

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

Woelich v. Gehl  No. COPP 2022-CFP-004	DECLARATION OF MERIT OF COMPLAINT  MEMORIALIZATION OF NOTIFICATION OF MERIT TO CANDIDATE  RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY CANDIDATE  DISMISSAL OF COMPLAINT
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On April 13, 2022, Robert Woelich of Missoula, MT filed a campaign practices complaint against Michael Gehl, also of Missoula. The complaint alleged that candidate Gehl 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: Michael Gehl filed a C-1A Statement of Candidate as a candidate for election to a School Trustee position with the COPP on January 16, 2022. (Commissioner’s Records.)

Finding of Fact No. 2: On April 14, 2022, COPP sent email

correspondence to candidate Gehl notifying him that this Complaint had been received. The letter informed candidate Gehl 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 Gehl two (2) business days to bring the material into compliance. Follow-up messages sent by the COPP to candidate Gehl reminded him that any additional unattributed materials not directly mentioned in the formal Complaint would also require addition of the attribution message within two (2) business days, and that the attribution message needed to include the candidate's campaign address, listed on the C-1A as 155 Cresthaven Dr, Missoula, MT 59808. (Commissioner's Records.)

Finding of Fact No. 3: On April 14, 2022, candidate Gehl emailed the COPP in response to this Complaint. Candidate Gehl's original message stated that the lack of full attribution on campaign door hangers was an oversight, and indicated that all future material/s would include the full attribution statement. The email further stated that "during the week of April 11, I distributed approximately 500 of these door hangers". A second email sent by candidate Gehl to the COPP include a photograph of a door hanger with a full attribution message added to the material, as well as a statement that "The full attribution message should have read: Paid for by Michael Gehl 1555 Cresthaven Dr, Missoula, MT 59808". (Commissioner's Records.)

Finding of Fact No. 3A: On April 15, 2022, candidate Gehl again emailed the COPP in response to this Complaint. This email message indicated that campaign yard signs produced and distributed by candidate Gehl also failed to include the full attribution message. Candidate Gehl indicated that "I have distributed 50 yard signs...I have only personally placed one yard sign, the rest were given out...I am in the process of reaching out to those folks to have the following amended attribution added: Paid for by Michael Gehl 1555 Cresthaven Dr, Missoula, MT 59808". Another follow-up email received by COPP from candidate Gehl include a picture of a campaign yard sign with a full attribution message added to the material. (Commissioner's Records.)

Finding of Fact No. 3B: As part of COPP's outreach regarding attribution requirements to candidate Gehl in this matter, COPP Compliance Specialists notified candidate Gehl that the attribution message included on the campaign website did not include the campaign address of 155 Cresthaven Dr, Missoula, MT 59808. On April 15, 2022, candidate Gehl emailed COPP a screenshot image of his campaign website showing the attribution message had been

amended to include the campaign address. (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 candidate Gehl campaign door hanger. The election communication 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 Gehl was immediately contacted by the Commissioner’s office (FOF No. 2). Candidate Gehl 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). During the course of the COPP review and communication with candidate Gehl, it was determined the candidate had additional attribution deficiencies on his yard signs and campaign website (FOF Nos. 3A, 3B). Candidate Gehl took responsibility for the deficiencies and initiated attribution remedies as requested (FOF Nos. 3A, 3B).

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 Gehl campaign and 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. (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. Candidate Gehl has met these duties (FOF Nos. 3, 3A, 3B) 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 18th day of April, 2022.



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