

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Boyd v. Hinkle No. COPP 2022-CFP-026	DECLARATION OF MERIT OF COMPLAINT RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY CANDIDATE DISMISSAL OF COMPLAINT
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On October 27, 2022, William Andrew Boyd of Bozeman, MT filed a campaign practices complaint against Jedidiah Hinkle, of Belgrade. The complaint alleged that candidate Hinkle failed to include partisan affiliation on a campaign website as required.

FINDING OF FACTS

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

Finding of Fact No. 1: Jedediah Hinkle filed a C-1A Statement of Candidate as a Republican candidate for election to the position of House District 67 in Gallatin County with the COPP on January 14, 2022. (Commissioner's Records.)

Finding of Fact No. 2: At 2:50 PM on October 27, 2022, complainant William Andrew Boyd hand delivered this complaint to COPP. In

reviewing the complaint, the Commissioner determined the allegation that a campaign website financed by candidate Hinkle did not contain partisan affiliation as required was merited. (Commissioner's Records.)

Finding of Fact No. 3: At 6:31 PM on October 27, 2022, prior to COPP notifying candidate Hinkle that this attribution complaint was merited, candidate Hinkle contacted the Commissioner via email to self-report the lack of partisan affiliation on the campaign website and provide notice that "the website has been updated and my partisan affiliation has been added". (Commissioner's Records.)

Finding of Fact No. 4: COPP review of candidate Hinkle's campaign website on the morning of October 28, 2022 confirmed that candidate Hinkle had added partisan affiliation by adding the word "Republican" to the pre-existing attribution message. (Commissioner's Records.)

DISCUSSION

Under Montana law "Communications in a partisan election financed by a candidate, a political committee organized on the candidate's behalf, or a joint fundraising committee with a participant who is a candidate or a political committee organized on the candidate's behalf must state the candidate's party affiliation or include the party symbol." §13-35-225(2) MCA. The complaint attached a screenshot of candidate Hinkle's website. The campaign website failed to include a complete attribution. Within hours, candidate Hinkle reported the deficiency and provided an immediate remedy (FOF No. 3)

Montana law requires an accelerated review ("as soon as practicable") of a campaign practice complaint alleging an attribution violation. In this matter, the candidate remedied and reported the attribution deficiency within hours of the complaint (FOF No. 3).

The law governing complaints of failure to properly attribute political

communications 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.
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. In this matter the candidate reported the deficiency to the COPP.
3. The Candidate is provided 48 hours to bring the material into attribution compliance §13-35-225(6)(a)(ii), MCA.

Under Montana law the Candidate with the attribution deficiency is relieved of a campaign practice violation, provided he/she promptly carries out the attribution correction. Candidate Hinkle has met these duties by accepting responsibility for the unattributed material, self-reporting the deficiency to the COPP, as well as correcting the deficiency on his campaign website by ensuring the partisan affiliation was included. Candidate Hinkle is therefore relieved of a campaign practice violation under §13-35-225(6), MCA (FOF Nos. 3, 4). 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 issued.

DATED this 28th day of October, 2022.



Jeffrey A. Mangan
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