

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Ludemann v. Schuster No. COPP 2020-CFP-010B	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 6, 2020, Ryan Ludemann, a resident of Missoula, MT, filed campaign practices complaints against Terri Schuster of Missoula, MT. The complaint alleges that candidate Schuster financed and distributed election material that did not include the required “Paid for by” attribution message.

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. Ludeman’s complaint attached a copy of a folded mailer identified as “Elect Terri Schuster”. The candidate Schuster mailer piece failed to include a full attribution.

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation¹. Accordingly, Candidate Schuster was contacted by the Commissioner’s office. Candidate Schuster responded saying that the omission of an attribution was an oversight. Candidate Schuster 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 brochures provides precise directions to the Commissioner:

1. The Commissioner is to immediately assess the merits of the Complaint. §13-35-225(5), 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 material into compliance. §13-35-225(6)(a), MCA. The COPP, by both telephoning Candidate Schuster and providing Notice of Non-compliant Election Communication, did this and hereby memorializes the Notice.

3. The Candidate is provided 2 business to file with the COPP

¹ In this matter, the complaint was received after the May 5, 2020 election.

the attribution statement for the material (44.11.602(7)(a), ARM).

By this Decision the Commissioner declares his satisfaction that the Candidate has acted promptly and properly to correct the attribution deficiency by filing the attribution with the COPP².

Under Montana law the Candidate with the attribution deficiency is relieved of a campaign practice violation, provided he/she promptly carries out the attribution correction as promised. Candidate Schuster has met these duties and is therefore relieved of a campaign practice violation under §13-35-225(6), MCA.

The Complaint is dismissed.

DATED this 13th day of May, 2020.



Jeffrey A. Mangan
Commissioner of Political Practices
Of the State of Montana
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² As post-election, the Commissioner will file attribution correction as part of the complaint file.