

THE STATE OF MONTANA

Commissioner of Political Practices
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
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www.politicalpractices.mt.gov

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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 Representative Ellie Hill Smith
Complete Mailing Address 100 Ryman Street, Suite 700
Missoula, Montana 59802
Phone Numbers: Work 406-218-9608 (cell) Home _____

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

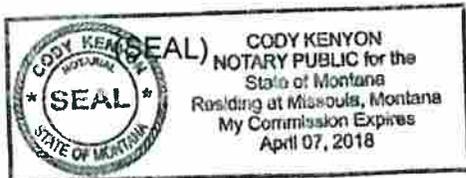
Complete Name Lisa Triepke for Mayor of Missoula
Complete Mailing Address PO Box 2924
Missoula, Montana 59806
Phone Numbers: Work 406-426-2967 Home _____

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 Missoula

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



Ellen Bolduan Hill (Smith)
Signature of Complainant

Subscribed and sworn to before me this 20th day of September, 2017.

[Signature]
Notary Public

My Commission Expires:

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.

Please see attached letter.

Complaints must be:

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

September 20, 2017

Via: Email and USPS mail

Commissioner of Political Practices
State of Montana
1205 Eighth Avenue
Post Office Box 202401
Helena, Montana 59620-2401

Re: *Campaign Finance and Practice Complaint, Lisa Triepke for Mayor (Missoula)*

Dear Commissioner Mangan,

Candidates in in Montana are expected to conduct fair, open, and transparent elections, as measured by Montana's contribution limit and reporting/disclosure laws.

After reading a recent editorial submitted to Lee Newspapers' Missoulian newspaper, authored by Wes Spiker of Spiker Communications, a Montana corporation that advertises itself as only "*representing the 1%*", I am compelled to submit the following Campaign Finance and Practice Complaint related to candidate, Lisa Triepke's, noncompliance with state finance disclosure laws in her campaign for Missoula mayor.

Much of this complaint relates to Ms. Triepke's insufficient compliance with basic campaign expenditure reporting.

Montana's Campaign Practice Act encourages and requires candidates and political committees to fully report and disclose campaign contributions and expenditures.

The money that supports (campaign contributions) and is spent by (campaign expenses) a candidate's campaign is subject to complete transparency made useful to voters and the opposing candidate by an accompanying requirement of timely reporting.

Ms. Triepke has submitted insufficient reporting and sometimes completely omitted campaign expenditures in violation of Montana law, including but not limited to:

- Failure to disclose any detailed expenditures related to a \$10,923.50 payment to Spiker Communications
- It is clear Ms. Triepke is utilizing campaign yard signs but she has failed to disclose the signs, designer or printer. She failed to itemize them as an expenditure whatsoever in her campaign.
- There is "Fight Night Fundraiser" on her second C5. Who did this go to? What was it for?
- There is an "ATM Fee" on second C5. Who did this money actually go to? What company?
- Ms. Triepke has never filed any C7's even though she clearly has received checks over \$100. Compared to her opponent, it is a glaring omission in compliance.
- I have observed numerous fundraisers for the Triepke campaign based on her pictures on social media, however she omits all traditional campaign expenditures related to such fundraisers. She omits all disclosure to the individuals or corporations who are paying for the food/drink? The supplies?
- There is a \$2,500 donation that was refunded and listed in the disbursements as being refunded to Missoula Federal Credit Union rather than the original donor.

Montana Code Ann. § 13-37-226 and § 13-37-228 provides the time periods covered by reporting requirements. Upon receipt of this Complaint, the Triepke campaign would be wise to file an amended report, correcting and/or complying with the basic bookkeeping required to ensure fair and transparent elections in the State of Montana, however, no such amendments, should minimize timeliness requirements and the damage done.

As outlined in prior COPP decisions, the failure to fully and timely report and disclose cannot generally be excused as oversight or ignorance.

Excusable neglect cannot be applied to oversight or ignorance of the law as it relates to failures to file or report. See *Matters of Vincent*, Nos. COPP-2013-CFP-006, 009 (discussing excusable neglect principles). Likewise, the Commissioner does not normally accept that failures to file or report be excused as *de minimis*. See *Matters of Vincent*, Nos. COPP-2013-CFP-006, 009 (discussing *de minimis* principles).

In a race for Missoula's mayor, where the city budget seems to be a much debated issue, it seems that nothing in the Triepke expenditures is properly itemized nor labeled.

Since 1912, through passage of the Corrupt Practices Act and, again, in 2012, when the citizens of Montana passed I-166, a statewide ballot initiative, Montanans have emphatically expressed our collective support for campaign finance laws, and our firm insistence in reigning in big money in

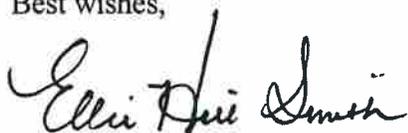
campaigns in both contributions and expenditures. (In 2012, 74.67% of Montanans voted in support of strong campaign finance compliance and transparency in our elections.)

Since the days of the Copper Kings, Montanans have shown our unwavering public interest in campaign finance, and in Missoula, we are uniquely empowered to hold our local candidates accountable through their campaign finance data, ensuring that it is complete, timely, and accurate.

Accurate campaign finance accounting is the responsibility of every candidate in Montana and it should certainly be a necessary requirement for a candidate for mayor.

I welcome any questions and/or additional communication through my cell number at 406-218-9608. I sincerely appreciate your service to the people of Montana.

Best wishes,

A handwritten signature in black ink that reads "Ellie Hill Smith". The signature is written in a cursive, flowing style.

Ellie Hill Smith
Attorney and State Legislator
Missoula, Montana