

BEFORE THE
COMMISSIONER OF POLITICAL PRACTICES

In the Matter of the Complaint)
Against the Billings Education)
Advocates)

SUMMARY OF FACTS AND STATEMENT OF FINDINGS

Eric Feaver (Complainant) filed a complaint against the Billings Education Advocates (Committee) alleging a violation of Montana's campaign finance laws. The complaint consists of a letter alleging specifically a violation of 13-37-210, Montana Code Annotated (MCA). The Complainant alleges that the name "Billings Education Advocates" does not clearly identify the economic or other special interest of a majority of its contributors.

SUMMARY OF FACTS

1. The Committee filed a Statement of Organization (Form C-2) with the Commissioner of Political Practices (Commissioner) on March 7, 1996. The form was incomplete and a completed version was received by the Commissioner on March 19, 1996. An amended Form C-2 was filed on April 1, 1996, indicating that the Committee now anticipated it would spend more than \$500. On April 24, 1996, a Form C-2 was filed with the Commissioner's office as the Committee planned to participate in a second election to be held on May 21, 1996. On the Form C-2 the Committee reported its name as "Billings Education Advocates" with an address of Box 20762, Billings, Montana 59104.

2. The Form C-2 stated the issue opposed by the Committee as "mill levy 502." Bruce St. Clair was authorized as campaign treasurer with Jerry Hein as an additional officer.

3. The Committee filed a financial report (Form C-6) on April 23, 1996, for the reporting

period from March 28, 1996 through April 15, 1996. Form C-6 is the financial reporting form for political committees to report their contributions and expenditures. This report showed \$75 contributed under the category of "Contributions Less than \$35 each" and two individual contributions of \$1,000 each. Total contributions reported were \$2,075. Two payees were reported under Expenditures: the Billings Gazette and The Print Shop. Total expenditures reported were \$2,075. The ending balance for this reporting period was zero.

4. The Committee's campaign consisted primarily of one advertisement placed in the Billings Gazette. The ad urged voters to "vote no" on the mill levy and asked the question "Why should it cost more?"

5. The Billings Gazette published two articles pertaining to the ad placed by the Committee. The articles stated the identities of the contributors to the Committee and generally discussed the mill levy controversy.

6. The two individual contributors to the Committee were Jerry Dernbach and Pat Davison. An investigation revealed the following information. Both men are friends and share common ideals with similar backgrounds. Both are concerned with school fiscal responsibility and accountability. In addition, both men have historically been major contributors to educational efforts. They support and encourage community involvement in the school systems but expect fiscal responsibility in return. They do not share economic ventures or employers nor are there any indications that they comprise a special interest. No other connections exist.

7. Jerry Hein was closely involved in choosing the name for the Committee. According to Mr. Hein, the name "Billings Education Advocates" was chosen because it most closely reflected the philosophy of the Committee. Mr. Hein stated that the group was formed because he, as well as

other individuals within School District No. 2, felt that the district was doing a poor job of administering funds and they did not feel the district was fiscally responsible. However, the Committee was not formed to oppose education but rather to ensure enhancement of the educational process and to increase the amount of education dollars spent in the classroom while limiting the amount of education dollars spent on administration. Thus, the name "Billings Education Advocates" was chosen.

STATEMENT OF FINDINGS

The Complaint alleges that the Committee's name does not comply with the requirements of 13-37-210, MCA, which provides:

Naming and labeling of political committees. (1) Any political committee filing a certification and organizational statement pursuant to 13-37-201 shall:

- (a) name and identify itself in its organizational statement using a name or phrase:
 - (i) that clearly identifies the economic or other special interest, if identifiable, of a majority of its contributors; and
 - (ii) if a majority of its contributors share a common employer, that identifies the employer; . . .

The threshold issue in this case is whether or not an economic or special interest between the two contributors to the Committee exists. The Complainant alleges that both contributors share some type of economic or special interest. The Complainant further alleges that this interest should have been reflected in the naming of the Committee. Black's Law Dictionary (sixth edition), defines "interest" as "the most general term that can be employed to denote a right, claim, title, or legal share in something."

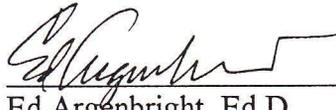
In analyzing the facts set forth in this case, it is clear that no economic or special interest exists between the two contributors. They do not share a common employer, nor do they share any joint investments or economic interests. Further, no evidence of a special interest was found. While the

two contributors are friends and share common ideals, these factors alone do not rise to the level of "economic or special interest" as contemplated in the statute.

CONCLUSION

The investigation of the allegations set forth in the Complaint has revealed no evidence of violation of any of the campaign finance statutes, either criminal or civil in Chapters 35, 36, or 37 of Title 13, MCA. Therefore, the Commissioner finds no cause to believe a violation occurred.

Dated this 17th day of June, 1996.



Ed Argenbright, Ed.D.

Commissioner of Political Practices