

THE STATE OF MONTANA

Commissioner of Political Practices 1209 Eighth Avenue Post Office Box 202401 Helena, MT 59620-2401 Phone: 406-444-2942 Fax: 406-444-1643 www.politicalpractices.mt.gov

Campaign Finance and Practices

Complaint Form (08/17)

FOR OFFICE USE ONLY RECEIVED 2020 MAY -8 A 9 21 COMMISSIONER OF POLITICAL PRACTICES HAND DELIVERED [] SIGNED/NOTARIZED []

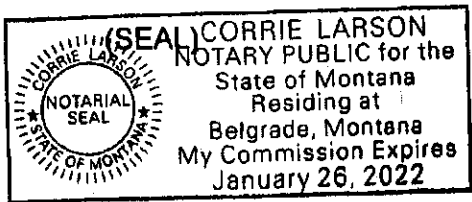
Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant): Complete Name James P. Molloy Complete Mailing Address 10 Carriage Lane Helena, MT 59601 Phone Numbers: Work (406) 404-1728 Home (406) 949-0340

Person or organization against whom complaint is brought (Respondent): Complete Name Doctors for a Healthy Montana Complete Mailing Address PO Box 9763 Kalispell, MT 59904 Phone Numbers: Work 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 Ballwin I, James P. Molloy, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief. Signature of Complainant Subscribed and sworn to before me this 4th day of May, 2020. 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.

DECLARATION OF JAMES P. MOLLOY

I. Committee Naming Violation

Montana statute provides certain requirements in regard to the naming and labeling of political committees. Mont. Code Ann. § 13-37-210. Law requires that a political committee must name itself so that it "clearly identifies the economic or other special interest, if identifiable, of a majority of its contributors". Id. at § 13-37-210(1)(a)(i).

Doctors for a Healthy Montana was a political committee originally filed by a republican legislator from the Flathead in November 2019 to oppose certain other republican legislative candidates. That committee never filed any disclosure reports and perhaps never made any expenditures. Then, one would assume, because the legislator has no medical background, he decided to find a strawman to stand in as a prop for his political antics. The original committee was disbanded and re-instituted under the same name "Doctors for a Healthy Montana," this time with the straw woman doctor as a deputy treasurer. The committee still seeks to oppose certain republican legislative candidates and support other republican legislative candidates, as well as opposing women's rights.

In its first disclosure report, Doctors for a Healthy Montana had four contributors: three legislators and one doctor. In the most recent disclosure report, the committee recruited one physical therapist, one retired doctor and an apartment manager as contributors. The total contributors consist of 3 legislators, 2 doctors, 1 physical therapist and 1 apartment manager. Even with these additional contributors, the majority of contributors are still not physicians or doctors; in fact less than a third of the contributions are doctors.

The name of the committee is in violation of Mont. Code Ann. § 13-37-210, is intended to fool the voters of Montana, and disparages the physicians of Montana by insinuating they are behind these crude attacks being funded by a group of legislators against certain other legislators who supported the continuation of Medicaid funding for uninsured Montanans in the 2019 Legislature. In addition, the information being spread by this committee is false mudslinging. The physicians of our State that are admirably working tirelessly to get Montanans through this pandemic deserve more than to have their upstanding reputations tarnished by legislators using the good will and respect earned by physicians for underhanded political games.

Complaints must be:

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

Failure to abide by the naming and labeling statute can be punished through the imposition of fines under Mont. Code Ann. § 13-37-128. This statute provides for fines in the amount of “three times the amount of the unlawful contributions or expenditures, whichever is greater.” The Commissioner should exercise his authority under this statute to impose fines against this committee to the greatest extent possible. In addition, the Commissioner should require that the committee be renamed to reflect its contributors: Republican Legislators and a Couple Doctors against Health Care for Montanans.

II. Undisclosed Contributions and Expenditures

Montana law has detailed requirements regarding reporting of contributions and expenditures. Mont. Code Ann. §§ 13-1-101, 13-37-225. A contribution is defined as “the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue.” *Id.* at § 13-1-101(9)(a)(i). Montana law also requires disclosure of in-kind contributions. Admin. R. Mont. 44.11.403.

Even more concerning than the violation of Montana law in naming their mudslinging committee, the republican legislators are further violating the law by receiving attack mailer production, design and postage at an incredibly reduced rate and then failing to properly disclose the in-kind contributions of The Political Company. The Political Company is owned and operated by republican political hack Jake Eaton.

On its most recent disclosure report, the committee reports an expenditure to The Political Company, PO Box 81274, Billings, MT 59108. The cost charged for the production and postage associated with 1,635 8.5x5.5 mailers attacking Bruce Grubbs is \$717.09. That amounts to approximately 44 cents per piece. Retail rates for postage alone are 55 cents per piece and while I understand that reduced postage rates are offered for bulk mailings, it is highly unlikely that 44 cents could cover the cost to design, print and mail 1,635 mailers at such a reduced rate. These rates are definitely not fair market value for supposed independent expenditure attack mailers. The rates shown here are reminiscent of the Christian LeFer – Art Wittich – WTP illegal campaign activities which precipitated the enactment of the Disclose Act in 2015, which I was involved in drafting and helping get enacted.

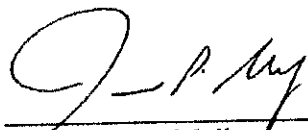
In my political experience I would estimate that there more than \$2,000 in undisclosed in-kind contributions from The Political Company related to this one mailer alone. The Commissioner should investigate the actions of the “Doctors for a Healthy Montana” Committee as well as those of The Political Company. Pursuant to Mont. Code Ann. § 13-37-128, the Commissioner should fine the “Doctors” entity three times the amount of the illegal and unreported in-kind contribution. If the Commissioner’s investigation determines that The Political Committee charged “Doctors for a Healthy Montana” substantially less than the actual costs to design, print,

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and mail the 1,635 mailers, the Commissioner should also fine The Political Company three times the amount of its illegal and unreported in-kind expenditure.

Pursuant to Mont. Code Annot. § 1-6-105, I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

DATE: May 1, 2020

A handwritten signature in cursive script, appearing to read "J. P. Molloy", written over a horizontal line.

By: James P. Molloy

MADISON COUNTY CLERK OF DISTRICT COURT

Email/Fax Filing Policy

The Madison County Clerk of District Court accepts filings by either email or fax with email being the preferred method. To insure your document is received and timely filed, please send all email filings to both kmiller@mt.gov and chill@mt.gov. If filing by fax, please send to (406) 843-5207.

1. Pursuant to 25-1-201 MCA, all incoming documents for filing, sent via email or fax, are \$.50 per page. There is no charge for proposed orders or cover pages included with the document. Per local rule 3.1 (1) these documents are considered originals and mailed original documents are **not required**. Duplicates will not be filed. **This does not include attachments or exhibits.** Originals of the attachments/exhibits shall be mailed to this office (rule 3.2).
2. Pursuant to 25-1-201 MCA, all outgoing filed documents, sent via email or fax, are \$.25 per page. This fee also includes conformed copies you request to be returned electronically. There is no charge for register of action reports.
3. All documents will be filed with the date the email or fax is received by our office. If received on a weekend or holiday the document will be filed as of the date of the next business day.
4. All documents must be properly signed and dated with the attorney/parties copied or electronically generated signature. Emailed documents must be in a PDF format and submitted as an attachment to an email.
5. Documents will not be filed if an acknowledgment of the fees owed is not included with your filing. State the number of pages being transmitted and the corresponding fee being mailed to this office on your cover page. **A scanned copy of your check or money order will also need to be included with your filing if the filing involves a fee other than the email/fax filing fee.**
6. **Payment must be received in this office within 5 business days from date of your electronic transmission.** We do not accept credit or debit cards at this time and we do not offer pre-paid accounts.

Mail payment and original attachments/exhibits to:

Madison County Clerk of District Court, 100 W. Wallace St., P.O. Box 185, Virginia City, MT 59755-0185. Our phone number is (406) 843-4230.