

May 26, 2022

VIA EMAIL: SCOOK3@MT.GOV

Jeffrey Mangan
Commissioner of Political Practices
1209 Eighth Avenue
P.O. Box 202401
Helena, MT 59620-2401

RE: *Dailey v. Convention of States Political Fund, COPP-2022-CFP-011*

Commissioner Mangan:

We represent the Convention of States Political Fund (“COSPF”), a Michigan political committee treasured by Richard Johnson. We are in receipt of the complaint from Mr. Dailey and the letter from your office (“COPP”).

First, find attached copies of all materials distributed with the proper disclaimer and attribution. COSPF has already completed the dissemination of these materials. COSPF will include the proper disclaimer and attribution on all subsequent materials.

Second, find attached draft copies of our forthcoming Michigan report as of today. This report is not due in Michigan until the end of this calendar quarter. As the highlighting indicates, the report includes expenditures relating to Montana elections and discloses the amount, payee, payee’s address, and the candidate identified in the materials.

Your letter asserts that COSPF qualifies as a Montana political committee and must register and report as such. We respectfully disagree. COSPF is a nonresident committee that files reports with the Michigan Secretary of State’s Bureau of Elections and is subject to Montana nonresident committee reporting as described in Montana Administrative Rule 44.11.305(a) and (b). Pursuant to this Rule, COSPF plans to submit its Michigan reports – the first of such reports will include COSPF’s Michigan statement of organization – to Montana at the same time COSPF submits them to Michigan. This generally occurs on a quarterly basis except for some 48-hour reports relating to contributions received during certain calendar periods.

In an effort to ensure compliance, COSPF contacted COPP on April 25, 2022, to confirm the reporting requirements and schedule for nonresident committees. During this telephone conversation, COPP confirmed that COSPF should submit its Michigan reports when COSPF submits the reports to Michigan. COPP staff was clear that this reporting schedule would result in COSPF submitting quarterly reports to COPP.

Commissioner Mangan

May 26, 2022

Page 2

Per phone conversation with Mr. Scott Cook on May 26, 2022, we understand that there is a difference in opinion among COPP staff regarding nonresident committee reporting. Please advise us as to the proper reading of the Montana Rule as it relates to nonresident committees.

COSPF is prepared to submit any and all reports in the form and on the schedule that COPP requests. As indicated, COSPF is already disclosing all of its activities, so any timing concerns can be remedied quickly.

Please let us know if you have any questions or if you would like to discuss. Parker can be reached at pconover@gklaw.com or (608) 284-2624.

GODREY & KAHN, S.C.

/s/

Mike B. Wittenwyler

M. Parker Conover

Attachments: Revised Materials Disseminated (18)
Draft Michigan July Quarterly Report