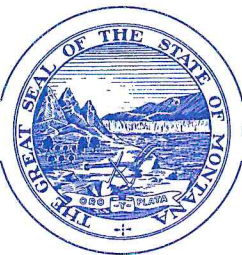


COMMISSIONER OF  
POLITICAL PRACTICES



STATE OF MONTANA

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COMMISSIONER  
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April 30, 2024

Melissa Smith  
2736 Clover Drive  
Great Falls, MT 59404

Sent via email to: [MelissaSmith4HD23@gmail.com](mailto:MelissaSmith4HD23@gmail.com)

Subject: Rosales v. Smith, COPP-2024-CFP-009

Melissa,

The enclosed complaint alleges a violation of Montana election law. The complaint is accepted as conforming to the requirements of 44.11.106 ARM, the administrative rule regarding campaign complaints.

Upon review, I have determined that the allegation that certain paid advertisements supporting Great Falls school board candidate Marlee Sunchild run by the Melissa Smith for a Thriving Montana Facebook page fail to include the full 'paid for by' attribution statement required under Montana Code Annotated (MCA) §13-35-225 is merited. You will need to add the full "paid for by" attribution statement to all unattributed paid advertisements, and provide photographic notice to COPP showing this addition has been made.

**This attribution response needs to be provided to COPP within 2 business days of receipt of this letter**, as provided for under MCA § 13-35-225(6)(a)(i). Failure to bring "material into compliance as required...is subject to a civil penalty pursuant to 13-37-218, MCA", MCA § 13-35-225(6)(b).

Pursuant to MCA § 13-37-132, I also formally request a written response from you addressing the remaining allegations or claims presented in the complaint. **Please provide this general written response by 5:00 PM on Friday, May 3, 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 work with the responding party to settle the matter or prosecute it within their local jurisdiction in district court. Penalties, if any, are imposed based upon MCA § 13-37-128 and/or Title 45, if applicable.

This letter initiates the legal process established by this office and Montana law to determine whether the allegations in the complaint are valid. Consequently, at this point, you have a duty to maintain all records currently in your possession because an investigation may indeed occur. To facilitate such an investigation, please take immediate steps to retain all 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. Your preservation of all such documents is essential and required pursuant to this request and subject to penalties provided in MCA § 45-7-207.

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). Accordingly, MCA § 13-37-111 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.

Thank you for your immediate attention and consideration of this urgent matter.

Regards,



Chris J. Gallus  
Commissioner of Political Practices