

## **Cook, Scott**

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**From:** C.B. Pearson <cbpearson1889@gmail.com>  
**Sent:** Thursday, August 17, 2023 9:36 AM  
**To:** Gallus, Chris J.  
**Cc:** Cook, Scott  
**Subject:** [EXTERNAL] Additional Respondent to Add to My July 27th Complaint  
**Attachments:** August 17th COPP Letter.pdf

Commissioner Gallus

I am requesting that the National Association of Realtors be added to my complaints based upon the response from NAR Fund.

In total there should now be four respondents.

Thank you,

CB

***C.B. Pearson***



5141 Elk Ridge Road  
Missoula, MT 59802  
(406) 544-0032

VIA E-mail – Hard Copy in the Mail.

August 17, 2023

Chris Gallus  
Commissioner of Political Practices  
State of Montana  
1209 8TH AVE.  
P.O. BOX 202401  
Helena, MT 59620-2401

Dear Commissioner Gallus:

I am today asking to add to my complaint the National Association of Realtors that I filed on July 27<sup>th</sup>.

I say this based upon the response from the National Association of Realtors Fund where they point out that the National Association of Realtors funded the poll conducted from April 3<sup>rd</sup> to 7<sup>th</sup>. I want to make sure the National Association of Realtors retains records during the March 1 to current period.

Let me know if there is anything else I need to do to complete this addition to my complaint.

**Additional Respondent to be added to my complaint.**

National Association of Realtors  
Bob Goldberg, Chief Executive Officer  
Kenny Parcell, President  
Gregory J. Hrabcak, Treasurer  
430 N. Michigan Ave  
Chicago, IL 60611

**Previous Respondents included in my complaint.**

Missoula Organization of Realtors  
Treasurer, Judy Gudgel  
724 Burlington Ave.  
Missoula, MT 59801  
(406) 728-0560

National Association of Realtors Fund  
Treasurer, John Pierpoint  
430 N. Michigan Ave  
Chicago, IL 60611

312-329-8443

Missoula Mayor  
Treasurer, Shannon Winterer  
2814 Brooks Street, Box 203  
Missoula, MT 59801  
(406) 544-0506

In addition by Tuesday August 22<sup>nd</sup> I will have and deliver to you a detailed review of the responses provided to date by the three parties I named.

Sincerely,

A handwritten signature in blue ink that reads "C.B. Pearson" with a decorative flourish at the end.

C.B. Pearson  
5141 Elk Ridge Road  
Missoula, MT 59802  
406-544-0032

## Cook, Scott

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**From:** C.B. Pearson <cbpearson1889@gmail.com>  
**Sent:** Tuesday, August 22, 2023 3:20 PM  
**To:** Gallus, Chris J.  
**Cc:** Cook, Scott  
**Subject:** [EXTERNAL] Additional Information for my complaint - please add this information to my formal complaint  
**Attachments:** NAR Polling Article .pdf

Dear Commissioner Gallus:

I would like to provide additional information to be added to my complaint.

- 1) I have attached the enclosed article that just came out today in the media that covers the value of the poll and to the scope of the poll. Several experts studied the poll and concluded that it has enormous value similar to what I put into my complaint and that the poll went beyond the “viability” assessment as asserted by MOR, Missoula Mayor and NAR Fund. It directly contradicts the statements to you from all three of the respondents.
- 2) I would like to you to further evaluate and investigate MOR, NAR Fund, NAR and Missoula Mayor – a) there is not a date for the request from MOR to complete “viability” poll and an assessment nor an acknowledgement that MOR made such a request for funds as mentioned the response from NAR Fund – while I object to the assertion that the poll and the other work was simply a viability assessment at no point has any party stated when MOR requested the polling to be done. I believe that to be intentional.
- 3) There is no cost associated with the poll in any of the responses. I also believe that omission to be intentional.
- 4) There is no in-kind contribution disclosure in any of the responses even though all parties did spend staff time on each of the activities. That time contributed significantly to value of the poll and to preparation for the independent committee to do its advocacy. The commonality of staffing and staffing interaction between all of the parties was not fully disclosed.
- 5) I wish to note the value of the poll to Missoula Mayor for its advocacy for Mike Nugent is of enormous value – as stated in the article. And, I would challenge the assertion by all of the parties that is and will not be of value to the Missoula Mayor committee and the contractors working with them to produce campaign materials to persuade specific targeted voters.

Thank you Commissioner Gallus for taking these additional points into consideration and incorporating them into the complaint file COPP-2023-CFP-011.

If I can provide you with any additional information let me know.

Sincerely

C.B.

***C.B. Pearson***



5141 Elk Ridge Road  
Missoula, MT 59802  
(406) 544-0032

## Polling experts weigh in on contested Realtors' survey

By: [Keila Szpaller](#) - August 22, 2023 9:03 am



Photo illustration by Getty Images.

Polling can cost a lot of money — for robust results.

Polling can also be cheap — with outcomes that can be more squishy.

The National Association of Realtors paid for a poll in early April about potential mayor candidates in Missoula, including questions focused on candidate, councilor and Realtor Mike Nugent.

A campaign finance complaint pending with the Montana Commissioner of Political Practices alleges the poll and cost should have been disclosed in a campaign finance report.

The Realtors have declined to provide the cost of the survey.

In responses to the complaint, three separate parties argued that even if the poll should be reported, it is so old and has little value, especially more than four months after people answered questions.

In interviews with the Daily Montanan last week, polling experts agreed the local and national Realtors' argument that results from the April poll have lost value has some legitimacy.

“The value of data can depreciate over time, especially in a fast-moving campaign,” said Lori Weigel, principal of New Bridge Strategy in Colorado.

However, the experts also said a cost estimate in the campaign finance complaint may not be off the mark at \$15,000 to \$25,000 on the low end.

In their response, the Realtors argued the poll was intended to determine candidate viability, contrary to an allegation the poll was meant to refine a message.

But one election scientist who reviewed the questions said the language indicates the survey was testing messaging in addition to candidate viability.

“What campaign issues are resonating with voters so I know where to spend my time during the election cycle to talk about my candidate in a favorable way?” said Christina Barsky, with the University of Montana, of poll results.

### Cost of polling

Four different polling experts said so many factors go into cost, it's difficult to offer an estimate without knowing more details about the poll.

But they said generally the range in the complaint is fair; one said it could be low if the polling was done in house; another also said a range from \$30,000 to \$40,000 may be reasonable.

The experts also agreed a national group considering a six-figure investment in a campaign wouldn't want shoddy results.

The National Association of Realtors bills itself as "America's largest trade organization," and its political arm is spending \$125,000 on an independent committee backing Nugent for mayor in the five-way primary.

It appears to be the first time the national Realtors have made a significant expenditure in a local campaign in Montana.

Hope Dewell Gentry, professor of political science at Montana State University — Billings, said the cost of a poll can vary widely, and how a poll is conducted is a factor.

A poll conducted face-to-face would be the most expensive, said Gentry, director of the Mountain States Poll.

By comparison, mailers can be fairly inexpensive, but the latter doesn't always produce the most responses, she said.

The complaint said it could provide one witness who completed a survey by phone and another who completed a survey by text.

Gentry said telephone surveys aren't necessarily as expensive as people might think, but they also depend on circumstances.

For example, do you want to weed out FAX machines from being called? Do you want to include cell phones of people who live inside the polled location but have a different area code?

"If you're doing all of those different steps to make sure they are really good, valid, non-repeated numbers, the cost can get pretty high," Gentry said.

The cost depends on labor as well, she said. Is the poll using a paid caller? Volunteers? An automated message?

Additionally, Gentry said the cost depends on the profile being sought. Figuring out — in a statistically valid way — the views of a Montanan requires less work than figuring out the views of a 30-year-old male Democrat who rents, for example.

The poll asked questions about age, political affiliation, race, home ownership versus renting or living on campus.

If the national Realtors conducted the poll in-house, Gentry said the estimate in the complaint might be high, but if they outsourced it, "it seems completely reasonable."

She agreed polls are "very time sensitive," but she also said answers to certain questions "might not be the types of things that fluctuate terribly."

Weigel, with New Bridge Strategy, agreed costs vary depending on a multitude of factors, including the experience of the pollster, number of interviews and method of contact.

However, she said a distinction exists between the cost of a poll and the value of results over time.

"A survey five years ago is way less valuable than a survey five days ago," said Weigel, whose firm has worked in Montana.

The Realtors said they conducted the poll in early April, even before the filing deadline had closed. As such, some of the questions are about potential candidates who didn't end up filing.

### **Clues in the questions**

Barsky, a UM Public Administration and Policy faculty member whose scholarship includes election science, reviewed screenshots of the questions in the poll, and she said they reveal clues about the survey.

For one thing, the poll used a tool called "Qualtrics."

"Qualtrics is the gold standard online platform," Barsky said. "It is what we have an enterprise license for at the University of Montana. It is not cheap.

"So whoever is hosting this (poll) for them has a very expensive platform that they're using."

(Three groups responded to the complaint: The Missoula Organization of Realtors; the National Association of Realtors Fund; and the Missoula Mayor political committee working on behalf of Nugent. Nugent has said his campaign is not coordinating with the independent committee and did not work on the poll.)

Barsky agreed the questions show an interest in candidate viability, as the groups argued. However, she also said a pollster would be able to ascertain more than just viability.

She said the results would show the following: The demographics most supportive of the candidate; how the preferred candidate stacks up against potential candidates; and favorable messaging.

In particular, she pointed to one question that asks people to identify their top concern out of a list that includes property taxes, climate change, land use, housing costs, public safety and homelessness, among other items.

"That's a pretty clear indicator of messaging," Barsky said. "What messages are going to work for our voters?"

She agreed the value of the poll drops over time, but she also said some questions have more longevity. For example, if Missoula had experienced a horrific crime after the poll, results about public safety might be different today than in April.

But she said the survey asked questions about some persistent challenges, such as housing, and housing affordability remains a significant problem in Missoula even four months later.

“We’re talking about big issues. They’re not issues that are going away,” Barsky said.

In the local campaign, Nugent is trying to unseat incumbent Mayor Jordan Hess and fend off candidates Brandi Atanasoff, Andrea Davis and Shawn Knopp.

The top two vote-getters in the Sept. 12 primary will advance to the general election.

Commissioner of Political Practices Chris Gallus said last week he was reviewing responses to the complaint about the poll and one earlier complaint related to the same race.

Early last week, Gallus said he would likely decide whether to investigate the complaints within a couple of weeks.

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## Cook, Scott

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**From:** C.B. Pearson <cbpearson1889@gmail.com>  
**Sent:** Tuesday, August 29, 2023 1:08 PM  
**To:** Gallus, Chris J.  
**Cc:** Cook, Scott  
**Subject:** [EXTERNAL] Direct Mail that used polling Language - please add this to my complaint  
**Attachments:** PAC Mailer 1.pdf

Dear Commissioner Gallus-

Please add this additional information to my complaint.

This is a copy of a direct mail piece that was received by a Missoula voter two days ago,

The mailer has nearly exact language as language used in the poll by the National Association of Realtors.

This is slide 24 in the deck I included in my complaint.

*Nugent knows that property taxes are too high and make the cost of housing even higher. He will work towards local tax reform as mayor and encourage the legislature to use the billion-dollar state budget surplus for property tax relief.*

This language is nearly identical to the mailer side two in the bullet points "Lower Property Taxes"

Thank you in advance of you consideration.

My best,

C.B. Pearson

***C.B. Pearson***



5141 Elk Ridge Road  
Missoula, MT 59802  
(406) 544-0032

# MIKE NUGENT FOR MISSOULA MAYOR

**A Leader Who  
Works to Protect  
Our Way of Life.**

Paid for by Missoula Mayor, Shannon Winterer, Treasurer, 2814 Brooks Street, Box 203, Missoula, MT 59801. Not authorized by any candidate or candidate committee.



**Scan to  
learn more  
about Mike**





# Mike Will Make Missoula a More Affordable Place to Live

Mike's experience in the private and public sectors means he will hold the line on taxes.

As mayor, Mike will serve all Missoulians by fighting for:

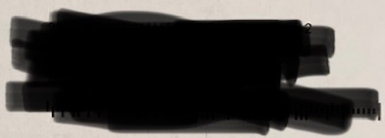
**Lower Property Taxes**  
He will work for local tax reform and push the legislature to use the billion-dollar state budget surplus for property tax relief.

**Housing That's Affordable**  
Mike will secure more affordable housing options for all Missoulians by using private/public partnerships.

**Reducing Homelessness**  
Mike is committed to leveraging the resources we have to help those most in need. He will also work to preserve existing affordable housing and prevent displacement.

Missoula Mayor  
2814 Brooks Street, Box 203  
Missoula, MT 59801

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**On Sept. 12, Elect Mike Nugent for Missoula Mayor  
for an Affordable Future**