

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

Luckey v. Republican Governors Association and associated RGA Right Direction PAC  No. COPP 2020-CFP-048B	FINDING OF SUFFICIENT FACTS TO SUPPORT A CAMPAIGN PRACTICE ACT VIOLATION
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On October 23, 2020, Montana Democratic Party Executive Director Sandi Luckey filed a campaign practices complaint against the Republican Governors Association (RGA). The complaint alleges that the RGA coordinated campaign activities with Montana Gubernatorial candidate Greg Gianforte in violation of Montana campaign finance law, and that the RGA failed to properly report certain expenditures.

**SUBSTANTIVE ISSUES ADDRESSED**

Coordination between a political committee and a candidate's campaign; classification of a communication as an electioneering communication; proper reporting of electioneering communications.

**FINDINGS OF FACT**

The foundational facts necessary for this Decision are as follows:

Finding of Fact No. 0: Montana's General election was held on November 3, 2020. The electioneering period for the General election went into effect on August 6, 2020. (Commissioner's Records.)

Finding of Fact No. 1: The Republican Governors Association (RGA) is a national Republican political organization “dedicated to one primary objective: electing and supporting America’s Republican governors”.<sup>1</sup> The RGA did not register as a political committee or file finance reports with the COPP in the State of Montana. The RGA lists its mailing address as 1747 Pennsylvania Avenue NW, Suite 250 in Washington, DC, with official RGA email accounts ending in @rga.org.

An organization named the RGA Right Direction PAC did register as a Federal political committee with the Federal Election Commission<sup>2</sup> and file copies of its federal Statement of Organization and certain finance reports with the COPP. The RGA Right Direction PAC lists its mailing address as 1747 Pennsylvania Avenue NW, Suite 250 in Washington, DC and the committee email address as [ecanligil@rga.org](mailto:ecanligil@rga.org). The RGA Right direction PAC’s website, [www.rightdirectionpac.com/](http://www.rightdirectionpac.com/), does not appear to include any active content.<sup>3</sup> The RGA Right Direction PAC did not register directly with the COPP or file committee finance reports specific to the State of Montana. (Commissioner’s Records.)

Finding of Fact No. 1A: On the News section of the RGA’s website, eleven (11) posts were made that directly reference Montana Gubernatorial candidates Greg Gianforte and/or Mike Cooney after August 6, 2020 (see Table 1). Seven (7) of these posts include video advertisements mentioning candidates Greg Gianforte and/or Mike Cooney to be publicly distributed via television, radio, or digitally in the State of Montana; the posts include headlines with statements of (emphasis added) “RGA Releases New Ad” (four posts), “New RGA Ad”, and “RGA Releases New TV Ad” (two posts), while the body of the post describes the RGA Right Direction PAC as “an organization supported by the Republican Governors Association (RGA)”. Each of these ads includes an attribution message indicating it was paid for by the RGA Right Direction PAC. (Commissioner’s Records.)

Finding of Fact No. 1B: Also included with this complaint were copies of twenty-five (25) posts made on the RGA’s official Twitter account after August 6, 2020 that directly reference Montana Gubernatorial candidates Greg Gianforte and/or Mike Cooney. None of the posts appeared to be paid ads themselves. (Commissioner’s Records.)

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<sup>1</sup> <https://www.rga.org/about/>

<sup>2</sup> <https://www.fec.gov/data/committee/C00490730/?tab=about-committee>

<sup>3</sup> <https://www.rightdirectionpac.com/>

Finding of Fact No. 1C: Also included with this complaint were copies of eight (8) posts made on the RGA's official Facebook account that directly reference Montana Gubernatorial candidates Greg Gianforte and/or Mike Cooney after August 6, 2020. None of the posts appeared to be paid ads themselves.

According to its ads library, the RGA did not run any paid advertisements on Facebook that directly reference Montana Gubernatorial candidates Greg Gianforte and/or Mike Cooney in election year 2020.<sup>4</sup> (Commissioner's Records.)

Finding of Fact No. 2: Greg Gianforte filed a C-1 Statement of Candidate as a Republican candidate for Governor of Montana with the COPP on June 7, 2019. (Commissioner's Records.)

Finding of Fact No. 2A: Mike Cooney filed a C-1 Statement of Candidate as a Democratic candidate for the office of Governor of Montana with the COPP on July 2, 2019. (Commissioner's Records.)

Finding of Fact No. 3: On July 16, 2020, the RGA Right Direction PAC forwarded a copy of its FEC report for the period of April 1, 2020 through June 30, 2020 to the COPP. This report disclosed three (3) contributions received by the RGA Right Direction PAC from the RGA during the reporting period totaling \$700,150.00 as well as eleven (11) expenditures highlighted by the committee as "applicable to Montana activity" totaling \$201,069.53 (see Table 2). The committee's FEC Statement of Organization was also included. (Commissioner's Records.)

Finding of Fact No. 4: On October 16, 2020, the RGA Right Direction PAC forwarded a copy of its FEC report for the period of July 1, 2020 through September 30, 2020 to the COPP. This report disclosed eight (8) contributions received by the RGA Right Direction PAC from the RGA during the reporting period totaling \$9,500,000.00 as well as sixty-nine (69) expenditures highlighted by the committee as "applicable to Montana activity" totaling \$6,858,802.02 (see Table 3). (Commissioner's Records.)

Finding of Fact No. 5: On October 23, 2020, the RGA Right Direction PAC forwarded a copy of its FEC report for the period of October 1, 2020 through October 14, 2020 to the COPP. This report disclosed two (2) contributions received by the RGA Right Direction PAC from the RGA during the reporting period totaling \$2,850.00

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<sup>4</sup>[https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=all&country=US&view\\_all\\_page\\_id=85337666730](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=US&view_all_page_id=85337666730)

as well as twenty-nine (29) expenditures highlighted by the committee as “applicable to Montana activity” totaling \$2,465,234.73 (see Table 4).

Finding of Fact No. 6: On October 28, 2020, the RGA Right Direction PAC contacted the COPP via email message to “convey the following message about a texting campaign being conducted by the RGA Right Direction PAC” in Montana. According to the email message, the committee ran a texting campaign on October 27, 2020 that was received by approximately 58,000 individuals encouraging them to “find out how you can vote Greg Gianforte for Governor!”. Attribution information indicating the text message was financed by the RGA Right Direction PAC was included in the email to the COPP. (Commissioner’s Records.)

Finding of Fact No. 7: On October 28, 2020, the RGA Right Direction PAC contacted the COPP via email message to “convey the following message about a texting campaign being conducted by the RGA Right Direction PAC” in Montana. According to the email message, the text messages “will run tomorrow (10/29/20)” and be received by approximately 11,354 individuals stating that “Greg Gianforte will be a “tremendous” governor of Montana. Let’s go out and make it happen!”. Attribution information indicating the text message was financed by the RGA Right Direction PAC was included in the email to the COPP. (Commissioner’s Records.)

Finding of Fact No. 8: On October 30, 2020, the RGA Right Direction PAC contacted the COPP via email message to “convey the following message about another handful of texting campaigns being conducted by the RGA Right Direction PAC” in Montana. According to the email message, three (3) separate text message campaigns were to be conducted: one on October 31, 2020 including three (3) distinct text messages, to be received by approximately 61,338 individuals, each encouraging the recipient to vote for Greg Gianforte; one run on November 1, 2020 to be received by approximately 11,009 individuals encouraging “voting Greg Gianforte for Governor”; and one on November 2, 2020 including two (2) distinct text messages, to be received by approximately 61,338 individuals, each encouraging the recipient vote for Greg Gianforte. Attribution information indicating each text message was financed by the RGA Right Direction PAC was included in the email to the COPP. (Commissioner’s Records.)

Finding of Fact No. 9: On December 3, 2020, the RGA Right Direction PAC forwarded a copy of its FEC report for the period of October 15, 2020 through November 23, 2020. This report

disclosed one (1) contribution received by the RGA Right Direction PAC from the RGA during the reporting period totaling \$500,000.00 as well as twenty-eight (28) expenditures highlighted by the committee as “applicable to Montana activity” totaling \$849,967.00 (see Table 5). (Commissioner’s Records.)

Finding of Fact No. 10: On campaign finance reports filed with the COPP, candidate Gianforte did not disclose receiving any contributions, either monetary or in-kind, from the RGA or RGA Right Direction PAC. (Commissioner’s Records.)

Finding of Fact No. 11: On October 30, 2020, the RGA (through counsel) provided its response to this complaint via email to the COPP. The response argues that the RGA “has made no reportable expenditures whatsoever in conjunction with any election in Montana”; instead, all Montana expenditures were made by the RGA Right Direction PAC, “a wholly separate, federal political action committee”. The response goes on to assert that the RGA Right Direction PAC properly and timely filed its FEC finance reports with the COPP to disclose relevant Montana expenditures. The response goes on to argue that:

...for the avoidance of confusion, neither the timing, price, audience, nor any other aspect of any expenditures made by RGA Right Direction PAC was discussed directly or indirectly with...Mr. Gianforte. Rather, all RGA Right Direction PAC expenditures were made completely independently and in compliance with law. (Commissioner’s Records.)

Finding of Fact No. 12: On October 29, 2020, candidate Gianforte, through Jake Eaton, provided his response to this complaint via email to the COPP. The response denied the allegation that the Gianforte campaign had coordinated with the RGA, stating that the associated website, Twitter, or Facebook posts noted in the complaint “were not made or distributed “in cooperation with, in consultation with, at the request or suggestion of, or with the express prior consent” of the Gianforte campaign. The response goes on to state that “The simple fact is that GFM and RGA’s use of similar generic terms to describe Mike Cooney is not coordination”. (Commissioner’s Records.)

Finding of Fact No. 13: A March 25, 2020 COPP review of the RGA Right Direction PAC’s Facebook page determined the organization ran seventeen (17) paid Facebook ads mentioning one or both of

candidates Gianforte or Cooney after August 3, 2020.<sup>5</sup>  
(Commissioner's Records.)

Finding of Fact No. 14: Political committees that made reportable Montana expenditures in election year 2020 had campaign finance reports due on or before March 30, April 30, May 30, June 30, August 30, September 30, October 30, and November 30 of 2020.

## **DISCUSSION**

The complaint alleges the Republican Governors Association coordinated campaign activities with the Gainforte campaign and failed to properly report campaign finance transactions. The Commissioner examines the allegations.

### *Part One: Coordination*

The first allegation raised by the complainant in this matter is that the RGA illegally coordinated certain campaign expenditure activities with Montana candidate Greg Gianforte. See *Luckey v Gianforte*, COPP-2020-CFP-048A, for discussion regarding the coordination component of the complaint. As determined there, the allegation that the RGA violated Montana campaign finance law in coordinating campaign activity with candidate Gianforte is hereby dismissed.

### *Part Two: Reporting Expenditures*

The complainant in this matter also alleges that the RGA failed to report several electioneering communications with the COPP as expenditures of the committee. As evidence, copies of posts made on the RGA's website, Twitter

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[https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=all&country=US&view\\_all\\_page\\_id=1255514891283096](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=US&view_all_page_id=1255514891283096)

account, and Facebook page directly referencing Montana gubernatorial candidates Greg Gianforte and/or Mike Cooney were provided.

The term expenditure is defined under Mont. Code Ann. §13-1-101(18),  
as:

(18) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value:

(i) made by a candidate or political committee to support or oppose a candidate or a ballot issue; or

(ii) used or intended for use in making independent expenditures or in producing electioneering communications.

(b) The term does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (9);

(ii) payments by a candidate for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees.

(c) This definition does not apply to Title 13, chapter 37, part 6.

The term electioneering communication is defined under Mont. Code Ann. §13-1-101(16):

(16) (a) "Electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does

not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that:

(i) refers to one or more clearly identified candidates in that election;

(ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that election; or

(iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

(b) The term does not mean:

(i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation unless the facilities are owned or controlled by a candidate or political committee;

(ii) a communication by any membership organization or corporation to its members, stockholders, or employees;

(iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

(iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

(v) a communication that the commissioner determines by rule is not an electioneering communication.

Montana's general election was held on November 3, 2020, and the electioneering period went into effect on August 6 (FOF No. 0). Greg Gianforte was the Republican candidate for Montana Governor in the general election, while Mike Cooney served as the Democratic candidate for Governor (FOF Nos. 2, 2A).



Is there a difference between the RGA and the RGA Right Direction PAC?

In its response to this complaint, the RGA (through counsel) states that the organization “has made no reportable expenditures whatsoever in conjunction with any election at all in Montana”. The response goes on to state that all Montana expenditures were made by the RGA Right Direction PAC, “a wholly separate, federal political action committee” (FOF No. 11). This claim requires additional scrutiny before any individual activity noted in this complaint can be examined.

First, it must be noted that the RGA and RGA Right Direction PAC share a common mailing address, 1747 Pennsylvania Avenue NW, Suite 250 in Washington, DC (FOF No. 1). Also of note, each organization’s associated email addresses end in @rga.org (FOF No. 1). On seven (7) occasions, the RGA posted content to its website describing new ads the organization was releasing that were paid for by the RGA Right Direction PAC (FOF No. 1A). COPP analysis of FEC financial reports filed by the RGA Right Direction PAC indicate that its largest contributor is RGA.

Taken together, it is clear that the RGA and the RGA Right Direction PAC are not, as the RGA argues, “wholly separate” entities; at a minimum, the RGA Right Direction PAC has a direct associational connection to the RGA. Be that as it may, the COPP will take the RGA at its word, and consider the RGA to be a separate organization from the RGA Right Direction PAC. The actions and

activities of the RGA in this matter will be considered separately from the RGA Right Direction PAC.

*RGA*

Twitter/Facebook posts

This complaint included copies of twenty-five (25) posts made on the RGA's official Twitter account that reference candidate Gianforte and/or Cooney. The complainant argues that, as electioneering communications, the RGA was required to report each of these twenty-five (25) posts as an expenditure with the COPP.

Each Twitter post included with this complaint does contain several components of an electioneering communication. To start, all posts directly mention candidate Gianforte and/or candidate Cooney by name and/or image (FOF No. 1B). Taking it a step further, each post was publicly distributed by internet website (Twitter), each was made within 60 days of the initiation of voting in Montana's General election (each post being dated after August 6, 2020), none directly supported or opposed Montana candidate/s, and each could have been received by 100 or more recipients in Montana.

COPP review of these posts, however, determined that none represents a paid activity. No evidence suggests that the RGA paid to promote or otherwise prominently display any of these twenty-five (25) posts. Rather, each constitutes a regular post to the RGA's account, an activity that any user can undertake at any time free of charge. As noted by Commissioner Mangan in his

Decision in the matter of Chadwick v Rivera, COPP-2020-CFP-033, unpaid social media posts do not qualify as expenditures under Mont. Code Ann. §13-1-101(18), meaning candidates or political committees are not required to disclose such unpaid posts as expenditures on finance reports filed with the COPP.

As none of these posts was a paid communication, they would not qualify as an electioneering communication under Mont. Code Ann. §13-1-101(16)(a), or otherwise qualify as an expenditure of the committee under relevant Montana campaign finance law. The allegation that the RGA failed to report the identified Twitter communications is hereby dismissed.

Similarly, the complaint includes copies of eight (8) posts made on the RGA's official Facebook page that directly mention candidates Gianforte and/or Cooney (FOF No. 1C). Like the Twitter posts, each was publicly distributed by internet website (Facebook, in this case), each was made within 60 days of the initiation of voting in Montana's General election (each post being dated after August 6, 2020), none directly supported or opposed Montana candidate/s, and each could have been received by 100 or more recipients in Montana. Again, however, no evidence suggests these posts were themselves paid activities. In fact, COPP review of the RGA's Facebook page reveals the organization did not run a single paid ad directly referencing Montana candidate/s for election in 2020 (FOF No. 1C).

Because the activity in question does not represent paid communications, none of the eight (8) Facebook posts in question would

qualify as an electioneering communication under Mont. Code Ann. §13-1-101(16)(a), or otherwise qualify as expenditures of the committee under relevant Montana campaign finance law. The allegation that the RGA failed to report the identified unpaid Facebook posts as expenditures with the COPP is hereby dismissed.

RGA website posts

In investigating this matter, COPP determined that the RGA made eleven (11) posts to its own website that directly reference candidate Gianforte and/or candidate Cooney during Montana's electioneering period (FOF No. 1A, Table 1). Like the Twitter and Facebook posts, each of these eleven (11) posts on the RGA website contain several required elements for an electioneering communication- each was publicly distributed by internet website (the RGA's own), each was made within 60 days of the initiation of voting in Montana's General election, none directly support or oppose either candidate Gianforte and/or candidate Cooney, and each could be received by more than 100 recipients in the State of Montana.

The only remaining question becomes if each individual post would be considered a paid communication. It has long been established that costs associated with the creation and maintenance of a campaign website would count as reportable expenditures in Montana- see Wafstet v. McDermott, COPP-2018-CFP-009, Gallatin County Democrats v. Buchanan, COPP-2018-CFP-055, and Chadwick v Rivera, COPP-2020-CFP-033 for recent examples. The question

in this matter, however, is not about the RGA's website itself, but the eleven (11) individual posts referencing Montana candidates Gianforte and Cooney.

During this investigation, no evidence was uncovered to suggest that the RGA paid to specifically promote any of these eleven (11) posts, paid to prominently display them on other websites, or otherwise paid to distribute them via platforms beyond the RGA's own website. The Commissioner finds individual items, such as those identified, on one's website do not qualify as electioneering communications.

To consider each individual, unpaid post made on an organizational website a reportable expense of that organization has not traditionally been the stance of the COPP. Unless the organization directly pays to promote, display, or otherwise boost such a post, such items are treated as unpaid communications the same as unpaid social media posts.

The Commissioners notes the Montana Democratic Party, for example, for whom the complainant in this matter serves as the Executive Director, published multiple posts on the "News" section of its website in the month of October alone that directly named Montana candidates who ran for election in Montana's 2020 general election.

None of the RGA's eleven (11) website posts can be reasonably considered electioneering communications under Mont. Code Ann. §13-1-101(16)(a), the allegation that the organization failed to report them as expenditures is hereby dismissed.

*RGA Right Direction PAC*

In reviewing posts on the RGA website that mention Montana candidates Gianforte and/or Cooney, the COPP determined that seven (7) included advertisements that were also distributed via television, radio, or digitally throughout the State of Montana (FOF No. 1A). Each of these seven (7) posts contained an attribution message indicating it was paid for by the RGA Right Direction PAC (FOF No. 1). The ads can be described as: “Liberal Mike Cooney Just Wrong on Taxes”, dated August 17; “Montana Can’t Afford Mike Cooney”, dated September 1; Mike Cooney 44 Years is Enough”, dated September 18; a “Tax, Spend, Do it Again” video featuring candidate Cooney playing the drums, dated September 30; a “Tax, Spend, Do it Again” video using audio quotes given by candidate Cooney, dated October 13; “Mike Cooney Another Dishonest Politician”, dated October 20; and “Wake Up”, dated October 23 (Table 1).

Each of these seven (7) ads qualify as an electioneering communication under Mont. Code Ann. §13-1-101(16)(a). All seven (7) ads were publicly distributed via television, radio, or internet website, each was made within 60 days of the initiation of voting in Montana’s General election, none directly supported or opposed Montana candidate/s, and each could have been received by 100 or more recipients in Montana. Unlike the Twitter, Facebook, and website posts made by the RGA, the RGA Right Direction PAC **paid** to publicly distribute these materials as television commercials, radio commercials, or digital ads.

In addition to these seven (7) electioneering communications, COPP was made directly aware of an additional eight (8) election communications

financed by the RGA Right Direction PAC. Specifically, the committee notified the COPP that it was to distribute one (1) paid text message to approximately 58,000 recipients on October 27, 2020 encouraging recipients to “vote Greg Gianforte for Governor!”; one (1) paid text message to approximately 11,354 recipients on October 29, 2020 stating “Greg Gianforte will be a “tremendous” governor of Montana. Let’s go out and make it happen!”; three (3) paid text messages, totaling 61,338 recipients, on October 31, 2020 that all encouraged the recipient vote for candidate Gianforte; one (1) paid text message to approximately 11,009 recipients on November 1, 2020 stating “Nikki Haley wants you to get out and vote Greg Gianforte for governor!”; and two (2) paid text messages, totaling 61,338 recipients, on November 2, 2020 that both encouraged the recipient vote for candidate Gianforte (NOF Nos. 6-8, Table 5). In its notification emails to the COPP, the RGA Right Direction PAC indicated it was the entity financing each individual text message communication.

All of the eight (8) text messages sent by the RGA Right Direction PAC would qualify as an election communication under Mont. Code Ann. §13-1-101(14). Each message supports candidate Gianforte, as that term is defined under Mont. Code Ann. §13-1-101(50), and each was the paid placement of content via an electronic communication network.

The COPP’s review of all RGA Right Direction PAC FEC finance reports forwarded to the agency revealed that the seven (7) electioneering communications and eight (8) election communications were far from the committee’s only reportable Montana expenditure activity. After reviewing each

finance report, the COPP was able to determine that the RGA Right Direction PAC ran seventeen (17) paid Facebook ads that would also qualify as electioneering communications. To this point, COPP has not been able to identify any other individual paid material produced or distributed by the RGA Right Direction PAC supporting, opposing, or identifying Montana candidates Gianforte and/or Cooney. Unfortunately, each individual expenditure has been reported by the RGA Right Direction PAC with so little detail that determining exactly how many reportable election or electioneering communications were financed by the committee and finding those materials has been made difficult to impossible.

In total, the committee highlighted one hundred and thirty-seven (137) expenditures it said occurred in the State of Montana, totaling \$10,375,073.30 (FOF Nos. 3-5,9, Tables 2-5). When reporting expenditures in the State of Montana, §13-37-229(2), Mont. Code Ann. states that:

(a) Except as provided in subsection (2)(c), the reports required under 13-37-225 through 13-37-227 from candidates, ballot issue committees, political party committees, and independent committees must disclose the following information concerning expenditures made:

(i) the full name, mailing address, occupation, and principal place of business, if any, of each person to whom expenditures have been made by the committee or candidate during the reporting period, including the amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;

(ii) the full name, mailing address, occupation, and principal place of business, if any; of each person to whom an expenditure for personal services, salaries, and reimbursed expenses has been made, including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person;



(iii) the total sum of expenditures made by a political committee or candidate during the reporting period;

(iv) the name and address of each political committee or candidate to which the reporting committee or candidate made any transfer of funds, together with the amount and dates of all transfers;

(v) the name of any person to whom a loan was made during the reporting period, including the full name, mailing address, occupation, and principal place of business, if any, of that person and the full names, mailing addresses, occupations, and principal places of business, if any, of the endorsers, if any, and the date and amount of each loan;

(vi) the amount and nature of debts and obligations owed by a political committee or candidate in the form prescribed by the commissioner; and

(vii) other information that may be required by the commissioner to fully disclose the disposition of funds used to support or oppose candidates or issues.

(b) Reports of expenditures made to a consultant, advertising agency, polling firm, or other person that performs services for or on behalf of a candidate or political committee must be itemized and described in sufficient detail to disclose the specific services performed by the entity to which payment or reimbursement was made.

(c) A candidate is required to report the information specified in this subsection (2) only if the transactions involved were undertaken for the purpose of supporting or opposing a candidate.

Montana Administrative Rule 44.11.305 does allow nonresident and federally filing political committees who become involved in Montana's elections to file their home state or federal finance reports with the COPP instead of reporting on Montana's forms in some instances. As a political committee registered with the Federal Election Commission (FEC) involved in various federal and state elections, the RGA Right Direction PAC would qualify as a federally filing committee under this rule. Federally filing committees who

choose not to report on Montana's forms are required to provide a copy of their federal Statement of Organization to the COPP, as well as a copy of the relevant federally filed finance report/s so long as those reports "**fully disclose the source and disposition of all contributors and expenditures used in elections in Montana**", 44.11.305(2)(a) (emphasis added). The rule makes it clear that these reports "shall contain the information required by §13-37-229 through 13-37-232, MCA", 44.11.305(1)(c).

As noted by Commissioner Mangan in the matter of *Oestreicher v AB PAC, COPP-2020-CFP-027*, federally filing political committees must meet all Montana disclosure requirements when disclosing Montana expenditures, including the "quantity, detail, subject matter" required under 44.11.502(7), ARM. Simply put, when a federally filing political committee finances a reportable election or electioneering communication in Montana, that committee is required to disclose the expenditure with all information a Montana candidate or committee is required to provide. A committee's status as a federally filing entity does not exempt that committee from Montana's disclosure requirements when reporting Montana expenditures.

If a federally filing political committee is unable to disclose its Montana expenditures with the information required in this state via its federal finance reports, it is required to do so with the COPP on Montana's reporting forms, 44.11.305(1)(c), ARM. The RGA Right Direction PAC did not report any 2020 Montana activity on Montana specific forms filed with the COPP, instead

relying on its FEC reports<sup>6</sup> to disclose all activity (FOF No. 1). The committee provided the COPP with copies of finance reports disclosing certain Montana contribution or expenditure activity on July 16 (covering the period of April 1-June 30), October 16 (July 1-September 30), October 23 (October 1-October 14), and December 3 (October 15-November 23) of 2020 (FOF Nos. 3-5, 9).

COPP review determined that thirty-six (36) expenditures reported by the RGA Right Direction PAC contain the level of disclosure information required under 44.11.502(7) Use of the descriptors such as “Bank Dues” (thirty-one occasions), “Subscription” or “Reimbursement: Subscription” (four occasions), and “Legal Services” (one occasion) has traditionally been accepted by the COPP. In those cases, anyone looking at the report can figure out what the specific purpose of the expenditure was based solely off the information provided. COPP sees no reason to require additional detail in disclosing these thirty-six (36) expenditures.

Regarding its remaining one hundred and one (101) self-identified Montana expenditures, the RGA Right Direction PAC failed to provide required information. Mont. Code Ann. §13-37-229(2)(b) specifically requires that “Reports of expenditures made to a consultant, advertising agency, polling firm, or other person that performs services for or on behalf of a candidate or political committee **must be itemized and described in sufficient detail to disclose the specific services performed** by the entity to which payment or

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<sup>6</sup> FEC reports provided to the COPP from the RGA Right Direction PAC referred to memos, however the memos were not included with the Montana filings.

reimbursement was made” (emphasis added). RGA Right Direction PAC failed disclose or describe the *specific* services provided as required by law. RGA Right Direction PAC’s exclusive reliance on overly broad and generic phrases such as “Non-Federal Media Production” and “Non-Federal Media Placement” to describe its expenditure activities means the committee consistently fails to disclose the specific services provided as required by Montana campaign finance law. For example, the committee does not identify the specific medium this “Media Placement” was run on (television, radio, etc.). For that reason alone such generic descriptors cannot be considered to meet the disclosure requirements of Mont. Code Ann. §13-37-229(2)(b). A review of the RGA Right Direction PAC’s federal finance reports as provided to the COPP determined that the committee failed to meet the disclosure requirements of Mont. Code Ann. §13-37-229(2)(b), 44.11.305(1)(a) ARM, and 44.11.502(7), ARM when reporting no fewer than one hundred and one (101) Montana expenditures.

Sufficiency Finding No. 1: The RGA Right Direction Pac failed to properly report 101 Montana expenditures.

The Commissioner finds there are sufficient facts the RGA Right Direction Pac failed to properly disclose specific services provided when reporting its Montana election expenditures as required by Montana campaign finance and practices law.

In not meeting Montana’s disclosure requirements, the RGA Right Direction PAC’s lack of clarity in describing its expenditures with the COPP deprived interested Montana citizens, candidates for elected office, and opposing political committees of any knowledge as to the RGA Right Direction

PAC's Montana specific expenditures. An interested Montanan reviewing the RGA Right Direction PAC's FEC finance reports as provided to the COPP would have no knowledge as to the specific expenditure activities conducted by the committee, or even which Montana candidate/s were supported, opposed, or otherwise identified by the committee. Not only does Montana campaign finance law require this information be disclosed, but Montana citizens expect all committees spending money in Montana's elections to provide this required information, regardless of where the committee is based.

A review of the RGA Right Direction PAC's federal finance reports as provided to the COPP determined that the committee failed to meet the disclosure requirements of Mont. Code Ann. §13-37-229(2)(b), 44.11.305(1)(a) ARM, and 44.11.502(7), ARM when reporting no fewer than one hundred and one (101) Montana expenditures.

Under Mont. Code Ann. §13-37-226(2)(b), a political committee making reportable expenditures in Montana's 2020 election "shall" file financial reports on the "30<sup>th</sup> day of March, April, May, June, August, September, October, and November". According to FEC finance reports provided by the committee to the COPP, RGA Right Direction PAC made its first reportable Montana expenditure on April 13, 2020- \$5,000.00 for "Non-Federal Research" (see Table 2). Because its first reportable Montana expenditure occurred after March 30, 2020, RGA Right Direction PAC's initial campaign finance report was due in the State of Montana on or before April 30, 2020.

Nonresident and federally filing committees whose reports “fully disclose the source and disposition of all contributions and expenditures used in elections in Montana” may file copies of “such reports in lieu of the periodic reports prescribed by the Campaign Finances and Practices Act”, 44.11.305(1)(a), ARM. As previously discussed, however, RGA Right Direction PAC did not “fully disclose the source and disposition of all contributions and expenditures used in elections in Montana” on federal finance reports forwarded to the COPP. This means the committee was required to follow Montana’s periodic financial reporting requirements prescribed under Mont. Code Ann. §13-37-226(2)(b).

In this matter, RGA Right Direction PAC provided the COPP with copies of committee finance reports on July 16 (covering the period of April 1, 2020 through June 30, 2020), October 16 (covering the period of July 1, 2020 through September 30, 2020), and October 23, 2020 (covering the period of October 1, 2020 through October 14, 2020) (FOF Nos. 3, 4, 5).

By not providing the COPP with its committee financial report on or near the statutory due date, RGA Right Direction PAC failed to file the required April 30, August 30, and November 30, 2020 monthly finance reports. RGA Right Direction PAC failed to timely file the required June 30 (late filed on July 16) and September 30 (late filed on October 16) monthly finance reports. While RGA Right Direction PAC did timely file a October 30, 2020 required monthly financial report, the report did not cover the entire reporting period- while that report disclosed activity through October 14, 2020, Mont. Code Ann. §13-37-

228(2) requires that periodic reports must cover “the period of time from the closing of the previous report to 5 days before the filing of a report” (emphasis added). RGA Right Direction PAC’s October 30, 2020 report did not cover to the five days before the report was due as required under Montana law.

Sufficiency Finding No. 2: The RGA Right Direction Pac failed to properly and timely file required committee finance reports with the COPP.

There are sufficient facts to determine the RGA Right Direction PAC failed to file three (3) required monthly financial reports, failed to timely file two (2) required monthly financial reports, and failed to fully disclose activity during the reporting period in one (1) required monthly financial report as required by Montana campaign finance law.

Because its FEC finance reports do not disclose the committee’s Montana expenditures with the level of detail required, nor did the FEC reports comply with Montana’s reporting deadlines, the RGA Right Direction PAC will need to file a C-6 committee finance report disclosing all Montana expenditures directly with the COPP, 44.11.305(2)(c), ARM. The committee will need to itemize and describe each individual Montana expenditure with the level of detail required under Montana campaign finance law. The report should include all Montana election related contributions and expenditures throughout the 2020 election cycle.

COPP review of the RGA Right Direction PAC’s FEC finance reports additionally determined that the committee failed to provide its Statement of Organization to the COPP in a timely manner. The RGA Right Direction PAC

first became a political committee in Montana as defined under §13-1-101(31), Mont. Code Ann. on April 13, 2020. That is the date the committee first exceeded \$250.00 in Montana expenditures, reporting a \$5,000.00 expenditure for “Non-Federal Research” on that date (see Table 2). Mont. Code Ann., §13-37-201(1)(b), requires a Montana political committee file a Statement of Organization with the COPP “within 5 days after it makes an expenditure or authorizes another person to make an expenditure on its behalf, whichever occurs first”. While federally filing committees such as the RGA Right Direction PAC may file their federal Statement of Organization to meet this requirement under 44.11.305(1)(a), ARM, Commissioner Mangan’s Decision in Oestreicher v AB PAC, COPP-2020-CFP-027, clarified that the five-day filing requirement specified under §13-37-201 does apply to federally filing committees participating in Montana’s elections.

As it first became a political committee under Montana campaign finance law on April 13, 2020, the RGA Right Direction PAC was required to provide the COPP with a copy of its federal Statement of Organization no later than April 18, 2020. The RGA Right Direction PAC did not provide the COPP with a copy of its federal Statement of Organization until July 16, 2020, well outside the required five day period (FOF No. 3).

Sufficiency Finding No. 3: The RGA Right Direction Pac failed to file its Statement of Organization with the COPP within 5 days of becoming a Montana political committee.



There are sufficient facts to determine RGA Right Direction Pac failed to timely files its Statement of Organization with the COPP as required by Montana campaign finance and practice law.

### **DECISION**

The Commissioner has limited discretion when making the determination as to an unlawful campaign practice. First, the Commissioner “shall investigate” any alleged violation of campaign practices law. Mont. Code Ann. § 13-37-111(2)(a). The mandate to investigate is followed by a mandate to take action; where there is “sufficient evidence” of a violation the Commissioner must (“shall notify,” *see id.*, at § 13-37-124) initiate consideration for prosecution.

Second, having been charged to make a decision, the Commissioner must follow substantive law applicable to a particular campaign practice decision. This Commissioner, having been charged to investigate and decide, hereby determines that there is sufficient evidence to show that RGA Right Direction PAC violated Montana’s campaign practice laws, including, but not limited to the laws set out in the Decision. Having determined that sufficient evidence of a campaign practice violation exists, the next step is to determine whether there are circumstances or explanations that may affect prosecution of the violation and/or the amount of the fine.

The failure to fully and timely report and disclose cannot generally be excused by oversight or ignorance. Excusable neglect cannot be applied to oversight or ignorance of the law as it relates to failures to file and report. *See*

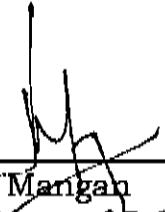
*Matters of Vincent*, Nos. COPP-2013-CFP-006, 009 (discussing excusable neglect principles). Likewise, the Commissioner does not normally accept that failures to file or report be excused as *de minimis*. *Id.* (discussing *de minimis* principles).

Because there is a finding of violation and a determination that *de minimis* and excusable neglect theories are not applicable to the above Sufficiency Findings, a civil fine is justified. Mont. Code Ann. § 13-37-124. The Commissioner hereby issues a “sufficient evidence” Finding and Decision justifying a civil fine or civil prosecution of RGA Right Direction PAC. Because of the nature of the violation, this matter is referred to the County Attorney of Lewis and Clark County for his consideration as to prosecution. *Id.*, at (1). Should the County Attorney waive the right to prosecute (*id.*, at (2)) or fail to prosecute within 30 days (*id.*, at (1)) this Matter returns to this Commissioner for possible prosecution.

Most of the Matters decided by a Commissioner and referred to the County Attorney are waived back to the Commissioner for his further consideration. Assuming that the Matter is waived back, this Finding and Decision does not necessarily lead to civil prosecution as the Commissioner has discretion (“may then initiate” *see id.*) in regard to a legal action. Instead, most of the Matters decided by a Commissioner are resolved by payment of a negotiated fine. In setting that fine the Commissioner will consider matters affecting mitigation, including the cooperation in correcting the issue when the matter was raised in the Complaint.

While it is expected that a fine amount can be negotiated and paid, in the event that a fine is not negotiated and the Matter resolved, the Commissioner retains statutory authority to bring a complaint in district court against any person who intentionally or negligently violates any requirement of campaign practice law, including those of Mont. Code Ann. §§ 13-37-201(1)(b), 13-37-228(2), 13-37-229. *See id.*, at § 13-37-128. Full due process is, provided to the alleged violator because the district court will consider the matter *de novo*.

DATED this 7<sup>th</sup> day of July 2021.



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Commissioner of Political Practices  
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Table 1: Posts made on the RGA’s website after August 6, 2020 mentioning Montana Gubernatorial candidates.

Date of Post	Candidate/s Named	Paid ad meant to be distributed by other means ad included in post?	Short Title for Ad	Type of Ad	Link to Post
08/17/2020	Mike Cooney	Yes	“Liberal Mike Cooney Just Wrong on Taxes”	Television/Digital	<a href="https://www.rga.org/rga-releases-new-ad-montana-governors-race-mike-cooneys-dangerous-tax-record/">https://www.rga.org/rga-releases-new-ad-montana-governors-race-mike-cooneys-dangerous-tax-record/</a>
08/18/2020	Mike Cooney	No			<a href="https://www.rga.org/icy-mi-leading-montana-political-experts-expose-mike-cooneys-shameless-spin-sales-tax-support/">https://www.rga.org/icy-mi-leading-montana-political-experts-expose-mike-cooneys-shameless-spin-sales-tax-support/</a>
09/01/2020	Mike Cooney	Yes	“Montana Can’t Afford Mike Cooney”	Television/Digital	<a href="https://www.rga.org/new-rga-ad-features-montanans-explaining-cant-afford-mike-cooney/">https://www.rga.org/new-rga-ad-features-montanans-explaining-cant-afford-mike-cooney/</a>
09/15/2020	Greg Gianforte	No			<a href="https://www.rga.org/vice-president-mike-pence-greg-gianforte-law-order-governor-montana-needs/">https://www.rga.org/vice-president-mike-pence-greg-gianforte-law-order-governor-montana-needs/</a>
09/18/2020	Mike Cooney	Yes	“Mike Cooney 44 Years is Enough”	Television	<a href="https://www.rga.org/rga-releases-new-ad-mike-cooneys-big-government-agenda/">https://www.rga.org/rga-releases-new-ad-mike-cooneys-big-government-agenda/</a>
09/30/2020	Mike Cooney	Yes	“Tax, Spend, Do It Again” with drummer	Television/Digital	<a href="https://www.rga.org/rga-releases-new-tv-ad-featuring-career-politician-mike-cooneys-new-single-tax-spend/">https://www.rga.org/rga-releases-new-tv-ad-featuring-career-politician-mike-cooneys-new-single-tax-spend/</a>
10/06/2020	Mike Cooney	No			<a href="https://www.rga.org/said-mike-cooneys-jobs-plan-new-regulations-government-offices/">https://www.rga.org/said-mike-cooneys-jobs-plan-new-regulations-government-offices/</a>
10/13/2020	Mike Cooney	Yes	“Mike Cooney Tax Spend Do it Again” with	Television	<a href="https://www.rga.org/rga-releases-new-ad-montana-governors-race-">https://www.rga.org/rga-releases-new-ad-montana-governors-race-</a>

			Cooney audio		<a href="https://www.rga.org/rga-releases-new-ad-campaign-targeting-mike-cooneys-second-ethics-violation-campaign/">featuring-tax-hiker-mike-cooney-words/</a>
10/19/2020	Greg Gianforte	No			<a href="https://www.rga.org/rga-releases-new-ad-campaign-targeting-mike-cooneys-second-ethics-violation-campaign/">https://www.rga.org/ambassador-nikki-haley-endorses-greg-gianforte-montana-governors-race/</a>
10/20/2020	Mike Cooney	Yes	"Mike Cooney Another Dishonest Politician"	Digital/Radio	<a href="https://www.rga.org/rga-releases-new-ad-campaign-targeting-mike-cooneys-second-ethics-violation-campaign/">https://www.rga.org/rga-releases-new-ad-campaign-targeting-mike-cooneys-second-ethics-violation-campaign/</a>
10/23/2020	Mike Cooney	Yes	"Wake Up"	Television	<a href="https://www.rga.org/rga-releases-new-tv-ad-montana-governors-race-targeting-mike-cooney/">https://www.rga.org/rga-releases-new-tv-ad-montana-governors-race-targeting-mike-cooney/</a>

Table 2: Receipts (contributions) received by the RGA Right Direction PAC from the RGA (top) and Itemized Disbursements (expenditures) RGA Right Direction PAC indicated disclosed applicable Montana expenditure activity (bottom) on its April 1, 2020 through June 30, 2020 FEC finance report.

Full Name	Date of Contribution	Amount of Contribution
Republican Governors Association	05/18/2020	\$150.00
Republican Governors Association	06/24/2020	\$200,000.00
Republican Governors Association	06/29/2020	\$500,000.00
		\$700,150.00

Full Name	Date of Disbursement	Amount of Disbursement	Purpose of Disbursement
American Express	05/27/2020	\$28.16	Credit Card Payment: See Memos*
GODADDY.com LLC	04/03/2020	\$28.16	Non-Federal Web Services
American Express	05/27/2020	\$28.16	Credit Card Payment: See Memos*
GODADDY.com LLC	04/03/2020	\$28.16	Non-Federal Web Services
American Express	06/25/2020	\$159.00	Credit Card Payment: See Memos*

Bunny Inc.	05/12/2020	\$106.00	Non-Federal Digital Services
Bunny Inc.	05/18/2020	\$53.00	Non-Federal Digital Services
IMGE, LLC	05/29/2020	\$88,888.89	Non-Federal Media Placement
Montana Republican Party	06/12/2020	\$100,000.00	Non-Federal Generic Party Contribution
MS Causeway Solutions	04/13/2020	\$5,000.00	Non-Federal Research
Victory Phones, LLC	06/15/2020	\$6,750.00	Non-Federal Polling
		\$201,069.53	

\*No memo was provided with this report to the COPP to further describe or detail this expense.

Table 3: Receipts (contributions) received by the RGA Right Direction PAC from the RGA (top) and Itemized Disbursements (expenditures) RGA Right Direction PAC indicated disclosed applicable Montana expenditure activity (bottom) on its July 1, 2020 through September 30, 2020 FEC finance report.

Full Name	Date of Contribution	Amount of Contribution
Republican Governors Association	07/01/2020	\$750,000.00
Republican Governors Association	07/16/2020	\$750,000.00
Republican Governors Association	07/29/2020	\$750,000.00
Republican Governors Association	08/12/2020	\$1,500,000.00
Republican Governors Association	08/26/2020	\$1,750,000.00
Republican Governors Association	08/26/2020	\$750,000.00
Republican Governors Association	09/14/2020	\$1,750,000.00
Republican Governors Association	09/28/2020	\$1,500,000.00
		\$9,500,000.00

Full Name	Date of Disbursement	Amount of Disbursement	Purpose of Disbursement
Chain Bridge Bank, N.A.	07/01/2020	\$20.00	Bank Fee
Chain Bridge Bank, N.A.	07/09/2020	\$20.00	Bank Fee
Chain Bridge Bank, N.A.	07/10/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	07/13/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	07/13/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	07/16/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	07/30/2020	\$20.00	Bank Fee

Chain Bridge Bank, N.A.	08/10/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	08/13/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	08/17/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	08/19/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	08/27/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	08/27/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	08/31/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	09/10/2020	\$20.00	Bank Fee
Chain Bridge Bank, N.A.	09/14/2020	\$20.00	Bank Fee
Chain Bridge Bank, N.A.	09/28/2020	\$10.00	Bank Fee
Holtzman Vogel Josefiak Torchinsky PLLC	08/03/2020	\$17,500.00	Legal Services
American Express	08/28/2020	\$150.33	Credit Card Payment: See Memos*
GODADDY.com LLC	07/08/2020	\$22.16	Non-Federal Web Development
FedEx	07/20/2020	\$34.96	Shipping
Missoulain Newspaper	07/23/2020	\$9.99	Subscription
American Express	09/28/2020	\$1,099.47	Credit Card Payment: See Memos
Facebook Inc	08/10/2020	\$133.04	Non-Federal Digital Media Placement
Facebook Inc	08/10/2020	\$130.06	Non-Federal Digital Media Placement
Facebook Inc	08/10/2020	\$188.09	Non-Federal Digital Media Placement
Facebook Inc	08/11/2020	\$335.08	Non-Federal Digital Media Placement
Facebook Inc	08/11/2020	\$213.73	Non-Federal Media Placement
Bunny Inc.	08/09/2020	\$91.00	Non-Federal Digital Services
Great Falls Tribune	08/21/2020	\$8.47	Subscription
Boyer, Joshua	08/14/2020	\$7.99	Reimbursement: Subscription
Carlson, Kaden	09/29/2020	\$200.00	Non-Federal Research
Cascade Strategies	07/17/2020	\$15,000.00	Non-Federal Research
Cook, Abby	09/29/2020	\$175.00	Non-Federal Research
Facebook Inc	08/17/2020	\$15,000.00	Non-Federal Digital Media Placement
Facebook Inc	09/10/2020	\$7,500.00	Non-Federal Digital Media Placement
IMGE, LLC	07/10/2020	\$100,000.00	Non-Federal Digital Media Placement
IMGE, LLC	08/19/2020	\$15,000.00	Non-Federal Digital Media Placement

Montana GOP	07/13/2020	\$25,000.00	Contribution – Non-Federal Account
Montana GOP	08/10/2020	\$1,107.58	In Kind: Media Production/Placement
Montana GOP	08/27/2020	\$150,000.00	Contribution – Non-Federal Account
MS Causeway Solutions	08/03/2020	\$89,250.00	Non-Federal Research
Onmessage, Inc.	07/09/2020	\$31,695.00	Non-Federal Polling
Onmessage, Inc.	08/14/2020	\$27,090.00	Non-Federal Polling
Ratcliff, Reece	09/10/2020	\$683.75	Non-Federal Research
Sangray, Brooke	08/14/2020	\$150.00	Non-Federal Research
Sharp, Tracy	09/29/2020	\$150.00	Non-Federal Research
Smart Media Group LLC	07/01/2020	\$310,784.00	Non-Federal Media Placement
Smart Media Group LLC	07/09/2020	\$9,800.00	Non-Federal Media Placement
Smart Media Group LLC	07/13/2020	\$147,390.62	Non-Federal Media Placement
Smart Media Group LLC	07/16/2020	\$226,566.82	Non-Federal Media Placement
Smart Media Group LLC	07/30/2020	\$572,754.72	Non-Federal Media Placement
Smart Media Group LLC	08/10/2020	\$251,662.00	Non-Federal Media Placement
Smart Media Group LLC	08/13/2020	\$1,046,713.52	Non-Federal Media Placement
Smart Media Group LLC	08/27/2020	\$838,015.36	Non-Federal Media Placement
Smart Media Group LLC	09/14/2020	\$1,491,036.32	Non-Federal Media Placement
Smart Media Group LLC	09/28/2020	\$1,344,830.36	Non-Federal Media Placement
Something Else Strategies, LLC	07/17/2020	\$2,500.00	Non-Federal Media Production
Something Else Strategies, LLC	07/17/2020	\$13,820.00	Non-Federal Media Production
Something Else Strategies, LLC	07/17/2020	\$15,000.00	Non-Federal Media Production
Something Else Strategies, LLC	08/10/2020	\$2,500.00	Non-Federal Media Production
Something Else Strategies, LLC	08/10/2020	\$3,500.00	Non-Federal Media Production
Something Else Strategies, LLC	08/10/2020	\$4,275.00	Non-Federal Media Production
Something Else Strategies, LLC	08/10/2020	\$15,000.00	Non-Federal Media Production



Something Else Strategies, LLC	08/24/2020	\$2,500.00	Non-Federal Media Production
Something Else Strategies, LLC	08/24/2020	\$11,780.00	Non-Federal Media Production
Something Else Strategies, LLC	08/24/2020	\$12,620.00	Non-Federal Media Production
Something Else Strategies, LLC	09/14/2020	\$7,225.00	Non-Federal Media Production
Something Else Strategies, LLC	09/14/2020	\$30,232.60	Non-Federal Media Production
Statile, Justin	09/29/2020	\$150.00	Non-Federal Research
		\$6,858,802.02	

\*No memo was provided with this report to the COPP to further describe or detail this expense.

Table 4: Receipts (contribution) received by the RGA Right Direction PAC from the RGA (top) and Itemized Disbursements (expenditures) RGA Right Direction PAC indicated disclosed applicable Montana expenditure activity (bottom) on its October 1, 2020 through October 14, 2020 FEC finance report.

Full Name	Date of Contribution	Amount of Contribution
Republican Governors Association	10/07/2020	\$2,000,000.00
Republican Governors Association	10/13/2020	\$850,000.00
		\$2,850,000.00

Full Name	Date of Disbursement	Amount of Disbursement	Purpose of Disbursement
Chain Bridge Bank, N.A.	10/01/2020	\$20.00	Bank Fee
Chain Bridge Bank, N.A.	10/02/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	10/05/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	10/07/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	10/09/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	10/13/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	10/13/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	10/14/2020	\$10.00	Bank Fee
Cascade Strategies	10/08/2020	\$15,000.00	Non-Federal Research
Facebook Inc	10/01/2020	\$70,000.00	Non-Federal Digital Media Placement
IMGE, LLC	10/02/2020	\$33,333.33	Non-Federal Digital Media Placement
IMGE, LLC	10/05/2020	\$13,333.33	Non-Federal Digital Media Placement
IMGE, LLC	10/13/2020	\$61,111.11	Non-Federal Digital Media Placement
Onmessage Inc.	10/05/2020	\$34,240.00	Non-Federal Polling

Onmessage Inc.	10/08/2020	\$24,765.00	Non-Federal Polling
Onmessage, Inc.	10/14/2020	\$24,765.00	Non-Federal Polling
Outbrain Inc.	10/13/2020	\$30,000.00	Non-Federal Digital Media Placement
Pinpoint Media, LLC	10/14/2020	\$6,000.00	Non-Federal Media Placement
Redwave Communications, LLC	10/05/2020	\$37,663.70	Non-Federal Media Production
Redwave Communications, LLC	10/05/2020	\$37,663.70	Non-Federal Media Production
Sjostrom, Reese	10/05/2020	\$150.00	Non-Federal Research
Smart Media Group, LLC	10/07/2020	\$1,462,046.16	Non-Federal Media Placement
Smart Media Group, LLC	10/09/2020	\$540,278.40	Non-Federal Media Placement
Something Else Strategies, LLC	10/05/2020	\$8,845.00	Non-Federal Media Production
Something Else Strategies, LLC	10/14/2020	\$1,980.00	Non-Federal Media Production
Something Else Strategies, LLC	10/14/2020	\$19,000.00	Non-Federal Media Production
Something Else Strategies, LLC	10/14/2020	\$5,000.00	Non-Federal Media Production
Something Else Strategies, LLC	10/14/2020	\$31,970.00	Non-Federal Media Production
Victory Phones	10/05/2020	\$8,000.00	Non-Federal Polling
		\$2,465,234.73	

Table 5: Receipts (contributions) received by the RGA Right Direction PAC from the RGA (top) and Itemized Disbursements (expenditures) RGA Right Direction PAC indicated disclosed applicable Montana expenditure activity (bottom) on its October 15, 2020 through November 23, 2020 FEC finance report.

Full Name	Date of Contribution	Amount of Contribution
Republican Governors Association	10/22/2020	\$500,000.00
		\$500,000.00

Full Name	Date of Disbursement	Amount of Disbursement	Purpose of Disbursement
Chain Bridge Bank, N.A.	10/16/2020	\$20.00	Bank Fee
Chain Bridge Bank, N.A.	10/20/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	10/22/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	10/22/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	10/23/2020	\$20.00	Bank Fee

Chain Bridge Bank, N.A.	11/06/2020	\$10.00	Bank Fee
Chain Bridge Bank, N.A.	11/06/2020	\$10.00	Bank Fee
Great Falls Tribune	09/21/2020	\$8.47	Subscription
Cook, Abby	11/02/2020	\$150.00	Non-Federal Research
Direct Response, LLC	11/06/2020	\$1,371.15	Non-Federal Phone Banks
Direct Response, LLC	11/06/2020	\$18,313.25	Non-Federal Phone Banks
Facebook Inc	10/22/2020	\$31,771.92	Non-Federal Digital Media Placement
IMGE, LLC	10/22/2020	\$20,000.00	Non-Federal Digital Media Placement
IMGE, LLC	10/22/2020	\$82,000.00	Non-Federal Digital Media Placement
McAllister, Walker	10/26/2020	\$150.00	Non-Federal Research
Onmessage Inc.	10/26/2020	\$24,430.00	Non-Federal Polling
OPN Sesame	10/19/2020	\$3,001.92	Non-Federal Digital Media Placement
OPN Sesame	10/23/2020	\$15,872.48	Non-Federal Digital Media Placement
OPN Sesame	11/06/2020	\$32,250.16	Non-Federal Digital Media Placement
Sjostrom, Reese	10/19/2020	\$150.00	Non-Federal Research
Smart Media Group, LLC	10/16/2020	\$508,697.08	Non-Federal Media Placement
Smart Media Group, LLC	10/20/2020	\$47,700.00	Non-Federal Media Placement
Something Else Strategies, LLC	10/19/2020	\$15,000.00	Non-Federal Media Production
Something Else Strategies, LLC	10/19/2020	\$5,000.00	Non-Federal Media Production
Something Else Strategies, LLC	10/26/2020	\$18,500.00	Non-Federal Media Production
Something Else Strategies, LLC	10/26/2020	\$5,000.00	Non-Federal Media Production
Something Else Strategies, LLC	11/09/2020	\$20,000.00	Non-Federal Media Production
Statile, Justin	10/19/2020	\$510.57	Non-Federal Research
		\$849,967.00	

Highlighted rows represent expenditures made to a “consultant, advertising agency, polling firm, or other person that performs services for or on behalf of” RGA Right Direction PAC that are not “itemized or described in sufficient detail to disclose the specific services performed by the entity to which payment or reimbursement was made”, §13-37-229(2)(b), Mont. Code Ann.

Table 6: Paid text messages mentioning candidates Gianforte and/or Cooney sent by the RGA Right Direction PAC. Information provided to COPP via email by the RGA Right Direction PAC.

Date of Message	Message Text	Number of Recipients
10/27/2020	Hey! We are 7 DAYS out from Election Day. Do you have a voting plan? Head over to <a href="https://vote.gop/">https://vote.gop/</a> [vote.gop] to find out how you can vote Greg Gianforte for Governor!	58,000
10/29/2020	You heard it from President Trump first: Greg Gianforte will be a "tremendous" governor of Montana. Let's get out and make it happen!	11,354
10/31/2020	Career politician. Tax hiker. Unethical. Democrat Mike Cooney is SCARY. Don't let him haunt MT for the next 4 years. Vote Gianforte!	61,338
	Just like your least favorite Halloween candy, Mike Cooney has been around for TOO LONG. Time for a change – vote Gianforte for governor!	
	Governor Mike Cooney? Now THAT's a scary thought. Avoid the nightmare by voting for Greg Gianforte for governor by 11/3!	
11/01/2020	Hey! We have to support President Trump's allies in Montana. That means voting Greg Gianforte for Governor. Time to make Montana red again!	11,009
11/02/2020	Sorry for all the texts lately, but this one's important! Nikki Haley wants you to get out and vote Greg Gianforte for governor!	61,338
	Nikki Haley calls Greg Gianforte the governor MT needs to bring jobs back to the state. Will you stand with Nikki and vote Gianforte tomorrow?	