

October 29, 2025

By email to SCook3@mt.gov, Christopher.Gallus@mt.gov, Shelley.Hendricksen-Scott@mt.gov

Chris J. Gallus
Commissioner of Political Practices
1209 Eighth Avenue
PO Box 202401
Helena, MT 59620-2401

Re: *Nakamura v. Bozeman Tenants United, COPP-2025-CFP-008*

Dear Commissioner Gallus:

I am responding on behalf of Bozeman Tenants United to the complaint filed by Natsuki Nakamura (the “Complainant”) on October 8, 2025 (the “Complaint”). The Complaint alleges that Bozeman Tenants United did not register as an incidental committee and did not report expenditures to oppose the Bozeman Water Adequacy Ballot Initiative (the “Initiative”) in violation of M.C.A. §§ 13-37-226 and 13-37-225. As detailed below, we respectfully request that you dismiss the Complaint because Bozeman Tenants United timely registered as a political committee and has not failed to report any expenditures to oppose the Initiative.

I. Bozeman Tenants United Timely Registered as a Political Committee

Bozeman Tenants United is a nonprofit organization exempt from taxation under Section 501(c)(4) of the Internal Revenue Code. Bozeman Tenants United engages in advocacy, community organizing, and public education to build a multi-racial, intergenerational movement of tenants to win safe, dignified and truly affordable housing for all. The vast majority of our organization’s time and resources is spent educating tenants in Gallatin County and more recently in Billings and Missoula to know their rights and advocate for themselves. “Bozeman Tenants United” registered as a political committee with your office on September 29, 2025, in anticipation of making expenditures of more than \$250 to support endorsed candidates in the Bozeman municipal elections on November 4, 2025.¹

¹ Bozeman Tenants United initially inadvertently registered as an independent committee rather than an incidental committee. However, Bozeman Tenants United is properly classified as an incidental committee because it is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues. See M.C.A. § 13-1-101(29); ARM § 44.11.203. It was also previously registered as an incidental committee for the 2024 election cycle. Upon discovering the error, Bozeman Tenants United contacted staff in the Commissioner of Political Practices Office to ask to amend the registration to reflect its classification as an incidental committee, and its registration was amended accordingly on October 17, 2025.

To the extent the Complaint alleges that Bozeman Tenants United has failed to file as a committee, that is simply incorrect. On its committee registration, Bozeman Tenants United listed the two municipal candidates it has endorsed as candidates it supports. Bozeman Tenants United did not initially list the Initiative as a ballot initiative it opposes because Bozeman Tenants United did not anticipate making any expenditures to oppose the Initiative that are reportable under Montana law. On October 27, Bozeman Tenants United amended its registration to list opposition to the Initiative.

II. Bozeman Tenants United Had Not Made Any Reportable Expenditures to Oppose the Initiative When the Complaint Was Filed

Although Bozeman Tenants United had made several communications that refer to the Initiative as of the date of the Complaint, none constitutes a reportable expenditure under Montana law, as described below.

June 2025: Membership Vote, Instagram Post, and Email to Subscribers

On June 8th, Bozeman Tenants United held an internal meeting of its members, at which members deliberated and voted that the organization's position on the Initiative was to oppose it. On June 17th, Bozeman Tenants United made one unpaid (or "organic") post to its Instagram account explaining its opposition to the measure and providing instructions on how voters could remove their signatures from petitions to get the Initiative on the ballot. Also on June 17th, Bozeman Tenants United sent an email to its members explaining its opposition to the Initiative.

However, none of these activities constitutes a reportable expenditure under the campaign finance law because the Initiative had not yet become a regulated "ballot issue." A local ballot issue only becomes a "ballot issue" for purposes of the campaign finance laws "upon certification by the proper official that the legal procedure necessary for its qualification and placement on the ballot has been completed."² The Gallatin County Clerk & Recorder certified that the Initiative had qualified for placement on the ballot on June 25, 2025.³ Because the Initiative did not become a regulated ballot issue until June 25, 2025, only communications and expenditures made on or after that date may constitute expenditures under the campaign finance law.

Even if the Initiative had already become a regulated "ballot issue," still none of these activities would constitute a reportable expenditure. First, a decision to endorse or oppose a ballot issue does not create any reporting and disclosure obligations, so the vote by Bozeman

² M.C.A. § 13-1-101(7)(b).

³ See Bozeman Water Adequacy Initiative (aka WARD) Makes the November 4, 2025, Bozeman Municipal Ballot, BOZEMAN MAGAZINE (June 30, 2025), <https://bozemanmagazine.com/news/2025/06/30/124548-bozeman-water-adequacy-initiative-aka-ward-makes>.

Tenants United’s membership to oppose the Initiative was not an expenditure and did not trigger any registration or reporting obligations.⁴ Second, the Instagram post would not qualify as a reportable expenditure because it was an unpaid “organic” post, and the Commissioner has consistently found that *unpaid* social media activities do not qualify as expenditures (as compared to *paid* social media advertisements).⁵ And third, the email to Bozeman Tenants United members announcing opposition to the Initiative would constitute a membership communication that is excluded from the definition of an “expenditure.”⁶

September 24, 2025: Municipal Candidate Forum

Bozeman Tenants United held a public candidate forum for candidates for Mayor and City Commission on September 24, 2025 (the “Forum”). The purpose of the Forum was to provide further information to Bozeman Tenants United members to inform future endorsement decisions, and to provide further information to members of the voting public regarding candidates’ positions on various issues. As the Complaint correctly states, the Forum did not constitute an expenditure to support or oppose any candidates because it was open to all candidates and all candidates were asked the same questions and provided the same time in which to respond.⁷

The Forum also did not constitute an expenditure to support or oppose any ballot issues. In the Forum, one of the questions that was posed to candidates was a two-part question, one part of which referred to the Initiative. The full text of this question is attached to this response as Exhibit A. 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 and how they would balance the various and sometimes competing interests and needs of people in Bozeman more broadly. In response to this question, some candidates voiced support for the Initiative while others voiced opposition.

The Complaint seems to allege that the inclusion of this one question eliciting candidates’ views on the Initiative somehow turned the entire Forum into an expenditure to oppose the Initiative, which strains credulity, and Complainant cites to no provision of law or guidance from the Commissioner’s office for this position. And, even if the allocable cost of asking this single question constituted an expenditure to oppose the Initiative, it did not meet or exceed the \$250 threshold triggering incidental committee registration and reporting requirements. Bozeman

⁴ See [COPP-2018-CRL-001](#) at 1.

⁵ See, e.g., [Darrin Gaub v. MT United PAC, COPP-2024-CFP-025](#) at 7; [Montana Republican Party v. Busse, COPP-2023-CFP-017, COPP-2024-CFP-027](#) at 19; [Republican Attorneys General Association v. Democratic Attorneys General Association, COPP-2020-CFP-058A](#) at 11; [Luckey v. Republican Governors Association, COPP-2020-CFP-048B](#) at 10-12; [Chadwick v. Rivera, COPP-2020-CFP-033](#) at 8-10; and [Bennett v. Vent Missoula, COPP-2017-CFP-007](#) at 3-4.

⁶ See M.C.A. § 13-1-101(24)(b)(iv).

⁷ See [COPP-2014-AO-010](#) at 4.

Tenants United estimates that the total cost of conducting the Forum (including space rental, catering, printing, and staff time to plan, recruit for, and conduct the event) was approximately \$2,150. The Forum lasted two hours, and only one minute and sixteen seconds of the Forum was spent posing the question relating to the Initiative, making the allocable cost of the question under \$30 – well below the \$250 threshold for registering and reporting as an incidental committee.

October 8, 2025: Email to Members

Following the Forum, Bozeman Tenants United membership voted to endorse two candidates in the municipal elections. On October 8, 2025, Bozeman Tenants United sent an email to the subscribers of its email list announcing the candidate endorsements, which was included as an attachment to the Complaint. Five words of the email referred to Bozeman Tenants United’s opposition to the Initiative. This email was written by an unpaid volunteer, and Bozeman Tenants United incurred no other costs to send the email. Consequently, this email was not a reportable expenditure opposing the Initiative.

Bozeman Tenants United Staff Time

Although the Complaint alleges that Bozeman Tenants United “has paid staff who are spending time advocating against the [Initiative],” the Complaint does not provide any facts to support this claim or provide any additional details to allege Bozeman Tenants United has failed to report any expenditures. To the extent that Bozeman Tenants United does spend any paid staff time opposing the Initiative, it will timely report such expenditures.

III. Bozeman Tenants United Has Not Failed to Report any Expenditures

The Complaint alleges that Bozeman Tenants United failed to report expenditures, but this is also incorrect. The Complaint was filed prior to the due date of any reports that Bozeman Tenants United is required to file, and so any allegation that Bozeman Tenants United has failed to report expenditures is both premature and inaccurate.

As described above, Bozeman Tenants United timely registered as a committee on September 29, 2025. Bozeman Tenants United’s first form C-4 Report will be due on October 30, 2025, for the reporting period covering activity between September 26 and October 24.⁸ On its Form C-4 Report filed October 30, Bozeman Tenants United will properly report all expenditures

⁸ M.C.A. § 13-37-226(4)(b); Municipal Elections – Odd Year Committee Finance Report Calendar, *available at* https://politicalpractices.mt.gov/Home/Odd-year-Muni-Election-Committees_2025.pdf.

made to support or oppose any candidates or ballot issues during the reporting period, as required.⁹

IV. Conclusion

As explained above, Bozeman Tenants United timely registered as a political committee and had not made any reportable expenditures to oppose the Initiative as of the date of the Complaint. Bozeman Tenants United has also not failed to report any expenditures, as its first Form C-4 Report is not due until October 30, 2025, and it will properly report all expenditures made during the reporting period. Accordingly, Bozeman Tenants United respectfully requests that you dismiss the Complaint. Thank you for your consideration, and please let me know if you require any further information.

Yours truly,

Benjamin Finegan
Executive Director, Bozeman Tenants United

⁹ M.C.A. §§ 13-37-232(3); 13-1-101(24).

Exhibit A: Question Asked of Candidates During Bozeman Tenants United Candidate Forum on September 24, 2025

This next question is about the Water Adequacy Residential Development Ballot Initiative also called “WARD” which is up for a vote this November. If passed, it would change the city of Bozeman’s development code, requiring developers of three or more residential units to pay cash-in-lieu of water rights to the city unless the development designates 33% or more of the units as affordable.

This Spring, Bozeman Tenants United membership voted unanimously to oppose WARD. WARD claims to address two issues Bozemanites care about: the housing crisis and sustainability. But, because WARD offers no public investment to ensure affordable units can be built, it is effectively a moratorium or halt on building homes for tenants, and would lead to more sprawl in the county, which neither supports affordability or sustainability. The tenant union sees WARD as a false solution to the crisis that we feel everyday.

This question is a two-parter:

- 1. Where do you stand on WARD?*
- 2. 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?*