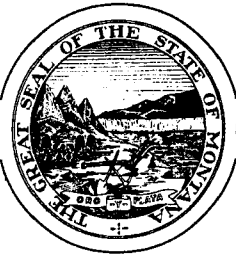


COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

DENNIS UNSWORTH
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1205 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

November 1, 2006

Marvin Quinlan, Jr.
PO Box 578
Forsyth MT 59327

Subject: Your complaints against Kunst and Beckham

Marvin, my jurisdiction is limited to the following statutes:

- Title 2, chapter 2, part 1;
- Title 5, chapter 7; and
- Title 13, chapters 35 and 37.

I have carefully reviewed your complaints and allegations. On that basis I've concluded that sufficient information isn't provided to enable me to determine that the complaints state a potential violation of any of the aforementioned statutes.

44.10.307(3)(a), Administrative Rules of Montana, states that no investigation is required if a complaint is too indefinite or does not contain sufficient information to enable a determination that it states a potential violation of a particular statute or rule under my jurisdiction. I am therefore dismissing your complaint.

A handwritten signature in black ink, appearing to read "Dennis Unsworth".

Dennis Unsworth
Commissioner of Political Practices

THE STATE OF MONTANA

COMMISSIONER OF POLITICAL PRACTICES
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
TELEPHONE: 406-444-2942
FAX NUMBER: 406-444-1643

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CAMPAIGN FINANCE AND PRACTICES

COMPLAINT FORM (07/01)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME

MARVIN W. QUINLAN, JR.

COMPLETE MAILING ADDRESS

P.O. BOX 578, 99 CARTERSVILLE RD.

FORSYTH, MT 59327

TELEPHONE NUMBERS: WORK

356-3456

HOME 356-2481

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME

GAIL BECKHAM

COMPLETE MAILING ADDRESS

JUSTICE OF THE PEACE #2, 303 WILSON

COLSTRIP, MT 59323

TELEPHONE NUMBERS: WORK

748-2934

HOME (unlisted)

**PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN
DETAIL THE FACTS OF THE ALLEGED VIOLATION.**

STATE OF MONTANA, COUNTY OF ROSEBUD

I, MARVIN QUINLAN, JR., being duly sworn, state that the information in this
Complaint is complete, true, and correct, to the best of my knowledge and belief.

(SEAL)

Marvin Quinlan Jr.
Signature of Complainant

Subscribed and sworn to before me this 19th day of
October, 2006.

Christy L. Beckler

Notary Public

Residing at Forsyth, Montana

My Commission Expires: 01/26/2009

STATEMENT OF FACTS:

For some twenty plus (20+) years, to my knowledge, Rosebud County had two Justices of the Peace: Department No. 1, with that office located in the county seat of Forsyth, and with a current occupant of Mary O'Hara Kunst; and Department No. 2, with that office located in Colstrip, and the current occupant being Gail Beckham. Department No. 1 handled cases in the northern half of Rosebud County and Department No. 2 handled cases in the southern half of the county. It was that way from 1987-91, when I served as Rosebud County Attorney, and remained that way until 2005.

In 2005, in a budget cutting and consolidation move, the Rosebud County Commissioners eliminated the two existing Justice of the Peace Departments, and created and established a new, county-wide Justice of the Peace position to serve all of Rosebud County. That position must be based in Forsyth, the county seat, according to state law.

Following this change, eliminating the two existing positions and creating the new, county-wide position, we began the election process for that one position. During the primary, there were six (6) candidates, including Beckham, Kunst, and myself. During the primary campaign, both Beckham and Kunst ran numerous newspaper advertisements, Beckham ran radio advertisements, and both put on all their campaign signs, throughout the county, the term "RE-ELECT". They both used the RE-ELECT statement, even though, the truth be known, they were not being re-elected to their old positions, but were in fact, running for the newly created, county-wide position, where there were, in fact no "incumbents".

I raised the RE-ELECT issue at each of the far too few public forums and debates held in the county, to no avail. Confusion reigned supreme, given the campaign strategies embraced by Kunst and Beckham. The county didn't do a particularly good job of informing the public of the changes in the Justice of the Peace position, just posting the minimal legal notices, holding the minimum public hearings, on one day, and a couple of newspaper articles. Beckham and Kunst continued this charade. Some voters thought they were supposed to vote for two JP's, particularly since both were campaigning to be RE-ELECTED to this new position that previously did not even exist.

Kunst, in an even more egregious and surreptitious move, in my opinion, even erected signs throughout the county, which asked voters to RE-ELECT her to Justice of the Peace Department No. 1, an elected position that no longer existed. She knew she was misleading the voters.

To further illustrate the confusion, on the June 5, 2006, the day before the primary election, my election Treasurer reported to me a conversation she had, that day, with the husband of a trained Election Judge. The Election Judge and her husband were discussing their voting strategy, wherein they planned to vote for me and had to decide which other candidate they should vote for, so that choice didn't hurt my chances. They indicated the Election Judge had voted for two candidates for Justice of the Peace, on an Absentee Ballot, as she would not be working, as a poll worker, at her voting precinct.

Upon this confusion being reported to me, I immediately contacted the Election Administrator's office (County Clerk & Recorder), wherein I was told, by the Deputy Clerk & Recorder, Dawn Preble, that people were supposed to vote for two candidates. Remember, this is the day before the primary election. When I disputed that fact, I was able to discuss this matter with Geraldine Custer, the County Clerk and Recorder and County Election Administrator. She assured me that the ballot, in fact, directed voters to vote for one person, and besides, with the new automated vote counting machines, if someone overvoted (for more than one choice), the machine would catch that mistake and the voters would have the opportunity to correct their mistake. What she neglected to tell me was that more than one of the automatic vote counting machines were, in fact, out of service.

On election day, I went and voted at my polling place, with no difficulty. I then accompanied my campaign treasurer to her polling place and when she voted, the Election Judges just put her completed ballot through the slot in the metal ballot box underneath where the automatic vote counting machine should have been. We inquired as to why they didn't have one of the automatic vote counting machines, and the Election Judge said, "It is broke, It's in Denver, being fixed, and we may not have it back until later tonight."

You should know that both my campaign treasurer, Robin McDevitt, and I worked the Colstrip polling place in the 2004 primary and general election cycle. In specific I ran the same automatic vote counting machines that were now allegedly "broke". Having had two years to get ready for this election, I had difficulty believing the machines were broke, at this late date. Doing more research, we were informed that, according to Joann Kanta Stahl, Rosebud County Commissioner, and candidate for office, that there were three (3) automatic vote counting machines that were "broken", in the county, on primary election day. Thus, any voter who overvoted at any of those three precincts could not have been advised of their overvote error, as there were no machines to catch the error. In fact, that did, happen.

As a direct result of this confusion, promulgated by Kunst and Beckham, in part, some ten (10) people over-voted (for more than one candidate), in the Justice of the Peace race, and their overvotes were not counted. As a candidate, I placed third, behind Beckham and Kunst, missing being placed on the general election ballot by nine (9) votes. Needless to say, I was not happy.

Shortly thereafter, I was contacted by Daniel Sioux, the other Democratic candidate for Rosebud County Commissioner, about other voting irregularities. We researched the situation, challenged the election, and, as a result, Danny, who had lost by one vote in the primary, was able to convince a District Judge of the irregularities, and the Judge declared a tie. When the name was picked out of a hat, Danny Sioux became the Democratic candidate. The judge did not address other, very important voting irregularities that did occur, even when presented the evidence.

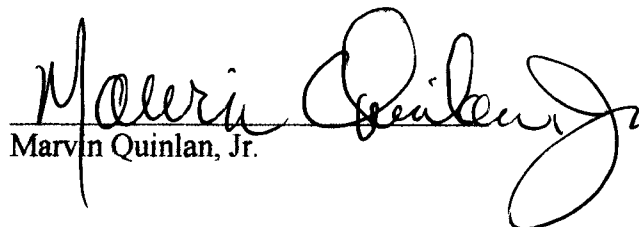
Given all the voting irregularities, the closeness of the JP race, and the improper, and possibly illegal campaign practices of Kunst and Beckham, I am continuing on, as a Write-In candidate for Justice of the Peace, so the RE-ELECT issue is not moot. Even now, in the

general election campaign, both Beckham and Kunst continue to use RE-ELECT in their campaign advertising. I think this is wrong, improper, a clear deception, and borders on voter fraud.

To me, a comparable situation would be when the legislature re-districts state house and senate seats, or when a legislator is "termed out", due to term limits and then chooses to run in a new or different district, or for a new position. They don't and should not be allowed to use the term, RE-ELECT, in their campaigns for new seats or positions. This situation is no different. Beckham and Kunst should not be allowed to use RE-ELECT in their campaign materials, when in fact, they are not running for their old offices, but are running for a new, county-wide Justice of the Peace post.

I think your office needs to address this situation. If not, anyone, including myself, having been once elected to a county position, some time ago, could use the RE-ELECT term on my campaign for any future office too. To use RE-ELECT, when one is not truly being re-elected to the same position, as in this case, is misleading, at a minimum, and clearly deceptive, and borders on vote fraud, given their intentional attempts to mislead the voting public. Beckham and Kunst should be held accountable for their actions.

Respectfully submitted, this 19th day of October, 2006.


Marvin Quinlan, Jr.

THE STATE OF MONTANA

COMMISSIONER OF POLITICAL PRACTICES
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
TELEPHONE: 406-444-2942
FAX NUMBER: 406-444-1643

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CAMPAIGN FINANCE AND PRACTICES

COMPLAINT FORM (07/01)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME MARVIN W. QUINLAN, JR.
COMPLETE MAILING ADDRESS P.O. BOX 578, 99 CARTERSVILLE RD.
FORSYTH, MT 59327
TELEPHONE NUMBERS: WORK 356-3456 HOME 356-2481

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME MARY O'HARA KUNST
COMPLETE MAILING ADDRESS JUSTICE OF THE PEACE #1
FORSYTH, MT 59327
TELEPHONE NUMBERS: WORK 346-2638 HOME 356-7650

**PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN
DETAIL THE FACTS OF THE ALLEGED VIOLATION.**

STATE OF MONTANA, COUNTY OF ROSEBUD

I, MARVIN QUINLAN, JR., being duly sworn, state that the information in this
Complaint is complete, true, and correct, to the best of my knowledge and belief.

(SEAL)

Marvin Quinlan, Jr.
Signature of Complainant

Subscribed and sworn to before me this 19th day of
October, 2006.

Christy L. Bierlein
Notary Public
Residing at Forsyth, Montana

My Commission Expires: 01/26/2009

**CAMPAIGN FINANCE AND PRACTICES
COMPLAINT FORM**

STATEMENT OF FACTS:

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

"SEE ATTACHED"

**TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR
VERIFICATION SIGNATURE**

COMPLAINTS MUST BE:

- SIGNED
- NOTARIZED
- DELIVERED IN PERSON OR BY CERTIFIED MAIL

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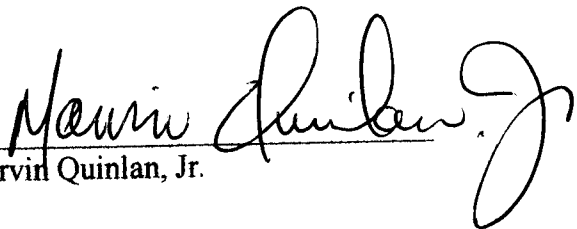
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