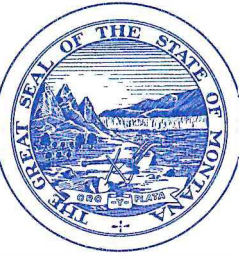


COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

CHRIS J. GALLUS
COMMISSIONER
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PO BOX 202401
HELENA, MONTANA 59620-2401
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May 15, 2024

Sheila Hogan
303 North Ewing Street
Helena, MT 59601

Subject: Complaints received May 8, 2024; Hogan v. Knudsen, COPP-2024-CFP-017 and Hogan v. Olson, COPP-2024-CFP-018

Sheila,

This letter acknowledges the receipt of the formal complaints you hand-delivered to this office on May 8, 2024. Each signed and sworn complaint alleges a violation of Montana election law under my jurisdiction as Commissioner of Political Practices (COPP), and also appears to conform to the basic requirements of 44.11.106(1) and (2) ARM. Therefore, I will accept each as filed.

Pursuant to the established process, a letter and copy of the complaint is being sent to each named respondent, requesting that they provide a written response to this office and retain pertinent records pending further investigation of this matter. I have requested a response from the respondents by May 23, 2024. If you wish to submit additional information directly relevant to the allegations to further support your complaint, you may. Any additional information submitted is provided to the respondent(s) and may result in an extension of the deadline. New, unrelated allegations may require a new complaint.

I will review any additional materials relevant to this complaint for any deficiencies pursuant to 44.11.106(4) ARM, law, and prior relevant COPP rulings, and reserve the right to dismiss one or both complaints upon this initial inquiry. If this occurs, I will notify you and provide a basis for the dismissal. Alternatively, upon this further review, I may determine that a full investigation is warranted. MCA § 13-37-111. This generally involves a more extensive and time-consuming process, during which you may contact us for a status update. All documents submitted to and all communications with COPP are public records per 44.11.106(6), but the commissioner may determine certain material is subject to protection. 44.1.106(5). A complaint and COPP's summary of facts and findings are always public record, however. If you want material protected, please specifically request that for my consideration.

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. MCA § 13-37-124. Upon completion of this investigation a copy of the decision will be sent to you and posted on COPP's website.

Regarding the relief requested, removal of the respondents from the ballot, "MCA § 13-37-

128 specifies exclusive remedies which I or the affected county attorney may seek, and removal from the ballot is not one of them.” *Byrne v. Tracy*, COPP-2024-CFP-004. Such a remedy may be sought by the complainant through the district court in the county in which the complainant is entitled to vote. MCA §§ 13-36-101,102. If I determine prosecution is justified, in accordance with MCA § 13-37-124, 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.

If a local county attorney is implicated in the matter or has another conflict, the commissioner may refer matters to the Lewis and Clark County Attorney, if warranted. The commissioner is also authorized to directly prosecute violations if a county attorney where the violation occurred is implicated in the violation. MCA § 13-37-124(3).

Regards,

A handwritten signature in cursive script, appearing to read "Chris J. Gallus".

Chris J. Gallus

Commissioner of Political Practices