

Commissioner of Political Practices
1205 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 (10/09)

FOR OFFICE USE ONLY

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2015 MAY 18 A 8:39
COMMISSIONER OF
POLITICAL PRACTICES

HAND DELIVERED	<input type="checkbox"/>
CERTIFIED MAIL	<input checked="" type="checkbox"/>
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Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):

Complete Name Timothy R Adams

Complete Mailing Address 6104 E Shadow Drive
Bozeman, MT 59715

Phone Numbers: Work (N/A) Home 406-570-1305

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

Complete Name Montana Democratic Party

Complete Mailing Address PO Box 802 Helena, MT 59624

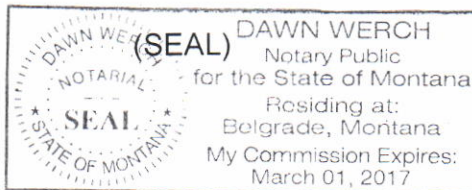
Phone Numbers: Work 406-442-9520 Home N/A

Please complete the second page of this form and describe in detail the facts of the alledged violation.

Verification by oath or affirmation

State of Montana, County of GALLATIN

I, Timothy Adams, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.



[Signature]
Signature of Complainant

Subscribed and sworn to before me this 13 day of May, 2015.

[Signature]
Notary Public

My Commission Expires: March 1 2017

Statement of facts: *See Attached*

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.

Complaints must be:

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

Timothy Adams
6104 E Shadow Dr
Bozeman, MT 59715
406-570-1305

Commissioner Jonathan Motl
Commissioner of Political Practices
1205 Eight Ave PO Box 202401
Helena, MT 59620-2401
406-444-2942

May 14, 2015

Dear Commissioner Motl,

I am writing to lodge a formal complaint against the Montana Democratic Party state political party committee. It has come to my attention that the Montana Democratic Party is accepting donations earmarked for legislative races as the entity "Montana Democratic Legislative Campaign Committee," while maintaining social media and donation accounts separately for the state party and for the legislative campaign committee. While the Republicans have a separate entity in which they fundraise and spend separately from the state political party committee, Democratic donors who are told they are giving money specifically to help candidates in the state legislature may be unknowingly funding activities other than the state legislative races through the state political party's committee and use of pooled funding.

I believe the Montana Democratic party is failing to file certification for their separate MDLCC entity and designate a treasurer (§13-37-201), failing to properly keep records of contributions (§13-37-207), failing to keep adequate records (§13-37-208), failing to properly and directly name and label their political committee (§13-37-210), failing to provide proper reports of contributions and expenditures (§13-37-225), failing to provide timely reports (§13-37-226), and failing proper contribution and expenditure reports (§13-37-229/230).

I applaud your recent decisions to help provide more transparency and documentation on contributions and expenditures from political committees. In that vein of transparency and accountability, I believe that the Montana Democratic Party should be filing all contributions and expenditures related to the Montana Democratic Legislative Campaign Committee in separate filings. I will show that they maintain a public face of being two separate entities. Although the goals of electing Democrats statewide and on the legislative level sometimes overlap, because all money collected by the state party committee is just put into one large pot, there is no guarantee to donors that the donations they are making are specifically being spent for the purposes they are given when they solicit, and there is no transparency through the committee's disclosures to indicate that the donations are being kept separate or earmarked for use exclusively for legislative races.

Statement of Facts:

This case hinges primarily on whether or not the Montana Democratic Party state political committee and the Montana Democratic Legislative Campaign Committee are two separate entities or merely part of one large organization. In a letter forwarded to me from your office ("2 Quick Inquiries" email attached) Trent Bolger,

finance director of the Montana Democratic Party states that MDLCC doesn't have their own tax ID, that all campaign disclosures are done so in the name of the MDP, and the MDLCC is treated as an internal division, similar to the accounting or communications department.

First, these internal designations have nothing to do with Montana law, which states that entities of 2 or more individuals with expressed political goals should register with your office. Second, it is untrue that the MDLCC is represented in the same way an internal division such as the finance department is treated. Neither the Finance Department of the MDP nor the Communications Department of the MDP have their own separate social media presences, nor do they fundraise under separate monikers and then put all their money into the state party political committee's coffers to be used for anything it sees fit. In order to comply with statute the expressed goals of the having committees register with accountability and transparency to their intended mission, entities with different missions (ie electing legislative candidates vs. electing statewide candidates) should not be mixing contributions, expenditures or funding, since this is transparent to their donors or the public, and could even put individuals at risk of violating campaign finance law if they are unaware their contributions are being spent for activities other than what they were original solicited and earmarked for. Even the name of the Montana Democratic Legislative Campaign Committee uses the word "committee" in its title, which has a very specific connotation in state law that communicates it is a separate committee, not part of the state party political committee.

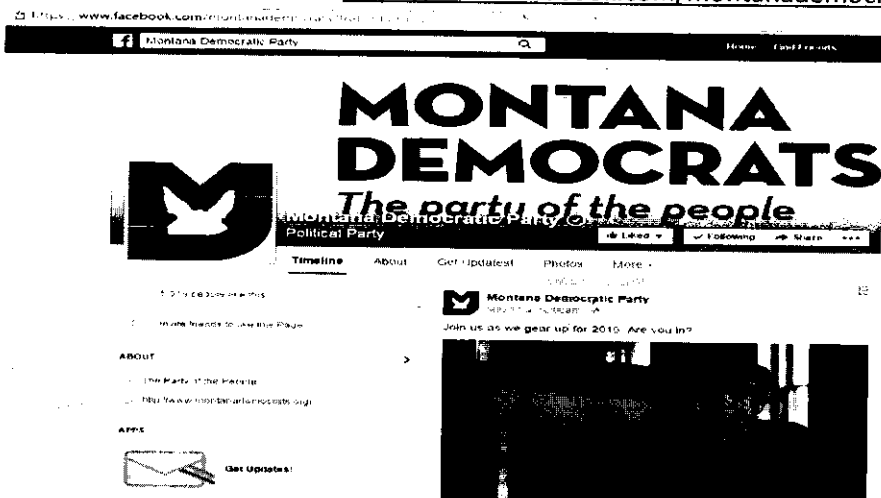
Although Bolger maintains they are one entity, he is not being truthful and I do not believe any reasonable person who sees the distinct presences of the two entities or donates to either of them would believe them to be one in the same. For example, the MDP has set up many public personas that make separate designations between the MDP and the MDLCC. Here are many examples of their separate public personas:

Social Media

Facebook:

The Montana Democratic Party and the Montana Democratic Legislative Campaign Committee maintain separate entity pages on Facebook.

The url for the MDP is here: <https://www.facebook.com/montanademocrats>



The url for the MDLCC is here: <https://www.facebook.com/mtdems>



Twitter:

The Montana Democratic Party and the Montana Democratic Legislative Campaign Committee maintain separate entity pages on Twitter.

The url for the MDP is here: <https://twitter.com/mtdems>



The url for the MDLCC is here: <https://twitter.com/MDLCC>

Twitter, Inc. (US) <https://twitter.com/MDLCC>

MONTANA
DEMOCRATIC
LEGISLATIVE
CAMPAIGN
COMMITTEE

MDLCC
@MDLCC

We are the wing of the Montana Democratic Party that elects Democrats to the Montana State Legislature

Helena, MT
Joined January 2013

45 Photos and videos

Tweets Tweets & replies Photos & videos

MDLCC @MDLCC
Democratic legislators have done an amazing job this session. Thank you for all your hard work! #mtpol #mtleg

MDLCC @MDLCC
#millionsofmontanans want Koch Brother
#billionsofdollars out of politics. #mtleg
#mtpol

Fundraising

In addition to social media accounts which are run and maintained separately, MDP and MDLCC have separate donation pages set up through the Democratic fundraising website, ActBlue.

The url for the MDP is here: <https://secure.actblue.com/entity/fundraisers/8370>

(Note title of account is Montana Democratic Party – Federal Account)

[ActBlue LLC \(US\) https://secure.actblue.com/entity/fundraisers/8370](https://secure.actblue.com/entity/fundraisers/8370)

ActBlue

Features Support Us Blog Help

Montana Democratic Party - Federal Account

Contribute

Already a supporter?

Invite others to join you!

Create a page

Plan an event

The url of the MDLCC is here: <https://secure.actblue.com/entity/fundraisers/11478>
(Note title of account is Montana Democratic Legislative Campaign Committee)

ActBlue

ActBlue

Features Support Us Blog Help



Additionally, the MDP and the MDLCC maintain separate email fundraising lists and use separate letterheads, titles and pleas for contributions. Links from these emails go to the separate ActBlue pages seen above.

Montana Democratic Party email soliciting funds:



I'm Nancy Keenan, the new executive director at the Montana Democratic Party

We are gearing up for 2016, and I already know our first priority is re-electing Governor Steve Bullock and Democrats from the courthouse to the White House.

But we can't do this without your help. Are you in?

It's not just about the money, it's about the message, it's about the future, or whatever you want to call it.

If we are going to elect Democrats across Montana, **we need you!** It's going to take each of us to do our part. Every phone call you make, every door you knock, and every dollar you donate will be the difference in this election.

So join with us, take the first step, and say you're in with a donation of \$10, \$15, \$30 or whatever you can afford.

You're critical to our success - from Libby to Miles City and everywhere in-between.

Let's do this.

Nancy Keenan
Executive Director, Montana Democratic Party

Montana Democratic Legislative Campaign Committee soliciting funds:

MONTANA DEMOCRATIC
LEGISLATIVE CAMPAIGN COMMITTEE



WINNING DEMOCRATIC MAJORITIES
IN THE MONTANA LEGISLATURE

Dear ,

We can all breathe a sigh of relief in knowing that **election season is officially over.**

After 13 months of knocking on doors, talking to voters and raising money, Montana Democrats held strong in the Montana Senate and **gained 2 seats** in the Montana House

It is important to note that we were able to make these gains during an election year when voter turnout in Montana was lower than it was in 2010! In 2010, 56% of eligible voters returned their ballot or showed up to the polls which resulted in a Democratic loss of 18 seats that year. This election year, even fewer voters submitted their ballot (55% of eligible voters) and yet our Party was able to gain two seats overall.

In fact, we were one of five state legislatures in the entire country to make gains against the Republican Party. In a rough year for Democrats nationally, we are incredibly proud of what we have accomplished.

Will you donate \$100 to MDLCC so that we are able to continue our work of electing more Democrats each election cycle?

Now, after gaining two seats in the Montana House and helping to progress and evolve our state's political character MDLCC really needs your help. Like any good political campaign, MDLCC spent almost every single dollar we raised on the final push these candidates needed. In order for us to now assist them in passing progressive and solid legislation, and for us to start laying the tracks for more Democratic gains in 2016 we implore you for a donation. We can only continue to make gains and shape Montana with your help

Will you donate \$100 to MDLCC so that we are able to continue our work of electing more Democrats each election cycle?

The light for Democrats in Montana is **increasing in brightness** and with your help our state can continue to become more progressive at the State Legislature. It was a tough road for Democrats this year but what we gained in Montana speaks volumes for our program, our candidates, and our Party's future.

In order to sustain MDLCC and continue this progress, we need donations from supporters like you. **Consider it a Christmas present to the future of Montana.**

Thank you for all you've done and continue to do

Lauren S. Caldwell
Director, Montana Democratic Legislative Campaign Committee

Please note above in the fundraising emails the two distinct letterheads the MDP and MDLCC use when soliciting, the links going to separate ActBlue accounts, the employees writing the emails list their titles as separate entities etc. Donors who respond to these emails would reasonably assume they are giving to separate entities and those contributions are being used separately, not together in one all-purpose fund.

Campaign documents

Employees of the MDLCC identity themselves as employees of the MDLCC and not the MDP. In July of 2013, Lauren Caldwell was announced as the new Executive Director of the MDLCC to state media ("Montana Democrats Boosting 2014 Legislative campaign efforts" by Charles Johnson *Helena Independent Record* 07/29/2013 found online at http://helenair.com/news/local/govt-and-politics/montana-democrats-boosting-legislature-campaign-efforts/article_030d598a-f811-11e2-b7d6-001a4bcf887a.html)

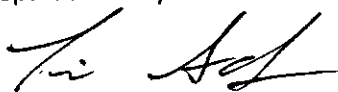
On campaign documents employees list their employer as MDLCC, not MDP. (Rep Zach Brown campaign finance disclosure contribution record for Bridger Bukantis lists employer as "Field Organizer – Montana Democratic Legislative Campaign Committee" accessed via COPP website 5/13/15 below)

Bukantis, Bridger	Field Organizer	
3120 1st Ave N, Great Falls, MT 59401	Montana Democratic Legislative Campaign Committee	General

In campaign documents candidates list their expenditures for the MDP and the MDLCC separately, which indicates that Democratic legislative candidates are aware of differences between the MDP and MDLCC and are told they are separate entities in which they should report contributions and expenditures separately. (Rep Zach Brown campaign finance disclosure expenditure record lists separate for MDLCC and Montana Democratic Party accessed via COPP website 5/13/15 below)

MDLCC PO Box 802, Helena, MT 59624	General	Canvassing program	09/30/2014
MDLCC PO Box 802, Helena, MT 59624	General	Canvassing program	09/25/2014
Montana Democratic Party	General	Voter Activation Network software access	02/24/2014
Montanans for Lewis	General	Contribution	10/14/2014

Taken as a whole, I believe it is unreasonable to assume that the Montana Democratic Party and the Montana Democratic Legislative Campaign Committee are one entity that can file together per state law. Statute specifically refers to naming and labeling of committees as well as their filing and disclosure as an important part of transparency in the Montana political process, and the MDLCC has even used the common "committee" in its title which further indicates that they are their own entity with separately stated goals and purpose. Therefore I urge you to find Montana Democratic Party at fault in violating the listed statutes and compel them to file as a separate entity in the future. I affirm all of the above to be true to the best of my knowledge.


 Timothy Adams
 6104 E Shadow Dr
 Bozeman, MT 59715
 (406) 570-1305

2 Quick Inquiries
Email



Tim Adams <tadamsmt@gmail.com>

2 Quick Inquiries

Baker, Mary <mabaker@mt.gov>
To: Tim Adams <tadamsmt@gmail.com>

Tue, Apr 14, 2015 at 8:42 AM

Hi Tim,

Here is the response that we received from the Democratic Party.

From: Trent Bolger [mailto:finance@montanademocrats.org]
Sent: Tuesday, March 24, 2015 8:31 AM
To: Musgrave, Karen
Cc: Motl, Jonathan; 'Mike Meloy'
Subject: RE: MOntna State Democratic Central Cmte aka Montana Democratic Party - Questions

Karen & Commissioner Motl,

Sorry for the late response between Mansfield Metcalf and some vacation time I had planned I didn't get to this until today.

The Montana State Women's club/Women's Alliance (which is their new name) does file separately. They however are a chartered organization which means they are affiliated. If you need me to help them get things right I can talk to them.

When people give to the Party to be used for Montana Democratic Legislative Campaign Committee (MDLCC) it is reported as a contribution to the State Democratic Party. MDLCC doesn't have their own Tax ID and has to use the State Democratic Party disclaimers as they are only an internal distinction within the State Party itself. The legally don't exist outside our organization. All the money for MDLCC spent and raised is reported on our reports as they are nothing more than an internal division within our organization like the accounting department, or the communications department but they are the Legislative department.

Trent Bolger

406-442-9520 ext 101

Finance Director

Montana Democratic Party

Follow Montana Democrats on Twitter: <http://twitter.com/MtDems>

Follow Montana Democrats on Facebook: [facebook.com/montanademocrats](https://www.facebook.com/montanademocrats)

Consider signing up to make a monthly donation to the Party: Monthly Donor Program

From: Tim Adams [mailto:tadamsmt@gmail.com]

Sent: Monday, April 13, 2015 10:42 AM

To: Baker, Mary

Subject: Re: 2 Quick Inquiries

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