

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES

In the Matter of the Complaint)
Against Jim Edwards) **SUMMARY OF FACTS AND
STATEMENT OF FINDINGS**

William T. Vaughn filed a complaint alleging that Jim Edwards violated § 13-37-226, MCA when he failed to file 2006 campaign finance reports by the due dates.

SUMMARY OF FACTS

1. Jim Edwards was a candidate for the Missoula County Commission in 2006. His opponent in the election was incumbent Commissioner Jean Curtiss. Curtiss won the election.

2. Edwards filed a form C-1-A (Statement of Candidate) on March 29, 2006, designating Lana Pope as his campaign treasurer and identifying a local credit union as the financial institution where he maintained a campaign account. Under the heading “Affidavit of Reporting Status” on the C-1-A, Edwards checked box C, which states:

I expect to receive contributions and/or make expenditures exceeding \$500 (including personal funds). I will file financial reports (form C-5) according to schedule.

3. The complaint alleges that Edwards failed to file his 2006 campaign finance reports by the due dates.

4. In 2006 the general election was held on November 7. Montana law required a county candidate 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-5, and are required to be filed with the office of the Commissioner of Political Practices (Commissioner) and the office of the county Clerk and Recorder.

5. Edwards failed to file pre-general election and a post-general election C-5 finance reports with the office of the Commissioner and with the office of the Missoula County Clerk and Recorder.

6. Despite repeated requests during the investigation of this matter both Edwards and his campaign treasurer failed to provide information requested by the Commissioner’s office.

STATEMENT OF FINDINGS

§ 13-37-226, MCA establishes deadlines for filing campaign finance reports for various types of candidates and political committees. Subsection (1) provides deadlines for candidates for a state office filled by a statewide vote, and subsection (3) establishes deadlines for candidates for state district offices. The statute also provides in relevant part:

(3) Candidates for a state district office, including but not limited to candidates for the legislature, the public service commission, or a district court judge, and political committees that are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 12th day preceding the date on which an election is held and within 48 hours after receiving a contribution of \$100 or more if received between the 17th day before the election and the day of the election. The report under this subsection (3)(a) may be made by mail or by electronic communication to the clerk and recorder and the commissioner of political practices.

(b) not more than 20 days after the date of the election; and

...

(4) *Candidates for any other public office* and political committees that are specifically organized to support or oppose a particular local issue *shall file the reports specified in subsection (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds \$500*, except as provided in 13-37-206. (Emphasis added.)

§ 13-37-226(4), MCA requires “a candidate for any other public office,” such as for a county commission, to file the reports described in subsection (3) only if the candidate received contributions or expended funds exceeding \$500. Since Edwards did not file any campaign finance reports, it is not possible to determine whether his contributions or expenditures exceeded \$500. However, Edwards indicated on his C-1-A that he expected to receive contributions or make expenditures exceeding \$500; therefore, in the absence of any contradictory information, it is reasonable to assume that he did so during his campaign.

Because it is likely that Edwards was subject to the report filing deadlines set forth in § 13-37-226(3) and (4), MCA, his failure to file the reports constitutes a violation of the statute.

Edwards’ failure to file campaign finance reports has deprived the public of disclosure of his campaign activities, thereby frustrating Montana’s longstanding commitment to “the full disclosure and reporting of funds used in Montana to support or oppose candidates, political committees, or issues” Section 1, Chapter 480, Laws of 1975.

CONCLUSION

Based on the preceding Summary of Facts and Statement of Findings there is substantial evidence to conclude that Jim Edwards failed to file pre-election and post-election campaign finance reports within the times provided by Montana law.

DATED this 21st day of May, 2009.

A handwritten signature in black ink, appearing to read "Dennis Unsworth", written over a horizontal line.

Dennis Unsworth
Commissioner of Political Practices