

September 12, 2024

Dear Commissioner Gallus and Mr. Cook:

I write in response to your email of September 9, 2024, containing a complaint from Mr. Jake Eaton (the "Complaint"). As a preliminary matter, please note that the Complaint is erroneously addressed to American Civil Liberties Union Foundation, Inc., a 501(c)(3) charitable organization (the "Foundation"). The Foundation does have a registered Montana incidental committee, but that is solely for the purpose of engaging in limited ballot measure advocacy. This response is, therefore, made on behalf of American Civil Liberties Union, Inc., a separate 501(c)(4) social welfare organization ("ACLU National"), which has its own Montana incidental committee registered for the dual purposes of limited ballot measure engagement and circulating communications comparing Montana state candidates' positions on important civil liberties issues.



National Office
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500
aclu.org

Anthony D. Romero
Executive Director

The Complaint alleges that ACLU National circulated electioneering communications on August 24, 2024 and violated § 13-37-225, MCA by failing to report the appropriate expenditures on its incidental committee report for the period ending August 25, 2024. The Complaint must be dismissed because the mail piece in question was not dropped off at the post office for mailing until August 28, 2024. See enclosed affidavit from Mandy Vlasz, Chief Executive Officer at The Pivot Group, ACLU National's mail vendor in this matter, and accompanying United States Postal Service receipt demonstrating the drop-off date as August 28. ACLU National intends, as Montana law requires, to disclose the appropriate expenditures on its next incidental committee report for the period ending September 25, 2024.

We trust that the enclosed documentation will justify swift resolution of this matter.

Sincerely,

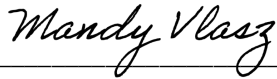
A handwritten signature in blue ink, appearing to read "T. Dougherty", is written over a horizontal line.

Terence Dougherty
Deputy Treasurer for the
ACLU National incidental
committee

Affidavit of Mandy Vlasz

1. I serve as Chief Executive Officer of The Pivot Group, Inc. ("Pivot"), a political mail firm.
2. Pivot has been contracted by American Civil Liberties Union, Inc. ("ACLU National") to, on ACLU National's behalf, produce and mail certain political materials comparing the positions of candidates in Montana's November 2024 elections on important civil liberties issues.
3. Pivot delivered the mailer identified in the Complaint to the United States Postal Service ("USPS") on August 28, 2024, intended for mailing on August 29, 2024.
4. The USPS Form 3607 receipt attached here was accessed by Pivot from Pivot's USPS account and shows that Pivot delivered this mailing to the USPS on August 28, 2024.

I swear and affirm that the above statements are true to the best of my knowledge and belief.



Mandy Vlasz

September 10, 2024

| Company Detail | |
|--|---|
| Company Name | THE PIVOT GROUP (TPG) |
| Address | 1720 I ST NW STE 500 WASHINGTON, DC 20006-3721 |
| Contact Name | SARAH GIORDANO |
| Phone Number | (202)297-4682 |
| Profit Indicator | P |
| PS Form 3607R - Mailing Transaction Receipt | |
| Account Holder Account Number | 9000030612 |
| Account Holder Permit Number | 900 |
| Account Holder Permit Type | PI |
| Account Holder CRID | 7038533 |
| Post Office of Permit | SALT LAKE CITY, UT 84199-9655 |
| Post Office of Mailing | SALT LAKE CITY, UT 84199-9655 |
| Post Office of Permit Cost Center | 497786-0002 |
| Post Office of Mailing Cost Center | 497786-0002 |
| Mailing Agent Name | SUN PRINT SOLUTIONS |
| Mailing Agent CRID | 4539764 |
| Mail Owner Name | AMERICAN CIVIL LIBERTIES UNION |
| Mail Owner CRID | 2790264 |
| JOB ID | 00003862 |
| Customer Reference ID | 403074_Pivot_AMT24_006 |
| Class of Mail | USPS Marketing Mail |
| Processing Category | Flats |
| Postage Statement ID | 627161400 |
| Mailing Group ID | 485739585 |
| Mailer's Mailing Date | 08/28/2024 |
| Mailer Declared Total Pieces | 123,118 pcs. |
| Mailer Declared Total Weight | 3,939.7760 lbs. |
| Mailer Declared Weight of a single-piece | 0.0320 lbs. |
| USPS Determined Total Pieces | 123,118 pcs. |
| USPS Determined Total Weight | 3,939.7760 lbs. |
| USPS Determined Weight of a single-piece | 0.0320 lbs. |
| Total Number of Containers | 10 |
| Total Adjusted Postage | \$ 44,802.40 |
| Payment Date and Time | 08/28/2024 15:02 |
| Payment Transaction Number | 202424116021391M1 |
| Adjustment Transaction Number | |
| Mailer Figures Adjusted? | No |
| Person authorizing adjustment | |
| Name | |
| Phone Number | |
| Acceptance Site Mailer ID | |
| Clerk Initials | |
| Mail Arrival Date and Time | 08/28/2024 17:25 |