

THE STATE OF MONTANA

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

Campaign Finance and Practices

Complaint Form (08/17)

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COMMISSIONER OF POLITICAL PRACTICES HAND DELIVERED [checked]

SIGNED/NOTARIZED [checked]

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

Person bringing complaint (Complainant):

Complete Name: Sandi Luckey - Montana Democratic Party
Complete Mailing Address: PO Box 802, Helena, MT 59624
Phone Numbers: Work 406-442-9520, Home

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

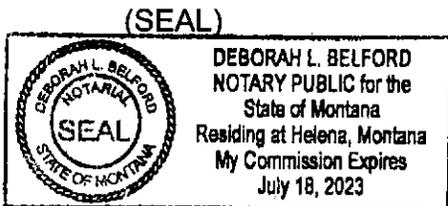
Complete Name: Gianforte for Governor
Complete Mailing Address: PO Box 877 Helena, MT 59624
Phone Numbers: Work, Home (406) 594-0904

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 7 day of October, 2020.

Deborah L Belford
Notary Public Deborah L Belford

My Commission Expires:

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

Dear Commissioner Mangan:

Greg Gianforte is a Republican candidate for governor in Montana.¹ His campaign committee is Greg for Montana (“**the Committee**”).² The primary election where Mr. Gianforte became the Republican nominee for governor took place on June 2, 2020.³

Mr. Gianforte made four personal loans to the Committee for the primary election, totaling \$1,550,00: \$50,000 on June 8, 2019; \$500,000 on February 18, 2020; \$500,000 on April 6, 2020; and \$500,000 on May 8, 2020.⁴ The Committee has not disclosed any loans or debts for the primary election originating from a source other than Mr. Gianforte.⁵

After the primary election, the Committee accepted at least 300 contributions for the primary election, totaling \$151,687.25.⁶ The Committee’s reports do not disclose any disbursements to repay the loans from Mr. Gianforte.⁷ However, Mr. Gianforte has since made three other loans to the Committee, totaling \$2 million for the general election: \$500,000 on July 13, 2020; \$500,000 on August 10, 2020; and \$1 million on September 2, 2020.⁸ Mr. Gianforte has further contributed over \$2 million to the Committee for the general election.⁹

Aggregate contributions for elections are limited under §§13-37-216 and 218, MCA. 44.11.224 A.R.M. requires a separate accounting for moneys received on or before the primary election date and those received after the primary election date. Under Montana law, a candidate may only receive contributions for the primary election after the primary election for the sole

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

² *Id.*

³ Mont. Sec’y of State, 2020 Primary and General Election Calendar, <https://sosmt.gov/wp-content/uploads/2020-Election-Calendar.pdf>.

⁴ See Candidate Campaign Finance Reports, Greg Gianforte (filed Sept. 21, 2020; filed Aug. 20, 2020 and amended Sept. 21, 2020; filed Aug. 20, 2020; filed June 22, 2020 and amended Aug. 20, 2020; filed May 22, 2020; filed April 19, 2020 and amended Aug. 20, 2020; filed Mar. 23, 2020 and amended Aug. 20, 2020; filed Jan. 5, 2020 and amended Aug. 20, 2020; filed Oct. 7, 2019 and amended Aug. 20, 2020; filed July 5, 2019 and amended Aug. 20, 2020), available at <https://cers-ext.mt.gov/CampaignTracker/dashboard>; Exhibit A.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

purpose of paying primary election debts.¹⁰ Otherwise, any contributions received by a candidate after the day of the primary election must be designated as general election contributions, subject to the aggregate contribution limit for the general election.¹¹ 44.11.224(b) contemplates that moneys received prior to the primary must be spent on primary election expenses and those contributions received after the primary can be spent on expenses incurred in connection with the general election. 44.11.224(c) prohibits the use of contributions received after the primary election date for expenses incurred in connection with the primary election. 44.11.224(e) authorizes “left-over” funds” collected for the primary to be used for general election expenses “if all primary debts have been paid.” Pursuant to this administrative rule, funds collected after the primary must first be used to discharge all primary election expenses and debts **before** those funds may be used for general election purposes.

The requirements for segregating contributions received before and after a primary election are essential to enforcement of the campaign contribution limits. To hold otherwise would be to permit a candidate to expand the contribution limits by soliciting and spending primary dollars from donors after the primary election has occurred. Moreover, a campaign committee must show all primary debts have been satisfied before it can use any funds received after the primary election and subject to the primary election contribution limits.

According to reports filed by the Gianforte for Governor campaign committee – and the attached exhibits – it has continued to solicit and receive funds subject to the primary campaign contribution limits and is using those funds for general election expenses without establishing the threshold requirement that he has discharged all primary election debt. Accordingly, he is violating the contribution limits established in §13-37-216, MCA.

Sincerely,

Sandi Luckey, Executive Director
Montana Democratic Party

¹⁰ Admin. R. Mont. 44.11.224(2)(d).

¹¹ *Id.*

Exhibit B – Audio file of recording provided.

Full Transcript of audio file

[crowd laughs lightly] "Just do what you can, okay? The maximum someone can do is \$1420, some of you might [continues but recording ends].."