

campaign must receive at least 75 percent of the original purchase price or value of the in-kind contribution as determined per ARM 44.11.403; or

(ii) donation of the property under one of the options set out in ARM 44.11.702 pertaining to disposal of surplus campaign funds.

(b) the disposition of all campaign property under this rule must be reported on the closing report required by ARM 44.11.306, including the method of disposition (sale or donation), the complete date of the disposition, the name and address of the purchaser or donee, and a description of the property. If the property is sold, the information shall include the sale price received; if the property is donated, the information shall include the fair market value of the property at the time of the transfer.

(c) for purposes of this rule, the "residual" fair market value is based upon the value of the property at the time it is sold or donated, accounting for items of similar description, age, and condition. The sale of property through an online commercial auction shall be considered as a favorable factor in determining that the sale price received was the fair market value of the property sold.

(d) any personal or real property purchased with campaign funds that is not disposed of under this rule, shall be disposed of according to ARM 44.11.702.

(6) Whether an expenditure of campaign funds is to be considered a personal use or expense, and therefore prohibited, is a factual determination to be made by the commissioner.

History: 13-7-114, MCA; IMP, 13-1-101, 13-37-229, 13-37-240, MCA; NEW, 2016 MAR p. 28, Eff. 1/9/16.

Subchapter 7, Campaign Surplus and Constituent Accounts

44.11.701 DEFINITIONS

For the purposes of Title 13, chapter 37, part 4, MCA, 13-37-240, MCA, and this subchapter:

(1) "Compensation" includes all direct or indirect payments of salaries, fees, wages, and benefits to an individual or a person to provide constituent services. The term includes all payments made to an individual or a person to provide constituent services on behalf of an eligible elected official, including but not limited to, payments for overtime, compensatory time, retirement, health insurance, membership fees for social, civic, and professional organizations, life insurance, professional liability insurance, unemployment or worker's compensation insurance, personal use of a vehicle, rental car payments, disability insurance, travel, meal, and lodging reimbursement, and other benefits.

(2) "Constituent" means an individual who resides in, is employed in, provides goods or services in, attends school in, or has an ownership interest in property or a business in the district or geographic area represented by an eligible elected official.

(3) "Constituent services" has the meaning generally defined in 13-37-401, MCA, and more specifically defined in ARM 44.11.707.

(4) "Constituent services account" means an account established under Title 13, chapter 37, part 4, MCA, 13-37-240, MCA, and the rules in this chapter.

(5) "Eligible elected official" means an individual elected or appointed to a statewide office, the Public Service Commission, or the Legislature.

(6) "In-kind donation" means the furnishing of services, property, equipment, supplies, rights, or anything of value without charge or at a charge which is less than fair market value to an eligible elected official for the purpose of providing constituent services.

(7) "Leaves public office" means that an eligible elected official ceases to occupy the public office for which a constituent services account has been established. The term does not include an eligible elected official who is re-elected to the same public office.

(8) "Pre-existing account" means an account related to a public official's office that existed before May 14, 2007 (the effective date of 13-37-401 and 13-37-402, MCA).

History: 13-37-114, MCA; IMP, 13-37-401, 13-37-402, MCA; NEW, 2008 MAR p. 2009, Eff. 9/12/08; TRANS from 44.10.536, 2015 MAR p. , AMD 2016 MAR p. 28, Eff. 1/9/16.

44.11.702 DISPOSAL OF SURPLUS CAMPAIGN FUNDS AND PROPERTY

(1) Candidates shall dispose of surplus campaign funds within 120 days of filing the closing campaign report required by 13-37-228, MCA.

(a) The candidate's closing report shall be filed whenever all debts and obligations are extinguished, the provisions of ARM 44.11.608 are followed, and no further contributions or expenditures will be received or made which relate to the campaign.

(b) No closing report needs to be filed following a primary election campaign if the candidate will advance to the general election.

(2) "Surplus campaign funds" are those campaign funds remaining when all debts and other obligations of the campaign have been paid or settled, pursuant to ARM 44.11.608, no further campaign contributions will be received, and no further campaign expenditures will be made.

(3) Surplus campaign funds will be considered to have been "disposed of" on the date payment or donation of the item of property is made by the candidate or the candidate's committee to a permissible person, entity, or account.

(4) The candidate shall be responsible for obtaining a receipt containing the requisite information from all recipients of any surplus campaign funds or property. Payment of surplus campaign funds or property shall be evidenced by a receipt from the recipient containing the following information:

- (a) the full name and mailing address of the recipient;
 - (b) the date the funds or property were received;
 - (c) the full name of the candidate from whose campaign the funds or property were received; and
 - (d) the exact amount of funds or fair market value of the property received.
- (5) Those candidates with surplus campaign funds shall file a supplement to the closing campaign report, on a form prescribed by the commissioner, showing the disposition of surplus campaign funds or property. The report shall be accompanied by copies of all receipts required by (4). The supplement shall be filed within 135 days after the closing report is filed.

(6) A candidate or eligible elected official shall abide by the prohibitions on the use of surplus campaign funds specified in 13-37-240, and 13-37-402, MCA, ARM 44.11.703, the provisions of this rule, and the rules in this chapter.

(a) For purposes of the restrictions on the disposal of surplus campaign funds and personal or real property set forth in 13-37-240, MCA, "personal benefit" is defined in 13-37-240, MCA. For the purposes of this definition, a candidate's or an eligible elected official's "immediate family" includes any individual related or connected to a candidate or an eligible elected official as specified in 2-2-303, MCA.

(b) For purposes of the restrictions on the disposal of surplus campaign funds and personal or real property set forth in 13-37-240, MCA, "campaign" means any effort to support or oppose the nomination or election of a candidate for public office, or to support or oppose passage of a ballot issue.

(c) Surplus campaign funds, including surplus campaign funds deposited in a constituent services account and any interest accrued as provided in ARM 44.11.710, may only be disbursed as follows:

(i) return the funds to the contributors, so long as the refund to contributors will not violate the personal benefit or campaign contribution provisions of 13-37-240 and 13-37-402, MCA, ARM 44.11.703, or the rules in this chapter;

(ii) donate the funds and personal or real property to any organization or entity, so long as the use of the funds and personal or real property will not violate the personal benefit or campaign contribution provisions of 13-37-240 and 13-37-402, MCA, ARM 44.11.703, or the rules in this chapter;

(iii) An elected official other than an eligible elected official may transfer the funds to an account to serve a public purpose related to the officeholder's public duties, so long as the funds will not result in personal benefit or a contribution to a campaign;

(iv) an eligible elected official may transfer the funds to a constituent services account provided for in Title 13, chapter 37, part 4, MCA, and the rules in this chapter;

(v) an eligible elected official may retain the personal or real property of the campaign to serve constituents as provided in Title 13, chapter 37, part 4, MCA, and the rules in this chapter.

(7) A candidate or an eligible elected official shall not contribute surplus campaign funds to a political committee. However, nothing in this section shall be construed as prohibiting the contribution of surplus campaign funds to a political party or a political party committee, so long as the funds are not earmarked for a specific campaign.

(8) Upon a determination that a candidate made a prohibited disposal of surplus campaign funds, the commissioner may employ any enforcement measures within his or her jurisdiction.

History: 13-37-114, MCA; IMP, 13-37-240, MCA; NEW, 1995 MAR p. 2048, Eff. 9/28/95; AMD, 2001 MAR p. 2049, Eff. 10/12/01; AMD, 2008 MAR p. 2009, Eff. 9/12/08; TRANS from 44.10.355, 2016 MAR p. 28, Eff. 1/9/16.

44.11.703 PERSONAL BENEFIT

(1) Pursuant to 13-37-240, MCA, the term "direct or indirect benefit" means the distribution of all or any portion of surplus campaign funds, including surplus campaign funds deposited in a constituent services account, that benefit a candidate, an eligible elected official, or a member of a candidate's or an eligible elected official's immediate family, except as specifically authorized by this rule or the rules in this chapter.

(2) Surplus campaign funds or constituent services account funds may be donated to a group of individuals or an organization to which the candidate or an eligible elected official, or a member of the candidate's or an eligible elected official's immediate family belongs or is a member, as long as:

(a) the candidate, an eligible elected official, or a member of a candidate's or an eligible elected official's immediate family do not control how the group or organization spends the surplus campaign funds or constituent services account funds received by the group or organization;

(b) the candidate, an eligible elected official, or a member of the candidate's or an eligible elected official's immediate family abstains from voting on or taking any action to approve or disapprove a decision by the group or organization to spend the surplus campaign funds or constituent services account funds received by the organization; and

(c) The candidate, an eligible elected official, or a member of the candidate's or an eligible elected official's immediate family receive a benefit that is only incidental to their membership or participation within the group or organization. A benefit is "incidental" if a benefit bestowed on or available to a candidate, an eligible elected official, or a member of a candidate's or an eligible elected official's immediate family is the same as a benefit bestowed on or available to the public or other members of the group or organization.

(3) Surplus campaign funds or constituent services account funds may be donated to a government entity under ARM 44.11.702, even if the candidate, an eligible elected official, or a member of the candidate's or an eligible elected official's immediate family is an employee of the government entity or serves on the government entity's policy making or advisory board, as long as:

(a) The candidate, an eligible elected official, or a member of a candidate's or an eligible elected official's immediate family does not control how the government entity spends the surplus campaign funds or constituent services account funds received;

(b) the candidate, an eligible elected official, or a member of the candidate's or an eligible elected official's immediate family abstains from voting on or taking any action to approve or disapprove a decision by the government entity to spend the surplus campaign funds or constituent services account funds received; and

(c) The candidate, an eligible elected official, or a member of the candidate's or an eligible elected official's immediate family receives a benefit that is only incidental to their employment by or participation as a board member. A benefit is "incidental" if a benefit bestowed on or available to a candidate, an eligible elected official, or a member of a candidate's or an eligible elected official's immediate family is the same as a benefit bestowed on or available to the government entity's other employees or board members.

History: 13-37-114, MCA; IMP, 13-37-240, MCA; NEW, 1996 MAR p. 784, Eff. 3/22/96; AMD, 2008 MAR p. 2009, Eff. 9/12/08. TRANS and AMD from 44.10.336, 2016 MAR p. 28, Eff. 1/9/16.

44.11.704 APPLICABILITY OF RULES

(1) All of the rules in this chapter apply to a constituent services account established by an eligible elected official under Title 13, chapter 37, part 4, MCA, and 13-37-240, MCA, on or after May 14, 2007.

(2) The rules in this chapter do not apply to the constituent services stipend and reimbursement provided by the state of Montana to a legislator, starting July 1, 2017, pursuant to 5-2-204, MCA, which is administered by Legislative Services.

(3) Only the personal benefit and campaign contribution prohibitions in 13-37-240 and 13-37-402, MCA, and ARM 44.11.702, 44.11.703, and 44.11.706 apply to:

(a) a pre-existing account in which surplus campaign funds have been deposited;

(b) an account related to an elected official's office if the elected official has been elected to any public office other than the public offices listed in ARM 44.11.705 and surplus campaign funds have been deposited in the account; or

(c) the expenditure of surplus campaign funds by a candidate or an elected official.

(4) The following provisions of Montana law may also apply to the use or expenditure of surplus campaign funds, constituent account funds, or other funds deposited in or expended from accounts related to an elected official's public office:

(a) the Montana Code of Ethics, 2-2-101, et seq., MCA, including the provisions governing the receipt of gifts of substantial value and the receipt of fees or compensation other than the official compensation provided by law;

(b) the provisions of Title 13, chapter 35, part 2, MCA, concerning the improper influence of voters before and after an election and the prohibition against corporate and union contributions to candidates;

(c) the provisions of Title 13, chapter 37, part 2, MCA; and

(d) the provisions of Title 5, chapter 7, MCA.

History: 13-37-114, MCA; IMP, 13-37-401, 13-37-402, MCA; NEW, 2008 MAR p. 2009, Eff. 9/12/08; TRANS from 44.10.537, AMD 2016 MAR p. 28, Eff. 1/9/16.

44.11.705 ELIGIBLE ELECTED OFFICIALS

(1) An individual elected to any of the following public offices may transfer surplus campaign funds to a constituent services account created under Title 13, chapter 37, part 4, MCA, 13-37-240, MCA, and the rules in this chapter:

(a) Governor;

(b) Lieutenant Governor;

(c) Attorney General;

(d) Secretary of State;

(e) State Auditor;

(f) Superintendent of Public Instruction;

(g) Chief Justice or Justice of the Supreme Court;

(h) Clerk of the Supreme Court;

(i) Public Service Commission; or

(j) The Montana House of Representatives or Senate.

History: 13-37-114, MCA; IMP, 13-37-401, 13-37-402, MCA; NEW, 2008 MAR p. 2009, Eff. 9/12/08; TRANS from 44.44.10.538, 2016 MAR p. 28, Eff. 1/9/16.

44.11.706 PROHIBITIONS

(1) The following prohibitions apply to a constituent services account established under Title 13, chapter 37, part 4, MCA, 13-37-240, MCA, ARM 44.11.702 and 44.11.703, and the rules in this chapter:

(a) An eligible elected official may not establish any other account related to the eligible elected official's public office after May 14, 2007, except for a campaign account.

(b) Only surplus campaign funds as defined in ARM 44.11.702 may be deposited in a constituent services account established under Title 13, chapter 37, part 4, MCA, and the rules in this chapter, except for the payment of interest as provided in ARM 44.11.710. An eligible elected official may not:

(i) deposit funds from a pre-existing account or any other account related to the eligible elected official's public office into a constituent services account established under Title 13, chapter 37, part 4, MCA;

(ii) solicit or receive cash or anything of monetary value for deposit in a constituent services account or to provide constituent services; or

(iii) solicit or receive an in-kind donation to provide constituent services.

(c) A constituent services account established under Title 13, chapter 37, part 4, MCA, may only be used to provide constituent services.

(d) Constituent services account funds may not be used for personal benefit as specified in 13-37-240 and 13-37-402, MCA, ARM 44.11.702, and 44.11.703, and the rules in this chapter. Constituent services account funds may not be used to pay compensation to an eligible elected official or a member of an eligible elected official's immediate family except as expressly provided in the rules in this chapter.

(e) Expenditures cannot be made from a constituent services account if the eligible elected official has an open campaign account for any elective office, including an elective office other than the office currently held. However, constituent services account funds may be used to pay for constituent services provided or expenses incurred to provide constituent services before the date upon which a campaign account was opened if payments for such services or expenses are supported by written documentation as provided in ARM 44.11.709.

(f) Constituent services account funds may not be contributed to another ballot issue or candidate campaign, including the eligible elected official's own future campaign.

(2) Subsections (1)(d) and (1)(f) apply to:

(a) a pre-existing account in which surplus campaign funds have been deposited; or

(b) the expenditure of surplus campaign funds by any elected official described in ARM 44.11.704.

History: 13-37-114, MCA; IMP, 13-37-401, 13-37-402, MCA; NEW, 2008 MAR p. 2009, Eff. 9/12/08; TRANS from 44.10.539, 2015 MAR p. , AMD 22016 MAR p. 28, Eff. 1/9/16.

44.11.707 AUTHORIZED EXPENDITURES

(1) A constituent services account established under Title 13, chapter 37, part 4, MCA, 13-37-240, MCA, and the rules in this chapter, may be used to pay for the following expenses incurred to provide constituent services:

(a) communications with constituents or on behalf of constituents, including but not limited to, printing, postage, paper, internet, facsimile, delivery, or other costs incurred to communicate with or on behalf of constituents. Communication costs do not include payment for public advertisements or public announcements of any kind unless such public advertisements or announcements are limited to publicly announcing the date, time, place, and general purpose of a meeting in an eligible elected official's district at which the public will be allowed to participate in a public discussion of matters of interest to an eligible elected official's constituents;

(b) travel, meal, and lodging expenses as provided in (2);

(c) equipment and supplies as provided in (3) and (4);

(d) office expenses related to the lease or purchase of office space as provided in (3) and (4);

(e) utility costs associated with the use of equipment, supplies, and office space to provide constituent services;

(f) compensation paid to an individual, other than an eligible elected official or a member of an eligible elected official's immediate family; and

(g) expenses related to education, workshops, and conference participation that are incurred to represent and serve constituents; and

(h) any other expenses incurred to provide constituent services subject to the requirements and prohibitions of the rules in this chapter.

(2) Constituent services account funds may be used to pay travel, meal, and lodging expenses subject to the following:

(a) An eligible elected official may be reimbursed for travel, meal, and lodging expenses incurred to provide constituent services at the rates and reimbursement levels specified in Title 2, chapter 18, part 5, MCA, and applicable rules adopted by the Department of Administration.

(b) An individual, other than a member of an eligible elected official's immediate family, may be reimbursed for travel, meal, and lodging expenses incurred under a written agreement with an eligible elected official to provide constituent services if such reimbursement does not exceed the rates and reimbursement levels specified in Title 2, chapter 18, part 5, MCA, and applicable rules adopted by the Department of Administration.

(c) A member of an eligible elected official's immediate family may not be reimbursed for travel, meal, and lodging expenses incurred to provide constituent services.

(3) If constituent services account funds are used to purchase office space, equipment, or supplies, the office space, equipment, or supplies purchased with constituent account funds must be used exclusively to provide constituent services. When an eligible elected official leaves public office, any office space, equipment, or

unused supplies purchased with constituent account funds must be disbursed as provided in ARM 44.11.702.

(4) If constituent services account funds are used to reimburse an eligible elected official or a person, other than a member of an eligible elected official's immediate family, for office space, equipment, or supplies used, in whole or in part, to provide constituent services, all reimbursement payments and the basis for such payments must be documented in writing as provided in ARM 44.11.709. Any reimbursement for office space, equipment, or supplies must be based on the fair market value of the office space, equipment, and supplies used to provide constituent services.

(5) Nothing in this rule authorizes constituent services account funds to be used or expended in violation of the prohibitions in ARM 44.11.702, 44.11.703, and 44.11.706, 13-37-240, MCA, or Title 13, chapter 37, part 4, MCA.

(6) Constituent services account funds may not be used to pay:

(a) compensation to an eligible elected official for time spent or services rendered to provide constituent services, except as expressly provided in the rules in this chapter;

(b) compensation or any other payment to a member of an eligible elected official's immediate family for time spent or services rendered to provide constituent services;

(c) the cost of polls or public opinion surveys designed or intended to determine the attitudes and opinions of constituents or the public. However, nothing in this subsection prohibits an eligible elected official from encouraging a constituent to express an opinion about matters of interest to the constituent or matters that may be the subject of official action by the eligible elected official;

(d) the cost of all or any portion of an event, meeting, fundraiser, or gathering at which contributions as defined in 13-1-101, MCA, will be solicited or received by any person, including but not limited to, a political party, political party committee, candidate, or person or political committee supporting or opposing a candidate or ballot issue;

(e) any direct or indirect travel, lodging, meals, entertainment, or other expenses related to the sponsorship of, attendance at, or participation in an event, meeting, fundraiser, or gathering at which contributions as defined in 13-1-101, MCA, will be solicited or received by any person, including but not limited to, a political party, political party committee, candidate, or a person or political committee supporting or opposing a candidate or ballot issue;

(f) any direct or indirect expenditure to support or oppose a candidate or ballot issue;

(g) the cost of entertaining constituents or any other individual or person. However, nothing in this subsection prohibits an eligible elected official from using constituent services account funds to pay for food or drink provided at a publicly announced or publicly advertised meeting held for the general purpose of allowing

constituents to participate in a public discussion of matters of interest to the constituents or an eligible elected official. The expenditures for food and drink at such a meeting must not be lavish or extravagant; and

(h) travel, meals, or lodging expenses incurred by a constituent or any individual other than an individual who has a written agreement to provide constituent services on behalf of an eligible elected official.

History: 13-37-114, MCA; IMP, 13-37-401, 13-37-402, MCA; NEW, 2008 MAR p. 2009, Eff. 9/12/08; TRANS and AMD from 44.10.540, 2016 MAR p. 28, Eff. 1/9/16.

44.11.708 OPENING AN ACCOUNT

(1) An eligible elected official may establish a constituent services account under Title 13, chapter 37, part 4, MCA, 13-37-240, MCA, and the rules in this chapter, by filing a completed constituent services account form provided by the commissioner. The form shall require an eligible elected official to disclose and provide, as a minimum, the following:

(a) the name and elective office held by the eligible elected official establishing the constituent services account;

(b) the district or geographic area represented by the eligible elected official;

(c) the full name, mailing address, and telephone number that appears on the constituent services account;

(d) the full name and mailing address of any individual other than the eligible elected official who is authorized to make expenditures from the account (the eligible elected official establishing the account must be one of the signatories on the account);

(e) the full name, mailing address, and telephone number that appears on the campaign account from which surplus campaign funds are being transferred for deposit in the constituent services account;

(f) the full name, mailing address, and telephone number of the financial institution at which the constituent services account has been established;

(g) a copy of the closing report for the campaign account from which surplus campaign funds are being transferred for deposit in the constituent services account;

(h) the amount of surplus campaign funds being deposited in the constituent services account;

(i) if all of the surplus campaign funds in the closed campaign account will not be deposited in the eligible elected official's constituent services account, the full name and mailing address of each contributor or entity receiving any portion of the surplus campaign funds pursuant to ARM 44.11.702; and

(j) for each payment of surplus campaign funds to a contributor or entity under the preceding subsection, the date on which the payment was made.

(2) The form must be signed by the eligible elected official and verified as required by 13-37-231, MCA.

History: 13-37-114, MCA; IMP, 13-37-401, 13-37-402, MCA; NEW, 2008 MAR p. 2009, Eff. 9/12/08; TRANS and AMD from 44.10.541, 2016 MAR p. 28, Eff. 1/9/16.

44.11.709 RECORDS AND REPORTING

(1) An eligible elected official who establishes a constituent services account under Title 13, chapter 37, part 4, MCA, 13-37-240, MCA, and the rules in this chapter, must file quarterly reports with the commissioner's office after an account is opened. Reports must be filed on or before April 10, July 10, October 10, and January 10 in each calendar year until the account is closed as provided in ARM 44.11.711. A report must be filed even if no expenditures have been made during the reporting period. The reports must include all expenditures made and interest accrued through the end of the calendar quarter on which the quarterly report is due.

(2) Each report must contain, as a minimum, the following:

(a) the amount of money in the account at the beginning of the reporting period;
(b) the amount and rate of interest paid on money in the account during the reporting period pursuant to ARM 44.11.710;

(c) for each expenditure made during the reporting period:

(i) the full name, mailing address, occupation, and principal place of business (if any) of each person to whom expenditures were made; and

(ii) the amount, date, and general statement describing the constituent services that were the basis for each expenditure; and

(iii) the total amount of expenditures made to each person; and

(iv) the amount of money in the account at the end of the reporting period.

(3) Each report must be signed by the eligible elected official and verified as written by 13-37-231, MCA.

(4) An eligible elected official must maintain the following additional written documentation for each expenditure from a constituent services account:

(a) The basis for any fair market value determination to be made under the rules in this chapter.

(b) A written log or other documents identifying the date on which constituent services were provided, the street address and city at which the constituent services were provided, a statement describing the constituent services provided, and the full name and mailing address of at least one constituent on whose behalf the constituent services were provided.

(c) If the expenditure involves payments to a person other than the eligible elected official, a written receipt or invoice from the payee.

(d) If the expenditure involves reimbursement for travel, meal, or lodging expenses, it must be supported by receipts or other written documentation that satisfies applicable requirements of Title 2, chapter 18, part 5, MCA, and rules adopted by the Montana Department of Administration.

(e) If the expenditure involves costs incurred to communicate with constituents, it must be supported by receipts or other written documentation itemizing the basis for the communication expenditure.

(5) An eligible elected official may establish only one constituent services account and no secondary depositories or subaccounts may be established. An eligible elected official may only have one constituent services account open at a time, and while a campaign account is open no expenditures shall be made from the constituent services account established pursuant to 13-37-401 and 13-37-402, MCA.

(6) All records and reports that must be filed or maintained under the rules in this chapter must be retained by the eligible elected official for a period of four years after the constituent services account is closed.

History: 13-37-114, MCA; IMP, 13-37-401, 13-37-402, MCA; NEW, 2008 MAR p. 2009, Eff. 9/12/08; TRANS and AMD from 44.10.542, 2016 MAR p. 28, Eff. 1/9/16.

44.11.710 INTEREST PAID ON ACCOUNTS

(1) Interest paid on a constituent services account established under Title 13, chapter 37, part 4, MCA, 13-37-240, MCA, and the rules in this chapter, may be received and used to provide constituent services if:

(a) the interest is deposited directly into the constituent services account;

(b) the interest is paid by a bank, savings and loan, credit union, brokerage firm, or other financial or investment entity subject to regulation by the state of Montana or an agency of the United States government; and

(c) the interest paid is the entity's prevailing money market, savings, or certificate of deposit rate paid to other investors or depositors with similar interest bearing accounts.

History: 13-37-114, MCA; IMP, 13-37-401, 13-37-402, MCA; NEW, 2008 MAR p. 2009, Eff. 9/12/08. TRANS from 44.10.543, 2016 MAR p. 28, Eff. 1/9/16.

44.11.711 CLOSING AN ACCOUNT—DISBURSEMENT OF SURPLUS ACCOUNT FUNDS

(1) An eligible elected official must close a constituent services account within 120 days after leaving public office as defined in ARM 44.11.701. The closing report must be filed on a form to be provided by the commissioner.

(2) A closing report must disclose the full name and mailing address of each contributor or entity receiving all or any portion of the funds in a constituent services

account pursuant to ARM 44.11.702. The closing report must also disclose the date on which the payment was made to each contributor or entity.

History: 13-37-114, MCA; IMP, 13-37-401, 13-37-402, MCA; NEW, 2008 MAR p. 2009, Eff. 9/12/08; TRANS from 44.10.543, 2016 MAR p. 28, Eff. 1/9/16.

Chapter 11			
Office of Commissioner of Political Practices			
Sub-Chapter 1			
COPP Organizational Rule, Procedural Rule and General Policy			
Old #		New #	Action Taken
44.10.101	Organizational Rule	44.11.101	TRANS and AMD
44.10.201	Incorporation of Model Rules	44.11.102	TRANS and AMD
44.10.301	Introduction and Definitions	44.11.103	TRANS and AMD
44.10.303	Construction of Rules	44.11.104	TRANS and AMD
44.10.305	Practice Regarding Application of Rules	44.11.105	TRANS and AMD
44.10.307	Complaints of Violations	44.11.106	TRANS and AMD
44.10.309	Copying of Public Records	44.11.107	TRANS
Subchapter 2			
Political Committees and Candidates			
Political Committees			
44.10.405	Political Committee - Statement of Organization	44.11.201	TRANS and AMD
44.10.327	Political Committee - Definition and Types	44.11.202	TRANS and AMD
	Primary Purpose	44.11.203	ADOPT
44.10.329	Political Committee Classification	44.11.204	TRANS and AMD
Candidates			
	Statement of Candidate	44.11.220	ADOPT
	Business Interest Disclosure	44.11.221	ADOPT
44.10.334	Elections to Which Aggregate Contribution Limits Apply	44.11.222	TRANS and AMD
44.10.337	Aggregate Contribution Limits for Write-in Candidates	44.11.223	TRANS and AMD
44.10.330	Designation of Contributions Primary-General	44.11.224	TRANS and AMD
44.10.333	Limits on Contributions from Parties	44.11.225	TRANS and AMD
44.10.331	Limits on Contributions from Political Committees	44.11.226	TRANS and AMD
44.10.338	Limitations on Individual and Political Party Contributions	44.11.227	TRANS and AMD
	Consequences for Failure to File Required Reports and Disclosures	44.11.240	ADOPT
Subchapter 3			
Filing			
44.10.501	Uniform System of Accounts	44.11.301	TRANS and AMD
44.10.401	Statements, Reports, and Electronic Filing	44.11.302	TRANS and AMD
44.10.403	Amending Statements and Reports	44.11.303	TRANS and AMD

44.10.407	Local Candidates And Committees, Receiving or Expending Less Than \$500	44.11.304	TRANS and AMD
44.10.413	Nonresident and Federally Filing Committees	44.11.305	TRANS and AMD
44.10.409	Committee Semiannual and Closing Reports	44.11.306	TRANS and AMD
Subchapter 4 Reporting Contributions			
44.10.321	Contribution - Definition	44.11.401	TRANS and AMD
44.10.511	Reporting Contributions	44.11.402	TRANS and AMD
44.10.513	In-Kind Contribution, Reporting and Valuation	44.11.403	TRANS and AMD
44.10.519	Earmarked Contribution	44.11.404	TRANS and AMD
44.10.515	Loans as Contributions	44.11.405	TRANS and AMD
44.10.521	Mass Collections at Fundraisers	44.11.406	TRANS and AMD
44.10.505	Cash Contributions	44.11.407	TRANS
	Electronic Contributions	44.11.408	ADOPT
44.10.503	Deposits and Expenditures Campaign Account	44.11.409	TRANS and AMD
Subchapter 5 Reporting Obligations and Expenditures			
44.10.323	Expenditure - Definition	44.11.501	TRANS and AMD
44.10.531	Reporting Expenditures	44.11.502	TRANS and AMD
44.10.533	In-Kind Expenditures, Reporting and Valuation	44.11.503	TRANS and AMD
44.10.517	Expenditure to Avoid Direct Contribution	44.11.504	TRANS and AMD
44.10.525	Debts Owed By Candidate or Committee	44.11.505	TRANS and AMD
44.10.535	Debts Owed To a Candidate or Committee	44.11.506	TRANS and AMD
Subchapter 6 Campaign Practices			
	Attribution on Election Material	44.11.601	ADOPT
	Coordination	44.11.602	ADOPT
	De Minimis	44.11.603	ADOPT
	Election Communication	44.11.604	ADOPT
	Electioneering Communication	44.11.605	ADOPT
44.10.311	Electioneering	44.11.606	TRANS
	Fair Notice Period	44.11.607	ADOPT
	Personal Use of Campaign Funds	44.11.608	ADOPT

Subchapter 7 Surplus and Constituent Accounts			
44.10.536	Definitions	44.11.701	TRANS and AMD
44.10.335	Disposal of Surplus Campaign Funds	44.11.702	TRANS and AMD
44.10.336	Personal Benefit	44.11.703	TRANS and AMD
44.10.537	Applicability of Rules	44.11.704	TRANS and AMD
44.10.538	Eligible Elected Officials	44.11.705	TRANS
44.10.539	Prohibitions	44.11.706	TRANS and AMD
44.10.540	Authorized Expenditures	44.11.707	TRANS and AMD
44.10.541	Opening a Constituent Account	44.11.708	TRANS and AMD
44.10.542	Records and Reporting	44.11.709	TRANS and AMD
44.10.543	Interest Paid on Accounts	44.11.710	TRANS
44.10.544	Closing a Constituent Account	44.11.711	TRANS and AMD

REPEALED		
44.10.325	Political Committee – Definition (incorporated in 44.11.201)	REP
44.10.332	Leadership Political Committees	REP
44.10.411	Incidental Political Committee, Filing Schedule, Reports	REP
44.10.507	Transfer of Contribution to Campaign Treasurer (incorporated into 44.11.409)	REP
44.10.523	Aggregate Contribution (incorporated in 44.11.222)	REP