

Cook, Scott

From: Aaron Murphy <aaron@busseformontana.com>
Sent: Friday, June 28, 2024 11:11 AM
To: Cook, Scott; Gallus, Chris J.; Hendricksen-Scott, Shelley
Cc: Holly Giarraputo; Emily Harris
Subject: [EXTERNAL] Re: New Complaint Received by COPP- Montana Republican Party (via Bradley) v. Busse, COPP-2024-CFP-027
Attachments: 2024-6-28 Busse for Montana Response to COPP-2024-CFP-027.pdf

Commissioner Gallus, Mr. Cook, and Ms. Hendrickson-Scott:

Attached is Busse for Montana's response to the Complaint (COPP-2024-CFP-027) you sent earlier this week via Ms. Giarraputo. Will you please confirm receipt of this response? And please don't hesitate to email me directly with any questions. I've also CC'd Deputy Manager Emily Harris.

Best,

Aaron Murphy
Manager, Busse for Montana

----- Forwarded message -----

From: **Cook, Scott** <SCook3@mt.gov>
Date: Mon, Jun 24, 2024 at 10:27 AM
Subject: New Complaint Received by COPP- Montana Republican Party (via Bradley) v. Busse, COPP-2024-CFP-027
To: holly@campaigncompliance.net <holly@campaigncompliance.net>
Cc: Gallus, Chris J. <Christopher.Gallus@mt.gov>, Hendricksen-Scott, Shelley <Shelley.Hendricksen-Scott@mt.gov>

Holly,

Please see the attached copy *Montana Republican Party (via Bradley) v. Busse, COPP-2024-CFP-027*, a formal Complaint alleging violation of Montana election law under the Commissioner's jurisdiction received by COPP and accepted for initial review by Commissioner Gallus. A letter from Commissioner Gallus outlining the formal Complaint process and requesting a written response be provided by Mr. Ryan Busse (the named respondent) addressing the specific allegations presented is also included. Hard copy (paper) versions of these documents can be sent to you via U.S. Mail as well upon request. The complaint and letters requesting a written response from Mr. Busse will be publicly posted to COPP's website tomorrow (June 25, 2024). Please feel free to contact myself, Commissioner Gallus, or COPP's agency attorney Shelley Hendricksen-Scott with questions about the formal Complaint process. The requested written response in this matter may appropriately be submitted to COPP via email message.

Scott Cook

Compliance Specialist 3/Public Records Officer

Office of the Commissioner of Political Practices

(406) 444-4627

SCook3@mt.gov

Commissioner Gallus:

My name is Aaron Murphy and I serve as manager for Busse for Montana, the gubernatorial campaign of former firearms executive Ryan Busse. This campaign is in receipt of the complaint in the matter numbered COPP-2024-CFP-027 (“Complaint”) and your accompanying letter.

The Complaint is utterly meritless—another attempt by Greg Gianforte to change the conversation from his historic and widely unpopular residential property tax increase.

Expenditures to Aspen Communications are for work performed by Sara Busse, an independent, experienced professional whose work the campaign does—and, by law, must—compensate fairly for work to support this campaign’s fundraising and communications functions. Ryan Busse receives no remuneration from the campaign, or from Aspen Communications in connection with the campaign.

Gianforte knows this, yet his meritless Complaint fails even to cite the proper authority.

Moreover, if spousal relationships were enough to support a Complaint and investigation by this office, then surely the government’s resources are better used investigating the State of Montana’s \$10,000 monthly payment to the wife of Gianforte’s campaign manager, among other questionable public contracts paid to Gianforte’s campaign manager using taxpayer dollars.

The other allegations, regarding the sufficiency of reporting the purchase of yard signs and a TV ad, are equally meritless. The Complaint should be dismissed.

Expenditure Reporting

First, the Complaint alleges two violations of 13-37-229, MCA, related to the campaign’s placement of a statewide television ad buy and its purchase of signs. Both disclosures satisfy the requirements of Montana law.

Section 13-37-299(2)(a)(i), MCA, requires the campaign to disclose:

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;

(emphasis added). When a business or person performs work on behalf of a campaign, the law requires additional disclosure to prevent campaigns from shielding their activities from transparency by passing expenditures through a third-party. Subsection (2)(b) provides:

Reports of expenditures made to a consultant, advertising agency, polling firm, or other person that performs services for or on behalf of a candidate, political committee, or joint fundraising 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.

(emphasis added).

The description of the payment to the campaign's media firm, Left Hook, for a "statewide broadcast tv ad buy" meets and exceeds the reporting requirements for an advertising agency under 13-37-229(2)(b), MCA. It clearly discloses "the specific services performed by the entity." There is no doubt or ambiguity that the campaign's payment was to place a television advertising buy, the specific service performed by Left Hook for the placement of a single television advertisement. And though the statute does not require it, the campaign provided the additional detail in its disclosure that the buy was for broadcast television and targeted statewide. There is no violation of 13-37-229(2)(b), MCA. To the extent your office takes the position that 13-37-229(2)(b), MCA, requires certain additional details—and in the interest of avoiding needless litigation on these matters—the campaign is amenable to considering a reasonable request for further information.

The description of the payment for signs likewise clearly satisfies Montana campaign finance law. Subsection (2)(b)'s additional disclosure requirements do not apply to this expenditure because it was a direct purchase from a vendor, not a "consultant, advertising agency, polling firm" or other services provider. The campaign disclosed all the required information, including the purpose of the expenditure: to purchase "signs," a common activity for campaigns. In the interests of avoiding needless litigation on these matters (and though the law does not require it), the campaign offers the additional detail that the signs purchased were bag-style yard signs, with metal hangers, and the campaign purchased 3000 of them.

In short, the campaign has complied with the disclosure requirements for expenditures. This portion of the Complaint should be dismissed.

Applicability of 13-37-240, MCA, and A.R.M. 44.11.608

Second, the Complaint alleges violations of 13-37-240, MCA. But that statute has nothing to do with the campaign. It governs the disposal of surplus campaign funds after the end of a campaign, barring disposal for personal benefit in those circumstances. The statute has no applicability here, where the campaign is ongoing and no surplus funds have been disposed.

The GOP appears to have misapprehended the applicable law. To avoid needlessly drawing out proceedings, your office could construe the GOP's complaint as alleging a violation of A.R.M. 44.11.608, which governs the personal use of campaign funds. But even under the correct authority, there is plainly no violation.

That regulation bars campaign expenditures for personal use, defined as,

those that have no direct connection with, or effect upon, expenditures to support or oppose candidates or issues, and those that would exist irrespective of a candidate's campaign or an individual's involvement in a candidate's campaign.

Campaign expenditures are those that serve to support or oppose a candidate or issue.

All expenditures and reimbursements to Sara Busse and Aspen Communications are directly connected to her fundraising and communications work for the campaign—they support the campaign and would not exist without it. They do not qualify as personal use under A.R.M. 44.11.608.

Sara Busse is an experienced fundraising and communications consultant operating through her company, Aspen Communications. She works as a professional fundraiser in both the nonprofit and political sectors. She is also an experienced communications professional. For example, she served as communications manager for the 2022 congressional campaign of Monica Tranel. (See, e.g., payment for “communications manager” to Aspen Communications as reported to the FEC, here: <https://docquery.fec.gov/cgi-bin/forms/C00783696/1641247/sb/ALL>).

Sara provides immense support to the campaign, authoring and editing the campaign’s successful digital fundraising program, advising on donor prospecting and meetings, raising money, providing marketing advice, and providing communications services for the campaign. This work includes occasional travel, for which she receives the appropriate mileage reimbursement. The campaign respects her work, and pays her fairly for her time through a contract with her company, Aspen Communications.

The campaign’s contract with Aspen Communications is not to compensate Ryan Busse. Ryan Busse receives no compensation from the campaign (excluding reimbursements for mileage, etc . . .). Ryan Busse’s occasional work for Aspen Communications, as listed on his personal disclosure, is entirely separate and distinct from the campaign.

Surely, the GOP does not take the position that Sara Busse’s independent, professional work for the campaign creates an automatic personal benefit issue merely because she is married to Ryan Busse. Were spousal relationships enough to create personal benefit/private inurement problems, it would call into question the ethics of the State of Montana’s \$10,000 monthly payment to the wife of Governor Gianforte’s campaign manager¹—not to mention other state contracts previously or currently awarded to companies associated with the Governor’s campaign manager.

Sara Busse is an experienced professional whose work the campaign fairly compensates. Ryan Busse receives no compensation from the campaign. There is no violation of 13-37-240 or A.R.M. 44.11.608.

For these reasons, the campaign respectfully requests that you dismiss the Complaint.

Aaron Murphy
Manager, Busse for Montana

¹ Governor Gianforte has not disclosed any salary or personal services expenditures to his 2024 campaign manager, Jake Eaton, a person well-known to this office.