

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF LUKE MIELKE REGARDING ACTIFY

On December 1, 2025, the Campaign Finance and Public Disclosure Board received a complaint submitted by Luke Mielke regarding Actify. The complaint quotes and includes a link to an Actify webpage stating that there are 501(c)(3) and 501(c)(4) nonprofit organizations that operate under the name Actify.¹

The complaint quotes and includes a link to an Actify webpage titled “2025 Priorities” stating that Actify “endorses the re-election of current Mayor Jacob Frey” for mayor of Minneapolis. The website states that “The goal is to re-elect Mayor Frey and to elect a more pragmatic City Council majority to move the city forward.”² The complaint includes a copy of an email from Robin Sternberg and Lisa Myers sent on October 17, 2025, labeled as Exhibit 3. The email encourages individuals to attend Actify-sponsored events on October 15, 2025, to write postcards supporting the reelection of Mayor Frey and the election of Minneapolis Ward 10 city council candidate Lydia Millard. The email states “We have cards, names, a short message and stamps - all we need is YOU.” The email explains Actify’s intent to send postcards supporting Ms. Millard “to all apartment residents in Ward 10” and says “our goal is to send 10,000 total cards by the mailing date of October 25.” The email also encourages individuals to attend door-knocking events on six dates leading up to the 2025 general election in support of Mayor Frey. The email states “We’re joining the Frey team across the city to GOTV by November 4th.”

The complaint alleges that mailing 10,000 postcards would require an expenditure of at least \$6,100 in postage. The complaint asserts that “Actify has failed to properly register with the Minnesota Campaign Finance Board and failed to report this expenditure of mailed postcards and any other expenditures it made related to the 2025 Minneapolis elections.”

On December 11, 2025, the Board’s chair determined that the complaint states prima facie violations of Minnesota Statutes sections 10A.14, subdivisions 1 or 1a, and 10A.20, subdivisions 1 and 2a. On January 19, 2026, counsel for Actify Company, Inc. (Actify), Jack Huerter, provided a written response. Mr. Huerter asserted that Actify is not a political committee or a political fund, and was not required to register or file a campaign finance report with the Board. Mr. Huerter explained that Actify operates in several states other than Minnesota, including in “California, Colorado, Illinois, North Carolina, and Ohio through its growing network of volunteers.”

¹ joinactify.org/about-us/

² joinactify.org/2025-priorities/

Mr. Huerter provided a sworn declaration signed by Actify's founder, president, and chief executive officer, Robin Sternberg. Ms. Sternberg stated that Actify is a Delaware nonprofit corporation operating as a 501(c)(4) social welfare organization. Ms. Sternberg said that "Actify is nonpartisan and has not raised money for or made financial contributions to political candidates or parties." Ms. Sternberg explained that while Actify endorses candidates and organizes volunteers to support those candidates, those "efforts are ancillary to Actify's primary goal of promoting civic engagement and democratic values. . . ." Ms. Sternberg provided a copy of Actify's articles of incorporation.

Ms. Sternberg's assertion that Actify's efforts to support candidates are nonpartisan and ancillary to its primary purpose appears to be contradictory to Actify's website. For example, its website states:

Actify was founded in the wake of the 2016 election by three concerned friends who set out to DO SOMETHING. Today, that network has grown to over 3,000 strong, playing a pivotal role in securing narrow victories and protecting democracy in the elections of 2020, 2022, and 2024. Driven by data they partnered with top national firms, to identify the most effective volunteer strategies and created targeted opportunities to maximize efforts. As we now confront the greatest challenge of our generation, we are building a stronger foundation for the 2026 and 2028 elections.³

Actify's website identifies six partner organizations and five of those organizations appear to be explicitly partisan and focused directly on elections.⁴ With respect to its 2026 priorities, Actify's website states that it seeks to "Stop Trump's Authoritarianism and Restore Checks and Balances!" and describes the "Democrats Must-Win Strategy".⁵ The website states:

The Democrats have been over performing in 2025 and Special Election races by an average of +13 D. If this Blue Wave continues, there is a good opportunity to win the House and other races in 2026. This voting trend would help restore checks and balances at the federal level and block efforts to dismantle democratic institutions and the rule of law.

Ms. Sternberg stated that Actify "did not purchase the post cards, postage stamps, or any other materials for the mailing that it facilitated through the volunteer coordination efforts cited in Exhibit 3 of the Complaint." Ms. Sternberg said that "Actify did not incur any expenses whatsoever in connection with this volunteer coordination effort" and "did not design, create, pay for, or otherwise involve itself in the making of the postcards that were prepared for delivery through the volunteer coordination efforts described in Exhibit 3 of the Complaint." Ms. Sternberg explained that "approximately 15 volunteers attended the post card preparation and mailing drive that took place at Hamilton Studio and the Carlisle Building in Minneapolis. The locations were made available by supporters of the organization at no cost." Ms. Sternberg

³ joinactify.org/about-us/

⁴ Ibid. These organizations include [Agenda 4 Democracy](#), [Progressive Turnout Project](#), [Field Team 6](#), [Forward Majority Action](#), and [Voter Protection Project](#).

⁵ joinactify.org/2026-priorities/

stated that “Actify received the post cards and postage stamps for the mailing . . . directly from the Jacob Frey for Mayor campaign”, which “paid for these post cards and postage stamps.” Ms. Sternberg said “the event was coordinated with the Frey for Mayor campaign and even attended by Mayor Frey himself.” Ms. Sternberg provided photographs of two events where the postcards were prepared, with Mayor Frey present. Mr. Huerter stated that “Actify understands that the theoretical expense attributable to Actify’s provision of writing utensils for volunteers is nonmaterial.”

Mr. Huerter provided a sworn declaration signed by an Actify board member and volunteer, Lisa Myers, attesting to the fact that the Frey campaign paid for the postcards and postage. Ms. Myers stated “In my capacity as a volunteer for Actify, I picked up the post cards and postage stamps used in the volunteer coordination effort from a local campaign office. I also received post cards and postage stamps that were delivered by a Frey campaign staffer to me at my home.”

Mr. Huerter provided photographs depicting the postcards prior to them being prepared by Actify volunteers. They included blank space beside the Frey committee’s mailing address and a disclaimer stating they were paid for by Jacob Frey for Our City on one side, and a photograph depicting Mayor Frey on the other side. The Frey committee reported making three disbursements to “USPS” of \$3,052.75 each on September 17 and 29 and October 3, 2025, for “Print Materials Mailings”, reported making a disbursement to “Postmaster” of \$2,135 on September 23, 2025, for “Postcard Stamps”, and reported making disbursements totaling over \$25,000 to “Seven Corners” for “Mailers and Sign Printing” during the second half of 2025.⁶

Ms. Sternberg referred to a “donation to Actify” made by the Frey campaign, and included with her declaration a copy of a 2025 pre-general campaign finance report filed by the Frey committee with the City of Minneapolis.⁷ The report includes a \$10,000 disbursement dated September 24, 2025, reportedly paid to “Actify Company” for “Data Management”. Mr. Huerter stated:

Although the Frey campaign did give Actify \$10,000, that contribution was an unrestricted contribution to nonprofit organization. The Frey campaign gave Actify no directive to engage in political activity. The contribution was decidedly not intended to reimburse campaign expenses incurred by Actify, since Actify did not incur any such expenses. Rather, all expenses were born by the campaign itself, with post cards and postage stamps being provided to Actify’s volunteers.

Actify has not addressed whether its volunteers prepared postcards supporting Lydia Millard, and if so, who paid for those postcards. Mr. Huerter and Ms. Sternberg each stated that Actify “has helped organize events—such as . . . door-to-door canvassing events”, but have not specifically addressed Actify’s involvement in six door-knocking events leading up to the 2025 general election in support of Mayor Frey.

⁶ minneapolis.maplight.com/public/candidate-details/68

⁷ minneapolis.maplight.com/public/campaign-finance-report/839

Mr. Huerter stated that Actify is not a political committee because it's major purpose is not to influence elections as described in Minnesota Statutes section 10A.01, subdivision 27.

Mr. Huerter asserted that Actify is not a political fund "because it does not accumulate dues or voluntary contributions" to influence elections as described in Minnesota Statutes section 10A.01, subdivision 28. Mr. Huerter said that "Actify did not expend more than \$200 to influence an election. At most, it expended a nominal amount of in-kind resources to coordinate a volunteer effort to prepare postcards that were shared with it by a political campaign."

The Board considered this matter at its meeting on February 4, 2026. Mr. Huerter appeared before the Board on behalf of Actify.

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.

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 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.

An association is "a group of two or more persons, who are not all members of an immediate family, acting in concert." Minn. Stat. § 10A.01, subd. 6. A political committee is "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." Minn. Stat. § 10A.01, subd. 28. 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.

"An association other than a political committee or party unit may not contribute more than \$750 in aggregate in any calendar year to . . . local candidates . . . or make approved expenditures of

more than \$750 in aggregate in any calendar year unless the contribution or expenditure is made through a political fund.” Minn. Stat. § 10A.12, subd. 1. Minnesota Statutes section 10A.01, subdivision 11, defines the term “contribution” to include both money and donations in kind given to a political committee or fund, including an “allocation by an association of general treasury money to be used for activities that must be or are reported through the association's political fund”, and to exclude “services provided without compensation by an individual volunteering personal time . . . or an individual's unreimbursed personal use of an automobile owned by the individual while volunteering personal time.” A donation in kind is “anything of value that is given, other than money or negotiable instruments”, including an approved expenditure. Minn. Stat. § 10A.01, subd. 13. A donation in kind is more commonly known as an in-kind contribution.

The term approved expenditure includes “an expenditure made on behalf of . . . a local candidate by an entity other than . . . the local candidate, if the expenditure is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of the . . . local candidate . . . or local candidate's agent.” Minn. Stat. § 10A.01, subd. 4. With some exceptions, including “services provided without compensation by an individual volunteering personal time on behalf of . . . a local candidate” or political committee or fund, the term expenditure includes “a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the nomination or election of . . . a local candidate”. Minn. Stat. § 10A.01, subd. 9.

A general purpose political committee or fund must be registered with the Board after it has “received contributions, or made expenditures in excess of \$750”. Minn. Stat. § 10A.14, subd. 1. A political committee or fund that fails to register with the Board within the time period set forth in Minnesota Statutes section 10A.14 is subject to a late filing fee.

A political committee or fund must begin filing periodic campaign finance reports with the Board after being required to register. Minn. Stat. § 10A.20, subd. 1. A political committee or fund that was required to be registered with the Board and spent “more than \$200 to influence the nomination or election of local candidates” during the period from January 1 through October 20, 2025, was required to file a 2025 pre-general report of receipts and expenditures by October 27, 2025. See Minn. Stat. § 10A.20, subd. 2a.

The fact that Actify operates in multiple states indicates that it is not a political committee as that term is defined by Minnesota Statutes section 10A.01, subdivision 27, because its major purpose does not appear to be influencing Minnesota elections in involving candidates, local candidates, or ballot questions, as those terms are defined in Chapter 10A.⁸

The information in the record indicates that Actify consists of two or more persons acting in concert, has a professionally-designed website, has communicated via that website to support the re-election of Mayor Frey, and has communicated by email both to support the re-election of

⁸ See Minn. Stat. § 10A.01, subsd. 7, 10, 10d.

Mayor Frey and the election of Ms. Millard to the Minneapolis City Council. Actify acknowledges that it organized volunteers to prepare postcards supporting the re-election of Mayor Frey at two locations in Minneapolis. Ms. Sternberg stated that those “locations were made available by supporters of the organization at no cost.” Actify has not explained whether its volunteers similarly prepared postcards supporting the election of Ms. Millard to the Minneapolis City Council, and if so, who paid for the design, printing, and mailing of those postcards. Although Actify has acknowledged that it has organized “door-to-door canvassing events”, it has not explained its involvement in the six specific door-knocking events in support of Mayor Frey that are referenced in the complaint.

Actify asserts that it does not accumulate dues or voluntary contributions to influence elections in Minnesota. However, goods or other things of value, other than uncompensated personal services, provided to Actify in support of its efforts may constitute in-kind contributions. If Actify paid for expenses related to the activities described in the complaint using its general treasury money, those payments may constitute contributions to any political fund it was required to maintain.

Also, Actify acknowledges that it received \$10,000 from the Frey committee. Mr. Huerter stated that the money “was an unrestricted contribution to nonprofit organization.” However, the use of money collected for political purposes⁹ is restricted by Minnesota Statutes section 211B.12, which generally provides that such funds may be used only for purposes “reasonably related to the conduct of election campaigns,” for a noncampaign disbursement as defined in Minnesota Statutes section 10A.01, subdivision 26, or for contributions to a “charity organized under section 501(c)(3) of the Internal Revenue Code”, which are generally limited to \$100, per charity, per calendar year. Under Minnesota Statutes section 10A.022, subdivision 3, the Board does not have the authority to determine whether the Frey committee violated Minnesota Statutes section 211B.12.¹⁰ However, the Board has the authority to “investigate an alleged or potential violation of section . . . 211B.12 . . . by or related to a . . . treasurer . . . political committee” or “political fund” under the circumstances set forth in Minnesota Statutes section 10A.022, subdivision 3, paragraphs (a)-(b). Under certain circumstances, the Board also has the authority to take actions to recover money “used for purposes not permitted . . . under section 211B.12.” Minn. Stat. § 10A.022, subd. 8.

The information in the record indicates that Actify is a political fund. If the \$10,000 paid to Actify by the Frey committee was a contribution, and was used for purposes “reasonably related to the conduct of election campaigns” under Minnesota Statutes section 211B.12, Actify may have exceeded the \$750 registration threshold stated in Minnesota Statutes section 10A.14, subdivision 1. If that is the case and the Frey committee’s 2025 pre-general report is accurate with respect to the date of the payment, Actify was required to register with the Board by October 8, 2025.

⁹ The term “political purposes” is defined by [Minnesota Statutes section 211B.01, subdivision 6](#).

¹⁰ Any complaint alleging a violation by the Frey committee would need to be filed with the Court of Administrative Hearings pursuant to [Minnesota Statutes section 211B.32](#).

If Actify was required to register with the Board and made expenditures, including approved expenditures and in-kind expenditures, totaling more than \$200 through October 20, 2025, to influence the election of Mayor Frey, Ms. Millard, or any other local candidates, it was required to file a 2025 pre-general report by October 27, 2025. The evidence in the record is unclear as to how much was spent by Actify. Mr. Huerter suggested that providing “writing utensils for volunteers is nonmaterial.” That may be true or untrue depending on the value of the writing utensils and whether Actify purchased the writing utensils. Under Minnesota Statutes section 10A.13, subdivision 1, a treasurer is not required to record or report an in-kind contribution valued at \$20 or less. If the value of an in-kind contribution exceeds \$20, then it counts toward any applicable registration or reporting threshold in the same manner as a monetary contribution. Also, there is no *de minimis* exception for recording and reporting monetary expenditures. Mr. Huerter stated that at most, Actify “expended a nominal amount of in-kind resources to coordinate a volunteer effort to prepare postcards that were shared with it by a political campaign.” However, that amount has not been quantified and it is not clear whether Actify made expenditures regarding the door-knocking events referenced in the complaint.

Based on the foregoing analysis, there is probable cause to believe that Actify violated Minnesota Statutes sections 10A.14, subdivision 1, and 10A.20, subdivisions 1 and 2a. Failing to register and file reports with the Board undermines the Board’s ability to provide information to the public. The amount spent by Actify is unclear and an investigation is needed to ascertain the relevant facts. There is also the possibility that the Board may need to expand its investigation to include a possible violation of Minnesota Statutes section 211B.12 by Actify. While there is no evidence in the record indicating that Actify intentionally violated any statute under the Board’s jurisdiction, it appears to have acted in coordination with the Frey committee. For the foregoing reasons, a formal investigation is preferable to informal resolution of the matter.

Order:

1. A formal investigation is ordered regarding possible violations of Minnesota Statutes sections 10A.14, subdivision 1, and 10A.20, subdivisions 1 and 2a, by Actify Company, Inc. (Actify). The Board anticipates asking Actify and Jacob Frey for Our City to voluntarily provide additional information and making findings and conclusions on the basis of that information. If sufficient information is not provided voluntarily, the Board’s executive director may request authority to issue subpoenas pursuant to Minnesota Statutes section 10A.022, subdivision 2, and Minnesota Rules 4525.0500, subpart 6.



David Asp, Chair
Campaign Finance and Public Disclosure Board

Date: February 4, 2026