

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Bohleen v. Mensik-Lohmuller No. COPP 2022-CFP-020	DISMISSAL
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On October 13, 2022, Macque Bohleen of Roberts, MT filed a campaign practices complaint against Kristina Mensik-Lohmuller, also of Roberts. The complaint alleged that candidate Mensik-Lohmuller failed to appropriately disclose her reporting status with COPP and file campaign finance reports disclosing campaign contributions received and expenditures made.

SUBSTANTIVE ISSUES ADDRESSED

Minimum contribution and expenditure limit for local government candidate filing and reporting.

FINDINGS OF FACT

The foundational facts necessary for this Decision are as follows:

Finding of Fact No. 1: Kristina Mensik-Lohmuller filed a C-1A Statement of Candidate as a candidate for election to the position of County Clerk and Recorder in Carbon County with the COPP on March 13, 2022. On the Statement of Candidate, candidate Mensik-Lohmuller indicated that campaign activity would not meet or exceed \$500.00. Kathe Mensik of Roscoe, MT is listed on the Statement of Candidate as the campaign Treasurer, with no Deputy Treasurer/s named. (Commissioner's Records.)

Finding of Fact No. 1A: On March 9, 2022, candidate Mensik-Lohmuller filed a Declaration for Nomination and Oath of

Candidacy with the Carbon County Election Administrator as a candidate for election to the position of Clerk and Recorder in the county. In filing with the Carbon County Election Administrator, candidate Mensik-Lohmuller paid a filing fee in the amount of \$350.00. (Commissioner's Records.)

Finding of Fact No. 2: On October 14, 2022, campaign Treasurer Kathe Menisk provided a formal response to this complaint to the COPP via email. This response stated that any campaign signs referred to by the complainant "were neither paid for nor erected" by candidate Mensik-Lohmuller. The response further stated that "not only has her [candidate Mensik-Lohmuller] campaign NOT spent her declared "less than \$500 spending", NO expenditures whatsoever have been made by her personally, nor will there be". This response also included various pictures of a campaign sign supporting candidate Mensik-Lohmuller containing an attribution message of "Paid for by Al Spencer PO Box 10, Roscoe MT". (Commissioner's Records.)

Finding of Fact No. 2A: Also on October 14, 2022, candidate Mensik-Lohmuller provided a formal response to this complaint to the COPP via email. This response also states that the signs referred to by the complainant "are not my signs, and I have no knowledge of" the individual who financed them. Candidate Mensik-Lohmuller's response also included pictures of campaign signs meant to benefit her candidacy that include an attribution message of "Paid for by Al Spencer PO Box 10, Roscoe, MT". In the response, candidate Mensik-Lohmuller goes on to state that "I have spent \$0 on my campaign" and that while some campaign contributions were received, all "were returned". (Commissioner's Records.)

DISCUSSION

The complainant in this matter asserts that candidate Mensik-Lohmuller failed to properly disclose reporting status with the COPP and file campaign finance reports disclosing contributions received and expenditures made by the campaign. Specifically, the complaint references campaign yard signs supporting candidate Mensik-Lohmuller as proof that reportable

contribution/expenditure activity was not appropriately or timely disclosed.

The allegation is considered in full.

44.11.304(1), Administrative Rules of Montana, states that:

If a local candidate or a political committee which is specifically organized to support or oppose a particular local candidate or local issue anticipates receiving contributions in a total amount of less than \$500 and anticipates making expenditures in a total amount of less than \$500 for all elections in a campaign, the candidate or an officer of the political committee shall file an affidavit of such intent at the same time the statement of candidate or statement of organization is filed as required by 13-37-201 and 13-37-205, MCA.

As a candidate for election to the position of Clerk and Recorder in Carbon County, candidate Mensik-Lohmuller would be considered a local candidate (FOF No. 1). On March 13, 2022, candidate Mensik-Lohmuller filed a Statement of Candidate with the COPP certifying that campaign contribution and expenditure activity would total less than \$500.00 (FOF No. 1). Being a local candidate who certified to the COPP that campaign activity would not meet or exceed \$500.00, candidate Mensik-Lohmuller was not required to file campaign finance reports until such activity hit the \$500.00 threshold.

Applicable Administrative Rules do hold that local candidates must begin filing campaign finance reports if campaign activity meets or exceeds \$500.00.

44.11.304(2), ARM, holds that:

If a local candidate or an officer of a local political committee files an affidavit pursuant to this rule and subsequently receives contributions in a total amount or makes expenditures in a total amount in excess of \$500 for all elections in a campaign, such candidate or officer shall, within five business days of the date when such expenditures or contributions exceed \$500, file an initial report disclosing all contributions and expenditures to that date and shall file all future reports required by 13-37-226, MCA.

In responding to this complaint, both candidate Mensik-Lohmuller and campaign Treasurer Kathe Mensik stated that the Mensik-Lohmuller campaign did not pay to produce or distribute campaign signs supporting her candidacy, nor make any other reportable campaign expenditures (FOF Nos. 2, 2A). Both responses included pictures of campaign signs that, while supporting candidate Mensik-Lohmuller, contained an attribution message of "Paid for by Al Spencer PO Box 10, Roscoe, MT". Individual Al Spencer is not listed as a Treasurer or Deputy Treasurer for candidate Mensik-Lohmuller's campaign, and candidate Mensik-Lohmuller's response indicated she had "no knowledge of" the individual who had financed these signs beyond the name and address publicly available via the "paid for by" attribution message (FOF Nos. 1, 2A).

COPP notes that the complainant in this matter did not provide photographic evidence of specific sign/s or other campaign material financed by candidate Mensik-Lohmuller intended to support her candidacy. The only signs supporting candidate Mensik-Lohmuller that COPP was specifically made aware of were those referred to by candidate Mensik-Lohmuller and campaign Treasurer Kathe Mensik in their responses. These signs contain attribution messaging stating that they were paid for by individual Al Spencer, not candidate Mensik-Lohmuller. The only campaign expenditure made by candidate Mensik-Lohmuller that COPP has evidence of is the \$350.00 filing fee paid to the Carbon County Election Administrator (FOF No. 1A).

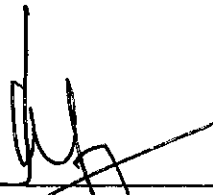
COPP determines that candidate Mensik-Lohmuller appropriately disclosed to COPP that campaign activity would not meet or exceed \$500.00

when filing the Statement of Candidate, 44.11.304(1), ARM. In reviewing all material currently available to the COPP, the Commissioner finds Candidate Mensik-Lohmuller is exempt from filing campaign finance reports with COPP, as campaign expenditures total \$350.00, short of the \$500.00 reporting threshold for local candidates, 44.11.304(2), ARM.

DECISION

The Complaint is hereby dismissed.

DATED this 18th day of October 2022.



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