

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

Bolger v. Republican Governor’s Association  No. COPP 2020-CFP-049	DECLARATION OF MERIT OF COMPLAINT  MEMORIALIZATION OF NOTIFICATION OF MERIT TO COMMITTEE  RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY COMMITTEE  DISMISSAL OF COMPLAINT
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On October 26, 2020 Trent Bolger of Helena, Montana, filed a campaign practices complaint against The Republican Governors Association (RGA). The complaint alleged that the RGA did not include a full “Paid for by” attribution message on campaign materials as required.

**FINDING OF FACTS**

The facts necessary for a determination in this matter are as follows:

Finding of Fact No. 1: The Republican Governors Association (RGA) is an organization based in Washington, D.C. that is “dedicated to one primary objective: electing and supporting Republican governors”. The RGA Right Direction PAC, the group’s political committee, is registered with the Federal Election Commission (FEC) as a Federal PAC.

Finding of Fact No. 2: On October 27, 2020, the COPP sent email notice to the RGA that this Complaint had been received. This notice informed the RGA that the attribution complaint was merited, as the material/s mentioned by the Complaint did not appear to contain the full ‘paid for by’ attribution message as required, and provided them 24 hours to bring the material into compliance. This notice of attribution deficiency was also discussed via telephone with the organization’s General Counsel that day.

Finding of Fact No. 3: On October 28, 2020, the RGA, through its General Counsel, emailed the COPP in response to this complaint. The email message indicated that the RGA Right Direction PAC had paid to send out text messages supporting Greg Gianforte, the Republican candidate for the office of Montana Governor. Date, info about the number sent, and a complete script, including attribution, was provided for each unique message. (Commissioner’s Records).

### **DISCUSSION**

Under Montana law “all election communications...must clearly and conspicuously include the attribution ‘paid for by’ followed by the name and address of the person who made or financed the expenditure for the communication.” §13-35-225(1) MCA. The complaint attached photos of RGA Right Direction PAC’s communications. The election communications failed to include an attribution (Paid for by).

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. Accordingly, RGA Right Direction PAC was immediately contacted by the Commissioner’s office. RGA Right Direction PAC followed up the conversation with the COPP with an email taking responsibility for the oversight and corrective measures taken (FOF No. 3).

The law governing complaints of failure to properly attribute political material provides precise directions to the Commissioner:

1. The Commissioner is to immediately assess the merits of the attribution Complaint. §13-35-225(5), MCA. The Commissioner found merit to the attribution Complaint and hereby memorializes that finding (FOF No. 2).
2. The Commissioner shall notify the Committee of the merit finding, requiring the Committee to bring the material into compliance. §13-35-225(6)(a), MCA. The COPP, by both telephoning the RGA Right Direction PAC and providing Notice of Non-compliant Election Communication, did this and hereby memorializes the Notice (FOF No. 2).
3. The Committee is provided 1 business days to bring the material into attribution compliance §13-35-225(6)(a)(ii), MCA. (FOF No. 2).

Under Montana law the Committee with the attribution deficiency is relieved of a campaign practice violation, provided it promptly carries out the attribution correction. RGA Right Direction PAC has met these duties (FOF No. 3) and is therefore relieved of a campaign practice violation under §13-35-225(6), MCA. The Complaint is dismissed.

Normally the Commissioner first provides Decisions to the parties and public on the following day. The Legislature, however, has set very tight timelines on this sort of attribution Complaint. Accordingly, the Commissioner provides this Decision to the parties and public on the day it is made.

DATED this 28th day of October, 2020.



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