

COMMISSIONER OF  
POLITICAL PRACTICES

 COPY



STATE OF MONTANA

DENNIS UNSWORTH  
COMMISSIONER  
TELEPHONE (406) 444-2942  
FAX (406) 444-1643

1205 EIGHTH AVENUE  
PO BOX 202401  
HELENA, MONTANA 59620-2401  
[www.politicalpractices.mt.gov](http://www.politicalpractices.mt.gov)

November 14, 2008

Paul David Babb  
3601 Elizabeth Warren  
Butte MT 59701

Subject: Complaint received November 10, 2008; Concerned Citizens for Butte's Future

I have carefully reviewed the complaint you recently filed. You allege that people were contacted by telephone pollsters for what appears to be a type of "push poll," and that the pollsters did not identify themselves. You allege that this violates 13-35-225, MCA, because the messages lack a disclaimer.

You describe your efforts to ascertain who was responsible for the calls, and refer to a person named Ken Legler, a candidate for the Texas Legislature. But the complaint is filed against a political committee named Concerned Citizens for Butte's Future. There is no allegation in the body of the complaint that this political committee was responsible for the calls; nor do you state how that was determined. You've provided no information explaining the basis for the allegation that this particular political committee violated the statute.

No investigation of a complaint is required if the complaint is indefinite or does not contain sufficient allegations to enable my staff and I to make a determination that it states a potential violation of a particular statute or rule. (44.10.307(3)(a), ARM.)

I'd like to be more helpful, but I am unable to undertake an investigation based on vague or tenuous allegations.



Dennis Unsworth  
Commissioner of Political Practices

POSTMARKED

OFFICE USE ONLY

COMMISSIONER OF POLITICAL PRACTICES  
1205 Eighth Avenue  
Post Office Box 202401  
Helena, MT 59620-2401  
TELEPHONE: 406-444-2942  
FAX NUMBER: 406-444-1643

NOV - 7 2008

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POLITICAL PRACTICES

2008 NOV 10 A 10:41

HAND DELIVERED

CERTIFIED MAIL

SIGNED/NOTARIZED

### CAMPAIGN FINANCE AND PRACTICES

### COMPLAINT FORM (07/01)

**TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE**

#### PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME

Paul David Babb

COMPLETE MAILING ADDRESS

3601 Elizabeth Wacker  
Butte, MT 59701

TELEPHONE NUMBERS: WORK

406-497-6221

HOME

406-494-4505

#### PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME

Concerned Citizens For Butte's Future  
Jean A. Pentecost, TREASURER

COMPLETE MAILING ADDRESS

P.O. Box 451  
Butte, MT 59702

TELEPHONE NUMBERS: WORK

406-782-0985

HOME

406-533-3419

**PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN  
DETAIL THE FACTS OF THE ALLEGED VIOLATION.**

#### VERIFICATION BY OATH OR AFFIRMATION

STATE OF MONTANA, COUNTY OF

Montana

I, Paul David Babb

, being duly sworn, state that the information in this  
Complaint is complete, true, and correct, to the best of my knowledge and belief.

(SEAL)

Paul David Babb

Signature of Complainant

Subscribed and sworn to before me this 7<sup>th</sup> day of  
November, 2008.

Mary M. Jones

Notary Public

My Commission Expires:

**CAMPAIGN FINANCE AND PRACTICES  
COMPLAINT FORM**

**PAGE2**

**STATEMENT OF FACTS:**

I have been contacted by the people listed below notifying me that they interviewed by telephone pollster, that would not or did not identify themselves (no disclaimer). The pollster started off the telephone conversation by stating that they were conducting a poll on the Chief Executive's race. The person was first asked who they were voting for, when they said Paul Babb, they were then asked (1) would you still vote for Paul Babb if you knew that he was responsible for \$1.4 million in lawsuits, if they said yes then they were asked (2) would you still vote for Paul Babb if you knew he had strong ties to the Republican Party, one person said they said strong ties to the GOP and John McCain, if they said yes then they said would you still vote for Paul Babb with the declining economy, problems at the airport, and empty buildings.

The statement about me being associated with GOP or in support of McCain is completely false. All local races are non-partisan with no party affiliation. I have always run my campaigns as strictly non-partisan (County Commissioner and Chief Executive).

**The people that called said they felt like they were being badgered, and that the pollster did not identify themselves, which is required by MCA 13-35-225. It has been relayed to me that the when asked who was conducting the poll the pollster did or said the following: hung-up, said it was for Mary McMahan (my opponent), said it was a Butte-Silver Bow County poll (made it sound like it was being conducted on behalf of the local government).**

The number the call is coming from is 713-554-9212. I called the number, and it is an out-of-state Houston, Texas number and the voicemail goes to Ken Legler. I did a search on Ken Legler, and he is running for State Representative. You can check out his website at [www.votekenlegler.com](http://www.votekenlegler.com). I have also attached some of the pages from his website.

The people that called me are as follows. You can call them to verify what they relayed to me:

Lisa White – 406-565-5274

Brian Doherty – 406-494-7610 (Brian said they made it sound like the poll was being conducted by the Butte-Silver Bow local government)

Mark Lee – 406-490-7500

Jean Rupert – 406-299-2685

Tracy Foley – 406-494-3210

Kathy Lovell – 406-494-4811

Terry James – 406-723-4736

Vern Kingston – 406-494-1213

THE STATE OF MONTANA  
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Date Received and Postmark Date

FILE NO. 625323

DATE 10/20/08 HOUR 2:40pm

BY Chelle Spahr

BUTTE-SILVER BOW

**FORM C-2** (Revised 06/03)  
**STATEMENT OF ORGANIZATION**

TO BE FILED BY (Check One):

POLITICAL ACTION COMMITTEE  
 POLITICAL PARTY COMMITTEE  
 BALLOT ISSUE COMMITTEE  
 INCIDENTAL COMMITTEE  
 OTHER

ORIGINAL FILING  AMENDED FILING

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR CERTIFICATION SIGNATURE

FULL NAME OF COMMITTEE (Refer to Montana Code Annotated § 13-37-210, Naming and Labeling Statute)  
Concerned Citizens for Butte's Future

COMPLETE MAILING ADDRESS PO Box 451, Butte Mt 59703  
(Including City, State, Zip Code)

COMPLETE STREET ADDRESS \_\_\_\_\_  
(Including City, State, Zip Code)

Incorporated: (Check one) YES  NO

FULL NAME OF COMMITTEE TREASURER Jean A Pentecost

COMPLETE MAILING ADDRESS PO Box 451, Butte Mt  
(Including City, State, Zip Code)

COMPLETE STREET ADDRESS 1018 Utah Butte, Mt 59701  
(Including City, State, Zip Code)

jpentecost@bresnan.net (406) 782-0985 (406) 533-3419 (406) 782-0985  
E-Mail Address (Please Print) Home Telephone Number Work Telephone Number Facsimile Number

FULL NAME OF DEPUTY TREASURER(S), if any \* \_\_\_\_\_

COMPLETE MAILING ADDRESS \_\_\_\_\_  
(Including City, State, Zip Code)

COMPLETE STREET ADDRESS \_\_\_\_\_  
(Including City, State, Zip Code)

E-Mail Address (Please Print) Home Telephone Number Work Telephone Number Facsimile Number  
\* attach list if necessary

COMMITTEE ACCOUNT INFORMATION

FULL NAME OF BANK Mile High Federal Credit Union

COMPLETE ADDRESS 3410 Monroe Ave Butte Montana 59701  
(Including City, State, Zip Code)

SECONDARY COMMITTEE ACCOUNT(S) INFORMATION, if any (attach list if necessary)

FULL NAME OF BANK \_\_\_\_\_

COMPLETE ADDRESS \_\_\_\_\_  
(Including City, State, Zip Code)

ADDITIONAL OFFICERS (attach list if necessary)

COMPLETE STREET ADDRESS \_\_\_\_\_  
(Including City, State, Zip Code)

COMPLETE MAILING ADDRESS \_\_\_\_\_  
(Including City, State, Zip Code)

OFFICERS FULL NAME \_\_\_\_\_ TITLE \_\_\_\_\_

E-Mail Address (Please Print) Home Telephone Number Work Telephone Number Facsimile Number

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COMPLETE STREET ADDRESS \_\_\_\_\_  
(Including City, State, Zip Code)

COMPLETE MAILING ADDRESS \_\_\_\_\_  
(Including City, State, Zip Code)

OFFICERS FULL NAME \_\_\_\_\_ TITLE \_\_\_\_\_

E-Mail Address (Please Print) Home Telephone Number Work Telephone Number Facsimile Number

PURPOSE OF COMMITTEE and/or	SUPPORT	OPPOSE	DATE OF ELECTION
<p>To support/ oppose candidates running for local, regional and state offices</p>			
<p><b>NAME(S) OF CANDIDATE(S) or BALLOT ISSUE (S)</b> Paul David Babb, Candidate for Butte-Silverbow Chief Executive</p>		<b>X</b>	November 4, 2008
<p>John Vincent, Candidate for Public Service Commissioner District #3</p>	<b>X</b>		November 4, 2008
<p>Steve Bullock, Candidate for Attorney General</p>	<b>X</b>		November 4, 2008

**CERTIFICATION**

I hereby verify that the foregoing statements are true and correct.

*Dean Pentecost* \_\_\_\_\_ *Treasurer* \_\_\_\_\_ *10-8-08* \_\_\_\_\_  
 Officer's Signature Title Date

For County, Municipal, or School committees only: Please check this box if contributions/expenditures will not exceed \$500.  (If \$500 is exceeded, filing of campaign finance reports will be required.)

# KEN LEGLER

A REPUBLICAN STATE REPRESENTATIVE

WELCOME

ABOUT KEN

DISTRICT 144

LATEST NEWS

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## About Ken Legler

Ken Legler is the Republican candidate who will best represent House District 144 in the Texas Legislature. He is a Pasadena native and a conservative who shares our pro-life, pro-family, pro-business political philosophy. Ken declared his candidacy after Robert Talton announced his retirement from the Texas Legislature in order to run for US Congress.

A third generation Texan, Ken is a genuine Pasadena native, who has chosen to live, work, and play in East Harris County. He was educated in the Pasadena public school system; he serves as a board member for the chamber of commerce and other economic development organizations in the area.

Ken started working at Houston Wire Works in South Houston after graduating from high school and worked his way from a starting production worker to President. In 2000 he bought the company, and they have since started other small businesses in Europe and Mexico. Ken is no stranger to the halls of government. His business skills have been recognized by two Texas governors; first George Bush appointed



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SUGGESTIONS & COMMENTS

VOLUNTEER SIGN-UP

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LATEST NEWS

# KEN LEGLER

A PASADENA NATIVE

**KEN LEGLER**  
Republican for State Representative

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## See both state parties' platforms

Copyright 2008 Houston Chronicle  
June 14, 2008

Texas Republicans and Democrats have adopted their party platforms for 2008. Fo highlights on some issues expected to come before the Legislature next year.

### Public education

**R:** End bilingual education; teach abstinence-only sex education; include "intelligent theory of origin; empower teachers to remove disruptive students

**D:** Provide universal pre-K; give instruction in English and one other language to a

» **Ken Legler Announces for State Representative**  
Ken Legler, a Pasadena native, has announced his candidacy for state representative, District 144, to fill the vacancy left by Robert Talton's planned retirement from the Texas Legislature.

[more news](#)

**Contact Information**

3910 Fairmont Pkwy  
Suite 261  
Pasadena, Texas 77504  
p | (713) 554-9212  
e | [ken@votekenlegler.com](mailto:ken@votekenlegler.com)

raise teacher pay; fund mentor program for every new teacher; have a comprehensive education program

## School funding

**R:** Abolish school property tax and fund schools with existing budget resources, cut taxes and spending cuts; tie spending to students through vouchers

**D:** More state funding; provide property tax relief by raising homestead exemption vouchers

## Health

**R:** Protect health care personnel who conscientiously object to procedures or medical conflict with their moral or religious beliefs; publicly fund adult stem cell research | research involving human embryos; end indigent health care mandates on local government without state funding

**D:** Create Texas universal health care plan; enforce nonprofit hospital charity care fund all types of stem cell research; negotiate state health plan for small businesses

## Higher education

**R:** End "top 10 percent" admission rule; charge higher tuition to noncitizens; review deregulation to determine whether it is improving quality

**D:** Rollback tuition and fees; reopen state prepaid tuition program; equitably fund black universities and colleges along the border

## Crime

**R:** Make child and sex abuse and methamphetamine drug manufacturing top priority judges to assign punishment in felony cases; fully inform juries as to actual length

**D:** Create an "innocence commission" to identify causes of wrongful convictions; help offenders in community-based settings instead of remote prisons; establish a state public defenders for capital cases

## Economy

**R:** Cap government spending; repeal revised business franchise tax; enact further discourage frivolous lawsuits

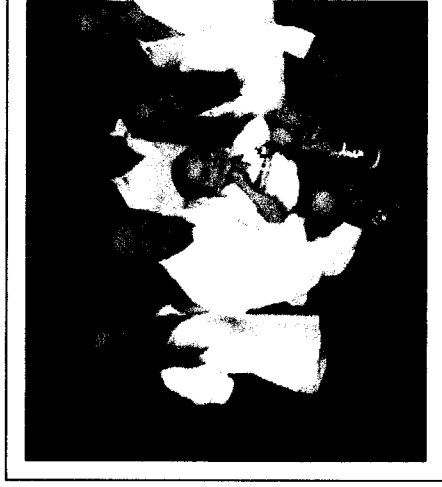


**D:** Increase minimum wage; retrain laid-off workers; ease franchise tax burden on businesses; regulate governor's economic development funds

Source: Texas Republican and Democratic parties

### **Education**

"I believe we must fundamentally reform the public education system. We need to get more education for our dollar instead of just throwing more money at education. We must refocus our efforts and make certain we are teaching our children the basics. We can take steps to ensure that more of every tax dollar spent makes it to the classroom where the students are and the teaching is done. Finally we must expect standards to rise and hold public schools accountable for making sure they do."



"I favor keeping children safe by requiring criminal background checks for every public school employee, and requiring increased penalties for child sex offenders."

### **Healthcare**

"Texas has doubled healthcare spending in the last decade with little result. We must institute a free-market reform to our healthcare system, and resist the efforts to socialize medicine. I believe in opening up the insurance market to competition and reducing government mandates that drive up costs. I firmly believe healthcare choices should be made by you and your doctor - not by an insurance company bureaucrat."

### **Immigration**

"The Federal Government has failed to create a workable immigration policy and to secure our borders, and the reforms the last Legislature implemented were only a small start to the wave of illegal immigrants that are flooding into Texas. I will be your voice in the

Legislature for solutions that will stem the tide of illegal immigrants without waiting for the Federal government to wake up, and without compromising our strong economy."

"I support providing more resources for border security enforcement including increasing patrol hours, providing additional criminal investigators, adding security cameras, Texas National Guardsmen and a rapid deployment team of state troopers to respond to activity along the border."

"Also, elections must be safeguarded by ensuring that only qualified US citizens with proper photo identification are allowed to vote."

### **Property Taxes**

"Property taxes are out of control. Period. Even though we were promised a tax cut in two years, most of us didn't see it because of our skyrocketing appraisals. Even with a rate increase, the rise in appraisals can make our tax bill double in as little as 7 years, which is outrageous. I will be your voice in the Texas Legislature to lower the appraisal cap and provide tax relief that doesn't disappear before our eyes."

### **Government Spending**

"Government spends too much of your money. You know how to spend your money better than any Austin bureaucrat. Over the past decade, government growth has been spiraling out of control. That is why I will work to pass a constitutional amendment to ensure that government spending in Texas - state and local - will not be allowed to increase their spending faster than the rate of inflation and population growth. I also believe in honest government and will work to ensure that money on its intended purpose, which is why I will work to abolish any fees or taxes that are being spent on their intended purpose."

### **Property Rights**

"Texas has always been a state of strong individual rights. The most fundamental of these is property. The Supreme Court eroded those rights with the Kelo decision that allowed the government to take private property from one person and give it to another. That is unconscionable and must be built on the protections passed by the last legislature and further strengthened by the current legislature to ensure our land isn't snatched by government and sold to the highest bidder."

### **Safeguarding Democracy**

"You and I have to prove who we are to write a check at the grocery store or to buy a car. Why shouldn't we have to prove who we are in order to vote at the polls? We must protect our democracy by ensuring only qualified United States citizens with proper photo identification are allowed to vote."

**[click here to learn more about Ken Legler»](#)**

» **Ken Legler Announces for State Representative**  
Ken Legler, a Pasadena native, has announced his candidacy for state representative, District 144, to fill the vacancy left by Robert Talton's planned retirement from the Texas Legislature.

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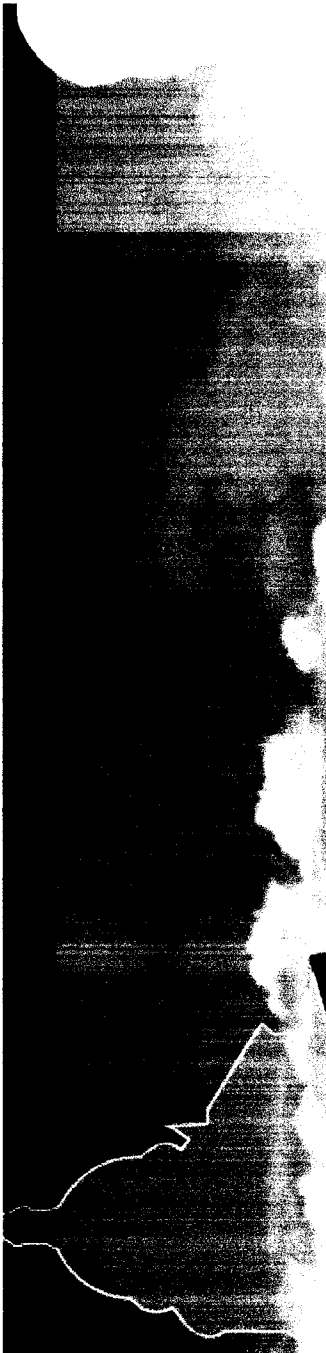
e | [ken@votekenlegler.com](mailto:ken@votekenlegler.com)

Texas Commission of Environmental Quality Advisory Board for Small Business and later re-appointed by Rick Perry. Ken is currently serving as Chairman of the Federal Environmental Protection Agency National Advisory Board. In these positions he will bring common sense to government regulations, encourage a pro-business atmosphere and promote a healthy environment.

Active in politics, Ken was part of the Bush Strike Force team that went to Pennsylvania also a board member of the Texas Association of Business and the National Federation of Independent Business.

Ken has coached boys and girls sports and was elected commissioner of teenage tennis in Pasadena for 2 years.

Ken married his high school sweetheart Barbara 29 years ago. Together they have three children, Joseph (25), Krystina (21) and Kathryn (16) and are now pleased to be grandparents of Brendon (3). A lifetime focus on faith, Ken and Barbara are active members of Lutheran Evangelical Church where Ken is a lifelong member.



**KEN LEGLER**  
 ★ ★ ★ ★ ★  
 Republican for State Representative

WELCOME

ABOUT KEN

DISTRICT 144

LATEST NEWS

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## Contact Information

We'd like to hear from you!

Please feel free to contact us if you have questions, comments, or suggestions.

**address**

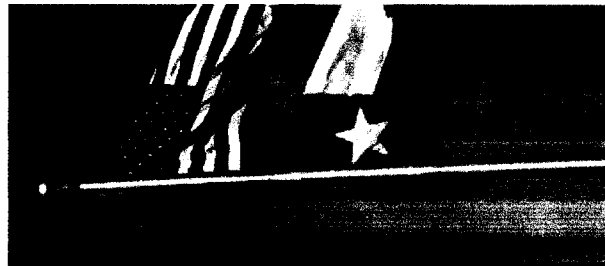
**Ken Legler Campaign**  
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 Box 261  
 Pasadena, Texas 77504

**phone**

(713) 554-9212

**email**

**ken@votekenlegler.com**



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