

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

**ORDER OF DISMISSAL**

IN THE MATTER OF THE COMPLAINT OF 3B HOUSE DISTRICT REPUBLICAN PARTY OF MINNESOTA  
REGARDING THE MARY MURPHY VOLUNTEER COMMITTEE

On November 2, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by the MN HD3B Republicans<sup>1</sup> regarding Representative Mary Murphy. The Mary Murphy Volunteer Committee is the principal campaign committee of former Representative Mary Murphy.

The complaint alleges that the Murphy committee was running radio advertisements without providing a transcript of the advertisements on the campaign's website, in violation of Minnesota Statutes section 10A.38.

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 former Representative Murphy filed a signed public subsidy agreement with the Board for her committee on January 2, 2022, for the 2021-2022 election segment.

On November 9, 2022, the Board's chair determined that the complaint stated a prima facie violation of the transcript requirement. On December 2, 2022, the Board received a response from counsel for former Representative Murphy, David Zoll. The response stated that the committee purchased three radio advertisements that aired approximately 164 times prior to the general election on November 8, 2022. The response further stated that when the committee became aware of the transcription issue on November 14, 2022, upon receipt of the complaint and prima facie determination, it posted the transcripts to the website even though the general election was over. Mr. Zoll argued that the matter should be dismissed because no civil penalty may be imposed for violating Minnesota Statutes section 10A.38.

At the Board Meeting held December 15, 2022, the Board found that probable cause existed to believe that the Murphy committee ran radio advertisements without posting a transcript to its website in violation of Minnesota Statutes section 10A.38. The Board found that a formal investigation was not warranted and ordered the executive director to initiate a staff review.

At its meeting on December 15, 2022, the Board considered the historical practice of the Board to dismiss complaints of a similar nature due to the failure of Minnesota Statutes section 10A.38

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<sup>1</sup> This political party unit is registered with the Board as the 3B House District RPM, Board registration number [20805](#).

to include a penalty for a violation. The Board considered this matter again at its meeting on January 4, 2023.

**Order**

The investigation of this matter is dismissed and hereby made a part of the public records of the Board pursuant to Minnesota Statutes section 10A.022, subdivision 5.

George W. Soule  
George Soule, Chair  
Campaign Finance and Public Disclosure Board

Date: Jan 4, 2023