

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Chris J. Gallus, Commissioner of Political Practices To: Delaney J. Malmsten	ORDER OF NONCOMPLIANCE
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Montana law grants the Commissioner of Political Practices (COPP) the authority to issue orders of noncompliance. MCA § 13-37-115 (2023). The process for issuing orders of noncompliance is prescribed by MCA § 13-37-121. Pursuant to these statutes, this is an Order of Noncompliance (Order) issued for the reasons enumerated below:

1. Delaney J. Malmsten of Missoula, MT, filed with COPP as a candidate for House District 94 on March 12, 2024.
2. Montana election law requires all candidates to file periodic C-5 campaign finance reports in accordance with MCA §§ 13-37-225 and 226, and ARM 44.11.304.
3. C-5 campaign finance reports are due according to the COPP calendar, with the first report for the 2024 election cycle due on March 20, 2024, for the period of January 1 through March 15, 2024, and due monthly on the 20th of each month thereafter. ARM 44.11.304, MCA § 13-37-226.
4. Candidate Malmsten has failed to file three C-5 finance reports with COPP as statutorily mandated by MCA §§ 13-37-225 and 226.
5. COPP staff has notified Ms. Malmsten of this filing deficiency through numerous emails via the contact information provided by Ms. Malmsten on his C-1 Statement of Candidate.
6. Despite ample opportunity to resolve this deficiency through corrective action, the availability of COPP compliance staff to provide assistance, and clear directives contained in a notice that this Order of Noncompliance was forthcoming, Ms. Malmsten has failed to file three C-5 finance reports due on April 20, 2024, for the reporting period of March 16 through April 15, 2024; May 20, 2024, for the reporting period of April 16

through May 15, 2024; and June 20, 2024, for the reporting period of May 16, 2024 through June 15, 2024.

IT IS ORDERED that Delaney J. Malmsten is declared to be in NONCOMPLIANCE with the provisions of MCA § 13-37-225 and 226, and ARM 44.11.302. This is your immediate and final notice of the noncompliance as contemplated in MCA § 13-37-121(3), which you must fully correct within five days of receiving this Order. Pursuant to this Order the item or items that require your immediate attention include:

- Filing a C-5 periodic finance report for the reporting period of March 16 through April 15, 2024.
- Filing a C-5 periodic finance report for the reporting period of April 16 through May 15, 2024.
- Filing a C-5 periodic finance report for the reporting period of May 16 through June 15, 2024.

Failure to address these matters within the time provided will result in immediate referral of this matter to the Missoula County Attorney. The Missoula County Attorney, or the Commissioner of Political Practices, may then file a civil action under MCA § 13-37-128 by following the process provided for in MCA §§ 13-37-121, 124 and 128.

In a civil action, the Commissioner or the Missoula County Attorney may pursue the full statutory remedy of up to \$500 or three times the amount of any unlawful contributions or expenditures, whichever is greater.

At his discretion, the Commissioner may negotiate a settlement rather than pursue a formal civil action. In the event of a settlement, the Commissioner will impose minimum penalties of \$50 for each delinquent report, or if contributions or expenditures have gone unreported, 10% of three times the amount allowed by statute, whichever is greater.

Therefore, the minimum fine resulting from noncompliance with this Order is \$150.

If Ms. Malmsten is aggrieved by the issuance of this Order of Noncompliance, he may seek judicial review in District Court pursuant to MCA § 13-37-122.

DATED this 26th day of June, 2024.



Chris J. Gallus
Commissioner of Political Practices of the
State of Montana
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