

Commissioner of Political Practices
1209 Eighth Avenue
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Helena, MT 59620-2401
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www.politicalpractices.mt.gov

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COMMISSIONER OF POLITICAL PRACTICES



SIGNED/NOTARIZED



Campaign Finance and Practices

Complaint Form (08/17)

Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):

Complete Name Sandi Luckey
Complete Mailing Address P.O. Box 802
Helena MT 59624
Phone Numbers: Work 406-442-9520 Home _____

Person or organization against whom complaint is brought (Respondent):

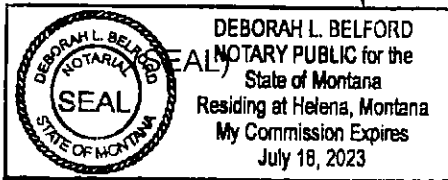
Complete Name James Brown
Complete Mailing Address 1822 East Broadway Street
Helena, MT 59601
Phone Numbers: Work 406-925-1745 Home _____

Please complete the second page of this form and describe in detail the facts of the alleged violation.

Verification by oath or affirmation

State of Montana, County of L+C

I, Sandi Luckey, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.



[Signature]
Signature of Complainant

Subscribed and sworn to before me this 14 day of September, 2020.

Deborah L Belford
Notary Public
Deborah L Belford

My Commission Expires: 7/18/2023

MTDEMIS

MONTANA DEMOCRATS

September 14th, 2020

Commissioner of Political Practices
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401

Commissioner Mangan;

As you may be aware, in his declaration for candidacy for the Montana Public Service Commission, District Three, James Brown has sworn that he is a resident of the District. In fact, Mr. Brown is a resident of Lewis and Clark County and his declaration constitutes false swearing in violation of §13-35-207 MCA.

As you are aware, a person may register to vote in their county of residence. The term “residence” has been well-defined by statute and decisional law. In general, residence is a place where a person makes a home. A person may not have more than one residence and that place may not be lost until another is gained and can only be changed by union of act and intent. (§1-1-215 MCA.)

Mr. Brown has lived in Lewis and Clark County since 2007 when he purchased a home in Helena. He operates a law firm in Helena located at 30 S. Ewing in Helena, which lists his personal residence as 1822 Broadway St. in Helena. His PLLC filed with the Secretary of State lists himself as the registered agent residing at 1822 Broadway St. in Helena. His pilot’s license lists the same address on Broadway in Helena. He was registered to vote in Helena beginning in 2013 until he registered in Beaverhead County a year ago using a post office box as his address.

Clearly, he has lived and voted in Helena since 2013 and has done nothing which would constitute “a union of act and intent” to change his residency to Dillon. The fact that his first cousin once-removed, Gordon Marchessault, owns a home in Dillon is simply irrelevant to support a change in residency...particularly since the house situated on the property at 108 South Pacific in Dillon appears to be unoccupied. Moreover, having a law office in Dillon is not determinative of a change in residency. He does not live in the law office.

Mr. Brown has simply not manifested the act necessary to change his home from Lewis and Clark County to Beaverhead County. He does not “reside” nor does he own the property at 108 So. Pacific in Dillon and he certainly does not “live” in a post office box.

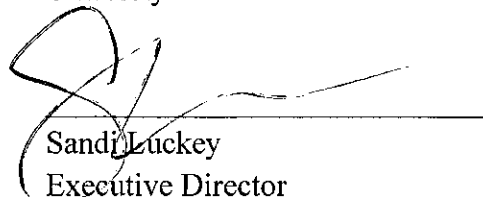
Commissioner Unsworth discussed the legal underpinnings for residency in a multi-district legislative seat in his November 18, 2009 decision *In the Matter of the Complaint Against State Senator Jesse Laslovich* (hereinafter *Motta*).

In *Motta*, Jesse Laslovich had been elected to the state Senate from District 43, which included portions of Deer Lodge, Powell and Granite counties. Richard "Dick" Motta filed a COPP complaint alleging a violation of §13-35-207 MCA because, at the time of his election, Laslovich was not a resident of the district. Laslovich had moved to Helena when his wife took a job with a Helena law firm and was working for the State Auditor, also in Helena. Laslovich responded to the complaint asserting that he had always been a resident of Anaconda and even though temporarily in Helena had continually returned to Anaconda to work in his father in a family owned construction business. He had always been registered to vote in Anaconda-Deer Lodge County and never in Lewis and Clark County. Moreover, Laslovich lived with his parents in Anaconda when he was away from his home in Helena. Relying on the presumption that residency is determined by the place where the individual's family resides (§13-1-112(7)), Commissioner Unsworth determined that Laslovich's residency was, and always had been "fixed" in Anaconda. Accordingly, COPP determined that Laslovich was a resident of Anaconda-Deer Lodge county.

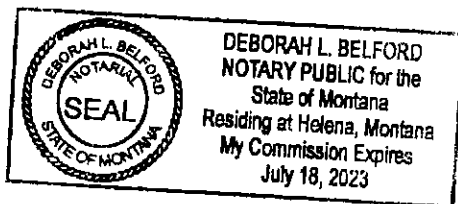
Here, the provisions of §1-1-215 MCA create a significant distinction between the determination made in *Motta* and the instant case. Here, Mr. Brown has lived, worked, and voted in Lewis and Clark County since 2007. Although he maintains a post office box in Dillon, he owns no property and cannot take advantage of the family presumption of §13-1-112((7)). In 2019, he registered to vote in Dillon and will likely respond to this complaint declaring that he intends for Dillon to be his home for the purpose of determining residency. However, he will have to meet the burden of coupling that declaration with facts supporting his residency in Dillon. Moreover, different from *Motta*, he must establish facts that demonstrate that he "lost" his residency in Helena when he registered to vote in Dillon. Clearly, he continues to reside in his home on Broadway in Helena, work at his office on S. Ewing, and operate his flying machines using his Helena address. The union of act and intent required by a change of residence simply cannot be met by Mr. Brown sufficient to establish a residency in Beaverhead County.

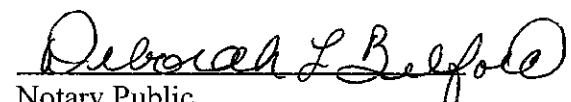
Accordingly, you are respectfully requested to determine that Mr Brown is guilty of false swearing and constitutes a deceptive practice under §13-35-207 MCA

Sincerely


Sandi Luckey
Executive Director
Montana Democratic Party

Subscribed and sworn before me this 14 day of Sept, 2020




Notary Public
Deborah L Belford