

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

<b>JENI DODD</b>  v.  <b>JANE WEBER (HD 19 candidate)</b>	<b>COPP-2024-CFP-006</b>  <b>DECLARATION OF MERIT OF COMPLAINT</b>  <b>RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY THE RESPONSIBLE PARTY</b>  <b>DISMISSAL OF COMPLAINT</b>
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**COMPLAINT**

On March 21, 2024, Jeni Dodd of Great Falls, MT filed a campaign practices complaint against Jane Weber, also of Great Falls. The complaint alleged that candidate Weber failed to include the ‘paid for by’ attribution message and partisan affiliation on a campaign communication as required.

**ISSUES**

“Paid for by” attribution requirements, Montana Code Annotated (MCA) § 13-35-225.

**FINDING OF FACTS**

The facts necessary for a determination in this matter are as follows:

Finding of Fact No. 1: On July 11, 2023, Jane Weber filed a C-1 Statement of Candidate as a Democratic candidate seeking election to the position of Montana House District No. 19 in Cascade County with COPP. (Commissioner’s Records).

Finding of Fact No. 1A: On January 11, 2024, candidate Weber formally filed as a Democratic candidate seeking election to HD 19 with Montana’s Secretary of State’s office. (Commissioner’s Records).

Finding of Fact No. 2: On March 21, 2024, COPP received the original signed and notarized copy of this complaint from complainant Dodd. In reviewing the complaint, Commissioner Gallus determined it was merited, as the material referenced in the complaint- candidate Weber’s campaign website- did not contain either the ‘paid for by’ attribution message or her partisan affiliation as a Democratic party candidate (Commissioner’s Records).

Finding of Fact No. 3: On the morning of March 27, 2024, COPP contacted candidate Weber via email and telephone message to provide notification that this formal attribution complaint had been received. Candidate Weber was informed that the attribution complaint was merited, and that “You will need to add full attribution messaging to this communication and provide photographic notice to COPP showing this addition has been made”. (Commissioner’s Records).

Finding of Fact No. 4: On the afternoon of March 27, 2024, COPP reviewed candidate Weber’s campaign website, with this review determining that an attribution message of “Paid for by Weber for HD 19, PO Box 818, Great Falls, MT 59403, Pam Guschausky-Treasurer” had been added. A Donkey symbol identifying candidate Weber’s partisan affiliation as a Democratic candidate had also been added. (Commissioner’s Records).

## **DISCUSSION**

Under Montana law “all election communications, electioneering communications, and independent expenditures must clearly and conspicuously include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication”, Montana Code Annotated (MCA) § 13-35-225(1). In partisan elections, communications must also “state the candidate's party affiliation or include the party symbol”, MCA § 13-35-225(2). This complaint references certain communications supporting Montana House District 19 candidate Jane Weber that failed to include either the ‘paid for by’ attribution statement or partisan affiliation required by Montana election law.

Montana law requires an accelerated review (“as soon as practicable”) of a campaign practice complaint alleging an attribution violation. In this matter, COPP staff contacted candidate Weber “as soon as practicable” to provide notification of the attribution deficiency (FOF No. 3). That same afternoon, COPP review determined that candidate Weber had added the relevant attribution messaging and partisan affiliation to her campaign website (FOF No. 4).


The law governing complaints of failure to properly attribute political communications provides precise directions to the Commissioner:

1. The Commissioner is to immediately assess the merits of the attribution complaint, MCA § 13-35-225(5). The Commissioner found merit to the attribution complaint and hereby memorializes that finding.
2. The Commissioner shall notify the individual of the merit finding, requiring the individual to bring the material into compliance, MCA § 13-35-225(6)(a). In this matter COPP was able to notify candidate Weber of the attribution deficiency via telephone and email correspondence on March 27, 2024.
3. The individual financing the material is provided 2 business days to bring the material into attribution compliance, MCA § 13-35-225(6)(a)(i). In this matter, candidate Weber did so by adding the required attribution statement and partisan affiliation to her campaign website on March 27.

Under Montana law, the individual with an attribution deficiency is relieved of a campaign practice violation provided they promptly carry out the attribution correction. Candidate Weber has met these duties by adding the required attribution message and partisan affiliation to her campaign website within 2 business days. Candidate Weber is therefore relieved of a campaign practice violation under MCA § 13-35-225(6). The complaint is dismissed.

The Commissioner normally provides decisions to the parties and then the public on the following day. The Legislature, however, has set very tight timelines on this sort of attribution complaint. Accordingly, the Commissioner provides this decision to the parties and public on the day issued.

DATED this 7th day of May 2024.



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