

**BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES
STATE OF MONTANA**

In the Matter of the Complaint)	SUMMARY OF FACTS
Against the Higher Ground)	AND
Foundation)	STATEMENT OF FINDINGS

Paul Belanger filed a complaint against the Higher Ground Foundation (HGF) on October 15, 2008. Belanger alleged that HGF produced a brochure advocating repeal of the Ravalli County Growth Policy that did not disclose the name and address of the treasurer for the HGF incidental ballot issue committee as required by Section 13-35-225, MCA.

SUMMARY OF FACTS

1. Section 13-35-225, MCA, requires, in pertinent part, that election materials “advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, internet website, or other form of general political advertising must clearly and conspicuously include the attribution ‘paid for by’” that includes “the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer.”

2. Belanger alleged that HGF had a duty to list its name, the name of its treasurer, and either HGF’s address or the address of its treasurer on the brochure attached to Belanger’s complaint.

3. The HGF brochure attached to Belanger’s complaint was not publicly distributed and was a draft of a brochure that was substantially revised before a final brochure was distributed to

the public by HGF. The final brochure ultimately used in the campaign to repeal Ravalli County's Growth Policy is the subject of a separate complaint filed by Mary Morris against HGF.

4. Belanger does not recall how he came into possession of the brochure attached to his complaint and does not recall whether it was faxed, e-mailed, or handed to him.

5. The brochure attached to Belanger's complaint was the second page of a two-page fax but Belanger does not recall receiving the fax or what was included in page 1 of the fax he received. Belanger also could not provide a copy of the first page of the fax.

STATEMENT OF FINDINGS

Section 13-35-225, MCA, applies to campaign advertisements and documents that are publicly distributed, disseminated, or published. Campaign documents that are in draft form and being revised by its authors and/or clients are not subject to the disclaimer requirements of Section 13-35-225, MCA, unless they are publicly distributed, disseminated, or published.

CONCLUSION

Based on the preceding, HGF did not violate Section 13-35-225, MCA, by failing to include attribution language in a draft brochure that was not publicly distributed, disseminated, or published.

DATED this 28th day of July, 2011.


David B. Gallik
Commissioner of Political Practices

C: Paul Belanger
Higher Ground Foundation