

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)

CHARLES ADAMS v. LEWIS & CLARK PAC	COPP-2025-CFP-004 FINDING OF FACTS SUFFICIENT TO SUPPORT VIOLATIONS
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COMPLAINT

On August 29, 2025, Charles Adams of Helena, MT, filed a Campaign Finance and Practices (CFP) complaint against Lewis & Clark PAC (Lewis & Clark), a registered independent political committee based in Helena. The complaint alleged Lewis & Clark failed to accurately certify their current committee treasurer as required by law; failed to timely file campaign finance reports detailing contributions received and expenditures made in the lead up to the City of Helena's September 9, 2025, municipal primary election; and failed to identify the committee's purpose on their C-2 Statement of Organization.

The complaint met the requirements of ARM 44.11.106, the administrative rule governing complaints, and alleged violations of Montana election law which fall under my jurisdiction as Commissioner of Political Practices. Therefore, I accepted the complaint as filed and requested a response from Lewis & Clark. A response was provided by Lewis & Clark via Treasurer, Haley Wadsworth, on September 22, 2025. The complaint and response are posted on COPP's website, politicalpractices.mt.gov.

ISSUES

The following decision addresses registration requirements for political committees under MCA § 13-37-201(2)(b); specifically, information required on Statements of Organization for political committees, ARM 44.11.201; the duty to amend Statements of Organization, ARM 44.11.303(2); designation and removal of committee treasurers under MCA §§ 13-37-201 and 204; and expenditure reporting requirements under MCA § 13-37-226(2)(d), time for

filing reports.

In addition to the issues identified by the complainant, Montana law permits "COPP to ascertain whether other violations exist." *MFC v. Zephyr*, COPP-2023-CFP-010, at 2. The Montana law requiring a committee treasurer be a Montana resident and properly detailing reported expenditures are additional issues identified by COPP in the course of investigating this complaint and included in the discussion below.

BACKGROUND

Lewis & Clark registered as an independent political committee based in Helena, MT, by submitting a C-2 Statement of Organization with COPP on August 5, 2020. Prior to receipt of this complaint, the most recent C-2 Statement of Organization for Lewis & Clark, on file with COPP, was dated July 10, 2020. Two different Helena, MT, Post Office Boxes were provided as the committees mailing address and physical address. Steph Jones was listed as committee treasurer with no additional officers or a deputy treasurer named. The committee stated as their purpose "To Elect Responsible Leaders for Lewis & Clark County." (COPP Records.)

After COPP notified Lewis & Clark of this complaint, an amended Statement of Organization was filed, naming Haley Wadsworth as the committee treasurer. Ms. Wadsworth lists a mailing address and physical address in Dublin, Ohio. The mailing address and physical address listed under 'Committee Information' remained Helena, MT.

The C-2 for Lewis & Clark was again amended on October 16, 2025, naming Robert Phillips of Dublin, OH, as treasurer and additionally changing the mailing address for the committee to Dublin, OH. The physical address listed under 'Committee Information' remains a Helena, MT, Post Office Box.

Following receipt of this complaint, Peyton Jones, husband of Steph Jones, contacted COPP on her behalf, via both email and telephone, stating that Steph Jones had no knowledge of the committee prior to this complaint, performed no treasurer duties for the committee, and believed she was named

in error.

On August 19, 2025, Lewis & Clark sent “about 20,000” text messages to voters in Helena, MT, opposing school bond issues to be voted on in Helena’s September 9, 2025, primary election. The included “paid for by” attribution statement provided with these text messages includes a committee name of “Lewis & Clark CO PAC,” and identifies Lorna Kuney as the committee treasurer.

DISCUSSION

The complaint in this matter revolves around two text messages disseminated by Lewis & Clark in opposition to Helena School ballot issues. The complainant identifies potential issues with reporting and disclosure as well as failure to maintain an accurate C-2 Statement of Organization.

The matters discussed first, which relate to a committee’s duty to maintain an accurate Statement of Organization, are handled by COPP with some regularity. These issues not only interfere with transparency for Montana voters but also with the ability of COPP to communicate with committees regarding potential compliance issues, often resulting in long-standing violations and a waste of taxpayer resources.

I. Lewis & Clark PAC failed to maintain an accurate C-2 Statement of Organization with COPP, in violation of Montana election law.

The complainant makes two allegations related to Lewis & Clark’s Statement of Organization filing with COPP. First, the complainant alleges: “Lewis & Clark PAC failed to adhere to the process of removing a treasurer” as outlined in MCA § 13-37-204. The complainant additionally alleges Lewis & Clark misrepresents their purpose which is a required element on a political committee’s Statement of Organization. (Complaint.)

a. Removal of a committee treasurer

The complainant supports their allegation that Lewis & Clark “failed to adhere to the process of removing a treasurer as outlined in MCA § 13-37-204” by asserting “Lorna Kuney is listed as the treasurer in the texts, but Ms. Kuney

has resigned as the treasurer [and]. . .[t]heir current treasurer listed on their COPP registration is Steph Jones. Their Facebook page lists John Novotny as the treasurer.” (Complaint.)

When filing a C-2 Statement of Organization with COPP, political committees are required to:

[C]ertify the full name and complete address of the campaign treasurer.” “An individual may not serve as a campaign or deputy campaign treasurer or perform any duty required of a campaign or deputy campaign treasurer of a candidate, political committee, or joint fundraising committee until the individual has been designated and the individual's name certified by the candidate or political committee.” MCA §§ 13-37-201 and 203.

MCA 13-37-204 provides the process for removal of a designated treasurer:

A candidate, political committee, or joint fundraising committee may remove the candidate's or committee's campaign or deputy campaign treasurer. The removal of any treasurer or deputy treasurer must immediately be reported to the officer with whom the name of the campaign treasurer was originally filed. In case of death, resignation, or removal of the candidate's or committee's campaign treasurer before compliance with any obligation of a campaign treasurer under this chapter, the candidate, political committee, or joint fundraising committee shall appoint a successor and certify the name and address of the successor as specified in 13-37-201. MCA § 13-37-204.

Here, the complainant correctly asserts that Ms. Kuney is named on election materials distributed by Lewis & Clark on or about August 19, 2025. As evidence, the complainant includes a screenshot of a text message opposing the September 9, 2025, ballot measure with “Paid for by Lewis & Clark CO. PAC, Treasurer Lorna Kuney. . .” included in the required attribution statement.

In their response, Lewis & Clark takes responsibility for the text messages and states: “at the time the texts were sent, the correct treasurer was listed. MCA § 13-37-204 was followed, as the former treasurer gave thirty day [sic] notice on August 19, 2025. A new treasurer was therefore logged on the

agency's website in a timely manner." (Response.) C-2 filings provided by Lewis & Clark show this statement to be inaccurate.

The listed treasurer on the implicated text messages is Lorna Kuney. Rather than having given notice on August 19, 2025, COPP records show Ms. Kuney had not been named as treasurer or deputy treasurer since October 2024. On the Statement of Organization filed by Lewis & Clark at the time the implicated texts were disseminated, Steph Jones was named as Treasurer. Therefore, if Ms. Kuney was acting as campaign treasurer she was doing so without being properly named on Lewis & Clark's Statement of Organization, in violation of MCA § 13-37-203(2).

COPP has recognized that on occasion, election materials may be printed with current treasurer information and disseminated when a new treasurer is named or a change in address occurs, creating an outdated attribution statement that nevertheless provides adequate transparency to Montana voters. *Guthrie v. Montanans for Freedom and Responsibility*, COPP-2024-CFP-048. That is not the situation presented here. Ms. Kuney was named as treasurer for Lewis & Clark in 2020, remaining as such until 2023 when she was named deputy treasurer. Although named as treasurer on texts disseminated in 2025, she was removed entirely from Lewis and Clark's Statement of Organization in October 2024. Lewis & Clark violated Montana election law by failing to notify COPP of the removal of a campaign treasurer and failing to properly certify the name of a new campaign treasurer as required by MCA §§ 13-37-201 and 204.

b. Undisclosed individual acting as treasurer.

When COPP notified Lewis & Clark of the receipt of this complaint, we were immediately contacted via telephone and email by Peyton Jones, husband of Steph Jones, who at that time this complaint was received, was designated as treasurer. Mr. Jones stated that Ms. Jones had no knowledge of Lewis & Clark prior to this complaint and had performed no treasurer duties for the committee.

Mr. Jones provided a plausible explanation - that Ms. Jones had volunteered to serve as treasurer for a candidate that participated in forming Lewis & Clark, and was inadvertently named the committee treasurer as well. COPP has no reason to question this assertion. Contrary to the assertion in their response, that Lorna Kuney was treasurer at the time the implicated election materials were disseminated, Lewis & Clark filed seven finance reports with Steph Jones as named treasurer in September, October, and November, 2024, and April, July, and August, 2025. (COPP Records.) As no deputy treasurer or other officers are named on Lewis & Clark's C-2, COPP is unable to ascertain who filed these reports and/or was acting as treasurer for Lewis & Clark.

Lewis & Clark violated MCA § 13-37-203(2) by allowing a person to act as treasurer without being properly certified as such with COPP.

c. The treasurer for a political committee must be a Montana resident.

On September 2, 2025, following notification of this complaint, Lewis & Clark amended their C-2 Statement of Organization to designate Haley Wadsworth as treasurer. Their C-2 was again amended on October 16, 2025, designating Robert Phillips as treasurer. Haley Wadsworth and Robert Phillips are both listed with addresses in Dublin, Ohio.

Campaign treasurers and deputy treasurers are required by Montana election law to be residents of the state of Montana. MCA §13-37-203. While the committee may employ a non-Montana resident to file required statements and campaign finance reports with COPP, such an individual is ineligible by law to be the committee treasurer.

In 2025, the Montana legislature, through the passage of House Bill 917, codified a longstanding exception allowing committees organized and headquartered outside of Montana to name an out-of-state treasurer. That exception is not applicable here. Lewis & Clark registered with COPP using a Helena, MT, address in 2020, and although they recently changed their mailing address, the physical address remains Helena, MT. Regardless, a committee

that exclusively exists to “elect responsible leaders for Lewis & Clark County” is clearly not an out-of-state committee. Therefore, Lewis & Clark is currently in violation of MCA § 13-37-203(1).

d. Updating “purpose” on a committee’s C-2 Statement of Organization

Regarding Lewis & Clark’s Statement of Organization, the complainant also argues “Lewis & Clark PAC has a purpose of “To Elect Responsible Leaders for Lewis & Clark County. . .not to oppose bond issues.” (Complaint.) In their response, Lewis & Clark states the committee’s purpose “is for the PAC to set forth, as it sees fit. How it supports responsible leaders is for the PAC, in its discretion to determine.” (Response.) This is a legally absurd position urging my concurrence or acquiescence. I refuse.

MCA § 13-37-201(2)(b) mandates political committees file an organizational statement with COPP. ARM 44.11.201 provides a list of the information required on a political committee’s C-2 Statement of Organization. Specifically, 44.11.201(1)(g) requires a political committee to include “[b]allot issue or issues concerned, if any, and whether a committee is in favor of or opposes such issue or issues.”

In addition to disclosing support of ballot issues under ARM 44.11.201(1)(g), ARM 44.11.201(1)(f) requires a political committee provide “[t]he name, office sought, and party affiliation (if any) of each candidate on whom the committee makes a reportable election expenditure, or if a committee is supporting the entire ticket of any party, the name of the party.”

Any material change in information previously submitted in a statement of candidate or statement of organization filed pursuant to 13-37-201 or 13-37-205, MCA, and ARM 44.11.201 and 44.11.220 shall be reported by filing an amended statement with the commissioner within five business days after the change. ARM 44.11.303(2).

Since their inception in 2020, Lewis & Clark’s stated purpose has been (and remains) “To Elect Responsible Leaders for Lewis & Clark County.” (COPP Records.) Although a political committee may initially register with a

somewhat enigmatic purpose such as this, when they begin making contributions or expenditures in support of candidates or ballot issues, their C-2 must be amended to disclose this information to voters.

In evaluating this complaint, and specifically considering the purpose of Lewis & Clark political committee, COPP reviewed not only the committee reports implicated in this election, but also committee finance reports from 2024. Immediately prior to the 2024 election, Lewis & Clark disclosed the following expenditures:

- \$9,900 to Montana Radio Company for “30 Second Radio Ads” on October 1, 2024.
- \$2,475 to Montana Radio Company for “30 Second Radio Ads” on October 28, 2024. (COPP records.)

In reviewing these reports as well as the recently reported debt owed to Remington Research Group for “TEXT MESSAGES TO VOTERS,” COPP, Montana voters, and other interested parties are completely in the dark as to what these expenditures are designed to support or oppose. If it were not for the complaint received in this matter, it would be impossible, other than by personally receiving one of these text messages, to ascertain that Lewis & Clark was opposing Helena School ballot issues. At this time, it is still impossible to ascertain what or who was supported or opposed by the \$12,375 spent on radio ads to influence the 2024 election.

While it is true that, as stated in their response, Lewis & Clark can “support responsible leaders however they see fit,” this does not diminish their responsibility to report material changes to COPP. Ballot issues notwithstanding, the stated purpose, “To Support Responsible Leaders in Lewis and Clark CO,” provides no useful information to Montana voters and is insufficient under Montana law. Montana voters have a right to know whom or what a committee is supporting. When a committee chooses to financially support candidates or ballot issues, a vague purpose that does not name those candidates or ballot issues becomes unacceptable. Full transparency is fundamental purpose of Montana’s campaign disclosure and reporting laws.

texts were received by voters. Consequently, this debt was required to be reported at the time Lewis & Clark entered into this agreement, almost certainly before August 19, 2025, and by Lewis & Clark's own admission, prior to October 1, 2025.

Lewis & Clark violated MCA § 13-37-229 by failing to timely report a debt for \$1,400 at the time the obligation was incurred.

b. Adequately describing expenditures

When disclosing expenditures, Montana election law requires candidates and committees to "include the amount, date, and purpose of each expenditure." MCA 13-37-229(2)(a)(i). In *Eaton v. Gross*, the commissioner held, "generic expenditure descriptions are more akin to a list or a category than a description." COPP-2018-CFP-021 at 4. In *Montana Freedom Caucus v. Representative Zephyr*, the commissioner determined that expenditure reports must "[p]rovide descriptions that provide an ascertainable explanation of what the spending was actually for. . ." COPP-2023-CFP-010 at 18.

Here, both the 2024 and 2025 expenditures or debts were not adequately described. What Montana voters are able to glean from Lewis & Clark's reporting is that they purchased text messaging and radio ads. Due to the filing of this complaint, we know the provided text messages were meant to oppose the Helena school ballot issues. We also know the radio advertisements purchased on October 28, 2024, were designed to support or oppose something to be voted on in the 2024 election, because they were reported on a C-7E which is only required when a political committee makes an expenditure in excess of \$500, after the 25th of the month but before the day before an election *in which the political committee participates*. MCA § 13-37-226(2)(d), *emphasis added*. As to the expenditure made for radio ads on October 1, 2024, we do not have direct evidence these ads were meant to support or oppose a candidate or ballot issue, but it is a reasonable presumption Lewis & Clark is welcome to dispute.

A proper expenditure description would be "30 second radio ads in

support of 2025 Helena school ballot issues.” This becomes particularly relevant when a political committee states they are supporting or opposing several candidates or issues on their C-2, or even more significantly, refuse to disclose candidates or ballot issues supported or opposed on their C-2.

Prior to the 2024 and 2025 elections, Lewis & Clark violated MCA § 13-37-229 by failing to adequately describe \$13,775 in expenditures made to support or oppose candidates and ballot issues.

SUMMARY

Sufficient evidence exists to conclude Lewis & Clark violated the following statutes as alleged in the complaint:

- MCA §§ 13-37-201 and 204, by failing to notify COPP of the removal of a campaign treasurer and failing to properly certify the name of a new campaign treasurer.
- MCA § 13-37-203(2) by allowing a person to act as treasurer without being properly certified as such with COPP.
- ARM 44.11.201 by failing to adequately describe and update the stated purpose on their C-2 Statement of Organization in both 2024 and 2025.
- MCA § 13-37-229 by failing to timely report a debt for \$1,400.

Prosecution of the above violations is determined to be justified and these matters will be referred to the Lewis & Clark County Attorney.

Sufficient evidence exists to conclude Lewis & Clark violated the following statutes revealed in the course of this investigation:

- MCA § 13-37-203(1) by designating a treasurer that is not a Montana resident.
- MCA § 13-37-229 by failing to adequately describe \$13,775 in expenditures to support or oppose candidates and ballot issues.

In accordance with the discretionary authority provided by MCA § 13-37-124, I find prosecution for these violations is not justified. As I determined in *Zephyr*, it is fundamentally unfair that a candidate is treated differently when a violation is revealed in the course of a complaint investigation than if a violation is found during the routine inspection of reports. *Zephyr*, 26. If COPP had found these particular deficiencies in the course of a routine inspection,

these matters would be solved by providing notice to the respondent and a potential Order of noncompliance if the respondent did not comply. Therefore, here, the fair approach is to provide notice and demand prompt corrective action.

In order for these particular violations to be dismissed, Lewis & Clark must take the following actions on or before December 31, 2025:

- Amend their C-2 Statement of Organization to designate and certify a treasurer who is a resident of Montana.
- Amend C-6 or C-7E committee finance reports for the following reporting periods:
 - July 1, through August 31, 2025, to disclose the ballot issue opposed by of the reported \$1,400 debt to Remington Research Group;
 - September 26 through October 24, 2024, to disclose the candidate or ballot issue supported or opposed by the reported \$9,900 expenditure to Montana Radio Company; and
 - October 28 through October 30, 2025, to disclose the candidate or ballot issue supported or opposed by the reported \$2,475 expenditure.

As mentioned above, failure to maintain an accurate C-2 is an issue COPP encounters frequently, either as the result of an inspection conducted by COPP in the ordinary course of business, or a complaint investigation. As many of these issues are discussed in this decision, this provides the opportunity to provide some guidance.

Committees (Statement of Organization) and candidates (Statement of Candidate), are both obligated to update any material change in their C-2 within 5 days of making that change. When a committee or candidate does not designate a deputy treasurer, or in the case of a committee, list any additional officers, COPP is left with one avenue of communication. If at any time the treasurer becomes unavailable, COPP is left sending notifications to an email address that is often not being monitored with any regularity. Consequently, violations continue to accrue until contact is made, resulting in additional penalties and needless manhours expended by COPP staff. Failure to properly update information when changing treasurers or other relevant information is not only a violation of Montana election law, it increases penalties and costs for

all involved.

Regarding listing a purpose on a committee Statement of Organization, Montana voters are entitled to disclosure of who or what expenditures are designed to support or oppose. This is a fundamental purpose of COPP and Montana election law. To facilitate this, committees must include on their Statement of Organization a purpose which includes:

The name, office sought, and party affiliation (if any) of each candidate on whom the committee makes a reportable election expenditure, or if a committee is supporting the entire ticket of any party, the name of the party [and] [b]allot issue or issues concerned, if any, and whether a committee is in favor of or opposes such issue or issues. ARM 44.11.201(1)(f)(g).

In the circumstance stated above, where a committee supports and entire ticket, or alternatively, if they have a number of candidates or ballot issues listed on their C-2, they must state in each expenditure, who or what that expenditure is intended to support or oppose.

A pattern of laxity has developed regarding C-1 and C-2 compliance. Going forward, violations such as these will not be treated as de minimis by COPP and when a complaint is received, prosecution is likely to be determined justified. Longstanding committees would be well served to review their stated purpose at the beginning of each election period.

ENFORCEMENT

The duty of the commissioner to investigate alleged violations of election law is statutorily mandated. MCA § 13-37-111. Upon a determination that sufficient evidence of election violations exists, the commissioner next determines if there are circumstances or explanations that may affect whether prosecution is justified. *Rose v. Glines*, COPP-2022-CFP-030. “The determination of whether a prosecution is justified must take into account the law and the particular factual circumstance of each case, and the prosecutor can decide not to prosecute when they in good faith believe that a prosecution is not in the best interests of the state.” *Rep. Zephyr* at 26.

MCA § 13-37-124(1) requires that I refer a matter to the appropriate county attorney when I find sufficient evidence “to justify a civil or criminal prosecution.” The county attorney may then choose to prosecute the matter or refer it back to me for appropriate civil or criminal action. *Id.* While I do not have discretion to pursue a civil action without first referring the matter to the affected county attorney, I do have discretion to determine if enforcement action and therefore referral to the county attorney is justified. *Rep. Zephyr* at 23, *Doty v. Montana Commissioner of Political Practices*, 2007 MT 341, 340 Mont. 276, 173 P.3d 700.

Recently, in *MTGOP v. Mullen*, *MTGOP v. Alke*, and *O’Neill v. Wilson*, I discussed in detail the objective factors I apply in determining when prosecution is justified. COPP-2024-CFP-30 at 18. These consist of proximity to the election, a campaign’s pattern of compliance, the size of unlawful contributions or expenditures, and finally, responsiveness of the campaign. The above factors are listed in order of relevance, with proximity to the election being the most determinative factor.

Enforcement factors applied to Lewis & Clark

- *Proximity to an election:*

COPP and voters are still unaware of when Lewis & Clark and Remington entered into an agreement for text messaging. Consequently, we are unable to ascertain when precisely disclosure of this debt was required. If I use the date provided by Lewis & Clark – however unlikely - August 21, 2025, the \$1,400 debt was entered into 19 days prior to the election it was intended to influence but nevertheless went unreported for a full 40 days. Consequently, voters participating in the Helena municipal election went to the polls with no knowledge whatsoever of Lewis & Clark’s participation in the election.

Furthermore, Montana voters were unable to anticipate Lewis & Clark’s interest in Helena School ballot issues due to an inaccurate Statement of Organization. This factor weighs in favor of prosecution.

- *Pattern of compliance:*

Lewis & Clark not only failed to report the debt described above, they additionally failed to update their purpose as well as their treasurer designation and filed numerous C-6 finance reports without a properly designated treasurer. This factor weighs in favor of prosecution.

- *The size of misreported contributions or expenditures:*

Lewis & Clark PAC failed to disclose a \$1400 debt. This is a reasonably large expenditure intended to influence ballot issues such as those supporting Helena schools. A failure to timely disclose an expenditure in this amount cannot be excused as de minimis and weighs in favor of prosecution.

- *Responsiveness of the campaign:*

Finally, although Lewis & Clark eventually reported the debt for text messaging, they waited until 33 days after receipt of this complaint to do so. Had they chosen to report this debt when they first became aware of the complaint, the debt would have been reported – although late – prior to the Helena municipal election, helping to alleviate harm to voters.

Lewis & Clark failed to report a significant debt until well after the election it was intended to influence and failed to properly update their treasurer and purpose information, significantly interfering with transparency for COPP and Montana voters. Prosecution of this matter is determined to be justified.

CONCLUSION

Having determined that prosecution is justified, this matter will now be referred to the Lewis and Clark County Attorney in accordance with the provisions of MCA § 13-37-124. The Lewis and Clark County Attorney's office is free to conduct their own investigation under MCA § 13-37-125, request additional material from COPP, or refer the matter back to this office for potential prosecution. Most matters are returned to COPP and are concluded with a negotiated settlement where mitigating factors are considered, and a

civil penalty is determined pursuant to MCA § 13-37-128. If a negotiated settlement is unsuccessful, the Commissioner will pursue the matter in Lewis and Clark County District Court.

Regarding the failure of Lewis & Clark to update their purpose on their C-2 Statement of Organization to reflect any candidates or ballot issues supported or opposed, this violation will be dismissed if Lewis & Clark appropriately updates the purpose on their C-2 Statement of Organization on or before December 31, 2025.

Dated this 17th day of December, 2025.



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