

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Duffy v. Gist No. COPP 2022-CFP-027	DECLARATION OF MERIT OF COMPLAINT MEMORIALIZATION OF NOTIFICATION OF MERIT TO CANDIDATE DETERMINATION OF APPROPRIATE ATTRIBUTION DISMISSAL OF COMPLAINT
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On October 28, 2022, Laura Rae Duffy of Great Falls, MT filed a campaign practices complaint against Steve Gist, of Cascade. The complaint alleged that candidate Gist did not include the 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: Steve Gist filed a C-1A Statement of Candidate as a candidate for election to the position of House District 25 in Cascade County with the COPP on February 1, 2022. (Commissioner’s Records.)

Finding of Fact No. 2: On October 28, 2022, COPP sent email correspondence to candidate Gist notifying him that this Complaint had been received. The message informed candidate Gist that the attribution complaint appeared merited, as the specific advertisement mentioned did not appear to contain the full ‘paid for by’ attribution message, and provided candidate Gist two (2) business days to bring the material into compliance. (Commissioner’s Records.)

Finding of Fact No. 2A: An October 28, 2022 COPP review of candidate Gist’s campaign Facebook page determined that the specific ad mentioned in this complaint started running on October 25, 2022 and was accompanied in the ad library by a textual attribution message of “Paid for by Gist for Montana House (R) PO Box 541, Cascade, MT. 59421”. (Commissioner’s Records.)

Finding of Fact No. 3: On October 30, 2022, candidate Gist emailed COPP a formal response to this attribution complaint. The attribution response stated that the ad in question had only been advertised on Facebook, and all paid versions were accompanied by a textual attribution message of “Paid for by Gist for Montana House (R) PO Box 541, Cascade, MT. 59421”. (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.

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. Accordingly, Candidate Gist was immediately contacted by the Commissioner’s office (FOF No. 2). Candidate Gist responded saying the communication that was submitted as a paid advertisement on Facebook included an attribution (FOF

No. 3). The COPP review of Candidate Gist's Facebook Paid Ad Library¹ indicated the ad identified in the complaint was run as a paid advertisement on Facebook and included the appropriate candidate attribution.

The law governing complaints of failure to properly attribute political communications 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 candidate of the merit finding, requiring the Candidate to bring the material into compliance. §13-35-225(6)(a), MCA. The COPP, by providing Notice of Non-compliant Election Communication, did this and hereby memorializes the Notice (FOF No. 2).
3. The Candidate is provided 48 hours to bring the material into attribution compliance §13-35-225(6)(a)(ii), MCA. In this matter, it was determined the ad was not run on another platform, therefore there is no deficiency to correct (FOF Nos. 2A, 3).

Under Montana law the Candidate with an attribution deficiency is relieved of a campaign practice violation, provided he/she promptly carries out the attribution correction. In this matter, it was determined the candidate had included the attribution as required on the paid communication identified in this matter, and therefore 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

¹ Steve Gist for House District 25 [Ad Library \(facebook.com\)](https://www.facebook.com/SteveGist425)

Commissioner provides this Decision to the parties and public on the day issued.

DATED this 28th day of October, 2022.



Jeffrey A. Mangan
Commissioner of Political Practices
Of the State of Montana
P. O. Box 202401
1209 8th Avenue
Helena, MT 59620