

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES

In the Matter of the Complaints)	SUMMARY OF FACTS
Against Dave Andrews)	AND
)	STATEMENT OF FINDINGS

Brandon Shannon filed a complaint with the Commissioner of Political Practices (CPP) alleging Dave Andrews violated Montana Campaign Practices law. The complaint refers to Mr. Andrews' website, yard signs, and highway banner.

SUMMARY OF FACTS

1. Dave Andrews is the Democratic nominee for House District 100 from Missoula for the 2012 election cycle. His Republican opponent is Champ Edmunds.
2. On October 3, 2012, Brandon Shannon filed a complaint with this office alleging Dave Andrews violated Montana campaign law by not including the address on his yard signs, highway banner, and website, as required by Mont. Code Ann. §13-35-225(1).
3. A copy of images of the website, yard sign and highway banner, as provided by Mr. Shannon with his complaint, is attached as **Exhibit A**.
4. Cliff Larsen, Andrews's campaign treasurer, responded to the complaint on October 4, 2012, admitting to an oversight in omitting the address on their website, yard signs, and highway banner.
5. A copy of the images of the corrected website, yard signs, and highway banner as provided by Mr. Andrews with his response, after adding the address to the disclaimer, is attached as **Exhibit B**.
6. Prior to being corrected, the website and highway banner contained the name and address of the campaign; although it was not included as part of a "paid for by" disclaimer.
7. On October 10, 2012 Brandon Shannon filed a second complaint alleging that certain campaign flyers mailed by Dave Andrews violated Montana campaign law because they did not include an address in the "paid for by" disclaimer language.
8. The campaign flyers included a return address as follows:
Andrews for HD 100
630 Big Flat Road
Missoula, MT 59804

The disclaimer language on the flyers reads as follows: "Paid for by Andrews for HD 100,

Cliff Larson, Treasurer.”

STATEMENT OF FINDINGS

The complaints allege that Andrewss' campaign website, yard signs, highway banner, and campaign flyers violate Mont. Code Ann. §13-35-225(1). That section states:

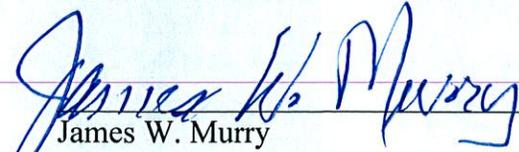
Election materials not to be anonymous -- statement of accuracy. (1) All communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, 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.

All of the materials referenced in the complaint qualify as communications advocating the success of a candidate, and therefore are subject to the statute. Mr. Andrews's website, yard signs, highway banner, and campaign flyers did not have the address included in the disclaimer, and therefore were in violation of Mont. Code Ann. §13-35-225(1). However, sufficient information was included on the campaign materials to provide notice to the public of who paid for the materials and how to contact them. In *Matter of Complaint Against CI-97, CI-98, and I-154* (April 15, 2008), former Commissioner Dennis Unsworth determined that despite the absence of the words "paid for by" and identification of a committee treasurer in certain campaign materials, the public was not deprived of notice regarding who paid for the materials. Commissioner Unsworth determined it would not be in the best interests of the State of Montana to pursue a violation. For similar reasons, I have determined not to pursue an action for a civil penalty in this case.

CONCLUSION

Based on the facts and these findings, sufficient evidence exists to conclude that section Mont. Code Ann. §13-35-225(1) was violated. Although certain information required by the statute was not included on the particular campaign materials that are the subject of the complaint, this did not deprive the public of notice regarding which campaign paid for the materials. In consideration of the particular circumstances surrounding the violations in this case, and the costs associated with a prosecution, I have determined that it would not be in the best interests of the State of Montana to pursue a civil action.

DATED this 25th day of October, 2012.


James W. Murry
Commissioner of Political Practices

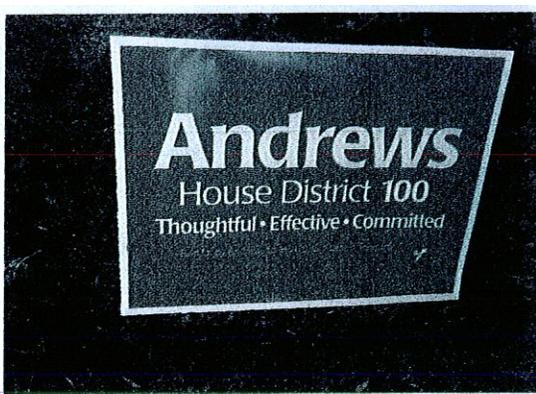


Figure 2, highway banner:

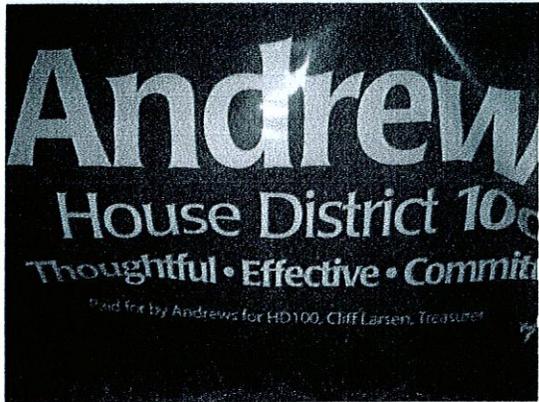


Figure 3, website:

Dave Andrews

Montana House District 100

HOME | ABOUTDAVE | NEWS | ON THE ISSUES | ENDORSEMENTS | PHOTO GALLERY

Andrews

House District 100
Thoughtful • Effective • Committed

VOLUNTEER

CONTRIBUTE

VOTING INFO

Get Updates

Email Address Zip

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News

Missoulian Guest Column

Welcome to my campaign website. I prefer face-to-face conversations, as I am having with many of you as I circulate through our beautiful district. But I will use this site to reach more people quickly and to discuss a variety of issues in a little more depth than I am able to do at your doors. This still needs to be a two way conversation, so please use the CONTACT link at the top right of this page to give me some feedback. I look forward to hearing from you.

News

THURSDAY, JULY 5, 2012 12:00 AM

[Missoulian Guest Column](#)

Paid for by Andrews for HD100
Cliff Larsen, Treasurer

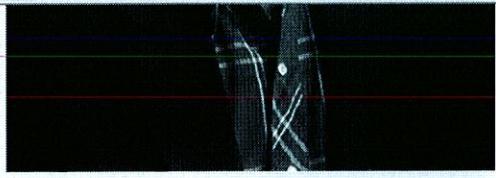
Powered by CampaignPartner.com - Political Campaign Websites

Dave Andrews for House District 100 - Windows Internet Explorer provided by Yahoo!

http://2610.campaignpartner.net/

Google Search Share More >> 50thReunion Book

Favorites Dave Andrews for House District 100



Email Address Zip GO

News
Missoulian Guest Column

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Paid for by Andrews for HD100
630 Big Flat Road, Missoula, MT, 59804
Cliff Larsen, Treasurer

Powered by CampaignPartner.com - Political Campaign Websites

start Dave Andrews for Ho... 10:17 AM

Exhibit B

Andrews

House District 100

Thoughtful • Effective • Committed

Paid for by Andrews for HD100, Cliff Larsen, Treasurer

630 Big Flat Rd Missoula, MT, 59804



Andrews

House District 100

Thoughtful • Effective • Committee

Paid for by Andrews for HD100, Cliff Larsen, Treasurer

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