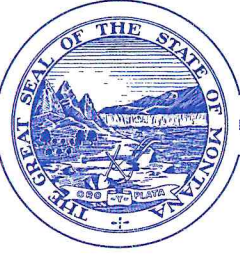


COMMISSIONER OF POLITICAL PRACTICES



STATE OF MONTANA

CHRIS J. GALLUS
COMMISSIONER
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July 16, 2024

Dustin Scott
716 Maple St
Helena, MT 59601

Subject: Complaint received July 8, 2024; *Scott v. Caferro*, COPP-2024-CFP-032

Mr. Scott,

I hope you are well. This letter acknowledges the receipt of the formal complaint submitted to the office of the Commissioner of Political Practices (COPP) on July 8, 2024. The submitted complaint meets the requirements of ARM 44.11.106 and falls within my jurisdiction as Commissioner. However, the alleged violation falls under one of the enumerated indicators of a frivolous complaint established in *Landsgaard v. Peterson*. COPP-2014-CFP-008. Therefore, I am dismissing this complaint.

ARM 44.11.106(4), provides me with the discretion to dismiss a complaint that is "frivolous on its face" without investigation. The *Landsgaard* decision created a framework to identify frivolous complaints in order to conserve public resources as well as limit the social costs incurred by "candidates, committees, the COPP, and the public." 5-6. *Landsgaard* specifically identified a complaint "directed to a corrected campaign practice" as frivolous. *Id.* 11. In this matter, Montana House of Representatives District 81 candidate Mary Caferro did late-file a required C-5 campaign finance report, submitting this report to COPP on June 22, 2024, two (2) days after the statutory June 20 deadline established in MCA § 13-37-226(1)(b). This complaint, however, was only submitted to COPP on July 8, sixteen (16) days after candidate Caferro corrected the error. "The policy of Montana does not favor "got you" complaints. Instead, where it is possible to do so, Montana law favors correcting campaign errors." *Id.* 12.

COPP takes all delinquent reporting seriously. However, we direct taxpayer resources to bringing candidates into compliance and ensuring Montana voters are provided full transparency when choosing which candidates to support on election day. Here, while this filing was two days late, it was due well after the primary election and approximately four months before the general. Therefore, Montana voters have full access to Ms. Caferro's reporting well in advance of the election. If this complaint involved failing to file a report that was due prior to an election, until after the election, COPP would necessarily take a different approach.

While the evidence provided does indicate that candidate Caferro violated MCA § 13-37-226(1)(b) by late filing a C-5 campaign finance report, this error was quickly corrected prior to receipt of this complaint. As discussed above, there is little value in considering or enforcing a complaint following a correction such as occurred here. Consequently, I am returning the complaint to you.

Thank you for your engagement in the election process. Please don't hesitate to reach out if you have further questions or concerns.

Regards,

A handwritten signature in blue ink that reads "Chris J. Gallus". The signature is written in a cursive style with a large initial "C".

Chris J. Gallus
Commissioner of Political Practices

Cc: Representative Mary Caferro