

Commissioner Gallus –

The “Greg” for Montana campaign is using an official, taxpayer-funded photograph of Governor Greg Gianforte in his political re-election campaign. This, as the Governor and his experienced campaign manager well know, is a clear violation of § 2-2-122, MCA.

The taxpayers of this state are already suffering under the Governor’s record residential property tax increase. It is both unlawful and absurd for taxpayers to subsidize the governor’s political campaign.

The photograph in question is currently featured as one of the rotating images on the homepage of Governor Gianforte’s official, taxpayer-funded website, governor.mt.gov:



Online news stories confirm this particular photo is indeed a resource provided by the “office” of governor Greg Gianforte, as evidenced by the caption in this screenshot:

Gianforte's son one of many lobbying governor against trans bills

Thu., April 27, 2023



Gov. Greg Gianforte speaks March 13 on the Montana Capitol steps (Courtesy of the Montana governor's office)

SOURCE:

<https://www.spokesman.com/stories/2023/apr/27/gianfortes-son-one-of-many-lobbying-governor-again/>

...and according to the caption in this screenshot:

Gianforte signs off on tax cuts, debt-free Montana, infrastructure repair

by NBC Montana Staff | Mon, March 13th 2023 at 6:37 PM

Updated Mon, March 13th 2023 at 9:14 PM



Gov. Gianforte, joined by legislators on the front steps of the capitol, discusses historic tax package (Photo: Office of Gov. Greg Gianforte)

SOURCE:

<https://nbcmontana.com/news/local/gianforte-signs-tax-relief-proposals-to-make-montana-debt-free>

The Governor's re-election campaign is currently using this very photograph, which is an official, taxpayer-funded resource, in a sponsored Facebook ad paid for by "Greg" for Montana. Here is a screenshot of this ad, captured on September 26, 2024:



According to the Code of Ethics stated in § 2-2-122, MCA, a "public officer, legislator, or public employee may not use or permit the use of public time, facilities, equipment, state letterhead, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office."

"Greg" for Montana's use of this photograph is a clear violation of this law, and the Governor is openly flouting it.

The use of the state-funded photograph is also a violation of § 2-2-121(3)(a) and (b), MCA. The photo involves the use of state funds, facilities, equipment, and personnel which have been repurposed by the "Greg" for Montana campaign into an "advertisement."

Neither statute, by its own text, is limited solely to “public service announcements”; both also specifically call out the improper use (by candidates, or state officers—here, both are implicated by Gianforte’s dual roles) of state resources for “advertisement[s].”

Subsection (b) clearly provides that state officers may not “produce, print, or broadcast any advertisement,” regardless of the medium. Subsection (a) likewise applies to “any advertisement.”

Your office should only apply the modifier “in a newspaper, on radio, or on television” to the phrase it actually modifies: “public service announcement.” It would be an absurd result to prevent enforcement under subsection (a) simply because Gianforte chose to abuse public resources for a Facebook ad, rather than radio or TV.¹ Clearly, both statutes operate to prevent exactly what happened here: a state officer using public resources in the officer’s campaign communications.

We respectfully request that resolve this matter with the same speed and urgency with which you addressed our previous ethics complaint against Gov. Gianforte (COPP-2024-ETH-008), in six days’ time, to hold him and his campaign accountable to Montana Law.

Dated September 27, 2024.

¹ “In the construction of a statute, the intention of the legislature is to be pursued if possible.” Section 1-2-102, MCA. There is no evidence the legislature intended for a loophole to exist for digital advertising on subsection (a) but not subsection (b).