

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)

RICHARD MCCULLOCH v. JACK ROSANDER	COPP-2023-CFP-023 DISMISSAL
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COMPLAINT

On October 23, 2023, Richard McCulloch of Colstrip, MT filed a campaign practices complaint against Jack Rosander, also of Colstrip. The complaint alleged that candidate Rosander failed to properly amend his C-1A Statement of Candidate filed with COPP to disclose that campaign expenditures exceeded \$500.00 and failed to file campaign finance reports disclosing these campaign expenditures.

ISSUES

Local candidate registration requirements, Montana Code Annotated (MCA) § 13-37-201 and Administrative Rules of Montana (ARM) 44.11.303 and 304; filing of campaign finance reports by local candidates, MCA § 13-37-226 and ARM 44.11.304.

SUMMARY OF RELEVANT FACTS

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

Finding of Fact No. 1: Jack Rosander filed a C-1A Statement of Candidate as candidate for election to a City Council position in the City of Colstrip with COPP on June 1, 2023. Under Reporting Status, candidate Rosander indicated that his campaign “Will spend less than \$500.00”. (Commissioner’s Records).

Finding of Fact No. 2: On November 1, 2023, COPP contacted candidate Rosander via email message to notify him of this complaint and request he provide a written response to the allegations presented. COPP did not receive any response from candidate Rosander to this message. (Commissioner’s Records).

Finding of Fact No. 3: On November 28, 2023, COPP again contacted candidate Rosander, via email message and traditional mail, in an attempt to notify him of this complaint and request he provide a written response to the allegations presented. (Commissioner’s Records).

Finding of Fact No. 4: On December 1, 2023, candidate Rosander, via email message, provided COPP with a formal written response to this complaint. The response included copies of two (2) invoices received by his campaign from vendor UZ Marketing: one with an Order Date of

September 29, 2023 for the purchase of 50 18"x24" yard signs at a total cost of \$247.58; and one with an Order Date of October 2, 2023 for the purchase of an additional 25 18"x24" yard signs at a total cost of \$141.95. The response also included a letter from candidate Rosander to COPP stating that "Aside from these signs, no additional campaign money was spent". (Commissioner's Records).

DISCUSSION

This complaint alleges that 2023 municipal candidate Jack Rosander failed to properly amend a C-1A Statement of Candidate filed with COPP to disclose that campaign expenditures had exceeded \$500.00, and additionally failed to properly file campaign finance reports disclosing these expenditures. I consider each allegation.

Local candidate registration

On the C-1A Statement of Candidate filed with COPP on June 1, Mr. Rosander indicated that his campaign "Will spend less than \$500.00" (FoF No. 1). There is no question that Mr. Rosander timely and appropriately filed as a candidate, pursuant to MCA § 13-37-201. As a candidate seeking election to a municipal office in the City of Colstrip, Mr. Rosander properly qualifies as a local candidate.

Local candidates who anticipate receiving contributions or making expenditures of less than \$500.00 "shall file an affidavit of such intent at the time the statement of candidate" is filed, 44.11.304(1), Administrative Rules of Montana (ARM). If the local candidate receives contributions or makes expenditures exceeding \$500.00, they are then required to file an amended version of their Statement of Candidate within 5 business days of this occurrence to disclose this "material change in information", ARM 44.11.303(2).

In this matter, Mr. Rosander provided notice that campaign contributions received and expenditures made by his campaign would remain below \$500.00 on his C-1A Statement of Candidate (FoF No. 1). In his December 1 response, Mr. Rosander provided COPP with copies of two (2) invoices providing necessary information about his purchase of the campaign yard signs this complaint refers to. Specifically, the invoices, each received from vendor UZ Marketing, indicate that Mr. Rosander purchased 75 campaign yard signs from that vendor at a total cost of \$389.53- \$247.58 to purchase 50 signs on September 29, and then an additional \$141.94 for 25 more on October 2 (FoF No. 4). Mr. Rosander's response indicated that these yard sign purchases from UZ Marketing were the only expenditures made by his campaign.

As a local candidate whose campaign expenditures totaled less than \$500.00, Mr. Rosander appropriately indicated his reporting status to COPP on the C-1A Statement of Candidate. As campaign expenditures did not exceed \$500.00, Mr. Rosander was not required to amend his Statement of Candidate. Because no “material change previously submitted in a statement of candidate” filed by Mr. Rosander occurred, he was not obligated to file an amended such document with COPP in the manner the complaining party here asserts, 44.11.303(2), ARM. The allegation that he failed to do so is therefore dismissed.

Local candidate reporting

Under Montana election law, candidates seeking election to a local office such as Mr. Rosander are required to file campaign finance reports (“shall file”) “only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign exceeds \$500”, MCA § 13-35-226(5). This is also reflected in 44.11.304(1), ARM, which exempts local candidates from filing finance reports with COPP if contributions and expenditures are under \$500.00. If the local candidate receives contributions or makes expenditures exceeding \$500.00, they are then required begin filing finance reports with COPP disclosing contributions received and expenditures made within 5 business days of this occurring, 44.11.304(2), ARM.

In this matter, candidate Rosander’s campaign expenditures totaled \$389.53, below the \$500.00 threshold compelling reporting (FoF No. 4). As a local candidate whose expenditures totaled less than \$500.00, Mr. Rosander was specifically exempted from filing campaign finance reports, MCA § 13-37-226(5) and 44.11.304(1), ARM. The allegation that Mr. Rosander failed to properly file campaign finance reports is therefore dismissed.

DATED this 21st day of December, 2023.

/s/ Chris J. Gallus

Chris J. Gallus
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Of the State of Montana
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