

HAND DELIVERED

October 12, 2014- Joe Dooling Radio & Automated (Robo) calls

RECEIVED

Complaint:

2014 OCT 14 A 11: 27

Republican candidate Joe Dooling ran radio ads and financed automated "Robo" phone calls to call a Town Hall Meeting that did not reference his party affiliation, a violation of 13-35-225 MCA, **Election materials not to be anonymous—statement of accuracy—notice--penalty**. The Robo calls were in violation of Criminal law, 45-8-216 MCA, **Unlawful automated telephone solicitation—exceptions—penalties**, and the Lewis and Clark County Attorney has jurisdiction over this violation of criminal law. The robo calls went out and we received our call on Saturday, October 11, 2014 at 1:01pm. There was no party affiliation stated during the recorded call.

The Commissioner of Political Practices has jurisdiction over the requirements to have the party affiliation included. I have a copy of the automated phone call on my home phone answering machine for reference in the investigation.

A call to the radio station did get the radio ad changed as of 10/13/2014, but it ran for several days in violation of the law before the change was made. Upon asking the radio station to check, the Station Manager, Tony Driskill, confirmed that one radio ad had the disclaimer and the other did not. Please see the attached e-mail from the radio station addressing my concern and the fact that they will fix the advertisement to include the party affiliation.

Thank you for your consideration and please contact me if you have any questions,


Jill Cohenour, Candidate, Senate District 42--Democrat



State of Montana
County of L & C

Shannon H. Stevens
Notary Public

On this 14th Day of October
Jill Cohenour signed before
me.

Referencing sections of the MCA

13-35-225 Election materials not to be anonymous – statement of accuracy

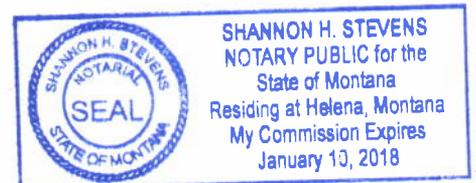
(2) Communications in partisan election financed by a candidate or a political committee organized on candidate's behalf must state the party affiliation or included the party symbol.

(3) (a) Printed election material described in subsection (1) that includes information about another candidate's voting record must included:

- (i) A reference to the particular vote or votes upon which the information is based;
- (ii) A disclosure of contrasting votes known to have been made by the candidate on the same issue if closely related in time; and
- (iii) A statement, signed as provided in subsection 3(b), that to the best of the signer's knowledge, the candidate's voting record is accurate and true.

(b) The statement required under subsection (3)(a) must be signed:

- (i) By the candidate if the election material was prepared for the candidate or the candidate's political committee and includes information about another candidate's voting record;



- (ii) By the person financing the communication or the person's legal agent if the election material was not prepared for the candidate or the candidate's political committee.

45-8-216. Unlawful automated telephone solicitation -- exceptions -- penalties. (1) A person may not use an automated telephone system, device, or facsimile machine for the selection and dialing of telephone numbers and playing of recorded messages if a message is completed to the dialed number for the purpose of:

- (a) offering goods or services for sale;
- (b) conveying information on goods or services in soliciting sales or purchases;
- (c) soliciting information;
- (d) gathering data or statistics; or
- (e) promoting a political campaign or any use related to a political campaign.

(2) This section does not prohibit the use of an automated telephone system, device, or facsimile machine described under subsection (1) for purposes of informing purchasers of the receipt, availability for delivery, delay in delivery, or other pertinent information on the status of any purchased goods or services, of responding to an inquiry initiated by any person, or of providing any other pertinent information when there is a preexisting business relationship. This section does not prohibit the use of an automated telephone system or device if the permission of the called party is obtained by a live operator before the recorded message is delivered.

- (3) A person violating subsection (1) is subject to a fine of not more than \$2,500.

History: En. Sec. 1, Ch. 230, L. 1991.



Sandi Luckey <jillforsenate42@gmail.com>

Dooling spots

1 message

Driskill, D. Tony <tdriskill@cherrycreekradio.com>
To: "jillforsenate42@gmail.com" <jillforsenate42@gmail.com>

Mon, Oct 13, 2014 at 12:03 PM

Jill,

I went & checked & indeed, one of the 2 spots running (in equal rotation/50-50) for Joe Dooling

does not say 'Republican'. I will add that to the spot immediately.

Best,

Tony D

Tony Driskill

General Manager

CCR-Helena, MT

Office (406) 442-4490

Cell (530) 721-0446

tdriskill@cherrycreekradio.com



Cherry Creek Radio does not discriminate in advertising sales based on race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made a part of a particular contract, will be rejected.