

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

DesRosier v. Galbreath No. COPP 2016-CFP-036	DECLARATION OF MERIT OF COMPLAINT MEMORIALIZATION OF NOTIFICATION OF MERIT TO CANDIDATE RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY CANDIDATE DISMISSAL OF COMPLAINT

On October 18, 2016, Michael DesRosier, a resident of Browning, Montana, filed a complaint against Kwebb Galbreath, a resident of Browning, Montana. Mr. DesRosier and Mr. Galbreath are both candidates seeking 2016 election as County Commissioner of Glacier County.¹ The Complaint alleges that Candidate Galbreath failed to properly attribute campaign signs.

¹ Mr. DesRosier and Mr. Galbreath have each filed Statements of Candidacy (Form C1A) with the COPP (COPP records).

Discussion

Under Montana law “all election communications...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.” §13-35-225(1) MCA. Mr. DesRosier’s complaint attached a photo of several of a single Candidate Galbreath campaign sign (a magnetic sign attached to a vehicle) showing a failure to include the required name identification portion of the attribution.

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. Accordingly, Candidate Galbreath was immediately contacted by the Commissioner’s office. Candidate Galbreath responded saying that he had removed the magnetic signs from his vehicle and will put the disclaimer on the signs using permanent marker before again uses the signs.

The law governing complaints of failure to properly attribute political signs provides precise directions to the Commissioner:

1. The Commissioner is to immediately assess the merits of the Complaint. §13-35-225(7)(a), MCA. The Commissioner found merit to the Complaint and hereby memorializes that finding.
2. The Commissioner shall notify the candidate of the merit finding, requiring the Candidate to bring the signs into compliance. §13-35-225(7)(a), MCA. The Commissioner, through oral communication by Karen Musgrave, did this and

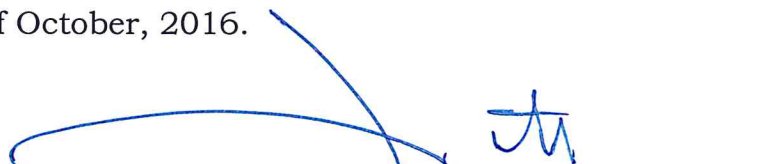
hereby memorializes the Notice.

3. The Candidate is provided an unspecified period of time to bring the signs into attribution compliance (§13-35-225(7)(b), MCA). By this Decision the Commissioner declares his satisfaction that the Candidate has acted promptly and properly to correct the attribution deficiency.

Under Montana law the Candidate with the attribution deficiency is relieved of a campaign practice violation, provided he promptly carries out the attribution correction as promised. Candidate Galbreath has met these duties and is therefore relieved of a campaign practice violation under §13-35-225(7)(b), MCA. The Complaint is dismissed.

Normally the Commissioner first provides Decisions to the parties and the press and public on the following day. The Legislature, however, has set very tight timelines on this sort of attribution Complaint. Accordingly, the Commissioner provides this Decision to the parties, press and public on the day it is made.

DATED this 20th day of October, 2016.



Jonathan R. Motl
Commissioner of Political Practices
Of the State of Montana
P. O. Box 202401
1205 8th Avenue
Helena, MT 59620