

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

O'Neill v. Leadership in Action No. COPP 2022-CFP-029	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 31, 2022, Jason O'Neill of Helena, MT filed a campaign practices complaint against the Leadership in Action political committee. The complaint alleged that Leadership in Action 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: Leadership in Action is a federal Hybrid PAC registered with the Federal Election Commission (FEC). Katie Wenetta of Helena, MT is listed as the committee's Treasurer on its FEC Form 1 Statement of Organization.

Leadership in Action provided COPP with a copy of its FEC Form 1 Statement of Organization on February 7, 2022, and FEC Form 3X Finance Reports on February 7, October 11, and October 27, 2022. (Commissioner's Records.)

Finding of Fact No. 2: On October 31, 2022, COPP sent email correspondence to committee Treasurer Wenetta notifying her that this Complaint had been received. The letter informed Treasurer Wenetta 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 Leadership in Action two (2) business days to bring the material into compliance. (Commissioner's Records.)

Finding of Fact No. 3: A November 1, 2022 COPP review of Leadership in Action's campaign Facebook¹ ad library determined that Leadership in Action had amended all paid advertisements listed to include an attribution message of "Paid for by Leadership in Action PAC PO Box 5212 Helena, MT 59604 Katie Wenetta, Treasurer".² COPP notes that all advertisements listed in the ad library were in 'Inactive' status at the time of this review. (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 photo of a Leadership in Action Facebook ad. The election communication failed to include a complete attribution (Paid for by).

Montana law requires an accelerated review ("as soon as practicable") of a

¹ COPP notes the name of the Facebook page under which Leadership in Action was running paid advertisements is 'Austin Knudsen, Montana Attorney General'

²

https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=ALL&view_all_page_id=294061056548&search_type=page&media_type=all

campaign practice complaint alleging an attribution violation. Accordingly, Leadership in Action's treasurer, Katie Wenetta, was immediately contacted by the Commissioner's office (FOF No. 2). The Leadership in Action committee brought the material into compliance within 24 hours of notice (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 committee of the merit finding, requiring the committee 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 Committee is provided 48 hours to bring the material into attribution compliance §13-35-225(6)(a)(ii), MCA. (FOF Nos. 3).

Under Montana law the committee with the attribution deficiency is relieved of a campaign practice violation, provided it promptly carries out the attribution correction. Leadership in Action has met these duties by bringing the material into compliance and is therefore relieved of a campaign practice violation under §13-35-225(6), MCA (FOF Nos. 3). 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

issued.

DATED this 1st day of November, 2022.



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