

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES

In the Matter of the Complaint)	SUMMARY OF FACTS
Against the Flathead County)	AND
Republican Women’s Club)	STATEMENT OF FINDINGS

Richard Kuhl filed a complaint alleging that the Flathead County Republican Women’s Club 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 Women’s Club (FCRWC) 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 FCRWC 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 FCRWC 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 FCRWC filed its pre-general election campaign finance report with the Commissioner on February 28, 2007, which was 124 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 FCRWC filed its pre-general C-6 with the Flathead County Clerk and Recorder on February 27, 2006, which was 123 days past the due date.

5. On March 8, 2007 the FCRWC filed an amended C-6 covering the same reporting period.

6. The amended C-6 filed on March 8, 2006 was also designated by the FCRWC 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 FCRWC's original and amended reports filed as described above would be accepted in satisfaction of both the pre-general and post-general filing requirements.

7. The FCRWC's amended C-6 reported \$17,761.53 as cash on hand at the beginning of the period, receipts of \$18,762.22, and expenditures of \$21,770.65.

STATEMENT OF FINDINGS

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

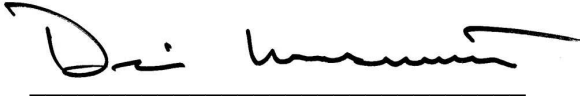
- An independent committee is required to file a pre-election report “on the 12th day preceding the date of an election in which it participates by making an expenditure.” (§ 13-37-226(5)(a), MCA.)
- An independent committee is required to file a post-election report “not more than 20 days after the 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 FCRWC's report covering the periods for the normal pre-election and post-election reports was filed 124 days late in the office of the Commissioner and 123 days late in the office of the Flathead County Clerk and Recorder. This deprived the public of disclosure of the FCRWC'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 FCRWC failed to file its pre-election and post-election reports within the time provided by Montana law

DATED this 26th day of February, 2009.



Dennis Unsworth
Commissioner