

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Oestreicher v. American Prosperity Group No. COPP 2020-CFP-007	FINDING OF SUFFICIENT FACTS TO SUPPORT A CAMPAIGN FINANCE VIOLATION
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On April 20, 2020, Jeffrey Oestreicher of Helena, MT filed a campaign practices complaint against American Prosperity Group. The complaint alleged that American Prosperity Group conducted reportable electioneering communication activity in the State of Montana but failed to register as a political committee or report their financial activity as required. The complaint also alleges that American Prosperity Group’s electioneering communication did not contain a complete attribution.

SUBSTANTIVE ISSUES ADDRESSED

Determination of a communication as an electioneering communication under Montana law; filing as a political committee; the proper reporting of an electioneering communication.

FINDINGS OF FACT

The foundational facts necessary for this Decision are as follows:

Finding of Fact No. 1: Within the formal complaint, complainant Oestreicher included a screenshot from a television ad that included a picture of Tim Fox and included a message requesting viewers “call Attorney General Tim Fox” to “Tell him to keep

standing with President Trump to protect Montana families” (see Exhibit A). The ad also included a statement saying, in full, “Paid for by American Prosperity Group”. (Commissioner’s Records.)

Finding of Fact No. 1A: Tim Fox currently serves as Montana’s elected Attorney General. He is also running as a Republican in Montana’s 2020 Primary election as a candidate for the office of Governor. (Commissioner’s Records.)

Finding of Fact No. 1B: Montana’s Primary election will be held on June 2, 2020. (Montana Secretary of State.)

Finding of Fact No. 1C: According to the elections calendar maintained by Montana’s Secretary of State’s office, absentee ballots must be made available for voting in person no later than May 4, 2020.¹ (Montana Secretary of State.)

Finding of Fact No. 1D: On March 25, 2020, Montana Governor Steve Bullock issued a “Directive Implementing Executive Orders 2-2020 and 3-2020 and providing for measures to implement the 2020 June primary elections safely”.² The Directive permitted “counties, at their local discretion, to expand access to mail voting procedures *and* early voting” and that “counties in Montana are permitted, but not required, to conduct the June 2 primary election under the mail ballot provisions of Title 13, Chapter 19” of the Montana Code Annotated. All 56 Montana counties chose to expand access to mail ballot elections after the Directive was issued.³ (Commissioner’s Records.)

Finding of Fact No. 2: American Prosperity Group did not file a C-2 Statement of Organization registering itself as a political committee for election year 2020 with the COPP. Similarly, American Prosperity Group has not filed any committee finance reports with the COPP disclosing contributions received or expenditures made by the group in conjunction with Montana’s 2020 Primary election. (Commissioner’s Records.)

Finding of Fact No. 3: Through Dickinson Wright PLLC, American Prosperity Group provided a formal response to the COPP via email on April 29, 2020 (see Exhibit B). The response identifies American Prosperity Group as a “conservative public policy advocacy organization”, and confirmed that the organization aired the

¹ <https://sosmt.gov/wp-content/uploads/2020-Election-Calendar.pdf>

² <http://governor.mt.gov/Portals/16/Directive%20on%20Elections.pdf?ver=2020-03-26-102626-610>

³ <https://sosmt.gov/wp-content/uploads/2020-Election-Calendar.pdf>

advertisement referenced by the complaint “between March 24 and April 1, 2020”. The response argued that the ad cannot be identified as an electioneering communication because the advertisement was not aired “within the electioneering communications period...Given that the Republican Primary election is not until June 2, *sixty-three days* after APG’s advertisement stopped airing, the advertisement was not an electioneering communication”. The response goes on to argue that because the ad did not qualify as an electioneering communication, American Prosperity Group was under no obligation to register with the COPP as a political committee, disclose its related expenditure activity via committee finance reports, or include the full ‘Paid for by’ attribution required under Montana law. The response included fifteen (15) pages of additional documentation detailing run date and cost information for the ad, which indicated the ad was purchased through Spectrum at a total cost of \$28,837 and aired in the Billings, Butte, Great Falls-Havre, Helena, and Missoula markets. (Commissioner’s Records.)

DISCUSSION

The Complaint alleges that American Prosperity Group (APG) financed an electioneering communication, an action requiring the group to register as a political committee with the COPP and file periodic campaign finance reports. The complainant alleges that APG violated Montana campaign finance law because they did not register as a political committee or file periodic financial reports in the state of Montana. Further, the complaint alleges that APG did not include all required Montana attribution information. The Commissioner examines each of these allegations.

Does American Prosperity Group’s ad qualify as an electioneering communication?

At no time has APG contested the fact that they paid to air the ad in question. In fact, the organization’s response confirmed their responsibility for its creation and distribution.

Mont. Code Ann. §13-1-101(16): defines an electioneering communication as:

(16) (a) "Electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that:

(i) refers to one or more clearly identified candidates in that election;

(ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that election; or

(iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

The ad did not support or oppose a Montana candidate. The ad does clearly reference Montana Gubernatorial candidate Tim Fox through both image and name (Exhibit A). The ad was broadcast publicly via cable television to more than "100 recipients in the district voting on the candidate or issue", having aired in the Billings, Butte, Great Falls-Havre, Helena, and Missoula markets (FOF No. 3). Finally, the ad was aired March 24, 2020 to April 1, 2020 (FOF No. 3). Mont. Code Ann. §13-1-101(16)(a), states that an electioneering communication must be "made within 60 days of the initiation of voting in an election" (emphasis added). Montana's primary election is scheduled for June 2, 2020 and as Montana allows absentee voting, Montana requires ballots to be available on May 4, 2020 for in person voting (FOF No. 1C). However, due to the COVID-19 pandemic, Montana Governor Bullock allowed Montana counties the option to

conduct an all mail ballot election for Montana's primary. All 56 counties opted for a mail ballot election, and ballots were mailed on May 8, 2020 (FOF No.1D).

The dates above are critical as Montana rule further defines 'initiation of voting', 44.11.605(2)(a)(b), ARM:

(2) In (1)(b) the phrase "made within 60 days of the initiation of voting in an election" shall mean the following:

(a) in the case of mail ballot elections, the initiation of voting occurs when official ballot packets are mailed to qualified electors pursuant to 13-19-206, MCA;

(b) in other elections the initiation of voting occurs when absentee ballot packets are mailed to or otherwise delivered to qualified electors pursuant to 13-13-214, MCA.

Under the Governor's Directive of March 25, 2020, all Montana counties opted to conduct a mail ballot election, the initiation of voting would be May 8, 2020, when the official ballots were mailed to voters. Using the mail ballot initiation of voting date of May 8, 2020, the COPP determined that March 9, 2020 was the date the electioneering period began for the June 2, 2020 Montana primary election.

APG's ad depicting candidate Fox's image and likeness began airing in Montana on March 24, 2020 (FOF No. 3) well after the beginning of the electioneering period beginning on March 9, 2020. The Commissioner finds the ad in question an electioneering communication.

APG's registration and reporting requirements

Having established the ad financed and distributed by APG is an electioneering communication, it must next be determined if this activity qualified APG as a political committee in the state of Montana.

Mont. Code Ann. §13-1-101(31), defines a political committee:

(31) (a) "Political committee" means a combination of two or more individuals or a person other than an individual who receives a contribution or makes an expenditure:

(i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination;

(ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(iii) to prepare or disseminate an election communication, an electioneering communication, or an independent expenditure.

(b) Political committees include ballot issue committees, incidental committees, independent committees, and political party committees.

(c) A candidate and the candidate's treasurer do not constitute a political committee.

(d) A political committee is not formed when a combination of two or more individuals or a person other than an individual makes an election communication, an electioneering communication, or an independent expenditure of \$250 or less. (Emphasis added)

The response provided by APG in this matter identified the group as being something "other than an individual" (self-identifying as a public policy advocacy *organization*⁴) and shows that the organization spent at least \$28,837 to air the advertisement (FOF No. 3). APG likely incurred additional reportable

⁴ APG's identification as an organization implies it is a grouping of more than one individual organized or established for a specific purpose:
https://www.google.com/search?q=organization+definition&rlz=1C1GCEB_en&oq=organization+definition&aqs=chrome..69i57j0l7.3579j1j7&sourceid=chrome&ie=UTF-8

election expenditures in the costs of producing the advertisement which would also required be reported and disclosed. Based on facts provided by APG in response to this matter, the Commissioner finds APG qualifies as an organization that prepared and disseminated an electioneering communication in Montana costing more than \$250, and is required to file as a Montana political committee and file committee finance reports under Montana campaign finance law.

Mont. Code Ann. §13-37-201, requires political committees to register with the COPP by filing a Statement of Organization. COPP records indicate APG has not filed a Statement of Organization identifying itself as a political committee (FOF No. 2). Additionally, Mont. Code Ann. §13-37-225, requires political committees file periodic financial reports disclosing contributions received and/or expenditures made. COPP records indicate APG has not filed committee finance reports as required (FOF No. 2).

Ad attribution

The complainant's final allegation in this complaint concerns the 'paid for by' attribution message included by APG on their ad. Specifically, the complaint asserts that APG did not include all language required in the State of Montana within the commercial's attribution message.

As an electioneering communication, APG's attribution message is required to state that the ad was paid for by APG, in addition to listing the name of the committee treasurer and the committee's address, Mont. Code Ann. §13-35-225(1)(b), MCA. The attribution message included by APG said

only “Paid for by American Prosperity Group”, thus omitting the required treasurer and address elements in violation of Montana campaign finance law (FOF No. 1).

FINDING

American Prosperity Group participated in reportable election activity when it aired an electioneering communication in the Billings, Butte, Great Falls-Havre, Helena, and Missoula Spectrum markets at the cost of at least \$28,837.00.

Sufficiency Finding No. 1: The Commissioner finds that there are sufficient facts to show that APG failed to file a Statement of Organization as a Political Committee as required by Montana law.

Sufficiency Finding No. 2: The Commissioner finds that there are sufficient facts to show that APG failed to report committee contributions and expenditures on its 2020 campaign finance reports as required by Montana law.

The Commissioner finds APG failed to file 2020 committee organization and finance reports, Montana campaign finance violations. By failing to file as a political committee and file 2020 committee finance reports, APG has deprived both the public, candidates, and competing committees of significant reportable contribution and expenditure activity. American Prosperity Group shall file as an independent political committee within 5 days of this decision. Further, APG shall file a committee finance report from the period of its first contribution or expenditure in this matter through April 25, 2020. APG shall file committee finance reports under the committee schedule until it determines when the committee will be closed.

Sufficiency Finding No. 3: The Commissioner finds that there are sufficient facts to show that APG failed to include a full attribution statement on its electioneering communication as required by Montana law.

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.
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.
3. The committee is provided 2 business days to bring the material into attribution compliance (§13-35-225(6)(a)(i)(ii), MCA).

The Commissioner finds merit to the attribution complaint and hereby memorializes that finding. Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation and notification to the candidate to bring the material into compliance prior to the election. In this case, the complaint was brought after the electioneering communication had completed its scheduled ad run. As part of this decision, the Commissioner notices APG of the deficiency and orders AFG to submit to the COPP a copy of its attribution to be filed as part of this matter. Should APG distribute the paid electioneering communication again or engage in additional election or electioneering communications, they are required to utilize a complete committee attribution as required by Montana law.

DECISION

The Commissioner has limited discretion when making the determination as to an unlawful campaign practice. First, the Commissioner “shall investigate” any alleged violation of campaign practices law. Mont. Code Ann. § 13-37-111(2)(a). The mandate to investigate is followed by a mandate to take action; where there is “sufficient evidence” of a violation the Commissioner must (“shall notify,” *see id.*, at § 13-37-124) initiate consideration for prosecution.

Second, having been charged to make a decision, the Commissioner must follow substantive law applicable to a particular campaign practice decision. This Commissioner, having been charged to investigate and decide, hereby determines that there is sufficient evidence to show that American Prosperity Group violated Montana’s campaign practice laws, including, but not limited to the laws set out in the Decision. Having determined that sufficient evidence of a campaign practice violation exists, the next step is to determine whether there are circumstances or explanations that may affect prosecution of the violation and/or the amount of the fine.

The failure to fully and timely report and disclose cannot generally be excused by oversight or ignorance. Excusable neglect cannot be applied to oversight or ignorance of the law as it relates to failures to file and report. *See Matters of Vincent*, Nos. COPP-2013-CFP-006, 009 (discussing excusable neglect principles). Likewise, the Commissioner does not normally accept that

failures to file or report be excused as *de minimis*. *Id.* (discussing *de minimis* principles).

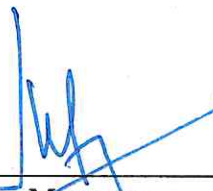
Because there is a finding of violation and a determination that *de minimis* and excusable neglect theories are not applicable to the above Sufficiency Findings, a civil fine is justified. Mont. Code Ann. § 13-37-124. The Commissioner hereby issues a “sufficient evidence” Finding and Decision justifying a civil fine or civil prosecution of American Prosperity Group. Because of the nature of the violation, this matter is referred to the County Attorney of Lewis and Clark County for his consideration as to prosecution. *Id.*, at (1). Should the County Attorney waive the right to prosecute (*id.*, at (2)) or fail to prosecute within 30 days (*id.*, at (1)) this Matter returns to this Commissioner for possible prosecution.

Most of the Matters decided by a Commissioner and referred to the County Attorney are waived back to the Commissioner for his further consideration. Assuming that the Matter is waived back, this Finding and Decision does not necessarily lead to civil prosecution as the Commissioner has discretion (“may then initiate” *see id.*) in regard to a legal action. Instead, most of the Matters decided by a Commissioner are resolved by payment of a negotiated fine. In setting that fine the Commissioner will consider matters affecting mitigation, including the cooperation in correcting the issue when the matter was raised in the Complaint.

While it is expected that a fine amount can be negotiated and paid, in the event that a fine is not negotiated and the Matter resolved, the Commissioner

retains statutory authority to bring a complaint in district court against any person who intentionally or negligently violates any requirement of campaign practice law, including those of Mont. Code Ann. §§ 13-37-201, 225, 229 and 13-35-225. *See id.*, at § 13-37-128. Full due process is provided to the alleged violator because the district court will consider the matter *de novo*.

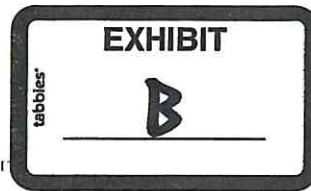
DATED this 15th day of May 2020.



Jeffrey A. Mangan
Commissioner of Political Practices
Of the State of Montana
P.O. Box 202401
1209 8th Avenue
Helena, MT 59620
Phone: (406)-444-3919

Exhibit A
Screenshot of Ad





RECEIVED
By Scott Cook at 12:24 pm, Apr 29, 2020

April 29, 2020

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

Re: Response to Oestreicher v. American Prosperity Group (COPP-2020-CFP-007).

Commissioner Mangan,

We represent the conservative public policy advocacy organization American Prosperity Group (hereinafter "APG") in this matter. The Complaint alleges that APG violated Montana's campaign finance laws arising out of a television advertisement that aired on March 24, 2020. The Complaint asserts that the advertisement was an "electioneering communication" under Montana law, and if that was true, then APG should have (1) registered and reported as a political committee; and (2) placed certain disclaimers on its advertisement. The Complaint's assertion is factually incorrect, APG has fully complied with the law, and consequently the Complaint should be promptly dismissed.

The central issue in this matter is whether APG's policy advertisement classifies as an "electioneering communication" under Montana Law.¹ In order to be classified as an electioneering communication, the communication must have occurred *within sixty days* before an election. No evidence has been presented that the advertisement ran within the electioneering communications period, and it cannot be presented because the assertion is not true. In fact, the advertisement at issue here aired between March 24 and April 1, 2020.² Given that the Republican primary election is not until June 2, *sixty-three days* after APG's advertisement stopped airing, the advertisement was not an electioneering communication under Montana law,

¹ "Electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that: (i) refers to one or more clearly identified candidates in that election; (ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that election; or (iii) refers to a political party, ballot issue, or other question submitted to the voters in that election. M.C.A. § 13-1-101(15)(a).

² See Exhibit A.

and APG (a national non-profit policy advocacy organization) does not have any legal obligation to register and report as a political committee in Montana.

Montana's disclaimer rules also do not apply to APG's advertisement. Under Montana law, disclaimers are required on "election communications, electioneering communications, and independent expenditures."³ This advertisement is none of these things. The advertisement does not support or oppose any candidate for office in Montana (including Attorney General Tim Fox),⁴ but rather calls for Attorney General Fox to keep protecting Montana families. This is pure issue advocacy, which does trigger disclaimer requirements under Montana law.⁵

Based on all available information, it is abundantly clear that APG has fully complied with Montana law and not triggered Montana regulation as a result of its advertisement. We respectfully request that this matter be promptly dismissed and the file closed.

Respectfully submitted,



Charlie Spies
Katie Reynolds
Counsel to American Prosperity Group, Inc.

³ A.R.M § 44.11.604

⁴ "Election communication" is defined as a communication that "*supports or opposes a candidate.*" M.C.A. § 13-1-14(a). An independent expenditure is defined as "an expenditure for an election communication *to support or oppose a candidate* or ballot issue made at any time that is not coordinated with a candidate or ballot issue committee." *Id.* at §13-1-25. We have previously established that the advertisement is not an electioneering communication.

⁵ Even assuming arguendo that this advertisement required a disclaimer (which it does not), the Commissioner has previously dismissed these claims as *de minimis*, as explained by the Complaint.

EXHIBIT A

AvailPro #:	0	Start Date:	3/23/2020	Total # of Weeks:	2
Order #:	62746560	End Date:	4/5/2020	Total Spots:	45
Syscode:	1714	Create Date:	3/23/2020	Total:	\$8,559.00
AE:	Collin Diederich	Update Date:	3/23/2020	Credit Status:	CIA
Sales Coord:	Erica Steinman	Client Code:	MT	Survey:	Oct19 DMA Nielsen Live+3
NCC Office:	Washington	Product Code:	03240401	Make Good Policy:	Approval Required
Market:	Billings	Product:	MT 3.24-4.1	Demo(s):	Adults 35+
Agency:	Red Eagle Media Group	Estimate Code:	11695	Geography:	ZONE
Advertiser:	American Prosperity Group				
System Name:	Spectrum/Billings, MT				

Report Date: 4/22/2020 12:08:49 PM

Week	Network	Day	Date	Time	Copy	Rate
3/23/2020					Spot Count: 25	\$4,772.00
	FXNC	Tu	3/24/2020	5:51 AM	APG20TV01H	\$126.00
	FXNC	Tu	3/24/2020	8:22 PM	APG20TV01H	\$256.00
	FXNC	W	3/25/2020	6:52 AM	APG20TV01H	\$126.00
	FXNC	W	3/25/2020	11:52 AM	APG20TV01H	\$109.00
	FXNC	W	3/25/2020	5:50 PM	APG20TV01H	\$204.00
	FXNC	W	3/25/2020	10:20 PM	APG20TV01H	\$256.00
	FXNC	W	3/25/2020	11:49 PM	APG20TV01H	\$256.00
	FXNC	Th	3/26/2020	8:20 AM	APG20TV01H	\$126.00
	FXNC	Th	3/26/2020	2:47 PM	APG20TV01H	\$109.00
	FXNC	Th	3/26/2020	5:47 PM	APG20TV01H	\$204.00
	FXNC	Th	3/26/2020	9:52 PM	APG20TV01H	\$256.00
	FXNC	Th	3/26/2020	11:46 PM	APG20TV01H	\$256.00
	FXNC	F	3/27/2020	5:52 AM	APG20TV01H	\$126.00
	FXNC	F	3/27/2020	3:15 PM	APG20TV01H	\$109.00
	FXNC	F	3/27/2020	5:44 PM	APG20TV01H	\$204.00
	FXNC	F	3/27/2020	6:44 PM	APG20TV01H	\$256.00
	FXNC	F	3/27/2020	10:16 PM	APG20TV01H	\$256.00
	FXNC	Sa	3/28/2020	5:50 AM	APG20TV01H	\$126.00
	FXNC	Sa	3/28/2020	11:22 AM	APG20TV01H	\$109.00
	FXNC	Sa	3/28/2020	5:53 PM	APG20TV01H	\$204.00
	FXNC	Sa	3/28/2020	7:51 PM	APG20TV01H	\$256.00
	FXNC	Sa	3/28/2020	11:49 PM	APG20TV01H	\$256.00

FXNC	Su	3/29/2020	7:51 AM	APG20TV01H	\$126.00	
FXNC	Su	3/29/2020	5:39 PM	APG20TV01H	\$204.00	
FXNC	Su	3/29/2020	11:46 PM	APG20TV01H	\$256.00	

AvailPro #:	0	Start Date:	3/23/2020	Total # of Weeks:	2
Order #:	62746560	End Date:	4/5/2020	Total Spots:	45
Syscode:	1714	Create Date:	3/23/2020	Total:	\$8,559.00
AE:	Collin Diederich	Update Date:	3/23/2020	Credit Status:	CIA
Sales Coord:	Erica Steinman	Client Code:	MT	Survey:	Oct19 DMA Nielsen Live+3
NCC Office:	Washington	Product Code:	03240401	Make Good Policy:	Approval Required
Market:	Billings	Product:	MT 3.24-4.1	Demo(s):	Adults 35+
Agency:	Red Eagle Media Group	Estimate Code:	11695	Geography:	ZONE
Advertiser:	American Prosperity Group				
System Name:	Spectrum/Billings, MT				

Report Date: 4/22/2020 12:08:20 PM

Week	Network	Day	Date	Time	Copy	Rate
3/30/2020	Spot Count: 13					\$2,445.00
	FXNC	M	3/30/2020	5:18 AM	APG20TV01H	\$126.00
	FXNC	M	3/30/2020	12:44 PM	APG20TV01H	\$109.00
	FXNC	M	3/30/2020	5:44 PM	APG20TV01H	\$204.00
	FXNC	M	3/30/2020	8:25 PM	APG20TV01H	\$256.00
	FXNC	M	3/30/2020	11:51 PM	APG20TV01H	\$256.00
	FXNC	Tu	3/31/2020	7:52 AM	APG20TV01H	\$126.00
	FXNC	Tu	3/31/2020	12:45 PM	APG20TV01H	\$109.00
	FXNC	Tu	3/31/2020	10:15 PM	APG20TV01H	\$256.00
	FXNC	Tu	3/31/2020	11:48 PM	APG20TV01H	\$256.00
	FXNC	W	4/1/2020	8:22 AM	APG20TV01H	\$126.00
	FXNC	W	4/1/2020	10:18 AM	APG20TV01H	\$109.00
	FXNC	W	4/1/2020	7:28 PM	APG20TV01H	\$256.00
	FXNC	W	4/1/2020	11:48 PM	APG20TV01H	\$256.00

AvailPro #:	0	Start Date:	3/23/2020	Total # of Weeks:	2
Order #:	62746561	End Date:	4/5/2020	Total Spots:	44
Syscode:	8268	Create Date:	3/23/2020	Total:	\$7,714.00
AE:	Collin Diederich	Update Date:	3/23/2020	Credit Status:	CIA
Sales Coord:	Erica Steinman	Client Code:	MT	Survey:	Oct19 DMA Nielsen Live+1
NCC Office:	Washington	Product Code:	03240401	Make Good Policy:	Approval Required
Market:	Butte, MT	Product:	MT 3.24-4.1	Demo(s):	Adults 35+
Agency:	Red Eagle Media Group	Estimate Code:	11695	Geography:	ZONE
Advertiser:	American Prosperity Group				
System Name:	Spectrum/Butte Interconnect, MT				

Report Date: 4/22/2020 12:09:15 PM

Week	Network	Day	Date	Time	Copy	Rate
3/23/2020	Spot Count: 26					\$4,662.00
	FXNC	Tu	3/24/2020	6:52 AM	APG20TV01H	\$124.00
	FXNC	Tu	3/24/2020	8:48 PM	APG20TV01H	\$233.00
	FXNC	Tu	3/24/2020	9:48 PM	APG20TV01H	\$233.00
	FXNC	W	3/25/2020	6:50 AM	APG20TV01H	\$124.00
	FXNC	W	3/25/2020	11:50 AM	APG20TV01H	\$110.00
	FXNC	W	3/25/2020	6:43 PM	APG20TV01H	\$183.00
	FXNC	W	3/25/2020	8:46 PM	APG20TV01H	\$233.00
	FXNC	W	3/25/2020	10:45 PM	APG20TV01H	\$233.00
	FXNC	Th	3/26/2020	8:52 AM	APG20TV01H	\$124.00
	FXNC	Th	3/26/2020	11:49 AM	APG20TV01H	\$110.00
	FXNC	Th	3/26/2020	5:49 PM	APG20TV01H	\$183.00
	FXNC	Th	3/26/2020	6:44 PM	APG20TV01H	\$183.00
	FXNC	Th	3/26/2020	8:49 PM	APG20TV01H	\$233.00
	FXNC	Th	3/26/2020	10:50 PM	APG20TV01H	\$233.00
	FXNC	F	3/27/2020	6:50 AM	APG20TV01H	\$124.00
	FXNC	F	3/27/2020	1:45 PM	APG20TV01H	\$110.00
	FXNC	F	3/27/2020	7:29 PM	APG20TV01H	\$233.00
	FXNC	F	3/27/2020	10:48 PM	APG20TV01H	\$233.00
	FXNC	Sa	3/28/2020	8:52 AM	APG20TV01H	\$124.00
	FXNC	Sa	3/28/2020	4:53 PM	APG20TV01H	\$183.00
	FXNC	Sa	3/28/2020	8:48 PM	APG20TV01H	\$233.00
	FXNC	Sa	3/28/2020	9:49 PM	APG20TV01H	\$233.00

FXNC	Su	3/29/2020	6:53 AM	APG20TV01H	\$124.00	
FXNC	Su	3/29/2020	11:46 AM	APG20TV01H	\$110.00	
FXNC	Su	3/29/2020	6:46 PM	APG20TV01H	\$183.00	
FXNC	Su	3/29/2020	8:46 PM	APG20TV01H	\$233.00	

AvailPro #:	0	Start Date:	3/23/2020	Total # of Weeks:	2
Order #:	62746561	End Date:	4/5/2020	Total Spots:	44
Syscode:	8268	Create Date:	3/23/2020	Total:	\$7,714.00
AE:	Collin Diederich	Update Date:	3/23/2020	Credit Status:	CIA
Sales Coord:	Erica Steinman	Client Code:	MT	Survey:	Oct19 DMA Nielsen Live+1
NCC Office:	Washington	Product Code:	03240401	Make Good Policy:	Approval Required
Market:	Butte, MT	Product:	MT 3.24-4.1	Demo(s):	Adults 35+
Agency:	Red Eagle Media Group	Estimate Code:	11695	Geography:	ZONE
Advertiser:	American Prosperity Group			Pulsed Data Stream:	Live+SD
System Name:	Spectrum/Butte Interconnect, MT				

Pulsed Date: 4/9/2020 2:31:49 PM

Week	Network	Day	Date	Time	Copy	Rate	HH	Demo
3/30/2020								
	FXNC	M	3/30/2020	8:52 AM	APG20TV01H	\$124.00	2.76	2.06
	FXNC	M	3/30/2020	4:47 PM	APG20TV01H	\$183.00	3.47	2.71
	FXNC	M	3/30/2020	8:48 PM	APG20TV01H	\$233.00	3.21	2.53
	FXNC	M	3/30/2020	10:39 PM	APG20TV01H	\$233.00	1.56	1.17
	FXNC	Tu	3/31/2020	6:51 AM	APG20TV01H	\$124.00	2.73	2.04
	FXNC	Tu	3/31/2020	2:51 PM	APG20TV01H	\$110.00	2.92	2.73
	FXNC	Tu	3/31/2020	6:42 PM	APG20TV01H	\$183.00	4.76	3.78
	FXNC	Tu	3/31/2020	8:49 PM	APG20TV01H	\$233.00	3.20	2.52
	FXNC	Tu	3/31/2020	10:42 PM	APG20TV01H	\$233.00	1.59	1.21
	FXNC	W	4/1/2020	6:50 AM	APG20TV01H	\$124.00	2.70	2.03
	FXNC	W	4/1/2020	11:50 AM	APG20TV01H	\$110.00	2.60	2.26
	FXNC	W	4/1/2020	6:40 PM	APG20TV01H	\$183.00	4.51	3.51
	FXNC	W	4/1/2020	8:46 PM	APG20TV01H	\$233.00	3.58	2.77
	FXNC	W	4/1/2020	9:51 PM	APG20TV01H	\$233.00	1.76	1.30

Weekly Tracking		Ordered Demo	Ordered Spots	Pulsed Spots	Pulsed HH	Pulsed Demo
3/30/2020	GRP's	20.82	15	14	41.37	32.63
Monthly Tracking						
	GRP's	20.82	15	14	41.37	32.63
	Difference					11.81

Ratio		156.72%
Points to 90%		0.00

Source: Nielsen National Overnight data allocated down to the market based on the markets wired and satellite population relative the national wired and satellite population. Demo ratings for regional networks are based on the pulsed to ordered GRP ratio of national networks applied to the ordered GRPs for the regional network.

AvailPro #:	0	Start Date:	3/23/2020	Total # of Weeks:	2
Order #:	62746562	End Date:	4/5/2020	Total Spots:	36
Syscode:	0725	Create Date:	3/23/2020	Total:	\$4,293.00
AE:	Collin Diederich	Update Date:	3/23/2020	Credit Status:	CIA
Sales Coord:	Erica Steinman	Client Code:	MT	Survey:	Oct19 DMA Nielsen Live+3
NCC Office:	Washington	Product Code:	03240401	Make Good Policy:	Approval Required
Market:	Great Falls	Product:	MT 3.24-4.1	Demo(s):	Adults 35+
Agency:	Red Eagle Media Group	Estimate Code:	11695	Geography:	ZONE
Advertiser:	American Prosperity Group			Pulsed Data Stream:	Live+SD
System Name:	Spectrum/Great Falls-Havre, MT				

Pulsed Date: 4/2/2020 2:31:38 PM

Week	Network	Day	Date	Time	Copy	Rate	HH	Demo
3/23/2020								
	FXNC	Tu	3/24/2020	5:19 AM	APG20TV01H	\$75.00	1.85	1.09
	FXNC	Tu	3/24/2020	9:48 PM	APG20TV01H	\$141.00	1.95	1.50
	FXNC	W	3/25/2020	5:51 AM	APG20TV01H	\$75.00	2.11	1.20
	FXNC	W	3/25/2020	5:51 PM	APG20TV01H	\$120.00	3.38	2.70
	FXNC	W	3/25/2020	10:20 PM	APG20TV01H	\$141.00	1.91	1.50
	FXNC	Th	3/26/2020	6:51 AM	APG20TV01H	\$75.00	2.58	2.13
	FXNC	Th	3/26/2020	5:48 PM	APG20TV01H	\$120.00	3.42	2.65
	FXNC	Th	3/26/2020	6:44 PM	APG20TV01H	\$120.00	4.56	3.67
	FXNC	Th	3/26/2020	9:52 PM	APG20TV01H	\$141.00	2.01	1.51
	FXNC	Th	3/26/2020	11:47 PM	APG20TV01H	\$141.00	1.11	0.82
	FXNC	F	3/27/2020	7:53 AM	APG20TV01H	\$75.00	2.69	2.25
	FXNC	F	3/27/2020	7:29 PM	APG20TV01H	\$141.00	4.44	3.62
	FXNC	F	3/27/2020	8:50 PM	APG20TV01H	\$141.00	3.35	2.72
	FXNC	F	3/27/2020	10:48 PM	APG20TV01H	\$141.00	1.25	0.96
	FXNC	Sa	3/28/2020	5:23 AM	APG20TV01H	\$75.00	1.67	0.96
	FXNC	Sa	3/28/2020	6:49 PM	APG20TV01H	\$120.00	3.54	2.90
	FXNC	Sa	3/28/2020	9:49 PM	APG20TV01H	\$141.00	1.80	1.41
	FXNC	Sa	3/28/2020	11:48 PM	APG20TV01H	\$141.00	0.88	0.63
	FXNC	Su	3/29/2020	8:51 AM	APG20TV01H	\$75.00	2.86	2.47
	FXNC	Su	3/29/2020	8:46 PM	APG20TV01H	\$141.00	1.76	1.44
	FXNC	Su	3/29/2020	9:46 PM	APG20TV01H	\$141.00	1.18	0.92

Weekly Tracking		Ordered Demo	Ordered Spots	Pulsed Spots	Pulsed HH	Pulsed Demo
3/23/2020	GRP's	41.88	24	21	50.30	39.06
Monthly Tracking						
	GRP's	41.88	24	21	50.30	39.06
	Difference					-2.82
	Ratio					93.27%
	Points to 90%					0.00

Source: Nielsen National Overnight data allocated down to the market based on the markets wired and satellite population relative the national wired and satellite population. Demo ratings for regional networks are based on the pulsed to ordered GRP ratio of national networks applied to the ordered GRPs for the regional network.

AvailPro #:	0	Start Date:	3/23/2020	Total # of Weeks:	2
Order #:	62746562	End Date:	4/5/2020	Total Spots:	36
Syscode:	0725	Create Date:	3/23/2020	Total:	\$4,293.00
AE:	Collin Diederich	Update Date:	3/23/2020	Credit Status:	CIA
Sales Coord:	Erica Steinman	Client Code:	MT	Survey:	Oct19 DMA Nielsen Live+3
NCC Office:	Washington	Product Code:	03240401	Make Good Policy:	Approval Required
Market:	Great Falls	Product:	MT 3.24-4.1	Demo(s):	Adults 35+
Agency:	Red Eagle Media Group	Estimate Code:	11695	Geography:	ZONE
Advertiser:	American Prosperity Group				
System Name:	Spectrum/Great Falls-Havre, MT				

Report Date: 4/22/2020 12:11:27 PM

Week	Network	Day	Date	Time	Copy	Rate
3/30/2020	Spot Count: 11					\$1,311.00
	FXNC	M	3/30/2020	5:48 AM	APG20TV01H	\$75.00
	FXNC	M	3/30/2020	6:40 PM	APG20TV01H	\$120.00
	FXNC	M	3/30/2020	7:51 PM	APG20TV01H	\$141.00
	FXNC	M	3/30/2020	10:13 PM	APG20TV01H	\$141.00
	FXNC	Tu	3/31/2020	5:21 AM	APG20TV01H	\$75.00
	FXNC	Tu	3/31/2020	6:42 PM	APG20TV01H	\$120.00
	FXNC	Tu	3/31/2020	8:25 PM	APG20TV01H	\$141.00
	FXNC	Tu	3/31/2020	10:42 PM	APG20TV01H	\$141.00
	FXNC	W	4/1/2020	5:51 AM	APG20TV01H	\$75.00
	FXNC	W	4/1/2020	8:46 PM	APG20TV01H	\$141.00
	FXNC	W	4/1/2020	11:48 PM	APG20TV01H	\$141.00

AvailPro #:	0	Start Date:	3/23/2020	Total # of Weeks:	2
Order #:	62746563	End Date:	4/5/2020	Total Spots:	35
Syscode:	0876	Create Date:	3/23/2020	Total:	\$3,152.00
AE:	Collin Diederich	Update Date:	3/23/2020	Credit Status:	CIA
Sales Coord:	Erica Steinman	Client Code:	MT	Survey:	Oct19 DMA Nielsen Live+3
NCC Office:	Washington	Product Code:	03240401	Make Good Policy:	Approval Required
Market:	Helena	Product:	MT 3.24-4.1	Demo(s):	Adults 35+
Agency:	Red Eagle Media Group	Estimate Code:	11695	Geography:	ZONE
Advertiser:	American Prosperity Group			Pulsed Data Stream:	Live+SD
System Name:	Spectrum/Helena, MT				

Pulsed Date: 4/2/2020 2:31:38 PM

Week	Network	Day	Date	Time	Copy	Rate	HH	Demo
3/23/2020								
	FXNC	Tu	3/24/2020	6:51 AM	APG20TV01H	\$61.00	3.10	2.55
	FXNC	Tu	3/24/2020	8:47 PM	APG20TV01H	\$109.00	3.94	3.10
	FXNC	Tu	3/24/2020	9:48 PM	APG20TV01H	\$109.00	2.25	1.72
	FXNC	W	3/25/2020	6:50 AM	APG20TV01H	\$61.00	3.23	2.61
	FXNC	W	3/25/2020	6:44 PM	APG20TV01H	\$78.00	5.19	4.10
	FXNC	W	3/25/2020	8:25 PM	APG20TV01H	\$109.00	4.97	4.06
	FXNC	W	3/25/2020	10:45 PM	APG20TV01H	\$109.00	1.75	1.34
	FXNC	Th	3/26/2020	7:52 AM	APG20TV01H	\$61.00	3.03	2.45
	FXNC	Th	3/26/2020	8:50 PM	APG20TV01H	\$109.00	3.90	3.06
	FXNC	Th	3/26/2020	10:50 PM	APG20TV01H	\$109.00	1.67	1.23
	FXNC	F	3/27/2020	8:51 AM	APG20TV01H	\$61.00	3.41	2.75
	FXNC	F	3/27/2020	8:48 PM	APG20TV01H	\$109.00	3.85	3.12
	FXNC	F	3/27/2020	10:49 PM	APG20TV01H	\$109.00	1.44	1.10
	FXNC	Sa	3/28/2020	5:23 AM	APG20TV01H	\$61.00	1.93	1.21
	FXNC	Sa	3/28/2020	4:52 PM	APG20TV01H	\$78.00	2.60	1.98
	FXNC	Sa	3/28/2020	5:53 PM	APG20TV01H	\$78.00	2.80	2.17
	FXNC	Sa	3/28/2020	8:48 PM	APG20TV01H	\$109.00	3.06	2.48
	FXNC	Sa	3/28/2020	11:48 PM	APG20TV01H	\$109.00	1.01	0.73
	FXNC	Su	3/29/2020	8:46 PM	APG20TV01H	\$109.00	2.03	1.65

Weekly Tracking		Ordered Demo	Ordered Spots	Pulsed Spots	Pulsed HH	Pulsed Demo
3/23/2020	GRP's	35.93	23	19	55.16	43.41
Monthly Tracking						
	GRP's	35.93	23	19	55.16	43.41
	Difference					7.48
	Ratio					120.82%
	Points to 90%					0.00

Source: Nielsen National Overnight data allocated down to the market based on the markets wired and satellite population relative the national wired and satellite population. Demo ratings for regional networks are based on the pulsed to ordered GRP ratio of national networks applied to the ordered GRPs for the regional network.

AvailPro #:	0	Start Date:	3/23/2020	Total # of Weeks:	2
Order #:	62746563	End Date:	4/5/2020	Total Spots:	35
Syscode:	0876	Create Date:	3/23/2020	Total:	\$3,152.00
AE:	Collin Diederich	Update Date:	3/23/2020	Credit Status:	CIA
Sales Coord:	Erica Steinman	Client Code:	MT	Survey:	Oct19 DMA Nielsen Live+3
NCC Office:	Washington	Product Code:	03240401	Make Good Policy:	Approval Required
Market:	Helena	Product:	MT 3.24-4.1	Demo(s):	Adults 35+
Agency:	Red Eagle Media Group	Estimate Code:	11695	Geography:	ZONE
Advertiser:	American Prosperity Group			Pulsed Data Stream:	Live+SD
System Name:	Spectrum/Helena, MT				

Pulsed Date: 4/9/2020 2:31:49 PM

Week	Network	Day	Date	Time	Copy	Rate	HH	Demo
3/30/2020								
	FXNC	M	3/30/2020	7:53 AM	APG20TV01H	\$61.00	3.19	2.62
	FXNC	M	3/30/2020	4:47 PM	APG20TV01H	\$78.00	4.05	3.11
	FXNC	M	3/30/2020	9:51 PM	APG20TV01H	\$109.00	2.33	1.84
	FXNC	M	3/30/2020	11:50 PM	APG20TV01H	\$109.00	1.32	0.98
	FXNC	Tu	3/31/2020	5:48 AM	APG20TV01H	\$61.00	2.48	1.57
	FXNC	Tu	3/31/2020	8:49 PM	APG20TV01H	\$109.00	3.74	3.01
	FXNC	Tu	3/31/2020	11:48 PM	APG20TV01H	\$109.00	1.38	1.03
	FXNC	W	4/1/2020	8:53 AM	APG20TV01H	\$61.00	3.40	2.77
	FXNC	W	4/1/2020	8:25 PM	APG20TV01H	\$109.00	4.76	3.80
	FXNC	W	4/1/2020	10:40 PM	APG20TV01H	\$109.00	1.79	1.37

Weekly Tracking		Ordered Demo	Ordered Spots	Pulsed Spots	Pulsed HH	Pulsed Demo
3/30/2020	GRP's	18.54	12	10	28.46	22.10
Monthly Tracking						
	GRP's	18.54	12	10	28.46	22.10
	Difference					3.56
	Ratio					119.20%
	Points to 90%					0.00

Source: Nielsen National Overnight data allocated down to the market based on the markets wired and satellite population relative the national wired and satellite population. Demo ratings for regional networks are based on the pulsed to ordered GRP ratio of national networks applied to the ordered GRPs for the regional network.

AvailPro #:	0	Start Date:	3/23/2020	Total # of Weeks:	2
Order #:	62746564	End Date:	4/5/2020	Total Spots:	44
Syscode:	8270	Create Date:	3/23/2020	Total:	\$9,500.00
AE:	Collin Diederich	Update Date:	3/23/2020	Credit Status:	CIA
Sales Coord:	Erica Steinman	Client Code:	MT	Survey:	Oct19 DMA Nielsen Live+3
NCC Office:	Washington	Product Code:	03240401	Make Good Policy:	Approval Required
Market:	Missoula	Product:	MT 3.24-4.1	Demo(s):	Adults 35+
Agency:	Red Eagle Media Group	Estimate Code:	11695	Geography:	ZONE
Advertiser:	American Prosperity Group				
System Name:	Spectrum/Missoula Interconnect, MT				

Report Date: 4/22/2020 12:23:26 PM

Week	Network	Day	Date	Time	Copy	Rate
3/23/2020					Spot Count: 24	\$5,210.00
	FXNC	Tu	3/24/2020	5:51 AM	APG20TV01H	\$155.00
	FXNC	Tu	3/24/2020	1:45 PM	APG20TV01H	\$130.00
	FXNC	Tu	3/24/2020	8:47 PM	APG20TV01H	\$281.00
	FXNC	Tu	3/24/2020	9:49 PM	APG20TV01H	\$281.00
	FXNC	W	3/25/2020	6:50 AM	APG20TV01H	\$155.00
	FXNC	W	3/25/2020	8:46 PM	APG20TV01H	\$281.00
	FXNC	W	3/25/2020	10:45 PM	APG20TV01H	\$281.00
	FXNC	Th	3/26/2020	8:52 AM	APG20TV01H	\$155.00
	FXNC	Th	3/26/2020	11:49 AM	APG20TV01H	\$130.00
	FXNC	Th	3/26/2020	5:48 PM	APG20TV01H	\$223.00
	FXNC	Th	3/26/2020	8:50 PM	APG20TV01H	\$281.00
	FXNC	Th	3/26/2020	10:50 PM	APG20TV01H	\$281.00
	FXNC	F	3/27/2020	6:51 AM	APG20TV01H	\$155.00
	FXNC	F	3/27/2020	1:46 PM	APG20TV01H	\$130.00
	FXNC	F	3/27/2020	6:42 PM	APG20TV01H	\$223.00
	FXNC	F	3/27/2020	8:49 PM	APG20TV01H	\$281.00
	FXNC	F	3/27/2020	9:49 PM	APG20TV01H	\$281.00
	FXNC	Sa	3/28/2020	6:51 AM	APG20TV01H	\$155.00
	FXNC	Sa	3/28/2020	6:50 PM	APG20TV01H	\$223.00
	FXNC	Sa	3/28/2020	8:48 PM	APG20TV01H	\$281.00
	FXNC	Sa	3/28/2020	10:50 PM	APG20TV01H	\$281.00
	FXNC	Su	3/29/2020	6:52 AM	APG20TV01H	\$155.00

FXNC	Su	3/29/2020	1:51 PM	APG20TV01H	\$130.00	
FXNC	Su	3/29/2020	8:46 PM	APG20TV01H	\$281.00	

AvailPro #:	0	Start Date:	3/23/2020	Total # of Weeks:	2
Order #:	62746564	End Date:	4/5/2020	Total Spots:	44
Syscode:	8270	Create Date:	3/23/2020	Total:	\$9,500.00
AE:	Collin Diederich	Update Date:	3/23/2020	Credit Status:	CIA
Sales Coord:	Erica Steinman	Client Code:	MT	Survey:	Oct19 DMA Nielsen Live+3
NCC Office:	Washington	Product Code:	03240401	Make Good Policy:	Approval Required
Market:	Missoula	Product:	MT 3.24-4.1	Demo(s):	Adults 35+
Agency:	Red Eagle Media Group	Estimate Code:	11695	Geography:	ZONE
Advertiser:	American Prosperity Group				
System Name:	Spectrum/Missoula Interconnect, MT				

Report Date: 4/22/2020 12:25:03 PM

Week	Network	Day	Date	Time	Copy	Rate
3/30/2020	Spot Count: 13					\$2,764.00
	FXNC	M	3/30/2020	1:42 PM	APG20TV01H	\$130.00
	FXNC	M	3/30/2020	4:47 PM	APG20TV01H	\$223.00
	FXNC	M	3/30/2020	8:48 PM	APG20TV01H	\$281.00
	FXNC	M	3/30/2020	10:39 PM	APG20TV01H	\$281.00
	FXNC	Tu	3/31/2020	6:51 AM	APG20TV01H	\$155.00
	FXNC	Tu	3/31/2020	11:50 AM	APG20TV01H	\$130.00
	FXNC	Tu	3/31/2020	8:49 PM	APG20TV01H	\$281.00
	FXNC	Tu	3/31/2020	10:42 PM	APG20TV01H	\$281.00
	FXNC	W	4/1/2020	6:50 AM	APG20TV01H	\$155.00
	FXNC	W	4/1/2020	8:54 AM	APG20TV01H	\$155.00
	FXNC	W	4/1/2020	2:47 PM	APG20TV01H	\$130.00
	FXNC	W	4/1/2020	8:46 PM	APG20TV01H	\$281.00
	FXNC	W	4/1/2020	10:40 PM	APG20TV01H	\$281.00