

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF LUKE MIELKE REGARDING WE LOVE MINNEAPOLIS, JAMES SHERMAN, AND ANDREW MINCK

On February 5, 2025, the Campaign Finance and Public Disclosure Board received a complaint submitted by Luke Mielke regarding We Love Minneapolis, James Sherman, and Andrew Minck. The complaint asserts that We Love Minneapolis is a Minnesota nonprofit corporation that has described itself as “a grassroots 501(c)(4) started by Minneapolis residents and business owners for the purpose of engaging more people in the processes that determine our representation at City Hall.”¹

The complaint alleges, and Board records confirm, that We Love Minneapolis is not registered with the Board as a political committee or as the supporting association of a political fund. The complaint alleges that We Love Minneapolis has made independent expenditures in excess of \$1,500 and is thereby required to register with the Board pursuant to Minnesota Statutes section 10A.14, subdivision 1a, and include a disclaimer on its website. The complaint states that the website of We Love Minneapolis² contains express advocacy encouraging the defeat of certain members of the Minneapolis City Council. The complaint alleges that We Love Minneapolis has conducted polling regarding the January 14, 2025, special primary for Senate District 60, and regarding Minneapolis City Council members representing wards 7, 8, 10, and 12. The complaint asserts that “[p]olling has named specific candidates and then encouraged voters to engage in political activity to defeat those candidates.”

The complaint includes evidence that We Love Minneapolis registered as a Minnesota nonprofit corporation on January 5, 2025.³ The website of the Office of the Secretary of State lists James Sherman as the corporation’s registered agent. The complaint alleges that Andrew Minck is a signatory on the corporation’s articles of incorporation.

The complaint includes screenshots of, and links to, the website of We Love Minneapolis. The complaint lists text from the website that allegedly constitutes express advocacy, including:

“Your Voice, Your City: Vote in the Minneapolis Caucus April 8th. Minneapolis needs new leadership and fresh solutions - make your voice heard and be part of the change.”

“We need political leaders who share our vision.”

¹ welovempls.org/about-love-mpls/

² welovempls.org

³ mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=9c2d092c-abcb-ef11-908c-00155d32b947

“Our local government must prioritize achieving beneficial community outcomes over blind adherence to political ideology and posturing. Leaders should be held accountable and act in the best interests of the city and its residents. City Hall must use research and data to craft policies that lead to a better future, not engage in political one-upmanship. We believe that certain council members have continually failed this basic test of governance.”

“If you want your values represented in city government, showing up to Caucus is the most important thing you can do. Sign up, and we’ll teach you how to do it!”

“While many of us cast our ballots in November, there’s a contest going on long before we go vote that will have an enormous impact on who wins a seat on the city council.”

“Like many of you, we’ve become more concerned in recent years about the direction our City Council has been heading. We want a safer, more affordable city that provides opportunity for everyone. We believe it’s possible if more people who share our vision take action during this spring. This will not be possible without your participation April 8th.”

“We Love Minneapolis. But we think it can be a safer, more affordable city that can provide opportunity for all of its residents. We are a grassroots project focused on building that brighter future together, but we need political leaders who share our vision. And we need you.”

“This year’s Minneapolis DFL endorsement process starts at 7:00pm in your neighborhood on April 8th with Precinct Caucuses. If you want your values represented in city government, showing up to Caucus is the most important thing you can do. Sign up, and we’ll teach you how to do it!”

The complaint asserts that some or all of those statements “could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more Minneapolis City Council candidate and are clearly encouraging voters to take explicitly political action to defeat ‘certain council members’.”

The complaint alleges that We Love Minneapolis began conducting polling in January 2025. The complaint includes a screenshot of, and link to, a Bluesky post dated January 27, 2025,⁴ that described a call an individual named Heidi allegedly received from We Love Minneapolis. Heidi’s post stated that the caller asked whether she would support her city council member if that council member sought reelection, and she said yes, she supports Minneapolis City Council Member Katie Cashman, who represents Ward 7. Heidi’s post stated that no more questions were asked after she provided that response.

The complaint alleges that a voter within Ward 8 was polled by We Love Minneapolis on February 4, 2025, using the following script:

⁴ bsky.app/profile/laflaneuse.bsky.social/post/3lgqw7joq422g

“What’s your top issue?”

“You live in Ward 8. Your Council Member is Andrea Jenkins. Do you think Council Member is addressing these issues?”

Upon answer of “no” → “Great! Your caucus date is April 8.”

In support of the allegation that We Love Minneapolis has raised or spent enough to require registration with the Board, the complaint includes screenshots of portions of campaign finance reports filed with the Board showing that other associations involved in seeking to influence Minneapolis elections spent well in excess of \$1,500 on polling in 2024.

Determination

The complaint cites Minnesota Statutes section 10A.14, subdivision 1a, alleges that We Love Minneapolis made independent expenditures, and refers to the \$1,500 registration threshold for independent expenditure political committees and funds. Therefore, the complaint appears to allege that We Love Minneapolis is either an independent expenditure political committee or an association required to register an independent expenditure political fund.

Minnesota Statutes section 10A.01, subdivision 27, defines the term “political committee” as “an association whose major purpose is to influence the nomination or election of one or more candidates or local candidates or to promote or defeat a ballot question, other than a principal campaign committee, local candidate, or a political party unit.” Minnesota Statutes section 10A.01, subdivision 28, provides that:

“Political fund” means an accumulation of dues or voluntary contributions by an association other than a political committee, principal campaign committee, or party unit, if the accumulation is collected or expended to influence the nomination or election of one or more candidates or local candidates or to promote or defeat a ballot question. The term political fund as used in this chapter may also refer to the association acting through its political fund.

Minnesota Statutes section 10A.01, subdivisions 18a and 18b, define the terms “independent expenditure political committee” and “independent expenditure political fund,” respectively, as a political committee or political fund “that makes only independent expenditures and disbursements permitted under section 10A.121, subdivision 1.” Under Minnesota Statutes section 211B.15, subdivision 3, independent expenditure political committees and funds may accept corporate contributions. Minnesota Statutes section 10A.121 generally provides that such committees and funds cannot make contributions to candidates, local candidates, or party units, and may only make independent expenditures and ballot question expenditures.

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

Minnesota Statutes section 10A.01, subdivision 10d, defines the term “local candidate” to mean

“an individual who seeks nomination or election to a county, city, school district, township, or special district office,” and Minnesota Statutes section 10A.01, subdivision 10, defines the word “candidate” as “an individual who seeks nomination or election as a state constitutional officer, legislator, or judge.”

Minnesota Statutes section 10A.01, subdivision 18, provides that:

"Independent expenditure" means an expenditure expressly advocating the election or defeat of a clearly identified candidate or local candidate, if the expenditure is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or any candidate's principal campaign committee or agent or any local candidate or local candidate's agent.

Minnesota Statutes section 10A.01, subdivision 16a, provides that:

"Expressly advocating" means that a communication:

(1) clearly identifies a candidate or a local candidate and uses words or phrases of express advocacy; or

(2) when taken as a whole and with limited reference to external events, such as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidates because:

(i) the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and

(ii) reasonable minds could not differ as to whether the communication encourages actions to elect or defeat one or more clearly identified candidates or encourages some other kind of action.

Minnesota Statutes section 10A.14, subdivision 1a, generally requires the treasurer of an independent expenditure political committee or fund to file a registration statement with the Board “no later than 14 calendar days after the committee or the association registering the political fund has” received contributions totaling more than \$1,500, or made independent expenditures totaling more than \$1,500, within a calendar year. Minnesota Statutes section 10A.12, subdivision 1a, provides that:

An association other than a political committee that makes only independent expenditures or expenditures to promote or defeat a ballot question must do so through an independent expenditure or ballot question political fund if the independent expenditures aggregate more than \$1,500 in a calendar year or if the expenditures to promote or defeat a ballot question aggregate more than \$5,000 in a calendar year, or by contributing to an existing independent expenditure or ballot question political committee or fund.

Minnesota Statutes section 10A.17, subdivision 4, requires that independent expenditures include a disclaimer substantially in the form provided within Minnesota Statutes section 211B.04, subdivision 2. Minnesota Statutes section 211B.04, subdivision 2, provides that independent expenditures must include disclaimer language stating who paid for the expenditure and identifying the material as an independent expenditure.

The complaint alleges and provides evidence that We Love Minneapolis is an association that incurred expenses for polling and a website. The complaint includes evidence that the polling and the website concerned specific local candidates, namely the incumbent Minneapolis City Council members representing Wards 7, 8, 10, and 12. While the evidence included within the complaint indicates that polling regarding Minneapolis City Council candidates may have begun less than 14 days prior to the date the complaint was filed, the complaint also alleges that We Love Minneapolis conducted polling regarding the Senate District 60 special primary on January 14, 2025. The complaint alleges and provides evidence that We Love Minneapolis has made more than \$1,500 in expenditures, in part by providing evidence of the costs incurred by other associations that have recently conducted polling regarding municipal elections in Minneapolis.

The complaint alleges and provides evidence that at least some of the communications in question expressly advocated for the election or defeat of particular local candidates. The complaint provides evidence that when We Love Minneapolis conducted polling, local candidates were referenced by name. The complaint provides evidence that those polled were asked whether they support their ward's current City Council member and that their response, and the identity of their council member, dictated whether they were encouraged to participate in their precinct caucus on April 8, 2025. The complaint includes screenshots of a portion of the We Love Minneapolis website explaining that its strategy to influence the April 8, 2025, precinct caucuses is part of a broader strategy to influence the general election in November 2025. Specifically, the complaint provides evidence that the website states "[w]hile many of us cast our ballots in November, there's a contest going on long before we go vote that will have an enormous impact on who wins a seat on the city council." Based on the foregoing analysis, the complaint alleges and provides evidence that We Love Minneapolis expressly advocated for the defeat of specific local candidates. We Love Minneapolis has not registered with the Board, and the complaint provides evidence that We Love Minnesota began conducting polling prior to January 14, 2025. The Chair therefore concludes that the complaint states prima facie violations of Minnesota Statutes sections 10A.12, subdivision 1a, and 10A.14, subdivision 1a.

The complaint alleges and provides evidence that We Love Minneapolis made independent expenditures that lacked a disclaimer. The Chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 10A.17, subdivision 4.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3 (d), 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 a violation of Minnesota Statutes sections 10A.12, 10A.14, or 10A.17 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: February 11, 2025