

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

Lovick v. Liberty and Values Project AKA Liberty and Values MT  No. COPP 2023-CFP-004	DECLARATION OF MERIT OF ATTRIBUTION COMPLAINT  DISMISSAL OF ATTRIBUTION COMPLAINT AGAINST NAMED RESPONDENT
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On April 27, 2023, Helena Lovick of Great Falls, MT filed a campaign practices complaint against Liberty and Values Project AKA Liberty and Values MT, a registered political committee also located in Great Falls, MT.<sup>1</sup> The complaint alleged that Liberty and Values Project AKA Liberty and Values MT failed to include the ‘paid for by’ attribution message on a campaign communication as required.

**ISSUE**

Attribution on an election communication, Mont. Code Ann. § 13-35-225.

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<sup>1</sup> Great Falls is located in and the county seat of Cascade County  
Lovick v. Liberty and Values Project AKA Liberty and Values MT

## **FINDING OF FACTS**

The facts necessary for a determination in this matter are as follows:

Finding of Fact No. 1: Liberty and Values MT filed a C-2 Statement of Organization with COPP as a political committee on April 3, 2023. The committee address is provided as PO Box 6442 Great Falls, MT 59405, an individual from Great Falls named Katherine Duncan is listed as the committee treasurer, and no other committee Officers are named. The committee's listed Purpose is stated as "Oppose increase in Mill Levy funding Library" (Commissioner's Records).

Finding of Fact No. 1A: A special Library Mill Levy election for the City of Great Falls will be held on June 6, 2023.<sup>2</sup> (Commissioner's Records).

Finding of Fact No. 2: On April 27, 2023, COPP received the original, signed and certified version of this complaint via U.S. Mail. In reviewing the complaint, Commissioner Gallus determined the attribution complaint was merited, as one (1) campaign communication opposing the Cascade County library mill levy election- a bumper sticker material- did not contain any required 'paid for by' attribution messaging (Commissioner's Records).

Finding of Fact No. 3: On April 28, 2023, COPP sent email correspondence to the Liberty and Values MT committee notifying them that this formal attribution complaint had been received. This correspondence included a letter from Commissioner Gallus informing the Liberty and Values MT committee that this attribution complaint was merited, and that:

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<sup>2</sup> <https://www.cascadecountymt.gov/205/Elections>

You will need to add full attribution messaging to all copies of this communication remaining in your possession and email a photo to the COPP showing this additional distribution of any unattributed copies of the communication must be halted until the full 'paid for by' attribution message is added. For any copies of this communication that have already been publicly distributed without inclusion of the full attribution message, COPP would require you provide a written statement that includes a picture of the communication, the full 'paid for by' attribution message required under Mont. Code Ann. §13-35-225(1), the quantity of unattributed communications distributed, and the date or dates unattributed copies of the communication were distributed.

**This attribution remedy needs to be provided to COPP no later than 5:00 PM on Monday, May 1, 2023, (2 business days after notice of attribution deficiency was provided by COPP in this matter),** as provided for under Mont. Code Ann. 13-35-225(6)(a)(i). Failure to bring "material into compliance as required...is subject to a civil penalty pursuant to 13-37-128, MCA", 13-35-225(6)(b), Mont. Code Ann. Any response you provide is a public record that COPP posts on our website, per Mont. Code Ann. §13-37-132.

If you did not engage in the activity relating to this complaint, I would appreciate having any additional information you can provide as to potential parties involved. It is in everyone's best interest to immediately resolve the situation in the manner described above, and COPP will work with you, or other parties, to get this accomplished.

(Commissioner's Records).

Finding of Fact No. 3A: Also on April 28, 2023, COPP spoke with Liberty and Values MT committee Treasurer Katherine Duncan regarding this attribution complaint via telephone. During this conversation, committee Treasurer Duncan indicated that any unattributed material financed by the committee was an oversight. COPP during this conversation explained directly to committee Treasurer Duncan that, under Mont. Code Ann. § 13-35-225(6)(a)(i), the Liberty and Values MT committee was provided 2 business days to bring any unattributed campaign communications,

including the campaign bumper sticker material referenced in this complaint, into compliance with Montana’s attribution requirements, which Treasurer Duncan indicated she understood (Commissioner’s Records).

Finding of Fact No. 3B: On May 1, 2023, COPP sent follow-up email correspondence to the Liberty and Values MT committee reminding the committee of the requirements and timeline for bringing unattributed material into compliance under Mont. Code Ann. § 13-35-225(6)(a)(i) (Commissioner’s Records).

Finding of Fact No. 4: Later on May 1, 2023, an individual named Keith Duncan contacted COPP via telephone on behalf of the Liberty and Values MT committee to discuss this attribution complaint. During the discussion, Mr. Duncan indicated that the Liberty and Values MT committee was not involved in financing or distributing the unattributed campaign bumper sticker material referenced in this complaint, nor did he have any knowledge or contact information for the individual or individuals who did finance the material (Commissioner’s Records).

Finding of Fact No. 4A: Also on May 1, 2023, Mr. Duncan followed-up his earlier telephone conversation with COPP via email message. The email states that neither the Liberty and Values MT committee or anyone associated with the committee “produced, ordered, had printed, or paid for, the window stickers that you sent pictures of. As I also stated in my email I have no direct knowledge who is providing the sticker in question, for distribution” (Commissioner’s Records).

Finding of Fact No. 5: On May 2, 2023, the Liberty and Values MT committee timely filed its Initial C-6 committee finance report. This report

disclosed four (4) expenditures made by the committee and two (2) debts owed, none of which was described as including campaign bumper stickers or substantially similar sticker material (see Image 1) (Commissioner’s Records).

Image 1: All expenditures and debts disclosed by Liberty and Values MT on the initial C-6 committee finance report.

Expenditures									
Entity	Election	Purpose	Platform	Quantity	Specific Services	Attachment	Date	Amount	
Falls Print Works 401 9th Ave S, Great Falls, MT 59405	General	Handout Cards	Informational handout	1000	Printed	No	04/27/2023	376.85	
FastSigns 2701 16th St NE, Black Eagle, MT 59414	General	Banner	Banner 13oz	1		No	04/24/2023	164.12	
First Interstate Bank 12 3rd St NW, Great Falls, MT 59404	General	Check order	First Interstate Bank Checking Account	80 checks	Checking Account	Yes	04/04/2023	29.90	
LAMAR 7505 Entryway Drive, Billings, MT 59101	General	Advertising on Billboard	Billboard Advertising	2 Signs	Billboard Advertising	Yes	04/12/2023	3,228.00	

  

Debts									
Entity	Election	Type	Purpose	Platform	Quantity	Specific Services	Date	Debt Amount	Balance Due
Duncan, Keith 1601 2nd Ave N: Ste 632, Great Falls, MT 59401	General	Loan	.ORG domain registration				04/14/2023	20.34	20.34
Duncan, Keith 1601 2nd Ave N: Ste 632, Great Falls, MT 59405	General	Loan	Montana Secretary of State Filing Fee				04/20/2023	240.00	240.00

## DISCUSSION

Under Montana law “all election communications...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”, with any financed by a political committee specifically requiring “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”, Mont. Code Ann. §13-35-225(1)(b). This complaint references copies of an election communication opposing a ballot issue to be voted on in Great Falls that does not contain any attribution messaging (FOF No. 2). The complaint names Liberty and Values MT, a registered political committee, as the respondent who has failed to attribute the material (FOF No. 1).

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. In this matter, COPP staff contacted the Liberty and Values MT committee via both telephone and email message on April 28 to notify them of the attribution deficiency presented in the complaint, and again via email on May 1 (FOF Nos. 3, 3A, 3B). After receiving notice from COPP that a formal attribution complaint had been filed, the Liberty and Values MT committee contacted COPP via both telephone and email to explain that the specific unattributed campaign bumper sticker material noted in the complaint was not financed or distributed by the committee (FOF Nos. 4, 4A). COPP additionally notes that on the committee’s Initial C-6 committee finance report, Liberty and Values MT did not disclose making any expenditures for or debts incurred to obtain campaign bumper stickers or substantially similar sticker material (FOF No. 5).

The law governing complaints of failure to properly attribute political communications provides precise directions to the Commissioner:

1. The Commissioner is to immediately assess the merits of the attribution complaint, §13-35-225(5), MCA. The Commissioner found merit to the attribution complaint and hereby memorializes that finding.
2. The Commissioner shall notify the committee of the merit finding, requiring them to bring the material into compliance, §13-35-225(6)(a), MCA. In this matter COPP was able to notify the Liberty and Values MT committee of the attribution deficiency via telephone and email conversations held on April 28, 2023 and May 1, 2023.
3. The committee financing the material is provided 2 business days to bring the material into attribution compliance, §13-35-225(6)(a)(i), MCA. In this matter, the Liberty and Values MT committee maintains that it did not finance or distribute the unattributed material referenced in the complaint.

Montana law is specific that an election communication 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”, Mont. Code Ann. § 13-35-225(1) (emphasis added). In this matter, COPP’s investigation determined that the Liberty and Values MT committee did not make or finance the expenditure for the specific unattributed election communication referenced in this complaint (FOF Nos. 4, 4A, 5). Because the Liberty and Values MT committee did not make or finance the expenditure for the specific unattributed election communication referenced in this complaint, they are not required to attribute it. For that reason, the attribution complaint is dismissed against the Liberty and Values MT committee.

The Liberty and Values MT committee was unable to provide COPP with

any information as to the individual or individuals who did finance and distribute this material (FOF Nos. 4, 4A). Should COPP be able identify the responsible party or parties, the agency will work with them to remedy the attribution deficiency and refer enforcement to the County Attorney in Cascade County if necessary, following the process provided under Mont. Code Ann. § 13-35-225(6).

Normally the Commissioner first provides Decisions to the parties and then the public on the following day. The Legislature, however, has set very tight timelines on this sort of attribution complaint. Accordingly, the Commissioner provides this Decision to the parties and public on the day issued.

DATED this 8th day of May, 2023.



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Chris J. Gallus  
Commissioner of Political Practices  
Of the State of Montana  
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