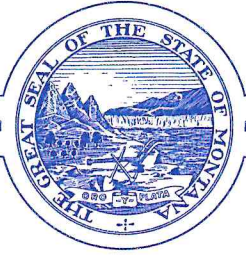


COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

CHRIS J. GALLUS
COMMISSIONER
TELEPHONE (406) 444-2942
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1209 EIGHTH AVENUE
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HELENA, MONTANA 59620-2401
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September 14, 2023

Jamie McMillan
207 Hillcrest Ave
Glendive, MT 59330

Sarah Thorson Lassle
42 Rd. 245
Glendive, MT 59330

Kayla Rivas
120 Glenwood Ave.
Glendive, MT 59330

Delivered via email to: jamierahr@hotmail.com; sarah_thorson@hotmail.com

Subject: Complaint received September 6, 2023; Peterson
Jr. v. GPS Advocates, COPP-2023-CFP-014

Jamie, Sarah, and Kayla,

The enclosed complaint alleges specific violations of Montana election law under Title 13, Chapters 35 and 37 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 am accepting it as a Campaign Finance and Practices (CFP) Complaint, despite being filed using Lobbying complaint forms. While originally presented to COPP as three (3) separate complaints, I am combining into one (1) individual matter as named above because each contains common issues and alleged violators.

Upon review, I have determined that the allegation that certain material financed and distributed by GPS Advocates failed to include the required 'paid for by' attribution message is merited, as each election communication mentioned in this complaint does not include such a message, Mont. Code Ann. (MCA) §13-35-225(1). Ordinarily, I would instruct you to add full

attribution messaging to all copies remaining in your possession and email a photo to the COPP showing this addition and halt distribution of any unattributed copies until the full 'paid for by' attribution message is added, but in this case the relevant election has already occurred. Such a request is, consequently, superfluous and unnecessary. However, I do request you provide a written response providing a full description of the distributed materials that includes a picture of the communication, the full 'paid for by' attribution message required under MCA §13-35-225(1), the quantity distributed, and the date or dates of distribution.

The complaint makes additional allegations specifically related to political committee registration and disclosure requirements. I do request you respond in writing to these allegations, with this written response specifically identifying all candidates or ballot issues GPS Advocates has made expenditures to support or oppose, as well as the total amount expended to support or oppose candidates or ballot issues, MCA §13-37-132. As a point of clarification, while the complainant alleges these violations under MCA §13-1-101, this statute simply provides formal definitions for certain terms utilized in Montana election law. The relevant statutes for these allegations that may apply in this matter are actually MCA §§ 13-37-201 (committee registration), 226 (time for filing finance reports), 228 (time period covered by reports) and 229 (the disclosure of contributions received and expenditures made).

The complaint also includes allegations of bribery and corrupt influence pertaining to an August 8, 2023 event held by GPS Advocates. Montana election law characterizes such offenses as "Illegal influence of voters", "Coercion or undue influence of voters" and "Bribing members of political gatherings", MCA §§ 13-35-214, 218 and 220. I request that your written response addresses these allegations as well. Additional statutes under Title 13, Chapter 35 over which I am provided jurisdiction may also apply in this matter. I specifically note this because the complainant presents these allegations as potential criminal matters under MCA §45-7-101, over which I am not usually provided proper jurisdiction absent a connection to MCA Title 13, Chapter 35.

Please provide this formal response, including the required attribution remedy as detailed above, on or before Wednesday, September 27 at 5:00 PM. Any response/s you provide will be made public on the COPP's website. The response you provide is a public record that COPP posts on our website, per MCA §13-37-132.

This letter initiates the legal process established by this office and Montana law to determine whether the allegations in the complaint are valid. Consequently, at this point, you have a duty to maintain all records currently in your possession because an investigation may indeed occur.

I will review any additional materials relevant to this complaint for any deficiencies pursuant to 44.11.106 ARM, law, and prior relevant COPP 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, as noted above, 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 involves a more extensive and time-consuming process, during which you may contact us for a status update. If violations are determined during this process, they are typically referred to the local county attorney. The local county attorney then determines whether they will prosecute the matter or refer it back to me, MCA §13-37-124. If returned to me, I will either work with the responding party to settle the matter or prosecute it within their local jurisdiction in district court. Penalties, if any, are imposed based upon MCA §13-37-128 and or Title 45, if applicable.

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. Your preservation of all such documents is essential and required pursuant to this request and subject to penalties provided in MCA §45-7-207.

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 MCA §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, MCA §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.

I appreciate your time and consideration of this important matter.

Regards,



Chris J. Gallus
Commissioner of Political Practices