

COMMISSIONER OF POLITICAL PRACTICES



STATE OF MONTANA

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December 10, 2013

Senator Dee Brown
Chairperson
And Members of the
State Administration and Veterans' Affairs Interim Committee
PO Box 201706
Helena, MT 59620-1706

Dear Chairperson Brown and members of the SAVA committee:

I intend this letter as the Commissioner's comments on the "next steps" part of the December 10, 2013 SAVA meeting agenda regarding HJR 1.

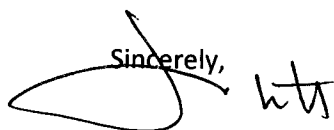
I believe there are two general "problems" [using that word from the SAVA agenda] facing the Office of the Commissioner of Political Practices. Those problems are the process of appointment of the Commissioner and insufficient resources directed toward the office.

In regard to the process of appointment of the Commissioner I make two suggestions. First, add a minimum qualification standard of a law degree for someone wishing to be Commissioner. Second, delegate the candidate screening process to the judicial nominating committee with that Committee then passing candidates to the Governor for nomination and the Governor's nominee then going to the Senate for confirmation.

While there may be ways to strengthen laws providing consequences for improper campaign practices, the fact is that the resources provided the Office are not adequate to support the program and enforcement work it has experienced in 2013 and is likely to experience in 2014. Consequently, in regard to strengthening the office I suggest that it be provided additional resources sufficient to hire one support staff and one additional attorney. In addition, the Office should also be provided a base of litigation funds sufficient to pay for expert witnesses and litigation costs as well as funds sufficient to cover overtime work by the current staff of the Office.

The Office is currently staffed by 3 program staff, 1 investigator, 1 attorney and the Commissioner. At this time the Commissioner is also working as a staff attorney, writing Decisions in an attempt to bring the complaint backlog current without impacting the budget of the Office. There is no support staff as each person in the office is assigned significant individual, recurring tasks involved with either campaign finance reports or campaign finance practices. Overtime is necessary because of the extra hours that come during the peak campaign reporting periods.

I have reasons for each of these suggestions and I will be glad to share these with the Committee if the members deem it appropriate. Thank you for your consideration.

Sincerely,


Jonathan Motl
Commissioner of Political Practices
State of Montana