

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Wemple v. Connell No. COPP 2018-CFP-005	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 March 30, 2018, Jon Wemple, a resident of Victor, Montana, filed a complaint against Pat Connell, a resident of Hamilton, Montana. Mr. Connell is a candidate seeking 2018 re-election as State Senator, Senate District 43.¹ The Complaint alleges that Candidate Connell failed to properly attribute campaign literature.

¹ Mr. Connell filed Statement of Candidacy (Form C1) with the COPP (COPP records).

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. Mr. Wemple’s complaint attached a copy of a double side mailer/door card (11” x 6”) identified as “Re-Elect Pat Connell Real Solutions for Montana” on one side and “Effective Leadership for Montana” on the other. The candidate Connell literature piece 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, Candidate Connell was immediately contacted by the Commissioner’s office. Candidate Connell responded saying that the omission of a complete attribution was an oversight, and would ensure the complete attribution was remedied on all remaining pieces of literature, approx. 1500. Candidate Connell 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 card.

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 Connell 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 Connell 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 2nd day of April, 2018.



Jeffrey A. Mangan
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