

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

<p>Hamilton v. Citizens Against Local Option Gas Tax</p> <p>No. COPP 2020-CFP-016</p>	<p style="text-align: center;">DECLARATION OF MERIT OF COMPLAINT</p> <p style="text-align: center;">MEMORIALIZATION OF NOTIFICATION OF MERIT TO COMMITTEE</p> <p style="text-align: center;">RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY COMMITTEE</p> <p style="text-align: center;">DISMISSAL OF COMPLAINT</p>
---	---

On February 19, Don Hamilton filed a complaint against Citizens Against Local Option Gas Tax (CALOGT), a ballot issue committee, Helena, Montana. The Complaint alleges that CALOGT failed to properly attribute campaign material.

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.” §13-35-225(1) MCA. Mr. Hamilton’s complaint attached a

copy of a CALOGT yard sign. The CALOGT sign failed to include a full attribution.

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. Accordingly, CALOGT was immediately contacted by the Commissioner’s office. CALOGT’s Treasurer, Brad Longcake, responded saying that the omission of an attribution was an oversight. CALOGT followed up the conversation with the COPP with an email taking responsibility for the oversight and corrective measures taken.

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

1. The Commissioner is to immediately assess the merits of the Complaint. §13-35-225(5), MCA. The Commissioner found merit to the Complaint and hereby memorializes that finding.

2. The Commissioner shall notify the committee of the merit finding, requiring the Committee to bring the material into compliance. §13-35-225(6)(a), MCA. The Commissioner, by both telephoning CALOGT and emailing a Notice of Non-compliant Election Communication, did this and hereby memorializes the Notice.


3. The Committee is provided 24 hours to bring the material into attribution compliance (§13-35-225(6)(a)(ii), MCA). By this Decision the Commissioner declares his satisfaction that

CALOGT has acted promptly and properly to correct the attribution deficiency.

Under Montana law the Committee with the attribution deficiency is relieved of a campaign practice violation, provided it promptly carries out the attribution correction as promised. CALOGT has met these duties and is therefore relieved of a campaign practice violation under §13-35-225(6), MCA. The Complaint is dismissed.

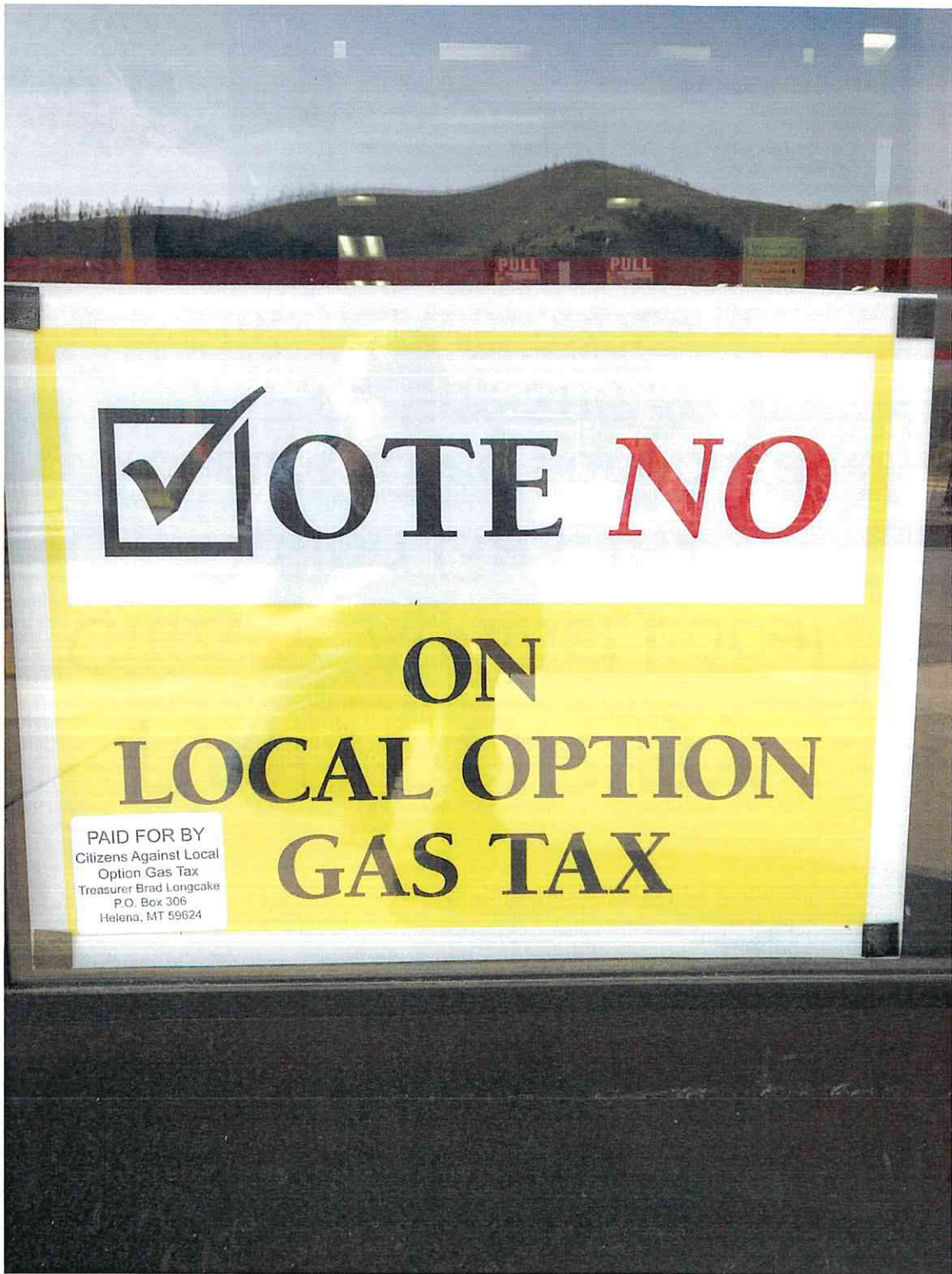
Normally the Commissioner first provides Decisions to the parties and public on the following day. The Legislature, however, has set very tight timelines on this sort of attribution Complaint. Accordingly, the Commissioner provides this Decision to the parties and public on the day it is made.

DATED this 28th day of May, 2020.



Jeffrey A. Mangan
Commissioner of Political Practices
Of the State of Montana
P. O. Box 202401
1209 8th Avenue
Helena, MT 59620

PAID FOR BY
Citizens Against Local
Option Gas Tax
Treasurer Brad Longcake
P.O. Box 306
Helena, MT 59624



PAID FOR BY
Citizens Against Local
Option Gas Tax
Treasurer Brad Longcake
P.O. Box 306
Helena, MT 59624

 NOTE NO
ON
LOCAL OPTION
GAS TAX

