

Agency Overview - Highlights

For the State Administration and Veterans' Affairs Interim Committee

Commissioner of Political Practices

Jeff Mangan, appointed by Governor Bullock, confirmed by Senate to a 6-year term that ends January 1, 2023.

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Website: <http://politicalpractices.mt.gov/default.mcp>

Agency Responsibilities

The Office of the Commissioner of Political Practices (COPP) is attached to the Secretary of State's Office for administrative purposes only. Thus, it acts as a stand alone agency, manages its own budget, staff, and work processes. The COPP's areas of responsibility are summarized below.

Campaign Practices

- Candidates and Political Committees
 - Receives statements of candidacy or organization and business interest disclosure
 - Posts statements for public viewing
 - Certifies to election administrators whether a candidate has complied with filing requirements so a candidate's name may appear on the ballot, or so that a certificate of nomination or election may be issued
- Campaign Finance Reports
 - Receives campaign finance reports.
 - Posts campaign finance reports for public viewing
 - Inspects campaign finance reports for facial compliance with law
- Handles Complaints
 - Accepts, files and posts complaints alleging violations
 - Issues sufficiency (or non-sufficiency) decisions on each complaint
 - Refers a sufficiency decision to the county attorney
 - May reach settlement or file action in state district court

Advisory Opinions

- Issues advisory opinions to clarify law and how it is applied

Lobbying

- Lobbyists and Principals
 - Accepts registration of and fees for lobbyists and principals. Issues licenses.
- Lobbying Reports
 - Accepts lobbying reports
 - Inspects lobbying reports for facial compliance with the law
 - Posts lobbying reports for viewing by public
- Handles Complaints
 - Accepts, files and posts complaints
 - Issues sufficiency (or non-sufficiency) decision on each complaint
 - May settle or file action in state district court
- Advisory Opinions
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Ethics

- Ethics complaints are lodged with the COPP and held in confidence until a determination can be made if a potential violation of the Code of Ethics has occurred, at which time the Complaint and proceedings become public.
- Ethics complaints can be rejected for being outside of the COPP's jurisdiction, being a legislative act, not stating a violation, failing to contain sufficient allegations, etc.
- Ethics complaints can be summarily decided without a hearing if the issues have been addressed in a prior decision and no further factual development is necessary.
- Ethics complaints which proceed past the initial phase, are subject to informal contested case proceedings.
- Any determination is subject to judicial review on the record developed before the COPP.
- COPP may impose administrative penalties for ethics violations as provided by law.
- COPP may issue advisory opinions.

Adopts Rules

- Updates and amends agency rules to meet requirements of new or amended laws or new judicial interpretations of law.

Programs, FTE, and Budgeted Funding - 2018-19 Biennium

Source: Legislative Fiscal Division

| Programs | FTE | General Fund | State Special | Federal Revenue | Proprietary | Other | Total Funding | % from General Fund |
|--------------------|-----|--------------|---------------|-----------------|-------------|-------|--------------------|---------------------|
| Personal Services | 7 | \$1,010,586 | \$0 | \$0 | \$0 | \$0 | \$1,010,585 | 100.00% |
| Operating Expenses | | \$ 519,589 | | | | | \$ 519,589 | 100.00% |
| TOTAL | | | | | | | \$1,530,174 | 100.00% |

Budget Summary - LFD Fiscal Report

The legislature approved a budget increase of 11.6% or approximately \$158,000 compared to the 2017 biennium appropriation. Significant changes adopted by the legislature included:

- Statewide present law adjustments for personal services, fixed costs, and inflation/deflation.
- A restricted, one-time-only appropriation for personal services related to 1.00 FTE. The appropriation is void if the person appointed as Commissioner of Political Practices is an attorney.

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Administratively Attached Agencies

- None.

Statutory Advisory Councils

- None.

Statutorily Required Reports to the Committee

- None.

Most Recent Legislative Audits

- [Financial compliance audit for biennium ending June 30, 2016.](#)
Two recommendations (COPP concurred in both):
 - Recommendation #1 - Accounting: A. Follow established procedures for documentation and review of accounting transactions set by the office's internal control document. B. Identify specific high risk transactions and the control procedures to address them in the office internal control document.
 - Recommendation #2: Conduct examination of post-election reports as required by state law.

Campaign Practices Bills PASSED During 2017 Session

- [HB 207](#) - Bennett (D) - Revise number and time period for campaign reports.
- [HB 288](#) - Bennett (D) - Require fee for presidential preference primary candidates.
- [SB 3](#) - Kary (R) - Revise election expenditure laws related to candidate filing fee.
- [SB 149](#) - Kary (R) - Revise times state officers and candidates file business disclosure.

Campaign Practices Bills that FAILED During 2017 Session

- [HB 50](#) - McKamey (R) - By Request of COPP - Require disclosure of dates of certain campaign contributions.
- [HB 186](#) - Mandeville (R) - Revise independent candidate filing laws.
- [HB 212](#) - Essmann (R) - Ballot Interference Prevention Act to restrict ballot collection.
- [HB 255](#) - Tschida (R) - Revise laws on governor's use of state aircraft (vetoed).
- [HB 340](#) - Skees (R) - Eliminate the office of political practices.
- [HB 401](#) - Skees (R) - Revise local gov't and school district campaign reporting laws.
- [HB 406](#) - G. Hertz (R) - Prohibit former COPP from performing certain work for office.
- [HB 560](#) - Morigeau (D) - Require disclosure of tax return by candidates for office.
- [SB 23](#) - Fitzpatrick (R) - By Request of COPP - Allow in-house counsel to be deputy commissioner.
- [SB 87](#) - Regier (R) - Revise campaign finance reporting laws.
- [SB 246](#) - Kary (R) - Revise campaign finance laws to ban PAC to PAC transfers.
- [SB 368](#) - Richmond (R) - Generally revise campaign practices laws (vetoed).

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SAVA Activities Since 2013

- 2013-14 Interim: conducted [HJR 1](#) study on the selection of the commissioner and the structure and duties of the office. See [committee web page](#) for 50-state survey results, final report, and meeting materials. The study resulted in a SAVA committee bill, which was passed and approved:
[SB 16](#) - Required the governor to appoint the commissioner from the list of nominees by the legislative nomination committee

Hot Topics of 2017 Session

- Restructuring of COPP and updating contribution limits.
- Specific attention to [SB 368](#) - Richmond (R) - Generally revise campaign practices laws (vetoed).

ATTACHMENT

COPP Organizational Chart, Directory

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Montana Commissioner of Political Practices Office

July 2017