

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
44.10.338 pertaining to limitations on)	AMENDMENT
individual and political party)	
contributions)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On November 16, 2013, the Commissioner of Political Practices proposes to amend 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 Commissioner of Political Practices no later than 5:00 p.m. on October 28, 2013, to advise us of the nature of the accommodation that you need. Please contact Jonathan Motl, Commissioner of Political Practices, 1205 Eighth Avenue, Helena, Montana, 59620; telephone (406) 444-2942; fax (406) 444-1643; or e-mail jmacnaughton@mt.gov.

3. The rule as proposed to be amended provides as follows, 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 from individuals to candidates are as follows:

- (a) a candidate for governor may receive no more than ~~\$630~~ \$650;
- (b) a candidate for other statewide office may receive no more than ~~\$340~~ \$320;
- (c) a candidate for all other public offices may receive no more than ~~\$160~~ \$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 candidate for governor may receive no more than ~~\$22,600~~ \$23,350;
- (b) a candidate for other statewide offices may receive no more than ~~\$8450~~ \$8450;
- (c) a candidate for Public Service Commission may receive no more than ~~\$3260~~ \$3350;
- (d) a candidate for senate may receive no more than ~~\$1300~~ \$1350;
- (e) a candidate for all other public offices may receive no more than ~~\$800~~ \$850.

(3) Pursuant to 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

REASON: Section 13-37-216, MCA, requires the Commissioner of Political Practices to periodically adjust the limitation established in statute, and to publish the revised limitations as a rule. The Bureau of Labor Statistics supplied the following Consumer Price Index information: June 2002 CPI = 179.9; June 2013 CPI = 233.504. The commissioner must adjust the limitations by multiplying each limit by an inflation factor, which is determined by dividing the Consumer Price Index for June of the year prior to the year in which a general election is held by the Consumer Price Index for June 2002. The inflation factor for the 2014 general election is 1.297. The information is used to determine the inflation factor to be applied to the contribution limits for candidates. This information is required by 13-37-216, MCA.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Jonathan Motl, Commissioner of Political Practices, 1205 Eighth Avenue, Helena, Montana, 59620; telephone (406) 444-2942; fax (406) 444-1643; or e-mail jmacnaughton@mt.gov, and must be received no later than 5:00 p.m., November 18, 2013.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Jonathan Motl at the above address no later than 5:00 p.m., November 18, 2013.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 87 persons based on candidate counts from the 2012 election cycle.

7. 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 4 above or may be made by completing a request form at any rules hearing held by the department.

8. 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 this 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.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by e-mail on October 7, 2013.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Jaime MacNaughton
Legal Counsel
Rule Reviewer

/s/ Jonathan R. Motl
Jonathan R. Motl
Commissioner of
Political Practices

Certified to the Secretary of State October 7, 2013.