

BEFORE THE COMMISSIONER OF
POLITICAL PRACTICES OF THE STATE OF MONTANA

Woodruff v. Baldwin No. COPP 2012-CFP-040	DISMISSAL OF COMPLAINT
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On November 3, 2012, Nancy Woodruff, a resident of Whitefish, Montana, filed a complaint with the COPP against Tim Baldwin, a resident of Kalispell, Montana, alleging Mr. Baldwin violated Montana campaign finance and practice laws during his 2012 campaign for election as Representative to the Montana legislature from House District 4 (HD4).

SUBSTANTIVE ISSUES ADDRESSED

The substantive area of campaign finance law addressed by this decision is that of appropriate responsive behavior to changes in judicial interpretation of Montana's campaign practice laws.

FINDING OF FACTS

The foundational facts necessary for this Decision is as follows:

Finding of Fact No. 1: In 2012 Candidate Tim Baldwin passed through the HD 4 primary election uncontested and was nominated as the Republican Party candidate for election to the

Montana legislature from HD 4. (Montana Secretary of State (SOS) website- Elections).

Finding of Fact No. 2: In the 2012 general election Candidate Baldwin lost the HD 4 election to Candidate Ed Lieser (Democrat) by a vote of 2,832 to 2,390. (SOS website - Elections).

DISCUSSION

The complaint alleges that Candidate Baldwin accepted four certain campaign contributions in amounts that caused the donors to exceed the contribution amounts allowed by Montana law.

Finding of Fact No. 3: Candidate Baldwin's campaign finance reports show two October 8, 2012 contributions in the amount of \$1,000 each from Doug Smith and Carol Smith. Candidate Baldwin's campaign finance reports show two October 9, 2012 contributions that bring the amount contributed by Chuck Baldwin to \$500 and the amount contributed by Connie Baldwin to \$320. (Commissioner's records).

Under Montana law in place at the start of the 2012 campaign cycle an individual was limited to a maximum contribution of \$160 to a candidate for election to the Montana legislature 44.10.338 ARM, 2012.¹

The 2012 general election took place on November 6, 2012. A month prior to the general election (on October 3, 2012) Montana's contribution limit laws were enjoined² as unconstitutional by an Order issued by a federal judge. *Lair v. Murry*, CV-12-12-H-CCL U.S. District Court, for District of Montana. That Federal Court Order prohibited enforcement of Montana laws limiting the amount of money that could be contributed to the campaigns of 2012

¹ Candidate Baldwin was entitled to only one limit since he did not have a contested HD 4 primary election.

² "Enjoined" is term used to mean a court prohibited a certain action, in this case it prohibited enforcement of Montana's campaign contribution limits.

candidates for Montana public office. The Federal Court Order allowed a flood of over-the-limit money to pour into a number of 2012 Montana candidate campaigns, including the campaign of Candidate Edmunds, and it touched off a firestorm of litigation in both federal and state district courts.

The following litigation sequence needs to be discussed because it places in context the Commissioner's final dismissal, through this Decision, of the complaint concerning campaign contributions received by the Edmunds' campaign. The October 3, 2012 Order by the Montana Federal District Court was immediately appealed to the 9th Circuit and on October 9, 2012 the 9th Circuit temporarily stayed³ the Montana District Court Order. The 9th Circuit's stay restored Montana's laws setting campaign contribution limits, including the contribution limits applicable to Candidate Baldwin's campaign for the Montana legislature. On October 16, 2012 the Ninth Circuit motions panel issued its opinion staying the Federal Court's Order for the duration of the appeal.

On May 26, 2015 the Ninth circuit merits panel issued its opinion (as amended and reissued on September 1, 2015). Those opinions reversed and remanded the *Lair* matter to the Montana United States District Court. On May 17, 2016 the Montana United States District Court, under the current case caption (*Lair v. Motl*, CV12-12-H-CCL), issued its order again striking Montana's contribution limits. In particular, as to this Decision, the District Court's Order struck 13-37-216(1) MCA (2011) applying limits to individuals.

³ "Stayed" means the 9th Circuit suspended the Federal District Order, leaving it of no effect unless later restored.

The individual contribution limits statutory language struck by the District Court's Order was enacted by a November 1994 initiative vote by the people of Montana. On May 18, 2016 the Commissioner responded to the District Court's Order by reinstating the pre-initiative individual contribution limits, adjusted for inflation. The reinstated individual contribution limits are of a different amount than the contribution limits in place during the 2012 election.

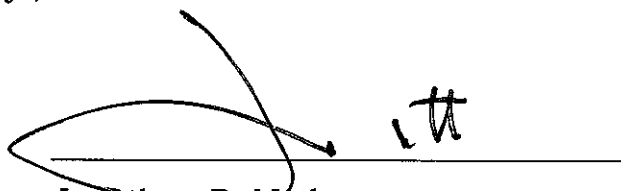
DECISION

This Commissioner, having duly considered the litigation listed above, as specially applied to the matters raised in the Complaint⁴, hereby determines that the litigation in this particular Matter has reached a point where, regardless of any eventual final and differing resolution by an appellate court, basic justice requires that Candidate Baldwin be released from any consequence of his 2012 election activity. While there is substantial public interest in, regardless of time taken, making sure that the legal determinations in this Matter are thoroughly reviewed and decided, Candidate Baldwin, as a former candidate, is entitled to finality as to the determination of any campaign practice violation. Under the litigation governing this Matter, appeals have not been exhausted and therefore there is no final determination of the proper individual contribution limit for 2012 elections. Given the timing limits of a campaign practice complaint, justice requires a dismissal of the complaint

⁴ This Decision is limited to the facts and circumstances set out above and does not provide authority for candidates in 2016 elections to act without regard to contribution limits as those limits are reinstated from pre-existing law or by litigation.

against Candidate Baldwin. The Commissioner hereby dismisses this complaint in full.

DATED this 20th day of May , 2016.

A handwritten signature in black ink, consisting of a large, stylized loop followed by the initials "JM". The signature is written above a horizontal line.

Jonathan R. Motl
Commissioner of Political Practices
Of the State of Montana
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