

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)

DAVID LESLIE v. THERESA MANZELLA	COPP-2020-CFP-035 DISMISSAL
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PROCEDURAL POSTURE

This decision addresses two complaints, which due to the expiration of the statute of limitations provided by MCA § 13-37-130, I am compelled to dismiss in their entirety.¹ These complaints were filed as one complaint on September 8, 2020. COPP subsequently separated the filed complaint into two complaints based on the date of the alleged violations. That is not the current practice. Currently, each complaint is considered filed, and receives a numerical designation based on the date it was received.² Consequently, COPP-2018-CFP-058 has been stricken from the docket and incorporated into COPP-2020-CFP-035, which is how the initial complaint was filed.

This complaint sat dormant for more than two years prior to my appointment and confirmation as Commissioner. This office takes all campaign finance complaints seriously but unfortunately this matter was overshadowed by more current concerns and consequently the statute of limitations has now expired. Nevertheless, it is incumbent on me to address all complaints accepted by this office. Therefore, I am issuing this response.

This complaint, filed on September 8, 2020, by David Leslie of Corvallis, MT, alleged several reporting violations by Theresa Manzella, at that time, candidate for State Senate District 44. The complaint primarily alleged failures

¹ At the time this complaint was filed, the time under which an action could be brought by this office was four years. MCA Sec. 13-37-130 (2021). In 2023, the Montana Legislature amended the statute of limitations under MCA Sec. 13-37-130 to two years. However, the statute of limitation that applies to these matters remains the four-year limit in effect at the time any violations may have occurred.

² Each complaint accepted as filed by COPP receives a designation: COPP-Year-Type of Complaint (ETH, CFP, AO, etc.)- order received. E.g. COPP-2020-CFP-035 is the 35th campaign finance and practices complaint accepted by COPP in 2020.

This allegation, notwithstanding the statute of limitations, would nevertheless be dismissed on the merits.

Reporting and valuation of in-kind contributions

The complaint includes allegations that in-kind contributions or expenditures for a rifle and two billboards went unreported. The definition of a contribution includes “anything of value to support or oppose a candidate. . .” MCA Sec. 13-37-101(9)(a). Both the rifle and the billboards are things of value provided to the campaign and are reportable as in-kind contributions.

a. Rifle

In her 2020 campaign, Sen. Manzella offered raffle tickets for a rifle in exchange for sign locations. The complainant asserts that Sen. Manzella did not report “the expense for the Henry Big Boy rifle being “given away.”” (Complaint, 2). In the response Sen. Manzella provided to COPP, she states “[t]he rifle was owned and offered by me. No money was exchanged.” (Response, 3.)

Although there is no limit to the amount a candidate can contribute to their own campaign under MCA Sec 13-37-216, candidates are nevertheless compelled to report all contributions from themselves to their campaign, including any in-kind contributions. Regardless of whether or not money was exchanged, the rifle is a thing of value, and therefore Sen. Manzella was required to report the in-kind contribution of the rifle from herself to her campaign using its reasonable fair market value. ARM 44.11.403(4)(b). Sen. Manzella conducted a similar raffle in 2024 and her contribution of a .45 handgun was properly reported as an in-kind contribution to her campaign.

b. Billboards

The complainant additionally alleges Sen. Manzella did not report expenses for two billboards used in her campaign. The complaint included photos of both billboards. In her response to this complaint, candidate Manzella said of the first billboard:

The owner placed an \$80 per month value on his water tower “billboard”, but he also needed the lights on the tower replaced.

My husband is a master electrician, so he entered into a contract with the owner to replace and repair the lights on the billboard. I paid my husband to replace and repair the lights, and in turn, I received use of the billboard throughout the primary election.

On her campaign finance report dated January 1, 2020, through March 19, 2020, candidate Manzella reported one (1) expenditure to Renegade Electric on March 3, 2024, for \$382.50 identified as “[p]ayment for repair and replacement of lights on billboard that I’m renting for campaign sign.” (COPP Records.) Based on her response, candidate Manzella and the owner of the billboard came to an agreement where candidate Manzella would pay to repair the lights and in turn receive use of the billboard. Candidate Manzella then correctly reported the costs associated with repairing the lights on the relevant C-5 campaign finance report.

According to Sen. Manzella’s response, the second billboard identified by the complainant was on private property and had “no value associated with it.” It may be correct that something has no value if it is provided freely to the public, but it is not clear if that is the case here. Something of value not normally provided to the public for consideration is not the same as something given away for free. See *Sasse v. Jenkins*, COPP-2023-CFP-019.

In *Sasse*, an electronic sign was found not to be a reportable in-kind contribution because the business owner allowed the community to use it for free. *Id.* at 4. Alternatively, if the business owner has an electronic sign others do not use – for a fee or otherwise – and he provides it to the campaign free of charge, the candidate would need to report the value of the sign, or sign rental, as an in-kind contribution. As an additional example: if a business provides the free use of a van to a candidate, the fact that the business did not normally rent out the van, would not mean it had no value. Under that circumstance, a candidate would be expected to research the cost of renting a similar vehicle in their area and report that value as a contribution. See ARM 44.11.403.

Here, COPP does not have sufficient evidence to determine if a violation exists. Use of a privately owned billboard by an individual candidate to support

their candidacy certainly does represent something “of value” that must be reported as an in-kind contribution. However, in the event the billboard is provided to others free of charge – its use by the Manzella campaign would not constitute an in-kind contribution.

CONCLUSION

Based on the discussion above, failure to report the rifle as an in-kind contribution from Sen. Manzella to her campaign was a violation of MCA § 13-37-229. Sen. Manzella has properly reported similar activity in her 2024 campaign. With the information COPP has at this time, it cannot be determined if failure to report the second billboard constitutes a violation.

As explained above, analysis of these facts is intended to provide guidance to candidates moving forward. The statute of limitations on these matters has expired and all allegations are hereby dismissed in full.

Dated this 15th day of May, 2025.



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