

Cook, Scott

From: Elizabeth Marum <marum4mt@gmail.com>
Sent: Thursday, November 3, 2022 9:00 AM
To: Cook, Scott
Subject: [EXTERNAL] Re: Attribution complaint received by COPP and notice of attribution deficiency- Tusken v Marum

Dear Scott and Office of Political Practices,
Thanks for informing me of the need to attribute text messages and how best to do that. I appreciate your patience with all of us as first time candidates. Please find the relevant information below,

Text outreach mailing, Marum for Montana

Number of texts sent: 2,121

Number of text completed successfully: 1,919

Date & Time sent: October 22, 2022 3 pm - 9 pm (I don't actually know how late we sent texts, this is my best estimate but I think we were done earlier)

Content of the text:

{first_name}, we deserve the right to live and play where we work with affordable housing. 2 years ago the MT GOP removed tools to make housing more accessible. We can do much better. Vote Elizabeth Marum HD67-Belgrade. Learn more @ www.marum4mt.com [marum4mt.com]

Attribution we should have included: Paid for by Elizabeth Marum for HD 67, P.O. Box 386, Belgrade MT 59714, D.

I believe this is what you need. If not, I'm happy to supply additional information. It is reported on my financial forms as a text using Call Hub.

Thank you for your service to the people of Montana,
Elizabeth Marum

On Wed, Nov 2, 2022 at 2:06 PM Cook, Scott <SCook3@mt.gov> wrote:

Elizabeth,

Please see the attached copy of *Tusken v Marum*, COPP-2022-CFP-031, a formal attribution complaint received by COPP. The Commissioner has reviewed the complaint and determined the allegation that certain material/s do not contain full attribution is merited. 13-35-225(6)(a)(ii), MCA, does provide 24 hours to bring unattributed material/s into compliance (see below). In this case, COPP would require the approximate number of paid text messages sent without attribution, the date/s sent, and the relevant attribution statement, including partisan affiliation (partisan affiliation can be included by stating the full name of the political party, or by including a common abbreviation/symbol: 'D' for Democrat, 'R' for Republican, 'L' for Libertarian, etc.). For example: "On October 21, 2022, the Spider Man for HD 1 campaign. Failure to bring unattributed material into compliance withing 24 hours would leave you "subject to a civil penalty pursuant to 13-37-128", 13-35-225(6)(b), MCA.

Please feel free to call (406-444-4627) or email (scook3@mt.gov) with questions about Montana's attribution requirements, or the attribution remedy process.

Scott Cook

Compliance Specialist

Office of the Commissioner of Political Practices

(406) 444-4627

SCook3@mt.gov

Election Materials Not To Be Anonymous -- Notice -- Penalty

13-35-225. Election materials not to be anonymous -- notice -- penalty. (1) All election communications, electioneering communications, and independent expenditures 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. The attribution must contain:

(a) for election communications or electioneering communications financed by a candidate or a candidate's campaign finances, the name and the address of the candidate or the candidate's campaign;

(b) for election communications, electioneering communications, or independent expenditures financed by a political committee or a joint fundraising committee, the name of the committee, the name of the committee treasurer, deputy treasurer, secretary, vice chairperson, or chairperson, as designated pursuant to **13-37-201(2)(b)**, and the address of the committee or the named committee officer; and

(c) for election communications, electioneering communications, or independent expenditures financed by a political committee that is a corporation or a union, the name of the corporation or union, its chief executive officer or equivalent, and the address of the principal place of business.

(2) Communications in a partisan election financed by a candidate, a political committee organized on the candidate's behalf, or a joint fundraising committee with a participant who is a candidate or a political committee organized on the candidate's behalf must state the candidate's party affiliation or include the party symbol.

(3) If a document or other article of advertising is too small for the requirements of subsections (1) and (2) to be conveniently included, the candidate responsible for the material or the person financing the communication shall file a copy of the article with the commissioner of political practices, together with the required information or statement, at the time of its public distribution.

(4) If information required in subsections (1) and (2) is omitted or not printed or if the information required by subsection (3) is not filed with the commissioner, upon discovery of or notification about the omission, the candidate responsible for the material or the person financing the communication shall:

(a) file notification of the omission with the commissioner of political practices within 2 business days of the discovery or notification;

(b) bring the material into compliance with subsections (1) and (2) or file the information required by subsection (3) with the commissioner; and

(c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

(5) Whenever the commissioner receives a complaint alleging any violation of subsections (1) and (2), the commissioner shall as soon as practicable assess the merits of the complaint.

(6) (a) If the commissioner determines that the complaint has merit, the commissioner shall notify the complainant and the candidate or political committee of the commissioner's determination. The notice must state that the candidate or political committee shall bring the material into compliance as required under this section:

(i) within 2 business days after receiving the notification if the notification occurs more than 7 days prior to an election; or

(ii) within 24 hours after receiving the notification if the notification occurs 7 days or less prior to an election.

(b) When notifying the candidate or campaign committee under subsection (6)(a), the commissioner shall include a statement that if the candidate, political committee, or joint fundraising committee fails to bring the material into compliance as required under this section, the candidate, political committee, or joint fundraising committee is subject to a civil penalty pursuant to **13-37-128**.

https://leg.mt.gov/bills/mca/title_0130/chapter_0350/part_0020/section_0250/0130-0350-0020-0250.html

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Elizabeth Marum

Candidate for HD67

P.O. Box 386

Belgrade, MT 59714

www.marum4mt.com [marum4mt.com]

406-970-4925

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