

BEFORE THE COMMISSIONER OF  
POLITICAL PRACTICES OF THE STATE OF MONTANA

Republican Attorneys General Association v. Democratic Attorneys General Association and associated DAGA People's Lawyer Project Montana  No. COPP 2020-CFP-058A	FINDING OF SUFFICIENT FACTS TO SUPPORT A CAMPAIGN PRACTICE ACT VIOLATION
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On February 25, 2021, the Republican Attorneys General Association (RAGA) filed a campaign practices complaint against the Democratic Attorneys General Association (DAGA). The complaint alleges that DAGA coordinated certain campaign expenditures with a Montana candidate for election in violation of campaign finance law, failed to properly disclose expenditures supporting or opposing Montana candidates for election with the COPP as required, and failed to include the proper 'paid for by' attribution message on certain advertisements supporting or opposing Montana candidates.

**SUBSTANTIVE ISSUES ADDRESSED**

Coordination between a candidate for office and political committee; proper and timely filing of expenditures.

**FINDINGS OF FACT**

The foundational facts necessary for this Decision are as follows:

Finding of Fact No. 1: The specific materials or communications RAGA alleges that DAGA failed to properly report as expenditures in this matter include a June 3, 2020 endorsement of Raph Graybill, the Democratic candidate for Attorney General participating in Montana’s general election; a June 3, 2020 statement issued by DAGA claiming that Montana “[was] a major pickup opportunity for DAGA”; a June 22, 2020 memorandum issued by DAGA mentioning Austin Knudsen, the Republican candidate for Attorney General participating in Montana’s general election; an August 5, 2020 digital advertisement supporting candidate Graybill and opposing candidate Knudsen; and a September 29, 2020 advertisement originally issued by DAGA People’s Lawyer Project Montana. (Commissioner’s Records.)

Finding of Fact No. 1A: Raph Graybill filed a C-1 Statement of Candidate as a Democratic candidate for the office of Attorney General in the State of Montana with the COPP on July 3, 2019. (Commissioner’s Records.)

Finding of Fact No. 1B: Austin Knudsen filed a C-1 Statement of Candidate as a Republican candidate for the office of Attorney General in the State of Montana with the COPP on May 21, 2019. (Commissioner’s Records.)

Finding of Fact No. 2: The Democratic Attorneys General Association (DAGA) is a national Democratic political organization “solely dedicated to electing and supporting Democratic state Attorneys General”.<sup>1</sup> DAGA lists its mailing address as PO Box 3445, Washington, DC 20005. DAGA did not register as a political committee or file campaign finance reports with the COPP. (Commissioner’s Records.)

Finding of Fact No. 2A: On June 3, 2020, DAGA posted a picture of candidate Graybill to its Facebook account with the text “Raph Graybill. DAGA Endorsed. MT Approved”. No ‘paid for by’ attribution statement was included with either this picture or the text that accompanied it. This post appeared on DAGA’s regular Facebook page feed. A May 6, 2021 review of DAGA’s Facebook Ads Library determined that DAGA did not run any paid advertisements supporting candidate Graybill or opposing candidate Knudsen in 2020. (Commissioner’s Records.)

Finding of Fact No. 2B: On June 3, 2020, DAGA posted a statement to its website offering “congratulations to Raph Graybill for winning the Democratic nomination for Attorney General in

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<sup>1</sup> <https://dems.ag/about/>

Montana...Montana is a major pickup opportunity for DAGA this cycle". The post itself did not include a 'paid for by' attribution statement, but the DAGA website's general attribution of "PAID FOR BY DAGA, DEMOCRATS.ORG, NOT AUTHORIZED BY ANY FEDERAL, STATE, OR LOCAL CANDIDATE OR CANDIDATE'S COMMITTEE" was visible. (Commissioner's Records.)

Finding of Fact No. 2C: On June 22, 2020, DAGA posted a "Memo" to its website stating "Austin Knudsen Does Not Care About Montanans". While the post does not directly oppose candidate Knudsen at any point, it repeatedly mentions him and/or refers to his candidacy directly. The post itself did not include a 'paid for by' attribution statement, but the DAGA website's general attribution of "PAID FOR BY DAGA, DEMOCRATS.ORG, NOT AUTHORIZED BY ANY FEDERAL, STATE, OR LOCAL CANDIDATE OR CANDIDATE'S COMMITTEE" was visible. (Commissioner's Records.)

Finding of Fact No. 2D: On August 5, 2020, DAGA debuted a video on YouTube titled "Austin Knudsen's Attack on MT Public Lands". The ad ends by stating "Don't let Austin Knudsen destroy Montana's public lands. Vote Graybill for Attorney General" and "Join Us" with the DAGA website URL and organizational logo visible. No 'paid for by' attribution statement was included with this video.

Also on August 5, 2020, DAGA posted a statement on its website stating that "today, the Democratic Attorneys General Association (DAGA) released a new video slamming Republican nominee for AG Austin Knudsen's anti-access record on public lands". The post itself did not include a 'paid for by' attribution statement, but the DAGA website's general attribution of "PAID FOR BY DAGA, DEMOCRATS.ORG, NOT AUTHORIZED BY ANY FEDERAL, STATE, OR LOCAL CANDIDATE OR CANDIDATE'S COMMITTEE" was visible. (Commissioner's Records.)

Finding of Fact No. 2E: On September 29, 2020, DAGA posted a statement on its website stating that "Today, DAGA People's Lawyers Project Montana, an independent organization backed by the Democratic Attorneys General Association, released a new 30-second TV ad titled "Can't Trust"". As of May 6, 2021, COPP review of the DAGA website determined the links provided to this ad were no longer active, so COPP was unable to watch the ad. The post did include a self-titled script for this ad; while the script does not include language directly opposing candidate Knudsen, it repeatedly mentions him and/or refers to his candidacy directly.

The script also refers on multiple occasions to the Affordable Care Act (often referred to in shorthand as the ACA). The post itself did not include a 'paid for by' attribution statement, but the DAGA website's general attribution of "PAID FOR BY DAGA, DEMOCRATS.ORG, NOT AUTHORIZED BY ANY FEDERAL, STATE, OR LOCAL CANDIDATE OR CANDIDATE'S COMMITTEE" was visible. (Commissioner's Records.)

Finding of Fact No. 2G: On September 9, 2020, DAGA debuted a video on YouTube titled "Montana Vet Spencer Keck condemns Austin Knudsen".<sup>2</sup> The video includes a statement of "It angers me that Austin Knudsen is blocking access to veterans and their families in the American Legion Park in Culbertson". The video also specifically mentions candidate Graybill by name. No attribution message was included with this video.

A September 9, 2020 post made by DAGA to its website indicates that this video was the first video "in Veterans' Series Focused on Republican AG nominee Austin Knudsen's Anti-Public Lands Platform and His Role in Blocking Public Access to a Veterans' Park".<sup>3</sup> (Commissioner's Records.)

Finding of Fact No. 2H: On September 14, 2021, DAGA debuted a video on YouTube titled "Montana Vet John Tarr Condemns Austin Knudsen".<sup>4</sup> The video includes a statement of "I also know that Austin Knudsen does not have the leadership qualities that I would vote for". The video also specifically mentions candidate Graybill by name. No attribution message was included with this video.

A September 14, 2020 post made by DAGA to its website indicates that this video was the second in its "Veterans' Series".<sup>5</sup> (Commissioner's Records.)

Finding of Fact No. 2I: On September 17, 2020, DAGA debuted a video on YouTube titled "Montana Vet John BowenHollow Condemns Austin Knudsen".<sup>6</sup> The video includes a statement of "Knudsen blocking access to land owned by the American Legion on the Missouri is un American". The video also specifically

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<sup>2</sup> [Montana Vet Spencer Keck Condemns Austin Knudsen - YouTube](#)

<sup>3</sup> [Veterans Condemn Austin Knudsen for Anti-Public Lands Platform & Disrespect for Vets - Democratic Attorneys General Association \(dems.ag\)](#)

<sup>4</sup> [Montana Vet John Tarr Condemns Austin Knudsen - YouTube](#)

<sup>5</sup> [VIDEO #2: MT Veterans Condemn Austin Knudsen for Anti-Public Lands Platform & Disrespect for Vets - Democratic Attorneys General Association \(dems.ag\)](#)

<sup>6</sup> [Montana Vet John BowenHollow Condemns Austin Knudsen - YouTube](#)

mentions candidate Graybill by name and image. No attribution message was included with this video.

A September 17, 2020 post made by DAGA to its website indicates that this video was the third in its “Veterans Series”.<sup>7</sup> (Commissioner’s Records.)

Finding of Fact No. 3: On March 12, 2020, DAGA People’s Lawyer Project Montana filed a C-2 Statement of Organization as an Independent political committee with the COPP. An individual by the name of Aaron Pickrell of Washington, DC was listed as the committee’s Treasurer, and the committee’s mailing address was listed as PO Box 3445, Washington, DC 20005. The committee described its Purpose as “Make independent expenditures in support of Democratic candidates for AG, and in opposition to Republican candidates for AG”.

Also on March 12, 2020, Deputy Treasurer Megan Mielnik emailed the COPP a copy of “DAGA People’s Lawyer Project Montana’s firewall policy”. This firewall policy was established by the committee “to ensure that any election communication, electioneering communication, or election activity sponsored by the Organization [DAGA People’s Lawyer Project Montana] is not made in cooperation with, in consultation with, under the control of, or at the direction of, in concert with, at the request or suggestion of, or with the express prior consent of a candidate, the candidate’s agent or the candidate’s principal campaign committee” (see Attachment A). (Commissioner’s Records.)

Finding of Fact No. 3A: On March 30, 2020, DAGA People’s Lawyer Project Montana timely filed its initial C-6 committee finance report, dated March 12, 2020 through March 25, 2020. The report disclosed the committee as receiving no contributions and making no expenditures during this time period. (Commissioner’s Records.)

Finding of Fact No.3B: On April 30, 2020, DAGA People’s Lawyer Project Montana timely filed a periodic C-6 committee finance report, dated March 26, 2020 through April 25, 2020. The report disclosed the committee as receiving no contributions and making no expenditures during this time period. (Commissioner’s Records.)

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<sup>7</sup> THIRD VIDEO: Veterans Condemn Austin Knudsen for Anti-Public Lands Platform & Disrespect for Vets – Democratic Attorneys General Association (dems.ag)

Finding of Fact No. 3C: On May 29, 2020, DAGA People's Lawyer Project Montana timely filed a periodic C-6 committee finance report, dated April 26, 2020 through May 25, 2020. The report disclosed the committee as receiving no contributions and making no expenditures during this time period. (Commissioner's Records.)

Finding of Fact No. 3D: On June 30, 2020, DAGA People's Lawyer Project Montana timely filed a periodic C-6 committee finance report, dated May 26, 2020 through June 25, 2020. This report disclosed two (2) expenditures made by the committee during this period (see Table 1). This report did not disclose any contributions, either monetary or in-kind, made by the committee to candidate Graybill's campaign. (Commissioner's Records.)

Finding of Fact No. 3E: On August 28, 2020, DAGA People's Lawyer Project Montana timely filed a C-6 committee finance report, dated June 26, 2020 through August 25, 2020. This report disclosed nine (9) expenditures made by the committee during this period (see Table 2). This report did not disclose any contributions, either monetary or in-kind, made by the committee to candidate Graybill's campaign. (Commissioner's Records.)

Finding of Fact No. 3F: On September 30, 2020, DAGA People's Lawyer Project Montana timely filed a C-6 committee finance report, dated August 26, 2020 through September 25, 2020. This report disclosed eight (8) expenditures made by the committee during this period, including two (2) independent expenditures intended to benefit candidate Graybill (see Table 3). This report did not disclose any contributions, either monetary or in-kind, made by the committee to candidate Graybill's campaign. (Commissioner's Records.)

Finding of Fact No. 3G: On October 28, 2020, DAGA People's Lawyer Project Montana timely filed a C-6 committee finance report, dated September 26, 2020 through October 27, 2020. This report disclosed sixty-two (62) expenditures made by the committee during this period, including forty-four (44) independent expenditures intended to benefit candidate Graybill (see Table 4). Included were independent expenditures in the amount of \$383,301.67 dated September 29, 2020 to an entity named The New Media Firm, Inc. described with Purpose "Media Buy", Platform "TV", Quantity "Ads that ran 9/29-10/05", Subject Matter "ACA" and in the amount of \$55,000.00 to The New Media Firm, Inc. dated September 30, 2020 with Purpose "Media Buy", Platform "Digital", Quantity "Ads that ran 9/29/10/5" Subject Matter

“ACA”. This report did not disclose any contributions, either monetary or in-kind, made by the committee to candidate Graybill’s campaign. (Commissioner’s Records.)

Finding of Fact No. 3H: On November 20, 2020, DAGA People’s Lawyer Project Montana timely filed a Closing C-6 committee finance report, dated October 28, 2020 through November 30, 2020. This report disclosed six (6) expenditures made by the committee during this period, including three (3) independent expenditures intended to benefit candidate Graybill (see Table 5). This report did not disclose any contributions, either monetary or in-kind, made by the committee to candidate Graybill’s campaign. (Commissioner’s Records.)

Finding of Fact No. 4: On C-5 campaign finance reports filed with the COPP, candidate Graybill did not report receiving any contributions, either monetary or in-kind, from DAGA or DAGA People’s Lawyer Project Montana. (Commissioner’s Records.)

Finding of Fact No. 5: On March 19, 2021, DAGA (through counsel Perkins Coie, LLP) emailed the COPP with its response to this complaint. The response stated that “DAGA did not pay to place any of the communications in question...DAGA paid no costs specifically for this post and therefore made no expenditures”. The response went on to argue that because none of the communications specifically noted by the complainant qualified as expenditures, no ‘paid for by’ attribution was required.

The response also states that DAGA People’s Lawyers Project Montana (“PLP Montana” operated as a separate entity from DAGA at large. “PLP Montana and DAGA are separate legal entities. PLP does not coordinate with any candidate, candidate’s agent or candidate’s principal campaign committee”. The response finally stated that the September 29, 2020 advertisement referenced by the complainant as unreported by DAGA was paid for by DAGA People’s Lawyer Project Montana, and that after the advertisement had been publicly distributed “any member of the public could have posted a link to the advertisement on its own website or social media platform. That is what DAGA did. DAGA did not pay to post the video or otherwise incur any expenses associated with it”. (Commissioner’s Records.)

Finding of Fact No. 6: On March 30, 2021, candidate Graybill emailed the COPP his response to this complaint. The response states that “The Campaign [candidate Graybill] did not coordinate in any way with the DAGA People’s Lawyer Project (“PLP”), an

independent organization...The campaign is unaware of any paid advertising disseminated in Montana by the Democratic Attorneys General Association ("DAGA") directed to the 2020 race for Attorney General". (Commissioner's Records.)

## **DISCUSSION**

### *Coordination*

The complaint alleges that the Democratic Attorneys General Association (DAGA) illegally coordinated certain campaign expenditure activities with Montana candidate Raph Graybill. See the discussion in *Republican Attorneys General Association v Graybill, COPP-2020-CFP-058B*, for discussion about the coordination component of the complaint. As determined there, the allegation that DAGA violated Montana campaign finance law in coordinating campaign activity with candidate Graybill is hereby dismissed.

### *Reporting Expenditures*

The complainant in this matter also alleges that DAGA failed to report certain Montana expenditures with the COPP as required. The complaint argues that specific posts made on DAGA's Facebook page, to its website, and videos uploaded to YouTube mentioning Montana candidates Raph Graybill and/or Austin Knudsen represented expenditures that the committee failed to report.

The term expenditure is defined under Mont. Code Ann. §13-1-101(18) as:

(18) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value:

(i) made by a candidate or political committee to support or oppose a candidate or a ballot issue; or

(ii) used or intended for use in making independent expenditures or in producing electioneering communications.

(b) The term does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (9);

(ii) payments by a candidate for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees.

(c) This definition does not apply to Title 13, chapter 37, part 6.

The terms "support or oppose" are defined under Mont. Code Ann. §13-1-101(50)

as:

(50) "Support or oppose", including any variations of the term, means:

(a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to voters in an election; or

(b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the passage

or defeat of the ballot issue or other question submitted to the voters in an election.

The term independent expenditure is defined under Mont. Code Ann. §13-1-101(25) as “an expenditure for an election communication to support or oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue committee”. An election communication is a form of communication “to support or oppose a candidate or ballot issue”, Mont. Code Ann. §13-1-101(14). An electioneering communication is a paid communication:

“that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the candidate or ballot issue” and “refers to one or more clearly identified candidates” in an election or “depicts the name, image, likeness, or voice” of a clearly defined candidate, §13-1-101(16), Mont. Code Ann.

For Montana’s November 3, 2020 general election, the electioneering period began on August 6, 2020.

June 3, 2020 Facebook post

The first alleged unreported DAGA Montana expenditure activity referenced by this complaint is a June 3, 2020 post made to the organization’s Facebook page. The post included a photo of candidate Graybill where the DGA made it clear that it was endorsing his candidacy (FOF No. 2A). The post appeared in the regular feed on the DAGA page- COPP review of the Ads Library

determined that DAGA did not run any paid ads intended to support candidate Graybill or oppose candidate Knudsen in 2020 (FOF No. 2A).

Because this post was not paid, DAGA was not required to report it as an expenditure to the COPP. Regular posts to social media sites such as this are free and available to anyone interested in Montana's elections. Only when the posting entity pays to promote or otherwise distribute a specific social media post would that post become an expenditure under Montana campaign finance law. No evidence uncovered in this matter indicates that DAGA paid to promote or otherwise distribute its June 3, 2020 Facebook endorsement of candidate Graybill. The allegation that DAGA failed to report this as an expenditure with the COPP is hereby dismissed.

#### June 3 & 22, 2020 DAGA website posts

The complaint identifies two 'posts' on the DAGA website and alleges they are unreported DAGA Montana expenditure activity. Dated June 3, the post congratulates candidate Graybill for "winning the Democratic nomination for Attorney General in Montana" and notes that "Montana is a major pickup opportunity for DAGA" (FOF No. 2B). A June 22 post made by DAGA on its website is described as a "Memo" and generally criticizes Austin Knudsen, candidate Graybill's Republican opponent (FOF No. 2C).

There are required ingredients for posts to be considered an expenditure. Examining the June 3 post, for example, it meets some of criteria to be considered an election communication under Mont. Code Ann. §13-1-101(14);

the post was distributed over the internet; and utilizes language indicating support for candidate Graybill. In addition to listing Montana's Attorney General position as a "major pickup opportunity for DAGA", the post states that "After a competitive primary in which Graybill routinely outraised Republicans, Graybill has proved that he not only has the support of Montana families, but he also has what it takes to flip this seat back to blue" (emphasis added). Such language "is susceptible of no reasonable interpretation other than as a call for...the election" of candidate Graybill as Attorney General and therefore would constitute support for his campaign, Mont. Code Ann. §13-1-101(50)(b).

It has long been established that costs associated with the creation and maintenance of a campaign website count as reportable expenditures in Montana- see *Wafstet v. McDermott*, COPP-2018-CFP-009, *Gallatin County Democrats v. Buchanan*, COPP-2018-CFP-055, and *Chadwick v Rivera*, COPP-2020-CFP-033 for recent examples. The question in this matter, however, is not about DAGA's website itself, but an individual post made to the website referencing Montana candidate Raph Graybill.

During this investigation, no evidence was uncovered to suggest that DAGA paid to promote these posts, paid to display them on other websites, or otherwise paid to distribute via platforms beyond DAGA's own website.

To consider individual, unpaid posts made on an organizational website a separate reportable campaign expense of that organization has not traditionally been the interpretation of the COPP. Unless an organization directly pays to promote, display, or distribute such a post through mediums

other than its own website, these posts are treated as unpaid communications, similar to unpaid social media posts on a committee's Facebook page or twitter feed.

During a given election year, any number of local, regional, and national organizations, across the ideological spectrum, publish posts on their own websites mentioning, supporting, or opposing Montana candidates. Should each individual post made on an organizational website supporting or opposing Montana candidates be considered a reportable expenditure of that organization, each individual post would need to be disclosed on finance reports filed with the COPP. COPP cannot think of any specific instance where an organization has been required to report every individual post meant to support or oppose Montana candidates made on its own website as an expenditure. Most recently, the COPP dismissed a similar allegation in *Luckey v. Republican Governors Association*, 2020-CFP-048B.

DAGA did not pay to distribute these individual posts beyond its own website, do not qualify as an expenditure, and DAGA was not required to report it as such to the COPP. The allegation that DAGA failed to properly report this activity as an expenditure on finance reports filed with the COPP is hereby dismissed.

#### August 5, 2020 YouTube video and website post

The fourth alleged unreported Montana expenditure made by DAGA is a video posted to YouTube on August 5, 2020 and referenced on DAGA's website that same day. The video is titled "Austin Knudsen's Attack on MT Public

Lands” and ends with a statement of “Don’t let Austin Knudsen destroy Montana’s public lands. Vote Graybill for Attorney General” (FOF No. 2D).

This YouTube video constitutes an expenditure in support of candidate Graybill by DAGA. The video directly instructs the viewer to “Vote Graybill for Attorney General” and qualifies as support for candidate Graybill under Mont. Code Ann. §13-1-101(50).

The COPP investigation determined three (3) additional YouTube videos were produced and shared by DAGA in September of 2020, specifically a “Veterans’ video series focused on the importance of public lands to Montana voters and Montana veterans” (FOF Nos. 2G, 2H, 2I). The DAGA’s Veterans’ Video Series included three videos that were produced and shared on YouTube and referenced by the DAGA website. In posts discussing the video series, DAGA referred to the series using the following terms: “DAGA **launched** a video series featuring Montana veterans calling out Austin Knudsen for his harmful public lands policy and his anti-veteran stance<sup>8</sup>” and “DAGA **drops**” first, second, third video, as examples (emphasis added).

While there is no evidence DAGA paid to advertise or promote the August 5, 2020 public lands or the September 2020 Veterans’ video series on YouTube or any other platform, the videos would qualify as expenditures in support of the candidate made by the DAGA. The production of such a video and video series, (storyboard, copy, footage, graphics, animations, featured audio, etc.) require

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<sup>8</sup> DAGA ICYMI: MT Republican AG nominee Austin Knudsen Likens Park Dedicated to WWII Veterans to his “backyard” – Democratic Attorneys General Association (dems.ag)

time and resources to produce a finished product and upload for use. Such activity would qualify as a “purchase, payment...or anything of value” made by DAGA in support of candidate Graybill, Mont. Code Ann. §13-1-101(18)(a)(i), (emphasis added).

The investment of time, resources, and expertise from start to finish by DAGA in the development and production of these four videos cannot be dismissed as minimal in the way creation of text for an individual website post could.

Mont. Code Ann. §13-37-229(2) requires that candidates and political committees report Montana expenditures to the COPP. In this matter, DAGA has not disclosed any Montana expenditure activity with the COPP (FOF No. 2). Any expenditures made by DAGA in conjunction with the creation of the August 5<sup>th</sup> public lands video and Veterans’ video series would qualify it as a political committee in Montana, Mont. Code Ann. §13-1-101(31).

Political committees are required to both register with the Commissioner of Political Practices and disclose all Montana expenditures, Mont. Code Ann. §13-37-201 and §13-27-229(2). DAGA failed in this instance to register as a Montana political committee with the COPP and report its relevant Montana expenditure activity, the August 5<sup>th</sup> public lands video and Veterans’ video series, violations of Montana campaign finance law.

Sufficiency Finding No. 1: The DAGA failed to file as a Montana Political Committee in the 2020 election cycle

Sufficiency Finding No. 2: The DAGA failed to report the cost of producing the three video ‘Veterans’ video series’ and ‘public lands’ video.

The Commissioner finds there are sufficient facts to determine the DAGA failed to register as a Montana political committee and subsequently report the production of the August 5<sup>th</sup> public lands video and Veterans’ video series.

As previously noted, individual text posts made only to an organization’s own website should not be considered an expenditure of that organization unless or until they pay to promote the post, pay to display it on other websites or mediums, or otherwise pay to distribute it via platforms beyond their own website. The above Sufficiency Finding is due to DAGA’s failure to report and disclose costs associated with any of the four videos. The specific allegation that DAGA failed to report its referencing of these videos through a text post made only to its own website as an expenditure is itself dismissed.

September 29, 2020 website post

The final alleged unreported Montana expenditure made by DAGA is a September 29, 2020 post made by DAGA on its website. The post refers to a “new 30-second TV ad titled “Can’t Trust”” released by DAGA People’s Lawyers Project Montana (FOF No. 2E). COPP staff was unable to view a copy of this video (as all links directing to it included in the post on the DAGA website are no longer active) but the self-described ad script included with the post made it clear the ad directly mentions candidate Knudsen by name and focuses on the Affordable Care Act, commonly referred to as the ACA (FOF No. 2E).

In their response to this complaint, DAGA maintained that this particular ad was finance by DAGA People’s Lawyers Project Montana, saying that “DAGA did not pay to post the video or otherwise incur any expenses associated with it” (FOF No. 5). The DAGA People’s Lawyer Project Montana disclosed making two (2) independent expenditures on committee finance reports filed with the COPP that could easily describe this ad: a September 29, 2020 independent expenditure of \$383,301.67 for TV ads with subject matter “ACA” and a September 30, 2020 independent expenditure of \$55,000.00 for digital ads with subject matter “ACA” (FOF No. 3G, Table 4).

Based on the available facts in this matter, COPP determines that DAGA People’s Lawyers Project Montana, not DAGA, paid to create and distribute this video advertisement. DAGA People’s Lawyer Project Montana appears to have disclosed this ad as an expenditure on C-6 committee finance reports filed with the COPP. Because DAGA was not the entity responsible for financing this activity, it would not be required to disclose the video as an expenditure on finance reports filed with the COPP. The allegation that the DAGA failed to report the expenditure is hereby dismissed.

*Attribution*

The complaint alleges that none of the June 3, 2020 Facebook post, June 3, 2020 website post, June 22, 2020 website post, August 5, 2020 YouTube video/website post, and September 29, 2020 video/website post included the required ‘paid for by’ attribution message.

§13-35-225(1)(b), Mont. Code Ann. requires that:

13-35-225. Election materials not to be anonymous -- notice -- penalty. (1) All election communications, electioneering communications, and independent expenditures must clearly and conspicuously include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication. The attribution must contain:

(b) for election communications, electioneering communications, or independent expenditures financed by a political committee, the name of the committee, the name of the committee treasurer, deputy treasurer, secretary, vice chairperson, or chairperson, as designated pursuant to 13-37-201(2)(b), and the address of the committee or the named committee officer

As established above, none of the June 3, 2020 Facebook post, June 3, 2020 DAGA website post, June 22, 2020 DAGA website post, August 5, 2020 DAGA website post or September 29, 2020 DAGA website post qualify as an expenditure of DAGA because they did not pay to specifically post, distribute, or publicly display the material in question beyond their own website. As no money was spent specifically to post, distribute, or publicly display these materials, they would not qualify as election communications, electioneering communications, or independent expenditures under Montana campaign finance law. The attribution requirements of Mont. Code Ann. §13-35-225, would therefore not apply.

Similarly, DAGA would not be required to provide attribution on the September 29, 2020 YouTube video as the complainant in this matter seems to suggest. DAGA People's Lawyer Project Montana, not DAGA, was responsible for financing the material. As established under Mont. Code Ann. §13-35-225(1)(b), it is the responsibility of the political committee *financing* an election

communication, electioneering communication, or independent expenditure to include the attribution message with the material. DAGA People's Lawyer Project Montana would then be the entity responsible for attributing this video, not DAGA. Because COPP was unable to find a copy of this video, it is unable to determine if DAGA People's Lawyer Project Montana provided proper attribution.

DAGA's Veteran's video series of three videos and singular public lands video would be exempt from Montana's attribution requirements. In its response to this complaint regarding the singular public lands video, DAGA claims it "paid no costs specifically for this post" FOF No. 5). While the videos qualify as campaign expenditures under Montana law (see above), no evidence was discovered that DAGA paid to place or advertise with these videos on YouTube or any other platform. Mont. Code Ann. §13-35-225(1)(b) is clear that only "*election communications, electioneering communications, or independent expenditures* financed by a political committee" require the 'paid for by' attribution message (emphasis added). The videos, as currently available on YouTube, do not indicate that DAGA paid to post or promote the video.

Because it cannot be determined that DAGA paid to post these videos on YouTube or any other platform, they would not qualify as election communications as that term is defined under Mont. Code Ann. §13-1-101(14), While DAGA certainly paid to conceptualize, create, and produce the videos, and they were distributed via internet website (YouTube), they would need to specifically represent the "paid *placement* of content" to qualify as election

communications (emphasis added). As noted above, COPP was unable to obtain evidence that DAGA paid to place these videos on YouTube or any other internet website, meaning the videos cannot be definitively considered election communications. Because the videos supported one Montana candidate and opposed another, they could not appropriately be classified as electioneering communications, Mont. Code Ann. §13-1-101(16), Being neither election communications nor electioneering communications, these advertisements would not qualify as an independent expenditure, Mont. Code Ann. §13-1-101(25).

Each video would not require the 'paid for by' attribution message under existing Montana campaign finance law until the communication becomes a paid advertisement or paid placement. Mont. Code Ann. §13-35-225(1)(b), specifically requires *election communications*, *electioneering communications*, and *independent expenditures* include an attribution message, instead of providing a blanket requirement that *all* expenditures include attribution. While each video would certainly represent a reportable expenditure financed by DAGA, it is likely exempted from requiring an attribution message because it cannot be defined as an election communication, electioneering communication, or independent expenditure.

The investigation was unable to conclude the specific activities noted by the complainant in this matter would require an attribution message. The allegation that DAGA failed to attribute certain Montana activities is hereby dismissed.

### *Reporting Expenditures*

While not noted by the complainant in this matter, COPP review of campaign finance reports filed by DAGA People's Lawyer Project Montana determined that committee did not disclose all expenditures made with the level of detail required in the State of Montana. Specifically, where the committee reported making expenditures to consultants, advertising agencies, polling firms, or other persons who provided professional services, it often failed to fully itemize and describe the "specific services performed by the entity to whom payment" was made as required under Mont. Code Ann. §13-37-229(2)(b). Generic descriptions provided by DAGA People's Lawyer Project Montana such as "Research Services", "Research", or describing an advertisement's platform as only "digital" do not itemize and describe the specific services provided as required under existing Montana campaign finance law. DAGA People's Lawyer project failed to fully itemize and describe such expenditures on fourteen (14) occasions (Tables 1, 2, and 3).

Sufficiency Finding No. 3: The DAGA People's Lawyer Project Montana failed to properly report Montana expenditures.

The Commissioner finds there are sufficient facts to determine the DAGA People's Lawyer Project Montana failed to properly itemize and describe the "specific services performed by its consultants and professional services vendors.

### **DECISION**

The Commissioner has limited discretion when making the determination as to an unlawful campaign practice. First, the Commissioner "shall

investigate” any alleged violation of campaign practices law. Mont. Code Ann. § 13-37-111(2)(a). The mandate to investigate is followed by a mandate to take action; where there is “sufficient evidence” of a violation the Commissioner must (“shall notify,” *see id.*, at § 13-37-124) initiate consideration for prosecution.

Second, having been charged to make a decision, the Commissioner must follow substantive law applicable to a particular campaign practice decision. This Commissioner, having been charged to investigate and decide, hereby determines that there is sufficient evidence to show that the DAGA and the DAGA People’s Lawyer Project Montana violated Montana’s campaign practice laws, including, but not limited to the laws set out in the Decision. Having determined that sufficient evidence of a campaign practice violation exists, the next step is to determine whether there are circumstances or explanations that may affect prosecution of the violation and/or the amount of the fine.

The failure to fully and timely report and disclose cannot generally be excused by oversight or ignorance. Excusable neglect cannot be applied to oversight or ignorance of the law as it relates to failures to file and report. *See Matters of Vincent*, Nos. COPP-2013-CFP-006, 009 (discussing excusable neglect principles). Likewise, the Commissioner does not normally accept that failures to file or report be excused as *de minimis*. *Id.* (discussing *de minimis* principles).

Because there is a finding of violation and a determination that *de minimis* and excusable neglect theories are not applicable to the above Sufficiency Findings, a civil fine is justified. Mont. Code Ann. § 13-37-124. The Commissioner hereby issues a “sufficient evidence” Finding and Decision justifying a civil fine or civil prosecution of DAGA and the DAGA People’s Lawyer Project Montana. Because of the nature of the violation, this matter is referred to the County Attorney of Lewis and Clark County for his consideration as to prosecution. *Id.*, at (1). Should the County Attorney waive the right to prosecute (*id.*, at (2)) or fail to prosecute within 30 days (*id.*, at (1)) this Matter returns to this Commissioner for possible prosecution.

Most of the Matters decided by a Commissioner and referred to the County Attorney are waived back to the Commissioner for his further consideration. Assuming that the Matter is waived back, this Finding and Decision does not necessarily lead to civil prosecution as the Commissioner has discretion (“may then initiate” *see id.*) in regard to a legal action. Instead, most of the Matters decided by a Commissioner are resolved by payment of a negotiated fine. In setting that fine the Commissioner will consider matters affecting mitigation, including the cooperation in correcting the issue when the matter was raised in the Complaint.

While it is expected that a fine amount can be negotiated and paid, in the event that a fine is not negotiated and the Matter resolved, the Commissioner retains statutory authority to bring a complaint in district court against any person who intentionally or negligently violates any requirement of campaign

practice law, including those of Mont. Code Ann. §§13-37-201, 13-27-229(2) and §13-37-229(2)(b). *See id.*, at § 13-37-128. Full due process is provided to the alleged violator because the district court will consider the matter *de novo*.

DATED this 30<sup>th</sup> day of July 2021.



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Jeffrey A. Mangan  
Commissioner of Political Practices  
Of the State of Montana  
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Helena, MT 59620  
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Table 1: Expenditures made by DAGA People’s Lawyer Project Montana as disclosed on the committee’s May 26, 2020 through June 25, 2020 C-6 committee finance report.

Entity	Date	Purpose	Amount
KnockCo, LLC	05/29/2020	List Acquisition	\$1,125.00
Mielnik, Megan	06/16/2020	Mail Box Rental	\$53.00

Table 2: Expenditures made by DAGA People’s Lawyer Project Montana as disclosed on the committee’s June 26, 2020 through August 25, 2020 C-6 committee finance report.

Entity	Date	Purpose	Amount
Clarity Campaign Labs LLC	07/15/2020	Research Services	\$40,000.00
Amalgamated Bank	08/19/2020	Bank fee	\$14,973.71
Amalgamated Bank	07/24/2020	Bank fee	\$1,125.00
Amalgamated Bank	07/24/2020	Bank fee	\$102.19
Bluegrass Data LLC	07/15/2020	Research Services	\$10,000.00
KnockCo, LLC	07/01/2020	List Acquisition	\$1,125.00
Lake Research Partners	08/19/2020	Research Services	\$14,328.73
The Lenzner Firm	07/01/2020	Research Services	\$3,603.45
The Lenzner Firm	07/21/2020	Research Services	\$11,422.84

Table 3: Expenditures and independent expenditures made by DAGA People’s Lawyer Project Montana as disclosed on the committee’s August 26, 2020 through September 25, 2020 C-6 committee finance report.

Entity	Date	Purpose	Amount
ActBlue Technical Services	09/13/2020	Credit card processing fee	\$987.50
ActBlue Technical Services	09/20/2020	Credit card processing fee	\$1,027.00
ActBlue Technical Services	09/23/2020	Credit card processing fee	\$1,777.50
Amalgamated Bank	08/28/2020	Bank fee	\$192.42
KnockCo, LLC	09/01/2020	List Acquisition	\$1,125.00
Main Street One Inc.	09/01/2020	Digital Consulting Services	\$14,900.00

Entity	Date	Purpose	Candidate/Issue	Platform	Quantity	Subject Matter	Amount
KnockCo, LLC	09/01/2020	Texting Services	Raph Graybill	Test messaging	163,972	DADA People’s Lawyer Project Montana Supporting	\$8,507.49

						Raph Graybill	
Main Street Once Inc.	09/10/2020	Content Development, Design, and Placement	Raph Graybill	Instagram	Content that ran 9/1-9/30/2020	Public Lands	\$3,000.00

Entity	Date	Purpose	Amount
Clarity Campaign Labs LLC	10/01/2020	Polling Services	\$40,000.00
ActBlue Technical Services	10/07/2020	Credit card processing fee	\$197.50
ActBlue Technical Services	10/21/2020	Credit card processing fee	\$3.58
ActBlue Technical Services	10/18/2020	Credit card processing fee	\$1,125.75
ActBlue Technical Services	10/11/2020	Credit card processing fee	\$197.50
ActBlue Technical Services	10/18/2020	Credit card processing fee	\$37.60
ActBlue Technical Services	09/28/2020	Credit card processing fee	\$3.95
Amalgamated Bank	09/28/2020	Bank fee	\$197.52
Edmiston, James	10/18/2020	Contribution Refund	\$10,000.00
Kelly, Michael	10/07/2020	Contribution Refund	\$2,500.00
Main Street One Inc.	10/21/2020	Program Management and Content Creation	\$13,200.00
The Lenzner Firm	10/13/2020	Research Services	\$5,000.00
The New Media Firm, Inc.	10/02/2020	Shipping	\$40.00
The New Media Firm, Inc.	10/02/2020	Shipping	\$40.00
The New Media Firm, Inc.	10/02/2020	Research	\$25.00
The New Media Firm, Inc.	09/30/2020	Data Access	\$1,250.00
The New Media Firm, Inc.	09/29/2020	Research Services	\$1,320.00
The New Media Firm, Inc.	09/29/2020	Shipping	40.00

Table 4: Expenditures and independent expenditures made by DAGA People’s Lawyer Project Montana as disclosed on the committee’s September 26, 2020 through October 27, 2020 C-6 committee finance report.

Expenditures: Independent										
Entity	Election	Electioneering Communication	Purpose	Candidate/Issue	Platform	Quantity	Subject Matter	Attachment	Date	Amount
KnockCo, LLC 300 West 23rd Street #10N., New York, NY 10011	General	Yes	Texting Services	Raph Graybill	Text Messages	86,483	DAGA People's Lawyer Project Montana Supporting Raph Graybill	No	09/29/2020	\$5,204.97
KnockCo, LLC 300 West 23rd Street #10N., New York, NY 10011	General	Yes	Texting Services	Raph Graybill	Text Messages	144,834	DAGA People's Lawyer Project Montana Supporting Raph Graybill, Montana for Generations Supporting Raph Graybill for Attorney General	No	10/21/2020	\$14,869.55
KnockCo, LLC 300 West 23rd Street #10N., New York, NY 10011	General	Yes	Texting Services	Raph Graybill	Text Messages	662,220	DAGA People's Lawyer Project Montana Supporting Raph Graybill, Montana for Generations Supporting Raph Graybill for Attorney General	No	10/21/2020	\$3,258.16
KnockCo, LLC 300 West 23rd Street #10N., New York, NY 10011	General	Yes	Texting Services	Raph Graybill	Text Messages	38,264	DAGA People's Lawyer Project Montana Supporting Raph Graybill, Montana for Generations supporting Raph Graybill	No	10/23/2020	\$8,395.01
KnockCo, LLC 300 West 23rd Street #10N., New York, NY 10011	General	Yes	Texting Services	Raph Graybill	Text Messages	82	DAGA people's Lawyer Project Montana Supporting Raph Graybill	No	10/13/2020	\$4.25
KnockCo, LLC 300 West 23rd Street #10N., New York, NY 10011	General	Yes	Texting Services	Raph Graybill	Text Messages	310,488	DAGA People's Lawyer Project Montana Supporting Raph Graybill	No	10/21/2020	\$17,362.38
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Production, Design, Postage & Shipping	Raph Graybill	Mail	239,512	Healthcare	No	10/01/2020	\$114,965.76
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	No	Production, Design, Postage & Shipping	Raph Graybill	Mail	239,512	Healthcare	No	10/06/2020	\$114,965.76
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Production and Design	Raph Graybill	Mail	61,559	Choice	No	10/15/2020	\$17,236.52
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Shipping	Raph Graybill	Mail	61,559	Choice	No	10/15/2020	\$615.59
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Postage Cost	Raph Graybill	Mail	61,559	Choice	No	10/15/2020	\$14,279.52
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Production and Design	Raph Graybill	Mail	61,559	Choice	No	10/15/2020	\$17,236.52
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Shipping	Raph Graybill	Mail	61,559	Choice	No	10/14/2020	\$615.59
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Postage Cost	Raph Graybill	Mail	61,559	Choice	No	10/14/2020	\$17,236.52

Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Shipping	Raph Graybill	Mail	61,559	Choice	No	10/15/2020	\$615.59
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Postage Cost	Raph Graybill	Mail	61,559	Choice	No	10/15/2020	\$14,279.52
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Production & Design	Raph Graybill	Mail	61,559	Choice	No	10/14/2020	\$17,236.52
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Shipping	Raph Graybill	Mail	61,559	Choice	No	10/14/2020	\$615.59
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Postage Cost	Raph Graybill	Mail	61,559	Choice	No	10/14/2020	\$17,236.52
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	Yes	Production and Design	Raph Graybill	Mail	61,559	Choice	No	10/14/2020	\$17,236.52
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	No	Shipping	Raph Graybill	Mail	26,918	Choice	No	10/26/2020	\$269.18
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	No	Production and Design	Raph Graybill	Mail	26,918	Choice	No	10/26/2020	\$12,113.10
Resonance Campaigns LLC 913 Florida Ave NW, Washington, DC 20001	General	No	Postage	Raph Graybill	Mail	26,918	Choice	No	10/26/2020	\$26,918.00
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	TV	Ads that ran 10/13-10/19	ACA	No	10/09/2020	\$383,529.66
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Digital Production	Raph Graybill	Radio 101	Ads that ran 10/13-10/19	ACA Medicaid	No	10/09/2020	\$2,143.26

The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Radio	Ads that ran 10/13-10/19	ACA Medicaid	No	10/09/2020	\$74,995.19
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Digital	Ads that ran 10/13-10/19	ACA/Choice	No	10/09/2020	\$55,000.00
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Digital	Ads that ran 10/6-10/12	ACA/Choice	No	10/02/2020	\$55,000.00
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Radio	Ads that ran 10/6-10/12	ACA Medicaid	No	10/02/2020	\$74,995.19
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media placement	Raph Graybill	TV	Ads that ran 10/6-10/12	ACA	No	10/02/2020	\$383,197.16
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	TV	Ads that ran 9/29-10/5	ACA	No	09/29/2020	\$383,301.67
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Digital	Ads that ran 9/29-10/5	ACA	No	09/30/2020	\$55,000.00
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Digital	Ads that ran 10/20-10/26	ACA/Choice	No	10/15/2020	\$55,000.00
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Radio	Ads that ran 10/20-10/26	ACA Medicaid	No	10/15/2020	\$74,995.19
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Streaming Audio, Streaming TV	Ads that ran 10/22-11/3	ACA	No	10/22/2020	\$83,000.00
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Radio	Ads that ran 10/27-11/3	ACA Medicaid	No	10/23/2020	\$200,000.00

The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Digital	Ads that ran 10/22-11/3	ACA	No	10/22/2020	\$55,000.00
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Radio	Ads that ran 10/22-11/3	ACA Medicaid	No	10/22/2020	\$74,998.60
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Digital	Ads that ran 10/22-11/3	ACA/Choice	No	10/22/2020	\$101,301.50
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Radio	Ads that ran 10/22-11/3	ACA Medicaid	No	10/21/2020	\$100,000.00
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media buy	Raph Graybill	Satellite/Streaming TV	Ads that ran 10/22-11/3	ACA	No	10/20/2020	\$100,000.00
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media production	Raph Graybill	TV and Video	2 TV Spots and 2 Videos	"Priority" and "Choice"	No	10/27/2020	\$8,834.69
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	Yes	Media production	Raph Graybill	Video	1 Video	"Choice"	No	10/27/2020	\$4,000.82
The New Media Firm, Inc. 1730 Rhode Island Ave NW, Washington, DC 20036	General	No	Media production	Raph Graybill	Radio	1 Radio Ad	"Watch Dog"	No	10/27/2020	\$2,120.32

Table 5: Expenditures and independent expenditures made by DAGA People’s Lawyer Project Montana as disclosed on the committee’s October 28, 2020 through November 30, 2020 C-6 committee finance report.

Entity	Date	Purpose	Amount
ActBlue Technical Services	10/28/2020	Credit card processing fee	\$59.25
Amalgamated Bank	10/29/2020	Bank fee	\$347.04
DAGA People’s Lawyer Project	11/17/2020	Contribution Refund	\$12,085.68

Entity	Date	Purpose	Candidate/Issue	Platform	Quantity	Subject Matter	Amount
KnockCo, LLC	11/04/2020	Texting Services	Raph Graybill	Text Messages	93,587	DAGA People’s Lawyer Project Montana supporting Raph Graybill and Montana for Generations supporting Raph Graybill	\$4,907.68
KnockCo, LLC	11/10/2020	Texting Service	Raph Graybill	Text Messages	106,443	DAGA People’s Project	\$5,505.23

						supporting Raph Graybill and Montana for Generations supporting Raph Graybill	
The New Media Firm, Inc.	10/28/2020	Media buy	Raph Graybill	Snapchat	Ads that ran 10/29- 11/3	Choice	\$25,000.00

**Highlighted** rows represent expenditures made to a “consultant, advertising agency, polling firm, or other person that performs services for or on behalf of” by DAGA People’s Lawyer Project Montana that are not “itemized or described in sufficient detail to disclose the specific services performed by the entity to which payment or reimbursement was made”, §13-37-229(2)(b), Mont. Code Ann.