

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF LAURA NEVITT REGARDING THE CAMPAIGN TO ELECT RASHAD TURNER

On August 5, 2016, the Campaign Finance and Public Disclosure Board received a complaint submitted by Laura Nevitt regarding the Campaign to Elect Rashad Turner. The Campaign to Elect Rashad Turner is the principal campaign committee of Rashad Turner in his bid for a seat in the House of Representatives for district 65A.

The complaint alleges the following violations:

1. The campaign is distributing a flyer without including the required statutory disclaimer, in violation of Minnesota Statutes section 211B.04; and
2. The flyer is enticing people to vote for Mr. Turner by offering the chance to win a car, in violation of Minnesota Statutes section 211B.13.

Determination:

The first claimed violation is based on the fact that the subject flyer did not include the disclaimer that is in some cases required under Minnesota Statutes section 211B.04. With a few exceptions not likely relevant to this determination, that section requires a "person" who distributes campaign material to include a disclaimer. If the committee distributed the flyer identified in the complaint, the committee would be responsible for providing a disclaimer on the material.

The complaint asserts that "the campaign is distributing flyers with no disclaimer." The complaint includes a copy of the allegedly infringing flyer. The flyer, itself, contains nothing on its face that supports the assertion that it was distributed by the campaign and includes a name and contact information that do not belong to either the candidate or a registered officer of the committee. The complaint does not make any factual allegation that supports the conclusion that the campaign is distributing the flyer (e.g., "I observed campaign volunteers distributing the flyer" or "I have personal knowledge that the flyer was distributed by the campaign.") Accordingly, the complaint fails to allege a prima facie violation.

The second claim in the complaint is that the flyer suggests a violation of Minnesota Statutes section 211B.13. This section is not under the Board's jurisdiction and, thus, cannot support a finding of a prima facie violation.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (1), 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.

/s/ Daniel N. Rosen _____

Daniel N. Rosen, Chair
Campaign Finance and Public Disclosure Board

Date: 8-12-16 _____