

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

Campaign Finance and Practices

Complaint Form (08/17)

FOR OFFICE USE ONLY RECEIVED 2020 OCT 23 A 11:50 HAND DELIVERED SIGNED/NOTARIZED

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

Person bringing complaint (Complainant):

Complete Name Sandi Luckey - Executive Director, Montana Democratic Party Complete Mailing Address PO Box 802 Helena, MT 59624 Phone Numbers: Work 406-442-5920 Home

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

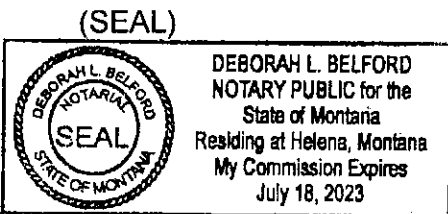
Complete Name Troy Downing for Montana Complete Mailing Address PO Box 6668 Bozeman, MT 59771 Phone Numbers: Work 406-451-1475 Home

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 LLC

I, Sandi Luckey, 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 Subscribed and sworn to before me this 23 day of October, 2020. Notary Public Deborah L. Belford

My Commission Expires:

**Statement of facts:**

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

See Attached

**Complaints must be:**

- signed
- notarized
- delivered in person or by mail.

Commissioner Jeff Mangan  
Commissioner of Political Practices  
1209 Eighth Avenue  
P.O. BOX 202401  
Helena, MT 59620-2401  
[cpphelp@mt.gov](mailto:cpphelp@mt.gov)

Dear Commissioner Mangan:

Aggregate contributions for elections are limited under §§13-37-216 and 218, MCA. 44.11.224 A.R.M. requires a separate accounting for moneys received on or before the primary election date and those received after the primary election date. 44.11.224(b) contemplates that moneys received prior to the primary must be spent on primary election expenses and those contributions received after the primary can be spent of expenses incurred in connection with the general election. 44.11.224(c) prohibits the use of contributions received after the primary election date for expenses incurred in connection with the primary election. 44.11.224(e) authorizes “left-over” funds” collected for the primary to be used for general election expenses “if all primary debts have been paid.” Pursuant to this administrative rule, funds collected after the primary must first be used to discharge all primary election expenses and debts **before** those funds may be used for general election purposes.

The requirements for segregating contributions received before and after a primary election are essential to enforcement of the campaign contribution limits. To holed otherwise would be to permit a candidate to expand the contribution limits by soliciting and spending primary dollars from donors after the primary election has occurred. Moreover, a campaign committee must show all primary debts have been satisfied before it can use any funds received after the primary election and subject to the primary election contribution limits.

According to reports filed by the Troy Downing for Montana campaign committee, it has continued to solicit and receive funds subject to the primary campaign contribution limits. According to the C-5 filed on 6/19/20 Troy for Montana transferred the balance of his Primary election funds to his General election account on 6/15/20. Accordingly, he is violating requirements of ARM 44.11.224(2)e as Troy downing has not paid off all obligations for his Primary election debt.

Since Primary election contributions have been comingled with general election contributions, as of 6/15/20, Troy for Montana has likely used contributions designated for the Primary Election for General election expenditures.

Pursuant to Sufficiency Finding No. 2 in *Luckey v. Gianforte* Troy for Montana must correct the error or refund at least \$15,790.00 in primary contributions taken since 6/15/20 (See attached breakdown).

Sincerely,

Sandi Luckey, Executive Director  
Montana Democratic Party

Date Paid	Entity Name	First Name	Last Name	Amount	Election Type
6/16/2020		Kirsten	Hilleman	140	PM
6/16/2020		Greg	Slamowitz	140	PM
6/16/2020		Ron	Benner	140	PM
6/16/2020		Roger	Hagen	100	PM
7/1/2020		Angela	Noland	360	PM
7/1/2020		Peyton	Noland	360	PM
7/2/2020		Connor	Noland	360	PM
7/13/2020		Paul	Bunn	140	PM
7/23/2020		Mariet	Cyrus	360	PM
7/23/2020		Michael	Cyrus	360	PM
7/27/2020		Cathy	Spano	140	PM
7/27/2020		Peter	Spano	140	PM
7/29/2020		Virginia	Leuprecht	360	PM
8/1/2020		Kathy	Bushnell	240	PM
8/1/2020		Jennifer	Bushnell	240	PM
8/4/2020		Ashley	Albers	280	PM
8/12/2020		David	Loseff	360	PM
8/15/2020		Alysia	Andrikopoulos	90	PM
8/15/2020		Jay	Moore	40	PM
8/15/2020		Roger	Hagan	50	PM
8/22/2020		Gary	Marks	140	PM
8/23/2020		Marla	Paxson	360	PM
8/31/2020		Jay	Moore	100	PM
8/31/2020		Gary	Richards	140	PM
8/31/2020		Jim	Edwards	140	PM
9/3/2020	Montana GOP			3990	PM
9/8/2020		Jim	Edwards	100	PM
9/11/2020		Jessica	Hester	360	PM
9/15/2020		Carl	Wass	360	PM
9/15/2020		Beau	Harrell	140	PM
9/15/2020		Jennifer	Bushnell	120	PM
9/15/2020		Kathy	Bushnell	120	PM
9/15/2020	Dawson County Republican Central Committee			300	PM
9/15/2020		Mark	Giacoletto	140	PM
9/15/2020		Teresa	O'Keefe	140	PM
9/21/2020		Crystal	Tabish	360	PM
9/21/2020		Richard	Tabish	360	PM
9/25/2020		Chelsea	Washington	360	PM
9/25/2020		Kevin	Washington	360	PM
9/26/2020		Kathy	Clause	360	PM
9/26/2020		Jock	Clause	360	PM

