

Commissioner of Political Practices  
1205 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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JAN 19 2017

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2017 JAN 23 A 9:02

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COMMISSIONER OF  
POLITICAL PRACTICES  
CERTIFIED MAIL

SIGNED/NOTARIZED

### Campaign Finance and Practices

### Complaint Form (10/09)

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

#### Person bringing complaint (Complainant):

Complete Name JOSEPH K. KUZARA  
Complete Mailing Address 4230 USH 87 S  
P.O. Box 601 ROUNDUP, MT 59072  
Phone Numbers: Work \_\_\_\_\_ Home 406-323-2628

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

Complete Name DAVID A. PONTE  
Complete Mailing Address P.O. Box 617 - 8 SOUTH MOONLIGHT DR  
ROUNDUP, MT 59072  
Phone Numbers: Work \_\_\_\_\_ Home 406-600-2168

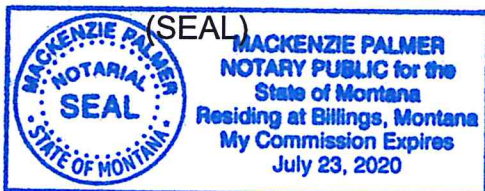
**Please complete the second page of this form and describe in detail the facts of the alleged violation.**

### Verification by oath or affirmation

State of Montana, County of ~~MUSSELSHELL~~ Yellowstone

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

[Signature]  
Signature of Complainant



Subscribed and sworn to before me this 19<sup>th</sup> day of January, 2017.

[Signature]  
Notary Public Mackenzie Palmer

My Commission Expires: 7/23/2020

**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 NARRATIVE & EXHIBITS*

**Complaints must be:**

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

Pursuant to a Commissioner Of Political Practices (COPP) decision (No. COPP 2014-CFP-014, dtd 8 September 2014), Mr. David A. Ponte was prohibited from appearing “as a candidate on the ballot of any future election. . . .” In addition, Mr. Ponte was “conditionally banned as a candidate for future public office in Montana.” (COPP Decision, pages 20 and 21).

Notwithstanding the COPP’s prohibition, Mr. Ponte filed a Declaration for Nomination and Oath of Candidacy on February 29, 2016, with the Musselshell County, Montana, Election Administrator (See Exhibit A attached hereto). Mr. Ponte sought election as Precinct Committeeman for Musselshell County voting Precinct #5. Thereafter Mr. Ponte’s name appeared on the June 7, 2016, Republican Party Primary Election Ballot (See Exhibit B attached hereto), and was thereafter elected to that public office.

Your Complainant herein searched the COPP website and was unable to find any record where the ban was lifted on Mr. Ponte’s ability to appear on an election ballot or on his ability to hold public office. Thus your Complainant believes and therefore asserts that Mr. Ponte violated the prohibitions imposed by the COPP Decision, unlawfully appeared on the June 7, 2016, Primary Election Ballot, was unlawfully elected, and continues to unlawfully hold public office.



Declaration for Nomination and Oath of Candidacy

280979 Fee \$ 0.00  
 MUSSELSHELL COUNTY  
 Recorded 2/29/2016 At 12:03 PM  
 Cheryl Tomassi, Clerk and Recorder  
 By Donade Hagstrom Deputy

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

Filing for office of: Precinct Committeeman  Republican OR  Nonpartisan  
Full name of office including district and/or department numbers if applicable Name of Political Party

Candidate Name (printed exactly as it should appear on the ballot): DAVID A PONTE

Mailing Address: P.O. BOX 617 City and State: Roundup MT Zip Code: 59072

Residence Address: 8 South Moonlight Dr. City and State: Roundup MT Zip Code: 59072

County of Residence: Musselshell Contact Phone: 4066002168 Email Address: mtfreedom-campaign@gmail.com Website Address: \_\_\_\_\_

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 \$ \_\_\_\_\_ 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.

David A. Ponte  
 Signature of Candidate

2-29-16  
 Date

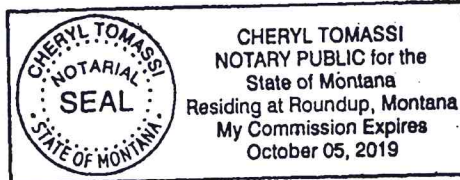
NOTARY PUBLIC OR AUTHORIZED OFFICER

State of Montana  
 County of Musselshell  
 Signed and sworn to before me this 29<sup>TH</sup> day of February, 2016 by David A. Ponte  
Printed Name of Candidate

Cheryl Tomassi  
 Signature of Notary or Public Official

**Where to file for Federal, Statewide, State District and Legislative offices:**  
 Montana Secretary of State  
 State Capitol, 2<sup>nd</sup> Floor, Room 260  
 PO Box 202801  
 Helena, MT 59620-2801  
 Online: [sos.mt.gov](http://sos.mt.gov)  
 By Fax: 406-444-2023

**Where to file for County, City and most Local District offices:**  
 County Election Office  
 A list of county election offices may be found at: [sos.mt.gov/elections](http://sos.mt.gov/elections)



Cheryl Tomassi  
 Printed Name of Notary Public  
 Notary Public for the State of Montana  
 Residing at: Roundup  
 My commission expires: 10/05, 2019

**OFFICIAL PRIMARY ELECTION BALLOT - REPUBLICAN PARTY  
MUSSELSHELL COUNTY, MONTANA - JUNE 7, 2016**

A MUSSELSHELL COUNTY		B STATE OF MONTANA	C JUNE 7, 2016
<b>INSTRUCTIONS TO VOTERS</b> 1. TO VOTE, COMPLETELY FILL IN (●) THE OVAL USING A BLUE OR BLACK PEN. 2. To write in a name, completely fill in the oval to the left of the line provided, and on the line provided print the name of the write-in candidate for whom you wish to vote. 3. DO NOT MAKE AN IDENTIFYING MARK, CROSS OUT, ERASE, OR USE CORRECTION FLUID. If you make a mistake or change your mind, exchange your ballot for a new one.  VOTE IN ALL COLUMNS VOTE BOTH SIDES		<b>FEDERAL AND STATE</b> (Continued) FOR SECRETARY OF STATE (VOTE FOR ONE)  <input type="radio"/> COREY STAPLETON <input type="radio"/> _____	<b>COUNTY</b> FOR CLERK OF THE DISTRICT COURT (VOTE FOR ONE)  <input type="radio"/> BARB HALVERSON <input type="radio"/> _____
<b>FEDERAL AND STATE</b> FOR PRESIDENT (VOTE FOR ONE)  <input type="radio"/> JOHN R. KASICH <input type="radio"/> MARCO RUBIO <input type="radio"/> DONALD J. TRUMP <input type="radio"/> JEB BUSH <input type="radio"/> TED CRUZ <input type="radio"/> NO PREFERENCE <input type="radio"/> _____		FOR ATTORNEY GENERAL (VOTE FOR ONE)  <input type="radio"/> TIM FOX <input type="radio"/> _____	FOR COUNTY COMMISSIONER DISTRICT #2 (VOTE FOR ONE)  <input type="radio"/> JOHN DALLAS TEINI <input type="radio"/> TOM BERRY <input type="radio"/> WENDY BEYE <input type="radio"/> _____
		<b>FEDERAL AND STATE</b> FOR STATE AUDITOR (VOTE FOR ONE)  <input type="radio"/> MATT ROSENDALE <input type="radio"/> _____	<b>PRECINCT</b> FOR PRECINCT COMMITTEEMAN (VOTE FOR ONE)  <input type="radio"/> DAVID A. PONTE <input type="radio"/> MARK SEMON <input type="radio"/> _____
FOR UNITED STATES REPRESENTATIVE (VOTE FOR ONE)  <input type="radio"/> RYAN ZINKE <input type="radio"/> _____		FOR STATE SUPERINTENDENT OF PUBLIC INSTRUCTION (VOTE FOR ONE)  <input type="radio"/> ELSIE ARNTZEN <input type="radio"/> _____	FOR PRECINCT COMMITTEEWOMAN (VOTE FOR ONE)  <input type="radio"/> _____
FOR GOVERNOR & LT. GOVERNOR (VOTE IN ONE OVAL)  <input type="radio"/> GREG GIANFORTE FOR GOVERNOR LESLEY ROBINSON FOR LT. GOVERNOR  <input type="radio"/> TERRY NELSON FOR GOVERNOR NIKI SARDOT FOR LT. GOVERNOR  _____ FOR GOVERNOR  _____ FOR LT. GOVERNOR		FOR PUBLIC SERVICE COMMISSIONER DISTRICT 3 (VOTE FOR ONE)  <input type="radio"/> ROGER KOOPMAN <input type="radio"/> _____	<b>NONPARTISAN - STATE</b> FOR SUPREME COURT CHIEF JUSTICE (VOTE FOR ONE)  <input type="radio"/> MIKE MCGRATH <input type="radio"/> _____
		FOR STATE REPRESENTATIVE DISTRICT 40 (VOTE FOR ONE)  <input type="radio"/> BARRY USHER <input type="radio"/> BRUCE HOILAND <input type="radio"/> PAT RILEY <input type="radio"/> _____	FOR SUPREME COURT JUSTICE #3 (FULL TERM) (VOTE FOR ONE)  <input type="radio"/> DIRK SANDEFUR <input type="radio"/> KRISTEN JURAS <input type="radio"/> ERIC MILLS <input type="radio"/> _____
VOTE IN NEXT COLUMN		VOTE IN NEXT COLUMN	VOTE BOTH SIDES
A	PRECINCT 5	B Typ:02 Seq:0003 Spt:01	C Seq:0003

7.7.1.0/14 © Election Systems & Software, Inc. 1981, 2002

PRECINCT 5

EXHIBIT B

6	MUSSELSHELL COUNTY	E	STATE OF MONTANA	F	JUNE 7, 2016	7
NONPARTISAN - STATE (Continued)						
FOR SUPREME COURT JUSTICE #6 (UNEXPIRED TERM) (VOTE FOR ONE)						
<input type="radio"/> JIM SHEA						
<input type="radio"/> _____						
END OF BALLOT						
8	PRECINCT 5	E	Typ:02 Seq:0003 Spt:01	F	Seq:0003	J

EXHIBIT B