

Cook, Scott

From: drmc <drmc@mtopticom.net>
Sent: Thursday, May 16, 2024 11:42 AM
To: Cook, Scott
Cc: Gallus, Chris J.; Hendricksen-Scott, Shelley
Subject: [EXTERNAL] RE: New Complaint Received by COPP- Munden v. McMurray, COPP-2024-CFP-016
Attachments: 30358.jpeg; 30381 (1).jpeg; 30371.jpeg; 30389 (1).jpeg

Dear Scott,

This letter is to inform you of the remediation actions taken in response to the campaign finance and practices complaint form.

1. The 4'x8' roadside campaign banners that did not have attribution information on them now have all attribution on them. This includes 48 roadside banners. A photo of the attribution that has been placed on roadside banners is attached to this letter.
2. The billboard located approximately 3 miles west of Belgrade on I90 now has the additional attribution that includes "paid for " by my campaign
The previous attribution stating it was paid by private individuals remains on the billboard because they did pay first month of lease on that billboard as an in kind contribution to our campaign. Documentation of both lease payments is included in this email as an attachment. A photo of that billboard with the new attribution is also included as an attachment to this email.
3. The billboard also now has Republican elephant attached designating my party affliction. Photo attached.
4. The billboard lease amount is \$650.00 per month not a little under \$1000.00 as stated in complaint. Documentation of such is attached.
5. Campaign roadside banners reported as being on public right of way, have all been moved well back of the public right of way.

In conclusion, I trust that these remediation actions and included documentation are sufficient to properly address the allegations.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Cook, Scott" <SCook3@mt.gov>
Date: 5/14/24 11:16 AM (GMT-07:00)
To: drmc@mtopticom.net, drmc@mtopticom.net
Cc: "Gallus, Chris J." <Christopher.Gallus@mt.gov>, "Hendricksen-Scott, Shelley" <Shelley.Hendricksen-Scott@mt.gov>
Subject: New Complaint Received by COPP- Munden v. McMurray, COPP-2024-CFP-016

Kyle,

Please see the attached copy of *Munden v. McMurray*, COPP-2024-CFP-016, a formal Complaint alleging violation of Montana's "paid for by" attribution requirements under the Commissioner's jurisdiction. Commissioner Gallus has reviewed the attribution complaint and determined it is merited, as specific material mentioned in the complaint does not appear to include the full attribution message required on election communications, MCA 13-35-225(1) (that statute is provided in full, below). In this matter, you will need to add full attribution to the material within two (2) business days, MCA 13-35-225(6)(a)(i); failure to do so is "subject to a civil penalty pursuant to 13-37-128, MCA". Correspondence from Commissioner Gallus further explaining Montana's attribution requirements and complaint process, as well as requesting an additional written response be provided addressing additional claims raised in the complaint on before noon on Friday May 24, is also attached. Copies of these documents can be sent via U.S. Mail upon request.

As a formal attribution complaint, a copy of this complaint will be posted to COPP's website later today. As noted in the Commissioner's letter, any response/s you provide will also be posted to COPP's agency website. Please do not hesitate to contact me directly with questions about the attribution complaint process- (406) 444-4627 or scook3@mt.gov. Please note that I will be out of the office beginning Wednesday May 22 through Tuesday May 28, so any complaint process questions during that time would be best addressed to Commissioner Gallus or COPP's agency attorney Shelley Hendricksen-Scott- I have CC'd them on this email message so that you have their contact information.

Scott Cook

Compliance Specialist 3/Public Records Officer

Office of the Commissioner of Political Practices

(406) 444-4627

SCook3@mt.gov

Election Materials Not To Be Anonymous -- Notice -- Penalty

13-35-225. Election materials not to be anonymous -- notice -- penalty. (1) 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. The attribution must contain:

(a) for election communications or electioneering communications financed by a candidate or a candidate's campaign finances, the name and the address of the candidate or the candidate's campaign;

(b) for election communications, electioneering communications, or independent expenditures financed by a political committee or a joint fundraising committee, the name of the committee, the name of the committee treasurer, deputy treasurer, secretary, vice chairperson, or chairperson, as designated pursuant to **13-37-201(2)(b)**, and the address of the committee or the named committee officer; and

(c) for election communications, electioneering communications, or independent expenditures financed by a political committee that is a corporation or a union, the name of the corporation or union, its chief executive officer or equivalent, and the address of the principal place of business.

(2) Communications in a partisan election financed by a candidate, a political committee organized on the candidate's behalf, or a joint fundraising committee with a participant who is a candidate or a political committee organized on the candidate's behalf must state the candidate's party affiliation or include the party symbol.

(3) If a document or other article of advertising is too small for the requirements of subsections (1) and (2) to be conveniently included, the candidate responsible for the material or the person financing the communication shall file a copy of the article with the commissioner of political practices, together with the required information or statement, at the time of its public distribution.

(4) If information required in subsections (1) and (2) is omitted or not printed or if the information required by subsection (3) is not filed with the commissioner, upon discovery of or notification about the omission, the candidate responsible for the material or the person financing the communication shall:

(a) file notification of the omission with the commissioner of political practices within 2 business days of the discovery or notification;

(b) bring the material into compliance with subsections (1) and (2) or file the information required by subsection (3) with the commissioner; and

(c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

(5) Whenever the commissioner receives a complaint alleging any violation of subsections (1) and (2), the commissioner shall as soon as practicable assess the merits of the complaint.

(6) (a) If the commissioner determines that the complaint has merit, the commissioner shall notify the complainant and the candidate or political committee of the commissioner's determination. The notice must state that the candidate or political committee shall bring the material into compliance as required under this section:

(i) within 2 business days after receiving the notification if the notification occurs more than 7 days prior to an election; or

(ii) within 24 hours after receiving the notification if the notification occurs 7 days or less prior to an election.

(b) When notifying the candidate or campaign committee under subsection (6)(a), the commissioner shall include a statement that if the candidate, political committee, or joint fundraising committee fails to bring the material into compliance as required under this section, the candidate, political committee, or joint fundraising committee is subject to a civil penalty pursuant to **13-37-128**.

A VALUES

CT

Kyle
MURRAY

PAID FOR BY ELECT KYLE McMURRAY
PO BOX 83, MANHATTAN, MT 58741
TREASURER BRAND ROBINSON



MAC
ENERGIES
L



Invoice



623 Mountain View Drive
Bozeman, MT 59718

Date	Invoice #
5/1/2024	5439

Bill To
Richie Pemberton P.O. 959 Belgrade, MT 59714

Terms
Net 30

Period	Description	Quantity	Rate	Amount
May 2024	14'x48' Billboard Advertising Display on I-90 Just W of Belgrade	1	650.00	650.00
<i>Thank you for your business!!</i>				

Phone: 406-599-5909 Email: mclyde21@gmail.com

Total \$650.00

Fwd: Statement from Art Outdoor, LLC

Please see attached.

Art Outdoor, LLC
623 MOUNTAIN VIEW DR
MT 59718

Statement

Date
4/9/2024

To:
Richie Pemberton P.O. 959 Belgrade, MT 59714

Amount Due	Amount Enc.
\$2,150.00	

Date	Transaction	Amount	Balance
01/01/2024	INV #5097. Due 01/31/2024. Orig. Amount \$650.00.	200.00	200.00
02/01/2024	INV #5182. Due 03/02/2024. Orig. Amount \$650.00.	650.00	850.00
03/01/2024	INV #5269. Due 03/31/2024. Orig. Amount \$650.00.	650.00	1,500.00
04/01/2024	INV #5355. Due 05/01/2024. Orig. Amount \$650.00.	650.00	2,150.00

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
650.00	650.00	650.00	200.00	0.00	\$2,150.00



1-19888



PAID FOR BY ELECT KYLE MCMURRAY
PO BOX 83, MANHATTAN, MT 59741

, Manhattan, MT 59741 Treasurer Brand Robinson