

BEFORE THE STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM  
COMMITTEE OF THE STATE OF MONTANA

In the matter of the adoption of New	)	NOTICE OF INTERIM COMMITTEE
Rules I through XII; the transfer of	)	POLL OF THE LEGISLATURE ON
ARM 44.10.309, 44.10.311,	)	PROPOSED RULE ACTION BY THE
44.10.505, 44.10.538, and 44.10.543;	)	COMMISSIONER OF POLITICAL
the transfer and amendment of ARM	)	PRACTICES
44.10.101, 44.10.201, 44.10.301,	)	
44.10.303, 44.10.305, 44.10.307,	)	
44.10.321, 44.10.323, 44.10.327,	)	
44.10.329, 44.10.330, 44.10.331,	)	
44.10.333, 44.10.334, 44.10.335,	)	
44.10.336, 44.10.337, 44.10.338,	)	
44.10.401, 44.10.403, 44.10.405,	)	
44.10.407, 44.10.409, 44.10.413,	)	
44.10.501, 44.10.503, 44.10.511,	)	
44.10.513, 44.10.515, 44.10.517,	)	
44.10.519, 44.10.521, 44.10.525,	)	
44.10.531, 44.10.533, 44.10.535,	)	
44.10.536, 44.10.537, 44.10.539,	)	
44.10.540, 44.10.541, 44.10.542, and	)	
44.10.544; and the repeal of ARM	)	
44.10.325, 44.10.332, 44.10.411,	)	
44.10.507, and 44.10.523 pertaining	)	
to campaign finance reporting,	)	
disclosure, and practices	)	

TO: All Concerned Persons

1. On August 13, 2015, the Commissioner of Political Practices published MAR Notice No. 44-2-207 pertaining to the public hearing on the proposed adoption, transfer, transfer and amendment, and repeal of the above-stated rules at page 1138 of the 2015 Montana Administrative Register, Issue Number 15.

2. Section 2-4-403, MCA, requires the interim committee that has subject matter jurisdiction over an agency to conduct a poll of the members of the Legislature when 20 or more legislators object to a proposed rule. As of November 13, 2015, the Legislative Services Division had received 23 written objections to 16 of the Commissioner of Political Practices' proposed new and amended rules in MAR Notice No. 44-2-207, including New Rules I, IV through VIII, and X through XII, and the amendment of ARM 44.10.201, 44.10.301, 44.10.307, 44.10.321, 44.10.323, 44.10.327, and 44.10.329, which fall under the jurisdiction of the State Administration and Veterans' Affairs Interim Committee under section 5-5-228, MCA.

3. The State Administration and Veterans' Affairs Interim Committee conducted a poll of the members of the Legislature starting on December 1, 2015,

and ending on December 21, 2015. The question raised in the poll for each new or amended rule was as follows:

\_\_\_\_\_ The proposed rule IS CONSISTENT WITH legislative intent.

\_\_\_\_\_ The proposed rule IS CONTRARY TO legislative intent.

4. As provided in 2-4-403, MCA, the Commissioner of Political Practices was given an opportunity to present a written justification for the proposed new and amended rules, and the written justification was provided with the polling materials.

5. Section 2-4-404, MCA, provides that the results of an interim committee poll must be admissible in any court proceeding involving the validity of the proposed rule. It provides further that if a majority of the members of both houses find that the proposed rule or adopted rule is contrary to the intent of the legislature, the proposed rule or adopted rule must be conclusively presumed to be contrary to the legislative intent in any court proceeding involving its validity.

6. The vote of the Senate on proposed NEW RULE I PRIMARY PURPOSE in MAR Notice No. 44-2-207 is as follows:

**26** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**20** Senators voted the proposed rule IS CONTRARY TO legislative intent.

7. The vote of the House of Representatives on proposed NEW RULE I PRIMARY PURPOSE in MAR Notice No. 44-2-207 is as follows:

**52** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**33** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

8. The vote of the Senate on proposed NEW RULE IV CONSEQUENCES FOR FAILURE TO FILE REQUIRED STATEMENTS, REPORTS, OR DISCLOSURES in MAR Notice No. 44-2-207 is as follows:

**27** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**19** Senators voted the proposed rule IS CONTRARY TO legislative intent.

9. The vote of the House of Representatives on proposed NEW RULE IV CONSEQUENCES FOR FAILURE TO FILE REQUIRED STATEMENTS, REPORTS, OR DISCLOSURES in MAR Notice No. 44-2-207 is as follows:

**50** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**35** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

10. The vote of the Senate on proposed NEW RULE V ELECTRONIC CONTRIBUTIONS, REPORTING in MAR Notice No. 44-2-207 is as follows:

**26** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**20** Senators voted the proposed rule IS CONTRARY TO legislative intent.

11. The vote of the House of Representatives on proposed NEW RULE V ELECTRONIC CONTRIBUTIONS, REPORTING in MAR Notice No. 44-2-207 is as follows:

**50** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**35** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

12. The vote of the Senate on proposed NEW RULE VI ATTRIBUTION ON ELECTION MATERIAL in MAR Notice No. 44-2-207 is as follows:

**31** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**15** Senators voted the proposed rule IS CONTRARY TO legislative intent.

13. The vote of the House of Representatives on proposed NEW RULE VI ATTRIBUTION ON ELECTION MATERIAL in MAR Notice No. 44-2-207 is as follows:

**52** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**33** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

14. The vote of the Senate on proposed NEW RULE VII COORDINATION in MAR Notice No. 44-2-207 is as follows:

**26** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**20** Senators voted the proposed rule IS CONTRARY TO legislative intent.

15. The vote of the House of Representatives on proposed NEW RULE VII COORDINATION in MAR Notice No. 44-2-207 is as follows:

**49** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**36** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

16. The vote of the Senate on proposed NEW RULE VIII DE MINIMIS in MAR Notice No. 44-2-207 is as follows:

**26** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**20** Senators voted the proposed rule IS CONTRARY TO legislative intent.

17. The vote of the House of Representatives on proposed NEW RULE VIII DE MINIMIS in MAR Notice No. 44-2-207 is as follows:

**49** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**36** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

18. The vote of the Senate on proposed NEW RULE X ELECTIONEERING COMMUNICATION in MAR Notice No. 44-2-207 is as follows:

**26** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**20** Senators voted the proposed rule IS CONTRARY TO legislative intent.

19. The vote of the House of Representatives on proposed NEW RULE X ELECTIONEERING COMMUNICATION in MAR Notice No. 44-2-207 is as follows:

**50** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**35** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

20. The vote of the Senate on proposed NEW RULE XI FAIR NOTICE PERIOD BEFORE ELECTION in MAR Notice No. 44-2-207 is as follows:

**27** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**19** Senators voted the proposed rule IS CONTRARY TO legislative intent.

21. The vote of the House of Representatives on proposed NEW RULE XI FAIR NOTICE PERIOD BEFORE ELECTION in MAR Notice No. 44-2-207 is as follows:

**51** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**34** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

22. The vote of the Senate on proposed NEW RULE XII PERSONAL USE OF CAMPAIGN FUNDS in MAR Notice No. 44-2-207 is as follows:

**26** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**20** Senators voted the proposed rule IS CONTRARY TO legislative intent.

23. The vote of the House of Representatives on proposed NEW RULE XII PERSONAL USE OF CAMPAIGN FUNDS in MAR Notice No. 44-2-207 is as follows:

**50** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**35** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

24. The vote of the Senate on the proposed amendment of 44.10.201 (44.11.102) ADVISORY OPINIONS AND SELECTED INCORPORATION OF CERTAIN ATTORNEY GENERAL MODEL RULES, IN PART REGARDING DECLARATORY RULINGS AND RULEMAKING in MAR Notice No. 44-2-207 is as follows:

**34** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**12** Senators voted the proposed rule IS CONTRARY TO legislative intent.

25. The vote of the House of Representatives on the proposed amendment of 44.10.201 (44.11.102) ADVISORY OPINIONS AND SELECTED INCORPORATION OF CERTAIN ATTORNEY GENERAL MODEL RULES, IN PART REGARDING DECLARATORY RULINGS AND RULEMAKING in MAR Notice No. 44-2-207 is as follows:

**65** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**19** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

26. The vote of the Senate on the proposed amendment of 44.10.301 (44.11.103) TERMS AND REFERENCES INTRODUCTION AND DEFINITIONS in MAR Notice No. 44-2-207 is as follows:

**26** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**20** Senators voted the proposed rule IS CONTRARY TO legislative intent.

27. The vote of the House of Representatives on the proposed amendment of 44.10.301 (44.11.103) TERMS AND REFERENCES INTRODUCTION AND DEFINITIONS in MAR Notice No. 44-2-207 is as follows:

**50** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**35** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

28. The vote of the Senate on the proposed amendment of 44.10.307 (44.11.106) COMPLAINTS OF VIOLATIONS in MAR Notice No. 44-2-207 is as follows:

**27** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**19** Senators voted the proposed rule IS CONTRARY TO legislative intent.

29. The vote of the House of Representatives on the proposed amendment of 44.10.307 (44.11.106) COMPLAINTS OF VIOLATIONS in MAR Notice No. 44-2-207 is as follows:

**50** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**35** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

30. The vote of the Senate on the proposed amendment of 44.10.321 (44.11.401) CONTRIBUTION – DEFINITION in MAR Notice No. 44-2-207 is as follows:

**26** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**19** Senators voted the proposed rule IS CONTRARY TO legislative intent.

31. The vote of the House of Representatives on the proposed amendment of 44.10.321 (44.11.401) CONTRIBUTION – DEFINITION in MAR Notice No. 44-2-207 is as follows:

**49** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**36** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

32. The vote of the Senate on the proposed amendment of 44.10.323 (44.11.501) EXPENDITURE – DEFINITION in MAR Notice No. 44-2-207 is as follows:

**26** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**20** Senators voted the proposed rule IS CONTRARY TO legislative intent.

33. The vote of the House of Representatives on the proposed amendment of 44.10.323 (44.11.501) EXPENDITURE – DEFINITION in MAR Notice No. 44-2-207 is as follows:

**49** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**36** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

34. The vote of the Senate on the proposed amendment of 44.10.327 (44.11.202) POLITICAL COMMITTEE, DEFINITION AND TYPES in MAR Notice No. 44-2-207 is as follows:

**26** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**20** Senators voted the proposed rule IS CONTRARY TO legislative intent.

35. The vote of the House of Representatives on the proposed amendment of 44.10.327 (44.11.202) POLITICAL COMMITTEE, DEFINITION AND TYPES in MAR Notice No. 44-2-207 is as follows:

**49** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and

**36** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

36. The vote of the Senate on the proposed amendment of 44.10.329 (44.11.204) POLITICAL COMMITTEE, CLASSIFICATION in MAR Notice No. 44-2-207 is as follows:

**26** Senators voted the proposed rule IS CONSISTENT WITH legislative intent; and

**20** Senators voted the proposed rule IS CONTRARY TO legislative intent.

37. The vote of the House of Representatives on the proposed amendment of 44.10.329 (44.11.204) POLITICAL COMMITTEE, CLASSIFICATION in MAR Notice No. 44-2-207 is as follows:

**49** Representatives voted the proposed rule IS CONSISTENT WITH legislative intent; and



**36** Representatives voted the proposed rule IS CONTRARY TO legislative intent.

38. The poll materials are available by contacting the Legislative Services Division, P.O. Box 201706, Room 110, State Capitol, 1301 East Sixth Avenue, Helena, MT 59620-1706; telephone (406) 444-3064; or fax (406) 444-3036. Alternatively, the poll materials that were received by the members of the Legislature are available on the State Administration and Veterans' Affairs Interim Committee web site: <http://leg.mt.gov/css/Committees/interim/2015-2016/State-Administration-and-Veterans-Affairs/>.

39. Section 2-4-306(3), MCA, requires the results of this poll to be published with the new and amended rules if they are adopted by the agency.

/s/ Dee Brown  
Senator Dee Brown  
Chairman

/s/ Bryce Bennett  
Representative Bryce Bennett  
Vice Chairman

Certified to the Secretary of State December 23, 2015.