

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

Shellnutt v. Planned Parenthood  No. COPP 2014-CFP-058	Final Decision and Findings of Sufficient Facts to Show a Campaign Practice Violation
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On November 6, 2014, Tonya Shellnutt, a resident of Billings, Montana filed a complaint against Planned Parenthood Advocates of Montana (PP) alleging a campaign practice violation. Ms. Shellnutt was the Republican nominee for election to the Montana legislature from Senate District 24 (SD 24). Ms. Shellnutt was opposed by Mary McNally, the Democratic nominee for election to the Montana legislature from SD 24.

Ms. Shellnutt's complaint alleges that a flyer sponsored by PP and attacking her candidacy (see attachment to Complaint) was received by SD 24 voters on or after October 27, 2014. Ms. Shellnutt's complaint states she received no notice of the flyers and cites to the provisions of Montana's "Clean

Campaign Act”, requiring notice for any campaign related Flyers delivered in the 10 days prior to an election.

### **FOUNDATIONAL FACTS**

The facts necessary for determination in this matter are as follows:

Finding of Fact No. 1: A general election was held November 4, 2014. Democrat Mary McNally and Republican Tonya Shellnutt were on the ballot for SD 24. Candidate McNally defeated Candidate Shellnutt obtaining 3,581 votes over Ms. Shellnutt’s 3,049 votes. (SOS website).

Finding of Fact No. 2: Planned Parenthood of Montana is a duly registered political committee with the office of the Commissioner of Political Practices (COPP website, committee information icon).

### **DISCUSSION**

This is the fourth Decision in the 2014 election cycle that deals with reporting and disclosure requirements for entities making independent expenditures in Montana elections.<sup>1</sup> Prior to the 2014 election cycle, independent expenditure discussion has focused on whether or not a particular third party election expense advocated for or against a candidate (“express advocacy”) such that it became a reportable election expense.<sup>2</sup>

Independent expenditures are third party election expenditures that are not coordinated with the candidate.<sup>3</sup> Independent expenditures in Montana elections increased following the 2010 *Citizens United* decision by the US

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<sup>1</sup> *Buttrey v. Montana Democratic Party*, COPP-2014-CFP-050; *Gibson v. Montana Democratic Party*, COPP-2014-CFP-053; *Perea v. Montana Democratic Party*, COPP-2014-CFP-055. Prior to the 2014 election cycle the COPP narrowly discussed issues regarding independent expenditures in Montana elections. See *Haines v. Bianco*, (March 2003, Commissioner Vaughney).

<sup>2</sup> See *Bonogofsky v. NGOA*, COPP-2010-CFP-008.

<sup>3</sup> Independent expenditures are those “not made with, at the request of suggestion of, or the prior consent of a candidate...” 44.10.323(3) ARM.

Supreme Court. Independent expenditures are generally carried out in the form of an election communication (in Candidate Shellnutt's case, a flyer) issued by a third party (PP, in Candidate Schellnutt's case) attacking a candidate (Shellnutt).

The 2014 Montana election cycle involved significant independent expenditure activity by multiple entities in multiple elections. The entities making the independent expenditures, as shown by this Decision, did so within a reporting and disclosure culture that lacked the adherence to transparency that is seen in reporting and disclosure by the campaigns of the candidates themselves.

As explained in this Decision, entities involved in independent expenditures will need to adapt such that they fully and timely report and disclose independent expenditures, with those independent expenditures listed on a candidate-by-candidate basis. This disclosure, timely made according to candidate, is what Montana law requires and it is what the press, public and the opposing candidate need if there is to be transparency in election expenditures.

#### 1. Notice Laws Were Violated

Montana law requires that any entity producing an attack flyer provide notice to the affected candidate of printed material "intended for public distribution in the 10 days prior to an election..." (§13-35-402(1) MCA). The printed material must be provided to the candidate if "...disseminated by direct mail, on the date of the postmark..." (§13-35-402(3)(b) MCA).

The following findings of fact apply:

Finding of Fact No. 3: The PP flyers attacked Candidate Shellnutt on “privacy.” The attack flyer was mailed once. (Commissioner’s records, PP response letter of November 13, 2014).

Finding of Fact No. 4: The PP privacy attack flyer was “dropped” or mailed on October 27 2014. (*Id.*).

Finding of Fact No. 5: There was no postmark date on the PP attack flyers. (Commissioner’s records).

The Commissioner takes administrative notice that the 2014 Montana general election took place on November 4, 2014. Montana law requires that notice be given for any attack flyer “intended for public distribution in the 10 days prior” to the November 4 election. (§13-35-402(1) MCA).

The 10 days prior to the November 4 election was the period of October 25 through November 3, 2014. There were no postmarks on the PP attack flyer (FOF No. 5). The Commissioner therefore determines that the date mailed or “dropped” is the equivalent of the postmark date.<sup>4</sup>

With the above in mind, the Commissioner determines that the PP attack flyer was mailed October 27, 2014, the 8<sup>th</sup> day before the election (FOF No. 4). The flyer therefore triggered the notice provisions of §13-35-402(1) MCA). PP agreed that it “did violate this rule” because it failed to give the required notice.<sup>5</sup>

When responding to the COPP investigator, PP self-reported an additional notice violation for a privacy flyer sent in opposition to Candidate Dick Haines

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<sup>4</sup> Planned Parenthood confirmed the “dropped” or mail dates in its letter of November 13, 2014.

<sup>5</sup> Planned Parenthood made this statement in its November 13, 2014 letter.

(SD 49). The privacy flyer was sent twice without notice, on October 27 and 29, 2014, the 8<sup>th</sup> and 6<sup>th</sup> days respectively, before the election.<sup>6</sup>

Sufficiency Finding No. 1: The Commissioner determines that sufficient facts exist to show that PP violated Montana law by failing to provide notice of the independent expenditures in the Shellnutt and Haines elections in the manner required by law.

2. PP Has Failed to Adequately Report and Disclose

Once a complaint is filed the Commissioner "...shall investigate any other alleged violation ..." (§13-37-111(2)(a) MCA). The Shellnutt complaint, once filed, triggered a review of adequacy of the independent expenditure information reported and disclosed by PP.

Under Montana law independent expenditures "must be reported in accordance with the procedure for reporting other expenditures". *Hanes v. Bianco*, ARM 44.10.323(3) and ARM 44.10.531(4). Section 13-37-225 MCA requires that the PP file "periodic reports of ... expenditures made ...on behalf of a candidate..." (Emphasis added). The reports must include "debts and obligations owed" by the PP. §13-37-230(1)(g) MCA. Independent expenditure reporting requires "reporting of the name of the candidate...the independent expenditure was intended to benefit..." ARM 44.10.531(4).

The Commissioner determines that the PP campaign finance reports did not meet these requirements. The PP post-election report disclosed \$14,000 in 2014 independent election expenditures, but did so by lump sum reporting, rather than by the designation of expenditures made in a particular candidate election, such as that of Candidate Shellnutt.

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<sup>6</sup> There is, however, only one failure to notify. §13-35-402(1)(a) MCA.

For example, on October 17, 2014, PP disclosed independent expenditures in a pre-election campaign finance report.<sup>7</sup> In part, this PP campaign finance report lists a \$4,784.00 independent expenditure as being for “media consulting in support of Brown, Jergeson, McNally, Wilmer, Cohenour, Sands and Wheat” (October 17 PP report form). This lump sum independent expenditure report covers 6 legislative and 1 statewide election and reports no particular expenditure as to Candidate Shellnutt (or any candidate), as required by §13-37-225 MCA.

Sufficiency Finding No. 2: The Commissioner determines that sufficient facts exist to show that the PP violated Montana law by failing to report and disclose the independent expenditures in the manner required by law.

The Commissioner observes that the PP has been fully cooperative in responding to and addressing the issues raised by this complaint. The Commissioner takes administrative notice that other entities engaging in 2014 independent expenditures, including some that are not yet the subject of complaints, also engage reporting and disclosure methods with errors comparable to those of PP. For that reason, PP’s errant conduct, and the comparable conduct of other entities, needs to be recognized and corrected but not vilified. Instead, the Commissioner will consider the definitional nature of this Decision, along with a prompt corrective independent expenditure report

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<sup>7</sup> PP chose to report as an incidental committee (see below). Incidental committee reporting schedules are different than those of other political committees. The emergence of independent expenditures, often made through an incidental committee, requires discussion of these reporting obligations.

filing by PP, as factors to apply to mitigation of the fine involved in this matter.<sup>8</sup> In that regard the Commissioner notes that PP filed an amended report on December 3, 2014. The PP amended report is attached to this Decision as Exhibit 1 and incorporated into this Decision because Schedule B portion of the report discloses expenses with the appropriate detail required by §13-37-225 MCA. Those entities that engaged in 2014 independent expenditures and did not report in this detail should look to this example and filed amended reports following this model. The amended report will not absolve the entity of a campaign practice violation, but it will factor into mitigation of a fine so the sooner this is done the better it is for the entity.

### 3. Failure to Timely Report and Disclose

Montana law [44.10.411 ARM] required that PP, as an incidental committee making independent expenditures in candidate races, file its campaign finance report two days prior to "... the 12<sup>th</sup> day preceding the date of an election..." (§13-37-226(3)(a) MCA) and two days prior to "not more than 20 days" after the election (§13-37-226(3)(c) MCA). In 2014 that 14<sup>th</sup> day preceding the general election was October 21, 2014, reporting through October 16 and the 18<sup>th</sup> day after the election was November 22, 2014, reporting through November 17, 2014.

An incidental committee files with the COPP on a Form C-4. PP filed its C-4 pre-election reports at the times listed on the Statewide Incidental Committee

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<sup>8</sup> The Commissioner notes the COPP on-line political committee campaign finance report form (at Schedule B) sets out a separate form for reporting of independent expenditures. That form prompts the listing of the amount, purpose, date and candidate for any independent expenditure, thereby bringing reporting and disclosure into compliance with law.

reporting schedule posted on the COPP website. Specifically, PP filed a C-4 report on October 17, 2014 (reporting through October 13, 2014) and a C-4 report on October 29, 2014 (reporting through October 23, 2014).<sup>9</sup> PP timely filed its post-election report on November 21, 2014 (reporting through November 17, 2014) but also reported through the proper date.

In its December 3, 2014 amended report (Ex. 1, this Decision) PP also self-reported and corrected earlier reporting errors, including the failure to timely report \$8,487 for the costs of electioneering flyers.

Sufficiency Finding No. 3: The Commissioner determines that sufficient facts exist to show that the PP violated Montana law by failing to timely and completely disclose certain campaign expenditures. Given that there is only one filing schedule listed for incidental committees on the COPP website (and PP followed that schedule) the reporting timely violation is waived, leaving only the failure to disclose violation.

The Commissioner again notes the cooperation of PP in self reporting errors in its earlier reporting. As the introduction to this Decision states, widescale use of independent expenditures in Montana elections is a recent occurrence, expanding in particular following the *Citizens United* Decision by the US Supreme Court.<sup>10</sup> Some of this independent expenditure activity in 2014 elections took place through incidental committees.

Incidental Committee reporting is guided primarily by 44.10.411ARM. That ARM, in turn, was written when incidental committee activity consisted of a one-time electoral incursion by a corporate entity, such as Orvis, in regard to

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<sup>9</sup> The net result of this reporting approach is the late reporting of expenditures for the October 14 through 16 time period.

<sup>10</sup> *Citizens United v. Fed. Election Comm.*, 130 S. Ct. 876 (2010).

an initiative campaign.<sup>11</sup> Even the staggered reporting schedule of incidental committee reporting is designed to allow a principal ballot committee to capture and comprehensively report the scattered incidental expenses common to ballot issue campaigns.

*Citizens United*, of course, opened the door to corporate independent expenditures in Montana's candidate campaigns. In 2012 the US Supreme Court specifically applied the *Citizens United* holding to strike down Montana's ban of corporate independent spending in Montana candidate campaigns.<sup>12</sup> ARM 44.10.411 and its internal references are ill designed for the sort of repetitive electioneering that marks corporate independent expenditures in Montana's candidate races of today. Further, the staggered reporting periods are inapplicable to a candidate race since a candidate, by law, cannot know of (much less report) a true independent expenditure.

With the above discussion in mind, the COPP will leniently treat (for the purposes of fines) the reporting and disclosure errors of PP and other incidental committee groups reporting independent expenditures in 2014 elections. During 2015 the COPP will initiate rule-making on a revised 44.10.411 ARM to better define reporting and disclosure obligations of incidental committees so that PP and other groups can better report during the 2016 election cycle.

### **ENFORCEMENT OF SUFFICIENCY FINDINGS**

The Commissioner has limited discretion when making the determination as to an unlawful campaign practice. First, the Commissioner cannot avoid, but must

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<sup>11</sup> *Daubert v. Montanans for Clean Water*, ( February 27, 1997, Commissioner Argenbright).

<sup>12</sup> *Am. Tradition Partn. Inc. v. Bullock*, 132 S. Ct. 2490 (2012).

act on, an alleged campaign practice violation as the law mandates that the Commissioner (“shall investigate,” *see*, §13-37-111(2)(a) MCA) investigate any alleged violation of campaign practices law. The mandate to investigate is followed by a mandate to take action as the law requires that if there is “sufficient evidence” of a violation the Commissioner must (“shall notify”, *see* §13-37-124 MCA) initiate consideration for prosecution.

Second, having been charged to make a decision, the Commissioner must follow substantive law applicable to a particular campaign practice decision. This Commissioner, having been charged to investigate and decide, hereby determines that there is sufficient evidence, as set out in this Decision, to show that the PP has, as a matter of law, violated Montana’s campaign practice laws, including, but not limited to §13-37-226 MCA and all associated ARMs. Having determined that sufficient evidence of a campaign practice violation exists, the next step is to determine whether there are circumstances or explanations that may affect prosecution of the violation and/or the amount of the fine.

The failure to properly and timely file was due to oversight. Excusable neglect cannot be applied to oversight. *See* discussion of excusable neglect principles in *Matters of Vincent*, Nos. COPP-2013-CFP-006 and 009.

Likewise independent expenditures are emerging as an important component of spending in candidate races such that issues dealing with independent expenditures cannot be excused as *de minimis*. *See* discussion of *de minimis* principles in *Matters of Vincent*, Nos. COPP-2013-CFP-006 and 009.

Because there is a finding of violation and a determination that *de minimis*

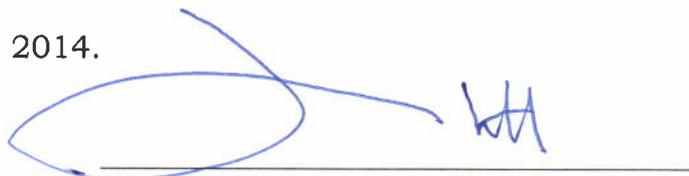
and excusable neglect theories are not applicable, civil/criminal prosecution and/or a civil fine is justified (See §13-37-124 MCA). The Commissioner hereby, through this decision, issues a “sufficient evidence” Finding and Decision justifying civil prosecution under §13-37-124 MCA. Because of the nature of the violations (the failure to timely report occurred in Lewis and Clark County) this matter is referred to the County Attorney of Lewis and Clark County for his consideration as to prosecution. §13-37-124(1) MCA. Should the County Attorney waive the right to prosecute (§13-37-124(2) MCA) or fail to prosecute within 30 days (§13-37-124(1) MCA) this Matter returns to this Commissioner for possible prosecution. *Id.*

Most of the Matters decided by a Commissioner and referred to the County Attorney are waived back to the Commissioner for his further consideration. Assuming that this Matter is waived back, the Finding and Decision in this Matter does not necessarily lead to civil or criminal prosecution as the Commissioner has discretion (“may then initiate” See §13-37-124(1) MCA) in regard to a legal action. Instead, most of the Matters decided by a Commissioner are resolved by payment of a negotiated fine. In the event that a fine is not negotiated and the Matter resolved, the Commissioner retains statutory authority to bring a complaint in district court against any person who intentionally or negligently violates any requirement of law, including those of §13-37-226 MCA. (See 13-37-128 MCA). Full due process is provided to the alleged violator because the district court will consider the matter *de novo*.

At the point this Matter is returned to the COPP for negotiation of the fine or

for litigation, mitigation principles will be considered. See discussion of mitigation principles in *Matters of Vincent*, Nos. COPP-2013-CFP-006 and 009. The Commissioner notes that PP showed complete cooperation and willingness to explain the oversight in a manner that accepted responsibility. That cooperation, along with the first time nature of this Decision and the lack of appropriate clarity of 44.10.411 ARM, will be recognized as factors supporting mitigation.

DATED this 9th day of December, 2014.

A handwritten signature in blue ink, consisting of a large, stylized loop followed by the initials 'JM'.

Jonathan R. Motl  
Commissioner of Political Practices  
Of the State of Montana  
P. O. Box 202401  
1205 8<sup>th</sup> Avenue  
Helena, MT 59620  
Phone: (406)-444-4622

THE STATE OF MONTANA

COMMISSIONER OF POLITICAL PRACTICES  
1205 Eighth Avenue  
Post Office Box 202401  
Helena, MT 59620-2401  
TELEPHONE: 406-444-2942  
FAX NUMBER: 406-444-1643  
WEBSITE: [www.politicalpractices.mt.gov](http://www.politicalpractices.mt.gov)

FOR OFFICE USE ONLY  
Date Received and Postmark Date

POSTMARKED

DEC 04 2014

**FORM C-4** (Revised 06/08)  
**INCIDENTAL POLITICAL COMMITTEE  
FINANCE REPORT**

*IE Expenditures*

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR CERTIFICATION SIGNATURE

ORIGINAL FILING   
AMENDED FILING   
*12/3/2014*

REPORTING PERIOD  
From October 24, 2014  
To November 17, 2014

Initial Report  
 Periodic Report  
 Closing Report  
 No new transactions in reporting period

NAME OF INCIDENTAL COMMITTEE  
Full Name Planned Parenthood Advocates of Montana  
Complete Mailing Address 2525 4th Ave N, Suite 201  
Billings, MT 59101  
(City, State, Zip Code)

Cash Summary: Money Received and Spent

1. RECEIPTS – Total received and deposited this period from Schedule A.....	\$ 24149.75
2. CORRECTIONS – Addition or subtraction from Schedule C.....(Circle + or --)	+ \$ 0
3. EXPENDITURES – Total paid out this period from Schedule B.....	-- \$ 24149.75

This report **must be signed by an officer whose name is on the Statement of Organization (Form C-2)** on file in the office of the Commissioner of Political Practices.

**CERTIFICATION**

I, Lana Rae, Deputy Treasurer, certify that the foregoing  
Name Title  
report of campaign finances with all attachments is complete and correct to the best of my knowledge, in accordance  
with Montana Code Annotated Title 13, chapter 37.  
Lana Rae  
Signature

THIS FORM MAY BE REPRODUCED



<b>SCHEDULE B. Expenditures – This Reporting Period</b>				
<p><i>PLEASE NOTE: If an expenditure is made directly to a candidate or committee, provide the full name and complete mailing address of the candidate or committee under "Payee." If an expenditure is made on behalf of a candidate or committee, provide the full name and complete mailing address of the recipient under "Payee" and provide the name of the candidate or committee the expenditure was made on behalf of and what the expenditure was for under "Purpose."</i></p>				
PAYEE – Full Name & Complete Mailing Address <u>REQUIRED</u>	Purpose <u>Required</u>	Date <u>Required</u>	Amount	
			Primary	General
<b>SUBTOTAL FORWARD</b> (from previous page)				
Jen Gross Name 100 W Wicks Lane Address Billings, MT 59105 City, State, Zip	Staff Salary and Fringe in support of: Wheat: \$366.47, Brown: \$147.44 and Sands: \$18.91	11/17/14		\$532.82
Julia Shindel Name 625 Central Ave W, Ste 205 Address Great Falls, MT 59404 City, State, Zip	Staff Salary and Fringe in support of: Wheat	11/17/14		\$1135.27
Brush Fire Strategies Name 3000 K St NW, Ste 320 Address Washington DC 20007 City, State, Zip	Media support for live calls to SD 49.in support of Sands.  Ck #4702	10/29/14		\$3500.00
Moxie Media Name PO Box 30084 Address Seattle, WA 98113-0084 City, State, Zip	Media production costs for direct mailings-"Privacy" in SD 49, 24, &11. Against: SD 49 Haines: \$3029.00, SD 11 Buttrey: \$ 2717.00, and SD 24 Shellnut: \$2721.00.  Ck #4703	10/20/14		\$8467.00
Jill Baker Name 625 Central Ave W, Ste 205 Address Great Falls, MT 59404 City, State, Zip	Staff salary and fringe related to IE supervisory/strategy time 17 hrs and 2.5 hrs in support of Wheat.	11/17/14		\$852.37
<b>TOTAL EXPENDITURES THIS REPORTING PERIOD</b>				\$14487.46

<b>SCHEDULE C. Report <u>corrections</u> to receipts, contributions, and expenditures <u>reported on a prior report</u>.</b>		
Originally Reported on DATE SCHEDULE	As Originally Reported	Explain Correction
11/21/14 B	Strategies 360 - consulting fees for Election Cycle 2014- \$5000.00	Strategies 360- consulting fees for upcoming legislative session 2015- \$5000.00.
11/17/14 Not Reported	Jill Baker's salary and fringe not originally reported.	Inadvertently left off of report ending 11/17/14.
10/20/14 Reported in total	Reported in aggregate on report ending 11/17/14. \$8467 not recorded on report ending 10/23/14 because had not received an invoice with the costs defined.	The Moxie Media costs should be broken out by SD .. to more clearly define the candidates for/against.

**Notice: You must follow up with a signed hard copy to CPP.**

SCHEDULE A. Receipts – This Reporting Period		Date	In-Kind Description Value	Cash or Check	Total to Date
<b>1. Earmarked Contributions Less Than \$35 Each - Total</b>					
<b>2. Earmarked Contributions of \$35 or More.</b> For each contributor: full name, complete mailing address, occupation & employer <b>REQUIRED</b> . ONE NAME ONLY FOR EACH CONTRIBUTION.		<u>Date Required</u>			
Name _____ Address _____ City, State, Zip _____	Occupation _____ Employer _____				
Name _____ Address _____ City, State, Zip _____	Occupation _____ Employer _____				
Name _____ Address _____ City, State, Zip _____	Occupation _____ Employer _____				
<b>3. Rebates, Refunds, Other Miscellaneous Receipts</b> (Describe)		Date			

**TOTAL RECEIPTS THIS REPORTING PERIOD**

SCHEDULE B. Expenditures – This Reporting Period				
<p><i>PLEASE NOTE: If an expenditure is made directly to a candidate or committee, provide the full name and complete mailing address of the candidate or committee under "Payee." If an expenditure is made on behalf of a candidate or committee, provide the full name and complete mailing address of the recipient under "Payee" and provide the name of the candidate or committee the expenditure was made on behalf of and what the expenditure was for under "Purpose."</i></p>				
PAYEE – Full Name & Complete Mailing Address <b>REQUIRED</b>	Purpose <b>Required</b>	Date <b>Required</b>	Amount	
			Primary	General
Moxie Media Name PO Box 30084 Address Seattle, WA 98113-0084 City, State, Zip	Media production and shipping costs for door hangers in support of: Wheat, Brown, Moe, Boland, Jergeson, Moretti, Jacobson, Price & Schreiner. Equal amounts of \$260.00 per candidate. Ck #4707	10/25/14		\$2340.00
Moxie Media Name PO Box 30084 Address Seattle, WA 98113-0084 City, State, Zip	Postage costs for direct mailings in SD 49. Against: Haines: \$545.08 Ck #4707	10/29/14		\$545.08
				\$2885.08

**SUBTOTAL OF EXPENDITURES THIS PAGE**

<b>SCHEDULE B. Expenditures – This Reporting Period</b>				
<p><i>PLEASE NOTE: If an expenditure is made directly to a candidate or committee, provide the full name and complete mailing address of the candidate or committee under "Payee." If an expenditure is made on behalf of a candidate or committee, provide the full name and complete mailing address of the recipient under "Payee" and provide the name of the candidate or committee the expenditure was made on behalf of and what the expenditure was for under "Purpose."</i></p>				
PAYEE – Full Name & Complete Mailing Address <u>REQUIRED</u>	Purpose <u>Required</u>	Date <u>Required</u>	Amount	
			Primary	General
<b>SUBTOTAL FORWARD</b> (from previous page)				
Kathy Lear Name 625 Central Ave W, Ste 205 Address Great Falls, MT 59404 City, State, Zip	Supplies for Women Are Watching Event Ck #4705	10/29/14		\$27.10
Planned Parenthood of Montana Name 2525 4th Ave N, Suite 201 Address Billings, MT 59101 City, State, Zip	Digital Media in support of: Curtis: \$100.00  Postage and Supplies for staff: \$330.19 Cks: #4704, 4708, & 4711	11/3/14		\$430.19
League of Rural Voters Name PO Box 522 Address Billings, MT 59103 City, State, Zip	Calls in support of Wheat  Ck # 4714	11/14/14		\$2000.00
Jen Gross Name 100 W Wicks Lane Address Billings, MT 59105 City, State, Zip	Supplies and Food for Canvassers.  Ck #4698	10/27/14		\$369.06
Moxie Media Name PO Box 30084 Address Seattle, WA 98113-0084 City, State, Zip	Postage for direct mailings in SD 24 and SD 49. SD 24 against:Shellnut: \$869.58 & SD 49 against Haines: \$407.47  Ck #4707	10/27/14		\$1277.05
<b>TOTAL EXPENDITURES THIS REPORTING PERIOD</b>				\$4103.40

<b>SCHEDULE C. Report <u>corrections</u> to receipts, contributions, and expenditures <u>reported on a prior report.</u></b>			
Originally Reported on DATE	SCHEDULE	As Originally Reported	Explain Correction
11/21/14	B-Expenditures	4 Moxie Media invoices were aggregated into one total cost.	The Moxie Media costs should be broken out by SD to more clearly define the candidates for/against.
11/21/14	A-Receipts	Total receipts reported as \$28557.38.	Total receipts decreased because Strategies 360 for \$5000.00 was for legislative session 2015 not election cycle 2014.

**Notice: You must follow up with a signed hard copy to CPP.**

SCHEDULE B. Expenditures – This Reporting Period				
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PAYEE – Full Name & Complete Mailing Address <u>REQUIRED</u>	Purpose <u>Required</u>	Date <u>Required</u>	Amount	
			Primary	General
SUBTOTAL FORWARD (from previous page)				
Moxie Media Name _____ Address _____ Seattle, WA 98113-0084 City, State, Zip _____	Postage costs for direct mailing-"Privacy" SD 11 against Buttrey: \$976.35  Ck #4707	10/20/14		\$976.35
Name _____ Address _____ City, State, Zip _____				
Name _____ Address _____ City, State, Zip _____				
Name _____ Address _____ City, State, Zip _____				
Name _____ Address _____ City, State, Zip _____				
<b>TOTAL EXPENDITURES THIS REPORTING PERIOD</b>				\$976.35

SCHEDULE C. Report <u>corrections</u> to receipts, contributions, and expenditures <u>reported on a prior report.</u>		
Originally Reported on DATE SCHEDULE	As Originally Reported	Explain Correction
11/21/14 B	\$976.35 not reported on report ending 10/23/14 as invoice costs were not received. Reported on report ending 11/17/14 as a total figure for Moxie Media.	The Moxie Media costs should be broken out by SD to more clearly define the candidates supported.

**Notice: You must follow up with a signed hard copy to CPP.**

Planned Parenthood Advocates of Montana

December 3, 2014

Jonathan Motl  
Commissioner of Political Practices  
1205 8<sup>th</sup> Avenue  
PO Box 202401  
Helena, MT 59620-2401

RE: Complaint received November 6, 2014; Shellnutt v. Planned Parenthood Advocates of Montana, COPP-2014-CFP-058

Dear Commissioner Motl:

On December 3<sup>rd</sup>, Planned Parenthood Advocates of Montana filed an amended Incidental Political Committee Finance Report which details expenditures in connection to work for or against individual candidates. The Shellnutt independent expenditure is reported on the Incidental Political Committee Finance Report in two places under Moxie Media, production costs and postage. For the mailing to SD 24 on 10/27/14, the cost of postage was \$869.58 and the cost of production was \$2,721.00. The total cost of the expenditure against Ms. Shellnut was \$3,590.58.

If you have any further questions about this issue, please feel free to contact me.

Sincerely,



**Martha E. Stahl**  
CEO, Planned Parenthood Advocates of Montana  
2525 4<sup>th</sup> Avenue North, Suite 201  
Billings, MT 59101