

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

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2021 DEC 17 P 4:28

HAND DELIVERED

[ ]

SIGNED/NOTARIZED

[ ]

Campaign Finance and Practices

Complaint Form (08/17)

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

Person bringing complaint (Complainant):

Complete Name: David L. Nielsen
Complete Mailing Address: 1170 Mendocino Dr, Helena, MT 59601
Phone Numbers: Work: None, Home: 406-442-7347

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

Complete Name: Montana Conservation Voters Action Fund
Complete Mailing Address: PO Box 63, Billings, MT 59101
Phone Numbers: Work: (406) 254-1593, Home: [ ]

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

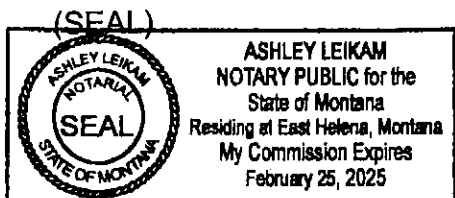
Verification by oath or affirmation

State of Montana, County of Lewis & Clark

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

[Handwritten Signature]

Signature of Complainant



Subscribed and sworn to before me this 17th day of December, 2021.

[Handwritten Signature]
Notary Public

My Commission Expires:

**Statement of facts:**

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

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

(See additional page and attachments)

**Complaints must be:**

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

ATTACHMENT PAGE  
TO  
COMPLAINT OF NIELSEN AGAINST MONTANA CONSERVATION VOTERS

During the 2021 municipal general election for the City of Helena, the Respondent, Montana Conservation Voters Action Fund, mailed a large postcard to City electors endorsing the candidacy of Wilmot Collins for Mayor, Eric Feaver for City Council and Melinda Reed for City Council. See Attachment A for copy of the mailer. This was a mass mailing in the City of Helena to its electorate that was done in mid to latter part of October, 2021. Mailing of a smaller postcard earlier by the Montana Federation of Public Employees cost \$10,755 and \$450 of in-kind staff work, according to its reported C-4 for October, 2021.

The attribution on the postcard states it was "Paid for by Montana Conservation Voters Action Fund, Sally Ericcson, Treasurer. The listed mailing address is PO Box 63, Billings MT 59103. The Statement of Organization (C2) reports a telephone number of (406) 254-1593 and the email address for the Tresurer.

None of the three candidates benefiting from this mailing reported the value of the mailing by Montana Conservation Voters Action Fund as an in-kind contribution, and there is no present evidence that there was coordination between the candidates and the Respondent.

For political committees, such as the Respondent, Sec. 13-37-226(2)(b), MCA, requires the political committee to report expenditures made in October by the 30ty day of October. The Respondent has never filed any report. It did not report by October 30<sup>th</sup> and did not report by November 30<sup>th</sup>. See Attachment B, copy of MCA, and Attachment C, copy of Committee Finance Report Calendar prepared by Office of Political Practices.

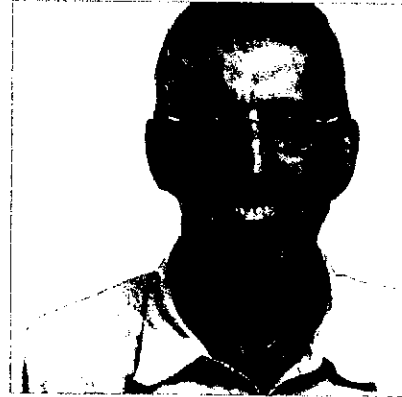
I sent an email to the Treasurer, Sally Ericcson on November 9, 2021, asking her if a report for October had been filed. See Attachment D. I never received any response to that email.

*Montana Conservation Voters  
is Proud to Support*

**WILMOT COLLINS,  
ERIC FEAVER,  
AND MELINDA REED**



**MAYOR  
WILMOT  
COLLINS**



**ERIC  
FEAVER  
FOR CITY COUNCIL**



**MELINDA  
REED  
FOR CITY COUNCIL**

*Endorsed by:*  
**MONTANA CONSERVATION VOTERS**



✓ **MAYOR WILMOT COLLINS**  
 ✓ **ERIC FEAVER**  
 ✓ **MELINDA REED**

*Are the Right Choices for Helena*

We need leaders we can trust to preserve our precious natural resources and outdoor way of life for generations to come. That's why Montana Conservation Voters is supporting **Wilmot Collins** for mayor and **Eric Feaver** and **Melinda Reed** for city council.

**TOGETHER, WILMOT, ERIC, AND MELINDA WILL:**

- *Protect our open spaces*
- *Keep our air and water clean*
- *Preserve our outdoor quality of life*

**WILMOT COLLINS FOR MAYOR**  
**ERIC FEAVER AND MELINDA REED FOR CITY COUNCIL**

*Vote Early Today!*  
 Election Day is November 2



**MAYOR**  
**WILMOT COLLINS**



**ERIC FEAVER**  
**FOR CITY COUNCIL**



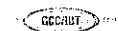
**MELINDA REED**  
**FOR CITY COUNCIL**



*Endorsed by:*  
**MONTANA CONSERVATION VOTERS**

*Paid for by Montana Conservation Voters  
 Action Fund, Sally Ericsson, Treasurer.*  
 P.O. Box 63  
 Billings, MT 59103

MCVHMP1



001503 S7 P1 \*\*\*\*\*ECRWSH\*\*C007  
 JUDITH NIELSEN  
 1170 MENDOCINO DR  
 HELENA MT 59601-8627

J704-001503

PRSRT STD  
 U.S. POSTAGE  
**PAID**  
 WC MLG

# Montana Code Annotated 2021

## TITLE 13. ELECTIONS CHAPTER 37. CONTROL OF CAMPAIGN PRACTICES Part 2. Campaign Finance

### Time For Filing Reports

**13-37-226. Time for filing reports.** (1) Except as provided in **13-37-206** and **13-37-225(3)**, a candidate shall file reports required by **13-37-225(1)(a)** containing the information required by **13-37-229**, **13-37-231**, and **13-37-232** as follows:

(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which the candidate participates;

(b) except as provided in subsection (4)(a), the 20th day of March, April, May, June, August, September, October, and November in the year of an election in which the candidate participates;

(c) within 2 business days of receiving a contribution of \$250 or more if the candidate is a candidate for a statewide office or \$125 or more for any other candidate if the contribution is received between the 15th day of the month preceding an election in which the candidate participates and the day before the election;

(d) within 2 business days of making an expenditure of \$250 or more if the candidate is a candidate for statewide office or \$125 or more for any other candidate if made between the 15th day of the month preceding an election in which the candidate participates and the day before the election;

(e) semiannually on the 10th day of March and September, starting in the year following an election in which the candidate participates until the candidate files a closing report as specified in **13-37-228(3)**; and

(f) as provided by subsection (3).

(2) Except as provided in **13-37-206**, **13-37-225(3)**, and **13-37-227**, a political committee or a joint fundraising committee shall file reports required by **13-37-225(1)(a)** containing the information required by **13-37-229**, **13-37-231**, and **13-37-232** as follows:

(a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in which the political committee or the joint fundraising committee receives a contribution or makes an expenditure after an individual becomes a candidate or an issue becomes a ballot issue, as defined in **13-1-101(6)(b)**, and ending in the final quarter of the year preceding the year in which the candidate or the ballot issue appears on the ballot;

(b) except as provided in subsection (4)(b), the 30th day of March, April, May, June, August, September, October, and November in the year of an election in which the political committee or the joint fundraising committee participates;

(c) within 2 business days of receiving a contribution, except as provided in **13-37-232**, of \$500 or more if received between the 25th day of the month before an election in which the political committee or the joint fundraising committee participates and the day before the election;

Attachment C

**Municipal Elections – Odd Year  
Committee Finance Report Calendar  
Primary (September) and General (November) Elections**

School and Special Election Reporting Dates are available on the COPP Website [politicalpractices.mt.gov](http://politicalpractices.mt.gov)

**Report form C-6 and C-4 must be filed for each reporting period** to disclose all transactions, if any that occurred during the specific reporting period. Reference 13-37-226(2), MCA and 13-37-226(2) (a-e), MCA for reporting dates.

Filing Deadline	Reporting Period
January 5 (Quarterly Report)	October 1 through December 31, previous year
June 30	January 1 through June 25
July 30	June 26 through July 25
August 25 through Primary Election date (Form C-7 and C-7E Reporting Period)	File a Form C-7 (within 2 business days) each time a contribution of \$500 or more is received from a single source between August 25 and Primary Election date
	File a Form C-7E (within 2 business days) each time an expenditure of \$500 or more is made between August 25 and Primary Election date
August 30	June 26 through August 24
September 30	August 25 through September 25
October 25 through General Election date (Form C-7 and C-7E Reporting Period)	File a Form C-7 (within 2 business days) each time a contribution of \$500 or more is received from a single source between October 25 and General Election date
	File a Form C-7E (within 2 business days) each time an expenditure of \$500 or more is made between October 25 and General Election date
October 30	September 26 through October 24
November 30	October 25 through November 25
Reference <u>13-37-226(2), MCA</u> for ongoing reporting dates.	

Attachment D

nielsen48@hotmail.com

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**From:** David Nielsen  
**Sent:** Tuesday, November 9, 2021 11:25 AM  
**To:** compliance@hubayllc.com  
**Subject:** Campaign filing compliance

I am a resident of the City of Helena. I noticed in late October that a large postcard was mailed to Helena voters supporting certain candidates of the Mayoral and Commission seats for the Helena City Commission. This mailer was paid for by Montana Conservation Voters Action Fund, Sally Ericcson, Treasurer. In talking to the Commissioner of Political Practices office, I was told that reports on campaign expenditures are due monthly when there is campaign activity. I think the mailer qualifies as campaign activity. In checking the reporting for the Montana Conservation Voters Action Fund, I cannot find any filed report for October, which I understand was due on October 30<sup>th</sup>.

Was a finance report timely filed in October? If so, please let me know where I can find that report.

I am curious as to where your organization obtained the candidates' pictures for the postcard.

Thank you for your response.

Dave Nielsen