

HAND DELIVERED

RECEIVED

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

FILED 12-31
7:00 AM
COMMISSIONER OF
POLITICAL PRACTICES

<p><i>Duane Ankney</i></p> <p><i>Complainant and Requestor,</i></p> <p>v.</p> <p>THE MONTANA DEMOCRATIC PARTY</p> <p><i>Respondent.</i></p>	<p>CAUSE NO.</p> <p>COMPLAINT FOR DECLARATORY RULING</p>
---	---

The Montana Democratic Party potentially violated Montana law governing minor party qualification by failing to properly disclose its contributions, expenditures, and efforts to disqualify the Green Party of Montana from the 2020 primary election. As a Legislator with intimate involvement in efforts to increase disclosure requirements for electioneering activity, I, through this Complaint, am requesting a Declaratory Ruling from COPP, under the authority and direction of Mont. Code Ann. § 2-4-501 and Mont. Admin. R. 1.3.227 through 1.3.229, regarding the efforts by the Montana Democratic Party to disqualify a minor political party from the ballot. Those efforts should have been reported in compliance with Mont. Code Ann. §§ 13-37-601 through 13-37-605. The purpose of Title 13, Chapter 37, Part 6 is to ensure reporting and transparency in all efforts surrounding minor party qualification for primary elections. Without this Declaratory Ruling, we are potentially only requiring disclosure for one side of minor party ballot access efforts and I don't believe that is in the spirit of the recent efforts to increase disclosure in our elections. And the Montana Democratic Party potentially violated this fundamental purpose by shielding its expenditures to disqualify the Green Party from the public.

STATEMENT OF FACTS

1. In 2019, the Montana Legislature enacted new reporting and transparency requirements to govern minor party qualification for primary elections.
2. The new legislation requires that a “reporting entity” disclose and report all contributions and expenditures made in furtherance of an effort to qualify a minor party for primary elections. Mont. Code Ann. § 13-37-603.
3. A reporting entity is defined as either an individual or minor party qualification committee that receives at least \$500 in aggregate contributions in a calendar year. Mont. Code Ann. § 13-37-601(7)(a).
4. A minor party qualification committee means a combination of two or more individuals or a person other than an individual organized in furtherance of an effort to qualify a minor political party for primary elections using a minor party petition. Mont. Code Ann. § 13-37-601(6).
5. The Montana Legislature structured these statutes to ensure that any effort made by an individual or entity related to the qualification of a minor party for a primary election is properly disclosed and transparently reported to the Commissioner of Political Practices. Mont. Code Ann. §§ 13-37-601 through 13-37-605.
6. Beginning in March of 2020, the Montana Democratic Party directed and compensated at least four (4) of its representatives to engage in efforts aimed at disqualifying the Green Party of Montana from the June 2, 2020, primary election. However, the Montana Democratic Party did not properly disclose or report its expenditures related to this disqualification effort.
7. One Montana voter, R.Y., who had signed a minor party petition in support of the Green Party of Montana, received a text message from Shelby Fisher (“Fisher”) on March 25, 2020.

Fisher identified herself as a “volunteer with the Montana Democratic Party” and solicited R.Y. to remove his signature from the minor party petition. *See Potential Election Law Violation Report, (attached as Exhibit A).*

8. Fisher is not a “volunteer.” According to the Montana Democratic Party’s recent FEC filings, Fisher was paid \$630.42 by the Montana Democratic Party on April 3, 2020. Fisher was paid \$1,591.13 by the Montana Democratic Party during the month of May 2020.

9. The Montana Democratic Party did not report Ms. Fisher’s compensation, in whole or in part, as an expenditure in furtherance of its efforts to disqualify the Green Party of Montana from the June 2, 2020 primary election.

10. Another voter, Roberta, received an undated, handwritten letter from Tamarin Camp (“Camp”) soliciting Roberta to remove her signature from the minor party petition supporting the Green Party of Montana. Camp was paid \$1,848.95 by the Montana Democratic Party during the month of May 2020. *See Camp Letter, (attached as Exhibit B).*

11. The Montana Democratic Party did not report Camp’s compensation, in whole or in part, as an expenditure in furtherance of its efforts to disqualify the Green Party of Montana from the June 2, 2020 primary election.

12. Another voter, Michael, received an undated, handwritten letter from Anna Carlson-Ziegler (“Carlson”) soliciting Michael to remove his signature from the minor party petition supporting the Green Party of Montana. Carlson was paid \$1,219.61 by the Montana Democratic Party during the month of May 2020. *See Carlson Letter, (attached as Exhibit C).*

13. The Montana Democratic Party did not report Carlson’s compensation, in whole or in part, as an expenditure in furtherance of its efforts to disqualify the Green Party of Montana from the June 2, 2020 primary election.

14. Another voter, Michael (from Helena), received an undated, handwritten letter from Craig Bakerjain (“Bakerjain”) soliciting Michael to remove his signature from the minor party petition supporting the Green Party of Montana. Bakerjain was paid \$1,375.37 by the Montana Democratic Party during the month of May 2020. See Bakerjain Letter, (attached as Exhibit D).

15. The Montana Democratic Party did not report Bakerjain’s compensation, in whole or in part, as an expenditure in furtherance of its efforts to disqualify the Green Party of Montana from the June 2, 2020 primary election.

16. The Commissioner has jurisdiction to issue declaratory rulings “when doubt exists as to how a statute or rule administered by an agency affects the party’s legal rights.” Mont. Admin. R. 1.3.226, as incorporated by Mont. Admin. R. 44.11.102(1).

17. At issue here is a statute found in Title 13, Chapter 37 of the Montana Code Annotated over which the Commissioner, in conjunction with the County Attorneys, are charged with enforcement if a potential violation is found. Mont. Code Ann. § 13-37-124.

18. The Commissioner has jurisdiction to address the “applicability of any statutory provision or any rule or order of the agency.” Mont. Code Ann. § 2-4-501.

19. The Commissioner has authority to determine whether the provisions of Mont. Code Ann. §§ 13-37-601 through 13-37-605 apply to the conduct of the Montana Democratic Party in furtherance of the disqualification of the Green Party of Montana from the June 2, 2020 primary election.

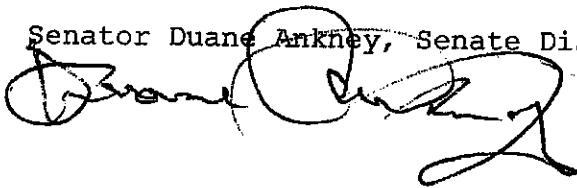
20. This Complaint raises an issue of statewide importance to Montana, as the Commissioner’s prospective declaratory ruling will determine whether Montana law allows individuals and entities to surreptitiously undermine minor party ballot access, or whether Montana law requires reporting and transparency for all efforts and expenditures made in support

or opposition to a minor party petition.

21. Here, the Montana Democratic Party clearly devoted resources and funds in an effort to remove the *Green Party of Montana from the June 2, 2020 primary election but failed to disclose and report these expenditures and efforts in the manner contemplated by statute. Mont. Code Ann. § 13-37-601 through 13-37-605.*

22. The Commissioner of Political Practices must investigate the Montana Democratic Party's expenditures and efforts in furtherance of removing the Green Party of Montana from the June 2, 2020 primary election. Further, the Commissioner of Political Practices should issue a Declaratory Ruling that all efforts and expenditures made in support or opposition to a minor party petition should be disclosed and reported to ensure transparent and fair elections in the State of Montana.

Senator Duane Ankney, Senate District 20

A handwritten signature in black ink, appearing to read "Duane Ankney", written over the typed name.



Potential Election Law Violation Report
Fields marked with an asterisk (*) are required fields.

LAST NAME* FIRST NAME* MIDDLE NAME

ADDRESS* CITY* COUNTY* ZIP CODE*

PHONE* EMAIL

DATE OF SUSPICIOUS ACTIVITY* LOCATION OF SUSPICIOUS ACTIVITY*

COUNTY WHERE ACTIVITY WAS WITNESSED* CITY/TOWN WHERE ACTIVITY WAS WITNESSED*

- 1) Did you report the incident to local law enforcement?* Yes No
- 2) Did you report the incident to the local election administrator?* Yes No
- 3) Did the incident involve signature gathering for a proposed ballot issue?* Yes No

If "Yes," to 3), which ballot issue did the incident involve:

Please describe what you witnessed (use back page if necessary)
Today at 2:04pm, I received a text message from an alleged volunteer with the Montana Democratic Party. The phone number associated with the text message was 406-510-2472. The message stated as follows:

Hi Ronald!

My name is Shelby and I'm a volunteer with the Montana Democratic Party. Recently you signed a petition to put the Green Party on the ballot. but it turns out the petition was an effort funded by out-of-state Republican dark money groups trying to interfere with our elections. Already the Montana Green Party claims they didn't have anything to do with the signature collection!

But, I have good news, we CAN help you REMOVE YOUR SIGNATURE today.

My complaint is that the Montana Democratic Party is intentionally misleading people in an effort to keep the Green Party off the ballot and protect its own candidates. (Cont.)

SIGNATURE* TODAY'S DATE*

MONTANA ELECTION LAW CAN BE FOUND TITLE 13 OF THE MONTANA CODE ANNOTATED CHAPTERS 1-38

This form is available for Montana citizens to report suspicious election activity and/or any activity surrounding the collection of signatures for ballot measures. This completed report will allow the Montana Secretary of State to create a record of possible election violations, so that the office may document allegations and refer any questionable actions to the appropriate County Attorney, or the County Election Administrator. You may be contacted to provide additional information about the alleged incident. If this complaint involves signature gathering for a ballot issue, the sponsor of the ballot issue in question may be sent a copy of this complaint.

The Office of the Montana Secretary of State is not responsible for campaign or lobbying issues. A separate agency, the Commissioner of Political Practices, has jurisdiction over campaign finance and campaign activity. The commissioner also monitors and enforces laws relating to lobbying disclosure and ethical standards of conduct for legislators, public officers, and state employees. If your complaint involves campaign finance or campaign activity, the complaint should instead be filed with the Commissioner of Political Practices.

SUBMIT this form to
fair elections@mt.gov

1012



Please describe what you witnessed (cont'd)

The Green Party of Montana's efforts to get on the ballot are well documented in the media and on its own home page (mtgreenparty.org). According to the Montana Secretary of State's own website, the Green Party of Montana is a qualified political party.

I would like the Montana Democratic Party investigated for this conduct. The individual who sent this text and those acting in concert with him/her are intentionally misleading voters in order to undermine the Green Party's efforts to appear on the ballot and the Green Party's status as a qualified political party.

Thank you.

Hi Roberta!

My name is Tamarin and I work with the Montana Democratic Party. I'm reaching out today because you recently signed a petition to put the Green Party on the ballot this November. However, in the last several weeks it's been discovered that the effort was actually funded by out-of-state dark money groups attempting to mess with Montana's elections. The Green Party says they have nothing to do with this effort. I've enclosed a news story outlining what happened if you'd like to learn more.

Hundreds of people have already cleared their name and I'm writing to personally ask you to do the same.

Enclosed is an official form by the Secretary of State — all you need to do is fill them out and mail them to your local county elections office at

~~1100 W. Ross St. Helena, MT 59601~~

Finally, if you don't mind, would you please take a picture of the forms and text the photo to me at ~~roberta@montana.gov~~? We just want to make sure we're tracking everything that gets sent into the state. *Don't have the tech to do that sorry*

Thank you so much for taking the time to do this; with your help we can work to restore free and fair elections!

If you have any questions, please don't hesitate to reach out!

Best, Tamarin

Hi Michael,

My name's Anna & I'm working w/ the Montana Democrats.

I'm following up about the petition you signed to put the Green Party on the ballot. As you know, ~~but~~ it turns out that was funded by out of state dark money groups. The Green Party says they had nothing to do with it.

Over 500 Montanans have already cleared their names - and you can join em today.

Enclosed is an official form from the Secretary of State - all you have to do is sign and mail to your elections office!

Finally, if you could send me a quick text before you send the forms, that would be a huge help as we try to keep track of everything.

THANK YOU SO MUCH!
Let me know if you have any questions.

Sincerely, Anna Carlson 😊

Hi Michael,

My name is Craig and I'm with the Montana Democratic Party. Recently you signed a petition to allow the Green Party on the ballot this November. In the past several weeks it has come to light that the petition was funded by an out of state dark money group trying to buy influence in our elections. The Green Party has denied any involvement in this effort.

Hundreds of Montanans have removed their names given these facts and I hope we can count on you to join them. Enclosed are paperwork from the Secretary of State to do so. You can return the forms to the County Elections Office at 316 N Park Ave #168 Helena MT, please text me at 406 359-1011 if you do so we can continue to advocate for you.

Thanks,

Craig Belizian

- Activity is Administrative - Only
 Activity is Generic Voter Drive - Only
 Activity is Direct Fundraising
 Activity is Exempt Activity
 Activity is Direct Candidate Support
 Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 846.18
Federal share = 304.62
Non-Federal share = 541.56
Event Year-To-Date = 345301.99

This is a Memo Memo Description: *

Payee: Anna Carlson-Ziegler

819 31st Ave
Seattle, WA 981225023

Purpose of Disbursement: Net pay
Date of Event = 05/20/2020

Allocated Activity or Event:

- Activity is Administrative - Only
 Activity is Generic Voter Drive - Only
 Activity is Direct Fundraising
 Activity is Exempt Activity
 Activity is Direct Candidate Support
 Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 390.16
Federal share = 140.46
Non-Federal share = 249.70
Event Year-To-Date = 345301.99

This is a Memo Memo Description: *

Payee: Cassandra Luckey

PO Box 2238
East Helena, MT 596352238

Purpose of Disbursement: Technology Stipend
Date of Event = 05/20/2020

Allocated Activity or Event:

- Activity is Administrative - Only
 Activity is Generic Voter Drive - Only
 Activity is Direct Fundraising
 Activity is Exempt Activity
 Activity is Direct Candidate Support
 Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 25.00
Federal share = 9.00
Non-Federal share = 16.00
Event Year-To-Date = 345301.99

- Activity is Administrative - Only
 Activity is Generic Voter Drive - Only
 Activity is Direct Fundraising
 Activity is Exempt Activity
 Activity is Direct Candidate Support
 Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 50.00
Federal share = 18.00
Non-Federal share = 32.00
Event Year-To-Date = 345301.99

Payee: Kelley Connect

PO Box 660831
 Dallas, TX 752660831

Purpose of Disbursement: Copier
 Date of Event = 05/27/2020

Allocated Activity or Event:

- Activity is Administrative - Only
 Activity is Generic Voter Drive - Only
 Activity is Direct Fundraising
 Activity is Exempt Activity
 Activity is Direct Candidate Support
 Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 587.31
Federal share = 211.43
Non-Federal share = 375.88
Event Year-To-Date = 345301.99

Payee: Kendra Miller

3734 Potosi St
 Bozeman, MT 597186134

Purpose of Disbursement: Ballot protection
 Date of Event = 05/27/2020

Allocated Activity or Event:

- Activity is Administrative - Only
 Activity is Generic Voter Drive - Only
 Activity is Direct Fundraising
 Activity is Exempt Activity
 Activity is Direct Candidate Support
 Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 3120.00
Federal share = 1123.20
Non-Federal share = 1996.80
Event Year-To-Date = 345301.99

- Activity is Direct Candidate Support
- Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 375.00
 Federal share = 135.00
 Non-Federal share = 240.00
 Event Year-To-Date = 345301.99

This is a Memo Memo Description: *

Payee: Rio Aagard-Shively

2015 S 7Th St W
Missoula, MT 598013315

Purpose of Disbursement: Net pay
Date of Event = 05/05/2020

Allocated Activity or Event:

- Activity is Administrative - Only
- Activity is Generic Voter Drive - Only
- Activity is Direct Fundraising
- Activity is Exempt Activity
- Activity is Direct Candidate Support
- Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 717.46
 Federal share = 258.29
 Non-Federal share = 459.17
 Event Year-To-Date = 345301.99

This is a Memo Memo Description: *

Payee: Shelby Fisher

38314 Round Butte Rd
Ronan, MT 598649690

Purpose of Disbursement: Net pay
Date of Event = 05/05/2020

Allocated Activity or Event:

- Activity is Administrative - Only
- Activity is Generic Voter Drive - Only
- Activity is Direct Fundraising
- Activity is Exempt Activity
- Activity is Direct Candidate Support
- Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 744.95
 Federal share = 268.18
 Non-Federal share = 476.77
 Event Year-To-Date = 345301.99

This is a Memo Memo Description: *

Payee: Tamarin Camp

2342 42Nd Ave E
Seattle, WA 981122734

Purpose of Disbursement: Net pay
Date of Event = 05/05/2020

Allocated Activity or Event:

- Activity is Administrative - Only
- Activity is Generic Voter Drive - Only
- Activity is Direct Fundraising
- Activity is Exempt Activity
- Activity is Direct Candidate Support
- Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 694.00
Federal share = 249.84
Non-Federal share = 444.16
Event Year-To-Date = 345301.99

This is a Memo Memo Description: *

Payee: Thomas Orabuena

600 S Churton St
Hillsborough, NC 272782619

Purpose of Disbursement: Net pay
Date of Event = 05/05/2020

Allocated Activity or Event:

- Activity is Administrative - Only
- Activity is Generic Voter Drive - Only
- Activity is Direct Fundraising
- Activity is Exempt Activity
- Activity is Direct Candidate Support
- Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 403.35
Federal share = 145.21
Non-Federal share = 258.14
Event Year-To-Date = 345301.99

This is a Memo Memo Description: *

Payee: Trent Bolger

1323 E Broadway St
Helena, MT 596015230

Purpose of Disbursement: Technology Stipend
Date of Event = 05/05/2020

Allocated Activity or Event:

- Activity is Administrative - Only
- Activity is Generic Voter Drive - Only
- Activity is Direct Fundraising
- Activity is Exempt Activity
- Activity is Direct Candidate Support
- Activity is Public Communications Referring Only to Party {Made by PAC}

SCHEDULE H4**DISBURSEMENT FOR ALLOCATED
FEDERAL/NONFEDERAL ACTIVITY****FILING FEC-1413446**

Committee: MONTANA DEMOCRATIC PARTY

Payee: Alexander Doherty1620 17Th Ave S
Great Falls, MT 594054739Purpose of Disbursement: Technology Stipend
Date of Event = 05/18/2020**Allocated Activity or Event:**

- Activity is Administrative - Only
 Activity is Generic Voter Drive - Only
 Activity is Direct Fundraising
 Activity is Exempt Activity
 Activity is Direct Candidate Support
 Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 50.00
Federal share = 18.00
Non-Federal share = 32.00
Event Year-To-Date = 345301.99

Payee: Anna Carlson Ziegler819 31St Ave
Seattle, WA 981225023Purpose of Disbursement: Net pay
Date of Event = 05/11/2020**Allocated Activity or Event:**

- Activity is Administrative - Only
 Activity is Generic Voter Drive - Only
 Activity is Direct Fundraising
 Activity is Exempt Activity
 Activity is Direct Candidate Support
 Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 829.45
Federal share = 298.60
Non-Federal share = 530.85
Event Year-To-Date = 345301.99

Amount Disbursed = 385.00
Federal share = 138.60
Non-Federal share = 246.40
Event Year-To-Date = 345301.99

Payee: Charter Communications

PO Box 94188
 Palatine, IL 600944188

Purpose of Disbursement: Utilities
 Date of Event = 05/27/2020

Allocated Activity or Event:

- Activity is Administrative - Only
 Activity is Generic Voter Drive - Only
 Activity is Direct Fundraising
 Activity is Exempt Activity
 Activity is Direct Candidate Support
 Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 468.91
Federal share = 168.81
Non-Federal share = 300.10
Event Year-To-Date = 345301.99

Payee: Ciara Maxwell

225 Saints Loop
 Apt D
 Helena, MT 596027171

Purpose of Disbursement: Technology Stipend
 Date of Event = 05/18/2020

Allocated Activity or Event:

- Activity is Administrative - Only
 Activity is Generic Voter Drive - Only
 Activity is Direct Fundraising
 Activity is Exempt Activity
 Activity is Direct Candidate Support
 Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 100.00
Federal share = 36.00
Non-Federal share = 64.00
Event Year-To-Date = 345301.99

Payee: City Of Helena

316 N Park Ave
 Helena, MT 596015026

Purpose of Disbursement: Utilities
 Date of Event = 05/27/2020

This is a Memo Memo Description: *

Payee: Rio Aagard-Shively

2015 S 7Th St W
Missoula, MT 598013315

Purpose of Disbursement: Net pay
Date of Event = 05/20/2020

Allocated Activity or Event:

- Activity is Administrative - Only
- Activity is Generic Voter Drive - Only
- Activity is Direct Fundraising
- Activity is Exempt Activity
- Activity is Direct Candidate Support
- Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 890.79
Federal share = 320.68
Non-Federal share = 570.11
Event Year-To-Date = 345301.99

This is a Memo Memo Description: *

Payee: Shelby Fisher

38314 Round Butte Rd
Ronan, MT 598649690

Purpose of Disbursement: Net pay
Date of Event = 05/20/2020

Allocated Activity or Event:

- Activity is Administrative - Only
- Activity is Generic Voter Drive - Only
- Activity is Direct Fundraising
- Activity is Exempt Activity
- Activity is Direct Candidate Support
- Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 846.18
Federal share = 304.62
Non-Federal share = 541.56
Event Year-To-Date = 345301.99

This is a Memo Memo Description: *

Payee: Tamara Camp

2342 42Nd Ave E
Seattle, WA 981122734

Purpose of Disbursement: Net pay
Date of Event = 05/20/2020

Allocated Activity or Event:

This is a Memo Memo Description: *

Payee: Trent Bolger

1323 E Broadway St
Helena, MT 596015230

Purpose of Disbursement: Net pay
Date of Event = 05/20/2020

Allocated Activity or Event:

- Activity is Administrative - Only
- Activity is Generic Voter Drive - Only
- Activity is Direct Fundraising
- Activity is Exempt Activity
- Activity is Direct Candidate Support
- Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 2519.56
Federal share = 907.04
Non-Federal share = 1612.52
Event Year-To-Date = 345301.99

This is a Memo Memo Description:

Payee: Paychex

PO Box 4482
Carol Stream, IL 601974482

Purpose of Disbursement: Payroll Service
Date of Event = 05/20/2020

Allocated Activity or Event:

- Activity is Administrative - Only
- Activity is Generic Voter Drive - Only
- Activity is Direct Fundraising
- Activity is Exempt Activity
- Activity is Direct Candidate Support
- Activity is Public Communications Referring Only to Party {Made by PAC}

Amount Disbursed = 265.75
Federal share = 95.67
Non-Federal share = 170.08
Event Year-To-Date = 345301.99

Payee: Paychex

PO Box 4482
Carol Stream, IL 601974482

Purpose of Disbursement: Employee taxes
Date of Event = 05/20/2020

Allocated Activity or Event:

- Activity is Administrative - Only
- Activity is Generic Voter Drive - Only