

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF MATTHEW SULLIVAN REGARDING THE PEOPLE OVER PROSECUTION POLITICAL FUND

On November 4, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by Matthew Sullivan regarding the People Over Prosecution Political Fund. The People Over Prosecution Political Fund is an independent expenditure political fund assigned Board registration number 30729.

The complaint alleges that the People Over Prosecution Political Fund violated Minnesota Statutes section 10A.27, subdivision 13, when it disclosed a contribution of \$70,000 from “Solidaire Network” within its 2022 pre-general report of receipts and expenditures, without filing the disclosure statement required when accepting a contribution from an association that is not registered with the Board. The complaint alleges, and Board records confirm, that Solidaire Network is not a registered committee and the contribution should not have been itemized within schedule A1 - IR, which is limited to contributions made by individuals and registered committees.

On November 4, 2022, Board staff was contacted by Corenia Smith, on behalf of the People Over Prosecution Political Fund. Ms. Smith stated that the fund was aware of the complaint and wanted to address the issues if possible. Board staff explained the statutory timeframe for filing an amended report with the Board, and reviewed the requirement to file a disclosure statement for contributions over \$200 from unregistered associations. On November 5, 2022, the fund filed an amended pre-general report of receipts and expenditures and a disclosure statement for the \$70,000 contribution noted in the complaint. The amended report listed the source of the \$70,000 contribution as Tides Advocacy, and the accompanying disclosure statement was from Tides Advocacy, rather than Solidaire Network.

Determination

Minnesota Statutes section 10A.27, subdivision 13, paragraph (a) provides that:

The treasurer of a . . . political fund . . . must not accept a contribution of more than \$200 from an association not registered under this chapter unless the contribution is accompanied by a statement that meets the disclosure and reporting period requirements imposed by section 10A.20. The statement may be a written statement or a government website where the disclosure report for the unregistered association may be viewed. This statement must be certified as true and correct by an officer of the contributing association. The committee, fund, or

party unit that accepts the contribution must include a copy of the written statement or website with the report that discloses the contribution to the board.

Minnesota Statutes section 10A.27, subdivision 15, provides that when an association uses general treasury money to make a contribution to an independent expenditure political fund, rather than a general purpose political fund, it may choose not to comply with subdivision 13, and instead provide a disclosure statement that complies with the requirements set forth in subdivision 15. That provision requires that an independent expenditure political fund obtain a disclosure statement from an unregistered association that has contributed more than \$5,000 in aggregate within the calendar year to independent expenditure or ballot question political committees or funds. The statement must include:

the name, address, and amount attributable to each person that paid the association dues or fees, or made donations to the association that, in total, aggregate more than \$5,000 of the contribution from the association to the independent expenditure or ballot question political committee or fund. The statement must also include the total amount of the contribution attributable to persons not subject to itemization under this section. The statement must be certified as true by an officer of the donor association.

The recipient committee or fund must obtain the disclosure statement from the contributor and then file it with the Board no later than the due date of the report that discloses the contribution in question.

Minnesota Statutes section 10A.20, subdivision 3, provides that the Board shall develop forms for reporting receipts received and expenditures made by registered committees and funds. The forms developed by the Board for independent expenditure political committees and funds provide separate schedules for reporting contributions from unregistered associations. Reporting a contribution from an unregistered association on the schedule for contributions from individuals and other registered committees and funds is a reporting error.

Minnesota Statutes section 10A.025, subdivision 4, provides the time frame in which a political committee or fund registered with the Board must amend a report of receipts and expenditures after the committee or fund becomes aware of an error:

Material changes in information previously submitted and corrections to a report or statement must be reported in writing to the board within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy...

The People Over Prosecution Political Fund filed two amended pre-general reports on November 5, 2022, and filed a third amended pre-general report on November 10, 2022. The reports were filed within 10 days of the fund becoming aware of the allegations of reporting errors in the complaint. The amended reports state that the \$70,000 contribution in question was made by Tides Advocacy rather than Solidaire Network, and the contribution is correctly itemized within schedule A1 - UA, the schedule used for contributions from unregistered

associations that were derived from fees, dues, or donations. The fund also provided the Board with a disclosure statement for Tides Advocacy on November 5, 2022, the date the first two amended reports were filed. The disclosure statement was certified as true by Jennifer Jorczak an officer of Tides Advocacy, on November 4, 2022.

The complaint correctly identified that the \$70,000 contribution was not disclosed on the correct reporting schedule, and that a disclosure statement for the contribution had not been filed. Unknown to the complainant, the donor's name was also incorrectly stated in the original pre-general report filed by the People Over Prosecution Political Fund. However, the fund filed amended reports to correct the reporting errors within 10 days of becoming aware of the inaccurate information, and filed the disclosure statement required for the contribution from Tides Advocacy with the amended report. The chair therefore concludes that the complaint no longer states a prima facie violation of Minnesota Statutes section 10A.20, or Minnesota Statutes section 10A.27, subdivision 13.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (c), this prima facie determination is made by a single Board member and not by any vote of the entire Board. Based on the above analysis, the chair concludes that the complaint does not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction. The complaint is dismissed without prejudice.



Faris Rashid, Chair
Campaign Finance and Public Disclosure Board

Date: November 23, 2022