

THE STATE OF MONTANA

Commissioner of Political Practices  
1205 Eighth Avenue  
Post Office Box 202401  
Helena, MT 59620-2401  
Phone: 406-444-2942  
Fax: 406-444-1643  
www.politicalpractices.mt.gov

Campaign Finance and Practices

Complaint Form (10/09)

FOR OFFICE USE ONLY

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2013 SEP 12 A 9 05

COMMISSIONER OF  
POLITICAL PRACTICES  
HAND DELIVERED

CERTIFIED MAIL

SIGNED/NOTARIZED

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

Person bringing complaint (Complainant):

Complete Name Leta J. Womack  
Complete Mailing Address 400 West Broadway, Suite 101-523  
Missoula, MT 59802  
Phone Numbers: Work (406) 529-1954 Home (406) 726-4466

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

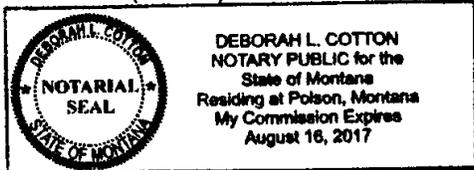
Complete Name Kathleen Jenks  
Complete Mailing Address P. O. Box 156  
Missoula, MT 59806  
Phone Numbers: Work (406) 552-6170 Home unknown

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

State of Montana, County of LAKE

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

(SEAL)



Leta J. Womack  
Signature of Complainant

Subscribed and sworn to before me this 10 day of September 2013  
Deborah L. Cotton  
Notary Public

DEBORAH L. COTTON  
NOTARY PUBLIC for the State of Montana  
Residing at County of LAKE - Polson  
My Commission Expires \_\_\_\_\_

My Commission Expires: 8-16-2017

# Campaign Finance and Practices Complaint Form

Page 2

## Statement of Facts:

The filing deadline in the nonpartisan judicial race for Missoula Municipal Court Judge was June 27, 2013, at 5:00 p.m. §13-10-201, Mont. Code Ann. Three candidates filed their application, to-wit, Kathleen Jenks (who had been appointed by the Missoula City Council to complete Judge Loudon's term of office), Leta J. Womack, and Mark McIaverty. Within 5 days of filing, all three candidates submitted the required C-1-A form [Statement of Candidate] to both the Missoula County Election Administrator and the Commissioner on Political Practices in Helena. §13-10-201, MCA.

As provided in the *Accounting and Reporting Manual for Candidates and Campaign Treasurers, Green Book, November 2011 from the Commissioner on Political Practices ["Green Book"]*, "[t]he time periods covered by reports as well as the due dates for filing vary, depending upon whether a campaign is statewide, state district, or local. [13-37-226 and 13-37-228, MCA] For clarification, a specific calendar of reporting periods with due dates is developed for each category of campaign prior to the election cycle. Reporting calendars are available on the Commissioner's website, [www.politicalpractices.mt.gov](http://www.politicalpractices.mt.gov)." The Campaign Finance Report Calendar for Municipal Candidates, attached hereto [Exhibit "A"] reflects that the initial Report C-5 had a filing deadline of August 29<sup>th</sup>.

The *Green Book* also provides that "[i]f a candidate fails to file statements and reports as required by law, the candidate's name "may not be printed on the official ballot for an election." [13-37-126(1), MCA] Further, even if elected, a candidate will not receive a certificate of election unless the statements and reports have been properly and timely filed. Without a certificate of election, an individual may not assume the powers and duties of office. [13-37-127, MCA]."

Candidate Kathleen Jenks failed to timely file her initial Form C-5 Candidate Campaign Finance Report. As reflected by the records of the Commissioner of Political Practices, Ms. Jenks' Report was not received until September 3, 2013 [Exhibit "B", first page of Form C-5 Report], five days **after** the filing deadline.

As provided by §13-37-126, MCA, "[t]he name of a candidate may not appear on the official ballot for an election if the candidate or a treasurer for a candidate fails to file any statement or report as required by 2-2-106 or this chapter."

As judicial candidates, and certainly where Ms. Jenks – as a sitting municipal court judge who enforces the law and requires defendants to be accountable for their actions – is concerned, we as candidates should be held to a higher standard regarding compliance with the law; and the consequences of failing to abide by the law should apply equally to all of us. Failure to meet a filing deadline, whether through intentional act or negligence (see §13-37-128, MCA), justifies imposition of the penalty provided in §13-37-126, MCA. In this case, Ms. Jenks should be precluded from appearing on the official ballot for the election in November, 2013.

# CAMPAIGN FINANCE REPORT CALENDAR

for

## MUNICIPAL CANDIDATES

Primary and General Elections

2013

Report form C-5 must be filed for each reporting period to disclose all transactions, if any, that occurred during the specific reporting period.

Type of Report	Reporting Period Covered	Filing Deadline
Pre-primary	Date of first contribution or expenditure through August 24	August 29
48-hour notice (form C-7)	File <b>only</b> if a \$100 contribution from a <b>single source</b> is received between August 25 and September 10	Within 48 hours
Post-primary	August 25 through September 25  (May also be the closing report of a losing candidate if all debts are paid and no more campaign activity is anticipated; otherwise, a closing report must be filed later.)	September 30
Pre-general	September 26 through October 19	October 24
48-hour notice (form C-7)	File <b>only</b> if a \$100 contribution from a <b>single source</b> is received between October 20 and November 5	Within 48 hours
Post-general	October 20 through November 20  (May also be the closing report if all debts are paid and no more campaign activity is anticipated; otherwise, a closing report must be filed later.)	November 25

Exhibit "A"

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COMMISSIONER OF  
POLITICAL PRACTICES

*211646 8/30/13*

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Date Received and Postmark Date

FORM C-5 (Revised 01/09)

Candidate Campaign Finance Report

Original Filing  X

or

Amended Filing

Reporting Period: From March 29, 2013

To: August 25, 2013

Full Name of Candidate

Kathleen Jenks

Complete Mailing Address: P.O. Box 156, Missoula, MT 59806

Complete Description of Office  
Sought (Required) Missoula  
Municipal Court Judge

X

Initial Report  
Periodic Report

Closing Report

No Transactions in Period

Cash Summary: Money spent and received

- Cash in Bank - Balance from previous report
- Receipts - Total received and deposited this period from Schl A
- Corrections - Addition or Subtraction from Schl D
- Expenditures - Total paid out this period from Schl. B
- Cash in Bank- Ending balance this period

	Primary
1.	\$0.00
2.	\$0.00
3.	\$0.00
Subtotal	\$0.00
4.	\$0.00
5.	\$0.00

	General
1.	\$0.00
2.	\$16,514.86
3.	\$0.00
Subtotal	\$16,514.86
4.	\$7,438.31
5.	\$9,076.55

I, John Jenks

name

Treasurer

Title

certify the foregoing 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.

Signature

Exhibit "B"

KEEP RETURN ADDRESS FOLD AT DOTTED LINE  
**CERTIFIED MAIL™**

**LETA J. WOMACK**  
Candidate for  
Missoula Municipal Court Judge

400 West Broadway, Suite 101-523  
Missoula, MT 59802



7012 3460 0001 5546 1384



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59620



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