

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

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COMMISSIONER OF POLITICAL PRACTICES

SIGNED/NOTARIZED



Campaign Finance and Practices

Complaint Form (08/17)

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

Person bringing complaint (Complainant):

Complete Name: Quentin Rhoades
Complete Mailing Address: 318 East Central, Missoula, MT 59801
Phone Numbers: Work 406.721.9700, Home NA

Person or organization against whom complaint is brought (Respondent):

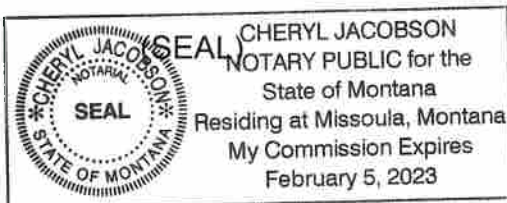
Complete Name: Kimberly Dudik and Friends of Kimberly Dudik
Complete Mailing Address: P.O. Box 674, Frenchtown, MT 59834-0674
Phone Numbers: Work 406-206-4331, Home Unknown

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 Missoula

I, Quentin Rhoades, 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 6 day of June, 2019.

Signature of 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.

See ADDENDUM and EXHIBIT "A" ATTACHED.

Complaints must be:

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

ADDENDUM TO CAMPAIGN FINANCES AND PRACTICES COMPLAINT

I am informed of two recent examples in which emails advocating in favor of Kimberly Dudik for Attorney General were bulk emailed from the University of Montana computer system (umt.edu domain) to some or all University employees. (See documentation attached as Exhibit "A".) The source of the information and solicitation in the email appears to be the Dudik campaign. For example, the campaign's website is not only listed, but is linked, as is the fundraising function. It thus appears taxpayer dollars, collected by the coercive power of the state to serve the common good, were diverted to electioneering purposes for a particular political candidate.

Montana has a longstanding law that applies here: "a person may not coerce, command, or require a public employee to support or oppose...the election of any person to public office" Section 13-35 - 226(31) MCA. The Dudik campaign is such a "person" under Montana law. Section 13-1-101(28)MCA.

The Dudik campaign being a covered person, the only remaining determination is whether the Dudik campaign's sending campaign email to a list of public employee work email addresses constitutes "coercion" under sec. 13-35-226(3) MCA.

The COPP has considered this issue at least once before, finding that deliberate mailing by a campaign to the work addresses of public employees in the state of Montana is a clear violation of Montana campaign law. (*Thomas v. Gianforte*, COPP 2016-CFP-001.). "When measured against Montana's explicit and careful workplace public employee campaign practice standards, the commissioner determines that a deliberate, systemic campaign use of public employees' work is **coercion** under § 13-35 -226(3) MCA." (*Id.* at 6-7 (emphasis added).). "This sort of activity is exactly what Montana law is designed to prevent." (*Id.* at 7.). "Stated in plain English, Montana law does not allow political campaigns the use of workplace addresses of public employees for political purposes." (*Id.* at 8.)

If the Dudik campaign is in fact found to be directly involved with the mass emailing, it would be especially troubling for at least four reasons. First, the candidate is a sitting legislator with oversight capacity over the University of Montana. Second, the candidate is a licensed attorney running for Attorney General, the top law enforcement official in the State, and is presumably an expert in the law. Third, the candidate is highly seasoned, as her campaign message emphasizes, with plenty of actual experience in Montana political practice law. Fourth, if found, this would not be the candidate's first violation of Montana Campaign Practice Law. In 2014, the COPP found the candidate guilty of a reporting violation in her run for House District 94. *Marbut v. Dudik*, COPP 2014-CFP-61.

While inexperience with running local political campaigns and a lack of legal expertise, given the complexity of Montana campaign practice law, can easily give rise to inadvertent transgressions, violations by a candidate for statewide office with Dudik's experience, expertise and resources is more difficult to rationalize. When a misuse involves public resources, as this appears to do, it is even more worrisome.

Exhibit "A" to Campaign Practices and Finance Complaint

From: Kimberly Dudik <dudikformontana@gmail.com<<mailto:dudikformontana@gmail.com>>>
Subject: Re: Introducing myself
Date: May 30, 2019 at 3:53:09 PM MDT
To: "Boushie, Sean" <sean.boushie@mso.umt.edu<<mailto:sean.boushie@mso.umt.edu>>>

Thank you for this email. I will have my campaign look into this immediately and address it.

Thank you for your time,
Kim

On Thu, May 30, 2019 at 3:50 PM Boushie, Sean <sean.boushie@mso.umt.edu<<mailto:sean.boushie@mso.umt.edu>>> wrote:
Ms Dudik, as you have chosen to begin sending political email to my University employee email account, I must inform you that doing so is a violation of Montana code, as state employees are prohibited from participating in political action during work hours while using state owned resources. As an attorney general candidate, I'm terribly disappointed that you have chosen to do so, though it seems to be an accepted practice among Montana Democratic candidates.

I can assure you that I have not requested any information from you, or any other Democratic candidate. It is simply not acceptable to mass email state employees at their workplace.

As I am required to do I must turn this communication on to University legal counsel.

Please see and follow the attached university policy and associated Montana code.

From: Andria Schafer [info@dudikformontana.com<<mailto:info@dudikformontana.com>>]
Sent: Thursday, May 30, 2019 2:18 PM
To: Sean Boushie
Subject: Introducing myself

I'm Kimberly's new finance director. It's my job to make sure we hit our goals.
[Dudik for Attorney General]<[Sean, I'm honored to join Kimberly's campaign as finance director.](https://click.ngpvan.com/k/7150742/66836584/1333410990?nvep=ew0KICAIvGVuYW50VXJpIjogIm5ncHZhbiovL3ZhbI9OR1AvTkdQMDcvMS83NDg3OSIsDQogICJEaXN0cmliidXRpb25VbmlxdWVJZCI6ClwZTk5ZDcxNi0xODgzLWU5MTEtYWJiNC0vODE4NzgzOTFlZmliLA0KICAiRW1haWxBZGRvZXNzIjogInNlYW4uYm91c2hpZUB1bW9udGFuYS5lZHUjDQp9&hmac=OOeLEmABecX65GDwuo3CWUtRxe1Tcx5o7T0J00qpZ8o=&refcode=em190530eom>></p></div><div data-bbox=)

I'm from Denton, a small town in central Montana, and I'm excited to work for a candidate who believes in giving communities like mine a voice in our state.

Whether it's child safety, consumer rights, or access to public lands, I know that Kimberly will fight for us. But to get her into the Attorney General's office, it's going to take a massive grassroots effort -- and it's my job to make sure that our team is stepping up.

We're \$3,471 away from reaching our May budget goal, and I'm counting on your help. Will you rush a donation before tomorrow's deadline? <<https://click.ngpvan.com/k/7150743/66836585/1333410990?nvep=ew0KICAiVGVuYW50VXJpljogIm5ncHZhbiovL3Zhibi9OR1AvTkdQMDcvMS83NDg3OSIsDQogICJEaXN0cmliidXRpb25VbmlxdWVJZCI6IClwZTk5ZDcxNi0xODgzLWU5MTEtYWJiNC0vODE4NzgzOTFIZmliLA0KICAiRW1haWxBZGRyZXNzIjogInNlYW4uYm91c2hpZUB1bW9udGFuYS5lZHUiDQp9&hmac=OOeLEmABecX65GDwuo3CWUtRxe1Tcx5o7T0J00qpZ8o=&refcode=em190530eom>>

If we close our first full month on the campaign trail strong, we'll be able to ramp up our outreach efforts this summer and get Kim's message and story out to every corner of the state.

We face a competitive primary and the possibility of an extreme GOP opponent in the general election. In a race like ours, we can't afford to miss a single budget deadline.

So please, stand with Kimberly and pitch in any amount before tomorrow night. <<https://click.ngpvan.com/k/7150744/66836586/1333410990?nvep=ew0KICAiVGVuYW50VXJpljogIm5ncHZhbiovL3Zhibi9OR1AvTkdQMDcvMS83NDg3OSIsDQogICJEaXN0cmliidXRpb25VbmlxdWVJZCI6IClwZTk5ZDcxNi0xODgzLWU5MTEtYWJiNC0vODE4NzgzOTFIZmliLA0KICAiRW1haWxBZGRyZXNzIjogInNlYW4uYm91c2hpZUB1bW9udGFuYS5lZHUiDQp9&hmac=OOeLEmABecX65GDwuo3CWUtRxe1Tcx5o7T0J00qpZ8o=&refcode=em190530eom>>

Thank you,

Andria
Finance Director

Kimberly Dudik is an attorney and state representative who's dedicated her career towards fixing our criminal justice system, protecting children, and putting people before corporate interests. She's running for Attorney General because Montanans need a fearless and qualified advocate. Will you make a grassroots contribution now to help her reach voters?

CONTRIBUTE <<https://click.ngpvan.com/k/7150745/66836587/1333410990?nvep=ew0KICAiVGVuYW50VXJpljogIm5ncHZhbiovL3Zhibi9OR1AvTkdQMDcvMS83NDg3OSIsDQogICJEaXN0cmliidXRpb25VbmlxdWVJZCI6IClwZTk5ZDcxNi0xODgzLWU5MTEtYWJiNC0vODE4NzgzOTFIZmliLA0KICAiRW1haWxBZGRyZXNzIjogInNlYW4uYm91c2hpZUB1bW9udGFuYS5lZHUiDQp9&hmac=OOeLEmABecX65GDwuo3CWUtRxe1Tcx5o7T0J00qpZ8o=&refcode=em190530eom>>

To learn more about Kimberly, please visit her website. <<https://click.ngpvan.com/k/7150746/66836588/-775363281?nvep=ew0KICAiVGVuYW50VXJpljogIm5ncHZhbiovL3Zhibi9OR1AvTkdQMDcvMS83NDg3OSIsDQogICJEaXN0cmliidXRpb25VbmlxdWVJZCI6IClwZTk5ZDcxNi0xODgzLWU5MTEtYWJiNC0vODE4NzgzOTFIZmliLA0KICAiRW1haWxBZGRyZXNzIjogInNlYW4uYm91c2hpZUB1bW9udGFuYS5lZHUiDQp9&hmac=OOeLEmABecX65GDwuo3CWUtRxe1Tcx5o7T0J00qpZ8o=&refcode=em190530eom>>

[ZmliLA0KICAIrW1haWxBZGRvZXNzIjogInNlYW4uYm91c2hpZUB1bW9udGFuYS5lZHUlDQp9&hmac=OOeLEmABecX65GDwuo3CWUtRxe1Tcx5o7T0J00qpZ8o=>](https://email.ngpvan.com/unsubscribeUnique/7f1da6c6-f182-e911-abc4-281878391efb/Oe99d716-1883-e911-abc4-281878391efb?nvep=ew0KICAIvGVuYW50VXJpljogIm5ncHZhbiovL3Zhibi9OR1AvTkdQMDcvMS83NDg3OSIsDQogICJEaXN0cmliidXRpb25VbmlxdWVJZCI6IClwZTk5ZDcxNi0xODgzLWU5MTEtYWJiNC0vODE4NzgzOTFlZmliLA0KICAIrW1haWxBZGRvZXNzIjogInNlYW4uYm91c2hpZUB1bW9udGFuYS5lZHUlDQp9&hmac=OOeLEmABecX65GDwuo3CWUtRxe1Tcx5o7T0J00qpZ8o=&id=103232531&emailAddress=sean.boushie%40umontana.edu)

Paid for By Friends of Kimberly Dudik

Friends of Kimberly Dudik
P.O. Box 674
Frenchtown, MT 59834-0674
United States

Democrat

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[<https://click.ngpvan.com/i/66836589?nvep=ew0KICAIvGVuYW50VXJpljogIm5ncHZhbiovL3Zhibi9OR1AvTkdQMDcvMS83NDg3OSIsDQogICJEaXN0cmliidXRpb25VbmlxdWVJZCI6IClwZTk5ZDcxNi0xODgzLWU5MTEtYWJiNC0vODE4NzgzOTFlZmliLA0KICAIrW1haWxBZGRvZXNzIjogInNlYW4uYm91c2hpZUB1bW9udGFuYS5lZHUlDQp9&hmac=OOeLEmABecX65GDwuo3CWUtRxe1Tcx5o7T0J00qpZ8o=>]

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Rep. Kimberly Dudik
P.O. Box 674
Frenchtown, MT 59834-0674
facebook: Kimberly Dudik
twitter: @DudikKimberly
Instagram: Kimberlydudik
Website: dudikformontana.com<<http://dudikformontana.com/>>
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Quentin M. Rhoades
Nicole L. Siefert
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PLLC

COMMISSIONER OF
POLITICAL PRACTICES

June 10, 2019

Commissioner of Political Practices
PO Box 202401
Helena, MT 59620-2401

RE: Campaign Finance and Practices Complaint Form

Greetings:

Please find a *Campaign Finance and Practices Complaint Form* filed by attorney Quentin Rhoades against Kimberly Dudik and Friends of Kimberly Dudik.

If you have any questions, please contact our office.

Sincerely yours,
RHOADES SIEFERT & ERICKSON PLLC



Cheryl Jacobson
Administrator

cj

Enclosure: