

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF CHANTAL OECHSLE REGARDING THE THEIS (TAMA) FOR SENATE COMMITTEE

On September 14, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by Chantal Oechsle regarding the Theis (Tama) for Senate committee. Theis (Tama) for Senate is the principal campaign committee of Representative Tama Theis, a candidate for Minnesota Senate District 14.

The complaint alleges that the Theis committee ran radio advertisements without providing a transcript of the advertisements on the committee's website in violation of Minnesota Statutes section 10A.38. The complaint alleges that the Theis committee has been running radio advertisements since at least July 16, 2022, on 99.1 FM.

Determination

Minnesota Statutes section 10A.38 states that “[a] campaign advertisement must not be disseminated as an advertisement by radio unless the candidate has posted on the candidate's website a transcript of the spoken content of the advertisement or the candidate has filed with the board before the advertisement is disseminated a statement setting forth the reasons for not doing so.” This requirement applies only to candidates who have signed a public subsidy agreement with the Board.

Board records show that Representative Theis filed a signed public subsidy agreement with the Board for the 2021-2022 election segment on July 19, 2022. The Theis committee's pre-primary report of receipts and expenditures shows an expenditure in the amount of \$3,720 on July 8, 2022, paid to Leighton Broadcasting for “Radio: Primary Advertising.” The Theis committee's website¹ does not appear to have any transcripts related to radio advertisements. Further, the Board has no record of a statement from Representative Theis setting forth the reasons for not posting a transcript of the subject radio advertisement on her campaign website. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 10A.38.

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.

¹ www.tamatheismn.com

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, within 45 days of the date of this determination, the Board will make findings and conclusions as to whether probable cause exists to believe that the violation alleged in the complaint has occurred and warrants 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.

A handwritten signature in black ink, appearing to read 'F. Rashid', is written over a horizontal line. The signature is stylized and includes a large, sweeping flourish that extends to the right.

Faris Rashid, Chair
Campaign Finance and Public Disclosure Board

Date: 9/29/2022