

BEFORE THE OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES  
OF THE STATE OF MONTANA

In the matter of the amendment of ) AMENDED NOTICE OF PROPOSED  
ARM 44.11.226, 44.11.227, ) AMENDMENT AND EXTENSION OF  
44.11.302, and 44.11.605 pertaining ) COMMENT PERIOD  
to campaign finance reporting, )  
disclosure, and practices ) NO PUBLIC HEARING  
) CONTEMPLATED

TO: All Concerned Persons

1. On September 8, 2017, the Office of the Commissioner of Political Practices published MAR Notice No. 44-2-229 pertaining to the proposed amendment of the above-stated rules at page 1509 of the 2017 Montana Administrative Register, Issue No. 17.

2. The Office of the Commissioner of Political Practices has determined it is reasonable and necessary to extend the written comment period until 5:00 pm on November 13, 2017.

3. The Commissioner of Political Practices will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Office of the Commissioner of Political Practices no later than 5:00 p.m. on November 6, 2017 to advise us of the nature of the accommodation that you need. Please contact Jaime MacNaughton, Office of the Commissioner of Political Practices, 1209 Eighth Ave., P.O. Box 202401, Helena, Montana, 59620-2401; telephone (406) 444-2942; fax (406) 444-1643; or e-mail CPPRules@mt.gov.

4. The commissioner has determined that it is reasonable and necessary to amend the notice as proposed to add clarification to a statement of reasonable necessity and to provide clarifying guidance within a proposed rule itself.

5. ARM 44.11.226 and 44.11.302 remain as proposed.

6. The statement of reasonable necessity for ARM 44.11.227 is being amended as follows, new matter underlined, deleted matter interlined:

REASON: The COPP is amending this rule to reflect the inflation factor change in aggregate contribution limits to candidates from individuals or political parties for the 2018 and 2019 elections ~~election cycle~~. The law is currently under review by the 9th Circuit Court of Appeals in *Lair v. Motl*. Section (1) contribution limits will only be enforced if the 9th Circuit upholds the State's individual and political committee contribution limits as enacted by citizen initiative in November 1994. Under the currently controlling federal court order in *Lair* the 2018 and 2019 contribution limits

per election cycle for individuals are: \$2,040 for gubernatorial candidates, \$1,020 for other statewide offices, \$540 for PSC, district court judge and state senators, and \$340 for any other office. The 2018 and 2019 per election cycle contribution limits for political committees are \$10,890 for gubernatorial candidates, \$2,720 for other statewide offices, \$1,360 for PSC, \$850 for state senator, and \$410 for any other office. Section (2) political party per election contribution limits will be effective the day after publication of the adoption notice.

7. ARM 44.11.605 remains as proposed, but with the following changes to the original proposal, new matter underlined, deleted matter interlined:

44.11.605 ELECTIONEERING COMMUNICATION (1) through (3)(c) remain as proposed.

(d) any other regular or normal communication by a local government or a state agency that includes information about a candidate, ballot issue, or election including sample ballots, and the time, place, or manner information regarding an upcoming election. ~~A local government or state agency informational communication concerning a ballot issue~~ Any other communication may be ~~is not a regular and normal communication and~~ is subject to reporting and disclosure as an electioneering communication. For purposes of this rule the terms local government and state agency shall have the same meaning as the definitions of the terms in 2-2-102, MCA.

(4) through (8) remain as proposed.

AUTH: 13-37-114, MCA

IMP: 13-1-101, 13-37-225, 13-37-226, 13-37-229, 13-37-232, MCA

8. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Jaime MacNaughton, Office of the Commissioner of Political Practices, 1209 Eighth Ave., P.O. Box 202401, Helena, Montana, 59620-2401; telephone (406) 444-2942; fax (406) 444-1643; or e-mail CPPRules@mt.gov, and must be received no later than 5:00 p.m., November 13, 2017.

9. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments to Jaime MacNaughton at the above address no later than 5:00 p.m., November 13, 2017.

/s/ Jaime MacNaughton  
Jaime MacNaughton  
Rule Reviewer

/s/ Jeffrey Mangan  
Jeffrey Mangan  
Commissioner of Political Practices  
Office of the Commissioner of Political Practices

Certified to the Secretary of State September 29, 2017.