

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Adams v. Clark No. COPP 2018-CFP-051	DISMISSAL
---	-----------

On October 29, 2018, Leta Adams of Kalispell filed a campaign practices complaint against Tom Clark, also of Kalispell. The complaint alleged that candidate Clark did not provide all required attribution information on campaign signs promoting his candidacy.

SUBSTANTIVE ISSUES ADDRESSED

The area of campaign finance law addressed by this decision is that of the attribution of political signs, as required by Montana’s campaign practice laws.

FINDINGS OF FACT

The foundational facts necessary for this Decision are as follows:

Finding of Fact No. 1: Thomas Clark filed a C-1A Statement of Candidate as a Democratic ‘C’ box¹ candidate for County Commission in Flathead County with the COPP on March 8, 2018. All 2018 financial reports have been timely filed by candidate Clark. (Commissioner’s Records)

Finding of Fact No. 2: On his C-5 report filed October 5, 2018 (dated June 25 through October 1, 2018), candidate Clark properly reported one August 20, 2018 expenditure of \$2,862.00 for “signs 500 – 24” x 16” double-sided with wires, 50 – 48” x 32” double sided”. An amended version of this report filed on October 27

¹ ‘C’ box designation means the candidate will spend/receive in excess of \$500.00

reported this expenditure with the exact same Purpose description. (Commissioner's Records)

Finding of Fact No. 3: The COPP received an email with a photo of the 'Vote Tom Clark' sign at the same location on October 25 and 26, 2018 inquiring about the need for attribution on the sign. The COPP contacted candidate Clark via email in response to the inquiry. (Commissioner's Records.)

Finding of Fact No. 4: On October 25, 2018, candidate Clark emailed the COPP in response to the October 25 email received by the COPP concerning campaign signs supporting his candidacy not containing the proper "Paid for by" Attribution. Candidate Clark stated that the signs "were put up by individual people that have no association with my campaign. I do not know who put them up nor have I asked". A follow-up email received on October 28 reiterated "I do not know who put these signs up as they have no association with my campaign" (Commissioner's Records.)

DISCUSSION

Complainant Adams alleges that Candidate Clark failed to include an attribution on campaign signs. Mont. Code Ann. § 13-35-225(1) requires that "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 made or financed the expenditure..." on any paid campaign communication.

The Adams complaint included a photo of a campaign sign advocating 'Vote Tom Clark'. The photo showed no attribution of any sort as to who made or financed the sign. The sign appears to be hand constructed and painted. Prior to the receipt of the Complaint October 29, the COPP had received an email with the same or similar photo inquiring about an attribution on October 25 and 26, 2018 (FOF No. 3). The COPP contacted candidate Clark on Oct 25 and he responded he was not responsible for the signs and did not know who

put up the signs (FOF No. 4). A review of candidate Clark's 2018 campaign finance records found Clark reported the purchase of 550 printed campaign signs on August 20, 2018 (FOF No. 2), however these were not the signs referenced in the Complaint.

The Commissioner finds candidate Clark or his campaign did not purchase, create, finance, or coordinate to purchase, create, or finance the 'Vote Tom Clark' signs referenced in the complaint, and is not responsible for the lack of attribution on the signs.

DECISION

This Commissioner, having duly considered the matters raised in the Complaint, and having completed his review and investigation, hereby holds and determines, under the above stated reasoning, that there is a lack of sufficient facts to show any campaign practice act violation by Candidate Clark.

The Commissioner hereby dismisses this complaint.

DATED this 29 day of October 2018.



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