

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Baker v. Yes for Great Falls Kids No. COPP 2016-CFP-023	Dismissal of Complaint Based on Lack of Sufficient Facts to Show a Campaign Practice Violation
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On August 15, 2016, Cyndi Baker, a resident of Great Falls, Montana, filed a formal complaint¹ against Yes for Great Falls Kids (YesGFK) asserting that it failed to timely file a campaign finance report.

Foundational Findings of Fact

The following findings of fact are necessary before proceeding to discussion of this Matter:

Finding of Fact No. 1. On May 9, 2016 YesGFK filed a Statement of Organization (Form C-2) as a ballot issue committee with the COPP. YesGFK listed its purpose as support of a Great Falls school levy. (COPP records.)

¹ The Complaint was filed on a lobbying complaint form but it asserts a campaign practice violation and is treated as such.

Finding of Fact No. 2. On June 23, 2016 YesGFK filed a campaign finance report disclosing receipt of \$66,890 in contributions to YesGFK. (COPP records.)

Finding of Fact No. 3. The Great Falls Public School levy supported by YesGFK is set for a vote on October 4, 2016. It was originally set for vote on October 11, 2016. (COPP investigator's notes and records).

Discussion

YesGFK is a duly registered Montana ballot committee organized to support a "yes" vote in the forthcoming public school levy. (FOF No. 1.) Under Montana law, YesGFK must "file with the commissioner periodic reports of contributions and expenditures" it makes. §13-37-225(1), MCA. The Complaint alleges that YesGFK missed an August 9, 2016 reporting period.

The Complaint is based on the COPP reporting calendar for certain political committees requiring reporting on the 90th, 35th and 12th days preceding the date of an election, as required by §13-37-226(4), MCA. That calendar, however, is a default calendar setting a reporting schedule for political committees not otherwise required to report. As a non-statewide ballot issue committee that received in excess of \$500 in contributions (FOF No. 2) YesGFK must report according to the reporting periods set by §13-37-226(3), MCA.² These reporting periods are the "35th and 12th days preceding the date on which an election is held." §13-37-226(2), MCA. In other words, YesGFK is not subject to the default calendar.

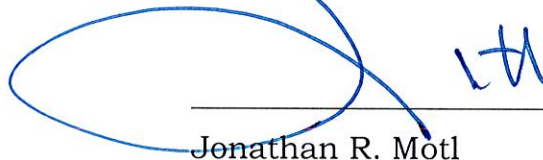
The Complaint also looks to reporting dates based on the date of the

² Statewide ballot issue committees report at the times set out at §13-37-226(1), MCA.

November 8, 2016 Montana general election. These reporting dates, however, do not apply to YesGFK as the Great Falls Public School levy vote is set for October 4, 2016 (FOF No. 3). The next YesGFK campaign finance report is therefore due 35 days before October 4, 2016 or August 31, 2016, the date being 35 days prior to the date of the particular school bond election.

The Complainant has carried out an act of public service in filing this Complaint as it allows for a statement of clarification, through this Decision, of the proper dates that YesGFK should file its campaign finance reports. The next YesGFK campaign finance report is not due until August 31, 2016. That date being in the future, there is no failure by YesGFK to timely report. The Complaint is dismissed.

DATED this 16th day of August, 2016.



Jonathan R. Motl
Commissioner of Political Practices
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