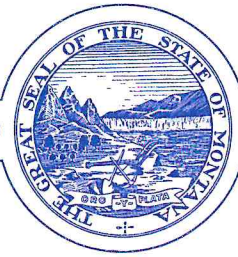


COMMISSIONER OF
POLITICAL PRACTICES



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

April 19, 2023

Smarter Monforton Growth
Attn. Michael Nelson, Treasurer
40 Spanish Peaks Drive, Unit 101 A74
Bozeman, MT 59718

Sent via email to: mikenmocha@hotmail.com

Subject: Complaint received April 18, 2023; Rowse v.
Smarter Monforton Growth, COPP-2023-CFP-003

The enclosed complaint alleges a violation of Montana's campaign reporting and disclosure laws. The complaint is accepted as conforming to the requirements of 44.11.106 ARM, the administrative rule regarding campaign complaints.

Upon review, I have determined that the specific allegation that certain material failed to include the 'paid for by' attribution message presented in listed 'Violation #1' is merited, as the specific election communication mentioned does not include the required 'paid for by' attribution message, Mont. Code Ann. §13-35-225(1). You will need to add full attribution messaging, including the name of the designated committee treasurer, to all copies of this communication remaining in your possession and email a photo to the COPP showing this addition. Distribution of any unattributed copies of this communication must be halted until the full 'paid for by' attribution message, including the name of the designated committee treasurer, is added. For any copies of this communication that have already been publicly distributed without inclusion of the full attribution message, COPP would require the committee provide a written statement that includes a picture of the communication, the full 'paid for by' attribution message required under Mont. Code Ann. §13-35-225(1), the quantity of unattributed communications distributed, and the date or dates unattributed copies of the communication were distributed.

This attribution remedy needs to be provided to COPP no later than 8:00 AM on Friday, April 21, 2023, (2 business days after notice of attribution deficiency was provided by COPP in this matter), as provided for under Mont. Code Ann. 13-35-225(6)(a)(i). Failure to bring "material into

compliance as required...is subject to a civil penalty pursuant to 13-37-128, MCA”, 13-35-225(6)(b), Mont. Code Ann. Any response you provide is a public record that COPP posts on our website, per Mont. Code Ann. §13-37-132.

If you did not engage in the specific activity relating to ‘Violation #1’, I would appreciate having any additional information you can provide as to potential parties involved. It is in everyone’s best interest to immediately resolve the situation in the manner described above, and COPP will work with you, or other parties, to get this accomplished.

The specific allegations that certain campaign materials failed to include the ‘paid for by’ attribution message presented in listed ‘Violation #2’ and ‘Violation #3’ are each dismissed, as Smarter Monforton Growth has already self-reported each attribution deficiency via email message. In email correspondence received by this Office on April 18, Smarter Monforton Growth notified COPP that committee treasurer information was omitted from approximately 2,587 campaign postcards and 100 yard signs distributed by the committee, along with an explanation as to the committee’s efforts to remedy the unattributed material. Because each attribution deficiency was self-reported by Smarter Monforton Growth and the committee continues to take steps to remedy the deficiency as outlined under Mont. Code Ann. §13-35-225(6), I generally dismiss these allegations. Any harm is considered *de minimis* and “it is not in the best interest of the state to pursue a civil penalty action”- see *In the Matter of the Fitzpatrick Complaint* (2011), as well as *Matter of Vincent Complaint COPP-2013-CFP-006*, and *Matter of Hendry Complaint COPP-2013-CFP-009* (specifically Page 5, ¶ 2).

Thank you for your immediate attention and consideration of this urgent matter.

Regards,



Chris J. Gallus
Commissioner of Political Practices