

COMMISSIONER OF  
POLITICAL PRACTICES



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

 COPY

October 17, 2006

Charles Denowh  
PO Box 935  
Helena MT 59624

Subject: Your complaint against Maxson for Legislature; October 11, 2006

Mr. Denowh, you are correct that Montana law imposes certain requirements on a candidate whose printed election materials reference votes made by his or her opponent in the legislature. I'll need more information to act on your complaint, however.

Based on past practice in this office, the allegations in the complaint require more detail. 44.10.307(3)(a), Administrative Rules of Montana, states that no investigation of a complaint is required if the complaint is too indefinite or does not contain sufficient allegations to enable this office to make a determination that it states a potential violation of a particular statute or rule.

More information is required to identify Maxson's opponent by name and identify the particular bills and voting record of that opponent that relate to the issues mentioned in Maxson's flyer. With this information I expect I'll be able to determine the validity of your complaint. A response by October 31<sup>st</sup> would be most helpful.

A handwritten signature in black ink, appearing to read "Dennis Unsworth".

Dennis Unsworth  
Commissioner of Political Practices

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

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POLITICAL PRACTICES

Oct 11 2 40 PM '06

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## 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

Charles Drouh

COMPLETE MAILING ADDRESS

PO Box 935

Helena MT 59624

TELEPHONE NUMBERS: WORK

442-6469

HOME

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

COMPLETE NAME

Maxson for Legislature

COMPLETE MAILING ADDRESS

2206 Meadow

Billings MT 59102

TELEPHONE NUMBERS: WORK

652-6542

HOME

**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 Lewis & Clark

I, Charles Drouh

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

Charles Drouh

Signature of Complainant

Subscribed and sworn to before me this 11th day of

October, 2006.

[Signature]  
Notary Public

My Commission Expires: March 10th 2009

(SEAL)

SEAL

**Statement of Facts:**

1. On October 6, 2006 I received the campaign flyer attached as Exhibit 1. This flyer is paid for by Maxson for Legislature, the principal campaign committee for Bob Maxson in State House District 55.
2. In this flyer, Mr. Maxson references five issues and lists what he claims are his opponent's positions on those issues. Based on the specificity that Mr. Maxson uses in describing these issues, it is my belief that he is referencing votes made by his opponent in the legislature.
3. According to MCA 13-35-225:

(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.

(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.

Exhibit 1

# MAXSON

DEMOCRAT for House District 55



**BI-PARTISAN SUPPORT**  
from a  
**BI-PARTISAN ADMINISTRATION**

"Our Administration  
**enthusiastically supports**  
**Bob Maxson** for the  
Montana House. Bob is an  
**independent leader** who  
will work with Democrats  
and Republicans to move  
Montana forward.

**Bob Maxson** is the  
**right choice** for  
Billings."

**John Bohlinger**  
Lieutenant Governor

Paid for by Maxson for Legislature, Eileen Sheehy, Treasurer,  
2206 Meadowood, Billings, MT 59102



## MAXSON: the right voice for HD 55



### Compare the Candidates: **BOB MAXSON**

- YES** to fully funding quality education K-12 for Montana's children, without raising taxes
- YES** to expanding health coverage for Montana's children, without raising taxes
- YES** to opportunities for Montana's "best and brightest" graduates to get scholarships to Montana's universities and vocational colleges
- YES** to maintaining and protecting Montanans' access to public lands
- YES** to raising minimum wage

### Bob's Opponent

- No** to funding education K-12, even though the funding did not raise taxes
- No** to health coverage for Montana's most helpless citizens, children
- No** to scholarships that would provide opportunities for Montana's brightest students to pursue further education
- No** to protecting your access to public lands
- No** to providing a living wage for Montana's working poor