

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES

In the Matter of the Complaints)
Against Steve Gibson)

**SUMMARY OF FACTS
AND
STATEMENT OF FINDINGS**

Jill Cohenour filed three complaints with the Commissioner of Political Practices (CPP) alleging Steve Gibson violated Montana Campaign Finance and Practices Law. The complaints, and this Summary of Facts and Statement of Findings, refer to a campaign flyer, a radio advertisement, and a series of automated telephone calls.

All three of the complaints are addressed in this Summary of Facts and Statement of Findings.

SUMMARY OF FACTS

1. Jill Cohenour (Cohenour) was a candidate for the office of State Representative, House District 78 (HD 78), in the fall of 2008. Her opponent was Steve Gibson (Gibson). Cohenour prevailed in the election in November of 2008.

Campaign Flyer

2. In early October 2008, Cohenour's husband brought a campaign flyer promoting Steve Gibson for HD 78 into the CPP office. The return address on the flyer was "Steve Gibson, 2665 Stagecoach, East Helena, MT 59635." The flyer contained language indicating it had been paid for by the Gibson campaign.
3. The flyer outlined many legislative bills from past sessions on various topics, a brief summary of each bill, and Cohenour's votes on each bill. According to campaign finance reports filed with this office, the cost of the first printing of the flyer was \$2,717.06.

4. The following is a list of the referenced bills, how the flyer reported that Cohenour voted on each, and how Cohenour actually voted on each according to the official legislative record.

<u>Bill No.</u>	<u>Gibson Report of Cohenour Vote</u>	<u>Cohenour Actual Vote</u>
<u>Taxes</u>		
<i>(2007 Legislative Session)</i>		
HB 257	No on 2 nd reading No on 3 rd reading	No on 2 nd reading No on 3 rd reading
HB 315	No on 2 nd reading No on 3 rd reading	No on 2 nd reading No on 3 rd reading
HB 469	No on Veto override	No on Veto override
HB 529	No on 3 rd reading	No on 3 rd reading
HB 564	No on 2 nd reading No on 3 rd reading	No on 2 nd reading No on 3 rd reading
<i>(2005 Legislative Session)</i>		
HB 716	No on 2 nd reading No on 3 rd reading	No on 2 nd reading No on 3 rd reading
HB 762	No on 2 nd reading	No on 2 nd reading
HB 774	No on 2 nd reading	No on 2 nd reading
<u>*Education</u>		
HB 194	Opposed motion for 2 nd reading	Opposed motion for 2 nd reading
HB 678	No on 2 nd reading No on 3 rd reading	No on 2 nd reading No on 3 rd reading
<u>*Healthcare</u>		
HB 270	No on 3 rd reading	No on 3 rd reading
HB 766	No on 3 rd reading	No on 3 rd reading
<u>*Energy/Resources</u>		
HB 610	No on 2 nd reading No on 3 rd reading	No on 2 nd reading No on 3 rd reading
HB 509	Yes in committee	Voted against tabling in committee

HB 405 No on 2nd reading
 No on 3rd reading

No on 2nd reading
No on 3rd reading

(* = 2007 session)

5. The flyer did not have a statement stating that to the best of Gibson's knowledge, the information was accurate and true, as required by §13-35-225(3), MCA.
6. Attached as Exhibit A is a scanned image of the front and back of the flyer.
7. In response to Mr. Cohenour's visit to the CPP office, staff sent a letter to Gibson advising him that the flyer did not contain the requisite attribution language, and bringing his attention to §13-35-225(3), MCA. Enclosed with the letter was a brochure published by CPP broadly outlining requirements for campaign materials, including party affiliation, contrasting vote requirements, and accuracy statement requirements. (Exhibit B)
8. Upon receipt of the letter, Gibson and his treasurer phoned CPP to confirm the exact language needed for the accuracy statement.
9. Gibson's treasurer had delivered some flyers to the Montana Republican Party (MRP) when they were initially printed. This was done at the request of Max Hunsaker, staff member of the MRP.
10. Gibson stated that when he became aware of the noncompliance, he immediately contacted Hunsaker and told him of the error. Gibson requested that MRP not distribute any flyers until they had been updated with the appropriate language.
11. Gibson arranged for a stamp to be printed at Allegra Print & Imaging in Helena (Allegra) in order to add the accuracy statement to his flyers.
12. Gibson stated that on October 20, 2008, he became aware that additional flyers had been mailed by MRP without the corrected language, when one that had been addressed to elector Amy Thiel of East Helena was returned to his address. Gibson said he immediately contacted Hunsaker, and said that Hunsaker admitted to mailing out the flyers after Gibson had asked him not to.
13. On October 29, 2008, a bulk mailing of the flyer with the accuracy statement was sent from Allegra.
14. Gibson stated he received the list of bills referenced in the flyer, as well as the analysis of the bills and Cohenour's vote on each from MRP at a convention, where a variety of "vulnerability memos" had been provided by staff of MRP to individuals. The memos, according to Hunsaker, were created by the MRP in anticipation of contested legislative races. Gibson said he verified the voting information prepared by MRP by checking the website of the Montana Legislature.

Radio Ads

15. Between October 22 and October 31, 2008, Gibson paid Cherry Creek Radio \$1,063 for campaign advertising on various stations. The bulk of the payment (74% of the total) was made on October 31st in the amount of \$790.80.
16. Cohenour alleges, and Gibson admits, that the radio spots that aired prior to the late afternoon of October 30th did not contain the party affiliation as required by §13-35-225(2), MCA.
17. Gibson corrected the language in the radio spot on October 30th, after Cohenour had contacted Cherry Creek radio and the radio station subsequently contacted Gibson to make the correction. Gibson states that he was unaware of the party affiliation requirement at the time he recorded the radio spot.

Automated Telephone Calls¹

18. In the days leading up to the 2008 General Election, there were automated telephone calls made into HD 78. The calls instructed the listener to wait for a message from Congressman Mangen (*sic*), and then a recorded voice encouraged the listener to vote for Gibson.
19. Gibson denied ever having ordered, scripted, or facilitated automated telephone calls promoting his campaign. Gibson said that he learned of the calls when he was contacted by a voter who had received an automated call.
20. Conquest Communications Group, a vendor who provides political consulting services including automated telephone calls to lists of phone numbers, was the vendor who made the automated calls referenced in the complaint.
21. Hunsaker initially stated that he had no connection to the calls other than facilitating a relationship between the contractor and Gibson's campaign.
22. Vic Gresham (Gresham), Conquest Communications Group salesperson, stated that he was contacted by Hunsaker regarding the calls into HD 78. Gresham stated that Hunsaker was the only person with whom he had contact regarding the calls.
23. Gresham stated that Hunsaker provided him with a list of approximately 900 numbers to call with a recorded message. Gresham then sent instructions for recording the message to Hunsaker, and later provided Hunsaker a report of success of the calls. Gresham said his records show "Steve Gibson for HD 78" as the client, but acknowledged that all information came from Hunsaker. Gresham does not recall ever speaking with Gibson. There were no e-mails between Gibson and Gresham.
24. Gresham provided email exchanges between himself and Hunsaker, wherein Hunsaker wrote "I'm helping one of our target candidates set up a live operator fronted recorded

¹ § 45-8-216(1)(e), MCA makes it illegal to use an automated telephone system or device to play a recorded message for the purpose of promoting a political campaign. CPP, however, has no jurisdiction to enforce the law.

message...The campaign would be doing this instead of the party because the message will be less effective with the MTGOP disclaimer...I already have the list pulled and just need to recording [sic] information. What do you need from me to get started?"

25. Former State Representative Jeff Mangan's voice and endorsement were on the automated telephone messages. Mangan stated he cannot recall many specifics of the circumstances surrounding the recording, including the individual who contacted him about making the recording, but said it was someone from MRP. Gibson stated he did not contact Mangan regarding the recording. Hunsaker denies contacting Mangan, but does recall suggesting to Gibson that the Mangan-Gibson relationship be strategically utilized in the campaign.
26. The automated telephone message in question did not include political party identification, and ends with the line, "Paid for by Steve Gibson for HD 78, 105 Muskrat Trail, East Helena, MT 59635."
27. Gibson's campaign address was 2665 Stagecoach Dr., East Helena, MT 59635. An internet search shows that 105 Muskrat Trail is the address of Gibson's treasurer, Patricia "Trish" Stroman.
28. Conquest Communication Group electronically sent a bill to MRP/Hunsaker when the robocall project was complete, along with a completion report regarding the number of successful calls.
29. In December, 2008, Conquest Communication Group mailed a hardcopy bill to Gibson's treasurer's home address, which was the address recorded on the robocall but not the campaign address.
30. Gibson stated that when he received the bill, he contacted Hunsaker, and that he was told by Hunsaker that he (Gibson) would have to pay it. Gibson stated that was the first time he was aware of the name of the vendor.
31. Gibson's campaign account wrote a check to Conquest Communication Group for \$185.40 on January 29, 2009. A review of Gibson's campaign finance reports shows that expenditure.
32. Gibson admits to paying a bill for automated telephone calls, stating that he did so "in protest" as the vendor had threatened collection action. Gibson stated that he asked MRP pay the bill, but Mr. Hunsaker refused and instructed Gibson to pay. Gibson stated that the bill was relatively small; he had already lost the election, and wanted it behind him.

STATEMENT OF FINDINGS

All three of the complaints allege violations of §13-35-225, MCA, the first two in reference to the flyer described in Facts 2-6, and the third in reference to the radio spot and the automated telephone calls described in Facts 15-17 and 18-30, respectively.

The second complaint also alleges violations of §13-37-131, MCA, in reference to the flyer described in Facts 2-6.

Allegations are also made of violations of §27-1-802, MCA and §45-8-212, MCA. This office does not have jurisdiction over those sections, and therefore the alleged violations of those statutes will not be addressed in this decision.

Alleged Violations of § 13-35-225, MCA

§13-35-225, MCA provides:

Election materials not to be anonymous -- statement of accuracy.

(1) All communications 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" followed by the name and address of the person who made or financed the expenditure for the communication. When a candidate or a candidate's campaign finances the expenditure, the attribution must be the name and the address of the candidate or the candidate's campaign. In the case of a political committee, the attribution must be the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer.

(2) Communications in a partisan election financed by 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) (a) Printed election material described in subsection (1) that includes information about another candidate's voting record must include:

(i) a reference to the particular vote or votes upon which the information is based;
(ii) a disclosure of contrasting votes known to have been made by the candidate on the same issue if closely related in time; and

(iii) a statement, signed as provided in subsection (3)(b), that to the best of the signer's knowledge, the statements made about the other candidate's voting record are accurate and true.

(b) The statement required under subsection (3)(a) must be signed:

(i) by the candidate if the election material was prepared for the candidate or the candidate's political committee and includes information about another candidate's voting record; or
(ii) by the person financing the communication or the person's legal agent if the election material was not prepared for a candidate or a candidate's political committee.

(4) If a document or other article of advertising is too small for the requirements of subsections (1) through (3) 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.

(5) If information required in subsections (1) through (3) is omitted or not printed, 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 5 days of the discovery or notification;
- (b) bring the material into compliance with subsections (1) through (3); and
- (c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

The flyer, radio ads, and automated telephone calls qualify as communications advocating the success or defeat of candidates or a political party.

The Flyer

The flyer did not include the language required by §13-35-225(3)(a)(iii), MCA - that to the best of Gibson's knowledge, the statements made about the Cohenour's voting record were accurate and true. Gibson and his treasurer worked to correct and withdraw from circulation the flyers that violated the statute, but some flyers continued to be used and in fact were mailed to voters in the district. (Fact 12). The fact that the political party's non-compliance with the candidate's request (to withdraw the flyer) was the reason for the continued use of the flyers does not erase Gibson's culpability. As a candidate for public office, it was incumbent upon Gibson himself to ensure that his campaign and those who worked on behalf of his campaign complied with Montana's campaign finance and practices laws.

A comparison of the bills listed on the flyer and Cohenour's votes on those bills shows that Gibson accurately recorded Cohenour's votes referenced in the flyer. (Fact 4).

Cohenour contends that Gibson did not list 'contrasting votes' on his flyer. Gibson did confirm the accuracy of the votes actually cast by Cohenour as listed by a representative of MRP. Cohenour identified some contrasting votes that she believes should have been listed, as follows:

- The flyer referenced HB 716 (2005 session), and Cohenour's votes (no on 2nd and 3rd readings) were accurately reported. Cohenour believes that SB 48 should have been listed as a contrasting vote, as "it had the same effect." In fact, HB 716 increased the exemption for Class 8 Property Tax, but SB 48 eliminated it entirely. Cohenour's suggested contrasting vote was not, in fact, a contrasting vote, but a vote for a different approach to ease a tax burden.
- The flyer referenced HB 766 (2007 session), and Cohenour's vote (no on 3rd reading) was accurately reported. However, the flyer did not report Cohenour's yes votes on the bill when it returned from the Senate with amendments. Cohenour voted to concur on 2nd reading, and voted yes on 3rd reading. The bill then went to free conference committee, where a compromise was unable to be reached. HB 766 subsequently died in the process. Cohenour's yes vote on the bill was, in fact, a contrasting vote closely related in time that should have been included in the material. At the very least, the flyer should have contained language that Cohenour's vote against it was in the unamended and original form.

- The flyer referenced HB 257 (2007 session), and Cohenour's votes (no on 2nd and 3rd readings) were accurately reported. The flyer did not mention that Cohenour voted in favor of the bill when it returned from the Senate in an amended form. The amended version of the bill passed the House with strong bipartisan support (96-4 on 2nd reading, 95-5 on 3rd reading). Again, this is a contrasting vote on the same bill closely related in time, and should have been included in the flyer.
- Cohenour also mentioned specifically the following bills that she felt should have been included on different topics addressed in the flyer:
 - Health care – HB 387, HB406, HB 734, HB 198, SB 198
 - Energy – HB 3, HB 405, HB 610, HB 748, HB 330
 - Education – HB 230, SB 2
 - Taxes – HB 545, HB 3, SB 69, HB 680

The property tax bills are examples of the philosophical differences that differentiate members of political parties. One is an approach supported by the Democratic Party, and the other is an approach supported by the Republican Party. It is unreasonable for Cohenour to suggest that Gibson is required to thoroughly outline and argue both approaches while attempting to garner public support for his candidacy.

It is true that the bills Cohenour suggested for inclusion as contrasting votes are related to topics addressed in Gibson's flyer. In fact, in the 2007 session alone there were 98 introduced bills on the topic of health care, 53 on energy, 33 on general taxation, and 41 on education. However, Cohenour is asking for an extremely broad interpretation of §13-35-225(3)(ii), MCA, one that would require candidates to list not only votes that highlight personal philosophical differences between the candidates, but also that promote the actions that the candidate with a voting record has already taken for his or her constituency. Taking her suggestion further, Gibson would be required to list all 225 of the bills on the four subject areas addressed. That, in my opinion, is a far-reaching and unreasonable interpretation of the statute.

The Radio Spot

The radio spot initially did not include the language required by §13-35-225(2), MCA – Gibson's party affiliation. The radio spot was corrected after it had aired for approximately two and a half days in violation of the statute. The spot then continued to be aired for four and a half days, with the requisite party affiliation and in compliance with the statute.²

The Automated Telephone Calls

The automated telephone calls did not have accurate attribution language, and therefore violate §13-35-225(2), MCA. However, this office's investigation showed that neither Gibson nor his campaign requested the calls, wrote or approved the script, directed to whom the calls should be made, or participated in the calls in any way. While Gibson paid the bill after the campaign was

² It is important to note that compliance or attempted compliance with the requirements of a statute does not cure a violation of the provisions of the statute, nor does it prohibit an action seeking a civil penalty if appropriate.

over, he did so only to avoid collection action, and maintains that he simply was attempting to mitigate any negative result on his personal credit.

That the calls actually had the incorrect address for Gibson's campaign (Facts 26 and 27) further shows that the campaign was not involved in procuring the expenditure. In fact, nearly every communication unearthed in the investigation points to Hunsaker, as staff for MRP, ordering and facilitating the calls. (Facts 19, 21, 22, 23, 24 and 28)

The one statement that suggested that MRP was not the sole facilitator of the calls came from Hunsaker, when he initially alleged that he had no connection to the calls other than facilitating a relationship between the contractor and Gibson's campaign. However, further investigation showed Hunsaker's involvement to be central and integral to the robocalls, and in fact Hunsaker was the only person with whom Gresham had contact regarding the calls into HD 79.

§13-35-225(1), MCA requires "paid for by" disclaimer language disclosing the name and address of "the person who made or financed the expenditure for the communication." An expenditure includes a "purchase" or "promise." (§13-1-101(11)(a)). In the instant case, when MRP arranged for the calls with Conquest communications, it made an expenditure in the sense that it purchased the calls, or impliedly promised Conquest that the calls would be paid for. The payment dispute followed, and the Gibson campaign ultimately paid for the calls (under protest).

In light of the facts outlined above, as well as the application of the full definition of "expenditure", MRP is responsible for the automated telephone call violation of §13-35-225.

Alleged Violations of § 13-37-131, MCA

§13-37-131, MCA provides that:

Misrepresentation of voting record -- political civil libel. (1) It is unlawful for a person to misrepresent a candidate's public voting record or any other matter that is relevant to the issues of the campaign with knowledge that the assertion is false or with a reckless disregard of whether or not the assertion is false.

(2) It is unlawful for a person to misrepresent to a candidate another candidate's public voting record or any other matter that is relevant to the issues of the campaign with knowledge that the assertion is false or with a reckless disregard of whether or not the assertion is false.

(3) For the purposes of this section, the public voting record of a candidate who was previously a member of the legislature includes a vote of that candidate recorded in committee minutes or in journals of the senate or the house of representatives. Failure of a person to verify a public voting record is evidence of the person's reckless disregard if the statement made by the person or the information provided to the candidate is false.

(4) A person violating subsection (1) or (2) is liable in a civil action brought by the commissioner or county attorney pursuant to 13-37-124 for an amount up to \$1,000. An action pursuant to this section is subject to the provisions of 13-37-129 and 13-37-130.

Cohenour alleges that Gibson violated §13-37-131(1), MCA, contending that the fact that flyers were mailed out after Gibson was notified of the absence of the accuracy statement shows reckless disregard. Additionally, Cohenour claims a violation of §13-37-131, MCA, based on Gibson's alleged failure to verify the public voting record.

Gibson asserts that he did verify that the actual votes cast were accurate as reported in his flyer. Gibson also asserts that he made efforts to withdraw the flyers that were in violation of §13-35-225(3)(iii), MCA. His effort to rectify the error, as well as his subsequent admission of culpability and willingness to work with this office at every step of this investigation, are taken into consideration.

The flyer referenced HB 405 (2007 session), stating, "...*Would have **increased natural resource development for low-cost energy.** Allowed for the streamlined permitting of electrical generating facilities by exempting them from Montana procedural review while still requiring the facilities to meet substantive laws, such as the Clean Air Act, Clean Water Act, etc. Jill voted NO on 2nd and 3rd readings*" (emphasis in original). In addition, HB 610 (2007 session) was referenced in the flyer stating, "...*Cohenour voted against this bill which **would have protected the environment, complying with the Clean Water and Clean Air Acts, while limiting frivolous lawsuits.** Her vote allows environmental extremists to stop environmentally responsible resource development on minor technical issues. Jill voted NO on 2nd and 3rd reading (sic)*" (emphasis in original). Cohenour admits to a no vote on the 2nd and 3rd readings on both bills, but states that her no votes were actually support for the issues. Cohenour objects to the interpretation of her votes on HB 405 and 610 reflected in the flyer.

The flyer states that HB 678 (2007 session) failed on party lines. Cohenour objects to this statement as a review of the legislative history of HB 678 shows that it passed out of the House of Representatives after the 2nd and 3rd readings, and then returned to the House with amendments from the Senate. At that time, the House voted 99 to 1 not to concur with the amendments, and the bill died while in free conference committee after several hearings. While Cohenour's vote was accurately reported, the statement that the bill failed on party lines is simplifying the life of the bill. However, because the free conference committee was unable to come to a resolution on the bill, and the differing sides were divided along party lines, technically the statement is not false.

The flyer states that HB 194 (2007 session) failed on party lines. Cohenour objects to this statement as the bill died with 50 aye votes and 50 no votes, with the lone Constitutional Party member joining 49 House Democrats in the vote. In fact, the bill did fail on party lines, with a clear split of Republicans voting for one outcome, Democrats voting for another, and the Constitution Party voting for an outcome that happened to be the same as that supported by the Democrats. If there are three parties, but 100% of two of the parties come down on one side of a bill (that is, 100% of all three of the caucuses voted as a block), it still can be said with accuracy that the bill died on party lines.

When construing statutes similar to §13-37-131, MCA, the courts have consistently afforded a high degree of First Amendment protection to campaign statements made by candidates for public office. A thorough discussion of this principle is found in the Matter of Complaints Against John Vincent, Amended Summary of Facts and Statement of Findings (Nov. 17, 2008). Applying the principles discussed in that decision, the facts established in this case do not support a finding that Gibson knowingly made a misrepresentation or false statement in any of his campaign materials. In addition, there is insufficient evidence that Gibson acted with reckless disregard, since there is no clear and convincing proof that he subjectively entertained serious doubts as to the truth of any of

the representations made in his campaign materials. Thus, while the actions that led to the creation, publication, and distribution of the flyer in question certainly appear to reflect a certain amount of inattention, there is insufficient evidence to prove a violation of § 13-37-131, MCA.

In her complaints, Cohenour objects to Gibson's characterization of her voting record, stating that he told "only the partisan view point on the bill contained in the material." Gibson's commentary on the purpose and fate of the bills cannot be interpreted as a distortion of Cohenour's voting record when her votes were accurately reported. Differing interpretations of a person's voting record, and in fact every aspect of one's public life, are the very topics upon which a political campaign is based. Unsurprisingly, Cohenour's interpretation of what her votes meant on particular legislation, as a Democratic lawmaker and candidate, differs significantly from the Republican candidate opposing her. The courts have emphasized that debate and discussions in political campaigns should be "uninhibited, robust, and wide-open." *New York Times v. Sullivan*, 376 U.S. 254, 270 (1964). That principle must yield only in the rare case where there is sufficient evidence of a knowing misrepresentation or reckless disregard.

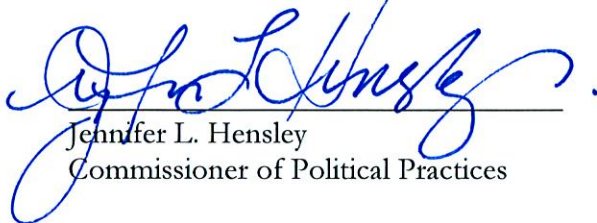
CONCLUSION

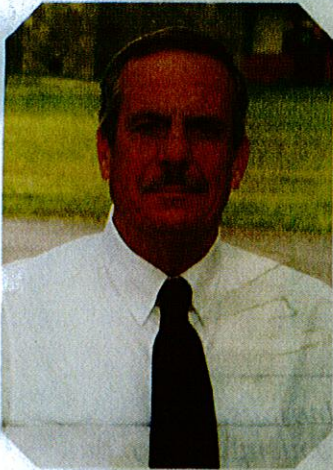
Based on the preceding Summary of Facts and Statement of Findings, there is insufficient evidence to conclude that there was a violation of §13-37-131, MCA. CPP has no enforcement authority for alleged violations of §27-1-802, MCA and §45-8-212, MCA.

There is sufficient evidence to conclude that the flyer, radio spot, and automated telephone calls did violate provisions of §13-35-225, MCA.

- The original flyer did not contain a statement stating that to the candidate's knowledge, the votes references were accurate and true, in violation of §13-35-225(3)(a)(iii), MCA.
- The flyer did not list Cohenour's contrasting votes on HB 257 and HB 766, in violation of §13-35-225(3)(a)(ii).
- The radio spot did not, for some of the airings, have Gibson's party affiliation, in violation of §13-35-225(2), MCA.
- The automated telephone calls did not contain accurate attribution, in violation of §13-35-225, MCA.

DATED this 19th day of April, 2011.


Jennifer L. Hensley
Commissioner of Political Practices



*There is a difference
You have a choice!*

The issues in this election are important, and so are the differences between my opponent and me.

Vote for Steve Gibson Representative for HD 78 on November 4th

Steve Gibson—

Honesty and integrity with experience working for you to create new jobs, offer affordable health care, lower taxes, and develop our natural resources which will allow for adequate funding for education without increasing property taxes.

STEVE GIBSON'S PLAN

Implement core principles of efficient government while supporting needed services for state employees.

Taxes

Reduce property taxes.

Taxes, Jobs, Healthcare

Eliminate small business equipment tax which will lead to new jobs and reduce health care costs.

**Taxes, Healthcare, Energy/
Resources**

Return your tax dollars from a projected government surplus of over \$450 million dollars which will offset increased health care and energy costs while offering direct aid to education which lowers property taxes.

Energy, Jobs, Education

Support further development of all Montana's natural resources in order to create new jobs, which will result in lower energy costs, and fund education appropriately without relying on increased property taxes.

Opponent Jill Cohenour voted:

Taxes

—2007 Legislative Session

HB 257—This is the Taxpayer Bill of Rights which was eventually signed into law. It established numerous taxpayer rights, essentially creating a more fair relationship between taxpayers and the Montana Department of Revenue. **Jill voted NO** on 2nd and 3rd reading

HB 315—Would have guaranteed that excess tax revenue be used to reduce or eliminate the state property tax. After this, any remaining funds would have been returned to individual taxpayers as a rebate. **Jill voted NO** on 2nd and 3rd reading

HB 469—Bill failed, but would have stopped a doubling of the cell phone tax. This democrat opposed the bill in a veto override vote, thereby supporting a tax increase from 3% to 6%. **Jill voted NO** on veto override

HB 529—Would have reduced the Business Equipment Tax, especially beneficial for small business. Would have raised the current exemption threshold from \$20,000 to \$100,000. **Jill voted NO** on 3rd reading

HB 564—This bill offered an across the board state income tax reduction. **Jill voted NO** on 2nd and 3rd reading

—2005 Legislative Session

HB 716—Increase Level of Exemption for Class 8 Property Tax. **Jill voted NO** on 2nd and 3rd reading

HB 762—Property Tax Relief by Replacing School Funding with General Fund for Two Years. **Jill voted NO** on 2nd reading

HB 774—One Time Income Tax Rebate. **Jill voted NO** on 2nd reading

Education

HB 194—Bill failed on party lines. Would have offered a \$500 tuition reduction for each Montana resident enrolled in the Montana University System. **Jill opposed motion** for 2nd reading

HB 678—Bill failed on party lines. If passed, this bill would have increased both direct state education aid and overall education dollars. **Jill voted NO** on 2nd and 3rd reading

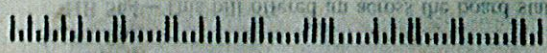
EXHIBIT A

Steve Gibson
2665 Stagecoach
East Helena, Mt 59635



AMY THIEL
2700 BANDERA DR
EAST HELENA, MT 59635

59635+3105 H063



Steve
GIBSON

HD 78

Healthcare, Jobs

Provide mental health services for our children in Montana which will reunite families and create new jobs at home in order to stop the policy of sending our children and tax dollars out of state.

I will work for all citizens to get the job done in a bi-partisan manner without the influence of special interest groups.

STEVE GIBSON
Representative HD 78

**Cohenour's Record Continued:
Healthcare**

HB 270— Would have created a tax credit to cover 50% of unreimbursed healthcare expenses paid by individual taxpayers. **Jill noted NO** on 3rd reading

HB 766— Would have expanded the successful insure Montana program, which allows small businesses to pool together to buy cheaper health insurance and offers tax credits to some employers who offer health insurance. **Jill voted NO** on 3rd reading

Energy/Resources

HB 610—Cohenour voted against this bill which would have protected the environment, complying with the Clean Water and Clean Air Acts, while limiting frivolous lawsuits. Her vote allowed environmental extremists to stop environmentally responsible resource development on minor technical issues. **Jill voted NO** on 2nd and 3rd reading

HB 509 - As a member of the House Natural Resources Committee, this democrat opponent voted in support of this bill which was clearly intended to make it difficult, or nearly impossible, to mine coal. It would have substantially raised coal mine reclamation standards, greatly increasing the planning and financial burden placed upon coal companies. Considering that Montana coal companies are recognized as reclamation leaders, recently receiving two national reclamation awards, the proposed new requirements were unnecessary. **Jill voted YES** in committee

HB 405 - Would have increased natural resource development for low-cost energy. Allowed for the streamlined permitting of electrical generating facilities by exempting them from Montana procedural review while still requiring the facilities to meet substantive laws, such as the Clean Air Act, Clean Water Act, etc. **Jill voted NO** on 2nd and 3rd readings



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Paid for by Steve Gibson For House District 78, 105 Muskrat Trail, E. Helena, MT 59635

What are election or campaign materials?

Campaign materials are communications that advocate the success or defeat of a candidate, political party or ballot issue. They include TV or radio, newspapers, billboards, direct mail (brochures, postcards), posters, bumper stickers, yard signs and websites.

What is a disclaimer?

A disclaimer is the identity of the person who has paid for the election/campaign materials.

What should the disclaimer say?

Political candidates must include the name and complete mailing address of the candidate or the candidate's campaign.
Example:

Paid for by Frank Smith
PO Box 292
Helena MT 59604
OR
Paid for by Smith for Senate
PO Box 292 Helena MT 59604

The candidate's campaign treasurer may be included, but is not required.

Political committees, such as political action committees, political party committees, and ballot issue committees, *must include the name of the committee treasurer*, as well as the mailing address of either the committee or the committee treasurer. Example:

Paid for by Support our Schools
Linda Evans, treasurer
PO Box 350 Helena MT 59604

What other information is required?

If a candidate's election is partisan, the communication *must state the candidate's party affiliation or include the party symbol*. The affiliation may be identified in the body of the communication or in the disclaimer.

Where should the disclaimer be placed?

The communications materials must clearly and conspicuously state the disclaimer. In the case of a message on TV or radio, the disclaimer should state: "Paid for by Smith for Senate, PO Box 292 Helena 59604." For print media, the disclaimer is usually placed at the bottom of the communication. On yard signs, billboards and other similar materials, the disclaimer must be placed on the front of the materials, and must be large enough to be clear and conspicuous—e.g., 1/4 inch tall (24 point) letters on yard signs and 1/2 inch tall (48 point) letters on highway signs.

What if my campaign material is too small to include a disclaimer?

If the material is too small, you must file a copy with the Commissioner of Political Practices, together with the required disclaimer information, at the time of publication or dissemination.

What if I unintentionally omitted the disclaimer?

Upon discovery of the omission, the person financing the communication must notify the Commissioner of Political Practices within five days and make every reasonable effort to bring the material into compliance. *No dissemination should be made of material that is not in compliance.* (You must pull all TV, radio, newspaper ads, the posting of billboards, etc., until the materials have been corrected.)

Clean Campaign Act

The "Clean Campaign Act" of 2007 requires candidates and committees supporting candidates to provide an opponent with copies of campaign advertising that is intended to be distributed within the 10 days prior to an election. The copies must be provided at the time the material is published, broadcast, disseminated, or otherwise made available to the public. The law applies to any campaign advertising in print or broadcast media.

The requirement does not apply if

1. identical material was already published or broadcast, or
2. the material does not identify or mention the opposing candidate.

Election material containing information about another candidate's voting record

This material must include:

1. a reference to the particular vote or votes upon which the information is based;
2. the disclosure of contrasting votes by the candidate on the same issue, if closely related
3. a verification statement that affirms, to the best of the signer's knowledge, the information supplied about the candidate's voting record is accurate and true.

If election material is prepared for a candidate, that *candidate must sign the verification statement.*

If election material is not prepared for a candidate, the person or legal agent of the person financing the communication *must sign the verification statement.*

Questions?

If you have questions regarding the laws or rules governing **campaign finance and practices**, please contact the office of the

Commissioner of Political Practices

1205 Eighth Ave

PO Box 202401

Helena MT 59620-2401

406-444-2942

fax 406-444-1643

www.politicalpractices.mt.gov



If you have questions about the laws or rules governing campaign finance and practices, please contact the office of the **Commissioner of Political Practices**.



This guide is a summary to help you understand the campaign finance and practices laws. For complete requirements, see Montana Code Annotated Title 13, Chapters 35 and 37.

Alternative accessible formats, and information on the cost of publishing this public document, will be furnished on request. For further information, contact the Commissioner of Political Practices: January 2008

Campaign Finance & Practices

for Candidates &
Political Committees

