

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES

In the Matter of the Complaints)	SUMMARY OF FACTS
Against Mark Rehbein)	AND
)	STATEMENT OF FINDINGS

Jordan D. Hall filed a complaint with the Commissioner of Political Practices (CPP) alleging Mark Rehbein violated Montana Campaign Practices law. The complaints refer to a letter and a business card sized piece of literature.

SUMMARY OF FACTS

1. Mark Rehbein was a write-in candidate for the office of Commissioner, Richland County, in 2010 election cycle. His opponent was Shane Gorder (Gorder). Gorder prevailed in the election in November, 2010.
2. Jordan D. Hall (Hall) filed a complaint with this office alleging Rehbein violated Montana campaign law by not including language identifying Rehbein as the source of the funding for a letter and a business card sized piece of literature that was mailed to voters in Richland County, as required by §13-35-225, MCA.
3. A copy of the letter and card is attached as Exhibit A.
4. Rehbein responded to the complaint on October 14, 2010, admitting to an oversight in omitting the requisite language. Rehbein further stated that he paid for the mailing out of his own pocket, and apologized for any problems that [the mailing] caused.
5. A review of Rehbein's campaign finance disclosure records show a reimbursement for postage to Rehbein in the amount of \$228.20 on November 18, 2010.

STATEMENT OF FINDINGS

The complaint alleges that Rehbein's mailing referred to in Fact 2 & 3 violates §13-35-225. The section states, in pertinent part:

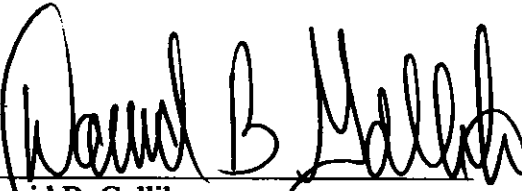
Election materials not to be anonymous -- statement of accuracy. (1) All communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, 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.

The mailing qualifies as a communication advocating the success of a candidate, and therefore is subject to the statute. Neither the letter nor the card have language identifying the funding source, and therefore violate §13-35-225(1).

CONCLUSION

There is sufficient evidence to conclude that the mailing paid for by Rehbein's campaign violated Montana law.

DATED this 13th day of June, 2011.



David B. Gallik
Commissioner of Political Practices

Exhibit A

Please Take Me To
Your Polling Location

**You must mark in the oval
and spell my name like this:**

Mark Rehbein

General Election 2010

Dear Richland County Voter:

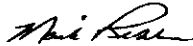
I am asking for your support as the write-in candidate for Richland County Commissioner. I have chosen to re-file for my current position.

Richland County has much at stake with the upcoming legislative session. Losing my eleven years of experience is not in the best interest of the county. Our county will lose our representation on the Board of Directors of the Montana Association of Oil, Gas, and Coal Counties of which I am currently serving as vice chairman. I owe it to you, the voters, to offer my experience and leadership to protect our assets.

Please take this letter with you to the polls as you mark your ballot Mark Rehbein in the write in space for Richland County Commissioner. You must fill in the circle and write Mark Rehbein in the provided space. An incorrect spelling of my name will invalidate your vote. For your convenience take the enclosed card with you to the polls.

Thank you in advance for your support. Let's continue to grow and enhance Richland County for future generations.

Sincerely,



Mark Rehbein