



## Executive Order No. 15-2018-

## Dark Money Disclosure Requirements

### Frequently Asked Questions

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Q: Why is this information required?

A: Montana's Governor signed Executive Order No. 15-2018 on June 8, 2018 requiring the disclosure of this information. Please read the [Executive Order](#) for further details.

Q: If I've had no contributions to report, why must I complete the disclosure form?

A: All bidders/offerors must complete the declaration form. The disclosure form only needs to be completed and submitted if the bidder/offeror meets the disclosure requirements.

Q: What if I don't submit a disclosure form?

A: If the entity meets the disclosure criteria and indicates so on the declaration form but fails to provide the disclosure form, the bid/offer may be disqualified.

Q: How far back do I need to report?

A: 24 months from the closing date of the solicitation if the total contributions exceed \$2,500 in a 12-month period.

Q: How often do I need to report?

A: Reporting is required during the solicitation process and again annually at the time of contract renewal if the contract term, or potential contract term, exceeds 24 months.

Q: Is a subsidiary of a parent company required to report?

A: Yes. The disclosure form must be completed for covered expenditures by the bidding or applying entity, any parent entities, or any affiliates or subsidiaries within the entity's control.

Q: Will the disclosure be considered in the evaluation of my proposal?

A: No contracting department or agency may discriminate between or among bidding or applying entities because of the content of an entity's expenditures or contributions disclosed.

Q: Is the information disclosed made available to the public?

A: Yes. Disclosed information will be available to the public at <https://transparency.mt.gov/>.

Q: When is the “initiation of voting” as used in the definition of “Electioneering Communication”?

A: The phrase "made within 60 days of the initiation of voting in an election" means:

(a) in the case of mail ballot elections, the initiation of voting occurs when official ballot packets are mailed to qualified electors pursuant to [13-19-206](#), MCA;

(b) in other elections the initiation of voting occurs when absentee ballot packets are mailed to or otherwise delivered to qualified electors pursuant to [13-13-214](#), MCA.

The Montana Secretary of State’s Office election calendar containing the deadlines for various ballots may be found at: <https://sosmt.gov/wp-content/uploads/attachments/Election-Calendar.pdf?dt=1519325213807>

Q: The definition of “electioneering communication” appears to be broader than the definition under Montana’s Campaign Finance law, Mont. Code Ann. § 13-1-101(16). Is that correct?

A: Yes. Under the Executive Order, the phrase “that does not support or oppose a candidate or ballot issue” has been removed from the definition of electioneering communications, which means that both election and electioneering communications are included in the disclosure requirements.

Q: Whom do I contact if I still have questions?

A: If you have questions related to a specific solicitation, contact the procurement officer listed in the solicitation. For general questions related to the Executive Order, please contact:

John Thomas, Senior Administrative Officer

State Procurement Bureau

[jthomas@mt.gov](mailto:jthomas@mt.gov) or 406-444-0110