

COMMISSIONER OF  
POLITICAL PRACTICES



STATE OF MONTANA

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April 12, 2013

Carmine Mowbray  
P. O. Box 1202  
Polson, MT 59860-1202

Re: December 2013 complaint against Senator Janna Taylor, et al.

Dear Ms. Mowbray:

On December 13, 2012, you filed a complaint against Senator Janna Taylor, Taxpayers for Liberty, American Tradition Partnership, Montana Family Foundation, National Pro-Life Alliance, and National Association for Gun Rights. Responses to the Complaint were received from Senator Taylor, Montana Family Foundation, National Pro-Life Alliance and National Association for Gun Rights. While no response was forthcoming from Taxpayers for Liberty and American Tradition Partnership, your complaint against those entities is directly related to allegations against Senator Taylor and her response is sufficient to allow me to make a determination regarding the complaint.

You allege several violations in your complaint. You allege a violation of § 13-35-402, Mont. Code Ann., alleging you were not given notice of attacks on your voting record and that specific votes were cited by "Friends of Janna Taylor." That statute provides,

**13-35-402. Fair notice period before election -- definition.** (1) A candidate, a political committee that has filed a certification under 13-37-201, and an independent political committee shall at the time specified in subsection (3) of this section provide to candidates listed in subsection (2) of this section any final copy of campaign advertising in print media, in printed material, or by broadcast media that is intended for public distribution in the 10 days prior to an election unless:

- (a) identical material was already published or broadcast; or
- (b) the material does not identify or mention the opposing candidate.

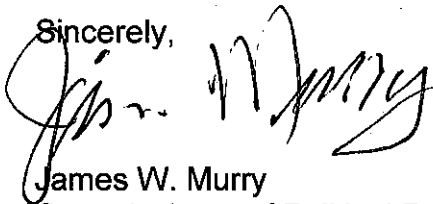
You also allege a violation of § 13-37-131, Mont. Code Ann., alleging misrepresentation of your voting record. You do not allege that Senator Taylor distributed new campaign

Carmine Mowbray  
April 12, 2013  
Page Two

advertising in print media, in printed material, or by broadcast media, i.e., material that had not ready been published or broadcasted. Your allegation is strictly limited to references to your voting record. United States District Court Judge Charles Lovell issued an order in May 2012 holding that § 13-37-131, Mont. Code Ann., is unconstitutional and permanently enjoining this office from enforcing the provisions of that statute. (I enclose a copy of Judge Lovell's ruling for your reference.) As a result, I am unable to accept your complaint as it relates to alleged violations of §§ 13-35-402 and 13-37-131.

You allege a violation of two sections of the Administrative Rules of Montana – sections 44.10.321 and 323. Senator Taylor, Montana Family Foundation, National Pro-Life Alliance, and National Association for Gun Rights all responded to the complaint and provided sufficient evidence to establish there was no coordination between any of the entities and Senator Taylor. Therefore, I have determined no further investigation is needed and, based on the information presented to me as described in this letter, I am dismissing your complaint.

Sincerely,



James W. Murry  
Commissioner of Political Practices

c: Senator Janna Taylor  
Montana Family Foundation  
National Pro-Life Alliance  
National Association for Gun Rights