

Montana Commissioner of Political Practices
1209 8th Ave
PO Box 202401
Helena, MT 59620-2401

Re: Complaint received May 7, 2026; Elford v. Conservatives4MT, COPP-2026-CFP-015

May 14, 2026

Commissioner Gallus,

Artificial intelligence was not used to generate the images referenced in this complaint. The images in question were taken from public sites, cropped from their native background, modified by a color filter, and placed in a composition designed to convey a political meaning. Outside of the application of a color filter and resizing, nothing was done to alter the images used on the mailers. This method of composition clearly employs digital technology (as does all modern imaging) but it does not rely on generative AI. The methodology employed by Conservatives4MT for composing this political speech, and the digital tools associated with its creation, has been utilized and accepted as standard for many decades.

If this production technique violates MCA13-85-81(5), Conservatives4MT will be compelled to apply a disclaimer to these mailers per MCA13-35-802 that states: "This image has been significantly edited by artificial intelligence and depicts speech or conduct that falsely appears to be authentic or truthful". Forced application of this disclaimer is the basest form of compelled speech because Conservatives4MT would be required to provide a disclaimer that is categorically false. This occurs because the disclaimer compels the use of the words "artificial intelligence" where none was used.

Further, the definition of "synthetic media" provided by MCA13-35-801(5) is so broad that it is likely to exclude the application of any portrait to a political composition. As currently defined, synthetic media means an image, audio recording, or video recording of an individual's appearance, speech, or conduct that has been created or intentionally manipulated with the use of generative artificial intelligence or other digital technology to create a false image, audio, or video. All modern images are digital and any process of applying these images to a composition necessarily results in the modification of the original. It then remains to be determined what constitutes a "false image". Does resizing create a false image? Is the simple application of a color filter sufficient to create a false image? Is the image judged by itself or does the law apply to the entirety of the composition? These questions beg for answers.

A plain reading of MCA13-35-801(5) will either end the use of personal images in all forms of political speech or unjustly compel the speaker to apply a disclaimer that is not true. Both of these outcomes are absurd and the plain reading of the statute must yield to a less chilling interpretation.



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(An appendix detailing the location of each of the images in question and a listing of what techniques were applied to each image is attached.)

Appendix:

SD43 – Bedey v. Love

The image of Kathy Love can be found here:

https://images.squarespace-cdn.com/content/v1/65c5924361a882262b1197db/1772940949546-ROX5MF0WFDL1GINWAYZ9/Professional%2Bcampaign%2Bpics_RP96953.png?format=1500w

Modification:

- Create an alpha channel and use the section tool to trace the outline of the candidate image.
- Delete everything not selected.
- Adjust the color channel



SD09 – Jones v. Wirth

The image of Zack Wirth can be found here: (MPAN streaming video of House Floor 3/6/25 - HB 768)



Modification:

Image was isolated and a color situation was changed using the Photoshop sepia color channel preset

Note: This is not the exact frame used, but it is very close to this frame - likely within 3 seconds.



SD19 – Rindal v. Usher

The image can be found here:

<https://www.bigskychathouse.com/p/sen-barry-usher-freedom-caucus-treasurer>

Modification:

Image was isolated and desaturated.

