



**Montana Legislative Services Division**  
**Legal Services Office**

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**TO:** State Administration and Veterans' Affairs Interim Committee

**FROM:** K. Virginia Aldrich

**DATE:** October 24, 2017

**RE:** Legislative Administrative Rule Review Report

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Pursuant to 5-5-228, MCA, the State Administration and Veterans' Affairs Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the State Administration and Veterans' Affairs Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the State Administration and Veterans' Affairs Interim Committee and does not preclude additional action that may be taken by the State Administration and Veterans' Affairs Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

**MAR NOTICE NUMBER:** 44-2-229 UPDATE

**AGENCY/BOARD:** Commissioner of Political Practices

**RULE CLASSIFICATION:** (e.g. substantive/interpretive/emergency/temporary): Substantive

**SUBJECT:** Campaign Finance Report, Disclosure, and Practices

**NOTICE DESCRIPTION:** (e.g. proposal notice/adoption notice): Notice of Proposed Amendment

**SUMMARY OF RULE(S):**

The Commissioner of Political Practices has updated the previous rule proposal concerning campaign finance reports, disclosure, and practices with some clarifications.

The Commissioner amended the statement of reasonable necessity regarding the proposed changes to the amounts of combined contributions by a political committee (other than a political party committee) or by an individual to candidates. The Commissioner amended the statement to clarify the updated contribution limits within the rule are for the 2018 and 2019 elections, rather than the "2018 election cycle." Section 13-37-216, MCA, refers to aggregate contributions "for each election". The statement of reasonable necessity has also been updated to list the contribution limits adopted by the Commissioner of Political Practices as a result of the federal district court order in *Lair v. Motl*. However, the federal district court's order has been rendered moot by the Ninth Circuit's decision issued on October 23, 2017, in the *Lair v. Motl* case. Please note that the statement of reasonable necessity is an explanation for proposed changes in a rule, but the statement of reasonable necessity does not affect the adopted text of the rule itself.

The Commissioner also updated the proposed language for the changes to a rule concerning electioneering communications to clarify the types of information that will be considered "regular and normal communication" by a local government or state agency. "Regular and normal communications" are excluded from the definition of electioneering communications. The updated language specifies that "regular and normal communications" include sample ballots, and the time, place, or manner of an upcoming election. The updated language clarifies that other communications by a local government or state agency may be subject to reporting and disclosure.

Because of the updated changes, the Commissioner extended the public comment period until November 13, 2017.

**FULL TEXT OF NOTICE:** The full text of the notice proposal may be found online at [http://www.mtrules.org/gateway/Cycle\\_Home.asp?CID=2576](http://www.mtrules.org/gateway/Cycle_Home.asp?CID=2576).

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