

Lobbying

FREQUENTLY ASKED QUESTIONS

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. Do I need to register as a lobbyist? What is the threshold amount for registering as a Lobbyist with the state of Montana?

Anyone paid over the [threshold amount](#) to lobby must register. The threshold amount in 2011 was \$2450; it's adjusted for inflation just prior to the legislative session (after the election and just prior to odd-numbered years. ([§ 5-7-112, MCA](#).)

Once the threshold amount is established for an upcoming legislative session, it will be posted on the home page of our website at www.politicalpractices.mt.gov.

Lobbyists who work only on their own behalf and without pay – “citizen lobbyists” – and those who aren't paid more than a threshold amount are not required to register or file any forms with the state.

Q. What forms have to be filed?

[Form L-1](#) must be filed by the lobbyist and [Form L-2](#) must be filed by the lobbyist's employer if a certain threshold of activity will be met. There is a \$150 fee to register each lobbyist. Those who spend more than the threshold amount in a calendar year for lobbying, but don't hire any one lobbyist who makes more than the threshold amount file [Form L-3](#). Each of the forms has explanatory details and instructions. (See [here](#).)

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. (2007: \$2,300; adjusted thereafter for inflation.)

Q. I have questions regarding how to report expenses on my lobbying report. For example, how do I report. . . etc?

First, check the reporting form, [Form L-5](#). It includes detailed instructions, due dates and other details.

If you have other questions, we ask that you please put those questions in writing. An [e-mail](#) is preferred, and we'll respond promptly. Our office policy requires that all lobby reporting questions be asked in writing.

Q. I'm a principal and I'm going to spend \$3,000, roughly, on fliers and mailers. Do I need to register?

Yes, you need to register because you're over that [threshold](#). Information on filing, who's required to file, etc., is included with [Form L-3](#).

Q. Is there a filing fee for the L-3?

No, there is no filing fee for principals (those who hire lobbyists.) The [lobbyist license](#) requires payment of a [fee](#).

Q. How long is the license good for?

The lobby license is a two-year license. The term is based on the legislative session year (odd-numbered year), and the license expires December 31st of the even-numbered year.

Q. Who has to sign the Form L-5 reports?

Either the lobbyist or the principal's signing authority can sign the L-5. The principal can designate one or more signing authorities, and can add additional signing authorities by amending the [L-Forms](#).

Need help? Write to cpphelp@mt.gov, or call 406 444-2942.

Q. Do you have a second fax machine? I've been trying to get through and I continue to get a busy signal.

Yes, we do have two fax machines. Both machines are available by calling the same number – (406) 444-1643. At times, and particularly during filing deadlines, both machines may be in use at the same time -- so keep trying. Or use the on-line forms or on-line filing service available from our [website](#) so you don't need to wait on a fax.

Q. I'm a County commissioner; do I need to register as a lobbyist before I lobby the legislature?

No. Under Montana law, certain government officials including local elected officials are exempted from the definition of lobbying and therefore aren't required to register as lobbyists. The exemption is found in [§ 5-7-102\(11\)\(b\), 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](#).

Q. I'm a citizen and I would like to 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. Does your state allow grassroots lobbying?

Currently in Montana, there is no regulation of what is typically understood to be grassroots lobbying. The term grassroots lobbying generally describes efforts by a business, political committee or other organization to encourage others, including the general public, to engage in direct communication with a public official to influence official action.

Grassroots lobbying often involves letter writing or e-mail campaigns, mailings, phone banks, or other mass communication.

Q. Must grassroots lobbying be reported on lobby spending reports.

Generally not. Consider the following three examples – they describe what's typically understood to be grassroots lobbying, and no reporting is required under current law for all but the fourth example below:

- Corporation X sends postcards to people urging them to contact state officials/legislators to either support or oppose proposed or pending legislation.
- Corporation X hires a consultant to go door-to-door and call individuals and retailers of Corporation X's product to urge them to contact state officials/legislators to support or oppose proposed or pending legislation.
- Organization Y-X contracts with a vendor of phone-banking services to call potential supporters or the public to urge them to contact state officials/legislators to support or oppose proposed or pending legislation.

The next example illustrates a more direct form of lobbying and *would* therefore likely be a reportable expense subject to public disclosure under Montana law:

- Organization Y-X sends pre-printed postcards to people, ready for mailing to specified state officials or legislators, urging them to merely sign their names and forward the postcards to the designated recipient.

Q. I plan to lobby the governor. Do I have to register or file a report if I am lobbying the governor?

Montana's lobby laws apply to lobbying the legislature or members of the legislature – they do not apply to executive branch lobbying or other types of lobbying. For more information and an explanation, see the *Preamble and Statement of Applicability* to Montana's lobby rules found [here](#).

Q. I'm sending a lobbying report. Is the filing requirement similar to campaign finance reports, where I have to have the report postmarked at least five days prior to the filing date?

No. Lobbying reports must be in our office by midnight on filing day. There is no rule similar to the campaign reporting rule that allows reports postmarked five days prior to the deadline be accepted regardless of when they get to the office.

Since the lobby report deadlines are strict and there's a penalty for each day late, we recommend a fax with a hard copy follow-up, or hand-delivery. Better yet, fill in and submit the [on-line form](#) or use the [on-line filing system](#).

Q. I'll be out of town. Can you please allow me an extension so I can file my lobbying report after I get back? (After the deadline.)

No, there's no allowance in the law for extensions. Instead, there is a \$50-a-day penalty for each day a lobbying report is late, up to \$2500.

Q. How do I contest a lobbying civil penalty?

If you're subject to a penalty, a formal notice will be sent. You may submit a reply in writing to the Commissioner with your appeal within 10 days of receiving the notice.