

Cook, Scott

From: lisa@wildskies.com
Sent: Saturday, May 4, 2024 11:09 AM
To: Cook, Scott
Cc: Gallus, Chris J.; Hendricksen-Scott, Shelley
Subject: Re: [EXTERNAL] COPP
Attachments: Attribution photo.jpg

Scott-I emailed Commissioner Gallus on Tuesday that I did lose a box of unlabeled materials at an event.

I place stickers on all my material that didn't already have an attribution printed. To the best of my knowledge I have not handed out any that were not attributed, although there is the possibility some may have been combined with unlabeled materials unknowingly. Some of my initial stickers were printed on old label sheets I had in my possession and may not have stayed adhered to the paper they were placed on, but all were labeled that I handed out. As I mentioned, I did have one box of unlabeled items that was accidentally brought to an event instead of the labeled versions. I did not hand them out, but the box did disappear and I have no idea who picked it up.

I have a new batch of labels that to my knowledge are adhering fine.

I have attached a photo.

Sincerely,
Lisa Bennett
970.926.0216

On 2024-04-30 16:08, Cook, Scott wrote:

> Lisa,
>
> Thanks for reaching out. As an explainer of the attribution process,
> please see the attached letter from Commissioner Gallus (the letter is
> dated May 1, 2024, as that is the date the hard copy documents were to
> be sent to you via U.S. Mail- while sent via email now, hard copies
> can still be sent upon request). The letter concerns a formal
> attribution complaint- _Falagan v. Bennet_, COPP-2024-CFP-010-
> recently received by COPP alleging violation of Montana's "Paid for
> by" attribution requirements under MCA 13-35-225 (in full, below); the
> complaint was accepted as merited by Commissioner Gallus.
> As explained in the Commissioner's letter, unattributed materials such
> as that referenced in this complaint need to be brought into
> compliance by having the relevant "paid for by" attribution message
> and partisan affiliation added, MCA 13-35-225(6)(a); failure to do so
> is "subject to a civil penalty pursuant to 13-37-128, MCA". This
> complaint will posted to COPP's website tomorrow, May 1, 2024.
>
> A similar but slightly less formal process would transpire regarding
> the unattributed material you have here notified Commissioner Gallus
> about via email. In these cases, where the candidate notifies COPP of
> a real or potential attribution omission directly, the agency does
> require copies of the material with attribution added (photos sent via

> email are preferable here), as well as information about the quantity
> distributed without attribution and the date/s of distribution. COPP
> post this information on its agency website, so that it is publicly
> available. See MCA 13-35-225(4) for that self-reported attribution
> process.
>
> Please do not hesitate to contact me directly with questions about the
> attribution complaint process, or otherwise about Montana's
> attribution requirements- (406) 444-4627 or scook3@mt.gov.
>
> Scott Cook
>
> Compliance Specialist 3/Public Records Officer
>
> Office of the Commissioner of Political Practices
>
> (406) 444-4627
>
> SCook3@mt.gov
>
> Election Materials Not To Be Anonymous -- Notice -- Penalty
>
> 13-35-225. Election materials not to be anonymous -- notice --
> penalty. (1) All election communications, electioneering
> communications, and independent expenditures 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. The attribution must contain:
>
> (a) for election communications or electioneering communications
> financed by a candidate or a candidate's campaign finances, the name
> and the address of the candidate or the candidate's campaign;
>
> (b) for election communications, electioneering communications, or
> independent expenditures financed by a political committee or a joint
> fundraising committee, the name of the committee, the name of the
> committee treasurer, deputy treasurer, secretary, vice chairperson, or
> chairperson, as designated pursuant to 13-37-201 [1](2)(b), and the
> address of the committee or the named committee officer; and
>
> (c) for election communications, electioneering communications, or
> independent expenditures financed by a political committee that is a
> corporation or a union, the name of the corporation or union, its
> chief executive officer or equivalent, and the address of the
> principal place of business.
>
> (2) Communications in a partisan election financed by a candidate, a
> political committee organized on the candidate's behalf, or a joint
> fundraising committee with a participant who is a candidate or a
> political committee organized on the candidate's behalf must state the
> candidate's party affiliation or include the party symbol.
>

> (3) If a document or other article of advertising is too small for
> the requirements of subsections (1) and (2) to be conveniently
> included, the candidate responsible for the material or the person
> financing the communication shall file a copy of the article with the
> commissioner of political practices, together with the required
> information or statement, at the time of its public distribution.
>
> (4) If information required in subsections (1) and (2) is omitted or
> not printed or if the information required by subsection (3) is not
> filed with the commissioner, upon discovery of or notification about
> the omission, the candidate responsible for the material or the person
> financing the communication shall:
>
> (a) file notification of the omission with the commissioner of
> political practices within 2 business days of the discovery or
> notification;
>
> (b) bring the material into compliance with subsections (1) and (2)
> or file the information required by subsection (3) with the
> commissioner; and
>
> (c) withdraw any noncompliant communication from circulation as soon
> as reasonably possible.
>
> (5) Whenever the commissioner receives a complaint alleging any
> violation of subsections (1) and (2), the commissioner shall as soon
> as practicable assess the merits of the complaint.
>
> (6) (a) If the commissioner determines that the complaint has merit,
> the commissioner shall notify the complainant and the candidate or
> political committee of the commissioner's determination. The notice
> must state that the candidate or political committee shall bring the
> material into compliance as required under this section:
>
> (i) within 2 business days after receiving the notification if the
> notification occurs more than 7 days prior to an election; or
>
> (ii) within 24 hours after receiving the notification if the
> notification occurs 7 days or less prior to an election.
>
> (b) When notifying the candidate or campaign committee under
> subsection (6)(a), the commissioner shall include a statement that if
> the candidate, political committee, or joint fundraising committee
> fails to bring the material into compliance as required under this
> section, the candidate, political committee, or joint fundraising
> committee is subject to a civil penalty pursuant to 13-37-128 [2].
>
> From: Gallus, Chris J. <Christopher.Gallus@mt.gov>
> Sent: Tuesday, April 30, 2024 3:44 PM
> To: lisa@wildskies.com
> Cc: Cook, Scott <SCook3@mt.gov>
> Subject: Re: [EXTERNAL] COPP

>
> Thank you, Lisa. The attribution complaint process is streamlined and
> less complex, when compared to other complaints. Scott Cook the COPP
> investigator normally handles the expedited review process. I copied
> Scott here. You can respond per the letter we sent and contact Scott
> with further questions or explanations. Assuming matters are complied
> with in accordance with the established process, these matters are
> usually dismissed. See 13-35-225.

>
> Ultimately, we look for an explanation followed by compliance. As
> indicated, it is designed to be a quick and straightforward process
> that involves a couple communications that results in a posted
> correction and a dismissal from further civil enforcement. Since these
> matters are resolved through compliance they are never referred to
> county attorneys for prosecution because prosecution is no longer
> justified.

>
> Please feel free to contact Scott. He is always of great help in these
> matters.

>
> I do appreciate you letting us know so quickly.

>
> Best of regards,

>
> Chris

>
> Get Outlook for iOS [3]

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> From: lisa@wildskies.com <lisa@wildskies.com>
> Sent: Tuesday, April 30, 2024 3:23 PM
> To: Gallus, Chris J. <Christopher.Gallus@mt.gov>
> Subject: [EXTERNAL] COPP

>
> Chris,

>
> I only just now was made aware that a box of the newspapers I printed,
>
> and am reporting as paid for by my campaign, were taken from an event
> that was held on Saturday. They were not meant for distribution until
> my attribution sticker was placed on them. Those papers did not yet
> have a sticker on them listing that they were paid for by me.

>
> All the ones I am distributing have that sticker on them, but I do not
>
> know who took the ones that didn't yet have the sticker on them. I
> wanted to report this to you ASAP.

>
> Sincerely,
> Lisa Bennett
> 970.926.0216

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> Links:
> -----
> [1]
> https://leg.mt.gov/bills/mca/title_0130/chapter_0370/part_0020/section_0010/0130-0370-0020-0010.html
> [2]
> https://leg.mt.gov/bills/mca/title_0130/chapter_0370/part_0010/section_0280/0130-0370-0010-0280.html [3]
> https://urldefense.com/v3/__https://aka.ms/o0ukef__;!!GaaboA!pBj2l3AEP
> Hbqf8N8NVW_65lvRbfCj6u6E4tiSVshdK7xyYO7qD60kd33b2307z1v8fmngkVxKGhVhQ\$