

Montana Election & Campaign Finance Following Recent Legal Challenges  
Montana Legislative Services Division

MCA Section	Summary	Case	Status
§ 13-35-225(3)(a)  <b>Part of statute not in effect.</b>	Vote reporting requirement (printed election materials must include reference to vote upon which information is based, disclose contrasting vote, & include statement affirming information is true).	<i>Monforton v. Motl</i> , Case No. 6:14-cv-00002-DLC-RKS  Previous version permanently enjoined in <i>Lair v. Murry</i> , D. Mont. CV 12-12-H-CCL	State agreed to a permanent injunction prohibiting enforcement of 13-35-225(3)(a) because it is unconstitutionally vague.
§ 13-35-227(1), (2)  <b>Part of statute not in effect.</b>	Prevents corporations from making direct contributions to candidates or independent expenditures on behalf of candidates.	<i>Lair v. Murry</i> , D. Mont. CV 12-12-H-CCL (Doc. 90).  <i>American Tradition Partnership v. Bullock</i> , 132 S. Ct. 2490 (2012).	Permanently enjoined in part, not appealed. The ban on corporate contributions to political committees that the committees use for independent expenditures is unconstitutional. The ban on direct and indirect corporate contributions to candidates and political parties is constitutional.

Montana Election & Campaign Finance Following Recent Legal Challenges  
Montana Legislative Services Division

<p>§ 13-35-231</p> <p><b>Part of statute not in effect.</b></p>	<p>A political party may not endorse, contribute to, or make an expenditure to support or oppose a judicial candidate (criminal offense).</p>	<p><i>Sanders County Republican Cent. Comm. v. Fox</i>, 717 F.3d 1090 (9th Cir. Mont. 2013).</p>	<p>9th Circuit permanently enjoined the State from prohibiting a political party from endorsing a judicial candidate or from spending money in the form of independent expenditures to publicize the endorsement. The portion of the statute banning contributions to judicial candidates by political parties was not challenged and has not been held invalid.</p>
<p>§ 13-1-101(11)(a)</p> <p><b>Statute in effect with judicial clarification.</b></p>	<p>The definition of expenditure "means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election."</p>	<p><i>Western Tradition Partnership v. Gallik</i>, 2011 Mont. Dist. LEXIS 83 (D.C. Mont. 2011).</p>	<p>Judge Sherlock found that the definition was not unconstitutionally vague; however, he also found that the term "influencing" within the definition presented some vagueness problems. He adopted the language of the First Circuit ("influencing" will only include communications and activities that expressly advocate for or against a candidate or ballot issue . . . ).</p>

Montana Election & Campaign Finance Following Recent Legal Challenges  
Montana Legislative Services Division

cl0134 gafa4035

Last Updated January 31, 2014