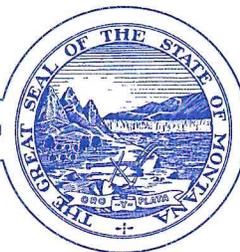


COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

CHRIS J. GALLUS
COMMISSIONER
TELEPHONE (406) 444-2942
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PO BOX 202401
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April 15, 2024

Janet Armstrong
511 Hillsdale St.
Helena, MT 59601

Subject: Complaint received April 12, 2024; *Leas v. Armstrong*, COPP-2024-CFP-008

Janet,

The enclosed complaint alleges a violation of Montana election law under Title 13, Chapter 37 of the Montana Code Annotated (MCA), specifically the candidate filing requirements of MCA § 13-37-201(1) and (2), enforcement of which falls under my jurisdiction as Commissioner of Political Practices (COPP). The complaint also conforms to the requirements of 44.11.106 ARM, the administrative rule regarding election complaints. For those reasons, I have accepted it for further consideration.

Whether you timely filed your statement of candidacy is the only outstanding issue regarding this complaint. Filing an application for nomination with the appropriate election administrator is entirely distinct from the additional, and subsequent, requirement that you also file a statement of candidacy with COPP. Consequently, the only allegation that meets the requirements for accepting a complaint (44.11.106 ARM) is the timeliness of your COPP C-1A form.

Pursuant to MCA § 13-37-132, I formally request a written response from you addressing the specific issue identified above. As part of your response, please identify the date upon which you became a candidate for election to the Helena Public Schools Board of Trustees in election year 2024 by soliciting or receiving campaign contributions, making or authorizing campaign expenditures, or formally filing as a candidate with the Lewis & Clark County Elections Administrator. MCA § 13-1-101(8).

Please provide your response by 5:00 PM on Friday, April 26, 2024. Any response you provide is a public record that COPP posts on our website, per MCA §13-37-132.

I will review any additional materials relevant to this complaint for any deficiencies pursuant to 44.11.106 ARM, law, and prior relevant COPP rulings, and reserve the right to dismiss the complaint upon this initial inquiry. If this occurs, I will notify you and provide a basis for the dismissal. Alternatively, as noted above, I may determine that a formal investigation is warranted. This generally involves a more extensive and time-consuming process, during which you may contact us for a status update.

If an investigation is conducted, a decision will be issued which includes a summary of facts

and determines if those facts are sufficient or insufficient to support a violation. This decision will also determine if prosecution is justified. Upon completion of this investigation a copy of the decision will be sent to you and posted on COPP's website.

If I determine prosecution is justified, this matter will be referred to the county attorney in the county where the violations occurred. The county attorney will then determine whether they will prosecute the matter or refer it back to me. If returned to me, I will either prosecute the matter in district court or negotiate a settlement pursuant to MCA § 13-37-128. Penalties, if any, are imposed based upon MCA § 13-37-128.

This office is now conducting a legal review, and records currently in your possession are subject to a pending investigation. While I do not anticipate that you would intentionally destroy any relevant records, due to the severity of the penalty I feel compelled to provide you with the relevant statute in this regard. See, Attached MCA § 45-7-207 (Tampering with or fabricating physical evidence).

Montana law authorizes the Commissioner to inspect records, accounts, and books held by a candidate or political committee, administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers and records that are relevant or material for the purpose of conducting an investigation. MCA § 13-37-111.

To facilitate such an investigation, please take immediate steps to retain all such records, and begin collecting and preparing records for review. This includes documents, including computer communications (e.g. email), in your possession or the possession of any of your agents, representatives, or assigns. Communications with attorneys should be retained as these records might need to be produced if attorney/client privilege is not involved. As indicated, your preservation of all such documents is essential and required pursuant to this request and subject to penalties provided in MCA § 45-7-207.

I appreciate your time and consideration of this important matter.

Regards,



Chris J. Gallus
Commissioner of Political Practices

Montana Code Annotated 2023

TITLE 45. CRIMES

CHAPTER 7. OFFENSES AGAINST PUBLIC ADMINISTRATION

Part 2. Perjury and Other Falsification in Official Matters

Tampering With Or Fabricating Physical Evidence

45-7-207. Tampering with or fabricating physical evidence. (1) A person commits the offense of tampering with or fabricating physical evidence if, believing that an official proceeding or investigation is pending or about to be instituted, the person:

(a) alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its verity or availability in the proceeding or investigation; or

(b) makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead any person who is or may be engaged in the proceeding or investigation.

(2) A person convicted of tampering with or fabricating physical evidence shall be imprisoned in the state prison for a term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

History: En. 94-7-208 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-7-208; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 1684, Ch. 56, L. 2009.