

COMMISSIONER OF
POLITICAL PRACTICES



CC Y

STATE OF MONTANA

DAVID B. GALLIK
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1205 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

October 28, 2011

Lyn Hellegaard
3828 Bellecrest Drive
Missoula, MT 59801

Subject: Complaint received October 28, 2011

Dear Ms. Hellegaard:

I have reviewed the complaint you filed against Caitlin Cople, received today. You allege the following statement on Ms. Cople's campaign flyer violates Section 13-35-225, Mont. Code Ann.; because it states:

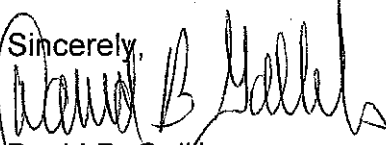
"I'm supporting Caitlin because she intends to actually vote and make much-needed motions, as opposed to abstaining and avoiding the issues."
Ednor Therriault, ward 4 Resident.

Your complaint alleges, "the statement is a clear reference to Lyn Hellegaard's voting record."

Before a violation of this statute can be found, section 13-35-225 (3) (a), Mont. Code Ann. requires that the "printed election material" complained about includes "information about another candidate's voting record". The statement mentions neither your name nor any vote you have made. Further, the statement is not a clear reference to your voting record; rather, it is a generalized statement. The statement on the flyer refers to an anticipated *future* action, not to an actual vote that has occurred.

44.10.307(3)(a), Administrative Rules of Montana, states that no investigation is required if a complaint is too indefinite or does not contain sufficient information to enable a determination that it states a potential violation of a particular statute or rule under my jurisdiction. I am therefore dismissing your complaint.

If you still have concerns, you do have the opportunity to file another complaint. However, as noted above I am not able to accept jurisdiction over a complaint that fails to meet the sufficiency requirements of 44.10.307, ARM.

Sincerely,

David B. Gallik
Commissioner of Political Practices