BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES

In the Matter of the Complaint Against JIM ELLIOTT	)))	SUMMARY OF FACTS AND STATEMENT OF FINDINGS

Robert G. Natelson (Complainant), was the unsuccessful candidate for the Republican nomination for the office of Governor of the State of Montana. Complainant has filed a formal complaint against Jim Elliott, Representative of House District 72, for using a fictitious name in making a contribution to a campaign committee entitled "Montanans for a Better Governor/Natelson for Governor," maintained on behalf of Complainant.

The complaint alleges that Respondent violated section 13-37-217, Montana Code Annotated (MCA), by making a contribution to Complainant's campaign in the name "Jim Welker" rather than in his own name, Jim Elliott. Complainant further alleges that Respondent's purpose for using a fictitious name was to deceive those who might examine the campaign contribution lists and to conceal the true identity of the contributor.

SUMMARY OF FACTS

1. Complainant was a candidate for the Republican gubernatorial nomination in the June 1996 primary election. Complainant's primary campaign committee entitled "Montanans for a Better Governor/Natelson for Governor" was maintained to provide financing and direction to Complainant's campaign.

2. During the course of the campaign, the committee received a financial contribution in the amount of $5.00 from an individual identifying himself as "Jim Welker." The mailing address listed for "Jim Welker" was 100 Trout Creek Road, Trout Creek, MT 59874.

3. Respondent's address is 100 Trout Creek Road, Trout Creek, MT 59874. There is no individual by the name of "Jim Welker" residing at that address. "Jim Welker" is a fictitious name invented by Respondent.

4. State Representative Jim Elliott created the fictitious name of "Jim Welker" and made a contribution to the campaign of Complainant under that name. Respondent states that his sole intention in making the contribution was to be placed on the mailing list of Montanans for a Better Governor/Natelson for Governor.

5. Complainant and Respondent have differing political views and Respondent states that he believed that if his name were recognized, he would be removed from the mailing list entirely and, therefore, would not be privy to the political information which he sought.

6. Complainant accepted the contribution in good faith, without the knowledge of the true identity of "Jim Welker."

7. Respondent admitted to a news reporter that he used the fictitious name in making the campaign contribution. Subsequently, an article was published in an area newspaper and the alleged violation was discovered.

8. Respondent states that he was unaware of the statute prohibiting contributions in the name of an undisclosed principal. Respondent submitted a letter to the Commissioner of Political Practices admitting a violation of 13-37-217, MCA, confessing his ignorance of the statute, and expressing regret for his actions.

STATEMENT OF FINDINGS

Section 13-37-217, MCA, provides:

> **Contributions in name of undisclosed principal.** No person may make a contribution of his own money or of another person's money to any other person in connection with any election in any other name than that of the person who in truth supplies such money. No person may knowingly receive such a contribution or enter or cause the same to be entered in his accounts or records in another name than that of the person by whom it was actually furnished.

This complaint alleges that Respondent made a $5.00 donation to Complainant's campaign in a fictitious name for the purpose of disguising his true identity. The facts indicate and, by Respondent's admission, reveal that Respondent made a $5.00 contribution in a name other than his own. The contribution was not made in the name of Jim Elliott but rather the contribution was made in the name of "Jim Welker" with the same address as Respondent.

Respondent states that he made the contribution in a name other than his own in order to gain information which he believed would be unavailable to him if Complainant discovered his true identity. Respondent violated 13-37-217, MCA.

This violation strikes at the very heart and purpose of campaign finance and practices statutes. These statutes were designed to provide the voters of this state with truthful and accurate information about political campaigns, including the source of funds supporting these campaigns. Montana voters demand full financial disclosure and abhor secrecy in campaign matters. Upholding the law is the responsibility of all citizens. Candidates and politicians must be especially vigilant in this regard.

CONCLUSION

Based on the preceding facts and findings, there is sufficient evidence to conclude that Jim Elliott violated 13-37-217, MCA. This matter will be referred to the Sanders County Attorney for further action in accordance with this decision.

DATED this 23rd day of September, 1996.

Ed Argenbright, Ed.D.
Commissioner