

Cook, Scott

From: David Arends <arendsmeister@gmail.com>
Sent: Tuesday, November 28, 2023 9:55 AM
To: Cook, Scott
Subject: [EXTERNAL] Re: Attribution complaint received and notice of attribution deficiency- Hovland v. Arends, COPP-2023-CFP-025
Attachments: Screenshot (2).png; Screenshot (3).png

To Scott Cook, Compliance Specialist 3

Per our discussion on the phone this morning, I have added the required attribution to our website that appears at the bottom of every page. I have attached a screenshot of the first page. The website is davidarends.org [davidarends.org]. This should resolve the first issue. The second issue regarding our campaign Facebook page is moot regarding attribution as this is a non-paid site and, from my understanding, does not require attribution if non-paid (it does, however, contain the Democratic "D" symbol clearly). I have removed the two pictures from the Facebook page that contained the banner that lacked proper attribution. As far as I know, the Facebook page is in compliance with Campaign finance laws. I have attached a screenshot of the top of the Facebook page. The third issue regarding the banner itself is resolved by removing it from any public circulation. We will destroy it as it would be too difficult to cleanly add the required attribution of declaration of party affiliation and the "Paid for by the Campaign of David Arends for MT HD 18 Representative." Please let me know if there is anything further I need to do to remain in compliance. Thank you. David Arends

On Mon, Nov 27, 2023 at 9:38 AM Cook, Scott <SCook3@mt.gov> wrote:

David,

Please see the attached copy of *Hovland v. Arends*, COPP-2023-CFP-025, a formal Attribution Complaint received by COPP. See also the attached letter from Commissioner Gallus addressing this attribution complaint- as noted in the Commissioner's letter, COPP does require that you add the relevant 'paid for by' attribution statement and partisan affiliation to certain campaign material no later than 5:00 PM on Tuesday, November 28, 2023 and provide photo notice that this action has been taken to COPP. Failure to bring the material into compliance as required is subject to a civil penalty pursuant to 13-37-128, MCA. As a courtesy, full attribution requirements as outlined under 13-35-225, MCA are provided, below.

Scott Cook

Compliance Specialist 3/Public Records Officer

Office of the Commissioner of Political Practices

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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**.

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David Arends



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Paid for by the Campaign of David Arends for MT HD 18 Representative, PO Box 1006, Conrad, MT 59425.

Democratic Party



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 Montana House District 18
 Representative 2024

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Intro



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