

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES

In the Matter of the Complaint)	SUMMARY OF FACTS
Against the Flathead County)	AND
Republican Central Committee)	STATEMENT OF FINDINGS

Richard Kuhl filed a complaint alleging that the Flathead County Republican Central Committee violated § 13-37-226, MCA when it failed to file its 2006 campaign finance reports by the due dates.

SUMMARY OF FACTS

1. The Flathead County Republican Central Committee (FCRCC) is a political committee that typically supports or opposes various candidates. Under Montana law it is considered an independent political committee.
2. The complaint alleges that the FCRCC failed to file its 2006 campaign finance reports by the due dates. The complaint, which was filed on February 23, 2007, alleges that as of February 21, 2007 the FCRCC had not filed any of the reports that were due in 2006.
3. In 2006 the general election was held on November 7. Montana law required an independent committee to file a pre-general election finance report by October 26, 2006, and a post-general election finance report by November 27, 2006. The reports are filed on form C-6, and are required to be filed with the office of the Commissioner of Political Practices (Commissioner) and the county office of the Clerk and Recorder.
4. The FCRCC filed its pre-general election campaign finance report with the Commissioner on March 5, 2007, which was 129 days past the due date. The report covered the reporting period of January 1 to December 31, 2006, and reported contributions received and expenditures made during that period. The FCRCC filed its pre-general C-6 with the Flathead County Clerk and Recorder on March 9, 2006, which was 133 days past the due date.

5. On March 27, 2007 the FCRCC filed an amended C-6 covering the same reporting period.

6. When the events upon which the complaint is based occurred, Bob Keenan was the Chairman of the FCRCC. In a letter accompanying the amended report, Keenan conceded that FCRCC's 2006 reports were not filed on time. He explained that the FCRCC had four treasurers over a period of a year and a half, and somehow the filing was overlooked.

7. The amended C-6 filed on March 27, 2006 was also designated by the FCRCC as a closing report. Under a rule adopted by the Commissioner, if a post-election report is also a closing report, no calendar year-end closing report is required to be filed. A Program Supervisor in the office of the Commissioner determined that FCRCC's original and amended reports filed as described above would be accepted in satisfaction of both the pre-general and post-general filing requirements.

8. The FCRCC's amended C-6 reported \$1,542.40 as cash on hand at the beginning of the period, receipts of \$46,148.00, and expenditures of \$46,326.51.

STATEMENT OF FINDINGS

Under Montana law and the rules of the Commissioner the FCRCC is classified as an independent committee. (§ 13-37-226(5), MCA; ARM 44.10.327(2)(b).)

- An independent committee is required to file a pre-election report “on the 12th day preceding the date of an election in which it participates by making an expenditure.” (§ 13-37-226(5)(a), MCA.)
- An independent committee is required to file a post-election report “not more than 20 days after the date of an election in which it participates by making an expenditure.” (§ 13-37-226(5)(b), MCA.)
- An independent committee is required to file a closing report at the close of each calendar year “on a date to be prescribed by the commissioner.” (§ 13-37-226(5)(c), MCA.) A year-end closing report for an independent committee, for the calendar year, is required to be filed by January 31 of the following year. However, no closing report is required if no additional expenditures were made between the closing date of books for the post-election report and December 31. (44.10.409(2), ARM.)
- Reports must be filed in the office of the Commissioner and the election administrator of the county in which a political committee has its headquarters. (§ 13-37-225(1), MCA.) The election administrator is typically the county clerk and recorder. (§ 13-1-101(9), MCA.)

As noted, the FCRC's report covering the periods for the normal pre-election and post-election reports was filed 129 days late in the office of the Commissioner and 133 days late in the office of the Flathead County Clerk and Recorder. This deprived the public of disclosure of the FCRC's campaign activities for a substantial period of time.

CONCLUSION

Based on the preceding Summary of Facts and Statement of Findings there is substantial evidence to conclude that the FCRC failed to file its pre-election and post-election reports within the time provided by Montana law.

DATED this 26th day of February, 2009.

A handwritten signature in black ink, appearing to read "Dennis Unsworth", written over a horizontal line.

Dennis Unsworth
Commissioner