual becomes a candidate or an issue becomes a ballot issue, as defined in 13-1-101(6)(b), and  
2 ending in the final quarter of the year preceding the year in which the candidate or the ballot issue appears on  
3 the ballot;

4 (b) the 30th day of March, April, May, June, August, September, October, and November in the year  
5 of an election in which the political committee or the joint fundraising committee participates;

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

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

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

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

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

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

21 (b) 20 days after the special election.

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

26 (5) A report required by this section must cover contributions received and expenditures made  
27 pursuant to the time periods specified in 13-37-228.

28 (6) A political committee may file a closing report prior to the date in 13-37-228(3) and after the

1 complete termination of its contribution and expenditure activity during an election cycle.

2 (7) For the purposes of this section:

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

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

7

8 **Section 18.** Section 13-37-227, MCA, is amended to read:

9 **"13-37-227. Comprehensive report when several candidates or issues involved.** The  
10 commissioner shall adopt rules that will permit political committees, including political parties, or joint  
11 fundraising committees to file copies of a single comprehensive report when they support or oppose more than  
12 one candidate or issue. The commissioner shall adopt rules under which committees filing periodic reports with  
13 the federal election commission and committees headquartered outside the state of Montana shall report in  
14 accordance with this title."

15

16 **Section 19.** Section 13-37-228, MCA, is amended to read:

17 **"13-37-228. Time periods covered by reports.** Reports filed under 13-37-225 and 13-37-226 must  
18 be filed to cover the following time periods even though no contributions or expenditures may have been  
19 received or made during the period:

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

28 (2) Subsequent periodic reports must cover the period of time from the closing of the previous report

1 to 5 days before the date of filing of a report pursuant to 13-37-226. For the purposes of this subsection, the  
 2 reports required under 13-37-226(1)(c), (1)(d), (2)(c), and (2)(d) are not periodic reports and must be filed as  
 3 required by 13-37-226(1)(c), (1)(d), (2)(c), and (2)(d), as applicable.

4 (3) Closing reports must cover the period of time from the last periodic report to the final closing of the  
 5 books of the candidate, ~~or political committee, or joint fundraising committee~~. A candidate, ~~or political~~  
 6 ~~committee, or joint fundraising committee~~ shall file a closing report following an election in which the candidate,  
 7 ~~or political committee, or joint fundraising committee~~ participates whenever all debts and obligations are  
 8 satisfied and further contributions or expenditures will not be received or made that relate to the campaign  
 9 unless the election is a primary election and the candidate, ~~or political committee, or joint fundraising committee~~  
 10 will participate in the general election.

11 (4) If all debts and obligations are satisfied and further contributions or expenditures will not be  
 12 received or made, a joint fundraising committee may file a closing report at any time."

13

14 **Section 20.** Section 13-37-229, MCA, is amended to read:

15 **"13-37-229. Disclosure requirements for candidates, ballot issue committees, political party**  
 16 **committees, and independent committees.** (1) The reports required under 13-37-225 through 13-37-227  
 17 from candidates, ballot issue committees, political party committees, ~~and independent committees, and joint~~  
 18 ~~fundraising committees~~ must disclose the following information concerning contributions received:

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

20 (b) the full name, mailing address, occupation, and employer, if any, of each person who has made  
 21 aggregate contributions, other than loans, of \$35 or more to a candidate, ~~or political committee, or joint~~  
 22 ~~fundraising committee~~, including the purchase of tickets and other items for events, such as dinners, luncheons,  
 23 rallies, and similar fundraising events; If a contribution is made by a joint fundraising committee to a participant  
 24 in the joint fundraising committee, the participant shall disclose the information in this subsection (1)(b) for each  
 25 contributor of the funds allocated to the participant by the joint fundraising committee.

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

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

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

6 (f) each loan from any person during the reporting period, together with the full names, mailing  
7 addresses, occupations, and employers, if any, of the lender and endorsers, if any, and the date and amount of  
8 each loan;

9 (g) the amount and nature of debts and obligations owed to a political committee, ~~or candidate,~~ or  
10 joint fundraising committee in the form prescribed by the commissioner;

11 (h) an itemized account of proceeds that total less than \$35 from a person from mass collections  
12 made at fundraising events;

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

15 (j) the total sum of all receipts received by or for the committee or candidate during the reporting  
16 period; and

17 (k) other information that may be required by the commissioner to fully disclose the sources of funds  
18 used to support or oppose candidates or issues.

19 (2) (a) Except as provided in subsection (2)(c), the reports required under 13-37-225 through 13-37-  
20 227 from candidates, ballot issue committees, political party committees, ~~and independent committees,~~ and  
21 joint fundraising committees must disclose the following information concerning expenditures made:

22 (i) the full name, mailing address, occupation, and principal place of business, if any, of each person  
23 to whom expenditures have been made by the committee or candidate during the reporting period, including the  
24 amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;

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

28 (iii) the total sum of expenditures made by a political committee, ~~or candidate,~~ or joint fundraising

1 committee during the reporting period; If the expenditure is made by a joint fundraising committee, the joint  
 2 fundraising committee shall report gross and net allocations to each participant.

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

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

10 (vi) the amount and nature of debts and obligations owed by a political committee, or candidate, or  
 11 joint fundraising committee in the form prescribed by the commissioner;

12 (vii) if a joint fundraising committee allocated contributions to a participant, the contribution information  
 13 under subsections (1)(a) through (1)(c) for each contributor that contributed to the gross amount allocated by  
 14 the joint fundraising committee to the participant; and

15 ~~(vii)~~(viii) other information that may be required by the commissioner to fully disclose the disposition of  
 16 funds used to support or oppose candidates or issues.

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

21 (c) A candidate is required to report the information specified in this subsection (2) only if the  
 22 transactions involved were undertaken for the purpose of supporting or opposing a candidate.

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

24

25 **NEW SECTION. SECTION 21. POLITICAL ACTIVITY IN PUBLIC POSTSECONDARY INSTITUTION RESIDENCE**  
 26 **HALL, DINING FACILITY, OR ATHLETIC FACILITY -- PROHIBITION -- EXCEPTIONS -- PENALTY. (1) A POLITICAL COMMITTEE**  
 27 **MAY NOT DIRECT, COORDINATE, MANAGE, OR CONDUCT ANY VOTER IDENTIFICATION EFFORTS, VOTER REGISTRATION**  
 28 **DRIVES, SIGNATURE COLLECTION EFFORTS, BALLOT COLLECTION EFFORTS, OR VOTER TURNOUT EFFORTS FOR A**

1 FEDERAL, STATE, LOCAL, OR SCHOOL ELECTION INSIDE A RESIDENCE HALL, DINING FACILITY, OR ATHLETIC FACILITY  
2 OPERATED BY A PUBLIC POSTSECONDARY INSTITUTION.

3 (2) NOTHING IN THIS SECTION MAY BE CONSTRUED AS PROHIBITING ANY COMMUNICATIONS MADE THROUGH  
4 MAIL, TELEPHONE, TEXT MESSAGES, OR ELECTRONIC MAIL INSIDE A RESIDENCE HALL, DINING FACILITY, OR ATHLETIC  
5 FACILITY OR ANY POLITICAL ADVERTISING MADE THROUGH RADIO, TELEVISION, SATELLITE, OR INTERNET SERVICE.  
6 NOTHING IN THIS SECTION MAY BE CONSTRUED AS PROHIBITING AN INDIVIDUAL FROM UNDERTAKING OR PARTICIPATING  
7 IN ANY ACTIVITY FOR A FEDERAL, STATE, LOCAL, OR SCHOOL ELECTION IF THE ACTIVITY IS UNDERTAKEN AT THE  
8 INDIVIDUAL'S EXCLUSIVE INITIATIVE.

9 (3) A PERSON WHO RESIDES IN A RESIDENCE HALL OPERATED BY A PUBLIC POSTSECONDARY INSTITUTION OR  
10 WHO REGULARLY USES A DINING HALL OPERATED BY PUBLIC POSTSECONDARY INSTITUTION, A CANDIDATE FOR OFFICE IN  
11 A FEDERAL, STATE, LOCAL, OR SCHOOL ELECTION, OR A POLITICAL COMMITTEE ENGAGED IN A FEDERAL, STATE, LOCAL,  
12 OR SCHOOL ELECTION MAY INSTITUTE AN ACTION IN ANY COURT OF COMPETENT JURISDICTION TO PREVENT, RESTRAIN,  
13 OR ENJOIN A VIOLATION OF THIS SECTION.

14 (4) A POLITICAL COMMITTEE THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF \$1,000 FOR  
15 EACH VIOLATION. EACH DAY OF A CONTINUING VIOLATION CONSTITUTES A SEPARATE OFFENSE.

16 (5) FOR THE PURPOSES OF THIS SECTION, "PUBLIC POSTSECONDARY INSTITUTION" MEANS:

17 (A) A UNIT OF THE MONTANA UNIVERSITY SYSTEM AS DESCRIBED IN 20-25-201; OR

18 (B) A MONTANA COMMUNITY COLLEGE DEFINED AND ORGANIZED AS PROVIDED IN 20-15-101.

19  
20 NEW SECTION. SECTION 22. JUDICIAL CONFLICT OF INTEREST -- RECUSAL -- DEFINITION. (1) A JUDICIAL  
21 OFFICER SHALL DISQUALIFY THE JUDICIAL OFFICER IN A PROCEEDING IF:

22 (A) THE JUDICIAL OFFICER HAS RECEIVED ONE OR MORE COMBINED CONTRIBUTIONS TOTALING AT LEAST ONE-  
23 HALF OF THE MAXIMUM AMOUNT ALLOWABLE AMOUNT UNDER 13-37-216 FROM A LAWYER OR PARTY TO THE  
24 PROCEEDING IN AN ELECTION WITHIN THE PREVIOUS 6 YEARS; OR

25 (B) A LAWYER OR PARTY TO THE PROCEEDING HAS MADE ONE OR MORE CONTRIBUTIONS DIRECTLY OR  
26 INDIRECTLY TO A POLITICAL COMMITTEE OR OTHER ENTITY THAT ENGAGED IN INDEPENDENT EXPENDITURES THAT  
27 SUPPORTED THE JUDICIAL OFFICER OR OPPOSED THE JUDICIAL OFFICER'S OPPONENT IN AN ELECTION WITHIN THE  
28 PREVIOUS 6 YEARS IF THE TOTAL COMBINED AMOUNT OF THE CONTRIBUTIONS EXCEED AT LEAST ONE-HALF OF THE

1 MAXIMUM AMOUNT THAT WOULD OTHERWISE BE ALLOWED UNDER 13-37-216 IF THE CONTRIBUTIONS HAD BEEN MADE  
 2 DIRECTLY TO THE JUDICIAL CANDIDATE.

3 (2) FOR THE PURPOSES OF THIS SECTION:

4 (A) "CONTRIBUTION" HAS THE MEANING PROVIDED IN 13-1-101; AND

5 (B) "JUDICIAL OFFICER" HAS THE MEANING PROVIDED IN 1-1-202.

7 NEW SECTION. Section 23. Codification instruction. (1) [Section 1] is intended to be codified as  
 8 an integral part of Title 13, chapter 37, part 2, and the provisions of Title 13, chapter 37, part 2, apply to [section  
 9 1].

10 (2) [SECTION 2] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 20, CHAPTER 25, PART 4, AND  
 11 THE PROVISIONS OF TITLE 20, CHAPTER 25, PART 4, APPLY TO [SECTION 2].

12 (3) [SECTION 21] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 13, CHAPTER 35, PART 2, AND  
 13 THE PROVISIONS OF TITLE 13, CHAPTER 35, PART 2, APPLY TO [SECTION 21].

14 (4) [SECTION 22] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 3, CHAPTER 1, AND THE  
 15 PROVISIONS OF TITLE 3, CHAPTER 1, APPLY TO [SECTION 22].

17 COORDINATION SECTION. Section 24. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 224  
 18 AND [THIS ACT] ARE PASSED AND APPROVED AND BOTH CONTAIN A SECTION AMENDING 13-37-229, THEN THE SECTIONS  
 19 AMENDING 13-37-229 ARE VOID AND 13-37-229 MUST BE AMENDED AS FOLLOWS:

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

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

25 (b) the full name, mailing address, occupation, and employer, if any, of each person who has made  
 26 aggregate contributions, other than loans, of ~~\$35~~ \$50 or more to a candidate, ~~or~~ political committee, or joint  
 27 fundraising committee, including the purchase of tickets and other items for events, such as dinners, luncheons,  
 28 rallies, and similar fundraising events; if a contribution is made by a joint fundraising committee to a participant

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

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

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

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

11 (f) each loan from any person during the reporting period, together with the full names, mailing  
12 addresses, occupations, and employers, if any, of the lender and endorsers, if any, and the date and amount of  
13 each loan;

14 (g) the amount and nature of debts and obligations owed to a political committee, ~~or candidate,~~ or  
15 joint fundraising committee in the form prescribed by the commissioner;

16 (h) an itemized account of proceeds that total less than ~~\$35~~ \$50 from a person from mass collections  
17 made at fundraising events;

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

20 (j) the total sum of all receipts received by or for the committee or candidate during the reporting  
21 period; ~~and~~

22 ~~(k) other information that may be required by the commissioner to fully disclose the sources of funds~~  
23 ~~used to support or oppose candidates or issues.~~

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

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

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

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

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

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

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

15 (vi) the amount and nature of debts and obligations owed by a political committee, ~~or candidate,~~ or  
16 joint fundraising committee in the form prescribed by the commissioner; and

17 ~~(vii) other information that may be required by the commissioner to fully disclose the disposition of~~  
18 ~~funds used to support or oppose candidates or issues~~

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

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

26 (c) A candidate is required to report the information specified in this subsection (2) only if the  
27 transactions involved were undertaken for the purpose of supporting or opposing a candidate.

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

1

- END -

# Exhibit B

**Bill Draft Number:** LC0319**Bill Type - Number:** SB 319**Short Title:** Generally revise campaign finance laws**Primary Sponsor:** Greg Hertz (R) SD 6**Chapter Number:** 494**Bill Actions - Current Bill Progress:** Became Law**Bill Action Count:** 88

| Action - Most Recent First                               | Date       | Votes<br>Yes | Votes<br>No | Committee           |
|--|------------|--------------|-------------|---------------------|
| Chapter Number Assigned                                  | 05/17/2021 |              |             |                     |
| (S) Signed by Governor                                   | 05/12/2021 |              |             |                     |
| (S) Transmitted to Governor                              | 05/04/2021 |              |             |                     |
| (H) Signed by Speaker                                    | 05/04/2021 |              |             |                     |
| (S) Signed by President                                  | 05/04/2021 |              |             |                     |
| (C) Printed - Enrolled Version Available                 | 05/02/2021 |              |             |                     |
| (S) Returned from Enrolling                              | 05/02/2021 |              |             |                     |
| (C) Printed - New Version Available                      | 04/29/2021 |              |             |                     |
| (S) Sent to Enrolling                                    | 04/29/2021 |              |             |                     |
| (S) 3rd Reading Free Conference Committee Report Adopted | 04/28/2021 | 30           | 20          |                     |
| (H) 3rd Reading Free Conference Committee Report Adopted | 04/28/2021 | 52           | 45          |                     |
| (H) Scheduled for 3rd Reading                            | 04/28/2021 |              |             |                     |
| (S) Scheduled for 3rd Reading                            | 04/28/2021 |              |             |                     |
| (S) 2nd Reading Free Conference Committee Report Adopted | 04/28/2021 | 30           | 20          |                     |
| (H) 2nd Reading Free Conference Committee Report Adopted | 04/28/2021 | 57           | 43          |                     |
| (H) Scheduled for 2nd Reading                            | 04/28/2021 |              |             |                     |
| (S) Scheduled for 2nd Reading                            | 04/28/2021 |              |             |                     |
| (S) Free Conference Committee Report Received            | 04/28/2021 |              |             | (S) Free Conference |
| (H) Free Conference Committee Report Received            | 04/28/2021 | 4            | 2           | (S) Free Conference |
| (S) Hearing  | 04/27/2021 |              |             | (S) Free Conference |
| (H) Free Conference Committee Appointed                  | 04/26/2021 |              |             | (S) Free Conference |
| (S) Free Conference Committee Appointed                  | 04/23/2021 |              |             | (S) Free Conference |
| (S) 2nd Reading House Amendments Not Concurred           | 04/23/2021 | 33           | 17          |                     |
| (S) Scheduled for 2nd Reading                            | 04/23/2021 |              |             |                     |
| (S) 2nd Reading Pass Consideration                       | 04/21/2021 |              |             |                     |
| (S) Scheduled for 2nd Reading                            | 04/21/2021 |              |             |                     |
| (H) Returned to Senate with Amendments                   | 04/06/2021 |              |             |                     |
| (H) 3rd Reading Concurred                                | 04/06/2021 | 63           | 33          |                     |

|   |            |    |                            |
|---|------------|----|----------------------------|
| (H) Scheduled for 3rd Reading                             | 04/06/2021 |    |                            |
| (C) Printed - New Version Available                       | 04/06/2021 |    |                            |
| (H) 2nd Reading Concurred as Amended                      | 03/31/2021 | 66 | 34                         |
| (H) 2nd Reading Motion to Amend Carried                   | 03/31/2021 | 73 | 27                         |
| (H) Scheduled for 2nd Reading                             | 03/31/2021 |    |                            |
| (C) Printed - New Version Available                       | 03/24/2021 |    |                            |
| (H) Committee Report--Bill Concurred as Amended           | 03/24/2021 |    | (H) State Administration   |
| (H) Committee Executive Action--Bill Concurred as Amended | 03/23/2021 | 10 | 9 (H) State Administration |
| (H) Taken from Table in Committee                         | 03/23/2021 |    | (H) State Administration   |
| (H) Tabled in Committee                                   | 03/19/2021 |    | (H) State Administration   |
| (H) Hearing   | 03/17/2021 |    | (H) State Administration   |
| (H) First Reading   | 03/08/2021 |    |                            |
| (H) Referred to Committee                                 | 03/08/2021 |    | (H) State Administration   |
| (S) Transmitted to House                                  | 03/02/2021 |    |                            |
| (S) 3rd Reading Passed                                    | 03/02/2021 | 30 | 19                         |
| (S) Scheduled for 3rd Reading                             | 03/01/2021 |    |                            |
| (S) 2nd Reading Passed                                    | 03/01/2021 | 30 | 19                         |
| (S) Scheduled for 2nd Reading                             | 03/01/2021 |    |                            |
| (S) Committee Report--Bill Passed as Amended              | 03/01/2021 |    | (S) State Administration   |
| (C) Printed - New Version Available                       | 03/01/2021 |    |                            |
| (C) Printed - New Version Available                       | 03/01/2021 |    |                            |
| (S) Fiscal Note Printed                                   | 03/01/2021 |    |                            |
| (S) Committee Executive Action--Bill Passed as Amended    | 03/01/2021 | 5  | 3 (S) State Administration |
| (S) Fiscal Note Received                                  | 03/01/2021 |    |                            |
| (S) Hearing   | 02/26/2021 |    | (S) State Administration   |
| (S) Fiscal Note Requested                                 | 02/24/2021 |    |                            |
| (C) Amendments Available                                  | 02/23/2021 |    |                            |
| (C) Introduced Bill Text Available Electronically         | 02/20/2021 |    |                            |
| (S) Referred to Committee                                 | 02/20/2021 |    | (S) State Administration   |
| (S) First Reading   | 02/20/2021 |    |                            |
| (S) Introduced  | 02/19/2021 |    |                            |
| (C) Draft Delivered to Requester                          | 02/19/2021 |    |                            |
| (C) Draft Delivered to Requester                          | 02/19/2021 |    |                            |
| (C) Draft Ready for Delivery                              | 02/15/2021 |    |                            |
| (C) Draft Ready for Delivery                              | 02/15/2021 |    |                            |
| (C) Executive Director Final Review                       | 02/15/2021 |    |                            |

|  |            |
|--|------------|
| (C) Draft Ready for Delivery                 | 02/15/2021 |
| (C) Draft in Assembly                        | 02/14/2021 |
| (C) Draft in Assembly                        | 02/14/2021 |
| (C) Executive Director Review                | 02/12/2021 |
| (C) Bill Draft Text Available Electronically | 02/12/2021 |
| (C) Draft in Final Drafter Review            | 02/12/2021 |
| (C) Draft in Input/Proofing                  | 02/12/2021 |
| (C) Draft in Input/Proofing                  | 02/12/2021 |
| (C) Bill Draft Text Available Electronically | 02/11/2021 |
| (C) Bill Draft Text Available Electronically | 02/11/2021 |
| (C) Draft in Final Drafter Review            | 02/11/2021 |
| (C) Draft in Input/Proofing                  | 02/10/2021 |
| (C) Draft to Drafter - Edit Review [CMD]     | 02/10/2021 |
| (C) Draft to Drafter - Edit Review [CMD]     | 02/10/2021 |
| (C) Draft in Edit                            | 02/09/2021 |
| (C) Draft in Edit                            | 02/09/2021 |
| (C) Draft in Legal Review                    | 02/08/2021 |
| (C) Draft in Legal Review                    | 02/08/2021 |
| (C) Draft to Requester for Review            | 02/05/2021 |
| (C) Draft to Requester for Review            | 02/05/2021 |
| (C) Draft Taken Off Hold                     | 01/12/2021 |
| (C) Draft Taken Off Hold                     | 01/12/2021 |
| (C) Draft On Hold                            | 09/03/2020 |
| (C) Draft Request Received                   | 08/27/2020 |

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## Sponsor, etc.

| Sponsor, etc.   | Last Name/Organization | First Name | Mi |
|-----------------|------------------------|------------|----|
| Requester       | Fitzpatrick            | Steve      |    |
| Drafter         | Aldrich                | Ginger     |    |
| Primary Sponsor | Hertz                  | Greg       |    |

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## Subjects

| Description                         | Revenue/Approp. | Vote Majority Req. | Subject Code |
|-------------------------------------|-----------------|--------------------|--------------|
| Elections (see also: Ballot Issues) |                 | Simple             | ELEC         |

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## Additional Bill Information

**Fiscal Note Probable:** No  
**Preintroduction Required:** N

**Session Law Ch. Number: 494**

***DEADLINE***

**Category: General Bills**

**Transmittal Date: 03/02/2021**

**Return (with 2nd house amendments) Date: 04/20/2021**

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## Section Effective Dates

No Records returned