

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

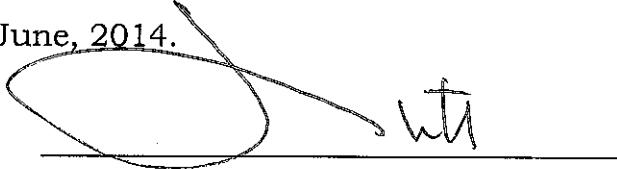
Bomboy v. Todd  No. COPP-2014-CFP-30	EXPLANATION OF DATE OF ACCEPTANCE OF COMPLAINT
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Jim Bomboy of Billings, Montana filed a complaint with this office on May 27, 2014. The complaint was filed against Gregory Todd, a sitting Montana District Court Judge (13<sup>th</sup> Judicial District, Yellowstone County) who is running unopposed for reelection in 2014. Judge Todd, in his capacity as a candidate for public office, is subject to the Montana Campaign Practices Act.

The Bomboy complaint reviewed publically accessible campaign finance records and, on the basis of those records, made several claims of violation of Montana's Campaign Practices Act. Complaints filed with the COPP often raise issues during the time of election addressed by the complaint. Because the public deserves prompt resolution of issues related to an on-going election, the Commissioner may accept a complaint and issue a prompt Dismissal when the complaint issues can be resolved by a review of the public documents cited in the complaint. See *Ravndal v. Halver* COPP-2014-CFP-020 and *Campbell v.*

*Skees COPP-2014-CFP-024.* The Commissioner, however, was not able to determine if such a prompt Dismissal could be made in this Matter because a change in data management systems caused a temporary hold in release of the campaign finance data until June 4, 2014. That data, when released on June 4, 2014, showed that there may be an issue of late filing of campaign reports involved in this Matter that cannot be resolved by dismissal. The Commissioner provides this Notice as an explanation of the time between the date of filing (May 27, 2014) and date of public notice of acceptance (June 9, 2014) of the complaint.

DATED this 9<sup>th</sup> day of June, 2014.

A handwritten signature in black ink, appearing to read "JRM", is written over a horizontal line. A large, stylized, oval-shaped mark is drawn over the signature and the line.

Jonathan R. Motl  
Commissioner of Political Practices  
Of the State of Montana  
P. O. Box 202401  
1205 8<sup>th</sup> Avenue  
Helena, MT 59620  
Phone: (406)-444-4622

**THE STATE OF MONTANA**

Commissioner of Political Practices  
1205 Eighth Avenue  
Post Office Box 202401  
Helena, MT 59620-2401  
Phone: 406-444-2942  
Fax: 406-444-1643  
www.politicalpractices.mt.gov

to postmark

**FOR OFFICE USE ONLY**

RECEIVED

2014 MAY 27 A 9:50

COMMISSIONER OF  
POLITICAL PRACTICES

HAND DELIVERED

CERTIFIED MAIL

SIGNED/NOTARIZED

**Campaign Finance and Practices****Complaint Form (10/09)**

Type or print in ink all information on this form except for verification signature

**Person bringing complaint (Complainant):**

Complete Name Jim Bomboy  
Complete Mailing Address P.O. Box 51082  
Billings, MT 59105  
Phone Numbers: Work 366-9959 Home 366-9959

**Person or organization against whom complaint is brought (Respondent):**

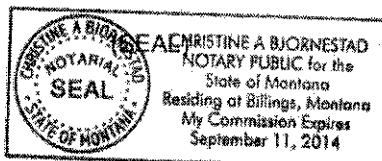
Complete Name Gregory Todd  
Complete Mailing Address P.O. Box 35026  
Billings, MT 59107  
Phone Numbers: Work 256-2901 Home 208-6130

**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 Helena

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



Jim Bomboy  
Signature of Complainant

Subscribed and sworn to before me this 22nd day of  
May, 2014.

Christine Bjornestad  
Notary Public

My Commission Expires: 11 September 2014

**Complaints must be:**

- signed
- notarized
- delivered in person or by certified mail.

## **BEFORE THE COMMISSIONER OF POLITICAL PRACTICES**

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<b>In the Matter of the Complaint Against</b>	<b>)</b>	<b>COMPLAINANT'S</b>
<b>District Court Judge Gregory Todd</b>	<b>)</b>	<b>ALLEGED VIOLATIONS</b>
	<b>)</b>	<b>AND</b>
	<b>)</b>	<b>STATEMENT OF FACTS</b>
	<b>)</b>	

Jim Bomboy, President of Montana Court Watch (Complainant) files this Complaint with the Commissioner of Political Practices alleging that Judge Gregory Todd has violated Montana campaign finance and practices law.

Judge Todd holds office in Dept. 4 of District Court Judge District 13. He is running unopposed for reelection in 2014, as he did in 2008.

Judge Todd has violated campaign finance law in the following ways:

- (1) Judge Todd accepted contributions in excess of legal limits. He accepted contributions for uncontested primaries as well as the general election, and doubled up on the per person limit.
- (2) Judge Todd spent campaign funds on non-campaign related expenses
- (3) Judge Todd disposed of surplus campaign funds in a manner inconsistent with Montana law.
- (4) Judge Todd failed to file required campaign finance reports.

Judge Todd cannot claim ignorance of the law. As a District Court Judge, he is responsible for knowing and upholding the law. Judge Todd has betrayed the public trust by violating campaign law.

## **RESPONDENT'S COURSE OF CONDUCT**

### **I. JUDGE TODD ACCEPTED CONTRIBUTIONS IN EXCESS OF CAMPAIGN DONATION LIMITS.**

In the current 2014 election cycle, Judge Todd accepted \$330 from donor Jeffrey Mrachek, who donated \$170 for the primary and \$160 for the general election.<sup>1</sup> However, Judge Todd's primary is uncontested.

M.C.A. 13-37-216(1)(a) states that aggregate contributions for each election in a campaign by an individual to a candidate are limited to \$170 for the office of district court judge.

M.C.A. 13-37-216(6) states:

For purposes of this section, "election" means the general election or a primary election that involves two or more candidates for the same nomination. If there is not a contested primary, there is only one election to which the contribution limits apply. If there is a contested primary, then there are two elections to which contribution limits apply.

Because Todd's primary is uncontested, his acceptance of Mrachek's donations in excess of \$170 is illegal under Montana law.

Mr. Mrachek, who serves as Judge Todd's campaign treasurer, failed to record the sum of his own donations in the "Total to Date Amount" column. Judge Todd signed the campaign report and is ultimately responsible for its mistakes and lack of compliance.

---

1. Exhibit A: C-5 Report, March 10, 2014, p. 2 (circled).

## **II. JUDGE TODD SPENT CAMPAIGN FUNDS ON NON-CAMPAIGN RELATED EXPENSES.**

In the 2008 election cycle, Judge Todd used campaign funds to pay his \$992.34 filing fee.<sup>2</sup>

Todd used a circuitous route to pay the filing fee: First, he loaned \$992.34 to his campaign<sup>3</sup>, and had his campaign pay the fee.<sup>4</sup> Then he reimbursed himself with \$992.34 from campaign donations.<sup>5</sup> Through this roundabout method, Judge Todd used campaign donations to pay his filing fee. M.C.A. 13-1-101(11) states:<sup>6</sup>

(a) **“Expenditure” means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.**

(b) **“Expenditure” does not mean:**

- (i) services, food, or lodging provided in a manner that they are not contributions under subsection (7)
- (ii) **payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate’s family ...**

A filing fee is not a legitimate campaign expense to be paid for with donations. Accordingly, Judge Todd’s use of campaign donations to pay his filing fee was illegal under Montana law.

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2. **Exhibit B:** C-5 Report, May 21, 2008, p. 8

3. *Ibid.*, p. 2

4. *Ibid.*, p. 8

5. **Exhibit C:** C-5 Report, June 18, 2008, p. 6

6. **Exhibit D:** M.C.A. 13-1-101, p. 2.

### III. JUDGE TODD DISPOSED OF SURPLUS CAMPAIGN FUNDS IN A MANNER INCONSISTENT WITH MONTANA LAW.

Judge Todd has spent little or nothing on actual campaigning.<sup>7</sup> After his unopposed reelection in 2008, nearly half the donation funds remained unspent.<sup>8</sup>

One year later, Judge Todd filed a Closing Report which stated he awarded the entire campaign surplus to Mrachek *after* the election.<sup>9</sup> Todd claimed he did so for services rendered during the campaign.

If Judge Todd wished to pay his treasurer, he should have done so *during* the campaign and according to a specific pay rate and number of hours worked. Instead, Todd bestowed his entire surplus on Mrachek, down to the last penny, making him the unauthorized beneficiary of all unspent donations, *a year after the campaign was over*.

M.C.A. 13-37-240 states that surplus campaign funds remaining after an election cannot be used for personal benefit. "Personal benefit" is defined as "a use that will provide a direct or indirect benefit of any kind to the candidate or any member of the candidate's immediate family." M.C.A. 13-37-240(2). Many candidates donate surplus funds to charity.

Judge Todd's award of his total campaign surplus to Mrachek rebounded to his personal benefit, because it helped ensure Mrachek's service in future elections.

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7. Judge Todd reported that he spent \$8 for campaigning. See Exhibit B: C-5 Report of May 21, 2008, p. 8.

8. Judge Todd received \$1775.00 in donations for election year 2008. He spent \$992.34 on his filing fee, and \$8 from petty cash, leaving a surplus of \$774.66 after the election.

9. **Exhibit E:** C-5 Report of November 18, 2009, p. 3.

Clearly, Judge Todd disposed of his campaign surplus in a manner inconsistent with Montana law.

#### **IV. JUDGE TODD FAILED TO FILE REQUIRED CAMPAIGN REPORTS.**

Judge Todd failed to file continuing status reports on surplus campaign funds after the 2008 election.

M.C.A. 13-37-226(3) states that candidates for district court judge *shall* file reports on the 10<sup>th</sup> day of March and September of each year following an election, until the candidate files a closing report.

Judge Todd had surplus campaign funds after the 2008 election and thus was required to file reports in March and September of 2009. He failed to file anything until his closing report in November 2009.

M.C.A. 13-37-126(1) states that if a candidate fails to file statements and reports as required by law, the candidate's name "may not be printed on the official ballot for an election." Further, even if elected, a candidate will not receive a certificate of election unless the statements and reports have been properly and timely filed. Without a certificate of election, an individual may not assume the powers and duties of office. M.C.A. 13-37-127.

#### **CONCLUSION**

Judge Todd has violated multiple laws governing campaign donations and spending and has failed to file the required campaign reports. Judge Todd has grossly violated the public trust by accepting hard-earned cash from the people of Montana and using it improperly.

Essentially, Judge Todd has demonstrated an attitude of casual disregard toward the law.

## **REQUEST FOR RELIEF**

We request that the Office of the Commissioner of Political Practices perform a full investigation into Judge Todd's campaign finances. We seek the following relief for his violations of Montana law:

- (1) A fine pursuant to M.C.A. 13-37-128 which provides for a penalty of \$500 or three times the amount of contribution or expenditure, whichever is greater;
- (2) An inspection of documents and records under M.C.A. 13-37-121, and the issuance of orders of noncompliance as authorized by law;
- (3) An injunction pursuant to M.C.A. 13-35-108 to prohibit Judge Todd from performing any election related activity in Montana until he is in compliance with Montana law; and
- (4) Any other relief necessary to enforce Montana campaign finance and practices law.

-END-

# EXHIBIT A

COMMISSIONER OF POLITICAL PRACTICES

## Campaign Tracker

INSTRUCTIONS HOW DO I?

FEEDBACK

## Form C-5: Candidate Campaign Finance Report

Main Menu

The State of Montana  
 Commissioner of Political Practices  
 1205 Eighth Avenue  
 Post Office Box 202401  
 Helena, MT 59620-2401  
 Telephone: 406.444.2942  
 Fax Number: 406.444.1643  
 Website: <http://politicalpractices.mt.gov>

Receive Date:  
03/10/2014

**Reporting Period:**  
02/10/2014 to 03/10/2014

**Candidate Information:**

Gregory Todd  
 POBox 35026  
 Billings, MT 59102

**Office**

District Judge, District 13 Dept. 04

**Status:**

Filed

**Cash Summary - Money received and spent**

Primary      General

**1. Cash in bank**

Balance from previous report

\$0.00      \$0.00

**2. Receipts**

Total received and deposited this period from Schedule A:

\$2,150.00      \$160.00

**3. Corrections**

Addition or subtraction from Schedule D:

\$0.00      \$0.00

Subtotal:      \$2,150.00      \$160.00

**4. Expenditures**

Total paid out this period from Schedule B:

\$0.00      \$0.00

**5. Cash in bank**

Ending balance this report:

\$2,150.00      \$160.00

<b>Schedule A</b> Receipts - This reporting period	In-Kind Description & Value		Cash or Check Amount		Total to Date Amount	
	PRIMARY	GENERAL	PRIMARY	GENERAL	PRIMARY	GENERAL
1. Candidate's Personal Contributions	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2. Contributions less than \$35 each	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3. Loans	Date	\$0.00	\$0.00	\$300.00	\$0.00	
GREGORY TODD 2011 14TH ST W BILLINGS MT 59102 UNITED STATES	02/10/2014	\$0.00	\$0.00	\$300.00	\$0.00	\$300.00
DISTRICT JUDGE CITY OF BILLINGS						
4. Interest, Refunds, Rebates, Fundraisers, and other Miscellaneous Receipts	Date	\$0.00	\$0.00	\$0.00	\$0.00	
	Date	\$0.00	\$0.00	\$0.00	\$0.00	

5. Political Action Committee Contributions							
6. Political Party Committee Contributions	Date	\$0.00	\$0.00	\$0.00	\$0.00		
7. Incidental Committee Contributions	Date	\$0.00	\$0.00	\$0.00	\$0.00		
8. Other Political Committee Contributions	Date	\$0.00	\$0.00	\$0.00	\$0.00		
9. Individual Contributors of \$35 or more	Date	\$0.00	\$0.00	\$1,850.00	\$150.00		
ANDREW MILLER 1337 CLARK AVE BILLINGS MT 59102 UNITED STATES	02/26/2014	\$0.00	\$0.00	\$50.00	\$0.00	\$50.00	\$0.00
ATTORNEY BROWN LAW FIRM							
CAROL BALMANN 17 HEATHERWOOD BILLINGS MT 59102 UNITED STATES	02/11/2014	\$0.00	\$0.00	\$40.00	\$0.00	\$50.00	\$0.00
NONE Public Defense App.							
CLIFF EDWARDS 4375 LAREDO PL BILLINGS MT 59106 UNITED STATES	02/18/2014	\$0.00	\$0.00	\$170.00	\$0.00	\$170.00	\$0.00
ATTORNEY EDWARDS FRICKLE & CULVER							
GUY ROGERS 3704 BEN HOGAN BILLINGS MT 59106 UNITED STATES	02/19/2014	\$0.00	\$0.00	\$170.00	\$0.00	\$170.00	\$0.00
ATTORNEY BROWN LAW FIRM							
JEFFREY MRACHEK 5946 CANYONWOODS BILLINGS MT 59106 UNITED STATES	02/20/2014	\$0.00	\$0.00	\$170.00	\$0.00	\$170.00	\$0.00
CPA MRACHEK POPP & ASSOCIATES							
JOHN EDWARDS 2704 VIRGINIA LANE BILLINGS MT 59101 UNITED STATES	02/14/2014	\$0.00	\$0.00	\$170.00	\$0.00	\$170.00	\$0.00
ATTORNEY EDWARDS LAW OFFICES							
JOHN RUSSELL 3036 BARTONIA DR BILLINGS MT 59102 UNITED STATES	02/21/2014	\$0.00	\$0.00	\$170.00	\$0.00	\$170.00	\$0.00
ATTORNEY BROWN LAW FIRM							
JON WILSON 75 PECAN LN BILLINGS MT 59105 UNITED STATES	02/20/2014	\$0.00	\$0.00	\$50.00	\$0.00	\$50.00	\$0.00
ATTORNEY BROWN LAW FIRM							
Jeffrey Mrachek 5946 CANYONWOODS Billings MT 59106 UNITED STATES	02/20/2014	\$0.00	\$0.00	\$0.00	\$160.00	\$0.00	\$160.00
CPA Mrachek Popp & Associates PC							
	02/19/2014	\$0.00	\$0.00	\$170.00	\$0.00	\$170.00	\$0.00

MICHAEL HERINGER  
11 CUSTER  
BILLINGS MT 59101  
UNITED STATES

ATTORNEY  
BROWN LAW FIRM

ROGER FRICKLE  
531 WGWAE TR  
BILLINGS MT 59105  
UNITED STATES

02/18/2014 \$0.00 \$0.00 \$170.00 \$0.00 \$170.00 \$0.00

ATTORNEY  
EDWARDS FRICKLE &  
CULVER

SHELLY MRACHEK  
5948 CANYONWOODS  
BILLINGS MT 59106  
UNITED STATES

02/20/2014 \$0.00 \$0.00 \$170.00 \$0.00 \$170.00 \$0.00

NONE  
NONE

TRIEL CULVER  
4332 RIDGEWOOD LN S  
BILLINGS MT 59106  
UNITED STATES

02/18/2014 \$0.00 \$0.00 \$170.00 \$0.00 \$170.00 \$0.00

ATTORNEY  
EDWARDS FRICKLE &  
CULVER

WALTER MARICICH  
3502 TIMBERLINE DR  
BILLINGS MT 59106  
UNITED STATES

02/10/2014 \$0.00 \$0.00 \$170.00 \$0.00 \$170.00 \$0.00

MARKETING  
EDWARDS FRICKLE &  
CULVER

**TOTAL RECEIPTS THIS SECTION:** \$0.00 \$0.00 \$2,150.00 \$160.00

**Schedule B**  
Expenditures - This reporting period

PURPOSE	DATE	AMOUNT	
		PRIMARY	GENERAL

1. Petty Cash Expenditures  
Total this period \$0.00 \$0.00

2. All other expenditures \$0.00 \$0.00

**TOTAL EXPENDITURES THIS SECTION, INCLUDING PETTY CASH:** \$0.00 \$0.00

**Schedule C**  
Debts and Loans not yet paid

PURPOSE	DATE	BALANCE DUE	
	INCURRED	PRIMARY	GENERAL

GREGORY TODD  
2011 14TH ST W  
BILLINGS MT 59102 02/10/2014 \$300.00 (\$300.00) \$0.00 (\$0.00)

**Schedule D**  
Corrections

Utilize this section to report corrections to receipts,  
contributions and expenditures reported on a prior report.

Originally reported on

DATE SCHEDULE

AS ORIGINALLY REPORTED

EXPLAIN CORRECTION

# EXHIBIT B

**FOR OFFICE USE ONLY**  
Date Received and Postmark Date

RECEIVED  
COMMISSIONER OF  
POLITICAL PRACTICES

2008 MAY 21 AM 09



THE STATE OF MONTANA  
COMMISSIONER OF POLITICAL PRACTICES  
1205 Eighth Avenue  
Post Office Box 202401  
Helena, MT 59620-2401  
TELEPHONE: 406-444-2942  
FAX NUMBER: 406-444-1643  
WEBSITE: www.politicalpracticesmt.gov

**FORM C-5 (Revised 05/08)**  
**CANDIDATE CAMPAIGN FINANCE REPORT**

ORIGINAL FILING  AMENDED FILING

REPORTING PERIOD: From filing date

To May 17, 2008

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

GREGORY RAYMOND TODD  
FULL NAME OF CANDIDATE  
230 GRAND AVENUE  
COMPLETE MAILING ADDRESS  
(include city, state, zip code)

**CASH SUMMARY: MONEY RECEIVED AND SPENT**

1. CASH IN BANK - Balance from previous report.....
2. RECEIPTS - Total received and deposited this period from Schedule A.....
3. CORRECTIONS - Additions or subtraction from Schedule D (Circle: + or -)  
Subtotal.....
4. EXPENDITURES - Total paid out this period from Schedule B.....
5. CASH IN BANK - Ending balance this report.....

COMPLETE DESCRIPTION OF OFFICE SOUGHT (Required)		PRIMARY	GENERAL
13TH JUD. DIST. CT. JUDGE		\$ 0	\$

**CERTIFICATION**  
*Treasures*

certify the foregoing report of campaign finances with

in accordance with Montana Code Annotated Title 13, chapter 37.

*John L. Mrochek*

Signature

NOTE: Report M-257 was signed by the candidate or candidate's treasurer whose name is on the Statement of Political Practices.

二二

TYPE OR PRINT CLEARLY IN ENGLISH

**SCHEDULE A.** **Reserves - This Reporting Period**

TOTAL RECEIPTS THIS PAGE

IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED

G-5 (page 3)

**TYPE OR PRINT CLEARLY IN INK**  
**SCHEDULE A,**  
**Receipts - This Reporting Period (continued)**

5. Political Action Committee Contributions Committee's full registered name and complete mailing address REQUIRED	Date Received Received Received	In-Kind Description & Value GENERAL		Cash or Check Amount GENERAL	Total to Date Amount GENERAL
		PRIMARY	PRIMARY		
Registered Name					
Address					
City, State, Zip Code					
Registered Name					
Address					
City, State, Zip Code					
Registered Name					
Address					
City, State, Zip Code					
Registered Name					
Address					
City, State, Zip Code					
<b>TOTAL RECEIPTS THIS PAGE</b>					

IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED

C-5 (page 4)

## TYPE OR PRINT CLEARLY IN INK

SCHEDULE A, Receipts - This Reporting Period (continued)		Date Received	Date Transferred	In-Kind Description & Value PRIMARY GENERAL	Cash or Check Amount PRIMARY GENERAL	Total to Date Amount PRIMARY GENERAL
6. Political Party Committee Contributions Full name & complete mailing address REQUIRED						
Name						
Address						
City, State, Zip Code						
Name						
Address						
City, State, Zip Code						
Name						
Address						
City, State, Zip Code						
7. Incidental Committee Contributions Full name & complete mailing address REQUIRED		Date Received				
Name						
Address						
City, State, Zip Code						
8. Other Political Committee Contributions Full name & complete mailing address REQUIRED		Date Received				
Name						
Address						
City, State, Zip Code						
<b>TOTAL RECEIPTS THIS PAGE</b>						

IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED

C-5 (page 5)

## TYPE OR PRINT CLEARLY IN INK

## SCHEDULE A. Receipts - This Reporting Period (continued)

9. Individual Contributions of \$35 or More REQUIRED: ONE NAME ONLY FOR EACH CONTRIBUTOR Full name, complete mailing address, occupation, & employer City, State, Zip Code	In-Kind Description & Value PRIMARY	Cash or Check Amount PRIMARY	Total to Date Amount GENERAL	
			PRIMARY	GENERAL
FRED SNODGRASS 200 GRAND AVENUE BILLINGS, MT 59101 City, State, Zip Code	ATTORNEY Occupation SELF Employer	125.00	125.00	
JEANNE WALKER 200 GRAND AVENUE BILLINGS, MT 59101 City, State, Zip Code	ATTORNEY Occupation SELF Employer	125.00	125.00	
JOE MAYNARD 3029 STANFORD DR. BILLINGS, MT 59102 City, State, Zip Code	ATTORNEY Occupation CROWLEY LAW Employer	100.00	100.00	
KEVIN HEANEY 119 ALDERSON BILLINGS, MT 59101 City, State, Zip Code	ATTORNEY Occupation CROWLEY LAW Employer	50.00	50.00	
HERBERT PIERCE III 1175 LINHAVEN WAY BILLINGS, MT 59102 City, State, Zip Code	ATTORNEY Occupation CROWLEY LAW Employer	50.00	50.00	
<b>TOTAL RECEIPTS THIS PAGE</b>		450.00		
<b>TOTAL RECEIPTS THIS REPORTING PERIOD</b> including all of Schedule A (Sections 1, 2, 3, this total)		1220.00		

IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED

C-5 (page 5)

**SCHEDULE A. Receipts - This Reporting Period (continued)**

9. Individual Contributors of \$35 or More REQUIRED: One name only for each contribution Full name, complete mailing address, occupation, & employer City, State, Zip Code	ATTORNEY Occupation CROWLEY LAW Employer	In-Kind Description & Value PRIMARY		Cash or Check Amount PRIMARY GENERAL		Total to Date Amount PRIMARY GENERAL
		Description & Value GENERAL	Cash or Check Amount GENERAL	Amount PRIMARY	Amount GENERAL	
JAMES P. SITES 218 CHESTER CT. BILLINGS, MT 59102 City, State, Zip Code	ATTORNEY Occupation CROWLEY LAW Employer			50.00		50.00
ROBERT G. MICHELOTTO, JR. 5145 BILLY CASPER DR. BILLINGS, MT 59108 City, State, Zip Code	ATTORNEY Occupation CROWLEY LAW Employer			50.00		50.00
MONIQUE P. STAFFORD 205 AVENUE E BILLINGS, MT 59101 City, State, Zip Code	ATTORNEY Occupation CROWLEY LAW Employer			50.00		50.00
	Occupation Employer					
PETER HASEIN 21339 GREGORY DRIVE S. BILLINGS, MT 59102 City, State, Zip Code	ATTORNEY Occupation CROWLEY LAW Employer			50.00		50.00
<b>TOTAL RECEIPTS THIS PAGE</b>						<b>200.00</b>
<b>TOTAL RECEIPTS THIS REPORTING PERIOD INCLUDE ALL OF Schedule A (Sections 1-9) IN THIS TOTAL</b>						

IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED

**SCHEDULE A. Receipts - This Reporting Period (continued)**

9. Individual Contributors of \$35 or More REQUIRED: ONE NAME ONLY FOR EACH CONTRIBUTION Full name, complete mailing address, occupation, & employer City, State, Zip Code	ATTORNEY Occupation BROWN LAW FIRM Employer	In Kind		Cash or Check Amount PRIMARY GENERAL	Total to Date Amount PRIMARY GENERAL				
		Description & Value PRIMARY GENERAL	PRIMARY GENERAL						
GUY ROGERS 3700 BEN HOGAN LN. BILLINGS, MT 59106 City, State, Zip Code	ATTORNEY Occupation BROWN LAW FIRM Employer		130.00	130.00	130.00				
GAYLE STEWART 2337 PRIMVIEW BILLINGS, MT 59102 City, State, Zip Code	ATTORNEY Occupation YELL. CTV Employer		50.00	50.00					
MICHAEL HERINGER 14 CLUSTER BILLINGS, MT 59101 City, State, Zip Code	ATTORNEY Occupation BROWN LAW FIRM Employer		130.00	130.00	130.00				
SCOTT GRATTON 2 STANFORD CT. BILLINGS, MT 59102 City, State, Zip Code	ATTORNEY Occupation BROWN LAW FIRM Employer		130.00	130.00	130.00				
ROBERT LEE PO BOX 7015 BILLINGS, MT 59103 City, State, Zip Code	ATTORNEY Occupation ROYBAL LEE Employer		130.00	130.00	130.00				
				570.00					
<b>TOTAL RECEIPTS THIS PAGE</b>									
<b>TOTAL RECEIPTS THIS REPORTING PERIOD Include All of Schedule A (Sections 1-9) in this total</b>									

IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED



TYPE OR PRINT CLEARLY IN INK

**SCHEDULE C. Debts and Loans Not Yet Paid**

Full name and complete mailing address of each creditor REQUIRED

GREGORY R. TODD

2011 14TH ST. W

BLUFFING, MI 59102

City, State, Zip Code

Name

Address

City, State, Zip Code

Name

Address

City, State, Zip Code

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Purpose	Date Incurred	Balance Due	
		PRIMARY	GENERAL
GENERAL PURPOSES LOAN	03/10/2008	992.34	

**SCHEDULE D. Utilize this section to report corrections to receipts, contributions, and expenditures reported on a prior report.**

Originally Reported on DATE	As Originally Reported	Explain Correction

IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED

# EXHIBIT C

## THE STATE OF MONTANA

COMMISSIONER OF POLITICAL PRACTICES  
 1205 Eighth Avenue  
 Post Office Box 202401  
 Helena, MT 59620-2401  
 TELEPHONE: 406-444-2942  
 FAX NUMBER: 406-444-1643  
 WEBSITE: [www.politicalpractices.mt.gov](http://www.politicalpractices.mt.gov)

Original Faxed

6/17/2008

POSTMARKED  
 JUN 17 2008

**FORM C-5 (Revised 05/06)**  
**CANDIDATE CAMPAIGN FINANCE REPORT**

ORIGINAL FILING  
 AMENDED FILING

REPORTING PERIOD: From May 18, 2008

To June 18, 2008

## TYPE OR PRINT IN Ink ALL INFORMATION ON THIS FORM EXCEPT CERTIFICATION SIGNATURE

COMPLETE DESCRIPTION OF OFFICE SOUGHT (Required)		PRIMARY	GENERAL
GREGORY RAYMOND TODD		\$ 1337.00	\$ _____
FULL NAME OF CANDIDATE		\$ 430.00	\$ _____
4613 TOYON DR.		+ \$ _____	+ \$ _____
COMPLETE MAILING ADDRESS (Include City, State, Zip Code)	3:11115	- \$ 1767.00	- \$ _____
CASH SUMMARY: MONEY RECEIVED AND SPENT		\$ 992.34	\$ _____
1. CASH IN BANK - Balance from previous report		\$ 774.66	\$ _____
2. RECEIPTS - Total received and deposited this period from Schedule A			
3. CORRECTIONS - Addition or subtraction from Schedule D (Circle: + or -)			
4. EXPENDITURES - Total paid out this period from Schedule B			
5. CASH IN BANK - Ending balance this report			

## CERTIFICATION

*Treasurer*

Name: *Jeffrey Macheck*  
 Title: *Treasurer*  
 all attachments is complete and correct to the best of my knowledge, in accordance with Montana Code Annotated Title 13, chapter 37.

NOTE: Report MUST BE SIGNED by the candidate or candidate's treasurer whose name is on the Statement of Financial Practices.  
 S signature  
*Jeffrey Macheck*

S signature  
*Jeffrey Macheck*

**FOR OFFICE USE ONLY**  
 Date Received and Postmark Date

RECEIVED  
 COMMISSIONER OF  
 POLITICAL PRACTICES

2008 JUN 18 A q 18

X-5 Form 06 7-17-08

TYPE OR PRINT CLEARLY IN INK

**SCHEDULE A**  
Receipts - This Reporting Period

SCHEDULE A Receipts - This Reporting Period		In-Kind Description & Value PRIMARY      GENERAL		Cash or Check Amount PRIMARY      GENERAL		Total to Date Amount PRIMARY      GENERAL
1. Candidate's Personal Contributions						100.00
2. Contributions Less Than \$35 Each						25.00
3. Loans Creditor's full name/complete mailing address REQUIRED		Occupation & Employer REQUIRED		Loan Date Received		892.34
GREGORY R. TODD 2011 14TH ST. W BILLINGS, MT 59102		DIST. CT. JUDGE CITY OF BILLINGS 03/10/08 Employer				
		Occupation Employer				
		Occupation Employer				
4. Interest, Rebates, Refunds, Fundraisers, and Other Miscellaneous Receipts (Describe)				Date Received		

TOTAL RECEIPTS THIS PAGE

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C系

TYPE OR PRINT CLEARLY IN INK

C-3 (page 3)

**SCHEDULE A.**  
**Receipts – This Reporting Period (continued)**

	In-Kind PRIMARY	Description & Value GENERAL	Cash or Check Amount PRIMARY	Total to Date	
				GENERAL	GENERAL
<b>5. Political Action Committee Contributions</b> Committee's full registered name and complete mailing address <b>REQUIRED</b>	Date Received Received Request				
Registered Name					
Address					
City, State, Zip Code					
Registered Name					
Address					
City, State, Zip Code					
Registered Name					
Address					
City, State, Zip Code					
Registered Name					
Address					
City, State, Zip Code					
Registered Name					
Address					
City, State, Zip Code					
<b>TOTAL RECEIPTS THIS PAGE</b>					

IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED

**TYPE OR PRINT CLEARLY IN INK****SCHEDULE A.****Receipts - This Reporting Period (cont'd.)****6. Political Party Committee Contributions****Full name & complete mailing address REQUIRED**

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

**7. Incidental Committee Contributions****Full name & complete mailing address REQUIRED**

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

**8. Other Political Committee Contributions****Full name & complete mailing address REQUIRED**

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

**TOTAL RECEIPTS THIS PAGE****IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED**

TYPE OR PRINT CLEARLY IN INK

**SCHEDULE A. Receipts - This Reporting Period (continued)**

9. Individual Contributors of \$35 or More REQUIRED: ONE NAME ONLY FOR EACH CONTRIBUTION Full name, complete mailing address, occupation, & employer	In-Kind Description & Value PRIMARY		Cash or Check Amount PRIMARY GENERAL		Total to Date Amount GENERAL
	Occupation BROWN LAW FIRM Employer	GENERAL	PRIMARY GENERAL	GENERAL	
HARVEY BONNER 4519 TOYON DR. BILLINGS, MT 59106 City, State, Zip Code	ATTORNEY Occupation BROWN LAW FIRM Employer		100.00		100.00
JOHN RUSSELL 315 N. 24TH BILLINGS, MT 59101 City, State, Zip Code	ATTORNEY Occupation BROWN LAW FIRM Employer		130.00		130.00
GERALD MURPHY 3447 DUNLOP AVE. BILLINGS, MT 59106 City, State, Zip Code	ATTORNEY Occupation MOULTON LAW Employer		100.00		100.00
JOHN JONES 370 SNOWCREST DR. BILLINGS, MT 59102 City, State, Zip Code	ATTORNEY Occupation MOULTON LAW Employer		100.00		100.00
	Occupation Employer				
	Name Address City, State, Zip Code				
<b>TOTAL RECEIPTS THIS PAGE</b>					430.00
<b>TOTAL RECEIPTS THIS REPORTING PERIOD</b> Include all of Schedule A (Sections 1-9) in this total					430.00

IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED

**TYPE OR PRINT CLEARLY IN INK**

C-1 (page 6)

**SCHEDULE B.  
Expenditures - This Reporting Period :**

	Purpose	Date	Amount PRIMARY	Amount GENERAL
<b>1. PETTY CASH Expenditures (TOTAL THIS PERIOD)</b>			0.00	
<b>2. All Other Expenditures</b> Full name and complete mailing address of each payee REQUIRED	LOAN REPAYMENT	0606008	992.34	
GREGORY R. TODD 2011 14TH ST. WEST BILLINGS, MT 59102 City, State, Zip Code				
Name				
Address				
City, State Zip Code				
Name				
Address				
City, State Zip Code				
Name				
Address				
City, State Zip Code				
Name				
Address				
City, State Zip Code				
<b>TOTAL EXPENDITURES THIS PAGE-INCLUDING PETTY CASH</b>				
<b>TOTAL EXPENDITURES THIS REPORTING PERIOD ALL of Schedule B (Sections 1 &amp; 2) In this total</b>				
<b>992.34</b>				
<b>992.34</b>				
<b>IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED</b>				

TYPE OR PRINT CLEARLY IN INK

**SCHEDULE C. Debts and Loans Not Yet Paid**

Full name and complete mailing address of each creditor REQUIRED	Purpose	Date Incurred	Balance Due PRIMARY GENERAL
Name			
Address			
City, State, Zip Code			
Name			
Address			
City, State, Zip Code			
Name			
Address			
City, State, Zip Code			

**SCHEDULE D. Utilize this section to report corrections to receipts, contributions, and expenditures reported on a prior report.**

Originally Reported on DATE	As Originally Reported	Explain Correction

**IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED**

# EXHIBIT D

[Previous Section](#) [MCA Contents](#) [Part Contents](#) [Search](#) [Help](#) [Next Section](#)

**13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.
- (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.
- (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.
- (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, submitted to the election administrator, and contains voter registration information subject to verification as provided by law.
- (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.
- (6) "Candidate" means:
  - (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;
  - (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:
    - (i) solicitation is made;
    - (ii) contribution is received and retained; or
    - (iii) expenditure is made; or
  - (c) an officeholder who is the subject of a recall election.
- (7) (a) "Contribution" means:
  - (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;
  - (ii) a transfer of funds between political committees;
  - (iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.
- (b) "Contribution" does not mean:
  - (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residences for a candidate or other individual;
  - (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;
  - (iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

(iv) filing fees paid by the candidate.

(8) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(9) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

(10) "Elector" means an individual qualified to vote under state law.

(11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees.

(12) "Federal election" means a general or primary election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(13) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(14) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

(15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

(16) "Individual" means a human being.

(17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question.

(b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

(18) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

(19) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

(20) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

(21) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307 for a

mail ballot election conducted under Title 13, chapter 19.

(22) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(23) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(24) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

(25) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

(26) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

(27) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

(28) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(29) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503.

(30) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(31) "School election" has the meaning provided in 20-20-101.

(32) "School election filing officer" means the filing officer with whom the declarations for nomination for school district office were filed or with whom the school ballot issue was filed.

(33) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount duties in school elections.

(34) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail.

(35) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(36) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

(37) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

(38) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

(39) "Voted ballot" means a ballot that is:

(a) deposited in the ballot box at a polling place;

- (b) received at the election administrator's office; or
- (c) returned to a place of deposit.

(40) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot.

**History:** Ap. p. Sec. 1, Ch. 368, L. 1969; amd. Sec. 1, Ch. 365, L. 1977; Sec. 23-2601, R.C.M. 1947; Ap. p. Sec. 2, Ch. 480, L. 1975; amd. Sec. 2, Ch. 365, L. 1977; Sec. 23-4777, R.C.M. 1947; R.C.M. 1947, 23-2601, 23-4777; amd. Sec. 1, Ch. 571, L. 1979; amd. Sec. 1, Ch. 603, L. 1983; amd. Sec. 31, Ch. 370, L. 1987; amd. Sec. 1, Ch. 339, L. 1989; amd. Sec. 1, Ch. 390, L. 1993; amd. Sec. 2, Ch. 246, L. 1997; amd. Sec. 1, Ch. 208, L. 1999; amd. Sec. 1, Ch. 401, L. 2001; amd. Secs. 5, 93(1), Ch. 414, L. 2003; amd. Sec. 1, Ch. 475, L. 2003; amd. Sec. 1, Ch. 273, L. 2007; amd. Sec. 3, Ch. 481, L. 2007; amd. Sec. 10, Ch. 89, L. 2009; amd. Sec. 1, Ch. 297, L. 2009; amd. Sec. 2, Ch. 336, L. 2013; amd. Sec. 2, Ch. 347, L. 2013.

*Provided by Montana Legislative Services*

# EXHIBITE



TYPE OR PRINT CLEARLY IN INK

**SCHEDULE A.**  
**Receipts — This Reporting Period**

IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED

## TYPE OR PRINT CLEARLY IN INK

C-5 (page 6)

SCHEDULE B. Expenditures - This Reporting Period		Purpose	Date	Primary Amount GENERAL
1. PETTY CASH Expenditures (TOTAL THIS PERIOD)				
2. All Other Expenditures Full name and complete mailing address of each payee <u>REQUIRED</u>				
JEFFREY L. MRACHEK PO BOX 7236 BITINGS, MI 59103		CAMPAGN ACCOUNTING AND REPORTING	1/28/2009	774.66
Name _____				
Address _____				
City, State, Zip Code _____				
Name _____				
Address _____				
City, State, Zip Code _____				
Name _____				
Address _____				
City, State, Zip Code _____				
Name _____				
Address _____				
City, State, Zip Code _____				
TOTAL EXPENDITURES THIS PAGE--INCLUDING PETTY CASH				774.66
TOTAL EXPENDITURES THIS REPORTING PERIOD ALL of Schedule B (Sections 1 & 2) in this total				774.66
IF ADDITIONAL PAGES ARE NEEDED, THIS FORM MAY BE REPRODUCED				