

contributions and expenditures with the Commissioner of Political Practices, as required by law.

3. The reports filed by the Committee disclose the following number of contributors for each reporting period:

<u>Reporting Period (1996)</u>	<u>Number of Contributors</u>
03/13 - 05/10	4
05/11 - 06/05	0
06/06 - 07/05	1
07/06 - 08/07	11
08/08 - 09/06	10
09/07 - 10/16	34
10/17 - 10/26	22
10/27 - 10/30	<u>10</u>
Total	92

4. The complaint alleges that the majority of the contributors to the Committee have an economic or other special interest in the current Montana higher education system.

5. A review of the reports filed by the Committee reveals that for each reporting period the percentage of contributors who have an identifiable economic or special interest specifically related to higher education is as follows:

<u>Reporting Period (1996)</u>	<u>% Related to Higher Education</u>	
03/13 - 05/10	0%	(0 of 4)
05/11 - 06/05	0%	(0 of 0)
06/06 - 07/05	0%	(0 of 1)
07/06 - 08/07	55%	(6 of 11)
08/08 - 09/06	40%	(4 of 10)
09/07 - 10/16	32%	(11 of 34)
10/17 - 10/26	50%	(11 of 22)
10/27 - 10/30	50%	(5 of 10)

6. The cumulative percentage of contributors with an identifiable economic or other special interest in higher education at the end of each reporting period is as follows:

<u>Reporting Period (1996)</u>	<u>% Related to Higher Education</u>	
03/13 - 05/10	0%	(0 of 4)
05/11 - 06/05	0%	(0 of 4)
06/06 - 07/05	0%	(0 of 5)
07/06 - 08/07	38%	(6 of 16)
08/08 - 09/06	38%	(10 of 26)
09/07 - 10/16	35%	(21 of 60)
10/17 - 10/26	39%	(32 of 82)
10/27 - 10/30	<u>40%</u>	<u>(37 of 92)</u>
Total	40%	(37 of 92)

STATEMENT OF FINDINGS

Mont. Code Ann. § 13-37-210 provides, in relevant part, as follows:

13-37-210. 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[.]

To establish a violation of this section it would be necessary to prove that the Committee's name did not clearly identify the economic or other special interest, **if identifiable**, of a majority of the contributors to the Committee.

The reports reflecting the various contributors to the Committee have been carefully reviewed with the objective of identifying those contributors whose economic or "special" interest in matters related **specifically** to higher education is readily discernable. Thus, for example, contributors such as employees or officials of the universities or the higher education system have

an obvious economic or special interest in matters related to higher education, while contributors who are independent of the universities or the higher education system do not have a similar special interest which is readily identifiable.

This review establishes that at the end of each reporting period there was not a majority of contributors with an identifiable economic or special interest in matters related to higher education. Four members of the Board of Regents who made contributions to the Committee have not been included as contributors with an economic or special interest in higher education, because they are all either retired or engaged in occupations that are independent of the university system. However, even if they were considered to be contributors with an identifiable "special" interest in higher education, it would not change the result, since the total percentage would only increase to 45% of contributors with an economic or special interest.

CONCLUSION

The Commissioner hereby finds that the Committee did not violate Mont. Code Ann. § 13-37-210.

Dated this 15th day of November, 1996.



Ed Argenbright, Ed.D.
Commissioner