

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

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COMMISSIONER
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February 23, 2024

Kassandra Wirsching
Address Unknown
Ryegate, MT 59074

Subject: Complaint received January 10, 2024; *Sainz v. Wirsching*.
COPP-2024-CFP-001

Kassandra,

The enclosed complaint alleges potential violations of Montana election law under Montana Code Annotated (MCA) Title 13, Chapter 35, enforcement of which falls under my jurisdiction as Commissioner of Political Practices. The complaint also conforms to the requirements of 44.11.106 ARM, the administrative rule regarding election complaints. For those reasons, I am accepting it as a Campaign Finance and Practices (CFP) complaint.

My authority as Montana's Commissioner of Political Practices "COPP" is limited to Montana's Code of Ethics in specific situations outlined under Montana Code Annotated "MCA" Title 2, Chapter 2 and Administrative Rules of Montana "ARM" Rule Chapter 44.10; lobbying law outlined in MCA Title 5, Chapter 7 and ARM Rule Chapter 44.12; and election law as outlined under MCA Title 13, Chapters 35 and 37 and ARM Rule Chapter 44.11.

As a point of clarification, the complaint presents various allegations relating to a Post Office Box in Golden Valley County allegedly obtained and maintained by yourself, as well as associated actions or activities. As Montana's Commissioner of Political Practices, I am not provided proper jurisdiction to consider these claims.

My jurisdiction in this matter is limited to the claim that you obtained a "Fraudulently issued Voter ID card" and that is the only claim which I am able to address. This alleged activity is covered under Montana election law in MCA Title 13, Chapter 35 and therefore falls under my jurisdiction. Pursuant to MCA §13-37-132, I formally request a written response from you addressing this claim. **Please provide this formal response on or before 5:00 PM Monday, March 18, 2024.** Any response you provide is a public record that COPP posts on our website.

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.

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, as noted above, I may determine an investigation is warranted. This generally involves a more extensive and time-consuming process, during which you may contact us for a status update.

If an investigation is conducted, a decision will be issued which includes a summary of facts and determines if those facts are sufficient or insufficient to support a violation. This decision will also determine if prosecution is justified. Upon completion of this investigation a copy of the decision will be sent to you and posted on COPP's website.

If I determine prosecution is justified, this matter will be referred to the county attorney in the county where the violations occurred. The county attorney will then determine 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 and or Title 45, if applicable.

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). This office may need to review documents connected to your residency 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

Montana Code Annotated 2021

TITLE 45. CRIMES

CHAPTER 7. OFFENSES AGAINST PUBLIC ADMINISTRATION

Part 2. Perjury and Other Falsification in Official Matters

Tampering With Or Fabricating Physical Evidence

45-7-207. Tampering with or fabricating physical evidence. (1) A person commits the offense of tampering with or fabricating physical evidence if, believing that an official proceeding or investigation is pending or about to be instituted, the person:

(a) alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its verity or availability in the proceeding or investigation; or

(b) makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead any person who is or may be engaged in the proceeding or investigation.

(2) A person convicted of tampering with or fabricating physical evidence shall be imprisoned in the state prison for a term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

History: En. 94-7-208 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-7-208; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 1684, Ch. 56, L. 2009.