

Cook, Scott

From: eaton@thepoliticalcompany.com
Sent: Monday, May 20, 2024 2:56 PM
To: Cook, Scott
Subject: [EXTERNAL] COPP2024-CFP-017
Attachments: AFM Response.pdf

Scott,

Response attached. Please let me know if you need anything else.

Thanks
~jake

From the Desk of
Jacob L. Eaton

Commissioner of Political Practices
1209 Eight Ave
Helena, MT 59620

May 20, 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 complaint filed with your office by Montana Democrat Party Executive Director Shelia Hogan against Attorney General Knudsen.

At no point in Ms. Hogan's semi-coherent ramblings does she allege any specific violation of any specific rule or statute. Therefore, the Complaint should be dismissed pursuant to Admin. R. Mont. 44.11.106(4) for failure to comply with threshold procedural requirements and minimum standards of due process. Ms. Hogan's Complaint violates the requirements of 44.11.106(2)(B)(iii) because the Complaint does not set forth a detailed description of the alleged violations, including citations to each statute and/or rule that is alleged to have been violated. This requirement is important as a matter of due process because respondents to a campaign finance complaint have a right to know the allegations against them in order to be able to formulate a meaningful response and defense to these allegations. This requirement is fundamental to the right to notice and the opportunity to be heard.

The only specific allegation Ms. Hogan articulates is in fact not a violation. Ms. Hogan has asked that for the first time ever in the history of Montana that MCA 13-37-216(6) somehow be interpreted to mean that campaigns cannot accept Primary and General Election contributions until they have a contested primary opponent that has filed with the Secretary of State. That argument is, of course, 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. It should be noted that even this part of Ms. Hogan's complaint is at best confusing because she erroneously cites to 13-37-216(5) which deals with joint fundraising committee reporting, which is inapplicable here.

Additionally, several of Ms. Hogan's Democrat candidates have collected both Primary and General Election contributions prior to having a contested primary opponent file with the Secretary of State. These Democrat candidates include Ben Alke, Ryan Busse, Jeremiah Lynch, Jesse Mullen and Shannon O'Brien. If the Commissioner accepts Ms. Hogan's new interpretation of 13-37-216(6) please notify me right away so that I may file complaints against those candidates as well.

Should you require any further response, please notify me.

Sincerely,



Jake Eaton