

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
44.10.338 pertaining to limitations on)
individual and political party)
contributions)

TO: All Concerned Persons

1. On October 17, 2013, the Commissioner of Political Practices published MAR Notice No. 44-2-193 pertaining to the proposed amendment of the above-stated rule at page 1809 of the 2013 Montana Administrative Register, Issue Number 19.

2. The department has amended the rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

44.10.338 LIMITATIONS ON INDIVIDUAL AND POLITICAL PARTY CONTRIBUTIONS (1) Pursuant to the operation specified in 13-37-216, MCA, limits on total combined contributions by a political committee or from ~~by~~ individuals to candidates are as follows:

(a) ~~a~~ candidates filed jointly for governor and lieutenant governor may receive no more than \$650;

(b) a candidate for other statewide office may receive no more than \$320;

(c) a candidate for all other public offices may receive no more than \$170.

(2) Pursuant to the operation specified in 13-37-216, MCA, limits on total combined contributions from political party committees to candidates are as follows:

(a) ~~a~~ candidates filed jointly for governor and lieutenant governor may receive no more than \$23,350;

(b) a candidate for other statewide offices may receive no more than \$8450;

(c) a candidate for Public Service Commission may receive no more than \$3350;

(d) a candidate for senate may receive no more than \$1350;

(e) a candidate for all other public offices may receive no more than \$850.

(3) Pursuant to 13-37-216 and 13-37-218, MCA, in-kind contributions must be included in computing these limitation totals.

AUTH: 13-37-216, MCA

IMP: 13-37-216, 13-37-218, ~~15-30-101(8)~~, MCA

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT 1: I notice that 15-30-101 was taken out of 44-2-194 as a statute being implemented. I was wondering if there is any reason you are leaving it in the other notice, 44-2-193? Off the top of my head, I don't see why the definition of a "Foreign C Corporation would be needed for this statute, and in any event, that the statute reference is no longer valid.

RESPONSE 1: The comment is well taken and the reference to 15-30-101, MCA, is deleted from the proposed rule as a clerical error.

COMMENT 2: It appears in subsection (3) in rule 44.10.338 (MAR 44-2-193) should probably reference 13-37-216 (rather than 13-37-218), since 13-37-216(5) specifically relates to in-kind contributions received by candidates and given by political committees, individuals, and political parties in the amounts referenced by this rule. The reference to in-kind contributions in 13-37-218 are for aggregate political committee receipts.

RESPONSE 2: In-kind contributions from PACs to a candidate apply to both the individual donation and aggregate PAC limits, see 13-37-216(5) and 13-37-218, MCA. For the sake of clarity, we have added the internal reference to 13-37-216, MCA, as a correction of deficiencies in sections implemented.

COMMENT 3: The comment period in paragraph 4 is listed as being open until Nov. 18th, but the notice states that the rule is to be amended on Nov. 16th. Since the notice states that comments will be taken until the 18th, could the Commissioner wait until the 19th to amend the rule?

RESPONSE 3: The comment is well taken, and the Commissioner kept the comment period open until November 18, and will amend the rule no sooner than November 19 in recognition of the clerical error.

/s/ Jaime MacNaughton
Jaime MacNaughton
Rule Reviewer

/s/ Jonathan R. Motl
Jonathan R. Motl
Commissioner

Certified to the Secretary of State November 26, 2013.