

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Montana Republican Party v. Woods No. COPP 2020-CFP-003	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 February 19, Don Kaltschmidt, Chairman of the Montana Republican Party, headquartered in Helena, Montana, filed a complaint against Tom Woods, a resident of Bozeman, Montana. Mr. Woods is a candidate seeking 2020 election as Public Service Commissioner, District 3.¹ The Complaint alleges that Candidate Woods failed to properly attribute campaign material.

Discussion

Under Montana law “all election communications...must clearly and

¹ Mr. Woods filed Statement of Candidacy (Form C1) with the COPP on July 3, 2019. (COPP records).

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. Kaltschmidt's complaint attached a copy of a candidate Woods' website and previously run paid Facebook ads. The candidate Woods campaign website and Facebook ads failed to include a full attribution².

Montana law requires an accelerated review ("as soon as practicable") of a campaign practice complaint alleging an attribution violation. Accordingly, Candidate Woods was immediately contacted by the Commissioner's office. Candidate Woods responded saying that the omission of an attribution was an oversight. Candidate Woods 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 material 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 Woods and emailing a Notice of Non-

² The candidate website lacked an attribution and the Facebook ads were attributed however failed to include a reference to party affiliation.

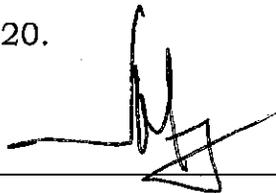
compliant Election Communication, did this and hereby memorializes the Notice.

3. The Candidate is provided 24 hours to bring the material 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 Woods 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 20th day of February, 2020.



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