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ORIGINAL

FILED

DEC 22 2021

ANGIE SPARKS, Clerk of District Court
By *Angie Sparks* Deputy Clerk

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

FORWARD MONTANA; LEO
GALLAGHER; MONTANA
ASSOCIATION OF CRIMINAL
DEFENSE LAWYERS; GARY ZADICK,

Plaintiffs,

vs.

THE STATE OF MONTANA, by and
through GREG GIANFORTE, Governor,

Defendant.

Cause No. ADV-2021-611

Hon. Mike Menahan

**AFFIDAVIT OF BRENT MEAD IN
SUPPORT OF BRIEF IN
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT**

I, Brent Mead, being first duly sworn upon her oath, state as follows based on my personal knowledge:

1. I am co-counsel for Defendant in the above action, am over the age of 18, am competent to testify as to the matters set forth herein, and make this Affidavit

based upon my own personal knowledge and/or belief. I am generally familiar with the claims, materials, documents and pleadings regarding this matter.

2. One of my roles in defending this case is to conduct discovery into the Plaintiffs' claims, including the specific factual allegations made in the Verified Amended Complaint.

3. Each of the attached exhibits relates to the specific factual allegations made by Plaintiffs.

4. Exhibit A is a true and accurate copy of the University of Montana's Housing Student Handbook for 2020–21, effective at all times relevant herein.

5. Exhibit B is a true and accurate copy of Board of Regents Policy 1008 which governed the use of campus facilities at all times relevant herein.

6. Exhibit C is a true and accurate copy of University of Montana-Western's Policy 600.4 (Political Campaign Solicitation), effective at all times relevant herein, restricting political activity to defined areas of campus. Exhibit C was copied directly from the University of Montana-Western's website as noted in the exhibit.

7. Exhibit D is a true and accurate copy of Montana State University's Freedom of Expression Policy, effective at all times relevant herein. Exhibit D was copied directly from Montana State University's website as noted in the exhibit.

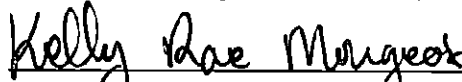
8. Exhibit E is a true and accurate copy of Senate Bill 319 as introduced in the 2021 Montana Legislature.

Dated this 20th day of December, 2021



Brent Mead

Subscribed and sworn to before me this 20th day of December, 2021.



Notary Public in and for the State of
Montana

Residing at: *Helena*

My Commission Expires: *July 18 2024*

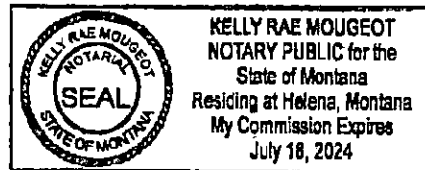


Exhibit A

UM Housing
Student Handbook

Residence Halls 2020-2021



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Welcome to UM Housing

UM Housing Community

Home away from home...

The UM Housing Staff are great resources and happy to assist you! The main UM Housing Office is in Turner Hall and is open Monday-Friday from 8:00 am-5:00 pm. Your Area Desk is open Monday-Friday from 8:30 am-Midnight, and Saturday-Sunday from 10:00 am-Midnight. We encourage you to contact your Resident Assistant on your floor/wing or the Community Development Coordinator in your area with any questions or concerns you have while living on campus. Additionally, Area Coordinators, our professional live-in staff members, are also available in your building communities during business hours.

It is important to become involved in your UM Housing community. UM Housing offers a number of ways to get involved with your community from Programming Boards to RA-planned events and programs, and more! Talk with your RA about how to get involved with your community.

The residence halls are owned and operated by the University on a self-supporting basis. This means your room fees pay for the cost of operations (e.g., utilities, maintenance, and staffing), capital improvement work, and repayment of money borrowed for the original construction and the interest on these loans. These buildings are your University home. Your cooperation, personal concern, and care are needed to avoid any unnecessary and wasteful expenses such as damage repair and replacement.

No community is entirely risk free. Crimes take place in our society as well as on our university campuses. The University and the UM Housing Office want to encourage you to take joint responsibility for your safety here on campus. The best protection against criminal activities is for all residents, faculty, and staff to be aware of and report any prohibited acts. All members of our community can reduce the risk of campus crime by being responsible for their personal safety and taking practical precautions.

Helpful hints for your safety...

Always...

- Be aware of your surroundings. If something seems like a problem, Step Up and say something. It's up to you!
- Lock your door at night or whenever you leave the room.
- Lock your vehicle.
- Tell your roommate/friends where you're going and when you plan on returning.
- Call GrizWalk at 406-243-2777 to be escorted across campus, or walk in groups.
- Look assertive and confident, and be aware of your surroundings.
- Trust your gut feelings. If you feel uncomfortable, get out of the situation.
- Know where the emergency phones are on campus (lit with a blue or green light).
- Contact your Resident Assistant or a UM Police Officer at 406-243-6131 if you have a problem or see something/someone that you think is unsafe.
- If there is an emergency, call 911 immediately.
- Take advantage of educational programs in your hall.

Never...

- Leave your room unlocked when you are not home.
- Prop open the hallway or outside doors of buildings. They are locked for your safety.
- Let people in the building you don't know. They will have Griz Card access if they are allowed to access the building.
- Lend your Griz Card, keys, or access card to friends.
- Put social norms or etiquette before your own personal safety.

Electronic Monitoring

All outside doors and certain public access areas within the residence halls are monitored using electronic devices such as video cameras and door access readers. This monitoring is for the protection and safety of the residents and UM Housing property.

Access Cards, Keys, and Locks

The University of Montana assists students in protecting their personal property as well as the property of the residence halls by providing each student with a room access card. Students access the outside residence hall doors and hallway doors (where applicable) using their Griz Card, and when a student checks into the residence hall they will be issued a room access card. Each student must return this card and their mailbox key at the time they move out of the residence halls. Charges will be assessed if room access cards and/or mailbox keys are not returned at the time of move out.

Outside residence hall doors and hallway doors (where applicable) are locked 24/7. Students are advised to have their access cards, mailbox key, and Griz Card on them at all times.

UM Housing and the students are jointly responsible for safety in their communities. Residents can take responsibility for their own security of the hall by locking their rooms, reporting prohibited behavior, and not propping open doors. UM Housing offers periodic personal security programs in order to help provide a safe and secure community for its residents.

If a resident loses their key and/or access card, a temporary key/card may be obtained at the Area Desk. The temporary key/card checkout fee is \$10.00, which will be charged to the student's account. Temporary keys/cards must be returned within 7 days of checkout. After 7 days, the student will be charged for replacement of the temporary card (\$25.00)/mailbox key (\$100.00).

Room Inspection

The University recognizes the right of privacy of all residents living in the residence halls, but also reserves the right to inspect its property at any time for necessary reasons. For health, safety, or emergency purposes, it is sometimes necessary for a University staff member to enter a resident's room when they are not present. Every effort will be made to have one or both occupants of the room present when an inspection is made. Periodic inspection of rooms will be made by the Resident Assistant on each floor to check for cleanliness and safety, and to ensure that health standards are being maintained. Written notification will be made at least 24 hours before these health/safety inspections.

Resources

Area Desks

UM Housing has three Area Desks. The Area Desk's function is to provide residents with information and additional services. Craig Area Desk is for Craig, Duniway, and Elrod residents. Jesse Area Desk is for Jesse, Knowles, and Turner residents. Miller Area Desk is for Miller and Pantzer residents. Your Area Coordinator's office is also located at your hall's Area Desk.

There are many items available at your hall's Area Desk including:

- Temporary cards for room access
- Temporary keys for mailbox access
- Building/floor access cards
- Games/sports equipment
- DVDs
- Vacuums
- Special mail delivery/packages
- Smiles and resourceful information

Bulletin Boards/DEN Network

To stay up to date on campus and hall news and events, check the hall lobby bulletin boards and/or DEN Network which is in the hall lobby and on Channel 3 of your TV.

Laundry

Every residence hall provides complimentary use of the washers and dryers for residents only. If you are new to doing laundry, refer to the chart in the laundry room for helpful tips, or ask your hall staff for assistance. Please do not leave laundry unattended and do not prop laundry room doors. UM Housing is not responsible for lost, stolen, or damaged laundry.

Mail

Your mailbox number corresponds with your room number and may be opened with your mailbox key. Note that mail will only be delivered to the occupants of the room number assigned. You'll receive mail Monday-Saturday, provided it is addressed correctly. As a general rule, residence hall mailboxes may not be used for any mailings other than those acceptable to the U.S. Post Office. Exceptions to this rule may be granted subject to the approval of the Executive Director of UM Housing. Check your mail often for time-sensitive mail.

Packages

Packages and items too large to fit in your mailbox will be held at your hall's Area Desk. An email will be sent to your student email account notifying you that you received a package. You will need to present your Griz Card or valid photo ID at the Area Desk to sign for your package.

Mailing Address

Your mailing address consists of your first and last name, followed by your room number and hall name. Please do not include "University of Montana," "32 Campus Drive," or zip code "59812," as this may delay delivery.

Example:

Monte Bear [Full Name]
123 Duniway Hall [Room # and Hall Name]
Missoula, MT 59801 [City, State, Zip Code]

Storage

The only storage available within the halls are the rental units located in Jesse, Knowles, Pantzer, and Miller Halls. Please contact the UM Housing Office for information on availability and cost. The rental units are for residents of any building and are available for the entire year. Residents should read their Residence Halls Storage Rental Agreement carefully before utilizing their storage unit. There are also privately operated storage units available throughout the local Missoula community.

Bicycles

Bike theft is very common, so please be sure to always lock your bike up when you are not using it. We ask that residents park and lock their bikes up in the racks provided. Please do not chain or lock them to the stairwells or walkways as this is against the State of Montana fire safety codes.

There are closets that can be used for bike storage in the Pantzer suites. In all other buildings, the resident can either leave them outside locked to bike racks or inside their individual rooms. If you choose to store your bike in your room, please be aware of potential damage when moving the bike around. Please contact the UM Police Department at 406-243-6131 for bike registration and bike safety information.

Computers

Computer terminals in each hall are linked to the main University network for residents' use and are available free of charge. Gaming and nonresident use is not permitted. Printing is also available from certain computers. Check with your Area Desk for details.

SAIT and TECs

Student Affairs IT provides free/low-cost tech support and computer help for students of the University of Montana. TECs can often help with any technology. We joke that we can help with anything that has an on/off switch. SAIT provides support via phone at 406-243-2625 from 8:00 am-5:00 pm, Monday-Friday. Walk-up hours at the SAIT Service Desk in the University Center are from 11:00 am-5:00 pm, Monday-Friday. You can also schedule an appointment for help in your residence hall or Lewis and Clark Village apartment between 2:00 pm-5:30 pm, Monday-Friday. Go to www.umont.edu/sait or call us to make an appointment!

Trash and Recycling

Residents are responsible for taking out their own personal trash. Personal trash should not be placed in the common areas (lounges, bathrooms, etc.). Instead, personal trash must be taken outside to the appropriate dumpsters or placed down the trash chute. Personal trash must never be placed in the hallways outside a resident's room, nor may trash be swept into the hallway. Charges may be assessed to your student account if this occurs.

Recycling is located outside all residence halls for the following items: aluminum cans, newspaper, plastic, mixed paper, and cardboard. It is the responsibility of every resident to take their recycling outside. Recyclable products should not be placed down trash chutes.

Hypodermic Needles

Some students have medical conditions requiring the use of needles. Improper disposal of hypodermic needles is dangerous, because these needles may carry blood-borne pathogens. Proper disposal of hypodermic needles is mandatory. A disposal container can be obtained at no charge by simply asking for one at the Curry Health Center (406-243- 2122). Please keep our campus and staff safe by properly disposing of needles.

Vending Machines

Snacks and soft drinks are available on the basement level, first floor, or 11th floor of your hall.

Energy Conservation

Energy costs are the most expensive items in the residence halls' operation. The residence halls do not receive any state or University funds, and must pay for this cost out of room rental. Please help keep housing rates reasonable by conserving energy:

- Set room thermostat at 65.
- Close draperies when possible.
- Turn lights and other electrical appliances off when not in use.
- Report any malfunctions of heating/ventilating units to the Area Desk immediately.

Repair and Maintenance

If repairs or special maintenance are needed, please notify your Resident Assistant or the Area Desk. You can also log on to myHousingPortal at www.umt.edu/myhousingportal to submit maintenance requests. The UM Housing Office reserves the right to make assessments for special cleaning of residents' rooms, and for missing room furnishings including windows, screens, mattresses, etc. These charges may be significant. For purposes of safety, sanitation, and general upkeep, the University reserves the right to maintain and make repairs in the residence hall rooms anytime during the school year. Management and maintenance staff may enter any room for the above purposes whether the room's occupants are present or not.

Bed Height Options

All residence halls have adjustable/moveable furniture. Beds can be arranged in a number of ways, including standard height, captain height, lofted, or bunked. For additional information, or to sign up for these services, please log on to myHousingPortal at www.umt.edu/myhousingportal.

Personal Property

Residents should report any personal property that is missing from their rooms to their RA and the UM Police Department immediately. The information to be given should include: a complete description of the items and their value; whether the room was locked; whether a key was lost recently; and any person suspected of the theft.

Do not leave personal property in residence hall common areas. Items left in common areas will be collected and discarded by UM Housing staff.

If a loss occurs outside the residence halls, the resident should report it to the UM Police Department. The University as a state institution is not responsible for damage to or theft of personal property on campus, unless the loss is due to negligent or wrongful acts or omissions of University agents or employees. Insurance for personal property while on campus may be available through parents' homeowners' insurance, tenant's coverage, or purchased through a private company. UM Housing has a preferred vendor for renters insurance, GradGuard. Grad Guard has reasonable student rates. You can visit the GradGuard website by logging into your housing application or visiting https://enroll.gradguard.com/starRez_renters_enroll.

Common Area Damage/Vandalism

UM Housing is a non-profit enterprise. Rental rates are set at a level to cover expenses and do not include excessive damage costs. Our preference is to hold individuals responsible for damage caused intentionally or unintentionally. Students are encouraged to report in a timely manner any acts of vandalism or damage in their community to a member of the UM Housing staff.

Repair and maintenance costs will be assessed to the individual whenever possible. When individual(s) responsible cannot be identified specifically, costs will be shared by the smallest identifiable group of residents within a building, floor, wing, room, or suite. Examples of vandalism that may result in shared costs distributed within a community include, but are not limited to: bulletin board or signage ripped off walls; ceiling tile damage; damage to paint/vinyl in stairwells, hallways, bathrooms, or floor lounges, etc.

UM Housing may refuse, revoke, suspend, or reassign housing for a student or group of students based on inappropriate behavior or damages. If students are found responsible for malicious or careless damage to University property they will be sanctioned through the conduct process. If no responsible individuals can be identified, common area damages will be assessed as outlined above.

Students may initiate damage appeal proceedings at the UM Housing Office in Turner Hall. Appeals of decisions may be made to the Residential Appeals Committee.

Assignments

Room Changes

Room changes are allowed during the semester as space allows. No room changes are allowed during the first two weeks of classes in order to complete the semester audit. Once the semester audit is complete, and all students assigned to temporary interim rooms have been moved to permanent rooms, the semester room change waitlist will be used to move students around to available room spaces. The semester room change waitlist opens the first day of classes on myHousingPortal at www.umd.edu/myhousingportal. If you are having issues with your roommate, please talk to your Resident Assistant or Area Coordinator. All room changes including room swaps must be approved by the UM Housing Office, and the room change agreement form must be completed before the move occurs. Each resident is allowed one free room change. After the first move, residents will be charged a room change fee of \$50.00 for each additional move per academic year.

Release During the Semester

Once you have picked up your keys, you are considered to be moved into the residence halls. In order to move out mid-semester, you must be released by the Executive Director of UM Housing. To request to

be released, you must fill out a form and write a statement explaining why you would like to be released. The form is available online at www.umt.edu/housing/forms.

Rooms are assigned for both Fall and Spring semesters. Moving out at the end of Fall Semester must be approved by the UM Housing Office. Requests to move out at the end of Fall Semester must be submitted by November 20, 2020. Notices and changes to plans submitted after November 20, 2020, are assessed a \$40.00 late vacate notice fee.

If you are not properly released for Spring Semester, you will not receive a refund on your room charges. If you are released for Spring Semester, you will be charged a \$200.00 cancellation fee, plus a prorated amount for the days you had keys for the room and until an official checkout is completed.

Semester Break

The residence halls close for Winter Break on Monday, November 30, 2020, at Noon. Students living on campus again for the Spring Semester may leave their items in their room, but must be out of the hall by Noon on Monday, November 30, 2020, unless they have made arrangements to stay. Students that wish to stay in their residence hall room for any part of the Winter Break must make arrangements to do so in the UM Housing Office by 5:00 pm on November 20, 2020.

Please note that there are additional charges to stay for Winter Break, as this is not included in the semester housing rate. The residence halls will re-open for Spring Semester on Wednesday, January 6, 2021, at 9:00 am. Students who wish to arrive early may do so without arrangements beginning on Saturday, January 2, 2021, at 9:00 am, and will be charged a daily early arrival rate until the halls officially open on Wednesday, January 6, 2021.

Emergency Procedures

Fire Alarms and Fire Equipment

All possible measures are taken to maintain a safe community for the residents. This includes having established fire evacuation rules and regular fire drills. Tampering with fire alarms and fire equipment is prohibited. Prosecution by the criminal authorities and/or disciplinary action under the UM Student Conduct Code resulting in dismissal from the University are potential penalties for intentionally setting off false fire alarms, the unauthorized use of fire equipment, and for starting fires.

In case of a fire, call 911. Fires are a potentially serious problem in all shared living space communities due to the high concentration of individuals living in each building. Please use caution and common sense to avoid a disaster.

Prevention can save your life and the lives of others. Explore your community and familiarize yourself with all exits. Keep exits and access areas clear of all debris and storage. Residence hall staff will conduct fire drills twice annually in order for all residents to evaluate proper evacuation routes in case of a fire emergency. Please note that halogen lamps, candles with wicks, and incense are not allowed in order to reduce the risk of fires within the residence halls.

Fire Emergency

When the general alarm for your building sounds, you must evacuate the building immediately via the closest emergency exit. Be sure you close and lock your room as you leave. The emergency exit routes are clearly marked. Residents must proceed in an orderly fashion by walking quickly to the emergency egress routes and out of the building. **ELEVATORS CANNOT BE USED AS EMERGENCY EXIT ROUTES.**

Students with disabilities who cannot egress the building should go to the nearest safe area of rescue and activate the area of rescue signal. Emergency personnel will come to this area and assist the student from the building.

Once outside the building you must move to a site at least 25 feet from the building. This will allow room for emergency vehicles and personnel to work and protect your safety. During inclement weather, students will be moved inside to other buildings during the emergency situation. Do not re-enter the building until instructed to do so by a UM Housing staff member or the on-scene emergency personnel.

Medical Emergency

If you believe there is a medical emergency, call 911 or UMPD at 406-243-4000 immediately. Medical response personnel will include UM Police, the Missoula Fire Department, and an ambulance from Missoula Emergency Services. If the emergency personnel on the scene determine the student may be treated at the Curry Health Center, arrangements will be made to transport the student to that facility.

Police Emergency

For police emergencies, dial the campus emergency number, 406-243-4000. UM Police Department Officers will respond to all campus police emergencies.

Residence Hall Policies

Students have the responsibility to conduct themselves in a manner that does not impair the welfare or educational opportunities of others in the University community. Students must act as responsible members of the community, respect the rights, privileges, and dignity of others, and refrain from actions which interfere with normal University functions.

In addition to the Student Conduct Code, UM Housing expects all students and their guests to abide by the following policies within the residence halls. Students may find the Student Conduct Code online at <http://www.umt.edu/vpesa/Dean%20of%20Students/default.php> and a current list of all Residence Hall Policies online at <http://www.umt.edu/housing/rh/policies/default.php>. Violations to any policies within the Student Conduct Code or Residence Hall Policies will be documented, and students are subject to the disciplinary process.

Residents will be notified via their student email should they have a mandatory meeting resulting from a policy violation. Residents are responsible for checking this email in a timely manner for all University communications.

Non Discrimination Statement

Policy Statement

The University of Montana is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our University. Acts of discrimination, harassment, sexual misconduct, stalking, and retaliation will be

addressed consistent with this policy. Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities.

It is important that members of the University community understand that the law does not just prohibit discrimination and harassment of employees by employers. The law also prohibits discrimination and harassment between members of the UM community more generally: for example, between an instructor and a student, between two students, between two employees, or between a student and an applicant or campus guest.

The policy applies in all University programs and activities, including, but not limited to, discrimination in athletics, instruction, grading, university housing, and university employment. In addition, the law prohibits retaliation against an individual for opposing any practices forbidden under this policy, for bringing a complaint of discrimination or harassment, for assisting someone with such a complaint, for attempting to stop such discrimination or harassment, or for participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. It is central to the values of this University that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

This policy shall not be construed or applied to restrict academic freedom at UM, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.

Report policy violations to:

Alicia Arant

Title IX Coordinator, Office of Equal Opportunity & Title IX

Telephone: 406-243-5710

Fax: 406-243-2797

Email: eoaa@umontana.edu or alicia.arant@umontana.edu

Office: University Hall, Room 006

Mailing Address: EO/TIX, University Hall 006, Missoula, MT 59812

Website (with online option for submitting complaint): www.umt.edu/eo

Title IX Coordinator

The Title IX Coordinator is responsible for coordinating the University's compliance with federal and state discrimination and sexual harassment laws, including Title IX. The Director of the Office of Equal Opportunity & Title IX (EO/TIX) is the Title IX Coordinator for the UM community. The Title IX Coordinator oversees compliance with the University's policy prohibiting discrimination, harassment, sexual misconduct, stalking, and retaliation. Specifically, the Title IX Coordinator will:

- Coordinate educational programs regarding discrimination and sexual harassment prevention for students, staff, and faculty;
- Respond to, investigate, and/or seek resolution to allegations of discrimination and sexual harassment following the procedures;
- Provide information about and, if requested, assist with criminal reporting;
- Provide information about resources for obtaining advocacy, healthcare, and counseling services; and
- Coordinate interim measures such as arranging for an escort on campus, modifying campus living arrangements, and helping with academic accommodations.

A full copy of the University's Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy and the accompanying Discrimination Grievance Procedures are available in the policy section of the EO/TIX website. More information about reporting options, resources, and other information about sexual harassment, including sexual assault, is located at www.umt.edu/sexualmisconduct.

Alcohol and Drug Offenses

1. Alcohol Policy

- A. Residents and their guests must abide by the Student Conduct Code expectations regarding alcohol use.
- B. For residents under the age of 21:
 - i. Residents and their guests who are under the age of 21 may not possess or consume alcohol. Based on Montana State Law, being intoxicated by alcohol is considered possession of alcohol.
 - ii. Residents who are under the age of 21 may not display and/or possess alcohol containers (empty or full), shot glasses, alcohol decorations (trophy bottles), etc.
 - iii. It is a violation of policy for anyone under the age of 21 to be present in a residential space where they know that alcohol or alcohol containers are present (empty or full), or in a common area where violations of this policy are occurring.
- C. For residents over the age of 21:
 - i. Residents and their guests may not consume alcohol in the presence of those under the age of 21, including roommates.
 - ii. It is a violation of housing policy to be visibly intoxicated in the residence halls. Students who are 21 or over who are disruptive because of the use of alcohol may be considered in violation of this policy.
 - iii. Residents of legal age must discreetly transport alcohol to their rooms.
 - iv. Containers of alcohol are not permitted in public or common areas either inside or outside of residential buildings. Common areas include, but are not limited to, outside entry or adjacent sidewalk areas, all lounges, lobbies, kitchens, recreation rooms, entertainment areas, hallways, bathrooms, stairways, fire exits, elevators, and laundry rooms, and a student room with an open door.

Behavior in violation of this policy is addressed through student conduct and may require attendance at Behavioral Health Options. More severe consequences are dependent on the behavior displayed at the time of documentation. The cost of the Options program is the responsibility of the student (see the Behavioral Health Options website for cost: <https://www.umt.edu/curry-health-center/Counseling/Behavioral-Health-Options.php>). Alcohol violations also carry with them the prospect of a Minor In Possession (MIP) and other criminal charges.

2. Illegal Use or Misuse of Drugs

- A. Residents and their guests must abide by the Student Conduct Code expectations regarding drug use.
- B. The possession, use, distribution, and cultivation of drugs in housing is prohibited. This is true even if a resident has a medical card.

- i. Although the State of Montana permits the use, possession, and/or cultivation of medical marijuana, federal law prohibits the use, possession, and/or cultivation of medical marijuana in educational institutions and other recipients of federal funds. The use, possession, and/or cultivation of medical marijuana is therefore prohibited in University of Montana housing facilities on the University of Montana premises. Even if a student, faculty, or staff member possesses documentation permitting the use, possession, and/or cultivation of medical marijuana, this activity cannot occur on University of Montana premises.
- C. It is a violation of policy for anyone to knowingly be present in a room/suite where drugs are present, or where violations of the Student Conduct Code are taking place.
- D. It is prohibited to be under the influence of drugs in any form, with the exception of the use of prescriptions in the manner that is instructed by a medical professional. Residents and their guests who exhibit behaviors that appear to have been influenced by drug use may be subject to disciplinary process. Such behaviors may include, but are not limited to slurred speech, odor of drugs, lack of balance, or swaying.
- E. Residents may not possess drug paraphernalia, which includes equipment, products and materials of any kind which are marketed or designed for drug use including, but not limited to, bongs, smoking pipes, vaporizers, and roach clips.

UM Housing staff is instructed to call the campus police and allow law enforcement to take over a situation if illegal drugs are suspected to be present. Federal Student Financial Aid may be withdrawn if a student is convicted of a drug crime. The University has strict policies regarding the illegal use and abuse of substances. Do not jeopardize your education by using illegal substances.

3. Tobacco Free Policy

- A. UM Housing supports the University of Montana's tobacco free campus policy, and does not permit the use of tobacco products in any of our residence halls or apartment buildings. All buildings are designated "No Smoking" in all areas including student rooms. Smoking of any kind (e.g., hookahs, E-cigarettes, and vape/vapor/vaporizer pens) and the use of tobacco products (e.g., chew, snuff, etc.) are not allowed in areas including study rooms, restrooms, hallways, stairways, lobbies, elevators, lounges, student rooms, etc.
- B. In accordance with the University of Montana's tobacco free campus policy, students may also not smoke or use tobacco products, E-cigarettes, or vape/vapor/vaporizer pens outside the residence halls on campus property. Tobacco use is allowable at the following locations: sidewalks along Beckwith, Arthur, 5th and 6th Streets west of Maurice, Maurice north of 6th, Kim Williams Trail, and all properties outside of those borders and beyond boundaries of any property of the University of Montana.

Illegal and Disruptive Conduct

4. Disruptive Behavior

- A. Any act that poses a danger to health, safety, or property within housing facilities is prohibited.
- B. Students shall not obstruct or disrupt the University living environment. Disruptive behavior is behavior that interferes with the University living and learning environment, or that interferes with the other students' rights to socialize, study, or sleep. Disruptive behavior may include, but is not limited to the following:

- i. Excessive noise or nuisance;
 - ii. Failure to cooperate with the reasonable directive of a University official (including all members of UM Housing), acting in the performance of their duties;
 - iii. A student's failure to obtain express consent from the resident(s) of another room prior to entrance.
- C. Any unauthorized use of electronic or other devices to make an audio or video recording of any person without that person's prior knowledge, or without effective consent when such a recording is likely to cause injury or distress, is prohibited. This includes, but is not limited to, surreptitiously taking pictures of another person in a restroom or other location where a person would expect privacy.
- D. Residents who assist anyone in a policy violation or a crime may be in violation of housing policy themselves.

Hall staff reserve the right to require items that cause an ongoing disruption to the living environment be removed from the residence halls immediately.

5. Noise Policy / Quiet Hours

The realities of community living dictate that individuals respect community needs for the moderation of noise regardless of established quiet hours. Noise is any sound which is disturbing to any resident. In an effort to reduce the amount of noise in the living groups, specified quiet hours are established in each living group.

- A. Excessive Noise - Noises that are disruptive at any time are prohibited. Disruptive noises, including but not limited to, loud stereos, amplified instruments, or loud voices, infringe on the rights of other students. Residents with stereos are encouraged to use headphones. Amplifying music or other sounds out of residence hall windows into public spaces is prohibited. While it is the responsibility of all to control noise, it is also the responsibility of those bothered by noise to contact the offending party and request that the problem be corrected. All residents must assume responsibility for monitoring their own behavior.
- B. Courtesy Hours - Courtesy hours are in effect at all times. Courtesy hours allow all residents to sleep, study, and relax or host visitors without distracting noises from neighbors. If any student makes a reasonable request that another student reduce the volume of their music, talking, and TV, they must comply with the request. Residents must comply with staff requests to reduce noise. For more information see the Disruptive Behavior policy. Retaliation against the person making such a request may result in further conduct action.
- C. Quiet Hours - Quiet Hours are from 8:00 pm to 8:00 am beginning Sunday evening through Friday morning, and from 11:00 pm to 9:00 am beginning Friday evening through Sunday morning. When quiet hours are in effect, the living environment should be quiet enough to allow others to sleep. Guidelines for behavior during Quiet Hours include:
 - i. Radios and stereos should not be heard outside the room.
 - ii. Musical instruments can only be played outside the residence hall.
 - iii. The right of a roommate to study and sleep has priority over your right to entertain guests in your room.

- iv. Because of disturbances to hall residents and the potential injury to bystanders, outdoor games are limited to the lawns south of Pantzer Hall, east of the second sidewalk in front of Craig Hall, and on the River Bowl. Drumming activities should be taken to the River Bowl area.

- D. During the week before finals and finals week, quiet hours are extended to 23 hours per day, with courtesy hours in effect from 7:00 am – 8:00 pm.

UM Housing reserves the right to perform maintenance and construction of the residence halls, which may occur throughout the year and at various times of the day. Maintenance and construction may cause noise within the residential facilities.

UM Housing Property

6. Building Security

- A. Outside residence hall doors and hallway doors (where applicable) are locked 24/7. Propping doors jeopardizes the safety of students, staff, and property. Residents are prohibited from propping exterior and hallway doors.
- B. Residents may not open doors for non-residents of the hall or allow non-residents to follow them into the building. Residents are responsible for the behavior of anyone they allow into the building. See Visitors and Guests Policy for more information.
- C. Residents are responsible for proper use of their access cards, including Griz Cards. Students may not loan their access cards to other people.

UM Housing and the students are jointly responsible for safety in their communities. Residents can take responsibility for their own security of the hall by locking their rooms, reporting prohibited behavior, not allowing people to follow them into the building, and not propping open doors. UM Housing offers periodic personal security programs in order to help provide a safe and secure community for its residents.

7. Cleanliness

- A. Residents must keep their contracted spaces (including bathrooms, common spaces, and shared kitchens in suite-style arrangements) clean and free of health and safety hazards.
- B. Residents must clean up after themselves in common areas. Common areas can include kitchens, lounges, lobbies, bathrooms, laundry rooms or other space that is for general resident use. Restrictions to access and charges could ensue if it is determined you were responsible for messes left in such areas.
- C. All trash must be disposed of properly in the trash chutes on each floor.
- D. Residents may not store their personal items in areas outside of their assigned space, including, but not limited to, study lounges, roommate's desk or closet spaces, other rooms within a pod/suite, and common spaces, even if they do not have a roommate.

The Area Desk has vacuums to check out for student use. Some cleaning equipment is also available on each floor. Students can receive replacement light bulbs by contacting the Area Desk.

8. Fire Safety

- A. Residents may not tamper with, disable, cover, or damage fire equipment, including but not limited to sprinkler heads, smoke detectors, alarms/strobe lights, exit signs, pull stations,

sprinkler system, fire doors and fire extinguishers, heat sensors, and fire safety signage. Residents who tamper with fire equipment may face disciplinary action, a monetary fine, or both, and may also be referred to law enforcement authorities.

- B. Residents may not hang items from the sprinkler heads, cages covering the sprinkler heads, pipes associated with sprinklers, or the ceiling.
- C. Candles, incense, heat lamps, and space heaters have been found to be a severe fire hazard, and their use is prohibited in the residence halls. Wickless candles are an acceptable alternative and provide fragrance without the flame. Exceptions to this policy for religious or spiritual purposes, including smudging, need to be approved by the Executive Director of UM Housing prior to any such practices.
- D. Students may not plug power strips or extension cords into other power strips or extension cords. Do not overload outlets. Do not use extension cords and/or surge protectors that are not UL rated and/or do not have fire shield capabilities.
- E. Residents may not leave items in the hallways, as they pose a tripping hazard. These items include, but are not limited to shoes, bikes, bed parts, and trash.
- F. Residents and their guests are not allowed to sleep in public and common areas.
- G. Residents and their guests may not leave food unattended while cooking. Residents may only put food and items that are microwave safe into a microwave.
- H. Residents are not allowed to post on the walls or ceilings in the hallway.
- I. No more than 30% of any door or wall surface inside a resident's room may be covered with combustible materials. Wall surfaces include doors, windows, ceilings, and floors.
- J. When a fire alarm is activated, all persons inside a residential facility are required to leave the building immediately, even if it is believed to be a drill or false alarm.

9. Misuse of Facilities

- A. All residence halls facilities are reserved for the exclusive use of students who reside in the residence halls and their guests.
- B. Nonresidents may not use any hall facilities for any reasons. Unauthorized use of residence hall facilities (bathrooms, lounges, study rooms, laundry rooms, computer rooms, etc.) may result in disciplinary action and/or criminal action.
- C. Residents cannot tamper with, vandalize, or misuse the elevators. This includes misuse of the Emergency button.
- D. Residents may not damage any University property or property owned by other residents.
- E. Residents may not permanently alter University property/space.
- F. Residents are required to report any individuals they see damaging property. A witness may be subject to disciplinary action if they fail to report.
- G. Residents may not remove any University-issued furniture from their assigned room or residence hall common areas.
- H. Residents may not unlatch screens, remove windows, or throw items from the windows for any reason.

- I. Residents may not enter or exit the building through the windows.

10. Possession of Prohibited Items

- A. Please exercise good judgement when deciding to bring items to the residence halls. All items need to meet the following criteria to be permitted within the residence halls:

- i. All items should be in good working order and cannot be under recall by the manufacturer. Some information regarding recalls can be found here: <https://www.cpsc.gov/Recalls>.
- ii. Any damaged or altered items are prohibited.
- iii. All appliances should be UL listed and have fire shield capabilities.
- iv. All appliances must have an automatic shutoff.
- v. Items should be shut off when not in use and any cords should be examined to ensure they are not worn or frayed or subject to pinch damage.
- vi. The misuse or illegal use of electrical appliances creates serious hazards in residence halls and is prohibited.
- vii. No exposed heat element (e.g., hot plates, toaster ovens, and electric woks).
- viii. No open flame.
- ix. Storing flammable or combustible liquids or gasses is prohibited, including, but not limited to, gasoline, kerosene, and cleaning fluids.
- x. Any appliance that produces steam, smoke, or grease laden vapors is prohibited. Clothes irons, electric kettles used to boil water, and scent diffusers are the only exceptions.
- xi. Any device with light bulbs that generate excessive heat is prohibited (including halogen bulbs and/or incandescent bulbs that exceed 100 watts).
- xii. Any device that would exceed the electrical load is prohibited.
- xiii. Any approved cooking appliance must be attended at all times.

- B. The following items are never approved in the residence halls:

- i. Barbecues and grills; crockpots; electric fryers; electric grills and sandwich makers/presses; electric woks; fog, smoke, and haze machines; hookahs, hookah smoking accessories, e-cigarettes, vaporizers; hot plates; Hoverboards, Swagways, IO Hawks, Skywalkers, and similar devices; portable space heaters; pressure cookers and instant pots; rice cookers; and toasters and toaster ovens.
- ii. Air conditioners are not allowed in the residence halls unless approved by Disability Services for Students.

- C. Exceptions

- i. Cooking appliances are not allowed in the halls except for coffee pots, microwaves (1200 watt max), and popcorn poppers.
- ii. In hall kitchens, baking is allowed, but cooking meals that contain meat or cooking with oils is prohibited.

- iii. Mini refrigerators must be under 4.0 cubic feet.

If the use of your item poses a health or safety concern, causes a disruption to the community, causes property damage or property loss, regardless of whether the item is approved, you may be subject to disciplinary action and associated costs or sanctions.

Other Conduct Issues

11. Animals

- A. Fish, in 10-gallon tanks or less, are the only pet allowed in the residence halls. No gravel is allowed down the drains in the sinks, showers, or toilets.
- B. All other animals of any kind, except certified service or approved assistance animals, are strictly prohibited in the residence halls.
- C. Pets will not be permitted to "visit" or be on the premises for any reason. Exceptions will be made for individuals requiring a service animal(s).
- D. Individuals with approved assistance animals must follow the expectations outlined in the UM Assistance Animal Policy. If you need a copy of your signed Assistance Animal Policy agreement, you should contact UM Housing.

Requests to have an animal approved as an assistance animal must go through the Disability Services for Students Office. This request must be submitted and approved prior to the animal being at the residence hall. Unauthorized pets may result in a fine for each day the animal resides in the residential facilities unapproved.

12. Firearms, Explosives, and Weapons

- A. Possession, use, or threatened use of firearms, ammunition, dangerous chemicals, weapons, and destructive devices are prohibited.
 - i. "Firearm" means a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder, smokeless powder, or compressed air and which is readily capable for use as a weapon. Ammunition is not allowed in the residence halls.
 - ii. "Weapon" means any object that may be used to injure. Not all weapons can be listed here. Some common weapons that are prohibited include, but are not limited to, knives having a blade that projects or swings into position by force of a spring, by centrifugal force, or by gravity and is commonly known as a switchblade knife; or any knife with a blade longer than 4 inches or not intended for kitchen use. Weapons also include, but are not limited to, any hunting or target bow; any crossbow; any dirk, dagger, slingshot, metal knuckles, bow and arrow, BB/pellet gun, blowgun, paintball gun, sword, stun gun/Tasers or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person.
 - iii. "Destructive Device" means a projectile containing an explosive or incendiary material or any other dangerous chemical substance; or a bomb, grenade, missile, or similar device or any launching device.
- B. Pepper spray/mace/bear spray is permitted as a tool for safety and should only be deployed in the case of an emergency. If used in an offensive manner and not in self-defense, it is

considered a non-lethal weapon subject to this policy. Offensive use of pepper spray could also come with criminal charges in the State of Montana.

The University of Montana offers weapons storage through the University of Montana Police Department. Weapons can be stored or checked out Monday-Friday from 8:00 am to 5:00 pm. Special appointments are available upon request. Please contact UMPD Dispatch at 406-243-6131 for additional information, or to speak with an officer.

13. Gambling

To conform to state laws, no form of gambling is permitted in the residence halls.

14. Guests and Visitors

- A. Guests and visitors are defined as any individuals who are not contracted residents of the specific room or building in question.
- B. No persons other than escorted guests, residents, or University staff on University business may enter a living group. Residents must escort their guest(s) the entire time their guest(s) is in the building.
- C. Residents are responsible for the behavior of their guest(s). Guests are expected to comply with all state, federal and University rules and policies.
- D. Only people assigned to a room may reside in that room.
- E. Residents are responsible for ensuring that their guest(s) are using the appropriate bathroom facilities.
- F. Residents may not give their room or hall access cards to their guests.
- G. Guests are permitted only with the permission of the contracted resident(s) of the room and then only in designated areas and within the previously agreed upon frequency. In no event will guests be permitted more often than the frequency listed below. Residents may have guests stay providing they meet all of the following criteria:
 - i. They receive permission from all roommate(s) or suitemate(s), if applicable;
 - ii. for visits occurring during the day, the guest does not stay for longer periods of time than agreed upon by all the contracted residents of the space, considering what would be reasonable for other contracted residents to enjoy the use of their room/suite;
 - iii. the guest stays no longer than three consecutive nights; and
 - iv. residents may only have a guest stay for a total of seven nights in a semester.

Guests staying in a space after 2:00 am are defined as overnight guests. For guests requesting to stay longer than three consecutive nights and/or seven nights in a semester, please see your Area Coordinator for the guest request process.

Guests that are violating policies or damaging property may be asked to leave. Roommates and suitemates are strongly encouraged to take some time to talk about arrangements for guests and about how all parties feel about the potential disruption guests can cause before the guests are invited to stay. If roommates feel that their rights are being violated, it is their responsibility to contact a staff member.

15. Sales in Residence Halls

In regards to resident and community privacy, safety, and security (with exception of local newspaper delivery), general sales and non-commercial and commercial solicitation are prohibited in residence halls (e.g., political campaigning, event promotion, etc.). In order to guarantee the privacy of all residents, no agents or solicitors are allowed to enter the residence halls. Residents bothered by unauthorized persons should report them to the hall staff immediately. For information on residence hall tabling opportunities and the flyer approval process, please contact the UM Housing Office.

16. Violent and Sexual Offenders

Any student who has been designated as a violent or sexual offender by a county, state, or federal court, and who is requesting housing in University facilities must notify the UM Housing Office of this information prior to execution of the contract. The UM Housing Office must also be notified when a student residing in University residence halls is a violent or sexual offender within 24 hours following such designation by a county, state, or federal court.

The University reserves the right to review the student tenant's offender status and the potential risk to the community due to the tenant's residence in University facilities. After such review, the University may deny occupancy to a tenant based on either offender's designation status.

Residents may not host guests that have been designated as a violent or sexual offender by a county, state, or federal court.

17. Sports and Recreation

Activities in hallways, residence hall rooms, lounges, or other indoor areas, or areas adjacent to buildings that could interfere with the living-learning environment are prohibited. This includes, dribbling basketballs, running in the halls, throwing or catching objects of any kind, skateboarding, riding bikes, and any other activity that could be considered a sport.

The use, possession, or storage of Hoverboards, Swagways, IO Hawks, Skywalkers, and similar devices, is prohibited on campus until safety standards for them can be developed and implemented, and the prohibition is lifted. Recent information has revealed that the batteries in the devices are dangerous and prone to explosion, creating a safety and fire risk. Until a time that the safety standards for these devices are improved, UM Housing has prohibited them from being in any of our residence halls or apartments.

Important Numbers

Emergency Numbers

911 Emergency Center	911
Campus Emergency	406-243-4000
UM Police Department	406-243-6131
Curry Health Services Center	406-243-2122

Residence Hall Area Desks

Craig/Duniway/Elrod Area Desk	406-243-5143
Craig/Duniway/Elrod Area Coordinator	406-243-2141
Jesse/Knowles/Turner Area Desk	406-243-2554
Jesse/Knowles/Turner Area Coordinator	406-243-2130
Miller/Pantzer Area Desk	406-243-2322
Miller/Pantzer Area Coordinator	406-243-2140

Campus Resources

Counseling Services	406-243-4711
Campus Dining	406-243-6325
Financial Aid Office	406-243-5373
Griz Card Center	406-243-6943
GrizWalk	406-243-2777
UM Housing Office	406-243-2611
Student Affairs IT	406-243-2625
Student Advocacy Resource Services	406-243-6559
Writing Center	406-243-2256
UC Student Involvement	406-243-2005



Exhibit B

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION
Policy and Procedures Manual

SUBJECT: PHYSICAL FACILITIES

Policy 1008 – Use of campus facilities

Adopted: October 31, 1980; Revised: November 18, 1999

Board policy

A. Campuses of the Montana University System may permit use of campus facilities by persons or groups not associated with the schools. The units may establish their own policies for use of facilities, which must include and not conflict with the following requirements:

1. Use of facilities by anyone not associated with the campus shall not disrupt regular academic programs or activities of the campus;
2. Students, faculty, staff and organizations affiliated with the University System shall have priority in the use of facilities over anyone not associated with the University System;
3. Any person or organization not affiliated with the University System, requesting a special use of campus facilities, shall submit such a request in writing on a form supplied by the school. The person or organization shall assume responsibility for the activity and shall be required to release the school from liability or obtain liability insurance. This section does not apply to regularly scheduled uses of recreational facilities which are open to the public;
4. Fees. Rents and charges for use of a particular facility may be assessed in amounts sufficient to offset costs of the use of the facility to the campus. The campus may also require a deposit to cover possible damage resulting from the use of the facility;
5. No solicitation. Solicitation of funds by any person or organization unaffiliated with the school may not be conducted unless prior permission is granted in writing by the president, chancellor or a designee;
6. Commercial activities. No commercial activity or event involving the sale of goods and services, the proceeds from which inure to the benefit of a person or organization not associated with the campus, and no sale of food or beverages shall be permitted on campus property unless permission is granted in writing by the president, chancellor or a designee;
7. Competition with Private Sector. Any approval for the use of campus facilities should be consistent with the guidelines laid out in Policy 1909 ("Competition with the Private Sector").

History:

Item 29-002-R1080, Use of campus facilities, Montana University System, October 31, 1980; as revised November 18, 1999 (Item 104-103-R0999).

Exhibit C

Date Adopted: 09/25/2006¹

Date Revised:

References: BOR Policy 1008

Issuing Office: Administration and Finance

Approved By: Susan Briggs

1. Policy

Political campaigning and solicitation activities by non-campus organizations and/or persons may be responsibly conducted on University property subject to certain restrictions and the procedures listed below.

2. Purpose

The purpose of this policy is to provide guidelines for political campaigning and solicitation by non-campus organizations and/or persons on University-owned or controlled property.

3. Procedures

1. Political Campaigning

Political campaigning on the University campus may not impose on the privacy of the residence halls or interruption of students, faculty, or staff in academic areas.

All political campaigners are requested to use the space between Short Center and the Student Union Building. Campaigners should notify the campus in advance by contacting the office of the Vice Chancellor for Administration and Finance.

Political materials may not be distributed through campus mail, the campus mail room, or residence hall mailboxes.

Political postings are limited to designated public use bulletin boards. Written political materials may be left in designated areas in the Student Union building. The ASUMW Office Manager monitors campus bulletin boards for appropriateness and timeliness of postings.

No political campaign activity may disrupt any University program or other official activity. Violation will not be tolerated and such campaigner(s) shall immediately cease activities.

2. Solicitation

¹ Available online at <https://www.umwestern.edu/section/600-4-political-campaign-solicitation/> (accessed December 20, 2021).

With the exception of local newspaper delivery, general sales or solicitation are prohibited in residence halls. In order to guarantee the privacy of all residents, no agents or solicitors are allowed to enter the residence halls.

Solicitors should notify the campus in advance by contacting the office of the Vice Chancellor for Administration and Finance.

Posting of signs or other materials should be confined to designated public use bulletin boards generally available for those purposes.

3. Campus Appearances of Political Candidates

Student political groups, as well as faculty and staff organizations, are free to sponsor appearances by political candidates in common areas, if they wish, provided that such appearances are cleared through the usual channels governing the use of such facilities. Candidates without a campus sponsor should contact the Vice Chancellor for Administration and Finance directly if they wish to make an appearance on campus.

Any such appearances are to be open to the entire student body and not controlled by a particular candidate or group's operation. All candidates making political appearances should be aware that they and their representatives are barred from political fundraising on campus, and that their visits should be conducted as speeches with question and answer sessions and not as campaign rallies. They should also be aware that all students, faculty and staff as well as the general public are entitled to attend.

Government officials are always welcome on UMW's campus for events that are normally a part of their official duties. If they are visiting as participants in an election campaign, they should expect to adhere to UMW's campus policy concerning political activity. Violators of University policies and procedures will cease non-compliant activities immediately and may be asked to leave the campus.

4. Authority

All property of the University of Montana Western, including all of the buildings and improvements thereof, is the property of the State of Montana and is under the jurisdiction and control of the Board of Regents of Higher Education of the Montana University System. All UMW property is managed for the specific purpose of fulfilling the educational mission of UMW as a State-supported institution of higher education. Accordingly, the use of UMW property and facilities is subject to all applicable state and federal laws, Board of Regents policies, and UMW policies.

5. Responsibility

Vice Chancellor for Administration and Finance, Facilities Services Office, ASUMW
Office Manager, Dean of Students, Chancellor, Provost/Vice Chancellor for
Academic Affairs and Student Affairs

Exhibit D

Freedom of Expression Policy¹

Subject:	Governance and Organization
Policy:	Freedom of Expression Policy
Effective Date:	September 7, 2011
Revised Date:	February 2, 2012; May 2, 2018
Review Date:	May 2020
Responsible Party:	Office of Legal Counsel

Introduction and Purpose

MSU recognizes that the freedom of expression is integral to the purpose and process of the University, whose primary goal is education. Therefore, no University policy or rule will infringe upon the rights protected by the First Amendment of the United States Constitution.

Policy

MSU supports and encourages diverse points of view, though they may sometimes seem distasteful or offensive, as this is the nature of the University's educational responsibility and is safeguarded by the freedom of expression. The acceptance of diversity is a fundamental tenet of the Land Grant University system and is instrumental to the creation of new discourses and the weighing of different views. MSU recognizes the First Amendment rights to expression. These rights include individual and group expression activities including but not limited to:

- Speaking,
- Assembling,
- Demonstrating,
- Displaying signs,
- Pamphleteering, and
- Political campaigning.

¹ Available online at https://www.montana.edu/policy/freedom_expression/ (accessed December 20, 2021).

The following forms of expression are not protected forms of speech and may lead to individuals or groups being subject to disciplinary, administrative or legal action:

- True threats, including speech and other conduct that communicates a serious intent to commit an act of unlawful violence to a particular individual or group of individuals;
- Harassment, including speech and other conduct based on a protected class, targeted at an individual, that effectively denies educational access, opportunities, or rights;
- Defamation;
- Incitement of illegal action;
- Invasion of privacy and confidentiality, as protected by federal and state law; and
- Child pornography.

Regulations

Constitutionally protected rights of free expression must not unreasonably interfere with the right of the University to conduct its affairs in an orderly manner and to maintain its property, nor may they interfere with the University's obligation to protect the rights of all to teach, study, conduct business, and fully exchange ideas.

The following must be followed by those conducting free expression activities on University property. Failure to comply may lead to individuals or groups being subject to appropriate disciplinary, administrative or legal action in accordance with applicable University policies.

UNPROTECTED ACTIVITY

- The use of violence, or credible threats of violence, is strictly prohibited.
- Activities which infringe upon the rights of another person are prohibited in accordance with Section 220.00 of the Facilities Use Manual.
- Activities may not obstruct the free flow of vehicular or pedestrian traffic on campus.
- Activities may not use sound amplification except with prior written approval in accordance with Section 230.000 A of the Facilities Use Manual.
- Activities may not block the entrances or exits to any campus building or facility.

- A distance of 50 feet from any door must be kept to avoid the interruption of the flow of campus community traffic.
 - To exercise expression at closer than this buffer area, permission must be granted in writing by the relevant Building Supervisor.
- Activities may not disrupt or interfere with classes, university work, arts and cultural activities, research, or scheduled events.
- The public may engage in activities inside any University buildings, facilities, stadiums, or temporary event facilities such as tents etc. only as permitted by the Facilities Use Policy.
- Individuals or groups may occupy land areas, through but not limited to the erection of structures, shelters or camps, in accordance with the Outdoor Programming Policy and only until or unless University officials reasonably determine that such occupation has compromised and/or infringed upon the rights of others.

WEAPONS AND IMPROVISED WEAPONS PROHIBITED

- Items that present significant threats to safety are prohibited at free expression activities:
 - Weapons as defined in the University Weapons Policy
 - Items that can be used as weapons, including but not limited to:
 - Metal pipes
 - Baseball or softball bats
 - Lengths of lumber or wood (any size)
 - Bricks or rocks
 - Glass or Metal beverage or food cans or containers
 - Shields
 - Axes, axe handles, or hatchets
 - Ice picks
 - Razor blades
 - Tasers
 - Spray cans

- Fireworks
- U-lock bike locks
- Heavy-gauge chain
- Dogs (except for service dogs)
- Torches, lanterns, or other devices that use fire or fuel
- Items that under the circumstances show an intent to intimidate others, or incite violence, such as helmets and flak jackets

PLACEMENT OF MATERIALS

- Printed materials, writing, or other tangible means of expression may not be attached to University property, including sidewalks, trees, walls, or other property (including on vehicles parked on campus), **except:** (1) that such materials may be placed on outdoor bulletin boards designated as public bulletin boards--all postings on public bulletin boards will be removed at regular intervals; and (2) banners promoting a University or ASMSU sponsored event may be displayed at the following locations:
 - On the Wilson Hall bridge upon prior approval from the building supervisor.
 - From the cables inside the atrium on the north side of Reid Hall upon prior approval from the Building Supervisor.
 - Banners tied or wrapped on no more than two columns, on the Student Union Building's west entry, upon prior approval from the Director of Auxiliaries.
- Printed materials, writings, or other tangible means of expression may not be placed on any interior surface of any University building without the written permission of the relevant Building Supervisor and in accordance with the rules established for each building. Permission shall include a designated date for removal.

CLEANUP AND OTHER RESPONSIBILITIES

- Individuals and organizations are responsible for cleanup, property restoration, and for any associated costs incurred by the University from their activities.

- Individuals and organizations are responsible for the content of any signage, pamphlets, or structure that they post, distribute, or erect on campus. Furthermore, the University reminds any organization distributing materials to be aware of laws concerning defamation, obscenity, fair labor practices, etc.

POLITICAL ACTIVITY ON CAMPUS

- In Family & Graduate Housing, political campaign activities may be conducted door-to-door.
- In all other areas of campus, no political campaign activities are allowed inside any MSU buildings, facilities or stadiums, or temporary facilities such as tents, except where space is reserved in accordance with facility use policies.

Exhibit E

SENATE BILL NO. 319

INTRODUCED BY G. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS;
CREATING JOINT FUNDRAISING COMMITTEES; PROVIDING FOR CERTAIN REPORTING; AND
AMENDING SECTIONS 13-1-101, 13-35-225, 13-35-237, 13-37-201, 13-37-202, 13-37-203, 13-37-204, 13-37-
205, 13-37-207, 13-37-208, 13-37-216, 13-37-217, 13-37-218, 13-37-225, 13-37-226, 13-37-227, 13-37-228,
AND 13-37-229, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Joint fundraising committee. (1) (a) One or more candidates for a
statewide office and political committees may join together to establish a joint fundraising committee to act as a
fundraising representative for all participants. A joint fundraising committee may not be construed to be a
political committee.

(b) The participants in a joint fundraising committee may only include a candidate for statewide office,
an independent committee, or a political party committee. Any combination of these entities may form a joint
fundraising committee.

(c) The participants in a joint fundraising committee may not include an incidental committee, a ballot
issue committee, a judicial candidate, or a political committee that is a corporation or a union.

(d) The joint fundraising committee may not be a participant in any other joint fundraising effort.

(e) A participant may participate in no more than three concurrent joint fundraising committees.

(f) A joint fundraising committee may not amend its list of participants after filing its certification and
organizational statement as provided by 13-37-201.

(2) A joint fundraising committee shall:

(a) appoint a campaign treasurer and certify an organization statement pursuant to 13-37-201;

(b) designate one separate campaign depository as provided in 13-37-205 to be used solely for the
receipt of all contributions received and the disbursement of all expenditures made by the joint fundraising

1 committee; and

2 (c) keep records as provided by 13-37-207 and 13-37-208.

3 (3) The participants in a joint fundraising committee shall enter into a written agreement that states a
4 formula for the allocation of fundraising proceeds. The formula must be stated as the amount or percentage of
5 each contribution received to be allocated to each participant. The joint fundraising committee shall retain the
6 written agreement for the same amount of time the campaign treasurer is required to retain accounts under 13-
7 37-208(3) and shall make it available to the commissioner on request.

8 (4) Each solicitation for contributions to the joint fundraising committee must include a notice that
9 includes the following information:

10 (a) the name of each participant in the joint fundraising committee;

11 (b) the allocation formula to be used for distributing joint fundraising proceeds;

12 (c) a statement informing contributors that, despite the state allocation formula, they may designate
13 their contributions for particular participants;

14 (d) a statement informing contributors that the allocation formula may change if a contributor makes a
15 contribution that would exceed the amount that a contributor may give to a participant; and

16 (e) if one or more participants engage in the joint fundraising activity solely to satisfy outstanding
17 debts, a statement informing contributors that the allocation formula may change if a participant receives
18 sufficient funds to pay its outstanding debts.

19 (5) (a) A joint fundraising committee may accept contributions on behalf of its participants under the
20 provisions of the fundraising formula and may make expenditures on behalf of and to its participants under the
21 limitations provided in this section.

22 (b) Except as provided by subsection (8), a joint fundraising committee may not accept a contribution
23 that, when allocated pursuant to the joint fundraising committee's allocation formula in subsection (3), in
24 addition to any other contributions received by the participant from that contributor, would be in excess of the
25 contribution limits of that contributor calculated pursuant to this section. A participant may not accept
26 contributions allocated from the joint fundraising committee that, but for the joint fundraising committee acting
27 as an intermediary, the participant could not otherwise accept.

28 (c) Contributions to the joint fundraising committee may only be deposited in the joint fundraising

1 committee depository.

2 (d) The joint fundraising committee shall report and maintain records concerning contributions as
3 provided by Title 13, chapter 37. The joint fundraising committee shall make its records available to each
4 participant.

5 (e) A participant shall make the participant's contributor records available to the joint fundraising
6 committee to enable the joint fundraising committee to carry out its duty to screen contributions pursuant to
7 subsection (6)(a).

8 (6) (a) The joint fundraising committee shall screen all contributions received to ensure the
9 prohibitions provided in Title 13, chapters 35 and 37, are followed.

10 (b) A corporation or a union prohibited from making a contribution to a candidate under 13-35-227(1)
11 may not make a contribution to a joint fundraising committee. A joint fundraising committee may not accept or
12 receive a contribution prohibited under 13-35-277(1).

13 (c) A joint fundraising committee may not make an expenditure in contravention of 13-35-231 if a
14 participant is a political party committee.

15 (d) A joint fundraising committee may not act as an intermediary for contributions or expenditures by
16 any entity, including participants, that is otherwise prohibited under Title 13, chapters 35 and 37.

17 (7) For reporting and limitation purposes:

18 (a) the joint fundraising committee shall report contributions in the reporting period in which they are
19 received and expenditures in the reporting period in which they are made; and

20 (b) the date of receipt of a contribution by a participant is the date that the contribution is disbursed by
21 the joint fundraising committee to the participant. However, the funds must be allocated to the general election
22 or primary election cycle during which the joint fundraising committee received them.

23 (8) (a) Expenditures by the joint fundraising committee must be allocated to each participant in
24 proportion to the formula in the written agreement provided for in subsection (3).

25 (b) If expenditures are made for fundraising costs, a participant may pay more than its proportionate
26 share. However, the amount that is in excess of the participant's proportionate share may not exceed the
27 amount that the participant could legally contribute to the remaining participants. A participant may only pay
28 expenditures on behalf of another participant subject to the limits provided in 13-37-216 and 13-37-218.

(c) If distribution according to the fundraising formula extinguishes the debts of one or more participants and results in a surplus for those participants, or if distribution under the formula results in a violation of the contribution limits under 13-37-216 or 13-37-218, the joint fundraising committee may reallocate the excess funds. Reallocation must be based on the remaining participants' proportionate shares under the allocation formula. If reallocation results in a violation of a contributor's limit under 13-37-216, the joint fundraising committee shall return the amount of the contribution that exceeds the limit to the contributor. However, contributions that have been designated by a contributor may not be reallocated by the joint fundraising committee without prior written permission of the contributor. If the contributor does not give the contributor's permission for reallocation, the funds must be returned to the contributor.

(9) The joint fundraising committee shall allocate total gross contributions received by the joint fundraising committee to the participants. The joint fundraising committee shall inform each participant of the participant's gross contribution total, make the joint fundraising committee's contribution and expenditure records available to each participant, and subject to the limitations provided in 13-37-216, 13-37-218, and this section, pay fundraising expenses and distribute each participant's allocated net contributions.

(10) An independent committee may not be construed to violate the requirement that it is not controlled directly or indirectly by a candidate or that it may not coordinate with a candidate in connection with the making of expenditures as provided in 13-1-101 solely because:

(a) the independent committee participates in a joint fundraising committee; and

(b) the joint fundraising committee makes a total gross contribution to a candidate that is in excess of an individual independent committee's limits provided in 13-37-216 but that is not in excess of the remaining combined limit, if any, of all the entities within the joint fundraising committee.

(11) A candidate may not be construed to violate the provisions of 13-37-218 solely because the joint fundraising committee receives aggregate contributions in excess of the limit on the candidate's total combined monetary contributions from political committees, as long as the gross amount allocated to the candidate by the joint fundraising committee on behalf of political committees, along with any other contributions received by the candidate from political committees, does not exceed the limits provided in 13-37-218.

(12) The joint fundraising committee is liable for its violations of the provisions of Title 13, chapters 35 and 37. In addition, each participant of a joint fundraising committee is severally liable for violations of the

provisions of Title 13, chapters 35 and 37, pertaining to the contributions allocated or disbursed to the participant by the joint fundraising committee.

Section 2. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, is submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment, recall question, school levy question, bond issue question, or ballot question.

(b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement on the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

(7) "Ballot issue committee" means a political committee specifically organized to support or oppose a ballot issue.

(8) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or

1 appointment as a candidate for public office as required by law;

2 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
3 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
4 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure
5 nomination or election to any office at any time, whether or not the office for which the individual will seek
6 nomination or election is known when the:

7 (i) solicitation is made;

8 (ii) contribution is received and retained; or

9 (iii) expenditure is made; or

10 (c) an officeholder who is the subject of a recall election.

11 (9) (a) "Contribution" means:

12 (i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit,
13 payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

14 (ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or
15 ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

16 (iii) the receipt by a political committee of funds transferred from another political committee; or

17 (iv) the payment by a person other than a candidate or political committee of compensation for the
18 personal services of another person that are rendered to a candidate or political committee.

19 (b) The term does not mean services provided without compensation by individuals volunteering a
20 portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by
21 individuals in their private residences for a candidate or other individual.

22 (c) This definition does not apply to Title 13, chapter 37, part 6.

23 (10) "Coordinated", including any variations of the term, means made in cooperation with, in
24 consultation with, at the request of, or with the express prior consent of a candidate or political committee or an
25 agent of a candidate or political committee.

26 (11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not
27 trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant
28 enforcement as a campaign practices violation under Title 13, chapter 37.

(12) "Election" means a general, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(13) (a) "Election administrator" means, except as provided in subsection (13)(b), the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

(b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties even if the school election is administered by the school district clerk.

(14) (a) "Election communication" means the following forms of communication to support or oppose a candidate or ballot issue:

(i) a paid advertisement broadcast over radio, television, cable, or satellite;

(ii) paid placement of content on the internet or other electronic communication network;

(iii) a paid advertisement published in a newspaper or periodical or on a billboard;

(iv) a mailing; or

(v) printed materials.

(b) The term does not mean:

(i) an activity or communication for the purpose of encouraging individuals to register to vote or to vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

(ii) a communication that does not support or oppose a candidate or ballot issue;

(iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation;

(iv) a communication by any membership organization or corporation to its members, stockholders, or employees; or

(v) a communication that the commissioner determines by rule is not an election communication.

(15) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to perform duties as specified by law.

(16) (a) "Electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that:

(i) refers to one or more clearly identified candidates in that election;

(ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that election; or

(iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

(b) The term does not mean:

(i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation unless the facilities are owned or controlled by a candidate or political committee;

(ii) a communication by any membership organization or corporation to its members, stockholders, or employees;

(iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

(iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

(v) a communication that the commissioner determines by rule is not an electioneering communication.

(17) "Elector" means an individual qualified to vote under state law.

(18) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value:

(i) made by a candidate or political committee to support or oppose a candidate or a ballot issue; or

(ii) used or intended for use in making independent expenditures or in producing electioneering communications.

(b) The term does not mean:

1 (i) services, food, or lodging provided in a manner that they are not contributions under subsection
2 (9);

3 (ii) payments by a candidate for personal travel expenses, food, clothing, lodging, or personal
4 necessities for the candidate and the candidate's family;

5 (iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities
6 of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

7 (iv) the cost of any communication by any membership organization or corporation to its members or
8 stockholders or employees.

9 (c) This definition does not apply to Title 13, chapter 37, part 6.

10 (19) "Federal election" means an election in even-numbered years in which an elector may vote for
11 individuals for the office of president of the United States or for the United States congress.

12 (20) "General election" means an election that is held for offices that first appear on a primary election
13 ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.

14 (21) "Inactive elector" means an individual who failed to respond to confirmation notices and whose
15 name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

16 (22) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

17 (23) (a) "Incidental committee" means a political committee that is not specifically organized or
18 operating for the primary purpose of supporting or opposing candidates or ballot issues but that may
19 incidentally become a political committee by receiving a contribution or making an expenditure.

20 (b) For the purpose of this subsection (23), the primary purpose is determined by the commissioner
21 by rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of
22 purpose or goal of the person or individuals that form the committee.

23 (24) "Independent committee" means a political committee organized for the primary purpose of
24 receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate
25 and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant
26 to the limits set forth in 13-37-216(1).

27 (25) "Independent expenditure" means an expenditure for an election communication to support or
28 oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue

1 committee.

2 (26) "Individual" means a human being.

3 (27) "Legally registered elector" means an individual whose application for voter registration was
4 accepted, processed, and verified as provided by law.

5 (28) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing
6 ballots to all active electors.

7 (29) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
8 including a political committee, club, union, or other organization or group of individuals or a candidate as
9 defined in subsection (8).

10 (30) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-
11 307 for a mail ballot election conducted under Title 13, chapter 19.

12 (31) (a) "Political committee" means a combination of two or more individuals or a person other than
13 an individual who receives a contribution or makes an expenditure:

14 (i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
15 petition for nomination;

16 (ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

17 (iii) to prepare or disseminate an election communication, an electioneering communication, or an
18 independent expenditure.

19 (b) Political committees include ballot issue committees, incidental committees, independent
20 committees, and political party committees.

21 (c) A candidate and the candidate's treasurer do not constitute a political committee.

22 (d) A political committee is not formed when a combination of two or more individuals or a person
23 other than an individual makes an election communication, an electioneering communication, or an
24 independent expenditure of \$250 or less.

25 (e) A joint fundraising committee is not a political committee.

26 (32) "Political party committee" means a political committee formed by a political party organization
27 and includes all county and city central committees.

28 (33) "Political party organization" means a political organization that:

1 (a) was represented on the official ballot in either of the two most recent statewide general elections;

2 or

3 (b) has met the petition requirements provided in Title 13, chapter 10, part 5.

4 (34) "Political subdivision" means a county, consolidated municipal-county government, municipality,
5 special purpose district, or any other unit of government, except school districts, having authority to hold an
6 election.

7 (35) "Polling place election" means an election primarily conducted at polling places rather than by
8 mail under the provisions of Title 13, chapter 19.

9 (36) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate
10 candidates for offices filled at a general election.

11 (37) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not
12 been verified as provided by law.

13 (38) "Provisionally registered elector" means an individual whose application for voter registration was
14 accepted but whose identity or eligibility has not yet been verified as provided by law.

15 (39) "Public office" means a state, county, municipal, school, or other district office that is filled by the
16 people at an election.

17 (40) "Random-sample audit" means an audit involving a manual count of ballots from designated races
18 and ballot issues in precincts selected through a random process as provided in 13-17-503.

19 (41) "Registrar" means the county election administrator and any regularly appointed deputy or
20 assistant election administrator.

21 (42) "Regular school election" means the school trustee election provided for in 20-20-105(1).

22 (43) "School election" has the meaning provided in 20-1-101.

23 (44) "School election filing officer" means the filing officer with whom the declarations for nomination
24 for school district office were filed or with whom the school ballot issue was filed.

25 (45) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount
26 duties in school elections.

27 (46) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is
28 designed to:

1 (a) allow election officials, upon examination of the outside of the envelope, to determine that the
2 ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

3 (b) allow it to be used in the United States mail.

4 (47) "Special election" means an election held on a day other than the day specified for a primary
5 election, general election, or regular school election.

6 (48) "Special purpose district" means an area with special boundaries created as authorized by law for
7 a specialized and limited purpose.

8 (49) "Statewide voter registration list" means the voter registration list established and maintained
9 pursuant to 13-2-107 and 13-2-108.

10 (50) "Support or oppose", including any variations of the term, means:

11 (a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or
12 "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election
13 or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to
14 voters in an election; or

15 (b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or
16 ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the
17 nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the
18 passage or defeat of the ballot issue or other question submitted to the voters in an election.

19 (51) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in
20 13-15-206.

21 (52) "Voted ballot" means a ballot that is:

- 22 (a) deposited in the ballot box at a polling place;
23 (b) received at the election administrator's office; or
24 (c) returned to a place of deposit.

25 (53) "Voter interface device" means a voting system that:

- 26 (a) is accessible to electors with disabilities;
27 (b) communicates voting instructions and ballot information to a voter;
28 (c) allows the voter to select and vote for candidates and issues and to verify and change selections;

1 and

2 (d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's
3 accuracy and that may be manually counted.

4 (54) "Voting system" or "system" means any machine, device, technology, or equipment used to
5 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."
6

7 **Section 3.** Section 13-35-225, MCA, is amended to read:

8 **"13-35-225. Election materials not to be anonymous -- notice -- penalty.** (1) All election
9 communications, electioneering communications, and independent expenditures must clearly and
10 conspicuously include the attribution "paid for by" followed by the name and address of the person who made
11 or financed the expenditure for the communication. The attribution must contain:

12 (a) for election communications or electioneering communications financed by a candidate or a
13 candidate's campaign finances, the name and the address of the candidate or the candidate's campaign;

14 (b) for election communications, electioneering communications, or independent expenditures
15 financed by a political committee or a joint fundraising committee, the name of the committee, the name of the
16 committee treasurer, deputy treasurer, secretary, vice chairperson, or chairperson, as designated pursuant to
17 13-37-201(2)(b), and the address of the committee or the named committee officer; and

18 (c) for election communications, electioneering communications, or independent expenditures
19 financed by a political committee that is a corporation or a union, the name of the corporation or union, its chief
20 executive officer or equivalent, and the address of the principal place of business.

21 (2) Communications in a partisan election financed by a candidate, ~~or a political committee organized~~
22 on the candidate's behalf, or a joint fundraising committee with a participant who is a candidate or a political
23 committee organized on the candidate's behalf must state the candidate's party affiliation or include the party
24 symbol.

25 (3) If a document or other article of advertising is too small for the requirements of subsections (1)
26 and (2) to be conveniently included, the candidate responsible for the material or the person financing the
27 communication shall file a copy of the article with the commissioner of political practices, together with the
28 required information or statement, at the time of its public distribution.

(4) If information required in subsections (1) and (2) is omitted or not printed or if the information required by subsection (3) is not filed with the commissioner, upon discovery of or notification about the omission, the candidate responsible for the material or the person financing the communication shall:

(a) file notification of the omission with the commissioner of political practices within 2 business days of the discovery or notification;

(b) bring the material into compliance with subsections (1) and (2) or file the information required by subsection (3) with the commissioner; and

(c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

(5) Whenever the commissioner receives a complaint alleging any violation of subsections (1) and (2), the commissioner shall as soon as practicable assess the merits of the complaint.

(6) (a) If the commissioner determines that the complaint has merit, the commissioner shall notify the complainant and the candidate or political committee of the commissioner's determination. The notice must state that the candidate or political committee shall bring the material into compliance as required under this section:

(i) within 2 business days after receiving the notification if the notification occurs more than 7 days prior to an election; or

(ii) within 24 hours after receiving the notification if the notification occurs 7 days or less prior to an election.

(b) When notifying the candidate or campaign committee under subsection (6)(a), the commissioner shall include a statement that if the candidate, ~~or political committee, or joint fundraising committee~~ fails to bring the material into compliance as required under this section, the candidate, ~~or political committee, or joint fundraising committee~~ is subject to a civil penalty pursuant to 13-37-128."

Section 4. Section 13-35-237, MCA, is amended to read:

"13-35-237. Disclaimer on election materials funded by anonymous contributors. If a political committee ~~or a joint fundraising committee~~ claims to be exempt from disclosing the name of a person making a contribution to the political committee ~~or the joint fundraising committee~~, the committee shall clearly and conspicuously include in all communications advocating the success or defeat of a candidate, political party, or

1 ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing,
2 poster, handbill, bumper sticker, internet website, or other form of general political advertising or issue
3 advocacy the following disclaimer: "This communication is funded by anonymous sources. The voter should
4 determine the veracity of its content.""

5
6 **Section 5.** Section 13-37-201, MCA, is amended to read:

7 **"13-37-201. Campaign treasurer.** (1) Except as provided in 13-37-206, each candidate, ~~and each~~
8 ~~political committee, and each joint fundraising committee~~ shall appoint one campaign treasurer and certify the
9 full name and complete address of the campaign treasurer pursuant to this section.

10 (2) (a) A candidate shall file the certification within 5 days after becoming a candidate.

11 (b) Except as provided in subsection (2)(c), a political committee ~~and a joint fundraising committee~~
12 shall file the certification, which must include an organizational statement and the name and address of all
13 officers, if any, within 5 days after it makes an expenditure or authorizes another person to make an
14 expenditure on its behalf, whichever occurs first. A joint fundraising committee shall also provide a list of
15 participants with the certification.

16 (c) A political committee that is seeking to place a ballot issue before the electors shall file the
17 certification, including the information required in subsection (2)(b), within 5 days after the issue becomes a
18 ballot issue, as defined in 13-1-101(6)(b).

19 (3) The certification of a candidate, ~~or political committee, or joint fundraising committee~~ must be filed
20 with the commissioner."

21
22 **Section 6.** Section 13-37-202, MCA, is amended to read:

23 **"13-37-202. Deputy campaign treasurers.** (1) A campaign treasurer may appoint deputy campaign
24 treasurers, but not more than one in each county in which the campaign is conducted. Each candidate, ~~and~~
25 ~~political committee, and joint fundraising committee~~ shall certify the full name and complete address of the
26 campaign treasurer and all deputy campaign treasurers with the office with whom the candidate, ~~or the political~~
27 ~~committee, or joint fundraising committee~~ is required to file reports.

28 (2) Deputy campaign treasurers may exercise any of the powers and duties of a campaign treasurer

1 as set forth in this chapter when specifically authorized in writing to do so by the campaign treasurer and the
2 candidate, in the case of a candidate, or the campaign treasurer and the presiding officer of the political
3 committee or the joint fundraising committee, in the case of a political committee or a joint fundraising
4 committee. The written authorization must be maintained as a part of the records required to be kept by the
5 treasurer, as specified in 13-37-208."

6
7 **Section 7.** Section 13-37-203, MCA, is amended to read:

8 **"13-37-203. Qualifications of campaign and deputy campaign treasurers.** (1) Any campaign or
9 deputy campaign treasurer appointed pursuant to 13-37-201 and 13-37-202 must be a registered voter in this
10 state.

11 (2) An individual may be appointed and serve as a campaign treasurer of a candidate, ~~and a political~~
12 committee, ~~or joint fundraising committee~~ or two or more candidates, ~~and political committees, ~~or joint~~~~
13 fundraising committees. A candidate may serve as the candidate's own campaign or deputy campaign treasurer
14 or as the treasurer or deputy treasurer of a joint fundraising committee in which the candidate is a participant.
15 An individual may not serve as a campaign or deputy campaign treasurer or perform any duty required of a
16 campaign or deputy campaign treasurer of a candidate, ~~or political committee, ~~or joint fundraising committee~~~~
17 until the individual has been designated and the individual's name certified by the candidate or political
18 committee."

19
20 **Section 8.** Section 13-37-204, MCA, is amended to read:

21 **"13-37-204. Removal of campaign and deputy campaign treasurers.** A candidate, ~~or political~~
22 committee, ~~or joint fundraising committee~~ may remove the candidate's or committee's campaign or deputy
23 campaign treasurer. The removal of any treasurer or deputy treasurer must immediately be reported to the
24 officer with whom the name of the campaign treasurer was originally filed. In case of death, resignation, or
25 removal of the candidate's or committee's campaign treasurer before compliance with any obligation of a
26 campaign treasurer under this chapter, the candidate, ~~or political committee, ~~or joint fundraising committee~~~~ shall
27 appoint a successor and certify the name and address of the successor as specified in 13-37-201."

1 **Section 9.** Section 13-37-205, MCA, is amended to read:

2 **"13-37-205. Campaign depositories.** (1) Except as provided in 13-37-206, each candidate, and each
3 political committee, and each joint fundraising committee shall designate one primary campaign depository for
4 the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or
5 political committee.

6 (2) The candidate or political committee may also designate one secondary depository in each county
7 in which an election is held and in which the candidate or committee participates. Deputy campaign treasurers
8 may make deposits in and expenditures from secondary depositories when authorized to do so as provided in
9 13-37-202(2).

10 (3) Only a bank, credit union, savings and loan association, or building and loan association
11 authorized to transact business in Montana may be designated as a campaign depository.

12 (4) The candidate, or political committee, or joint fundraising committee shall file the name and
13 address of each designated primary and secondary depository at the same time and with the same officer with
14 whom the candidate or committee files the name of the candidate's or committee's campaign treasurer
15 pursuant to 13-37-201.

16 (5) This section does not prevent a political committee or candidate, political committee, or joint
17 fundraising committee from having more than one campaign account in the same depository, but a candidate
18 may not utilize the candidate's regular or personal account in the depository as a campaign account."
19

20 **Section 10.** Section 13-37-207, MCA, is amended to read:

21 **"13-37-207. Deposit of contributions – statement of campaign treasurer.** (1) All funds received by
22 the campaign treasurer or any deputy campaign treasurer of any candidate, ~~or political committee, or joint~~
23 fundraising committee must be deposited prior to the end of the fifth business day following their receipt,
24 Sundays and holidays excluded, in a checking account, share draft account, share checking account, or
25 negotiable order of withdrawal account in a campaign depository designated pursuant to 13-37-205.

26 (2) A statement showing the amount received from or provided by each person and the account in
27 which the funds are deposited must be prepared by the campaign treasurer at the time the deposit is made.
28 This statement along with the receipt form for cash contributions deposited at the same time and a deposit slip

1 for the deposit must be kept by the treasurer as a part of the treasurer's records."

3 **Section 11.** Section 13-37-208, MCA, is amended to read:

4 **"13-37-208. Treasurer to keep records.** (1) (a) Except as provided in subsection (1)(b), the
5 campaign treasurer of each candidate, ~~and each political committee, and each joint fundraising committee~~ shall
6 keep detailed accounts of all contributions received and all expenditures made by or on behalf of the candidate
7 ~~or, political committee, or joint fundraising committee~~ that are required to be set forth in a report filed under this
8 chapter. The accounts must be current within not more than 10 days after the date of receiving a contribution or
9 making an expenditure.

10 (b) The accounts described in subsection (1)(a) must be current as of the 5th day before the date of
11 filing of a report as specified in 13-37-228.

12 (2) Accounts of a deputy campaign treasurer must be transferred to the treasurer of a candidate or
13 political committee before the candidate, ~~or political committee, or joint fundraising committee~~ finally closes its
14 books or when the position of a deputy campaign treasurer becomes vacant and no successor is appointed.

15 (3) Accounts kept by a campaign treasurer of a candidate, ~~or political committee, or joint fundraising~~
16 ~~committee~~ must be preserved by the campaign treasurer for a period coinciding with the term of office for which
17 the person was a candidate, ~~the longest term of office for which a participant was a candidate,~~ or for a period of
18 4 years, whichever is longer."

20 **Section 12.** Section 13-37-216, MCA, is amended to read:

21 **"13-37-216. Limitations on contributions – adjustment.** (1) (a) Subject to adjustment as provided
22 for in subsection (3) and subject to 13-35-227 and 13-37-219, aggregate contributions for each election in a
23 campaign by a political committee or by an individual, other than the candidate, to a candidate are limited as
24 follows:

25 (i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed \$500;

26 (ii) for a candidate to be elected for state office in a statewide election, other than the candidates for
27 governor and lieutenant governor, not to exceed \$250;

28 (iii) for a candidate for any other public office, not to exceed \$130.

(b) Except as provided in [section 1] and subsection (5) of this section:

(i) A contribution to a candidate includes contributions made to any political committee organized on the candidate's behalf; and

(ii) A political committee that is not independent of the candidate is considered to be organized on the candidate's behalf.

(2) All political committees except those of political party organizations are subject to the provisions of subsection (1). Political party organizations may form political committees that are subject to the following aggregate limitations, adjusted as provided for in subsection (3) and subject to 13-37-219, from all political party committees:

(a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed \$18,000;

(b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$6,500;

(c) for a candidate for public service commissioner, not to exceed \$2,600;

(d) for a candidate for the state senate, not to exceed \$1,050;

(e) for a candidate for any other public office, not to exceed \$650.

(3) (a) The commissioner shall adjust the limitations in subsections (1) and (2) by multiplying each limit by an inflation factor, which is determined by dividing the consumer price index for June of the year prior to the year in which a general election is held by the consumer price index for June 2002.

(b) The resulting figure must be rounded up or down to the nearest:

(i) \$10 increment for the limits established in subsection (1); and

(ii) \$50 increment for the limits established in subsection (2).

(c) The commissioner shall publish the revised limitations as a rule.

(4) A candidate may not accept any contributions, including in-kind contributions, in excess of the limits in this section.

(5) For the purposes of applying the limits in this section if the contributions were received by a joint fundraising committee, a contribution must be construed to be:

(a) from the person who originally contributed funds to the joint fundraising committee; and

1 (b) received by the candidate participant to whom the funds were allocated by the joint fundraising
2 committee as provided in [section 1].

3 ~~(5)(6)~~ For purposes of this section, "election" means the general election or a primary election that
4 involves two or more candidates for the same nomination. If there is not a contested primary, there is only one
5 election to which the contribution limits apply. If there is a contested primary, then there are two elections to
6 which the contribution limits apply."

7
8 **Section 13.** Section 13-37-217, MCA, is amended to read:

9 **"13-37-217. Contributions in name of undisclosed principal. (1) A-Except as provided by**
10 **subsection (2), a person may not make a contribution of the person's own money or of another person's money**
11 **to any other person in connection with any election in any other name than that of the person who in truth**
12 **supplies the money. A person may not knowingly receive a contribution or enter or cause the contribution to be**
13 **entered in the person's accounts or records in another name than that of the person by whom it was actually**
14 **furnished.**

15 **(2) A joint fundraising committee shall allocate contributions as provided in [section 1] to a participant**
16 **in the name of the original contributor to the joint fundraising committee, and a participant may receive and may**
17 **enter these contributions into the participant's account. A participant shall account for the original contributors of**
18 **the gross contributions allocated by the joint fundraising committee in the participant's records.**"

19
20 **Section 14.** Section 13-37-218, MCA, is amended to read:

21 **"13-37-218. Limitations on receipts from political committees. (1) A candidate for the state senate**
22 **may receive no more than \$2,150 in total combined monetary contributions from all political committees**
23 **contributing to the candidate's campaign, and a candidate for the state house of representatives may receive no**
24 **more than \$1,300 in total combined monetary contributions from all political committees contributing to the**
25 **candidate's campaign.**

26 **(2) The limitations in this section must be multiplied by an inflation factor, which is determined by**
27 **dividing the consumer price index for June of the year prior to the year in which a general election is held by the**
28 **consumer price index for June 2003. The resulting figure must be rounded up or down to the nearest \$50**

1 increment. The commissioner shall publish the revised limitations as a rule. In-kind contributions must be
2 included in computing these limitation totals.

3 (3) The limitation provided in this section does not apply to contributions made by a political party
4 eligible for a primary election under 13-10-601.

5 (4) If a candidate has received contributions from a joint fundraising committee, the limits provided in
6 this section must be applied as follows:

7 (a) from the original contributor of funds received by the joint fundraising committee; and

8 (b) to the candidate participant to whom the funds were allocated by the joint fundraising committee."

9
10 **Section 15.** Section 13-37-225, MCA, is amended to read:

11 **"13-37-225. Reports of contributions and expenditures required – electronic filing and**
12 **publication.** (1) (a) Except as provided in 13-37-206, each candidate, ~~and political committee, and joint~~
13 fundraising committee shall file with the commissioner periodic electronic reports of contributions and
14 expenditures made by or on the behalf of a candidate, ~~or political committee, or joint fundraising committee.~~

15 (b) The commissioner may, for good cause shown in a written application by a candidate, ~~or political~~
16 committee, or joint fundraising committee grant a waiver to the requirement that reports be filed electronically.

17 (2) The commissioner shall post on the commissioner's website:

18 (a) all reports filed under 13-37-226 within 7 business days of filing; and

19 (b) for each election, the calendar dates that correspond with the filing requirements of 13-37-226.

20 (3) In lieu of all contribution and expenditure reports required by this chapter, the commissioner shall
21 accept copies of the reports filed by candidates for congress and president of the United States and their
22 political committees pursuant to the requirements of federal law.

23 (4) A person who makes an election communication, electioneering communication, or independent
24 expenditure is subject to reporting and disclosure requirements as provided in chapters 35 and 37 of this title."

25
26 **Section 16.** Section 13-37-226, MCA, is amended to read:

27 **"13-37-226. Time for filing reports.** (1) Except as provided in 13-37-206 and 13-37-225(3), a
28 candidate shall file reports required by 13-37-225(1)(a) containing the information required by 13-37-229, 13-

37-231, and 13-37-232 as follows:

(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which the candidate participates;

(b) the 20th day of March, April, May, June, August, September, October, and November in the year of an election in which the candidate participates;

(c) within 2 business days of receiving a contribution of \$100 or more if received between the 15th day of the month preceding an election in which the candidate participates and the day of the election;

(d) within 2 business days of making an expenditure of \$100 or more if made between the 15th day of the month preceding an election in which the candidate participates and the day of the election;

(e) semiannually on the 10th day of March and September, starting in the year following an election in which the candidate participates until the candidate files a closing report as specified in 13-37-228(3); and

(f) as provided by subsection (3).

(2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee or a joint fundraising committee shall file reports required by 13-35-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-232 as follows:

(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which the political committee or the joint fundraising committee receives a contribution or makes an expenditure after an individual becomes a candidate or an issue becomes a ballot issue, as defined in 13-1-101(6)(b), and ending in the final quarter of the year preceding the year in which the candidate or the ballot issue appears on the ballot;

(b) the 30th day of March, April, May, June, August, September, October, and November in the year of an election in which the political committee or the joint fundraising committee participates;

(c) within 2 business days of receiving a contribution, except as provided in 13-37-232, of \$500 or more if received between the 25th day of the month before an election in which the political committee or the joint fundraising committee participates and the day of the election; and

(d) within 2 business days of making an expenditure of \$500 or more that is made between the 25th

1 day of the month before an election in which the political committee or the joint fundraising committee
2 participates and the day of the election;

3 (e) quarterly, due on the 5th day following a calendar quarter, beginning in the calendar quarter
4 following a year of an election in which the political committee or the joint fundraising committee participates
5 until the political committee or the joint fundraising committee files a closing report as specified in 13-37-228(3);
6 and

7 (f) as provided by subsection (3).

8 (3) In addition to the reports required by subsections (1) and (2), if a candidate, ~~or a political~~
9 ~~committee, or joint fundraising committee~~ participates in a special election, the candidate, ~~or political~~
10 ~~committee, or joint fundraising committee~~ shall file reports as follows:

11 (a) a report on the 60th, 35th, and 12th days preceding the date of the special election; and

12 (b) 20 days after the special election.

13 (4) Except as provided by 13-37-206, candidates for a local office and political committees that
14 receive contributions or make expenditures referencing a particular local issue or a local candidate shall file the
15 reports specified in subsections (1) through (3) only if the total amount of contributions received or the total
16 amount of funds expended for all elections in a campaign exceeds \$500.

17 (5) A report required by this section must cover contributions received and expenditures made
18 pursuant to the time periods specified in 13-37-228.

19 (6) A political committee may file a closing report prior to the date in 13-37-228(3) and after the
20 complete termination of its contribution and expenditure activity during an election cycle.

21 (7) For the purposes of this section:

22 (a) a candidate participates in an election by attempting to secure nomination or election to an office
23 that appears on the ballot; and

24 (b) a political committee or a joint fundraising committee participates in an election by receiving a
25 contribution or making an expenditure."

26
27 **Section 17.** Section 13-37-227, MCA, is amended to read:

28 **"13-37-227. Comprehensive report when several candidates or issues involved.** The

1 commissioner shall adopt rules that will permit political committees, including political parties, or joint
2 fundraising committees to file copies of a single comprehensive report when they support or oppose more than
3 one candidate or issue. The commissioner shall adopt rules under which committees filing periodic reports with
4 the federal election commission and committees headquartered outside the state of Montana shall report in
5 accordance with this title."

6
7 **Section 18.** Section 13-37-228, MCA, is amended to read:

8 **"13-37-228. Time periods covered by reports.** Reports filed under 13-37-225 and 13-37-226 must
9 be filed to cover the following time periods even though no contributions or expenditures may have been
10 received or made during the period:

11 (1) The initial report must cover all contributions received or expenditures made by a candidate, ~~or~~
12 political committee, or joint fundraising committee from the time that a person became a candidate or a political
13 committee, as defined in 13-1-101, or a joint fundraising committee, as provided in [section 1], until the 5th day
14 before the date of filing of the appropriate initial report pursuant to 13-37-226. Reports filed by political
15 committees organized to support or oppose a statewide ballot issue must disclose all contributions received
16 and expenditures made prior to the time an issue becomes a ballot issue by transmission of the petition to the
17 proponent of the ballot issue or referral by the secretary of state even if the issue subsequently fails to garner
18 sufficient signatures to qualify for the ballot.

19 (2) Subsequent periodic reports must cover the period of time from the closing of the previous report
20 to 5 days before the date of filing of a report pursuant to 13-37-226. For the purposes of this subsection, the
21 reports required under 13-37-226(1)(c), (1)(d), (2)(c), and (2)(d) are not periodic reports and must be filed as
22 required by 13-37-226(1)(c), (1)(d), (2)(c), and (2)(d), as applicable.

23 (3) Closing reports must cover the period of time from the last periodic report to the final closing of the
24 books of the candidate, ~~or political committee, or joint fundraising committee.~~ A candidate, ~~or political~~
25 committee, or joint fundraising committee shall file a closing report following an election in which the candidate,
26 ~~or political committee, or joint fundraising committee~~ participates whenever all debts and obligations are
27 satisfied and further contributions or expenditures will not be received or made that relate to the campaign
28 unless the election is a primary election and the candidate, ~~or political committee, or joint fundraising committee~~

1 will participate in the general election.

2 (4) If all debts and obligations are satisfied and further contributions or expenditures will not be
3 received or made, a joint fundraising committee may file a closing report at any time."

4
5 **Section 19.** Section 13-37-229, MCA, is amended to read:

6 **"13-37-229. Disclosure requirements for candidates, ballot issue committees, political party**
7 **committees, and independent committees.** (1) The reports required under 13-37-225 through 13-37-227
8 from candidates, ballot issue committees, political party committees, ~~and independent committees, and joint~~
9 fundraising committees must disclose the following information concerning contributions received:

10 (a) the amount of cash on hand at the beginning of the reporting period;

11 (b) the full name, mailing address, occupation, and employer, if any, of each person who has made
12 aggregate contributions, other than loans, of \$35 or more to a candidate, ~~or~~ political committee, ~~or joint~~
13 fundraising committee, including the purchase of tickets and other items for events, such as dinners, luncheons,
14 rallies, and similar fundraising events; If a contribution is made by a joint fundraising committee to a participant
15 in the joint fundraising committee, the participant shall disclose the information in this subsection (1)(b) for each
16 contributor of the funds allocated to the participant by the joint fundraising committee.

17 (c) for each person identified under subsection (1)(b), the aggregate amount of contributions made by
18 that person within the reporting period and the total amount of contributions made by that person for all
19 reporting periods;

20 (d) the total sum of individual contributions made to or for a political committee, ~~or~~ candidate, ~~or joint~~
21 fundraising committee and not reported under subsections (1)(b) and (1)(c);

22 (e) the name and address of each political committee, ~~or~~ candidate, ~~or joint fundraising committee~~
23 from which the reporting committee or candidate received any transfer of funds, together with the amount and
24 dates of all transfers;

25 (f) each loan from any person during the reporting period, together with the full names, mailing
26 addresses, occupations, and employers, if any, of the lender and endorsers, if any, and the date and amount of
27 each loan;

28 (g) the amount and nature of debts and obligations owed to a political committee, ~~or~~ candidate, ~~or~~

1 joint fundraising committee in the form prescribed by the commissioner;

2 (h) an itemized account of proceeds that total less than \$35 from a person from mass collections
3 made at fundraising events;

4 (i) each contribution, rebate, refund, or other receipt not otherwise listed under subsections (1)(b)
5 through (1)(h) during the reporting period;

6 (j) the total sum of all receipts received by or for the committee or candidate during the reporting
7 period; and

8 (k) other information that may be required by the commissioner to fully disclose the sources of funds
9 used to support or oppose candidates or issues.

10 (2) (a) Except as provided in subsection (2)(c), the reports required under 13-37-225 through 13-37-
11 227 from candidates, ballot issue committees, political party committees, ~~and independent committees, and~~
12 joint fundraising committees must disclose the following information concerning expenditures made:

13 (i) the full name, mailing address, occupation, and principal place of business, if any, of each person
14 to whom expenditures have been made by the committee or candidate during the reporting period, including the
15 amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;

16 (ii) the full name, mailing address, occupation, and principal place of business, if any, of each person
17 to whom an expenditure for personal services, salaries, and reimbursed expenses has been made, including
18 the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person;

19 (iii) the total sum of expenditures made by a political committee, ~~or candidate, or joint fundraising~~
20 committee during the reporting period; if the expenditure is made by a joint fundraising committee, the joint
21 fundraising committee shall report gross and net allocations to each participant.

22 (iv) the name and address of each political committee, ~~or candidate, or joint fundraising committee~~ to
23 which the reporting committee or candidate made any transfer of funds, together with the amount and dates of
24 all transfers;

25 (v) the name of any person to whom a loan was made during the reporting period, including the full
26 name, mailing address, occupation, and principal place of business, if any, of that person and the full names,
27 mailing addresses, occupations, and principal places of business, if any, of the endorsers, if any, and the date
28 and amount of each loan;

(vi) the amount and nature of debts and obligations owed by a political committee, ~~or candidate, or~~
joint fundraising committee in the form prescribed by the commissioner;

(vii) if a joint fundraising committee allocated contributions to a participant, the contribution information
under subsections (1)(a) through (1)(c) for each contributor that contributed to the gross amount allocated by
the joint fundraising committee to the participant; and

~~(vii)(viii)~~ other information that may be required by the commissioner to fully disclose the disposition of
funds used to support or oppose candidates or issues.

(b) Reports of expenditures made to a consultant, advertising agency, polling firm, or other person
that performs services for or on behalf of a candidate, ~~or political committee, or joint fundraising committee~~
must be itemized and described in sufficient detail to disclose the specific services performed by the entity to
which payment or reimbursement was made.

(c) A candidate is required to report the information specified in this subsection (2) only if the
transactions involved were undertaken for the purpose of supporting or opposing a candidate.

(d) Subsection (2)(a)(vii) only applies to the report of a joint fundraising committee."

NEW SECTION. Section 20. Codification instruction. [Section 1] is intended to be codified as an
integral part of Title 13, chapter 37, part 2, and the provisions of Title 13, chapter 37, part 2, apply to [section 1].

- END -