STATE ADMINISTRATION

Exhibit No. 1

Date 3-30-07

Bill No. HB-225

SUMMARY -- HB 225

Cleaner Campaigns Through Timely Accountability

(1) Provides that if the commissioner of political practices has not acted upon an election-related complaint within 30 days, the complainant may file a civil complaint in district court, within 90 days, seeking a judgment and/or injunctive relief. (Section 1)

(2) This may apply to either a political candidate under the campaign practices statutes (Section 1) or a state employee under standards of conduct (Section 5.)

(3) If successful, the complainant shall be reimbursed attorney's fees and court costs. Maximum penalty is $1,000 fine, plus additional sanctions currently allowed by law.

(4) Frivolous complaints can be severely sanctioned by the court under existing MT Rules of Civil Procedure, Rule 11, assuring that use of this statute for publicity or harassment will not be tolerated.

COMMENT: This bill does not suggest that current or past commissioners of political practices have failed in their duties. The issue is not the quality of their work, but the timeliness. Given limited staff time and resources, the commissioner is not able to render decisions on political complaints in a time frame that has any meaningful affect on the alleged violations and their impact on the political contests involved. This is true both with complaints against candidates and against state employees. The average complaint is currently taking 18 months to decide – long after the damage has been done. This bill provides the ability to seek more timely relief, and in so doing, will act as an important deterrent. The end result: cleaner campaigns, with more integrity and accountability in the electoral process.