

## Montana

### Montana Commissioner of Political Practices

David B. Gallik, Commissioner

1205 8<sup>th</sup> Ave.

P.O. Box 202401

Helena, MT 59620-2401

P: (406) 444-2942

F: (406) 444-1643

Email: [dgallik@mt.gov](mailto:dgallik@mt.gov)

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

Created 1975, (Mont. Code Ann. 13-37-101, et seq.)

<b>Commission Composition &amp; Structure</b>	
Branch of government in which commission is located	Executive
Approximate number of commission employees	Four, plus two or more contracted attorneys
Approximate commission budget	\$500,000 per year
Number of Commissioners	1
Who can serve on the commission?	Citizen of US, resident of Montana. On the date of appointment, must be registered to vote in Montana.
Who is ineligible to serve?	See qualifications, above. In addition, there are certain restrictions on political activity while in office. See Section 13-37-108, MCA.
Who appoints members?	Governor
What is the appointment procedure?	Nominated by four member panel of legislative leadership. Appointed by the governor, subject to confirmation by the senate. In the event of a vacancy a successor must be appointed within 30 days.
Additional information	Term is strictly limited to 6 years; no reappointment. If the appointee is serving an unexpired term, the duration is reduced. See Section 13-37-104.
Do commissioners receive a salary?	This is a full-time salaried position; currently about \$55,000 per year plus benefits.
Are commissioners reimbursed for expenses?	Yes

Length of commissioner's term in office	6 years
Term limits	Single term
Activities prohibited for commissioners	<p>Cannot be candidate for public office for a period of five years after leaving position. Numerous restrictions on political activity. See Section 13-37-108, MCA.</p> <p>During the commissioner's term of office, the commissioner may not knowingly,</p> <p>(1) hold another position of public trust or engage in any other occupation or business if the position of public trust or the other occupation or business interferes with or is inconsistent with the commissioner executing the duties of the commissioner's office;</p> <p>(2) participate in any political activity or in a political campaign;</p> <p>(3) make a contribution to a candidate or political committee or for or against a ballot issue or engage in any activity that is primarily intended to support or oppose a candidate, political committee, or ballot issue;</p> <p>(4) attend an event that is held for the purpose of raising funds for or against a candidate, political committee, or ballot issue;</p> <p>(5) participate in a matter pertaining to the commissioner's office that:</p> <p>(a) is a conflict of interest or results in the appearance of a conflict of interest between public duty and private interest pursuant to Title 2, chapter 2; or</p> <p>(b) involves a relative of the commissioner.</p>
Can commissioners be removed from office?	Yes
Removed by whom and for what cause?	May be removed by the governor or by impeachment, for incompetence, malfeasance, or neglect of duty. See Section 13-37-105.
Are commissioners required to file a financial disclosure?	No

**Commission Jurisdiction**

Commission Jurisdiction	Yes	Elected Official	Appointed Official	Public Employees	Local	Statewide
Executive Branch	X	X	X	X		X
Legislative Branch	X	X		X		X
Lobbyists	X					X
Local Government	X	X				
Political Candidates	X			X	X	X

**Powers & Duties:**

- Develop forms
- Develop manuals
- Examine disclosure reports
- Issue advisory opinions
- Advisory opinions are enforceable
- Subpoena witnesses
- Require production of records for purposes of an investigation

**Ethics Training**

The commission participates in an ethics training course provided primarily by another state agency. It conducts ethics training on:

- Ethics laws
- Campaign disclosure

Groups Trained:	Training Offered	Online
Executive Branch	X	
Executive Branch Employees		
Legislators		
Legislative Employees	X	
Lobbyists	X	
Local Government		

Is this in addition to in-house ethics training?	No
Are ethics training resources available on the website?	Yes
Is the commission required by law to offer ethics training?	No
Is attendance mandatory?	No

**Complaint Procedure**

Who can initiate a complaint?	<ul style="list-style-type: none"> <li>• General public</li> <li>• Anyone can file a complaint</li> </ul>
Is the complaint form available online?	Yes
Can a complaint be filed online?	No
If commissioners can file a complaint, do they have to recuse themselves from the investigation and/or hearings related to the case?	N/A – There is only one commissioner. In the case of ethics complaints, a hearing occurs, wherein the hearing examiner recommends the penalty, but the political practices commissioner makes a final decision.
Is the commission authorized to investigate complaints?	Yes
Is the complaint kept confidential?	No
At what point is the complaint made public?	As soon as it is received. Code of Ethics complaints are released on receipt of a waiver of confidentiality signed by the

	person the complaint is against.
What information is made public?	<ul style="list-style-type: none"> <li>• Person who filed the complaint</li> <li>• Context of violation</li> <li>• Person who allegedly committed the violation</li> <li>• Entire complaint is public, except in the instance of Code of Ethics complaints</li> </ul>
Does the commission have the authority to dismiss complaints?	Yes
Process for handling frivolous complaints	Complaints can be dismissed based on an initial review. No investigation is required if a complaint is frivolous on its face, illegible, too indefinite, does not identify the alleged violator, is unsigned, or is not verified by an oath of affirmation. No investigation is required if the complaint does not contain sufficient allegations. 44.10.307, Administrative Rules of Montana.
Are advisory opinions made public?	Posted to the web and available to the public
Is there an appeal process?	Code of Ethics decisions can be appealed to a court
Is the commission authorized to prosecute complaints?	Yes
Does the commission have the authority to levy sanctions?	Sanctions for Code of Ethics violations. For others, the commissioner refers to county attorney, seek a settlement, or file a complaint with district court.