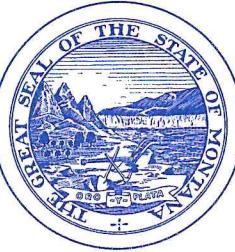


COMMISSIONER OF POLITICAL PRACTICES



STATE OF MONTANA

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January 16, 2026

Ms. Susan Beley
PO Box 569
Harlowton, MT 59036

Subject: Complaint received January 9, 2026; Beley v. Jacobsen, COPP-2026-CFP-REJ-001

Susan,

I acknowledge the complaint received by Montana's Commissioner of Political Practices (COPP) on January 9, 2026. I am returning the original complaint with this letter because it does not meet the minimum requirements outlined under Administrative Rules of Montana (ARM) 44.11.106. Specifically, the submitted complaint does not provide any "detailed description of the alleged violation" of any statute or rule under my jurisdiction in a way that would allow me to identify or consider it, as required under ARM 44.11.106(2)(b)(iii). Indeed, ARM 44.11.106(4) specifically allows me to dismiss any submitted complaint that "does not contain sufficient allegations to enable me, as the commissioner, to determine that it states a potential violation of a statute or rule" under my jurisdiction. This is the case here.

As commissioner, I exercise only those powers conferred upon me by law, Montana Code Annotated (MCA) § 13-37-116. My authority is limited to Montana's Code of Ethics in specific situations outlined under MCA Title 2, chapter 2 and ARM Rule chapter 44.10; lobbying law outlined in MCA Title 5, chapter 7 and ARM Rule chapter 44.12; and election law as outlined under MCA Title 13, chapters 35 and 37 and ARM Rule chapter 44.11. As stated above, the submitted complaint fails to clearly allege any violation of statute or rule over which I would be provided appropriate jurisdiction to consider and potentially enforce.

You may certainly review those statutes and rules under my authority and determine for yourself whether there are appropriate allegations to submit here. If you believe violations exist which do fall under my jurisdiction as outlined above, please resubmit a complaint that clearly and directly states them, pursuant to ARM 44.11.106.

While I would ordinarily end my communication here, the matter you presented to COPP is the subject of other communications with this office and I have determined that further discussion is warranted and of benefit to the public. The postcard you provided was also widely disseminated across Montana. Consequently, I will address these additional issues and considerations more thoroughly and publicly post my letter to you to the COPP website.

Your complaint, and the inquiries I received, fundamentally present issues with respect to the use of government funds or resources. This presents an analysis of laws under the Montana Code of Ethics contained in MCA Title 2, chapter 2, part 1 or campaign laws contained in MCA Title 13, chapters 35 or 36, as referenced and provided above.

Montana's elected officials routinely provide communications to Montana citizens which under a certain lens may appear to be political. Montana laws do prohibit the use of public resources for political purposes. COPP staff and I have reviewed the recent mailer provided by Secretary of State Christi Jacobson and I can determine it does not appear that Secretary Jacobsen violated any provision of the Montana Code of Ethics or any campaign regulation because the postcard you provided does not have a political purpose as defined under Montana Law. These relevant laws are addressed as follows:

MCA § 2-2-122 specifically prohibits the use of public resources "to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue" except under very limited circumstances. With respect to ethics complaints, I follow the process established in MCA § 2-2-136, which does not permit me to conduct investigations. As noted in *Steinbach v. DeTienne*, COPP-2016-ETH-004, I can only request the complainant and the person who is a subject of the complaint to provide additional information. MCA § 2-2-136(1)(b). That same subsection does allow me to make initial determinations of whether the complaint states a potential violation of Montana's ethics laws. MCA § 2-2-136(1)(c) then allows me to dismiss a complaint that is frivolous, does not state a potential violation of this part, or does not contain sufficient allegations to enable me to determine whether the complaint states a potential violation. Based upon my review of your complaint, including the postcard you provided, your complaint does not state a potential violation, as noted above. The following analysis is pertinent to this conclusion:

In determining if material supports or opposes a candidate, committee, or ballot issue, COPP applies the following definition:

"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. MCA § 13-1-101(54).

As defined in MCA § 13-1-101(8), neither individual featured on this particular mailing are current candidates for any office, and the mailing does not include any express words of support or opposition as defined by MCA § 13-101(54)(a). Additionally, while the mailer may to some

individuals appear political, MCA § 13-1-101(54)(b) does not apply, again because neither individual is a candidate and because the statutory language “susceptible of no reasonable interpretation other than...” is a high bar. Public officials have associated duties, which include communicating with constituents. For Montana’s Secretary of State this means communicating with all voters regarding elections, voting, and the SOS position on citizen only voting, which she appears to be doing here.

Montana law provides that the Secretary of State, presently Christi Jacobsen, is “the chief election officer” and that it is her “responsibility to obtain and maintain uniformity in the application, operation, and interpretation of the election laws. MCA § 13-1-201. Secretary Jacobsen is statutorily assigned other election-related responsibilities and obligations, including the duty to evaluate voting system performance, accuracy, security and accessibility (MCA § 13-1-202(4)). As chief election judge she has a fundamental legal obligation and an inherent ability to disseminate election-related information to other election administrators and the general public.

This office previously held a contested case hearing, addressing substantially similar circumstances, in the matter of *Davison v. Brown*. Commissioner Vaughay found no violation of the Code of Ethics occurred when Secretary of State and Gubernatorial candidate Bob Brown used federal funds provided to Montana in conjunction with the Help America Vote Act to produce and distribute public service announcements regarding upcoming implementation which featured Brown’s name and likeness. *Davison v. Brown*, COPP, Vaughay 2004.

More recently, I dismissed an ethics complaint against Governor Gianforte which alleged a violation of MCA § 2-2-122 based on the distribution of postcards reminding taxpayers to apply for a property tax rebate. These postcards stated “Governor Greg Gianforte signed into law a property tax rebate that provides eligible homeowners with up to \$675 this year.” The postcard then provides a timeline and directs voters to a website on which they can apply for a rebate. I found the mailing had an official purpose and did not solicit support or votes for Governor Gianforte’s campaign. Consequently, the portion of that complaint relating to use of public resources for political purposes was dismissed as frivolous. *Busse for Montana/Harris v. Gov. Gianforte & Eaton*, COPP-2024-ETH-007.

In *Sheehy v. Commissioner of Political Practices*, Cause No. DV 18-0844, Montana State District Court Judge Gregor R. Todd, dismissed a COPP sufficiency finding against Regent Martha Sheehy who the commissioner determined violated the Code of Ethics by using government resources for political purposes. Regent Sheehy sought and received from the district court a declaration that the COPP committed an error in determining she committed an ethical violation. As decided by the Court, COPP never established a conflict between public duty and private interest, especially in light of the fact that Regent Sheehy had statutorily prescribed duties to engage in the conduct that was the subject of the complaint. Regent Sheehy’s conduct fell clearly within the purview of the powers and duties legally prescribed to her. The conduct was also permissible as “properly incidental to another activity required or authorized by law” and in the “normal course of duties.” *Sheehy v. COPP*, p. 12 citing MCA § 2-2-121(3)(a)(i). The Court, in fact, held that COPP imposed requirements and constraints which directly conflict with Sheehy’s fiduciary responsibilities and obligations, in excess of statutory authority, are procedurally unlawful, clearly erroneous, arbitrary, capricious, and characterized by abuse of

discretion. A similar situation exists here because Secretary Jacobsen has the authority, obligation, and responsibility to communicate election-related matters to the public.

In *Montana Fish, Wildlife and Parks v. Trap Free Montana Public Lands*, 2018 MT 120, the Montana Supreme Court also addressed the notion of actions that are authorized or properly incidental to another activity required or authorized by law in light of the public trust obligation. The Court affirmed the state district court judge's reversal of a COPP sufficiency finding against FWP employees in that matter as well.

The fact that the Secretary of State's recent mailing could be viewed as partisan does not create support or opposition for Secretary Jacobsen in any upcoming election and a consequential violation of the Code of Ethics. The postcard in question does not illicit support for a candidate, including herself, or a group of candidates, including those in her own party. Montana voters elected her based on her opinions, political leanings, and her political affiliations. Expecting that all communications following an election would be devoid of a political bent so as to avoid any criticism or open debate is unreasonable and impracticable. Based on the material provided, it is clear to me that Secretary Jacobsen is performing an official duty without any sort of designed electoral element over which COPP properly exercises jurisdiction.

Consequently, and in conclusion, the asserted facts in your complaint do not allege any specific violations of the Montana Code of Ethics under my jurisdiction, and I am consequently returning your complaint to you. Thank you for submitting your complaint and I appreciated an opportunity to address the matters you presented in some detail due to amount of attention and inquiry this particular postcard received.

Sincerely,



Chris J. Gallus, Commissioner
Montana Political Practices