October 23, 2017

United States Court of Appeals for the Ninth Circuit – Lair v. Motl, No. 16-35424

The Ninth Circuit Court today upheld Montana’s campaign finance limits in a 2-1 decision reversing the District court decision in Lair v. Motl.

Montana has a long tradition of transparency and openness in campaign finance and political practice. Campaign finance limits as determined by Montanans for Montana campaigns won a major victory today. Montana’s Commissioner of Political Practices office extends its gratitude to the Montana Attorney General’s office and former Commissioner Motl & staff, for their diligent work in assuring the citizens of Montana have the ability to set reasonable campaign finance contribution limits while upholding our 1st Amendment rights.

From the Decision:

“Montana’s limits are closely drawn to further the state’s important interest in preventing actual or perceived quid pro quo corruption. Montana has shown the risk of quid pro quo corruption in Montana is not illusory. Its chosen contribution limits are narrowly focused; they do not prevent contributors from affiliating with the candidates of their choosing; and they do not prevent candidates from raising the money needed for effective campaigning, whether the candidate is an incumbent or challenger and whether the race is competitive or average. We hold, therefore, that Montana’s limits survive First Amendment scrutiny.”

The Court concluded:

“Our Constitution permits contribution limits to serve the narrow but vital purpose of preventing actual or apparent quid pro quo corruption in politics. Because the limitations imposed by Montana Code Annotated § 13-37-216 both further that interest and are adequately tailored to it, they satisfy the First Amendment. REVERSED.”

What does this mean for Montana’s political campaign contribution limits? Effective today, our limits are set per “election” rather than cycle at the limits that were in place in early May, 2016 (see attached). For current local elections, candidates need to be aware of the $170 limit from individuals and independent committees. Candidates who did not have a primary election in their municipality will not be required to return any contribution over $170 received on or before October 22, 2017. Candidates are reminded, however, that the $170 limits applies for all contributions received now through the election.

Campaign contribution limits for the 2018 Election cycle will be published in December 2017.
STATE OF MONTANA POLITICAL CAMPAIGN CONTRIBUTION LIMITS SUMMARY – applicable to 2017 campaigns effective October 23, 2017

Updated October 23, 2017 Upon 9th Circuit Court Ruling

This guide is just a summary - for complete requirements, see Title 13, Chapters 35 and 37, MCA.

CANDIDATE

To Own Campaign No Limit

INDIVIDUAL Human Being

To a Political Party Committee No Limit
To a Political Action Committee No Limit
To a Ballot Issue Committee No Limit

To candidates for Governor/Lt. Governor $660 per election
To a candidate for Other Statewide Office* $330 per election
To a candidate for Other Public Office** $170 per election

POLITICAL COMMITTEE

To a Political Party Committee No Limit
To a Political Action Committee No Limit
To a Ballot Issue Committee No Limit

POLITICAL ACTION COMMITTEE (Contributions to candidates from Independent or Incidental Committees)

To candidates for Governor/Lt. Governor $660 per election
To a candidate for Other Statewide Office* $330 per election
To a candidate for Other Public Office** $170 per election

Aggregate PAC Limits for Legislative Candidates for the 2016 elections

To a candidate for State Senate $2,800
To a candidate for State House $1,700

POLITICAL PARTY COMMITTEE Aggregate Limits from ALL political party committees

Please Note: Political Party Committees may not contribute to candidates for judicial offices, i.e. Supreme Court Justice, District Judge, Justice of the Peace. A political party committee may endorse a candidate for judicial office and make independent expenditure relating to such an election. See Sanders County Republican Party v. Bullock, 698 F3d 741 (9th Cir, 2012). See also personnel services exception ARM 44.11.225 (2)

To candidates for Governor/Lt. Governor $23,850 per election
To a candidate for Other Statewide Office* $8,600 per election
To a candidate for Public Service Comm. $3,450 per election
To a candidate for State Senate $1,400 per election
To a candidate for Other Public Office** $850 per election

Excluding PSC and State Senate

CORPORATION OR UNION

May not contribute directly or indirectly to a candidate, § 13-35-227, MCA

*Other Statewide Office
Attorney General, Secretary of State, State Auditor, Superintendent of Public Instruction, Supreme Court Justice, Clerk of the Supreme Court

** Examples of Other Public Office
State District—Public Service Commissioner, State Senate, State House, and District Judge
County—All County elected Officials
City—all City elected officials
School—All School District Trustees