

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

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Commissioner of Political Practices 2024/M/31 4/10/20

Campaign Finance and Practices

Complaint Form (08/17)

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

Person bringing complaint (Complainant):

Complete Name: Sheila Hogan
Complete Mailing Address: 303 N. Swings Helena, MT
Phone Numbers: Work (406) 439-3325 Home (406) 439-3325

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

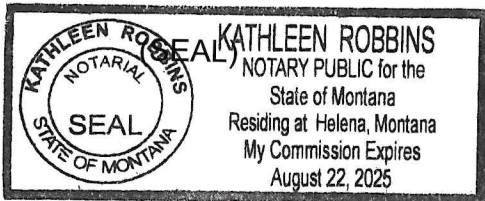
Complete Name: Austin Knudsen
Complete Mailing Address:
Phone Numbers: Work Home

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 Lewis and Clark

I, Sheila Hogan, 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: Sheila Hogan

Subscribed and sworn to before me this 31st day of May, 2024.

Notary Public: [Signature]

My Commission Expires: 08-22-2025

Sheila Hogan
303 North Ewing Street
Helena, MT 59601

BEFORE THE COMMISSIONER OF POLITICAL PRACTICES
OF THE STATE OF MONTANA

<p>SHEILA HOGAN, Complainant, vs. AUSTIN KNUDSEN Respondent.</p>	<p>AMENDED COMPLAINT AND PETITION FOR DECLARATORY RELIEF</p>
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Complainant Sheila Hogan submits the following *Amended Complaint and Petition for Declaratory Relief* in accordance with the Commissioner of Political Practices (“Commissioner’s”) letter of May 29, 2024 and to request a formal declaratory ruling pursuant to 44.11.102(1), ARM.

1. Montana law establishes limits on campaign donations.
2. There is an aggregate contribution limit for each election. See § 13-37-216, MCA. The contribution limit in 2024 for the election for the Office of Attorney General is \$790.
3. An “election” means the general election or a primary election that involves two or more candidates for the same nomination. If there is not a contested primary, there is only one election to which the contribution limits apply. If there is a contested primary,

then there are two elections to which the contribution limits apply. Section 13-37-216(5), MCA.

4. Montana law prohibits improper nominations. Relevant here, it provides that a “person may not pay or promise valuable consideration, in any manner or form, for the purpose of inducing the other person to be...a candidate, and a person may not solicit or receive any payment or promise from another for that purpose.” Section 13-35-221(1), MCA. A person, in consideration of any ...agreement, as mentioned in subsection (1) may not ...be nominated...as a candidate at an election. *Id.* at 221(2)(a). A person also may not “become, individually or in combination with any other person or persons, a candidate for the purpose of defeating the nomination or election of any other person, without a bona fide intent to obtain the office. *Id.* at 221(2)(b).

5. “A person is legally accountable, as provided in 45-2-302, for the conduct of another which violates a provision of the election laws of this state is also guilty of a violation of that provision.” Section 13-35-105, MCA.

6. Montana law further prohibits the making of a false oath of affidavit. Section 13-35-207, MCA.

7. Attorney General Austin Knudsen filed to run for reelection on November 6, 2023. The Attorney General did not have an opponent in the primary when he filed.

8. Although Attorney General Knudsen did not have an opponent, he solicited and received dozens of donations in excess of the \$790 limit according to the C-5 report filed by Knudsen with the Montana Commissioner of Political Practices (“COPP”) on

January 5, 2024. Attorney General Knudsen continued to receive excess donations in January and February of 2024.

9. The deadline for candidates to file in the 2024 election was March 11, 2024.

On that day, Logan Olson filed to run for Attorney General in 2024.

10. Mr. Olson does not have a bona fide intent to obtain the office of Attorney General.

11. Mr. Olson ran at the request of Attorney General Knudsen, so that Attorney General Knudsen could retain the excess contributions he received in violation of the contribution limits set forth in § 13-37-216, MCA, and so that Attorney General Knudsen could continue to solicit and receive excess contributions in violation of Montana law during the primary election.

12. Attorney General Knudsen bragged that he improperly recruited Mr. Olsen to run against him in the primary at an event in Dillon, Montana. Attorney General Knudsen stated:

I do technically have a primary. However, he is a young man who I asked to run against me, and that's because our campaign finance laws are ridiculous. So, he's a young man from my part of the state. His name is Logan Olson. He's not running. He filed to run against me simply because under our current campaign finance laws in Montana, it allows me to raise more money...He literally did it because I asked him to.

13. There is additional evidence which shows Mr. Olson is not a bona fide candidate to run for Attorney General.

14. According to Mr. Olson's filings with the COPP, he has raised \$0 during his campaign for Attorney General.

15. It does not appear Mr. Olson has engaged in any activities to support his campaign for Attorney General.

16. Mr. Olson's has not reported any donations, fundraising events, or travel during his campaign.

17. Both Attorney General Knudsen and Mr. Olson have the same treasurer and campaign manager, Katie Wenetta, of Burning Tree Consulting.

18. Mr. Olson's finance March finance report lists a debt to Standard Consulting of \$1,508.76 for reimbursement of filing fee. Charles Denowh is the owner of Standard Consulting. Mr. Denowh has also donated \$1,580 to Attorney General Knudsen's campaign (\$790 for the primary and \$790 for the general). Mr. Olson's subsequent finance reports do not list the debt to Standard Consulting and do not explain how, or whether, the debt has been paid.

19. Currently, Mr. Olson practices at the same law firm where Attorney General Knudsen worked before becoming the attorney general.

20. Moreover, Olson graduated from law school in May of 2020 and was admitted to practice law in Montana in September of 2020.

21. Olson does not meet the basic constitutional requirements to run for Attorney General in 2024 and cannot legally run for Attorney General.

22. The Montana Constitution requires that a candidate for Attorney General must be "an attorney in good standing admitted to practice law in Montana who has engaged in the active practice thereof for at least five years before the election." Art. VI, §

3(2). Olson will not have been engaged in the active practice of law in Montana at the time of the 2024 election.

23. Candidates for Attorney General and other offices must swear an oath of candidacy. The oath of candidacy provides that “I hereby affirm I possess, or will possess within constitutional and statutory deadlines, the qualifications prescribed by the Constitution and the laws of the United States and the State of Montana.”

24. Olson’s oath of office is false in violation of § 13-35-105, MCA.

25. Olson is not a legitimate, good faith candidate for Attorney General. In the meantime, Knudsen actively uses Olson’s nominal presence in the Republican primary to continue to solicit donations in excess of \$790.

26. Olson’s candidacy and Knudsen’s receipt of excess donations violate Montana’s campaign finance laws.

27. The clear tie between the two campaigns is unlawful. The Attorney General and Mr. Olson conspired to violate 13-35-221(1), MCA, regarding improper nominations. They did so as part of a conspiracy (perhaps including other individuals) whose purpose was to violate the campaign contribution limits set forth in § 13-37-216, MCA.

28. Complainant respectfully requests that the Commissioner:

- a. Issue an opinion pursuant to 44.11.102, ARM based on the facts and circumstances alleged above on the following questions:
 - i. Is it a violation of § 13-35-221, MCA, for a legitimate candidate (Attorney General Knudsen) to recruit a candidate (Mr. Olson) without any bona fide intent to obtain the office to run against him for the sole purpose of allowing the legitimate candidate to raise more money;