

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Blatnick v. Garcia No. COPP 2018-CFP-046	DECLARATION OF MERIT OF COMPLAINT MEMORIALIZATION OF NOTIFICATION OF MERIT TO CANDIDATE RESOLUTION OF COMPLAINT BY PROMPT ACTION BY CANDIDATE DISMISSAL OF COMPLAINT
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On October 12, 2018, Jeff Blatnick of Billings filed a campaign practices complaint against Rodney Garcia, also of Billings. The complaint alleged that candidate Garcia failed to timely file a required campaign financial report.

Findings of Fact

Finding of Fact No. 1: Rodney Garcia filed a C-1 Statement of Candidate as a candidate for HD 52 in Yellowstone County with the COPP on February 29, 2018. 2018 State District candidates had post-primary C-5 campaign financial reports due on or before October 9, 2018. (Commissioner's Records.)

Finding of Fact No. 2: The afternoon of October 9, candidate Garcia contacted the COPP via telephone to seek assistance

filing his required C-5 finance report using the CERS electronic filing system. At the time of the call, the CERS system was experiencing an outage due to heavy traffic, and candidates were unable to log in and file reports. Candidate Garcia was instructed to wait and check back later, and he stated he would attempt to file his report that evening. (Commissioner's Records.)

Finding of Fact No. 3: Candidate Garcia did not file a campaign financial report on or before October 9, 2018. (Commissioner's Records.)

Finding of Fact No. 4: The morning of October 10, 2018, candidate Garcia again contacted the COPP via telephone to seek assistance filing his required C-5 financial report using CERS. COPP Compliance Specialists were able to assist candidate Garcia and walk him through the electronic filing process. Candidate Garcia successfully filed his financial report at this time. (Commissioner's Records.)

Discussion


Under Mont. Code Ann. § 13-37-225 and 226(2), state district candidates shall file periodic reports of contributions and expenditures on the 35th day preceding the date of an election. In this case, candidate Garcia contacted the COPP office on October 9 in an attempt to file electronically. Attempts by candidate Garcia to file were unsuccessful as the CERS¹ reporting system experienced an outage the afternoon of October 9, 2018 (FOF No. 2). Candidate Garcia successfully filed the morning of October 10, 2018 with the assistance of COPP staff (FOF No. 4).

Candidate Garcia attempted to meet the filing deadline on October 9, 2018 and was unable to file due to a verified technical issue with the CERS

¹ CERS is an acronym for Campaign Electronic Reporting System, the e-filing system used by candidates and political committees to submit campaign finance reports and other required forms to COPP.

campaign finance reporting system. The candidate successfully filed the next day. Candidate Garcia maintained communication with COPP staff while the technical issue was resolved. As candidate Garcia was unable to electronically report due to no fault of the candidate, notified the COPP of the issue, and subsequently filed on the immediate day following², the Complaint is dismissed.

DATED this 15th day of October 2018.



Jeffrey A. Mangan
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² Any candidate who failed to file on October 9, 2018 due to the technical issue, notified the COPP, and subsequently filed their campaign finance report on the following day will be treated in the same manner of this decision.