

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

Wilhelm v. Kirchner  No. COPP 2016-CFP-017	DECLARATION OF MERIT OF COMPLAINT  MEMORIALIZATION OF NOTIFICATION OF MERIT TO CANDIDATE  RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY CANDIDATE  DISMISSAL OF COMPLAINT

On September 14, 2016, Charles Wilhelm, a resident of Circle, Montana, filed a complaint against Savannah Kirchner, a resident of Circle, Montana. Mr. Wilhelm and Ms. Kirchner are both candidates seeking 2016 election as Clerk of District Court of McCone County.<sup>1</sup> The Complaint alleges that

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<sup>1</sup> Mr. Wilhelm and Ms. Kirchner have each filed Statements of Candidacy (Form C1A) with the COPP (COPP records).

Candidate Kirchner failed to properly attribute campaign signs.

### Discussion

Under Montana law “all election communications...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.” §13-35-225(1) MCA. Mr. Wilhelm’s complaint attached a photo of several of a single Candidate Kirchner campaign sign showing a failure to include the required name identification portion of the attribution.

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. Accordingly, Candidate Kirchner was immediately contacted by the Commissioner’s office. Candidate Kirchner responded that the attribution read “paid for by PO Box 251 Circle MT” and did lack the required name of the person who paid for the sign. Candidate Kirchner explained that she had constructed two (2) campaign signs and had a sticker stating “PAID FOR BY SAVANNAH KIRCHER” added to each sign. Candidate Kirchner included a photo showing the addition of the sticker to each sign.

The law governing complaints of failure to properly attribute political signs provides precise directions to the Commissioner:

1. The Commissioner is to immediately assess the merits of the Complaint. §13-35-225(7)(a), MCA. The Commissioner found merit to the Complaint and hereby memorializes that finding.
2. The Commissioner shall notify the candidate of the merit

finding, requiring the Candidate to bring the signs into compliance. §13-35-225(7)(a), MCA. The Commissioner, through oral communication by Kym Tujillo and Elyssa Spaeth, did this and hereby memorializes the Notice.

3. The Candidate is provided an unspecified period of time to bring the signs into attribution compliance (§13-35-225(7)(b), MCA). By this Decision the Commissioner declares his satisfaction that the Candidate has acted promptly and properly to correct the attribution deficiency.

Under Montana law the Candidate with the attribution deficiency is relieved of a campaign practice violation, provided she promptly carries out the attribution correction as promised. Candidate Kirchner has met these duties and is therefore relieved of a campaign practice violation under §13-35-225(7)(b), MCA. The Complaint is dismissed.

Normally the Commissioner first provides Decisions to the parties and the press and public on the following day. The Legislature, however, has set very tight timelines on this sort of attribution Complaint. Accordingly, the Commissioner provides this Decision to the parties, press and public on the day it is made.

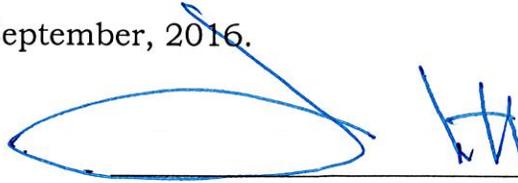
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DATED this 14th<sup>th</sup> day of September, 2016.



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Jonathan R. Motl  
Commissioner of Political Practices  
Of the State of Montana  
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