

**BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)**

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| <b>JULIE BALDRIDGE</b><br><br><b>v.</b><br><br><b>DAVID SANDERS</b> | <b>COPP-2026-CFP-008</b><br><br><b>FINDING OF SUFFICIENT FACTS<br/>TO SUPPORT VIOLATIONS</b> |
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**COMPLAINT**

On May 1, 2026, Julie Baldrige of Helena, MT, filed a Campaign Finance and Practices (CFP) complaint against candidate for Montana Public Service Commission, District 5, David Sanders, also of Helena. The complaint alleged that candidate Sanders failed to file C-5 a campaign finance report as required.

The complaint met the requirements of ARM 44.11.106, the administrative rule governing campaign finance and practice complaints, and alleged violations falling under my jurisdiction as Montana’s Commissioner of Political Practices. Consequently, I accepted the complaint as filed and requested a response from Mr. Sanders. Mr. Sanders timely filed a response via email. The complaint and response are posted on COPP’s website, [politicalpractices.mt.gov](http://politicalpractices.mt.gov).

**ISSUES**

Timely filing of campaign finance reports, MCA § 13-37-226.

**BACKGROUND**

Mr. Sanders filed a C-1 Statement of Candidate with COPP as a candidate for Public Service Commissioner, District 5, on January 5, 2026. On this initial C-1 Statement of Candidate, Mr. Sanders designated a treasurer other than himself. No deputy treasurer was named. On April 25, 2026, Mr. Sanders amended his C-1 Statement of Candidate, naming a new treasurer, and himself as deputy treasurer.

Mr. Sanders timely filed C-5 periodic campaign finance reports on January 5 and March 20, 2026. On May 4, 2026, Mr. Sanders filed the C-5 periodic campaign finance report that is the subject of this complaint. This report disclosed campaign contributions received and

expenditures made from March 16, 2026, through April 15, 2026. Prior to this report being filed, COPP staff contacted Mr. Sanders via the email provided on his C-1 Statement of Candidate to notify him that his C-5 periodic finance report due on April 20, 2026, was currently “pending” and not yet filed with COPP. The first reminder email was sent by COPP on April 21, 2026, the day after reports were due. A second reminder email was sent by COPP staff to Mr. Sander’s treasurer on April 28, 2026, and to Mr. Sanders directly on May 1, 2026.

## DISCUSSION

Candidates seeking election to public office in Montana’s 2026 primary and general election cycle have campaign finance reports due monthly, on “the 20th day of March, April, May, June, August, September, October, and November,” pursuant to MCA § 13-37-226(2)(b).

Montana law mandates all campaign finance reports be filed electronically. MCA § 13-37-225. This is currently done via the Campaign Electronic Reporting System (CERS). When a candidate begins entering information for a particular campaign finance report in the CERS system, that report will show as “pending” until the candidate checks the box marked “certify and file,” officially filing the report. While a report is pending, individuals seeking campaign finance information via CERS can only see the “pending” designation, but not any of the specific information contained within the report, as the filer has yet to formally file the report and make its contents publicly available.

In his response, Mr. Sanders “apologize[s] for the delay in filing” and states his initial treasurer had become ill during the prior reporting period and when “the April 20<sup>th</sup> deadline arrived, it became evident my new treasurer was not going to be able to complete the filing. I immediately sought out a new treasurer.” (Response.)

As discussed in *Bradshaw v. Bahr*, “Montana’s campaign finance report filing requirements are mandatory. COPP-2018-CFP-008, at 4. The filing date requirements prescribed in MCA § 13-37-226(2) are date certain. *Id.* Therefore, any failure to meet a mandatory, date certain filing deadline is a violation of Montana election law. In *Bahr*, the Commissioner also states that a failure to timely report cannot be considered excusable neglect or determined to be de minimis. *Id.* at 3.

COPP strives to facilitate accurate and timely reporting through the inspection process outlined in MCA § 13-37-121. On April 21, 2026, the day after Mr. Sanders’s C-5 campaign finance report was due, COPP staff specifically contacted Mr. Sanders via email to notify him

his report was in “pending” status and was yet to be filed. COPP staff sent two additional reminder emails, the first to Mr. Sander’s new treasurer on April 28, 2026, and to Mr. Sanders himself, on May 1, 2026. Although not mandated by either Statute or Rule, these reminder emails are part of COPP’s established process to assist candidates with compliance. That this complaint was received on the same day the second reminder e-mail went out is purely coincidental.

Regardless of the reason for the delay, no campaign finance information for Mr. Sanders was available to the public until fourteen days after he was statutorily required to provide this information. Even a singular late report that is the subject of a complaint indicates harm to at least one member of the public who sought out and was unable to find information to which they are legally entitled.

Sufficient evidence exists to indicate Mr. Sanders violated MCA § 13-37-226 – Time for filing reports, by filing his April 20, 2026, periodic campaign finance report 14 days after the filing deadline.

### **ENFORCEMENT**

The duty of the commissioner to investigate alleged violations of election law is statutorily mandated. MCA § 13-37-111. Upon a determination that sufficient evidence of election violations exists, the commissioner next determines if there are circumstances or explanations that may affect whether prosecution is justified. *Rose v. Glines*, COPP-2022-CFP-030. “The determination of whether a prosecution is justified must take into account the law and the particular factual circumstance of each case, and the prosecutor can decide not to prosecute when they in good faith believe that a prosecution is not in the best interests of the state.” *Montana Freedom Caucus v. Rep. Zephyr*, COPP-2023-CFP-010, at 26.

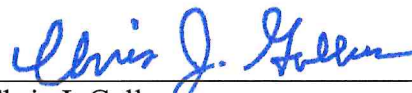
Previous Commissioners have determined that a failure to fully and timely file finance reports cannot be excused by oversight or found to be de minimis. *Bahr* at 3. In matters with violations other than (or in addition to) a failure to timely report, I apply four factors to determine whether prosecution is justified. Those are outlined in detail in *MTGOP v. Mullen*, COPP-2024-CFP-030 and *O’Neill v. Wilson*, COPP-2024-CFP-022. Here, because filing is mandatory and the deadlines are explicitly determined by statute, in accordance with the determination of previous commissioners, application of the factors mentioned above is neither necessary or appropriate.

Prosecution of this matter is determined to be justified and this matter will now be referred to the Lewis and Clark County Attorney's Office in accordance with the provisions of MCA § 13-37-124.

As part of her complaint, Ms. Baldrige additionally requests that I remove Mr. Sanders "from the June 2, 2026 election ballot." This is not an action I am able to take, Although Ms. Baldrige correctly asserts that I am required to notify the Secretary of State if a candidate's name must be withheld from the ballot, this does not occur when a candidate simply files a late report. Rather, MCA § 13-37-126 mandates that a candidate "may not appear on the official ballot for an election if the candidate or a treasurer for a candidate *fails* to file any statement or report as required by 2-2-106 or this chapter." *Emphasis added.* A delay in filing is not the equivalent of a failure to file. To remove a candidate from the ballot for late filing would require me to add language to the statute, an action I am obviously prohibited from taking. *Gaub v. Zephyr*, COPP-2023-CFP-010, at 7.

The County Attorney's office is free to conduct their own investigation under MCA § 13-37-125, to request additional material from COPP, or refer the matter back to this office for potential prosecution. Generally, in most matters decided and referred by the Commissioner, the County Attorney waives their right to prosecute and the matter is returned to the Commissioner who may subsequently resolve the matter with a negotiated settlement. In determining an appropriate settlement, the Commissioner will consider all the related facts and circumstances including whether or not this violation is part of a pattern of noncompliance or a singular event. If a settlement is not reached, the Commissioner will pursue the matter in Lewis and Clark County District Court.

Dated the 27th day of May, 2026.



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