

THE STATE OF MONTANA

Commissioner of Political Practices
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COMMISSIONER OF POLITICAL PRACTICES	
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Campaign Finance and Practices

Complaint Form (08/17)

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

Person bringing complaint (Complainant):

Complete Name David A. Galt, Stop I-186 to Protect Miners and Jobs

Complete Mailing Address P.O. Box 1585, Helena, Montana 59624

Phone Numbers: Work (406) 461-1314 Home _____

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

Complete Name YES for Responsible Mining

Complete Mailing Address c/o Kirk Evenson, Treasurer
P.O. Box 1524, Great Falls, MT 59403

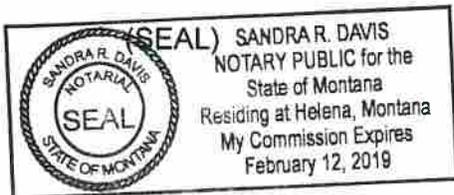
Phone Numbers: Work (406) 268-1000 Home _____

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 Lewis & Clark

I, DAVID A. GALT, 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 16 day of October, 2018.

[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.

PARTIES

1. Respondent YES for Responsible Mining is a ballot issue committee and the proponents of Initiative 186 ("I-186"). Kirk Evenson is the Treasurer of Yes for Responsible Mining and his address is P.O. Box 1524, Great Falls, MT 59403. A ballot initiative committee is a political committee. § 13-1-101(7), MCA.
2. Complainant Stop I-186 to Protect Miners and Jobs is a ballot issue committee that opposes I-186. Bruce Vincent is the Treasurer of Stop I-186 to Protect Miners and Jobs and his address is P.O. Box 1585, Helena, Montana 59624.

JURISDICTION

3. The Commissioner of Political Practices possesses jurisdiction to decide Complaints of violations of the provisions of Title 13, chapters 35 or 37, MCA or a rule or regulation implementing one or more of those statutory provisions.

GENERAL ALLEGATIONS

4. On October 13, 2018, individuals, including individuals associated with Stop I-186 to Protect Miners and Jobs, received text messages from a phone number with a representation that the communication was made on behalf of Yes for Responsible Mining. An example of one of those text messages is attached hereto as Exhibit A.
5. The text message was sent from a phone number (855) 603-9959. This (855) area code is a non-geographic area code not associated with any particular city, state, province or country.
6. The text messages sent by Yes for Responsible Mining representative(s) are false. Some recipients received a second text message that falsely states the following: "Remember, taxpayers are forced to pay the bill when irresponsible mining companies dump toxic chemicals in our rivers. Visit www.yeson186.org for more info." See Exhibit A.
7. The text messages do not inform the recipient who paid for the communication.

Complaints must be:

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

8. When the recipient of the text message calls the number sending the text message it is not able to reach a representative from Yes for Responsible Mining, instead the phone number indicates that it is no longer in service. I am advised that a person who attempted to call the number received a message that the phone number was disconnected and out of service.

VIOLATION OF SECTION 13-35-225, MCA AND ARM 44.11.601

9. The texts are election communications as defined by § 13-1-101(14), MCA. All election communications, electioneering communications, and independent expenditures must clearly and conspicuously include the attribution “paid for by” followed by the name and address of the person who financed the communication. § 13-35-225(1), MCA; ARM 44.11.601(1), (2).

10. Election materials financed by a political committee like a ballot initiative committee must include an attribution including the name of the committee, the name of the committee treasurer, and the address of the committee or its treasurer. ARM 44.11.601(2)(c).

11. Election materials financed by an individual acting on his or her own behalf must include the name and address of the individual who paid for the materials. ARM 44.11.601(2)(d).

12. To ensure that all election materials include the appropriate attribution language as required by § 13-35-225, MCA, the reader or observer should have no difficulty locating and reading the attribution language. ARM 44.11.601(3)(a)(i).

13. The attribution language should be of sufficient type size to be clearly readable by the recipient of the communication, the language should be contained in a printed area or segment set apart from the other contents of the election materials. ARM 44.11.601(3)(a)(ii), (iii).

14. The text messages sent by the Yes for Responsible Mining representative(s) constitute election communications and do not comply with the applicable statutes and rules described herein.

15. The text messages did not include the words “paid for by.”

16. The text message did not include the name or address of the political committee that financed the sending of text messages.

17. The sending of text messages without the appropriate attribution language violates § 13-35-225, MCA and ARM 44.11.601.

18. The Yes for Responsible Mining representatives’ text messages are disseminating false information to voters. In addition to violating the letter and spirit of § 13-35-225, MCA and ARM 44.11.601 by failing to disclose organizational information about the entity making the communication, it is an aggravating factor to intentionally make a false statement in the unlawful communication. The proponents of I-186 know that Montana law requiring mines to have operating permits that do not allow “mining companies [to] dump toxic chemicals in our rivers”.

19. It is not clear to your complainant how many voters received this blatantly untrue statement from the proponents of I-186.

PRAYER FOR RELIEF

20. Stop I-186 to Protect Miners and Jobs seeks the following relief from the Commissioner pursuant to his authority in ARM 44.11.601(8)(c) & (9) against Yes for Responsible Mining's violation of the election statutes and regulations:

a. That Yes for Responsible Mining be required to retract noncompliant material from circulation immediately and advise recipients that it misrepresented facts and Montana law; and

b. That Yes for Responsible Mining be fined or otherwise penalized for its violations and false statements.



(855) 603-9959

Text Message
Today 12:09 PM

Hey! I'm with Yes for Responsible Mining supporting I-186, which will help keep MT water clean and promote responsible mining. Will you vote YES on I-186?

No

Today 5:50 PM

Remember, taxpayers are forced to pay the bill when irresponsible mining companies dump toxic chemicals in our rivers. Visit www.yeson186.org for more info

EXHIBIT A

