

THE STATE OF MONTANA

Commissioner of Political Practices
1209 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
Phone: 406-444-2942
Fax: 406-444-1643
www.politicalpractices.mt.gov

Commissioner of
Political Practices
2026 MAY 07
PM0236/
RECEIVED

FOR OFFICE USE ONLY
POSTMARKED <u>5/07/2026</u> @2:35
HAND DELIVERED <input checked="" type="checkbox"/>
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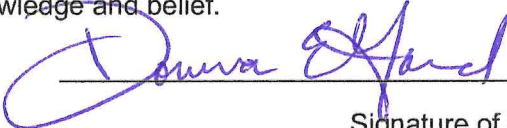

**Campaign Finance and Practices
Complaint Form (08/17)**

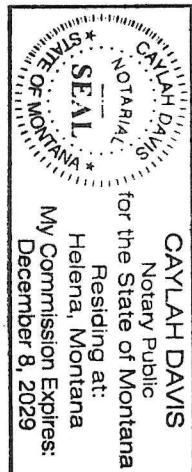
Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):	
Complete Name	Donna Elford
Complete Mailing Address	5353 McHugh, Helena, MT 59602 Email: donnaeze@gmail.com
Phone Numbers:	Work N/A Home (406) 459-6631

Person or organization against whom complaint is brought (Respondent):	
Complete Name	Conservatives4MT PAC
Complete Mailing Address	Ross Fitzgerald, Treasurer P.O. Box 7843, Helena, MT 59604
Phone Numbers:	Work None Found Home (406) 788-1443 Email: info@conservatives4mt.com

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

Verification by oath or affirmation	
State of Montana, County of <u>Lewis & Clark</u>	
I, Donna Elford, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.	
 Signature of Complainant	
Subscribed and sworn to before me this <u>7</u> day of <u>May</u> , 20 <u>26</u> .	
 Notary Public	
My Commission Expires: <u>Dec 8, 2029</u>	



Campaign Finance and Practices Complaint Form

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.

I believe that the attached campaign mailer — a single two-sided printed mailer paid for and sponsored by Conservatives4MT PAC, Treasurer Ross Fitzgerald, P.O. Box 7843, Helena, MT 59604 — constitutes a violation of Mont. Code Ann. § 13-35-801 et seq. The mailer concerns the State Senate District 43 race between candidate Kathy Love and David Bedey and was distributed within 60 days of the initiation of voting in the 2026 primary election. Copies of the front and back of the mailer are attached as Exhibit A (Address Side) and Exhibit B (Reverse Side).

Mont. Code Ann. § 13-35-801(3) defines a "deepfake" as "AI-generated content or synthetic media that depicts a candidate or political party with the intent to injure the reputation of the candidate or party or otherwise deceive a voter." The statute thus prohibits synthetic media disseminated with either (a) intent to injure reputation or (b) intent otherwise to deceive a voter. The mailer attached hereto appears to satisfy this element under either or both prongs, as set forth below, on both of its sides.

The Address Side of the mailer (Exhibit A) contains, on the left half, the negative attack panel "KATHY LOVE VOTED AGAINST GOVERNOR GIANFORTE'S HISTORIC PROPERTY TAX CUT — KATHY LOVES HIGHER TAXES," and, on the right half, the positive promotional panel "DAVID BEDEY — STATE SENATE DISTRICT 43 — FROM HERE. FOR HERE.," together with the addressing block, postal indicia, and the "Paid for by Conservatives4MT PAC • Treasurer Ross Fitzgerald • P.O. Box 7843 • Helena, MT 59604" disclaimer. The attack panel depicts what appears to be a cropped, digitally altered photograph of candidate Kathy Love placed adjacent to a separate, digitally altered photograph of Governor Gianforte at a podium with a "\$1 BILLION IN TAX RELIEF" sign. On information and belief, the two images do not appear to have been taken together; they appear to have been digitally extracted, color-treated, re-composed, and combined into a single composite intended to convey to voters that Kathy Love stood opposite the Governor on a popular tax relief measure. The Bedey panel, on the same side of the same mailer, features David Bedey against what appears to be a digitally composited American flag/sky background with stylized graphics. The composite imagery appears to constitute "AI-generated content or synthetic media" under Mont. Code Ann. § 13-35-801(3), and "synthetic media" produced through "generative artificial intelligence or other digital technology" under Mont. Code Ann. § 13-35-801(5). The Address Side appears to have been created and distributed with the intent to injure the reputation of candidate Kathy Love — it expressly attacks her by name, declares "KATHY LOVES HIGHER TAXES," and pairs that disparaging message with manipulated, composited imagery.

The Reverse Side of the mailer (Exhibit B) bears the headline "DAVID BEDEY — STATE SENATE DISTRICT 43 — FROM HERE. FOR HERE." together with "Meet David" and a "Conservative Platform" listing. It consists of what appears to be a digitally composited image of David Bedey extracted from his original photographic background and re-composited onto a stylized scene of an American flag overlaid on Montana mountains, together with stylized typographic overlays and graphic elements. The image does not appear to be an unaltered photograph; it appears to be a synthetic, digitally produced or AI-assisted image and therefore appears to constitute "synthetic media" within the meaning of Mont. Code Ann. § 13-35-801(5).

On its face, the Reverse Side of the mailer promotes David Bedey rather than expressly attacking Kathy Love. Complainant acknowledges that the Reverse Side, considered in isolation, does not contain an obvious or expressly stated intent to injure Kathy Love's reputation. However, the Reverse Side is not a stand-alone communication: it is one half of a single two-sided mailer, the other side of which is unambiguously a negative attack on Kathy Love. Under the broad and ambiguous terms of Mont. Code Ann. § 13-35-801(3), an intent to injure the reputation of the opposing candidate appears to be plainly implied from the totality of the four corners of this mailer. By contrasting and elevating David Bedey's claimed positive attributes ("5th generation Bitterrooter," "Retired U.S. Army Colonel,"

"Conservative Platform," "Lowered Residential Property Taxes by more than \$1,850") on the same piece of mail that on its other side disparages Kathy Love as a "higher taxes" candidate, the implicit message of the Reverse Side to a reasonable voter appears to be that Kathy Love does not share, and is the opposite of, those positive attributes. That implicit comparative message — printed on the very same physical mailer that explicitly attacks Kathy Love — appears to have been made with the intent to injure her reputation, or at minimum "otherwise deceive a voter," within the meaning of Mont. Code Ann. § 13-35-801(3).

I believe that both sides of the mailer "provide a reasonable person a fundamentally different understanding or impression of the appearance, action, or speech than a reasonable person would have from the unaltered, original version" of the photographs and images depicted, in violation of Mont. Code Ann. § 13-35-802(3)(b), and "appear to a reasonable person to depict an individual saying or doing something that did not occur," within the meaning of Mont. Code Ann. § 13-35-802(3)(a). The Love/Gianforte composite on the Address Side appears calculated to give voters a fundamentally different impression of the appearance, juxtaposition, and conduct of candidate Love than any unaltered, original photograph would.

The mailer does not contain the disclosure required by Mont. Code Ann. § 13-35-802(1)(b), namely a clear and conspicuous statement that "This image has been significantly edited by artificial intelligence and depicts speech or conduct that falsely appears to be authentic or truthful," in bold type of at least 12 points as required by Mont. Code Ann. § 13-35-802(1)(c).

Conservatives4MT PAC and its treasurer "knew or should have known" that the mailer contains synthetic media or AI-generated content as defined by the statute, given the obvious composite nature of the imagery, the extracted-and-recomposed photographs, and the digitally generated graphic backgrounds. Mont. Code Ann. § 13-35-802(1)(a).

Because the mailer was paid for and distributed by a political committee "working in an official election capacity" within 60 days of the initiation of voting in the 2026 primary election, and because it appears to constitute a deepfake within the meaning of the statute and was not accompanied by the required disclosure, I believe that Conservatives4MT PAC has violated Mont. Code Ann. § 13-35-802(1).

Complainant further notes — and respectfully preserves for the record — that Mont. Code Ann. § 13-35-801 et seq. is, on its face and as applied, unconstitutionally vague and overbroad in violation of the First and Fourteenth Amendments. The statute fails to provide meaningful guidance to speakers or the Commissioner as to what constitutes prohibited "synthetic media" or a regulated "deepfake," sweeps in routine and protected political speech that uses common digital editing tools, imposes a compelled-speech disclosure requirement, and discriminates on the basis of speaker. By filing this Complaint, Complainant does not concede that the Act is constitutional and expressly reserves all rights to challenge the Act on First and Fourteenth Amendment grounds, including but not limited to vagueness, overbreadth, viewpoint and speaker discrimination, and compelled speech, in any forum in which enforcement of the Act is pursued. See *Montana Citizens for Right to Work v. Mangan*, 580 F. Supp. 3d 911 (D. Mont. 2022); *Kohls v. Bonta*, 797 F. Supp. 3d 1177 (E.D. Cal. 2025); *The Babylon Bee, LLC v. Lopez*, 2026 WL 555552 (D. Haw. Jan. 30, 2026). See also *Accountability in State Government v. Gallus et al.*, Cause No. CV-26-38-H-SPW, filed May 6, 2026 (United States District Court, District of Montana, Helena Division).

Complainant requests that the Commissioner make a sufficiency finding under Mont. Code Ann. § 13-35-804 and impose all available penalties, including civil penalties under § 13-35-804(1) and any further escalating penalties authorized by § 13-35-804(2)–(4) for any prior or subsequent violations, and any other relief the Commissioner deems just and proper.

Documentary evidence — copies of the front and back of the single two-sided mailer — is attached as Exhibit A (Address Side) and Exhibit B (Reverse Side) to this Complaint.

MAILER — "BEDEY vs. LOVE — STATE SENATE DISTRICT 43"

EXHIBIT A — Address Side

"KATHY LOVE VOTED AGAINST GOVERNOR GIANFORTE'S HISTORIC PROPERTY TAX CUT — KATHY LOVES HIGHER TAXES" / DAVID BEDEY addressing panel (paid for by Conservatives4MT PAC)

**KATHY LOVE
VOTED AGAINST
GOVERNOR GIANFORTE'S
HISTORIC PROPERTY
TAX CUT.**

**DAVID
BEDEY**
STATE SENATE DISTRICT 43

FROM HERE. FOR HERE.

Conservatives4MT PAC • P.O. Box 7843 • Helena, MT 59604

PSRST STD
US POSTAGE
PAID
GREAT FALLS MT
PERMIT 151

Property taxes are suffocating homeowners. Governor Gianforte proposed cutting Montana homeowner's property taxes by 15%. Kathy Love voted against it. Higher costs, more property taxes and Montana families pay the price.

KATHY LOVES HIGHER TAXES

Paid for by Conservatives4MT PAC • Treasurer Ross Fitzgerald • P.O. Box 7843 • Helena, MT 59604

EXHIBIT B — Reverse Side

"DAVID BEDEY — STATE SENATE DISTRICT 43 — FROM HERE. FOR HERE. / Meet David / Conservative Platform" (paid for by Conservatives4MT PAC)

**DAVID
BEDEY**
STATE SENATE DISTRICT 43

FROM HERE. FOR HERE.

Meet David

- ★ 5th generation Bitterrooter
- ★ Retired U.S. Army Colonel
- ★ Avid hunter, gun owner
- ★ Ran a start-up engineering firm

Conservative Platform

- ★ **TAXES:** Lowered Residential Property Taxes by more than \$1,850
- ★ **PUBLIC SAFETY:** Supports strong borders, law enforcement, and our military
- ★ **INFRASTRUCTURE:** Strong supporter of improving Montana's infrastructure
- ★ **SMALL GOVERNMENT:** Believes in reducing regulation and increasing personal freedom

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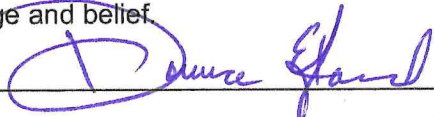
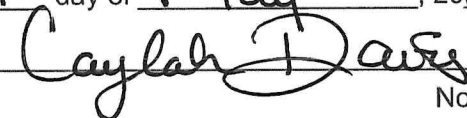
**Campaign Finance and Practices
 Complaint Form (08/17)**

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

Person bringing complaint (Complainant):	
Complete Name	Donna Elford
Complete Mailing Address	5353 McHugh, Helena, MT 59602 Email: donnakze@gmail.com
Phone Numbers:	Work N/A Home (406) 459-6631

Person or organization against whom complaint is brought (Respondent):	
Complete Name	Conservatives4MT PAC
Complete Mailing Address	Ross Fitzgerald, Treasurer P.O. Box 7843, Helena, MT 59604
Phone Numbers:	Work None Found Home (406) 788-1443 Email: info@conservatives4mt.com

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

Verification by oath or affirmation	
State of Montana, County of <u>Lewis & Clark</u>	
I, Donna Elford, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.	
 _____ Signature of Complainant	
Subscribed and sworn to before me this <u>7</u> day of <u>May</u> , 20 <u>26</u> .	
 _____ Notary Public	
My Commission Expires: <u>Dec 8 2029</u>	



Campaign Finance and Practices Complaint Form

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.

I believe that the two attached campaign mailers — each a single two-sided printed mailer paid for and sponsored by Conservatives4MT PAC, Treasurer Ross Fitzgerald, P.O. Box 7843, Helena, MT 59604 — constitute violations of Mont. Code Ann. § 13-35-801 et seq. Both mailers attack candidate Zack Wirth and were distributed within 60 days of the initiation of voting in the 2026 primary election. Copies of the front and back of each mailer are attached as Exhibits A through D.

MAILER 1 — "American Prairie Reserve / Save the Cowboy" mailer. The Front Side of Mailer 1 (Exhibit A) is the panel "Save the Cowboy? — ZACK WIRTH HAS OTHER PLANS," consisting of a digitally composited silhouette image of a cowboy and child set against a sunset/sunrise sky, with stylized typographic overlays. The image does not appear to be an unaltered photograph; it appears to be a synthetic, composited, digitally produced or AI-assisted image used to depict the candidate negatively. It appears to be "synthetic media" within the meaning of Mont. Code Ann. § 13-35-801(5).

The Back/Address Side of Mailer 1 (Exhibit B) bears "ZACK WIRTH OPPOSED Governor Gianforte's BILL THAT WOULD HAVE STOPPED EXPANSION OF THE AMERICAN PRAIRIE RESERVE" and contains what appear to be additional digitally manipulated and composited images, including but not limited to: (a) a photograph of Zack Wirth juxtaposed with another photograph which appear to be digitally altered, cropped, color-treated, and re-composed; and (b) a digitally generated/altered map of Montana with red shading purporting to depict the so-called "American Prairie Reserve Expansion Plan." The map and the side-by-side composite appear to be "AI-generated content or synthetic media" within the meaning of Mont. Code Ann. § 13-35-801(3) and appear to constitute "synthetic media" produced through "generative artificial intelligence or other digital technology" within the meaning of Mont. Code Ann. § 13-35-801(5).

MAILER 2 — "Property Tax / Brick Wall" mailer. The Address Side of Mailer 2 (Exhibit C) bears the headline "WHO DOES ZACK WIRTH WORK FOR? BECAUSE IT CERTAINLY ISN'T YOU." together with a left-hand panel containing what may be a stock photograph of an older couple appearing distressed at a table reviewing financial documents, beneath the text "AMERICANS FOR PROSPERITY, Zack Wirth's big money backers have vowed to REPEAL THE \$1,300 PROPERTY TAX cut passed by Governor Gianforte and conservative legislators." The stock photograph does not appear to be a photograph of any actual constituent of Zack Wirth's district or any actual person identified in the mailer; it appears to be a generic stock or AI-assisted image digitally inserted into the mailer to manufacture an emotional impression of harm caused by Zack Wirth. The composite appears to constitute "synthetic media" within the meaning of Mont. Code Ann. § 13-35-801(5).

The Brick Wall Side of Mailer 2 (Exhibit D) bears "ZACK WIRTH AND HIS OUT OF STATE HANDLERS WILL RAISE YOUR PROPERTY TAXES BY \$1,300." This panel consists of a black-and-white photograph of candidate Zack Wirth that appears to have been digitally extracted from its original photographic background and re-composited onto a stylized brick-wall background, with stylized yellow and white typographic overlays. The image does not appear to be an unaltered photograph of Zack Wirth in any actual setting; it seems to be a synthetic, digitally produced or AI-assisted composite image created to depict the candidate negatively in an unflattering manufactured environment. It seems to be "synthetic media" within the meaning of Mont. Code Ann. § 13-35-801(5).

I believe that each side of each mailer "provides a reasonable person a fundamentally different understanding or impression of the appearance, action, or speech than a reasonable person would have from the unaltered, original version" of the photographs and images depicted, in violation of Mont. Code Ann. § 13-35-802(3)(b), and "appears to a reasonable person to depict an individual saying or doing something that did not occur," within the meaning of Mont. Code Ann. § 13-35-802(3)(a).

Both mailers are unmistakably negative attacks on candidate Zack Wirth — the mailers expressly accuse Zack Wirth by name of opposing Governor Gianforte's legislation, of working for "out of state handlers," and of intending to "raise your property taxes by \$1,300." The synthetic media in each mailer therefore appears to have been disseminated "with the intent to injure the reputation of the candidate ... or otherwise deceive a voter," within the meaning of Mont. Code Ann. § 13-35-801(3).

Neither mailer contains the disclosure required by Mont. Code Ann. § 13-35-802(1)(b), namely a clear and conspicuous statement that "This image has been significantly edited by artificial intelligence and depicts speech or conduct that falsely appears to be authentic or truthful," in bold type of at least 12 points as required by Mont. Code Ann. § 13-35-802(1)(c).

Conservatives4MT PAC and its treasurer "knew or should have known" that the mailers contain synthetic media or AI-generated content as defined by the statute, given the obvious composite nature of the imagery — the digitally altered American Prairie Reserve map, the silhouette/sunset compositing, the cutout B&W photograph re-composited onto a stylized brick wall, and the use of stock photography of unrelated persons inserted into a campaign communication. Mont. Code Ann. § 13-35-802(1)(a).

Because the mailers were paid for and distributed by a political committee "working in an official election capacity" within 60 days of the initiation of voting in the 2026 primary election, and because they appear to constitute deepfakes within the meaning of the statute and were not accompanied by the required disclosure, I believe that Conservatives4MT PAC has violated Mont. Code Ann. § 13-35-802(1).

Complainant further notes — and respectfully preserves for the record — that Mont. Code Ann. § 13-35-801 et seq. is, on its face and as applied, unconstitutionally vague and overbroad in violation of the First and Fourteenth Amendments. The statute fails to provide meaningful guidance to speakers or the Commissioner as to what constitutes prohibited "synthetic media" or a regulated "deepfake," sweeps in routine and protected political speech that uses common digital editing tools, imposes a compelled-speech disclosure requirement, and discriminates on the basis of speaker. By filing this Complaint, Complainant does not concede that the Act is constitutional and expressly reserves all rights to challenge the Act on First and Fourteenth Amendment grounds, including but not limited to vagueness, overbreadth, viewpoint and speaker discrimination, and compelled speech, in any forum in which enforcement of the Act is pursued. See *Montana Citizens for Right to Work v. Mangan*, 580 F. Supp. 3d 911 (D. Mont. 2022); *Kohls v. Bonta*, 797 F. Supp. 3d 1177 (E.D. Cal. 2025); *The Babylon Bee, LLC v. Lopez*, 2026 WL 555552 (D. Haw. Jan. 30, 2026). See also *Accountability in State Government v. Gallus et al.*, Cause No. CV-26-38-H-SPW, filed May 6, 2026 (United States District Court, District of Montana, Helena Division).

Complainant requests that the Commissioner make a sufficiency finding under Mont. Code Ann. § 13-35-804 and impose all available penalties, including civil penalties under § 13-35-804(1) and any further escalating penalties authorized by § 13-35-804(2)–(4) for any prior or subsequent violations, and any other relief the Commissioner deems just and proper.

Documentary evidence — copies of the front and back of each two-sided mailer — is attached as Exhibits A through D to this Complaint.

MAILER 1 — "AMERICAN PRAIRIE RESERVE / SAVE THE COWBOY"

EXHIBIT A — Front Side

"Save the Cowboy? — ZACK WIRTH HAS OTHER PLANS" (paid for by Conservatives4MT PAC)

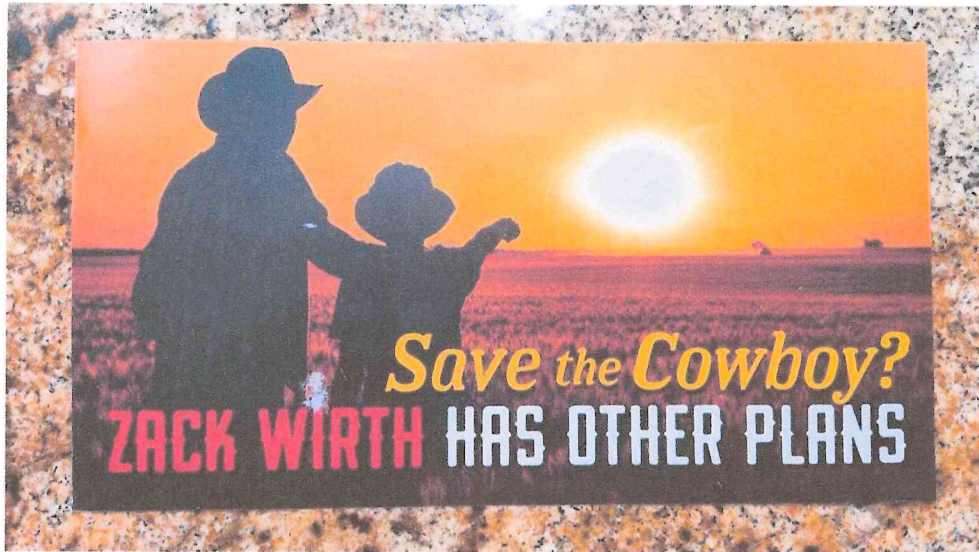
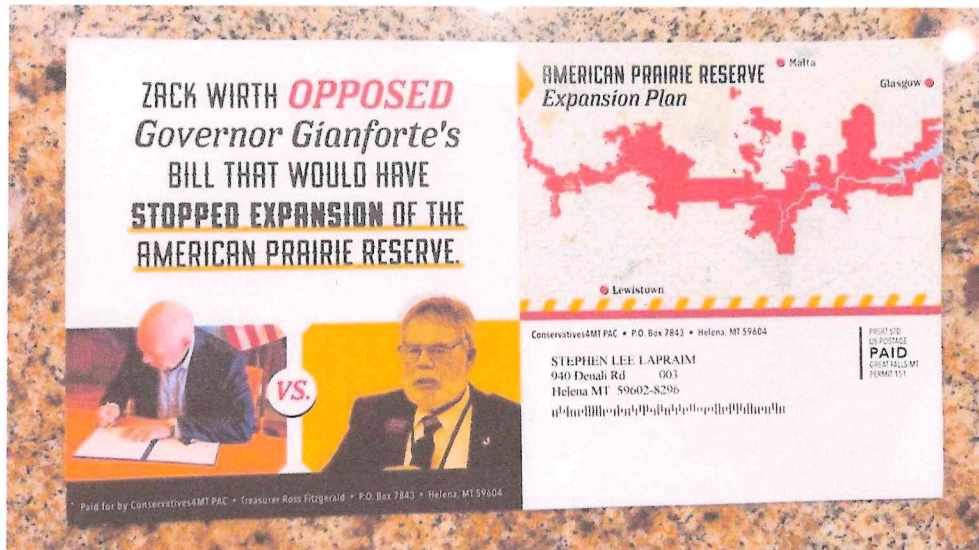


EXHIBIT B — Back / Address Side

"ZACK WIRTH OPPOSED Governor Gianforte's BILL THAT WOULD HAVE STOPPED EXPANSION OF THE AMERICAN PRAIRIE RESERVE" (paid for by Conservatives4MT PAC)



MAILER 2 — "PROPERTY TAX / BRICK WALL"

EXHIBIT C — Address Side

"WHO DOES ZACK WIRTH WORK FOR? BECAUSE IT CERTAINLY ISN'T YOU." (paid for by Conservatives4MT PAC)

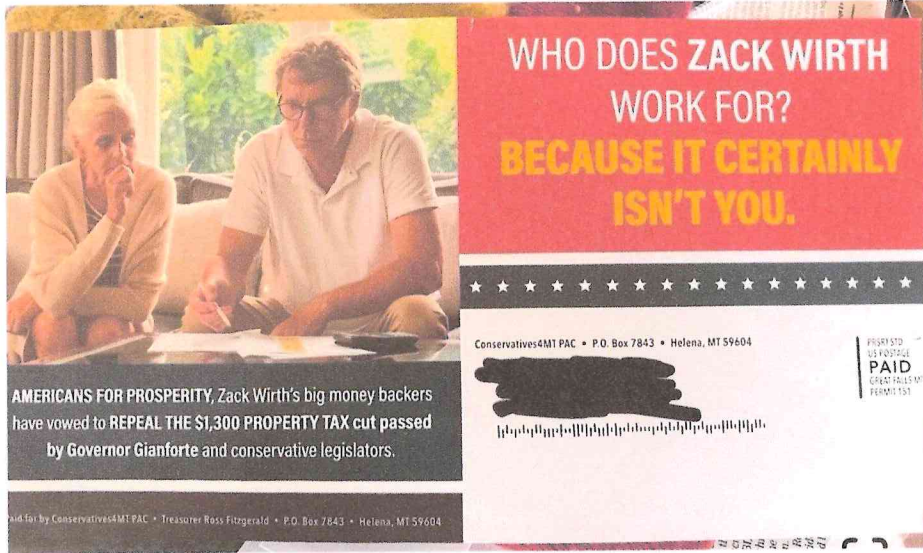
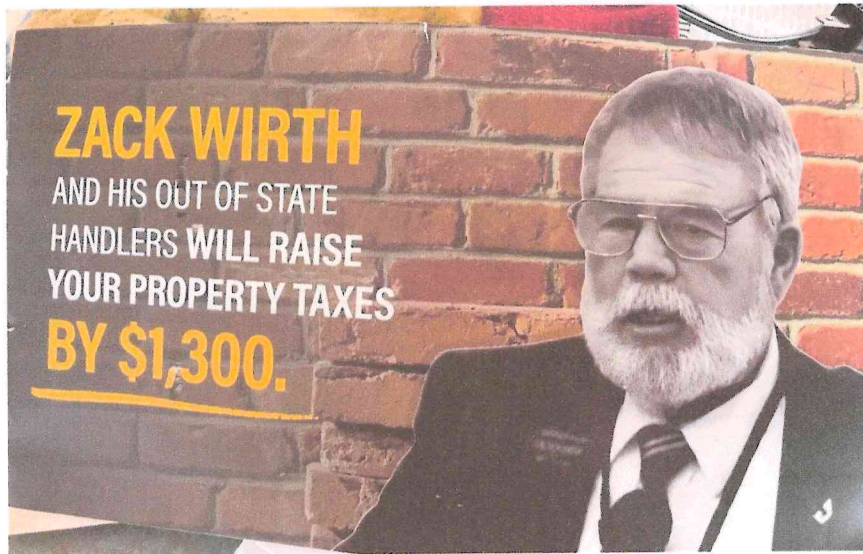


EXHIBIT D — Brick Wall Side

"ZACK WIRTH AND HIS OUT OF STATE HANDLERS WILL RAISE YOUR PROPERTY TAXES BY \$1,300." (paid for by Conservatives4MT PAC)



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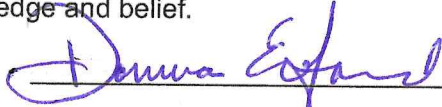
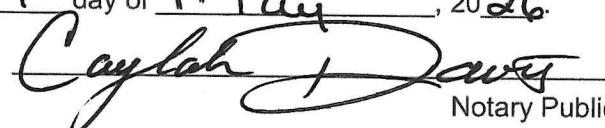
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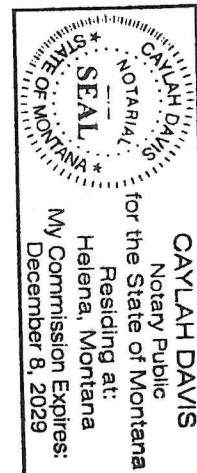
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Person bringing complaint (Complainant):	
Complete Name	Donna Elford
Complete Mailing Address	5353 McHugh, Helena, MT 59602 Email: donnakze@gmail.com
Phone Numbers:	Work N/A Home (406) 459-6631

Person or organization against whom complaint is brought (Respondent):	
Complete Name	Conservatives4MT PAC
Complete Mailing Address	Ross Fitzgerald, Treasurer P.O. Box 7843, Helena, MT 59604
Phone Numbers:	Work None Found Home (406) 788-1443 Email: info@conservatives4mt.com

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

Verification by oath or affirmation	
State of Montana, County of <u>Lewis & Clark</u>	
I, Donna Elford, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.	
 _____ Signature of Complainant	
Subscribed and sworn to before me this <u>7</u> day of <u>May</u> , 20 <u>26</u>	
 _____ Notary Public	
My Commission Expires: <u>Dec 8, 2029</u>	



Campaign Finance and Practices Complaint Form

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.

I believe that the attached campaign mailer — a single two-sided printed mailer paid for and sponsored by Conservatives4MT PAC, Treasurer Ross Fitzgerald, P.O. Box 7843, Helena, MT 59604 — constitutes a violation of Mont. Code Ann. § 13-35-801 et seq. The mailer attacks candidate Barry Usher and was distributed within 60 days of the initiation of voting in the 2026 primary election. Copies of the front and back of the mailer are attached as Exhibit A (Address Side) and Exhibit B (Brick Wall Side).

The Address Side of the mailer (Exhibit A) bears the headline "EVEN WORSE: BARRY USHER HAS VOWED TO TERMINATE YOUR TAX SAVINGS IF HE IS ELECTED TO THE SENATE." together with a left-hand panel containing what may be a stock photograph of an older couple appearing distressed at a table reviewing financial documents. The stock photograph does not appear to be a photograph of any actual constituent of Barry Usher's district or any actual person identified in the mailer; it appears to be a generic stock or AI-assisted image digitally inserted into the mailer to manufacture an emotional impression of harm allegedly caused by Barry Usher. The Address Side also includes the addressing block, postal indicia, and the "Paid for by Conservatives4MT PAC • Treasurer Ross Fitzgerald • P.O. Box 7843 • Helena, MT 59604" disclaimer. The composite design appears to constitute "AI-generated content or synthetic media" under Mont. Code Ann. § 13-35-801(3), and "synthetic media" produced through "generative artificial intelligence or other digital technology" under Mont. Code Ann. § 13-35-801(5).

The Brick Wall Side of the mailer (Exhibit B) bears "BARRY USHER HAD A CHANCE TO LOWER YOUR PROPERTY TAXES. HE VOTED NO." This panel consists of a black-and-white photograph of candidate Barry Usher that appears to have been digitally extracted from its original photographic background and re-composited onto a stylized brick-wall background, with stylized yellow and white typographic overlays. The image does not appear to be an unaltered photograph of Barry Usher in any actual setting; it seems to be a synthetic, digitally produced or AI-assisted composite image created to depict the candidate negatively in an unflattering manufactured environment. It seems to be "synthetic media" within the meaning of Mont. Code Ann. § 13-35-801(5).

I believe that both sides of the mailer "provide a reasonable person a fundamentally different understanding or impression of the appearance, action, or speech than a reasonable person would have from the unaltered, original version" of the photographs and images depicted, in violation of Mont. Code Ann. § 13-35-802(3)(b), and "appear to a reasonable person to depict an individual saying or doing something that did not occur," within the meaning of Mont. Code Ann. § 13-35-802(3)(a). The cutout-and-brick-wall composite of Barry Usher in particular appears calculated to give voters a fundamentally different impression of the appearance and circumstances of candidate Usher than any unaltered, original photograph would.

The mailer is, on both sides, an unmistakably negative attack on candidate Barry Usher. The synthetic media in the mailer therefore appears to have been disseminated "with the intent to injure the reputation of the candidate ... or otherwise deceive a voter," within the meaning of Mont. Code Ann. § 13-35-801(3).

The mailer does not contain the disclosure required by Mont. Code Ann. § 13-35-802(1)(b), namely a clear and conspicuous statement that "This image has been significantly edited by artificial intelligence and depicts speech or conduct that falsely appears to be authentic or truthful," in bold type of at least 12 points as required by Mont. Code Ann. § 13-35-802(1)(c).

Conservatives4MT PAC and its treasurer "knew or should have known" that the mailer contains synthetic media or AI-generated content as defined by the statute, given the obvious composite nature

of the imagery — the cutout B&W photograph re-composited onto a stylized brick wall and the use of stock photography of unrelated persons inserted into the campaign communication. Mont. Code Ann. § 13-35-802(1)(a).

Because the mailer was paid for and distributed by a political committee "working in an official election capacity" within 60 days of the initiation of voting in the 2026 primary election, and because it appears to constitute a deepfake within the meaning of the statute and was not accompanied by the required disclosure, I believe that Conservatives4MT PAC has violated Mont. Code Ann. § 13-35-802(1).

Complainant further notes — and respectfully preserves for the record — that Mont. Code Ann. § 13-35-801 et seq. is, on its face and as applied, unconstitutionally vague and overbroad in violation of the First and Fourteenth Amendments. The statute fails to provide meaningful guidance to speakers or the Commissioner as to what constitutes prohibited "synthetic media" or a regulated "deepfake," sweeps in routine and protected political speech that uses common digital editing tools, imposes a compelled-speech disclosure requirement, and discriminates on the basis of speaker. By filing this Complaint, Complainant does not concede that the Act is constitutional and expressly reserves all rights to challenge the Act on First and Fourteenth Amendment grounds, including but not limited to vagueness, overbreadth, viewpoint and speaker discrimination, and compelled speech, in any forum in which enforcement of the Act is pursued. See *Montana Citizens for Right to Work v. Mangan*, 580 F. Supp. 3d 911 (D. Mont. 2022); *Kohls v. Bonta*, 797 F. Supp. 3d 1177 (E.D. Cal. 2025); *The Babylon Bee, LLC v. Lopez*, 2026 WL 555552 (D. Haw. Jan. 30, 2026). See also *Accountability in State Government v. Gallus et al.*, Cause No. CV-26-38-H-SPW, filed May 6, 2026 (United States District Court, District of Montana, Helena Division).

Complainant requests that the Commissioner make a sufficiency finding under Mont. Code Ann. § 13-35-804 and impose all available penalties, including civil penalties under § 13-35-804(1) and any further escalating penalties authorized by § 13-35-804(2)–(4) for any prior or subsequent violations, and any other relief the Commissioner deems just and proper.

Documentary evidence — copies of the front and back of the single two-sided mailer — is attached as Exhibit A (Address Side) and Exhibit B (Brick Wall Side) to this Complaint.

MAILER — "BARRY USHER / EVEN WORSE / BRICK WALL"

EXHIBIT A — Address Side

"EVEN WORSE: BARRY USHER HAS VOWED TO TERMINATE YOUR TAX SAVINGS IF HE IS ELECTED TO THE SENATE." (paid for by Conservatives4MT PAC)

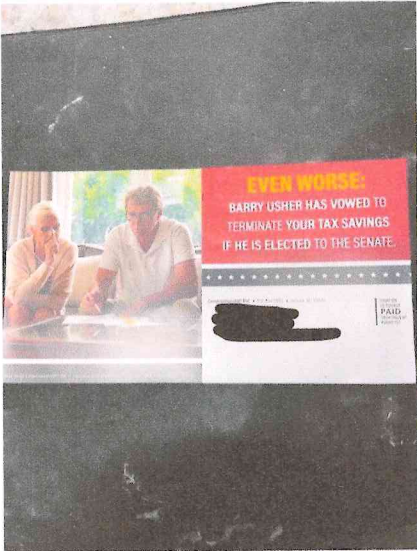


EXHIBIT B — Brick Wall Side

"BARRY USHER HAD A CHANCE TO LOWER YOUR PROPERTY TAXES. HE VOTED NO." (paid for by Conservatives4MT PAC)

