

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)

NATSUKI NAKAMURA v. BOZEMAN TENANTS UNITED	COPP-2025-CFP-008 DISMISSAL
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COMPLAINT

On October 14, 2025, Natsuki Nakamura of Bozeman, MT, filed a Campaign Finance and Practices (CFP) complaint against Bozeman Tenants United. The complaint alleged that Bozeman Tenants United failed to timely and properly register as an incidental political committee and failed to report expenditures opposing a ballot issue to be voted on in the city of Bozeman.

The complaint met the requirements of Admin. R. Mont. (ARM) 44.11.106, the administrative rule governing complaints, and alleged violations which fall under my jurisdiction as Commissioner of Political Practices. Therefore, I accepted it as filed and requested a response from Bozeman Tenants United. Bozeman Tenants United provided a timely response via email through their Executive Director, Benjamin Finegan. The complaint and response are posted on COPP’s website, politicalpractices.mt.gov.

ISSUES

This dismissal addresses political committee registration requirements, Montana Code Annotated (MCA) § 13-37-201 (2025) and ARM 44.11.201, and expenditure reporting for political committees, MCA §§ 13-37-225 through 229.

BACKGROUND

On November 4, 2025, the city of Bozeman, MT held a municipal election in which voters were provided the opportunity to vote on a ballot issue termed the ‘Bozeman Water Adequacy Initiative,’ commonly referred to as WARD.

Bozeman Tenants United is a “city-wide tenant union” in Bozeman, MT. On their website they state: “We’re building a multi-racial, intergenerational movement of tenants to win safe, dignified and truly affordable housing for all.”¹

On September 24, 2025, Bozeman Tenants United hosted a candidate forum for the upcoming municipal elections. The forum was open to all candidates for Mayor and City Commission and included questions regarding WARD.

Bozeman Tenants United registered as an incidental political committee by submitting a C-2 Statement of Organization with COPP on September 29, 2025. Douglas Fischer, candidate for Bozeman Mayor, and Emma Bode, candidate for Bozeman City Commissioner, were listed on the C2 Statement of Organization as candidates supported. Bozeman Tenants United did not list any ballot issues, including the WARD ballot initiative, supported or opposed.

On October 27, 2025, Bozeman Tenants United amended their C-2 Statement of Organization to indicate the committee’s opposition to the WARD ballot initiative. On October 30, 2025, Bozeman Tenants United filed an initial C-4 incidental finance report, dated September 26, 2025, through October 24, 2025. This report disclosed eleven total expenditures, totaling \$2,269.43 including six intended (in whole or part) to oppose the WARD ballot initiative. No expenditures related to the September 24 forum were reported.

This complaint, received October 14, 2025, states Bozeman Tenants United failed to file “as an incidental committee opposed to the Bozeman Water Adequacy ballot initiative that is on the Nov. 2025 ballot and has not reported any expenditures including of the forum hosted on 9/24/25.”

DISCUSSION

The complainant’s allegations are specific to Bozeman Tenants United opposition to WARD rather than their support of municipal candidates.

¹ <https://bzntenantsunited.org>, last visited January 5, 2026.

However, the activities of an incidental political committee do not lend themselves to clean division and there is some overlap of activities supporting candidates and those opposing WARD. Consequently, the following discussion includes some overlap as well.

The complainant asserts Bozeman Tenants United “expended resources to oppose the Bozeman Water Adequacy ballot initiative” at a forum hosted on September 24, 2025, but failed to properly register as a political committee opposing WARD and to properly report expenditures made in opposition to WARD. The complainant further states Bozeman Tenants United “has paid staff who are spending time advocating against the Water Adequacy ballot initiative.” (Complaint, 1.)

The complainant acknowledges “Bozeman Tenants United did not violate anything in regards to the mayoral and commission races because all candidates were invited to participate.” Regarding opposition to the ballot issue, the complainant references an evaluation sheet provided to attendees at the September 24, 2025 forum, on which attendees could track candidate responses. This evaluation sheet consisted of four columns entitled; “Support for Tenant Right to Counsel,” “Stance on harmful Water Adequacy for Residential Development Ballot Initiative (WARD),” “Support for government investment in permanently and truly affordable housing,” and “Support for tenants to build unions + collectively bargain with landlords.” (Complaint 1-2.)

The candidates were each invited to answer questions regarding the four issues listed on the evaluation sheet. In their response, Bozeman Tenants United provided a two-part question which was presented to each of the participating candidates: “Where do you stand on WARD?” and “If you are elected to the City Commission, how will you navigate the various interests and needs of people in Bozeman, including those that have their needs met and those that still need affordable housing?” Bozeman Tenants United continues: “The objective of this question was not to encourage voters to vote against the Initiative. Rather, the purpose of the question was to elicit the candidates’

views regarding the Initiative...some candidates voiced support for the Initiative while others voiced opposition”. (Response. 3.)

The complainant asserts Bozeman Tenants United dedicated a fourth of the forum to opposing WARD and therefore was required to register as an incidental political committee in opposition to WARD and report expenditures related to the forum.

I. Political committee registration

A political committee is formed in Montana when two or more persons receive a contribution or make an expenditure to support or oppose a candidate or ballot issue. MCA § 13-1-101(38). Specifically, an *incidental* political committee is formed when an organization that is not “specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues” makes expenditures or receives contributions totaling more than \$250. MCA §§ 13-1-101(29) and (38)(d)(i).

In their response, Bozeman Tenants United states they are a 501(c)(4) which “engages in advocacy, community organizing, and public education” to promote affordable housing. Consequently, Bozeman Tenants United is not an organization formed to support or oppose a candidate or ballot issue but became an incidental political committee by making expenditures totaling more than \$250 in support or opposition to candidates or ballot issues. MCA §§ 13-1-101(29) and (38).

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). However, because a political committee is not formed by “an election communication, an electioneering communication, or an independent expenditure of \$250 or less” Bozeman Tenants United was required to file a C-2 Statement of Organization with COPP 5 days after their expenditures in support of or in opposition to candidates and ballot measures reached more than \$250. MCA § 13-1-

101(38)(d)(i).

Bozeman Tenants United filed a C-2 Statement of Organization with COPP 5 days after the candidate forum, and prior to receipt of this complaint. Whether that date indicates timely registration depends upon when Bozeman Tenants United became an incidental committee.

Media coverage of Bozeman Tenants United's September 24, 2025 candidate forum event indicates that all candidates seeking election to the offices of Mayor and City Commission in the City of Bozeman were given an opportunity to participate in this event.² It also supports the narrative provided by Bozeman Tenants United in their response that different candidates had different positions on the WARD ballot measure and that each was given an equal opportunity to present that position. While most attending candidates- Mayoral candidates Douglas Fischer and Brendan O'Connor, City Commission candidates Emma Bode, Emily Talago, Eli Anselmi, and Trevor Nameniuk- appear to have opposed the issue, Mayoral candidate John Meyer spoke in support of it. Commission candidates Roger Blank and Alison Sweeney appear to have neither supported nor opposed the WARD ballot initiative when asked about it at this event. Members of the public who attended the event also appeared free to indicate either support for or opposition to the issue, being given "red and green sheets of paper and encouraged to waive them high in the air if they agreed or disagreed with what candidates were saying".

The complainant agrees that the forum did not support or oppose any Mayoral or City Commissioner candidates. The single item on which the complainant bases his assertion that Bozeman Tenants United became an incidental committee, subject to registration and reporting requirements on the date of the forum, is the column heading on the candidate tracking sheet,

² <https://www.kbzk.com/news/local-news/bozeman-tenants-united-hosts-housing-forum-with-candidates-for-city-office> and https://www.bozemandailychronicle.com/news/bozeman-candidates-sound-off-on-tenant-organizing-housing-ballot-initiative-at-first-campaign-forum/article_d6e1f370-2d8c-4014-bc3f-6e5c4e50ebeb.html

“Stance on the harmful WARD ballot initiative.” The related questions posed to the candidates did not label the initiative as harmful, and as outlined above, some candidates indeed voiced support for WARD while others voiced opposition.

MCA § 13-1-101(24)(a) defines the term “expenditure” as (in part) a purchase, payment, or gift of money or anything of value “to support or oppose a candidate or ballot issue.”

"Support or oppose", including any variations of the term, means: (a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to voters in an election; or (b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the passage or defeat of the ballot issue or other question submitted to the voters in an election. MCA § 13-37-101(63).

When considering the event as a whole, costs associated with hosting or conducting Bozeman Tenants United’s September 24, 2025, candidate forum would not be considered expenditures as that term is defined. No elements of “support or oppose” required under MCA § 13-1-101(24)(a) are present in this context. Evidence suggests that all Mayoral and City Commission candidates in the City of Bozeman were provided an opportunity to participate in the forum, and further supports Bozeman Tenants United’s argument that candidates were free to present either support for or opposition to the WARD ballot initiative when asked. Consequently, whether Bozeman Tenants United was required to register as a political committee in opposition to WARD, relies on whether the inclusion of the word “harmful” on the candidate tracking sheet created an incidental political committee.

The candidate tracking sheet does not qualify as support or opposition under MCA § 13-37-101(63)(a), which requires express words of advocacy or

opposition. However, under (63)(b) the item need only be “susceptible of no reasonable interpretation other than as a call for . . .the passage or defeat of the ballot issue.”

The question of support or opposition without words of express advocacy or opposition has often been considered in relation to candidates, with commissioners repeatedly holding that stating opposition to the actions of a legislator is not necessarily calling for defeat of that legislator.

The issue of support or oppose, as it relates to a ballot issue, is distinguishable. Unlike a legislative candidate, a ballot initiative addresses a single issue, and a reader is unlikely to infer anything other than the call for defeat of a ballot issue when that issue is identified as ‘harmful.’ Consequently, this portion of the candidate tracking sheet likely qualifies as an expenditure subject to disclosure under Montana election law. However, for the reason outlined below, there is no need to make a definitive determination here.

As previously discussed, a political committee is not formed by making expenditures of \$250 or less. COPP does not have evidence that the costs of printing and distributing the “Candidate Forum Evaluation Sheet” by itself met or exceeded the \$250.00 amount triggering Bozeman Tenants United’s requirement to register or report as a political committee. All told, Bozeman Tenants United asserts that the candidate forum event cost \$2,150.00. According to Bozeman Tenants United, this total cost included “space rental, printing, and staff time to plan, recruit for, and conduct the event.” Printing and distribution of the “Candidate Forum Evaluation Sheet” represents only a very limited portion of the \$2,150.00 total.

The purported cost of the “evaluation sheet” is addressed below. However, for registration purposes, COPP has no evidence to suggest the cost of the sheet exceeded the \$250 registration and reporting threshold. Certain expenditures disclosed by Bozeman Tenants United on their initial C-4 incidental finance report supports this interpretation. On this initial report the committee reported two (2) expenditures for “300 half page flyers” purchased

through Staples, one opposing the WARD ballot initiative and the other supporting Mayoral candidate Douglas Fischer and City Commission candidate Emma Bode. The flyer material opposing the WARD ballot initiative was reported at a cost of \$55.98; the one supporting candidates Fischer and Bode was reported at a cost of \$111.96. COPP has no evidence or reasoning to assume that the “Candidate Forum Evaluation Sheets” cost any more than these materials.

While this does not exempt the expenditure from reporting entirely, it does suggest that the October 30, 2025, monthly report (following receipt of this complaint) was likely the appropriate report on which to include it, as expenditures had not yet met or exceeded \$250.00 by September 25, 2025, the end of the reporting period for the September 30, 2025 monthly report. This also indicates, although Bozeman Tenants United registered with COPP as an incidental committee supporting certain candidates 5 days after the forum, there was no need to register as an incidental committee opposing WARD at this time.

The complainant additionally alleges Bozeman Tenants United “has paid staff who are spending time advocating against” the WARD ballot initiative that the committee failed to timely or appropriately disclose. Beyond reference to the September 24, 2025, candidate forum event previously discussed, the submitted complaint does not provide any documentation, evidence, or specific examples to support this claim. Consequently, no evidence has been provided to indicate Bozeman Tenants United was required to register as a political committee as a result of the forum held on September 24, 2025.

II. Political committee expenditure reporting

Montana election law requires all political committees to file regular finance reports with COPP disclosing all contributions received and expenditures made. MCA §§ 13-37-225 through 229. Political committees who make expenditures relating to a municipal (city) election in 2025 have monthly

reports due on or before the 30th of the month in each of June, July, August, September, October, and November, pursuant to MCA § 13-37-226(4)(b).

On its initial C-4 incidental finance report, filed on October 10, 2025, Bozeman Tenants United disclosed three expenditures relating to time spent by organizational staff spent opposing the WARD ballot initiative: the first, a \$299.00 expenditure dated October 16, 2025 is described as “Train and support volunteers to knock doors and make phonecalls in support of endorsed candidates and to oppose Water Adequacy Initiative;” the second, a \$286.00 expenditure dated October 15, 2025 is described as “Staff Emily LaShelle training volunteers to make on phonecalls and knock doors to support endorsed candidates and oppose Water Adequacy Initiative;” the third and final, a \$325.00 expenditure dated September 30, 2025 is described as “Staff Lilly Durtka supporting volunteers to knock doors in support of endorsed candidates.”

In their response, Bozeman Tenants United stated that all reportable expenditures made by the committee relating to the WARD ballot initiative, including time spent by paid staff opposing the issue, would be disclosed on the October 30, 2025, C-4 incidental finance report. With the exception of printing expenses for the candidate evaluation sheet distributed at the forum, COPP has no evidence suggesting that the initial C-4 incidental finance report filed by Bozeman Tenants United failed to do so.

Although the candidate evaluation sheet does not rise to the level of creating an incidental political committee, Bozeman Tenants United is not absolved of any duty to report the expense. If indeed the flyer is considered opposition, any related expenditures must be tracked by the committee and reported when expenditures surpass the \$250 threshold.

However, considering the flyer (as previously discussed) was not explicitly designed to oppose WARD (having several other unrelated columns) and the fairly minimal expense involved in printing the flyer, this failure to report can be excused as de minimis. Under Montana election law, a "De minimis act"

means an action, contribution, or expenditure that is so small that it does not trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant enforcement as a campaign practices violation under Title 13, chapter 37. MCA § 13-1-101(14). Among the factors the commissioner considers when determining if an act is de minimis is “the extent to which a particular campaign practices violations deprives the public of disclosure,” and “whether the act, contribution, or expenditure at issues is a single, one-time event or occurrence or multiple events or occurrences.” ARM 44.11.603 (1)(d)(c). Both of these factors weigh in favor of a finding of de minimis.

III. C-2 Statement of Organization - Purpose

Although the complaint allegations have been discussed at length above, the specific language in the complaint is worthwhile to note. The complaint states “Bozeman Tenants United has not filed as an incidental committee opposed to the Bozeman Water Adequacy ballot initiative.” (Complaint, 1.) At the time the complaint was filed, Bozeman Tenants United was a registered incidental political committee. However, their stated purpose did not include opposition to WARD.

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.”

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. See *Leas v. Montana Values Action Fund*, COPP-2025-CFP-005, at 6-7, and *Adams v. Lewis & Clark PAC*, COPP-2025-CFP-004, at 8.

According to Bozeman Tenants United C-4 filed with COPP, they first made expenditures which totaled \$250 in opposition to WARD on October 15, 2025. Consequently, although already properly registered as an incidental political committee, they were required to update their purpose to include this opposition on or before October 20, 2025.

Although COPP has recently issued two decisions which indicate the failure to accurately and timely update a political committee's purpose on their Statement of Organization will no longer be considered de minimis, in those circumstances the public's right to know was significantly impaired, with committee's only providing vague statements of purpose while making significant expenditures in support of candidates or ballot issues.³

Here, although Bozeman Tenants United failed to update their report until 12 days later, they did so well before the election, and voters were easily able to ascertain the causes and candidates Bozeman Tenants United chose to support or oppose, as well as the amount expended to meet those ends.

Although previous Commissioners have not always encouraged political committees to prioritize keeping their Statement of Organization updated, in

³ In *Leas v. Montana Values Action Fund*, Montana Values stated purpose had not been updated since 2020 despite substantial expenditures related to Helena School ballot Issues. In fact, their stated purpose "to support grassroots candidates who are doing work in the 2020 election" was inadequate from the time Montana Values began to make expenditures in support of any candidates or ballot issues. In *Adams v. Lewis & Clark PAC*, their stated purpose was "To Elect Responsible Leader for Lewis & Clark County" while making significant expenditures in opposition to Helena School ballot issues and radio ads that have yet to be identified as to which candidates were supported or opposed.

Lewis & Clark and *Montana Values*, I detailed why I will not continue this practice. However, the violations in the decisions mentioned above were far more egregious than the one encountered here, it would be fundamentally unfair to use Bozeman Tenants United as an example of this change in enforcement. Nevertheless, it is vital to note that going forward, I will fully enforce this legal requirement for all political committees that do not maintain an updated Statement of Organization in a manner that impedes transparency for Montana citizens.

CONCLUSION

Sufficient evidence has not been found to determine Bozeman Tenants United violated Montana election law. All allegations have been considered as described above and are hereby dismissed in full.

Dated this 10th day of March, 2026.



Chris J. Gallus, Commissioner
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