

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

<p>Lund v. Osmundson No. COPP 2016-CFP-017</p>	<p style="text-align: center;">DECLARATION OF MERIT OF COMPLAINT</p> <p style="text-align: center;">MEMORIALIZATION OF NOTIFICATION OF MERIT TO CANDIDATE</p> <p style="text-align: center;">RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY CANDIDATE</p> <p style="text-align: center;">NOTIFICATION OF COMPLAINANT'S RIGHT TO REQUEST COMMISSIONER TO SEEK CIVIL PENALTY IF CANDIDATE'S REMEDIAL ACTION IS DEFICIENT</p>

On May 26, 2016, Hertha Lund, a resident of Martinsdale, Montana, filed a complaint against Ryan Osmundson, a resident of Buffalo, Montana. Mr. Osmundson and Ms. Lund are both candidates seeking 2016 election to the Montana legislature from Senate District 15 (SD 15). The Complaint alleges

that Candidate Osmundson failed to properly attribute campaign signs.

### Foundational Findings of Fact

The following finding of fact is necessary before proceeding to discussion of this Matter:

Finding of Fact No. 1. Hertha Lund, Harry Klock and Ryan Osmundson are primary election candidates for Republican Party nomination to the general election to be elected Senator from SD 15. Sean McConnaha is the only Democratic Party nominee for election from SD 15 and will therefore proceed to the general election to face the winner of the Republican primary election. (Montana Secretary of State Website.)

### 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. Candidate Lund’s complaint attached photos of several of Candidate Osmundson’s campaign signs showing a failure to include the required address 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 Osmundson was immediately contacted by the Commissioner’s office. Candidate Osmundson responded that the attribution did lack the required address. Candidate Osmundson and his family immediately began work to add address stickers to all campaign signs. Candidate Osmundson’s last communication said that he expected to have all corrections made by Tuesday, May 31, 2016.

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 Mary Baker, did this and hereby memorializes the Notice.

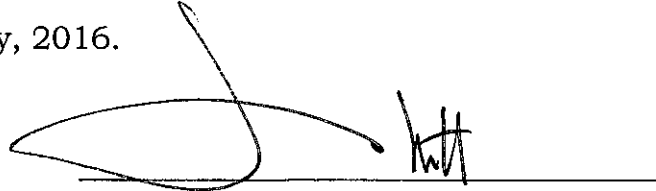
3. The Candidate is provided an unspecified period of time to bring the signs into attribution compliance (§13-35-225(7)(b), MCA). By this Decision the Commissioner declares his satisfaction that the Candidate has acted promptly and properly to correct the attribution deficiency.

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 Lund is informed that she may file a further request that the Commissioner assess a campaign practice violation (§13-35-225(7)(b), MCA), should Candidate Osmundson fail to correct the attribution violations as promised.

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 27<sup>th</sup> day of May, 2016.

A handwritten signature in black ink, consisting of a large, stylized loop followed by the initials 'JM', positioned above a horizontal line.

Jonathan R. Motl  
Commissioner of Political Practices  
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