

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF MATT WERDEN REGARDING ACTION 4 LIBERTY AND THE DR. NEIL SHAH FOR GOVERNOR COMMITTEE

On May 4, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by counsel for Matt Werden regarding Action 4 Liberty and the Dr. Neil Shah for Governor committee. Action 4 Liberty is a nonprofit 501(c)(4) association not registered with the Board. Action 4 Liberty PAC is a political committee registered with the Board. Dr. Neil Shah for Governor is the principal campaign committee of Dr. Neil Shah. On May 12, 2022, the Board chair determined that the complaint states prima facie violations of the prohibition on corporate contributions under Minnesota Statutes section 211B.15, and of the reporting requirements under Minnesota Statutes section 10A.20, subdivision 3. On May 25, 2022, the Board received a supplemental complaint submitted by counsel for Matt Werden. The supplemental complaint relies on the same facts asserted in the original complaint, but alleges a violation not raised in the original complaint. Therefore, a prima facie determination regarding the new allegation is required.

The original complaint alleges that Action 4 Liberty made contributions to the Shah committee consisting of multiple emails sent by or on behalf of the Shah committee from the email address neil@electneil.com. The original complaint alleges and contains evidence that those emails each included hyperlinks that routed internet traffic to or through the internet domain action4liberty.com. The original complaint asserts that several emails mentioning Dr. Shah were sent by or on behalf of Action 4 Liberty using the email address jake@action4liberty.com, and one of those emails contained a hyperlink that routed users to the action4liberty.com domain, then automatically redirected them to the website of the Shah committee.¹

The original complaint notes that both sets of emails contained text at the bottom stating “Created with NationBuilder, software for leaders,” and states that the Shah committee did not report any itemized expenditures within the 2021 calendar year paid to NationBuilder or to Action 4 Liberty. The original complaint argues that the emails show that Action 4 Liberty is providing the Shah committee “with its membership email lists and/or access to its membership.” The original complaint also alleges and provides evidence that none of the Action 4 Liberty emails contained a disclaimer identifying them as campaign material paid for by the Action 4 Liberty PAC or as independent expenditures. The original complaint notes that the Action 4 Liberty PAC filed no-change statements covering all of 2021 and the first quarter of 2022, stating that no contributions were received, and no disbursements were made, by the committee during those periods.

¹ electneil.com

Relying on those facts, which are detailed more completely within the original complaint and the prima facie determination made on May 12, 2022, the supplemental complaint makes a new allegation that Action 4 Liberty violated Minnesota Statutes section 10A.27, subdivision 13, by making contributions to the Shah committee in excess of \$200 without providing a disclosure statement as required of an association not registered with the Board. The supplemental complaint alleges that the Shah committee violated the same statute by accepting those contributions without the required disclosure statement.

Determination

Minnesota Statutes section 10A.27, subdivision 13, states that the treasurer of a principal campaign committee “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 statute provides that a committee accepting a contribution in excess of \$200 from an unregistered association must include the disclosure statement or “a government website where the disclosure report for the unregistered association may be viewed” when filing “the report that discloses the contribution to the board.” The statute states that “[a]n unregistered association or an officer of it is subject to a civil penalty imposed by the board of up to \$1,000, if the association or its officer . . . fails to provide a statement as required by this subdivision.”

The supplemental complaint alleges that Action 4 Liberty is an association not registered with the Board. The original and supplemental complaints allege and contain evidence that Action 4 Liberty made a contribution to the Shah committee by providing or paying for services related to the Shah committee’s emails. The supplemental complaint alleges that the value of the contributions exceeded \$200. The chair therefore concludes that the supplemental complaint states a prima facie violation of Minnesota Statutes section 10A.27, subdivision 13, as to Action 4 Liberty and the Dr. Neil Shah for Governor committee.

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.

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 of Minnesota Statutes section 10A.27, subdivision 13, alleged in the supplemental complaint has occurred and warrants a formal investigation. The complainant and the respondents 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', written over a horizontal line.

Faris Rashid, Chair
Campaign Finance and Public Disclosure Board

Date: May 26, 2022