

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

Kenyon v. Berglee  No. COPP 2018-CFP-013	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 May 29, 2018 Mary Kenyon, a resident of Red Lodge, Montana, filed a complaint against Seth Berglee, a resident of Bridger, Montana. Mr. Berglee is a candidate seeking 2018 re-election as State Representative, House District 58.<sup>1</sup> The complaint alleges that candidate Berglee is using campaign signs that include an outdated address within the attribution, thus failing to properly attribute campaign material.

Discussion

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<sup>1</sup> Mr. Berglee filed Statement of Candidacy (Form C1) with the COPP (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. Ms. Kenyon’s complaint attached a copy of the sign identified as “Seth Berglee, State Legislature” and included a Joliet, MT PO Box as the address. Candidate Berglee’s current Statement of Candidacy records a PO Box in Bridger, MT as the candidates address. Candidate Berglee’s campaign signs fail to include a full attribution by not including the candidate’s current address in 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, candidate Berglee was immediately contacted by the Commissioner’s office. Candidate Berglee responded saying that the omission of a complete attribution was an oversight and would ensure the complete attribution was remedied on all campaign signs in use. Candidate Berglee followed up the conversation with the Commissioner with an email taking responsibility for the oversight, corrective measures taken, and an image of a corrected campaign sign.

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.

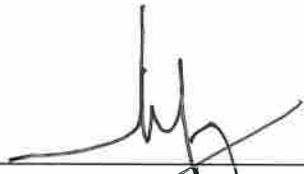
2. The Commissioner shall notify the candidate of the merit finding, requiring the Candidate to bring the signs into compliance. §13-35-225(7)(a), MCA. The Commissioner, by telephoning candidate Berglee and discussing the attribution issue and requirements, did this and hereby memorializes the Notice.

3. The Candidate 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. Candidate Berglee 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 31st day of May 2018.



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