



Paid for by Wes Baertsch , 46911 Back Road, Ronan, MT 59864

COUNTY COMMISSIONER



WES

BAERTSCH



Paid for by Wes Baertsch , 46911 Back Road, Ronan, MT 59864

COUNTY COMMISSIONER



WES

BAERTSCH

Cook, Scott

From: Wes Baertsch <wesbaertsch2024@gmail.com>
Sent: Thursday, May 2, 2024 9:45 PM
To: Cook, Scott
Subject: [EXTERNAL] Re: New Complaint Received by COPP- Decker v. Baertsch, COPP-2024-CFP-011

Hello Scott,

Thank you for your phone call and email. I am forwarding several images of the updated and rectified campaign signs. I will be calling you on Friday to make sure you have received the emails. Again, thank you for your time in answering my questions. I appreciate your knowledge and look forward to talking to you soon.

Wes

On Thu, May 2, 2024 at 9:21 AM Cook, Scott <SCook3@mt.gov> wrote:

Wes,

Please see the attached copy of *Decker v. Baertsch*, COPP-2024-CFP-011, a formal Complaint alleging violation of Montana's "paid for by" attribution requirements under the Commissioner's jurisdiction. Commissioner Gallus has reviewed the attribution complaint and determined it is merited, as the specific material mentioned in the complaint does not appear to include the full attribution message required on election communications, MCA 13-35-225(1) (that statute is provided in full, below). In this matter, you will need to add full attribution to the material within two (2) business days, MCA 13-35-225(6)(a)(i); failure to do so is "subject to a civil penalty pursuant to 13-37-128, MCA". Correspondence from Commissioner Gallus further explaining Montana's attribution requirements and complaint process, as well as requesting an additional written response from yourself, is also attached. Copies of these documents can be sent via U.S. Mail upon request.

As a formal attribution complaint, a copy of the complaint will be posted to COPP's website later today. As noted in the Commissioner's letter, any responses you provide will also be posted to COPP's agency website. Please do not hesitate to contact me directly with questions about the attribution complaint process- (406) 444-4627 or scook3@mt.gov.

Scott Cook

Compliance Specialist 3/Public Records Officer

Office of the Commissioner of Political Practices

(406) 444-4627

SCook3@mt.gov

Election Materials Not To Be Anonymous -- Notice -- Penalty

13-35-225. Election materials not to be anonymous -- notice -- penalty. (1) All election communications, electioneering communications, and independent expenditures must clearly and conspicuously include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication. The attribution must contain:

(a) for election communications or electioneering communications financed by a candidate or a candidate's campaign finances, the name and the address of the candidate or the candidate's campaign;

(b) for election communications, electioneering communications, or independent expenditures financed by a political committee or a joint fundraising committee, the name of the committee, the name of the committee treasurer, deputy treasurer, secretary, vice chairperson, or chairperson, as designated pursuant to **13-37-201(2)(b)**, and the address of the committee or the named committee officer; and

(c) for election communications, electioneering communications, or independent expenditures financed by a political committee that is a corporation or a union, the name of the corporation or union, its chief executive officer or equivalent, and the address of the principal place of business.

(2) Communications in a partisan election financed by a candidate, a political committee organized on the candidate's behalf, or a joint fundraising committee with a participant who is a candidate or a political committee organized on the candidate's behalf must state the candidate's party affiliation or include the party symbol.

(3) If a document or other article of advertising is too small for the requirements of subsections (1) and (2) to be conveniently included, the candidate responsible for the material or the person financing the communication shall file a copy of the article with the commissioner of political practices, together with the required information or statement, at the time of its public distribution.

(4) If information required in subsections (1) and (2) is omitted or not printed or if the information required by subsection (3) is not filed with the commissioner, upon discovery of or notification about the omission, the candidate responsible for the material or the person financing the communication shall:

(a) file notification of the omission with the commissioner of political practices within 2 business days of the discovery or notification;

(b) bring the material into compliance with subsections (1) and (2) or file the information required by subsection (3) with the commissioner; and

(c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

(5) Whenever the commissioner receives a complaint alleging any violation of subsections (1) and (2), the commissioner shall as soon as practicable assess the merits of the complaint.

(6) (a) If the commissioner determines that the complaint has merit, the commissioner shall notify the complainant and the candidate or political committee of the commissioner's determination. The notice must state that the candidate or political committee shall bring the material into compliance as required under this section:

(i) within 2 business days after receiving the notification if the notification occurs more than 7 days prior to an election; or

(ii) within 24 hours after receiving the notification if the notification occurs 7 days or less prior to an election.

(b) When notifying the candidate or campaign committee under subsection (6)(a), the commissioner shall include a statement that if the candidate, political committee, or joint fundraising committee fails to bring the material into compliance as required under this section, the candidate, political committee, or joint fundraising committee is subject to a civil penalty pursuant to **13-37-128**.