

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Facey v. Reynolds No. COPP 2018-CFP-052	DECLARATION OF MERIT OF COMPLAINT MEMORIALIZATION OF NOTIFICATION OF MERIT TO CANDIDATE RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY CANDIDATE DISMISSAL OF COMPLAINT
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On October 31, Tom Facey, a resident of Missoula, Montana, filed a complaint against Chase Reynolds, a resident of Missoula, Montana. Mr. Reynolds is a candidate seeking 2018 election as State Senator, Senate District 49.¹ The Complaint alleges that Candidate Reynolds failed to properly attribute campaign literature.

Discussion

¹ Mr. Reynolds filed Statement of Candidacy (Form C1) with the COPP on February 1, 2018 and amended February 23, 2018. (COPP records).

Under Montana law “all election communications...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 for the communication.” §13-35-225(1) MCA. Mr. Facey’s complaint attached a copy of a double side, folded mailer identified as “About Chase Reynolds” on one side and “Chase Reynolds on the issues” on the other. The candidate Reynolds literature piece failed to include a full attribution.

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. Accordingly, Candidate Reynolds was immediately contacted by the Commissioner’s office. Candidate Reynolds responded saying that the omission of an attribution was an oversight. Candidate Reynolds followed up the conversation with the COPP with an email taking responsibility for the oversight and corrective measures taken.

The law governing complaints of failure to properly attribute political signs provides precise directions to the Commissioner:

1. The Commissioner is to immediately assess the merits of the Complaint. §13-35-225(7)(a), MCA. The Commissioner found merit to the Complaint and hereby memorializes that finding.

2. The Commissioner shall notify the candidate of the merit finding, requiring the Candidate to bring the signs into compliance. §13-35-225(7)(a), MCA. The Commissioner, by both telephoning Candidate Reynolds and emailing a Notice of

Non-compliant Election Communication, did this and hereby memorializes the Notice.

3. The Candidate is provided 24 hours to bring the signs into attribution compliance (§13-35-225(7)(b), MCA). By this Decision the Commissioner declares his satisfaction that the Candidate has acted promptly and properly to correct the attribution deficiency.

Under Montana law the Candidate with the attribution deficiency is relieved of a campaign practice violation, provided he promptly carries out the attribution correction as promised. Candidate Reynolds has met these duties and is therefore relieved of a campaign practice violation under §13-35-225(7)(b), MCA. The Complaint is dismissed.

Normally the Commissioner first provides Decisions to the parties and public on the following day. The Legislature, however, has set very tight timelines on this sort of attribution Complaint. Accordingly, the Commissioner provides this Decision to the parties and public on the day it is made.

DATED this 1st day of November, 2018.



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