BEFORE THE COMMISSIONER OF POLITICAL PRACTICES

In the Matter of the Complaint Against Juliann Jones SUMMARY OF FACTS AND STATEMENT OF FINDINGS

Bill Moser filed a complaint alleging that Juliann Jones violated Montana campaign finance and practices laws.

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SUMMARY OF FACTS

1. Juliann Jones resides in Livingston, Montana. She is a self-employed artist who previously owned and operated a gallery and shop in Livingston.

2. In 2007, Jones ran successfully as a candidate for a seat on the Livingston City Commission.

3. Bill Moser filed a complaint alleging that several campaign ads placed by Jones in local newspapers did not comply with § 13-35-225(1), MCA, which requires identification of the person who paid for campaign materials.

4. Moser attached to the complaint copies of several campaign ads published in the *Livingston Enterprise* and the *Livingston Weekly* (now known as the *Livingston Current*).

5. On November 1, 2007, prior to the filing of the complaint, Jones sent an e-mail to the office of the Commissioner of Political Practices (CPP), stating:

Commissioner, I inadvertently left the disclaimer required by 13-35-225 off of a printed ad that I created for the Livingston Weekly. Unfortunately ads that I ran in the Livingston Enterprise had the disclaimer but did not include the address. Other materials will be in compliance with 13-35-225.

I truly regret this omission for I think that it is an important law.

I am a candidate in a nonpartisan seat on the Livingston City Commission.

6. On November 12, 2007, following her receipt of the complaint, Jones e-mailed CPP stating that the two ads she mentioned in her November 1, 2007 e-mail were the only two times she "did not have the entire disclaimer" on her political advertising.

7. Jones's campaign ads published in various newspapers were reviewed to determine whether they complied with \S 13-35-225(1), MCA. Five ads described and reproduced below (reduced from the originals) did not contain the attribution language required by the statute.

8. The "Vote for a New Voice" ad reproduced below was published in the *Livingston Enterprise* on October 30, 2007, at a cost of \$180.

9. The "Vote for a New Voice" ad reproduced below was published in the November issue of the *Montana Pioneer*, at a cost of \$135.



10. The "Jonesin' for a New City Commissioner" ad reproduced on the next page was published on an unknown date in the *Livingston Weekly*, at a cost of \$160.

11. The "Vote for a New Voice" ad reproduced on the next page was published in the *Livingston Enterprise* on October 29, 2007, at a cost of \$180.

"Jonesin' for a New City Commissioner?

Vote for a New Voice

Vote for Juliann Jones for City Commissioner

Building Consensus Building Livingston's Future

Your Vote Matters

Get out and Vote for City Commissioners anytime at the Clerk & Recorder's Office or on Nov 6th

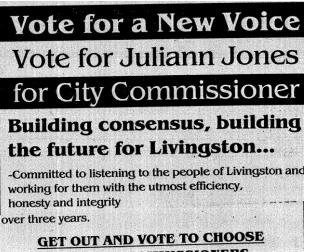
Join the supporters of this campaign Rainer Krapf

Lil Erickson

Storrs Bishop

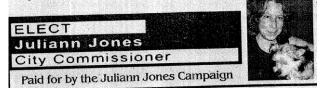
Margot Aserlind Jack Heckles Barb Williams Les Williams Steve Caldwell Linnea Pritchard Parke Goodman Vicki Blakeman Carole Sullivan Kelley Dowdell Jon Ellen Snyder Sharon Walker Sh. Amy Titge Michelle Ponca Dean Nelson Libby Caldwell Patricia Blume Pat Armstrong Mary Beebee Dan Sullivan Wendy Heckles Craig Mielke Alvin Nelsor Scott Boehler Kris King John Grant Jack Luther Margo Coffer Ryan Josserand MaryanneCampbel Matt Dowdell Glen Pritchard Linnea Larson Colette Wolf Laurie Bishop Michael Sanders Lynn Weaver Deb Endres Lara Salazer Helen Wilson Alex Scaff Tim Cahill Katherine Dunlap Dan Bliss Bonnie Goodman Sam Francis Rob Bankston Nancy Kessler

Linsav Aun John Gregory Kitty Krohne Margeret Mergen Beth Gregory Joe Wavne Sherry Pikul Rebecca Canner Frank Horiel Joann Gardnei Jody Allen Thomas Baskett Peter Howell Ashley Sullivan Annie Conley Jodi Litchfield Sara Scaff Jerry Mergen WJ Billie Lindgren Matt Wilhelm Brooke Howell Shamus Conley Sadie Hoe Amy Petrulis WJ Billie Charlotte Freeman John Salazer Quinn Conley Sara Homans Tim Stevens Lvnn Patrick Dovle Laura Brav



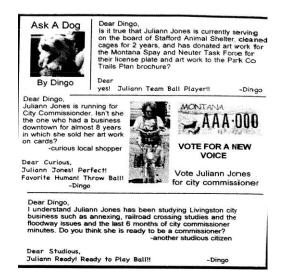
YOUR CITY COMMISSIONERS.

Vote anytime at the Clerk and Recorder Office at the city/county building or on Nov. 6th.



paid for by the Jones Campaign Fund

The "Ask a Dog" ad reproduced below was published in the Livingston Weekly during 12. the last week of October 2007, at a cost of \$160.



Decision re: Juliann Jones Page 3 of 5 13. Jones purchased and distributed 100 campaign buttons for \$80. The buttons stated: "Elect Juliann Jones City Commissioner." The buttons did not include any attribution language.

14. Jones purchased and distributed campaign bumper stickers at a cost of \$170.75. The bumper stickers included complete attribution language as required by § 13-35-225, MCA.

15. Jones purchases card stock to use in her art business. She used some of her excess (scrap) card stock and her personal ink jet printer to create some campaign materials, including campaign flyers, postcards, and literature that she personally distributed, another flyer inviting people to a fundraiser, and a campaign mailer. All of the campaign materials included complete attribution language. Based on pricing information supplied by Jones, the estimated value of the card stock used for these additional campaign materials was under \$15.

16. Jones paid for and distributed additional campaign materials, including yard signs, flyers, postcards, fundraiser invitations, a literature drop, and mailers, all of which included complete attribution language.

17. In her campaign finance reports filed with CPP Jones did not report the \$80 expenditure for the campaign buttons or the \$170.75 expenditure for the bumper stickers (facts 13 and 14). In addition, Jones did not report the value of the scrap card stock that she used to the campaign materials described in fact 15. She contends she did not report the value of the card stock because she considered it scrap card stock that would have been discarded had she not used it for the campaign materials. Jones did, however, report the value of the ink used in her inkjet printer.

STATEMENT OF FINDINGS

Attribution on Campaign Materials

§ 13-35-225(1), MCA, requires that "(c)ommunications advocating the success or defeat of a candidate. . . through any. . . newspaper, . . . direct mailing, poster, handbill. . . 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." If a candidate or candidate's campaign finances the communication, the attribution must include the name and address of the candidate or candidate's campaign. *(Id.)* The campaign ads published in the various newspapers, described in facts 8 through 12, did not contain the complete attribution language required by the statute. In addition, the campaign buttons described in fact 13 did not include the required attribution language.

Failure to Report Expenditures

§ 13-37-230, MCA lists expenditures and other information that must be disclosed in a periodic report required to be filed pursuant to § 13-37-225, MCA. Jones failed to report an \$80 expenditure for campaign buttons, a \$170.75 expenditure for bumper stickers, and a \$15 expenditure for card stock used to create campaign materials. (Facts 13-15 and 17.)

CONCLUSION

Although Jones' 2007 campaign reporting and disclosure violations may appear minor to some observers, and nearly three years have elapsed, I find it worthwhile and in the public interest to formally conclude the investigation and issue a decision in this matter. While Jones was a local candidate with a relatively small budget, this is not sufficient to justify dismissal. A reporting exception applies to those candidates who spend less than \$500 in an election, but Jones' campaign fundraising and spending was substantially more than that. (Facts 8 – 14 and 16.) The extent of the under-reporting would not have been disclosed, if not for the investigation.

Disclosure provides voters information that can help them evaluate those who seek public office. Transparency through disclosure is a widely accepted means of improving public awareness and limiting actual or perceived corruption. While there is no such allegation involved in the instance at hand, I emphasize the underlying values that are of importance here.

I urge candidates and others engaged in influencing elections in Montana to carefully review and understand the statutory disclosure requirements to ensure they are in full compliance with the law and to avoid penalties.

Based on the preceding *Summary of Facts and Statement of Findings* there is substantial evidence to conclude that Julian Jones violated Montana campaign financial reporting and disclosure laws, and that a civil penalty action under § 13-37-128, MCA is warranted.

DATED this 11th day of August 2010.

Dennis Unsworth Commissioner of Political Practices