

OFFICE OF THE GOVERNOR
BUDGET AND PROGRAM PLANNING
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



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HELENA, MONTANA 59620-0802

M E M O R A N D U M

TO: Derek Oestreicher, Deputy Attorney General
Montana Department of Justice

FROM: Ryan Osmundson, Director
Office of Budget and Program Planning

RE: Fiscal note for Ballot 11 initiative "Campaign Finance Reform"

DATE: November 15, 2021

In accordance with section 13-27-312, MCA, we are submitting the attached fiscal note for the Campaign Finance Reform initiative.

Please contact Amy Sassano if you have questions regarding the fiscal note.

c: Dana Corson, Director
Elections & Voter Services
Secretary of State

A handwritten signature in blue ink, appearing to be "D. Corson".



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill # Ballot Issue No. 11

Title: Limited Constitutional Convention That
 Addresses Campaign Finance Reform

Primary Sponsor: Jordan Ophus

Status: As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
Expenditures:				
General Fund		-----	Cannot be Determined	-----
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:				
		-----	Cannot be Determined	-----

Description of fiscal impact: Ballot Initiative #11 calls for a federal constitutional convention, under the provisions of Article V of the United States constitution, limited to the subject of a campaign finance reform. The fiscal impact to the state is cannot be determined due to the unknown dates of potential future conventions to propose amendments, ratification of any proposed amendments, or the salary and travel rates for future members of the legislature.

FISCAL ANALYSIS

Assumptions:
Legislative Branch

1. Article V of the US constitution provides, "The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress...."
2. Whether Congress proposes amendments or calls a convention to propose amendments (requiring the application of two-thirds of the states), proposed articles must be ratified by ¾ of legislatures or by ¾ of state conventions.


- a. If Congress convenes a state convention to ratify an amendment, 13-26-108, MCA, states “Each delegate shall receive mileage and per diem as provided by law for members of the legislature. The secretary and other officers shall receive compensation fixed by the convention.”
 - b. Title 13, chapter 26 does not address how to select or compensate delegates to a convention to propose amendments. This would likely be addressed by Congress at the time it receives 2/3 of states' applications to hold a convention for proposing amendments.
3. Section 1 (3) of the initiative specifies that this application is “continuing”.
 4. Due to the unknown dates of potential future conventions, the fiscal impact is difficult to determine. Current 2023 biennium rates that each delegate would be allowed are as follows, but the amounts would be different in future bienna:
 - a. Mileage: \$.056/mile
 - b. Per Diem: \$126.12/day
 - c. Salary: \$100.46/day

Office of the Commissioner of Political Practices

5. Montana already regulates state and local elections and campaign finance reporting and disclosure. This proposed initiative leaves Montana's laws untouched.
6. Based on the Office of the Commissioner of Political Practices’ review of the proposed initiative, there would be no fiscal impact to the state should this initiative be adopted and implemented.

Office of the Secretary of State

7. This bill will have minimal cost for postage and administrative duties for the Office of the Secretary of State. The office does not receive general fund monies for office operations but has agreed to absorb those costs in their existing operating budget.

<i>Sponsor’s Initials</i>	<i>Date</i>	 <i>Budget Director’s Initials</i>	<i>11-10-21</i> <i>Date</i>
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