

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Eaton v. Burroughs No. COPP 2022-CFP-012	DISMISSAL
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On May 26, 2022, Jake Eaton of Billings, MT filed a campaign practices complaint against Brian Burroughs of White Sulphur Springs. The complaint alleged that candidate Burroughs did not include proper partisan affiliation on campaign material as required.

SUBSTANTIVE ISSUES ADDRESSED

Political party included in candidate communication attribution.

FINDINGS OF FACT

The foundational facts necessary for this Decision are as follows:

Finding of Fact No. 1: Brian Burroughs filed a C-1A Statement of Candidate with the COPP as a candidate for election to the office of County Commissioner in Meagher County on March 6, 2022. On the C-1A, candidate Burroughs indicated he was running as a Libertarian candidate. (Commissioner's Records.)

Finding of Fact No. 1A: Meagher County's 2022 county elections are partisan elections. (Commissioner's Records.)

Finding of Fact No. 2: On May 26, 2022, COPP sent email correspondence to candidate Burroughs notifying him that this Complaint had been received. The correspondence informed candidate Burroughs that the attribution complaint was merited because while candidate Burroughs had indicated he was a Libertarian candidate on the C-1A filed with COPP, the material

referenced by the complaint included a Republican symbol to denote his partisan affiliation. (Commissioner's Records.)

Finding of Fact No. 2A: On May 27, 2022, COPP staff spoke with candidate Burroughs via telephone. During this call, candidate Burroughs indicated that he had filed as a Republican candidate with Meagher County. (Commissioner's Records.)

Finding of Fact No. 2B: On May 27, 2022, Meagher County Elections Administrator Penny Plachy emailed the COPP a copy of candidate Burrough's Declaration for Nomination and Oath of Candidacy. Under the 'Name of Political Party' section, candidate Burroughs wrote 'Republican'. (Commissioner's Records.)

Finding of Fact No. 3: On May 31, 2022, candidate Burroughs Amended his C-1A Statement of Candidate. The Amended C-1A listed candidate Burrough's partisan affiliation as Republican. (Commissioner's Records.)

DISCUSSION

Under Montana law, election or electioneering communications financed by a candidate in a partisan election must "state the candidate's party affiliation or include the party symbol", §13-35-225(2), MCA. Meagher County's 2022 county elections are partisan, meaning partisan affiliation would be required on any election or electioneering communication financed by a candidate running for election to public office in that county (FOF No. 1A).

The complainant in this matter referenced an election communication financed by Meagher County Commission candidate Brian Burroughs that included a Republican symbol. The complaint argued that this partisan affiliation was inappropriate, as candidate Burroughs had indicated he was a Libertarian candidate on the C-1A Statement of Candidate filed with the COPP, not a Republican candidate (FOF No. 1). For this reason, COPP immediately contacted candidate Burroughs (FOF No. 2). In conversations with COPP

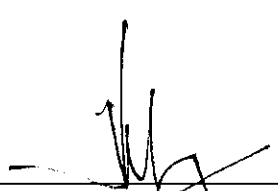
Compliance Specialists regarding this complaint, candidate Burroughs indicated that he had filed with Meagher County as a Republican candidate (FOF No. 2A). The Declaration for Nomination and Oath of Candidacy filed by candidate Burroughs with the Meagher County Elections Administrator does in fact list his political party affiliation as Republican (FOF No. 2B).

As candidate Burroughs listed his partisan affiliation as a Republican on the Declaration for Nomination and Oath of Candidacy filed with Meagher County, the complaint is dismissed. Inclusion of a Republican symbol on the campaign material appropriately disclosed candidate Burroughs' official partisan affiliation as required under Mont. Code Ann. §13-35-225(2). Candidate Burroughs has updated his C-1A Statement of Candidate filed with the COPP to appropriately reflect his partisan affiliation as Republican.

DECISION

The Complaint is hereby dismissed.

DATED this 31st day of May 2021.



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



Declaration for Nomination and Oath of Candidacy

DECLARATION AND OATH OF CANDIDACY TO BE FILED WITH SECRETARY OF STATE OR COUNTY ELECTION ADMINISTRATOR AS APPLICABLE

Filing for office of: County Commissioner Republican OR Nonpartisan

Candidate Name (printed exactly as it should appear on the ballot): Brian L Burroughs

Mailing Address: P.O. Box 648 City and State: White Sulphur Springs MT Zip Code: 59645

Residence Address: 125 woodchuck Road City and State: White Sulphur Springs MT Zip Code: 59645

County of Residence: Meagher Contact Phone: 406-380-2887 Email Address: b1659645@gmail.com Website Address: N/A

IF THIS DECLARATION IS FOR THE OFFICE OF GOVERNOR, YOU MUST COMPLETE THE FOLLOWING INFORMATION:

Lieutenant Governor Name (printed exactly as it should appear on the ballot):

Mailing Address: Residence Address:

Phone: Email Address: Website Address:

IF THIS DECLARATION IS FOR THE STATE LEGISLATURE, YOU MUST SELECT ONE OF THE FOLLOWING:

- (a) I hereby affirm that I am either a resident of the county in which I am a candidate, if it contains one or more legislative districts, or of the legislative district if it contains all or parts of more than one county, OR
(b) I hereby affirm that I will meet the residency qualification(s) in (a) above for 6 months preceding the general election and will notify the office of the Secretary of State in writing when I qualify or if I do not qualify.

FILING FEE - FEE MUST BE PAID BEFORE FILING IS VALID.

Candidate Filing Fee, if applicable, in the amount of \$ 31.74 is hereby submitted with this Declaration and Oath of Candidacy.

OATH OF CANDIDACY - CANDIDATE MUST SIGN IN THE PRESENCE OF A NOTARY PUBLIC OR AN OFFICER OF THE OFFICE WHERE THIS FORM IS FILED:

I hereby affirm that I possess, or will possess within constitutional and statutory deadlines, the qualifications prescribed by the Constitution and laws of the United States and the State of Montana.

Brian L Burroughs Signature of Candidate

02-18-2022 Date

NOTARY PUBLIC OR AUTHORIZED OFFICER

State of Montana

County of Meagher

Signed and sworn to before me this 18th day of February, 2022 by

Where to file Federal, Statewide, State District and Legislative offices: Montana Secretary of State P.O. Box 202801 State Capitol Building, 1301 E. 6th Ave 2nd Floor, Room 260 Helena, MT 59620 Online: sc.mt.gov/elections/filing/ Fax: 406-444-2023
Where to file County, City and most Local District offices: County Election Office A list of county election offices may be found at: sosmt.gov/election*



Brian L Burroughs Printed Name of Candidate
[Signature] Signature of Notary or Public Official

