

Montana



26 Overall Rank C Overall Grade

Montana	Overall Rank	To Governor	To State Senate	To State House	To Parties	To PACs
Individual Giving	21	37	40	40	1	1
		\$660/election	\$170/election	\$170/election	Unlimited	Unlimited
PAC Giving	23	37	41	41	1	
		\$660/election	\$170/election	\$170/election	Unlimited	
Party Giving	39	38	38	42		
		\$23,850/election	\$1,400/election	\$850/election		
Union Giving	25	22	24	24		
		\$660/election	\$170/election	\$170/election		
Corporate Giving	50	50	50	50		
		Prohibited	Prohibited	Prohibited		

Inflation Adjustment: Yes

Montana’s mediocre ranking in the Index fails to fully capture the dismal condition of free speech within its borders. The Treasure State’s standing is enriched as a result of its small population, masking the fact that its raw limits are some of the lowest in the nation – so low, in fact, that they were ruled unconstitutionally restrictive in a recent federal district court decision. After significant legal proceedings, that case is now before the U.S. Court of Appeals for the Ninth Circuit.

The Index reflects the limits as they appear in Montana statute and does not reflect changes made by the Commissioner of Political Practices. The Commissioner has, through the regulatory process, provisionally reverted the state’s limits to previously-passed, higher limits. Since Montana continues to argue in

court for its potentially unconstitutionally low limits, the Index does not give the state credit for this temporary reversion.

While Montana allows giving to candidates on a per election basis, it does not consider uncontested primaries to be an election. The Index does not take into account this additional restriction. While this rule may be intended to prevent some candidates from gaining an electoral advantage, it results in further restrictions on the First Amendment rights of Montana residents who may wish, but are unable to, support certain candidates in this situation. Montanans would be better served by significantly increased limits that were regulated on a per election cycle basis.