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FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

**BEFORE THE
FEDERAL ELECTION COMMISSION**

MUR 8320

Montana Democratic Party
303 N Ewing St
Helena, MT 59601

Complainant,

v.

Ryan Zinke
409 2nd St. W
Whitefish, MT 59937-3010

Zinke for Congress and Paul Kilgore, Treasurer, in his official capacity
PO Box 1597
Helena, MT 59624-1597

Respondents.

COMPLAINT

In accordance with 52 U.S.C. § 30109(a)(1), this complaint alleges violations of the Federal Election Campaign Act ("*FECA*" or the "*Act*") and Federal Election Commission ("*FEC*") regulations against Ryan Zinke; his campaign committee, Zinke for Congress; and its treasurer, Paul Kilgore, in his official capacity. Respondents appear to have violated federal law and regulations when they authorized and made disbursements for paid television communications that fail to comply with the FEC's disclaimer requirements.

The FEC has clear disclaimer regulations that all candidates must abide by when sponsoring public communications. Following these well-established disclaimer requirements matters. No candidate can unilaterally determine the rules do not apply to them. Yet, Mr. Zinke decided he either did not care what the rules are; or he did not even bother to look at the

regulations and guidance. Regardless, the FEC must enforce the Act. The FEC should immediately investigate Respondents and levy appropriate sanctions.

I. Facts

Ryan Zinke is a candidate to represent Montana's First Congressional District.¹ His principal campaign committee is Zinke for Congress.² Paul Kilgore is Zinke for Congress's treasurer.³

Respondents paid for and authorized the television advertisement, titled "Public Lands" that began airing on Sunday, September 29th.⁴

The advertisement includes a written "paid for by" disclaimer at the end of the advertisement ("Paid for by Zinke for Congress") and a written statement at the end of the ad that says that Zinke authorized the ad ("Authorized by Ryan Zinke"). Additionally, the advertisement includes a verbal statement by Mr. Zinke approving of the communication ("I'm Ryan Zinke and I approve this message"). However, the advertisement does not show Mr. Zinke making that message nor does it show a "clearly identifiable photographic or similar image" of Mr. Zinke when he delivers that message.

II. Legal Argument

The Act's disclaimer requirements apply whenever a political committee makes a disbursement to finance any public communication, including a television advertisement.⁵ According to FEC regulations, during television advertisements paid for or authorized by a

¹ Ryan Zinke, FEC Form 2, Statement of Candidacy (March 21, 2024), <https://docquery.fec.gov/pdf/731/202403219627385731/202403219627385731.pdf>.

² Zinke for Congress, FEC Statement of Organization (December 20, 2023), <https://docquery.fec.gov/pdf/734/202403219627385734/202403219627385734.pdf>.

³ *Id.*

⁴ Link to video: <https://drive.google.com/drive/folders/1tsUA1fZIY9uVJv0fIPKtAGXWnOCRhPPq?usp=sharing>

⁵ 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11(a)(1)-(4). A public communication is defined as "any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising." 11 C.F.R. § 100.26.

candidate or an authorized committee of the candidate, the candidate must make an oral statement (1) identifying himself or herself and (2) stating that he or she approves of the advertisement.⁶ Furthermore, that statement must be accompanied either by (A) “an unobscured, full-screen view of himself or herself making the statement,” or (B) “a voice-over by himself or herself, *accompanied by a clearly identifiable photographic or similar image of the candidate.*”⁷

Here, Respondents’ television advertisement does not appear to comply with the Commission’s requirements. When Mr. Zinke says “I’m Ryan Zinke and I approve this message,” the ad does not show him on screen delivering the message. Further, it does not include a clearly identifiable image of Mr. Zinke. Instead, while Mr. Zinke is making that statement, the ad shows a blurry, shaky image of the side-profile of a man who may or may not be Ryan Zinke. It is not clearly identifiable who is being shown in the ad. As a result, it appears Respondents’ advertisements violate federal law and the Commission’s regulations.⁸

There is no valid excuse or justification for the Respondents’ failure to comply with this disclaimer requirement. Every election cycle, hundreds of candidates sponsor thousands of advertisements that comply with these requirements. Respondents’ violation of the law undermines the very purpose of disclaimer requirements: to ensure that all Americans know who pays for and sponsors political advertisements, and which advertisements are authorized by the candidate.

III. Requested Action

Respondents appear to have violated the Act and FEC regulations by failing to accompany its audio statement approving the message with a video of Mr. Zinke making that statement or a “clearly identifiable photographic or similar image” of Mr. Zinke. As such, we

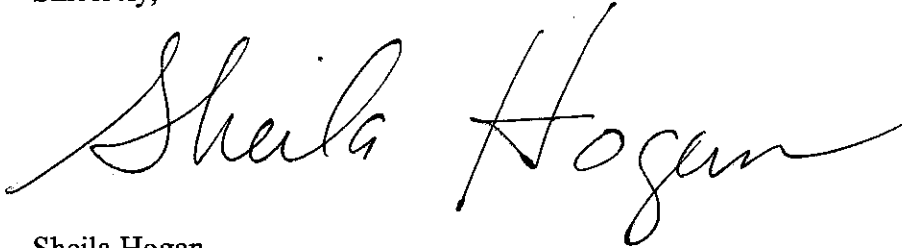
⁶ 11 C.F.R. § 110.11(c)(3)(ii).

⁷ 11 C.F.R. § 110.11(c)(3)(ii) (emphasis added).

⁸ 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11(c)(3)(iii).

respectfully request that the Commission immediately investigate these violations and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,



Sheila Hogan
Executive Director, Montana Democratic Party

SUBSCRIBED AND SWORN to before me this 30 day of September, 2024.



Notary Public

My Commission Expires:

August 26, 2028

