

## COMMISSIONER OF POLITICAL PRACTICES – DUTIES AND OFFICE STRUCTURE

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The links below open to the introduced bill. The other information is available by selecting the Additional Bill Links hyperlink at the top of the bill and then the link “Status of this Bill.”

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** The Commissioner of Political Practices is appointed by the governor and subject to confirmation by the Senate. The commissioner has statutory authority to investigate and prosecute campaign finance reporting and practices allegations, as well as certain election complaints. The commissioner also has duties related to ethics laws for public official and employees and lobbyist registration. The qualifications and duties of the commissioner are set out in [Title 13, chapter 37, part 1, MCA](#).

#### Legislative Services Division Materials:

[Briefing on Other States’ Ethics Offices](#), April 2012

[Legal Memorandum](#): Statutory Weaknesses in the Office of the Commissioner of Political Practices, January 2012

[Study Resources Page](#) for the 2013-2014 House Joint Resolution No. 1 study commissioner of political practices office  
[Political Practices, Elections, & Emerging Issues: A Report to the 64<sup>th</sup> Legislature](#)

#### Other Materials:

[Commissioner of Political Practices webpage](#)

[Financial-Compliance Audit, 2016](#) – Legislative Audit Committee

[Financial-Compliance Audit, 2014](#) – Legislative Audit Committee

## Introduced Legislation

### 2021

[HB 535](#) – Died in Process – AN ACT GENERALLY REVISING LAWS RELATED TO ELIMINATING THE OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES; ESTABLISHING A CAMPAIGN PRACTICES AND ETHICS REVIEW BOARD APPOINTED BY THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADERS; TRANSFERRING DUTIES RELATED TO THE FILING OF CERTAIN ETHICS, LOBBYING, AND CAMPAIGN FINANCE REPORTS, STATEMENTS, FORMS, AND OTHER DOCUMENTS TO THE SECRETARY OF STATE; TRANSFERRING INVESTIGATIVE DUTIES FOR ETHICS, LOBBYING, AND CAMPAIGN PRACTICES TO THE SECRETARY OF STATE; TRANSFERRING ENFORCEMENT DUTIES FOR ETHICS, LOBBYING, AND CAMPAIGN PRACTICES COMPLAINTS TO THE CAMPAIGN PRACTICES AND ETHICS REVIEW BOARD, COUNTY ATTORNEYS, AND THE ATTORNEY GENERAL; PROVIDING THAT CAMPAIGN FINANCE VIOLATIONS MUST BE BROUGHT IN THE STATE DISTRICT COURT FOR THE COUNTY IN WHICH A VIOLATION HAS OCCURRED; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-2-104, 2-2-106, 2-2-131, 2-2-136, 2-2-140, 2-2-144, 2-2-145, 2-15-401, 5-7-102, 5-7-103, 5-7-108, 5-7-111, 5-7-112, 5-7-201, 5-7-202, 5-7-207, 5-7-208, 5-7-212, 5-7-305, 5-7-306, 5-13-304, 7-4-2611, 13-1-101, 13-27-111, 13-27-112, 13-27-113, 13-35-225, 13-35-226, 13-35-240, 13-35-302, 13-37-101, 13-37-111, 13-37-113, 13-37-114, 13-37-115, 13-37-117, 13-37-118, 13-37-119, 13-37-120, 13-37-121, 13-37-123, 13-37-124, 13-37-126, 13-37-127, 13-37-128, 13-37-129, 13-37-131, 13-37-201, 13-37-216, 13-37-218, 13-37-225, 13-37-227, 13-37-229, 13-37-231, 13-37-232, 13-37-240, 13-37-250, 13-37-401, 13-37-402, 13-37-403, 13-37-502, 13-37-602, 13-37-603, 13-37-605, AND 13-37-606, MCA; REPEALING SECTIONS 2-15-411, 13-37-102, 13-37-103, 13-37-104, 13-37-105, 13-37-106, 13-37-107, 13-37-108, 13-37-112, AND 13-37-116, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[SB 130](#) – Chapter Number Assigned – AN ACT REVISING LAWS RELATED TO CAMPAIGN FINANCE COMPLAINTS; AND REQUIRING THE COMMISSIONER TO POST THE RESPONSE OF A PERSON ACCUSED OF A CAMPAIGN FINANCE VIOLATION AND ALLOWING THE COMMISSIONER TO SPECIFY A DEADLINE FOR THE RESPONSE.

### 2019

[HB 750](#) – Died in Process – AN ACT ALLOWING THE COMMISSIONER OF POLITICAL PRACTICES TO INVESTIGATE AND PROSECUTE ALLEGED VIOLATIONS OF AUTOMATED TELEPHONE SOLICITATIONS DURING ELECTIONS; PROVIDING A CIVIL PENALTY; AND AMENDING SECTIONS 13-37-128 AND 45-8-216, MCA."

### 2017

[HB 430](#) – Died in Standing Committee – AN ACT ELIMINATING THE OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES; TRANSFERRING DUTIES RELATED TO FILING OF CERTAIN ETHICS, LOBBYING, AND CAMPAIGN PRACTICES REPORTS, STATEMENTS, FORMS, AND OTHER DOCUMENTS TO THE SECRETARY OF STATE; TRANSFERRING INVESTIGATIVE AND ENFORCEMENT DUTIES FOR ETHICS, LOBBYING, AND CAMPAIGN PRACTICES COMPLAINTS TO THE ATTORNEY GENERAL; AMENDING SECTIONS 2-2-104, 2-2-106, 2-2-131, 2-2-136, 2-2-144, 2-15-401, 5-7-102, 5-7-103, 5-7-108, 5-7-111, 5-7-112, 5-7-201, 5-7-202, 5-7-207, 5-7-208, 5-7-212, 5-7-305, 5-7-306, 5-13-304, 7-4-2611, 13-1-101, 13-27-111, 13-27-112, 13-27-113, 13-

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35-225, 13-35-226, 13-35-240, 13-35-302, 13-37-101, 13-37-111, 13-37-113, 13-37-114, 13-37-115, 13-37-117, 13-37-118, 13-37-119, 13-37-120, 13-37-121, 13-37-123, 13-37-124, 13-37-126, 13-37-127, 13-37-128, 13-37-129, 13-37-131, 13-37-201, 13-37-216, 13-37-218, 13-37-225, 13-37-226, 13-37-227, 13-37-229, 13-37-231, 13-37-232, 13-37-240, 13-37-250, 13-37-401, 13-37-402, AND 13-37-403, MCA; REPEALING SECTIONS 2-15-411, 13-37-102, 13-37-103, 13-37-104, 13-37-105, 13-37-106, 13-37-107, 13-37-108, 13-37-112, AND 13-37-116, MCA; PROVIDING A TRANSITION; AND PROVIDING AN EFFECTIVE DATE.

[HB 406](#) – Died in Process – AN ACT PROHIBITING AN INDIVIDUAL WHO SERVED AS COMMISSIONER OF POLITICAL PRACTICES FROM WORKING IN CERTAIN CAPACITIES FOR THE OFFICE OF POLITICAL PRACTICES FOR A CERTAIN TIME PERIOD; AMENDING SECTION 13-37-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

[SB 23](#) – Died in Standing Committee – AN ACT AUTHORIZING THE COMMISSIONER OF POLITICAL PRACTICES TO DEPUTIZE ATTORNEYS EMPLOYED BY THE OFFICE OF THE COMMISSIONER FOR ANY MATTER UNDER THE JURISDICTION OF THE COMMISSIONER EXCEPT FOR MATTERS IN WHICH THE COMMISSIONER IS RECUSED; AND AMENDING SECTION 13-37-111, MCA.

[SB 368](#) – Vetoed by Governor – AN ACT GENERALLY REVISING CAMPAIGN PRACTICES LAWS; REVISING THE DEFINITION OF "EXPENDITURE"; INCREASING FILING FEES FOR LEGISLATIVE CANDIDATES; REVISING PROCEDURES USED BY THE COMMISSIONER TO ISSUE ORDERS OF NONCOMPLIANCE; REVISING LAWS RELATED TO INVESTIGATION OF CAMPAIGN PRACTICES AND ELECTION-RELATED COMPLAINTS; CREATING AN APPEAL PROCEDURE FOR A CANDIDATE, POLITICAL COMMITTEE, OR RESPONDENT TO APPEAL CERTAIN COMPLAINTS OR PRELIMINARY ORDERS OF NONCOMPLIANCE THAT ARE FILED OR ISSUED DURING CERTAIN TIME PERIODS; REVISING LIMITATIONS ON CAMPAIGN CONTRIBUTIONS; PROVIDING THAT THE COMMISSIONER MAY NOT INITIATE A CRIMINAL ACTION AGAINST A CANDIDATE FOR CERTAIN VIOLATIONS; REVISING THE AGGREGATE CONTRIBUTION AMOUNT THAT TRIGGERS DISCLOSURE OF CERTAIN CONTRIBUTOR INFORMATION; AND AMENDING SECTIONS 13-1-101, 13-10-202, 13-37-113, 13-37-115, 13-37-121, 13-37-124, 13-37-128, 13-37-206, 13-37-216, 13-37-218, 13-37-229, AND 13-37-232, MCA.

### 2015

[HB 623](#) – Missed Deadline for Appropriation Bill Transmittal – A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE OFFICE OF POLITICAL PRACTICES; CREATING A CAMPAIGN PRACTICES AND ETHICS REVIEW BOARD; PRESCRIBING THE DUTIES OF THE BOARD; ESTABLISHING A PRIVATE RIGHT OF ACTION AGAINST A PERSON ALLEGED TO HAVE VIOLATED ETHICS OR CAMPAIGN PRACTICES LAWS; AMENDING SECTIONS 2-2-136, 13-37-101, 13-37-111, 13-37-121, 13-37-124, AND 13-37-128, MCA; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[SB 43](#) – Missed Deadline for General Bill Transmittal – AN ACT AUTHORIZING THE COMMISSIONER OF POLITICAL PRACTICES TO DEPUTIZE ATTORNEYS EMPLOYED BY THE OFFICE OF THE COMMISSIONER FOR ANY MATTER UNDER THE JURISDICTION OF THE COMMISSIONER AND EXCEPT FOR MATTERS IN WHICH THE COMMISSIONER IS RECUSED; AND AMENDING SECTION 13-37-111, MCA.

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[SB 146](#) – Missed Deadline for General Bill Transmittal – AN ACT REVISING THE ELIGIBILITY REQUIREMENTS FOR THE COMMISSIONER OF POLITICAL PRACTICES; REQUIRING THAT THE COMMISSIONER HOLD A JURIS DOCTOR DEGREE FROM AN ACCREDITED LAW SCHOOL; AND AMENDING SECTION 13-37-107, MCA.

### 2013

[HB 67](#) – Died in Standing Committee – AN ACT REVISING LAWS RELATING TO THE INSPECTION OF CAMPAIGN RECORDS LAWS; ALLOWING THE COMMISSIONER OF POLITICAL PRACTICES TO INSPECT CERTAIN CAMPAIGN RECORDS; AND AMENDING SECTION 13-37-209, MCA.

[SB 387](#) – Died in Process – AN ACT GENERALLY REVISING PROVISIONS RELATED TO THE ENFORCEMENT OF CAMPAIGN PRACTICES LAWS; REQUIRING THE POLITICAL PRACTICES COMMISSION TO CONDUCT ADMINISTRATIVE CONTESTED CASE HEARINGS CONCERNING CAMPAIGN PRACTICE VIOLATIONS; REVISING THE COMMISSIONER OF POLITICAL PRACTICES'S AUTHORITY, DUTIES, APPOINTMENT, TERM OF OFFICE, SALARY DETERMINATION, AND QUALIFICATIONS; CONFORMING PROVISIONS ON CORPORATE CONTRIBUTIONS TO CASE LAW; PROVIDING NOTIFICATION REQUIREMENTS; REVISING PENALTIES; PROVIDING THAT COUNTY ATTORNEYS MAY PROSECUTE ONLY CRIMINAL VIOLATIONS OF CAMPAIGN PRACTICE LAWS; REQUIRING THAT AN ALLEGED CRIMINAL VIOLATION BY A COUNTY ATTORNEY BE REFERRED TO THE ATTORNEY GENERAL; CLARIFYING THE STANDING REQUIREMENT FOR THE FILING OF ETHICS COMPLAINTS; AMENDING SECTIONS 2-2-136, 13-35-226, 13-35-227, 13-35-403, 13-37-101, 13-37-102, 13-37-103, 13-37-104, 13-37-106, 13-37-107, 13-37-111, 13-37-113, 13-37-121, 13-37-124, 13-37-130, 13-37-131, AND 13-37-210, MCA; REPEALING SECTIONS 13-37-122, 13-37-128, AND 13-37-129, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 392](#) – Chapter Number Assigned – AN ACT INCREASING THE AUTHORITY OF THE COMMISSIONER OF POLITICAL PRACTICES TO ENFORCE LAWS PERTAINING TO ANONYMOUS ELECTION MATERIAL; AMENDING SECTION 13-35-225, MCA; AND PROVIDING AN APPLICABILITY DATE.

### 2011

[HB 349](#) – Died in Standing Committee – AN ACT REQUIRING THE COMMISSIONER OF POLITICAL PRACTICES TO INVESTIGATE COMPLAINTS OF VIOLATIONS OF THE RESIDENCY REQUIREMENTS FOR LEGISLATIVE CANDIDATES; AND AMENDING SECTION 13-37-111, MCA.

[HB 580](#) – Died in Standing Committee – AN ACT AUTHORIZING THE COMMISSIONER OF POLITICAL PRACTICES TO ENFORCE THE PROHIBITION ON AUTOMATIC DIALING OR "ROBOCALLING" FOR POLITICAL PURPOSES; AND AMENDING SECTIONS 13-35-214 AND 13-37-128, MCA.

[SB 397](#) – Died in Standing Committee – AN ACT INCREASING THE AUTHORITY OF THE COMMISSIONER OF POLITICAL PRACTICES TO ENFORCE LAWS PERTAINING TO ANONYMOUS ELECTION MATERIAL; PROVIDING NEW CIVIL PENALTIES; PROVIDING A HEARING PROCESS; PROVIDING FOR THE COLLECTION AND DISPOSITION OF PENALTIES; AND AMENDING SECTION 13-35-225, MCA.

### 2009

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[HB 398](#) – Died in Standing Committee – AN ACT INCREASING THE AUTHORITY OF THE COMMISSIONER OF POLITICAL PRACTICES TO ENFORCE LOBBYING, CAMPAIGN PRACTICES, AND CAMPAIGN FINANCE LAWS ADMINISTERED BY THE COMMISSIONER OF POLITICAL PRACTICES; PROVIDING NEW CIVIL PENALTIES; PROVIDING A HEARING PROCESS; PROVIDING FOR THE COLLECTION AND DISPOSITION OF PENALTIES; AND AMENDING SECTIONS 13-35-225 AND 13-37-226, MCA.

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