

COMMISSIONER OF
POLITICAL PRACTICES



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STATE OF MONTANA

July 28, 2016

Jesse O'Hara
2533 Snowy Plover Drive
Lakeland, FL 33810

Re: Advisory Opinion No. COPP-2016-AO-013

And To all Currently Registered Montana Political Party Committees (via email):

Beaverhead County Democratic Central Cmte, Beaverhead County Republican Central Cmte, Big Horn County Republican Central Cmte, Blaine County Democratic Central Cmte., Blaine County Republican Central Cmte., Broadwater County Democratic Central Cmte., Broadwater County Republican Central Cmte., Burros Club of Butte, Butte Silver Bow County Democratic Central Cmte., Butte Silver Bow County Republican Central Cmte., Butte Silver Bow County Republican Women, Carbon County Democratic Central Cmte., Carbon County Republican Central Cmte., Carbon County Republican Women, Cascade County Democratic Central Cmte., Cascade County Republican Central Cmte., Chouteau County Republican Central Cmte., Custer Co Democratic Central Cmte., Custer County Republican Central Cmte., Custer County Republican Women, Daniels County Republican Central Cmte., Dawson County Democratic Central Cmte., Dawson County Republican Central Cmte., Dawson County Republican Women, Fallon County Democratic Club, Fergus County Republican Central Cmte., Flathead County Democratic Central Cmte., Flathead County Democratic Women's Club, Flathead County Republican Central Cmte., Flathead County Republican Women's Club, Gallatin County Democrats, Gallatin County Republican Central Cmte., Garfield County Republican Central Cmte., Glacier County Republican Central Cmte., Golden Valley County Republican Club, Granite County Democratic Central Cmte., Granite County Republican Central Cmte., Helena Republican Womens Club, Hill County Democratic Central Cmte., Hill County Republican Central Cmte., Jefferson County Democratic Central Cmte., Jefferson County Republican Central Cmte., Judith Basin County Democratic Central Cmte., Judith Basin County Republican Central Cmte., Lake County Democratic Central Cmte., Lake County Pachyderm Club, Lake County Republican Central Cmte., Lake County Republican Womens Club, Laurel Democratic Club, Lewis & Clark County Republican Central Cmte., Libertarian Party of Ravalli County, Liberty County Democratic Central Cmte., Liberty County Democratic Women, Liberty County Republican Central Cmte., Lincoln County Democratic Central Cmte.,

Lincoln County Republican Central Cmte., Lincoln County Republican Club, Madison County Republican Central Cmte., Meagher County Republican Central Cmte., Mineral County Republican Central Cmte., Missoula County Democratic Central Cmte., Missoula County Republican Central Cmte., Montana Democratic Party, Montana Federation Of Republican Women, Montana Green Party, Montana Republican Legislative Campaign Cmte., Montana Republican State Central Cmte., Montana State Democratic Women's Club, Montana Stonewall Democrats, Montana Young Republicans League, Musselshell County Republican Central Cmte., Park County Democratic Central Cmte., Park County Republican Central Committee, Phillips County Republican Club, Pondera County Democratic Central Cmte., Pondera County Republican Central Cmte., Powell County Republican Central Cmte., Prairie County Republican Central Cmte., Prairie County Republican Women, Ravalli County Democratic Central Cmte., Ravalli County Democratic Women's Club, Ravalli County Republican Central Cmte., Ravalli County Republican Womens Club, Richland County Democratic Central Cmte., Rosebud County Republican Central Cmte., Rosebud County Republican Women's Club, Sanders County Democrats, Sanders County Republican Central Cmte., Sheridan County Republican Central Cmte., Stillwater County Republican Central Cmte., Stillwater Republican Women, Sweet Grass County Republican Central Cmte., Teton County Democratic Central Cmte., Teton County Republican Central Cmte., Toole County Democratic Central Cmte., Toole County Republican Central Cmte., Treasure County Republican Central Cmte., Tri County Young Republicans, Valley County Republican Central Cmte., Wheatland County Republican Central Cmte., Women In Republican Leadership, Yellowstone County Democratic Central Cmte., Yellowstone County Republican Central Cmte., Yellowstone County Republican Women

ADVISORY OPINION

The Commissioner may issue an advisory opinion that addresses an ethics or campaign practice issue. See 44.11.102 ARM.

DISCUSSION

As discussed in *O'Hara v. Madison County*, COPP-2016-CFP-011, the Disclose Act has changed the way that a political party committee may be formed. The Disclose Act, by definition, limits political party committees to those formed by political party organizations. §13-1-101(31), MCA. It is likely that a number of currently registered political party committees were not formed by political party organizations and therefore must be reclassified as independent committees.

With the above in mind, the Commissioner sought public comment as to his intention to put the principles of *O'Hara v. Madison County* into action through a reclassification review of the existing registration of Montana political party committees. Such a public comment opportunity is allowed under 44.11.102(2)(c) ARM. The Commissioner provided a draft of this Advisory Opinion and opportunity for comment to each of Montana's political parties and to the 107 political committees currently registered as political party committees. There were

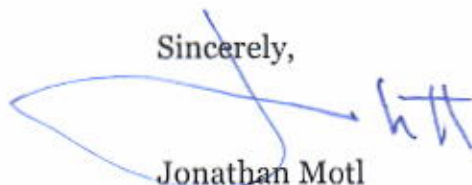
no comments received from any party. Accordingly the Commissioner issues an advisory opinion as follows.

Advisory Opinion No. COPP-2016-AO-013

I write to advise each of the above listed Montana Political Party Committees that the Commissioner will review political party committee status as follows:

1. This Advisory Opinion is a companion to that certain Sufficiency Decision: *O'Hara v. Madison County*, No. COPP 2016-CFP-011. The Sufficiency Decision is posted and may be reviewed on the COPP website.
2. The Disclose Act, as passed by the 2015 Montana Legislature, has modified the manner in which a political party committee may be formed. See *O'Hara v. Madison County* for a discussion of this issue.
3. The Commissioner has authority under 44.11.204 ARM to classify and reclassify a Montana political committee.
4. There are currently 107 political committees registered with the COPP as a political party committee.
5. The Commissioner will examine each of the 107 political party committees, reclassifying some of those committees as independent committees consistent with the discussion in *O'Hara v. Madison County*.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J Motl', is written over the printed name 'Jonathan Motl'.

Jonathan Motl
Commissioner of Political Practices