BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)

AARON J. LEAS **v.** **MONTANA VALUES ACTION FUND**	**COPP-2025-CFP-005** **PARTIAL DISMISSAL** **FINDING OF FACTS TO SUPPORT VIOLATIONS** **ORDER OF CORRECTIVE ACTION**

COMPLAINT

On September 4, 2025, Aaron J. Leas of Helena, MT, filed a Campaign Finance and Practices (CFP) complaint against Montana Values Action Fund. (Montana Values). The complaint alleged Montana Values failed to register as a political committee with COPP and to report contributions received and expenditures made in conjunction with a September 9, 2025, municipal primary election.

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 Montana Values. A response was provided by Montana Values via Mary Stranahan 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); statements of organization for political committees, ARM 44.11.201; and expenditure reporting requirements under MCA § 13-37-226(2)(d), Time for Filing Reports.

BACKGROUND

Montana Values registered as an independent political committee on June 30, 2020, by filing a C-2 Statement of Organization with COPP. Montana

Values classified itself as an independent political committee and listed as their purpose: "to support grassroots organizations that are doing work in the 2020 election cycle." At no time has Montana Values amended their C-2 to identify specific ballot issues or candidates they support or oppose. Since its June 2020 registration, Montana Values has regularly filed committee finance reports with COPP, including five monthly reports filed in 2025. The C-2 Statement of Organization and all periodic finance reports are available for public inspection and review online using the Campaign Electronic Reporting System (CERS).

On June 29, 2025, Yes! For Helena Schools registered as a ballot issue committee with COPP, stating as their purpose: "to advocate for the passage of the Helena Elementary and High School Bonds." On August 26, 2025, Yes! For Helena Schools filed a C-7 Notice of Pre-Election Contributions, reporting a $7,000 contribution received from Montana Values.

The school bond issues supported by Yes! For Helena Schools were voted on by Helena voters in the September 9, 2025, municipal election. Following receipt of this complaint, on their C-6 finance report covering the reporting period of August 26, 2025, through September 25, 2025, Montana Values reported a $7000 expenditure to Yes! For Helena Schools.

DISCUSSION

The complainant contends Montana Values failed to file a C-2 Statement of Organization with COPP as required by law, and "has not documented any fundraising or expenses for this year," specifically the $7000.00 received and reported by Yes! For Helena Schools. (Complaint.)

Political committee registration

Montana political committees are required to file "an organizational statement and the name and address of all officers, if any, within 5 days after it makes an expenditure or authorizes another person to make an expenditure on its behalf, whichever occurs first." MCA § 13-37-201(2)(b). Montana Values fulfilled this requirement by registering with COPP in 2020. Montana Values regularly filed finance reports in 2020 and each subsequent year through the

date of this decision. At no time did they close the committee indicating the need to re-register with COPP. Consequently, there is no violation for a failure to register as a political committee with COPP or to regularly report. (COPP records.)

There is, however, a reasonable explanation as to why the complainant encountered an issue identifying this particular committee and their related committee finance reports on CERS. This situation is encountered with some frequency by individuals seeking information on CERS and therefore a discussion of this issue is warranted and may prove useful to others moving forward.

The complainant specifically states:

> When seeking information on this organization, there appears to be no such entity either as "MT" or "Montana" spelled out in the state of Montana under this name or address online. On the CERS reporting site, there are several listings for this organization in "In Process", however there are no C2 [sic] filed with a treasurer or any contact information for this organization, so voters cannot learn more about them, who their donors are, what they have done in the past or how to contact them. (Complaint.)

Each entity listed on CERS has a related "status." This "status" is either "amended," "active," "closed," or "in process." Entities are created in CERS in one of two ways. The first is that the entity registers with COPP as a candidate or political committee by filing a Statement of Candidate (candidates) or a Statement of Organization (political committees). These entities have a "status" of "amended," "active," or "closed" (if a closing finance report has been filed). Any subsequent amendments to the original registration and finance reports filed by these entities are available for public review in CERS, immediately after filing.

The second way an entity is created in CERS, is that the entity is manually entered by another candidate or committee, either as the provider of a campaign contribution or as the entity to whom a reportable campaign

expenditure was made. CERS automatically creates a new entity for these manual entries with only the name and address information manually entered by the original filer available for review, and a listed "status" of "in process."

Unfortunately, it is not possible for "in process" committees to be removed from the CERS system because to do so would require amending each corresponding contribution or expenditure on another candidate's or committee's report. As a committee, Montana Values has no control over this issue. However, this creation of multiple "in process" entities can be avoided if each filer, rather than entering information manually, uses the "entity search" feature to locate entities to whom they have made a contribution or expenditure.

Searching "Montana Values" on CERS results in 21 entries named either "Montana Values" or "Montana Values Action Fund." Each of these share a limited number of addresses and are therefore likely the same entity. The first 20 entries are all "in process" and only on the fifth page is the actual registration for Montana Values Action Fund found. If a CERS user did not find the final entry with an "amended" status, they would be unable to find Montana Values C-2 or access any of their finance reports. Nevertheless, the committee did file a C-2 Statement of Organization which has been available to the public via CERS since 2020.

Political committee reporting

Montana election law requires all political committees to file regular finance reports with COPP disclosing all contributions received and expenditures made. MCA § 13-37-229. Reports are due monthly during the year in which a committee participates in an election, and quarterly during other years. MCA § 13-37-226. In addition to these periodic reports, any expenditure "of $500 or more that is made between the 25th day of the month before an election in which the political committee. . .participates and the day before the election" must be reported within 2 business days. These expenditures or contributions are reported on a C-7 (contributions) or a C-7E (expenditures) as appropriate. This expedited reporting requirement provides

voters with information that would otherwise go unreported until after the election, depriving Montana voters of valuable information they are entitled to by law, and which may influence their decision at the ballot box.

On September 9, 2025, the city of Helena held a municipal election which included two school bond issues. As part of their regular finance reporting, ballot issue committee Yes! For Helena Schools filed a C-7 notice of pre-election contribution, disclosing a contribution received from Montana Values in the amount of $7000. This contribution was properly reported in accordance with MCA § 13-37-226(2)(c) on a C-7 "notice of pre-election contribution" because it was greater than $500 and was made between August 25, 2025, (the 25th day of the month) and September 8, 2025, the day before the Helena municipal election. In accordance with MCA § 13-37-226(2)(e), Montana Values was statutorily required to file a corresponding C-7E "notice of pre-election expenditure" disclosing the expenditure made to Yes! For Helena Schools. In their response, Montana Values does not deny making this contribution, but states: "Montana Values Action Fund made a contribution to Yes! For Helena Schools on August 26, 2025, and this contribution will be reported in our next C6 filing that covers the period of 8/25/2025 to 9/25/2025 and is due on September 30, 2025." (Response.)

As promised, Montana Values disclosed a $7000 "contribution to ballot issue committee" on their C-6 committee report filed on September 30, 2025, and dated August 25, 2025, through September 25, 2025. This was the only expenditure disclosed by Montana Values on this report, with the disclosure occurring 35 days after the contribution was made, 21 days after the relevant municipal (city) election where the Helena school bond issues supported by the expenditure were voted on, and 33 days after disclosure was mandated under Montana law. (COPP Records.)

The purpose of the expedited reporting requirement is to prevent exactly the circumstances presented here. Montana voters are entitled to know who is providing financial support to a ballot issue committee prior to voting on the ballot issue rather than after the election as was the case here. Montana

Values has filed a C-7E in each of the previous two years and two C-7Es in 2020, indicating the committee was aware of the specific disclosure requirements for expenditures made in close proximity to an election.

Montana's campaign finance report filing requirements are mandatory: "shall file" MCA § 13-37-226. In *Bradshaw v. Bahr,* the Commissioner found that "*any* failure to meet a mandatory, date-certain filing date is a violation of § 13-37-226 MCA." COPP-2018-CFP-008, *emphasis added.* Here, Montana Values violated MCA § 13-37-226 by failing to timely and properly disclose a $7000 expenditure to Yes! For Helena Schools made 14 days prior to the September 9, 2025, Helena municipal election.

Purpose

Although COPP inspects each report filed and strives to notify any political committee or candidate of any errors or deficiencies, when investigating allegations made in a complaint, COPP occasionally discovers additional violations that have gone unnoticed. Here, an additional violation was revealed when reviewing Montana Values Statement of Organization.

> 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).

An accurate Statement of Organization, including the current purpose is paramount to providing transparency to Montana voters. Recent COPP decisions such as *Montana Freedom Caucus v. Rep. Zephyr* and *Kephart v. Scow* address the importance of an accurate Statement of Organization. COPP-2023-CFP-010 and COPP-2023-CFP-001. While those decisions primarily focus on keeping officer and treasurer information updated, it is equally important that voters are able to ascertain what issues and candidates a committee is supporting.

The stated purpose of Montana Values, "to support grassroots candidates who are doing work in the 2020 election" has not been accurate since 2020,

and unless Montana Values was supporting any and all grassroots candidates, was likely inadequate at that time as well.

While a failure to update their C-2 is a violation of ARM 44.11.303(2), I find it fundamentally unfair to treat an additional violation found during the complaint investigation process differently than one found during a routine inspection. *Zephyr*, 16. Consequently, this particular violation will be dismissed if Montana Values acts within 10 days of the date of this decision to update the stated purpose on their C-2 Statement of Organization.

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.

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. *Zephyr*, 23, *Doty v. Montana Commissioner of Political Practices*, 2007 MT 341, 340 Mont. 276, 173 P.3d 700.

Recently, in *MTGOP v. Mullen*, and *O'Neill v. Wilson*, I discussed in detail the objective factors I apply in determining when prosecution is justified.

COPP-2024-CFP-30, 18, COPP-2024-CFP-22, 10. 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 Montana Values

- *Proximity to an election*:
  The $7000 expenditure made by Montana Values was made only 14 days prior to the election it was intended to influence but nevertheless went unreported until 21 days after the election – 35 days after the contribution was made and 33 days after disclosure was legally required. This factor weighs in favor of prosecution.
- *Pattern of compliance:*
  Montana Values has consistently filed timely finance reports since their inception in 2020. This factor weighs against prosecution.
- *The size of misreported contributions or expenditures*:
  Montana values failed to disclose a $7000 expenditure. This is a reasonably large expenditure to a ballot issue committee such as Yes! For Helena Schools, whose only purpose is to influence a local ballot initiative. 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 Montana Values filed their next C-4 committee finance report – disclosing the $7000 expenditure - in a timely manner, they nevertheless failed to file the required C-7E which they could have immediately filed upon realizing this error on September 5, 2025, the date COPP notified them of this complaint. If they had immediately filed a C-7E upon realizing this error, disclosure would have occurred – although still late – four days prior to the election. Choosing to wait until

their next C-4 report was due completely ignores the purpose of a C-7 or C-7E and MCA § 13-37-226(2). This factor weighs in favor of prosecution.

On its own, a singular failure to timely file a required campaign finance report- as occurred here - might be determined to be unworthy of enforcement. However, Montana Values failed to report a significant expenditure until after the election it was intended to influence and well after voting began. Prosecution of this matter is determined to be justified.

CONCLUSION

Sufficient evidence exists to conclude Montana Values violated MCA § 13-37-226. Having determined that prosecution is justified, this matter will now be referred to the Lewis and Clark County Attorney under 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 Montana Values Action Fund to update the purpose on their C-2 Statement of Organization, this violation will be dismissed if Montana Values updates the purpose on their C-2 Statement of Organization on or before October 27, 2025.

Dated this 16th day of October, 2025.

Chris J. Gallus, Commissioner
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