



UNBALANCED: THE EXTREME PARTISANSHIP OF THE MONTANA FEDERATION OF PUBLIC EMPLOYEES

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INTRODUCTION

The largest labor union in the state of Montana, by far, is the Montana Federation of Public Employees (MFPE). With 20,700 members as of August 2022, MFPE is also one of the state’s biggest political players.¹

As MFPE is an affiliate of both the National Education Association (NEA) and the American Federation of Teachers (AFT), part of the dues paid by MFPE members go to support each of these two, extremely progressive unions.²

Nationally, NEA and AFT support everything from gun control³ to Critical Race Theory⁴ to abortion⁵ and efforts to defund the police⁶ and oppose election integrity.⁷

However, with a Republican governor and GOP supermajorities in both houses of the Montana State Legislature, MFPE goes to great lengths to appear more balanced and bipartisan than its national affiliates. For instance, MFPE’s website boasts about how the union works “across party lines” and touts its endorsements of 11 Republican candidates for state legislature in 2022.⁸

In reality, a review of campaign finance data reported to the Montana Commissioner of Political Practices (CPP)⁹ shows that, from 2019-2022, MFPE’s election spending all but exclusively benefitted Democrats. In addition, MFPE devoted significant election spending to advance progressive viewpoints in ballot measure fights over gun control and taxes.

¹ See schedule 13 of MFPE’s most recent Form LM-2 filed with the U.S. Department of Labor, Office of Labor-Management Standards, available online at: <https://olmsapps.dol.gov/query/orgReport.do?rptId=849279&rptForm=LM2Form>

² Statement B, line 56 of MFPE’s most recent LM-2 indicates it paid \$3,016,385 in “per capita taxes” to its parent affiliates, accounting for nearly one-quarter of its budget.

³ National Education Association. “Open Letter to Congress to Act on Gun Violence.” June 7, 2022.

<https://www.nea.org/advocating-for-change/action-center/letters-testimony/open-letter-congress-act-gun-violence>

⁴ Maxford Nelsen. “NEA ‘racial justice’ guide backs left-wing priorities like defunding police, banning voter ID.” Freedom Foundation. August 24, 2021. <https://www.freedomfoundation.com/labor/nea-racial-justice-guide-backs-left-wing-priorities-like-defunding-police-banning-voter-id/>

⁵ Eric Jotkoff. “NEA President’s Statement on Dobbs v. Jackson Women’s Health Organization.” National Education Association. June 24, 2022. <https://www.nea.org/about-nea/media-center/press-releases/nea-presidents-statement-dobbs-v-jackson-womens-health-organization>

Oriana Korin. “AFT’s Weingarten Slams Supreme Court Ruling Overturning Roe v. Wade.” June 24, 2022.

<https://www.aft.org/press-release/afts-weingarten-slams-supreme-court-ruling-overturning-roe-v-wade>

⁶ James Paterson. “Making Schools Safe and Just: Policing in schools can harm students of color—and aspiring educators are demanding change.” National Education Association. April 28, 2022. <https://www.nea.org/advocating-for-change/new-from-nea/making-schools-safe-and-just>

American Federation of Teachers. “AFT expands anti-racism efforts, calls for separating police and schools.” June 18, 2020. <https://www.aft.org/news/aft-expands-anti-racism-efforts-calls-separating-police-and-schools>

⁷ Brenda Álvarez. “Are Today’s Voter Suppression Laws the New Jim Crow?” National Education Association. January 16, 2022. <https://www.nea.org/advocating-for-change/new-from-nea/are-todays-voter-suppression-laws-new-jim-crow>

Eric H. Holder, Jr. “One Person, One Vote: America’s Ongoing Struggle with Our Most Basic Right.” American Federation of Teachers. Fall 2020. <https://www.aft.org/ae/fall2020/holder>

⁸ Montana Federation of Public Employees. “2022 Republican Candidates Endorsed by MFPE.” 2022. <https://www.mfpe.org/2022-republican-candidates-supported-by-mfpe/>

⁹ Montana Commissioner of Political Practices, Campaign Electronic Reporting System. <https://cers-ext.mt.gov/CampaignTracker/dashboard>



SUMMARY OF FINDINGS

- 99.7 percent of MFPE’s \$3,564,899 in election spending associated with identified candidates or parties went to support the Montana Democrat party apparatus, Democrat candidates for office, and Democrat-aligned candidates running for nonpartisan offices.
- MFPE annually contributes to Carol’s List, an organization that “recruits, trains, [and] supports progressive, pro-choice Democratic women to run for elected office in Montana and win...”¹⁰
- During the four-year review period, MFPE contributed \$142,370 to the Montana Democratic Party and other Democrat party organizations.
- In 2022:
 - MFPE spent \$337,487 backing progressive incumbent Ingrid Gustafson over conservative challenger James Brown in the high-profile election for Montana Supreme Court.
 - MFPE spent \$165,000 fighting CI-121, an ill-fated ballot measure seeking to create certain property tax limits.
- In 2020:
 - MFPE backed Democrat gubernatorial candidate Mike Cooney over Republican Greg Gianforte with \$2,303,029 in election spending.
 - MFPE spent \$429,744 supporting Democrat Melissa Romano’s campaign for Superintendent of Public Instruction.
 - After the state legislature referred LR-130 to voters to prevent local governments from regulating or banning concealed carry, MFPE spent \$1,236,000 against it. Gun control advocacy groups spent only one-tenth as much.¹¹ The measure was narrowly approved by voters.

MFPE ENDORSES SAFE REPUBLICANS, BUT FUNDS COMPETITIVE DEMOCRATS

Tellingly, none of the 11 Republican candidates for state legislature endorsed by MFPE in 2022 received the union’s financial backing. Of the 11, four ran unopposed in the general election. The other seven prevailed over their Democrat opponents by an average of 34 percentage points. In other words, MFPE’s GOP endorsees all hail from strong Republican districts in which the odds of a Democrat victory are negligible.

But talk is cheap and, when it came to spending money, MFPE emptied its wallet backing Democrats in swing districts.

According to its filings with the CPP, MFPE contributed \$200,000 to the Working Montana PAC, operated by the Montana AFL-CIO, for state legislative races in seven House districts¹² and four Senate districts in 2022.¹³ As none of the districts involved any of the 11 Republican candidates endorsed by MFPE, presumably the funds were spent to benefit the Democrat in each race. The average margin of victory in these districts was only 7.8 percentage points; in two races, the margin of victory was less than one percentage point.

¹⁰ Carol’s List. “About.” <https://www.carolistmt.org/about>

¹¹ Ballotpedia. “Montana LR-130, Limit Local Government Authority to Regulate Firearms Measure (2020).” [https://ballotpedia.org/Montana_LR-130,_Limit_Local_Government_Authority_to_Regulate_Firearms_Measure_\(2020\)](https://ballotpedia.org/Montana_LR-130,_Limit_Local_Government_Authority_to_Regulate_Firearms_Measure_(2020))

¹² House districts 28, 47, 48, 50, 77, 84, and 96.

¹³ Senate districts 24, 30, 42, and 49.

In other words, MFPE shrewdly uses high-visibility endorsements to attempt to curry favor with the Republican legislative majority while simultaneously spending heavily, but largely behind the scenes, to shrink or eliminate it.

USING MEMBERS' DUES FOR POLITICS

On its website, MFPE claims that it “does not use members' dues for political contributions,” instead asking its members “to voluntarily donate funds through payroll deduction.”¹⁴

While MFPE does have a political committee funded by contributions from its members in addition to their dues, it is also true that MFPE members' dues are used to make additional political contributions.

In 2022, for instance, MFPE's “independent” political action committee received \$253,382 in contributions from MFPE members.¹⁵ However, the MFPE's “incidental” political action committee¹⁶ received \$673,000 from political committees operated by the NEA and AFT and funded through the “per capita” revenue local affiliates like MFPE forward to NEA and AFT out of the dues collected from members.¹⁷

Laundering the money through NEA and AFT allows MFPE to say that *it* doesn't use members' dues for politics, but there's no denying that part of members' dues are indeed put to that purpose with the full knowledge of MFPE.

Up until 2018, state law provided that Montana public employees could be fired for refusing to join and financially support unions like MFPE. However, the U.S. Supreme Court's decision that year in *Janus v. AFSCME* struck down state laws requiring public employees to pay union dues/fees as a condition of employment as unconstitutional under the First Amendment.¹⁸

As a result, public employees can now decide for themselves whether membership in unions like MFPE aligns with their values. The potential loss of conservative members is likely one reason why MFPE has attempted to appear more bipartisan in recent years than it really is. Unfortunately, MFPE has taken steps to make membership cancellation unnecessarily difficult, such as by only processing cancellations received in the month of September.¹⁹

GOVERNMENT COLLECTION OF UNION DUES

Government unions in Montana like MFPE benefit from multiple special privileges provided by current state law, not least of which is the obligation of government employers to function as unions' dues collector by deducting dues from employees' paychecks and transmitting the funds to the

¹⁴ Montana Federation of Public Employees. “Government Relations.” <https://www.mfpe.org/benefits-of-membership/government-relations/>

¹⁵ CPP committee ID No. 407.

¹⁶ CPP committee ID No. 10458.

¹⁷ See, for instance, the NEA Advocacy Fund, Federal Election Commission ID No. C00489815, and the AFT Solidarity Fund, Internal Revenue Service employer ID No. 27-3202261.

¹⁸ See *Janus v. AFSCME*, 585 US _ (2018).

¹⁹ Article 7(C) of MFPE's constitution provides: “Membership shall be continuous from year to year unless revoked in writing to the president during the annual termination period, September 1 – September 30.” <https://www.mfpe.org/wp-content/uploads/2023/03/2023-MFPE-Constitution.pdf>



applicable union.²⁰ While not required by state law, some government employers, including state agencies, have taken it upon themselves to use taxpayer-funded payroll systems to also deduct contributions to MFPE's political action committee from employees' wages.²¹

There is simply no public policy justification for using taxpayer-funded public payroll systems to collect dues and political contributions for one of the largest special interest groups in the state. Unions should bear the administrative costs and burdens associated with collecting their own dues.

Getting the government out of the union dues collection business would also empower employees to better control their relationship with their union. Under the current model, all a union needs to trigger hard-to-cancel dues deductions from an employee's paychecks is their signature. New employees are often led to believe that joining the union is just part of the job. Others face pressure from union organizers to sign a union card. Disturbingly, unions are increasingly resorting to forging or fabricating employee signatures on membership forms.²² All of these coercive practices are enabled by payroll deduction of union dues.

If unions had to collect their own dues, they would have to ask employees not just for a signature, but to sign up for regular payments via credit card or electronic funds transfer from their bank account.²³ This shifts the balance of power back to the employees and would help ensure that employees only sign up for membership if they truly and voluntarily want to.

While unions would undoubtedly object that ending payroll deduction would impose hardships on employees, the reality is that signing up for union membership would be no more difficult than creating a Netflix account.

Other states are increasingly moving in this direction. This year alone, Arkansas,²⁴ Florida,²⁵ Kentucky²⁶ and Tennessee²⁷ all prohibited government collection of union dues.

CONCLUSION

Given the First Amendment implications, MFPE's members deserve access to more information about how their union spends their dues money so they can decide for themselves whether membership aligns with their values and interests. Further, given its political influence and extreme partisanship, both lawmakers and the public would be better served by understanding MFPE's ideology and views. To better protect employees' rights and prevent taxpayers from having to subsidize the politicking of unions like MFPE, Montana policymakers should join the ranks of states taking steps to end government collection of union dues.

²⁰ MCA 39-31-203.

²¹ For instance, a document published by the Montana Department of Administration, State Human Resources Division, describing the various payroll deductions administered by state government includes the MFPE political action committee. https://hr.mt.gov/_docs/newdocs/newsabhrs/Deductions.doc

²² Freedom Foundation. "Federal Lawsuits Against Government Unions for Forging Signatures on Membership Forms." February 2022. <https://www.freedomfoundation.com/wp-content/uploads/2022/04/Union-forgery-handout.pdf>

²³ MFPE already permits employees to contribute to its political action committee via automatic electronic payments. https://4agc.com/donation_pages/90c51116-2d42-42d6-ad8f-1c1c3f17fe70

²⁴ SB 473. <https://www.arkleg.state.ar.us/Bills/Detail?id=sb473&ddBienniumSession=2023%2F2023R&Search=>

²⁵ SB 256. <https://www.flsenate.gov/Session/Bill/2023/00256>

²⁶ SB 7. <https://apps.legislature.ky.gov/record/23rs/sb7.html>

²⁷ SB 281. <https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=SB0281&GA=113>

MFPE POLITICAL EXPENDITURES BY PARTY AFFILIATION: 2019-2022

Summary		
Total expenditures for identified candidates	\$3,564,899	
Total expenditures for identified Democrat candidates	\$3,554,595	99.7%
Total expenditures for identified Republican candidates	\$9,944	0.3%
Total expenditures for identified nonpartisan candidates	\$360	0.0%
Total expenditures for ballot measures	\$1,411,000	
Additional expenditures for unidentified candidates/ballot measures	\$178,243	

Amount	Date	Candidate/Issue/Organization	Party	Notes
\$33,000	10/24/2022	Ingrid Gustafson for Montana Supreme Court	NP/D	
\$159,404	10/18/2022	Ingrid Gustafson for Montana Supreme Court	NP/D	
\$400	10/12/2022	Repke4PSC5, John	D	
\$700	10/12/2022	Gustafson for Montana	NP/D	
\$700	10/12/2022	Jim Rice for Justice	NP/R	Unopposed
\$112,757	10/7/2022	Ingrid Gustafson for Montana Supreme Court	NP/D	
\$4,900	10/3/2022	Ingrid Gustafson for Montana Supreme Court	NP/D	
\$200,000	9/29/2022	Working Montana PAC: HD28, SD24, HD47, HD48, HD50, SD30, HD77, SD42, HD84, SD49, HD96	D	AFL-CIO
\$9,450	9/23/2022	Ingrid Gustafson for Montana Supreme Court	NP/D	
\$1,070	8/12/2022	Montana Democratic Party	D	
\$17,276	7/11/2022	Ingrid Gustafson for Montana Supreme Court	NP/D	
\$75,000	5/18/2022	Know the Consequences No on CI-121	BM	Pro tax
\$75,000	5/6/2022	Know the Consequences No on CI-121	BM	Pro tax
\$5,000	5/6/2022	Montana Democratic Party	D	
\$50,000	5/3/2022	Working Montana PAC	D>R	
\$10,000	5/3/2022	MOFE - Montanans Organized for Education	NP/D	
\$5,000	3/10/2022	Montana Democratic Party	D	
\$10,000	3/9/2022	Know the Consequences No on CI-121	BM	Pro tax
\$5,000	1/25/2022	Know the Consequences: NO on CI-121 campaign	BM	Pro tax
\$30,000	1/12/2022	Montana Democratic Legislative Campaign Committee	D	
\$13,147	10/27/2021	Denise Joy, Ed Gulick	NP/D	
\$143	10/24/2021	Wilmot Collins, Eric Feaver, Melinda Reed, and Denise Joy.	NP/D	
\$222	10/24/2021	Denise Joy	NP/D	
\$278	10/24/2021	Wilmot Collins, Eric Feaver, Melinda Reed	NP/D	
\$7,482	10/22/2021	Denise Joy, Billings	NP/D	
\$10,755	10/19/2021	Eric Feaver, Melinda Reed, Wilmot Collins	NP/D	
\$5,000	10/7/2021	Montana Rural Voters Action Fund	NP/D	
\$35,000	9/29/2021	Montana Values Action Fund	NP/D	
\$5,000	9/15/2021	Montana Democratic Legislative Campaign Committee	D	
\$2,500	7/1/2021	Montana Democratic Party	D	



Amount	Date	Candidate/Issue/Organization	Party	Notes
\$1,000	4/28/2021	Sue Corrigan, Lance Isaak, Rebecca Linden, Amy Waller and Kim Wilson	NP/D	
\$500	3/15/2021	Carol's List	NP/D	Pro abortion
\$5,000	2/25/2021	Montana Democratic Party	D	
\$208	11/25/2020	Melissa Romano	D	
\$15,000	10/28/2020	Melissa Romano	D	
\$208	10/24/2020	Mike Cooney for Governor	D	
\$1,246	10/24/2020	Melissa Romano	D	
\$4,997	10/21/2020	Melissa Romano	D	
\$7,400	10/19/2020	Melissa Romano	D	
\$37,500	10/16/2020	Mike Cooney	D	
\$58,950	10/15/2020	Melissa Romano	D	
\$500,000	10/13/2020	No on LR130	BM	Anti 2A
\$5,200	10/13/2020	Montana Democratic Party	D	
\$55,944	10/12/2020	Melissa Romano	D	
\$10,000	10/9/2020	Melissa Romano	D	
\$71,201	10/6/2020	Melissa Romano	D	
\$43,099	10/1/2020	Melissa Romano	D	
\$5,000	9/28/2020	Melissa Romano	D	
\$200	9/28/2020	Melissa Romano	D	
\$208	9/25/2020	Mike Cooney for Governor	D	
\$831	9/25/2020	Melissa Romano	D	
\$112,968	9/24/2020	Melissa Romano for State Superintendent	D	
\$5,200	9/24/2020	Montana Democratic Party	D	
\$375,000	9/16/2020	No on LR130	BM	Anti 2A
\$340,000	9/9/2020	No on LR130	BM	Anti 2A
\$386	8/25/2020	Mike Cooney for Governor	D	
\$1,412	8/25/2020	Mike Cooney for Governor	D	
\$471	8/25/2020	Melissa Romano	D	
\$180	8/21/2020	McMurtry for Public Service Commission	D	
\$180	8/21/2020	Tom Woods for Public Service Commission	D	
\$180	8/21/2020	Tranel for PSC	D	
\$360	8/21/2020	Black for Supreme Court	NP	
\$17,650	8/20/2020	Mike Cooney for Governor	D	
\$1,686,655	8/7/2020	Mike Cooney for Governor	D	
\$525,681	8/5/2020	Mike Cooney for Governor	D	
\$5,200	8/5/2020	Montana Democratic Party	D	
\$10,000	7/27/2020	No on LR130	BM	Anti 2A
\$10,000	7/15/2020	No on LR130	BM	Anti 2A
\$5,200	7/1/2020	Montana Democratic Party	D	
\$67	6/15/2020	Mike Cooney	D	
\$5,200	6/8/2020	Montana Democratic Party	D	

Amount	Date	Candidate/Issue/Organization	Party	Notes
\$67	5/27/2020	Mike Cooney	D	
\$8,000	5/27/2020	Mike Cooney for Governor	D	
\$67	5/26/2020	Mike Cooney	D	
\$67	5/22/2020	Mike Cooney	D	
\$67	5/20/2020	Mike Cooney	D	
\$67	5/11/2020	Melissa Romano	D	
\$67	5/7/2020	Melissa Romano	D	
\$19,840	5/7/2020	Melissa Romano	D	
\$23,440	5/7/2020	Mike Cooney	D	
\$1,204	5/7/2020	Melissa Romano	D	
\$134	5/6/2020	Mike Cooney	D	
\$67	5/6/2020	Melissa Romano	D	
\$2,936	5/5/2020	Brian Close, HD61	D	
\$3,030	5/5/2020	Bruce Grubbs, HD68	R	Primary
\$2,940	5/5/2020	Bruce Tutvedt, HD06	R	Primary
\$3,094	5/5/2020	Jim Johnson, HD36	R	Primary
\$180	5/1/2020	Collette Campbell for HD 67	D	
\$180	5/1/2020	Jim Johnson for Legislature	R	Primary
\$5,000	4/16/2020	Great Schools Billings	BM	Pro tax
\$360	4/6/2020	Bryce Bennett for Secretary of State	D	
\$1,420	4/6/2020	Mike Cooney for Governor	D	
\$720	4/6/2020	Raph Graybill for Attorney General	D	
\$720	4/6/2020	Shane Morigeau for State Auditor	D	
\$5,200	3/24/2020	Montana Democratic Party	D	
\$7,400	3/12/2020	Melissa Romano	D	
\$1,000	2/27/2020	No on LR130	BM	Anti 2A
\$1,000	2/20/2020	Carols List	NP/D	Pro abortion
\$5,200	2/19/2020	Montana Democratic Party	D	
\$13,225	2/13/2020	Melissa Romano	D	
\$700	2/10/2020	Montana Democratic Party	D	
\$5,200	1/29/2020	Montana Democratic Party	D	
\$5,000	1/22/2020	Kids' Education Yes!	BM	Pro tax
\$360	1/13/2020	Melissa Romano for Superintendent of Public Instruction	D	
\$5,000	1/13/2020	Montana Democratic Party	D	
\$19,000	11/1/2019	Montana Democratic Legislative Campaign Committee	D	
\$300	9/30/2019	Lewis & Clark County Democrats	D	
\$500	9/24/2019	Lewis & Clark County Democrats	D	
\$5,000	8/15/2019	Montana Democratic Legislative Campaign Committee	D	
\$5,000	6/14/2019	Montana Democrat Party	D	
\$582	4/18/2019	Woods, Tom	D	
\$1,000	4/5/2019	Montana Democratic Legislative Campaign Committee	D	



Amount	Date	Candidate/Issue/Organization	Party	Notes
\$1,000	2/19/2019	Carols List	NP/D	Pro abortion
\$5,700	2/15/2019	Montana Democrat Party	D	
\$5,000	1/15/2019	Montana Democratic Legislative Campaign Committee	D	

D = Democrat

R = Republican

NP = Nonpartisan position, candidate not affiliated with either party

NP/D = Nonpartisan position, but candidate Democrat affiliated or endorsed

NP/R = Nonpartisan position, but candidate Republican affiliated or endorsed

BM = Ballot measure



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