

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES (COPP)

CHARLOTTE ANN SAINZ v. KASSANDRA WIRSCHING	COPP-2024-CFP-001 DISMISSAL
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COMPLAINT

On January 10, 2024, Charlotte Ann Sainz of Ryegate, MT filed a Campaign Finance and Practices (CFP) complaint against Kassandra Wirsching. The complaint alleged that Ms. Wirsching was a resident of Wheatland County in the fall of 2023 when she registered to vote in Golden Valley County, in violation of Montana election law.

The complaint met the basic requirements of ARM 44.11.106, the administrative rule governing complaints, and alleged a violation of election law which falls under my jurisdiction as Commissioner of Political Practices. Consequently, I accepted it as filed and requested a response from Ms. Wirsching. A formal response is not required by law and Ms. Wirsching did not provide one, but did speak briefly via telephone with COPP's investigator confirming receipt of the complaint. The complaint is posted on COPP's website, politicalpractices.mt.gov.

In the acceptance letters sent to both parties on February 23, 2024, both parties were notified that COPP's jurisdiction in this matter is strictly limited to the voter registration issue described above. The complainant raised other allegations which do not fall under the jurisdiction of COPP. These allegations were not given further consideration and are not addressed in this decision.

ISSUES

This dismissal addresses Mont. Code Ann. (MCA) § 13-35-207, Deceptive election practices, and MCA § 13-35-209, Fraudulent registration.

BACKGROUND

The submitted complaint alleges that Ms. Wirsching moved from Golden Valley County prior to filing a new voter registration with the Golden Valley County Election Administrator in order to access a free United States Post Office Box.

In her complaint, Ms. Sainz asserts that she had two conversations with “Erica,” first discussing that Ms. Wirsching would have “to pay for the PO Box since she did not live in Golden Valley County any longer,” and later learning that Ms. Wirsching had produced “a **New voter registration card showing she lived in GVC.**” (Complaint, 2.) Emphasis in the original. Erica is not identified in the complaint, but it can be inferred through the complainant’s other statements that Erica is the Postmaster or other postal employee.

On Ms. Wirsching’s voter registration she listed an address of 411 1st Ave East, Ryegate, Golden Valley Cnty, MT. The complainant states she:

[D]id some investigation on the property and there were NO livable dwellings on the property. A house that was falling down and a trailer that had been brought in during July 2023 and placed on the property. Trailer had No hookups to water or sewer or electricity; **therefore NOT livable.** Emphasis in the original. (Complaint, 3).

The complainant states she then addressed this matter with the elections administrator:

I gave her a copy of the property description for her files and advised that she needed to send out a form asking for **Proof of Residence** by providing an Original Electric Bill in her name for that property. . .” (Complaint, 4.) Emphasis in the original.

The complainant also states that the election administrator told her Ms. Wirsching admitted she did not live at 411 1st Ave E in Ryegate, but that “she and her Fiancé [sic] were planning on moving into the trailer sometime next year.” (Complaint, 3.)

In response to the above conversations, the Golden Valley County Elections Administrator sent Ms. Wirsching a County of Residence Confirmation Notice where she was given the option to either confirm current residency in Golden Valley County or otherwise notify the Elections Administrator that her county of residence had changed. The form was returned by Ms. Wirsching on December 18, 2023, with a checkbox marked indicating Ms. Wirsching no longer resided in Golden Valley County and “would like to be removed from [the] voter registration list.” Upon receipt of this notification, Ms. Wirsching’s voter registration status was changed to “Canceled,” with a listed reason of “moved out of county.” (COPP Records – provided to COPP by Golden Valley County.)

COPP makes every effort to provide a timely and well-reasoned decision in each matter before the Commissioner. Unfortunately, any potential violations related to Ms. Wirsching’s voter registration are misdemeanors and consequently are subject to a one-year statute of limitations rather than the two-year statute of limitations associated with campaign finance violations. MCA §§ 13-35-101(2) and 13-35-103. Consequently, if I were to determine sufficient evidence of violations exists, I would be unable to pursue enforcement. Statute of limitations notwithstanding, this matter would nevertheless be dismissed based on the following discussion.

DISCUSSION

In her complaint, Ms. Sainz alleges that by “fraudulently” obtaining a voter registration card Ms. Wirsching violated MCA § 13-35-207 as well as other statutes that fall outside of COPP’s jurisdiction. ARM 44.11.106 lists the requirement for filing a complaint, including “citing to each statute alleged to have been violated.” Strict adherence to ARM 44.11.106 disadvantages citizens lacking resources or legal training and COPP often considers potential violations of statutes not cited by the complainant, if suggested by the evidence. Therefore, I also considered a potential violation of MCA § 13-35-209, Fraudulent registration. The two statutes considered read as follows:

MCA § 13-35-207. Deceptive election practices. A person is guilty of false swearing, unsworn falsification, or tampering with public records. . . 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;

MCA § 13-35-209. Fraudulent registration. (1) A person may not knowingly cause, procure, or allow the person to be registered in the official register of any election district of any county knowing that the person is not entitled to the registration.

In order to determine whether a violation may have occurred, I would first need to determine if Ms. Wirsching was qualified to register to vote in Golden Valley County. MCA § 13-1-111 requires that a person be registered to vote, 18 years of age or older, a citizen of the United States, and a resident of the state of Montana and of the county in which the person offers to vote for at least 30 days. Ms. Wirsching's citizenship or age is not in question. Therefore, the dispositive question is whether Ms. Wirsching could support a claim of residency in Golden Valley County when she registered to vote on October 23, 2023.

MCA § 13-1-112 provides the elements for determining residence:

For registration, voting, or seeking election to the legislature, the residence of an individual must be determined by the following rules as far as they are applicable: (1) The residence of an individual is where the individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning. (8) A change of residence may be made only by the act of removal joined with intent to remain in another place.

A question of residency is not decided by a bright line rule but rather by consideration of all facts and circumstances. Because this complaint must be dismissed due to the expiration of the statute of limitations, I need not reach a determination here. However, it is nevertheless instructive to briefly address residency requirements.¹

When an elector spends time in more than one potential county of

¹ For an extensive discussion of residency requirements see *Senecal v. Decker*, 2024-COPP-CFP-003, *Pinocci v. Hagan*, COPP-2014-CFP-021, and *Luckey v. Brown*, COPP-2020-CFP-037.

residence, the elector is able to select which location they consider their place of residency, but must also be able to support that assertion with objective facts. See *Senecal v. Decker*, 2024-COPP-CFP-003, *Pinocci v. Hagan*, COPP-2014-CFP-021.

Although Ms. Wirsching did not provide any facts confirming she lived in Golden Valley County on October 23, 2024, COPP's investigation provided the following:

- Ms. Wirsching's social media presence indicates she moved to Ryegate, the county seat of Golden Valley, in September of 2020.
- A small business operated by Ms. Wirsching named Country Canyon Naturals LLC lists a principal address in Ryegate, MT (the county seat of Golden Valley) and a mailing address in Shawmut, MT which is located in Wheatland County.
- A Facebook profile indicates Ms. Wirsching was employed by Ryegate Public Schools beginning in October 1, 2022, and ending in May 2024.
- Ms. Wirsching was involved with the Golden Valley Community Foundation, a recognized 501(c)(3) non-profit organization based in Ryegate, including serving as the organization's president for a time beginning around April 2023.

COPP does not have any evidence indicating the reason for the move out of Golden Valley County or whether the move was intended to be permanent. If Ms. Wirsching had provided a formal response to this complaint, she may or may not have asserted that she lived in Golden Valley County on the day she registered, that she intended to return to Ryegate and make the 1st Ave property her home, or that she was only temporarily in Wheatland County for work. Any of these might allow her to remain registered to vote in Golden Valley County.

Residency questions are complicated, and it is unlikely Ms. Wirsching was aware of the nuances which may or may not allow her to maintain her voter registration in Golden Valley. Regardless, none of the evidence provided proves or disproves Ms. Wirsching's residency on October 23, 2023. While an electric bill (as requested by the complainant) may have been considered, it

would only be one small piece of the overall picture.

MCA § 13-35-103 specifically states “A person who knowingly violates a provision of the election laws of this state for which no other penalty is specified is guilty of a misdemeanor.” Consequently, violation of either of the above statutes is a misdemeanor. Under Montana law, “a person is not guilty of an offense unless, with respect to each element described by the statute defining the offense, a person acts while having one of the mental states of knowingly, negligently, or purposely.” MCA 45-2-103. Therefore, while an action or activity may appear to be a violation, if I cannot establish that the alleged violator acted with the requisite mental state, I cannot determine a violation actually occurred. *See Seward v. Andrick*, COPP-December 13, 2004. Therefore, if I reached a determination that Ms. Wirsching could not support her assertion that she resided in Golden Valley County, I must next determine that she signed a voter registration form with false information, “purposely or knowingly” as defined by Montana law.

MCA 45-2-101(35) “‘Knowingly’--a person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when the person is aware of the person's own conduct or that the circumstance exists. . .”(65)

”“Purposely”--a person acts purposely with respect to a result or to conduct described by a statute defining an offense if it is the person's conscious object to engage in that conduct. . .”

Lack of a response in no way encourages dismissal. In fact, when provided reliable evidence – and absent any evidence to the contrary - I may be more likely to take the facts asserted by the complainant as true. That is not the case here. As described above, the legal analysis for residency is complicated and it is unlikely Ms. Wirsching fully understood how an elector might support a claim and consequently maintain their voter registration. The facts provided here do not allow me to determine if Ms. Wirsching can support residency in Golden Valley County, and if not, whether any actions were taken purposely or knowingly.

SUMMARY

Further investigation to determine if Ms. Wirsching had moved outside of Golden Valley County prior to registering to vote - with the intention of making Wheatland County her permanent residence - and therefore knew her voter registration violated Montana law, would require a great deal of additional taxpayer resources. In the event a lengthy investigation determined a violation had occurred, due to the expiration of the statute of limitations, prosecution would not be possible.

Most importantly, Ms. Wirsching is not currently eligible to vote in Golden Valley County and she is not registered to do so. The election administrator in Golden Valley County has already followed proper procedure in contacting Ms. Wirsching and removing her from the voter rolls. There is no benefit to Montana citizens by expending resources to further pursue this matter.

CONCLUSION

The complaint has been considered as described above and is hereby dismissed in full.

Dated this 14th day of August, 2025.



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