

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

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| Gillespie v. Ravndal and<br>Campbell<br><br>No. COPP 2018-CFP-050 | DECLARATION OF MERIT OF<br>COMPLAINT<br><br>MEMORIALIZATION OF<br>NOTIFICATION OF MERIT<br><br>RESOLUTION OF COMPLAINT BY<br>PROMPT REMEDIAL ACTION<br><br>DISMISSAL OF COMPLAINT |
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On October 26, 2018 Judy Gillespie, a resident of Townsend, Montana, filed a complaint against Tim Ravndal and Cheryl Campbell, residents of Townsend, Montana. The complaint alleges that a campaign mailer did not contain an attribution.

Discussion

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. Ms. Gillespie’s complaint attached a

copy of the mailer, identified as “Vote against the hospital district”. The mailer included ‘The Ravndal’s and Campbell’s, PO Box 287 MT 59644’ as the address. The campaign mailer failed to include a full attribution by not including the “Paid for by” portion of the attribution.

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. Accordingly, Mr. Ravndal was immediately contacted by the Commissioner’s office on October 26, 2018. Mr. Ravndal responded saying that the omission of an attribution was an oversight as he did not believe Montana’s campaign finance laws applied to the Hospital District. The COPP explained while special districts, such as the Broadwater Hospital District, are exempt<sup>1</sup> from the campaign finance reporting requirements found in Title 13, Chapter 37, the attribution requirements found in Mont. Code Ann. § 13-35-225, election materials not to be anonymous, do apply. Mr. Randval followed up the conversation with the COPP with an email taking responsibility for the oversight, an acknowledgement of the correct attribution, and an understanding any such future election material must contain a complete attribution<sup>2</sup>.

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<sup>1</sup> 13-37-206(2), MCA. The provisions of this part, except 13-37-216 and 13-37-217, do not apply to a candidate, the candidate's political campaign, or a political committee organized to support or oppose an issue or a candidate if the candidate is running for or the committee's issue involves a unit of local government authorized by law to perform a single function or a limited number of functions, including but not limited to a conservation district, a weed management district, a fire district, a community college district, a hospital district, an irrigation district, a sewer district, a transportation district, a water district, any other special purpose district, or any entity formed by interlocal agreement

<sup>2</sup> The single sided mailer was the only material sent, no others remained, per discussion with COPP staff on October 26, 2018.

The law governing complaints of failure to properly attribute election material 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 election material be brought into compliance. §13-35-225(7)(a), MCA. The Commissioner, by telephoning Mr. Ravndal and discussing the attribution issue and requirements, did this and hereby memorializes the Notice.

3. Mr. Ravndal is provided an unspecified period of time 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. Mr. Ravndal 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 26th day of October 2018.



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