

Commissioner of Political Practices
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
Phone: 406-444-2942
Fax: 406-444-1643
www.politicalpractices.mt.gov

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STATE OF MONTANA
COMMISSIONER OF
POLITICAL PRACTICES
JAN 10 2013

HAND DELIVERED
CERTIFIED MAIL
SIGNED/NOTARIZED

Campaign Finance and Practices

Complaint Form (10/09)

Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):

Complete Name CLEVE J. LONEY

Complete Mailing Address 93 BRANDY WINE LN
GREAT FALLS, MT 59404

Phone Numbers: Work 406-452-6460 Home 406-761-4144

Person or organization against whom complaint is brought (Respondent):

Complete Name RINA FONTANA MOORE, SEN. ANDERS BREWETT,

Complete Mailing Address TOM JACOBSON, CARNE BOLAND
121 4th ST. N. SUITE 1B1, P.O. BOX 2867
GT. FALLS, MT 59403

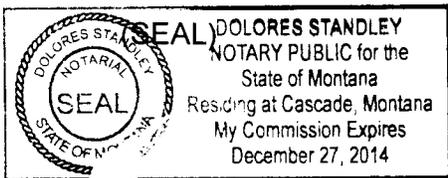
Phone Numbers: Work 406-454-6800 Home _____

Please complete the second page of this form and describe in detail the facts of the alledged violation.

Verification by oath or affirmation

State of Montana, County of CASCADE

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



Cleve Loney
Signature of Complainant

Subscribed and sworn to before me this 12th day of December, 2012.

Dolores Standley
Notary Public

My Commission Expires:

Dear Commissioner Murry:

In response to your decision to not accept my original complaint as written, I am resubmitting my complaint against Anders Blewett, Carlie Boland, Tom Jacobson, and Rina Fontana Moore.

Violation One – Improper Election Judge – Carlie Boland

Carlie Boland violated 13-4-107(2) by serving as an election judge and a candidate.

13-4-107. Qualifications of election judges. (1) Election judges shall be registered electors of the county and of the precinct in which they serve, except as provided in 13-4-102(4).

(2) No election judge may be a candidate or a spouse, ascendant, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.

Carlie Boland was a candidate for election to the Montana House of Representatives from House District 23. On election day, Carlie Boland served as an election judge when she accepted provisional ballots on behalf of the Cascade County Elections Office. Her conduct is a violation of 13-4-107(2).

Violation Two – Illegal Influence of Voters – Anders Blewett and Tom Jacobson

Anders Blewett and Tom Jacobson violated 13-35-214(1) by providing food and drink to voters to induce them to stay in line and vote.

13-35-214. Illegal influence of voters. A person may not, directly or indirectly, individually or through any other person, for any election, in order to induce any elector to vote or refrain from voting or to vote for or against any particular candidate, political party ticket, or ballot issue: (1) give, lend, agree to give or lend, offer, or promise any money, liquor, or valuable consideration or promise or endeavor to procure any money, liquor, or valuable consideration;

Anders Blewett and Tom Jacobson gave voters valuable consideration (food and drink) to induce them to stay in line and vote. On November 8, 2012, the Great Falls Tribune carried an article stating the following:

State Sen. Anders Blewett walked along the late-registration line Tuesday evening passing out bags of chips, candy and water bottles he personally purchased at Sam's Club. The cart he pushed was even borrowed from Sam's Club.

Anders Blewett stated the purpose of giving food and drink to voters was to induce people to stay in line and vote:

"I'm here today to make sure the folks who want to vote stick it out to fulfill their civic duty," Blewett said. "It's really inspiring to see this. People don't have water. They don't have food, so we got them some chips and some candy." "I'm here today to make sure

the folks who want to vote stick it out to fulfill their civic duty," Blewett said. "It's really inspiring to see this. People don't have water. They don't have food, so we got them some chips and some candy."

Tom Jacobson assisted Anders Blewett in providing food and drink to voters. Their conduct is a violation of 13-35-214(1) because they provided valuable consideration (food and drink) to voters to induce them to "stick it out" and vote.

Violation Three – Electioneering – Anders Blewett and Tom Jacobson

Anders Blewett and Tom Jacobson violated 13-35-211 by electioneering in a polling place.

13-35-211. Electioneering -- soliciting information from electors. (1) A person may not do any electioneering on election day within any polling place or any building in which an election is being held or within 100 feet of any entrance to the building in which the polling place is located, which aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election.

Anders Blewett and Tom Jacobson provided food and drink to voters within the polling building. Jacobson confirms he helped pass out items but wore no identification and saw nothing wrong with it. Both were observed by poll watchers that made reports. Their actions violated 13-35-211 Blewett and Jacobson passed out food and drink within a polling place . Their conduct violates ARM 44.10.311: personal persuasion is offering or distributing food or drink to encourage recognition or support of a candidate is prohibited at the polling place. Picture of Anders Blewett in polling area with shopping basket. (Great Falls Tribune 11-2012)

Violation Four – Undue Influence of Voters – Anders Blewett and Tom Jacobson

Anders Blewett and Tom Jacobson violated 13-35-218 by soliciting voters in a polling place.

13-35-218. Coercion or undue influence of voters. (1) A person, directly or indirectly, individually or through any other person, in order to induce or compel a person to vote or refrain from voting for any candidate, the ticket of any political party, or any ballot issue before the people, may not:

(3) A person may not, by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election or compel, induce, or prevail upon any elector to give or to refrain from giving the elector's vote at any election.

(5) A person on election day may not obstruct the doors or entries of any polling place or engage in any solicitation of a voter within the room where votes are being cast or elsewhere in any manner that in any way interferes with the election process or obstructs the access of voters to or from the polling place.

Tom Jacobson and Sen. Anders Blewett conduct violates 13-35-218 by soliciting voters in a polling place. Blewett wearing his Senate name badge, and Tom Jacobson acted knowingly to induce voters to recognize them by passing out food and drink in the election lines to compel voters to vote for candidate Tom Jacobson who confirms he helped pass out items within the room where votes were being cast. Great Falls Tribune 11-28-12 and Poll Watchers reports.

Violation Five – Aiding and Abetting – Rina Fontana Moore

Rina Fontana Moore violated 13-35-105 by aiding and abetting the conduct of Carlie Boland, Anders Blewett, and Tom Jacobson.

13-35-105. Aiding and abetting. A person who is legally accountable, as provided in 45-2-302, for the conduct of another which violates a provision of the election laws of this state is also guilty of a violation of that provision.

Rina Fontana Moore is the Cascade County Elections Administrator and person responsible for ensuring the conduct of the election at Expo Park is conducted in a lawful manner. Rina Fontana Moore aided and abetted the violations of Carlie Boland by allowing her to serve as an election judge. Rina Fontana Moore aided and abetted the conduct of Anders Blewett and Tom Jacobson by allowing them to illegally influence voters and electioneer in a polling place. Rina Fontana Moore aided and abetted the conduct of Anders Blewett and other Attorneys, by allowing a table near the front of polling building with a sign “Trouble Voting Talk to Me”. This conduct is a violation of 13-25-105.

Violation Six – Aiding and Abetting – Anders Blewett

Anders Blewett violated 13-25-105 by aiding and abetting the conduct of Tom Jacobson.

13-35-105. Aiding and abetting. A person who is legally accountable, as provided in 45-2-302, for the conduct of another which violates a provision of the election laws of this state is also guilty of a violation of that provision.

Anders Blewett aided and abetted the conduct of Tom Jacobson by purchasing food and drink that Tom Jacobson used to illegally influence voters and electioneer in the polling place. This conduct is a violation by 13-25-105.

CONCLUSION

The legislature has enacted laws providing that polling places and adjacent areas are intended to be “campaign-free” zones. To determine whether prosecution is justified, you must take into account the law and the particular factual circumstances of each case. This case has photographs, news paper accounts, TV film, and poll watcher testimonies of election day violations available. The violations have had a discernible effect on the outcome of the election. One of our most precious Constitutional rights is to vote, this has to be protected for an open and free election to prevail. It is our duty to stop violations and protect the integrity of our system regardless of party affiliation, we have sworn to uphold the law.

Loney files poll complaint

Lawmaker alleges 'irregularities'

By Richard Ecke
Tribune Staff Writer

State Rep. Cleve Loney, a Great Falls Republican, said Tuesday he filed a complaint with the state commissioner of political practices Nov. 14 over what he called "irregularities" at the citywide polling place at Montana ExpoPark in Great Falls.

Loney lost a tight race to Democrat Tom Jacobson in the Nov. 6 general election by 74 votes — 2,571 to 2,497 — according to the official Cascade County canvass.

The Republican said Tuesday he doesn't hold out much hope that he can retain his seat, but he does not

believe Democrats should have done what they did on Election Day.

"The problem is making sure it doesn't happen the next time," Loney said. "The voters are entitled to a fair election."



Loney

He said of Democrats: "I think that they are so confident any more about what they're doing that they don't care whether they break the law."

Cascade County Clerk and Recorder Rina Fontana Moore, a Democrat who also serves as county election administrator, denied Tuesday that the election was run improperly in Great Falls. Moore said he regretted that Loney was trying to taint the election "because he lost the race."

"I think that we've handled the elections fairly," Moore said in an interview Tuesday. "Things happen



State Sen. Anders Blewett, D-Great Falls, provided water to people lining up to vote on Election Day at ExpoPark. TRIBUNE PHOTO BY MICHAEL BEALL

BADGE
VISIBLE

Complaint

Continued from 1A

on Election Day, and you stop them as soon as you do (notice a problem). We're not re-running the election for him. That's just ludicrous."

"I think that is just sour grapes (by Loney)," said Nancy Anderson of Great Falls, vice chairwoman of the state Democratic Party.

Mary Baker, program supervisor in the political practices office in Helena, said an investigator is expected to look into the 11-page complaint beginning today. She said the matter may take a month or two to resolve.

"It's going to be way down on the docket," Baker said. She said some cases are resolved sooner if they are unfounded and are quickly dismissed.

If the case is accepted because it meets minimum requirements — and it probably will be — then people named in the complaint will have 20 days to respond, Baker said.

Loney cited these incidents at the Great Falls polling place on Nov. 6, which he said were described to him by several Republican poll watchers the day after the election:

» Air active Democ...

[REDACTED] and Boland asked her if she should fill in temporarily. Anderson said she asked a Democratic campaign staffer ~~member if that would be OK, and he said yes. So Boland spent perhaps an hour filling in either asking the provisional voter to seal the ballot or using a glue stick to seal the envelope on the voter's behalf, Anderson said. Moore said Judy and Rudy Tankink, two GOP poll watchers, questioned what Boland was doing there. "I told her (Boland) it doesn't look good and she can't sit there," Moore recalled. Moore and Anderson maintained there was no ill intent on the part of Boland, who could not be reached Tuesday.~~

» Free food and water. State Sen. Anders Blewett a Democrat passed out free bottled water, snack chips and ~~non-alcoholic beverages~~ standing in line to get their ballots while wearing a badge stating he is a state senator. Loney said ~~Loney contended that constituted electioneering.~~ "I'm here today to make sure the folks who want to vote stick it out to fulfill their civic duty," Blewett told the Tribune at the time. Loney's opponent, Jacobson, confirmed Tuesday he helped pass out items but wore no identification and saw nothing wrong with it. Montana law prohibits, within 100 feet of a polling place, the wearing of "any badge, button or

"promote the success or defeat of any candidate or ballot issue" in that election. Blewett said Tuesday night he is not a candidate and was not promoting any ballot issue. He added his name tag does not include a political party on it. Blewett said it was hot in the building and voters were thirsty, and he wanted to help. "If Cleve Loney doesn't want to accept the will of the voters, that's his decision," Blewett said. Election judges also received the items, Moore said.

» Loney claimed Democratic official Anderson on

Election Day was spotted looking through poll books containing voters' names and signatures. Anderson flatly denied even coming near poll books. "That's just wrong," Anderson said. "I've never even touched a poll book." Anderson said she was a Democratic observer during the election.

"There were not any shenanigans going on," Anderson added.

Loney said violating a state election law carries with it maximum penalties of a \$500 fine and six months in jail per offense. He noted

electioneering is not allowed within 100 feet of a polling place.

Loney said if he and Ed Buttrely, a Republican state senator from Great Falls, had been passing out water and chips at the polling place, "we would have heard a scream clear across the state."

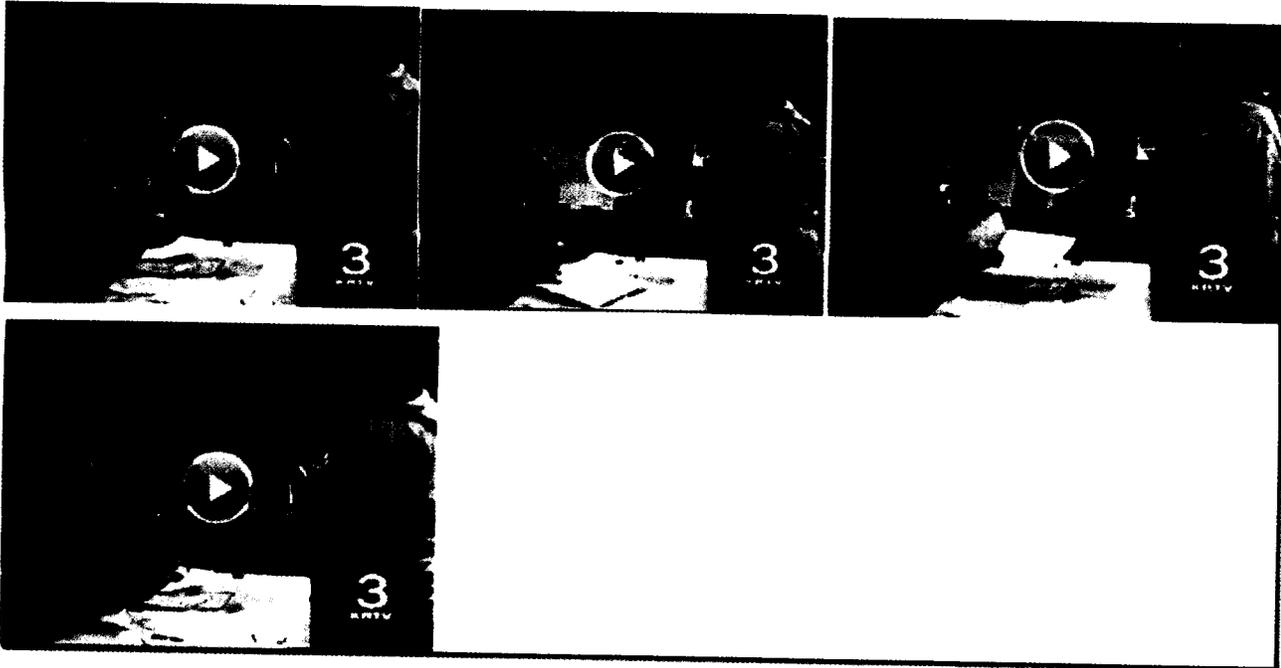
Loney also said he heard complaints from voters who did not care for the lack of privacy at the polling place. Only a few locations were available where people could

go behind a curtain for complete privacy; most people voted at open tables.

Moore said in a 2007 election, the county put out 100 private polling booths "and no one used them." She said the county put out 50 polling booths in 2008, and those were little used. Cascade County was down to four private places to go to in 2012 in the Exhibition Hall; people don't appear to want to use them, Moore said.

Cleve Loney (Buttrey Realty)

From: Judy Tankink [jtankink@gfteapartypatriots.com]
Sent: Saturday, November 10, 2012 10:20 AM
To: Baker Cyndi; Loney Cleve
Subject: Carlie Boland touching ballots



Check the Tribune Photo Gallery, KRTV and KFBB raw footage for more evidence. It's there, you just need to dig a little. The TV stations and Tribune was all over the place on election night. They have footage and photos. Contact them!

J

Poll Watchers

Casc 03	Poll Watcher 20B 13:19 talking on cell phone in the voting area
Casc 04	Poll Watchers told not talk by the election judge when MT VIP arrived
	current poll watcher protested that they had been allowed to talk all day
	Could not hear voter names
Casc 09	Room is too noisy to hear
Casc 17	Attorney Lawrence Anderson stood several feet from three poll watchers and stared down the poll watchers, from his body language and assertive behavior it appeared to be a form of intimidation
	Election Supervisor along with Attorneys Ben Graybill, Larry Anderson, Nancy Anderson and MT Democrat Vice Chair approached poll watcher in front of 20A polling location. ES asked if there was a question, PW asked what it was concerning, she states that the Clerk state PW had a question. PW explain the ballots in the restroom, the election supervisor states, "For future reference, do not speak to my staff." PW responded in short, "if the elections officials want people to know who they are they should probably wear name tags." All the election judges had name tags.
	<i>DISTRIBUTING FROM BOX SAYING "DON'T GIVE UP BOX"</i> Tom Jacobson candidate for HD 25 is passing out candy, cupcakes, cookies, candy, water, etc to voters standing in line. He distributed the same to the election judges and was observed by Clerk Fontana-Moore and Election Supervisor Shantell McGraw. At times Jacobson was accompanied by Senator/Attorney Anders Blewett wearing his official legislative name tag.
	<i>Poll watchers recognize Jacobson and Blewett</i>
Gall 01	Democrat poll watcher attorney was there to make sure no one was turned away for their sexual orientation or how they looked.
Glac 01	Other poll watchers precinct 9 object to VIP poll watcher being close enough to hear, Clerk clarifies poll watcher boundaries
	Democrat poll watchers inform Clerk there are "rumors" Indian voters are being told if they bring their orange voter cards into the polling place they will go to jail. There is agreement they can bring them in but they must be removed.
Casc 17	Attorney Lawrence Anderson stood several feet from three poll watchers and stared down the poll watchers, from his body language and assertive behavior it appeared to be a form of intimidation

Election Process

Casc 04	Voter names were not announced
Casc 04	Ballot numbers were not announced or communicated between judges
Casc 04	Ballot numbers were not able to be heard by poll watchers.
Casc 04	Voter Address Cards given to many voters (is there any follow thru with address changes?)
Casc 04	Visting between election judges and voters
	Political discussions, ballot discussions, Illinois Politics between judges and voters
Casc 04	Voter going from precinct to precinct to obtain new ballot page 1
Casc 04	Precinct 18C ran out of ballots 1744pm
Casc 04	Precinet 18C receives ballots 1831 (Follow up with PW)
Casc 04	Election Judges using cell phones at the voting tables
	election judge at 19C took a ballot and walked away from the table then place it back on the ballot stack
Casc 04	Voter allowed sign poll book and vote with no form of ID
Casc 04	Extra ballot returned to election judge it had been left in the privacy folder 18C
Casc 04	Election worker announced to leave ballot boxes unsealed then there was a shout to seal the boxes
Casc 04	No official call to close the polls was heard
Casc 04	Some precinct tables were being shut down by one election judge no witnesses
Casc 04	Precinct was shut down, voters still at the tables and some still in line.
Casc 04	Voter going from precinct to precinct to obtain new ballot page 1
Casc 05	Voter asked the election to explain a ballot initiative, judge explained the for/against
	Spoiled ballot handled according to procedure, no stickers
	Elector register in 18A under maiden name and in 18B under married name
	Surflewett walking precinct booths handing out blue sheets to election officials, gathering voter information
Casc 07	Voter issued a new ballot spoiled ballot NO STICKER
Casc 08	2 spoiled ballots followed procedures NO STICKERS
	Experienced and professional election judges
	The first four people did not sign poll book election judges found them and had them come back to sign
Casc 09	Voters are completing ballots on open table and conversing freely with others
	Voter is refused as not being in the voter book Later voter is at another precinct 20 B
	Voters wearing Bullock and Obama pin when at 22B Voter took off pin when he overhead the poll watcher alerted judge Earlier a voter with campaign shirt was not questioned
	Prior to closing an assumed election worker (male) told the judges at 22A&B to leave the ballot boxes open and on the individual tables as the ballots may be needed
	Later the order to leave the boxes open was rescinded and the ballot boxes were supposed to be sealed.

Pre-signed seals: used without election judge being present.

Candidates, Elected Officials and Party Behavior

Casc 03	Carly Boland candidate is a poll watcher 20A also roaming precincts
Casc 04	Strategically placed vehicles with bumper stickers parked outside polling place
Casc 04	Tom Jacobson MD candidate pushing cart of food and water and handed it out to voters Joined by Sen. Blewett who was wearing his Legislative name tag Tom Jacobson walked the perimeter of the voter line several times Democrat attorneys swarming everywhere throughout
Casc 07	"Montana Democrat Party Observer" booklet visible to voters The observer was escorting a voter
Casc 09	Sen Anders Blewett brought in water and snacks and passed it out to voters in line Blewett was talking to voters and going to and fro to other precinct tables after talking to voters. This is so acceptable it was reported in the newspaper Near the entrance was a table with multiple known Democrat members with a sign "Trouble Voting Talk to Me" Democrats were roaming the precincts talking to voters and various individuals the entire day
Casc 10	Tom Jacobson MD25 is handing out chips, water, candy etc he did have a name tag on The Democrat Legal Team is here to prevent supporter suppression
Casc 13	Anders Blewett passing out water bottles
Casc 17	Carly Boland candidate is in the Provisional Ballot area assisting with the ballots, as noted on KRTV news she is handling ballots. The clerk is questioned and responds it is perfectly legal, the clerk then removed Boland "so there is no perception of impropriety" Attorney Larry Anderson is observed frequently coming and going from the "election staff" area, an area the Clerk is using to register voters.
	<i>not on list as election judge</i> Carol Bronson is flipping thru the registers and has unfettered access to the poll books in precinct 24A. The explanation from the Administrator official is that it is a compromise and Carol is "doing a different kind of poll watching". "There is a problem in 26C" Casc 10. The Clerk Rina and several lawyers were congregating. Ben Graybill asked Casc 10 is she had a question, she stated "no". Ben Graybill told Casc 10 if she had any questions to go ask "them" (Democrat attorneys). Bronson walked away, Graybill continued to stand at 26C. Casc 17 talks to Graybill, he explains he is doing something similar (poll watching) and helping people vote. He has a sign on his table IF YOU HAVE TROUBLE VOTING TALK TO ME. (why do Democrat attorneys have a "table" inferring "official" assistance?)
Casc 18	Carly Boland Candidate was poll watcher in precinct 20A, she stayed for approximately 15 minutes on two separate occasions, reviewed the list of registered voters (poll books?) Several lawyers manning a table with a sign "Trouble Voting Talk to Me". Anders Blewett, Daniel, Larry Anderson, Bill Bronson, Benjamin Graybill, Gary Zadick and Alexander Blewett. Elizabeth Best didn't sit at the table but was nearby. Nancy Anderson was also observed sitting at the table. Is this an official election capacity for the Democrat Party?

Candidates, Elected Officials and Party Behavior

Casc 19

Carlie Boland candidate was manning the table and taking provisional ballots, the voters handed their ballots to Carlie. She put it in a manilla envelope and an election judge put a sticker with the voter's name on the manilla envelope.

Through out the day Tom Jacobson HD 25 is handing out food and drink items to electors standing in line. He handed out items to all the precinct tables also. Often he was accompanied by Sen Anders Blewett wearing his legislative nametag. Jacobson was not wearing any identification.

Carlie Boland an active candidate in HD 23 was "all over the place". She was a poll watcher in 20A, standing by ballot boxes, and handing provisional ballots.

One of the tables by the main door was occupied by Democrat attorney Dan Donovan with a sign "Voters Help Table".

"Resident Democrat" was actively engaging voters in line in conversation

Clerk Rina Moore and Shantelle, election supervisor spent much of their time visiting with the Democrat attorneys, Bests, Larry Anderson, Graybill and members of the CCDC. There was a long line of voters who needed to be waited on.

Tom Jacobson, candidate HD 25 was pushing a shopping cart with water and misc treats to offer voters standing in line, most of the time accompanied by Sen Anders Blewett who also pushed the cart and mingled with the voters.

Tom Jacobson candidate for HD 25 is passing out candy, cupcakes, cookies, candy, water, etc to voters standing in line. He distributed the same to the election judges and was observed by clerk Fontana Moore and election supervisor Shantell McGraw. At times Jacobson was accompanied by Senator/Attorney Anders Blewett wearing his official legislative name tag.

Glac 01

Western Native Voice were handing out voting instructions, there were one or two security workers outside at all times to ensure the 100' law

Tester staffers waited for unregistered voters to drive them to Cut Bank for same day registration

Tester staffer brings food to the election judges, removes "Tester" sticker when advised.

Security worker tells Clerk that people are moving within the 100 feet to hand out voter information cards.

Clerk instructs sheriff to enforce the 100' barrier as per state law

Security workers are struggling to keep the handicapped spots open for handicapped voters

Poll Watchers

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Casc 09	Room is too noisy to hear
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**MONTANA STATE
HOUSE OF REPRESENTATIVES**
CAPITOL BUILDING
PO BOX 200400
HELENA MONTANA 59620-0400

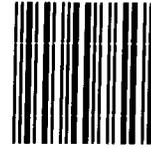
REPRESENTATIVE CLEVE LONEY
HOUSE DISTRICT 25

HOME ADDRESS:
93 BRANDY WINE LANE
GREAT FALLS MT 59404

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
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1705 Eighth Ave.
P.O. Box 202401
Helena, MT
59620-2401*