

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

Cooper v. Montana Conservation Voters  No. COPP 2016-CFP-006	Dismissal of Complaint Based on Lack of Sufficient Facts to Show a Campaign Practice Violation
---	--

On April 1, 2016, Ruth Caron Cooper, a resident of Livingston, Montana, filed a formal complaint against Montana Conservation Voters (MCV) asserting that MCV engaged in deceptive election practices.

Foundational Findings of Fact

The following findings of fact are necessary before proceeding to discussion of this Matter:

Finding of Fact No. 1. Caron Cooper is listed as a nominated Independent candidate for Public Service Commission, #3 in the 2016 general election. (Montana Secretary of State Website.)

Finding of Fact No. 2. The MCV last registered with the COPP as an independent political committee through a Statement of

Organization (Form C-2) filed on March 2, 2016.  
(Commissioner's records.)

### Discussion

The Complaint alleges that MCV improperly reported an in-kind contribution based on the value of services provided to Candidate Cooper during a candidate school it ran in regard to 2016 elections. The following facts apply:

Finding of Fact No. 3. MCV, along with several additional political committees, co-sponsored a "candidate school," held in February of 2016 in Bozeman, Montana.  
(Commissioner's records.)

Finding of Fact No. 4. The MCV candidate school was limited to selected or invited candidates. Candidate Cooper, along with 9 additional candidates, were invited and paid a \$35 registration fee to attend the candidate school.<sup>1</sup>  
(Commissioner's records.)

Finding of Fact No. 5. The candidate school spanned three days. On the last day an MCV staffer informed those candidates attending that each candidate's proportional share of the expenses, in excess of the registration fee, was \$225.84 with that amount to be reported as an in-kind contribution to each candidate. (Commissioner's records.)

Finding of Fact No. 6. A review of the campaign finance reports shows that the political committees sponsoring the candidate school reported \$232.81 worth of in-kind contributions to Candidate Cooper divided as follows: MCV (\$30.21<sup>2</sup>); Montana Rural Voters (\$72.18); Montana Native Voice (\$65.21); and Compassion and Choices Action Network (\$65.21). (Commissioner's records.)

The candidate training school operated by MCV was exclusive to a select group

---

<sup>1</sup> Thirteen individuals who were not candidates also attended the candidate school. (MCV response.)

<sup>2</sup> MCV's in-kind contribution of \$30.21 was calculated by deducting the \$35 registration fee paid by Candidate Cooper from MCV's contribution share of \$65.21. (MCV response.)

of candidates (FOF No. 4). The Commissioner has determined that the cost of selected-group candidate training events<sup>3</sup> is a campaign expense because it serves “the purpose of supporting or opposing any candidate” thereby becoming a campaign contribution or expense. (§§13-1-101(9)(a)(1) and (17)(a)(1), MCA.) The candidates-students and the training sponsor of a selected candidate training must report making and receiving a contribution, respectively, in the amount of “the difference between the amount paid” and fair market value at the time of the contribution and the amount charged the contributor. (44.11.403(4) ARM.)

As set out above (FOF Nos. 3-6), MCV and its co-sponsors reported the value of the services provided as an in-kind contribution to Candidate Cooper and the other candidates who attended the school. Candidate Cooper objected to the reporting of any amount, claiming that she was not informed that such a reporting of in-kind value would happen. Candidate Cooper cites to §13-35-207, MCA (“deceptive election practices”) as prohibiting MCV and the other groups from reporting as they did. The attorney for MCV responded that the training event went for 3 days, was held in a rented facility, included some meals, and had consultants on hand, thereby making it: “obvious to the participants that the nominal charge does not come close to paying for the total costs of the program.”

The Complaint is dismissed. The facts show that the services providing in-kind value were openly furnished (and openly declared, FOF No. 5) such that

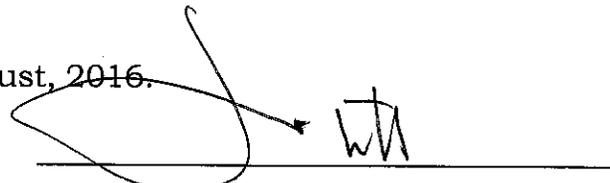
---

<sup>3</sup> For a detailed discussion of this issue, please See: *Thomas/Buck advisory opinion on “campaign schools and legislative forums,”* COPP-2014-AO-010.

candidates who attended, including Candidate Cooper, could not fairly dispute the contribution. Further, the reporting made in this Matter was not optional as MCV was required by law to report its in-kind contributions to candidate campaigns . See FN 3.

There are no facts showing that MCV violated any campaign practice law. Any error in reporting and disclosure applies to Candidate Cooper who did not report receipt of the in-kind contribution unquestionably made to her campaign by MCV and the event co-sponsors. Candidate Cooper is directed to file an amended campaign finance report reporting and disclosing the in-kind contributions reported by MCV and its co-sponsoring groups. Or, in the alternative, Candidate Cooper's campaign can create an expenditure as to the in-kind services by paying the amount of in-kind value to the political committees.

DATED this 23<sup>rd</sup> day of August, 2016.

A handwritten signature in black ink, appearing to read 'J. Motl', is written over a horizontal line. The signature is stylized and somewhat cursive.

Jonathan R. Motl  
Commissioner of Political Practices  
Of the State of Montana  
1209 8<sup>th</sup> Avenue  
Helena, MT 59620