

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Rickart v. Reinhardt No. COPP 2021-CFP-020	DECLARATION OF MERIT OF COMPLAINT MEMORIALIZATION OF NOTIFICATION OF MERIT TO CANDIDATE RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY CANDIDATE DISMISSAL OF COMPLAINT
---	---

On September 13, 2021, Karen Rickart of Belgrade, MT filed a campaign practices complaint against Eric Reinhardt, also of Belgrade. The complaint alleged that candidate Reinhardt did not include a full ‘paid for by’ attribution message on campaign materials as required.

FINDING OF FACTS

The facts necessary for a determination in this matter are as follows:

Finding of Fact No. 1: Eric Reinhardt filed a C-1A Statement of Candidate as a candidate for election to the office of City Council in the City of Belgrade with the COPP on April 22, 2021.

Finding of Fact No. 2: On September 13, 2021, COPP sent email notice to candidate Reinhardt notifying him this Complaint had been received. This notice informed candidate Reinhardt that the attribution complaint was merited, as the material mentioned by the Complaint did not appear to contain the full 'paid for by' attribution message as required, and provided candidate Reinhardt two (2) business days to bring the material into compliance. Notice of attribution deficiency was also provided to candidate Reinhardt via telephone that same day.

Finding of Fact No. 3: On September 15, 2021, candidate Reinhardt emailed the COPP in response to this complaint. Candidate Reinhardt's email included images of the specific material mentioned in this complaint with a full attribution message of "Paid for by Eric Reinhardt, 300 McEwen, Belgrade, MT59714" added. This email also provided an invoice indicating that fifty (50) such materials had originally been purchased, however the email message stated that "I have 13 signs stolen that don't have a paid for by on them".

(Commissioner's Records).

DISCUSSION

Under Montana law "all election communications...must clearly and conspicuously include the attribution 'paid for by' followed by the name and address of the person who made or financed the expenditure for the communication." §13-35-225(1) MCA. The complaint attached photos of

candidate Reinhardt' sign. The election communications failed to include an attribution (Paid for by).

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. Accordingly, Candidate Reinhardt was immediately contacted by the Commissioner’s office. Candidate Reinhardt responded saying that the omission of an attribution was an oversight. Candidate Reinhardt followed up the conversation with the COPP with an email taking responsibility for the oversight and corrective measures taken (FOF No. 3).

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

1. The Commissioner is to immediately assess the merits of the attribution Complaint. §13-35-225(5), MCA. The Commissioner found merit to the attribution Complaint and hereby memorializes that finding (FOF No. 2).
2. The Commissioner shall notify the candidate of the merit finding, requiring the Candidate to bring the material into compliance. §13-35-225(6)(a), MCA. The COPP, by both telephoning the Reinhardt campaign and providing Notice of Non-compliant Election Communication, did this and hereby memorializes the Notice (FOF No. 2).
3. The Candidate is provided 2 business days to bring the material into attribution compliance §13-35-225(6)(a)(ii), MCA. (FOF No. 2).

Under Montana law the Candidate with the attribution deficiency is relieved of a

campaign practice violation, provided he promptly carries out the attribution correction. There are sufficient facts to indicate candidate Reinhardt has met these duties (FOF No. 3) and is therefore relieved of a campaign practice violation under §13-35-225(6), MCA. The Complaint is dismissed.

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

DATED this 16th day of September, 2021.



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