

From the Desk of
Jacob L. Eaton

Commissioner of Political Practices
1209 Eighth Ave
Helena, MT 59620

June 24, 2024

Dear Commissioner Gallus,

I write today on behalf of Austin for Montana (AFM), the campaign committee of Attorney General Austin Knudsen. We are in receipt of the Communication from your office on June 19, 2024.

Our position has not changed, Ms. Hogan's complaint is nothing more than political theater, both the original and the amended version of her complaint fail to comply with the threshold procedural requirements and minimum standards of due process. The Commissioner should stop placating Ms. Hogan's frivolous abuse of the system and dismiss this complaint at once.

Ms. Hogan has not articulated any actual violations of the law nor presented any evidence to support her claims. Because Ms. Hogan's complaint is predicated on nothing more than her own dislike of Republicans and lacks any actual evidence of any violations it is difficult to meaningfully respond, thus the Commissioner's persistence in pursuing this matter has now seemingly placed AFM in the position of proving a negative. Nevertheless, we have directly answered each of the baseless charges from Ms. Hogan as best we understand them below.

1. There is no violation of MCA § 13-35-221.
Neither the Attorney General nor any agent of his campaign paid or promised "valuable consideration to another, in any manner or form, for the purpose of inducing the other person to be or to refrain from or to cease being a candidate, and a person may not solicit or receive any payment or promise from another for that purpose." Ms. Hogan has provided no evidence to substantiate her false claim. Likewise, Ms. Hogan has not filed a complaint against Democrat Governor candidate Jim Hunt, filed for office but raised and spent \$0 in his "campaign" for the Democrat nomination.
2. There is no violation of MCA § 13-35-105.
Given that there was no violation of election laws, neither the Attorney General nor any agent of his campaign is in violation of this statute.
3. There is no violation to invoke MCA § 45-2-302.
Given that there is no violation of election laws, thus no violation of MCA § 13-35-105 it is improper to invoke MCA § 45-2-302.
4. There is no violation of MCA § 13-37-216.
As stated in our initial response, Ms. Hogan's false assertion that a candidate must have a primary election opponent filed with the Secretary of State prior to accepting primary contributions is absurd on its face and has no rational basis within the actual

text of the statute. The longstanding interpretation and practice has been for campaigns to collect contributions for the primary and general and simply return the funds if no contested primary occurs.

As further evidence that this complaint is just a stunt designed to garner media attention, Ms. Hogan has yet to file a complaint against Democrat candidates Ben Alke, Ryan Busse, Jeremiah Lynch, Jesse Mullen and Shannon O'Brien. All of whom have collected both Primary and General Election contributions prior to having a contested primary opponent filed with the Secretary of State.

Further, Ms. Hogan's interpretation does not take into account additional scenarios. Republicans Tim Fox and Greg Gianforte both began their 2020 Gubernatorial campaigns in early 2019. As did Democrats Mike Cooney and Whitney Williams. Is it Ms. Hogan's contention that had Cooney and Williams run a competitive primary race for nearly a year but then one candidate chose not to file with the Secretary of State that the remaining candidate wouldn't be allowed to accept primary and general contributions? This scenario again shows the absurdity of Ms. Hogan's claim.

Ms. Hogan's blatant abuse of the complaint process for political gain must be ended. As head of the Democrat Party Ms. Hogan's job is to beat Republicans. Here, she's shown that she is willing to abuse the campaign finance complaint system to achieve her own political ends. This is not a legitimate complaint, it does not contain any actual evidence, it does not articulate any actual violations of the law and should be dismissed post haste.

Should you require any further response, please notify me.

Sincerely,

A handwritten signature in black ink that reads "Jacob Eaton". The signature is written in a cursive, flowing style.

Jake Eaton