

**Andrea
DAVIS
FOR MAYOR**



LEADING MISSOULA FORWARD

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

Via email: Christopher.Gallus@mt.gov; cppcompliance@mt.gov

Dear Commissioner Gallus:

Thank you for notifying me of the complaint against my campaign filed by Keith Koprivica (Koprivica v. Davis COPP-2023-CFP-015) on September 26, 2023.

I would also like to thank Mr. Koprivica for providing me with this opportunity to clarify and amend my candidate registration and campaign finance reports. At no time was it my intention to deceive or mislead the Commissioner of Political Practices, our donors and supporters, voters or the general public regarding campaign contributions or my campaign's organizational structure.

I have amended the campaign treasurer information to clearly show Marilyn Marler as treasurer. Lisa Swallow is listed as deputy treasurer, along with me and Christine Littig. All are serving in a volunteer capacity.

As Mr. Koprivica has pointed out, the total amounts of cash and in-kind contributions were always reported in the period in which they were received. The mistake was in attributing in-kind contributions received during the primary election period to the general election when the total amount of cash and in-kind contributions received from various individuals was greater than \$400, although never greater than \$800 allowed for both elections.

My dedicated campaign volunteers relied on The Candidate and Treasurer Guide to Navigating the Campaign Electronic Reporting System (CERS) dated January 2022 as well as the Municipal Elections – Odd Year Candidate Finance Report Calendar for filing deadlines. They have since reviewed the Accounting and Reporting Manual for Candidates and Treasurers, which is more specific in stating “In-kind contributions designated for the general election may not be accepted during the primary election period.”

According to Mr. Koprivica's calculations, my campaign received a total of \$1,453.07 over five months in excess in-kind primary election contributions from nine individuals (Bach, Kurtz, Littig, Martello, Newell, Reineking, Sutherland, Bateman and Prinzing) erroneously attributed to the general election. The value of the excess in-kind contributions was kept in a separate account, available to be refunded if I did not

advance to the general election. The value of the in-kind contributions in excess of the \$400 limit has been refunded to each of these individuals.

I was not aware that Mea Andrews and Mary Andrews were the same person. Mr. Koprivica states in his complaint that in addition to having the same address, they listed the same employer. This is not correct. In fact, Mea Andrews contributed \$250 on 4/20/2023 and listed her employment/occupation as retired, which was duly noted on the campaign finance report dated 6/15/2023. The contribution of \$300 was received via ActBlue on 7/13/2023 from Mary Andrews, showing employment as a writer working for Coffey Communication, which was duly noted on the campaign finance report dated 7/15/2023. The contributions included different email addresses (which are not required to be reported). I have confirmed that they are one and the same, and the excess amount of the contribution to the primary election campaign has been refunded. I have advised Ms. Andrews to update her ActBlue profile.

Mr. Lindler's excess cash contribution has been refunded.

Regarding anonymous contributions, in spite of the best efforts of dedicated volunteers at various large fundraising events, small amounts were inserted into envelopes without identification. According to the Accounting and Reporting Manual for Candidates and Campaign Treasurers "If your campaign does inadvertently receive an anonymous contribution the best thing to do is to donate it to an organization and maintain a record of the donation." It does not specify what type of organization. In an email dated May 31, 2023, Cheryl Wilson, COPP Operations Specialist, when asked about a \$20 anonymous contribution, confirmed "That is correct - enter the \$20 contribution under individuals as "anonymous" and then make another entry under Expenditures to a charity." In each case, that is what I have done.

Again, at no point did we actively conceal the total amount contributed by each donor as Mr. Koprivica claims. Nor were the contributions intentionally misreported in order to gain an advantage in the primary election.

If you would like additional information or documentation, please let me know.

Thank you and Sincerely,



Andrea Davis

Cc: Scott Cook, Compliance Specialist 3/Public Records Officer (SCook3@mt.gov)

Cc: Kym Trujillo, COPP Compliance Specialist Supervisor (ktrujillo@mt.gov)

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