

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

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Commissioner of Political Practices

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Campaign Finance and Practices

Complaint Form (08/17)

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

Person bringing complaint (Complainant):

Complete Name Jayson O'Niell Complete Mailing Address 720 North Warren Street Helen, MT 69601 Phone Numbers: Work 406.570.5019 jaysononeill@gmail.com

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

Complete Name Cory Swanson Complete Mailing Address PO Box 877 Helena, MT 59624 Phone Numbers: Work 406.442.6633 Home not listed

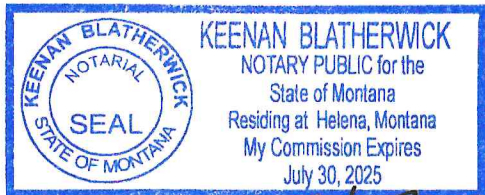
Please complete the second page of this form and describe in detail the facts of the alleged violation.

Verification by oath or affirmation

State of Montana, County of Lewis & Clark By: Jayson O'Niell I, Jayson O'Neill, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.

(SEAL)

Signature of Complainant



Subscribed and sworn to before me this 22 day of May, 2024. Notary Public

My Commission Expires: July 30, 2024

**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.

On April 20, 2024, Montana Supreme Court Chief Justice candidate in the 2024 election, Mr. Cory Swanson, attended the Broadwater County Republican Party Lincoln Reagan Dinner, at the Watson Training Center, 290 Litening Barn Lane, Townsend, Montana. The listed cost of the event was \$40.00 and included a no-host reception.

(Reference pictures of the event invitation attached.)

In his May 20, 2024 C5 filing covering the period of April 16 - May 14, 2024, Mr. Corey Swanson reported a number of expenses associated with his campaign. He did not report any mileage expense for travel to this event in Townsend and he did not report any expenditure by his campaign or him personally (in-kind or otherwise) to cover the cost of the \$40.00 for the reception and the Prime Rib dinner.

(Reference picture of expenses listed on candidate Swanson's campaign C5 filed on May 20, 2024 covering the period of April 16 - May 14, 2024 attached.)

In a photograph published on the Facebook Page of candidate for Montana Clerk of Supreme Court, Mr. Bowen Greenwood, Montana candidate, Cory Swanson, running for Chief Justice of the Montana Supreme Court is clearly pictured enjoying a Prime Rib steak at the event. It is clear that he did not pay for the meal that was provided by the partisan sponsor of this event, because his campaign's C5 has no record of the expense. If the meal was provided in-kind, it is questionable whether a judicial candidate in Montana can lawfully take an in-kind endorsement or gift from a partisan entity given that judicial candidates cannot legal seek the endorsement nor accept the endorsement of a partisan organization such as the Broadwater County Republican Party or the Montana Republican Party.

**Complaints must be:**

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

If the gift or donation of the Prime Rib steak and participation in the event cost of \$40.00, candidate is in violation of Montana law because he and his campaign failed to properly report the contribution on its most recent May 20, 2024 C5 report, as noted previously.

According to the MTCOPP Manual for Candidates and Treasurers:

44.11.403, ARM (1) A candidate or political committee shall report an in-kind contribution on the appropriate reporting schedule and shall describe what was received consistent with the reporting requirements specified in ARM 44.11.402. (2) A candidate who makes personal expenditures benefitting his or her campaign shall also report and disclose the expenditures as in-kind contributions or loans to the campaign; see ARM 44.11.501. (3) The total value of the services, property, or rights contributed in-kind shall be deemed to have been consumed in the reporting period in which received. (4) The value of an in-kind contribution shall be determined as follows: (a) It shall be reported as its fair market value at the time of the contribution; (b) It shall be reported as the difference between the fair market value at the time of the contribution and the amount charged the contributor; (c) It shall be reported as the actual monetary value or worth at the time of the contribution; or (d) If due to extraordinary circumstances none of these provisions would be appropriate or no reasonable fair market value can be established, it shall be sufficient to report a precise description of such in-kind contribution so received. (5) Upon receiving or making an in-kind contribution, its value shall be calculated and reduced to writing, reflecting the calculation method used under (4) and the writing shall be retained by the treasurer and available for inspection as provided by 13-37-111, 13-37-208, and 13-37-209, MCA. The value shall also be reported consistent with ARM 44.11.502. Any interest earned in a checking or savings account rebates, or refunds received by a campaign must be recorded and reported on campaign finance reports so accounts will balance. Some things are not included in the legal definition of "contribution." For instance, any services provided by individuals who volunteer their time without compensation need not be recorded or reported, 13-1-101 (9) (b), MCA.

PLEA TO THE COMMISSIONER OF MONTANA POLITICAL PRACTICES: Included in this document is clear evidence that Montana Supreme Court Chief Justice Candidate Cory Swanson unlawfully was offered, accepted and received an unreported gift from the Broadwater County Republican Party and failed to report this donation/gift according to Montana law. The Montana Commissioner of Political Practices should investigate and come to the conclusion based on the evidence presented in this complaint that candidate Cory Swanson has violated Montana law and punish him according to the laws and regulations of the State of Montana.

As well, candidate Cory Swanson has been observed as a participant at multiple partisan Republican political events throughout his campaign for Montana Supreme Court in 2023 and 2024. Candidate Cory Swanson should be required by the Montana Commissioner of Political Practices to disclose all in-kind gifts of food, transportation or other items of value proactively according to Montana law. Because there is a picture of Judge Wilson at the Broadwater County Republican Lincoln Reagan Dinner on April 20, 2024, Montana citizens now are aware of his breach of Montana law in that circumstance. What other inappropriate, undisclosed in-kind donations or gifts has candidate Cory Swanson received from the Yellowstone County Republican Party, the Flathead County Republican Party, the Missoula County Republican Party, the Cascade County Republican Party or any other partisan organization whose event he has participated? Candidate Cory Swanson is not disclosing that information on his C5 reports and should be compelled to do so by the Montana Commissioner of Political Practices.



