

Commissioner of Political Practices
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Phone: 406-444-2942
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www.politicalpractices.mt.gov

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Commissioner of Political Practices	
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Campaign Finance and Practices

Complaint Form (08/17)

Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):

Complete Name Kim Dailey

Complete Mailing Address 5433 Wildlife Way, Florence, MT 59833

Phone Numbers: Work 406-360-9325 Home 406-360-9325

Person or organization against whom complaint is brought (Respondent):

Complete Name Sue McCreary

Complete Mailing Address 417 Mission St, Stevensville, MT 59870 and
P.O. BOX 358, Stevensville, MT 59870

Phone Numbers: Work _____ Home 406-546-3522

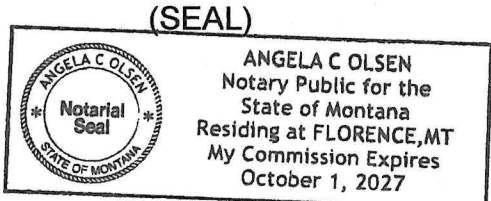
Please complete the second page of this form and describe in detail the facts of the alledged violation.

Verification by oath or affirmation

State of Montana, County of Beavert

I, Kim Dailey, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.

Kim Dailey
Signature of Complainant



Subscribed and sworn to before me this 17 day of June, 2024.
Angela C. Olsen
Notary Public

My Commission Expires: 10/01/2027

Statement of facts:

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

When Susan McCreary decided to violate MCA, Section 13-35-218(1)(a) and (b) (attached) by stealing two of my campaign signs from CJ's Restaurant in Stevensville, I became the victim of a crime. Not only am I a victim, but my campaign contributors are also victims as I used their money to purchase the signs. Subsequently, I lost my election with the biggest majority being in Precinct 21 where Ms. McCreary was stealing my signs, and thereby the voters of Ravalli County and the residents of the State of Montana also became victims.

From my understanding, election interference is a felony. Here are the consequences of what happened in Precinct 21 in Stevensville, Montana:

1. Susan McCreary admittedly stole my campaign signs on Saturday, April 13, 2024, and Monday, April 15, 2024.
2. She was charged with misdemeanor theft instead of felony election interference.
3. I was demonized by the Mayor of Stevensville for turning in a thief. He made a spectacle of me at a public City Council Meeting on April 25, 2024, and double shamed me for doing the right thing, while wrongfully pardoning the thief.
4. He set the stage for the Town of Stevensville to turn against me for Susan McCreary's crime.
5. At least two prominent figures in Stevensville removed my campaign signs from their yards because of this incident.
6. I was approached and asked on multiple occasions by Stevensville residents how I could do such a thing to Susan McCreary.
7. The Mayor reversed the pardon on May 6, 2024, and Susan McCreary was found guilty of theft on May 22, 2024, (a month and 9 days later). However, the damage to my campaign was already done and could not be reversed.
8. The Town of Stevensville, from the Mayor down, does not take election integrity seriously. They minimized the charges to mere theft and ignored the fact that the crime had anything to do with an election.
9. The Town of Stevensville has set a precedent that election interference is not taken seriously and this has consequences for the entire State of Montana.

Complaints must be:

- **signed**
- **notarized**
- **delivered in person or by mail.**

I know there is an ongoing investigation into this case, and I read Ms. McCreary's Declaration under penalty of perjury in the Kesler III vs. McCreary case, and I feel compelled to line out the facts of the case from my perspective.

On April 13, 2024, Senator Theresa Manzella and myself, went to Kodiak Jax and asked Cody Omlid, the owner of Kodiak Jax and CJ's in Stevensville and The Bear's Lair in Florence, for permission to put our signs out at all three restaurants. He said Yes. We went out and put our signs in the yard of Kodiak Jax then drove down the street to do the same at CJ's. While we were putting our signs out, Chief of Police John Boe drove up and asked us what we were doing. We told him we were just putting our signs out and now we were going door knocking. Chief Boe was there when we put those signs out so I think he would have noticed if I had placed my sign "directly in front of and blocking Wayne Rusk's sign." Also, for clarification, there were multiple campaign signs for Wayne Rusk and Greg Overstreet covering the length of the grass in front of CJ's. I placed my sign at the south end of the grass with at least 15 feet separation from either Rusk's or Overstreet's signs. Senator Manzella and myself then went door knocking for three hours and when we came back by CJ's, both of our signs were gone. We immediately drove back down to Kodiak Jax and told Cody that both of our signs were missing. He said he had just driven by there on his way to the gas station 30 minutes prior and they were there then, so they must have gone missing in the last half hour. He said he would call CJ's and make sure the management knew that he had given us permission. We left that day without replacing our signs. By Ms. McCreary's own admission to the Stevensville Chief of Police, John Boe, Ms. McCreary stole the first sign on Saturday, April 13, 2024.

On Monday, April 15, 2024, I had a lunch meeting at CJ's and I replaced my missing sign at that time. Ms. McCreary showed up at CJ's and I caught her red-handed taking my sign again. I saw her grab my sign through the window. I went outside and yelled her name. She ignored me and kept heading to her truck. I yelled her name again and she stopped and turned around. I asked her what she was doing. I told her that was my sign and that she couldn't take it, that was stealing. She told me that I didn't have permission to have it there. I told her that I did. She told me that I didn't and that only she did. I told her that I did. She asked me if I had permission from Jon. I don't even know who Jon is and so I told her No, but I had permission from Cody. She then asked me why I put it over there and pointed to where she had taken the sign from. I took some photos of her. I told her that I didn't know, I just put it down at the end of the whole row of signs that she had there, and even if I didn't have permission to have my signs there, she couldn't take it. I started taking a video of her and Ms. McCreary thought about it for a moment and then walked over to the middle of the yard and stuck my sign in the grass. She then got in her truck and left. There were three other witnesses to this incident.

I drove home and called Chief of Police John Boe. I told him who I was and he asked me if I was calling about Sue McCreary. I told him that I was and asked him how he knew about it already. He said she had come in and confessed. See attached Police Report printed on April 22, 2024.

In the case of Kesler III vs. McCreary, Ms. McCreary's Declaration under penalty of perjury under the laws of the State of Montana (attached), violates MCA, Section 13-35-207(3) (attached), and is punishable under MCA, Section 45-7-202 (attached) or MCA, Section 45-7-203 (attached) for the following reasons:

1. Ms. McCreary states, "I witnessed a political campaign sign of candidate Kim Dailey which was placed directly in front of and which was obstructing the political campaign sign of candidate Wayne Rusk." Chief of Police John Boe, was there when I placed my sign on April 13, 2024, and there were 3 witnesses to where I placed my sign on April 15, 2024, and neither time did I obstruct any other candidate's signs.
2. After stating that on some day in April, she saw my sign obstructing Wayne Rusk's sign, asked Jon for permission to remove it, did so, and then Ms. McCreary states, "On the same date I witnessed another political sign of Ms. Dailey, again placed directly in front of, and completely obstructing the political sign of Wayne Rusk." I never put out two signs in one day. I put out one on Saturday, April 13 (that she took), and one on Monday, April 15, 2024 (that I caught her taking).
3. Ms. McCreary states, "Because Ms. Dailey's sign was obstructing another candidate's sign, I asked Jon if I could remove it, and he gave me consent to do so." If Ms. McCreary had permission from Jon to take down my signs, why didn't she tell that to me when I confronted her about stealing, or to Chief Boe on April 15, 2024, when she was accused of and confessed to theft?

Lastly, Ms. McCreary and I have served on the Ravalli County Republican Central Committee together for approximately 2 ½ years. She knows who I am and she knows about politics. When Ms. McCreary committed the theft (or rather election interference) and was convicted, she was herself a candidate for re-election to the Ravalli County Republican Central Committee. Matter of fact, we were both candidates for re-election, so the crime she committed was against a fellow committee member. She violated MCA, Section 13-35-301 (attached). She won her election and is now the Precinct Committeewoman for Precinct 21. Due to all of the above, she should be punished with MCA, Section 13-35-106 (attached) and removed from office.

Montana Code Annotated 2023

TITLE 13. ELECTIONS

CHAPTER 35. ELECTION AND CAMPAIGN PRACTICES AND CRIMINAL PROVISIONS

Part 2. Specific Provisions

Coercion Or Undue Influence Of Voters

13-35-218. Coercion or undue influence of voters. (1) A person, directly or indirectly, individually or through any other person, in order to induce or compel a person to vote or refrain from voting for any candidate, the ticket of any political party, or any ballot issue before the people, may not:

(a) use or threaten to use any force, coercion, violence, restraint, or undue influence against any person; or

(b) inflict or threaten to inflict, individually or with any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person.

(2) A person may not, by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election or compel, induce, or prevail upon any elector to give or to refrain from giving the elector's vote at any election.

(3) A person may not, in any manner, interfere with a voter lawfully exercising the right to vote at an election in order to prevent the election from being fairly held and lawfully conducted.

(4) A person on election day may not obstruct the doors or entries of any polling place or engage in any solicitation of a voter within the room where votes are being cast or elsewhere in any manner that in any way interferes with the election process or obstructs the access of voters to or from the polling place.

History: En. 23-47-126 by Sec. 26, Ch. 334, L. 1977; R.C.M. 1947, 23-47-126; amd. Sec. 1, Ch. 561, L. 1981; amd. Sec. 99, Ch. 56, L. 2009; amd. Sec. 59, Ch. 336, L. 2013.

Stevensville Police Department

Case SP2404-013

Printed on April 22, 2024

Status	Approved
Report Type	Patrol
Primary Officer	John Boe
Investigator	John Boe
Reported At	04/16/24 16:45
Incident Date	04/15/24 13:30 - 04/15/24 13:30
Incident Code	THEFT : Theft
Location	324 MAIN ST, STEVENSVILLE, MT 59870 (CJ'S DEN)
Zone	STEVENSVILLE CITY POLICE
Beat	
Court	None
Ereferral County	None
Disposition	34 SPD Arrest and/or Citation Issued (CLOSED)
Disposition Date/Time	04/16/24 17:43
Review for Gang Activity	None

Offense Information

Offense	Theft - All Other Larceny - 1st Offense
Statute	45-6-301(1)[1]
NIBRS Code	23H - All Other Larceny
Counts	1
Include In NIBRS	Yes
Completed	Yes
Bias Motivation	None (no bias)
Location	Restaurant
Entry Forced	No
Cargo Theft	No

Cited

[REDACTED]
Female, [REDACTED] 45-6-301(1)[1] - Theft - All Other Larceny - 1st Offense
[REDACTED]
STEVENSVILLE, MT 59870
[REDACTED] Other

Offender

[REDACTED]
Female, [REDACTED] 45-6-301(1)[1] - Theft - All Other Larceny - 1st Offense
[REDACTED]
STEVENSVILLE, MT 59870
[REDACTED] Other

Victim

DAILEY, KIMBERLY ANN
Female, DOB 12/31/68

45-6-301(1)[1] - Theft - All Other Larceny - 1st Offense

5433 WILDLIFE WAY
FLORENCE, MT 59833
(406) 544-0687 Other

Names Mentioned in Narratives

DAILEY, KIMBERLY ANN	Initial Investigative Supplemental
[REDACTED]	Initial Investigative Supplemental

Initial Narrative By John Boe

On April 16, 2024 at approximately 1530 hours, I, Chief John Boe of the Stevensville Police Department was approached by a female subject regarding a possible theft occurring at 324 Main Street. End of Statement.

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Supplemental Narrative By John Boe

On April 19, 2024 at approximately 1510 hours, I, Chief John Boe issued [REDACTED] a citation for Theft and released her from the police department with a court date. End of Statement.

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Investigative Narrative By John Boe

On April 15, 2024 at 1300 hours, I, Chief John Boe was met by W/F [REDACTED] at the Stevensville Police Department regarding an incident earlier in the day at 324 Main Street. Ms. [REDACTED] advised that she had recently been involved in an altercation where she took another candidates campaign sign from the ground located at said property. [REDACTED] admitted to taking the sign and apologized for the trouble she caused. When asked if she returned the property, she advised she replaced the sign in the front of the business in question. [REDACTED] advised she didn't think the other candidate had authorization to post her sign on the property and that her sign had been placed directly in front of the candidate she supported. Shortly thereafter, at approximately 1630 hours W/F Kim Ann Dailey contacted reporting officer by phone and complained that she recently had a sign stolen from the business located at 324 Main Street. Mrs. Dailey advised that she would come in and file a police report on the following day.

On April 16, 2024 at approximately 1700 hours, Kim Dailey arrived at the Stevensville Police Department and advised, On April 15, 2024 (Monday) Dailey replaced her sign at CJ's restaurant and entered the establishment for lunch with her spouse and a friend. As she was seated inside the restaurant and speaking with the waitress, she observed [REDACTED] enter the restaurant and look around, [REDACTED] then entered the main part of the restaurant and sat for approximately twenty minutes. [REDACTED] then got up and left the restaurant, and was gone for approximately twenty minutes. [REDACTED] parked directly in front of the building on Main Street upon her return and walked directly to the campaign sign with Dailey's name across it. Dailey observed [REDACTED] grab the sign and walk back toward her vehicle with the sign under her right arm. Dailey captured photographs and a short video of [REDACTED] retrieving the sign and walking toward her vehicle, a dark colored Toyota truck with a white camper. [REDACTED] was walking toward her truck with the sign when Dailey yelled her name twice. Dailey advised [REDACTED] that she was stealing her sign and that she couldn't do that. [REDACTED] argued that Dailey did not have permission to post her campaign sign on the property. The

two argued back and forth about permission rights and then Dailey advised she received permission from Cody. [REDACTED] then fell silent for a brief period and then asked Dailey why she placed her sign directly in front of Wayne Rusk's sign? Dailey said she didn't know, she just placed her sign at the end of the row of signs. She also questioned [REDACTED] as to what difference it made, and besides even if I didn't have permission, you can't take my sign. After a brief silence, [REDACTED] walked over and placed Dailey's sign at a different location in front of the business.

On April 19, 2024, while conversing with [REDACTED] about the incident, she advised she moved the campaign sign from directly in front of the candidates sign she was supporting, stating Dailey intentionally placed her sign directly in front of the other. She then advised she wasn't sure Dailey had sought permission to post her signs on the property. A check through the dining establishment confirmed Dailey had previously been authorized to place her campaign signs on the property in question. After being asked about the initial campaign sign that was reported missing on April 13, 2024, [REDACTED] advised she removed the sign and took it off the property. When she was asked as to the whereabouts of that sign, she placed her finger over her mouth, as to say she wasn't telling. [REDACTED] failed to answer the whereabouts of the original campaign sign, only that she was responsible for removing said sign. End of Statement

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DECLARATION OF SUSAN G. McCREARY

I, Susan G. McCreary, declare as follows:

I am 81 years of age and a homeowner and resident of Stevensville, Montana.

I am not, nor have I ever been, a Campaign Manager for Wayne Rusk, who is a Representative of HW 88 and candidate for SD44.

In April of this year (the exact date I do not recall) as I was preparing to enter C.J.'s Restaurant for breakfast, I witnessed a political campaign sign of candidate Kim Dailey which was placed directly in front of and which was obstructing the political campaign sign of candidate Wayne Rusk.

I asked Jon (the owner of C.J.'s Restaurant) if anyone had received permission to place Ms. Dailey's sign where it was then located, and he responded that no one had asked permission. Because Ms. Dailey's sign was obstructing another candidate's sign, I asked Jon if I could remove it, and he gave me consent to do so.

On the same date I witnessed another political sign of Ms. Dailey, again placed directly in front of, and completely obstructing the political sign of Wayne Rusk. I left a written note for Jon stating that I had removed Ms. Dailey's second sign, but that I would return it if she had consent to place the sign where it was.

As I removed the sign, Kim Dailey and her friend, Deborah Tilden, came out of C.J.'s and asked me why I removed Ms. Dailey's sign. Ms. Daley stated she had obtained permission from Cody (last name unknown), the owner of Kodiak Jax's Restaurant to place her sign where it was.

I asked Ms. Dailey why she placed her sign directly in front of, and obstructing, Wayne Rusk's sign, and she refused to answer.

I replaced Ms. Dailey's sign in a location near candidate Greg Overstreet's sign, where it did not obstruct any other sign. All the while, Ms. Dailey and Ms. Tilden were shouting at me and filming my actions.

I now realize I should not have removed the first sign from the lawn area at C.J.'s Restaurant. I meant no malice by my actions, I only wanted to remove the obstruction of another candidate's sign. I have since personally delivered the sign to Ravalli County Attorney Bill Fullbright.

Other political signs have since been removed or moved by a person or persons unknown to me. I spoke to candidate Greg Overstreet about the missing or moved signs, and then attempted to report the thefts to the new Chief of Police, John Boe, but he was in conference with Ms. Dailey. A deputy took my statement.

I declare under penalty of perjury under the laws of the State of Montana that the foregoing is true and correct.

Dated this 10th day of May, 2024 at Stevensville, Montana.

Susan G. McCreary

SUSAN G. McCREARY

Montana Code Annotated 2023

TITLE 13. ELECTIONS

CHAPTER 35. ELECTION AND CAMPAIGN PRACTICES AND CRIMINAL PROVISIONS

Part 2. Specific Provisions

Deceptive Election Practices

13-35-207. Deceptive election practices. A person is guilty of false swearing, unsworn falsification, or tampering with public records or information, as appropriate, and is punishable as provided in **45-7-202**, **45-7-203**, or **45-7-208**, as applicable, whenever the person:

- (1) falsely represents the person's name or other information required upon the person's voter registration form and causes registration with the form;
- (2) signs a voter registration form knowingly witnessing any false or misleading statement;
- (3) knowingly causes a false statement, certificate, or return of any kind to be signed;
- (4) falsely makes a declaration or certificate of nomination;
- (5) files or receives for filing a declaration or certificate of nomination knowing that all or part of the declaration or certificate is false;
- (6) forges or falsely makes the official endorsement of a ballot;
- (7) forges or counterfeits returns of an election purporting to have been held at a precinct, municipality, or ward where no election was in fact held;
- (8) knowingly substitutes forged or counterfeit returns of election in place of the true returns for a precinct, municipality, or ward where an election was held;
- (9) signs a name other than the person's own to a petition, signs more than once for the same ballot issue, or signs a petition while not being a qualified elector of the state; or
- (10) makes a false oath or affidavit where an oath or affidavit is required by law.

History: En. **23-47-115** by Sec. 15, Ch. 334, L. 1977; R.C.M. 1947, **23-47-115**; amd. Sec. 218, Ch. 571, L. 1979; amd. Sec. 23, Ch. 481, L. 2007; amd. Sec. 32, Ch. 368, L. 2017.

Montana Code Annotated 2023

TITLE 45. CRIMES

CHAPTER 7. OFFENSES AGAINST PUBLIC ADMINISTRATION

Part 2. Perjury and Other Falsification in Official Matters

False Swearing

45-7-202. False swearing. (1) A person commits the offense of false swearing if the person knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made when the person does not believe the statement to be true and:

- (a) the falsification occurs in an official proceeding;
- (b) the falsification is purposely made to mislead a public servant in performing an official function; or
- (c) the statement is one that is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

(2) Subsections (4) through (7) of **45-7-201** apply to this section.

(3) A person convicted of false swearing shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

History: En. 94-7-203 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-7-203; amd. Sec. 5, Ch. 407, L. 2007; amd. Sec. 9, Ch. 565, L. 2021.

Montana Code Annotated 2023

TITLE 45. CRIMES

CHAPTER 7. OFFENSES AGAINST PUBLIC ADMINISTRATION

Part 2. Perjury and Other Falsification in Official Matters

Unsworn Falsification To Authorities

45-7-203. Unsworn falsification to authorities. (1) A person commits an offense under this section if, with the purpose to mislead a public servant in performing an official function, the person:

- (a) makes any written or verbal false statement that the person does not believe to be true;
- (b) purposely creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements from being misleading;
- (c) submits or invites reliance on any writing that the person knows to be forged, altered, or otherwise lacking in authenticity; or
- (d) submits or invites reliance on any sample, specimen, map, boundary mark, or other object that the person knows to be false.

(2) A person convicted of an offense under this section shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

History: En. 94-7-204 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-7-204; amd. Sec. 1680, Ch. 56, L. 2009; amd. Sec. 3, Ch. 656, L. 2023.

Montana Code Annotated 2023

TITLE 13. ELECTIONS

CHAPTER 35. ELECTION AND CAMPAIGN PRACTICES AND CRIMINAL PROVISIONS

Part 3. Code of Fair Campaign Practices

Adoption Of Code Of Fair Campaign Practices

13-35-301. Adoption of code of fair campaign practices. The following code of fair campaign practices is adopted by Montana:

"There are basic principles of decency, honesty, and fair play that every candidate for public office in the United States has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues before the country. Therefore:

I will conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and my opponent's party that merit such criticism.

I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I will conduct my campaign without the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on my opposition or my opposition's personal or family life.


I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the loyalty and patriotism of my opposition.

I will not make any appeal to prejudice based on race, sex, as defined in **1-1-201**, creed, or national origin.

I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections or that hampers or prevents the full and free expression of the will of the voters.

Insofar as is possible, I will immediately and publicly repudiate support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I have pledged not to use or condone."

History: En. Sec. 1, Ch. 475, L. 1979; amd. Sec. 101, Ch. 56, L. 2009; amd. Sec. 6, Ch. 685, L. 2023.

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Montana Code Annotated 2023

TITLE 13. ELECTIONS

CHAPTER 35. ELECTION AND CAMPAIGN PRACTICES AND CRIMINAL PROVISIONS

Part 1. General Provisions

Ineligibility To Hold Office Because Of Conviction

13-35-106. Ineligibility to hold office because of conviction. In addition to all other penalties prescribed by law:

(1) a candidate who is convicted of violating any provision of this title, except **13-35-207(9)**, is ineligible to be a candidate for any public office in the state of Montana until final discharge from state supervision;

(2) a campaign treasurer who is convicted of violating any provision of this title, except **13-35-207(9)**, is ineligible to be a candidate for any public office or to hold the position of campaign treasurer in any campaign in the state of Montana until final discharge from state supervision;

(3) if an elected official or a candidate is adjudicated to have violated any provision of this title, except **13-35-207(9)**, the individual must be removed from nomination or office, as the case may be, even though the individual was regularly nominated or elected.

History: En. **23-47-106** by Sec. 6, Ch. 334, L. 1977; R.C.M. 1947, **23-47-106**; amd. Sec. 215, Ch. 571, L. 1979; amd. Sec. 92, Ch. 56, L. 2009.