

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)

NANCY JENNINGS v. DOUG BOHN (Ravalli County Republican Central Committee, Precinct 18 Committeeman candidate) and CARLENE BOHN (Ravalli County Republican Central Committee, Precinct 18, Committeewoman candidate)	COPP-2024-CFP-021 DECLARATION OF MERIT OF COMPLAINT RESOLUTION OF COMPLAINT BY PROMPT REMEDIAL ACTION BY THE RESPONSIBLE PARTY DISMISSAL OF COMPLAINT
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COMPLAINT

On May 24, 2024, Nancy Jennings of Florence, MT filed a campaign practices complaint against Doug and Carlene Bohn of Stevensville, MT. The complaint alleged that campaign signs supporting Doug and Carlene Bohn’s candidacy for a committee precinct position with the Ravalli County Republican Central Committee failed to include the ‘paid for by’ attribution statement as required by law.

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: Doug and Carlene Bohn are candidates for the position of Precinct 18 Committeeman and Committeewoman with the Ravalli County Republican Central Committee.¹

Finding of Fact No. 2: On May 24, 2024, COPP received the original signed and notarized copy of this complaint from complainant Jennings. In reviewing the complaint, Commissioner Gallus determined it was merited, as a campaign yard sign material referenced in the complaint supporting “Doug & Carlene Bohn” for Precinct 18 did not contain any ‘paid for by’ attribution statement. The material did include an elephant symbol, indicating Republican partisan affiliation (Commissioner’s Records).

Finding of Fact No. 3: On May 28, 2024, COPP contacted Doug Bohn via telephone and

¹ <https://www.ravalligop.com/ballot-recommendations>

Doug and Carlene Bohn via email to provide notification that this formal attribution complaint had been received. This correspondence informed them 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” within 2 business days. (Commissioner’s Records).

Finding of Fact No. 4: On the evening of May 28, 2024, Doug Bohn contacted COPP via email message in response to this complaint. This initial response included a photo of the campaign yard sign material referred to in this complaint with an attribution statement of “Paid for by Doug Bohn POB 815 Victor MT 59875” added. This response also stated that “I was notified of a complaint filed about my signs not having the “paid for by” on them. I realized that last week and have written that message in permanent ink in the lower right-hand corner of the signs”.

Mr. Bohn followed up with an additional response provided via email to COPP later on May 28, again with photos showing copies of the campaign yard sign material referred to in this complaint with the full attribution message added in the manner previously described (hand-written in the lower right-hand corner of the material). (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 election communications financed by Ravalli County Republican Central Committee precinct candidates Doug and Carlene Bohn that failed to include the required ‘paid for by’ attribution statement.

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 Mr. Bohn on May 28, 2024 “as soon as practicable”- to provide notification of the attribution deficiency (FOF No. 3). Later that day Mr. Bohn provided COPP with photographic evidence that the “paid for by” attribution statement had been added to the campaign yard signs (FOF No. 4).

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

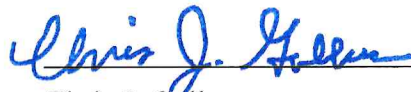
1. The Commissioner is to immediately assess the merits of the attribution complaint, MCA § 13-35-225(5). The Commissioner found merit to the attribution complaint and hereby memorializes that finding.
2. The Commissioner shall notify the individual of the merit finding, requiring the individual to bring the material into compliance, MCA § 13-35-225(6)(a). In this matter, COPP was able to notify Mr. Bohn of the attribution deficiency on May 28, 2024, via telephone and with a follow-up email.

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, Mr. Bohn did so by adding the required attribution statement to the campaign yard signs and notifying COPP of this action on May 28.

Under Montana law, the individual with an attribution deficiency is relieved of a campaign practice violation, provided he/she promptly carries out the attribution correction. Mr. Bohn has met these duties by adding the required attribution message and partisan affiliation to his campaign yard signs within 2 business days. Doug and Carlene Bohn are therefore relieved of a campaign practice violation under MCA § 13-35-225(6). The complaint is dismissed.

Normally the Commissioner first 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 31st day of May, 2024.



Chris J. Gallus
Commissioner of Political Practices
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