

October 29, 2013

Matthew Monforton
Attorney at Law
32 Kelly Court
Bozeman, MT 59718

Re: Montana Family Foundation; LR -120 and LR-126
Issue: Anonymity Disclaimer For Contributions under \$35
COPP-AO- 2013-3

Dear Mr. Monforton:

I write in response to your letters of October 1 and October 28, 2013. Because this inquiry raises an issue of general public concern I am treating this letter as a response to a request for an advisory opinion under 44.10.201 ARM thereby making this response available for general public review.

The October 1, 2013 letter implies that the Montana Family Foundation is required by a new Montana law [§13-35-237 MCA] to disclose contribution information for contributors making contributions in amounts less than \$35. This is not the case. Section 13-37-229 MCA only requires contribution disclosure for contributions of \$35 or more. Section 13-35-237 does not amend or change this threshold disclosure requirement. Under §13-35-237 a political committee does not need to “claim[s] to be exempt from disclosing” information for amounts less than \$35 since no such disclosure is required. Stated another way, contrary to the assertions in the October 1, 2013 letter MFF has never had to and will not need to refuse “...to disclose the names of persons contributing under \$35 to the organization”, since such a disclosure has not been and is not required under Montana law.

Assuming *arguendo* that the description of the April 12, 2013 floor debate in the October 1, 2013 letter is accurate, the above assessment does not change. Under long standing Montana law when two statutes are in play they must be read to give effect to each: “This Court presumes that the legislature would not pass meaningless legislation; and must harmonize statutes relating to the same subject, giving effect to each.” *State ex rel. City of Townsend v. D.A. Davidson, Inc. (1975), 166 Mont. 104, 531 P.2d 370.*

Section 13-37-229 MCA explicitly requires disclosure only for contributions of \$35 or more. Giving effect to §13-37-229 requires that §13-35-237 be read to require the anonymity disclaimer only when the claimed anonymous contributions include amounts of \$35 or more from a single person or entity. There is no need to look to legislative history as the normal statutory construction, giving effect to each statute, resolves the issue without any need to look to history.

Please feel free to contact me should you have further questions on this issue.

Sincerely,

Jonathan R. Motl
Commissioner of Political Practices