

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR

JOHN WALSH
LT. GOVERNOR



May 3, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the Laws of the State of Montana, I hereby veto House Bill 217 (HB 217), "AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS; REVISING REPORTING REQUIREMENTS APPLICABLE TO RELIGIOUS ORGANIZATIONS IN ISSUE AND BALLOT ISSUE CAMPAIGNS TO CONFORM WITH COURT DECISIONS PROTECTING THE FREE EXERCISE OF RELIGION AS GUARANTEED BY THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE II, SECTION 5, OF THE MONTANA CONSTITUTION; REVISING DEFINITIONS RELATED TO CONTRIBUTIONS AND EXPENDITURES; AMENDING SECTION 13-1-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HB 217 exempts 501 (c)(3) religious organizations from regulation under Montana's campaign practices statutes, if compliance with those regulations would burden the organization's religious beliefs and practices. The bill opens a pathway for dark money organizations to influence ballot issue campaigns without any regulation or transparency, and does not take care of the problem at issue in the Canyon Ferry v. Unsworth, 556 F.3d 1021 (9th Cir. 2009) case. Further, the bill may mislead *bona fide* churches or other organizations into believing they can support or oppose candidates or ballot issues in Montana without complying with the restrictions imposed by their 501 (c)(3) nonprofit status under federal law. HB 217 acts as an invitation to dark money groups and a legal trap for *bona fide* churches and other organizations.

I had proposed amendments that would have resolved the problem set out in the Canyon Ferry decision and ensure that groups seeking to influence our elections disclose certain information concerning their activities in Montana – an issue that a majority in both houses supported. Unfortunately, the legislative leadership refused to schedule a vote on my amendments and prevented any opportunity for the Senate or House to do what the people of Montana have asked them to do – shine a light on dark money.

For these reasons, I veto HB 217.

Sincerely,

A handwritten signature of Steve Bullock in black ink.

STEVE BULLOCK
Governor

cc: Legislative Services Division
Mark Blasdel, Speaker of the House
Jeff Essmann, President of the Senate