

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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF CAROL BECKER REGARDING MOVE MINNESOTA

On September 13, 2023, the Campaign Finance and Public Disclosure Board received a complaint submitted by Carol Becker regarding Move Minnesota. The complaint alleges violations of Minnesota Statutes sections 10A.03 and 10A.04, which require lobbyists to register and file reports with the Board and require a lobbyist principal to file an annual report with the Board. The complaint also alleges a violation of Minnesota Statutes section 10A.05, which requires the Board's executive director to publish certain information obtained by the Board from reports filed pursuant to Minnesota Statutes section 10A.04.

The complaint alleges and contains evidence that Move Minnesota is an assumed name of the St. Paul Transportation Management Organization, which is registered with the Internal Revenue Service (IRS) as a 501(c)(3) nonprofit organization.<sup>1</sup> The complaint includes screenshots showing that Move Minnesota is registered with the Office of the Minnesota Secretary of State as an assumed name<sup>2</sup> of the St. Paul Transportation Management Organization,<sup>3</sup> which is a Minnesota nonprofit corporation. The complaint includes a screenshot showing that a separate entity with the same office address, Move Minnesota Action Fund, is also registered with the Office of the Minnesota Secretary of State as a Minnesota nonprofit corporation.<sup>4</sup>

The complaint alleges, and Board records reflect, that three individuals are presently registered with the Board as lobbyists on behalf of Move Minnesota Action.<sup>5</sup> The complaint alleges, and Board records reflect, that no individuals have registered with the Board as lobbyists on behalf of Move Minnesota.

The complaint states that Move Minnesota Action has a website separate from the website of Move Minnesota, stating that Move Minnesota Action was "[I]aunched in 2021 by Move Minnesota" and "is committed to building the grassroots and political power necessary to transform transit."<sup>6</sup> The complaint includes a screenshot of a Move Minnesota Action webpage

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<sup>1</sup> The complaint includes various screenshots indicating that the organization's federal employer identification number is 41-1906261.

<sup>2</sup> [mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=9a5dfd6e-2834-e811-915a-00155d0d6f70](https://mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=9a5dfd6e-2834-e811-915a-00155d0d6f70)

<sup>3</sup> [mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=c0f72f98-9ed4-e011-a886-001ec94ffe7f](https://mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=c0f72f98-9ed4-e011-a886-001ec94ffe7f)

<sup>4</sup> [mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=46990e26-5683-eb11-9183-00155d01c40e](https://mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=46990e26-5683-eb11-9183-00155d01c40e). The Move Minnesota Action Fund is also registered with the Board as a political fund operated by Move Minnesota, Board registration number 30723.

<sup>5</sup> [cfb.mn.gov/reports-and-data/viewers/lobbying/lobbying-organizations/5045](https://cfb.mn.gov/reports-and-data/viewers/lobbying/lobbying-organizations/5045)

<sup>6</sup> [movemnaction.org](https://movemnaction.org)

that solicits donations for political activity that are not tax deductible.<sup>7</sup> The complaint states that the complainant was unable to locate an IRS form 990 or any other official record of a 501(c)(4) organization by the name Move Minnesota Action, and thereby questions whether that organization exists. The complaint alleges that the lobbying activity disclosed by Move Minnesota Action and its registered lobbyists within reports filed with the Board was actually paid for by Move Minnesota.

The complaint includes a screenshot with data extracted from Move Minnesota's 2021 IRS Form 990 showing that it had over \$1.35 million in revenue and over \$1.23 million in expenses in 2021.<sup>8</sup> The complaint alleges that Move Minnesota "is engaged in extensive lobbying" and that its staff members who are engaged in lobbying should be registered with the Board as lobbyists on behalf of Move Minnesota. In support of that contention the complaint refers extensively to the website of Move Minnesota.<sup>9</sup> The complaint includes a screenshot of a Move Minnesota webpage<sup>10</sup> stating "[w]hen you donate to Move Minnesota, you advocate for a transportation system that protects our families, our climate, and our future." The complaint includes a screenshot of a Move Minnesota webpage stating that it has "won millions in dedicated funding for transit in Minnesota, protected metro riders from cuts to transit service and resources year after year, and worked in coalition for an equitable transit connection between our two downtowns."<sup>11</sup>

The complaint includes a screenshot of a Move Minnesota webpage encouraging viewers to "Contact your legislators" by selecting a hyperlink titled Take Action.<sup>12</sup> The hyperlink directs viewers to another Move Minnesota webpage encouraging viewers to "Tell MN Legislators to Fund Transit, Bicycling, and Walking."<sup>13</sup> The complaint includes a screenshot of that webpage, which includes a form message to be sent to state legislators. The complaint includes a screenshot of a Move Minnesota webpage stating that "Move Minnesota and allies are cheering major transit funding and policy wins at the State Capitol after years of persistent advocacy!"<sup>14</sup>

The complaint includes a screenshot of a Move Minnesota Facebook post dated May 22, 2023, celebrating "BIG WINS for transit and climate justice" and stating that "[a]fter years of advocacy at the State Capitol, we're going to have amazing bus and train service, and cutting transportation pollution and vehicle miles traveled is now the law of the land. These are nation-leading wins for our climate & communities."<sup>15</sup>

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<sup>7</sup> [movemnaction.org/donate](https://movemnaction.org/donate)

<sup>8</sup> [projects.propublica.org/nonprofits/organizations/411906261/202213009349300211/IRS990](https://projects.propublica.org/nonprofits/organizations/411906261/202213009349300211/IRS990)

<sup>9</sup> [movemn.org](https://movemn.org)

<sup>10</sup> [movemn.org/donate](https://movemn.org/donate)

<sup>11</sup> [movemn.org/about/history](https://movemn.org/about/history)

<sup>12</sup> [movemn.org/take-action](https://movemn.org/take-action)

<sup>13</sup> [movemn.org/action/tell-mn-legislators-to-fund-transit-bicycling-and-walking](https://movemn.org/action/tell-mn-legislators-to-fund-transit-bicycling-and-walking)

<sup>14</sup> [movemn.org/transit-advocates-secure-nation-leading-wins-at-the-state-capitol](https://movemn.org/transit-advocates-secure-nation-leading-wins-at-the-state-capitol)

<sup>15</sup> [facebook.com/moveminnesota/posts/pfbid02mSg7pnfwU39gRMKkArtiKP75ZLBbM8fPHpSeF5nWjnqc9XWVMotYtQ4hAtCGTVsl](https://facebook.com/moveminnesota/posts/pfbid02mSg7pnfwU39gRMKkArtiKP75ZLBbM8fPHpSeF5nWjnqc9XWVMotYtQ4hAtCGTVsl)<sup>16</sup>  
[movemn.org/action/livable-lyndale-petition](https://movemn.org/action/livable-lyndale-petition)

The complaint includes a screenshot of a Move Minnesota webpage asking viewers to sign a petition regarding the reconstruction of Lyndale Avenue South.<sup>16</sup> The webpage includes a form message asking “that Hennepin County and metro leaders prioritize people and climate throughout this redesign process with protected bikeways, convenient bus rapid transit service, and a walkable, accessible streetscape.”

The complaint includes a screenshot of a Move Minnesota webpage concerning dedicated bus lanes and signal prioritization.<sup>17</sup> The webpage includes a petition stating “I support adding more bus lanes and giving buses a green light in the Twin Cities” and provides viewers with an option to add text to the petition explaining “Why Better Bus Service Matters to You.”

The complaint includes a screenshot of a Move Minnesota webpage asking viewers to “Tell Minneapolis City Council to Support Bus Lanes and Bike Lanes on Hennepin Ave S.”<sup>18</sup> The webpage includes a form message stating “I’m writing to express my strong support for full-time dedicated bus lanes and protected bike lanes on Hennepin Avenue South.” The complaint includes a screenshot of a Move Minnesota webpage concerning dedicated bus lanes and bike lanes on Hennepin Avenue South dated May 21, 2022.<sup>19</sup> The webpage states that “dedicated bus lanes on Hennepin Ave South are still at risk. Keep speaking up in support and pack City Hall on May 26 with Move Minnesota, Hennepin for People, Our Streets Minneapolis, Sierra Club, and other local allies to keep the pressure on!” The complaint also includes a screenshot of a Move Minnesota webpage stating that “Move Minnesota achieved major policy victories for fair fare enforcement in 2023.”<sup>20</sup>

The complaint argues that the examples referenced above constitute lobbying. The complaint asserts that the Board’s website says that Move Minnesota Action spent \$1,052 on lobbying in 2021 and nothing in 2022.<sup>21</sup> The complaint alleges and the Board’s records reflect that lobbyist Samuel Rockwell<sup>22</sup> reported that Move Minnesota Action spent \$24,360.30 on lobbying disbursements during the period from January 1 through May 31, 2023. Based on the examples referenced above and the spending disclosed by Move Minnesota Action and Mr. Rockwell, the complaint argues that “[i]t is not possible for Move Minnesota Action to have funded all this lobbying.” The complaint suggests that perhaps lobbyists registered on behalf of Move Minnesota Action rather than Move Minnesota in order to hide the fact that Move Minnesota, a 501(c)(3) organization, is extensively engaged in lobbying.

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<sup>16</sup> [movemn.org/action/livable-lyndale-petition](https://movemn.org/action/livable-lyndale-petition)

<sup>17</sup> [movemn.org/action/boost-the-bus-petition](https://movemn.org/action/boost-the-bus-petition)

<sup>18</sup> [movemn.org/action/tell-minneapolis-city-council-to-support-bus-lanes-and-bike-lanes-on-hennepin-ave-south](https://movemn.org/action/tell-minneapolis-city-council-to-support-bus-lanes-and-bike-lanes-on-hennepin-ave-south)

<sup>19</sup> [movemn.org/path-forward-for-full-time-bus-lanes-and-bike-lanes-on-hennepin-ave-south](https://movemn.org/path-forward-for-full-time-bus-lanes-and-bike-lanes-on-hennepin-ave-south)

<sup>20</sup> [movemn.org/initiative/fair-fares](https://movemn.org/initiative/fair-fares)

<sup>21</sup> See the Financial disclosure tab within the following webpage: [cfb.mn.gov/reports-and-data/viewers/lobbying/lobbying-organizations/5045](https://cfb.mn.gov/reports-and-data/viewers/lobbying/lobbying-organizations/5045). The total amount included within a report of lobbyist principal may be rounded to the nearest \$20,000 under Minnesota Statutes section 10A.04, subdivision 6, paragraph (b).

<sup>22</sup> [cfb.mn.gov/reports-and-data/viewers/lobbying/lobbyists/4779](https://cfb.mn.gov/reports-and-data/viewers/lobbying/lobbyists/4779)

The complaint notes that a Move Minnesota webpage titled Our Team lists Jennifer Harmening Thiede as its director or communications and organizing, and Julie Johnson as its senior community organizer.<sup>23</sup> The complaint alleges and the Board's records reflect that those two individuals are not registered with the Board as lobbyists. The complaint does not include any additional information suggesting that either of those specific individuals were required to register with the Board as a lobbyist on behalf of Move Minnesota or Move Minnesota Action.

The complaint also alleges that Move Minnesota violated IRS regulations by engaging in lobbying as a 501(c)(3) nonprofit organization.

## **Determination**

### Lobbyist

Minnesota Statutes section 10A.01, subdivision 21, defines the term lobbyist, in relevant part, to mean an individual “engaged for pay or other consideration of more than \$3,000 from all sources in any year . . . for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.” Minnesota Statutes section 10A.01, subdivision 24, defines the term metropolitan governmental unit, in relevant part, to mean “any of the seven counties in the metropolitan area as defined in section 473.121, subdivision 2 . . . a city with a population of over 50,000 located in the seven-county metropolitan area, the Metropolitan Council, or a metropolitan agency as defined in section 473.121, subdivision 5a.” Minnesota Rules part 4511.0100, subpart 3, defines the term lobbying to mean “attempting to influence legislative action, administrative action, or the official action of a metropolitan governmental unit by communicating with or urging others to communicate with public officials or local officials in metropolitan governmental units. Any activity that directly supports this communication is considered a part of lobbying.”

Hennepin County, the Metropolitan Council, and the City of Minneapolis are each metropolitan governmental units. Minnesota Statutes section 10A.01, subdivision 35, defines the term public official, in relevant part, to mean a “member of the legislature,” a “member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council,” or a county commissioner. Minnesota Statutes section 10A.01, subdivision 22, defines the term local official to mean

a person who holds elective office in a political subdivision or who is appointed to or employed in a public position in a political subdivision in which the person has authority to make, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money.

Minnesota Statutes section 10A.03, subdivision 1, requires a lobbyist to register with the Board within five days after becoming a lobbyist or being engaged by a new principal. Minnesota

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<sup>23</sup> [movemn.org/about/our-team](http://movemn.org/about/our-team)

Statutes section 10A.04, subdivision 1, requires a lobbyist to file biannual reports with the Board. Minnesota Statutes section 10A.025, subdivision 4, requires a lobbyist to report any corrections or material changes to their lobbyist registration or lobbyist disbursement reports within 10 days of becoming aware of an inaccuracy or the event prompting the change.

The complaint alleges and the Board's records reflect that that there are no lobbyists registered on behalf of Move Minnesota. The complaint alleges and contains evidence that individuals working on behalf of Move Minnesota have secured millions of dollars in funding for transit in Minnesota and particularly the metro area; have encouraged individuals to contact state legislators using a form message seeking specific types of investment in public transit; have encouraged individuals to contact "Hennepin County and Metro-Area Leaders" using a form message seeking specific changes to Lyndale Avenue South including wider sidewalks, curb-level bike lanes, full-day bus lanes, infrastructure needed to support a bus rapid transit route, adding a bikeway between Franklin Avenue and the Loring Greenway, and improving the sidewalk between Franklin Avenue and the Loring Greenway to meet ADA standards; have encouraged individuals to contact "Metro Leaders" using a form message seeking more bus lanes and giving buses signal priority at signalized intersections within the Twin Cities; have encouraged individuals to contact Minnesota City Council members and Minneapolis Mayor Jacob Frey using a form message seeking "full-time dedicated bus lanes and protected bike lanes on Hennepin Avenue South;" have encouraged individuals to attend a specific Minneapolis City Council meeting in support of bus lanes and bike lanes on Hennepin Avenue South; and have secured state legislation funding a transit ambassador program, decriminalizing fare enforcement in the metro area, and funding to make two transit routes free for all riders for 18 months. The vice chair therefore concludes that the complaint states prima facie violations of the lobbyist registration and reporting requirements in Minnesota Statutes sections 10A.03 and 10A.04.

### Principal

Minnesota Statutes section 10A.01, subdivision 33, defines the term principal to mean an individual or association that

(1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or

(2) is not included in clause (1) and spends a total of at least \$50,000 in any calendar year on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units, as described in section 10A.04, subdivision 6.

Minnesota Statutes section 10A.01, subdivision 6, defines an association as "a group of two or more persons, who are not all members of an immediate family, acting in concert."

The complaint alleges and contains evidence that Move Minnesota has employed lobbyists and has spent money attempting to influence legislative action and the official action of metropolitan governmental units.

The vice chair therefore concludes that the complaint states a prima facie violation by Move Minnesota of the principal reporting requirements in Minnesota Statutes section 10A.04, subdivision 6.

#### Section 10A.05

Minnesota Statutes section 10A.05 provides that after lobbyist disbursement reports are filed with the Board, the Board's executive director must publish information obtained from those reports. It is not possible for Move Minnesota to have violated that provision because it does not require or prohibit any action by a lobbyist principal or other association. The vice chair therefore concludes that the complaint does not state a prima facie violation of Minnesota Statutes section 10A.05.

#### Federal Tax Law

The Board does not have jurisdiction over federal restrictions on lobbying activity by organizations that claim to be tax-exempt under section 501(c)(3) of the Internal Revenue Code.

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 60 days of the date of this determination, the Board will make findings and conclusions as to whether probable cause exists to believe that the violations of Minnesota Statutes sections 10A.03 and 10A.04 alleged in the complaint have occurred and warrant 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.

        /s/ David Asp          
David Asp, Vice Chair  
Campaign Finance and Public Disclosure Board

Date:     September 25, 2023