

From the Desk of
Jacob L. Eaton

Commissioner of Political Practices
P.O. Box 202401
Helena, MT 59601

October 2, 2024

Commissioner Gallus,

I am writing today on behalf of Greg for Montana (GFM) in response to your email of October 1, 2024 requesting a response regarding a complaint filed by Emily Harris.

GFM used this same disclaimer in the 2020 governor race and has used the disclaimer since launching this campaign earlier this year. As the election nears, Ms. Harris and the failing Busse/Grabyill Campaign grow more desperate. In her zeal to file this complaint and hopefully garner attention from the likes of the Daily Montanan or other liberal blogs, Ms. Harris failed to look the actual statute governing this issue.

MCA § 13-35-225(a) states:

for election communications or electioneering communications financed by a candidate or a candidate's campaign finances, the name and the address of the candidate or the candidate's campaign;

GFM has complied with requirements of MCA § 13-35-225(a) by including each of the required elements in its disclaimer language.

MCA § 13-35-225(2) states:

Communications in a partisan election financed by a candidate, a political committee organized on the candidate's behalf, or a joint fundraising committee with a participant who is a candidate or a political committee organized on the candidate's behalf must state the candidate's party affiliation or include the party symbol.

GFM has complied with requirements of MCA § 13-35-225(2) by including the appropriate party affiliation in its disclaimer language.

Additionally, MCA §13-37-201(1) states:

Accept as provided in 13-37-206, each candidate, each political committee, and each joint fundraising committee shall appoint one campaign treasurer and certify the full name and complete address of the campaign treasurer pursuant to this section.

Here we can see the legislature specifically required the use of “the full name” as opposed to MCA §13-35-225 less specific requirement.

In *Montana Department of Revenue v. Korth, 2007* the Montana Supreme Court ruled that in instances where an administrative rule conflicts with a statute, the statute takes precedence. Here, GFM has complied with the requirements in the plan language of the statute.

As to Ms. Harris' claim that the alleged violations cannot be dismissed as *de minus*, she is incorrect here as well.

ARM § 44.11.603(2)(f) states:

any failure to comply with the attribution requirements of 13-35-225, MCA, that is determined to nevertheless provide sufficient disclosure regarding who made or financed the communication;

Here, GFM's alleged violations still provide sufficient disclosure regarding who finance the disclosure. The expenditures raised in the complaint either feature the name and/or images of Greg Gianforte, others come from an ad made in the context of the Governor's race about Mr. Busse.

According recent polling, Governor Gianforte enjoys near ubiquitous name ID. Additionally, he is the only candidate running statewide named Greg. Given the context the ads were shown in, Governor Gianforte's level of name identification, and his status as the only statewide candidate named Greg, it seems extremely unlikely any voter could mistake who was financing these expenditures.

Given GFM has complied with the statutory requirements there is no violation and this complaint should be dismissed.

Sincerely,

A handwritten signature in black ink that reads "Jacob Eaton". The signature is written in a cursive, flowing style.

Jake Eaton