

The Legislative Fiscal Division Presents an Agency Profile of:

Commissioner of Political Practices

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Agency Description

Definition of Terms

The Commissioner of Political Practices (COPP) has responsibilities that were defined by a legislative initiative in 1980 requiring disclosure of acts by lobbyists and business interests of elected officials. COPP also has responsibility for the ethical standards of conduct for legislators, public officers, and state employees pursuant to Title 2, Chapter 2, MCA.

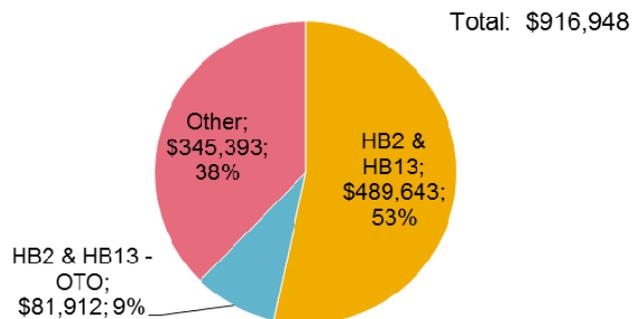
How Services are Provided

The commissioner monitors and enforces campaign practices and campaign finance disclosure, lobbying disclosure, business interest disclosure of statewide and district candidates, elected state officials, and state department directors. The commissioner investigates legitimate complaints that arise concerning any of the foregoing. The commissioner also enforces the Montana Code of Ethics for legislators, public officers, and state employees, acting in a quasi-judicial role in contested case hearings.

Sources of Spending Authority

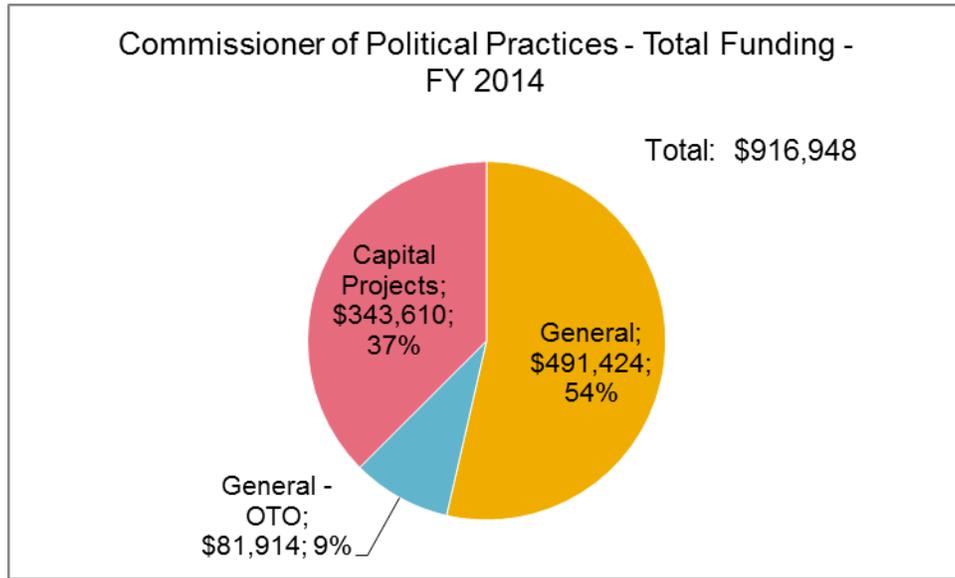
The chart shows the sources of appropriation authority for the Commissioner of Political Practices. The operations of the COPP are entirely funded with general fund. The 2013 legislature provided one-time authority in HB 10 for a new campaign reporting computer project. That authority is shown in "other" on the pie chart. Also, the agency receives fees for printing and distribution, and filing fees from lobbyists, and levies civil penalties for violations of campaign laws. These fees are generally minimal and are deposited into the general fund. A portion of the \$150 lobbyist registration fee is deposited to a state special revenue account and used by the Legislative Branch to support public interest television broadcasts (TVMT). The agency does not have either proprietary funds or statutory appropriations.

Commissioner of Political Practices - All Sources of Authority - FY 2014

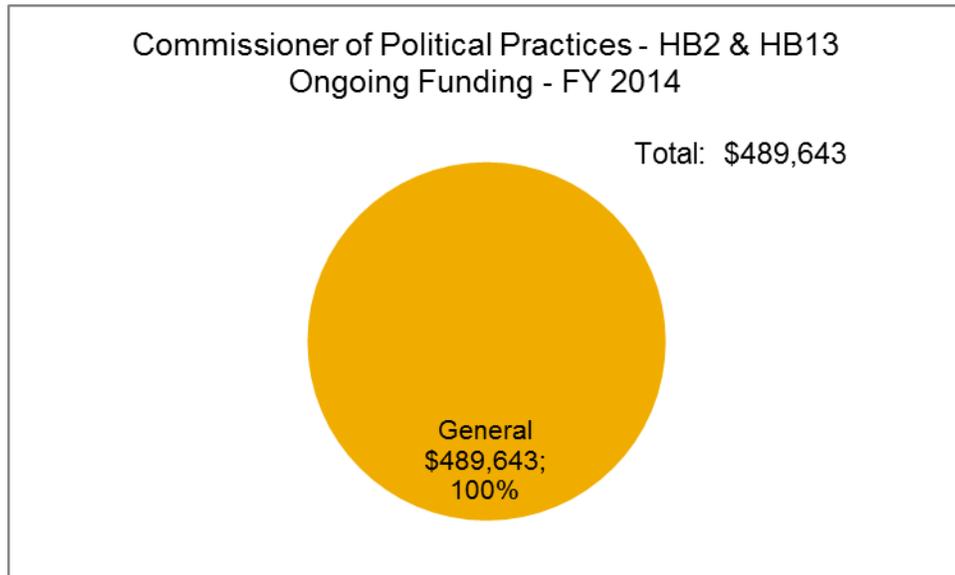


Funding

The 2013 legislature authorized one-time funding in HB 10 for a capital project for the design and implementation of a new campaign reporting computer system. The agency's normal funding authority is authorized through HB 2 and is general fund.

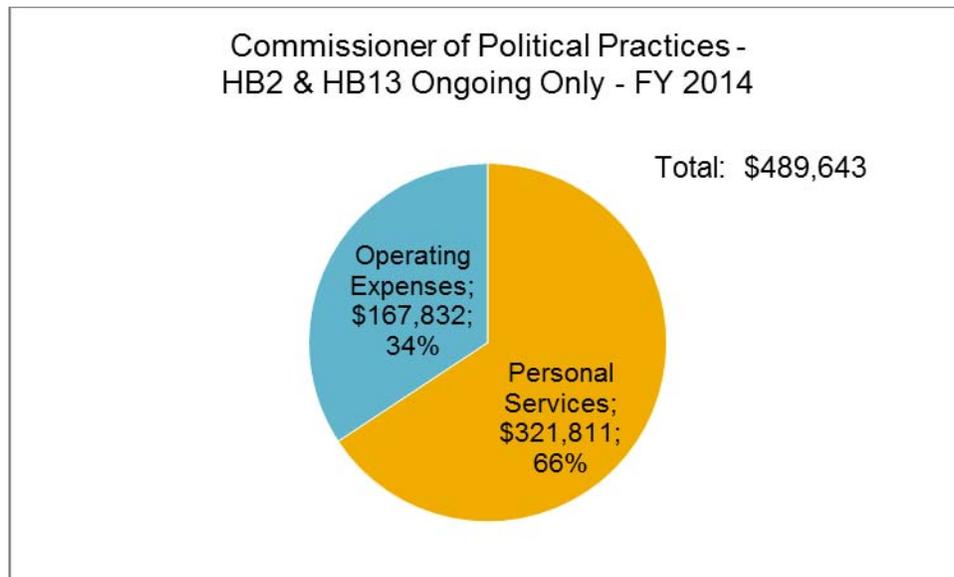


The chart below demonstrates ongoing funding for the agency in FY 2014.



Expenditures

The chart explains how HB 2 & HB 13 (pay plan) authority is spent. This chart matches the agency base expenditure table found in the 2017 Budget Analysis.



How the 2015 Legislature Can Effect Change

- Laws governing lobbyists and candidates such as the filing and reporting process and fees charged
- The code of ethics for public officers, public employees, and legislators

The legislature is less likely to control:

- The number of formal complaints and related compliant dockets
- Federal legislation or decisions by the Supreme Court or lower courts impacting COPP such as the Supreme Court decision on corporate campaign donations

Major Cost Drivers

The Commissioner of Political Practices addresses its mandated duties with one appointed official and six staff members, with 1.00 FTE a one-time funded position. Activity for this agency varies depending on:

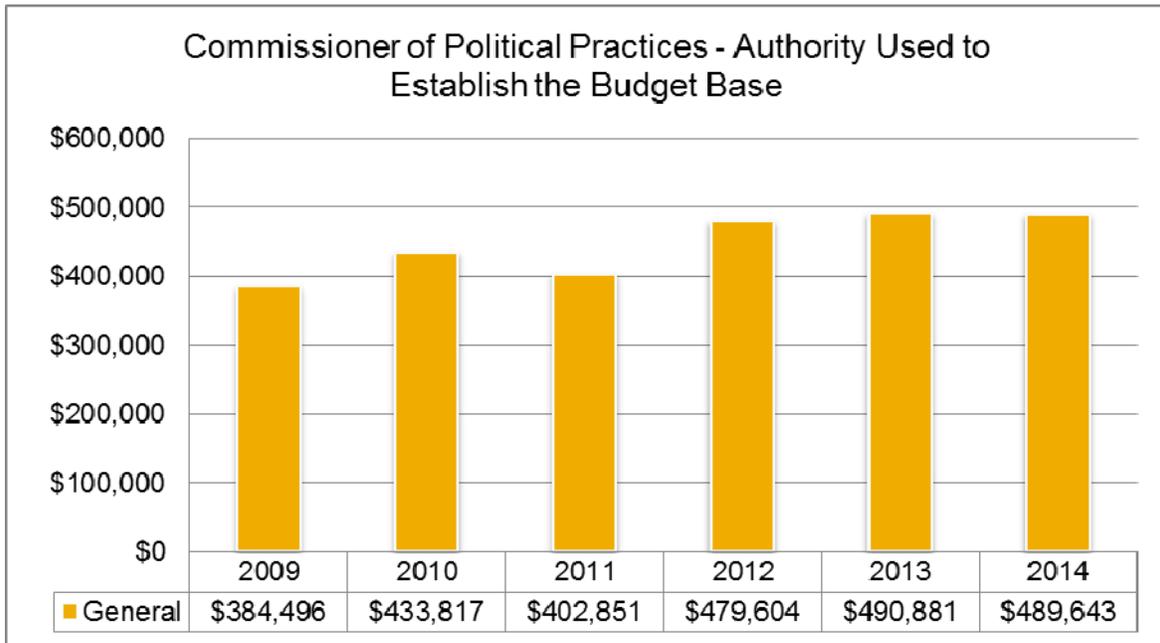
- Elections
- Number of candidates filing for offices
- Level of on-going activity related to campaign issues
- Level of on-going activity related to ethics issues

Commissioner of Political Practices			
Element	2009	2014	Significance of Data
Number of lobbyists	443	432	Decrease in workload
Number of principals	442	442	Increase in workload
Political practice complaints	9	83	Increase in costs and workloads
Advisory Opinions	0	16	Increase in workload
Campaign Finance Form Inspections	2,356	4,296	Increase in costs and workloads

Funding/Expenditure History, Authority Used to Establish the Base Budget

The chart shows historical changes to the agency’s base budget authority. Major reasons for changes are:

- Variations in the amount of legal costs incurred as a result of the number of complaints
- In past biennia the agency contracted with the Department of Justice to provide legal counsel for cases where legal expertise was needed. The 2013 Legislature provided funding authority for 1.00 one-time-only FTE for legal counsel



Major Legislative Changes in the Last Ten Years

- SB 392 passed by the 2013 Legislature increased the authority of the Commissioner of Political Practices to enforce laws pertaining to anonymous election material
- HB 129 passed by the 2013 Legislature revised campaign finance and disclosure laws
- HB 3 passed by the 2009 Legislature provided COPP with a supplemental appropriations for additional legal expenses and for the settlement of a lawsuit with the Canyon Ferry Road Baptist Church that resulted in the Commissioner of Political Practices (COPP) having to compensate the church for its legal expenses after the church successfully contested the charges brought against it by the COPP
- HB 462 passed by the 2007 Legislature provides for establishment of constituent services accounts by persons elected to statewide or legislative office or as a public service commissioner. Surplus campaign funds may be deposited into the account. The bill requires the office holder to file a form establishing the account with the COPP and quarterly reports relating to the account
- SB 253 passed by the 2007 Legislature allows certain broadcast campaign advertising material and an affidavit about the truth of the content of the material to be voluntarily filed with the COPP
- HB 689 passed by the 2003 Legislature revised laws relating to lobbying. It established a payment threshold of \$2,150 that exempts an individual from being required to register as a lobbyist and pay the license fee contained in 5-7-103, MCA, if the individual is paid less than this amount. Of the \$150 filing fee, \$50 is deposited to the general fund and \$100 to a state special revenue account that is appropriated to the Legislative Services Division to fund the state broadcasting system (TVMT)

For further information, you may wish to contact the agency at:
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