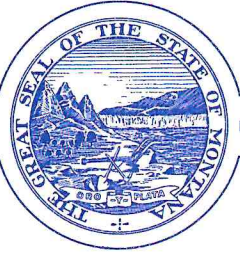


COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

CHRIS J. GALLUS
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1209 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

May 9, 2023

Rep. Steve Gist, Montana House District 25
339 1st St. N
Cascade, MT 59421

Subject: Complaint received May 2, 2023; *What the Funk*
406 v. Gist, COPP-2023-CFP-007

Dear Rep. Gist:

The enclosed complaint alleges a violation of Montana election law under Title 13, Chapter 35 of the Montana Code Annotated, enforcement of which falls under my jurisdiction as Commissioner of Political Practices. The complaint also conforms to the requirements of 44.11.106 ARM, the administrative rule regarding election complaints. For those reasons, I have accepted it for further consideration.

Pursuant to Mont. Code Ann. §13-37-132, I formally request a written response from you addressing the specific issues identified in this complaint. As part of this response, I request you provide documents detailing your residency at the time of filing as a candidate for election in 2022.

Please provide your response by 5:00 PM on Friday, May 19, 2023. The response you provide is a public record that COPP posts on our website, per Mont. Code Ann. §13-37-132.

This office is now conducting a legal review, and reviewing records currently in your possession are subject to a pending investigation. While I do not anticipate that you would intentionally destroy any relevant records, due to the severity of the penalty I feel compelled to provide you with the relevant statute in this regard. See, Attached Mont. Code Ann. §45-7-207 (Tampering with or fabricating physical evidence). This Office may need to review documents connected to your residency during the prescribed period. Accordingly, Mont. Code Ann. §13-37-111 authorizes the Commissioner to inspect records, accounts, and books held by a candidate or political committee, administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers and records that are relevant or material for the purpose of conducting an investigation.

To facilitate such an investigation, please take immediate steps to retain all such records, and begin collecting and preparing records for review. This includes documents, including computer communications (e.g. email), in your possession or the possession of any of your agents, representatives, or assigns. Communications with attorneys should be retained even these records might need to be produced if attorney/client privilege is not involved. As indicated, your preservation of all such documents is essential and required pursuant to this request and subject to penalties provided in Mont. Code Ann. §45-7-207.

In this particular instance, since a prior complaint was rejected, I am also providing to you additional communications because they contain reference to matters potentially relevant to your response in this matter. These include other relevant statutes and reference to prior COPP decisions, which you can access on our website, politicalpractices.mt.gov, along with other decisions regarding similar issues.

I appreciate your time and consideration of this important matter.

Regards,



Chris J. Gallus
Commissioner of Political Practices

Enclosed:

1. Mont. Code Ann. §45-7-207
2. COPP May 9, 2023 letter to WTF 406/Jasmine Taylor
3. WTF 406 May 2, 2023 Complaint w/cover letter (incorporated)
4. COPP February 2, 2023 response to WTF 406
5. WTF 406 January 30, 2023 Complaint

Montana Code Annotated 2021

TITLE 45. CRIMES

CHAPTER 7. OFFENSES AGAINST PUBLIC ADMINISTRATION

Part 2. Perjury and Other Falsification in Official Matters

Tampering With Or Fabricating Physical Evidence

45-7-207. Tampering with or fabricating physical evidence. (1) A person commits the offense of tampering with or fabricating physical evidence if, believing that an official proceeding or investigation is pending or about to be instituted, the person:

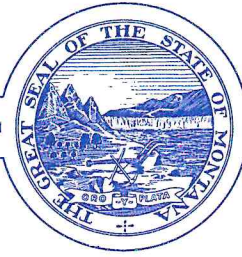
(a) alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its verity or availability in the proceeding or investigation; or

(b) makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead any person who is or may be engaged in the proceeding or investigation.

(2) A person convicted of tampering with or fabricating physical evidence shall be imprisoned in the state prison for a term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

History: En. 94-7-208 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-7-208; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 1684, Ch. 56, L. 2009.

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HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

May 9, 2023

What the Funk 406
Attn. Jasmine Taylor
PO Box 1751
Great Falls, MT 59403

Subject: Complaints received May 2, 2023; What the Funk 406
v Gist, COPP-2023-CFP-007

Dear Agent Taylor:

This letter acknowledges the receipt of your formal Campaign Finance and Practices (CFP) complaint, received by this Office on May 2, 2023.

Your signed and certified CFP complaint alleges violation of Montana election law, more particularly Mont. Code Ann. § 13-35-205. You included a letter and other information supporting your allegations that this statute was violated, which I am incorporating with your complaint. I have also determined that this complaint conforms to the basic requirements of 44.11.106 ARM. Consequently, a letter and copy of the complaint is being sent to the respondent listed above requesting that they provide a written response to this office and retain pertinent records pending further investigation of this matter.

I will review any additional materials relevant to the complaint, including any response, for any deficiencies pursuant to 44.11.106 ARM, law, and prior relevant rulings and reserve the right to dismiss the complaint upon this initial inquiry. If this occurs, I will notify you and provide a basis for the dismissal. Alternatively, upon this further review, I may determine that a formal investigation is warranted. If an investigation is conducted, a summary of facts and statement of findings will be prepared, and a copy will be sent to you. This generally forms the basis as to whether the matter is going to be pursued further, which then involves referring the matter to the local county attorney.

Regards,

A handwritten signature in blue ink that reads "Chris J. Gallus".

Chris J. Gallus
Commissioner of Political Practices

Mr Gallus,

Thank you for reviewing and returning my complaint.

Though I think the article I attached for your information explains our belief that Steve Gist does not live in the county where he filed for the legislative seat he now holds, I am submitting the following for your consideration.

First, I am submitting a copy of Mr Gist's Registration with your office. The salient point is that I believe that Mr Gist does not live at the address he listed in the form filed with your office. Which I believe is a violation of law enforced by your office. We allege that Gist falsely declared his residency on his declaration of candidacy filed with COPP. Specifically, we believe Mr Gist has violated 13-35-207. Which states;

13-35-207 Deceptive election practices. A person is guilty of false swearing, unsworn falsification, or tampering with public records or information, as appropriate, and is punishable as provided in [45-7-202](#), [45-7-203](#), or [45-7-208](#), as applicable, whenever the person:

- (1) falsely represents the person's name or other information required upon the person's voter registration form and causes registration with the form;
- (2) signs a voter registration form knowingly witnessing any false or misleading statement;
- (3) knowingly causes a false statement, certificate, or return of any kind to be signed;
- (4) falsely makes a declaration or certificate of nomination;
- (5) files or receives for filing a declaration or certificate of nomination knowing that all or part of the declaration or certificate is false;
- (10) makes a false oath or affidavit where an oath or affidavit is required by law.

I hope this clarifies our allegations and clarifies your jurisdiction to investigate this matter and/or make a referral to the appropriate county attorney's office. I am also including an article by WTF406 which articulates specific facts which lead to our belief that the above statute has been violated. Thank you.

Commissioner of Political Practices
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Post Office Box 202401
Helena, MT 59620-2401
Phone: 406-444-2942
Fax: 406-444-1643
www.politicalpractices.mt.gov

FOR OFFICE USE ONLY

RECEIVED
2023
2022 MAY -2 A 10:07
HAND DELIVERED
SIGNED/NOTARIZED

Campaign Finance and Practices

Complaint Form (08/17)

Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):

Complete Name What The Funk 406
Complete Mailing Address PO Box 1751
Great Falls Mt 50403
Phone Numbers: Work _____ Home (406)231-9995

Person or organization against whom complaint is brought (Respondent):

Complete Name Steve Gist
Complete Mailing Address 339 1st Street N
Cascade, Mt 59421
Phone Numbers: Work (406)253-8096 Home _____

Please complete the second page of this form and describe in detail the facts of the alledged violation.

Verification by oath or affirmation

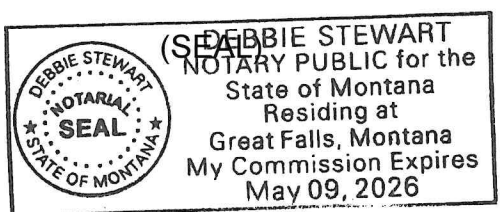
State of Montana, County of Cascade

I, Jasmine Taylor, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.

Jasmine Taylor
Signature of Complainant

Subscribed and sworn to before me this 1 day of May, 2023 by Jasmine Taylor

Debbie Stewart
Notary Public



My Commission Expires:

Statement of facts:

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

The Montana Constitution provides:

Section 4. Qualifications. A candidate for the legislature shall be a resident of the state for at least one year next preceding the general election. For six months next preceding the general election, he shall be a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county. The Montana Constitution

Steve Gist is currently serving as the Representative for HD 25 in Great Falls. Gist's filing with the Commissioner of Political Practices lists his residence as an address in the town of Cascade. He doesn't live in the district he represents. Nothing unusual about that. State law allows any resident of Cascade County to run in a district which is entirely within the boundaries of the county. And, it is pretty common that individuals from a given county run in districts they don't live in.

But this whole residency thing gets more complicated when you look into public records. True enough, Gist owns a couple residences in Cascade. He also owns one in Whitefish. The company he owns is a firefighting contracting company, Gist Enterprises LLC. The registered agent for that company is his spouse, Virginia Gist. The address of the company is in Whitefish. Interestingly, Steve Gist is registered to vote at his address in Cascade but has his absentee ballot sent to his Whitefish address. His wife Virginia (Ginny) is also registered to vote at the Whitefish address, and her Facebook page says she lives in Whitefish. In addition, the bank for his campaign is First Interstate Bank in Whitefish. So, let's see, his wife lives in Whitefish, his business is located in Whitefish, he has his absentee ballot sent from Cascade County to Whitefish so he can vote. But for purposes of getting elected he says he lives in Cascade County? Hmmm.

Aside from the ethical implications of skirting the law, let us tell you why this may be a bigger deal than

Complaints must be:

- **signed**
- **notarized**
- **delivered in person or by mail.**

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Aside from the ethical implications of skirting the law, let us tell you why this may be a bigger deal than you might think. Gist's business is contracting to fight forest fires. That requires equipment. And, in fact, if you go to the Gist Enterprises Facebook page, you see pictures of guys fighting fires and numerous vehicles with Gist Enterprises signs on the doors. Presumably those vehicles are registered in the county where the business is located. That would be Flathead County. So, while he represents Great Falls in the Legislature, the county share of the tax revenue from his vehicles likely flows to Flathead County. Maybe he ought to run there. After all, that is where his spouse and business are located, and he owns a nice house there.

If Gist wins the election his qualification to serve should be investigated. If it is found that he has violated the constitutional residency requirement for legislators, he should be removed from office.



- Dashboard
- Candidate
- Committee
- State of Montana

Welcome

Okta Home Version

Campaign Registration View

> Statement of Candidate (C1 or C1-A)

Candidate Information

Candidate Full Name:	Gist, Steve C	Physical Address:	339 1st St. N Cascade, MT 59421
Mailing Address:	339 1st St. N Cascade, MT 59421	Alternate Phone:	
Home Phone:	(406) 231-4050	Candidate Type:	State District
Campaign Email Address:	steve@stevegistorforontana.com	Resident County:	Cascade
Election Year:	2022	Current Status:	Amended
Office Sought:	House District No. 25	Amended Date:	02/01/2022
Political Party:	Republican	C118 Received Date:	
Date Filed:	01/30/2022	Bank Full Name:	First Interstate Bank
D1 Received Date:	02/01/2022	Bank Address:	PO Box 100 Whitefish, MT 59937
Reporting Status:			

Campaign Treasurer Information

Treasurer Full Name:	Gist, Virginia S	Physical Address:	339 1st St. N. Cascade, MT 59421
Mailing Address:	PO Box 541 Cascade, MT 59421	Alternate Phone:	(406) 862-8096
Home Phone:	(406) 253-8096		
Home or Personal Email Address:	gjingist@gmail.com		

Deputy Treasurer Information

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STATE OF MONTANA

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1209 EIGHTH AVENUE
P.O. BOX 202401
HELENA, MT 59620-2401

February 1, 2023

What the Funk 406- Jasmine Taylor
PO Box 1751
Great Falls, MT 59403

Subject: Complaint received January 30, 2023; What the Funk 406-
Jasmine Taylor v Gist, COPP-2023-CFP-REJ-001

Jasmine,

I write in response to your complaint, received by this Office on January 30, 2023. I am returning your original complaint with this letter because it does not state any alleged violation/s of campaign finance and practices law that fall under the Commissioner's jurisdiction.

The Commissioner of Political Practices (COPP) is provided jurisdiction over campaign finance and practices laws under Title 13, Chapters 35 and 37 of the Montana Code Ann. In this matter, your complaint does not state any potential violation of law/s housed in Title 13, Chapters 35 and 37.

Rules for determining residence are outlined in statute, under Mont. Code Ann. § 13-1-112 and 113. Previous Commissioners have considered residency as it relates to campaign finance and practices laws under the Commissioner's jurisdiction- examples include Commissioner Unsworth's 2009 Decision in the *Matter of the Complaint Against State Senator Jesse Laslovich*; Commissioner Mangan's Dismissal in *Luckey v. Brown*, COPP-2020-CFP-037; and Commissioner Mangan's Declaratory Ruling in *Wanzenried v. Graybill*, COPP-2020-DR-0001.

While Montana law does provide a method for challenging a person's qualification for public office under Mont. Code Ann. § 13-36-101, such challenges must be made directly in district court rather than filed with COPP. Specifically, any such challenge "must be made or filed in the district court of the county" in which the candidate "is declared nominated or elected...or in which the incumbent resides", Mont. Code Ann. § 13-36-103.

Chris Gallus
Commissioner of Political Practices

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JAN 28 2023

2023
2022 JAN 30 A 10:09

HAND DELIVERED

SIGNED/NOTARIZED

Campaign Finance and Practices

Complaint Form (08/17)

Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):

Complete Name: What The Funk 406 - Jasmine Taylor
Complete Mailing Address: PO Box 1751
Great Falls Mt 59403
Phone Numbers: Work _____ Home (406)231-9995

Person or organization against whom complaint is brought (Respondent):

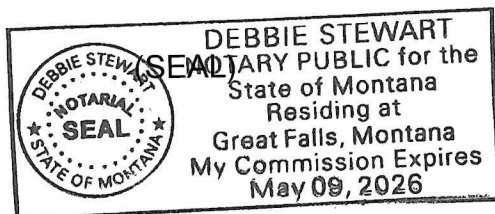
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Complete Mailing Address: 339 1st Street N
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Phone Numbers: Work (406)253-8096 Home _____

Please complete the second page of this form and describe in detail the facts of the alleged violation.

Verification by oath or affirmation

State of Montana, County of CASCADE

I, Jasmine Taylor, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.



Jasmine Taylor
Signature of Complainant

Subscribed and sworn to before me this 27 day of January, 2023.

Debbie Stewart
Notary Public

My Commission Expires:

Statement of facts:

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

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