

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

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April 2, 2012

Tyler Schott
803 Cole Avenue
Helena, MT 59601

Subject: Complaint of March 27, 2012, against Brad Johnson

Dear Mr. Schott:

I have carefully reviewed your complaint alleging that Secretary of State Candidate Brad Johnson violated state law. You have specifically alleged a violation § 13-35-225(2), Mont. Code Ann., stating Brad Johnson failed to include his party affiliation or party symbol on his website. That statute provides:

13-35-225. Election materials not to be anonymous -- statement of accuracy. (1) All communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, internet website, or other form of general political advertising must clearly and conspicuously include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication. When a candidate or a candidate's campaign finances the expenditure, the attribution must be the name and the address of the candidate or the candidate's campaign. In the case of a political committee, the attribution must be the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer.

(2) *Communications in a partisan election financed by a candidate or a political committee organized on the candidate's behalf must state the candidate's party affiliation or include the party symbol.*

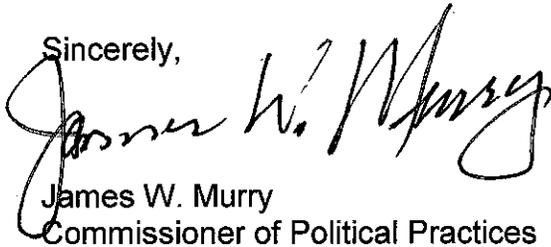
(Emphasis added.) A review of candidate Johnson's website at the time you filed your complaint included a Republican Party symbol on the "events" page of his website.

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The candidate's site reviewed by our investigator on March 12, 2012, included the Republican Party symbol on the events page as well.

Therefore, I must conclude the allegations in your complaint do not state sufficient facts to conclude that a potential violation of Montana Code may have occurred. Based on the preceding, I must respectfully dismiss your complaint.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Murry". The signature is written in a cursive style with a large, looping initial "J".

James W. Murry
Commissioner of Political Practices

C: Brad Johnson