



ADMINISTRATIVE RULES OF MONTANA



44.11.103 INTRODUCTION AND DEFINITIONS

- (1) All statutory references in these rules refer to the Montana Code Annotated, unless otherwise indicated.
- (2) Terms used in these rules shall be construed, unless the meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the intent of the law, to mean the following:
 - (a) election definitions as set forth in Title 13, MCA;
 - (b) ethics definitions as set forth in Title 2, MCA;
 - (c) lobbying definitions as set forth in Title 5, MCA; and
 - (d) the definitions as set forth in these rules.
- (3) "Attribution" is described in 13-35-225, MCA, and is further explained by ARM 44.11.601.
- (4) "Ballot Committee" is a political committee specifically organized to support or oppose a ballot issue as defined in 13-1-101, MCA, and further defined in ARM 44.11.202.
- (5) "Campaign Account" is as referred to in 13-37-205, MCA, and further defined in ARM 44.11.409.
- (6) "Candidate" is as defined in 13-1-101, MCA, and as applied to contribution limits in 13-37-216 and 13-37-218, MCA.
- (7) "Commissioner" means the Commissioner of Political Practices as created under 2-15-411 and 13-37-102, MCA.
- (8) "Complainant" means any person that files a complaint with the commissioner alleging a violation of the statutes or rules within the commissioner's jurisdiction.
- (9) "Contested Primary" is defined in ARM 44.11.222.
- (10) "Contribution" is defined in 13-1-101, MCA, and further defined in ARM 44.11.401.
- (11) "Coordinated" is defined in 13-1-101, MCA, and further defined in ARM 44.11.602.
- (12) "De Minimis" is defined in 13-1-101, MCA, and further defined in ARM 44.11.603.
- (13) "Earmarked Contribution" is as defined in ARM 44.11.404.
- (14) "Election" is defined in 13-1-101, MCA.
- (15) "Election Activity" means any activity that may constitute reportable election activity under Title 13, MCA.

- (16) "Election Communication" is defined in 13-1-101, MCA, and further defined in ARM 44.11.604.
- (17) "Electioneering" is defined in 13-1-101, MCA, and further defined in ARM 44.11.606.
- (18) "Electioneering Communication" is defined in 13-1-101, MCA, and further defined in ARM 44.11.605.
- (19) "Ethics Code" means the code of ethics, Title 2, chapter 2, part 1, MCA.
- (20) "Expenditure" is defined in 13-1-101, MCA, and further defined in ARM 44.11.501.
- (21) "Fair market value" means the retail price of such services, property, or rights in the market from which it ordinarily would have been either purchased by the expende at the time of its expenditure, or purchased or sold by the contributor at the time of its contribution.
- (22) "Immediate Family" as described in 2-2-302, MCA, and further defined in ARM 44.11.608 and 44.11.703.
- (23) "Incidental Committee" is defined in 13-1-101, MCA, and further defined in ARM 44.11.202.
- (24) "Independent Committee" is defined in 13-1-101, MCA, and further defined in ARM 44.11.202.
- (25) "Independent Expenditure" is defined in 13-1-101, MCA.
- (26) "In-kind" is defined in ARM 44.11.403, 44.11.503, and 44.11.701.
- (27) "Media" includes three subtypes which are subject to all restrictions, definitions, requirements, and limitations on communications found in these rules:
 - (a) print media includes physical editions of newspapers, magazines, journals, periodicals, newsletters, books, flyers, brochures, posters, direct mail pieces, letters, postcards, billboards, and other similar media;
 - (b) broadcast media includes television, radio, cable, satellite, and other similar media; and
 - (c) digital media includes content on the internet, electronic files, including digital versions of print media and broadcast media, and other similar media.
- (28) "Periodical publication" is one that publishes at regular daily, weekly, monthly, or quarterly intervals year round.
- (29) "Political Committee" is defined in 13-1-101, MCA, and further defined in ARM 44.11.202.
- (30) "Political Party Committee" is defined in 13-1-101, MCA, and further defined in ARM 44.11.202.
- (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) "Respondent" means any person against whom a complaint is filed with the commissioner.
- (33) "Support or Oppose" is defined in 13-1-101, MCA.

The December 2015 poll of the Montana Legislature on proposed amendment of 44.10.301 (ARM 44.11.103) TERMS AND REFERENCES INTRODUCTION AND DEFINITIONS in MAR Notice No. 44-2-207 was as follows: 26 Senators voted the proposed rule is consistent with legislative intent; 20 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): 13-1-101, Title 13, Ch. 35 and 37, 13-37-114 MCA

History: NEW, Eff. 2/6/76; TRANS and AMD, from 44.10.301, 2016 MAR p. 28, Eff. 1/9/16.