

COMMISSIONER OF POLITICAL PRACTICES



STATE OF MONTANA

DENNIS UNSWORTH
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1205 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

CERTIFIED MAIL
Return Receipt Requested

December 17, 2009

Patricia Coombs
5365 Florence Carlton
Florence MT 59833

Subject: Complaints received November 5, 2008

Recently my staff and I discussed the findings of the investigator in the complaints you filed last year alleging violations of § 13-35-225, MCA. Based on that review, and in light of concerns I described to you last month regarding a lack of specificity in the statute, I am dismissing the complaints.

You alleged that attribution statements required by § 13-35-225, MCA were too small to read on the Citizens for Ravalli County's Future's yard signs, and that certain required language was missing from the attribution on newspaper ads placed by Bitterrooters for Planning.

Regarding the size of the attribution language on the yard signs, in the *Matter of the Complaint Against Dee Brown, Jerry O'Neil, and George Everett (May 9, 2008)* I noted that neither the Legislature, by statute, nor this office, by rule, has provided direction regarding the specific appearance, size, and location of the attribution language required by the statute. We attempted to draft a rule providing specific requirements, but it became apparent that the statute itself is lacking, and an amendment to the statute may be required to provide the necessary specificity. I cannot arbitrarily interpret undefined terms in the statute on a case-by-case basis. In the absence of further specificity, I am unable to resolve this issue.

Regarding the absence of the words "paid for by" and the identification of the committee treasurer, in the decision in the *Matter of the Complaint Against CI-97, CI-98 and I-154 (4/15/08)* I noted that although materials produced and distributed by the three political committees did not include certain information, in violation of § 13-35-225(1), MCA, it was not in the best interests of the State of Montana to proceed with a civil penalty action.

Although certain information was not included on the particular campaign materials that are the subject of your complaints, this did not deprive the public of notice regarding which political committees paid for the campaign materials, and how to contact them. In consideration of the particular circumstances surrounding the violations you alleged and the costs associated with a prosecution, I have determined that it would not be in the best interests of the State of Montana to pursue a civil prosecution.

For the reasons set forth above, I am dismissing both of your complaints.

A handwritten signature in black ink, appearing to read "Dennis Unsworth".

Dennis Unsworth
Commissioner of Political Practices

copies: Citizens for Ravalli County's Future
Bitterrooters for Planning

COMMISSIONER OF POLITICAL PRACTICES
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
TELEPHONE: 406-444-2942
FAX NUMBER: 406-444-1643

POSTMARKED FOR OFFICE USE ONLY

NOV - 4 2008

CAMPAIGN FINANCE AND PRACTICES

COMPLAINT FORM (07/01)

HAND DELIVERED

CERTIFIED MAIL

SIGNED/NOTARIZED

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME

Patricia P. Coombs

COMPLETE MAILING ADDRESS

5365 Florence Carlton
Florence, MT 59833

TELEPHONE NUMBERS: WORK

—

HOME

406-273-9049

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME

BitterRooters For Planning

COMPLETE MAILING ADDRESS

PO Box 505 C
Corvallis, MT 59828

TELEPHONE NUMBERS: WORK

UNKNOWN

HOME

UNKNOWN

**PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN
DETAIL THE FACTS OF THE ALLEGED VIOLATION.**

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MONTANA, COUNTY OF

RAVALLI

I, Patricia P. Coombs, being duly sworn, state that the information in this
Complaint is complete, true, and correct, to the best of my knowledge and belief.

Patricia P. Coombs

Signature of Complainant



MARLEEN P. MONROE
NOTARY PUBLIC-MONTANA
Residing at Missoula, Montana
My Comm. Expires Sept 1, 2009

Subscribed and sworn to before me this 3rd day of
NOVEMBER 2008.

Marleen P. Monroe

Notary Public

MARLEEN P. MONROE

My Commission Expires:

STATEMENT OF FACTS:

Describe in detail the alleged violation(s), including pertinent dates, and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

SEE ATTACHED
Sheet

**TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM
EXCEPT FOR VERIFICATION**

- | |
|---|
| <p>COMPLAINTS MUST BE:</p> <ul style="list-style-type: none">• SIGNED• NOTARIZED• DELIVERED TO THE COMMISSIONER IN PERSON OR BY CERTIFIED MAIL |
|---|

STATEMENT OF FACT

Enclosed you will find two ads which appeared in two local newspapers concerning a current ballot issue for election on November 4, 2008.

To the best of my knowledge, my research uncovered the following:

Ad #1 appeared in the Bitterroot Star on or about Oct 29, 2008

Ad #2 appeared in the Ravalli Republic on or about Oct 28, 2008

Both items appear to have violated MCA (Montana Code Annotated) 13-35-225 (1). I have provided a copy for your convenience. 13-35-225 (1) states: "In the case of a political committee, the attribution must be the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer."

The alleged violation is as follows: In both ads I believe that the name of the committee treasurer is omitted.

END OF STATEMENT OF FACT

[Previous Section](#) [MCA Contents](#) [Part Contents](#) [Search](#) [Help](#) [Next Section](#)

13-35-225. Election materials not to be anonymous -- statement of accuracy. (1) All communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, internet website, or other form of general political advertising 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. When a candidate or a candidate's campaign finances the expenditure, the attribution must be the name and the address of the candidate or the candidate's campaign. In the case of a political committee, the attribution must be the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer.

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

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

(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 statements made about the other candidate's voting record are 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; or

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

(4) If a document or other article of advertising is too small for the requirements of subsections (1) through (3) to be conveniently included, the candidate responsible for the material or the person financing the communication shall file a copy of the article with the commissioner of political practices, together with the required information or statement, at the time of its public distribution.

(5) If information required in subsections (1) through (3) is omitted or not printed, upon discovery of or notification about the omission, the candidate responsible for the material or the person financing the communication shall:

(a) file notification of the omission with the commissioner of political practices within 5 days of the discovery or notification;

(b) bring the material into compliance with subsections (1) through (3); and

(c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

History: En. by Sec. 33, Ch. 334, L. 1977; R.C.M. 1947, ; amd. Sec. 221, Ch. 571, L. 1979; amd. Sec. 1, Ch. 368, L. 1987; amd. Sec. 1, Ch. 23, L. 1991; amd. Sec. 1, Ch. 482, L. 1991; amd. Sec. 1, Ch. 415, L. 2003; amd. Sec. 1, Ch. 419, L. 2003.

Provided by Montana Legislative Services

Get Real: ●ON'T Repeal● The Growth Policy -

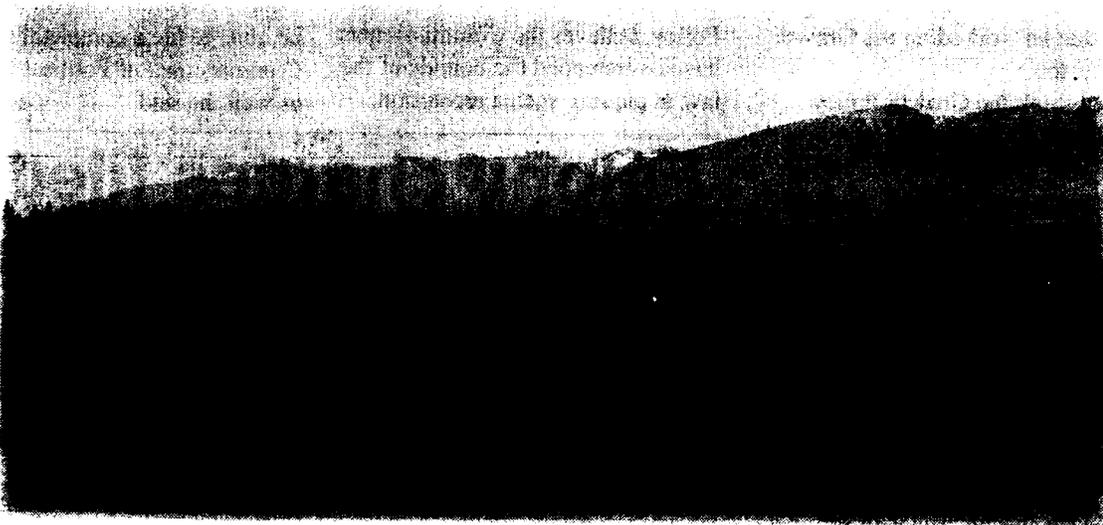
- ◆ Protects your property
- ◆ Protects your right to develop or not
- ◆ Defends clean air, water, and public safety.

Vote FOR Repeal and

BIG Money Wins ...



...You Lose!



It is a vision of tomorrow - the public's vision!

Vote Against Repealing the Growth Policy

paid for by Bitterrooters for Planning P.O. Box 505 Corvallis, Montana 59828

Item#1 Oct 29, 2008

GET REAL DON'T REPEAL

VOTE AGAINST REPEALING THE GROWTH POLICY

- The Growth Policy
PROTECTS your property--
- Protects your rights
- Protects the Valley
- Defends clean air, water
and public safety

Policy and Planning Center for Planning, P.O. Box 505, Corvallis, MT 59828

Item 2 Oct 28, 2008 Ravalli Republic

COMMISSIONER OF POLITICAL PRACTICES
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Helena, MT 59620-2401
TELEPHONE: 406-444-2942
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WEBSITE: www.politicalpractices.mt.gov

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RECEIVED
POLITICAL PRACTICES DIVISION
NOV 5 11:25

HAND DELIVERED

CERTIFIED MAIL

SIGNED/NOTARIZED

ETHICS

COMPLAINT FORM (11/02)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME PATRICIA P. COOMBS

COMPLETE MAILING ADDRESS 5365 Florence Carlton
Florence, MT 59833
(City, State, Zip)

TELEPHONE NUMBERS: WORK N/A HOME 273-9049

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME CITIZENS FOR RAVALLI COUNTY'S FUTURE

COMPLETE MAILING ADDRESS 114 ROARING LION
HAMILTON, MT 59840
(City, State, Zip)

TELEPHONE NUMBERS: WORK _____ HOME UNKNOWN

PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN DETAIL THE FACTS OF THE ALLEGED VIOLATION.

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MONTANA, COUNTY OF RAVALLI

I, PATRICIA P. COOMBS, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.

Patricia P. Coombs
Signature of Complainant

Subscribed and sworn to before me this 3rd day of NOVEMBER, 2008.

Marleen P. Monroe
Notary Public MARLEEN P. MONROE

My Commission Expires: Sept 1, 2009



STATEMENT OF FACTS:

Describe in detail the alleged violation(s), including pertinent dates, and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

*See Attached
Statement*

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COMPLAINTS MUST BE:

- SIGNED
- NOTARIZED
- DELIVERED TO THE COMMISSIONER IN PERSON OR BY CERTIFIED MAIL

STATEMENT OF FACT

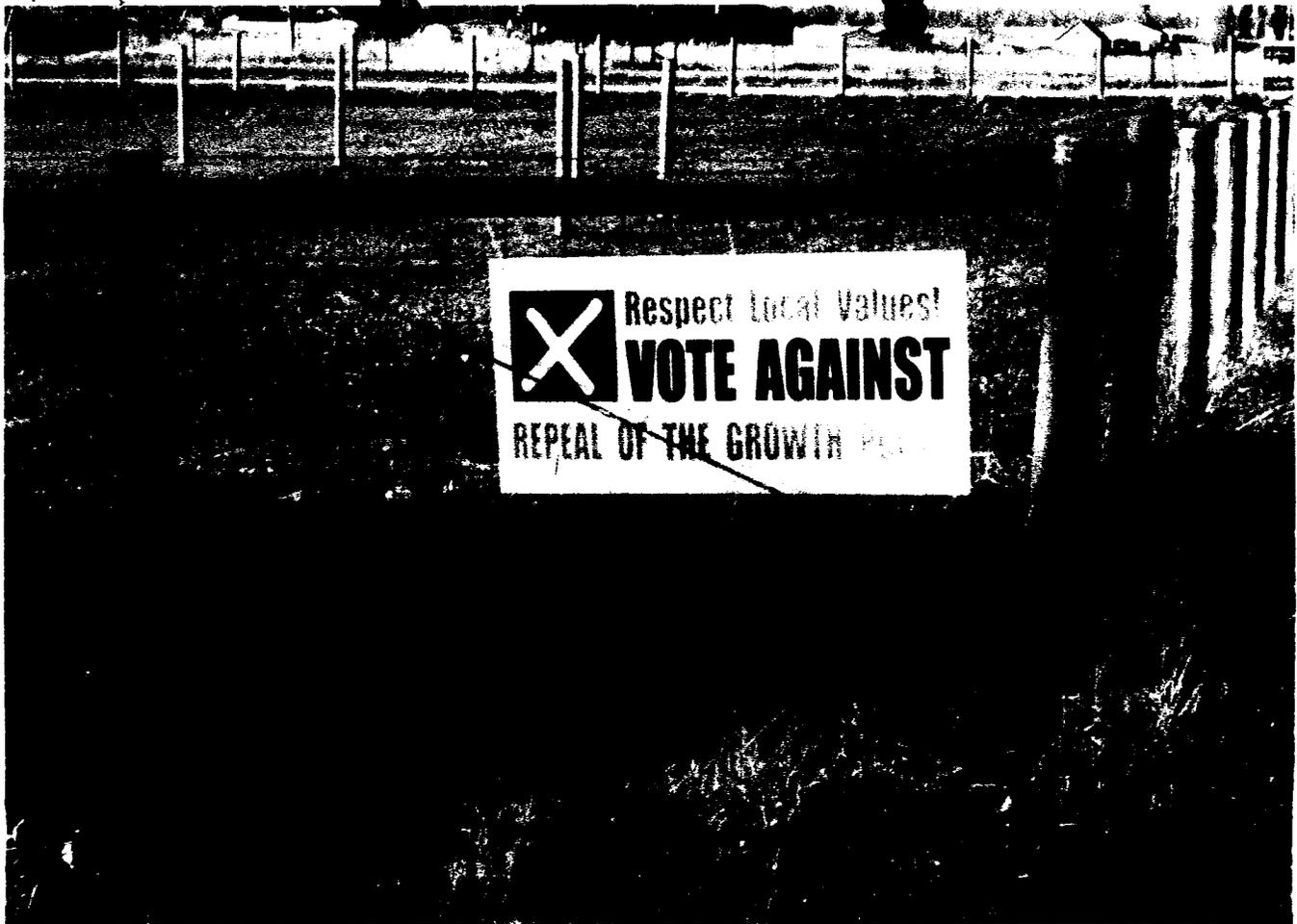
Attached you will find pictures of a political sign. These signs were seen by Mary Baker when she came to the Ravalli County area in late Oct. Mary told me she called Fred Weisbecker. Within the last few days new signs have appeared in my residential area and near the polling place in Florence. These signs do not comply with the fact that they do not contain a clear and conspicuous disclaimer content. The letter is about a 8-10 pt font. I had to get within 12" or less to read the disclaimer. When you look at the sign from the road you can't tell if there is any disclaimer at all. The disclaimer was clearly not 1/4" in my opinion.

The disclaimer also did not contain the words "paid for by". The disclaimer read as follows:

Citizens' For Ravalli County's Future Treasurer Fred Weisbecker 114 Roaring Lion Hamilton, MT 59840

I do have to report though that some signs can be read but not all of them.

END OF STATEMENT OF FACT



Respect Local Values!

VOTE AGAINST

REPEAL OF THE GROWTH BILL