

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Zabawa v. North Fund No. COPP 2020-CFP-043	FINDING OF SUFFICIENT FACTS TO SUPPORT A CAMPAIGN PRACTICE ACT VIOLATION
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On October 8, 2020, Steve Zabawa of Billings, MT, filed a campaign practices complaint against North Fund, a registered political committee. The complaint alleges that North Fund improperly registered with the COPP as an incidental political committee when it actually qualifies as an independent committee, and that North Fund has failed to disclose contributions received as required of independent committees.

SUBSTANTIVE ISSUES ADDRESSED

Classification and reporting requirements for political committees.

FINDINGS OF FACT

The foundational facts necessary for this Decision are as follows:

Finding of Fact No. 1: North Fund filed a C-2 Statement of Organization as an incidental political committee with the COPP on March 2, 2020. This Statement of Organization was most recently amended on September 30, 2020, and lists the Purpose of the Committee as support for “New Approach Montana, CI-118 and I-190”. (Commissioner’s Records.)

Finding of Fact No. 1A: New Approach Montana is a registered ballot issue committee in the State of Montana that supports “Ballot initiative to legalize recreational marijuana”. (Commissioner’s Records.)

Finding of Fact No. 1B: Constitutional Initiative No. 118 (CI-118) was submitted to Montana’s Secretary of State’s office by New Approach Montana.¹ The Initiative would amend the Montana Constitution to allow for the establishment of a “legal age for purchasing, consuming, or possessing marijuana” and on August 13, 2020 was certified to appear on Montana’s November 3, 2020, General election ballot². (Commissioner’s Records.)

Finding of Fact No. 1C: Initiative No. 190 (I-190) was submitted to Montana’s Secretary of State’s office by New Approach Montana.³ The Initiative would “legalize the possession and use of limited amounts of marijuana for adults over the age of 21” and on August 13, 2020 was certified to appear on Montana’s November 3, 2020, General election ballot. (Commissioner’s Records.)

Finding of Fact No. 2: On March 30, 2020, North Fund timely filed an initial C-4 incidental finance report, dated March 2, 2020, through March 25, 2020. This report disclosed North Fund as making two (2) monetary contributions to New Approach Montana, totaling \$82,000.00. North Fund did not disclose receiving any contributions itself on this report. This report was most recently amended on September 30, 2020. (Commissioner’s Records.)

Finding of Fact No. 2A: On its C-6 committee finance report dated October 2, 2019, through March 26, 2020, New Approach Montana reported receiving two (2) monetary contributions from North Fund, totaling \$82,000.00. (Commissioner’s Records.)

Finding of Fact No. 3: On April 30, 2020, North Fund timely filed a periodic C-4 incidental finance report, dated March 26, 2020, through April 25, 2020. This report disclosed North Fund as making two (2) monetary contributions to New Approach Montana, totaling \$315,000.00. North Fund did not disclose receiving any contributions itself on this report. This report was most recently amended on September 30, 2020. (Commissioner’s Records.)

Finding of Fact No. 3A: On its C-6 committee finance report dated March 27, 2020, through April 25, 2020, New Approach Montana reported receiving two (2) monetary contributions from North Fund, totaling \$315,000.00. (Commissioner’s Records.)

¹ <https://sosmt.gov/wp-content/uploads/CI-118.pdf>

² https://billingsgazette.com/news/state-and-regional/govt-and-politics/marijuana-legalization-measure-to-appear-on-november-ballot/article_0bda53f4-0d89-516f-8c6e-eb1bdf1f6d8e.html

³ <https://sosmt.gov/wp-content/uploads/I-190.pdf>

Finding of Fact No. 4: On May 28, 2020, North Fund timely filed a periodic C-4 incidental finance report, dated April 26, 2020, through May 25, 2020. This report disclosed North Fund as making two (2) monetary contributions to New Approach Montana, totaling \$320,000.00. North Fund did not disclose receiving any contributions itself on this report. (Commissioner's Records.)

Finding of Fact No. 4A: On its C-6 committee finance report dated April 26, 2020, through May 24, 2020, New Approach Montana reported receiving two (2) monetary contributions from North Fund, totaling \$320,000.00. (Commissioner's Records.)

Finding of Fact No. 5: On June 30, 2020, North Fund timely filed a periodic C-4 incidental finance report, dated May 26, 2020, through June 25, 2020. This report disclosed North Fund as making three (3) monetary contributions to New Approach Montana, totaling \$525,000.00, as well as one (1) expenditure of \$7,095.00 to an entity named Trilogy Interactive for "Web development and digital services supporting New Approach Montana". North Fund did not disclose receiving any contributions itself on this report. This report was most recently amended on September 30, 2020. (Commissioner's Records.)

Finding of Fact No. 5A: On its C-6 committee finance report dated May 25, 2020, through June 25, 2020, New Approach Montana reported receiving three (3) monetary contributions from North Fund, totaling \$525,000.00 as well as one in-kind contribution \$7,095.00 for "web development and digital services supporting New Approach Montana". (Commissioner's Records.)

Finding of Fact No. 6: On August 28, 2020, North Fund timely filed a periodic C-4 incidental finance report, dated June 26, 2020, through August 25, 2020. This report disclosed North Fund as making two (2) monetary contributions to New Approach Montana, totaling \$1,600,000.00, as well as three (3) additional expenditures: one (1) of \$85,000.00 to an entity named Civis Analytics, Inc. for "Issue data analytics research supporting New Approach Montana", one (1) of \$12,000.00 to an entity named Hilltop Public Solutions for "Constituency organizing consulting supporting New Approach Montana", and one (1) of \$175.00 for "Website design & development supporting New Approach Montana". North Fund did not disclose receiving any contributions itself on this report. This report was most recently amended on September 30, 2020. (Commissioner's Records.)

Finding of Fact No. 6A: On its C-6 committee finance report dated June 26, 2020, through August 25, 2020, New Approach Montana reported receiving two (2) monetary contributions from North Fund, totaling \$1,600,000.00. The committee also reported receiving in-kind contributions from North Fund in the amount of \$85,000.00 for “Issue data analytics research”, \$12,000.00 for “Constituency organizing consulting”, and \$175.00 for “Website design & development”. (Commissioner’s Records.)

Finding of Fact No. 7: On September 30, 2020, North Fund timely filed a periodic C-4 incidental finance report, dated August 26, 2020 through September 25, 2020. This report disclosed North Fund as making two (2) monetary contributions to New Approach Montana, totaling \$1,758,000.00, as well as three (3) additional expenditures: one (1) of \$15,000.00 to an entity named Civis Analytics, Inc. for “Public opinion research into voters opinions about CI-118 and I-190 supporting New Approach Montana”, one (1) of \$78,250.00 to an entity named Fairbank, Maslin, Maulin, Metz & Associates (FM3 Research) for “Public opinion research into voters opinions about CI-118 and I-190 supporting New Approach Montana” and one (1) of \$12,000 to an entity named Hilltop Public Solutions for “Constituency organizing consulting supporting New Approach Montana”. North Fund did not disclose receiving any contributions itself on this report. (Commissioner’s Records.)

Finding of Fact No. 7A: On its C-6 committee finance report dated August 26, 2020, through September 25, 2020, New Approach Montana reported receiving two (2) monetary contributions from North Fund, totaling \$1,758,000.00. The committee also reported receiving in-kind contributions from North Fund in the amount of \$12,000.00 for “Constituency organizing consulting”, \$78,250.00 for “Public opinion research into voters opinions about CI-118 and I-190”, and \$15,000.00 for “Public opinion research about voters’ opinions about CI-118 and I-190”. (Commissioner’s Records.)

Finding of Fact No. 8: On October 30, 2020, North Fund timely filed a periodic C-4 incidental finance report, dated September 26, 2020, through October 25, 2020. This report disclosed North Fund as making four (4) expenditures: two (2) to an entity named Breakthrough Campaigns for “Public opinion research into voter opinions about CI-118 and I-190 supporting New Approach Montana”, of \$29,000.00 and \$40,000.00; one (1) to an entity named Fairbank, Maslin, Maulin, Metz & Associates (FM3 Research) for “Public opinion research into voters opinions about CI-118 and I-190 supporting New Approach Montana” at \$49,000.00; and one (1) to an entity named Hilltop Public

Solutions, LLC for “Constituency organizing consulting supporting New Approach Montana” at \$12,000.00. North Fund did not disclose receiving any contributions itself on this report. (Commissioner’s Records.)

Finding of Fact No. 8A: On its C-6 committee finance report dated September 26, 2020, through October 24, 2020, New Approach Montana reported receiving in-kind contributions from North Fund in the amount of \$40,000.00 for “Public opinion research into voters opinions about C-118 and I-190”, \$49,000.00 for “Public opinion research into voters opinions about CI-118 and I-190”, \$29,000.00 for “Public opinion research into voters opinions about CI-118 and I-190”, and \$12,000.00 for “Constituency organizing consulting”. (Commissioner’s Records.)

Finding of Fact No. 9: On October 30, 2020, North Fund filed a C-7E Notice of Pre-Election Expenditures, dated October 28, 2020, through October 29, 2020. The C-7E disclosed North Fund as making one (1) monetary contribution to New Approach Montana, totaling \$127,500.00. (Commissioner’s Records.)

Finding of Fact No. 10: On September 11, 2020, Commissioner Mangan sent a letter to North Fund reclassifying them from an incidental committee to an independent committee. “As such, North Fund is required to disclose all contributors, including information required by Mont. Code Ann. § 13-37-229” the letter states, and North Fund was provided until September 30, 2020, to do so. The Commissioner provided the committee the same September 30, 2020, deadline to request a reconsideration of the committee reclassification (see Exhibit A). (Commissioner’s Records.)

Finding of Fact No. 11: On September 30, 2020, North Fund (through the Nossaman LLP and Gallik, Bremer & Molloy, P.C. law firms) responded to Commissioner Mangan’s September 11 committee reclassification letter. This response argued that North Fund should be classified as an incidental committee because it was not established “with a purpose of focusing on any specific state or policy proposal...North Fund expects that 10% or less of its 2020 expenditures will be attributable to supporting Montana ballot issues”. The response ends by stating “In sum, North Fund’s organizational purpose and allocation of resources clearly demonstrate that it is not specifically organized or operating for the primary purpose of supporting any single issue, and certainly not ballot issues or candidates in the State of Montana” (see Exhibit B). (Commissioner’s Records.)

Finding of Fact No. 12: On October 6, 2020, Commissioner Mangan sent a second letter to North Fund, this in response to its September 30 request for reconsideration of committee classification. This letter requested additional information from North Fund and provided a deadline of October 20, 2020 for the committee to comply (see Exhibit C). (Commissioner's Records.)

Finding of Fact No. 13: On October 23, 2020, North Fund (again through the Nossaman LLP and Gallik, Bremer & Molloy, P.C. law firms) emailed its response to this complaint to the COPP. The response stated that "We incorporate by reference our letters dated September 30 and October 23, 2020. For the same reasons set forth in those letters and attachments, North Fund is an incidental committee. We therefore request that your office dismiss the complaint without taking further action".

Included with this complaint response was also a response to the COPP's October 6, 2020 letter. This correspondence again argued that North Fund would properly be classified an incidental committee under Montana campaign finance law. North Fund argued this position by stating:

- "North Fund has made \$4,709,520 in contributions to a Montana ballot issue committee in 2020" (New Approach Montana), and projected this as less than 10% of North Fund's total 2020 expenditure activity;
- "North Fund's expenditures on ballot measures in all states through August 31, 2020 is \$7,277,490", 30% of the group's total 2020 expenditure activity;
- In addition to its Montana contributions, North Fund has made financial contributions to ballot committees in Missouri, Colorado, Arkansas, and Ohio since the group's inception. The response specifically mentioned contributions of \$3.1 million to a 2020 issue committee in the State of Colorado and \$2,555,000 to a 2020 issue committee in the State of Missouri;
- "North Fund does not make independent expenditures or any other contributions candidates, parties, or committees at the federal level"; and
- "A political committee must have as its primary purpose influencing Montana candidates or ballot issues in order to qualify as an Independent Committee. Any activity by an

organization outside of the State of Montana is irrelevant for political committee status determination” in Montana.

(Commissioner’s Records.)

Finding of Fact No. 14: On November 30, 2020, North Fund filed its closing C-4 finance report, dated October 25, 2020 through November 30, 2020. This report did not disclose any contributions received or expenditures made by North Fund that had not already been reported. (Commissioner’s Records.)

Finding of Fact No. 15: In election year 2020, North Fund made a non-monetary contribution valued at \$85,000.00 to Arkansas Voters First, a political organization who supported Arkansas Issue 4, a 2020 ballot measure in the State of Arkansas to create a Citizens’ Redistricting Commission.⁴ (Commissioner’s Records.)

Finding of Fact No. 16: In election year 2020, North Fund made financial contributions totaling \$750,000.00 to Protect Colorado’s Recovery, a political organization opposing Propositions 116 (“State Income Tax Reduction”) and 117 (Voter Approval Requirement for Creation of Certain Fee-Based Enterprises), 2020 ballot measures on the General election ballot in the State of Colorado (see <https://tracer.sos.colorado.gov/CampaignFinance/Filings/Schedules/ViewContributionSchedule.aspx?FilingID=308589>).⁵ Protect Colorado’s Recovery registered as an Issue Committee with the Colorado Secretary of State’s office on September 3, 2020. (Colorado Secretary of State.)

Finding of Fact No. 17: In election year 2020, North Fund made financial contributions totaling \$4,400,000.00 to Colorado Families First, a political organization supporting Proposition 118 (“Paid Family and Medical Leave Insurance Program”), a 2020 ballot measure on the General election ballot in the State of Colorado (see <https://tracer.sos.colorado.gov/CampaignFinance/Filings/Schedules/ViewContributionSchedule.aspx?FilingID=298558>).⁶ Colorado Families First Registered with the Colorado Secretary of State’s office as an Issue Committee on January 21, 2020. (Colorado Secretary of State.)

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[https://ballotpedia.org/Arkansas_Issue_4_Redistricting_Commission_Amendment_\(2020\)](https://ballotpedia.org/Arkansas_Issue_4_Redistricting_Commission_Amendment_(2020))

⁵ <https://www.followthemoney.org/entity-details?eid=48163345&default=contributor>;
<https://www.followthemoney.org/entity-details?eid=50861354>;

⁶ <https://www.followthemoney.org/entity-details?eid=48163345&default=contributor>;
<https://www.followthemoney.org/entity-details?eid=50871683>

Finding of Fact No. 18: In election year 2020, North Fund made financial contributions totaling \$1,350,000.00 to Abortion Access for All, a political organization opposing Proposition 115 (“Prohibition on Late-Term Abortions”), a 2020 ballot measure on the General election ballot in the State of Colorado (see <https://tracer.sos.colorado.gov/CampaignFinance/Filings/Schedules/ViewContributionSchedule.aspx?FilingID=300913>).⁷

Abortion Access for All registered with the Colorado Secretary of State’s office as an Issue Committee on October 15, 2019. (Colorado Secretary of State.)

Finding of Fact No. 19: In election year 2020, North Fund made financial contributions totaling \$250,000.00 to Yes on National Popular Vote, a registered Issue Committee supporting Proposition 113 (the National Popular Vote Interstate Compact), a 2020 ballot measure on the General election ballot in the State of Colorado (see <https://tracer.sos.colorado.gov/CampaignFinance/Filings/Schedules/ViewContributionSchedule.aspx?FilingID=300901>).⁸ Yes for National Popular Vote registered with the Colorado Secretary of State’s office as an Issue Committee on July 21, 2020. (Colorado Secretary of State.)

Finding of Fact No. 20: In election year 2020, North Fund made financial contributions totaling \$1,162,500.00 to Clean Missouri, a registered Campaign Committee opposing Amendment 003 (“Redistricting Process and Criteria, Lobbying, and Campaign Finance Amendment”), a 2020 legislatively proposed constitutional amendment on the General election ballot in the State of Missouri (see

<https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKgi8cDcdGFsgJsm99XwPL2G5W8g480CyXdsEnea4uPckFD1%2bUX%2f%2bckuTpaHwIfm6DRcM5fz6MVwuEHUhRyt6XI>).⁹ Clean Missouri registered as a Campaign Committee with the Missouri Ethics Commission on May 29, 2020. (Missouri Ethics Commission.)

Finding of Fact No. 21: In election year 2020, North Fund made financial and in-kind contributions totaling \$2,162,000.00 to

⁷ <https://www.followthemoney.org/entity-details?eid=48163345&default=contributor>;
<https://www.followthemoney.org/entity-details?eid=50224555>

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[https://ballotpedia.org/Colorado_Proposition_113,_National_Popular_Vote_Interstate_Compact_Referendum_\(2020\)](https://ballotpedia.org/Colorado_Proposition_113,_National_Popular_Vote_Interstate_Compact_Referendum_(2020))

⁹ <https://www.followthemoney.org/entity-details?eid=48163345&default=contributor>;
<https://www.followthemoney.org/entity-details?eid=45521889>;
[https://ballotpedia.org/Missouri_Amendment_3,_Redistricting_Process_and_Criteria,_Lobbying,_and_Campaign_Finance_Amendment_\(2020\)](https://ballotpedia.org/Missouri_Amendment_3,_Redistricting_Process_and_Criteria,_Lobbying,_and_Campaign_Finance_Amendment_(2020))

Missourians for Healthcare, a registered Campaign Committee supporting Amendment 002 (“Expansion of Medicaid Eligibility”), a 2020 initiated constitutional amendment on the Primary election ballot in the State of Missouri (see https://www.mec.mo.gov/MEC/Campaign_Finance/CommInfo.aspx?MECID=C190918).¹⁰ Missourians for Healthcare reported refunding North Fund \$141,630.00 (see <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKgl8cDcdGFsgJsm99XwPL2GVZcYClMQmOftay0K8D6wiyvhsNUNPuUsSas0sHvn4vWqnOvxfQp5oDFuub34sAym>). Missourians for Healthcare registered as a Campaign Committee with the Missouri Ethics Commission on July 26, 2019. (Missouri Ethics Commission.)

Finding of Fact No. 22: For election year 2020, North Fund made financial contributions totaling \$37,800.00¹¹ to Vote 2020, a registered Campaign Committee supporting Vote 2020, (see <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKgl8cDcdGFsgJsm99XwPL2G83v4kecipvyJ4oD8WehbeV35vGjqjDXhtbXaOd5DANShEJkJIn%2ffNWWulRefJZBK>). Vote 2020 registered as a Campaign Committee with the Missouri Ethics Commission on May 30, 2019¹². (Missouri Ethics Commission.)

Finding of Fact No. 23: In election year 2020, North Fund made financial contributions totaling \$2,000,000.00 to Ohioans for Raising the Wage, a political organization supporting a 2020 proposed constitutional amendment in the State of Ohio (see <https://www6.ohiosos.gov/ords/f?p=CFDISCLOSURE:30::NO:RP::>).¹³ (Ohio Secretary of State.)

Finding of Fact No. 24: On December 16, 2020, James P. Molloy of Gallik, Bremer & Molloy, P.C. emailed the COPP a copy of North Fund’s Form 990 for 2019. According to the 990, North Fund had \$1,862,416.00 in total expenditures for calendar year 2019, including two (2) grants or other assistance provided to Organizations, Governments, and Individuals in the United States:

¹⁰ <https://www.followthemoney.org/entity-details?eid=48163345&default=contributor>; <https://www.followthemoney.org/entity-details?eid=50430821>; [https://ballotpedia.org/Missouri_Amendment_2,_Medicaid_Expansion_Initiative_\(August_2020\)](https://ballotpedia.org/Missouri_Amendment_2,_Medicaid_Expansion_Initiative_(August_2020))

¹¹ Vote 2020 reported in-kind contributions of \$10,000.00 on 11/20/2019, \$11,00.00 on 12/23/2109, and \$16,800.00 on 2/7/20.

¹² Vote 2020 amended its Statement of Committee Organization on 11/29/20 to change its name to Secure the Vote.

¹³ [https://ballotpedia.org/Ohio_Minimum_Wage_Increase_Initiative_\(2020\)#Opposition](https://ballotpedia.org/Ohio_Minimum_Wage_Increase_Initiative_(2020)#Opposition)

\$500,000.00 to Coloradans for Prosperity and \$500,000.00 to Missourians for Healthcare. (Commissioner's Records.)

Finding of Fact No. 25: Coloradans for Prosperity registered as an Issue Committee supporting Proposition CC, a 2019 ballot measure on the ballot in the State of Colorado.¹⁴ According to committee finance reports filed by Coloradans for Prosperity, North Fund made financial contributions totaling \$500,000.00 to the committee and an additional \$17,000.00 in non-monetary contributions (see <https://tracer.sos.colorado.gov/CampaignFinance/Filings/Schedules/ViewContributionSchedule.aspx?FilingID=276950> and <https://tracer.sos.colorado.gov/CampaignFinance/Filings/Schedules/ViewContributionSchedule.aspx?FilingID=276949>). (Colorado Secretary of State.)

Finding of Fact No. 26: Missourians for Healthcare registered with the Missouri Ethics Commission as a Campaign Committee on July 26, 2019 supporting Amendment 002. On finance reports filed with the Missouri Ethics Commission, Missourians for Healthcare reported receiving a financial contribution of \$500,000.00 from North Fund in election year 2019, dated September 10, 2019 (see <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKgl8cDcdGFsgJsm99XwPL2G3NZzx3%2fg51ZJZZnhpdn%2ba4XqgRHUtD%2bQSUWaj0Dwdm28LpenLN2xmfS7xEBfJugf>). (Missouri Ethics Commission.)

DISCUSSION

The complaint alleges that North Fund incorrectly registered with the COPP as an incidental political committee, when in reality the group qualifies as an independent committee. The complainant argues that North Fund should be re-classified as an independent political committee and disclose its contributors.

In the October 23 response, the North Fund did provide its Articles of Incorporation in which its purpose is described as “promoting social welfare,

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[https://ballotpedia.org/Colorado_Proposition_CC,_Retain_Revenue_for_Transportation_and_Education_TABOR_Measure_\(2019\)](https://ballotpedia.org/Colorado_Proposition_CC,_Retain_Revenue_for_Transportation_and_Education_TABOR_Measure_(2019))

including, but not limited to, providing public education on and conducting advocacy regarding progressive policies” (Exhibit A). Additionally, North Fund responded that 70% of its \$25,145,975 [to date] expenditures in 2020 were unrelated to any election. The North Fund contends only the committee’s Montana related expenditures are relevant in determining committee classification. Finally, the North Fund asserts the COPP has classified similar organizations as incidental committees.

North Fund filed as an incidental political committee with the COPP on March 2, 2020 (FOF No. 1). The Commissioner reclassified the North Fund as an independent committee on September 11, 2020, and the committee requested the Commissioner reconsider the decision to reclassify on September 30, 2020 (FOF No. 10).

Committee Classification

In this matter, the Commissioner examines North Fund’s classification. Each committee is defined by Montana campaign finance law- an incidental committee “means a political committee that is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues but that may incidentally become a political committee by receiving a contribution or making an expenditure”, §13-1-101(23)(a), MCA. 44.11.202(6), ARM, adds that:

An incidental committee is a political committee that does not have the primary purpose of supporting or opposing candidates or ballot issues. Incidental committee reportable election activity may consist of:

(a) making one or more expenditures;

- (b) accepting one or more designated contributions; or
- (c) accepting one or more contributions in response to an appeal.

Incidental committees are not required to disclose their contributors¹⁵ on finance reports filed with the COPP.

An independent committee, by contrast,

“means a political committee organized for the primary purpose of receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant to the limits set forth in 13-37-216(1)”, §13-1-101(24), MCA. 44.11.202(7), ARM, adds that:

An independent committee is a political committee that has the primary purpose of supporting or opposing candidates or ballot issues but is neither a ballot issue nor a political party political committee. Independent committee reportable election activity may consist of:

- (a) making one or more expenditures;
- (b) accepting one or more contributions.

Unlike incidental committees, independent political committees are required to disclose contributions received.

North Fund registered with the COPP as an incidental committee, a classification it maintains is accurate. In correspondence with the COPP, including in response to this complaint, North Fund contends it meets the

¹⁵ Incidental committees are required to report designated (earmarked) contributions

State of Montana incidental committee classification requirements. The Commissioner examines these contentions.

Primary Purpose

North Fund contends that its “primary purpose” is not the support of Montana candidates or ballot issues up for election. “Just 10% of North Fund’s 2020 expenditures have been made to a Montana ballot committee” the group’s October 23 letter to the COPP states, “while 70% of North Fund’s expenditures were for activities unrelated to elections in any state or jurisdiction. Therefore, election-related activity is not North Fund’s “major, principal or important goal, function, or reason for existence” either in Montana or nationally. North Fund stated that it had made \$4,709,520.00 in contributions to “a Montana ballot issue committee” in 2020 as of October 23, but that North Funds’ total 2020 expenditures were \$25,145,975.00. The COPP requested additional information from North Fund (Exhibit B) to further examine the committee’s classification. While North Fund claims that 70% of its expenditure activities are not election related, the committee has not provided any information, documentation, or disclosure affirming this claim. North Fund has not fully described or provided expenditure totals for any non-election expenditure activities. While North Fund notes that “non-election spending includes support provided to 44 unique national or state organizations across the country” none of these organizations are named, nor is North Fund’s level of financial support to any of the organizations provided.

44.11.203(1), Administrative Rules of Montana, defines the term “primary purpose” for committee classification purposes as “the major, principal, or important goal, function, or reason for existence of a political committee”. In determining primary purpose, the Commissioner may consider a variety of factors, each of which is laid out under 44.11.203(2) and (3), ARM.

One factor the Commissioner may consider when determining a committee’s “primary purpose” is “the number and cost of reportable election expenditures made”, 44.11.203(3)(d), ARM (emphasis added). As of November 3, 2020, the date of Montana’s General election, North Fund had reported making twenty-five election expenditures in Montana, at a total cost of \$5,067,020.00 (FOF Nos. 2-9). Of these, fourteen represent direct monetary contributions to a Montana ballot issue, New Approach Montana, totaling \$4,727,500.00 (Table 1); the other eleven reported expenditures, a total of \$339,520.00, were payments made to third-party vendors for activities meant to directly support New Approach Montana (Table 2) (FOF Nos. 2-9).

Table 1: Direct monetary contributions made by North Fund to New Approach Montana as reported on North Fund’s C-4 finance reports.

Date of Contribution	Amount
02/19/2020	\$62,000.00
01/24/2020	\$20,000.00
04/17/2020	\$15,000.00
04/23/2020	\$300,000.00
05/19/2020	\$160,000.00
05/11/2020	\$160,000.00
06/19/2020	\$300,000.00
06/04/2020	\$100,000.00
05/29/2020	\$125,000.00
08/11/2020	\$1,400,000.00
08/20/2020	\$200,000.00
09/12/2020	\$500,000.00

09/25/2020	\$1,258,000.00
10/29/2020	\$127,500.00
	\$4,727,500.00

Table 2: Expenditures made by North Fund in support of New Approach Montana as reported on North Fund’s C-4 finance reports.

Entity	Date	Purpose	Amount
Trilogy Interactive	06/23/2020	Web development and digital services supporting New Approach Montana.	\$7,095.00
Civis Analytics, Inc.	07/30/2020	Issue data analytics research supporting New Approach Montana	\$85,000.00
Hilltop Public Solutions	08/25/2020	Constituency organizing consulting supporting New Approach Montana	\$12,000.00
Trilogy Interactive	07/28/2020	Website design & development supporting New Approach Montana	\$175.00
Civis Analytics, Inc.	09/21/2020	Public opinion research into voters opinions about CI-118 and I-190 supporting New Approach Montana	\$15,000.00
Fairbank, Maslin, Maulin, Metz & Associates (FM3 Research)	09/23/2020	Public opinion research into voters opinions about CI-118 and I-190 supporting New Approach Montana	\$78,250.00
Hilltop Public Solutions, LLC	09/23/2020	Constituency organizing consulting supporting New Approach Montana	\$12,000.00
Breakthrough Campaigns	10/08/2020	Public opinion research into voters opinions about CI-118 and I-190 supporting New Approach Montana	\$29,000.00
Breakthrough Campaigns	10/25/2020	Public opinion research into voters opinions about CI-118 and I-190 supporting New Approach Montana	\$40,000.00
Fairbank, Maslin, Maulin, Metz & Associates (FM3 Research)	10/21/2020	Public opinion research into voters opinions about CI-118 and I-190 supporting New Approach Montana	\$49,000.00
Hilltop Public Solutions, LLC	10/07/2020	Constituency organizing consulting supporting New Approach Montana	\$12,000.00
			\$339,520.00

Other considerations the Commissioner may examine when determining a committee’s “primary purpose” is its “allocation and source of budget” and “allocation of staff or member’s activity”, 44.11.203(2)(a)(b), ARM. Having

registered as an incidental political committee, North Fund has not disclosed any contributors or provided any information to the COPP about the source of its funds. In its correspondences with the COPP, North Fund has also not provided any specific expenditure information for non-election or non-ballot issue activities the group has engaged in as requested. North Fund has not provided any documentation or information regarding allocation of staff or members. No information was provided to explain, describe, or disclose what specific activities staff or members undertake. North Fund has disclosed making expenditures in the amount of \$5,067,020.00 in support of a Montana ballot issue committee (New Approach Montana).

Based on the information North Fund has provided to the COPP regarding its classification status, its Montana election expenditure total exceeds the amount spent on any other single issue or for any other singular purpose in 2020. North Fund reported spending \$4,727,500.00 in direct contributions to a ballot issue committee in Montana (Table 1).

Similarly, the Commissioner may also consider whether a political committee has coordinated with any candidates or other committees when determining the primary purpose, 44.11.203(3)(e), ARM. Of North Fund's eleven expenditure activities totaling \$339,520.00 that do not represent direct monetary contributions to New Approach Montana, all were reported as in-kind contributions received by the New Approach Montana ballot issue committee (FOF Nos. 5A, 6A, 7A, 8A)(Table 2). Under §13-1-101(9)(a)(ii), MCA and 44.11.602, ARM, these activities would not have qualified as contributions

provided to New Approach Montana, nor would that committee have been under any obligation to report them as such, had the activity been carried out independently by North Fund. By reporting them as in-kind contributions received, New Approach Montana has indicated that North Fund has coordinated each of these expenditures with the ballot issue committee. In its correspondence with the COPP, North Fund has provided no argument or evidence to dispute the idea that the group coordinated these reportable expenditure activities with New Approach Montana.

In its response, North Fund also stated it contributed to ballot issues in the amount of \$3,100,000.00 in the State of Colorado and \$2,550,000.00 in the State of Missouri (FOF No. 13). In investigating this matter, the COPP found additional 2020 election and ballot issue related expenditures made by North Fund in the States of Colorado, Missouri, Arkansas, and Ohio. In Colorado, North Fund contributed: \$750,000.00 to Protect Colorado's Recovery, an organization opposing Proposition 116 and 117, 2020 ballot measures (FOF No. 16); \$4,400,000.00 to Colorado Families First supporting Proposition 118, a 2020 ballot measure (FOF No. 17); \$1,350,000.00 to Abortion Access for All, opposing Proposition 115, a 2020 ballot measure (FOF No. 18); and \$250,000.00 to Yes on National Popular Vote, an issue committee supporting Proposition 113, a 2020 ballot measure (FOF No. 19). In Missouri, North Fund contributed: \$1,162,500.00 to Clean Missouri, opposing Amendment 003, a 2020 ballot measure (FOF No. 20); \$2,162,000.00 to Missourians for Healthcare, in support of Amendment 002, a 2020 ballot measure (FOF No.

21); and \$37,800.00 to Vote 2020, a 2020 ballot measure (FOF No. 22). In Arkansas, North Fund made a non-monetary contribution valued at \$85,000.00¹⁶ to Arkansas Voters First supporting Arkansas Issue 4, a 2020 ballot measure (FOF No. 15). In Ohio, North Fund contributed \$2,000,000.00 to Ohioans for Raising the Wage, a 2020 constitutional ballot measure (FOF No. 23). In total, including the committee’s Montana contributions to New Approach Montana, North Fund expended approximately \$17,264,320.00 (Table 3) to nine organizations for eleven 2020 ballot measures across these five states.

Table 3: Expenditures and financial contributions made by North Fund to organizations or entities supporting or opposing ballot measures or other issues up for election in 2020

Filer	State	Election Year	Amount Expended or Contributed by North Fund
New Approach Montana	MT	2020	\$5,067,020.00
Protect Colorado’s Recovery	CO	2020	\$750,000.00
Colorado Families First	CO	2020	\$4,400,000.00
Abortion Access for All	CO	2020	\$1,350,000.00
Yes on National Popular Vote	CO	2020	\$250,000.00
Clean Missouri	MO	2020	\$1,162,500.00
Missourians for Healthcare	MO	2020	\$2,162,000.00 ¹⁷
Vote 2020	MO	2020	\$37,800.00
Arkansas Voters First	AR	2020	\$85,000.00
Ohioans for Raising the Wage	OH	2020	\$2,000,000.00

¹⁶ Described as ‘Research’

¹⁷ Missourians for Healthcare later reimbursed North Fund \$141,630.00

			\$17,264,320.00
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In a review of North Fund’s 2019 IRS Form 990 (Exhibit C), North Fund reported expenditures in the amount of \$1,862,416.00 that year, including reported contributions of \$500,000.00 each to Missourians for Health Care and Coloradans for Prosperity (FOF No. 24). No other organization, election related or otherwise, was reported on the document. Missourians for Healthcare filed as a campaign committee with the Missouri Ethics Commission on July 26, 2019, in “Support of an 8/4/2020 Ballot Measure, Medicaid Expansion” (FOF No. 26). Missourians for Healthcare’s committee disclosure report dated 10/15/2019 reported a \$500,000.00 monetary contribution on 9/10/2019 (FOF No. 26). Coloradans for Prosperity (identified on the Colorado Secretary of State’s TRACER campaign finance report system as Coloradans for Prosperity AKA Yes on Prop CC) filed as an issue committee on 7/16/2019 and stated its purpose as “Advocating for proposition DD and any other measure that enhances the financial security of the state”¹⁸ (FOF No. 25). Coloradans for Prosperity’s committee disclosure report dated 10/15/2019 reported a \$500,000.00 monetary contribution on 9/27/2019 (FOF No. 25). Coloradans for Prosperity’s committee disclosure report dated 12/5/2019 reported a \$17,000.00 in-kind contribution¹⁹ on 10/28/2019 (FOF No. 25)(Table 4).

Table 4: Expenditures and financial contributions made by North Fund to organizations or entities supporting or opposing ballot measures or other issues up for election in 2019

¹⁸ The committee registration for was subsequently amended on 3 occasions, including amending the purposed to advocate for proposition CC rather than DD

¹⁹ Described as ‘Research’

Filer	State	Election Year	Amount Expended or Contributed by North Fund
Missourians for Healthcare	MO	2019	\$500,000.00
Coloradans for Prosperity	CO	2019	\$517,000.00
			\$1,017,000.00

Location of Activity

North Fund contends its non-Montana expenditure activity cannot be examined for classification purposes. North Fund’s October 23, 2020 letter articulates this argument by writing that:

“We believe, based on a proper application of Montana’s campaign finance laws, that North Fund is an Incidental Committee because its activity related to a single Montana election is insignificant compared to North Fund’s overall activity nationwide. It appears that your office believes that North Fund’s election-related activity outside of Montana (and otherwise wholly unrelated to Montana) should be aggregated with North Fund’s activity in Montana to determine whether “supporting candidates or ballot measures” is its primary purpose. We respectfully disagree with this interpretation”.

The letter goes on to state that “A political committee must have as its primary purpose influencing Montana candidates or ballot issues in order to qualify as an Independent Committee. Any activity by an organization outside the State of Montana is irrelevant for political committee status determination purposes relating to Montana elections”.

Neither the Montana definitions provided for an incidental committee (§13-1-101(23), MCA) or independent committee (§13-1-101(24), MCA) state that only Montana election activities apply. If either definition had meant to include only Montana activity, the statutes would expressly state this.

Similarly, neither 44.11.202 nor 44.11.203, ARM state that only Montana activity be considered when classifying a committee.

In determining the committee classification, should the Commissioner examine only North Fund's Montana expenditure activity as they suggest, it would directly contradict their "primary purpose" argument. North Fund's "primary purpose" argument centers around the idea that the group's Montana expenditures make up such a small proportion of total expenditures that the group's primary purpose could not possibly be the support of Montana candidates or ballot issues. Essentially, North Fund is arguing that its Montana expenditure activity supporting a Montana ballot issue committee represents but a drop in the bucket compared to overall expenditure activity, meriting its classification as an incidental committee.

North Fund cannot reasonably argue both that its Montana expenditure activities represent such a small portion of the overall totals that it could never be justifiably defined as the group's "primary purpose" while at the same time arguing that non-Montana expenditure activity should not be applied towards committee classification.

If considering only Montana expenditure activity, North Fund clearly qualifies as an independent political committee under §13-1-101(24), MCA and 44.11.202(7), ARM. 100% of North Fund's Montana expenditures support a registered Montana ballot issue committee (New Approach Montana). North Fund has not identified any Montana expenditure activity that was not meant to support New Approach Montana.

By arguing that non-Montana activity cannot be considered when classifying North Fund, the group has undercut the relevance of its overall expenditure totals. If all non-Montana expenditure activities carried out by North Fund are discarded, its Montana expenditures, once a drop in the bucket, become the entire bucket. North Fund would qualify as an independent committee under this logic, as all applicable expenditure activities were undertaken in support of a Montana ballot issue committee. While the opposite of the point North Fund is trying to make, this is the only conclusion one can reach should the group's Montana expenditure activity be the sole consideration. However, Montana considers all of a group's activities in determining its primary purpose, not only its Montana expenditures.

Past Precedent

North Fund briefly references the Commissioner's decision to classify American Prosperity Group (APG) as an incidental committee as further support of the argument that North Fund would be properly classified as an incidental committee. As decided in the matter of *Oestreicher v American Prosperity Group*, COPP-2020-CFP-007, Commissioner Mangan determined that APG financed reportable electioneering communications in the State of Montana during the 2020 Primary election but classified the group as an incidental committee, not an independent committee. North Fund argues that it would be "inconsistent" to classify North Fund as anything other than an incidental committee based on this precedent.

Like North Fund, APG exists as a national organization. APG's classification decision differs in two key respects from North Fund's, however. First, APG was found to have made only one singular electioneering expenditure in the State of Montana; North Fund has made no fewer than twenty-five election expenditures in Montana this election cycle. Second, APG's expenditure activity did not directly support or oppose any candidates or ballot issues for election in Montana; by contrast, every one of North Fund's Montana expenditures was made in support of a Montana ballot issue committee (New Approach Montana). For these reasons, the assumption that the logic applied to the APG classification decision directly applies to North Fund in this matter and must automatically result in the same classification decision is flawed. North Fund's committee classification must be determined on its own merits and consider North Fund's individual activities.

FINDINGS

On September 11, 2020, the COPP reclassified the North Fund committee as an independent political committee (FOF No. 10). On September 30, North Fund responded to its reclassification, requesting the COPP reconsider that decision (FOF No. 11). A formal complaint was filed on October 8, 2020 alleging that North Fund, as an independent committee, had failed to disclose its contributions received.

In 2020, North Fund reported spending \$5,067,020.00, in direct and in-kind contributions to the New Approach Montana ballot issue committee, including eleven coordinated expenditures (Tables 1, 2). North Fund has

reported making contributions to ballot issue committees in four additional States (Missouri, Colorado, Arkansas, and Ohio), and the COPP review of publicly available campaign finance sources of those North Fund contributions to 2020 ballot committees totaled that amount as \$12,197,300.00 (FOF Nos. 15-15C)(Table 3). In 2019, of the \$1,862,416.00 in expenditures North Fund reported on its IRS 990 form, \$1,017,000.00 represented contributions to or expenditures made on behalf of campaign and issue committees in Colorado and Missouri in support of their election activity (FOF Nos. 24-26).

North Fund has not provided documentation related to any non-election related expenditure/s made to a group, agency, business or individual in Montana or elsewhere. Because North Fund believes itself to be an incidental committee, it has not reported its contributors, nor has it provided any documentation as to the source of its income used to finance its Montana expenditure activities or any other activity.

Despite requests, the North Fund has failed to provide the COPP with specific examples of its purpose as described in the North Fund Articles of Incorporation. North Fund has not provided any documentation as to its purpose, including information related to or examples of non-election activities or expenditures carried out, organized by, or involving the committee. North Fund has also not provided any information regarding how income is sourced or generated by the organization. The only information consistently made available by North Fund to the COPP throughout this matter is its Montana election expenditure activity.

North Fund does not have a website, social media account, or any other publicly available presence interested Montanans can easily access. North Fund could not provide an office location and did not provide list of employee/s and or contracted workforce anyone could physically visit or otherwise contact. No information is available to the COPP, or any other Montanan, as to what North Fund is or does beyond the election expenditure information it has disclosed to the COPP or in other States through campaign finance disclosures, only some of which have been made publicly available (often through third-party organizations like Follow the Money).

What Montana does know is that in election year 2020, North Fund provided \$17,264,320.00 to campaign, ballot, and issue committees to support or oppose ballot measures across five states, including \$5,067,000.00 in reportable election expenditures to the New Approach Montana ballot issue committee in support of CI-118 and I-190. North Fund did not provide any concrete information about, or specific examples of, non-election activity in or outside of Montana. COPP reviewed the amount and frequency of North Fund's reportable election activity in Montana; examined the history of the political committee; examined the allocation of budget publicly available (which includes its contribution history to other political committees and the number of elections in which the committee participated or registered in at least 4 other states) (see Table 3, Attachment 1); and considered its coordinated activity with the New Approach Montana ballot issue committee. Based on the information obtained as a result of this review, the COPP must conclude that

North Fund's primary purpose is to engage in activity intended to support or oppose election related issues.

Sufficiency Finding No. 1: The North Fund was organized to support or oppose ballot issues with a political committee classification as an independent committee.

The Commissioner finds North Fund is properly classified as an independent committee. The Commissioner orders the North Fund to report contributions received as required of an independent political committee in accordance with Mont. Code Ann §13-37-229. The Commissioner orders North Fund to provide to the COPP a list of contributors and the amount/s contributed, and all finance disclosure information as required by Mont. Code Ann. §13-37-229 with 10 days of the date of this decision, Mont. Code Ann. §13-37-121.

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 North Fund 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 North Fund. 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. §13-37-229. *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 28th day of December 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

Attached:

Attachment 1 – Political committees reporting North Fund contributions
Attachment 2 – Records of Committee Organization – various States
Exhibit A – North Fund October 23, 2020 response
Exhibit B – Commissioner Mangan request for Additional Information
Exhibit C – North Fund 2019 Form 990 IRS

Name of Committee	Type of Committee	State	Purpose	Issue, ballot issue, question, or measure supported or opposed/Position
Arkansas Voters First	Ballot Question Committee	AR		Issue 4/Support
Coloradans for Prosperity aka Yes on Prop CC	Issue Committee	CO	ADVOCATING FOR PROPOSITION CC PROPOSITION DD AND ANY OTHER MEASURE THAT ENHANCES THE FINANCIAL SECURITY OF THE STATE	Proposition CC/Support Proposition DD/Support
Protect Colorado's Recovery	Issue Committee	CO	TO OPPOSE PROPOSITIONS 116 AND 117 AND OTHER BALLOT ISSUES ON THE NOVEMBER 2020 BALLOT THAT THREATEN COLORADO'S ECONOMY RECOVERY	Proposition 116/Oppose Proposition 117/Oppose
Colorado Families First	Issue Committee	CO	TO EDUCATE COLORADANS ON THE IMPORTANCE OF PAID FAMILY MEDICAL LEAVE AND SUPPORT THE EFFORTS TO GET A MEASURE ON THE BALLOT TO REQUIRE PAID FAMILY MEDICAL LEAVE	Proposition 118/Support
Abortion Access for All	Issue Committee	CO	TO OPPOSE THE PASSAGE OF PROPOSED INITIATIVE 120 CONCERNING THE 22-WEEK ABORTION BAN	Initiative 120/Oppose
Yes on National Popular Vote	Issue Committee	CO	SUPPORT "YES" VOTE ON REFERENDUM DEALING WITH NATIONAL POPULAR VOTE LEGISLATION (SB19-42)	Proposition 113/Support
Clean Missouri	Campaign Committee	MO	Amendment 3 - Oppose	Amendment 3/Oppose
Missourians for Healthcare	Campaign Committee	MO	Medicaid Expansion - Support	Amendment 2/Support
Vote 2020	Campaign Committee	MO	Vote 2020 -Support	Vote 2020/Support

New Approach Montana	Ballot Issue Committee	MT	Ballot Initiative to legalize marijuana - Support	Const. Initiative No. 118/Support Initiative No. 190/Support
OHIOANS FOR RAISING THE WAGE	Ballot Issue Committee	OH	Proposed constitutional amendment to raise the minimum wage	

Attachment 1: List of all registered political committees who reported receiving contributions (direct monetary or in-kind) from North Fund in election years 2019 and 2020

Attachment 2

Statement of Organization (C2)

Committee Information

Committee Name: New Approach Montana
Mailing Address: PO Box 1108 Helena, MT 59624
Physical Address: 500 North Last Chance Gulch #1108 Helena, MT 59601
Committee Type: Ballot Issue
Incorporated: N
Received Date: 10/02/2019
Election Year: 2020
Current Status: Reopened
Amended Date:

Committee Treasurer Information

Treasurer Full Name: Blackford, Sherine D
Mailing Address: 602 W Lamme Street Bozeman, MT 59715
Physical Address:
Home Phone: (406) 461-8883
Alternate Phone:
Home or Personal Email Address: sherine@blackfordcarls.com

Deputy Treasurer Information

Deputy Treasurer Full Name: Schweich, Matthew H
Mailing Address: 2370 Champlain St NW, Suite 12 Washington, DC 20009
Physical Address:
Home Phone: (401) 343-0434
Alternate Phone:
Home or Personal Email Address: matthewhschweich@gmail.com

Committee Account Information

Primary Bank: First Security Bank
Primary Address: 208 E Main Street Bozeman, MT 59715
Secondary Bank:
Secondary Address:

Additional Officer Information

Purpose of Committee and/or Name(s) of Candidate(s) or Ballot Issue(s) Supported or Opposed

<u>Candidate/Issues</u>	<u>Position</u>	<u>Issue Status</u>
Ballot Initiative to legalize recreational marijuana.	Support	Not on ballot

**BALLOT QUESTION COMMITTEE (BQC)*
STATEMENT OF ORGANIZATION**

To be filed with:
Arkansas Ethics Commission
Post Office Box 1917
Little Rock, AR 72203
Phone (501) 324-9600
Fax (501) 324-9606

(Arkansas Ethics Commission File Stamp)

FILED

MAR 05 2020

ARKANSAS ETHICS
COMMISSION

BY 

Check if this is an amendment to a previously filed statement of organization

Section One: BQC Name

Name of BQC (in full): Arkansas Voters First, Inc.

Section Two: BQC Address & Phone Number

If BQC has no office address, use the address of the BQC officer authorized to receive notices on behalf of the BQC.

Address: 417 Main Street

City: Little Rock State AR Zip 72211 Telephone Number (501) 420-2699

Section Three: BQC Officers and Directors

Provide the name, title, address, and telephone number of the treasurer and other principal officers and directors of the BQC.

Name: Bonnie Miller Title: Chair

Address: 21 E. Center Street, #203 City: Fayetteville State: AR Zip: 72701

Telephone Number: (760) 792-5289

Name: T.J. Boyle Title: Treasurer

Address: 425 W. Capitol Avenue, #3300 City: Little Rock State: AR Zip: 72201

Telephone Number: (501) 376-9241

Name: Brett Kincaid Title: Director

Address: 8 Red Maple Court City: Little Rock State: AR Zip: 72211

Telephone Number: (479) 530-1122

Name: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____

* The term "ballot question committee" is defined in Ark. Code Ann. § 7-9-402(2)(A) and (B) and § 600(c)(1) and (2) of the Ethics Commission's Rules on Ballot and Legislative Question Committees.

Section Four: Financial Information

Provide the name and address of each financial institution in which the BQC deposits money or anything else of monetary value.

Name of Financial Institution: Arvest Bank

Address: 500 Broadway Street City: Little Rock State: AR Zip: 72201

Name of Financial Institution: _____

Address: _____ City: _____ State: _____ Zip: _____

Section Five: Members

Provide the name of each person who is a member of the committee. A person that is not an individual may be listed by its name without also listing its own members, if any.

Nell Matthews, Carol Young, Terri Berkshire, John Krebs, Michelle Rhoden,

League of Women Voters of Arkansas, Inc.

Section Six: Brief Statement

Provide a brief statement identifying the substance of each ballot question as to which the BQC will expressly advocate the qualification, disqualification, passage, or defeat, and, if known, the date each ballot question shall be presented to a popular vote at an election.

To support The Arkansas Citizens' Redistricting Commission Amendment. Assuming qualification of

the proposed amendment to the Arkansas Constitution, this ballot question would be presented to a popular vote at the General Election in November, 2020.

03/05/2020
Date


Signature of BQC Officer

Colorado Secretary of State
 Elections Division
 1700 Broadway, Ste. 270
 Denver, CO 80290
 Ph: (303) 894-2200 x 6383
 Fax: (303) 869-4861
 www.sos.state.co.us



COMMITTEE REGISTRATION FORM

(C.R.S. 1-45-108)

Committee Name:	PROTECT COLORADO'S RECOVERY
Registration Date:	09/03/2020
Type:	ISSUE COMMITTEE
Physical Address:	656 ROCK RIDGE DRIVE LAFAYETTE CO 80026
Mailing Address:	PO BOX 553 LAFAYETTE CO 80026
Phone Number:	(303) 570-5446
Alternate Phone:	
FAX Number:	
Web Address:	
Jurisdiction:	STATEWIDE
Purpose:	TO OPPOSE PROPOSITIONS 116 AND 117 AND OTHER BALLOT ISSUES ON THE NOVEMBER 2020 BALLOT THAT THREATEN COLORADO'S ECONOMY RECOVERY
Party:	
Election Year:	
Office:	
District:	

Financial Institution	
Institution Name:	FIRST BANK
Institution Address:	1190 US-287 BROOMFIELD CO 80020

Registered Agent		Designated Filing Agent	
Agent Name:	GORDON, RACHEL	Agent Name:	
Phone Number:	(303) 570-5446	Phone Number:	
Alternate Phone:		Alternate Phone:	
Agent Email:	RACHEL@RKGDEVELOPMENT.COM	Agent Email:	
Alternate Email1:		Alternate Email1:	
Alternate Email2:		Alternate Email2:	

Colorado Secretary of State
 Elections Division
 1700 Broadway, Ste. 270
 Denver, CO 80290
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 Fax: (303) 869-4861
 www.sos.state.co.us



COMMITTEE REGISTRATION FORM

(C.R.S. 1-45-108)

Committee Name:	COLORADO FAMILIES FIRST
Registration Date:	01/21/2020
Type:	ISSUE COMMITTEE
Physical Address:	1315 S. CLAYTON STREET SUITE 300 DENVER CO 80210
Mailing Address:	1315 S. CLAYTON STREET SUITE 300 DENVER CO 80210
Phone Number:	(303) 297-1660
Alternate Phone:	
FAX Number:	
Web Address:	
Jurisdiction:	STATEWIDE
Purpose:	TO EDUCATE COLORADANS ON THE IMPORTANCE OF PAID FAMILY MEDICAL LEAVE AND SUPPORT THE EFFORTS TO GET A MEASURE ON THE BALLOT TO REQUIRE PAID FAMILY MEDICAL LEAVE.
Party:	
Election Year:	
Office:	
District:	

Financial Institution	
Institution Name:	FIRST BANK
Institution Address:	10403 W. COLFAX AVENUE SUITE 100 DENVER CO 80215

Registered Agent		Designated Filing Agent	
Agent Name:	MEDRANO, CARMEN	Agent Name:	MORSE, JOHN P
Phone Number:	(303) 385-7732	Phone Number:	(303) 297-1660
Alternate Phone:		Alternate Phone:	
Agent Email:	CARMEN@UNECOLORADO.ORG	Agent Email:	JOHN@CPAMORSE.COM
Alternate Email1:		Alternate Email1:	
Alternate Email2:		Alternate Email2:	

Colorado Secretary of State
 Elections Division
 1700 Broadway, Ste. 270
 Denver, CO 80290
 Ph: (303) 894-2200 x 6383
 Fax: (303) 869-4861
 www.sos.state.co.us



COMMITTEE REGISTRATION FORM

(C.R.S. 1-45-108)

Committee Name:	ABORTION ACCESS FOR ALL
Registration Date:	10/15/2019
Type:	ISSUE COMMITTEE
Physical Address:	7155 E 38TH AVENUE DENVER CO 80207
Mailing Address:	1315 S. CLAYTON STREET SUITE 300 DENVER CO 80210
Phone Number:	(303) 297-1660
Alternate Phone:	
FAX Number:	(303) 297-1678
Web Address:	
Jurisdiction:	STATEWIDE
Purpose:	TO OPPOSE THE PASSAGE OF PROPOSED INITIATIVE 120 CONCERNING THE 22-WEEK ABORTION BAN
Party:	
Election Year:	
Office:	
District:	

Financial Institution	
Institution Name:	FIRST BANK
Institution Address:	10403 W. COLFAX AVENUE LAKEWOOD CO 80215

Registered Agent		Designated Filing Agent	
Agent Name:	TAYLOR-NANISTA, SARAH	Agent Name:	MORSE, JOHN P
Phone Number:	(303) 813-7657	Phone Number:	(303) 297-1660
Alternate Phone:		Alternate Phone:	
Agent Email:	SARAH.TAYLOR-NANISTA@PPRM.ORG	Agent Email:	JOHN@CPAMORSE.COM
Alternate Email1:		Alternate Email1:	
Alternate Email2:		Alternate Email2:	

Colorado Secretary of State
 Elections Division
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 Denver, CO 80290
 Ph: (303) 894-2200 x 6383
 Fax: (303) 869-4861
 www.sos.state.co.us



COMMITTEE REGISTRATION FORM

(C.R.S. 1-45-108)

Committee Name:	YES ON NATIONAL POPULAR VOTE
Registration Date:	07/29/2019
Type:	ISSUE COMMITTEE
Physical Address:	656 ROCK RIDGE DRIVE LAFAYETTE CO 80026
Mailing Address:	656 ROCK RIDGE DRIVE LAFAYETTE CO 80026
Phone Number:	(303) 570-5446
Alternate Phone:	
FAX Number:	
Web Address:	
Jurisdiction:	STATEWIDE
Purpose:	SUPPORT "YES" VOTE ON REFERENDUM DEALING WITH NATIONAL POPULAR VOTE LEGISLATION (SB19-42).
Party:	
Election Year:	
Office:	
District:	

Financial Institution	
Institution Name:	FIRSTBANK
Institution Address:	1190 US-287 BROOMFIELD CO 80020

Registered Agent		Designated Filing Agent	
Agent Name:	GORDON, RACHEL	Agent Name:	
Phone Number:	(303) 570-5446	Phone Number:	
Alternate Phone:		Alternate Phone:	
Agent Email:	RACHEL@RKGDEVELOPMENT.COM	Agent Email:	
Alternate Email1:		Alternate Email1:	
Alternate Email2:		Alternate Email2:	



JUN 04 2020

Statement of Committee Organization

1. Statement Information

Date: 5/24/20
Type: [] New [x] Amended (if amending, enter MEC ID C161298 & section changed Section 7)

2. Committee Information

CLEAN Missouri
Name of Committee

Committee Mailing Address, City, State, & Zip Telephone Number

Official Committee Email Address County Clerk, Board of Election Commissioners, or Federal PAC/Out of State Committee

Committee Type: [] Campaign [] Candidate [] Continuing (PAC) [] Debt Service [] Exploratory [] Political Party

3. Treasurer/Deputy Treasurer Information

Treasurer's Name (First & Last) Treasurer's Email Address (optional)

Treasurer's Mailing Address, City, State, & Zip Treasurer's Home Telephone Number Treasurer's Work Telephone Number

Deputy Treasurer's Name (if one appointed) Deputy Treasurer's Email Address (optional)

Deputy Treasurer's Mailing Address, City, State, & Zip Dep. Treasurer's Home Telephone Number Dep. Treasurer's Work Telephone Number

4. Additional Committee Information

Additional Committee Officer's Name & Title (if any) Additional Committee Officer's Mailing Address, City, State, & Zip

Connected Organization's Name (if any) Connected Organization's Mailing Address, City, State, & Zip

CANDIDATES: Do you have more than one candidate committee? [] Yes (refer to instructions on back) [] No

5. Official Bank Account Information (required by all committees)

Name & Mailing Address, City, State, & Zip of Financial Institution Account Name Account Number

6. Candidate Supported or Opposed (candidate committees must include self, if candidate)

Name & Mailing Address, City, State & Zip of Candidate Telephone Number (Candidate Committees Only)

Election Date Office Sought & Political Subdivision Political Party Support or Oppose

7. Ballot Measure Supported or Opposed (campaign committees must complete this section)

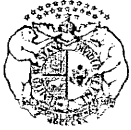
Amendment 3/ STR38 11/3/20 Statewide Oppose
Name of Ballot Measure Election Date & Political Subdivision Support or Oppose

8. Signature(s) Check certification(s) & sign (required by all committees)

[x] I affirm and attest under penalty of perjury that information and facts in this report are complete, true, and accurate. I further acknowledge that I am aware that any false statement or declaration made herein is punishable under Ch. 575 RSMo.

Committee Treasurer Candidate (Candidate Committees Only)

C190918



Missouri Ethics Commission (MEC)
PO Box 1370, Jefferson City MO 65102, (800) 392-8660, www.mec.mo.gov

Office JUL 26 2019

Statement of Committee Organization

HAND DELIVERED

1. Statement Information

Date: 7/26/2019

Type: New Amended (if amending, enter MEC ID _____ & section changed _____)

2. Committee Information

Missourians for Healthcare

Name of Committee

PO Box 144 Jefferson City, MO 65102

(573) 690-0883

Committee Mailing Address, City, State, & Zip

Telephone Number

Official Committee Email Address

Cole County

County Clerk or Board of Election Commissioners

Committee Type: Campaign Candidate Continuing (PAC) Debt Service Exploratory Political Party

3. Treasurer/Deputy Treasurer Information

Joe Pierle

Treasurer's Name (First & Last)

PO Box 144 Jefferson City, MO 65102

Treasurer's Mailing Address, City, State, & Zip

Treasurer's Email Address (optional)

()
Treasurer's Home Telephone Number

(573) 690-0883

Treasurer's Work Telephone Number

Deputy Treasurer's Name (if one appointed)

Deputy Treasurer's Email Address (optional)

Deputy Treasurer's Mailing Address, City, State, & Zip

()
Dep. Treasurer's Home Telephone Number

()
Dep. Treasurer's Work Telephone Number

4. Additional Committee Information

Additional Committee Officer's Name & Title (if any)

Additional Committee Officer's Mailing Address, City, State, & Zip

Connected Organization's Name (if any)

Connected Organization's Mailing Address, City, State, & Zip

CANDIDATES: Do you have more than one candidate committee? Yes (refer to instructions on back) No

5. Official Bank Account Information (required by all committees)

6. Candidate Supported or Opposed (candidate committees must include self, if candidate)

Name & Mailing Address, City, State & Zip of Candidate

() ()
Telephone Number (Candidate Committees Only)

Election Date

Office Sought & Political Subdivision

Political Party

Support or Oppose

7. Ballot Measure Supported or Opposed (campaign committees must complete this section)

Medicaid Expansion

11/03/2020

Support

Name of Ballot Measure

Election Date & Political Subdivision

Support or Oppose

8. Signature(s) Check certification(s) & sign (required by all committees)

I affirm and attest under penalty of perjury that information and facts in this report are complete, true, and accurate. I further acknowledge that I am aware that any false statement or declaration made herein is punishable under Ch. 575 RSMo.

Joe Pierle
Committee Treasurer

Candidate (Candidate Committees Only)

RECEIVED

OCT 11 2019

Designation of Treasurer



Ohio Secretary of State

Form 30-D
R.C. 3517.10

TYPE OF FILING: NEW UPDATE

COMMITTEE TYPE: Candidate PAC PCE Political Party Legislative Campaign Fund

If update, please check the appropriate reason(s):

Change of Committee Name. Prior Name was: _____

Change of Filing Location. Prior Location was: _____ New Location is: _____

Change of Office Sought. Previous Office Sought: _____ New Office Sought: _____

Change of Treasurer Info Designation or Change of Deputy Treasurer Info

Change of address/phone/email for: Committee Treasurer Deputy Treasurer Candidate

Other Please Explain: _____

All Committees

Full Name of Committee Ohioans for Raising the Wage			PAC # (if Updated)	
Street Address 545 E. Town St.		City Columbus	State OH	Zip 43215
Telephone 614-263-7000		Email contact@electionlawgroup.com		
Treasurer James Hayes		Telephone 614-263-7000	Email contact@electionlawgroup.com	
Street Address 545 E. Town St.		City Columbus	State OH	Zip 43215
Deputy Treasurer (if any)		Telephone	Email	
Street Address		City	State	Zip

Candidate Committees Only

Full Name of Candidate		Email		
Street Address		City	State	Zip
Office Sought	Subdivision/District	Party Affiliation/Independent/Non-Partisan	Election Year	

Political Action Committees Only

PAC is sponsored by: <input type="radio"/> Labor Organization <input type="radio"/> Corporation <input checked="" type="radio"/> Not Sponsored	If Sponsored, Name the Sponsor	Acronym Used (if any)
	If Ballot Issue PAC, list issue Minimum Wage	
Is this a Ballot Issue PAC <input checked="" type="radio"/> Yes <input type="radio"/> No	PACs and PCEs Only	List any Affiliated PACs/PCEs

 Signature of Treasurer or Deputy Treasurer	10/19/2019 Date (MM/DD/YYYY)	 Signature of Candidate or Authorized Party	 Date (MM/DD/YYYY)
---	---------------------------------	--	--

Colorado Secretary of State
 Elections Division
 1700 Broadway, Ste. 270
 Denver, CO 80290
 Ph: (303) 894-2200 x 6383
 Fax: (303) 869-4861
 www.sos.state.co.us



COMMITTEE REGISTRATION FORM

(C.R.S. 1-45-108)

Committee Name:	COLORADANS FOR PROSPERITY AKA YES ON PROP CC
Registration Date:	10/17/2019
Type:	ISSUE COMMITTEE
Physical Address:	1567 S UNIVERSITY BLVD DENVER CO 80210
Mailing Address:	PO BOX 101741 DENVER CO 80250
Phone Number:	(303) 733-2956
Alternate Phone:	
FAX Number:	
Web Address:	
Jurisdiction:	STATEWIDE
Purpose:	ADVOCATING FOR PROPOSITION CC PROPOSITION DD AND ANY OTHER MEASURE THAT ENHANCES THE FINANCIAL SECURITY OF THE STATE
Party:	
Election Year:	
Office:	
District:	

Financial Institution	
Institution Name:	1ST BANK
Institution Address:	1316 E EVANS AVE DENVER CO 80210

Registered Agent		Designated Filing Agent	
Agent Name:	STEVENS, ASHLEY	Agent Name:	STEVENS, ASHLEY
Phone Number:	(303) 733-2956	Phone Number:	(303) 733-2956
Alternate Phone:		Alternate Phone:	
Agent Email:	ASHLEYNDENVER@YAHOO.COM	Agent Email:	ASHLEYNDENVER@YAHOO.COM
Alternate Email1:		Alternate Email1:	
Alternate Email2:		Alternate Email2:	

Exhibit A

October 23, 2020

Jeffrey A. Mangan, Commissioner
1209 Eighth Avenue
P.O. Box 202401
Helena, Montana 59620-2401

Re: North Fund Incidental Committee Classification – Response to Request for
Additional Information

Dear Commissioner Mangan:

This responds to your letter dated October 6, 2020, requesting additional information about North Fund. In our September 30, 2020 response to you, we provided detail about North Fund's past, current, and future anticipated activities to establish that North Fund is an Incidental Committee pursuant to Mont. Code Annot. § 13-1-101(23) and A.R.M. § 44.11.203. Your additional questions ask for information that, in our reading of the statute, exceeds the criteria enumerated in sub-sections 2(a)-(c) and 3(a)-(h) of A.R.M. § 44.11.203. However, to resolve both this matter and the complaint filed by Steve Zabawa, we are enclosing additional information to supplement the detailed facts and affidavit that were already provided and which further demonstrate North Fund is properly classified as an Incidental Committee.¹

Overview of North Fund's Activity

We believe, based on a proper application of Montana's campaign finance laws, that North Fund is an Incidental Committee because its activity related to a single Montana election is insignificant compared to North Fund's overall activity nationwide. It appears that your office believes that North Fund's election-related activity outside of Montana (and otherwise wholly unrelated to Montana) should be aggregated with North Fund's activity in Montana to determine whether "supporting candidates or ballot measures" is its primary purpose. We respectfully disagree with this interpretation. Regardless of which interpretation is applied, North Fund is an Incidental Committee. Just 10% of North Fund's 2020 expenditures have been made to a Montana ballot committee, while 70% of North Fund's expenditures were for activities unrelated to elections in any state or jurisdiction. Therefore, election-related activity is not North Fund's "major, principal or important goal, function, or reason for existence" either in Montana or nationally. A.R.M. § 44.11.203(1). In particular:

¹ North Fund's provision of this additional information should not be construed as a waiver of North Fund's right to object to providing such information in the future on the legal basis articulated in this letter.

- North Fund has made \$4,709,520 in contributions to a Montana ballot issue committee in 2020.² Based on projected activity, we expect that Montana contributions will constitute less than 10% of North Fund's total 2020 activity.
- North Fund's expenditures³ on ballot measures in all states through August 31, 2020 is \$7,277,490. As of August 31, 2020, this constitutes 30% of North Fund's 2020 expenditures.
- As noted in the affidavit of Board Treasurer Cristina Uribe, North Fund's total expenditures through August 31, 2020 are \$25,145,975.

Expenditures made during a finite timeframe, of course, tell just one piece of a story. As detailed in our initial response to your office, North Fund has a robust program that advances policies through grassroots action and activism, legislative lobbying, and educational initiatives, on a broad range of issue areas, and which do not involve matters before the voters. North Fund's decision in any given year or election cycle to support a ballot measure is not a predetermined outcome. Strategic and funding considerations inform the analysis of whether or not to support or oppose a ballot measure. It is entirely possible that in some years North Fund will engage in zero ballot measure activity in any jurisdiction, and exclusively pursue other forums for policy advancement and education instead.

Responses to Specific Questions

We provide the following requested information:

- North Fund made a \$500,000 contribution to Coloradans for Prosperity in 2019. Coloradans for Prosperity supported a legislatively referred measure – Proposition CC – that amended the State Taxpayer's Bill of Rights. Proposition CC was voted on at the November 5, 2019 election. North Fund also contributed \$3.1 million to Colorado Families First, an issue committee supporting Colorado Proposition 118, the Paid Medical and Family Leave Initiative, which will be voted on at the November 3, 2020 election.
- As noted in our September 30 response, one of North Fund's activities includes educating the community on the need for statehood for the District of Columbia to

² 2020 is the only year in which North Fund has participated in a Montana election. North Fund currently has no plans to participate in future Montana elections. Please also note that except for the contributions made to a Montana committee and the contribution to Colorado Families First, all other figures in this response letter are current through August 31, 2020, which is the most recent month for which the North Fund bank account has been reconciled. Some of the Montana contributions were made in September and the Colorado Families First contribution was made in September.

³ We use the term "expenditure" broadly here to capture the general meaning under state campaign finance laws. As you know, each state defines campaign finance terms slightly differently, such that a contribution or expenditure in one state may not be considered such in another state. This is particularly true with regard to ballot measures, for which the timing in the qualification process can be determinative in whether a payment is a contribution or expenditure. In the spirit of transparency, we are being over-inclusive in calculating "expenditures."

ensure full representation of its 700,000 residents in Congress. There is no election or ballot issue related to this activity.

- As noted in our prior response, North Fund supported a program to foster youth/young people in civic engagement with a focus on New Hampshire. There is no election or ballot issue related to this activity.
- North Fund contributed \$2,555,000 to Missourians for Healthcare, which supported a Medicaid expansion initiative and was voted on at the August 4, 2020 state primary election.
- As noted in our prior response, North Fund does not solicit earmarked donations for any purpose. All donations to the North Fund are solicited for general operating purposes.
- As noted in our prior response, North Fund is engaged in a wide range of activities across state and local jurisdictions, in various forums, and on a broad and evolving range of issues. We appreciate that your office may be requesting this information about North Fund's activities that are wholly unrelated to any Montana election in order to develop a better understanding of North Fund's principal business. We provide this supplemental information to facilitate this understanding:
 - As a 501(c)(4) nonprofit organization, North Fund files federal tax form 990 each year disclosing its grantees and the amount of the grants. This information is available to any member of the public on the IRS website. North Fund's Form 990 for 2019 will be available on November 15, 2020 as required by law.
 - As of August 31, North Fund has made \$25,145,975 in expenditures, 70% of which were unrelated to any election at all. The non-election spending includes support provided to 44 unique national or state organizations around the country.
 - North Fund is a registered lobbyist principal (or retains lobbyists who must list North Fund on their registrations) in six states: Georgia, Iowa, Michigan, Tennessee, Virginia, and Wisconsin.
 - Since its inception, North Fund has made contributions to ten ballot committees in five states: Missouri, Colorado, Arkansas, Montana and Ohio.
 - North Fund does not make independent expenditures or any other contributions to candidates, parties or committees at the federal level.

- We provided the Articles of Incorporation, which are available to the public on the District of Columbia's Department of Consumer and Regulatory Affairs website. We have attached the Bylaws to this response as Exhibit A.⁴
- North Fund does not have a website or social media account.⁵

Legal Discussion

First, we note that at no point have we been provided a legal analysis or even the facts upon which your office concluded that North Fund is an Independent Committee. Based on your follow-up inquiry, however, we assume that your office is attempting to establish that North Fund is an Independent Committee based *not* on its ballot issue-related activity in Montana, but instead based on its ballot issue-related activity that is wholly unrelated to any Montana issue or election. As explained more fully below, this approach is not supported by Montana's campaign finance laws, regulations, and case law. This position is also inconsistent with the Commissioner on Political Practices Commission's (hereinafter "COPP") decision in *Oestreicher v. American Prosperity Group*, COPP-2020-CFP-007, rendered by your office in May of this year, as well as COPP's application of the "primary purpose" rule to the more than a dozen national nonprofits engaged in ballot measure advocacy work around the country currently or recently registered with COPP as Incidental Committees.

A political committee must have as its primary purpose influencing **Montana** candidates or ballot issues in order to qualify as an Independent Committee. Any activity by an organization outside of the State of Montana is irrelevant for political committee status determination purposes relating to Montana elections.

Montana campaign finance laws define incidental committee as "a political committee that is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues, but that may incidentally become a political committee by receiving a contribution or making an expenditure." Mont. Code Annot. § 13-1-101(23)(a). This definition does not exist in a vacuum. To the contrary, the definition of incidental committee incorporates terms that are themselves given statutory definitions, including "candidate", "ballot issue", "political committee", "contribution", "expenditure", and "primary purpose." Indeed, the term "incidental committee" would be unconstitutionally vague without giving meaning to the terms within it.

Most relevant here, a "ballot issue" or "issue" means "a proposal submitted to the people at an election for their approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment, recall question, school levy question, bond issue question, or ballot question." Mont. Code Annot. § 13-1-101(6). "Election" means a general, special, or

⁴ Please note that the bylaws still indicate "draft," but the attached copy is a current executed copy of the North Fund bylaws.

⁵ To the extent that COPP seeks to construe this to mean that North Fund is an Independent Committee, we remind COPP that whether or not an organization has an online presence is not among the criteria enumerated in Rule 44-11-203. Such a rule would likely be unconstitutional forced speech. Further, reading such a requirement into the Rule would be the type of arbitrary application that nonprofits expressed concern over when this Rule was adopted in 2015.

primary election held pursuant to the requirements of state law, regardless of the time or purpose.” Mont. Code Annot. § 13-1-101(12). Based on these definitions, an incidental committee is a political committee that is not specifically organized or operating for the primary purpose of supporting or opposing Montana ballot issues, but that may incidentally become a political committee by receiving a contribution or making an expenditure in relation to Montana ballot issues.⁶

In *Montanans for Cmty. Dev. v. Motl*, 216 F. Supp. 3d 1128 (D. Mont. 2016), the Court rejected a challenge to several definitional terms in Montana’s disclosure and reporting laws alleging that the terms were based on circular definitions and were therefore unconstitutionally vague. Specifically, Plaintiffs alleged that “because the scope of contribution and expenditure are defined by political committee, and political committee relies on contribution by definition, these terms are circular and must be facially struck down.” In applying Montana’s rules of statutory interpretation, which require the language of a statute to be construed according to its plain meaning,⁷ the Court concluded:

“Reading these terms in their context, the Court finds that their reliance on one another does not make them vague. Instead, this reliance facilitates clarity as to which groups are covered by Montana’s campaign finance laws, i.e., candidates and political committees.” 216 F.Supp.3d at 1145.

A ballot issue would not exist without a Montana election for the issue to be voted on. A political committee, as defined by Montana campaign finance law, would not exist but for a ballot issue being voted on at a Montana election. Therefore, the plain meaning of the statutory provisions and administrative rules defining “Incidental Committee” is that a political committee must have supporting Montana ballot issues as its primary purpose in order to be classified as an Independent Committee. Clearly, the facts establish that North Fund’s primary purpose is not to support Montana ballot issues. (See our response dated September 30, 2020 verifying that North Fund has been involved in just one Montana ballot issue election and related expenditures will constitute less than 10% of North Fund’s financial activity in 2020.)

Administrative Record

This interpretation is also consistent with the Administrative Record on Rule 44-11-203. In Montana Administrative Register Notice 44-2-207 (No. 15, 8/13/2015), noticing proposed Administrative Rule 44-11-203 defining “primary purpose,” COPP provided the following “General Statement of Reasonable Necessity:”

The COPP considered alternative methods for the criteria used in (2) of this rule. Those alternatives included using percentages or a “totality of the circumstances” balancing test to determine primary purpose. The COPP chose the alternative in this proposed rule because election activity varies from cycle to cycle and is infinitely varied over time. The COPP considered establishing a rebuttable presumption that any corporation, entity, or organization that was formed in the six months prior to an election in which it solicits contributions for or made

⁶ The same would apply to a political committee that supports candidates, however North Fund has not and will not make contributions to Montana candidates, so we do not address this prong.

⁷ Citing to *Clarke v. Massey*, 271 Mont. 412, 897 P.2d 1085, 1088 (Mont. 1995).

*a reportable election expenditure would have been established for the purpose of supporting or opposing candidates or issues (an independent, party, or ballot issue committee). The method chosen for the COPP's proposed rule reflects a balancing of the people's informational interest in disclosure with an entity's associational privacy. **Montanans' right to evaluate different speakers and messages participating in an election is dependent not upon an organization's overall conduct, but upon the organization's conduct in and around Montanans' elections.** The COPP is further adopting this rule to satisfy public need, clarify the statutory requirements, increase transparency, and identify the minimum reporting and disclosure baseline consistent with the law. (Emphasis added.)*

As the information about North Fund's activities and scope outlined above makes clear, North Fund is only incidentally involved in a Montana election. This outcome remains the same even if the COPP's expanded interpretation of "primary purpose" and its criteria are applied.

Application of "Primary Purpose"

The Commissioner may determine that the primary purpose of a political committee is to support or oppose candidates or ballot issues based upon any one or more of the following criteria: (a) allocation and source of budget; (b) allocation of staff or members' activity, both during an election and otherwise; or (c) the statement of purpose, articles of incorporation, bylaws, or goals.

The Commissioner, in determining the primary purpose of a political committee, may also consider any one or more of the following criteria:

- (a) reportable election activity;
- (b) the history of the political committee and the number of elections in which it has participated or registered;
- (c) receipt of contributions in response to an appeal or that are designated for a specified candidate, ballot issue, petition, or reportable election activity;
- (d) the number and cost of reportable election expenditures made;
- (e) coordination with any candidates or other political committees;
- (f) ordinary business actually conducted;
- (g) if a corporation, whether it was created and maintained as provided by law; or
- (h) the date of founding, incorporation, or organization.

A.R.M. § 44.11.203(2)(a)-(h).

The criteria above must be construed according to the definitions set forth in Montana's campaign finance law. A.R.M. § 44.11.103(2). Therefore, the Commissioner may consider (for example) an organization's activity that is reportable on Montana campaign finance reports;⁸ the

⁸ After two days of public hearings in September, 2015, at which testimony was received on the primary purpose rule, COPP made a number of revisions to provide greater clarity to its scope. In a November 13, 2015 letter to the State Administration and Veterans' Affairs Interim Committee ("SAVA") updating SAVA on these revisions, COPP addressed the concern of some commentators who had had incidental committees in Montana for anywhere from the past 3 or 4 election cycles, to the past 20 years. The particular concern was the broad term "election activity" for determining an organization's primary purpose, as it was unclear which election activity would be covered. COPP accepted a

number of Montana elections that an organization has participated; receipt of contributions an organization received in response to an appeal for Montana candidates or ballot issues; and the number of expenditures related to Montana ballot issues or candidates that an organization has made. Taken as a whole, it is clear that an organization's activity in relation to Montana elections is what drives its classification as an incidental or independent committee.

An interpretation that "primary purpose" means a primary purpose of supporting ballot measures or candidates as a whole, as opposed to a primary purpose of supporting Montana ballot measures and candidates specifically is problematic for a number of reasons.

First and foremost, and as already explained in detail above, this interpretation is inconsistent with Montana's own rules on statutory interpretation and the administrative record of Rule 44.11.203's adoption. Further, *Montanans for Cmty. Dev. v. Motl, supra*, rejected Plaintiff's argument that the phrase "primary purpose" gave the Commissioner too much discretion and allows for arbitrary enforcement by finding that "...the factors following this phrase limit the Commissioner's discretion." In other words, the Commissioner is bound by, and in fact is limited to, classifying an organization's status based on the criteria established in Rule 44.11.203.

Second, and perhaps more troubling, would be the inconsistent application of the primary purpose standard in this case as compared to the very recent *Oestreicher v. American Prosperity Group* matter. In that matter, a newly organized nonprofit was reclassified as an Incidental Committee after explaining the majority of its activity is not related to Montana elections. In that instance, American Prosperity Group explained "... in reality APG is a national organization that since its founding has spent a majority of its resources outside of Montana and intends to continue its policy advocacy in multiple states outside of Montana." Also similar to American Prosperity Group is the fact that North Fund is a 501(c)(4) social welfare organization and has not triggered political committee status under federal law or any state law. It is unclear how your office did not reach the same conclusion with regard to North Fund on essentially the same set of facts just four months later.

Finally, there is a long and well-documented history of national organizations that conduct issue advocacy at the ballot box registering and reporting as Incidental Committees in Montana. In the 2020 election alone, we note that at least half a dozen such organizations are registered as Incidental Committees and, based on publicly available information, have not been asked to re-classify or provide additional information to your office.

Conclusion

For the reasons set forth in our letter dated September 30, 2020, and the supplemental information provided in this response and its attachment, North Fund is properly classified as an Incidental Committee. As established above, only 30% of North Fund's expenditures through August 31, 2020 in Montana and elsewhere relate to ballot issues voted on at elections. This percentage will be significantly lower based on North Fund's ongoing, non-election activity in October, November and December of 2020. So, whether the information is based on North

proposed change that narrowed this category to "**reportable** election activity." (See Comment 38.) (Emphasis added.) This change is significant because election activity is defined as "any activity that may constitute reportable election activity under Title 13, MCA." A.R.M. § 44.11.103(15). Therefore, this criterion is exclusive of activity that is conducted in relation to a Montana election.

Fund's activities relating to a Montana election, or on an expanded analysis of North Fund's activities nationally, the result is the same: North Fund is an Incidental Committee because its primary purpose is clearly not to support or oppose ballot issues or candidates in elections.

We look forward to receiving your determination confirming this conclusion.

We would appreciate an opportunity to convene a conference call with you sometime next week to respond to any questions you may have and/or to clarify any of the information provided in this letter and our previous letter of September 30. Please let us know if you would be willing to speak with us by contacting us at amaltbie@nossaman.com and jim@galliklawfirm.com. Thank you for your consideration.

Sincerely,



Amber Maltbie
Nossaman LLP



James P. Molloy
Gallik, Bremer & Molloy, P.C.

EXHIBIT A

Annex B

**DRAFT BYLAWS
NORTH FUND**

A District of Columbia Nonprofit Corporation

ARTICLE I. NAME

The name of the corporation shall be “North Fund” (the “Corporation”).

ARTICLE II. PURPOSES

The purpose of the Corporation shall be to engage in any lawful activity for which corporations may be organized under the Nonprofit Corporation Act of the District of Columbia. The specific purposes for which the Corporation is organized are:

- A. To operate exclusively for the purpose of promoting social welfare, including, but not limited to, providing public education on and conducting advocacy regarding progressive policies; and
- B. To exercise any powers conferred upon corporations formed under the District of Columbia Nonprofit Corporation Act as may be necessary or convenient in order to accomplish the above-described purposes, including, but not limited to, the power to accept donations of money or property, whether real or personal, or any interest therein, wherever situated, or any other thing of value.

These purposes may not be amended without also amending the Corporation’s Articles of Incorporation.

ARTICLE III. OFFICES AND REGISTERED AGENT

The principal office of the Corporation shall be located in the District of Columbia. The Corporation may also have offices at such other places as the Directors of the Corporation may from time to time designate or as the purposes of the Corporation may require.

The Corporation shall continuously maintain in the District of Columbia a registered office and registered agent. All changes to the registered office or agent shall be made in compliance with the District of Columbia Nonprofit Corporation Act.

ARTICLE IV. DIRECTORS

Section 1. General Powers.

The business and affairs of the Corporation shall be managed by its Board of Directors. The Board shall have and may exercise the powers provided in the Articles of Incorporation, these Bylaws and the District of Columbia Nonprofit Corporation Act. The Board may delegate to officers of the Corporation such powers and duties as it may see fit in addition to those specifically provided in these Bylaws. The Board may also appoint other agents and employees with such powers and duties as the Board may deem proper.

Section 2. Number, Tenure, and Qualifications.

The number of Directors of the Corporation shall consist of between three (3) and thirteen (13) Directors, as determined by the Board then serving.

Each Director shall hold office for a term of three (3) years or until a successor is elected. Directors may be elected for successive terms. The term of a Director shall also end with the Director's death, resignation or removal.

Section 3. Selection.

Directors shall be elected by a majority vote of the Directors then serving.

Section 4. Resignation or Removal.

A Director may resign at any time by giving notice to the President or the Secretary.

Any Director may be removed from office, with or without cause, by a majority vote of the Directors then serving.

Section 5. Vacancies.

Any vacancy occurring in the Board of Directors created by the death or resignation of a Director, or by an increase in the number of Directors, shall be filled by a majority vote of the Directors then serving, even if less than a quorum. Any Director elected to fill a vacancy shall serve for the remainder of the unexpired term that the Director is filling.

Section 6. Regular Meetings.

A regular meeting of the Board of Directors shall be held at least two (2) times per year. Other regular meeting times shall be held as designated from time to time by the Board. The last annual meeting in each fiscal year shall constitute the annual meeting.

Section 7. Special Meetings.

Special meetings of the Board of Directors may be called by the request of the President, or any two of the Directors in office.

Section 8. Place of Meetings.

The Board of Directors may hold its regular and special meetings at such time and place as designated by the President. In the absence of such a designation, regular and special meetings of the Board shall be held by telephone conference call.

Directors may participate in a meeting of the Board or Board-approved committee through any means of communication by which all participants may simultaneously hear each other during the meeting. Participation in a meeting by such means shall constitute presence in person at the meeting.

Section 9. Notice.

Notice of the place, day and hour of every meeting shall be given to each Director at least ten (10) days before the time fixed for a regular meeting, and at least five (5) days before a time fixed for a special meeting, by notice delivered personally, by phone, fax, electronic mail, or voice mail, or mailed to each Director at such Director's address of record. Notice does not need to specify the business to be transacted at the meeting or the purpose of the meeting.

Section 10. Waiver of Notice.

No notice of a meeting need be given to any Director who, either before or after the meeting, waives such notice in a writing executed and filed with the records of the meeting.

A Director's attendance at or participation in a meeting shall waive any required notice to the Director of the meeting unless the Director at the beginning of the meeting, or promptly upon arrival, objects to holding the meeting or transacting at the meeting and does not thereafter vote for or assent to action taken at the meeting.

Section 11. Quorum.

The presence of a majority of the Board of Directors then serving shall constitute a quorum for the transaction of business at every meeting.

Section 12. Action by the Directors.

Except as otherwise provided in the Articles of Incorporation or these Bylaws, the action of a majority of the Board who are present and eligible to vote at a meeting at which a quorum is present shall be the action of the Board of Directors.

Any action of the Directors may be taken without a meeting if a written consent setting forth the action taken is signed by all Directors then serving and filed with the minutes of the Corporation.

Section 13. Compensation.

Directors shall receive no compensation for their services as such but may, by resolution of the Board of Directors, be allowed reimbursement for their expenses actually and reasonably incurred on behalf of the Corporation.

Section 14. Loans.

The Corporation shall not lend money to or guarantee the obligation of a Director except that the Corporation may provide (i) an advance to pay reimbursable expenses reasonably expected to be incurred by a Director; and (ii) advances pursuant to Article XI. INDEMNIFICATION of these Bylaws.

Section 15. Minutes and Records.

The Board of Directors shall keep minutes of its meetings and a full account of all of its transactions.

ARTICLE V. OFFICERS

Section 1. General.

The Board of Directors shall elect the officers of the Corporation. The officers shall act as agents of the Corporation under the direction of the Board of Directors. The officers shall include a President, a Secretary, a Treasurer, and any such other officers as the Board may deem advisable. The Board may also designate a General Counsel and a Chief Financial Officer as officers of the Corporation. The President shall be chosen from among the Board of Directors. The Secretary, Treasurer, General Counsel, Chief Executive Officer and Chief Financial Officer, if any, may, but need not, be Directors. Any two offices, except those of President and Treasurer, may be held by the same person, but no officer shall execute, acknowledge, or verify any instrument in more than one capacity, when such instrument is required to be executed, acknowledged, or verified by any two or more officers. The Board of Directors may from time to time appoint such other assistant officers, agents and employees with such powers and duties as the Board may deem proper.

Section 2. Term.

Each officer shall serve for a term of not longer than three (3) year(s) as shall be determined by the Board from time to time and thereafter until his or her successor has been appointed.

Section 3. President.

The President of the Board of Directors shall, when present, preside at all meetings of the Board and shall perform other duties as directed by the Board. The Treasurer of the Board of Directors shall preside, in the absence of the President at the meetings of the Board and perform such other duties as directed by the Board.

Section 4. Authority and Compensation.

The President, Secretary, Treasurer, General Counsel, Chief Executive Officer and Chief Financial Officer, if any, and such other officers as may be authorized by the Board shall have the general authority to sign and execute, in the name of the Corporation, all contracts, leases, debt obligations and other forms of agreement or instruments to be executed, checks, drafts, or other orders for the payment of money on the Corporation's behalf. This general authority may be limited in specific circumstances by the requirements of the law and/or any action or policy adopted by the Board of Directors. These officers shall receive such compensation as shall be determined by the Board of Directors.

Section 5. Secretary.

The Secretary shall be responsible for keeping an accurate record of all meetings of the Board of Directors, see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law, maintain, authenticate, and be custodian of the corporate records and of the seal of the Corporation, and in general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the President or by the Board of Directors.

Section 6. Treasurer.

The Treasurer shall have custody and be responsible for (i) all funds and securities of the Corporation; (ii) the keeping of full and accurate accounts of receipts and disbursements in the books of the Corporation; and (iii) the disbursement of the funds as may be directed by the Board or its delegates. The Treasurer shall deposit or cause to be deposited all monies and other valuable assets in the name of the Corporation in such banks or other depositories as shall from time to time be selected by the Board of Directors. The Treasurer shall be responsible for providing an account of the Corporation's financial transactions and of the financial condition of the Corporation to the President and the Board of Directors.

The Treasurer shall exhibit such books at all reasonable times to any Director upon request. In general, the Treasurer shall perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned by the President or by the Board of Directors.

Section 7. Chief Executive Officer.

The Board of Directors may appoint an individual to serve as the Chief Executive Officer of the Corporation who shall have such powers and duties as may be articulated by the Board of Directors. The Chief Executive Officer, if appointed, shall, subject to the control of the Board, be responsible for the Corporation's general management and for the day-to-day implementation of the policy and guidelines of the Board of Directors.

The Chief Executive Officer shall be entitled to participate in meetings of the Board of Directors, the Executive Committee and all other committees, but shall not be entitled to vote in his or her capacity as Chief Executive Officer.

Section 8. Removal.

The Board of Directors shall have the power to set the term of any officer and at any regular or special meeting to remove any officer, with or without cause. The Board may authorize any officer to remove subordinate officers.

Section 9. Vacancies.

The Board of Directors, at any regular or special meeting, shall have the power to fill a vacancy in any office.

ARTICLE VI. COMMITTEES

Section 1. Executive Committee.

By a majority vote of the Directors in office, the Board of Directors may designate an Executive Committee consisting of at least three Directors, one of whom shall be the President of

the Board of Directors, who shall also be President of the Executive Committee. The Board of Directors may designate one or more of the Directors as alternate members of the Executive Committee, who may replace any absent or disqualified member at any meeting of the Committee upon the request of the President of the Board of Directors. Except as otherwise required by law or these Bylaws, the Executive Committee shall have such authority as the Board of Directors shall grant to it for the management of the Corporation, including the power to authorize the seal of the Corporation to be affixed to all papers that may require it. The Executive Committee shall keep regular minutes of its proceedings and shall report the same to the Board of Directors when required. Vacancies in the Executive Committee shall be filled by the Board of Directors at a regular or special meeting.

Section 2. Other Committees.

The Board of Directors may by resolution constitute and appoint any other Board Committee to perform such duties and functions as the Board may deem appropriate and as permitted by the laws of the District of Columbia. All members of Board Committees shall also be Directors of the Corporation.

Section 3. Advisory Committees.

The Board of Directors may by resolution create and appoint Advisory Committees to advise the Board of Directors on any matters relating to the purposes of the Corporation. Such Advisory Committees may also suggest projects, which the Corporation may undertake. Members of Advisory Committees need not be Directors of the Corporation.

Section 3. Term of Office.

Each member of every committee shall continue in office at the pleasure of the Board of Directors.

Section 4. Chair.

One member of each committee shall be appointed chair, either directly by the Board of Directors or in such other manner as the Board of Directors may prescribe.

Section 5. Quorum.

Unless otherwise provided in the resolution of the Board of Directors designating a committee, the presence of a majority or more of committee members shall constitute a quorum. The action of the committee members possessing a majority of the votes of the committee members present at a meeting at which a quorum is present shall be the action of the committee.

Section 6. Rules.

Each committee may adopt rules for its own government not inconsistent with the Articles of Incorporation, with these Bylaws, with rules adopted by the Board of Directors, or with any applicable law of the District of Columbia.

Section 7. Committee Dissolution.

The Board of Directors may, in its sole discretion, dissolve any committee with or without cause.

ARTICLE VII. CONTRACTS, CHECKS, DEPOSITS, AND GIFTS

Section 1. Contracts.

The Board of Directors may authorize any officer(s) or agent(s) of the Corporation, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

Section 2. Checks, Drafts, Etc.

All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer(s) or agent(s) of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

Section 3. Deposits.

All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks or other depositories as the Board of Directors may select.

Section 3. Seal.

The seal of the Corporation shall be circular in form and shall have inscribed thereon the words "North Fund," "District of Columbia" and "Corporate Seal."

Section 4. Gifts.

The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the Corporation. The Board of Directors shall use and distribute all such contributions according to the specific purposes and conditions that were agreed upon by each donor when the contribution was received, except where the express written permission of the donor or the donor's heirs or assigns has been obtained to do otherwise.

ARTICLE VIII. EMERGENCY POWERS

Section 1. Board Actions.

An emergency exists for purposes of this section if a quorum of the Directors cannot readily be assembled because of some catastrophic event.

In the event of an emergency, the Board of Directors is authorized to take the following actions:

- A. Modify the responsibilities of Directors, officers, employees and agents to accommodate the incapacity of any Director, officer, employee, or agent; and/or
- B. Relocate the principal office, designate alternative principal offices or regional offices, or authorize the officers to do so.

Section 2. Temporary Changes to Articles and Bylaws.

During an emergency the following adjustments to the Corporation's Articles and Bylaws are permitted:

- A. Notice of a meeting of the Board of Directors need be given only to those Directors it is practicable to reach and may be given in any practicable manner; and
- B. One or more officers of the Corporation present at a meeting of the Board of Directors may be deemed to be Directors for the meeting, in order of rank and within the same rank in order of seniority.

ARTICLE IX. BOOKS AND RECORDS

The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board of Directors and committees having and exercising any of the authority of the Board of Directors. All books and records of the Corporation may be inspected by any Director or his or her agent or attorney for any proper purpose at any reasonable time.

ARTICLE X. FISCAL YEAR

The fiscal year of the Corporation shall begin on January 1st of each year and conclude on the subsequent December 31st.

ARTICLE XI. INDEMNIFICATION

Section 1.

The Corporation does hereby indemnify, to the maximum extent permissible under the law and this Article XI, each Director and officer and former Director and officer of the Corporation, and each individual who may have served at its request as a director, officer or trustee of another corporation, partnership, joint venture, trust, other enterprise or employee benefit plan (“Indemnitee”), against expenses (including attorneys’ fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with or arising out of any threatened, pending or completed claim, action, suit, proceeding, issue or matter of whatever nature, whether civil, criminal, legislative, administrative or investigative, in which he or she may be involved as a party or otherwise by reason of his or her being or having been such Director, Officer, director, officer or trustee. The Corporation shall advance funds to pay for or reimburse expenses to any Indemnitee who delivers to the Corporation the documents required and described in §29-406.53 of the D.C. Code or its successors.

Section 2.

This indemnification includes amounts paid or incurred in connection with reasonable settlements if made with a view to the curtailment of the costs of litigation.

Section 3.

This indemnification includes amounts paid or incurred in connection with acts of negligence, whether liability on the part of such Director, Officer, director, officer or trustee exists as to the Corporation, its Directors, Officers, agents or employees or as to third parties, including creditors.

Section 4.

This indemnification also extends to any criminal action, suit, investigation or proceeding, provided that the same shall be dismissed against such Director, Officer or trustee or that he or she shall have been found not guilty. Such indemnification likewise extends to a criminal action, suit, investigation or proceeding that is terminated by a plea of nolo contendere, or its equivalent, to a charge of misdemeanor, provided that the conduct complained of on the part of the Director, Officer, director, officer or trustee was done in good faith and with the belief that it was in the best interest of the Corporation and with no reasonable cause to believe it was unlawful.

Section 5.

No such reimbursement or indemnification shall relate to any expense incurred in connection with any matter as to which such Director, Officer, director, officer or trustee has been adjudged to be liable for gross negligence or misconduct in the performance of his or her duty to the

Corporation, exclusive of issues or matters not related to the conduct on which the judgment was based, unless and only to the extent that the court in which the action or suit was brought shall determine that, despite such adjudication of liability and in view of all the circumstances of the case, such Director, Officer, director, officer or trustee is fairly and reasonably entitled to indemnification for those expenses that the court shall deem proper.

Section 6.

The indemnification provided by this Article XI shall not be deemed exclusive of any other rights which such Director, Officer, director, officer or trustee may have under any agreement, vote of the Board of Directors or otherwise.

Section 7.

No indemnification shall be made under this Article XI if such indemnification would result in any liability for tax under chapter 42 of the Internal Revenue Code of 1986.

Section 8.

Every provision of this Article XI is intended to be severable, and, if any term or provision is invalid for any reason whatsoever, such invalidity shall not affect the validity of the remainder of this Article XI.

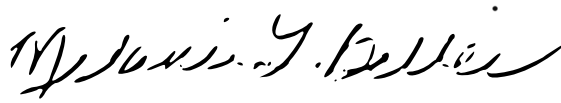
ARTICLE XII. AMENDMENTS TO BYLAWS

These Bylaws may be altered, amended, or repealed and new Bylaws may be adopted a majority vote of the Directors.

ARTICLE XIII. AMENDMENTS TO ARTICLES

The Articles of Incorporation of the Corporation may, to the extent allowed by law, be altered, amended, or restated and new Articles of Incorporation may be adopted by a majority vote of the Directors.

The undersigned, as Secretary of the Corporation, does hereby certify that the foregoing are the Bylaws of the Corporation as approved and amended by vote of the Board of Directors on the 3rd day of June, 2019.



Secretary

Exhibit B



COMMISSIONER OF
POLITICAL PRACTICES

STATE OF MONTANA

JEFF MANGAN
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643
www.politicalpractices.mt.gov

1209 EIGHTH AVENUE
P.O. BOX 202401
HELENA, MT 59620-2401

October 6, 2020

Amber Maltbie
Nossaman LLP

James P. Molloy
Gallik, Bremer & Molloy, P.C.

Re: North Fund Committee Classification

Amber/James,

I am sending this in response to your September 30, 2020 letter. In that correspondence, you had stated that North Fund was incorporated as a 501(c)(4) social welfare organization in December of 2018 and provided several examples of what you describe as “policy initiatives and educational programs around the country” in which the organization has become involved. This Office requests additional information regarding each activity you had noted. Specifically:

- Please describe each specific economic justice reform North Fund advocated for or against in the State of Colorado, including whether the issue was to be voted on by citizens via an election in that state. Please also provide the amount expended or contributed to groups by North Fund advocating for or against each specific issue and to whom the expenditure/s were made;
- Please generally describe North Fund’s educational activities regarding District of Columbia statehood and whether the issue was to be voted on by citizens via an election in the District. Please also provide the amount expended or contributed to groups by North Fund on these educational activities and to whom the expenditure/s were made;
- Please describe each specific civic engagement issue North Fund advocated for or against in the State of New Hampshire, including whether the issue was to be voted on by citizens via an election in that state. Please also provide the specific

amount expended or contributed to groups by North Fund advocating for or against each specific issue and to whom the expenditure/s were made;

- Please describe the specific healthcare issue North Fund advocated for or against in the State of Missouri, including whether that issue was to be voted on by citizens via an election in that state. Please also provide the amount expended or contributed to groups by North Fund advocating for or against each specific issue and to whom the expenditure/s were made;
- Does North Fund solicit contributions for specific issues, including ballot measures? If so, please describe.

A description of any other specific issues North Fund has advocated for or against, including the state or location and whether the issue was to be voted on by citizens in an election there and the amount expended or contributed to groups by North Fund advocating for or against the issue, is also requested.

Finally, documentation provided along with your September 30, 2020 letter refers to distributing \$1,854,232 in grants in 2019 and \$25,145,975 in grants as of August 30, 2020. Do grants include activities meant to support or oppose ballot measures or candidates that are to be voted on in an election? If a list of grantees is available, please provide it.

In addition to the information requested above, please provide any publicly available documents or sources citizens of the State of Montana could access to obtain more information about North Fund's organization and activities. For example, a publicly available website, organizational charter, social media accounts, etc.

Please provide all requested information no later than October 20, 2020. Please feel free to contact me directly with any questions on this matter.

Respectfully submitted,



Jeff Mangan
Montana Commissioner of Political Practices

Exhibit C

PUBLIC DISCLOSURE COPY

Form **990**
(Rev. January 2020)
Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax
Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)
Do not enter social security numbers on this form as it may be made public.
Go to www.irs.gov/Form990 for instructions and the latest information.

OMB No. 1545-0047

2019
Open to Public Inspection

A For the **2019** calendar year, or tax year beginning and ending

B Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input checked="" type="checkbox"/> Initial return <input type="checkbox"/> Final return/terminated <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	C Name of organization NORTH FUND		D Employer identification number 83-4011547
	Doing business as		E Telephone number (202) 971-1330
	Number and street (or P.O. box if mail is not delivered to street address)	Room/suite	
	1101 CONNECTICUT AVENUE		G Gross receipts \$ 9,351,304.
	City or town, state or province, country, and ZIP or foreign postal code WASHINGTON, DC 20036		
F Name and address of principal officer: JIM GERSTEIN SAME AS C ABOVE		H(a) Is this a group return for subordinates? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No H(b) Are all subordinates included? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No," attach a list. (see instructions) H(c) Group exemption number ▶	

I Tax-exempt status: 501(c)(3) 501(c) (**4**) ◀ (insert no.) 4947(a)(1) or 527

J Website: ▶ **N/A**

K Form of organization: Corporation Trust Association Other ▶ **L** Year of formation: **2018** **M** State of legal domicile: **DC**

Part I Summary			
Activities & Governance	1 Briefly describe the organization's mission or most significant activities: THE NORTH FUND PARTNERS WITH COMMITTED COMMUNITY LEADERS TO HELP MAKE OUR COUNTRY A MORE JUST,		
	2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets.		
	3 Number of voting members of the governing body (Part VI, line 1a)	3	3
	4 Number of independent voting members of the governing body (Part VI, line 1b)	4	3
	5 Total number of individuals employed in calendar year 2019 (Part V, line 2a)	5	0
	6 Total number of volunteers (estimate if necessary)	6	3
	7 a Total unrelated business revenue from Part VIII, column (C), line 12	7a	0.
b Net unrelated business taxable income from Form 990-T, line 39	7b	0.	
Revenue	8 Contributions and grants (Part VIII, line 1h)	Prior Year	Current Year 9,300,500.
	9 Program service revenue (Part VIII, line 2g)		0.
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)		27,553.
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)		23,251.
	12 Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12)		9,351,304.
	Expenses	13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)	
14 Benefits paid to or for members (Part IX, column (A), line 4)			0.
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)			157,418.
16a Professional fundraising fees (Part IX, column (A), line 11e)			0.
b Total fundraising expenses (Part IX, column (D), line 25) ▶ 0.			
17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)			702,998.
18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)		1,862,416.	
19 Revenue less expenses. Subtract line 18 from line 12		7,488,888.	
Net Assets or Fund Balances	20 Total assets (Part X, line 16)	Beginning of Current Year	End of Year 7,915,300.
	21 Total liabilities (Part X, line 26)		426,412.
	22 Net assets or fund balances. Subtract line 21 from line 20		7,488,888.

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer	Date			
	JIM GERSTEIN, PRESIDENT Type or print name and title				
Paid Preparer Use Only	Print/Type preparer's name MICHAEL LUMSDEN	Preparer's signature MICHAEL LUMSDEN	Date 11/12/20	Check if self-employed <input type="checkbox"/>	PTIN P01262236
	Firm's name ▶ MOSS ADAMS LLP	Firm's EIN ▶ 91-0189318	Phone no. 415-956-1500		
Firm's address ▶ 101 SECOND STREET SUITE 900		SAN FRANCISCO, CA 94105			

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

Part III Statement of Program Service Accomplishments

Check if Schedule O contains a response or note to any line in this Part III [X]

1 Briefly describe the organization's mission: THE NORTH FUND PARTNERS WITH COMMITTED COMMUNITY LEADERS TO HELP MAKE OUR COUNTRY A MORE JUST, FAIR, AND EQUITABLE PLACE TO LIVE, WORK, AND RAISE FAMILIES. IT FOCUSES ON SUPPORTING INNOVATIVE SOCIAL ENTREPRENEURSHIP, EDUCATIONAL INITIATIVES, AND ADVOCACY CAMPAIGNS THAT

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? [] Yes [X] No If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? [] Yes [X] No If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses \$ 1,113,487. including grants of \$ 1,000,000.) (Revenue \$ 0.) FUND SEEKING TO PROMOTE CIVIL RIGHTS, SOCIAL ACTION, AND ADVOCACY.

4b (Code:) (Expenses \$ 563,585. including grants of \$ 2,000.) (Revenue \$ 0.) FUND FOR CAPACITY BUILDING.

4c (Code:) (Expenses \$ including grants of \$) (Revenue \$)

4d Other program services (Describe on Schedule O.) (Expenses \$ including grants of \$) (Revenue \$)

4e Total program service expenses 1,677,072.

Part IV Checklist of Required Schedules

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? <i>If "Yes," complete Schedule A</i>		X
2 Is the organization required to complete <i>Schedule B, Schedule of Contributors</i> ?	X	
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? <i>If "Yes," complete Schedule C, Part I</i>	X	
4 Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? <i>If "Yes," complete Schedule C, Part II</i>		
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? <i>If "Yes," complete Schedule C, Part III</i>		X
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? <i>If "Yes," complete Schedule D, Part I</i>		X
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? <i>If "Yes," complete Schedule D, Part II</i>		X
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? <i>If "Yes," complete Schedule D, Part III</i>		X
9 Did the organization report an amount in Part X, line 21, for escrow or custodial account liability, serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? <i>If "Yes," complete Schedule D, Part IV</i>		X
10 Did the organization, directly or through a related organization, hold assets in donor-restricted endowments or in quasi endowments? <i>If "Yes," complete Schedule D, Part V</i>		X
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? <i>If "Yes," complete Schedule D, Part VI</i>		X
b Did the organization report an amount for investments - other securities in Part X, line 12, that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VII</i>		X
c Did the organization report an amount for investments - program related in Part X, line 13, that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VIII</i>		X
d Did the organization report an amount for other assets in Part X, line 15, that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part IX</i>		X
e Did the organization report an amount for other liabilities in Part X, line 25? <i>If "Yes," complete Schedule D, Part X</i>		X
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? <i>If "Yes," complete Schedule D, Part X</i>		X
12a Did the organization obtain separate, independent audited financial statements for the tax year? <i>If "Yes," complete Schedule D, Parts XI and XII</i>		X
b Was the organization included in consolidated, independent audited financial statements for the tax year? <i>If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional</i>		X
13 Is the organization a school described in section 170(b)(1)(A)(ii)? <i>If "Yes," complete Schedule E</i>		X
14a Did the organization maintain an office, employees, or agents outside of the United States?		X
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? <i>If "Yes," complete Schedule F, Parts I and IV</i>		X
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? <i>If "Yes," complete Schedule F, Parts II and IV</i>		X
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? <i>If "Yes," complete Schedule F, Parts III and IV</i>		X
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? <i>If "Yes," complete Schedule G, Part I</i>		X
18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? <i>If "Yes," complete Schedule G, Part II</i>		X
19 Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? <i>If "Yes," complete Schedule G, Part III</i>		X
20a Did the organization operate one or more hospital facilities? <i>If "Yes," complete Schedule H</i>		X
b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?		
21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? <i>If "Yes," complete Schedule I, Parts I and II</i>	X	

Part IV Checklist of Required Schedules (continued)

	Yes	No
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? <i>If "Yes," complete Schedule I, Parts I and III</i>		X
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? <i>If "Yes," complete Schedule J</i>		X
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? <i>If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a</i>		X
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? <i>If "Yes," complete Schedule L, Part I</i>		X
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? <i>If "Yes," complete Schedule L, Part I</i>		X
26 Did the organization report any amount on Part X, line 5 or 22, for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? <i>If "Yes," complete Schedule L, Part II</i>		X
27 Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? <i>If "Yes," complete Schedule L, Part III</i>		X
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions, for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? <i>If "Yes," complete Schedule L, Part IV</i>		X
b A family member of any individual described in line 28a? <i>If "Yes," complete Schedule L, Part IV</i>		X
c A 35% controlled entity of one or more individuals and/or organizations described in lines 28a or 28b? <i>If "Yes," complete Schedule L, Part IV</i>		X
29 Did the organization receive more than \$25,000 in non-cash contributions? <i>If "Yes," complete Schedule M</i>		X
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? <i>If "Yes," complete Schedule M</i>		X
31 Did the organization liquidate, terminate, or dissolve and cease operations? <i>If "Yes," complete Schedule N, Part I</i>		X
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? <i>If "Yes," complete Schedule N, Part II</i>		X
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? <i>If "Yes," complete Schedule R, Part I</i>		X
34 Was the organization related to any tax-exempt or taxable entity? <i>If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1</i>		X
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		X
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? <i>If "Yes," complete Schedule R, Part V, line 2</i>		
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? <i>If "Yes," complete Schedule R, Part V, line 2</i>		
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? <i>If "Yes," complete Schedule R, Part VI</i>		X
38 Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19?	X	

Note: All Form 990 filers are required to complete Schedule O

Part V Statements Regarding Other IRS Filings and Tax Compliance

Check if Schedule O contains a response or note to any line in this Part V

	Yes	No
1a Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable		
b Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable		
c Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?	X	

Part V Statements Regarding Other IRS Filings and Tax Compliance (continued)

Table with columns for question number, question text, and Yes/No response boxes. Includes questions 2a through 16 regarding employee counts, tax returns, business income, foreign accounts, prohibited transactions, and charitable contributions.

Part VI Governance, Management, and Disclosure For each "Yes" response to lines 2 through 7b below, and for a "No" response to line 8a, 8b, or 10b below, describe the circumstances, processes, or changes on Schedule O. See instructions.

Check if Schedule O contains a response or note to any line in this Part VI [X]

Section A. Governing Body and Management

Table with 3 columns: Question, Yes, No. Rows include: 1a Enter the number of voting members of the governing body at the end of the tax year; 1b Enter the number of voting members included on line 1a, above, who are independent; 2 Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?; 3 Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors, trustees, or key employees to a management company or other person?; 4 Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?; 5 Did the organization become aware during the year of a significant diversion of the organization's assets?; 6 Did the organization have members or stockholders?; 7a Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?; 7b Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?; 8 Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following: a The governing body? b Each committee with authority to act on behalf of the governing body?; 9 Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses on Schedule O.

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

Table with 3 columns: Question, Yes, No. Rows include: 10a Did the organization have local chapters, branches, or affiliates?; 10b If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?; 11a Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?; 11b Describe in Schedule O the process, if any, used by the organization to review this Form 990.; 12a Did the organization have a written conflict of interest policy? If "No," go to line 13; 12b Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?; 12c Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this was done; 13 Did the organization have a written whistleblower policy?; 14 Did the organization have a written document retention and destruction policy?; 15 Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?; 15a The organization's CEO, Executive Director, or top management official; 15b Other officers or key employees of the organization; 16a Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?; 16b If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?

Section C. Disclosure

- 17 List the states with which a copy of this Form 990 is required to be filed AL, AR, CA, CT, DC, FL, GA, HI, ID, IL, KS, KY
18 Section 6104 requires an organization to make its Forms 1023 (1024 or 1024-A, if applicable), 990, and 990-T (Section 501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
19 Describe on Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.
20 State the name, address, and telephone number of the person who possesses the organization's books and records

Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors

Check if Schedule O contains a response or note to any line in this Part VII

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's **current** key employees, if any. See instructions for definition of "key employee."
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than \$100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, and highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations. See instructions for the order in which to list the persons above.

Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and title	(B) Average hours per week (list any hours for related organizations below line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) JIM GERSTEIN PRESIDENT AND CHAIR	1.00 0.00	X		X				0.	0.	0.
(2) CRISTINA URIBE TREASURER	1.00 0.00	X		X				0.	0.	0.
(3) MELANIE BELLER SECRETARY	1.00 0.00	X		X				0.	0.	0.
(4) SAURABH GUPTA GENERAL COUNSEL	1.00 0.00			X				3,991.	0.	0.

Part VII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees (continued)

(A) Name and title	(B) Average hours per week (list any hours for related organizations below line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
1b Subtotal							3,991.	0.	0.	
c Total from continuation sheets to Part VII, Section A							0.	0.	0.	
d Total (add lines 1b and 1c)							3,991.	0.	0.	

2 Total number of individuals (including but not limited to those listed above) who received more than \$100,000 of reportable compensation from the organization **0**

	Yes	No
3 Did the organization list any former officer, director, trustee, key employee, or highest compensated employee on line 1a? <i>If "Yes," complete Schedule J for such individual</i>		X
4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? <i>If "Yes," complete Schedule J for such individual</i>		X
5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? <i>If "Yes," complete Schedule J for such person</i>		X

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

(A) Name and business address	(B) Description of services	(C) Compensation
NONE		

2 Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 of compensation from the organization **0**

Part VIII Statement of Revenue

Check if Schedule O contains a response or note to any line in this Part VIII

			(A)	(B)	(C)	(D)	
			Total revenue	Related or exempt function revenue	Unrelated business revenue	Revenue excluded from tax under sections 512 - 514	
Contributions, Gifts, Grants and Other Similar Amounts	1 a	Federated campaigns	1a				
	b	Membership dues	1b				
	c	Fundraising events	1c				
	d	Related organizations	1d				
	e	Government grants (contributions)	1e				
	f	All other contributions, gifts, grants, and similar amounts not included above	1f	9,300,500.			
	g	Noncash contributions included in lines 1a-1f	1g	\$			
	h	Total. Add lines 1a-1f		9,300,500.			
Program Service Revenue	2 a		Business Code				
	b						
	c						
	d						
	e						
	f	All other program service revenue					
	g	Total. Add lines 2a-2f					
Other Revenue	3	Investment income (including dividends, interest, and other similar amounts)		27,553.		27,553.	
	4	Income from investment of tax-exempt bond proceeds					
	5	Royalties					
	6 a	Gross rents	(i) Real				
			(ii) Personal				
	b	Less: rental expenses	6b				
	c	Rental income or (loss)	6c				
	d	Net rental income or (loss)					
	7 a	Gross amount from sales of assets other than inventory	(i) Securities				
			(ii) Other				
	b	Less: cost or other basis and sales expenses	7b				
	c	Gain or (loss)	7c				
	d	Net gain or (loss)					
8 a	Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18						
b	Less: direct expenses	8b					
c	Net income or (loss) from fundraising events						
9 a	Gross income from gaming activities. See Part IV, line 19						
b	Less: direct expenses	9b					
c	Net income or (loss) from gaming activities						
10 a	Gross sales of inventory, less returns and allowances						
b	Less: cost of goods sold	10b					
c	Net income or (loss) from sales of inventory						
Miscellaneous Revenue	11 a	GENERAL ADMIN RETAINER	Business Code	541900	23,251.	23,251.	
	b						
	c						
	d	All other revenue					
	e	Total. Add lines 11a-11d			23,251.		
12	Total revenue. See instructions			9,351,304.	0.	0.	
						50,804.	

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

Check if Schedule O contains a response or note to any line in this Part IX X

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21 ...	1,002,000.	1,002,000.		
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	3,991.		3,991.	
6 Compensation not included above to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	124,320.	124,320.		
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	1,663.	1,663.		
9 Other employee benefits	16,756.	16,595.	161.	
10 Payroll taxes	10,688.	10,688.		
11 Fees for services (nonemployees):				
a Management				
b Legal	88,750.	56,045.	32,705.	
c Accounting				
d Lobbying	16,000.	16,000.		
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other. (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Sch O.)	299,060.	186,192.	112,868.	
12 Advertising and promotion	215,123.	214,323.	800.	
13 Office expenses	2,041.	321.	1,720.	
14 Information technology	9,267.	26.	9,241.	
15 Royalties				
16 Occupancy	2,467.	1,172.	1,295.	
17 Travel	40,866.	40,866.		
18 Payments of travel or entertainment expenses for any federal, state, or local public officials ...				
19 Conferences, conventions, and meetings	2,460.	2,460.		
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization				
23 Insurance	12,124.		12,124.	
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses on line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a TAXES	8,185.		8,185.	
b _____				
c _____				
d _____				
e All other expenses _____	6,655.	4,401.	2,254.	
25 Total functional expenses. Add lines 1 through 24e	1,862,416.	1,677,072.	185,344.	0.
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation.				

Check here if following SOP 98-2 (ASC 958-720)

Part X Balance Sheet

Check if Schedule O contains a response or note to any line in this Part X

		(A) Beginning of year		(B) End of year	
Assets	1 Cash - non-interest-bearing	0.	1	7,805,670.	
	2 Savings and temporary cash investments		2	100.	
	3 Pledges and grants receivable, net		3		
	4 Accounts receivable, net		4		
	5 Loans and other receivables from any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		5		
	6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)		6		
	7 Notes and loans receivable, net		7		
	8 Inventories for sale or use		8		
	9 Prepaid expenses and deferred charges		9		
	10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a			
	b Less: accumulated depreciation	10b		10c	
	11 Investments - publicly traded securities		11		
	12 Investments - other securities. See Part IV, line 11		12		
	13 Investments - program-related. See Part IV, line 11		13		
	14 Intangible assets		14		
	15 Other assets. See Part IV, line 11		0.	15	109,530.
16 Total assets. Add lines 1 through 15 (must equal line 33)		0.	16	7,915,300.	
Liabilities	17 Accounts payable and accrued expenses	0.	17	426,412.	
	18 Grants payable		18		
	19 Deferred revenue		19		
	20 Tax-exempt bond liabilities		20		
	21 Escrow or custodial account liability. Complete Part IV of Schedule D		21		
	22 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		22		
	23 Secured mortgages and notes payable to unrelated third parties		23		
	24 Unsecured notes and loans payable to unrelated third parties		24		
	25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17-24). Complete Part X of Schedule D		25		
	26 Total liabilities. Add lines 17 through 25		0.	26	426,412.
Net Assets or Fund Balances	Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.				
	27 Net assets without donor restrictions		0.	27	-134,540.
	28 Net assets with donor restrictions			28	7,623,428.
	Organizations that do not follow FASB ASC 958, check here <input type="checkbox"/> and complete lines 29 through 33.				
	29 Capital stock or trust principal, or current funds			29	
	30 Paid-in or capital surplus, or land, building, or equipment fund			30	
	31 Retained earnings, endowment, accumulated income, or other funds			31	
	32 Total net assets or fund balances		0.	32	7,488,888.
	33 Total liabilities and net assets/fund balances		0.	33	7,915,300.

Part XI Reconciliation of Net Assets

Check if Schedule O contains a response or note to any line in this Part XI

1	Total revenue (must equal Part VIII, column (A), line 12)	1	9,351,304.
2	Total expenses (must equal Part IX, column (A), line 25)	2	1,862,416.
3	Revenue less expenses. Subtract line 2 from line 1	3	7,488,888.
4	Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A))	4	0.
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain on Schedule O)	9	0.
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B))	10	7,488,888.

Part XII Financial Statements and Reporting

Check if Schedule O contains a response or note to any line in this Part XII

	Yes	No
1 Accounting method used to prepare the Form 990: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual <input type="checkbox"/> Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.		
2a Were the organization's financial statements compiled or reviewed by an independent accountant? _____ If "Yes," check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: <input checked="" type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis	X	
b Were the organization's financial statements audited by an independent accountant? _____ If "Yes," check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: <input type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis		X
c If "Yes" to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? _____ If the organization changed either its oversight process or selection process during the tax year, explain on Schedule O.		X
3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133? _____		X
b If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why on Schedule O and describe any steps taken to undergo such audits _____		

Form 990 (2019)

Schedule B

(Form 990, 990-EZ, or 990-PF)

Department of the Treasury Internal Revenue Service

Schedule of Contributors

Attach to Form 990, Form 990-EZ, or Form 990-PF. Go to www.irs.gov/Form990 for the latest information.

OMB No. 1545-0047

2019

Name of the organization

NORTH FUND

Employer identification number

83-4011547

Organization type (check one):

Filers of:

Section:

Form 990 or 990-EZ

[X] 501(c)(4) (enter number) organization

[] 4947(a)(1) nonexempt charitable trust not treated as a private foundation

[] 527 political organization

Form 990-PF

[] 501(c)(3) exempt private foundation

[] 4947(a)(1) nonexempt charitable trust treated as a private foundation

[] 501(c)(3) taxable private foundation

Check if your organization is covered by the General Rule or a Special Rule.

Note: Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.

General Rule

[X] For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, contributions totaling \$5,000 or more (in money or property) from any one contributor. Complete Parts I and II. See instructions for determining a contributor's total contributions.

Special Rules

[] For an organization described in section 501(c)(3) filing Form 990 or 990-EZ that met the 33 1/3% support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), that checked Schedule A (Form 990 or 990-EZ), Part II, line 13, 16a, or 16b, and that received from any one contributor, during the year, total contributions of the greater of (1) \$5,000; or (2) 2% of the amount on (i) Form 990, Part VIII, line 1h; or (ii) Form 990-EZ, line 1. Complete Parts I and II.

[] For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, total contributions of more than \$1,000 exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. Complete Parts I, II, and III.

[] For an organization described in section 501(c)(7), (8), or (10) filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions exclusively for religious, charitable, etc., purposes, but no such contributions totaled more than \$1,000. If this box is checked, enter here the total contributions that were received during the year for an exclusively religious, charitable, etc., purpose. Don't complete any of the parts unless the General Rule applies to this organization because it received nonexclusively religious, charitable, etc., contributions totaling \$5,000 or more during the year

Caution: An organization that isn't covered by the General Rule and/or the Special Rules doesn't file Schedule B (Form 990, 990-EZ, or 990-PF), but it must answer "No" on Part IV, line 2, of its Form 990; or check the box on line H of its Form 990-EZ or on its Form 990-PF, Part I, line 2, to certify that it doesn't meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

Name of organization NORTH FUND	Employer identification number 83-4011547
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Part I Contributors (see instructions). Use duplicate copies of Part I if additional space is needed.

(a) No.	(b) Name, address, and ZIP + 4	(c) Total contributions	(d) Type of contribution
1	<hr/> <hr/> <hr/>	\$ <u>9,300,500.</u>	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
_____	<hr/> <hr/> <hr/>	\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
_____	<hr/> <hr/> <hr/>	\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
_____	<hr/> <hr/> <hr/>	\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
_____	<hr/> <hr/> <hr/>	\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
_____	<hr/> <hr/> <hr/>	\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)
_____	<hr/> <hr/> <hr/>	\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II for noncash contributions.)

Name of organization NORTH FUND	Employer identification number 83-4011547
---	---

Part II Noncash Property (see instructions). Use duplicate copies of Part II if additional space is needed.

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (See instructions.)	(d) Date received
		\$ _____	_____
		\$ _____	_____
		\$ _____	_____
		\$ _____	_____
		\$ _____	_____
		\$ _____	_____
		\$ _____	_____

Name of organization NORTH FUND	Employer identification number 83-4011547
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Part III Exclusively religious, charitable, etc., contributions to organizations described in section 501(c)(7), (8), or (10) that total more than \$1,000 for the year from any one contributor. Complete columns (a) through (e) and the following line entry. For organizations completing Part III, enter the total of exclusively religious, charitable, etc., contributions of **\$1,000 or less** for the year. (Enter this info. once.) ▶ \$ _____
Use duplicate copies of Part III if additional space is needed.

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held

(e) Transfer of gift	
Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held

(e) Transfer of gift	
Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held

(e) Transfer of gift	
Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held

(e) Transfer of gift	
Transferee's name, address, and ZIP + 4	Relationship of transferor to transferee

SCHEDULE C
(Form 990 or 990-EZ)

Political Campaign and Lobbying Activities

OMB No. 1545-0047

2019

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

For Organizations Exempt From Income Tax Under section 501(c) and section 527
▶ **Complete if the organization is described below.** ▶ **Attach to Form 990 or Form 990-EZ.**
▶ **Go to www.irs.gov/Form990 for instructions and the latest information.**

If the organization answered "Yes," on Form 990, Part IV, line 3, or Form 990-EZ, Part V, line 46 (Political Campaign Activities), then

- Section 501(c)(3) organizations: Complete Parts I-A and B. Do not complete Part I-C.
- Section 501(c) (other than section 501(c)(3)) organizations: Complete Parts I-A and C below. Do not complete Part I-B.
- Section 527 organizations: Complete Part I-A only.

If the organization answered "Yes," on Form 990, Part IV, line 4, or Form 990-EZ, Part VI, line 47 (Lobbying Activities), then

- Section 501(c)(3) organizations that have filed Form 5768 (election under section 501(h)): Complete Part II-A. Do not complete Part II-B.
- Section 501(c)(3) organizations that have NOT filed Form 5768 (election under section 501(h)): Complete Part II-B. Do not complete Part II-A.

If the organization answered "Yes," on Form 990, Part IV, line 5 (Proxy Tax) (see separate instructions) or Form 990-EZ, Part V, line 35c (Proxy Tax) (see separate instructions), then

- Section 501(c)(4), (5), or (6) organizations: Complete Part III.

Name of organization NORTH FUND	Employer identification number 83-4011547
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Part I-A Complete if the organization is exempt under section 501(c) or is a section 527 organization.

- 1 Provide a description of the organization's direct and indirect political campaign activities in Part IV.
- 2 Political campaign activity expenditures ▶ \$ 92,304.
- 3 Volunteer hours for political campaign activities 0.

Part I-B Complete if the organization is exempt under section 501(c)(3).

- 1 Enter the amount of any excise tax incurred by the organization under section 4955 ▶ \$ _____
- 2 Enter the amount of any excise tax incurred by organization managers under section 4955 ▶ \$ _____
- 3 If the organization incurred a section 4955 tax, did it file Form 4720 for this year? Yes No
- 4a Was a correction made? Yes No
- b If "Yes," describe in Part IV.

Part I-C Complete if the organization is exempt under section 501(c), except section 501(c)(3).

- 1 Enter the amount directly expended by the filing organization for section 527 exempt function activities ▶ \$ 92,304.
- 2 Enter the amount of the filing organization's funds contributed to other organizations for section 527 exempt function activities ▶ \$ 0.
- 3 Total exempt function expenditures. Add lines 1 and 2. Enter here and on Form 1120-POL, line 17b ▶ \$ 92,304.
- 4 Did the filing organization file **Form 1120-POL** for this year? Yes No
- 5 Enter the names, addresses and employer identification number (EIN) of all section 527 political organizations to which the filing organization made payments. For each organization listed, enter the amount paid from the filing organization's funds. Also enter the amount of political contributions received that were promptly and directly delivered to a separate political organization, such as a separate segregated fund or a political action committee (PAC). If additional space is needed, provide information in Part IV.

(a) Name	(b) Address	(c) EIN	(d) Amount paid from filing organization's funds. If none, enter -0-.	(e) Amount of political contributions received and promptly and directly delivered to a separate political organization. If none, enter -0-.

For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ. **Schedule C (Form 990 or 990-EZ) 2019**

Part II-A Complete if the organization is exempt under section 501(c)(3) and filed Form 5768 (election under section 501(h)).

- A** Check if the filing organization belongs to an affiliated group (and list in Part IV each affiliated group member's name, address, EIN, expenses, and share of excess lobbying expenditures).
- B** Check if the filing organization checked box A and "limited control" provisions apply.

Limits on Lobbying Expenditures (The term "expenditures" means amounts paid or incurred.)		(a) Filing organization's totals	(b) Affiliated group totals												
1a	Total lobbying expenditures to influence public opinion (grassroots lobbying)														
b	Total lobbying expenditures to influence a legislative body (direct lobbying)														
c	Total lobbying expenditures (add lines 1a and 1b)														
d	Other exempt purpose expenditures														
e	Total exempt purpose expenditures (add lines 1c and 1d)														
f	Lobbying nontaxable amount. Enter the amount from the following table in both columns.														
<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 50%;">If the amount on line 1e, column (a) or (b) is:</th> <th style="width: 50%;">The lobbying nontaxable amount is:</th> </tr> </thead> <tbody> <tr> <td>Not over \$500,000</td> <td>20% of the amount on line 1e.</td> </tr> <tr> <td>Over \$500,000 but not over \$1,000,000</td> <td>\$100,000 plus 15% of the excess over \$500,000.</td> </tr> <tr> <td>Over \$1,000,000 but not over \$1,500,000</td> <td>\$175,000 plus 10% of the excess over \$1,000,000.</td> </tr> <tr> <td>Over \$1,500,000 but not over \$17,000,000</td> <td>\$225,000 plus 5% of the excess over \$1,500,000.</td> </tr> <tr> <td>Over \$17,000,000</td> <td>\$1,000,000.</td> </tr> </tbody> </table>		If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:	Not over \$500,000	20% of the amount on line 1e.	Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.	Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.	Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.	Over \$17,000,000	\$1,000,000.		
If the amount on line 1e, column (a) or (b) is:	The lobbying nontaxable amount is:														
Not over \$500,000	20% of the amount on line 1e.														
Over \$500,000 but not over \$1,000,000	\$100,000 plus 15% of the excess over \$500,000.														
Over \$1,000,000 but not over \$1,500,000	\$175,000 plus 10% of the excess over \$1,000,000.														
Over \$1,500,000 but not over \$17,000,000	\$225,000 plus 5% of the excess over \$1,500,000.														
Over \$17,000,000	\$1,000,000.														
g	Grassroots nontaxable amount (enter 25% of line 1f)														
h	Subtract line 1g from line 1a. If zero or less, enter -0-														
i	Subtract line 1f from line 1c. If zero or less, enter -0-														
j	If there is an amount other than zero on either line 1h or line 1i, did the organization file Form 4720 reporting section 4911 tax for this year?														

Yes No

4-Year Averaging Period Under Section 501(h)
(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the separate instructions for lines 2a through 2f.)

Lobbying Expenditures During 4-Year Averaging Period					
Calendar year (or fiscal year beginning in)	(a) 2016	(b) 2017	(c) 2018	(d) 2019	(e) Total
2a Lobbying nontaxable amount					
b Lobbying ceiling amount (150% of line 2a, column(e))					
c Total lobbying expenditures					
d Grassroots nontaxable amount					
e Grassroots ceiling amount (150% of line 2d, column (e))					
f Grassroots lobbying expenditures					

Schedule C (Form 990 or 990-EZ) 2019

Part II-B Complete if the organization is exempt under section 501(c)(3) and has NOT filed Form 5768 (election under section 501(h)).

	(a)		(b)
	Yes	No	Amount
1 During the year, did the filing organization attempt to influence foreign, national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:			
a Volunteers?			
b Paid staff or management (include compensation in expenses reported on lines 1c through 1i)? ..			
c Media advertisements?			
d Mailings to members, legislators, or the public?			
e Publications, or published or broadcast statements?			
f Grants to other organizations for lobbying purposes?			
g Direct contact with legislators, their staffs, government officials, or a legislative body?			
h Rallies, demonstrations, seminars, conventions, speeches, lectures, or any similar means?			
i Other activities?			
j Total. Add lines 1c through 1i			
2a Did the activities in line 1 cause the organization to be not described in section 501(c)(3)?			
b If "Yes," enter the amount of any tax incurred under section 4912			
c If "Yes," enter the amount of any tax incurred by organization managers under section 4912			
d If the filing organization incurred a section 4912 tax, did it file Form 4720 for this year?			

Part III-A Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6).

	Yes	No
1 Were substantially all (90% or more) dues received nondeductible by members?	1	
2 Did the organization make only in-house lobbying expenditures of \$2,000 or less?	2	
3 Did the organization agree to carry over lobbying and political campaign activity expenditures from the prior year?	3	

Part III-B Complete if the organization is exempt under section 501(c)(4), section 501(c)(5), or section 501(c)(6) and if either (a) BOTH Part III-A, lines 1 and 2, are answered "No" OR (b) Part III-A, line 3, is answered "Yes."

1 Dues, assessments and similar amounts from members	1
2 Section 162(e) nondeductible lobbying and political expenditures (do not include amounts of political expenses for which the section 527(f) tax was paid).	
a Current year	2a
b Carryover from last year	2b
c Total	2c
3 Aggregate amount reported in section 6033(e)(1)(A) notices of nondeductible section 162(e) dues	3
4 If notices were sent and the amount on line 2c exceeds the amount on line 3, what portion of the excess does the organization agree to carryover to the reasonable estimate of nondeductible lobbying and political expenditure next year?	4
5 Taxable amount of lobbying and political expenditures (see instructions)	5

Part IV Supplemental Information

Provide the descriptions required for Part I-A, line 1; Part I-B, line 4; Part I-C, line 5; Part II-A (affiliated group list); Part II-A, lines 1 and 2 (see instructions); and Part II-B, line 1. Also, complete this part for any additional information.

PART I-A, LINE 1:

FUNDS EXPENDED TO FURTHER SOCIAL WELFARE.

**SCHEDULE I
(Form 990)**

Department of the Treasury
Internal Revenue Service

**Grants and Other Assistance to Organizations,
Governments, and Individuals in the United States**
Complete if the organization answered "Yes" on Form 990, Part IV, line 21 or 22.

▶ **Attach to Form 990.**

▶ **Go to www.irs.gov/Form990 for the latest information.**

OMB No. 1545-0047

2019

**Open to Public
Inspection**

Name of the organization **NORTH FUND** Employer identification number **83-4011547**

Part I General Information on Grants and Assistance

- 1** Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the selection criteria used to award the grants or assistance? **Yes** **No**
- 2** Describe in Part IV the organization's procedures for monitoring the use of grant funds in the United States.

Part II Grants and Other Assistance to Domestic Organizations and Domestic Governments. Complete if the organization answered "Yes" on Form 990, Part IV, line 21, for any recipient that received more than \$5,000. Part II can be duplicated if additional space is needed.

1 (a) Name and address of organization or government	(b) EIN	(c) IRC section (if applicable)	(d) Amount of cash grant	(e) Amount of non-cash assistance	(f) Method of valuation (book, FMV, appraisal, other)	(g) Description of noncash assistance	(h) Purpose of grant or assistance
COLORADANS FOR PROSPERITY 1567 S. UNIVERSITY BLVD DENVER, CO 80210	84-2407246	501(C)(4)	500,000.	0.			CIVIL RIGHTS, SOCIAL ACTION, AND ADVOCACY
MISSOURIANS FOR HEALTHCARE 3220 WEST EDGEWOOD STE E JEFFERSON CITY, MO 65109	84-2480884	501(C)(4)	500,000.	0.			CIVIL RIGHTS, SOCIAL ACTION, AND ADVOCACY

2 Enter total number of section 501(c)(3) and government organizations listed in the line 1 table ▶ **0.**

3 Enter total number of other organizations listed in the line 1 table ▶ **2.**

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990.

Schedule I (Form 990) (2019)

Part III Grants and Other Assistance to Domestic Individuals. Complete if the organization answered "Yes" on Form 990, Part IV, line 22.
Part III can be duplicated if additional space is needed.

(a) Type of grant or assistance	(b) Number of recipients	(c) Amount of cash grant	(d) Amount of non-cash assistance	(e) Method of valuation (book, FMV, appraisal, other)	(f) Description of noncash assistance

Part IV Supplemental Information. Provide the information required in Part I, line 2; Part III, column (b); and any other additional information.

PART I, LINE 2:

THE NORTH FUND MAKES GRANTS TO MULTIPLE ORGANIZATIONS AND COMMITTED
 COMMUNITY LEADERS. THE FUND REQUIRES GRANTEES TO SIGN GRANT AGREEMENTS
 CERTIFYING THAT ALL ACTIVITIES ARE CONSISTENT WITH ALLOWABLE SOCIAL WELFARE
 WORK CONSISTENT WITH THE NORTH FUND'S MISSION AND PURPOSE. THE NORTH FUND
 REQUIRES THAT GRANTEES SUBMIT INTERIM AND POST-GRANT REPORTS TO HELP ENSURE
 THAT ALL FUNDS ARE PROPERLY MANAGED AND EXPENDED, AND THE NORTH FUND
 REQUIRES THAT FUNDS BE RETURNED IF REPORTS ARE NOT PROPERLY FILED OR IF
 FUNDS ARE NOT SPENT.

SCHEDULE O
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on
Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

▶ Go to www.irs.gov/Form990 for the latest information.

OMB No. 1545-0047

2019

Open to Public
Inspection

Name of the organization

NORTH FUND

Employer identification number

83-4011547

FORM 990, PART I, LINE 1, DESCRIPTION OF ORGANIZATION MISSION:

FAIR, AND EQUITABLE PLACE TO LIVE, WORK, AND RAISE FAMILIES. IT

FOCUSES ON SUPPORTING INNOVATIVE SOCIAL ENTREPRENEURSHIP, EDUCATIONAL

INITIATIVES, AND ADVOCACY CAMPAIGNS THAT LIFT UP COMMUNITIES AND CREATE

REAL AND LASTING CHANGE.

FORM 990, PART III, LINE 1, DESCRIPTION OF ORGANIZATION MISSION:

LIFT UP COMMUNITIES AND CREATE REAL AND LASTING CHANGE.

FORM 990, PART VI, SECTION A, LINE 3:

THE NORTH FUND CONTRACTS WITH ARABELLA ADVISORS, A COMPANY WITH EXPERTISE

IN PHILANTHROPY AND NONPROFIT MANAGEMENT, TO PROVIDE ADMINISTRATIVE

SUPPORT, ACCOUNTING SERVICES, AND LEGAL GUIDANCE RELATED TO THE FUND'S

GRANTMAKING AND OPERATIONS.

FORM 990, PART VI, SECTION A, LINE 8B:

THE ORGANIZATION DID NOT HAVE SEPARATE COMMITTEES IN 2019. ACCORDINGLY,

FORM 990, PART VI, SECTION A, LINE 8B HAS BEEN ANSWERED "NO".

FORM 990, PART VI, SECTION B, LINE 11B:

THE FORM 990 IS PREPARED BY AN INDEPENDENT TAX ACCOUNTANT AND REVIEWED BY

THE ORGANIZATION'S LEGAL COUNSEL AND BOARD OF DIRECTORS PRIOR TO FILING

WITH THE INTERNAL REVENUE SERVICE.

FORM 990, PART VI, SECTION B, LINE 12C:

ALL BOARD MEMBERS ARE REQUIRED TO DISCLOSE CONFLICTS OF INTEREST. THE

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ.

Schedule O (Form 990 or 990-EZ) (2019)

Name of the organization NORTH FUND	Employer identification number 83-4011547
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POLICY IS MONITORED AT THE BOARD LEVEL. COVERED INDIVIDUALS CANNOT VOTE ON MATTERS BEFORE THE BOARD WHEN THEY HAVE A CONFLICT IN THE MATTER.

DISINTERESTED MEMBERS MUST DETERMINE WHETHER OR NOT THERE ARE ANY SUITABLE ALTERNATIVES TO POTENTIAL TRANSACTIONS THAT CAUSE CONFLICT. IF A COVERED PERSON IS FOUND IN VIOLATION OF THIS POLICY, IT MAY BE CAUSE FOR REMOVAL FROM THE BOARD OF DIRECTORS.

FORM 990, PART VI, LINE 17, LIST OF STATES RECEIVING COPY OF FORM 990:

AL, AR, CA, CT, DC, FL, GA, HI, ID, IL, KS, KY, MA, MD, ME, MI, MN, MS, NC, ND, NH, NJ, NM, NY, OK
OR, PA, RI, SC, TN, UT, VA, WI, WV

FORM 990, PART VI, SECTION C, LINE 19:

THE ORGANIZATION'S GOVERNING DOCUMENTS, CONFLICT OF INTEREST POLICY, AND FINANCIAL STATEMENTS ARE CURRENTLY NOT MADE AVAILABLE TO THE PUBLIC.

FORM 990, PART IX, LINE 11G, OTHER FEES:

PROJECT MANAGEMENT / PROJECT SUPPORT:

PROGRAM SERVICE EXPENSES	86,750.
MANAGEMENT AND GENERAL EXPENSES	98,868.
FUNDRAISING EXPENSES	0.
TOTAL EXPENSES	185,618.

RESEARCH & EVALUATION / COMMUNICATIONS:

PROGRAM SERVICE EXPENSES	99,442.
MANAGEMENT AND GENERAL EXPENSES	14,000.
FUNDRAISING EXPENSES	0.
TOTAL EXPENSES	113,442.

TOTAL OTHER FEES ON FORM 990, PART IX, LINE 11G, COL A 299,060.