

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF TROY SCHEFFLER REGARDING THE REPUBLICAN PARTY OF MINNESOTA

On March 16, 2026, the Campaign Finance and Public Disclosure Board (the “Board”) received a complaint submitted by Troy Scheffler regarding the Republican Party of Minnesota, Board registration number 20008 (the “Complaint”). The Republican Party of Minnesota is a political party unit. Upon receipt of the Complaint, the Board’s chair ordered that the full board would make the prima facie determination according to Minn. Stat. § 10A.022, subd. 3(c).

Summary of Complaint

The Complaint alleges the Republican Party of Minnesota violated the disclaimer requirement contained in Minn. Stat. § 211B.04 in two ways. First, by sending an “email to supporters” that did not contain a disclaimer substantially in the form provided in Minn. Stat. § 211B.04, subd. 1(b). The email at issue is attached to the Complaint as Exhibit 1. Second, by publishing a website at mngop.com without a disclaimer in the form provided by the statute. The Complaint includes a printout of the website as Exhibit 2. Both Exhibits 1 and 2 are included with the Complaint and may be considered at the Board’s prima facie review. The Complaint alleges, and the Board assumes as true at this stage, that both communications qualify as campaign material subject to the requirements of Minn. Stat. § 211B.04.

Turning to the material itself, the email included as Exhibit 1 has a subject line that reads “The Road to the MNGOP State Convention Has Begun.” The email describes the Republican Party of Minnesota’s upcoming “convention season,” including precinct caucuses, BPOU conventions, and Congressional District conventions. “All of this leads up to the **Republican Party of Minnesota State Convention, which will take place May 29-30 at the Duluth Entertainment Convention Center (DECC) in Duluth.**” (emphasis in original). The email then describes the “[i]mportant work that takes place at BPOU and CD conventions” and urges recipients to engage in the party convention process: “In short, the work conducted at the State Convention plays a critical role in ensuring the Republican Party of Minnesota is positioned to increase participation, expand voter turnout, and elect Republicans up and down the ballot.” The email further explains that “our Party always needs strong candidates willing to step forward and run for office If you are interested—or if someone encourages you to consider it—I hope you will give it thoughtful consideration. Thank you for all you do for your Party and for the future of Minnesota.”

The email is signed by Donna Bergstrom, Deputy Chair, Republican Party of Minnesota. Underneath the signature, as “P.S.,” the email urges supporters to “consider donating to the Party” and it provides a link to an online donation page created by the committee through WinRed. That

donation page contains a disclaimer, which reads “Paid for by the Republican Party of Minnesota. Not authorized by any candidate or candidate’s committee. www.mngop.org” The websites mngop.org redirects to mngop.com. The email also provides other ways to contact the Republican Party of Minnesota. It suggests supporters may mail a check to “Republican Party of Minnesota, 7400 Metro Blvd, Suite 424, Edina, MN 55439-2374.” At the bottom of the email, it indicates “*Republican Party of Minnesota – Website.*” The Complaint indicates that the “website” referenced in the email “contains a hyperlink to the RPM’s website (https:// mngop.com).”

Exhibit 2 is a printout of that website, mngop.com The website contains the following disclaimer language at the bottom of the page:

+1 (651) 222-0022 | info@mngop.com
Paid for by the Republican Party of Minnesota.
7400 Metro Blvd., Suite 424, Edina, Minnesota 55439-2374.
Not coordinated with or approved by any candidate nor is any candidate or their committee responsible for this website or its content.

Comparing the email and website to the disclaimer language provided in Minn. Stat. § 211B.04, subd. 1(b), the Complaint points out that the website omits the word “Prepared” and the email omits the words “Prepared and paid for.” The Complaint acknowledges that Minn. Stat. § 211B.04, subd. 1(a) permits disclaimer language “substantially in the form” as the statutory language, but urges that the word “‘substantially’ contemplates minor variations in phrasing or formatting—not the wholesale deletion of an operative element of the prescribed form.” *Id.* The Complainant contends that campaign material cannot substantially comply if there is a “complete omission” of the words “prepared” or “paid for” (or both) because the terms provide “legally significant content” allowing the public to investigate vendors or other individuals working on campaign material.

Prima Facie Determination

In deciding whether a complaint alleges a prima facie violation of Chapter 211B, courts have considered whether the complaint “includes evidence or alleges facts that, if accepted as true, would be sufficient to prove a violation. . . .” *Barry v. St. Anthony-New Brighton Indep. Sch. Dist.* 282, 781 N.W.2d 898, 902 (Minn. Ct. App. 2010). At the prima-facie stage, the Board considers only the allegations and evidence provided with the complaint and arguments of the respondent, if any. See Minn. Rule 4525.0210, Subp. 1.

The question here is whether the factual allegations in the Complaint, accepted as true, establish that the Republican Party of Minnesota failed to include a disclaimer that is substantially in the form required by Minn. Stat. § 211B.04.

Disclaimer requirements like those in Minn. Stat. § 211B.04 have long been justified by the government’s interest in informing the electorate about “the sources of election-related spending,” *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 366 (2010); *Buckley v. Valeo*, 424 U.S. 1, 66-68 (1976). The Minnesota Court of Appeals has affirmed the constitutionality of section 211B.04 in its current form, in part because the statute “imposes only the type of limited disclaimer

requirement long permitted as a means of informing the electorate about the election-related spending of certain political actors.” *Lewis v. Hutchinson*, 929 N.W.2d 444, 448-44 (Minn. Ct. App. 2019) (upholding statute and distinguishing earlier decisions invalidating prior versions).

Section 211B.04 provides specific disclaimer language, but it does not require that campaign material use that language word-for-word. The “person or committee causing the material to be prepared or disseminated” need only include “a disclaimer substantially in the form provided” by the statute. Minn. Stat. § 211B.04, subd. 1(a). Accordingly, this Board has dismissed complaints where the material at issue included a “majority” of the language required by section 211B.04 or where the information appeared on different parts of the communication rather than one “prepared and paid for by the . . . committee . . . (address)” line. *See In Matter of the Complaint of Amber Buysman regarding the Voegeli (Dwayne) 4 House committee*, Prima Facie Order, (Mar. 14, 2024) (dismissing complaint where campaign mailer included information required for a disclaimer in different sections of the mailer); *In the Matter of the Complaint of Sharon Mueller regarding the Matt Entenza for Auditor Committee*, Probable Cause Order, (Oct. 7, 2014) (dismissing complaint that did not “technically” comply where the text “Paid for by Matt Entenza for Auditor” appeared on one side of a mailer, the mailer did not include the “prepared for” language at all, and the material provided the committee’s mailing address as a return address on the opposite side of the mailer); *In the Matter of the Complaint of Parisa Rouzegar Regarding the Angeline (Anderson) for Minnesota Committee*, Probable Cause Order, (Sept. 4, 2024) (dismissing complaint where disclaimer appeared after clicking a banner ad on a website); *cf. In Probable Cause Determination in the Matter of the Complaint of Luke Mielke Regarding Minneapolis Forward*, Probable Cause Order, (June 5, 2024) (concluding that a website substantially complied with the disclaimer requirement where “[t]he disclaimer on the website contains a majority of the independent expenditure disclaimer text and substantially complies with the requirements of Minnesota Statutes section 211B.04”).

Interpreting the same statute, the Office of Administrative Hearings (“OAH”) has been more specific, finding that material substantially complies with the disclaimer requirement as long as the material contains “contact information” and it is clear who is responsible for the material.¹ For example, in *In the Matter of the Campaign Complaint of Mastrud v. Ellison*, OAH 12-0320-16153-CV, Finding of No Probable Cause, Order of Dismissal (Sep. 21, 2004) (hereafter “*Ellison*”) OAH considered the website for then-Rep. Keith Ellison, which did not contain any disclaimer. The OAH observed the website contained the substance required by the statute—it identified the name of the committee and its contact information in a section of the website asking for contributions. For the OAH, this was enough: “The statute itself only requires substantial compliance. Anyone looking at the site can see that the committee is the organization asking for money and volunteers to support Respondent and is the organization that, along with Respondent himself, prepared the content of the site. And the site lists all the regular and email addresses and phone numbers necessary for anyone who might have questions about the site. The site complies

¹ Before 2013, the Board did not have jurisdiction over Minn. Stat. § 211B.04. Alleged violations of the disclaimer mandate in Minn. Stat. § 211B.04 were handled by either the OAH or county attorneys. Although the Board is not required to follow the OAH’s decisions, the Board will consider how other state agencies have considered and applied the same statutory requirements.

with the requirements of Minn. Stat. § 211B.04.” *Id*; see also *Wagner v. Heidgerken*, OAH 15-0320-16176, Finding of No Probable Cause, (Oct. 5, 2004) (dismissing complaint where material did not include disclaimer but “prominently features the Respondent's name and address”); *Behrens v. Rossbach*, OAH 12-6361-17183, Order Finding No Prima Facie Violation, (March 24, 2006) (dismissing complaint where material had no disclaimer language but still identified who “prepared, disseminated, and paid for the campaign material”); *Gadsden v. Kiffmeyer*, OAH 3-0320-21609-CV, Order, (Nov. 1, 2010)(concluding that material substantially complied with disclaimer requirement even though material did not include a disclaimer, but clearly identified the candidate and included a reference to a website containing complete disclaimer information).

As this history demonstrates, material has been found to substantially comply with the disclaimer requirement in Minn. Stat. § 211B.04 if it contains substantive information mandated by the statute—essentially the name of the committee responsible for the material and its address (either the mailing address or a the address for a website containing the mailing address). Minn. Stat. § 211B.04, subd. 1(b).

The email to Republican Party supporters attached as Exhibit 1 to the Complaint contains a disclaimer substantially in the form provided by Minn. Stat. § 211B.04, subd. 1(b). The email provides the substantive information required by the statute—it provides the committee’s name and mailing address: Republican Party of Minnesota, 7400 Metro Blvd, Suite 424, Edina, MN 55439-2374. It includes a link to the Republican Party of Minnesota’s WinRed website, which also includes the committee’s mailing address. Further down, at the bottom of the email, it again identifies the name of the committee—“Republican Party of Minnesota”—and provides a link to the committee’s website at mngop.com. The committee’s website again provides a disclaimer with the committee’s mailing address, phone number, and other contact information. The email thus provides the committee’s name and address multiple times in different ways, and is substantially in the form required by the statute.

The Board reaches the same conclusion with respect to the Republican Party of Minnesota’s website, included as Exhibit 2 to the Complaint. The website’s disclaimer includes the name of the committee, the committee’s mailing address, and identification as to who is responsible for the site’s content. The website’s disclaimer also includes the phone number, website address, and additional substantive information that the committee’s communications were not authorized by any candidate. The website therefore is “substantially in the form provided in” Minn. Stat. § 211B.04, subdivision 1, paragraph (b) even though it omits the word “prepared.”

The complainant argues that section 211B.04 requires campaign material to always include the specific words “prepared and paid for.” The Board has never adopted this position, and the OAH has expressly rejected it in multiple cases. The Board declines to adopt complainant’s position because the statute permits disclaimer language “substantially in the form” of the provided language disclosing who is seeking to influence elections. The Board concludes that a disclaimer on campaign material may be “substantially in the form provided” by 211B.04, subd. 1(b) if the disclaimer prominently discloses substantive information as to who “prepared or disseminated the

material,” including at least the person or committee’s name and address, even if it does not use the exact words “prepared and paid for.”

The complainant argues that the term “prepared” creates additional substantive requirements for disclosure because “[i]f someone other than the RPM prepared the website’s content—the design, the copywriting, the web development, the press releases, the solicitation language—and the RPM did not pay fair market value for those services, an in-kind contribution may exist that should appear on the RPM’s financial reports.” But this assumes that the disclaimer requirement essentially acts as a broader reporting requirement, mandating a list of all vendors and employees who contributed to the material’s production so the public can cross check the disclaimer against reports filed under Chapter 10A. That is not what the statute requires. Rather, the statutory requirement applies to “the person or committee causing the material to be prepared or disseminated,” Minn. Stat. § 211B.04, subd. 1(a), and is intended to “inform the electorate ‘about the sources of election-related spending.’” *Lewinson*, 929 N.W.2d at 449. An individual or committee may provide enough necessary information to inform the electorate about who is responsible for the preparation of campaign material without using the specific word “prepared,” but even if the word “prepared” were required, it would not lead to the disclosure of every person literally involved in creation of the material as complainant suggests.

Based on the foregoing analysis, the complaint does not state a prima facie violation of Minnesota Statutes section 211B.04. The complaint is dismissed without prejudice.



David Asp, Chair
Campaign Finance and Public Disclosure Board

Date: April 1, 2026