

Mr. Jeff Mangan
Commissioner of Political Practices
1209 8th Ave
Helena, MT 59620-2401

Commissioner Mangan,

I write to file this formal ethics complaint against Lt. Governor Mike Cooney alleging violations of § 2-2-121(3)(a), MCA.

Overview

§ 2-2-121(3)(a), MCA is a provision of state ethics law mandating that “a public officer or public employee may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office...”

Lt. Governor Mike Cooney knowingly and intentionally violated that ethics provision of Montana law on April 13th while participating in a conference call with the Democratic Governors Association (“DGA”) from his office in the Montana Capitol. Furthermore, Mr. Cooney admitted to the wrongdoing on May 18th in a news article published by MTN News.

Mr. Cooney’s participation in a campaign strategy call, which potentially warrants further investigation, while on public time and on state property, is in clear violation of § 2-2-121(3)(a), MCA.

Key Facts and Allegations:

A conference call held by the Democratic Governors Association (“DGA”) occurred on April 13th, 2020.

Lt. Governor Cooney participated in the conference call from his office in the Montana State Capitol as documented in a photo shared by MTN News on May 18th, 2020.

Lt. Governor Cooney’s campaign alleges that a “personal laptop was used and no state personnel, equipment or supplies were used” to participate in the call.

§ 2-2-121(3)(a), MCA clearly states that “a public officer or public employee may not use or permit the use of public time” or “facilities” for the “election of any person to public office.”

Mr. Cooney’s use of “public time” and “facilities” for “the election of any person to public office” in this matter are in clear violation of § 2-2-121(3)(a), MCA.

Actions Requested of the Commissioner to Remedy this Situation

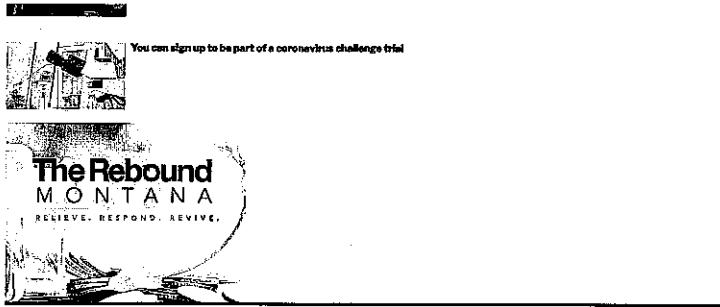
I am requesting the Commissioner of Political Practices take the following actions, in accordance with all relevant laws, rules, and procedures, to investigate and remedy the allegations contained in this complaint:

1. Conduct a thorough investigation into this matter, including identifying whether this is a pattern or an isolated incident, given the Cooney campaign's dismissal of this serious matter as a mere distraction.
2. If, at the conclusion of his investigation, the Commissioner finds that Lt. Governor Cooney violated § 2-2-121(3)(a), MCA as alleged, then I submit that the Lt. Governor be held accountable in an equitable manner for the alleged offense.

Thank you for your time and attention to this matter.

Sincerely,

Spenser Merwin
Executive Director
Montana Republican Party



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