

Cook, Scott

From: Jennifer Miller <jmillercarney@gmail.com>
Sent: Friday, October 11, 2024 2:35 PM
To: Cook, Scott
Cc: repke4mtstateauditor@gmail.com; Gallus, Chris J.; Hendricksen-Scott, Shelley
Subject: [EXTERNAL] Re: New Attribution Complaint Received- Mohs v. Repke, COPP-2024-CFP-043
Attachments: COMPLIANCE billboards - REPKE Lamar Contract #4768989 JOHN REPKE FOR MONTANA STATE AUDITOR (1).pdf

Scott,

Per the Mohs v. Repke complaint, the attribution omissions were not intentional and we have completed the following corrective actions to bring all materials into compliance:

1. Social media posts and profiles have been updated to reflect the 'D' and the 'Paid for by' attributions
2. We have contracted with Lamar (see attached) to update the billboards with 'Paid for by' and a 'D' after the zip codes. Please accept this contract as proof of our efforts. Lamar will have the additions produced and installed within several days; at that time, we send to MTCOPP photos of the billboards to demonstrate compliance.

Let me know if there is anything else we can do!

Thanks, Scott!

Jen

Jennifer Miller
jmillercarney@gmail.com
610.457.0552

On Fri, Oct 11, 2024 at 11:39 AM Cook, Scott <SCook3@mt.gov> wrote:

Jen,

Please see the attached copy of *Mohs v. Repke*, COPP-2024-CFP-043, a formal Campaign Finance and Practices (CFP) Complaint alleging violation of Montana's attribution requirements under Montana Code Annotated (MCA) [13-35-225](#). Commissioner Gallus has reviewed the complaint and determined the allegations to be merited. A letter from Commissioner Gallus discussing the complaint process and

formally requesting an attribution response be provided within 2 business days is also attached to this email. In summary, the campaign will need to bring each material into compliance as required, by adding the appropriate partisan affiliation. This attribution response needs to be provided to COPP within 2 business days, pursuant to MCA 13-35-225(6)(a)(i). As an attribution complaint, the complaint will be publicly posted to COPP's agency website before the end of the day today.

If you have any questions regarding attribution requirements or the formal attribution complaint process, please do not hesitate to contact me- (406) 444-4627. I have included Administrative Rules of Montana (ARM) [44.11.601](#)(4), below, which outlines how partisan candidates may appropriately note their party affiliation on material such as this- use of the full party name (Democrat, Libertarian, or Republican), party symbol (donkey for the Democratic party, Statue of Liberty for the Libertarian party, elephant for the Republican party), or capitalized first letter (D, L, or R) is allowable.


Scott Cook

Compliance Specialist 3/Public Records Officer

Office of the Commissioner of Political Practices

(406) 444-4627

SCook3@mt.gov



**ADMINISTRATIVE
RULES OF
MONTANA**

44.11.601 ATTRIBUTION ON ELECTION MATERIAL

(1) Pursuant to 13-35-225, MCA, election communications, electioneering communications, and independent expenditures (referred to collectively herein as "election materials") must disclose the person who paid for the election materials, by including the appropriate attribution language set out in (2).

(4) In partisan candidate elections, election communications and electioneering communications financed by a candidate or a political committee organized on the candidate's behalf must state either the candidate's party affiliation or include the candidate's party symbol.

(a) To meet the party affiliation disclosure requirement, election materials should state the name or a reasonable and comprehensible abbreviation of the name of one of the qualified political parties in Montana: "Democrat," "Libertarian," or "Republican."

(b) To meet the party symbol disclosure requirement, election materials should include either the symbol for one of the qualified political parties in Montana or the capitalized first letter of one of the parties. Acceptable symbol designations are:

(i) Democrat: the donkey symbol or "D";

(ii) Libertarian: the Statue of Liberty symbol or "L"; or

(iii) Republican: the elephant symbol or "R."

(c) The commissioner may determine that other language or a symbol included within a particular election material complies with the statutory directive, as long as there is some objective basis for the use of the language or symbol and the identity of the party is readily discernable.

(d) The party affiliation or symbol may appear with the attribution language, or within the body of the message content in the election materials.

3. Payment Terms: Lamar will, from time to time at intervals following commencement of service, bill Advertiser at the address on the face hereof. Advertiser will pay Lamar within thirty (30) days after the date of invoice. If Advertiser fails to pay any invoice when it is due, in addition to amounts payable thereunder, Advertiser will promptly reimburse collection costs, including reasonable attorney's fees plus a monthly service charge at the rate of 1.5% of the outstanding balance of the invoice to the extent permitted by applicable law. Delinquent payment will be considered a breach of this contract. Payments will be applied as designated by the Advertiser; non designated payments will be applied to the oldest invoices outstanding.

4. Service Interruptions: If Lamar is prevented from posting or maintaining any of the spaces by causes beyond its control of whatever nature, including but not limited to acts of God, strikes, work stoppages or picketing, or in the event of damage or destruction of any of the spaces, or in the event Lamar is unable to deliver any portion of the service required in this contract, including buses in repair, or maintenance, this contract shall not terminate. Credit shall be allowed to Advertiser at the standard rates of Lamar for such space or service for the period that such space or service shall not be furnished or shall be