

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

Wombold v. Mortag, Marquis, and Seabolt  No. COPP 2018-CFP-006	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, Erin Wombold, a resident of Cascade, Montana, filed a complaint against Ruth Mortag, Wes Marquis, and Wes Seabolt, residents of Cascade, Montana, all seeking election as Cascade School District trustees.<sup>1</sup> The Complaint alleges that the three candidates failed to properly attribute

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<sup>1</sup> Cascade School District trustee candidates are exempt from filing a Statement of Candidacy with the Montana Commissioner of Political Practices. The Commissioner contacted the school district election administrator to verify candidacy.

campaign signs.

### 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. Wombold’s complaint alleged the identified candidates signage was missing an attribution. Upon contact, the candidates admitted their signage failed to include a full attribution as required.

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. Accordingly, Candidates Mortag, Marquis, and Seabolt were immediately contacted by the Commissioner’s office. Each candidate responded saying that the omission of a complete attribution was an oversight and would ensure the complete attribution was remedied on all signs currently posted. The candidates followed up the conversation with the Commissioner’s office with their remedy, corrective measures taken, and an image of a corrected 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 the Candidates 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 Candidates have 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. Candidates Mortag, Marquis, and Seabolt have 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 20th day of April, 2018.



Jeffrey A. Mangan  
Commissioner of Political Practices  
Of the State of Montana  
P. O. Box 202401  
1209 8<sup>th</sup> Avenue  
Helena, MT 59620