

THE STATE OF MONTANA

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

POSTMARKED APR 28 2022

FOR OFFICE USE ONLY RECEIVED 2022 MAY -2 A 10:15 COMMUNICATIONS SECTION 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 Jason Liechty Complete Mailing Address 1016 East St Corvallis, MT 59828 Phone Numbers: Work N/A Home 406-369-9009

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

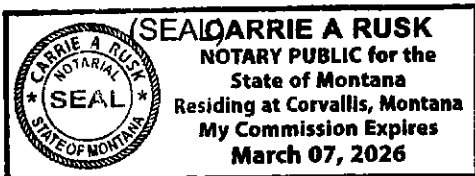
Complete Name Joan K Mell Complete Mailing Address 506 W. Main St Hamilton, MT 59840 Phone Numbers: Work 406-518-1123 Home

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 Ravalli

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



Signature of Complainant (Jason Liechty)

Subscribed and sworn to before me this 28 day of April 2022

Signature of Notary Public

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 Attached

Complaints must be:

- signed
- notarized

Joan K Mell is running for the office of county attorney in Ravalli County. She has several signs and banners throughout the county. Under Rule: 44.11.601 she is required to "...clearly and conspicuously include all appropriate attribution language..." and "...the attribution language should be of sufficient type size to be clearly readable by the recipient or reader of the communication...". Also, "...election material consisting of documents or other articles of campaign advertising that are too small for the inclusion of the attribution language and other information required...must file a copy of the material with the commissioner..."

Joan has distributed business cards (exhibit 1). They do not have any attribution language.

Joan has 3' x 5' banners displayed in the valley (exhibit 2). They have attribution language that is so small, it is a small line, not sufficient type size to be clearly readable.

Joan has 4' x 8' signs all along the roads throughout the county (exhibit 3). They have attribution language that was added after the fact on a piece of paper, taped to the sign. It displays an eagle (I think this is the post offices' mascot) and the type is so small as to prevent the reading when driving by.

Joan has 4' x 8' signs all along the roads throughout the county (exhibit 4). They have attribution language that is so small, it is a small line, not sufficient type size to be clearly readable.

Exhibits attached.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Liechty". The signature is fluid and cursive, with a prominent loop at the end.

Jason Liechty

Exhibit 1

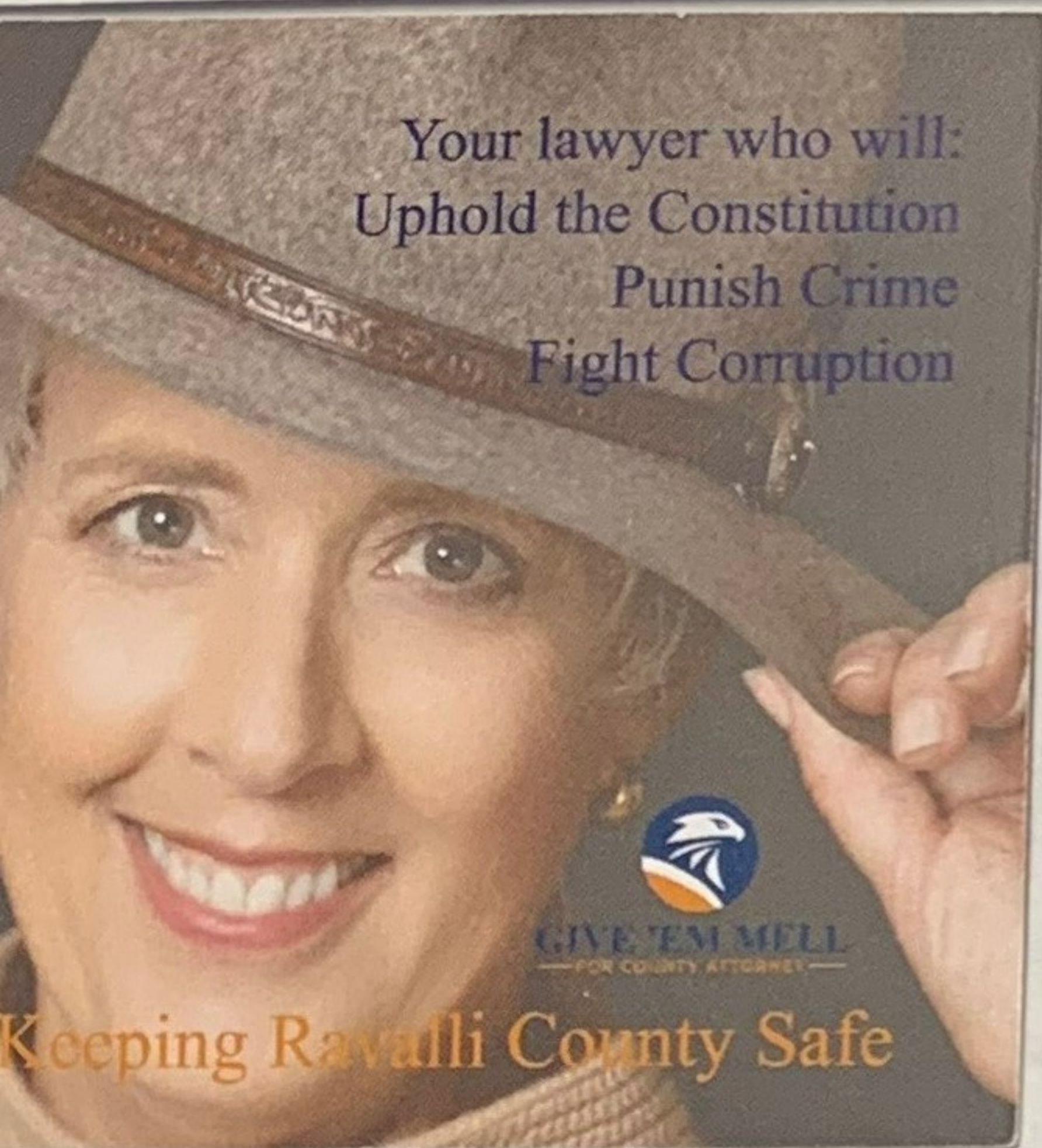
Joan K. Mell
GiveEmMell.com
406-518-1123
joanmell@giveemmell.com


**MELL**
FOR COUNTY ATTORNEY

Vote Republican June 7th Primary

Exhibit 1

Your lawyer who will:
Uphold the Constitution
Punish Crime
Fight Corruption

A close-up portrait of a woman with blonde hair, wearing a grey hat and a brown scarf, smiling. She is holding the brim of her hat with her right hand.

 **GIVE'EM MELL**
FOUR COUNTY ATTORNEY

Keeping Ravalli County Safe

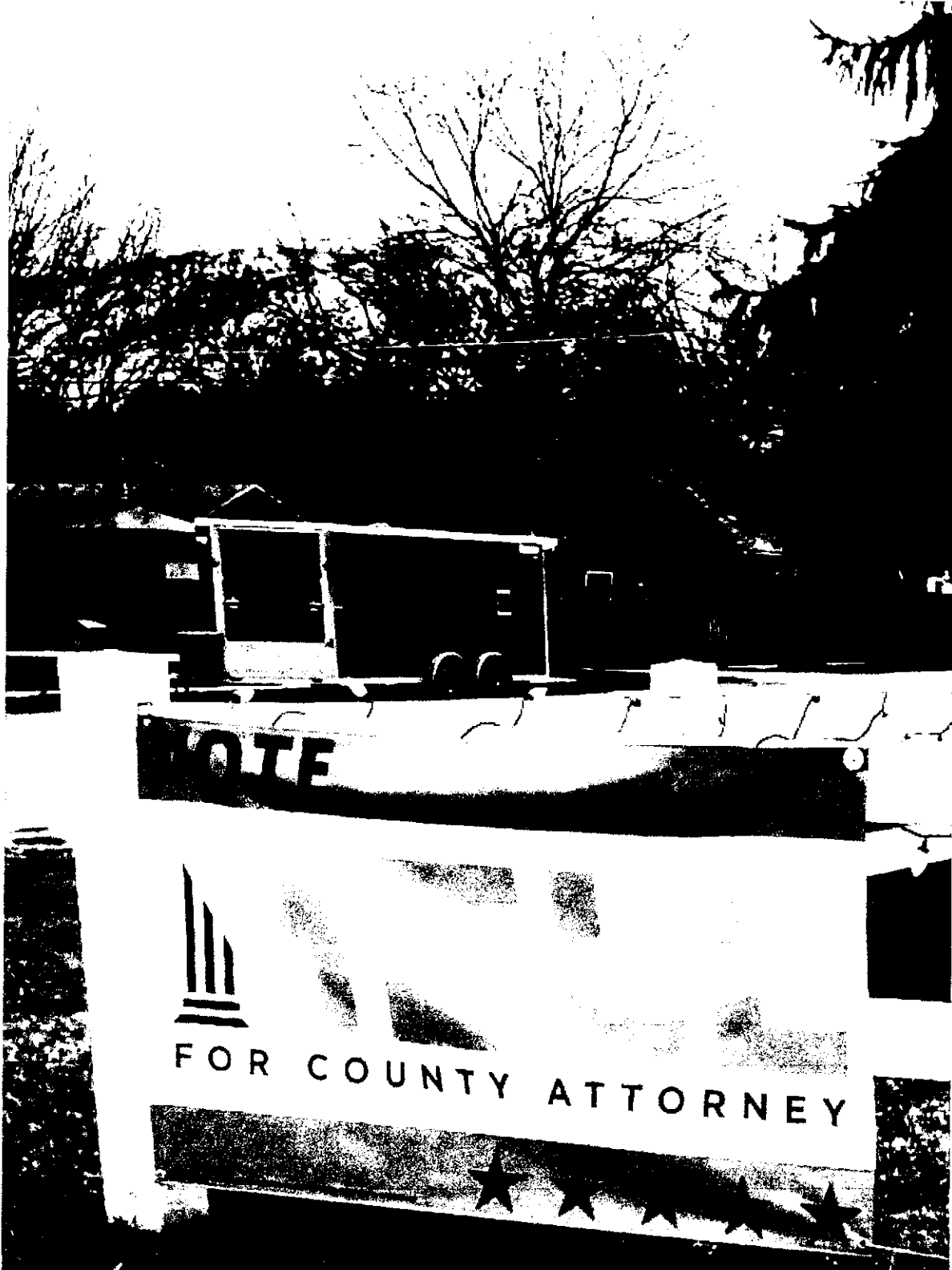
(No subject)

Jason Liechty <jasonliechty@hotmail.com>

Sun 4/24/2022 10:15 AM

To: Jason Liechty <jasonliechty@hotmail.com>

Exhibit 2

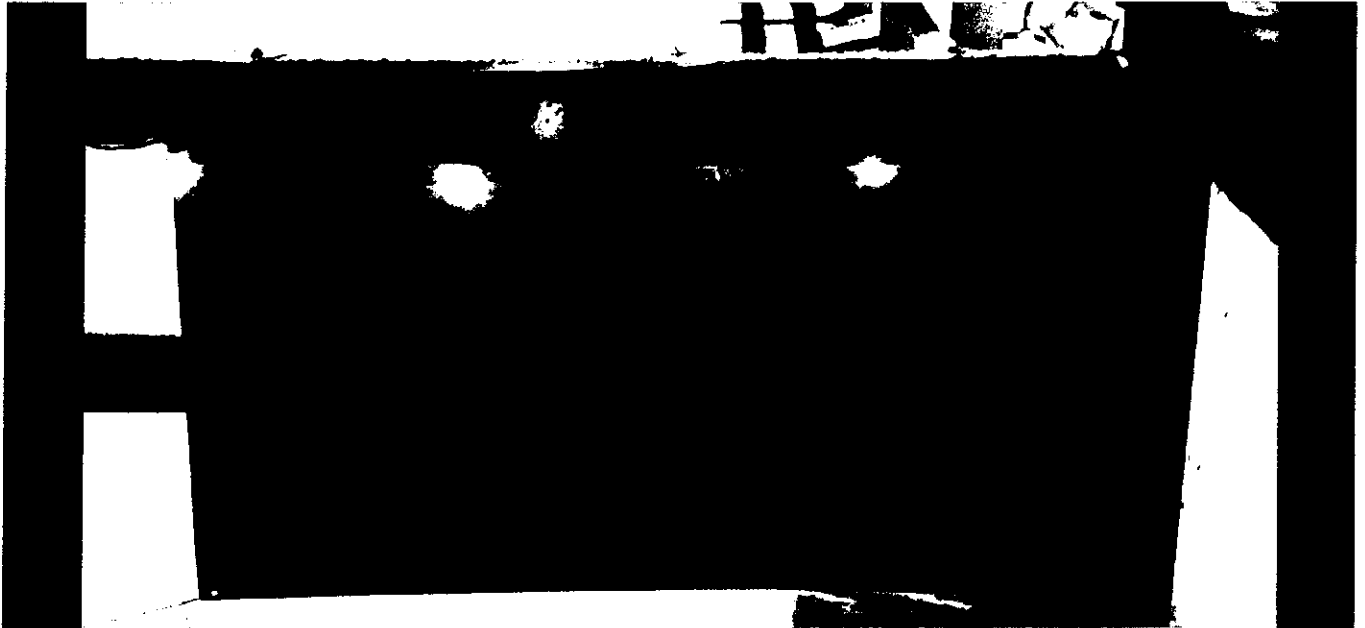


(No subject)

Jason Liechty <jasonliechty@hotmail.com>

Sun 4/24/2022 10:16 AM

To: Jason Liechty <jasonliechty@hotmail.com>



Sent from my iPhone

(No subject)

Jason Liechty <jasonliechty@hotmail.com>

Sun 4/24/2022 10:14 AM

To: Jason Liechty <jasonliechty@hotmail.com>

Exhibit 3



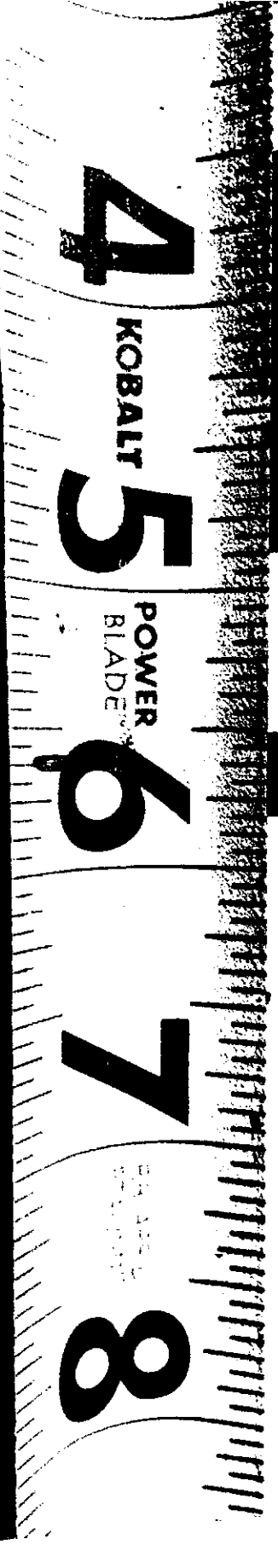
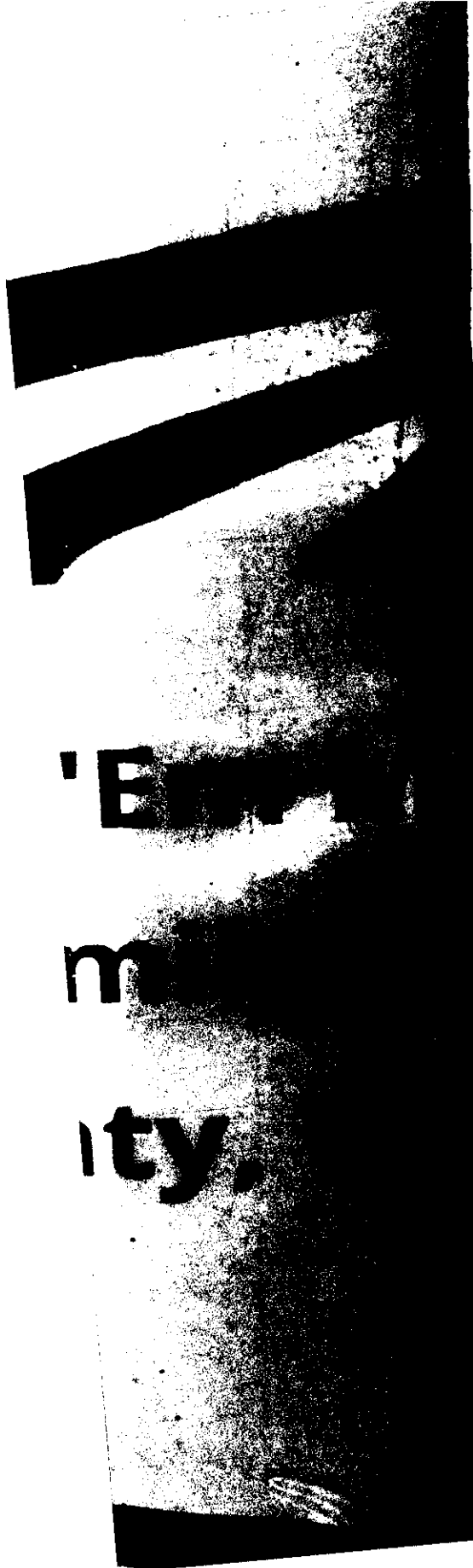
Sent from my iPhone

paid for
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'Em Mell - Republica
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KOBALT

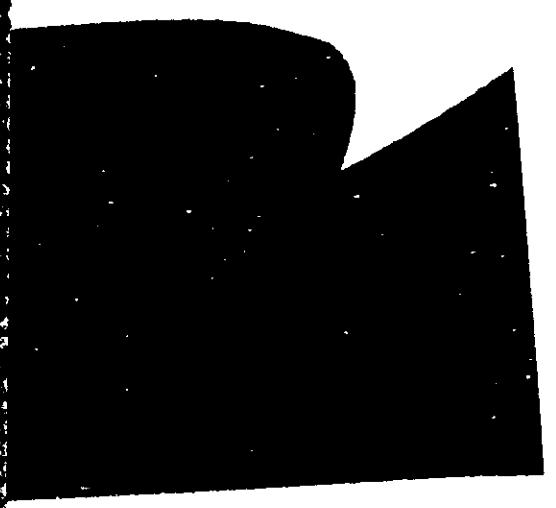
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Folders



Inbox 7



Junk Email 1141



Drafts



Sent Items



Deleted Items 3



Archive



Notes



Conversation His...



Cool stuff



Crown Builders



Facebook



Family



Junk



Sheriff



New folder

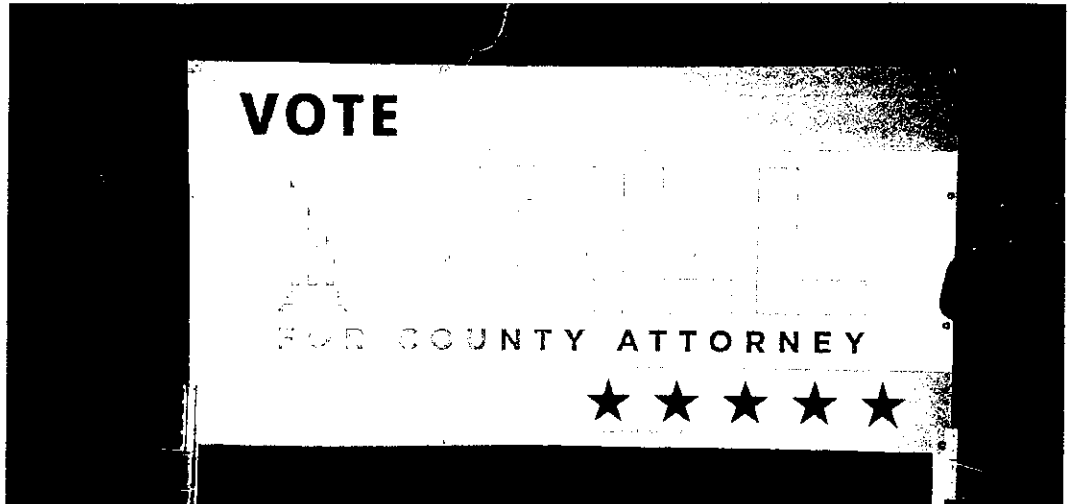
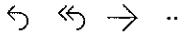
Groups

New group

← mell

Exhibit 4

Jason Liechty
Thu 4/28/2022 10:42 AM
To: You



Sent from my iPhone

Reply Forward

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1
2

0
1
2

Rule: 44.11.601

Rule Title: ATTRIBUTION ON ELECTION MATERIAL

Department: [SECRETARY OF STATE](#)
Chapter: [COMMISSIONER OF POLITICAL PRACTICES](#)
Subchapter: [Campaign Practices](#)



Latest version of the adopted rule presented in Administrative Rules of Montana (ARM):

[Printer Friendly Version](#)

44.11.601 ATTRIBUTION ON ELECTION MATERIAL

(1) Pursuant to [13-35-225](#), MCA, election communications, electioneering communications, and independent expenditures (referred to collectively herein as "election materials") must disclose the person who paid for the election materials, by including the appropriate attribution language set out in (2).

(2) All attributions must include the words "paid for by" followed by the appropriate identifying information. For election materials financed by:

(a) a candidate or a candidate's campaign, the attribution must include either:

- (i) the name and address of the candidate; or
- (ii) the name and address of the candidate's campaign.

(A) An attribution using the name of the candidate's campaign must include the first and last name of the candidate if the name of the campaign does not include at least the candidate's last name.

(B) Additional information, such as the name of the campaign treasurer, may be included within the attribution language, but it is not required.

(iii) Examples of an appropriate attribution for a candidate are:

Paid for by John Smith
P.O. Box 10000
Helena, MT 59605

or

Paid for by Smith for Senate
P.O. Box 20000
Helena, MT 59605

(b) a political committee, the attribution must include:

(i) the name of the committee, the name of the committee treasurer, and the address of either the committee or its treasurer.

(ii) An example of an appropriate attribution for a political committee is:

Paid for by Support Our Schools
Sarah Jones, Treasurer
P.O. Box 30000
Helena, MT 59605

(c) a political committee that is a corporation or union, the attribution must include:

(i) the name of the corporation or union, its chief executive officer or equivalent, and the physical address of the corporation or union's principal place of business.

(ii) Examples of an appropriate attribution for a political committee that is a corporation or union are:

Corporation:
Paid for by Pretty Good Manufacturing Co.

Susan Smith, CEO
1000 Industry Drive
Helena, MT 59605

Union:
Paid for by Montana Grocery Workers Union
James Miller, President
2000 Shopping Cart Avenue
Helena, MT 59605

(d) For election materials funded or facilitated solely by an individual acting on his or her own behalf, the attribution must include the name and address of the individual who paid for the materials.

(3) All election materials are required by 13-35-225, MCA, to clearly and conspicuously include the appropriate attribution language. To ensure compliance with this statutory directive, the commissioner establishes the following requirements and specifications:

(a) for written election materials, including but not limited to those published, broadcast, or otherwise disseminated through print media or digital media, as defined in these rules:

(i) the reader or observer should have no difficulty locating and reading the attribution language;

(ii) the attribution language should be of sufficient type size to be clearly readable by the recipient or reader of the communication;

(iii) the language should be contained in a printed area or segment set apart from the other contents of the election materials;

(iv) the language should be printed with a reasonable degree of color contrast between the background and the printed statement; and

(v) in the case of yard signs or other campaign signs, the attribution language should appear on the side of the sign that contains the campaign message.

(b) for broadcast election materials, including but not limited to those published, broadcast, or otherwise disseminated through broadcast media or digital media, as defined by these rules:

(i) the attribution language for broadcast election communications containing audio content shall be spoken in the communication;

(ii) the attribution language for broadcast election materials containing visual content shall be displayed in the communication. The language may simultaneously be spoken, but it is not required.

(4) In partisan candidate elections, election communications and electioneering communications financed by a candidate or a political committee organized on the candidate's behalf must state either the candidate's party affiliation or include the candidate's party symbol.

(a) To meet the party affiliation disclosure requirement, election materials should state the name or a reasonable and comprehensible abbreviation of the name of one of the qualified political parties in Montana: "Democrat," "Libertarian," or "Republican."

(b) To meet the party symbol disclosure requirement, election materials should include either the symbol for one of the qualified political parties in Montana or the capitalized first letter of one of the parties. Acceptable symbol designations are:

(i) Democrat: the donkey symbol or "D";

(ii) Libertarian: the Statue of Liberty symbol or "L"; or

(iii) Republican: the elephant symbol or "R."

(c) The commissioner may determine that other language or a symbol included within a particular election material complies with the statutory directive, as long as there is some objective basis for the use of the language or symbol and the identity of the party is readily discernable.

(d) The party affiliation or symbol may appear with the attribution language, or within the body of the message content in the election materials.

(5) Printed election material that contains information about another candidate's voting record must include all the information specified in 13-35-225, MCA. The signed statement referred to in the statute may consist of a facsimile of an actual hand signature or an electronic signature. An acceptable electronic signature will be in the following format: "/s/ John Smith." An electronic signature that appears on written election materials shall have the same effect as an actual hand signature or a facsimile of a hand signature.

(6) Election materials consisting of documents or other articles of campaign advertising that are too small for the inclusion of the attribution language and other information required by 13-

35-225, MCA, need not include the information; however, the person who financed the election material must file a copy of the material with the commissioner, together with the information required by the statute, at the time of its public distribution. For purposes of this rule, "at the time" means at or before the earliest date and time the election material is scheduled to be published, broadcast, or disseminated to the public.

(7) If information required by 13-35-225, MCA, is omitted from election materials, or if information required by (6) is not filed with the commissioner, the person who is responsible for or who financed the material shall, upon discovering the deficiency:

(a) file notification of the deficiency with the commissioner within two business days of discovery;

(b) bring the election material into compliance or file the information required by (6); and

(c) withdraw any noncompliant material from circulation as soon as possible.

(8) If notification required by (7)(a) is not provided and the commissioner becomes aware of the existence of election material that does not comply with 13-35-225, MCA, whether by complaint or otherwise, the commissioner will contact the person who is responsible for or financed the material and provide notice of the deficiency.

(a) The notice will require that the material be brought into compliance within the time limits provided in 13-35-225, MCA.

(b) The notice will state that failure to bring the material into compliance will subject the person who financed the election materials to a civil penalty action pursuant to 13-37-128, MCA.

(c) The noncompliant election material must not be disseminated or broadcast until it has been corrected and brought into compliance.

(9) The office of the commissioner, when notified, will work informally with candidates, political committees, and others to ensure compliance with the requirements of 13-35-225, MCA, and to promptly bring deficient election materials into compliance.

The December 2015 poll of the Montana Legislature on proposed NEW RULE VI (ARM 44.11.601) ATTRIBUTION ON ELECTION MATERIAL in MAR Notice No. 44-2-207 was as follows: 31 Senators voted the proposed rule is consistent with legislative intent; 15 Senators voted the proposed rule is contrary to legislative intent; 52 Representatives voted the proposed rule is consistent with legislative intent; and 33 Representatives voted the proposed rule is contrary to legislative intent.

History: 13-37-114, MCA; IMP, 13-35-225, MCA; NEW, 2016 MAR p. 28, Eff. 1/9/16.)

MAR Notices	Effective From	Effective To	History Notes
<u>44-2-207</u>	1/9/2016	Current	History: <u>13-37-114</u> , MCA; <u>IMP</u> , <u>13-35-225</u> , MCA; <u>NEW</u> , 2016 MAR p. 28, Eff. 1/9/16.)

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