

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

**PROBABLE CAUSE
DETERMINATION**

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

Complaint and Prima Facie Determination

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 asserted 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.”

The complaint alleged 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 alleged that We Love Minneapolis made independent expenditures in excess of \$1,500 and was thereby required to register with the Board under Minnesota Statutes section 10A.14, subdivision 1a, and include a disclaimer on its website. The complaint stated that the website of We Love Minneapolis, welovempls.org, contains express advocacy encouraging the defeat of certain members of the Minneapolis City Council. The complaint alleged that We Love Minneapolis 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 asserted that “[p]olling has named specific candidates and then encouraged voters to engage in political activity to defeat those candidates.”

The complaint included evidence that We Love Minneapolis registered as a Minnesota nonprofit corporation on January 5, 2025.¹ The website of the Office of the Secretary of State listed James Sherman as the corporation’s registered agent. The complaint alleged that Andrew Minck was a signatory on the corporation’s articles of incorporation.

The complaint included screenshots of, and links to, the website of We Love Minneapolis. The complaint listed 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 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 asserted 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 alleged that We Love Minneapolis began conducting polling in January 2025. The complaint included a screenshot of, and link to, a Bluesky post dated January 27, 2025,² that described a call that 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 alleged that a voter within Ward 8 was polled by We Love Minneapolis on February 4, 2025, using the following script:

² 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 raised or spent enough to require registration with the Board, the complaint included 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.

On February 11, 2025, the Board’s chair determined that the complaint states prima facie violations of Minnesota Statutes sections 10A.12, subdivision 1a, and 10A.14, subdivision 1a, which require independent expenditure political committees and funds to register with the Board after receiving contributions for independent expenditures, or making independent expenditures, in excess of \$1,500 within a calendar year. The Board’s chair also determined that the complaint states a prima facie violation of Minnesota Statutes section 10A.17, subdivision 4, which requires the inclusion of an independent expenditure disclaimer when a political committee or fund “independently solicits or accepts contributions or makes independent expenditures on behalf of a candidate or local candidate. . . .”

February 2025 Supplement

On February 24, 2025, the complainant supplemented the complaint by providing several documents and describing an event held by We Love Minneapolis on February 15, 2025 at the Granada Theater in Minneapolis. The complainant provided a copy of the articles of incorporation of We Love Minneapolis, which list Mr. Minck as the sole incorporator, list Mr. Sherman as the nonprofit corporation’s registered agent, and describe the nonprofit corporation as a 501(c)(4) organization. The complainant provided photographs of a two-sided flyer that We Love Minneapolis allegedly distributed at the February 15 event. The flyer states that it was “Prepared and paid for by We Love Minneapolis, 501(c)(4), WeLoveMPLS.org.” The flyer includes the following text:

Did you know that less than 32% of Minneapolis voters took part in our last city election?

But well before the November election, a tiny group chooses which candidates will earn the party endorsement. Why does the endorsement matter? The candidate with the DFL endorsement won the general election 95% of the time over the last decade. **The good news is you can be part of this process.**

If you want your values represented in city government, participating in the endorsement process is an important first step. It all starts with your neighborhood Precinct Caucus on April 8 at 7:00pm.

The flyer encourages individuals to “Attend your caucus”, “Bring a friend”, and “Sign up to be a delegate”, and states that “we need political leaders who share our vision.”

The complainant stated that the February 15 event featured a presentation by Joe Radinovich, Nico Woods, and Andrea Corbin. The complainant said that Mr. Radinovich was introduced as the head of We Love Minneapolis, while Mr. Woods was introduced as its field director. The complainant provided photographs of portions of a slideshow displayed during the event, a full copy of which was later provided to the Board by counsel for We Love Minneapolis.

The slideshow notes that “less than 32% of Minneapolis voters participated in the” city’s election in 2023 and that “The next election is November 4, 2025.” The slideshow states that all but one of the incumbent members of the Minneapolis City Council “run as DFLers” while Council Member “Robin Wonsley runs as a member of the Democratic Socialists of America (DSA)”. The slideshow states that in 2023 the DSA also endorsed Council Members Jason Chavez, Aurin Chowdhury, and Aisha Chughtai, as well as a candidate who was unsuccessful but is again running for Minneapolis City Council, Soren Stevenson. The slideshow illustrates “voting blocs formed around ideological divisions between members” by listing the percentage of the time that 10 specific council members voted the same way as Council Member Wonsley on contested votes in 2024. The slideshow further illustrates “Voting Blocs on Today’s Council” by including the names and photographs of two groups of Minneapolis City Council members. The slideshow depicts one voting bloc as consisting of Council Members Michael Rainville, LaTrisha Vetaw, Linea Palmisano, and Andrea Jenkins, and depicts the other voting bloc as consisting of Council Members Wonsley, Chughtai, Chavez, Chowdhury, Elliott Payne, Jeremiah Ellison, Jamal Osman, Katie Cashman, and Emily Koski.

The slideshow describes the policy priorities of We Love Minneapolis in some detail with respect to housing affordability, economic development, public safety, addressing homelessness, and service-oriented government. The slideshow makes it clear that We Love Minneapolis opposes rent control policies, opposes “all efforts to ‘defund’ or demonize the police”, opposes encampments of unhoused individuals, and supports taking action to address issues with George Floyd Square and the building that formerly housed the police station for the Third Precinct. In contrast, the slideshow describes the Twin Cities DSA as having supported rent control, halting the closure of encampments of unhoused individuals, and blocking additional funding for the Minneapolis Police Department.

The slideshow states that “The caucus and convention process is where party endorsements are awarded to candidates.” The slideshow says that “Neighbors come together on precinct caucus night in their neighborhood and elect delegates who vote at a convention in their ward. If any candidate receives 60% of the votes at a convention, they win their party’s endorsement.” The slideshow states that the caucus process is important:

Because over 90% of Council candidates who carried the DFL endorsement won their November election in the last ten years.

Winning the endorsement gives candidates exclusive access to the party's formidable database; it often starts a snowball of endorsements from elected officials, unions, and other organizations; and, it serves as a signal to voters that a particular candidate has been vetted and approved by the party.

Roughly about 80% of Minneapolis voters are DFLers.

The slideshow states that precinct caucuses will take place on April 8. The slideshow also lists the dates of the ward-level DFL conventions that will be held in each of Minneapolis's 13 wards in April and May of 2025. The slideshow says that "Because endorsed candidates become so much more likely to win—and because so few people participate—caucusing is **the most impactful thing a voter can do to support a candidate** and make their concerns matter." The slideshow explains that at the precinct caucuses, "the main business" is the "election of delegates and alternates" with up to "400 delegates and 400 alternates" elected to represent each ward. The slideshow states that the "delegates vote to choose who the party endorses at a convention" and that "60% is necessary for endorsement."

The slideshow says that We Love Minneapolis began canvassing operations in January to encourage voters to commit to caucus. The slideshow states that in February, We Love Minneapolis "focused on building out our capacity by beginning to host **house parties**, activate our **volunteer base**, and **recruit** the support and **leadership** of people like you. There is **nothing** more powerful when it comes to political persuasion than direct encouragement from a friend or neighbor."

The slideshow says:

As more people commit to attend caucus, we're going to work to continue training and educating voters about the process and the candidates running for election, and our PAC will work with our grassroots supporters to make recommendations in many races.

Expect to see **candidate questionnaires**, **videos and graphics**, **mail pieces**, **door-to-door canvassing**, and a growing amount of **volunteer-led activity**.

The slideshow asks individuals to help by hosting a house party, participating in phone or door-to-door canvassing, participating in peer-to-peer texting or online organizing, becoming a precinct captain, and committing to caucus.

The complainant stated that during the February 15 event, one of the presenters said that We Love Minneapolis:

was established because we recognize the importance of this process and the impact that it has on the rest of the election cycle. If over nine out of ten times the person who is the endorsement as the person who's elected, then it makes our job very clear. We want to make sure that the people who are endorsed are people who share our views.

The complainant said that one of the presenters also stated “We’ll have a PAC starting up next week that’ll be working with some of our grassroots supporters to determine whether candidate and of these races are worthy of our support and we’ll be, you know, leaning in behind for those candidates.”

On March 7, 2025, counsel for the respondents, David Zoll, provided a written response to the complaint, prima facie determination, and supplemental evidence provided by the complainant. Mr. Zoll argued that Mr. Sherman and Mr. Minck are not proper respondents in this matter. Mr. Zoll stated that the complaint refers to Mr. Sherman and Mr. Minck solely in their capacities as the registered agent, and incorporator, respectively, of We Love Minneapolis. Mr. Zoll noted that the role of a registered agent is limited to accepting service of process on behalf of a corporation.³ Mr. Zoll stated that “Mr. Minck’s responsibility as the incorporator, if any, ceased upon the appointment of a board of directors which did not include Mr. Minck who also does not serve as an officer of the corporation.”⁴

Mr. Zoll confirmed that We Love Minneapolis is a Minnesota nonprofit corporation operating under section 501(c)(4) of the Internal Revenue Code. Mr. Zoll said:

It is important here to understand the nature of the caucus. It is not an election, it does not determine which candidates will appear on the ballot in an election, and it is not even used to make party endorsements of candidates. Rather, a Minneapolis DFL caucus is ‘a gathering of neighbors who are members of the DFL Party...to talk about politics and elect a smaller group of their neighbors to represent them at a number of higher-level conventions’ where party officers are elected and candidates are endorsed.⁵

Mr. Zoll noted that the definition of the term “expressly advocating” contains the phrase “a communication” and argued that as a result, “each of the five communications which form the basis of the Complaint . . . must separately satisfy the elements of the definition to qualify as independent expenditures.” With respect to the two phone calls referenced in the complaint, Mr. Zoll stated that they did not constitute express advocacy because the communications did not include a “call to vote for or against a clearly identified candidate.” Specifically regarding the phone call with a constituent of Council Member Cashman, Mr. Zoll stated:

Any inference drawn from the fact that the call concluded after the question of whether the individual supported Katie Cashman, is merely an inference and certainly is not a call to action which is “unmistakable, unambiguous, and suggestive of only one meaning.” Indeed, it should be axiomatic that the absence of a call to action in a communication cannot somehow itself constitute a call to action.

³ See Minn. Stat. §§ 5.25, subd. 1, 5.36, 317A.121, and 317A.901,

⁴ See Minn. Stat. § 317A.171, subd. 1.

⁵ Mr. Zoll quoted and cited a description of the Minneapolis DFL’s caucus and convention process available at minneapolisdf.org/2025/caucus-guide.

Mr. Zoll stated that “none of the excerpts from the website which are included in the Complaint—and summarized in the Determination—refer to a clearly identified candidate or group of candidates.” While that is true, the complaint referred, and included a link, to the We Love Minneapolis website, welovempls.org, and at the time the complaint was filed, the website included the name and photograph of each member of the Minneapolis City Council.⁶ It appears that the website was modified after the complaint was filed to remove a webpage that included those names and photographs.

Mr. Zoll stated that:

although the website encourages individuals to “Vote in the Minneapolis Caucus” it is not using words of express advocacy because, as explained above, caucus attendees do not vote for city council candidates; they discuss political issues and elect delegates to represent their interests at higher-level party conventions. The website, when “taken as a whole,” encourages Minneapolis residents to engage in the caucus process because that is where policies begin to form and they can shape how their values are represented in City Hall. It cannot be said to be a “unmistakable” or “unambiguous” to elect or defeat any specific candidate.

Mr. Zoll noted that the flyer depicted in the photographs submitted by the complainant on February 24, 2025, “does not refer to any clearly identified candidate.” With respect to the February 15 event, Mr. Zoll stated “The fact that the presentation compared current council members and their voting records related to We Love Minneapolis’s priorities does not . . . lead to the inescapable conclusion the organization was advocating for the election or defeat of one or more clearly identified candidates.” Mr. Zoll said the outcome of the caucus “process may be a shift in who receives the Minneapolis DFL endorsement or it may result in previously endorsed candidates shifting their positions to reflect the voices that made themselves heard through the caucus process.” Mr. Zoll asserted that the presentation was not “an ‘unmistakable’ or ‘unambiguous’ call to action to encourage the election or defeat of one or more clearly identified candidate.”

First March 2025 Supplement

On March 12, 2025, the complainant provided the Board with a copy of a “2025 Minneapolis Candidate Questionnaire” and a transcript of a Better Minneapolis podcast episode regarding We Love Minneapolis that featured the organization’s founder, Ms. Corbin⁷. The questionnaire form states that “We Love Minneapolis, a 501(c)(4) focused on voter education and engagement, will publish the complete questionnaire on their website” and does not refer to any specific local candidate. The podcast episode appears to have been released on March 12, 2025. During the podcast Ms. Corbin stated:

We Love Minneapolis is a grassroots organization electrifying the voter base, getting people to turn out for caucus and convention and educating people on the

⁶ web.archive.org/web/20250220051401/https://welovempls.org/love-your-ward/

⁷ betterminneapolis.com/p/interview-we-love-minneapolis

process. A lot of people think about our elections in November, but there's a contest way ahead of time that happens in April and May, caucus and convention, that determines 95% of the outcome of the elections.⁸

In response to the question "We Love Minneapolis, would you say that the main goal of it is to get people out to caucus for candidates? Is that right?", Ms. Corbin said:

Yes. Yes. To participate in the process, right? And find people that share our vision, you know, want to see a safer Minneapolis, don't like the trajectory that we're headed on and want to see a change.⁹

During the podcast Ms. Corbin described the DSA as an organization that deliberately decided not to seek recognition as a political party so it:

could participate in the DFL caucuses and essentially hijack the brand. And that's exactly what's happened. There's 2%, actually what we found out is 1.2% of the demographics in the city actually show up and participate in caucus and conventions. And so it's a very clever way for a very small group to get a big stronghold and powerful hold on a big city, right? I mean, they're not addressing or going into smaller towns because it's a lot harder to hide. They're going into bigger cities where they can infiltrate and nobody knows the wiser, right?¹⁰

Ms. Corbin stated:

because the caucus process has been so hypofocused by these activist groups, you have to organize about 300 people to win the endorsement now. It's a big number. And so with people that are, you know, not showing up, not showing up, and then you get the activists that show up, it's no wonder who we have elected in our city. 95% of the individuals that get the DFL endorsement end up winning their seat. So it's a very clever plan. I mean, the DSA knew what they needed to do to get the endorsement, which then in turn, you know, one wins the election for them.¹¹

In response to a question regarding whether We Love Minneapolis is associated with any specific candidate, Ms. Corbin said "I mean we've been doing a lot of canvassing under a 501(c)(4) and we just transitioned into a PAC so that we could talk about, you know, candidates that we support. There's a few wards that we're actually supporting multiple candidates in."¹²

Ms. Corbin stated that the 501(c)(4) organization and the PAC "kind of work in tandem and they have different functions . . . and the money is spent differently in both organizations."¹³

Ms. Corbin reiterated that "people don't understand how powerful the caucus process is, in that there's a direct correlation between people who get elected and people who get the

⁸ Id. at 0:37.

⁹ Id. at 1:22.

¹⁰ Id. at 8:31.

¹¹ Id. at 13:09.

¹² Id. at 14:01.

¹³ Id. at 15:13.

endorsement.”¹⁴ Ms. Corbin said that “It’s about who in the community shows up to support a specific candidate. If they get 60 percent of the showing of people that that came there for them, they win the endorsement.”¹⁵ Ms. Corbin explained that:

The convention is where the delegates go vote. So it's just, you know, if you show up to caucus and you have 60 percent of the people at caucus will support the candidate you want to win, when they go to the convention you get 60 percent of the delegates and those are the people that vote.¹⁶

During the podcast Ms. Corbin spoke about Mayor Jacob Frey and Council Members Cashman and Chughtai, but did not call on listeners to support or oppose any specific local candidate.

On March 12, 2025, the We Love Minneapolis PAC registered with the Board as an independent expenditure political committee.¹⁷ On March 14, 2025, Mr. Zoll provided a written response regarding the candidate questionnaire and podcast episode. Mr. Zoll stated that neither “demonstrate that We Love Minneapolis *previously* engaged in express advocacy for the election or defeat of a clearly identified candidate or otherwise support the allegations in the Complaint.” Mr. Zoll also provided a copy of the slideshow displayed during the February 15 event held at the Granada Theater in Minneapolis.

Second March 2025 Supplement

On March 19, 2025, the complainant provided a copy of an undated slideshow titled “Save Minneapolis”. The slideshow states that We Love Minneapolis was formed to “Help preferred candidates to get the DFL caucus endorsement” and “Prevent DSA supported candidates from getting the DFL endorsement”. The slideshow states that the full-time staff of We Love Minneapolis includes “Joe Radinovich – best campaign strategist in MN” and “Nico Woods – best campaign organizer in MN”, and that the organization will employ canvassers, and organizers. The slideshow states that We Love Minneapolis will “Coordinate with like minded, well funded organizations” including “All of Minneapolis”¹⁸.

The slideshow includes a timeline indicating that We Love Minneapolis raised funds, hired staff, and started conducting outreach and training in January 2025. The slideshow refers to the 2025 DFL caucus and convention process and says that We Love Minneapolis will seek to “Obtain DFL endorsements for preferred candidates”. The slideshow states a budget of \$600,000 and states that additional fundraising is needed with “Approximately \$150,000 still to be raised”, implying that We Love Minneapolis raised approximately \$450,000 prior to the creation of the slideshow. The slideshow states that “the project” “Runs Jan 1 through June 1” and that “Most money is spent immediately as all canvassers and organizers are needed up front”, while asking

¹⁴ Id. at 33:53.

¹⁵ Id. at 34:30.

¹⁶ Id. at 34:49.

¹⁷ cfb.mn.gov/reports-and-data/viewers/campaign-finance/political-committee-fund/41379/

¹⁸ See allofmpls.org; cfb.mn.gov/reports-and-data/viewers/campaign-finance/political-committee-fund/41291/.

“Will You Help Us Make A Difference?” The slideshow suggests other ways to participate, including donating money to “All of Minneapolis” or “Direct to candidates” and attending caucuses and conventions.

Similarly to other materials provided by the complainant, the slideshow says that focusing on the “DFL Caucus Endorsement Process” is “***The most important step in the process***” because “95% of DFL endorsed candidates won in 2017, 2021, and 2023” with the only exceptions being “Jenkins (2023) and Vetaw (2017)”. The slideshow describes the Minneapolis DFL precinct caucuses and ward conventions, includes the date and time of the precinct caucuses, and states that delegates chosen at the precinct caucuses “attend the Ward Convention” where approximately “***240 people determine the DFL endorsed candidate!***”

The slideshow states that “Socialist Candidates (a.k.a. DSA)” have “targeted the DFL Caucus process over these election cycles” and that their “Ability to gain endorsement allows a fraction of the population control of the city council”. The slideshow includes the names and photographs of the Minneapolis City Council candidates that the Twin Cities DSA endorsed in 2023,¹⁹ and identifies them as “DSA Supporters” and members of the DSA, including Council Members Wonsley, Chavez, Chughtai, and Chowdhury, as well as Soren Stevenson. The slideshow lists voting blocs within the Minneapolis City Council as follows:

- Pragmatic/Moderate
 - Ward 3 – Rainville
 - Ward 4 – Vetaw
 - Ward 13 – Palmisano
- Swing Votes
 - Ward 6 – Osman
 - Ward 8 – Jenkins
- DSA / DSA supported
 - Ward 2 – Wonsley
 - Ward 10 – Chughtai
 - Ward 12 Chowdry²⁰
 - Ward 9 – Chavez
- DSA aligned
 - Ward 1 – Payne
 - Ward 5 – Ellison
 - Ward 7 – Cashman
 - Ward 11 – Koski

The slideshow states that “The DSA Group Sets Policies and Budgets and can override a Mayors vetoes with one swing vote!” The slideshow says that “Minneapolis is in decline due to current city council policies and actions” and the “Solution” is to “Win at least a majority of Council seats with moderate candidates to move the city in the right direction”.

On March 14, 2025, Mr. Zoll provided a written response regarding the “Save Minneapolis” slideshow and a question from Board staff regarding disclaimers. Mr. Zoll said that the slideshow:

was not prepared, presented, or disseminated by We Love Minneapolis or We Love Minneapolis PAC. Rather, We Love Minneapolis understands that it was

¹⁹ See twincitiesdsa.org/2023/04/2023-endorsements-announcement/; x.com/TwinCitiesDSA/status/1651224473570365440/photo/1.

²⁰ Council Member Chowdhury’s name was misspelled in the slideshow.

prepared by individuals who are interested in supporting its efforts to educate Minneapolis residents regarding the local caucus process and potential future independent expenditures by We Love Minneapolis PAC.

Board staff asked Mr. Zoll to “Please clarify when We Love Minneapolis raised more than \$1,500, and if that was prior to February 26, 2025, please explain when We Love Minneapolis raised more than \$1,500 and why it did not register with the Board until March 12, 2025.” Mr. Zoll stated that “We Love Minneapolis and We Love Minneapolis PAC are separate and distinct entities.”²¹ Mr. Zoll said that “We Love Minneapolis—the 501(c)(4) organization—has not made, and will not make, any independent expenditures. Accordingly, it is not required to register with the Board and the date by which it raised more than \$1,500 is immaterial.” Mr. Zoll explained that the We Love Minneapolis PAC plans to make independent expenditures, opened a bank account on February 27, 2025, and then began raising funds.

Board staff stated that the We Love Minneapolis “website appears to constitute campaign material, as defined by Minnesota Statutes section 211B.01, subdivision 2” and asked Mr. Zoll to “address why the website does not include a disclaimer in the form required by Minnesota Statutes section 211B.04, subdivision 1. . . .” Mr. Zoll stated that:

the site is operated by We Love Minneapolis, the 501(c)(4) non-profit entity. Accordingly . . . We Love Minneapolis has not included the independent expenditure disclaimer because it has not made, and does not intend to make, any independent expenditures. In the event that We Love Minneapolis PAC acquires the rights to utilize the website, or a portion of the website, to make future independent expenditures, it will include appropriate disclaimers.

Mr. Zoll said that the website is not campaign material because it:

is focused on educating Minneapolis residents about the issues in the City and informing them about the local caucus process. No candidates are elected or endorsed at the local caucuses and communications encouraging participation in the caucuses cannot be characterized as being made “for the purpose of influencing voting at a primary or other election.”

May 2025 Supplement

On May 9, 2025, the complainant provided additional information regarding the “Save Minneapolis” slideshow. The complainant provided a copy of an email that appears to have originally been sent by Howard Paster of Paster Properties,²² on or before March 12, 2025. The email appears to have included an attachment consisting of the “Save Minneapolis” slideshow in PowerPoint format. The email’s subject line was “Minneapolis Needs Us: A Call to Action- We Love Minneapolis Organization”. Within the email Mr. Paster stated that We Love Minneapolis is “led by Jim Rubin of Mint Properties.” Mr. Paster said that Mr. Rubin and We Love

²¹ See mblsportal.sos.state.mn.us/Business/SearchDetails?filingGuid=3ffa148e-6cf0-ef11-908e-00155d01c440.

²² pasterprop.com

Minneapolis developed a strategic plan consisting of the “Save Minneapolis” slideshow. Mr. Paster wrote that the plan was “to support moderate candidates in eight (8) key city council wards currently held by Democratic Socialist Aligned (DSA) individuals who have been the most divisive members on the current city council.” The email identified the targeted wards as Minneapolis wards 1, 2, 5, 7, 8, 9, 10, and 12. Mr. Paster solicited contributions via the website of We Love Minneapolis and suggested that individuals contact himself or Jim Rubin to learn how to get involved in the effort. The complainant stated that the email was obtained through a data request submitted to the City of Minneapolis, and was produced as a result of that request because the email was forwarded by an individual to the email address of Mayor Frey.

On June 24, 2025, Board staff sent letters to Mr. Paster, Mr. Rubin, and Mr. Zoll inquiring about the email and slideshow. Mr. Paster did not acknowledge the letter or provide any response. Mr. Zoll provided a detailed response on behalf of We Love Minneapolis. Mr. Zoll stated that neither We Love Minneapolis nor the We Love Minneapolis PAC are led by Mr. Rubin. Mr. Zoll stated that Mr. Rubin is a supporter and a contributor, and encouraged others to support the efforts of those organizations, but did not have a leadership role and was not involved in decisions regarding independent expenditures. Mr. Zoll said that the “Save Minneapolis” slideshow does not consist of a strategic plan developed by We Love Minneapolis, and that We Love Minneapolis and the We Love Minneapolis PAC do not know who prepared the slideshow. Mr. Zoll said that We Love Minneapolis and the We Love Minneapolis PAC also don’t know who provided the slideshow to Mr. Paster. Mr. Zoll said that neither Mr. Rubin nor Mr. Paster have been paid by We Love Minneapolis or the We Love Minneapolis PAC.

Mr. Zoll stated that by the time the email was sent on March 12, 2025, We Love Minneapolis had communicated its plans to encourage participation in the caucus process and to form a separate political committee. Mr. Zoll said that “the content of the presentation is generally consistent with communications by We Love Minneapolis and/or We Love Minneapolis PAC and appears to have been developed—at least in part—based on such communications.” Mr. Zoll said that neither We Love Minneapolis nor the We Love Minneapolis PAC assisted in drafting the email or communicated with Mr. Paster regarding drafting or sending the email. Mr. Zoll said that neither We Love Minneapolis nor the We Love Minneapolis PAC told Mr. Paster or any other individual who may have drafted the email that they would target the wards referenced in the email. Mr. Zoll said the “Save Minneapolis” slideshow was not produced using a software license paid for by We Love Minneapolis or the We Love Minneapolis PAC. Mr. Zoll also stated that Mr. Paster’s email was not sent using an email service paid for by We Love Minneapolis or the We Love Minneapolis PAC, and that neither of those organizations know how the list of the recipients of the email was determined.

Mr. Rubin provided a written response stating that he provided input to We Love Minneapolis, but did not develop their strategic plan. Mr. Rubin said “I did not create that PowerPoint file, nor did I assist in creating it.” Mr. Rubin said he does not know who provided the PowerPoint file to Mr. Paster, does not know who drafted the email, does not know when the email was initially sent, and does not know how the list of recipients of the email was determined. Mr. Rubin stated “I have not been paid or otherwise compensated by WLM or WLM PAC; in fact, I

donated to their effort and helped them raise funds for it.”

Definitions

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 provides that such committees and funds cannot make contributions to candidates or local candidates, or to other entities that are allowed to make contributions to candidates or local candidates, and may only make independent expenditures and ballot question expenditures.

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 independent expenditures to 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. Minnesota Statutes section 211B.04 “does not apply to an individual or association that is not required to register or report under chapter 10A or 211A.” Minn. Stat. § 211B.04, subd. 3 (b).

Analysis

When the Board 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 there are sufficient facts and reasonable inferences to be drawn therefrom to believe that a violation of law has occurred. Minn. R. 4525.0210, subp. 3a.

Due to vacancies on the Board, the recusal of Board members with respect to the merits of this matter, and in one instance a Board members' inability to attend a meeting, the Board lacked the four voting members required to make a probable cause determination over the course of several months. See Minn. Stat. § 10A.02, subd. 3. For that reason, the Board voted to extend the deadline to make a probable cause determination during its meetings in April, May, June, and August of 2025, pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (e). The Board voted to extend the deadline to make a probable cause determination during its meeting in July 2025 because the complainant had provided additional information regarding the "Save Minneapolis" slideshow and an email disseminating that slideshow, and the Board was seeking a response to that information. The Board considered this matter at its meeting on September 17, 2025, and Mr. Zoll appeared before the Board on behalf of the respondents. There were not four affirmative votes to determine that there is or is not probable cause to believe that a violation occurred. Therefore, the Board extended the deadline to make a probable cause determination. The deadline was extended again during the Board's meeting in October 2025 due to the unavailability of the respondents' legal counsel. The Board considered this matter at its meeting on November 12, 2025. Mr. Zoll appeared before the Board on behalf of the respondents.

James Sherman and Andrew Minck

The complainant did not specifically allege that Mr. Sherman or Mr. Minck acted as treasurer for We Love Minneapolis, which would make them responsible for filing any registration statement required under Minnesota Statutes sections 10A.14. The complainant did not specifically allege that Mr. Sherman or Mr. Minck played a role in preparing or disseminating any communications that may have required a disclaimer under Minnesota Statutes sections 10A.17, subdivision 4, or 211B.04. Moreover, the record of this matter does not include evidence that Mr. Sherman or Mr. Minck violated any of those provisions. Therefore, there is not probable cause to believe that Mr. Sherman or Mr. Minck violated Minnesota Statutes sections 10A.12, 10A.14, 10A.17, subdivision 4, or 211B.04.

Express advocacy, independent expenditures, and disclaimer requirement with respect to communications other than the "Save Minneapolis" slideshow and Granada Theater slideshow

The complainant alleged and provided some evidence that We Love Minneapolis made expenditures for communications regarding the election or defeat of specific local candidates. When evaluated in conjunction with the responses of We Love Minneapolis and the standard for finding probable cause, that evidence does not support a finding of probable cause to believe that We Love Minneapolis made independent expenditures.

Exhibit 3 of the complaint referred to an account of a phone call made to a Minneapolis Ward 7 resident on January 27, 2025. While the call apparently included discussion of Council Member

Cashman and Mayor Frey, the summary provided does not state that the individual called was asked to do anything. The complainant has not provided further evidence that any individual called by We Love Minneapolis was asked to support or oppose any candidate. Based on the information known to the Board, “reasonable minds could . . . 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,” so there is not reason to believe that the call included express advocacy.

Exhibit 3 of the complaint also referred to an account of a phone call made to a Minneapolis Ward 8 resident on February 4, 2025. While the call apparently included discussion of Council Member Jenkins,²³ the summary provided does not state that the individual called was asked to do anything. Moreover, the complaint did not contain evidence showing that there was any reference to an election. The complainant has not provided further evidence that any individual called by We Love Minneapolis was asked to support or oppose any candidate. Based on the information known to the Board, “the electoral portion of the communication” was not “unmistakable, unambiguous, and suggestive of only one meaning” and “reasonable minds could . . . 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,” so there is not reason to believe that the call included express advocacy.

Exhibit 2 of the complaint included a link to, screenshots of, and multiple references to, the website of We Love Minneapolis. When the complaint was filed, the website included the name and photograph of each member of the Minneapolis City Council. The website included explicit references to the November 2025 election and the impact the Minneapolis DFL’s precinct caucuses will likely have on that election. The website also called for “new leadership” and “fresh solutions” and stated that “certain council members have continually failed this basic test of governance.” While the website encouraged individuals to participate in the DFL precinct caucuses, it did not clearly call for those supporting or opposing any particular candidate to participate, nor did it clearly state which specific candidates should be supported or opposed. Therefore, there is not reason to believe that the website included express advocacy.

The flyer allegedly distributed at the February 15 event at the Granada Theater and the candidate questionnaire did not identify any candidate, and therefore did not include express advocacy. The record of this matter does not include evidence that We Love Minneapolis paid for the production of the Better Minneapolis podcast episode and “the publishing or broadcasting of news items or editorial comments by the news media” is categorically excluded from the definitions of the terms contribution and expenditure, so there is not reason to believe that the podcast episode was an expenditure by We Love Minneapolis, regardless of its content.

²³ Council Member Jenkins announced that she will not seek reelection on March 3, 2025.

“Save Minneapolis” slideshow

The undated slideshow titled “Save Minneapolis” includes the name and ward of each incumbent member of the Minneapolis City Council. The slideshow classifies the following as “Pragmatic/Moderate”: Council Members Rainville, Vetaw, and Palmisano. The slideshow classifies the following as “Swing Votes”: Council Members Osman and Jenkins. The slideshow classifies the following as “DSA / DSA supported”: Council Members Wonsley, Chughtai, Chowdhury, and Chavez. The slideshow classifies the following as “DSA aligned”: Council Members Payne, Ellison, Cashman, and Koski. The slideshow also states that Soren Stevenson was endorsed by the Twin Cities DSA in 2023. The slideshow refers to the November 2025 election and describes the importance of the DFL precinct caucuses and ward conventions in influencing that election by determining which candidates receive the DFL’s endorsement.

The slideshow states that We Love Minneapolis was formed to “Help preferred candidates to get the DFL caucus endorsement” and “Prevent DSA supported candidates from getting the DFL endorsement”. The slideshow says that “Minneapolis is in decline due to current city council policies and actions” and the “Solution” is to “Win at least a majority of Council seats with moderate candidates to move the city in the right direction”. The slideshow seeks donations to We Love Minneapolis, to an independent expenditure political committee named All of Mpls, or directly to local candidates. The classification of specific local candidates listed by name within the slideshow, as “Pragmatic/Moderate”, “Swing Votes”, “DSA / DSA supported”, or “DSA aligned”, combined with the text stating that the solution to the decline of Minneapolis is for “moderate candidates” to “Win at least a majority of Council seats” makes it apparent that the slideshow is encouraging contributions to Council Members Rainville, Vetaw, and Palmisano, and perhaps to any opponents of Council Members Wonsley, Chughtai, Chowdhury, Chavez, Payne, Cashman, and Koski. The slideshow also asks individuals to participate in their precinct caucuses and ward conventions.

Taken as a whole, the “Save Minneapolis” slideshow includes express advocacy. The slideshow identifies local candidates by name and classifies those candidates as “Pragmatic/Moderate”, “Swing Votes”, “DSA / DSA supported”, or “DSA aligned”. The slideshow explicitly refers to the November 2025 election and the impact the DFL precinct caucuses, ward conventions, and endorsements made at the ward conventions will have on that election. The slideshow states that the “Solution” to the decline of Minneapolis is to “Win at least a majority of Council seats with moderate candidates to move the city in the right direction”. Finally, the slideshow asks individuals to participate in their precinct caucuses and ward conventions. Therefore, the slideshow “could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidates”, “the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning”, and “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” within the meaning of Minnesota Statutes section 10A.01, subdivision 16a.

However, counsel for We Love Minneapolis, Mr. Zoll, stated that neither We Love Minneapolis nor the We Love Minneapolis PAC prepared or disseminated the “Save Minneapolis” slideshow. In response to specific questions from Board staff, Mr. Zoll provided responses articulating that neither We Love Minneapolis nor the We Love Minneapolis PAC participated in the preparation or dissemination of the slideshow in any way, and did not pay Mr. Paster or Mr. Rubin. Mr. Zoll also explained that an email sent to various individuals with a copy of the slideshow was factually inaccurate in stating that the slideshow represented a strategic plan developed by Mr. Rubin and We Love Minneapolis. Mr. Rubin stated that he did not prepare the slideshow, did not draft the text of the email disseminating the slideshow, and does not know who did. Mr. Rubin also confirmed that he has not been compensated by We Love Minneapolis or the We Love Minneapolis PAC. Therefore, there is not probable cause to believe that the slideshow or emails disseminating the slideshow were independent expenditures made by We Love Minneapolis or the We Love Minneapolis PAC. As a result, there is not probable cause to believe that We Love Minneapolis or the We Love Minneapolis PAC violated Minnesota Statutes sections 10A.17, subdivision 4, or 211B.04, with respect to the “Save Minneapolis” slideshow.

February 15 Granada Theater Event

The slideshow presented during the February 15 event at the Granada Theater includes the name and photograph of each incumbent member of the Minneapolis City Council. The slideshow explicitly references the November 2025 election and the impact the Minneapolis DFL precinct caucuses and ward conventions may have on that election with respect to city council candidates. The complainant alleged that during the presentation, one of the presenters said that “We want to make sure that the people who are endorsed are people who share our views.” The slideshow references by name five specific Minneapolis City Council candidates whom the Twin Cities DSA endorsed in 2023, each of whom appear to be local candidates in 2025. The slideshow contrasts the policy priorities of We Love Minneapolis with those of the Twin Cities DSA. If the slideshow expressly advocated for the election or defeat of one or more local candidates then there would be probable cause to believe that We Love Minneapolis made independent expenditures, that the independent expenditures lacked the required campaign disclaimer, and that We Love Minneapolis failed to register and report the independent expenditures to the Board. If the communications did not expressly advocate for the election or defeat of one or more local candidates, then there would not be probable cause to go forward with an investigation.

Minnesota Statutes section 10A.01, subdivision 16a, provides the definition of “expressly advocating”. Many of the communications in question clearly identified local candidates, but did not use words like “vote for” or “vote against”, or other similar phrases that would be express advocacy regardless of the context in which they were used. Therefore, the Board must evaluate whether the communications:

(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.

The Board applies this portion of the definition of expressly advocating based on its understanding of relevant legal precedent applying the First Amendment to similar provisions in state and federal law.²⁴ The definition both broadens express advocacy to include communications that do not use “words or phrases of express advocacy”, and excludes communications that do not contain an electoral portion that is “unmistakable, unambiguous, and suggestive of only one meaning” or do not encourage “actions to elect or defeat one or more clearly identified candidates. . . .”

The Board considered whether the slideshow presented during the Granada Theater event contained express advocacy. After discussion, the Board was unable to reach a consensus of four votes on this issue. As a result, the Board did not reach consensus on whether that communication was an independent expenditure, whether a disclaimer was required, or whether We Love Minneapolis may have been required to register with the Board in addition to the We Love Minneapolis PAC based on the cost of that communication.

While the Board did not order an investigation into this matter because it did not find probable cause to believe that a violation occurred, it is of note that the complainant supplemented the complaint multiple times, counsel for the respondents provided multiple responses to those supplements, and the Board considered more information than is typical for a probable cause determination.

Based on the record of this matter, the Board issues the following:

Order:

1. Any allegations specific to the conduct of James Sherman and Andrew Minck are dismissed without prejudice because there is not probable cause to believe that they violated Minnesota Statutes sections 10A.12, 10A.14, 10A.17, subdivision 4, or 211B.04.
2. The allegation that We Love Minneapolis or the We Love Minneapolis PAC violated Minnesota Statutes sections 10A.17, subdivision 4, or 211B.04, with respect to the “Save Minneapolis” slideshow is dismissed without prejudice because there is not probable cause to believe that We Love Minneapolis or the We Love Minneapolis PAC was responsible for the communication.

²⁴ See [Advisory Opinion 464](#), issued September 4, 2024.

3. The allegation that We Love Minneapolis violated Minnesota Statutes sections 10A.12, 10A.14, 10A.17, subdivision 4, or 211B.04 based on any communications referenced in the complaint other than the "Save Minneapolis" slideshow and the presentation displayed during the February 15 event held at the Granada Theater in Minneapolis is dismissed without prejudice because there is not probable cause to believe that a violation occurred.
4. The complaint is dismissed without prejudice and this matter is hereby made a part of the public records of the Board pursuant to 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: November 12, 2025