

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 44.10.401 pertaining to) PROPOSED AMENDMENT
statements and filing of reports)

TO: All Concerned Persons

1. On October 14, 2011, at 9:00 a.m., the Commissioner of Political Practices will hold a public hearing in the conference room of the State Capitol Building, Room 152, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. 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 Political Practices no later than 5:00 p.m. on October 12, 2011, to advise us of the nature of the accommodation that you need. Please contact David Gallik, Commissioner of Political Practices, 1205 8th Avenue, Helena, Montana, 59620; telephone (406) 444-2942; fax (406) 444-1643; or e-mail mabaker@mt.gov.

The rule that is proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

44.10.401 STATEMENTS AND REPORTS, FILING

1) Except as provided in this rule, E~~each~~ statement and report required by Title 13, chapters 35 and 37, MCA, and these rules shall be filed on forms prescribed by the commissioner, ~~except as provided in ARM 44.10.413.~~ The forms may be obtained without cost and upon request from the Commissioner of Political Practices, 1205 Eighth Avenue, PO Box 202401, Helena, Montana 59620-2401, telephone (406) 444-2942. The forms may also be downloaded from the office's website at ~~http://www.state.mt.us/cpp/~~ http://www.politicalpractices.mt.gov. Pursuant to 13-37-226, MCA, candidates for a state office filled by a statewide vote of all the electors of Montana and political committees organized to support or oppose a statewide candidate shall file reports electronically in accordance with the procedure described in this rule.

(a) A report is filed "electronically," as provided in 13-37-226, by providing the required information to the Commissioner of Political Practices through the office's website by using the "Campaign Tracker" icon to electronically input the information.

(2) All statements and reports required by Title 13, chapters 35 and 37, MCA, and these rules are filed with the commissioner and, where required by statute, with the

appropriate county election administrator, as specified in 13-37-225(4) , MCA, and ~~(2) (a) of this rule.~~

~~(a) Statements and reports filed by a candidate for district court judge are filed with the commissioner and with the election administrator of the county in which the election is held. If the election is held in more than one county, reports are filed with the election administrator at the county seat with the greatest population based upon the latest direct enumeration of the inhabitants thereof taken under the direction of the congress of the United States or made by the state or municipality.~~

(ba) Except for reports filed electronically as provided in this rule, E each statement and report filed shall be a legible copy bearing an original signature of the individual filing the statement or report.

(eb) A statement or report is filed if it is submitted electronically or delivered to the commissioner and, if required, delivered to the appropriate county election administrator before 5:00 p.m. on the prescribed filing date, or if it is deposited in an established U. S. post office, postage pre-paid, no later than 5:00 p.m. three days before the prescribed filing date. A faxed report is timely filed if the original of the report is filed within five days after the fax transmission. Saturdays, Sundays, and holidays shall be excluded in the calculation of the five-day period.

(i) A delivered statement or report shall be acknowledged by a dated receipt.

AUTH: 13-37-226(1), MCA
IMP: 13-37-225, 13-37-231, MCA

REASON: The Commissioner of Political Practices finds that it is reasonable and necessary to amend the rule to provide clarity and guidance regarding the electronic filing requirement enacted by the 2009 Legislature when it amended 13-37-226(1), MCA. The Legislature did not define the term “electronically,” therefore this proposed rule amendment seeks to specify the procedure for compliance with the electronic filing requirement. In addition, HB 89, passed by the 2011 Legislature, changed the law making it no longer necessary for certain candidates and committees to file reports with a county election administrator. The proposed amendment seeks to clarify reporting requirements based on this statutory change. The proposed amendment also updates the office’s website address.

3. 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: David Gallik, Office of the Commissioner of Political Practices, 1205 8th Avenue, Helena, Montana, 59620; telephone (406) 444-2942; fax (406) 444-1643; or e-mail mabaker@mt.gov, and must be received no later than 5:00 p.m., October 20, 2011.

4. David B. Gallik, Commissioner of Political Practices, has been designated to preside over and conduct this hearing.

MAR Notice No. 44-2-172

5. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 5 above or may be made by completing a request form at any rules hearing held by the department.

6. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by e-mail September 12, 2011

/s/ Jim Scheier
Jim Scheier
Rule Reviewer

/s/ David B. Gallik
David B. Gallik
Commissioner of
Political Practices

Certified to the Secretary of State September 12, 2011.