

THE STATE OF MONTANA

Commissioner of Political Practices 1209 Eighth Avenue Post Office Box 202401 Helena, MT 59620-2401 Phone: 406-444-2942 Fax : 406-444-1643 www.politicalpractices.mt.gov

Campaign Finance and Practices

Complaint Form (08/17)

FOR OFFICE USE ONLY

RECEIVED 2020 SEP 15 P 2:21 COMMISSIONER OF POLITICAL PRACTICES HAND DELIVERED [X] SIGNED/NOTARIZED [X]

Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):

Complete Name LINDA L VAUGHNEY Complete Mailing Address 1176 DANDYBREAK STREET HELENA MT 59601 Phone Numbers: Work Home 406.457.9171

Person or organization against whom complaint is brought (Respondent):

Complete Name MICHAEL J FASBENDER Complete Mailing Address P.O. Box 651 HELENA MT 59624 Phone Numbers: Work Home 406.439.4254

Please complete the second page of this form and describe in detail the facts of the alledged violation.

Verification by oath or affirmation

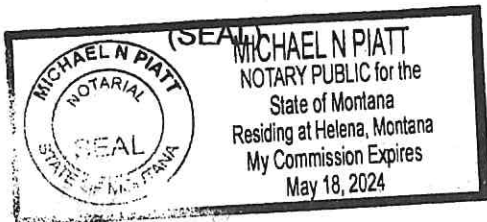
State of Montana, County of LEWIS & CLARK

I, LINDA L VAUGHNEY, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.

Signature of Complainant (handwritten signature)

Subscribed and sworn to before me this 15th day of September 2020.

Notary Public (handwritten signature)



My Commission Expires: 5-18-24

Statement of facts:

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

Michael J. Fasbender filed as a candidate for Lewis & Clark County Commissioner in the Spring of this year in a nonpartisan contest. He and one other candidate survived the Primary election in June, and he and the other candidate will appear on the ballot in November.

As described as **Exhibit A (1)**, an ad with a photo and explanatory verbiage was printed in the Helena Independent Record 2020 Primary Election Guide, Sunday, May 10, 2020, Page 27. Included below the photo in the ad is the statement: "Photo copyright Samantha Yearry Photography". There has been no reporting of the cost of the ad in Mr. Fasbender's reports.

No information about the cost of the photo has been included in Mr. Fasbender's campaign finance reports either. If it was paid for by Mr. Fasbender, it should be reported as an expenditure; and if it was an in-kind contribution by the photographer, it has value to his campaign and should be reported.

Again, no information about the cost of the ad itself has been included in his campaign finance reports.

Exhibits A (2) and A (3) are pages printed from Mr. Fasbender's Facebook entries from May 9 and May 13 showing the same photo and ad that appeared in the Helena I.R. as described above.

NB

Contributions from supporters are the principal source of receipts. A contribution is defined by law, in part, as "an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to support or oppose a candidate or ballot issue. . . 13-1-101(9), MCA.

In-kind contributions must be accounted for and reported in the same manner as other contributions. The in-kind item or service must be identified. The term "in-kind contribution" means the furnishing of services, property, or rights without charge or at a charge which is less than fair market value to a candidate or political committee for the purpose of supporting or opposing any candidate, ballot issue or political committee as defined . . . 44.11.702, ARM.

Expenditure means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made by a candidate or political committee to support or oppose a candidate or a ballot issue; . . .13-1-101(18), MCA

Exhibit B is a July 4 is a compilation of photos of the "GOP float" during the "Lincoln Montana Independence Liberty" parade.

No in-kind contribution from the Republican Party is listed on Mr. Fasbender's campaign finance reports. (See description of in-kind contributions above.)

Exhibit C (1), C (2), C (3) are photos of Mr. Fasbender's signs in various locations. The first one is a photo of various political signs in a Helena resident's front yard. This sign has a Republican Party affiliation. This is an error. The contest Mr. Fasbender is engaged in is Non-Partisan.

Distance from the camera makes it impossible to see if the same affiliation is present on C (2) and/or C (3), but, regardless, no expenditure(s) for signs are reported on any of Mr. Fasbender's campaign finance reports. Value of signs should be reported as expenditure(s).

If, on the other hand, these are re-cycled signs from his previous campaign of 2012, while he owns the signs irrespective of when purchased, all re-cycled signs still HAVE VALUE to his *current* campaign. This value would be expected to be reported as an in-kind contribution from Mr. Fasbenbder. I see no such reporting. He has had signs all over town and environs and several on a truck which he parks on city streets in various locations. (See description of in-kind contributions above.)

Additionally the Rodeo sign likely should be reported as well under expenditures, for the rodeo probably would require payment for use of rodeo field for advertising. (See description of expenditures above.)

Complaints must be:

- * signed
- * notarized
- * delivered in person or by mail

Ad from the Helena Independent Record, 2020 Primary Election Guide,
Sunday, May 10, 2020, Page 27:

I Like
Mike Fasbender

**For Lewis & Clark
County Commission**

Proven Leadership



Photo copyright Samantha Yearry Photography

Paid for by Mike Fasbender for County Commission.
PO Box 651, Helena, MT 59624. Non-Partisan

EXHIBIT A (1)



Mike Fasbender

May 9 · [privacy icon]

Please share!

14

2 Comments 7 Shares

Like Comment Share

Most Relevant [dropdown arrow]



Rachel Martin

I love that Edna made the family photo!

Like · Reply · 17w



1 Reply



Write a comment...






**For Lewis & Clark
County Commission**
Proven Leadership

Photo copyright Nansuika Yates Photography
Paid for by Mike Fasbender for County Commission,
PO Box 651, Helena, MT 59624, Non-Partisan

EXHIBIT A (2)



Michael Fasbender

May 13 ·



63

10 Comments 8 Shares

Like

Comment

Share



Eric Grantier

Are you holding a chicken 🐔

Like · Reply · 17w

2

Jeff Onx replied · 3 Replies



Vicky Fisher - Leslie

Love that truck you parked in front of the Capital. If you win I get that truck lol

Like · Reply · 17w

1



Jackie Barker

Good luck!!!!❤️.... You have our vote!!! 😊

Like · Reply · 17w

1

Jackie Barker replied · 2 Replies



Todd Christofferson



Write a comment...



EXHIBIT A (3)



Joe Dooling

July 4 · [privacy icon]



Lewis & Clark County Republican Central Committee

July 4 · [privacy icon]

The great GOP float at the Lincoln Montana Independence Liberty parade good Republican standing up for Montana values and property rights



Julie Dooling, Dan Salomon and 22 others

Like

Comment

Share



Write a comment...



EXHIBIT B

Exhibit -

Fasbender yard sign with republican party affiliation. Taken August 31, 2020 in Heleena Montana



EXHIBIT C (1)



AJ Tabitha Love HartStob

May 12 ·

Nice to see a good honest hardworking Montana man running. Cant wait to vote. This years ballots are epic. Thanks **Michael Fasbender**



3

1 Comment 2 Shares

Like

Comment

Share



Jason Juza

I'm running for governor. I'm serious to. If they will let me.

Like · Reply · 17w



Write a comment...



EXHIBIT C (2)



People Who Shared This



Michael Fasbender

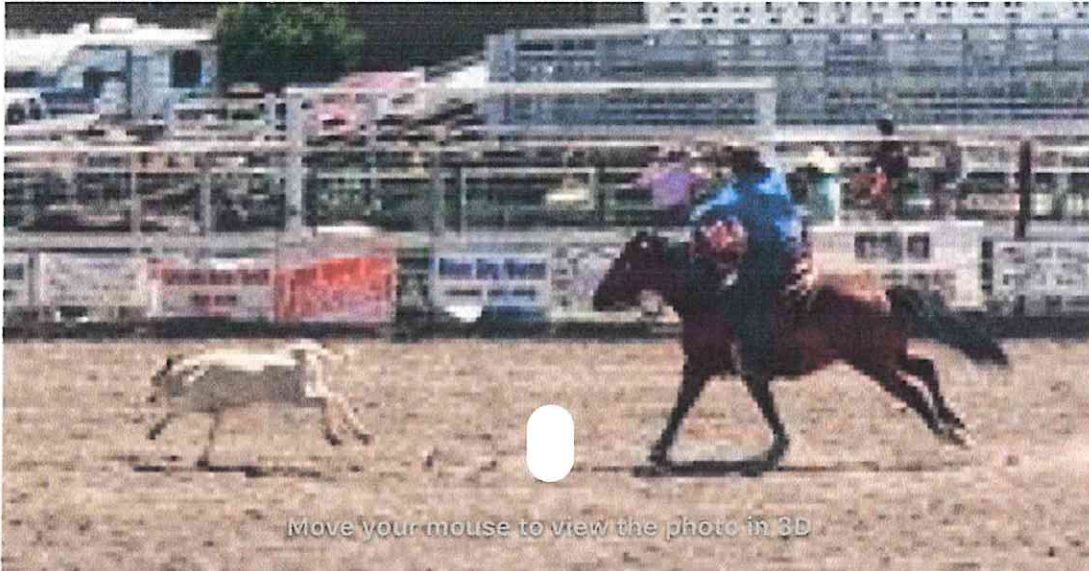
July 5 ·



Mike Fasbender added a 3D photo.

July 5 ·

Action from the Lincoln Rodeo today. Thank you to all the workers and volunteers who made the event a success, and thank you to all the spectators who came out ... [See More](#)



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EXHIBIT C (3)