

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Vick v. Hindle No. COPP 2019-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
---	---

On October 18, Dempsey Howard Vick II, a resident of Stevensville, Montana, filed a complaint against Trenis Hindle, a resident of Stevensville, Montana. Mr. Hindle is a write-in candidate seeking 2019 election as Council person, Town of Stevensville.¹ The Complaint alleges that Candidate Hindle failed to properly attribute campaign signage.

¹ Mr. Hindle filed Statement of Candidacy (Form C1A) with the COPP on September 10, 2019. (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. Vick’s complaint attached a copy of a yard sign for write-in candidate Trenis Hindle. The candidate Hindle signage failed to include an attribution. The signage was brought to the attention of the COPP via email on October 15, 2019 prior to the formal complaint being filed.

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. Accordingly, Candidate Hindle was immediately contacted by the Commissioner’s office. Candidate Hindle responded saying that the omission of an attribution was an oversight. Candidate Hindle 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:

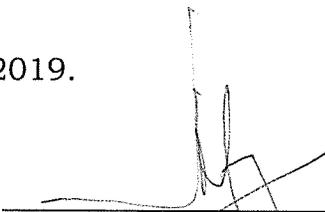
1. The Commissioner is to immediately assess the merits of the Complaint. §13-35-225(7)(a), MCA. The Commissioner found merit to the Complaint and hereby memorializes that finding.
2. The Commissioner shall notify the candidate of the merit finding, requiring the Candidate to bring the signs into

compliance. §13-35-225(7)(a), MCA. The Commissioner, by both telephoning Candidate Hindle 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 Hindle has met these duties and is therefore relieved of a campaign practice violation under §13-35-225(7)(b), MCA. The Complaint is dismissed.

DATED this 21st day of October, 2019.



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