

THE STATE OF MONTANA

Commissioner of Political Practices
1205 Eighth Avenue
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Helena, MT 59620-2401
Phone: 406-444-2942
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www.politicalpractices.mt.gov

Campaign Finance and Practices

Complaint Form (10/09)

FOR OFFICE USE ONLY	
HAND DELIVERED	<input checked="" type="checkbox"/>
CERTIFIED MAIL	<input type="checkbox"/>
SIGNED/NOTARIZED	<input checked="" type="checkbox"/>

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

Person bringing complaint (Complainant):

Complete Name: John M. Ward

Complete Mailing Address: 4553 Pothole Drive
Helena MT 59602

Phone Numbers: Work 406 458 5025 Home same

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

Complete Name: Assembly Action Fund

Complete Mailing Address: PO Box 3662
Lewistown, MT 59457

Phone Numbers: Work unknown Home unknown

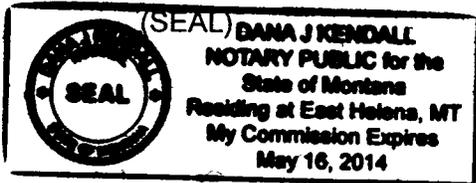
Please complete the second page of this form and describe in detail the facts of the alledged violation.

Verification by oath or affirmation

State of Montana, County of LEWIS & CLARK

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

John M. Ward
Signature of Complainant



Subscribed and sworn to before me this 8 day of June, 2010.

[Signature]
Notary Public

My Commission Expires:

Statement of facts:

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

A shadowy group calling itself the Assembly Action Fund and issuing deceptive, false accusations is flouting the campaign finance law of Montana as clarified by the Commissioner of Political Practices. At a minimum, this group has refused to register as a political committee in violation of M.C.A. § 13-37-201 (political committee must file certification of treasurer and statement of organization within 5 days of expenditure).

The scurrilous mailings of this murky organization attack the purely informative mailings of Main Street Advocacy Fund that merely urged dialogue with certain individuals who reflect true Montana values like low taxes and protected hunting and fishing rights. The Assembly Action Fund mailings attempt to tar those same individuals with false insinuations of completely opposite values, like anti-gun laws and more and bigger government spending. Unlike the Main Street Advocacy Fund messaging which did not mention any election, any candidacy, any parties, or voting, the Assembly Action Fund mailing was framed as a defense of "Tea Party candidates" and as an unfounded tirade against purported "liberal Republicans" disdained by Assembly Action Fund. See attached copy of mailer referencing Kelly Flynn, believed to have been received by a Montana resident on or about June 2.

As the Commissioner of Political Practices clarified to representatives of Main Street Advocacy Fund, the definition of "expenditure" (M.C.A. § 13-1-101(11)(a)) used in the "political committee" definition (M.C.A. § 13-1-101(22)) is to be interpreted as any payment for public communications mentioning persons who happen to be candidates in close proximity to an election in a manner even indirectly indicating support or opposition. This combination of factors leads the Commissioner to construe the payment to be "for the purpose of influencing the results of an election." § 13-1-101(11)(a). Certainly, if the messaging of Main Street Advocacy Fund is deemed "expenditure" activity requiring Main Street Advocacy Fund to register and report as a political committee, the crude, misleading, and highly partisan messaging of Assembly Action Fund is "expenditure" activity requiring it to register and report as well.

Complaints must be:

- **signed**
- **notarized**
- **delivered in person or by certified mail.**



Statement of Facts (cont'd)

Since the Assembly Action Fund seems to have emerged from the shadows just for the purpose of issuing its attack mailings, it must be regulated as a "political committee specifically organized to support or oppose a particular state district candidate." M.C.A. § 13-37-226(3). This means that if it had received any contributions or made any expenditures, it would have been obligated to file a 12-day pre-election report on May 27 covering through May 23. M.C.A. § 13-37-226(3)(a). From the period starting 17 days from the primary, it would have had to file 48-hour reports for any pre-primary contribution of \$100 or more received. M.C.A. § 13-37-226(3)(b). The Assembly Action Fund clearly appears to have violated the cited reporting requirements, as well as the general rule requiring the filing of reports at M.C.A. § 13-37-225.

An organization that does not seem to have any prior existence, and that appears to have become active only to urge defeat of certain mainstream Republican candidates cannot purport to be an "incidental political committee" (M.C.A. § 13-37-226(6); A.R.M 44.10.327(1)(c), (2)(c) (committee not specifically organized or maintained for the primary purpose of influencing elections). This means that the Assembly Action Fund must disclose, *inter alia*, the full name, mailing address, occupation, and employer (if applicable) of each person who has made aggregate contributions of \$35 or more. M.C.A. § 13-37-229(2). Thus, not only has Assembly Action Fund not registered and reported in a general sense, it has evaded the most central obligation of political committees of its nature: disclosure of the true source of funding for its reprehensible mailings.

Who is behind the Assembly Action Fund? Is it the same Harold "Howie" Rich gang that has been found to have blatantly ignored the Montana disclosure rules in the 2006 election cycle by spending hundreds of thousands of dollars on deceptive ballot initiatives? Is his heavy-handed, hidden money being used again to tell Montanans who to vote against? Is his totally false yarn about good Montana leaders being associated with "a violent left-wing union" or being for "more and bigger spending" being foisted upon Montana citizens?

The Commissioner of Political Practices needs to get to the bottom of this and, if necessary, work with prosecuting attorneys of Montana to require this secret fly-by-night group to live within the open disclosure rules demanded of those whose only purpose is to influence Montanans' vote. Citizens of Montana deserve to know why some people are so afraid of disclosure that they are willing to break the law.

Liberal Washington insiders are taking aim at the Tea Party. And they love liberal Kelly Flynn.

Main Street Advocacy's Liberal Agenda:

- ✓ Impose REAL ID
- ✓ Empower union bosses
- ✓ Pass Anti-Gun Laws
- ✓ Approve Gay Marriage
- ✓ Expand Abortion
- ✓ More and Bigger Spending
- ✓ Defeat conservatives
- ✓ Work with Obama's SITU
- ✓ Make the GOP liberal
- ✓ Defeat the Tea Parties,
- ✓ Defeat Big Government
- ✓ Politicos-as-usual.
- ✓ DEFEND KELLY FLYNN!

Assembly Action Fund
PO Box 3662
Lewistown, MT 59457





Main Street Advocacy is a group of powerful Washington insiders working to defeat the Tea Party's conservative message.

And they're banking on Kelly Flynn.

Montanans may like smaller government, lower taxes and traditional values, but it's not as popular in Washington, D.C. That's why a Beltway-based group of powerful insiders created "Main Street Advocacy." They're working with SEIU union bosses-- the same radical liberal union that savagely assaulted Tea Party members protesting Obama's health care plan -- to run radio ads and send mail praising liberal Republicans trying to defeat Tea Party candidates. Is this part of the SEIU "declaration of war" on the Tea Party?

Main Street Advocacy is an offshoot of Main Street Partnership, a Washington, D.C. group dedicated to electing anti-gun, anti-tax cut, pro-gay marriage, pro-abortion liberals. And what are these D.C. insiders doing in Montana?

Spending big bucks on misleading ads praising liberal Kelly Flynn.

Liberal Washington insiders working with a violent left-wing union to defeat the Tea Parties and deliver the GOP to liberals? That's not how we do things here in Montana.

Call Kelly Flynn
at 266-3322.
Tell him to cut his
ties with these
liberal Washington
insiders.

*Paid for by the Assembly Action Fund, a grassroots lobbying group organized under IRS 501(c)(4). Not subject to political committee reporting requirements. Assembly Action Fund does not support or oppose candidates for public office.