

NEW RULE I (44.11.203) PRIMARY PURPOSE (1) The term "primary purpose" refers to a the major, principal, or important goal, function, or reason for existence ~~for~~ of a political committee.

(2) The commissioner may determine that a the primary purpose of a political committee is to support or oppose candidates or ballot issues based upon any one or more of the following criteria:

(a) remains as proposed;

(b) allocation of staff or members' activity, both during an election and otherwise;

(c) remains as proposed;

(3) The commissioner, in determining the primary purpose of a political committee, may also consider any one or more of the following criteria:

~~(d)~~ (a) reportable election activity;

~~(e)~~ (b) the history of the political committee and the number of elections in which it has participated or registered;

~~(f)~~ (c) receipt of contributions in response to an appeal or that are designated for a specified candidate, ballot issue, petition, or reportable election activity;

(g) through (k) remain as proposed but are renumbered (d) through (h).

~~(3)~~ (4) If the commissioner finds, pursuant to ARM 44.11.204 and based on his or her analysis of the information provided on the political committee's statement of organization (Form C-2), or any other information known or provided to the commissioner's office, that an organization's primary purpose is to support or oppose a candidate or ballot issue, then that organization shall file and report as an independent committee, ballot issue committee, or political party committee, pursuant to these rules, and not as an incidental committee.

(5) The COPP's determination of the primary purpose of a political committee shall be based upon a preponderance of the evidence.

(6) Once notified of its classification by the COPP, a political committee may submit additional information and request to be reclassified pursuant to ARM 44.11.204.

IMP, Sec. 13-1-101, 13-37-114, 13-37-226, 13-37-232, MCA

NEW RULE II (44.11.220) STATEMENT OF CANDIDACY (1) and (2) remain as proposed.

(3) A statement of candidacy shall include, ~~but not be limited to:~~

(a) through (b) remain as proposed.

NEW RULE III (44.11.221) BUSINESS INTEREST DISCLOSURE (1) For purposes of this rule, "state officer" means elected officials, including candidates for statewide or state district offices, state district court candidates, Supreme Court candidates, department directors, or anyone appointed to fill any of these offices, 2-2-106, MCA.

(2) through (3) remain as proposed.

AUTH, ~~43-37-114~~ 2-2-136, MCA

IMP, ~~43-2-2-106~~ 2-2-106, MCA

NEW RULE IV (44.11.240) CONSEQUENCES FOR FAILURE TO FILE REQUIRED STATEMENTS, REPORTS, OR DISCLOSURES (1) The commissioner, following inspection of the candidate or committee's required statements, disclosures, or reports or lack thereof, may take actions, including ~~but not limited to~~ any of the following:

- (a) and (b) remain as proposed.
- (c) reclassify a political committee as provided in ~~13-37-226, MCA~~ ARM 44.11.204;
- (d) through (f) remain as proposed.
- (g) issue a finding of sufficient evidence of violation of Montana's Campaign Practice and Finance laws ~~as provided by~~ after an investigation authorized by 13-37-111 and 13-37-123, MCA;
- (h) through (k) remain as proposed.
- (2) remains as proposed.

NEW RULE V (44.11.408) ELECTRONIC CONTRIBUTIONS, REPORTING

- (1) (a) through (b) remain as proposed.
- (c) Any electronic contribution ~~must~~ shall be deposited in the designated campaign account within five business days of actual receipt or conversion.
- (2) (a) through (c) remain as proposed.
- (d) When receiving a payment by credit card:
 - (i) the candidate shall report the service charge as a campaign expenditure.
 - (ii) a committee shall report the service charge as a campaign expenditure if paid from the campaign account; or
 - (iii) as an in-kind contribution received from the committee's associated organization.
- (3) through (5) remain as proposed.

IMP, 13-37-207, 13-37-229, 13-37-232, MCA

NEW RULE VII (44.11.602) COORDINATION (1) A "coordinated expenditure" means any election communication, electioneering communication, or reportable election activity that is made by a person:

- (a) ~~funded or facilitated by:~~
 - (i) ~~an expenditure as defined in 13-1-101, MCA, and further defined in ARM 44.11.501;~~
 - (ii) ~~a payment of money by any person; or~~
 - (iii) ~~a purchase, distribution, loan, advance, promise, pledge, gift, or provision of anything of value by any person.~~
- (b) ~~in cooperation with, in consultation with, under the control of, or at the direction of, in concert with, at the request or suggestion of, or with the express prior consent of a candidate or political committee or an agent of a~~ the candidate or political committee.
- (c) ~~The coordination of an expenditure need not require agreement, cooperation, consultation, request, or consent on every term necessary for the particular coordinated~~

expenditure, but only requires proof of one element, such as content, price, or timing, ~~but only requires one of these elements~~ to be met as a fact of a coordinated expenditure.

~~(2) Whether an election communication, electioneering communication, or election activity may constitute a "coordinated expenditure" depends upon conduct, communications, or relationships involving a person and a candidate or political committee or an agent of a candidate or political committee, or involving an individual who acted within the previous twelve months as a paid agent or consultant to the candidate or a political committee supporting the candidate. When determining whether a communication or reportable election activity is coordinated the following may be considered, whether:~~

~~(a) it is based on information that is provided by the candidate or agent of the candidate directly or indirectly to the person funding or facilitating the communication or activity, or any person involved in creating, producing or disseminating it;~~

~~(b) it was made by or through any candidate's agent in the course of the agent's involvement in the current campaign;~~

~~(c) the person funding or facilitating the communication or reportable election activity retains the paid services of a person or individual who:~~

~~(i) currently, or during the six months immediately preceding the election in which the candidate's name will appear on the ballot, received compensation from the candidate or the candidate's agent; and~~

~~(ii) the person or individual is involved in creating, producing, or disseminating the communication or reportable election activity.~~

~~(d) the communication or reportable election activity replicates, reproduces, republishes or disseminates, in whole or in substantial part, any material designed, produced and paid for, or distributed by the candidate, except as set forth in (3)(e).~~

~~(e) the candidate or the candidate's agent has made or participated in any discussion or in making any decision regarding the content, timing, location, media, intended audience, volume of distribution, or frequency of placement of the communication or activity.~~

~~(f) the person funding or facilitating the communication or reportable election activity has:~~

~~(i) established a written firewall policy designed to prevent the flow of information about the candidate's campaign plans, projects, activities, or needs from the persons providing services to the candidate to persons involved in the creation, production, or dissemination of the communication or reportable election activity; and~~

~~(ii) prior to the preparation or distribution of any communication or reportable election activity has distributed the firewall policy to all relevant employees, consultants, and clients affected by the policy; and~~

~~(iii) filed the firewall policy with the COPP.~~

~~(3) A "coordinated expenditure" does not mean any election communication, electioneering communication, or reportable election activity consisting of:~~

~~(a) an ~~independent~~ uncoordinated expenditure or an independent reportable election activity funded or facilitated by a person;~~

~~(b) and (c) remain as proposed.~~

(d) activity by an individual acting solely on his or her own behalf independently of any candidate or the candidate's agent political committee; or

(e) remains as proposed.

(4) A "coordinated expenditure" does not exist solely because:

(a) of personal or professional relationships between a candidate and other persons;

(b) the person funding or facilitating the communication or reportable election activity has previously made a contribution to the candidate;

~~(b)~~ (c) after publication or distribution, the person funding or facilitating the communication or reportable election activity informs the candidate or an agent of the candidate that the person has made an expenditure or funded the activity, provided that there is no other exchange of information, not otherwise available to the public, relating to details of the expenditure or funding the activity; or

~~(e)~~ (d) the funding or facilitating of the communication or reportable election activity is made at the request or suggestion of a candidate or an agent of a candidate for the benefit of another candidate or political committee where the other potentially benefitted candidate or political committee has no involvement.

(5) ~~There shall be a rebuttable presumption that any funding or facilitating of an election activity is not independent of the candidate on whose behalf, or for whose benefit, the activity is conducted, when:~~

~~(a) it is based on information that is provided by the candidate or an agent of the candidate directly or indirectly to the person funding or facilitating the activity;~~

~~(b) it is made by or through any candidate's agent in the course of the agent's involvement in the current campaign;~~

~~(c) the person funding or facilitating the activity retains the services of a person who consults with or provides services benefitting the candidate related to campaign activity or fundraising strategy for that same election, except as provided in (6);~~

~~(d) the activity replicates, reproduces, republishes, or disseminates, in whole or in substantial part, any material designed, produced, paid for, or distributed by the candidate;~~

~~(e) the candidate or political committee or an agent of a candidate or political committee has made or participated in any discussion or in making any decision regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of any communication broadcast or conveyed as part of the activity;~~

~~(f) the person funding or facilitating the activity has an employee or agent who is also involved in activities described in (5)(a) through (e) on behalf of the candidate; or~~

~~(g) the candidate, during the twelve months prior to the election, raised money for election activity for the person funding or facilitating the election activity.~~

~~(6) There shall also be a rebuttable presumption that any funding or facilitating of an election activity is not independent of the candidate on whose behalf, or for whose benefit, the activity is conducted, when a person involved in funding or facilitating the activity also acted within the previous twelve months as a paid agent, consultant, employee, or vendor to the candidate or political committee supporting the candidate where there is no contemporaneous writing creating a documented firewall signed by the person and filed with the commissioner stating that the person is not involved with~~

~~activity described in (1) through (5) with respect to the candidate. A vendor engaging only in arms-length transactions as a third-party supplier or service provider to candidate(s) or political committee(s) may satisfy this requirement by signing and filing a single written firewall statement for any applicable twelve-month election cycle.~~

~~(7)~~ A "coordinated expenditure" shall be treated and reported as an in-kind contribution from and expenditure by the person funding, facilitating, or engaging in the election communication, electioneering communication, or reportable election activity. Both the candidate and the committee shall report the coordinated expenditure and/or in-kind contribution as the case may be.

NEW RULE VIII (44.11.603) DE MINIMIS(1) (a) through (d) remain as proposed.

(e) other factors and circumstances ~~the commissioner determines are relevant~~ similarly showing limited value or minimal harm.

~~(2) These criteria will be considered and applied on a case-by-case basis.~~

~~(3)~~ Acts, contributions, or expenditures that may, depending on the circumstances, be considered de minimis include, ~~but are not limited to:~~

(a) through (f) remain as proposed.

(g) expenses associated with volunteer services or efforts, including ~~but not limited to~~ the cost of gas, parking, and meals.

(4) remains as proposed.

IMP, 13-1-101, 13-37-114, MCA

NEW RULE X (44.11.605) ELECTIONEERING COMMUNICATION (1) (a) through (e)(ii) remain as proposed.

(iii) refers to a political party, ballot issue, or other question submitted to the voters in the election; ~~and~~

~~(f) may also include an independent expenditure.~~

(2) remains as proposed.

(3) (a) through (c) remain as proposed.

(d) any other regular or normal communication by a local government or a state agency that ~~only includes non-election~~ information about a candidate, ballot issue, or election. A communication concerning a bond issue by local government or a state agency is not regular and normal communication and is subject to reporting and disclosure as an electioneering communication. For purposes of this rule the terms local government and state agency shall have the same meaning as the definitions of the terms in 2-2-102, MCA.

(4) An electioneering communication may also be an independent expenditure.

(5) The determination whether a particular communication is an electioneering communication or is excluded from the definition of the term will be based on the purpose, timing, and distribution of the communication, ~~as well as the facts and circumstances surrounding its creation and distribution.~~

(5) and (6) remain as proposed but are renumbered (6) and (7).

(8) The COPP shall maintain a form which will allow a political committee to report an electioneering communication without designating the expenditure as in support of or in opposition to candidate(s) or issue(s).

44.10.101 (44.11.101) ORGANIZATIONAL RULE (1) through (4) remain as proposed.

AUTH, 2-4-201, 13-37-114, MCA

44.10.201 (44.11.102) ADVISORY OPINIONS AND SELECTED INCORPORATION OF CERTAIN ATTORNEY GENERAL RULES, REGARDING DECLARATORY RULINGS AND RULEMAKING (1) In cases when a formal declaratory ruling proceeding is requested by a person through the filing of a petition as prescribed in ARM 1.3.226, the commissioner adopts and incorporates by reference the Attorney General's Organizational and Procedural Rules ARM 1.3.227 through 1.3.229 effective August 15, 2008, and are available online from the secretary of state at <http://www.mtrules.org/>.

(2) remains as proposed.

(3) In cases when the COPP engages in agency rulemaking, the commissioner adopts and incorporates by reference the Attorney General's Organizational and Procedural Rules ARM 1.3.201, 1.3.202, and 1.3.304 through 1.3.313 effective August 15, 2008, and are available online from the secretary of state at <http://www.mtrules.org/>.

44.10.301 (44.11.103) INTRODUCTION AND DEFINITIONS (1) through (12) remain as proposed.

(13) "Earmarked Contribution" is as described in ~~13-37-217, MCA~~, and defined in ARM 44.11.404.

(14) remains as proposed.

(15) "Election Activity" means any activity that may constitute reportable election activity under Title 13, MCA. ~~action by any person, candidate, or political committee that concerns, relates to, or could be reasonably interpreted as an attempt to influence or affect an election or that supports or opposes a candidate or ballot issue. Election activity includes reportable election activity.~~

(16) through (21) remain as proposed.

(22) "Immediate Family" is defined as described in 2-2-302, MCA, and further defined in ARM 44.11.608 and 44.11.703.

(23) through (30) remain as proposed.

(31) "Reportable Election Activity" includes ~~but is not limited to~~ accepting a contribution, a contribution in response to an appeal, or a designated contribution, or making an expenditure, a contribution, a coordinated expenditure, an independent expenditure, or an in-kind contribution or expenditure, or making an election communication or electioneering communication.

(32) and (33) remain as proposed.

IMP, See: Title 13, Ch. 35 and 37, 13-1-101, 13-37-114, MCA

44.10.307 (44.11.106) COMPLAINTS OF VIOLATIONS (1) through (2)(b) remain as proposed.

(c) be signed and verified by the oath of or affirmation of the complainant, taken before any officer authorized to administer oaths.

(3) remains as proposed.

(4) No investigation shall be required and a complaint may be dismissed if the complaint is frivolous on its face, illegible, too indefinite, does not identify the alleged violator, does not cite the statute or rule that is alleged to have been violated, is unsigned, or is not verified by the oath of or affirmation of such person, taken before any officer authorized to administer oaths or affirmations. In addition, no investigation shall be required and may be dismissed if the complaint does not contain sufficient allegations to enable the commissioner to determine that it states a potential violation of a statute or rule within the commissioner's jurisdiction. The commissioner may request additional information from the complainant or the alleged violator prior to making a determination whether to proceed with a full investigation and whether to dismiss a complaint under this rule.

(5) through (6) remain as proposed.

44.10.321 (44.11.401) CONTRIBUTION – DEFINITION (1) For the purposes of Title 13, chapters 35 and 37, MCA, and these rules, the term "contribution" as defined in 13-1-101, MCA, includes, ~~but is not limited to:~~

(a) each contribution as described in 13-37-229 and 13-37-232, MCA;

(b) through (e) remain as proposed.

(2) For the purposes of determining compliance with political party contribution limits established pursuant to 13-37-216, MCA, a "contribution" does not include a coordinated expenditure made solely by a political party committee in the form of provision of personal services by paid staff of the political party that benefit the associational interest of the political party but also constitute reportable election activity benefitting a particular candidate of the same political party.

(3) For the purposes of determining compliance with contribution reporting required by 13-37-225 through ~~13-37-229~~ 13-37-232, MCA, any coordinated expenditure not counted toward contribution limits pursuant to (2) must be reported as a contribution and shall be reported based upon the actual cost for such paid staff including, but not limited to, total compensation in the form of any salaries, wages, bonuses, benefits, expense reimbursement, or other supplemental payments, and a pro rata share of any taxes, fees, or assessments paid by the political party committee for each staff person.

(4) Whether or not the candidate has determined the office sought or the political committee has determined what reportable election activity it will participate in at the time the contribution is received has no effect on the responsibility to report the contribution, and any such contribution shall ~~also be subject to the limitations of 13-37-219, MCA.~~

IMP, 13-1-101, 13-37-219, 13-37-225, 13-37-229, 13-37-232, MCA

44.10.323 (44.11.501) EXPENDITURE – DEFINITION (1) For the purposes of Title 13, chapters 35 and 37, MCA, and these rules, the term "expenditure" as defined in 13-1-101, MCA, includes, ~~but is not limited to:~~

- (a) remains as proposed.
- (b) expenses incurred by a candidate or political committee with respect to polls, surveys, and the solicitation of funds for reportable election activity;
- (c) through (h) remain as proposed.
- (2) The term "in-kind expenditure" means a third party reportable election activity expenditure, such as payment for goods or services, that does not go through the campaign depository. In the event that the third party election activity involves the furnishing of services, property, or rights without charge or at a charge that is less than fair market value in a manner that creates a reportable election expense, then the difference between the amount charged and the fair market value must be reported as an in-kind expenditure. An "in-kind ~~contribution~~ expenditure" includes, but is not limited to, the forgiveness of any loan or debt owed by a candidate or political committee.
- (3) through (4) remain as proposed.
- (5) An expenditure does not include reportable election activity carried out solely by one individual that is not coordinated with any candidate, ballot issue, or political committee.

IMP, 13-1-101, ~~13-37-429~~ 13-37-229, 13-37-232, MCA

44.10.327 (44.11.202) POLITICAL COMMITTEE, DEFINITION AND TYPES

(1) A political committee has the meaning as defined in 13-1-101, MCA. A political committee exists under Title 13, chapters 35 and 37, MCA, and these rules by virtue of its receipt of one or more contributions or through making one or more expenditures. A political committee, ~~including each incidental or independent committee,~~ must register with the commissioner at the time and in the manner set out in these rules, see ARM 44.11.201 and 44.11.302.

- (2) through (5) remain as proposed.
- (6) An incidental committee is a political committee that does not have the primary purpose of supporting or opposing candidates or ballot issues. Incidental committee reportable election activity may consist of:
 - (a) through (c) remain as proposed.
- (7) An independent committee is a political committee that has the primary purpose of supporting or opposing candidates or ballot issues but is neither a ballot issue nor a political party political committee. Independent committee reportable election activity may consist of:
 - (a) through (b) remain as proposed.
- (8) Provided its reportable election activity is all within a single reporting period, a political committee may file a single report of its election expenditures or contributions, identifying the report as an opening and closing report.
- (9) through (10) remain as proposed.

44.10.329 (44.11.204) POLITICAL COMMITTEE, CLASSIFICATION

(1) through (2) remain as proposed.

(3) The commissioner may reclassify a political committee if the status of that committee should change pursuant to ~~ARM 44.11.204~~ or pursuant to (5).

(4) through (5) remain as proposed.

44.10.330 (44.11.224) DESIGNATION OF CONTRIBUTIONS FOR PRIMARY AND GENERAL ELECTIONS (1) Aggregate contributions for each election ~~elections~~ in a campaign are limited according to 13-37-216 and 13-37-218, MCA, and as explained by ARM 44.11.222. An "election" in a campaign is either a primary election or a general election.

(2) For purposes of applying aggregate contribution limits per election the following apply:

(a) aggregate contribution limits for each election, as set forth in 13-37-216 and ~~13-37-218~~, MCA, apply to a primary election and to a general election as defined in ARM 44.11.222;

(b) through (e) remain as proposed.

(3) remains as proposed.

44.10.333 (44.11.225) LIMITATIONS ON CONTRIBUTIONS FROM POLITICAL PARTY COMMITTEES (1) and (2) remain as proposed.

(3) For the purposes of determining compliance with political party contribution limits established pursuant to 13-37-216, MCA, a "contribution" does not include a coordinated expenditure made solely by a political party committee in the form of provision of personal services by paid staff of the political party that benefit the associational interest of the political party but also constitute reportable election activity benefitting a particular candidate of the same political party.

44.10.334 (44.11.222) ELECTIONS TO WHICH AGGREGATE CONTRIBUTION LIMITS APPLY (1) The term "aggregate contributions" means the total of all of the following contributions made by or received from a person for ~~all elections~~ each election in a campaign:

(a) through (d) remain as proposed.

(2) remains as proposed.

(a) in partisan primary elections, if two or more candidates compete for one party's nomination, it is a "contested primary," resulting in two elections to which the contribution limits in 13-37-216 and ~~13-37-218~~, MCA, apply. For the two candidates seeking Party A's nomination in the primary election for a public office, it is a contested primary with respect to Party A's nomination; or

(b) if only one candidate seeks Party B's nomination for the same public office, it is not a contested primary with respect to Party B's nomination, and there is only one election to which the contribution limits in 13-37-216 and ~~13-37-218~~, MCA, apply; or

(c) remains as proposed.

(d) when an incumbent judicial officer is the only candidate who files a declaration for nomination in the primary election, and subsequently faces a vote, pursuant to 13-14-212, MCA, for or against retention in the general election, there is no "contested primary," and there is only one election to which the contribution limits in 13-37-216 and ~~13-37-218~~, MCA, apply.

IMP, 13-37-216, ~~13-37-218~~, MCA;

44.10.337 (44.11.223) AGGREGATE CONTRIBUTION LIMITS FOR WRITE-IN CANDIDATES

IMP, 13-37-216, 13-37-218, 13-37-240, MCA

44.10.338 (44.11.227) LIMITATIONS ON INDIVIDUAL AND POLITICAL PARTY CONTRIBUTIONS TO A CANDIDATE (1) through (2) remain as proposed.

(3) Pursuant to 13-37-216 and 13-37-218, MCA, all contributions must be included in computing these limitation totals, except the personal services exemption found in ARM 44.11.401.

(4) remains as proposed.

44.10.401 (44.11.302) STATEMENTS AND REPORTS, FILING (1) remains as proposed.

(a) Pursuant to 13-37-226, MCA, candidates for a state office filled by a statewide vote of all the electors of Montana, incidental committees, independent committees, and statewide ballot issue committees shall file all reports electronically.

(b) through (c) remain as proposed.

(d) Candidates listed in (c) shall file all reports electronically only if the total amount of contributions received or the total amount of expenditures made exceeds \$500, for all elections in a campaign, excluding the filing fee paid by ~~a candidate~~ an individual.

(2) ~~Pursuant to~~ As provided by 13-37-226, MCA, electronic filing is mandatory for those candidates ~~and committees~~ listed in (1) except for those qualifying under (1)(d). Candidates listed in (1)(c) may submit a written request for a waiver from the requirement that reports be filed electronically. Electronic filing is mandatory for committees who are required to file electronically by statute. Committees who are required to file electronically by this rule, may apply for a waiver. The commissioner may provide a waiver if the candidate or committee establishes that they cannot file electronically for reasons such as they do not have reasonable access to the technology necessary to file electronically.

(3) remains as proposed.

(4) (a) through (b) remain as proposed.

(c) If the candidate or committee faxes in a report and fails to file the original report with the COPP, the candidate or committee thereby acknowledges the signature on the fax has the same force and effect as the original signature on the report or statement.

(d) remain as proposed.

44.10.413 (44.11.305) NONRESIDENT AND FEDERALLY FILING COMMITTEES, REPORTS

(1) and (1)(a) through (b) remain as proposed.

(c) If a federally filing committee cannot satisfy the requirements set forth in these rules, it shall file reports on the COPP's forms for the periods in which the committee makes expenditures and contributions in elections in Montana. Such reports shall contain the information required by 13-37-229 through 13-37-232, MCA, and these rules.

(2) through (2)(a) remain as proposed.

(b) if a nonresident committee cannot satisfy the requirements set forth in (2)(a), it shall file reports on Montana forms for the periods in which the committee makes expenditures and contributions in elections in Montana. Such reports shall contain the information required by 13-37-229 through 13-37-232, MCA, and these rules.

44.10.503 (44.11.409) MONETARY DEPOSITS AND EXPENDITURES, ONLY THROUGH DEPOSITORY (1) Any candidate or agent of any candidate or political committee who receives a contribution on behalf of a candidate or political committee shall, before the end of the fifth business day, transfer it to the campaign treasurer with full disclosure of the source, as required by 13-37-229 and 13-37-232, MCA, and ARM 44.11.404 and 44.11.407.

(2) through (6) remain as proposed.

IMP, 13-37-111, 13-37-205, 13-37-207, 13-37-208, 13-37-209, 13-37-215, 13-37-226, 13-37-229, 13-37-231, 13-37-232, MCA

44.10.511 (44.11.402) CONTRIBUTIONS, REPORTING (1) through (4) remain as proposed.

(5) For the purposes of 13-37-226, MCA, the report required to be filed within two business days shall be filed as follows:

(a) it shall be ~~delivered~~ electronically filed within two business days after the receipt thereof, to the commissioner's office; or

(b) if the candidate or committee faxes in a report and fails to file the original report with the COPP, the candidate or committee thereby acknowledges the signature on the fax has the same force and effect as the original signature on the report or statement.

(c) remains as proposed.

44.10.513 (44.11.403) IN-KIND CONTRIBUTION, REPORTING AND VALUATION (1) through (3) remain as proposed.

(4) The value of an in-kind contribution shall be ~~determined as follows:~~ calculated and recorded in writing. The written record is a campaign record as defined by 13-37-208, MCA. The calculation and written record shall show one of the following values for the in-kind contribution:

(a) ~~it shall be reported as its fair market value~~ the actual monetary cost, value or worth of the item of property, rights or service contributed at the time of the in-kind contribution;

(b) ~~it shall be reported as the difference between the~~ if there is no actual cost or value as set out in (a), then the reasonable fair market value of the item of property,

right or service based on an appropriate comparison made at the time of the in-kind contribution and the amount charged the contributee;

~~(c) it shall be reported as the actual monetary value or worth at the time of the contribution in the event that the candidate or ballot committee paid for a portion of the value established by (b), then the difference between the amount paid and the value set by (b); or~~

~~(d) if in the event that, due to extraordinary circumstances none of these provisions would be it is not appropriate or possible to determine the value set by (b), then or no reasonable fair market value can be established, it shall be sufficient to report a precise description of such in-kind contribution so received must be made of the property, right or service received by the candidate or ballot committee.~~

~~(5) Upon receiving or making an in-kind contribution, its The value shall be calculated and reduced to writing reflecting the calculation method used under (4) and the writing shall be retained by the treasurer and available for inspection as provided by 13-37-111, 13-37-208, and 13-37-209, MCA. The value shall also be reported and disclosed as a contribution as defined and required by consistent with ARM 44.11.502.~~

IMP, 13-37-111, 13-37-208, 13-37-209, ~~13-37-211~~, 13-37-229, MCA

44.10.515 (44.11.405) LOANS AS CONTRIBUTIONS, REPORTING

IMP, 13-37-111, 13-37-217, 13-37-229, 13-37-231, MCA

44.10.519 (44.11.404) EARMARKED CONTRIBUTION, REPORTING

(1) For the purposes of 13-37-217 and 13-37-229 and 13-37-232, MCA, and these rules, an "earmarked contribution" is a contribution made with the express, implied, oral, written, direct, or indirect designation or instruction, that all or part of it be transferred to or expended on behalf of a specified candidate, ballot issue committee, political party committee, independent committee, or petition for nomination. An earmarked contribution is the same as a designated contribution.

(2) through (3) remain as proposed.

IMP, 13-37-217, 13-37-229, 13-37-232, MCA

44.10.525 (44.11.505) DEBTS AND OBLIGATIONS OWED TO A CANDIDATE OR POLITICAL COMMITTEE, REPORTING

(1) Pursuant to 13-37-229 and 13-37-232, MCA, each report required by 13-37-226, MCA, shall disclose all debts and obligations owed to a candidate or political committee. Debts and obligations shall continue to be reported so long as they remain outstanding.

(2) through (4) remain as proposed.

IMP, 13-37-229, 13-37-231, 13-37-232, MCA

44.10.531 (44.11.502) EXPENDITURES, REPORTING (1) through (3) remain as proposed.

(4) ~~An~~ The date of each expenditure shall be reported on the date and for in the reporting period during which it is made.

(5) through (9)(a) remain as proposed.

~~(b) independent, political party, and incidental committees shall, within two business days of making an expenditure of \$500 or more for a reportable election activity, file a Form C-7E if the expenditure is made between the 17th day before the election and the day of the election; and~~

~~(c)~~ all expenditures and contributions reported under (b) (9)(a) shall also be included on the post-election report.

44.10.533 (44.11.503) IN-KIND EXPENDITURE, REPORTING AND VALUATION (1) A candidate or political committee shall report an in-kind expenditure on the appropriate reporting schedule and shall describe what was ~~received~~ made consistent with the reporting requirements specified in ARM 44.11.502.

(2) through (3) remain as proposed.

(4) ~~Upon making an in-kind expenditure, its~~ The value of an in-kind expense shall be calculated and reduced to recorded in writing. Because an in-kind expense becomes a contribution to the receiving candidate or ballot committee, this regulation works in tandem with ARM 44.11.403 and the record keeping requirements of that regulation apply. The calculation and written record shall show one of the following values for the in-kind expense: The value shall be reported consistent with ARM 44.11.502. The writing must reflect the calculation method used under (3) and the writing shall be retained by the treasurer and available for inspection as provided in 13-37-111, 13-37-208, and 13-37-209, MCA.

(a) the actual monetary cost, value or worth of the item of property, right or service at the time of the in-kind expense;

(b) if there is no actual cost or value as set out in (a) then the reasonable fair market value of the item of property, right or service based on an appropriate comparison made at the time of the in-kind expense;

(c) in the event that the candidate or ballot committee paid for a portion of the value established by (b), then the difference between the amount paid and the value set by (b); or

(d) in the event that, due to extraordinary circumstances, it is not appropriate or possible to determine the value established by (b), then a precise description must be made of the property, right or service expended.

(5) The value under (4) shall be reported and disclosed as a contribution as defined and required by ARM 44.11.502.

IMP, 13-37-208, 13-37-209, 13-37-211, 13-37-229, 13-37-232, MCA

44.10.535 (44.11.506) DEBTS AND OBLIGATIONS OWED BY A CANDIDATE OR POLITICAL COMMITTEE, REPORTING (1) Pursuant to 13-37-229 and 13-37-232, MCA, each report required by 13-37-226, MCA, shall disclose all debts and obligations owed by a candidate or political committee. Debts and obligations shall continue to be reported so long as they remain outstanding.

(2) through (5) remain the same.

Updates to Proposed Rules in MAR 44-2-207
Provided by Commissioner of Political Practices
Current as of 11/23/2015

IMP, 13-37-229, 13-37-231, 13-37-232, MCA

44.10.537 (~~44.10.704~~) (44.11.704) APPLICABILITY OF RULES (1) through (4)
remain as proposed.