

October 2, 2024

Omar Ashmawy
Chief Counsel and Staff Director
Office of Congressional Ethics
U.S. House of Representatives
P.O. Box 895
Washington, D.C. 20515

Re: Request for Investigation of Representative Ryan Zinke (R-MT-01)

Dear Mr. Ashmawy:

I respectfully request that the Office of Congressional Ethics immediately launch an investigation into Representative Ryan Zinke for apparently violating the Rules of the House of Representatives (“House Rules”) by accepting \$7,860 in illegal campaign contributions from an employee of his House office.¹ According to public reports filed with the Federal Election Commission (“FEC” or the “Commission”), Representative Zinke’s principal campaign committee appears to have accepted contributions from his Chief of Staff, Heather Swift, on six separate occasions in direct violation of U.S. criminal law and House Ethics Committee rules.² I urge the Office of Congressional Ethics to investigate these claims and take appropriate remedial action against Representative Zinke and the relevant staff members.

I. Factual Background

Representative Zinke currently serves as the U.S. Representative for Montana’s 1st congressional district.³ His principal campaign committee is Zinke for Congress (the “Committee”).⁴ Representative Zinke filed his Statement of Candidacy to represent Montana’s first congressional district on April 29, 2021.⁵ Representative Zinke won his 2022 election and was officially sworn in as a Congressman on January 10, 2023.⁶

Between January 19, 2023, and March 12, 2023, the Committee issued 6 reimbursements to the Chief of Staff of Representative Zinke’s office, Heather Swift:

Date	Expenditure	Purpose
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¹ See Committee on Standards of Official Conduct, House Ethics Manual, at 147-149, available at <https://ethics.house.gov/sites/ethics.house.gov/files/documents/Dec%202022%20House%20Ethics%20Manual%20website%20version.pdf> [hereinafter, “House Ethics Manual”].

² See 18 U.S.C. § 603(a).

³ U.S. Congressman Ryan Zinke, U.S. House of Representatives, available at <https://zinke.house.gov/>.

⁴ Zinke for Congress, FEC Form 1, Statement of Organization (filed December 20, 2023), available at <https://docquery.fec.gov/cgi-bin/forms/C00778159/1740299/>.

⁵ Ryan Zinke, FEC Form 2, Statement of Candidacy (filed April 29, 2024), available at <https://docquery.fec.gov/pdf/866/202104299446134866/202104299446134866.pdf>.

⁶ U.S. Congressman Ryan Zinke, *Ryan Zinke Officially Sworn-In as Congressman from Western Montana* (Jan. 10, 2023), <https://zinke.house.gov/media/press-releases/ryan-zinke-officially-sworn-congressman-western-montana>.

January 19, 2023	\$2,000 at Preferred Property Management	“Rent” ⁷
March 7, 2023	\$2,000 at Preferred Property Management	“Staff Lodging” ⁸
March 25, 2023	\$1,850 at Preferred Property Management	“Staff Lodging” ⁹
April 25, 2023	\$130 at YouTube TV	“TV Service” ¹⁰
April 25, 2023	\$280 at Flathead Electric	“Utilities” ¹¹
May 12, 2023	\$1,600 at The Congressional Club	“Membership and Volunteer Appreciation” ¹²

None of these expenses were for travel. The transactions are either expressly labeled as “reimbursements” or reference specific non-travel expenses. These labels indicate that the Chief of Staff originally paid for these items using her own funds and was reimbursed by the Committee. These labels also indicate that these transactions were for campaign expenses such as rent and utilities.¹³

In total, the reimbursements issued by Representative Zinke’s committee to his employee sums over \$7,860 and spans nearly four months.

II. Legal Analysis

In creating the requirement that Representatives “behave . . . in a manner that . . . reflect[s] creditably on the House,”¹⁴ the intent of the House of Representatives was to create a standard “that would have a deterrent effect against improper conduct” and would protect “the House collectively, its safety, dignity, and the integrity of its proceedings; and . . . the rights, reputation, and conduct of Members individually, in their representative capacity.”¹⁵ When a Member violates federal law or condones staff violations of federal law, the Member’s behavior does not reflect creditably on the House.

Federal law prohibits “an officer or employee of the United States . . . [from] mak[ing] any contribution . . . to any Senator or Representative in . . . Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution.”¹⁶ In

⁷ Zinke for Congress, FEC April 2023 Quarterly Report at 1480 (filed April 14, 2023, amended October 5, 2023).

⁸ Zinke for Congress, FEC April 2023 Quarterly Report at 1482 (filed April 14, 2023, amended October 5, 2023).

⁹ Zinke for Congress, FEC April 2023 Quarterly Report at 1484 (filed April 14, 2023, amended October 5, 2023).

¹⁰ Zinke for Congress, FEC July 2023 Quarterly Report at 2754 (filed July 13, 2023).

¹¹ *Id.*

¹² Zinke for Congress, FEC October 2023 Quarterly Report at 5598 (filed October 10, 2023).

¹³ See Zinke for Congress, FEC April 2023 Quarterly Report at 1480 (filed April 14, 2023, amended October 5, 2023) (showing a reimbursement from the Committee to the Chief of Staff for “rent”); See also Zinke for Congress, FEC July 2023 Quarterly Report at 2754 (filed July 13, 2023) (showing a reimbursement from the Committee to the Chief of Staff for “utilities”).

¹⁴ House Code of Official Conduct (currently codified at Rules of the House of Representatives r. 23 cl. 1).

¹⁵ Joint Comm. on the Organization of Congress, H.R. Rep. No. 103-413, S. Rep. No. 103-215, at 125 n.18 (1993) (quoting H.R. Rep. No. 27, 90th Congress, 1st Sess. 24 (1969)), available at <https://archives-democrats-rules.house.gov/Archives/jcoc2ac.htm>.

¹⁶ 18 U.S.C. § 603 (2018).

applying this law to House employees and their employing Members, the House Ethics Manual (“Ethics Manual”) explains that the ban is “absolute.”¹⁷ The Ethics Manual clearly states that “even if the contribution was entirely unsolicited and the employee genuinely wishes to make the contribution,” they are still prohibited from doing so under federal law.¹⁸ The Ethics Manual also advises staffers who work simultaneously in congressional and campaign offices to be familiar with the definition of “contribution” under federal law, to ensure that they do not violate this prohibition.¹⁹

FEC regulations define “contribution” as “gift, subscription, loan . . . advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.”²⁰ Recognizing the breadth of this definition, the Ethics Manual explicitly states that “staff members should be aware that under FEC regulations, most outlays that an individual makes on behalf of a campaign are deemed to be a contribution to that campaign from that individual. *This is so even if it is intended that the campaign will reimburse the individual promptly.*”²¹ Moreover, the law makes clear that a contribution to a committee authorized by a candidate “shall be considered a contribution to the individual who has authorized such committee.”²² The Ethics Manual explains that the one exception to this rule is for “outlays that an individual makes to cover expenses that he or she incurs in traveling on behalf of a campaign,” which does not apply to office supplies and does not necessarily apply to event food or beverages.²³

The OCE has previously recognized that referred matters with substantially similar facts to the House Committee on Ethics. In its 2017 investigation of Representative John Duncan, the OCE determined that Representative Duncan’s campaign committee may have accepted “impermissible contributions” when Representative Duncan’s House employees were reimbursed for expenditures they made on behalf of the committee.²⁴ Citing the same statute at issue here, the OCE listed five instances where Representative Duncan’s campaign committee reimbursed employees for “small dollar purchases” such as food and craft supplies.²⁵ Neither OCE’s determination that Representative Duncan’s staffers “likely” lacked knowledge of their violation, nor that Representative Duncan “may not have had direct knowledge of all of the purchases” was a defense.²⁶ The OCE found “substantial reason” to believe Representative Duncan “failed to ensure” that his campaign committee complied with federal law and referred the matter to the House Committee on Ethics for further investigation.²⁷

¹⁷ House Ethics Manual, *supra* note **Error! Bookmark not defined.**, at 147-149.

¹⁸ *Id.*

¹⁹ *Id.* at 138-39.

²⁰ 52 U.S.C. § 30101(8)(A)(i) (2018); *see also* 11 C.F.R. § 100.52(a) (2018).

²¹ House Ethics Manual, *supra* note **Error! Bookmark not defined.**, at 148 (emphasis in original).

²² 18 U.S.C. § 603(b) (2018).

²³ House Ethics Manual, *supra* note **Error! Bookmark not defined.**, at 148.

²⁴ Office of Congressional Ethics, Report, Review No. 17-2646 ¶ 216 (2017), *available at* https://ethics.house.gov/sites/ethics.house.gov/files/OCE%20Report%20and%20Findings_4.pdf.

²⁵ *Id.* ¶¶ 213, 217.

²⁶ *Id.* ¶ 221.

²⁷ *Id.* ¶ 230. After referral, the House Ethics Committee further reviewed the allegations but did not complete its investigations by the conclusion of the 115th Congress. Because Representative Duncan did not run for reelection, the Ethics Committee lacked jurisdiction over Representative Duncan after January 3, 2019, and ceased its investigation. H.R. Rep. No. 115-1125, at 25 (2019).

Here, in a pattern reflected over several months, it appears that Representative Zinke's official staff illegally contributed to their boss's campaign by advancing payments for campaign expenses. Based on the descriptions included in the Committee's publicly filed FEC reports, none of these contributions were for an individual's travel expenses, which is the only exception to the general rule prohibiting contributions and outlays by a staffer to their employing Member. Instead, it appears that Representative Zinke completely disregarded federal law and repeatedly accepted campaign contributions in the form of advances from an individual employed by his official office.

III. Requested Action

These illegal contributions undermine the integrity of the House, particularly with respect to the distinct line between official congressional duties and reelection campaign efforts. OCE should investigate Representative Zinke's conduct immediately.

I understand that 18 U.S.C. § 1001 applies to the information I am providing. To the best of my knowledge and ability all evidence submitted was not obtained in violation of any law, rule or regulation.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tiffany Muller".

End Citizens United
Tiffany Muller
PO Box 66005
Washington, DC 20035