

Political Practices – General Topics
FREQUENTLY ASKED QUESTIONS

Q. Are candidate’s campaign forms and reports open to the public?

Yes. Those individuals and groups who are involved in campaigns file reports so that the activity is disclosed to the public, and the information is readily available.

A “[search](#)” service is available on the web, and you can get copies by request from [us](#), or from your local [election administrator](#). We recommend using the [web search](#), because there’s no charge. If we make copies, we have to charge by the page, and some reports are quite long. If you have trouble using the search on the web, call and we’ll walk you through it.

Q. How much do copies cost?

Ten cents per page, and pre-payment is required or we can’t send the information out.

Q. Can a person get copies of congressional candidate reports from the Commissioner’s office?

We have no authority over federal campaigns. Best contact the FEC:

www.fec.gov/
Federal Election Commission
999 E Street NW
Washington, DC 20463
800 424-9530

Q. What information has to be on campaign materials?

The “Paid for by. . .” statement is required on all campaign material. The statute is [§ 13-35-225, MCA](#). You can find a [brochure](#) that describes the requirements, at our website: www.politicalpractices.mt.gov.

If you’re a candidate, be sure to notice the requirements for a “statement of accuracy.” It’s required for materials that reference the opponent’s voting record, and we frequently receive formal complaints when people fail to include the required information.

Q. Does the candidate's voice have to be on the radio or TV ads?

Nothing in state law requires that. The broadcaster may have requirements, however.

Q. What will happen if a candidate does not have the correct attribution statement (“Paid for by. . .” disclosure) on their campaign materials?

We contact the candidate and let them know they're out of compliance with the statute (law). The statute requires that the material be corrected or taken down.

Q. If they don't do anything about it – don't fix it – what happens?

It's possible a formal complaint will be filed – anyone can file such a complaint. If there's a formal complaint *accepted* by the commissioner, there may be an investigation. A finding of violation can result in a lawsuit and a monetary penalty.

Q. I noticed candidates don't have to name their treasurer. But others do?

Since a candidate is named, candidate campaigns aren't required to include the treasurer's name in their “Paid for by. . .” statement. Many do, but it's not required. Committee's – Political Action Committees (PACs), Party Committees (like the local central committee), and Ballot Committees (“*Yes to Kids*” for example) all must include the name of their treasurer in the “Paid for by. . .” statement.

Q. Do you take anonymous complaints?

No. We'll listen to your concern over the phone or read your letter or e-mail. But to do any follow-up, we require that the complainant give their name.

Q. I would like to make a complaint against a congressional campaign – I don't like their television ads. Who can I talk to about that?

We have no authority over federal campaigns. Best contact the [FEC](#).

Q. Robo calls – automated telephone calls – are they legal?

Automated calls are illegal in Montana. (See [§ 45-8-216, MCA](#).) The statute is not specific to political campaigning and is not under the jurisdiction of the Commissioner of Political Practices. It's contained in the criminal code under "Offenses Against Public Order" and the Commissioner has no authority in that area.

Criminal complaints are handled by local law enforcement, and that's where to take a complaint. More information is available in a handout [here](#).

Q. Can a sheriff running for office campaign in his or her uniform?

The issue was addressed in an Attorney General's Opinion, found on our website [here](#).

Q. Can an individual put up signs about a candidate that they want to support or oppose without having to register with your office?

Yes, as long as you're acting as an individual. If two or more people get together to influence an election, under Montana law they become a committee and must register, and report their finances. Be sure any campaign material includes the “paid for by. . .” disclosure statement. (For more information, see a helpful handout [here](#).)

Questions on Campaign Finance

Q. Where can I find contributions given to a particular candidate?

Go to our website at www.politicalpractices.mt.gov. Click on ‘Candidate Search’ under the heading ‘Featured Online Services’. Or click [here](#).

The search service will allow you to find and read campaign reports from each of the candidates and committees that have filed reports.

The search is not a sophisticated data search. It merely searches for reports by certain groups or individuals and displays a scanned copy of those reports. If you don’t find what you’re searching for, or have questions, send an email to cpphelp@mt.gov, or call 406 444-2942.

For past election years and more sophisticated search tools and analysis, visit *Follow the Money* at www.followthemoney.org/

Q. Can corporations give contributions to a candidate?

No. Corporate contributions are strictly prohibited. (See [§ 13-35-227, MCA](#).) For information on the federal ruling regarding corporate spending in *Citizens United v. FEC*, click [here](#).

Q. How far back do your records go for candidate disclosure forms?

Ten years.

Q. What are the requirements in your office for a group of people who want to get together and put an ad in the paper for a candidate that they want to support?

When two or more people get together to support or oppose a candidate or a measure on the ballot, under Montana law that is by definition a political committee. They must register, and report their finances. The “disclosure forms” are fairly simple and there is no cost.

It may be easier to work directly with the candidate’s campaign, and report all contributions and expenditures through the candidate’s campaign, rather than establishing a new committee. If you choose this simpler approach, the “Paid for by. . .” [disclosure statement](#) would simply be the disclosure normally used by the candidate. For more information, send your specific questions in an email to cpphelp@mt.gov.

Q. I'm an owner of a local restaurant and want to donate food for a “get-to-know-the-candidate picnic” for a friend of mine who is running for office. Can I do that, and would I have to fill out any paperwork with your office?

First, it’s important to be aware of certain limits. Contributions of food or anything of value are an “in-kind contribution” and are treated just as a contribution of cash. There are [limits](#) on contributions to candidates. Corporate contributions are [prohibited](#).

Businesses that aren't organized as a corporation can contribute to candidates within these limits, but they become an incidental committee under the law and are required to register and report finances. The "disclosure forms" are fairly simple and there is no cost, but they are required.

In general, we advise that contributions come from individuals, and that everyone involved be familiar with the [contribution limits](#) in Montana law.

For more information, send your specific questions in an email to cpphelp@mt.gov. You might also check with your tax advisor, as political contributions generally aren't tax deductible.

Q. Some friends and I want to hold a fundraiser for our friend who is a candidate. What do we need to do?

Be sure you and anyone who contributes anything of value to the event stays within the [contributions limits](#). A donation of goods is an in-kind contribution and counts the same as cash toward the contribution limits.

For instance, a person might donate beef for a fundraiser. The fair market value must be recorded as an in-kind contribution. If something is sold to the campaign at less than fair market value, the difference must be recorded as an in-kind amount.

Certain small in-kind contributions such as food brought to a potluck dinner or small items donated to a garage sale need not be reported, although the campaign may wish to keep a record of them.

If you hold the event at home, your mortgage payment isn't an "in-kind contribution." But if your fundraiser is at a venue that normally charges a use fee and the fee is waived, that waived fee is an in-kind contribution to the campaign – it can only be allowed if it's within the contribution limits, and it must be reported. (See [§ 13-1-101\(3\), MCA](#)) (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.)

Sometimes goods donated to a campaign are intended to be sold; an art auction fundraiser is one example. In this example, the fair market value of the donated piece of art is recorded and reported as an in-kind contribution by the donor. The purchaser of the art at the auction also makes a contribution to the campaign in the amount paid for the item. This information must be recorded and reported as well.

Q. Am I required to give an employee time off to campaign for office?

There's no such requirement in Montana campaign law, and we're not aware of a requirement elsewhere.

If elected, however, there is a labor law titled "Mandatory leave of absence for employees holding public office" that can be found [here](#).

Q. Can I wear a campaign button at work?

Public employees are prohibited from campaigning while at work – that is, advocating for the success or defeat of a candidate (you or anyone else) or advocating for or against a ballot issue, such as a local mill levy. Wearing a badge or button which is designed or tends to aid or promote the success or defeat of any candidate or ballot issue is an example of the activity prohibited by [§ 13-35-226\(4\), MCA.](#)

For more information related to public employees, see the handout titled [Public Employee Political Activity while at Work.](#)

These same allowances and prohibitions don't necessarily apply in the private sector. Generally, it's your employer's right to control the workplace. These issues are not within the Commissioner of Political Practices jurisdiction or expertise.

Q. Can I as a citizen wear campaign materials (buttons, T-shirts) into a voting place?

Montana law restricts campaigning -- "electioneering," on Election Day within any polling place. . . or within 100 feet of any entrance to the building which the polling place is located. . ."

Further, a person "may not buy, sell, give, wear, or display at or about the polls on Election Day any badge, button or other insignia which is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon." ([§ 13-35-211, MCA.](#))

The law does not specifically require that you remove political bumper stickers before parking at the polls, however. (See [44.10.311, ARM.](#))

Here's a somewhat related statute: "A person on Election Day may not obstruct the doors or entries of any polling place or engage in any solicitation of a voter within the room where votes are being cast or elsewhere in any manner which in any way interferes with the election process or obstructs the access of voters to or from the polling place." ([§ 13-35-218\(4\), MCA.](#))

Q. What if I wear a campaign shirt, and I'm not willing to leave?

In these instances, the polling place official may ask you to leave. If you refuse, they may call law enforcement. (For more information on this topic, click [here.](#))

Q. What are the restrictions on campaigning near a polling place?

"Electioneering" within 100 feet of a polling place on Election Day is prohibited. For more details, see this [handout.](#)

Q. Is it 100 feet from the building, or is it 100 feet from the entrance, from the parking lot, or what?

The [statute](#) says 100 feet from *any entrance* to the polling place.

Q. Are bumper stickers in the parking lot illegal? I park my car in the county parking lot and it's got a 'Vote for Open Space Bond Issue' sticker. Can I do that?

There's no requirement that you remove political bumper stickers before parking at the polls. (See [44.10.311, ARM.](#))

Q. There's a truck parked 75 feet from the polling entrance with a great big sign that says vote for so-and-so, and I don't like it. Who do I need to call?

Contact the [election administrator](#) or the polling place official – they have authority for the polling place. Campaigning within 100 feet of any entrance to a polling place on Election Day is prohibited. If the situation continues, the officials may call law enforcement. (For more information on this topic, click [here.](#))

Q. Can they run political advertising on Election Day?

Yes. A previous ban on Election Day advertising was found to be an unconstitutional restriction on First Amendment free speech rights.

Questions on the complaint process

Q. How do I file a complaint with your office?

A handout describing the campaign complaint and investigation process and an optional form you can use to file a complaint is available on our website [here](#).

Please note that certain information is required – without it, the complaint must be rejected. See the handout for these requirements.

Q. How about Code of Ethics complaints?

Complaints alleging violation of the Code of Ethics are handled differently than campaign complaints, based on requirements in Montana law.

Be aware that ethics complaints will not result in an investigation. Instead, the commissioner acts as an adjudicator (judge) in a proceeding at which the complainant and the target of the complaint must present their case pursuant to the Montana Administrative Procedure Act. (See [§ 2-2-136\(1\)\(c\), MCA.](#)) Further, ethics complaints must be kept confidential.

For more information on the ethics complaint process, the confidentiality requirements, and an optional form you can use to file your complaint, see [here](#).

Q. Are complaint files open to the public?

A campaign or lobbying complaint is a public record. The investigatory file that's developed as part of an investigation generally is not. These issues are discussed in a detailed policy that's available [here](#) or by sending an email to cpphelp@mt.gov, or calling 406 444-2942. Ethics complaints must be kept confidential. Information on the ethics complaint process and confidentiality requirements can be found [here](#).

Q. What kind of complaints do you investigate?

We investigate campaign finance and practices allegations lodged against state and local-level candidates (not federal candidates such as US Congressmen) regarding certain laws under the commissioner’s jurisdiction. These laws are found in Title 13, chapters 35 and 37 of Montana Code Annotated and are on our website [here](#).

We also have jurisdiction for allegations against lobbyists regarding the provisions of Title 5, chapter 7, found [here](#).

Detailed guidance and frequently asked questions can be found in a [handout](#) on our website.

Q. How do I know the status of a complaint?

The [Docket of Formal Complaints](#) lists those complaints that have met the basic requirements and have been accepted. A general status is included, and the original complaint is available by clicking the title.

Q. What is the complaint process?

More information about the complaint process and investigation procedures is available [here](#). If you still have questions after reading this information, send an email to cpphelp@mt.gov, or call 406 444-2942.

Q. Do you take anonymous complaints?

No. We’ll listen to your concern over the phone or read your letter. But to do any follow-up, we require that the complainant give their name.

Q. What does it mean when the commissioner accepts a complaint?

It means the complaint met the “sufficiency” requirements in the statute and [rules](#) – that the complaint is procedurally acceptable. It does not mean that a violation has occurred – that determination can’t be made until both sides are presented and often until there’s either an investigation (in campaign and lobbying complaints) or a hearing (ethics complaints). Usually, further investigation is required, including interviews and review of documentation. For more information, see this [handout](#) on the web.

Q. What happens if an investigation shows that a candidate or members of a political committee broke the law?

Montana law places authority to [prosecute](#) violations of the campaign finance and practices laws and rules on both the county attorney of the county in which the violation takes place and the commissioner.

If the commissioner has determined there is sufficient evidence to justify prosecution, the county attorney is also [notified](#), and sent a copy of the decision. If the county attorney declines to initiate legal action or waives the right to prosecute, the commissioner is authorized to initiate appropriate legal action.

The commissioner has the discretion to file a lawsuit in district court, decline to prosecute, or seek a final settlement on each complaint on a case by case basis.

Questions on Lobbying

Q. Do you have lists of all the lobbyists and groups that were lobbying in the last Montana legislative session?

Yes – anyone meeting the [definition of lobbyist](#) is required to register, and that information is available on our website at www.politicalpractices.mt.gov. Or click [here](#) to go straight to the search. (Those who aren't paid to lobby aren't required to register under [current law](#), so there's no information readily available.)

Q. Define lobbying.

Under [Montana Law](#), lobbying is “The practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of the legislature. . .”

A lobbyist is “person who engages in the practice of lobbying. The definition does not include individuals acting solely on their own behalf. . . or an individual who received payments from one or more persons that total less than the amount specified under [5-7-112, MCA](#) in a calendar year. (2009: \$2,400; adjusted thereafter for inflation.)

Q. I'm a citizen and I would like to go testify on a bill. Do I have to register?

An individual acting solely on that individual's own behalf is exempted from the lobbying registration and reporting requirements. (See § [5-7-102\(12\)\(b\), MCA](#).)

Q. Do state employees have to follow the lobbying laws?

Yes. There is no exemption for state employees – state government comes under the same lobbying requirements as everyone else.

Certain public officials, including elected or appointed state officials, fall under the same exemption as certain local government officials found in [5-7-102\(11\)\(b\), MCA](#). (The definition of public official in this instance is found in [5-7-102\(16\)\(a\), MCA](#).)