

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

RECEIVED

2020 JUL 22 P 2:18

HAND DELIVERED [checked] COMMISSIONER OF POLITICAL PRACTICES

SIGNED/NOTARIZED [checked]

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 Sandi Luckey Complete Mailing Address 325 N. Ewing Street Helena, MT 59601 Phone Numbers: Work 406-442-9520 Home

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

Complete Name Greg for Montana and Montana First Action Complete Mailing Address P.O. Box 877 Helena, MT 59624 Phone Numbers: Work Home

Please complete the second page of this form and describe in detail the facts of the alledged violation.

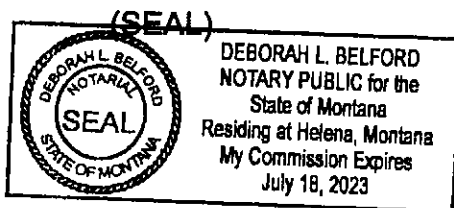
Verification by oath or affirmation

State of Montana, County of Lewis Clark

I, Sandi Luckey, 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 22 day of July, 2020.



Notary Public Deborah Belford

My Commission Expires: 7/18/2023

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 ATTACHED

Complaints must be:

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

July 22, 2020

Commissioner Jeff Mangan
Commissioner of Political Practices
1209 Eighth Avenue
P.O. BOX 202401
Helena, MT 59620-2401
cpphelp@mt.gov

Dear Commissioner Mangan:

Pursuant to Rule 44.11.106 of the Montana Administrative Rules, this letter and the accompanying Campaign Finance and Practices Complaint Form serve as a written complaint against Greg for Montana, a campaign committee, and Montana First Action, a super PAC, for various campaign finance violations including impermissible coordination, excessive contributions and potential corporate contributions. We request the Commissioner on Political Practices (“COPP”) immediately investigate these violations and take swift remedial action against both entities before the general election on November 3, 2020.

I. Factual Background

On June 7, 2019, Greg Gianforte filed to run for Governor of Montana.¹ As of June 15, 2020, Gianforte has raised more than \$2 million from donors for his 2020 gubernatorial campaign committee, Greg for Montana.²

Montana First Action registered as an “independent committee” with COPP on July 5, 2019.³ Montana First Action’s registered purpose is to support conservative candidates and causes.⁴ Between June 5, 2019 and June 25, 2020, Montana First Action raised over \$182,000, including at least \$27,750 from corporations.⁵

On July 1, 2020, Greg for Montana sent an invitation for a “Governor Campaign Lunch” on July 17, 2020 in Helena.⁶ The suggested contribution for the event was \$100 per person, \$200 per couple.⁷ The invitation noted that the maximum contribution per person was \$1,420.⁸ Nevertheless, the invitation stated, “[i]f maxed, contributions can be made to Montana First

¹ Statement of Registration, Greg Gianforte for Governor (filed June 7, 2019), available at <https://cers-ext.mt.gov/CampaignTracker/dashboard>.

² *Gubernatorial Candidates Greg Gianforte, Mike Cooney Each Raise over \$200K in a Month*, GREAT FALLS TRIBUNE (June 23, 2020), <https://www.greatfallstribune.com/story/news/2020/06/23/montana-gubernatorial-candidates-greg-gianforte-mike-campaign-finance-report/3242989001/>.

³ Statement of Registration, Montana First Action (filed June 5, 2019), available at <https://cers-ext.mt.gov/CampaignTracker/dashboard>.

⁴ *Id.*

⁵ Committee Finance Reports, Montana First Action (filed Jan. 6, 2020 through June 30, 2020), available at <https://cers-ext.mt.gov/CampaignTracker/dashboard>.

⁶ Attachment A, E-mail from info@gregformontana.com, “You’re Invited! Please Join Greg Gianforte & Kristen Juras In Helena, Montana!” (July 1, 2020).

⁷ *Id.*

⁸ *Id.*

Action PAC (**Directly benefits Greg’s Governor campaign**).”¹ At the end of the invitation, there was a disclosure noting, “Paid for by: Greg for Montana PO Box 877, Helena, MT, 59624 (R).”²

I. Legal Analysis

We have evidence of at least three violations of state law here.

First, there is evidence Greg for Montana impermissibly controls Montana First Action. Under Montana election law, an independent committee cannot be controlled by a candidate.³ An “independent committee” is “a political committee organized for the primary purpose of receiving contributions and making expenditures that is **not controlled either directly or indirectly by a candidate** and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant to the limits set forth in 13-37-216(1).”⁴ While an independent committee can donate up to \$710 to a candidate for governor for each election,⁵ the state will “take[] away any independent committee status for a committee in which the candidate exercises a degree of control[.]”⁶

Montana First Action is a registered “independent committee.” Gianforte’s campaign expressly instructed his supporters to contribute to Montana First Action, stating a contribution “[d]irectly **benefits Greg’s Governor campaign**.” It is hard to read such a statement without drawing the conclusion that Greg Gianforte directly, or at the very least indirectly, controls Montana First Action, in violation of state law.

Second, Greg for Montana is using Montana First Action to circumvent the state’s contribution limits. Individuals can donate no more than \$710 per election to a gubernatorial candidate in Montana.⁷ By directing contributors to donate to Montana First Action if they are “maxed” to Greg for Montana, so that money can benefit his campaign, the campaign is intentionally circumventing Montana’s contribution limit and directing donors to violate state law.

Third, Greg for Montana is impermissibly coordinating with Montana First Action. Montana law prohibits “coordinated expenditure[s],” such as a person spending “in cooperation with, in consultation with, under the control of, or at the direction of, in concert with, **at the request or suggestion of**, or with the express prior consent of a candidate or an agent of the candidate.”⁸ Greg for Montana’s assurance that funds spent by Montana First Action will “[d]irectly benefit[] Greg’s Governor campaign,” appears to be a prohibited “request” under Mont. Admin. R. 44.11.602(1). As a result of this prohibited coordination, Greg for Montana is potentially benefitting from prohibited corporate contributions. Montana law is explicit that a corporation

¹ *Id.* (emphasis added).

² *Id.*

³ Mont. Code Ann. § 13-1-101.

⁴ *Id.* (emphasis added).

⁵ *Id.* § 13-37-216(1)(a)(i); Mont. Admin. R. 44.11.227(1)(a).

⁶ Wang Advisory Opinion, COPP 2015-AO-001, page 5 (*available at* <https://politicalpractices.mt.gov/Portals/144/5campaignfinance/WangAdvisoryOpinion.pdf>).

⁷ Mont. Admin. R. 44.11.227(1)(a).

⁸ *See* Mont. Admin. R. 44.11.602(1) (emphasis added).

cannot contribute to a candidate directly or through an intermediary.¹⁷ A “coordinated expenditure” is treated as a contribution.¹⁸ Montana First Action has already received at least \$27,750 from corporations since 2019. If donations made to Montana First Action are used to make “coordinated expenditures,” that is in direct contravention of Mont. Code Ann. § 13-35-227.


III. Conclusion

Montana has strict laws on coordination, contribution limits, and corporate contributions for a reason. In fact, Montana recently *strengthened* these laws in response to a history of corruption and malpractice.¹⁹ An arrangement like the one described above not only ignores these rules, it intentionally circumvents them. We request an immediate investigation into Greg for Montana and Montana First Action for these clear violations.

Montana First Action should not only be stripped of its independent status, it should be prohibited from engaging in any future support of Greg Gianforte. Greg for Montana should also be required to turn over any corporate contributions received through Montana First Action. COPP should make clear that this type of activity is plainly inconsistent with Montana law.

Sincerely,

Sandi Luckey
Executive Director
Montana Democratic Party



¹⁷ Mont. Code Ann. § 13-35-227 (West).

¹⁸ Mont. Admin. R. 44.11.602(5).

¹⁹ Matt Volz, *Montana is Latest State to Reform Campaign Finance Rules*, ASSOCIATED PRESS (Nov. 18, 2015), https://missoulian.com/news/state-and-regional/montana-is-latest-state-to-reform-campaign-finance-rules/article_06ce5f89-4b96-513b-88f3-6f0e2f54946a.html.

[View this email in your browser](#)



Host

Liane Taylor

& Co-Host

Corey Hill

Invite You To Join

**GREG GIANFORTE
& KRISTEN JURAS**

Republican Candidates for Governor & Lt. Governor

For a

Governor Campaign Lunch

Friday, July 17th

12:00 p.m. to 1:00 p.m.

Exec Air Montana

2430 Airport Rd

Helena, MT

Suggested Contribution:

\$100 per person, \$200 per couple

(Max per person \$1,420)

-OR-

If maxed, contributions can be made to Montana First Action PAC

(Directly benefits Greg's Governor campaign)

~Hosted Lunch & Refreshments~

**Luncheon limited to 50 people - Please respond
ASAP**

PLEASE RSVP TO COURTNEY THOMAS

Courtney@GregForMontana.com

Or CALL/TEXT 406.594.0904

Donate Today

Paid for by: Greg for Montana PO Box 877, Helena, MT, 59624 (R)

Want to change how you receive these emails?
You can update your preferences or unsubscribe from this list.



Cook, Scott

From: Sandi Luckey <sandi@montanademocrats.org>
Sent: Monday, August 3, 2020 3:14 PM
To: Cook, Scott
Subject: [EXTERNAL] supplement to complaint
Attachments: COPP Suppl Compl GG MFA (Final).docx; Attachment B, Gianforte Mailer (1).pdf; Attachment A, Gianforte Mailer (1).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Scott;

Please see the attached supplement to my complaint along with Attachments. If this needs to be notarized and hand delivered please let me know.

Thanks!

--

Sandi Luckey
Executive Director, Montana Democratic Party
406-442-9520

Follow Montana Democrats on Twitter, on Facebook, and please consider signing up for regular donations through the MDP Monthly Donor Program!

August 2, 2020

Commissioner Jeff Mangan
Commissioner of Political Practices
1209 Eighth Avenue
P.O. BOX 202401
Helena, MT 59620-2401
cpphelp@mt.gov

RE: COPP-2020-CFP-032A-032B — Additional Evidence

Dear Commissioner Mangan:

On July 22, 2020, we submitted a complaint with your office, seeking an immediate investigation into Greg for Montana, a campaign committee, and Montana First Action, a super PAC (the “**Original Complaint**”). The Original Complaint detailed at least three violations of state law: (1) Greg for Montana impermissibly controlling Montana First Action, (2) Greg for Montana using Montana First Action to circumvent the state’s contribution limits, and (3) Greg for Montana impermissibly coordinating with Montana First Action, leading to a possible violation of the ban on corporate contributions to candidates. **Additional evidence has come to light further demonstrating violations of the law. We submit this supplemental complaint to request the Commissioner on Political Practices (“COPP”) consider this additional evidence in its investigation and take swift remedial action against both entities (“Supplemental Complaint”).**

The Supplemental Complaint incorporates all the facts set forth in the Original Complaint. Additionally, on July 1, 2020, Greg for Montana sent an email invitation for a “Governor Campaign Lunch.”¹ The invitation noted that if contributors had “maxed, contributions can be made to Montana First Action PAC (**Directly benefits Greg’s Governor campaign**).”²

Greg for Montana’s email invitation was not the only time the campaign directed donors to contribute to Montana First Action PAC. Greg for Montana also sent a postcard inviting supporters to a “Governor Campaign Reception” to take place on August 9, 2020.³ Again, the invitation noted the maximum contribution per person was \$1,420.⁴ Yet again, the invitation stated, “[i]f maxed, contributions can be made to Montana First Action PAC (**Directly benefits Greg’s Governor campaign**).”⁵

¹ Attachment A, E-mail from info@gregformontana.com, “You’re Invited! Please Join Greg Gianforte & Kristen Juras In Helena, Montana!” (July 1, 2020).

² *Id.*

³ Attachment B, Postcard Invitation to “Governor Campaign Reception, Sunday, August 9th.” (last accessed July 28, 2020).

⁴ *Id.*

⁵ *Id.* (emphasis added).

According to news sources, Gianforte’s campaign manager, Jake Eaton, called the Original Complaint a “frivolous complaint with absolutely no merit.”⁶ Mr. Eaton, however, seems to be more than just Greg for Montana’s campaign manager. Indeed, Mr. Eaton appears to be closely connected to Montana First PAC.

Montana First Action PAC maintains a publicly-available website at MontanaFirstAction.com.⁷ That website shares an “Internet Protocol address” or “IP address” with websites that both support Greg Gianforte’s campaign and are paid for by Greg for Montana.⁸ An IP address is a *unique* set of numbers; each computer that is connected to the internet is assigned an IP address.⁹ Specifically, Montana First Action shares an IP address – 216.70.80.206 – with MontanaBusinessPlan.com, which promotes Gianforte’s business plan and is paid for by Greg for Montana.¹⁰ Montana First Action also shares an IP address with MikeCooney1976.com, a website dedicated to attacking Lieutenant Governor Mike Cooney that is paid for by Greg for Montana.¹¹

It may just seem like a coincidence Montana First Action’s website shares an IP address with websites associated with Greg for Montana. But, go a layer deeper, and it is clear there is no coincidence. MontanaFirstAction.com, MontanaBusinessPlan.com, and MikeCooney1976.com are all registered to the same organization: Ultra Graphics.¹² The owner of Ultra Graphics? Jake Eaton.¹³

These internet records are further proof of Greg for Montana and Montana First Action intentionally flouting the state’s campaign finance law. Since Mr. Eaton’s company is the registrant of Montana First Action’s website, it is exceedingly likely that Greg for Montana controls Montana First Action in direct violation of state law.¹⁴ Further, by controlling Montana First Action, Greg for Montana appears to be using the independent committee to circumvent the state’s contribution limits.¹⁵ Finally, since Montana First Action seems to be “under the control

⁶ Iris Samuels, *Dems Accused Gianforte of Coordinating with PAC*, ASSOCIATED PRESS (July 27, 2020), <https://apnews.com/3770e66aac20aa2772c137377b1f574d>.

⁷ See Montana First Action (last accessed July 28, 2020), available at <http://montanafirstaction.com/>.

⁸ DNSlytics, Reverse IP Lookup (last accessed July 28, 2020), available at <https://dnslytics.com/reverse-ip/216.70.80.206>.

⁹ See *Beginner’s Guide to Internet Protocol Addresses*, Internet Corporation for Assigned Names and Numbers (ICANN) (2011), available at <https://www.icann.org/en/system/files/files/ip-addresses-beginners-guide-04mar11-en.pdf>.

¹⁰ DNSlytics, Reverse IP Lookup (last accessed July 28, 2020), available at <https://dnslytics.com/reverse-ip/216.70.80.206>; Montana Business Plan (last accessed July 28, 2020), available at <https://montanabusinessplan.com/>.

¹¹ DNSlytics, Reverse IP Lookup (last accessed July 28, 2020), available at <https://dnslytics.com/reverse-ip/216.70.80.206>; Mike Cooney 1976 (last accessed July 28, 2020), available at <https://mikecooney1976.com/>.

¹² DNSlytics, Reverse IP Lookup (last accessed July 28, 2020), available at <https://dnslytics.com/reverse-ip/216.70.80.206>.

¹³ Ultra Graphics, Meet the Ultra Graphics Team, (last accessed July 28, 2020), available at <https://ultragraphicsmt.com/about-us/staff/>.

¹⁴ See Mont. Code Ann. § 13-1-101.

¹⁵ See Mont. Admin. R. 44.11.227(1)(a).

of” Greg for Montana, both entities are engaging in prohibited coordination, and possibly violating the state’s ban on corporate contributions.¹⁶

Additionally, the postcard invitation plainly instructs Greg for Montana’s contributors to donate to Montana First Action PAC, stating contributions will “[d]irectly” benefit Gianforte’s campaign. Greg for Montana and Montana First Action cannot claim the first email invitation was a mistake. Instead, there is now a pattern of the two entities blatantly disregarding state law.

As stated in the Original Complaint, we request an immediate investigation into Greg for Montana and Montana First Action for these clear violations. Montana First Action should not only be stripped of its independent status, it should be prohibited from engaging in any future support of Greg Gianforte. Greg for Montana should also be required to turn over any corporate contributions received through Montana First Action. COPP should make clear that this type of activity is plainly inconsistent with Montana law.

Sincerely,

Sandi Luckey
Executive Director
Montana Democratic Party

¹⁶ See Mont. Admin. R. 44.11.602(1).

*Host Mike Milburn
and Co-Host Mike Ingram*

Invite You To Join

**GREG GIANFORTE
& KRISTEN JURAS**

*Republican Candidates for
Governor & Lt. Governor*

For a

**Governor
Campaign Reception**

Sunday, August 9th
6:00 p.m. to 7:30 p.m.

Home of Mike Milburn
276 Chestnut Valley Rd
Cascade

Suggested Contribution:
\$250 per person, \$500 per couple
(Max per person \$1,420)

-OR-

If maxed, contributions can be made to
Montana First Action PAC
(Directly benefits Greg's Governor campaign)

~Hosted Appetizers & Refreshments~
CAPACITY LIMITED TO 50

PLEASE RSVP ASAP TO COURTNEY THOMAS
Courtney@GregForMontana.com
OR CALL/TEXT 406.594.0904

ATTACHMENT A

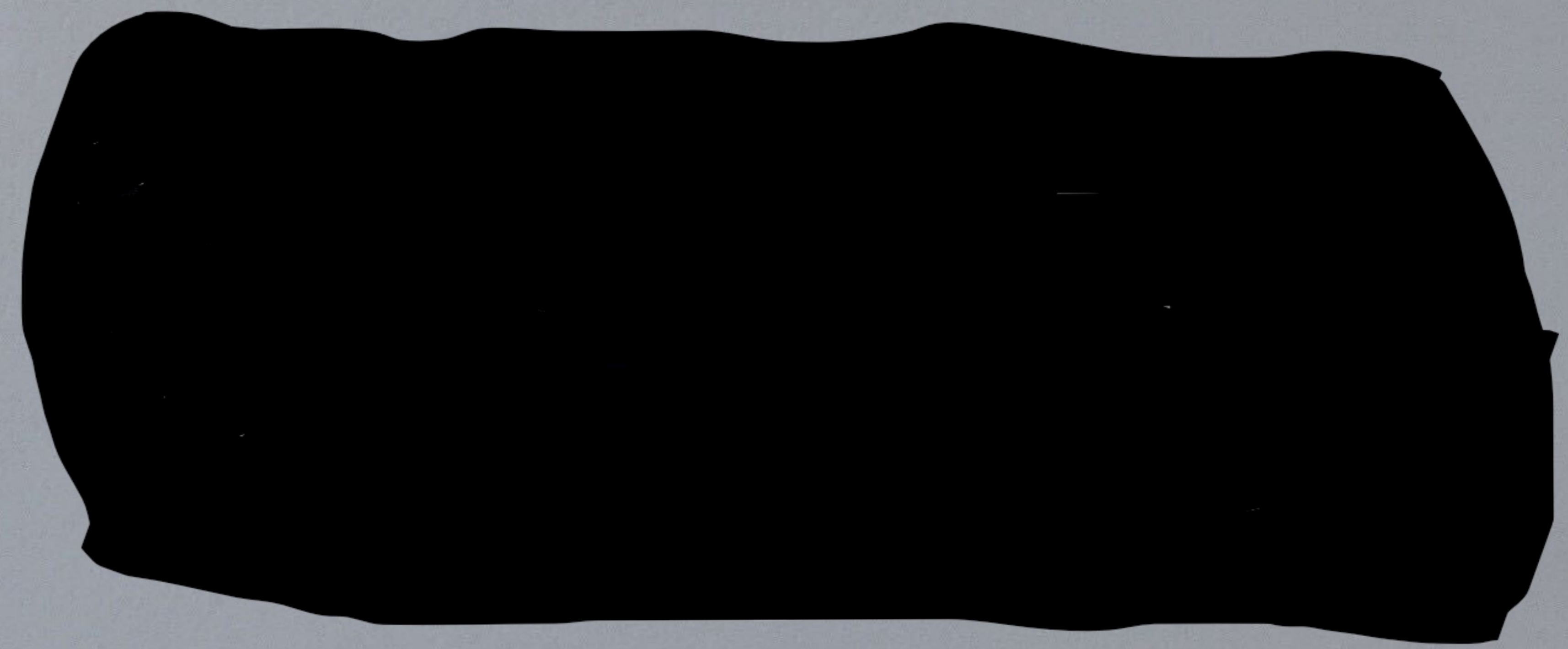


Paid for by: Greg for Montana

Republican

PO Box 877
Helena, MT 59624

FIRST-CLASS MAIL
US POSTAGE
PAID
BILLINGS MT
PERMIT 294



*Host Mike Milburn
and Co-Host Mike Ingram*

Invite You To Join

**GREG GIANFORTE
& KRISTEN JURAS**

*Republican Candidates for
Governor & Lt. Governor*

For a

**Governor
Campaign Reception**

Sunday, August 9th
6:00 p.m. to 7:30 p.m.

Home of Mike Milburn
276 Chestnut Valley Rd
Cascade

Suggested Contribution:

\$250 per person, \$500 per couple
(Max per person \$1,420)

-OR-

If maxed, contributions can be made to
Montana First Action PAC
(Directly benefits Greg's Governor campaign)

~Hosted Appetizers & Refreshments~
CAPACITY LIMITED TO 50

PLEASE RSVP ASAP TO COURTNEY THOMAS
Courtney@GregForMontana.com
OR CALL/TEXT 406.594.0904

ATTACHMENT B



Paid for by: Greg for Montana

Republican

PO Box 877
Helena, MT 59624

FIRST-CLASS MAIL
US POSTAGE
PAID
BILLINGS MT
PERMIT 294