

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF ROBERT DOAR REGARDING VETERANS PARTY OF MINNESOTA

On May 27, 2021, the Campaign Finance and Public Disclosure Board received a complaint submitted by Robert Doar regarding the Veterans Party of Minnesota. The Veterans Party of Minnesota is a political committee that registered with the Board on June 6, 2017.

The complaint makes the following allegations of violations of Minnesota Statutes:

1. The complaint alleges that “Paid Election Letters” endorsing candidates for Hutchinson City Council and published in the Hutchinson Leader were independent expenditures by the Veterans Party of Minnesota and that the Veterans Party of Minnesota failed to disclose the independent expenditures, in violation of Minn.Stat. Section 10A.17.
2. The complaint alleges that an expenditure for printing and distributing a letter allegedly signed by the state director of the Veterans Party of Minnesota and endorsing a candidate for U.S. Congress was an independent expenditure by the Veterans Party of Minnesota and that the Veterans Party of Minnesota failed to disclose the independent expenditure, in violation of Minn.Stat. Section 10A.17. The complaint also alleges that the alleged violations of Section 10A.17 also constituted violations of Minn.Stat. Section 10A.025.
3. The complaint alleges that expenditures relating to Facebook advertising, website hosting and management, UPS mailbox services and other operating expenses were not disclosed by the Veterans Party of Minnesota in its reports to this Board, in violation of Minn.Stat. Section 10A.20, Subd. 3.
4. The complaint alleges that the Veterans Party of Minnesota listed a total of \$350 in direct contributions to candidate committees, but did not disclose the recipients of the direct contributions, in violation of Minnesota Statutes section 10A.20.
5. The complaint alleges that contributions to the Veterans Party of Minnesota, as reported in its reports to this Board, are insufficient to pay for the expenditures alleged to have been made and, accordingly, the Veterans Party of Minnesota has necessarily failed to report contributions received, in violation of Minnesota Statutes section 10A.29.
6. The complaint alleges that the Veterans Party of Minnesota violated Minn.Stat. Section 211B.04 by failing to include one of that section’s required disclaimers on (a) certain “Paid Election Letters” allegedly published by the Hutchinson Leader and (b) a letter

allegedly signed by the state director of the Minnesota Veterans Party, endorsing a candidate for United States Congress.

7. The complaint alleges that the Veterans Party of Minnesota's website and social media accounts do not contain the disclosure allegedly required by Minn.Stat. Section 211B.04.

Determination

Having reviewed the allegations of the complaint, the materials included in the complaint that are alleged to be supportive of the allegations of the complaint, the statutes that the complaint alleges have been violated, and various reports to this Board relating to the allegations of the complaint, I make the following determinations pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (c):

1. The complaint makes a prima facie allegation of violation of Minnesota Statutes section 10A.20, subdivision 3, where it alleges failure to report expenditures for the costs of the Veterans Party of Minnesota's Facebook advertisements, website and UPS mailbox.
2. The complaint makes a prima facie allegation of violation of Minnesota Statutes section 211B.04 where it alleges that the aforementioned "Paid Election Letters" failed to include the disclaimer required by Minnesota Statutes section 211B.04.
3. The complaint fails to make a prima facie allegation of all other violations alleged, for the following reasons:
 - a. The complaint's allegation that the Veterans Party of Minnesota violated Minnesota Statutes section 10A.17 by failing to disclose an expenditure relating to the letter endorsing a candidate for U.S. Congress fails to make a prima facie allegation of violation of that section because that section's disclaimer requirement applies to expenditures on behalf of a "candidate." "Candidate" is defined in Minn.Stat. section 10A.01 as "an individual who seeks nomination or election as a state constitutional officer, legislator, or judge." The alleged letter, however, endorses a candidate for U.S. Congress.
 - b. The complaint's allegation that the Veterans Party of Minnesota violated Minnesota Statutes section 10A.17 by failing to disclose expenditures relating to the "Paid Election Letters" endorsing candidates for Hutchinson City Council fails to make a prima facie allegation of violation of that section because that section's disclaimer requirement applies to expenditures on behalf of a "candidate." "Candidate" is defined in Minn.Stat. Section 10A.01 as "an individual who seeks nomination or election as a state constitutional officer, legislator, or judge." The alleged letters, however, endorse candidates for a city council. .

- c. The complaint's allegation that the Veterans Party of Minnesota's violations of Section 10A.17 were also violations of Minnesota Statutes section 10A.025 fails to make a prima facie allegation of violation of Section 10A.025 because this allegation is predicated on the alleged violation of Section 10A.17, for which no prima facie allegation of violation has been made. This determination does not bar the Board from later determining that violations, if they occurred, were knowing.
- d. The complaint's allegation that the Veterans Party of Minnesota failed to disclose the recipients of \$350 in direct contributions to candidates fails to make a prima facie allegation of violation of Minnesota Statutes section 10A.20, subdivision 3, paragraph (k), because the complaint fails to allege that any contribution to any candidate exceeded \$200 and therefore had to be itemized on the report.
- e. The complaint's allegation that the Veterans Party of Minnesota failed to disclose contributions sufficient to cover expenditures alleged to have been made fails to make a prima facie allegation of violation of Minnesota Statutes section 10A.29 because the complaint makes no allegation of "redirecting a contribution through, or making a contribution on behalf of, another individual or association," which is the conduct prohibited by section 10A.29.
- f. The complaint's allegation that the aforementioned letter endorsing a candidate for U.S. Congress failed to include a disclaimer required by Minnesota Statutes Section 211B.04 fails to make a prima facie allegation of violation of Minnesota Statutes section 211B.04, because the complaint does not include allegations of fact sufficient to state an allegation that the letter was disseminated.
- g. The complaint's allegation that the Veterans Party of Minnesota's Facebook, Twitter, and webpages failed to provide the disclaimer required by Minnesota Statutes Section 211B.04 fails to make a prima facie allegation of violation of Minnesota Statutes section 211B.04 because the facts alleged and information provided in the complaint do not indicate that the alleged pages fit the definition of "campaign material" under Minnesota Statutes section 211B.01, subdivision 2, or "independent expenditure" under Minnesota Statutes section 10A.01, subdivision 18.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, this prima facie determination is made by a single Board member and not by any vote of the entire Board. This prima facie determination does not mean that the Board has commenced, or will commence, an investigation or has made any determination of a violation by any of the individuals or entities named in the complaint.

Minnesota Statutes section 10A.022, subdivision 3, requires the Board, within 45 days of the date of this determination, to make findings and conclusions as to whether probable cause exists to

believe that the violations of Minnesota Statutes sections 10A.20 and 211B.04 alleged in the complaint have occurred and warrant a formal investigation. The complainant and the respondent named in this prima facie determination will be given an opportunity to be heard by the Board prior to any decision on probable cause.

Until the Board makes a public finding or enters into a conciliation agreement, this matter is subject to the confidentiality requirements of Minnesota Statutes section 10A.022, subdivision 5.

/s/ Daniel N. Rosen
Daniel N. Rosen, Board Member
Campaign Finance and Public Disclosure Board

Date: June 11, 2021