



ADMINISTRATIVE RULES OF MONTANA

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 any of the following:
 - (a) declare the statement, disclosure, or report to be incomplete or inadequate and require the preparation of a new statement, disclosure, or report, as provided in 13-37-121 and 13-37-123, MCA;
 - (b) require the production of a candidate or committee's campaign records, accounts, books, correspondence, memoranda, bank account statements, or any other information as provided in 13-37-111 and 13-37-123, MCA;
 - (c) reclassify a political committee as provided in ARM 44.11.204;
 - (d) issue an order of noncompliance as provided in 13-37-121, MCA;
 - (e) provide notice to the Secretary of State or other election administrator that a candidate's name should be withheld from a primary election ballot as provided in 13-37-126, MCA;
 - (f) provide notice to the Secretary of State or other election administrator that a certificate of nomination or election should be withheld following the general election as provided in 13-37-127, MCA;
 - (g) issue a finding of sufficient evidence of violation of Montana's Campaign Practice and Finance laws after an investigation authorized by 13-37-111 and 13-37-123, MCA;
 - (h) initiate a civil or criminal court action to enforce Montana's Campaign Practice and Finance laws as provided by 13-37-128, MCA;
 - (i) request the District Court to remove an elected official from office, if the official is found by the court to have violated the laws as provided in 13-35-106, MCA;
 - (j) request that the District Court void an election pursuant to 13-35-107, MCA; or
 - (k) any other action allowed by statute to carry out the purposes of Montana's 1975 Campaign Finance and Candidate Disclosure Act as provided by sec. 1, Ch. 480, L. 1975.
- (2) This rule is not intended to limit the powers of others to enforce the laws of Title 13, chapters 35 and 37, MCA, where allowed by law, nor to encompass all potential legal consequences for actions outside the jurisdiction of the commissioner.

The December 2015 poll of the Montana Legislature on proposed NEW RULE IV (ARM 44.11.240) CONSEQUENCES FOR FAILURE TO FILE REQUIRED STATEMENTS, REPORTS, OR DISCLOSURES in MAR Notice No. 44-2-207 was as follows: 27 Senators voted the proposed rule is consistent with legislative intent; 19 Senators

voted the proposed rule is contrary to legislative intent; 50 Representatives voted the proposed rule is consistent with legislative intent; and 35 Representatives voted the proposed rule is contrary to legislative intent.

Authorizing statute(s): 13-37-114, MCA

Implementing statute(s): 13-35-106, 13-35-107, 13-37-111, 13-37-121, 13-37-123, 13-37-126, 13-37-127, 13-37-128, MCA and Sec. 1, Ch. 480, L. 1975, MCA

History: NEW, 2016 MAR p. 28, Eff. 1/9/16.