

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

**PROBABLE CAUSE  
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 and the Move Minnesota Action Fund. Move Minnesota is an assumed name of the St. Paul Transportation Management Organization, which is recognized by the Internal Revenue Service (IRS) as a 501(c)(3) charity.<sup>1</sup> The Move Minnesota Action Fund is operating as a 501(c)(4) nonprofit organization and is affiliated with Move Minnesota.<sup>2</sup> Move Minnesota Action has been used as a shortened name for the Move Minnesota Action Fund and is used herein because that is the name currently listed within the Board's records to identify that association as a lobbyist principal.<sup>3</sup>

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. On September 25, 2023, the Board's vice chair determined that the complaint stated prima facie violations of Minnesota Statutes sections 10A.03 and 10A.04. The Board's vice chair determined that the complaint did not state a prima facie violation of Minnesota Statutes section 10A.05. Copies of the prima facie determination and complaint were provided to Move Minnesota along with a letter seeking answers to several specific questions.

On October 11, 2023, Move Minnesota provided a written response. The response did not specifically address three instances of alleged lobbying that were referenced in the complaint. The response prompted questions regarding when Move Minnesota Action began to engage in lobbying. Also, additional information was needed to determine when Move Minnesota Action became a lobbyist principal and when, if ever, Move Minnesota ceased to be a lobbyist principal. On October 20, 2023, a letter seeking additional information was sent to Move Minnesota. On November 1, 2023, the Board voted to lay this matter over until its December 2023 meeting pursuant to Minnesota Statutes section 10A.022, subdivision 3. On November 9, 2023, Move Minnesota provided a written response containing additional information sought by the Board. Subsequent references to the response of Move Minnesota concern the response provided on October 11, the response provided on November 9, or both.

---

<sup>1</sup> The St. Paul Transportation Management Organization is a Minnesota nonprofit corporation and its federal employer identification number is 41-1906261.

<sup>2</sup> The Move Minnesota Action Fund is a Minnesota nonprofit corporation and its federal employer identification number is 86-2584324. In March 2021 it filed with the IRS a Form 8976, Notice of Intent to Operate Under Section 501(c)(4). In 2023 it applied for recognition of its tax-exempt status under section 501(c)(4) and as of early October 2023, that application remained pending.

<sup>3</sup> The Move Minnesota Action Fund is also registered with the Board as a political fund, Board registration number [30723](#).

## Move Minnesota

Three individuals are presently registered with the Board as lobbyists on behalf of Move Minnesota Action.<sup>4</sup> Both the complaint and the prima facie determination stated that no individuals have registered with the Board as lobbyists on behalf of Move Minnesota, which is inaccurate. Two of the three individuals presently registered as lobbyists on behalf of Move Minnesota Action were registered as lobbyists on behalf of Move Minnesota until late March of 2023. Those individuals include Move Minnesota's executive director, Samuel Rockwell, who registered as a lobbyist for Move Minnesota in March 2020 and served as the principal's designated lobbyist, making him responsible for reporting lobbying disbursements made by Move Minnesota.<sup>5</sup> Several other individuals were registered as lobbyists on behalf of Move Minnesota or one of its predecessor organizations, Transit for Livable Communities, for various periods. On March 30, 2023, the Board received an email with an amended lobbyist registration statement for Mr. Rockwell. The email explained that "[o]ur current organization, Move Minnesota (5045) would like to be switched to our c4, Move Minnesota Action."

Based on the amended registration statement, the email, and a conversation between Board staff and a representative of Move Minnesota, the name of the lobbyist principal listed in the Board's records was changed from Move Minnesota to Move Minnesota Action. Changing the name of Move Minnesota was incorrect because Move Minnesota Action is a separate legal entity from Move Minnesota. Instead of processing the name change as an amendment to an existing principal, Board staff should have directed the lobbyists for Move Minnesota to terminate their registrations, and then register as lobbyists for Move Minnesota Action as a separate organization. If that had occurred both Move Minnesota and Move Minnesota Action would appear as separate lobbyist principals, with separate lobbyist registrations, and separate disclosure reports on the Board's website.

Because the name change was treated as an amendment to an existing principal, only Move Minnesota Action now appears on the Board's website as an active lobbyist principal, while Move Minnesota does not. The website displays the totals reported by Move Minnesota within its annual reports of lobbyist principal under the name Move Minnesota Action. Similarly, the lobbyist disbursement reports filed for Move Minnesota are listed under the names of lobbyists now registered for Move Minnesota Action, instead of being listed separately under the names of lobbyists previously registered for Move Minnesota. As with Move Minnesota, Mr. Rockwell is Move Minnesota Action's designated lobbyist, making him responsible for reporting lobbying disbursements made by Move Minnesota Action. Although the mistake in processing the creation of a new lobbyist principal as a name change for an existing lobbyist principal explains some of the issues raised in Ms. Becker's complaint, the complaint still alleges that certain lobbying activity was not disclosed to the Board.

---

<sup>4</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>5</sup> [cfb.mn.gov/reports-and-data/viewers/lobbying/lobbyists/4779](https://cfb.mn.gov/reports-and-data/viewers/lobbying/lobbyists/4779)

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>6</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>7</sup> The complaint includes a screenshot of a Move Minnesota webpage stating “[w]hen you donate to Move Minnesota, you advocate for a transportation system that protects our families, our climate, and our future.”<sup>8</sup> 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>9</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>10</sup> The hyperlink directs viewers to another Move Minnesota webpage encouraging viewers to “Tell MN Legislators to Fund Transit, Bicycling, and Walking.”<sup>11</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>12</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>13</sup>

The complaint includes a screenshot of a Move Minnesota webpage asking viewers to sign a petition regarding the reconstruction of Lyndale Avenue South.<sup>14</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.”

---

<sup>6</sup> [projects.propublica.org/nonprofits/organizations/411906261/202213009349300211/IRS990](https://projects.propublica.org/nonprofits/organizations/411906261/202213009349300211/IRS990)

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

<sup>8</sup> [movemn.org/donate](https://movemn.org/donate)

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

<sup>10</sup> [movemn.org/take-action](https://movemn.org/take-action)

<sup>11</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>12</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>13</sup> [facebook.com/moveminnesota/posts/pfbid02mSg7pnfwU39gRMKkArtiKP75ZLBbM8fPHpSeF5nWjnqc9XWVMotYtQ4hAtCGTVsl](https://facebook.com/moveminnesota/posts/pfbid02mSg7pnfwU39gRMKkArtiKP75ZLBbM8fPHpSeF5nWjnqc9XWVMotYtQ4hAtCGTVsl)

<sup>14</sup> [movemn.org/action/livable-lyndale-petition](https://movemn.org/action/livable-lyndale-petition)

The complaint includes a screenshot of a Move Minnesota webpage concerning dedicated bus lanes and signal prioritization.<sup>15</sup> The webpage includes a petition titled Boost the Bus 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>16</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>17</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>18</sup>

The complaint argues that the examples referenced above were lobbying.

Within its response Move Minnesota explained that as a 501(c)(3) charity, its lobbying activities are limited by federal law, and as its “advocacy efforts have grown, it made the strategic decision to form an affiliated 501(c)(4) organization. . . .” Move Minnesota stated:

From the time it was formed in 2021 until early 2023, the Action Fund's activities were limited to various set-up activities, including drafting and filing requisite documents, establishing a brand identity and website, strategic planning around about how Move Minnesota and Move Minnesota Action Fund would interact, hosting a launch event, and some preliminary advocacy organizing to establish brand recognition in the community. None of the activity constituted lobbying. We also conducted a preliminary candidate endorsement process for state offices for which we published the names of endorsed candidates on our website and published several social media posts, minimal activities that did not trigger the \$500 filing requirement.

Then, in early 2023, Move Minnesota formally moved its lobbying and advocacy work over to the Action Fund. At that time, Move Minnesota staff contacted the Campaign Finance Board staff to inquire about how to properly register the Action Fund, and immediately thereafter an amendment to Move Minnesota's registration was filed to reflect that the Action Fund (a 501(c)(4) organization) and not Move Minnesota (a 501(c)(3) organization) was now the lobbyist principal. It

---

<sup>15</sup> [movemn.org/action/boost-the-bus-petition](https://movemn.org/action/boost-the-bus-petition)

<sup>16</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>17</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>18</sup> [movemn.org/initiative/fair-fares](https://movemn.org/initiative/fair-fares)

is our understanding that our staff person was advised by the Campaign Finance Board staff to file an amendment to Move Minnesota's existing registration, rather than file a new registration for the Action Fund, in connection with this change. Move Minnesota Action Fund and its lobbyists have since continued to file applicable lobbyist principal and lobbyist reports.

In response to a question regarding distinctions between the two associations, Move Minnesota stated that the composition of its board of directors is different than that of Move Minnesota Action. Move Minnesota addressed several instances of alleged lobbying by itself, rather than Move Minnesota Action, that occurred or continued after March 2023. Move Minnesota acknowledged that a webpage<sup>19</sup> containing a form email to be sent to legislators urging them to champion legislation regarding improvements to transportation systems was lobbying. However, Move Minnesota stated that the cost of that webpage was less than \$500 and as of November 9, 2023, only \$13 of that amount was compensation paid to a lobbyist.

Move Minnesota said that it is “currently collecting signatures for a ‘Livable Lyndale’ petition,”<sup>20</sup> but stated that it “does not believe this constitutes lobbying because the Lyndale Avenue South reconstruction project is in very early project planning stages and the intent behind the petition is merely to have one of multiple project alternatives that are shared with the public include certain transportation facilities.” The petition is directed to “Hennepin County and Metro-Area Leaders” and concerns the planned 2026 reconstruction of Lyndale Avenue South. Specifically, the petition calls for wider sidewalks, curb-level bike lanes, full-day bus lanes, infrastructure to support a bus rapid transit line, a bikeway between Franklin Avenue and the Loring Greenway, and sidewalk accessibility improvements. Move Minnesota said that the effort “is primarily volunteer run” and as of November 9, 2023, \$375 had been spent on the effort, only \$13 of which was compensation paid to a lobbyist. Also, Move Minnesota said that the effort began in late July of 2023, so even if the cost must be disclosed, it was not required to be disclosed within any lobbyist disbursement report covering the most recently ended reporting period, which covered the period from January 1 through May 31, 2023.

Move Minnesota explained that a webpage<sup>21</sup> promoting efforts to modify state law regarding fare enforcement on public transportation was created in 2020 and 2021, with minor changes in 2022. Move Minnesota stated that while lobbying occurred in 2023 in support of those changes,<sup>22</sup> that effort was paid for by Move Minnesota Action rather than Move Minnesota.

Move Minnesota acknowledged that it paid for the Boost the Bus petition,<sup>23</sup> which was sent to Weston Kooistra, then general manager of Metro Transit, in January 2023. Move Minnesota stated that it spent \$731 on the petition in 2022, \$25 of which consisted of compensation paid to a lobbyist, and spent an additional \$25 in January 2023, all of which was compensation paid to a lobbyist. Move Minnesota stated that based on its “understanding of lobbying at the time, we

---

<sup>19</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>20</sup> [movemn.org/action/livable-lyndale-petition](https://movemn.org/action/livable-lyndale-petition)

<sup>21</sup> [movemn.org/initiative/fair-fares](https://movemn.org/initiative/fair-fares)

<sup>22</sup> See H.F. 2887, 93<sup>rd</sup> Leg., Reg. Sess. (Minn. 2023).

<sup>23</sup> [movemn.org/action/boost-the-bus-petition](https://movemn.org/action/boost-the-bus-petition)

believed this petition was not lobbying because Metro Transit did not have before it any concrete proposal to increase bus speeds through the use of bus lanes or green lights. . . .”

Move Minnesota acknowledged that it paid for a webpage containing a form message expressing “strong support for full-time dedicated bus lanes and protected bike lanes on Hennepin Avenue South.”<sup>24</sup> When a Minneapolis resident added their contact information to the form, a form message would be sent to their city council member and mayor. Move Minnesota stated that it spent \$158 on that effort, \$50 of which was compensation paid to a lobbyist. Move Minnesota did not explain when that money was spent or whether it was included within one or more lobbyist disbursement reports filed by Mr. Rockwell.

The complaint notes that the annual reports of lobbyist principal covering 2021 and 2022 disclosed total lobbying disbursements of \$1,052 and \$0, respectively. Pursuant to Minnesota Statutes section 10A.04, subdivision 6, the total reported within a principal report may be “rounded to the nearest \$20,000.” However, that is not the case with respect to lobbyist disbursement reports, and the reports filed by Mr. Rockwell covering 2021 and 2022 disclosed the same totals, despite evidence that Move Minnesota engaged in lobbying in 2022.

### **Move Minnesota Action**

As alleged in the complaint, Move Minnesota Action has a website separate from the website of Move Minnesota, stating that Move Minnesota Action was “[l]aunched in 2021 by Move Minnesota” and “is committed to building the grassroots and political power necessary to transform transit.”<sup>25</sup> The complaint includes a screenshot of a Move Minnesota Action webpage that solicits donations for political activity that are not tax deductible.<sup>26</sup> Nonetheless, 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. Within its response Move Minnesota stated that Move Minnesota Action has received funding from sources other than Move Minnesota. Move Minnesota stated that it has provided funding to Move Minnesota Action but that “funding was not designated for any particular purpose or activity.” In response to a question regarding the intended purpose of that funding, Move Minnesota stated

We knew that the money would be used for advocacy generally and that it potentially could be used for lobbying, but this was not a certainty as there were many organizational steps still in process before the work could begin, including the need to raise additional funds to support this work at the scale intended. The Move family of organizations focused on raising funds for the Action Fund starting in 2022, and most of the funds Move Minnesota Action Fund used to lobby in the spring of 2023 came from an external grant and from individual donations to Move Minnesota Action.

---

<sup>24</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>25</sup> [movemnation.org](https://movemnation.org)

<sup>26</sup> [movemnation.org/donate](https://movemnation.org/donate)

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>27</sup> However, the name of the lobbyist principal was changed within the Board's records from Move Minnesota to Move Minnesota Action in March 2023, and those amounts were actually the totals reported by Move Minnesota, rather than Move Minnesota Action, within its annual reports of lobbyist principal filed pursuant to Minnesota Statutes section 10A.04, subdivision 6.

The complaint alleges that "Move Minnesota brought in" \$1.2 million,<sup>28</sup> while "Move Minnesota Action brought in almost nothing in 2021 or 2022, and only \$25K so far in 2023, according to CFB filings." On that basis, the complaint asserts that "[i]t is not possible for Move Minnesota Action to have funded all this lobbying." However, as noted above, the reports filed with the Board covering 2021 and 2022 were filed on behalf of Move Minnesota, not Move Minnesota Action, so they don't provide insight into the amount of money spent by Move Minnesota Action during those years. Also, while lobbyist disbursement reports and annual reports of lobbyist principals disclose amounts spent on lobbying, they are not required to disclose the amount raised by any principal.

Within its initial response Move Minnesota stated that Move Minnesota Action did not engage in lobbying until early 2023. While assessing that statement, Board staff located Move Minnesota Action webpages and social media posts that promoted events, form letters, a phone banking effort, and a canvassing project, in 2022, that sought to influence state legislators, and in one case, Metropolitan Council officials.

A January 2022 event titled Move Minnesota Action 2022 Legislative Advocacy Kickoff and Q&A was promoted on Move Minnesota Action's website<sup>29</sup> and Facebook page<sup>30</sup>. Attendees were asked to "[j]oin Move Minnesota Action staff and special guests online on January 26 to learn more and kick off our legislative advocacy season!" The webpage for the event stated that "[a]s the 2022 legislative session gets underway, we're advocating for bold new investments in bus, rail, bicycling, walking, and rolling. We're fighting for urgent policy changes that will make our transit systems more just and welcoming for all. And we're building momentum for even greater transformation ahead." In a Facebook post, Move Minnesota Action stated that Representative Fue Lee, Senator Ann Johnson Stewart, and Senator Scott Dibble spoke at the event.<sup>31</sup> Within its response Move Minnesota said that:

---

<sup>27</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>28</sup> This appears to be a reference to Move Minnesota's [2021 IRS Form 990](#) or its [2021 Annual Report](#), each of which listed \$1.35 million in total revenue and \$1.24 million in total expenses.

<sup>29</sup> [movemnaction.org/move-minnesota-action-2022-legislative-advocacy-kickoff-and-qa](https://movemnaction.org/move-minnesota-action-2022-legislative-advocacy-kickoff-and-qa)

<sup>30</sup> [facebook.com/movemnaction/posts/pfbid02uXZVMzeZJd8nGL9R5ohEAjd7LdfhJo6ntAYwgM4uiBFUqbAAUJPuqT6mUWqk48xBI](https://facebook.com/movemnaction/posts/pfbid02uXZVMzeZJd8nGL9R5ohEAjd7LdfhJo6ntAYwgM4uiBFUqbAAUJPuqT6mUWqk48xBI)

<sup>31</sup> [facebook.com/movemnaction/posts/pfbid0q4WqPFgCoXv5VEH3M4dPN1NDf6TFd8vS1ekUsBTekAKJZS3GLFPX3tnm8d92HU15cl](https://facebook.com/movemnaction/posts/pfbid0q4WqPFgCoXv5VEH3M4dPN1NDf6TFd8vS1ekUsBTekAKJZS3GLFPX3tnm8d92HU15cl)

This event provided a platform for Move Minnesota Action Fund to announce the start of the legislative session for our supporters and to thank legislators for past work. Legislators gave a short preview of what the legislature would be working on at the capitol in 2022, and Move Minnesota Action Fund gave a short presentation about the importance of transit in our communities, the bonding platforms of the Governor and Minnesota House of Representatives, and the preliminary bonding platform of transportation advocacy partners, including Move Minnesota and Move Minnesota Action Fund. We do not believe this was lobbying because it was an educational event at which no legislative asks or grassroots lobbying asks were made.

A Move Minnesota Action webpage titled Take Action: Tell MN Legislators to Fund Transit For a Stable, Sustainable Future, allowed individuals to send a form letter to state legislators. The letter asked legislators to ensure that the 2022 bonding bill includes “\$100 million for arterial bus rapid transit in the metro,” “\$5 million for transit facilities in Greater Minnesota,” “\$12 million for active transportation across the state,” “\$5 million for statewide Safe Routes to School,” and “\$86 million for passenger rail service connecting the Twin Cities and Duluth.” The form letter was promoted on the Move Minnesota Action Facebook page in March 2022.<sup>32</sup> Within its response, Move Minnesota stated that “[i]t was our understanding at the time that this did not constitute lobbying because there was not a specific bill or legislative action under consideration at the time this communication was made,” but “[w]e now understand from Campaign Finance Board staff that the Board considers this lobbying.” Move Minnesota estimated that \$142 was spent on the effort, \$25 of which was compensation paid to a lobbyist.

An April 2022 event titled Sign Up to Volunteer! Help with Bus Rider Outreach Along the Future H Line was promoted on Move Minnesota Action’s website<sup>33</sup> and Facebook page<sup>34</sup>. Move Minnesota Action’s website stated that:

Our staff and volunteer team will ask people about their experience with taking transit and help people speak up about the need for better bus service.

Our team will canvass together along Metro Transit bus route 3. This route is the home of the future METRO H Line—one of three exciting bus rapid transit lines Move Minnesota Action and allies are working to get fully funded at the State Capitol this year!

Whether you are a new or experienced volunteer: join us and help ensure elected officials hear from people who ride the bus!

Within its response, Move Minnesota stated that:

---

<sup>32</sup> [facebook.com/movemnaction/posts/pfbid0UR2WNEeX4vqdNyx3H55DrArwzeGMwL1zJx6Q9t3Vj5SSXqtXbm7551yAm6DcnozKI](https://www.facebook.com/movemnaction/posts/pfbid0UR2WNEeX4vqdNyx3H55DrArwzeGMwL1zJx6Q9t3Vj5SSXqtXbm7551yAm6DcnozKI)

<sup>33</sup> [movemnaction.org/sign-up-to-volunteer-help-with-bus-rider-outreach-along-the-future-h-line](https://movemnaction.org/sign-up-to-volunteer-help-with-bus-rider-outreach-along-the-future-h-line)

<sup>34</sup> [facebook.com/movemnaction/posts/pfbid02t5tduX8fneXjVxVMtoHeyxPgyTG2rZdzTHDL6gyGc2ESwVcoZfWpMoiaiq1e9htRI](https://www.facebook.com/movemnaction/posts/pfbid02t5tduX8fneXjVxVMtoHeyxPgyTG2rZdzTHDL6gyGc2ESwVcoZfWpMoiaiq1e9htRI)



Move Minnesota Action Fund and Move Minnesota regularly conduct “transit canvases” in which we talk to transit riders to hear what is important to them. The information we gather from these conversations develop and refine our advocacy platform. We do not believe this activity constitutes lobbying because we never ask for any kind of grassroots lobbying actions during these canvases—they are purely information-gathering events.

A Move Minnesota Action webpage titled Take Action: Demand Transit Progress that Puts People and Climate First, allowed individuals to send a form letter to state legislators. The letter asked legislators to support a specific bill<sup>35</sup> that, according to Move Minnesota Action, included “[f]unding for reduced transit fares,” “\$2 million for bus shelter improvements,” “\$12 million for biking, walking and rolling infrastructure,” “[m]atching state funds for federal grants for electric buses,” “[f]unding for Northern Lights Express passenger rail service from the Twin Cities to Duluth,” a “pilot program for microtransit services in the Twin Cities suburbs for last mile connections,” and the creation of a “working group to deploy improvements like bus lanes and traffic signal prioritization to make local bus service quick and convenient.” The form letter was promoted on Move Minnesota Action’s Facebook page in April 2022.<sup>36</sup> Within its response, Move Minnesota acknowledged that the form letter was lobbying and estimated that \$107 was spent on the effort, \$25 of which was compensation paid to a lobbyist.

A May 2022 event titled Sign Up to Volunteer! Make Calls to Mobilize Support for Transit Funding at the State Capitol was promoted on Move Minnesota Action’s website<sup>37</sup> and Facebook page<sup>38</sup>. Move Minnesota Action’s website stated:

Join Move Minnesota Action staff and volunteers for a phone bank to advocate for transit funding at the State Capitol. There are just a few weeks remaining this legislative session—and big funding decisions for three new rapid bus routes and other critical transit, biking, walking, and rolling projects are still on the line. **Get on the phones with us and mobilize supporters to take action!**

Within its response, Move Minnesota acknowledged that the event was lobbying and estimated that \$89 was spent on the effort, none of which was compensation paid to a lobbyist.

A Move Minnesota Action webpage titled Take Action: Demand MN Lawmakers Fund Bus Rapid Transit Before Session Ends, allowed individuals to send a form letter to state legislators. The letter asked legislators to “vote for a bonding bill ONLY if it includes at least \$100M to build the F Line, G Line, and H Line bus rapid transit projects.” The webpage said “[w]e’ve been advocating for this for months through our emails, calls, and meetings with elected officials, and we need to keep pushing today to ensure these projects make it in a final bill.” The form letter

---

<sup>35</sup> H.F. 1683, 92nd Leg., Reg. Sess. (Minn. 2021).

<sup>36</sup> [facebook.com/movemnaction/posts/pfbid02peumsVeQ8uZGYHvRMEJisTSKWUHKRuTJTFLS2c7zfPjprm7CGL9qXhA65ncjFqgVI](https://www.facebook.com/movemnaction/posts/pfbid02peumsVeQ8uZGYHvRMEJisTSKWUHKRuTJTFLS2c7zfPjprm7CGL9qXhA65ncjFqgVI)

<sup>37</sup> [movemnaction.org/sign-up-to-volunteer-phone-bank-to-push-for-transit-funding](https://movemnaction.org/sign-up-to-volunteer-phone-bank-to-push-for-transit-funding)

<sup>38</sup> [facebook.com/movemnaction/posts/pfbid0PK4ry1KHBwCSv86toJTpUjVULp8Wk88BuMQjkrWhMBH4S2V5UEX7fkL87SAkCqEcl](https://www.facebook.com/movemnaction/posts/pfbid0PK4ry1KHBwCSv86toJTpUjVULp8Wk88BuMQjkrWhMBH4S2V5UEX7fkL87SAkCqEcl)

was promoted on Move Minnesota Action’s Facebook page in May 2022.<sup>39</sup> Within its response, Move Minnesota acknowledged that the form letter was lobbying and said that \$130 was spent on the effort, \$13 of which was compensation paid to a lobbyist.

A December 2022 event alternatively titled Rally to Stop Service Cuts & Improve Transit NOW! or Boost the Bus Rally to Stop Service Cuts and Improve Transit NOW! was promoted on Move Minnesota Action’s Facebook page<sup>40</sup> and the Move Minnesota website<sup>41</sup>. Move Minnesota’s website stated that “Metro Transit leadership plans to cut more service on dozens of routes in December” and asked supports to “[d]emand improvements to speed up our buses and trains instead” and “[j]oin us to demand agency leaders improve transit now!” The website stated that the event was “[o]rganized by Move Minnesota and Move Minnesota Action” with three other organizations serving as co-hosts. Within its response, Move Minnesota stated that:

Under our understanding of lobbying at the time, we believed this rally was not lobbying because Metro Transit did not have before it any concrete proposal to increase bus speeds through the use of bus lanes or green lights – e.g. no agency action was under consideration. The only strategy for which Move Minnesota and Move Minnesota Action Fund advocated during this rally was for bus lanes and signal priority.

This rally was a Move Minnesota rally, not a Move Minnesota Action Fund rally. Move Minnesota Action Fund’s Facebook page merely cross-posted information about the rally.

Move Minnesota estimated that it spent \$639 on the event.

In total, Move Minnesota estimated that Move Minnesota Action spent \$477 on lobbying in 2022, \$63 of which was compensation paid to a lobbyist.

## Analysis

When the Board chair or vice chair makes a finding that a complaint raises a prima facie violation, the full Board then must determine whether probable cause exists to believe an alleged violation that warrants an investigation has occurred. Minn. Stat. § 10A.022, subd. 3 (d). A probable cause determination is not a complete examination of the evidence on both sides of the issue. Rather, it is a determination of whether a complaint raises sufficient questions of fact which, if true, would result in the finding of a violation.

If the Board finds that probable cause exists, the Board is required to determine whether the alleged violation warrants a formal investigation, considering the type and magnitude of the

---

<sup>39</sup> [facebook.com/movemnaction/posts/pfbid0dZ8eVz8ZNoFz1z9ywWYnoc8eDFF9JHngXQnm4SX31Qayug2MkTATa5NGjWUnk4hCI](https://www.facebook.com/movemnaction/posts/pfbid0dZ8eVz8ZNoFz1z9ywWYnoc8eDFF9JHngXQnm4SX31Qayug2MkTATa5NGjWUnk4hCI)

<sup>40</sup> [facebook.com/events/381048487528477](https://www.facebook.com/events/381048487528477); [facebook.com/movemnaction/posts/pfbid02wJYbusivuyufcy3wkcFjMk61PwacdZrPdsaWveNY8rWYFSqMjtKae316tsvRtT56I](https://www.facebook.com/movemnaction/posts/pfbid02wJYbusivuyufcy3wkcFjMk61PwacdZrPdsaWveNY8rWYFSqMjtKae316tsvRtT56I)

<sup>41</sup> [movemn.org/event/boost-the-bus-rally-to-stop-service-cuts-and-improve-transit-now](https://www.movemn.org/event/boost-the-bus-rally-to-stop-service-cuts-and-improve-transit-now)

alleged violation, the knowledge of the respondents, any benefit to be gained from a formal investigation, the availability of Board resources, and whether the violation has been remedied. Minn. R. 4525.0210, subp. 5. If the Board finds that probable cause exists but does not order a formal investigation, the Board is required to either dismiss the complaint or order a staff review. Minn. R. 4525.0210, subp. 6.

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. Under Minnesota Statutes section 10A.03, subdivision 2, the registration form must include the name and address of each principal “by whom the lobbyist is retained or employed or on whose behalf the lobbyist appears.” 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.04, subdivision 1, requires a lobbyist to file biannual disbursement reports with the Board. Minnesota Statutes section 10A.04, subdivision 9, requires each lobbyist principal to “appoint one designated lobbyist to report lobbyist disbursements made by the entity.”<sup>42</sup> Under Minnesota Statutes section 10A.04, subdivision 4, lobbyist disbursement reports must include “total disbursements on lobbying” and “each original source of money in excess of \$500 in any year used for the purpose of lobbying to influence legislative action, administrative action, or the official action of a metropolitan governmental unit.” Minnesota Rules 4511.0100, subpart 5, defines an original source of funds as “a source of funds, other than the entity for which a lobbyist is registered, paid to the lobbyist, the lobbyist’s employer, the entity represented by the lobbyist, or the lobbyist’s principal, for lobbying purposes.”

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. Minnesota Statutes section 10A.04, subdivision 1, provides that a “lobbyist may file a termination statement at any time after ceasing to lobby.” Under Minnesota Rules 4511.0400, subpart 1, a “lobbyist who has ceased lobbying for a particular entity may terminate registration by filing a lobbyist termination form and a lobbyist disbursement report covering the period from the last report filed through the date of termination.” Under Minnesota Rules 4511.0200, subpart 1, a “lobbyist who lobbies on behalf of more than one . . . association . . . shall register separately for each separate entity.” The Board has instructed lobbyists to register on behalf of each association they represent, including when those associations are subsidiaries or affiliates of a larger association, but lobbyists are not required to register on behalf of each member of an association when lobbying on behalf of a membership association such as a trade or business association.<sup>43</sup>

After Mr. Rockwell registered as a lobbyist in March 2020, Move Minnesota had at least one lobbyist registered on its behalf until late March of 2023. At that time, the Board received an amended lobbyist registration form and the name of the principal was changed in the Board’s records from Move Minnesota to Move Minnesota Action. Many of the allegations made in the complaint appear to be based on a misunderstanding regarding which principal had lobbyists registered on its behalf prior to late March of 2023, which was likely caused by the name of the principal being changed within the Board’s records. Because Move Minnesota and Move Minnesota Action are distinct associations, Move Minnesota’s two lobbyists should have filed new registration forms to represent Move Minnesota Action. However, Move Minnesota and its lobbyists attempted to follow the proper procedure. Move Minnesota contacted Board staff in late March of 2023 and was instructed to file an amended registration statement for

---

<sup>42</sup> See also [Minn. R. 4511.0100, subp. 1a](#).

<sup>43</sup> See, e.g., [Advisory Opinion 413 \(Nov. 1, 2010\)](#).

Mr. Rockwell rather than having its lobbyists file termination statements for Move Minnesota and then register on behalf of Move Minnesota Action.

There were references to lobbying activity on Move Minnesota's website and social media pages after late March of 2023. However, Move Minnesota has explained that in some cases, the lobbying in question occurred prior to its lobbying and advocacy work being transferred to Move Minnesota Action. Move Minnesota has explained that in other cases, the lobbying in question was paid for by Move Minnesota Action but communications regarding the lobbying were cross-posted on the website and social media pages of Move Minnesota. Many of the webpages referenced in the complaint were initially published prior to 2023 and some celebrated Move Minnesota's past accomplishments.

In some instances, it appears that lobbying disbursements made by Move Minnesota were not included within reports filed by Mr. Rockwell due to a misunderstanding regarding the definition of lobbying. Those instances include costs related to the Boost the Bus petition and the December 2022 rally paid for by Move Minnesota at which attendees advocated for the use of bus lanes and signal prioritization on more Metro Transit bus routes. Contrary to Move Minnesota's understanding at the time, lobbying includes attempting to influence legislative action or the official action of a metropolitan governmental unit regardless of whether there is a specific proposal before the legislature or the metropolitan governmental unit in question, and lobbying includes any activity that directly supports lobbying communications. Apparent lobbying disbursements were omitted from lobbyist disbursement reports filed by Mr. Rockwell, and Mr. Rockwell must file amended reports to include missing disbursements pursuant to Minnesota Statutes section 10A.025, subdivision 4.

There is reason to believe that Move Minnesota made limited lobbyist disbursements after March 2023, including expenses related to the Livable Lyndale petition and hosting and maintaining its website, which contains multiple webpages that continue to include form letters, petitions, and other calls to action encouraging individuals to contact legislators and other public officials regarding specific topics. If Mr. Rockwell did not cease lobbying on behalf of Move Minnesota as of late March of 2023, he should have remained registered on behalf of Move Minnesota until he ceased lobbying on its behalf, even if he was simultaneously registered as a lobbyist on behalf of Move Minnesota Action. Based on the foregoing analysis, the Board concludes that there is probable cause to believe that Mr. Rockwell failed to include all required information within lobbyist disbursement reports in violation of Minnesota Statutes section 10A.04, subdivisions 4 and 9. Also, Mr. Rockwell must file lobbyist disbursement reports covering the period from January 1 through May 31, 2023, that separate the lobbying disbursements of Move Minnesota from those of Move Minnesota Action.

Because the total reported within a principal report may be "rounded to the nearest \$20,000," the information in the record does not support the conclusion that Move Minnesota violated Minnesota Statutes section 10A.04, subdivision 6, when filing its 2021 and 2022 annual reports of lobbyist principal. Because they are separate associations, Move Minnesota and Move

Minnesota Action will need to file separate principal reports covering 2023, and those reports will be due on March 15, 2024.

There is also reason to believe that Move Minnesota Action engaged in lobbying prior to 2023.

In determining whether a formal investigation is warranted, the Board must consider a variety of factors. Minn. R. 4525.0210, subp. 5. Alleged reporting violations are typically resolved by the filing of amended reports, and in this case the dollar amount of undisclosed lobbying disbursements appears to be relatively low. Move Minnesota has acknowledged that some expenses were not reported as lobbying disbursements due to a misunderstanding regarding the definition of lobbying. Also, many of the allegations in the complaint stem from Board staff instructing Move Minnesota to amend the lobbyist registration of Mr. Rockwell to change the name of the principal to Move Minnesota Action, rather than having its lobbyists file new registration forms for that principal. Lobbyists were registered with the Board on behalf of Move Minnesota for several years, and the evidence in the record suggests that Move Minnesota and its lobbyists have sought to comply with their reporting obligations. While the Board has adequate resources to conduct an investigation, informal resolution of the matter is generally preferable when the subject of the complaint is amenable to remedying the violation by filing additional registrations and amended reports. Considering those factors, a formal investigation is not warranted.

**Based on the foregoing analysis, the Board issues the following:**

**Order:**

1. Probable cause exists to believe that Samuel Rockwell failed to include all required information within lobbyist disbursement reports filed for his representation of Move Minnesota in violation of Minnesota Statutes section 10A.04, subdivisions 4 and 9.
2. Probable cause exists to believe that Samuel Rockwell failed to timely register as a lobbyist, and file a lobbying disbursement report covering 2022, for Move Minnesota Action, in violation of Minnesota Statutes sections 10A.03, subdivision 1, and 10A.04, subdivisions 4 and 9.
3. The allegation that Move Minnesota violated Minnesota Statutes section 10A.04, subdivision 6, by failing to file annual reports of lobbyist principal is dismissed without prejudice because there is not probable cause to believe that this violation occurred.
4. The Board's executive director is directed to open a staff review to address any reporting issues related to lobbyist disbursement reports filed by Mr. Rockwell, subject to approval of the Board.

5. The Board's executive director is directed to seek new lobbyist registration forms from the lobbyists currently registered on behalf of Move Minnesota Action, which may be backdated as appropriate.
6. The Board's executive director is directed to seek lobbyist termination statements from the two lobbyists registered on behalf of Move Minnesota as of March 30, 2023, which may be backdated as appropriate, but must not be dated prior to the date that each lobbyist ceased lobbying on behalf of Move Minnesota.

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

Date: December 13, 2023