

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

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6 **MUR 8088**

Respondent: Montanans Against Corruption
in Congress and Timothy
Bechtold in his official
capacity as treasurer

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10 **Complaint Receipt Date:** November 9, 2022

11 **Response Date:** N/A

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14 **Alleged Statutory and**
15 **Regulatory Violations:**

52 U.S.C. § 30104(b), (g)(1)
11 C.F.R. § 104.4(c)

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18 The Complaint alleges that Montanans Against Corruption in Congress and Timothy
19 Bechtold in his official capacity as treasurer (the “Committee”), an independent expenditure-only
20 political committee, failed to file a required 24-Hour Report to disclose independent expenditures
21 aggregating \$1,000 or more in the form of printed cards that were disseminated on October 30,
22 2022, opposing Ryan Zinke and supporting John Lamb, both of whom were then-candidates for
23 Montana’s 1st Congressional District.¹ The election was held on November 8, 2022. Specifically,
24 the Complaint alleges that the printed cards were left on the windshields of vehicles parked outside
25 a church in Missoula, Montana.² The Complaint further alleges that the Committee misappropriated
26 the Montana Republican Party’s name and logo in its cards.³ Finally, the Complaint alleges that, at
27 the time that the Complaint was submitted, the Committee had failed to report any receipts or

¹ Compl. at 1-2 (Nov. 9, 2022).

² *Id.* at 1.

³ The Complaint includes an image of the printed cards which shows bolded and large letters “MTGOP” in the upper left-hand corner. *Id.* at 1. The Complaint does not allege that the Committee misappropriated the Montana Republican Party’s name and logo for the purpose of soliciting contributions, and there does not appear to be any solicitation on the face of the printed card. *See* 52 U.S.C. § 30124(b) (prohibiting any person from fraudulently misrepresenting the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations).

MUR 8088 (Montanans Against Corruption in Congress)

EPS Dismissal Report

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1 disbursements since filing its Statement of Organization on July 14, 2022.⁴ Prior to the Complaint,
2 the Committee filed its first two reports, 2022 October Quarterly and Pre-General Election Reports,
3 which showed zero dollars in total activity from its formation until October 19, 2022.⁵ After the
4 Complaint, the Committee filed its 2022 Post-General Report, which disclosed one \$10,000
5 contribution on November 3, 2022, and an independent expenditure of \$9,500 that same day for
6 television ads.⁶ None of the Committee's reports show any disbursements apparently related to the
7 printed cards. The Committee did not respond to the Complaint.

8 Based on its experience and expertise, the Commission has established an Enforcement
9 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
10 assess whether particular matters warrant further administrative enforcement proceedings. These
11 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
12 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
13 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
14 potential violations and other developments in the law. This matter is rated as low priority for
15 Commission action after application of these pre-established criteria. Given that low rating and the
16 apparent low amount in violation, we recommend that the Commission dismiss the Complaint
17 consistent with the Commission's prosecutorial discretion to determine the proper ordering of its

⁴ Compl. at 2; Montanans Against Corruption in Congress, Statement of Organization at 1 (July 14, 2022).

⁵ Montanans Against Corruption in Congress, 2022 October Quarterly Report at 2 (Oct. 15, 2022), <https://docquery.fec.gov/pdf/529/202210159537490529/202210159537490529.pdf>; Montanans Against Corruption in Congress, 2022 Pre-General Report at 2 (Oct. 27, 2022), <https://docquery.fec.gov/pdf/859/202210279546523859/202210279546523859.pdf>.

⁶ Montanans Against Corruption in Congress, 2022 30-Day Post-General Report at 2, 6, 7 (Dec. 8, 2022), <https://docquery.fec.gov/pdf/981/202212089557503981/202212089557503981.pdf>. The Committee also filed a 48-Hour Report on November 4, 2022, reporting \$9,500 in expenditures paid to "Plazby, LLC," for television ads. Montanans Against Corruption in Congress, 48-Hour Report of Independent Expenditures at 1 (Nov. 4, 2022), <https://docquery.fec.gov/pdf/517/202211049546711517/202211049546711517.pdf>.

1 priorities and use of agency resources.⁷ We also recommend that the Commission close the file as
2 to all Respondents and send the appropriate letters.


3 Lisa J. Stevenson
4 Acting General Counsel

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6 Charles Kitcher
7 Associate General Counsel

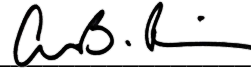
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9 02/22/2024

10 _____
11 Date

12 BY:

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14 Claudio J. Pavia
15 Deputy Associate General Counsel
16 for Enforcement

17 

18 Anne B. Robinson
19 Assistant General Counsel

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21 Wanda D. Brown
22 Assistant General Counsel

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24 Allen Coon
25 Attorney

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⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).