

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)

ANNE BRUST v. DESEREA VALENTINE	COPP-2026-CFP-006 FINDING OF SUFFICIENT FACTS TO SUPPORT VIOLATIONS
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COMPLAINT

On April 29, 2026, Anne Brust of Great Falls, MT, filed a Campaign Finance and Practices (CFP) complaint against Cascade County Clerk and Recorder candidate Deserea Valentine, also of Great Falls. The complaint alleged Ms. Valentine late-filed one C-5 campaign finance report and failed to file another. Additionally, the complainant alleges Ms. Valentine has a public office building listed as her official campaign address, in violation of Mont. Code Ann (MCA) § 2-2-122.

Alleged violations of campaign finance reporting fall under my jurisdiction as Montana’s Commissioner of Political Practices. However, my authority over Montana’s Code of Ethics, in which MCA § 2-2-122 is contained, is limited to judicial officers, state officers, legislators and state employees. Jurisdiction over violations of MCA § 2-2-122, when applied to public officers or employees of local governments is explicitly provided to local authorities, either a local government review panel if one has been established, or if not, the county attorney of the county in which the local government is located. MCA § 2-2-144.

The complaint met the requirements of ARM 44.11.106, the administrative rule governing campaign finance and practice complaints. Consequently, I informed both the complainant and the respondent I would accept the complaint only as to the allegations of campaign finance violations under my jurisdiction and requested a response from Ms. Valentine. Ms. Valentine timely filed a response with COPP. The complaint and response are posted on COPP’s website, politicalpractices.mt.gov.

ISSUES

Timely filing of campaign finance reports, MCA § 13-37-226.

BACKGROUND

Deserea Valentine submitted a C-1A Statement of Candidate with COPP on January 9, 2026. On this C-1A Statement of Candidate Ms. Valentine certified that campaign expenditures would exceed \$500.00.

Ms. Valentine filed an initial C-5 campaign finance report with COPP on Monday, March 23, 2026, using Montana's Campaign Electronic Reporting System (CERS). This report disclosed contributions received and expenditures made from January 9 through March 20, 2026.

Ms. Valentine next filed a periodic C-5 campaign finance report with COPP on Monday, April 27, 2026. This second report, filed after COPP received this complaint and subsequently notified Ms. Valentine, was dated March 21, 2026, through April 27, 2026. On April 21, 2026, COPP staff attempted to contact Ms. Valentine via the email provided on her C-1A Statement of Candidate, to notify her that her report due on April 20, 2026, was currently "pending" and not yet filed with COPP.

DISCUSSION

Candidates seeking election to public office in Montana's 2026 primary and general election cycle have campaign finance reports due monthly, on "the 20th day of March, April, May, June, August, September, October, and November," pursuant to MCA § 13-37-226(2)(b). While certain exemptions on filing finance reports exist for local candidates - those seeking election to a county, city, or school position who certify that COPP that campaign activity will remain below \$500.00 - these do not apply here.¹ In this case, Cascade County Clerk and Recorder candidate Deserea Valentine certified to COPP that campaign expenditures would exceed \$500.00 on her C-1A Statement of Candidate, and COPP's review of the C-5 campaign finance reports as filed determined that campaign contributions received and expenditures made both exceed \$500.00. Consequently, the filing deadlines provided in MCA § 13-37-226(2)(b) apply to Ms. Valentine.

Ms. Valentine filed her initial C-5 campaign finance report, due on or before Friday, March 20, 2026, on March 23, 2026, three days following the statutorily established deadline.

¹ See MCA § 13-37-226(5) and Administrative Rules of Montana (ARM) 44.11.304

The next monthly report, due on or before Monday, April 20, 2026, was late filed by Ms. Valentine by a period of seven days, on April 27, 2026.

When a candidate begins entering information for a particular campaign finance report in the CERS system, that report will show as “pending,” until the candidate checks the box marked “certify and file,” officially filing the report. While a report is pending, individuals seeking campaign finance information via CERS can only see the “pending” designation, but not any of the specific information contained within the report- as the filer has yet to formally file the report and make its contents publicly available. On April 21, 2026, the day after Ms. Valentine’s C-5 campaign finance report was due, COPP staff specifically contacted Ms. Valentine via email to notify her that her report was in “pending” status and was yet to be filed.

As discussed in *Bradshaw v. Bahr*, “Montana’s campaign finance report filing requirements are mandatory. COPP-2018-CFP-008, at 4. The filing date requirements prescribed in MCA § 13-37-226(2) are date certain. *Id.* Therefore, any failure to meet a mandatory, date certain filing deadline is a violation of Montana election law.

COPP strives to facilitate accurate and timely reporting through the inspection process. MCA § 13-37-121. Here, COPP staff notified Ms. Valentine the day after campaign finance reports were due, that her report was in “pending” status and was not yet filed. (COPP Records.) In her response, Ms. Valentine apologizes for what she refers to as an “administrative error.” (Response.)

Regardless of the reason for the error, no campaign finance information for Ms. Valentine was available to the public until seven days after she was required to make this information available. Even a singular late report that is the subject of a complaint indicates harm to at least one member of the public who sought out and was unable to find information to which they are legally entitled.

Sufficient evidence exists to indicate Ms. Valentine violated MCA § 13-37-226 – Time for filing reports, on two occasions. First, by filing a C-5 campaign finance report due on March 20, 2026, three days after the filing deadline, and second by filing a C-5 campaign finance report due on April 20, 2026 seven days after the filing deadline.

This complaint was received by COPP on April 27, 34 days after Ms. Valentine late filed the report due on March 20. While it was filed three days late, COPP does not consider enforcement of corrected campaign finance violations under circumstances such as those

presented here. See the Commissioner's discussion of frivolous complaints in *Landsgaard v. Peterson*, COPP-2024-CFP-008, pp. 8-13.

However, the report directly referenced in the complaint, due on April 20, 2026, was filed seven days after the filing deadline and only after COPP's receipt and acceptance of this complaint. Consequently, enforcement of this violation is determined to be justified.

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." *Montana Freedom Caucus v. Rep. Zephyr*, COPP-2023-CFP-010, at 26.

Previous Commissioners have determined that a failure to fully and timely file finance reports cannot be excused by oversight or found to be de minimis. *Bahr* at 3. In matters with violations other than (or in addition to) a failure to timely report, I apply four factors to determine whether prosecution is justified. Those are outlined in detail in *MTGOP v. Mullen*, COPP-2024-CFP-030 and *O'Neill v. Wilson*, COPP-2024-CFP-022. Here, because filing is mandatory and the deadlines are explicitly determined by statute, in accordance with the determination of previous commissioners, application of the factors mentioned above is neither necessary or appropriate.

Prosecution of this matter is determined to be justified and this matter will now be referred to the Cascade County Attorney's Office in accordance with the provisions of MCA § 13-37-124. The County Attorney's office is free to conduct their own investigation under MCA § 13-37-125, to request additional material from COPP, or refer the matter back to this office for potential prosecution.

Generally, in most matters decided and referred by the Commissioner, the County Attorney waives their right to prosecute and the matter is returned to the Commissioner, who may subsequently resolve the matter with a negotiated settlement. In determining an appropriate settlement, the Commissioner will consider all the related facts and circumstances including

whether or not this violation is part of a pattern of noncompliance or a singular event. If a settlement is not reached, the Commissioner will pursue the matter in Cascade County District Court.

Dated the 3rd day of June, 2026.



Chris J. Gallus
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