

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Guthrie v. Dallas No. COPP 2022-CFP-010	DECLARATION OF MERIT OF COMPLAINT MEMORIALIZATION OF NOTIFICATION OF MERIT TO CANDIDATE RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY CANDIDATE DISMISSAL OF COMPLAINT
--	---

On May 16, 2022, Greg Guthrie of Helena, MT filed a campaign practices complaint against Curt Dallas, also of Helena. The complaint alleged that candidate Dallas 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: Curt Dallas filed a C-1A Statement of Candidate as a candidate for election to a County Commission office in Lewis & Clark County with the COPP on March 14, 2022. (Commissioner’s Records.)

Finding of Fact No. 2: On May 17, 2022, COPP sent email correspondence to candidate Dallas notifying him that this Complaint had been received. The letter informed candidate Dallas that the attribution complaint was merited, as the material mentioned by the Complaint did not appear to contain the full 'paid for by' attribution message as required, and provided candidate Dallas two (2) business days to bring unattributed material into compliance. (Commissioner's Records.)

Finding of Fact No. 3: On May 18, 2022, candidate Dallas emailed the COPP in response to this Complaint. Candidate Dallas' response stated that the lack of full attribution on campaign materials was an oversight and indicated that all future material/s would include the full attribution statement. The response further stated that "Purchased today were 200 labels to correction the attribution...these labels have been installed on approximately 20 signs. The remaining signs will be corrected by 5:00 PM on Thursday, May 19, 2022" and that "The corrective label states the following: Paid for by Curt Dallas for L&C County Commission Campaign, 1212 Stetson Rd., Helena, MT 59602". The response also included sixteen (16) pictures of campaign yard sign materials supporting candidate Dallas where this attribution message had been added. (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 a photos of candidate Dallas' campaign signs. The election communications failed to include a complete attribution (Paid for by).

Montana law requires an accelerated review ("as soon as practicable") of a campaign practice complaint alleging an attribution violation. Accordingly, Candidate Dallas was immediately contacted by the Commissioner's office (FOF No. 2). Candidate Dallas responded saying that the omission of an attribution was an oversight, took responsibility for the oversight and took corrective

measures to remedy (FOF No. 3).

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 both telephoning the Dallas campaign and providing Notice of Non-Compliant Election Communication, did this and hereby memorializes the Notice (FOF No. 2).
3. The Candidate is provided 2 business days to bring the material into attribution compliance §13-35-225(6)(a)(i), MCA. (FOF No. 3).

Under Montana law the Candidate with the attribution deficiency is relieved of a campaign practice violation, provided he/she promptly carries out the attribution correction as provided by statute. Candidate Dallas 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 19th day of May, 2022.



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