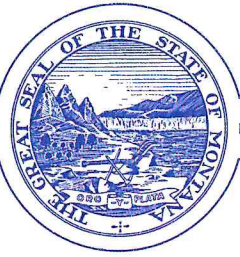


COMMISSIONER OF  
POLITICAL PRACTICES



STATE OF MONTANA

CHRIS J. GALLUS  
COMMISSIONER  
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October 28, 2024

Jesse James Mullen  
PO Box 811  
Deer Lodge, MT 59722

Delivered via email to: [jesse@jessejamesmullen.com](mailto:jesse@jessejamesmullen.com)

Subject: Complaint received October 25, 2024; *Ulmer v. Mullen*,  
COPP-2024-CFP-047

Mr. Mullen,

The enclosed complaint alleges specific violations of Montana election law under Title 13, Chapter 37 of the Montana Code Annotated, enforcement of which falls under my jurisdiction as Commissioner of Political Practices (COPP). The complaint also conforms to the requirements of 44.11.106 ARM, the administrative rule regarding election complaints. For those reasons, I have accepted it for further consideration.

Pursuant to Mont. Code Ann. (MCA) §13-37-132, I formally request a written response from you addressing the issues identified in this complaint. **Please provide this formal response on or before 12:00 (noon) Wednesday, October 30.** Any response you provide is a public record that COPP posts on our website. COPP normally sets a 10-day response period, but this matter is accepted in close proximity to the election, and expediting your response so that it is publicly reviewable prior to Montana's November 5, 2024 general election is appropriate under the circumstances. If you do need a short extension, please explain the reasons for one to me or Mr. Scott Cook and one may be provided.

I will review any additional materials relevant to this complaint for any deficiencies pursuant to 44.11.106 ARM, law, and prior relevant COPP rulings, and reserve the right to dismiss the complaint upon this initial inquiry. If this occurs, I will notify you and provide a basis for the dismissal. Alternatively, I may determine that a formal investigation is warranted. If an investigation is conducted, a summary of facts and statement of findings will be prepared, and a copy will be sent to you. This generally involves a more extensive and time-consuming process, during which you may contact us for a status update.

If violations are found to have occurred and prosecution is determined to be justified, this matter will be referred to the local county attorney. The local county attorney then determines whether they will prosecute the matter or refer it back to me. MCA §13-37-124. If returned to me, I will either work with the responding party to settle the matter or prosecute it within their

local jurisdiction in district court. Penalties, if any, are imposed based upon MCA §13-37-128.

This letter initiates the legal process established by this office and Montana law to determine whether the allegations in the complaint are valid. Consequently, at this point, you have a duty to maintain all records currently in your possession because an investigation may indeed occur. To facilitate such an investigation, please take immediate steps to retain all such records, and begin collecting and preparing records for review. This includes documents, including computer communications (e.g. email), in your possession or the possession of any of your agents, representatives, or assigns. Communications with attorneys should be retained, as these records might need to be produced if attorney-client privilege is not involved. Your preservation of all such documents is essential and required pursuant to this request and subject to penalties provided in MCA §45-7-207.

While I do not anticipate that you would intentionally destroy any relevant records, due to the severity of the penalty, I feel compelled to provide you with the relevant statute in this regard. See attached MCA §45-7-207 (Tampering with or fabricating physical evidence). COPP may need to review documents connected to your activity during the prescribed period. Accordingly, MCA §13-37-111 authorizes the Commissioner to inspect records, accounts, and books held by a candidate or political committee, administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers and records that are relevant or material for the purpose of conducting an investigation.

I appreciate your time and consideration of this important matter.

Regards,



Chris J. Gallus  
Commissioner of Political Practices