

THE STATE OF MONTANA

Commissioner of Political Practices
1205 Eighth Avenue
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Helena, MT 59620-2401
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www.politicalpractices.mt.gov

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COMMISSIONER OF
POLITICAL PRACTICES

HAND DELIVERED

SIGNED/NOTARIZED

Ethics

Complaint Form (10/17)

Person bringing complaint (Complainant):
Type or print in ink all information on this form except for verification signature

Complete Name Spencer McNamee

Complete Mailing Address PO Box 935, Helena, MT 59624

Phone Numbers: Work (406) 640-4385 Home _____

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

Complete Name Governor Steve Bullock

Complete Mailing Address PO Box 200801
Helena, MT 59620-0801

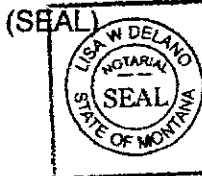
Phone Numbers: Work (406) 444-3111 Home _____

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

Verification by oath or affirmation

State of Montana, County of Missoula,

I, Spencer McNamee, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.



LISA W DELANO
NOTARY PUBLIC for the
State of Montana
Residing at Missoula, MT
My Commission Expires
July 23, 2023.

Signature of Complainant

Subscribed and sworn to before me this 6th day of March, 2020.

Notary Public LISA W. DELANO

My Commission Expires: 7/23/2023

Commissioner Mangan,

I write to file this formal ethics complaint against Governor Steve Bullock alleging violations of § 2-2-121(3)(a), MCA.

Overview

§ 2-2-121(3)(a), MCA is a provision of state ethics law mandating that “a public officer or public employee may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office...”

Governor Bullock repeatedly, knowingly, and intentionally violated that ethics provision of Montana law during his short-lived run for President of the United States with his use of social media accounts, including, but potentially not limited to, two specific Facebook and Twitter accounts.

The social media accounts in question are Bullock’s official “Governor Steve Bullock” Facebook and Twitter accounts:

<https://www.facebook.com/GovernorBullock/>

and

<https://twitter.com/GovernorBullock>

Because these two accounts have—for years—been used by Bullock in his official capacity as Governor of Montana for state business, they should not have been used, and should not be used in the future, for campaign purposes. The Facebook and Twitter accounts have been operated by state personnel, during their “on the clock” state time for which they receive state pay and benefits, likely using state-provided electronic devices, throughout Bullock’s term as Governor. The accounts were also used thousands of times to solicit support for Bullock’s failed bid to be the Democratic nominee for President of the United States, in violation of § 2-2-121(3)(a), MCA.

Key Facts and Allegations:

1. Bullock has used and continues to use the @GovernorBullock Facebook and Twitter accounts for official state business, with posts made by state personnel operating on their public time in their public capacities, likely using state-provided electronic devices such as office desktop computers, laptops, and/or cellphones.
2. Bullock used the @GovernorBullock Facebook and Twitter accounts “to solicit support for the nomination or election of [himself] to [the office of President of the United States].”
3. It is common practice among Montana elected officeholders who employ state personnel to have separate social media accounts for their official state business activities and their political campaigns. This is done to stay within the bounds of the law and not violate § 2-2-

- 121(3)(a), MCA. Federal officeholders from Montana, while not bound by § 2-2-121(3)(a), MCA, also maintain similar practices, due to a similar prohibition in the federal statutes.
4. Bullock himself also used to strictly follow the above practice, and attempted to follow it during his presidential campaign, which highlights the fact he knowingly and intentionally violated the law.

Evidence and Examination of the Key Facts and Allegations

1. Bullock has used and continues to use the @GovernorBullock Facebook and Twitter accounts for official state business, using state personnel and time, and likely using state devices.

Throughout his time as Governor of Montana, including before and after his presidential campaign, the two social media accounts in question have been Bullock's primary social media accounts for communicating official state business.

Both of these accounts, currently and before Bullock's presidential campaign, listed the Governor's official state website as the link to get more information associated with the social media account:

Governor Steve Bullock

Home About Posts Events Videos Photos Groups Community

Like

Community

Are your friends to like this page?

33,762 people like this

48,556 people follow this

On the 10th anniversary of Citizens United, we know more than ever that outside spending has been cancerous to our representative democracy. In Montana, we've made the most dramatic strides to curb...

Steve Bullock

Follow

Steve Bullock ✓
@GovernorBullock

Husband. Father of three. Runner. Montana's 24th Governor.

governor.mt.gov


Joined February 2010

692 Following 188K Followers

In many instances, the @GovernorBullock social media accounts are the only social media accounts to share unique photos taken by state government personnel during their public time, at taxpayer-funded events, likely using state-issued cameras or photo-capable cellphones. Similarly, the @GovernorBullock social media accounts have, throughout the vast majority of Bullock's terms in office, been the Governor's only social media accounts to share timely and important information from the Office of the Governor.

For example, as recently as this week, the only Twitter account to share information about the Governor's Coronavirus Task Force was the @GovernorBullock Twitter account (which also appears to feature a photo taken by state personnel, during work hours, at the Governor's office, at an official government event, and further contains a link to the official Department of Public Health and Human Services state website):

Steve Bullock [@GovernorBullock](#) · 22m
While there are no current diagnosed cases of coronavirus in Montana, we're taking steps to prepare and respond in the event the outbreak reaches our state. Today, I announced the activation of the Governor's Coronavirus Task Force.



8 · 24 · 139

Steve Bullock [@GovernorBullock](#) · 22m
This is the public health event that Montana practices for. We've conducted similar responses in the past. Looking out for our family, friends and neighbors is what we do. We've been preparing and will continue to address this evolving situation.

1 · 12 · 7

Steve Bullock [@GovernorBullock](#) · 22m
I urge Montanans to listen to their local public health officials and use reputable sources for information, such as the state's health department website: dphhs.mt.gov

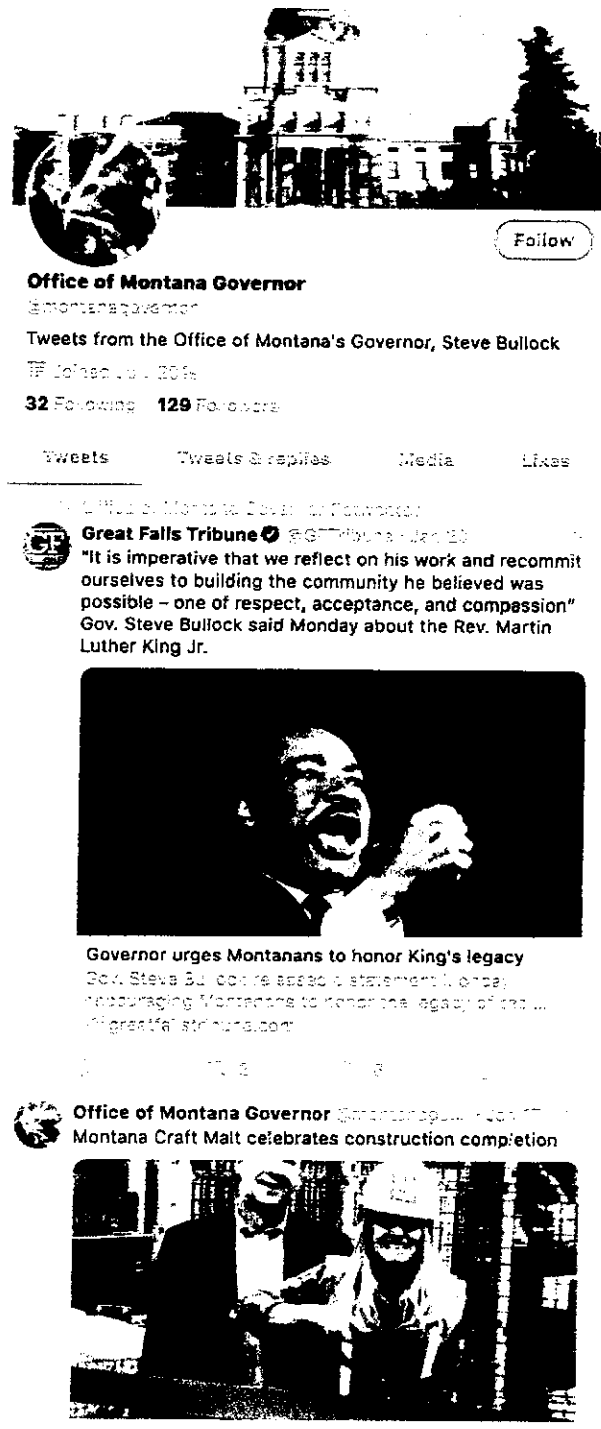
7 · 11 · 13

Steve Bullock [@GovernorBullock](#)

Above all, use the same public health prevention measures that are used to prevent influenza. Wash your hands, avoid touching your eyes/nose/mouth, stay home if you are sick, cover your cough/sneeze, and clean and disinfect frequently touched objects and surfaces.

© 2020 Twitter, Inc. · May 3, 2020 · Twitter Web App

This is in comparison to another account operated by the Governor's office, the @montanagovernor Twitter account (more information on that account is on page 13 of this ethics complaint), which did not share any information about the Coronavirus Task Force:



The screenshot shows the Twitter profile for the Office of Montana Governor (@montanagovernor). The profile picture is a circular image of a globe. The header includes the name "Office of Montana Governor" and the bio "Tweets from the Office of Montana's Governor, Steve Bullock". Below the profile information, there are navigation tabs for "Tweets", "Tweets & replies", "Media", and "Likes".

The first tweet is from the Great Falls Tribune (@GFTribune) dated Jan 20. The text of the tweet reads: "It is imperative that we reflect on his work and recommit ourselves to building the community he believed was possible – one of respect, acceptance, and compassion" Gov. Steve Bullock said Monday about the Rev. Martin Luther King Jr. Below the text is a photograph of Governor Steve Bullock speaking at a podium.

The second tweet is from the Office of Montana Governor (@montanagovernor) dated Jan 27. The text of the tweet reads: "Montana Craft Malt celebrates construction completion". Below the text is a photograph of two men, one in a white hard hat and another in a dark jacket, standing in front of a building.

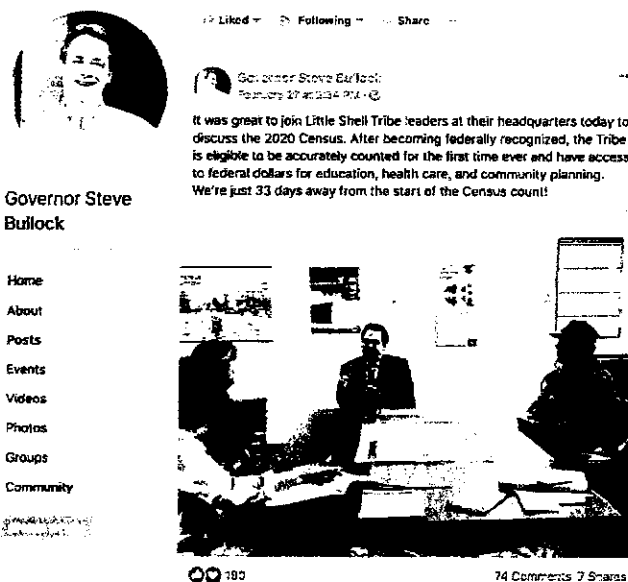
For an example of Bullock's @GovernorBullock Facebook page being used for state business, see the image below. Governor Bullock visited Little Shell Tribe leaders at their headquarters to discuss the 2020 census. Presumably, Bullock or any accompanying staff used a state vehicle to travel there and accompanying staff collected state pay for their work time spent on this trip; therefore, public time and resources were used for the trip. The @GovernorBullock Facebook page did not re-share this image or information from another social media account, website, or source: the @GovernorBullock account is the original source of this information about an official state business trip.

Who wrote and posted these messages (about the coronavirus and 2020 Census), and thousands of similar, official state business posts to Bullock's @GovernorBullock social media accounts, is also important.

While Facebook does not show page visitors which Facebook user posted a specific item to a Facebook page, administrators logged into Bullock's Facebook page can see which Facebook user posted a specific message. In the course of the Commissioner's investigation into the allegations detailed in this complaint, a key piece of evidence to review is which Facebook users posted, and have access to post, messages on Bullock's @GovernorBullock Facebook account.

While some politicians do post on their social media pages themselves, most rely on their staff to run the social media accounts. If state employees are responsible for posting state government business, while on state time, and/or are using state-provided devices to post to the account, then it further establishes the @GovernorBullock social media accounts as official public resources, the same way Governor Bullock and his employees' state email accounts are public resources.

Conversely, if the Commissioner of Political Practices were to hold that the @GovernorBullock accounts are personal or campaign social media accounts instead of official government accounts, then any state employee who posted to the accounts on their state time or using a state device would be violating § 2-2-121(3)(a), MCA by campaigning while at work.

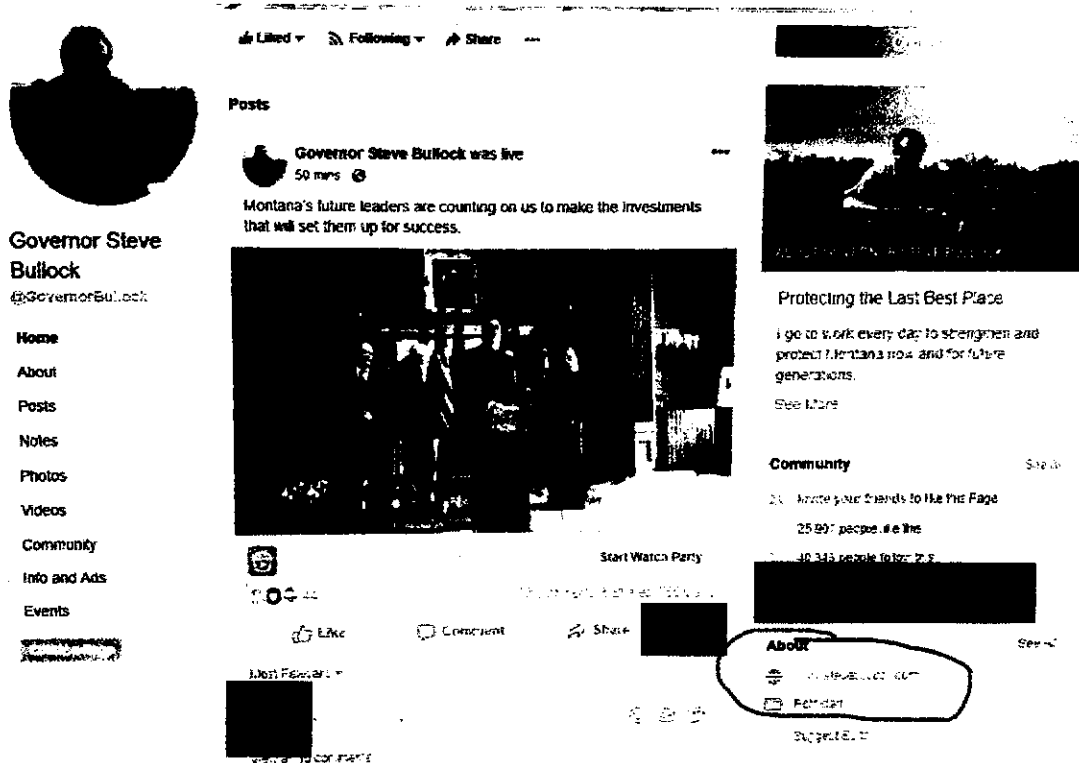


2. Bullock used the @GovernorBullock Facebook and Twitter accounts “to solicit support for the nomination or election of [himself] to [the office of President of the United States].”

As established above, the @GovernorBullock Facebook and Twitter accounts are used for state business and involve the use of “public time, facilities, equipment, supplies, personnel, or funds.” Under § 2-2-121(3)(a), MCA, that means using the accounts to campaign would be a violation of state ethics law.

During his short-lived and failed run for President, Governor Bullock used his official social media accounts thousands of times to campaign, in violation of ethics law.

He changed the website link on the social media pages to direct people to his campaign website:



Bullock’s state government @GovernorBullock social media accounts also shared thousands of posts, pictures, and videos promoting his candidacy for President, opposing other candidates for President, and soliciting campaign donations. According to Facebook and Twitter’s publicly-accessible records of political campaign spending, Bullock’s campaign spent hundreds of thousands of dollars promoting his candidacy using his state government @GovernorBullock social media accounts:



Governor Steve Bullock

Gov. Bullock

Home

About

Posts

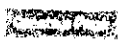
Events

Videos

Photos

Groups

Community



Like Following Share

Visit Group



Governor Steve Bullock: This is how we can give Donald...



WATCH: Presidential Candidate Gov. Steve Bullock d'scusses...



WATCH: Gov. Steve Bullock's first TV Ad. Donate to keep it...



WATCH: Gov. Steve Bullock on MSNBC Meet: the Press with...



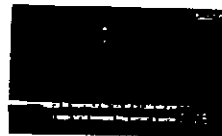
Gov. Steve Bullock: "We know it takes more than your own..."



Presidential Candidate Gov. Steve Bullock: We can win...



Presidential Candidate Gov. Steve Bullock: It's time to kick...



Presidential Candidate Gov. Steve Bullock Speaks at Iowa...



Presidential Candidate Gov. Steve Bullock Delivers...



Presidential Candidate Gov. Steve Bullock Supporters



Presidential Candidate Gov. Steve Bullock: This...



WATCH: Presidential Candidate Steve Bullock "I'm running for..."

Ads Transparency Center

692 Following 188,006 Followers

You're viewing all the ads promoted by this certified political campaigning account. Select an ad for in-depth information about performance, spend, and targeting.

Select Billing information to see a list of billing addresses and amounts spent by the funding sources for this account's political campaigns.

All data was updated in the last 24 hours.

Ads

Billing Information

Insertion orders

Mothership Strategies

Steve Bullock for President
Washington, DC
Go to for Steve Bullock for President

Total spend

\$13.6K

Credit card funding

Meredith Tedford

Newmarket, MA

Steve Bullock

Fishers, IN

Total spend

\$308.2

Ads Transparency Center



Steve Bullock

Gov. Bullock

Husband. Father of three. Runner. Montana's 24th Governor.

gov.bullock.mt.gov Joined February 2015

692 Following 188,006 Followers

You're viewing all the ads promoted by this certified political campaigning account. Select an ad for in-depth information about performance, spend, and targeting.

Select Billing information to see a list of billing addresses and amounts spent by the funding sources for this account's political campaigns.

All data was updated in the last 24 hours.

Ads

Billing Information



Steve Bullock

Gov. Bullock

Ending the corrupting influence of Dark Money has been the fight of my career. Only by being fully open to the people can we win.

All Ads Governor Steve Bullock

Disclaimers used by this Page	
Disclaimer	Amount spent
BULLOCK FOR PRESIDENT	\$24,981
Big Sky Values	\$39,872
Bullock for President	\$244,954
Total spent by Page	\$309,807

United States

View: [Image] Issues, Electoral or Political

~5,000 results
Showing ads from Governor Steve Bullock.

Filter By: United States Active and inactive All impressions All Platforms

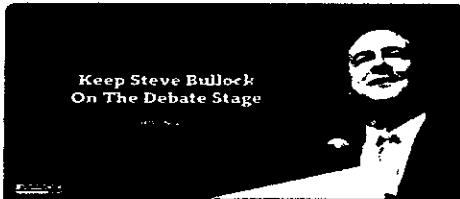
Launched November 2019

Ads Transparency Center



BREAKING: Governor Steve Bullock just showed the country why he's the best candidate for President!

We're SO glad the American people got to hear from him. Now we need to keep up this momentum to make sure Governor Bullock's message is heard EVERYWHERE. Chip in \$1 today



Keep Up The Momentum — Chip In \$1
www.stevetullock.com

100 TV Ads, 0 TV

0 Platforms, 0 TV

Ad performance summary

This ad ran in 1 campaign. Campaigns may include multiple ads. Select a date range to view the targeting information for each campaign.

Spots: 181.6 Impressions: 24.8K

Targeting

This ad ran in 1 campaign. Campaigns may include multiple ads. Select a date range to view the targeting information for each campaign.

Aug 1, 2019 - Aug 30, 2019

Filter By: United States Active and Inactive All Impressions All Platforms


Launched November 2019

Inactive Started running on Nov 20, 2019

About social issues, elections or politics

Governor Steve Bullock Sponsored - Paid for by BULLOCK FOR PRESIDENT

You bet!



Fact Checker: Is Steve Bullock the only Democratic presidential candidate to have won in a Trump state? Montana Gov. Steve Bullock, a Democratic presidential candidate, on Nov. 9 announced two...

See Ad Details


Inactive Started running on Apr 16, 2019

About social issues, elections or politics

Governor Steve Bullock Sponsored - Paid for by BULLOCK FOR PRESIDENT

A few of the benefits billionaires get when you donate to President Trump and his allies:

1. Access
2. Tweets
3. Tax breaks
4. Cabinet positions...



Possible pay-to-play scheme for ambassador role in Trump administration uncovered by CBS News Emails obtained by CBS News reveal Trump's nominees for ambassador to the Bahamas also asked...

See Ad Details


Inactive Started running on Nov 13, 2019

About social issues, elections or politics

Governor Steve Bullock Sponsored - Paid for by BULLOCK FOR PRESIDENT

Let's not forget that Trump ran a fraudulent for-profit "university" that stole millions from students.

Now his administration continues to put private profit over our kids' futures.



Betsy DeVos And The High-Stakes Standoff Over Student Loan Forgiveness The Education Department narrowly avoided a subpoena in a fight with House Democrats over...


See Ad Details

Inactive Started running on Nov 19, 2019

About social issues, elections or politics

Governor Steve Bullock Sponsored - Paid for by BULLOCK FOR PRESIDENT

I won three elections in a red state by showing up, listening, and making sure everyone gets a fair shot at a better life. That's the type of leadership I'll bring to the White House.




Inactive Started running on Feb 06, 2019

About social issues, elections or politics

Governor Steve Bullock Sponsored - Paid for by BULLOCK FOR PRESIDENT

Jefferson County flipped from Obama to Trump by 17% in 2016.

If we don't win these places back we won't win this election.




Inactive Started running on Nov 10, 2019

About social issues, elections or politics

Governor Steve Bullock Sponsored - Paid for by BULLOCK FOR PRESIDENT


Today we're releasing a new TV ad to remind everyone that no one — including the President of the United States — is above the law.



3. It is common practice for elected officials in Montana (both state & federal), who employ

Facebook Ad Library

All Ads Governor Steve Bullock



Page transparency

- Page created Feb 5, 2010
- Page name changed 8 times
- Primary country location for people who manage this Page includes: United States (7)

Total spent by Page on ads about social issues, elections or politics

May 2016 - Nov 2, 2023 United States

\$309,807

Recently spent by Page on ads about social issues, elections or politics

7 days - Feb 03 - Mar 02, 2023 United States

\$0

~5,000 results
Showing ads from Governor Steve Bullock

View: All Ads Issue, Electoral or Political

Filter By: United States Active and Inactive All Impressions All Platforms

Launched November 2019

Inactive Started running on Nov 20, 2019

Inactive Started running on Nov 15, 2019

Inactive Started running on Nov 19, 2019

state government staff, to have separate social media accounts for their elected offices and their campaigns.

State officeholders in Montana rightly separate their campaign social media activities from social media accounts that make use of public time, resources, and personnel. Here are the relevant accounts for every statewide elected official in the Last Best Place:

Attorney General Tim Fox

Official accounts: <https://twitter.com/AGTimFox> and <https://www.facebook.com/AGTimFox/>
Campaign accounts: <https://twitter.com/foxforgovernor> and <https://www.facebook.com/foxforgovernor/>

State Auditor Matt Rosendale

Official accounts: <https://twitter.com/MattRosendale> and <https://www.facebook.com/CommissionerMattRosendale/>
Campaign accounts: <https://twitter.com/MattForMontana> and <https://www.facebook.com/MattForMontana/>

Superintendent Elsie Arntzen

Official accounts: <https://twitter.com/SuptArntzen> and <https://www.facebook.com/SuperintendentElsieArntzen/>
Campaign accounts: <https://twitter.com/ElsieforMontana> and <https://www.facebook.com/elsieformontana/>

Secretary of State Corey Stapleton

Official accounts: https://twitter.com/Stapleton_MT and no SOS Facebook page
Campaign accounts: <https://twitter.com/TheAmericanCS> and <https://www.facebook.com/CoreyforMT/>

Senator Jon Tester

Official accounts: <https://twitter.com/SenatorTester> and <https://www.facebook.com/senatortester/>
Campaign accounts: <https://twitter.com/jontester> and <https://www.facebook.com/jontester/>

Senator Steve Daines

Personal Twitter account: <https://twitter.com/SteveDaines>
Official Facebook account: <https://www.facebook.com/SteveDainesMT/>
Campaign accounts: <https://twitter.com/DainesforMT> and <https://www.facebook.com/SteveDainesforMontana/>

Congressman Greg Gianforte

Personal Twitter account: <https://twitter.com/gianforte>
Official Facebook account: <https://www.facebook.com/RepGianforte/>
Campaign accounts: <https://twitter.com/GregForMontana> and <https://www.facebook.com/GregForMontana/>

Many Montana legislators, who do not employ state staff except during legislative sessions, manage only one personal/campaign account on each social media platform, on which they also sometimes share their official legislative business.

There is no prohibition in state statutes against politicians sharing information about their official government work using personal or campaign resources. The Commissioner of Political Practices in previous rulings and advisory opinions has held that since elected officials are salaried, they are always “on duty,” and therefore always on state time to a certain extent. However, this unique situation applying only to elected officeholders does not prevent them from campaigning even though they are never fully “off” public time. What officeholders *cannot* do is use state resources or personnel, beyond their own time, to further their campaigns.

This distinction becomes clear with legislative social media accounts. Many legislators run their own single account on each platform that is primarily used for campaigning, but may also include updates from their work in the legislature. However, when the legislature employs state staff during legislative sessions, those staffers run separate, official-business-only accounts that are not used for campaigning.

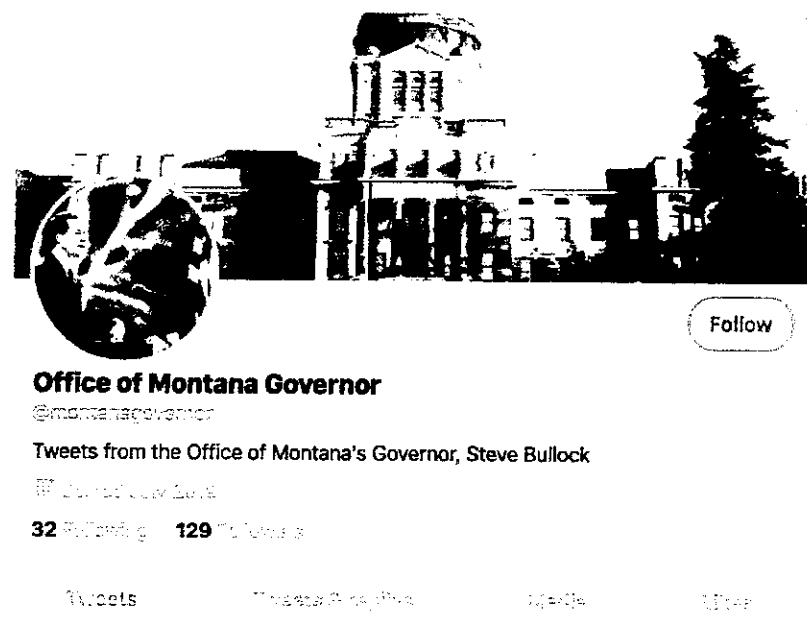
4. Bullock himself used to follow the above practice of separating official and campaign social media accounts.

During prior elections (before his presidential run), Bullock had campaign social media accounts that were separate from his official @GovernorBullock accounts. Those accounts have since been deleted, but evidence of their prior existence remains because of old posts by other users tagging Bullock’s former campaign accounts:



4(a). Bullock had to create a new account during his presidential run for state business because the @GovernorBullock account was being used for campaigning instead at the time.

The Governor's office established a new, separate, official government Twitter account, @montanagovernor, during his presidential run, illustrating that they knew they needed a new mechanism to tweet state business, since the account they'd been using previously for state business (@GovernorBullock) was now being used by the presidential campaign. As you can see in the screenshot below, the @montanagovernor account was created in July 2019:



Since the end of Bullock's presidential campaign, the @montanagovernor account has been used sparingly, while most official business tweets have returned to the @GovernorBullock account, again highlighting the problematic, unethical, and illegal mixing of state business and campaigning on that account.

Summary:

The Commissioner of Political Practices has previously ruled that using a state government digital information sharing and distribution system (state email) for campaigning is a violation of § 2-2-121(3)(a), MCA. Social media is another type of digital information sharing and distribution system, and is a state government resource when state personnel, state time, state facilities, state devices, etc. are used to create, manage, promote, and grow those social media accounts. Handing off state government social media accounts to a political campaign is really no different than handing off state government email lists to a campaign.

Steve Bullock has used and continues to use his @GovernorBullock accounts as official state government social media accounts. He has spent years building the following and reach of those accounts using state personnel, time, and resources. He then used those official state government accounts to campaign for office, violating the ethics provisions of Montana law thousands of times in the process. He did this despite the universal practice among other statewide officeholders of clearly separating official and campaign social media accounts, and despite his own prior practice of also keeping his campaign social media accounts separate from his state government accounts.

Steve Bullock is an attorney by trade and the former Attorney General of Montana. He appoints the Commissioner of Political Practices whose job includes handling ethics complaints. He has both state government legal counsel and campaign legal counsel. His campaign and official social media accounts used to be separated, just like every other statewide officeholder in Montana. His office had to create a new account during his presidential campaign because the account they had been using was instead being used for a political campaign.

This fact pattern establishes that Bullock cannot be excused for ignorance or sloppiness in violating MCA 2-2-121(3)(a) by using his social media accounts in this way. Rather, this fact pattern shows that Governor Bullock violated MCA 2-2-121(3)(a) knowingly and intentionally. His motive for doing so is simple and clear: after years of using state personnel, time, and resources to build the following and reach of his @GovernorBullock accounts, those accounts provided the him the biggest possible digital platform for him to launch his campaign. MCA 2-2-121(3)(a) exists exactly for this reason: to prevent elected politicians from abusing their positions to campaign using public resources paid for by Montana taxpayers.

Actions Requested of the Commissioner to Remedy this Situation

I am requesting the Commissioner of Political Practices take the following actions, in accordance with all relevant laws, rules, and procedures, to investigate and remedy the allegations contained in this complaint:

1. Immediately inform the Governor and his staff, in writing, that they need to preserve evidence for investigating this complaint by not deleting any social media posts or accounts, or record of who had access to the accounts and what they posted.
2. Immediately tell the Governor and his staff, in writing, to cease and desist from engaging in any further campaigning using the @GovernorBullock social media accounts while the Commissioner considers the merits of this complaint.
3. Conduct a thorough investigation into this matter, including identifying which of the Governor's staff created posts on the @GovernorBullock accounts, when they posted them, whether they posted to the accounts on state time, and whether they used any state devices to post to the accounts.
4. If, at the conclusion of his investigation, the Commissioner finds that Governor Bullock violated § 2-2-121(3)(a), MCA as alleged, then I submit that the Governor should be held accountable in an equitable manner to a similar complaint in which the Commissioner has already ruled: COPP-2019-ETH-001 - *MDP v Stapleton*
5. If the Commissioner finds that Governor Bullock did not violate § 2-2-121(3)(a), MCA as alleged, then I request an Advisory Opinion from the COPP outlining the allowable use of a single social media account for both official government business and campaigning by an elected official in Montana. If the Governor's use of his at @GovernorBullock social media accounts is appropriate according to the Commissioner's interpretation of § 2-2-121(3)(a), MCA then every other statewide elected official in Montana needs clarification of the law as we head further into the 2020 election cycle so everyone can play by the same rules.