

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

.....
**September 4, 2024
Blazing Star Room
Centennial Office Building**
.....

MINUTES

The meeting was called to order by Chair Asp.

Members present: Asp, Flynn, Kleis, Rashid (arrived during Executive Director's Report), Soule, Swanson

Others present: Sigurdson, Engelhardt, Johnson (remotely), Olson, staff; Nathan Hartshorn, counsel

MINUTES (August 7, 2024)

The following motion was made:

Member Flynn's motion: To approve the August 7, 2024, minutes as drafted.

Vote on motion: Unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Mr. Sigurdson provided an update to the Board on the following:

Staffing

- Ploua Lor has been hired as the Lobbying Program Analyst starting August 28, 2024. She holds a Bachelor's degree in Management Information Systems and is pursuing a Master's degree in Data Analytics.

Report to the Legislature – Lobbying of Political Subdivisions

- The Board is studying whether lobbying laws should differentiate between public and local officials. The focus is on definitions of "lobbyist," "local official," etc., from Chapter 10A. The findings and possible recommendations will be reported in January 2025.
- A public hearing on August 19, 2024, involved presentations and written comments from various organizations. Key suggestions included:
 - Defining "local lobbyist" more narrowly.
 - Excluding experts offering specific guidance from being considered lobbyists.
 - Requiring registration and reporting at the local level.
 - Revising gift prohibition rules for township officials.
 - Distinguishing between policy and quasi-judicial decisions in lobbying.
 - Addressing concerns about nonprofit tax status and local government collaboration.
 - Modifying the lobbyist registration threshold to include time spent on lobbying.

Political Contribution Refunds in 2023

The Political Contribution Refund (PCR) program allows eligible voters to get refunds for contributions to certain candidates and parties. In 2023, \$2,064,734 in refunds were issued by the Department of Revenue.

2024 Post-Primary Public Subsidy Payments

- On August 26, 2024, \$2,093,920 was issued in public subsidies to 230 House candidates. Payments come from two sources: political party check-offs and general fund appropriations. The general account payment per candidate in 2024 is significantly higher than in 2022. The final smaller payment will be made in December based on additional tax form check-offs. Total payments were \$1,232,495 for DFL candidates and \$861,425 for RPM candidates.

ENFORCEMENT REPORT

A. Discussion Items

Referral to Attorney General's Office – Margaret Meyer (4636)

Margaret "Maggie" Meyer was the executive director of, and a registered lobbyist for, Pro-Choice Minnesota starting in 2019. Currently, Meyer owes \$4,025 in late filing fees and civil penalties, including \$2,000 for the lobbyist report due in June 2024, which was never filed, \$2,000 for the lobbyist report due in January 2024, which was never filed, and \$25 for the lobbyist report due in June 2023, which was filed one day late. Despite attempts by Board staff to contact her about the outstanding reports and balance owed, no response has been received. Pro-Choice Minnesota requested that the Board terminate her lobbyist registration retroactive to May 24, 2024, the date her employment ended, but the Board declined and has asked Pro-Choice Minnesota to make more concerted efforts to reach her. Board staff is now asking for the matter to be referred to the Attorney General's Office for action compelling Ms. Meyer to file the two outstanding reports and pay the balance owed.

The following motion was made:

Member Soule's motion: To approve the referral request.

Vote on motion: Unanimously approved.

B. Waiver Requests

HDR, Inc. Employee Owners PAC - 41349						Board Action
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	
June 2024	6/14/24	6/21/24	\$200 LFF	No.	Waive.	Flynn moves to waive the fee.
<p>The committee uses Aristotle, which is a software package that complies with the Board's XML standards to file a report. An employee of Aristotle International, Stephanie Ming, states that on June 14th, she transferred what she believed was the correct file using a software application known as an FTP client, and received only a 'successful transfer' notification within that application. On June 20th the committee was informed that the report had not been filed. After contacting CFB staff, they were informed that the file uploaded to the Board was a PDF file rather than the required XML file. The XML file was then promptly uploaded. Ming states that the committee is a federal PAC and that this report did not include any activity specific to Minnesota. Ming is exploring alternative FTP clients for future filings. Ending cash balance as of 7/22/24: \$1,574,727.</p>						Unanimously approved.

Maria Jensen - 5493						Board Action
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	
June 2024 LDR	6/17/24	8/21/24	\$1,000 LFF	No.	No recommendation.	Soule moves to waive the fee.
<p>Maria Jensen is the only registered lobbyist for Recycling Electronics for Climate Action. Jensen misunderstood the reporting schedule, believing the reporting requirement was annual, and thus did not expect to report again until 2025, as she had submitted a report in January 2024. Jensen missed reminder emails from the Board on June 5th, 12th, and 18th because they were sent to a personal email that is in the process of being phased out. Jensen anticipated that communications would be sent to her work email, which was used to set up her account on the Board's website. Jensen states that the organization is a small startup nonprofit with limited funding, and the \$1,000 fee represents a significant financial burden. She has now completed the report and updated her contact information, removing the outdated email address to prevent future issues.</p>						Unanimously approved.

Pam Marshall - 8735						Board Action
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	
June 2024 LDR	6/17/24	8/14/24	\$1,000 LFF	No.	No recommendation.	Soule moves to waive the fee.
<p>Pam Marshall was the executive director, and a lobbyist for, Energy CENTS Coalition. Ms. Marshall terminated her lobbyist registration on February 6, 2024, and ended her 30-year tenure as executive director. Geroge Shardlow, the new executive director of the association, states that the organization is a small nonprofit and that in the transition to a new executive director the report got lost in the shuffle.</p>						Unanimously approved.

Conservation Minnesota Voter Fund – 80008						Board Action
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	
2024 1st Quarter	4/15/24	6/27/24	\$1,000 LFF	Yes. \$350 LFF waived in 2010 due to a software issue.	No recommendation.	Flynn moves to waive the fee.
<p>Treasurer Paul Austin thought the report was filed before the April 15, 2024 deadline, but he mistakenly filed another copy of the fund's 2023 year-end report instead. Upon discovering the mistake, the correct report was promptly filed. Austin acknowledges the error was entirely his own. Ending cash balance as of 7/22/24: \$2,021.</p>						Unanimously approved.

C. Informational Items

1. Late filing fee - 2024 candidate EIS

Chris Swedzinski, \$30

2. Late filing fee - June 2024 lobbyist report

Sarah Erickson, \$600

Luke Rollins, \$25

Larry Johnson, \$25

Joseph Richardson, \$950

3. Late filing fee - 2023 lobbyist principal report

All Energy Solar, \$275

LeadMN, \$50

American Council of Engineering Companies of Minnesota (ACEC/MN), \$50

4. Late filing fee - 2019 lobbyist principal report

All Energy Solar, \$25

5. Late filing fee - 2024 June campaign finance report

Faith in Minnesota Fund, \$50

Minnesota Young Republicans Victory Fund, \$50

TreePAC, \$50

ACEC/MN Political Action Committee, \$500

6. Late filing fee - 2024 1st Quarter campaign finance report

Minnesota Young Republicans Victory Fund, \$100

7. Payment of civil penalty for failure to timely register committee

Gary Steuart for Minnesota, \$400

ADVISORY OPINION 464

Mr. Olson presented the Board with two versions of a draft advisory opinion outlined in the attached memo.

After discussion including suggested changes from Member Swanson, the following motion was made:

Member Flynn's motion: To approve version one of the advisory opinion, with the following changes (page, line, and paragraph numbers below pertain to the public version of the draft opinion):

Page 3, first full paragraph, line 5: change "persuasive" to "instructive".

Page 6, first full paragraph, line 3: strike "is a close call, and"

Page 7, last paragraph, line 3: strike "is a close call, and"

Vote on motion: Members Flynn, Kleis, Rashid, Soule, and Swanson voted to approve the motion. Member Asp voted no. Motion passes.

ADMINISTRATIVE RULEMAKING UPDATE

Mr. Olson presented the Board with an update on administrative rulemaking. Mr. Olson explained that some of the rule parts and subparts have been renumbered to comply with the policy of the Revisor's Office. Mr. Olson said that the rule language was approved as to form by the Revisor's Office on August 21, 2024. Mr. Olson stated that Board staff will contact the Office of Administrative Hearings to schedule a date for a possible hearing and draft a notice regarding the proposed rules that will be published in the State Register, starting the formal 30-day comment period.

PRIMA FACIE DETERMINATIONS

Ms. Engelhardt presented the Board with a memo regarding the below matters. Both matters were dismissed due to Board's lack of jurisdiction over the statutes that might give rise to the violations alleged in the complaints.

A. Complaint of Kevin Sethre regarding the Mark Westfahl for Mayor Committee.

B. Complaint of Cory Johnson regarding the People for (Gregory) Davids Committee

LEGAL REPORT

Mr. Hartshorn updated the Board on the Mariani matter.

EXECUTIVE SESSION

Chair Asp recessed the regular session of the meeting and called to order the executive session. Upon adjournment of the executive session, the chair reported into regular session the Board's approval of a probable cause determination in the Matter of the Complaint of Parisa Rouzegar regarding the Angeline (Anderson) for Minnesota committee.

There being no other business, the meeting was adjourned by the chair.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeff Sigurdson". The signature is written in a cursive, flowing style.

Jeff Sigurdson
Executive Director

Attachments:

Executive Director's report and attachments
Memo regarding Advisory Opinion 464 and public attachments
Rulemaking update memo and final proposed rule language
Memo regarding prima facie determinations and attachments
Legal report



MINNESOTA CAMPAIGN FINANCE BOARD

Date: August 28, 2024

To: Board Members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Executive Director's Report – Board Operations

Staffing

Ploua Lor has been hired to fill the Lobbying Program Analyst position. Ms. Lor has a Bachelor's degree in Management Information Systems, and is working on a Master's Degree in Data Analytics. Her first day with the Board will be August 28, 2024.

Report to the Legislature – Lobbying of Political Subdivisions

At the 2024 legislative session, the Board was tasked with studying whether the laws regulating lobbying do or should distinguish between lobbying of public officials and lobbying of local officials in political subdivisions. In particular, the Board was directed to study the statutory definitions of "lobbyist," "local official," "public official," and "official action of a political subdivision" as provided in Chapter 10A. The Board will report the study's results to the legislature in January of 2025 and may include legislative recommendations on distinctions between the lobbying of public and local officials that the Board believes are warranted and appropriate.

The Board held a public hearing on August 19th to hear ideas and comments from the lobbying community, organizations that represent political subdivisions, professional organizations, and good governance groups on this subject. Chair Asp, Vice Chair Rashid, Member Flynn, and Member Swanson attended the meeting. There were 53 individuals remotely signed on to watch the meeting, and about 11 individuals attending in person. There were presentations by: the Scott County Association for Leadership and Efficiency (SCALE), the Minnesota State Bar Association (MSBA), Housing First Minnesota, the Minnesota Governmental Relations Council (MGRC), the Coalition of Greater Minnesota Cities, and the American Council of Engineering Companies of Minnesota (ACEC/MN). In addition, the Minnesota Association of Townships (MAT) and the Greater Minnesota Partnership (GMNP) submitted written comments, as did many of the associations that presented at the meeting. The written comments are available on the Board's website at: cfb.mn.gov/citizen-resources/the-board/statutes-and-rules/report-to-the-legislature-on-lobbying. The recording of the hearing is also available at this link.

No organization advocated for eliminating the registration and reporting requirements for lobbying political subdivisions. There were a number of suggestions made for the Board to consider, roughly grouped around the following:

- Define “local lobbyist” to include only a person paid by a client specifically for advocating before a local government. This definition would exclude local business owners collaborating with local officials, and representatives of businesses that require regular interactions with local officials.
- Exclude from the definition of lobbyist individuals providing specific expertise and guidance to local officials based on the individual's training, education, or experience (for example engineers, architects).
- Require individuals who lobby political subdivisions to register and report with the political subdivision.
- The nature of township governance, which is usually three supervisors who are not professional government officials, makes it likely that there will be inadvertent violations of the gift prohibition in Chapter 10A. Additionally, most major decisions for townships occur at the annual meeting, which is much different than how cities operate. Consider whether township supervisors should be exempt from the gift prohibition, and whether townships should be excluded from what is defined as lobbying.
- Distinguish between “policy decisions” and “quasi-judicial decisions”. The MSBA in particular states that the definition of local lobbying should be limited to broader policy decisions that impact multiple people, for example adopting ordinances or a budget. Quasi-judicial decisions apply existing law to particular facts, for example variances to zoning regulations, and should be excluded from local lobbying definitions.
- A concern that nonprofits that work with local government may imperil their tax-exempt status if the nonprofit's employees need to register as lobbyists.
- Under current statute an employee of a political subdivision that works more than 50 hours in any month attempting to influence the action of another political subdivision is lobbying. This is seen as negatively impacting the ability of local government to form joint power agreements, or even to work together on regional problems. Suggestion to either greatly increase the 50-hour threshold, or eliminate the requirement entirely.
- The definition of lobbyist should distinguish between the activities of professional lobbyists and citizens who provide information or advocate. One way to do this is to modify the current registration threshold (\$3,000 in compensation, or expending more than \$3,000 in personal funds on lobbying) so that the threshold is a combination of compensation and time spent on lobbying activities. The MGRC states that many states consider time spent lobbying when determining if registration as a lobbyist is required.

Board staff will be researching what other states do regarding registration and reporting for lobbying local government, and along with continued dialog with interested parties, will create a working document that will be the basis of the report to the legislature.

Political Contribution Refunds in 2022

The political contribution refund (PCR) program is administered by the Department of Revenue (DOR) as provided in Minnesota Statutes section 290.06. The program provides that an eligible Minnesota voter who makes a monetary contribution to a candidate who has signed the public subsidy agreement, or to a major or minor political party unit, may apply for a refund from the DOR. In 2023, the maximum amount that could be refunded during the calendar year was \$50 per person, or \$100 per married couple. Starting in 2024, the maximum amount that may be refunded per calendar year increased to \$75 per person, or \$150 per married couple.

In August of each year the DOR reports to the Board the number of refunds, and the total value of the refunds, issued to donors in the prior calendar year. The report provides the refund totals for individual candidate committees and political party units. The report is posted on the Board's website at cfb.mn.gov/citizen-resources/board-programs/public-subsidy-of-campaigns/historical-use-of-public-subsidy-program. On the website there are separate reports for candidates and party units for the years 2013 through 2023.

The Board compares the PCR refunds issued for contributions to candidates and political party units to the contributions disclosed on the reports of receipts and expenditures filed with the Board. The comparison is used to verify that the value of the refunds issued to contributors to a candidate or party unit do not exceed the contributions reported as received by that same candidate or party unit.

In 2023 the DOR issued 29,916 PCR refunds with a value of \$2,064,734. Candidates issued 6,665 receipts to donors resulting in refunds totaling \$447,860. Political party units issued 23,251 receipts to donors resulting in refunds totaling \$1,616,874.

In 2023, individuals who contributed to RPM candidates were refunded \$265,897, and individuals who contributed to DFL candidates were refunded \$181,938. However, donors to DFL party units were refunded \$1,010,535, while donors to RPM party units were refunded \$603,203. In addition, donors to the Grassroots-Legalize-Cannabis Party were refunded \$1,325; donors to the Legalize Marijuana Now Party were refunded \$200; and donors to the Libertarian Party of MN were refunded \$950.

The 2023 reports for refunds issued, broken down by specific candidate committees and political party units, are attached to this memo.

2024 Post Primary Public Subsidy Payments

On August 26, 2024, the Board issued \$2,093,920 in public subsidy payments to 230 qualified candidates for the House of Representatives. To qualify for a public subsidy payment the candidate must register a principal campaign committee, sign the public subsidy agreement, be opposed at either the primary or general election, win the primary election if opposed, raise \$1,500 in contributions from eligible Minnesota voters, and file an affidavit of contributions stating that the candidate has raised the required amount.

The money used for the public subsidy payments comes from two sources. The “political party” portion of the payment is derived from the \$5 political party check-off on the state income and property tax forms. The political party check-off money is allocated among the offices for that party based on a formula that considers the number of taxpayers within a legislative district that selects a particular party, and the preceding state general election results for the district. This results in a broad range of amounts for the political party payments depending on the relative strength of the political party in the district. For example, party account payments issued to house candidates ranged from a low of \$141 to the RPM candidate in District 60B, to a high of \$10,507 issued to the DFL candidate in District 64A.

The “general account” portion of the public subsidy payment comes from a statutory appropriation of \$1,020,000 from the state general fund, and in 2024, from a one-time supplemental appropriation of \$2,103,000. Portions of the one-time appropriation will be held for senate and constitutional office candidates in 2026. The general account payment is the same for every candidate for a given office regardless of party. In 2024 the post-primary general account payment was \$6,591.56. In comparison, the general account payment for House candidates in 2022 was \$1,977.84. Overall, the payments to House candidates in 2022 were \$729,459; about a third as much as the total payments to House candidates in 2024.

By party, total public subsidy payments were \$1,232,495 for DFL candidates and \$861,425 for RPM candidates. There will be a second, much smaller public subsidy payment made in December. The December payment is based on additional check-off amounts from tax forms processed by the Department of Revenue after the post-primary payment is made.

A report of public subsidy payments by district and party is attached to this report.

Attachments

2023 PCR Refunds by Candidate and Party Unit
2024 Post Primary Public Subsidy Payments



MINNESOTA CAMPAIGN FINANCE BOARD

Date: August 28, 2024

To: Board members
Nathan Hartshorn, counsel

From: Andrew Olson, Legal/Management Analyst

Telephone: 651-539-1190

Re: Request for advisory opinion 464

On May 2, 2024, the Board received an advisory opinion request regarding the recently amended statutory definition of the term “expressly advocating,” which impacts the scope of which communications are independent expenditures. The request is a revised version of the request that prompted Advisory Opinion 459.¹ The Board voted to lay the matter over in June, then discussed a draft advisory opinion and again voted to lay the matter over at its meeting on July 10, 2024. The Board discussed two drafts of an advisory opinion and again voted to lay the matter over at its meeting on August 7, 2024. Because the requester has not consented to its identity being revealed, the request is not being made available to the public. During any Board discussion, it is important not to reveal details about the requester that could lead to identification.

Two versions of a draft advisory opinion are attached to this memorandum. Each version is the same except for the text within the second and third paragraphs in Opinion Four. Within each version, the third paragraph in Opinion Four has been modified to better explain why the electoral portion of the hypothetical voter guide “is unmistakable, unambiguous, and suggestive of only one meaning.” Each version still contains text referencing the nature of the questions and the false attribution of “responses” within the voter guide. Board staff believes that it is possible to publish a voter guide without express advocacy that clearly identifies candidates, refers to a specific election, and encourages individuals to vote. What sets the hypothetical voter guide apart is the nature of the questions and the false attribution of “responses” to each slate of candidates in a manner that favors one of those slates of candidates. Board staff believes that the advisory opinion should note that distinction in order to avoid implying that encouraging individuals to vote while identifying specific candidates, without favoring or disfavoring specific candidates, constitutes express advocacy.

¹ The public version of Advisory Opinion 459 is available at cfb.mn.gov/pdf/advisory_opinions/AO459.pdf.

Within the second version only, the second paragraph in Opinion Four has been modified as suggested by Chair Asp. The third and fourth sentences of that paragraph would state that a voter guide is not express advocacy solely because it characterizes responses to questions, claims to describe the policy positions of candidates without providing responses to questions actually posed to those candidates, or communicates the speaker's opinion about candidates' positions on issues. That text would replace text explaining that the Board does not believe that the opinion requester intends to assert that the "responses" attributed to each slate of candidates are actual responses provided to questions posed to those candidates.

Attachments:

Request for advisory opinion 464 (nonpublic)

Copies of Action 4 Liberty and LIUNA Minnesota literature referenced in questions 3 and 4

Draft advisory opinion 464 version 1 – public version

Draft advisory opinion 464 version 2 – public version

Draft advisory opinion 464 version 1 – nonpublic version

Draft advisory opinion 464 version 2 – nonpublic version

**State of Minnesota
Campaign Finance & Public Disclosure Board
Suite 190, Centennial Building. 658 Cedar Street. St. Paul, MN 55155-1603**

**THE FOLLOWING PUBLICATION DOES NOT IDENTIFY THE
REQUESTER OF THE ADVISORY OPINION, WHICH IS NON PUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)**

ADVISORY OPINION 464

SUMMARY

A communication that does not use words or phrases of express advocacy and does not clearly include an electoral portion, does not contain express advocacy. A communication that clearly identifies a candidate, clearly includes an electoral portion, and could only be interpreted by a reasonable person as encouraging them to vote for a specific candidate contains express advocacy.

Facts

As a representative of an organization (the Organization), you ask the Campaign Finance and Public Disclosure Board for an advisory opinion regarding the application of the term “expressly advocating” under Minnesota Statutes section 10A.01, subdivision 16a. The request is based on the following facts:

1. The Organization is a nonpartisan 501(c)(4) grassroots public policy advocacy organization that operates in multiple states, including Minnesota.
2. The Organization seeks to educate the public about legislative and executive branch measures that elected officials are considering, and to mobilize citizens to contact officials to support or oppose those measures.
3. The definition of the term “expressly advocating,” codified at Minnesota Statutes section 10A.01, subdivision 16a, was amended in 2023. The revised definition became effective on August 1, 2023.
4. The language added to Minnesota Statutes section 10A.01, subdivision 16a, in 2023 is nearly identical to the text of paragraph (b) within 11 C.F.R. § 100.22, which contains the definition of “expressly advocating” applicable to entities under the jurisdiction of the Federal Election Commission (FEC).
5. The FEC’s definitions of the terms “expressly advocating” and “clearly identified” were revised in 1995 “to provide further guidance on what types of communications constitute express advocacy of clearly identified candidates, in accordance with the judicial

interpretations found in” five separate judicial opinions.¹ The revised FEC definition of the term “expressly advocating” included elements from three judicial opinions “emphasizing the necessity for communications to be susceptible to no other reasonable interpretation but as encouraging actions to elect or defeat a specific candidate.”²

6. In 2007 the United States Supreme Court held that “a court should find that an ad is the functional equivalent of express advocacy only if the ad is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.”³
7. During legislative committee hearings regarding H.F. 3, the bill that was enacted in 2023 and amended the definition of “expressly advocating” under Minnesota Statutes section 10A.01, subdivision 16a, the Board’s executive director testified and provided six examples of past communications.

INTRODUCTION

Prior to being amended in 2023, Minnesota Statutes section 10A.01, subdivision 16a, defined “expressly advocating” as follows:

"Expressly advocating" means that a communication clearly identifies a candidate or a local candidate and uses words or phrases of express advocacy.

Minnesota Statutes section 10A.01, subdivision 16a, presently defines “expressly advocating” as follows:

"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

¹ [Express Advocacy; Independent Expenditures; Corporate and Labor Organization Expenditures](#), 60 Fed. Reg. 35292, 35293 (July 6, 1995) (citing [Buckley v. Valeo](#), 424 U.S. 1 (1976), [FEC v. Massachusetts Citizens for Life, Inc.](#), 479 U.S. 238 (1986), [FEC v. Furgatch](#), 807 F.2d 857 (9th Cir. 1987), [FEC v. National Organization for Women](#), 713 F. Supp. 428, 429 (D.D.C. 1989), and [Faucher v. FEC](#), 743 F. Supp. 64 (D. Me. 1990)).

² Id. at 35294 (citing [Buckley v. Valeo](#), 424 U.S. 1 (1976), [FEC v. Massachusetts Citizens for Life, Inc.](#), 479 U.S. 238 (1986), and [FEC v. Furgatch](#), 807 F.2d 857 (9th Cir. 1987)).

³ [FEC v. Wisconsin Right To Life, Inc.](#), 551 U.S. 449, 451 (2007).

(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.

Because the language added to Minnesota Statutes section 10A.01, subdivision 16a, is nearly identical to the text of paragraph (b) within 11 C.F.R. § 100.22, which contains the federal definition of “expressly advocating,” the Board will construe the new language in a manner that is consistent with how federal courts have applied the federal definition.⁴ Advisory opinions and statements of reasons issued by the FEC regarding the federal definition may be persuasive. However, the Board is not bound to follow guidance issued by the FEC in applying Minnesota Statutes chapter 10A.

In 1986 the United States Supreme Court considered, in *Federal Election Commission v. Massachusetts Citizens for Life (MCFL)*, whether a flyer, referred to as a special edition of an organization’s newsletter, contained express advocacy.

The front page of the publication was headlined “EVERYTHING YOU NEED TO KNOW TO VOTE PRO–LIFE,” and readers were admonished that “[n]o pro-life candidate can win in November without your vote in September.” “VOTE PRO–LIFE” was printed in large bold-faced letters on the back page, and a coupon was provided to be clipped and taken to the polls to remind voters of the name of the “pro-life” candidates.

To aid the reader in selecting candidates, the flyer listed the candidates for each state and federal office in every voting district in Massachusetts, and identified each one as either supporting or opposing what MCFL regarded as the correct position on three issues. A “y” indicated that a candidate supported the MCFL view on a particular issue and an “n” indicated that the candidate opposed it.⁵

The Court concluded that:

The Edition cannot be regarded as a mere discussion of public issues that by their nature raise the names of certain politicians. Rather, it provides in effect an explicit directive: vote for these (named) candidates. The fact that this message is marginally less direct than “Vote for Smith” does not change its essential nature.⁶

The Court therefore held that the flyer “represents express advocacy of the election of particular candidates distributed to members of the general public.”⁷

The meaning of the phrase “expressly advocating” was reviewed in *Federal Election Commission v. Furgatch* in 1987. The Ninth Circuit Court of Appeals considered whether a

⁴ See [Minn. Stat. § 645.08](#), providing that “technical words and phrases and such others as have acquired a special meaning . . . are construed according to such special meaning. . . .”

⁵ [FEC v. Massachusetts Citizens for Life, Inc., 479 U.S. 238, 243 \(1986\)](#) (internal citation omitted).

⁶ *Id.* at 249.

⁷ *Id.* at 250.

newspaper advertisement published a week prior to a presidential election, criticizing President Carter, contained express advocacy.⁸ The advertisement accused President Carter of attempting to “buy entire cities, the steel industry, the auto industry, and others with public funds,” and of being divisive in “an attempt to hide his own record, or lack of it.”⁹ The advertisement ended by stating:

If he succeeds the country will be burdened with four more years of incoherencies, ineptness and illusion, as he leaves a legacy of low-level campaigning.

DON'T LET HIM DO IT.¹⁰

The court reversed a district court, concluding that “[w]e have no doubt that the ad asks the public to vote against Carter.”¹¹ The court rejected the notion that the text “don’t let him do it” and specifically the word “it” could be “read to refer to Carter’s degradation of his office, and his manipulation of the campaign process.”¹² The court concluded that the phrase “don’t let him” is a command.¹³ The court held that the advertisement contained “an express call to action, but no express indication of what action is appropriate.”¹⁴ The court determined that a “failure to state with specificity the action required does not remove political speech from the coverage of the Campaign Act when it is clearly the kind of advocacy of the defeat of an identified candidate that Congress intended to regulate.”¹⁵ The court further held that “[r]easonable minds could not dispute that Furgatch’s advertisement urged readers to vote against Jimmy Carter” because that “was the only action open to those who would not ‘let him do it.’”¹⁶

The opinions in *MCFL* and *Furgatch* were two of a small number of judicial opinions relied upon by the FEC in drafting the text of 11 C.F.R. § 100.22.¹⁷ Since 1995 federal courts have repeatedly held that the FEC and states may, consistent with the First Amendment, regulate speech that is the functional equivalent of express advocacy.¹⁸ Express advocacy is not limited to the magic words listed in footnote 52 of *Buckley v. Valeo*, including “‘vote for,’ ‘elect,’ ‘support,’ ‘cast your ballot for,’ ‘Smith for Congress,’ ‘vote against,’ ‘defeat,’ ‘reject.’”¹⁹

⁸ [FEC v. Furgatch, 807 F.2d 857 \(9th Cir. 1987\).](#)

⁹ *Id.* at 858.

¹⁰ *Id.*

¹¹ *Id.* at 864.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 865.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ [Express Advocacy; Independent Expenditures; Corporate and Labor Organization Expenditures, 60 Fed. Reg. 35292, 35293-94 \(July 6, 1995\).](#)

¹⁸ See, e.g., [FEC v. Wisconsin Right To Life, Inc., 551 U.S. 449, 456-57 \(2007\); Citizens United v. FEC, 558 U.S. 310, 324-26 \(2010\).](#)

¹⁹ See *Buckley*, 424 U.S. at 44 n.52.

Issue One

The Organization may sponsor a television advertisement with the following script:

[Female 1] Governor Walz and the Democrats completely control our state government, and look at what they're doing.

[Male 1] They're building a new luxury office building, for themselves.

[Female 2] A building that will cost taxpayers \$77 million.

[Male 2] And to pay for their new luxury office building, they passed a record-setting tax increase

[Female 3] And our property taxes went up.

[Male 3] Instead of wasting our tax dollars on their new luxury office building, why aren't Governor Walz and Democrats fixing our roads and potholes?

[Female 1] Minnesota, we deserve better.

The Organization asks the Board to assume that the facts stated in the advertisement are true, the visual and audio components of the advertisement will be materially indistinguishable from those used in a 2014 Freedom Club State PAC advertisement that the Board's executive director referenced in testimony to a legislative committee regarding H.F. 3, and Governor Walz will seek re-election in 2026. The advertisement may run statewide in Minnesota:

- (i) in February 2026, when the Legislature may be in session;
- (ii) alternatively, in June 2026, when the Legislature is presumed to be adjourned;
- (iii) alternatively, in August 2026;
- (iv) alternatively, from August 12 through September 3, 2026; and
- (v) alternatively, in October 2026.

Would this communication qualify as express advocacy under the amended definition of "expressly advocating"? If the Board concludes that the answer is yes, would it make a difference if the statement "Minnesota, we deserve better" was replaced with a call to action such as "Call Governor Walz at (651) 201-3400 [the telephone number for the Governor's office] and tell him to spend our tax dollars on fixing roads and potholes instead of luxury office buildings"?

Opinion One

The Organization's hypothetical television advertisement clearly identifies a candidate. However, the advertisement does not use words or phrases of express advocacy, and it differs from the newspaper advertisement considered in *Furgatch* in at least one critical respect, in that it does not clearly refer to an election. While the advertisement considered in *Furgatch* stated

that President Carter’s success would result in “four more years,” the Organization’s hypothetical advertisement includes spoken words that, at best, make a vague reference to an upcoming election in stating “we deserve better.” The advertisement’s graphics likewise do not include clear electoral elements. Therefore, “the electoral portion of the communication is” not “unmistakable, unambiguous, and suggestive of only one meaning,” and the hypothetical advertisement does not contain express advocacy.

Whether the statement “Minnesota, we deserve better” is a call to action and could reasonably be perceived to encourage action other than action to defeat Governor Walz when coupled with a clear electoral portion is a close call, and may depend on the timing of the advertisement. For example, it may be the case that a reasonable mind could not conclude that an advertisement airing shortly before the 2026 general election, criticizing Governor Walz regarding a construction project that began in 2023 and stating “we deserve better” while referring to the election, when Governor Walz is on the general election ballot, encourages action other than action to defeat Governor Walz in the 2026 general election. However, the Board need not decide that issue due to the advertisement’s lack of a clear electoral portion.

Issue Two

The Organization may sponsor a television advertisement with the following script:

[Narrator] Look across the land, on farms, and in factories, in classrooms, and construction sites. Minnesota is working.

Four years ago, Minnesota faced a \$5 billion deficit.

[On screen text] “state faces \$5 billion deficit” [Citation to news article]

[Narrator] But Governor Tim Walz showed strong leadership. He raised taxes on the wealthiest two percent, so we could invest in our schools and reduce middle-class taxes. Now Minnesota has over 150,000 new jobs and a budget surplus.

[On screen text] “Tim Walz Calls for Tax Overhaul, Higher Rates for Wealthy”
[Quoting news article headline]

“Gov. Tim Walz
All-Day Kindergarten”

“Gov. Tim Walz
Reduced Middle-Class Taxes”

“Gov. Tim Walz
150,000 New Jobs”

“Gov. Tim Walz
\$1.2 Billion Surplus”

“Governor Tim Walz
Working for us”

[Narrator] Governor Tim Walz is working for us.

The Organization asks the Board to assume that the facts stated in the advertisement are true, the visual components of the advertisement will be materially indistinguishable from those used in a 2014 Alliance for a Better Minnesota Action Fund advertisement that the Board’s executive director referenced in testimony to a legislative committee regarding H.F. 3, and Governor Walz will seek re-election in 2026. The advertisement may run statewide in Minnesota:

- (i) in February 2026, when the Legislature may be in session;
- (ii) alternatively, in June 2026, when the Legislature is presumed to be adjourned;
- (iii) alternatively, in August 2026;
- (iv) alternatively, from August 12 through September 3, 2026; and
- (v) alternatively, in October 2026.

Would this communication qualify as express advocacy under the amended definition of “expressly advocating”? If the Board concludes that the answer is yes, would it make a difference if the statement “Governor Tim Walz is working for us” was replaced with a call to action such as “Call Governor Walz at (651) 201-3400 [the telephone number for the Governor’s office] and tell him to keep focusing on the economy, cutting the deficit, and creating new jobs”?

Opinion Two

The Organization’s hypothetical television advertisement clearly identifies a candidate. However, the advertisement does not use words or phrases of express advocacy, and like the advertisement discussed in Opinion One, it does not clearly refer to an election. The Organization’s hypothetical advertisement includes spoken words that, at best, make a vague reference to an upcoming election in stating that Minnesota faced a budget deficit “[f]our years ago.” The advertisement’s graphics likewise do not include clear electoral elements. Therefore, “the electoral portion of the communication is” not “unmistakable, unambiguous, and suggestive of only one meaning,” and the hypothetical advertisement does not contain express advocacy.

Whether the statement “Governor Tim Walz is working for us” could reasonably be perceived to encourage action other than action to elect Governor Walz when coupled with a clear electoral portion is a close call, and may depend on the timing of the advertisement. For example, it may be the case that a reasonable mind could not conclude that an advertisement airing shortly before the 2026 general election, praising Governor Walz for actions taken over a four-year period and stating “Governor Tim Walz is working for us” while referring to the election, when Governor Walz is on the general election ballot, encourages action other than action to elect Governor Walz in the 2026 general election. However, the Board need not decide that issue due to the advertisement’s lack of a clear electoral portion.

Issue Three

The Organization may sponsor a mailer with the following language:

[Side 1] REP. DAVE LISLEGARD **BETRAYED** YOU!

BY VOTING TO **PROTECT** GOVERNOR TIM WALZ' EMERGENCY POWERS

[Photo of Rep. Lislegard with Gov. Walz in the background]

[Side 2] > Voted with Metro Democrats to protect Walz' Emergency Powers **indefinitely**

> Allowing the Governor to **shut down businesses** in the future.

MAKE DAVE LISLEGARD LISTEN. CALL HIM AT 651.296.0170
rep.dave.lislegard@house.mn.gov

DEMAND he keeps his promise & votes **YES** on the End Walz' Emergency Powers Resolution

SIGN THE PETITION AT
https://www.action4liberty.com/never_again

The Organization asks the Board to assume that the facts stated in the mailer are true, the visual components of the mailer will be materially indistinguishable from those used in a 2021 Action 4 Liberty mailer that the Board's executive director referenced in testimony to a legislative committee regarding H.F. 3,²⁰ and Representative Lislegard will seek election to the office of state representative for House District 7B in 2026. The mailer may be distributed to residents in House District 7B:

- (i) in February 2026, when the Legislature may be in session;
- (ii) alternatively, in June 2026, when the Legislature is presumed to be adjourned;
- (iii) alternatively, in August 2026;
- (iv) alternatively, from August 12 through September 3, 2026; and
- (v) alternatively, in October 2026.

Would this communication qualify as express advocacy under the amended definition of "expressly advocating"?

²⁰ Each side of the mailer referenced in testimony regarding H.F. 3 contained a photograph of then-Representative Julie Sandstede. The question states that the mailer would include a photograph of Representative Lislegard with Governor Walz in the background. Therefore, the Board assumes that the photograph of Representative Sandstede would be replaced with a photograph of Representative Lislegard.

Opinion Three

The Organization’s hypothetical mailer clearly identifies a candidate. However, it does not use words or phrases of express advocacy, and it does not clearly refer to an election. Moreover, it does not clearly encourage action to elect or defeat a candidate, and instead encourages two alternative actions, namely contacting Representative Lislegard and signing an online petition. Therefore, the hypothetical mailer does not contain express advocacy.

Issue Four

The Organization may sponsor a printed voter guide with the following language:

2026 Voter Guide:	Tim Walz & Peggy Flanagan	Jeff Johnson & Donna Bergstrom
Governor		
What are your values and priorities?		
Making healthcare more affordable and accessible by giving every Minnesotan the option to get coverage through MinnesotaCare?	Yes	No
Fixing our roads, bridges and transportation infrastructure?	Yes	No
Combating climate change by investing in local, renewable energy jobs?	Yes	No
Promoting vocational schools and trade programs?	Yes	Yes
Fully and equitably funding our schools and supporting Universal Pre-K for Minnesota kids?	Yes	No

Join your friends & neighbors on Tuesday, November 3rd. Thank you for voting!
The Organization asks the Board to assume that the facts stated in the voter guide are true, the visual components of the mailer will be materially indistinguishable from those used in a 2018 LIUNA Minnesota voter guide that the Board’s executive director referenced in testimony to a legislative committee regarding H.F. 3, Walz-Flanagan and Johnson-Bergstrom will be opposing governor-lieutenant governor candidate tickets in the 2026 general election, and the voter guide will be distributed statewide in October 2026.

Would this communication qualify as express advocacy under the amended definition of “expressly advocating”?

Opinion Four

The Organization’s hypothetical voter guide clearly identifies four candidates. It does not use words or phrases of express advocacy such as “vote for,” “vote against,” “elect,” or “defeat.”²¹ However, in calling on readers to join their friends and neighbors on election day and thanking them in advance for voting, “the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning.” The voter guide also clearly encourages readers to vote for the Walz-Flanagan ticket, and clearly does not encourage another kind of action.

The voter guide is structured as a series of questions comprised of incomplete sentences with one-word responses supposedly provided by each slate of candidates. The attribution of the one-word responses to each slate of candidates is made clear by the statement, appearing atop the list of questions, which states “What are your values and priorities?” The Board does not believe that the Organization intends to assert that Jeff Johnson, Donna Bergstrom, or any representative of the Johnson (Jeff) for Governor committee has ever or will ever respond to a question asking whether fixing roads, bridges, and transportation infrastructure is a priority with an unqualified “No.”

While not identical to the flyer considered in *MCFL* that included the exhortation “VOTE PRO-LIFE,”²² the publication at issue here includes names and pictures of candidates, specifically identifies the office sought by the candidates for governor, identifies the date of the general election, and refers to “voting” at that election. These attributes, combined with the nature of the questions and the false attribution of “responses” within the voter guide, lead to the conclusion that the guide unmistakably and unambiguously is suggestive of one meaning—it encourages voting for the Walz-Flanagan ticket in the election on November 3. Whether the communication includes the phrase “voter guide” is immaterial, because regardless of how the communication is characterized on its face, reasonable minds could not differ as to whether it encourages readers to vote for the Walz-Flanagan ticket. The hypothetical voter guide contains express advocacy.

Board Note

The Organization’s request is specific in asking whether the hypothetical communications contain express advocacy, which may impact whether the Organization is required to register with the Board, file campaign finance reports with the Board, and include the disclaimer required by Minnesota Statutes section 211B.04, subdivision 2, in preparing and disseminating campaign material. The opinions provided therefore do not address whether the Organization may be

²¹ See *Buckley*, 424 U.S. at 44 n.52 (listing these, and other, words and phrases of express advocacy).

²² See *Massachusetts Citizens for Life, Inc.*, 479 U.S. at 243.

required to file statements of electioneering communications pursuant to Minnesota Statutes section 10A.202, and include the disclaimer required by Minnesota Statutes section 10A.202, subdivision 4, when making the hypothetical communications.

Issued September 4, 2024

David Asp, Chair
Campaign Finance and Public Disclosure Board

DRAFT

**State of Minnesota
Campaign Finance & Public Disclosure Board
Suite 190, Centennial Building. 658 Cedar Street. St. Paul, MN 55155-1603**

**THE FOLLOWING PUBLICATION DOES NOT IDENTIFY THE
REQUESTER OF THE ADVISORY OPINION, WHICH IS NON PUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)**

ADVISORY OPINION 464

SUMMARY

A communication that does not use words or phrases of express advocacy and does not clearly include an electoral portion, does not contain express advocacy. A communication that clearly identifies a candidate, clearly includes an electoral portion, and could only be interpreted by a reasonable person as encouraging them to vote for a specific candidate contains express advocacy.

Facts

As a representative of an organization (the Organization), you ask the Campaign Finance and Public Disclosure Board for an advisory opinion regarding the application of the term “expressly advocating” under Minnesota Statutes section 10A.01, subdivision 16a. The request is based on the following facts:

1. The Organization is a nonpartisan 501(c)(4) grassroots public policy advocacy organization that operates in multiple states, including Minnesota.
2. The Organization seeks to educate the public about legislative and executive branch measures that elected officials are considering, and to mobilize citizens to contact officials to support or oppose those measures.
3. The definition of the term “expressly advocating,” codified at Minnesota Statutes section 10A.01, subdivision 16a, was amended in 2023. The revised definition became effective on August 1, 2023.
4. The language added to Minnesota Statutes section 10A.01, subdivision 16a, in 2023 is nearly identical to the text of paragraph (b) within 11 C.F.R. § 100.22, which contains the definition of “expressly advocating” applicable to entities under the jurisdiction of the Federal Election Commission (FEC).
5. The FEC’s definitions of the terms “expressly advocating” and “clearly identified” were revised in 1995 “to provide further guidance on what types of communications constitute express advocacy of clearly identified candidates, in accordance with the judicial

interpretations found in” five separate judicial opinions.¹ The revised FEC definition of the term “expressly advocating” included elements from three judicial opinions “emphasizing the necessity for communications to be susceptible to no other reasonable interpretation but as encouraging actions to elect or defeat a specific candidate.”²

6. In 2007 the United States Supreme Court held that “a court should find that an ad is the functional equivalent of express advocacy only if the ad is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.”³
7. During legislative committee hearings regarding H.F. 3, the bill that was enacted in 2023 and amended the definition of “expressly advocating” under Minnesota Statutes section 10A.01, subdivision 16a, the Board’s executive director testified and provided six examples of past communications.

INTRODUCTION

Prior to being amended in 2023, Minnesota Statutes section 10A.01, subdivision 16a, defined “expressly advocating” as follows:

"Expressly advocating" means that a communication clearly identifies a candidate or a local candidate and uses words or phrases of express advocacy.

Minnesota Statutes section 10A.01, subdivision 16a, presently defines “expressly advocating” as follows:

"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

¹ [Express Advocacy; Independent Expenditures; Corporate and Labor Organization Expenditures](#), 60 Fed. Reg. 35292, 35293 (July 6, 1995) (citing [Buckley v. Valeo](#), 424 U.S. 1 (1976), [FEC v. Massachusetts Citizens for Life, Inc.](#), 479 U.S. 238 (1986), [FEC v. Furgatch](#), 807 F.2d 857 (9th Cir. 1987), [FEC v. National Organization for Women](#), 713 F. Supp. 428, 429 (D.D.C. 1989), and [Faucher v. FEC](#), 743 F. Supp. 64 (D. Me. 1990)).

² Id. at 35294 (citing [Buckley v. Valeo](#), 424 U.S. 1 (1976), [FEC v. Massachusetts Citizens for Life, Inc.](#), 479 U.S. 238 (1986), and [FEC v. Furgatch](#), 807 F.2d 857 (9th Cir. 1987)).

³ [FEC v. Wisconsin Right To Life, Inc.](#), 551 U.S. 449, 451 (2007).

(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.

Because the language added to Minnesota Statutes section 10A.01, subdivision 16a, is nearly identical to the text of paragraph (b) within 11 C.F.R. § 100.22, which contains the federal definition of “expressly advocating,” the Board will construe the new language in a manner that is consistent with how federal courts have applied the federal definition.⁴ Advisory opinions and statements of reasons issued by the FEC regarding the federal definition may be persuasive. However, the Board is not bound to follow guidance issued by the FEC in applying Minnesota Statutes chapter 10A.

In 1986 the United States Supreme Court considered, in *Federal Election Commission v. Massachusetts Citizens for Life (MCFL)*, whether a flyer, referred to as a special edition of an organization’s newsletter, contained express advocacy.

The front page of the publication was headlined “EVERYTHING YOU NEED TO KNOW TO VOTE PRO–LIFE,” and readers were admonished that “[n]o pro-life candidate can win in November without your vote in September.” “VOTE PRO–LIFE” was printed in large bold-faced letters on the back page, and a coupon was provided to be clipped and taken to the polls to remind voters of the name of the “pro-life” candidates.

To aid the reader in selecting candidates, the flyer listed the candidates for each state and federal office in every voting district in Massachusetts, and identified each one as either supporting or opposing what MCFL regarded as the correct position on three issues. A “y” indicated that a candidate supported the MCFL view on a particular issue and an “n” indicated that the candidate opposed it.⁵

The Court concluded that:

The Edition cannot be regarded as a mere discussion of public issues that by their nature raise the names of certain politicians. Rather, it provides in effect an explicit directive: vote for these (named) candidates. The fact that this message is marginally less direct than “Vote for Smith” does not change its essential nature.⁶

The Court therefore held that the flyer “represents express advocacy of the election of particular candidates distributed to members of the general public.”⁷

The meaning of the phrase “expressly advocating” was reviewed in *Federal Election Commission v. Furgatch* in 1987. The Ninth Circuit Court of Appeals considered whether a

⁴ See [Minn. Stat. § 645.08](#), providing that “technical words and phrases and such others as have acquired a special meaning . . . are construed according to such special meaning. . . .”

⁵ [FEC v. Massachusetts Citizens for Life, Inc., 479 U.S. 238, 243 \(1986\)](#) (internal citation omitted).

⁶ *Id.* at 249.

⁷ *Id.* at 250.

newspaper advertisement published a week prior to a presidential election, criticizing President Carter, contained express advocacy.⁸ The advertisement accused President Carter of attempting to “buy entire cities, the steel industry, the auto industry, and others with public funds,” and of being divisive in “an attempt to hide his own record, or lack of it.”⁹ The advertisement ended by stating:

If he succeeds the country will be burdened with four more years of incoherencies, ineptness and illusion, as he leaves a legacy of low-level campaigning.

DON'T LET HIM DO IT.¹⁰

The court reversed a district court, concluding that “[w]e have no doubt that the ad asks the public to vote against Carter.”¹¹ The court rejected the notion that the text “don’t let him do it” and specifically the word “it” could be “read to refer to Carter’s degradation of his office, and his manipulation of the campaign process.”¹² The court concluded that the phrase “don’t let him” is a command.¹³ The court held that the advertisement contained “an express call to action, but no express indication of what action is appropriate.”¹⁴ The court determined that a “failure to state with specificity the action required does not remove political speech from the coverage of the Campaign Act when it is clearly the kind of advocacy of the defeat of an identified candidate that Congress intended to regulate.”¹⁵ The court further held that “[r]easonable minds could not dispute that Furgatch’s advertisement urged readers to vote against Jimmy Carter” because that “was the only action open to those who would not ‘let him do it.’”¹⁶

The opinions in *MCFL* and *Furgatch* were two of a small number of judicial opinions relied upon by the FEC in drafting the text of 11 C.F.R. § 100.22.¹⁷ Since 1995 federal courts have repeatedly held that the FEC and states may, consistent with the First Amendment, regulate speech that is the functional equivalent of express advocacy.¹⁸ Express advocacy is not limited to the magic words listed in footnote 52 of *Buckley v. Valeo*, including “‘vote for,’ ‘elect,’ ‘support,’ ‘cast your ballot for,’ ‘Smith for Congress,’ ‘vote against,’ ‘defeat,’ ‘reject.’”¹⁹

⁸ [FEC v. Furgatch, 807 F.2d 857 \(9th Cir. 1987\).](#)

⁹ *Id.* at 858.

¹⁰ *Id.*

¹¹ *Id.* at 864.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 865.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ [Express Advocacy; Independent Expenditures; Corporate and Labor Organization Expenditures, 60 Fed. Reg. 35292, 35293-94 \(July 6, 1995\).](#)

¹⁸ See, e.g., [FEC v. Wisconsin Right To Life, Inc., 551 U.S. 449, 456-57 \(2007\); Citizens United v. FEC, 558 U.S. 310, 324-26 \(2010\).](#)

¹⁹ See *Buckley*, 424 U.S. at 44 n.52.

Issue One

The Organization may sponsor a television advertisement with the following script:

[Female 1] Governor Walz and the Democrats completely control our state government, and look at what they're doing.

[Male 1] They're building a new luxury office building, for themselves.

[Female 2] A building that will cost taxpayers \$77 million.

[Male 2] And to pay for their new luxury office building, they passed a record-setting tax increase

[Female 3] And our property taxes went up.

[Male 3] Instead of wasting our tax dollars on their new luxury office building, why aren't Governor Walz and Democrats fixing our roads and potholes?

[Female 1] Minnesota, we deserve better.

The Organization asks the Board to assume that the facts stated in the advertisement are true, the visual and audio components of the advertisement will be materially indistinguishable from those used in a 2014 Freedom Club State PAC advertisement that the Board's executive director referenced in testimony to a legislative committee regarding H.F. 3, and Governor Walz will seek re-election in 2026. The advertisement may run statewide in Minnesota:

- (i) in February 2026, when the Legislature may be in session;
- (ii) alternatively, in June 2026, when the Legislature is presumed to be adjourned;
- (iii) alternatively, in August 2026;
- (iv) alternatively, from August 12 through September 3, 2026; and
- (v) alternatively, in October 2026.

Would this communication qualify as express advocacy under the amended definition of "expressly advocating"? If the Board concludes that the answer is yes, would it make a difference if the statement "Minnesota, we deserve better" was replaced with a call to action such as "Call Governor Walz at (651) 201-3400 [the telephone number for the Governor's office] and tell him to spend our tax dollars on fixing roads and potholes instead of luxury office buildings"?

Opinion One

The Organization's hypothetical television advertisement clearly identifies a candidate. However, the advertisement does not use words or phrases of express advocacy, and it differs from the newspaper advertisement considered in *Furgatch* in at least one critical respect, in that it does not clearly refer to an election. While the advertisement considered in *Furgatch* stated

that President Carter’s success would result in “four more years,” the Organization’s hypothetical advertisement includes spoken words that, at best, make a vague reference to an upcoming election in stating “we deserve better.” The advertisement’s graphics likewise do not include clear electoral elements. Therefore, “the electoral portion of the communication is” not “unmistakable, unambiguous, and suggestive of only one meaning,” and the hypothetical advertisement does not contain express advocacy.

Whether the statement “Minnesota, we deserve better” is a call to action and could reasonably be perceived to encourage action other than action to defeat Governor Walz when coupled with a clear electoral portion is a close call, and may depend on the timing of the advertisement. For example, it may be the case that a reasonable mind could not conclude that an advertisement airing shortly before the 2026 general election, criticizing Governor Walz regarding a construction project that began in 2023 and stating “we deserve better” while referring to the election, when Governor Walz is on the general election ballot, encourages action other than action to defeat Governor Walz in the 2026 general election. However, the Board need not decide that issue due to the advertisement’s lack of a clear electoral portion.

Issue Two

The Organization may sponsor a television advertisement with the following script:

[Narrator] Look across the land, on farms, and in factories, in classrooms, and construction sites. Minnesota is working.

Four years ago, Minnesota faced a \$5 billion deficit.

[On screen text] “state faces \$5 billion deficit” [Citation to news article]

[Narrator] But Governor Tim Walz showed strong leadership. He raised taxes on the wealthiest two percent, so we could invest in our schools and reduce middle-class taxes. Now Minnesota has over 150,000 new jobs and a budget surplus.

[On screen text] “Tim Walz Calls for Tax Overhaul, Higher Rates for Wealthy”
[Quoting news article headline]

“Gov. Tim Walz
All-Day Kindergarten”

“Gov. Tim Walz
Reduced Middle-Class Taxes”

“Gov. Tim Walz
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\$1.2 Billion Surplus”

“Governor Tim Walz
Working for us”

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The Organization asks the Board to assume that the facts stated in the advertisement are true, the visual components of the advertisement will be materially indistinguishable from those used in a 2014 Alliance for a Better Minnesota Action Fund advertisement that the Board’s executive director referenced in testimony to a legislative committee regarding H.F. 3, and Governor Walz will seek re-election in 2026. The advertisement may run statewide in Minnesota:

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Opinion Two

The Organization’s hypothetical television advertisement clearly identifies a candidate. However, the advertisement does not use words or phrases of express advocacy, and like the advertisement discussed in Opinion One, it does not clearly refer to an election. The Organization’s hypothetical advertisement includes spoken words that, at best, make a vague reference to an upcoming election in stating that Minnesota faced a budget deficit “[f]our years ago.” The advertisement’s graphics likewise do not include clear electoral elements. Therefore, “the electoral portion of the communication is” not “unmistakable, unambiguous, and suggestive of only one meaning,” and the hypothetical advertisement does not contain express advocacy.

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Issue Three

The Organization may sponsor a mailer with the following language:

[Side 1] REP. DAVE LISLEGARD **BETRAYED** YOU!

BY VOTING TO **PROTECT** GOVERNOR TIM WALZ' EMERGENCY POWERS

[Photo of Rep. Lislegard with Gov. Walz in the background]

[Side 2] > Voted with Metro Democrats to protect Walz' Emergency Powers **indefinitely**

> Allowing the Governor to **shut down businesses** in the future.

MAKE DAVE LISLEGARD LISTEN. CALL HIM AT 651.296.0170
rep.dave.lislegard@house.mn.gov

DEMAND he keeps his promise & votes **YES** on the End Walz' Emergency Powers Resolution

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The Organization asks the Board to assume that the facts stated in the mailer are true, the visual components of the mailer will be materially indistinguishable from those used in a 2021 Action 4 Liberty mailer that the Board's executive director referenced in testimony to a legislative committee regarding H.F. 3,²⁰ and Representative Lislegard will seek election to the office of state representative for House District 7B in 2026. The mailer may be distributed to residents in House District 7B:

- (i) in February 2026, when the Legislature may be in session;
- (ii) alternatively, in June 2026, when the Legislature is presumed to be adjourned;
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Would this communication qualify as express advocacy under the amended definition of "expressly advocating"?

²⁰ Each side of the mailer referenced in testimony regarding H.F. 3 contained a photograph of then-Representative Julie Sandstede. The question states that the mailer would include a photograph of Representative Lislegard with Governor Walz in the background. Therefore, the Board assumes that the photograph of Representative Sandstede would be replaced with a photograph of Representative Lislegard.

Opinion Three

The Organization’s hypothetical mailer clearly identifies a candidate. However, it does not use words or phrases of express advocacy, and it does not clearly refer to an election. Moreover, it does not clearly encourage action to elect or defeat a candidate, and instead encourages two alternative actions, namely contacting Representative Lislegard and signing an online petition. Therefore, the hypothetical mailer does not contain express advocacy.

Issue Four

The Organization may sponsor a printed voter guide with the following language:

2026 Voter Guide:	Tim Walz & Peggy Flanagan	Jeff Johnson & Donna Bergstrom
Governor		
What are your values and priorities?		
Making healthcare more affordable and accessible by giving every Minnesotan the option to get coverage through MinnesotaCare?	Yes	No
Fixing our roads, bridges and transportation infrastructure?	Yes	No
Combating climate change by investing in local, renewable energy jobs?	Yes	No
Promoting vocational schools and trade programs?	Yes	Yes
Fully and equitably funding our schools and supporting Universal Pre-K for Minnesota kids?	Yes	No

Join your friends & neighbors on Tuesday, November 3rd. Thank you for voting!
The Organization asks the Board to assume that the facts stated in the voter guide are true, the visual components of the mailer will be materially indistinguishable from those used in a 2018 LIUNA Minnesota voter guide that the Board’s executive director referenced in testimony to a legislative committee regarding H.F. 3, Walz-Flanagan and Johnson-Bergstrom will be opposing governor-lieutenant governor candidate tickets in the 2026 general election, and the voter guide will be distributed statewide in October 2026.

Would this communication qualify as express advocacy under the amended definition of “expressly advocating”?

Opinion Four

The Organization’s hypothetical voter guide clearly identifies four candidates. It does not use words or phrases of express advocacy such as “vote for,” “vote against,” “elect,” or “defeat.”²¹ However, in calling on readers to join their friends and neighbors on election day and thanking them in advance for voting, “the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning.” The voter guide also clearly encourages readers to vote for the Walz-Flanagan ticket, and clearly does not encourage another kind of action.

The voter guide is structured as a series of questions comprised of incomplete sentences with one-word responses supposedly provided by each slate of candidates. The attribution of the one-word responses to each slate of candidates is made clear by the statement, appearing atop the list of questions, which states “What are your values and priorities?” The Board does not find that the voter guide is express advocacy simply because it characterizes responses to questions or purports to reflect the policy positions in a way that may not reflect actual responses by those candidates. A statement that reflects the speaker’s opinion about a candidate’s positions on issues is not, by itself, express advocacy.

While not identical to the flyer considered in *MCFL* that included the exhortation “VOTE PRO-LIFE,”²² the publication at issue here includes names and pictures of candidates, specifically identifies the office sought by the candidates for governor, identifies the date of the general election, and refers to “voting” at that election. These attributes, combined with the nature of the questions and the false attribution of “responses” within the voter guide, lead to the conclusion that the guide unmistakably and unambiguously is suggestive of one meaning—it encourages voting for the Walz-Flanagan ticket in the election on November 3. Whether the communication includes the phrase “voter guide” is immaterial, because regardless of how the communication is characterized on its face, reasonable minds could not differ as to whether it encourages readers to vote for the Walz-Flanagan ticket. The hypothetical voter guide contains express advocacy.

Board Note

The Organization’s request is specific in asking whether the hypothetical communications contain express advocacy, which may impact whether the Organization is required to register with the Board, file campaign finance reports with the Board, and include the disclaimer required by Minnesota Statutes section 211B.04, subdivision 2, in preparing and disseminating campaign material. The opinions provided therefore do not address whether the Organization may be

²¹ See *Buckley*, 424 U.S. at 44 n.52 (listing these, and other, words and phrases of express advocacy).

²² See *Massachusetts Citizens for Life, Inc.*, 479 U.S. at 243.

required to file statements of electioneering communications pursuant to Minnesota Statutes section 10A.202, and include the disclaimer required by Minnesota Statutes section 10A.202, subdivision 4, when making the hypothetical communications.

Issued September 4, 2024

David Asp, Chair
Campaign Finance and Public Disclosure Board

DRAFT



MINNESOTA

CAMPAIGN FINANCE BOARD

Date: August 28, 2024

To: Board members
Nathan Hartshorn, counsel

From: Andrew Olson, Legal/Management Analyst

Telephone: 651-539-1190

Subject: Rulemaking update

The proposed rule language was submitted to the Office of the Revisor of Statutes (Revisor's Office) on July 1, 2024. Some of the draft rule parts and subparts have been renumbered to comply with the Revisor's Office's policy of not renumbering existing rule parts or subparts, except to keep definitions within a part in alphabetical order, and of not replacing repealed parts or subparts with new rule language. The Revisor's Office also made a few technical changes such as changing the word "healthcare" to "health care" and not capitalizing the word "state" when using the phrase "state of Minnesota." The Revisor's Office approved the rule language with those revisions on August 21, 2024. The final proposed rule language that will be published in the Minnesota State Register is attached.

Board staff will contact the Office of Administrative Hearings (OAH) to schedule a tentative hearing date, in case at least 25 people request a hearing. Once a tentative hearing date is set, Board staff will draft a dual notice, submit it to OAH for review, and then publish it within the State Register, which will prompt the start of a 30-day comment period. If at least 25 people request a hearing during the comment period, the tentatively scheduled hearing will be held before an administrative law judge. If not, the tentatively scheduled hearing will be canceled.

No Board action is required at this time.

Attachments:

Final proposed rule language

1.1 **Campaign Finance and Public Disclosure Board**

1.2 **Proposed Permanent Rules Relating to Campaign Finance**

1.3 **4501.0100 DEFINITIONS.**

1.4 *[For text of subparts 1 to 3, see Minnesota Rules]*

1.5 Subp. 4. **Compensation.** "Compensation" means every kind of payment for labor or
1.6 personal services. Compensation does not include payments of Social Security,
1.7 unemployment compensation, workers' compensation, health care, retirement, or pension
1.8 benefits.

1.9 *[For text of subparts 4a to 7a, see Minnesota Rules]*

1.10 Subp. 7b. **Original signature.** "Original signature" means:

1.11 A. a signature in the signer's handwriting or, if the signer is unable to write, the
1.12 signer's mark or name written in the handwriting of another or applied by stamp at the
1.13 request, and in the presence, of the signer;

1.14 B. an electronic signature consisting of the letters of the signer's name, applied
1.15 using a cursive font or accompanied by text or symbols clearly indicating an intent to apply
1.16 a signature, including but not limited to the letter S with a forward slash mark on one or
1.17 both sides of the letter S or the placement of a forward slash mark before and after the
1.18 signer's name; or

1.19 C. the signer's name on the signature line of an electronic file submitted using the
1.20 filer's personal identification code.

1.21 *[For text of subparts 8 and 9, see Minnesota Rules]*

1.22 **4501.0500 FILINGS, SUBMISSIONS, AND DISCLOSURES.**

1.23 Subpart 1. **Format.** A report or statement required under Minnesota Statutes, section
1.24 10A.20, must be filed electronically in a format specified by the board, to the extent required

2.1 by that section. Any other report or statement required under Minnesota Statutes, chapter
2.2 10A, must be submitted filed electronically in a format specified by the board or on the
2.3 forms provided by the board for that purpose or by an electronic filing system. The board
2.4 may provide alternative methods for submitting information, including other means for the
2.5 electronic submission of data.

2.6 *[For text of subparts 1a to 4, see Minnesota Rules]*

2.7 **4503.0100 DEFINITIONS.**

2.8 Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota
2.9 Statutes, chapter 10A, except that the definition in subpart 4a applies to Minnesota Statutes,
2.10 section 211B.15. The definitions in chapter 4501 and Minnesota Statutes, chapter 10A, also
2.11 apply to this chapter.

2.12 *[For text of subparts 2 to 3a, see Minnesota Rules]*

2.13 Subp. 3b. **County office.** "County office" means the offices specified in Minnesota
2.14 Statutes, chapter 382, and does not include the office of Three Rivers Park District
2.15 commissioner.

2.16 *[For text of subpart 4, see Minnesota Rules]*

2.17 Subp. 4a. **Headquarters.** For the purpose of Minnesota Statutes, section 211B.15,
2.18 subdivision 8, "headquarters" means a building or other structure that is used for all or part
2.19 of the year as the primary location where the party's business is conducted.

2.20 Subp. 4b. **Legislative caucus.** "Legislative caucus" means an organization whose
2.21 members consist solely of legislators belonging to the same house of the legislature and the
2.22 same political party, and is not limited to a majority or minority caucus described in
2.23 Minnesota Statutes, chapter 3, but does not include a legislative party unit.

3.1 Subp. 4c. **Legislative caucus leader.** "Legislative caucus leader" means a legislator
 3.2 elected or appointed by a legislative caucus to lead that caucus, and is not limited to leaders
 3.3 designated pursuant to Minnesota Statutes, section 3.099.

3.4 Subp. 4d. **Legislative party unit.** "Legislative party unit" means a political party unit
 3.5 established by the party organization within a house of the legislature.

3.6 Subp. 4e. **Nomination.** Except as used in Minnesota Statutes, sections 10A.09 and
 3.7 10A.201, "nomination" means the placement of a candidate or a local candidate's name on
 3.8 a general election or special general election ballot.

3.9 *[For text of subparts 5 to 8, see Minnesota Rules]*

3.10 **4503.0200 ORGANIZATION OF POLITICAL COMMITTEES AND POLITICAL**
 3.11 **FUNDS.**

3.12 *[For text of subparts 1 to 4, see Minnesota Rules]*

3.13 **Subp. 5. **Termination of responsibility of former treasurer.**** A former treasurer
 3.14 who transfers political committee or political fund records and receipts to a new treasurer
 3.15 or to the chair of the committee or fund is relieved of future responsibilities ~~when notice~~
 3.16 ~~required under subpart 4 is filed or~~ when the former treasurer notifies the board in writing
 3.17 of the change.

3.18 **Subp. 6. [Repealed, L 2017 1Sp4 art 3 s 18]**

3.19 **4503.0450 JOINT PURCHASES.**

3.20 Subpart 1. **General requirement.** Principal campaign committees, political party
 3.21 units, and political committees and funds may jointly purchase goods or services without
 3.22 making or receiving a donation in kind. If each purchaser pays the vendor for their share
 3.23 of the fair market value of the purchase, each purchaser must report that amount to the board
 3.24 as an expenditure or noncampaign disbursement as required by Minnesota Statutes, section
 3.25 10A.20. If a purchaser pays the vendor for the total amount of the purchase and obtains

4.1 payment from another purchaser for that purchaser's share of the fair market value of the
4.2 purchase, each purchaser must use the same reporting method under Minnesota Statutes,
4.3 section 10A.20, subdivision 13.

4.4 Subp. 2. **Proportionate shares of joint purchase.** If a purchaser pays a vendor for
4.5 the total amount of a joint purchase and each joint purchaser receives goods or services of
4.6 equal value, each joint purchaser must pay the purchaser that paid the vendor an amount
4.7 equal to the total amount paid to the vendor divided by the number of joint purchasers in
4.8 order to prevent the occurrence of a donation in kind. If a purchaser pays a vendor for the
4.9 total amount of a joint purchase and joint purchasers receive goods or services of differing
4.10 value, each joint purchaser must pay the purchaser that paid the vendor in proportion to the
4.11 value of the goods or services received in order to prevent the occurrence of a donation in
4.12 kind. If a joint purchaser pays the purchaser that paid the vendor less than its proportionate
4.13 share of the fair market value of the joint purchase, the difference must be reported as a
4.14 donation in kind from the purchaser that paid the vendor to the joint purchaser as required
4.15 by Minnesota Statutes, section 10A.20.

4.16 Subp. 3. **No impact on prohibited contributions.** Nothing in this part permits an
4.17 independent expenditure or ballot question political committee or fund to make a contribution,
4.18 including an approved expenditure, that is prohibited by Minnesota Statutes, section 10A.121,
4.19 or alters what constitutes a coordinated expenditure.

4.20 **4503.0500 CONTRIBUTIONS.**

4.21 **Subpart 1. All receipts are contributions.** Any donation of money, goods, or services
4.22 received by a principal campaign committee, political party unit, political committee, or
4.23 political fund is considered a contribution at the time the item is received.

4.24 **Subp. 2. [Repealed, L 2018 c 119 s 34]**

6.1 sources of funding in determining whether a contribution may be accepted from an
6.2 association that is not registered with the board as a principal campaign committee, a party
6.3 unit, a political committee, or the supporting association of a political fund. A contribution
6.4 from an unregistered association is prohibited if any of that association's sources of funding
6.5 would be prohibited from making the contribution directly under Minnesota Statutes, section
6.6 211B.15, subdivision 2.

6.7 **4503.0700 CONTRIBUTION LIMITS.**

6.8 *[For text of subparts 1 to 3, see Minnesota Rules]*

6.9 Subp. 4. **Commercial vendors not subject to bundling limitation.** A vendor retained
6.10 by a principal campaign committee, political party unit, political committee, or political
6.11 fund for the accumulation of contributions, and paid by that committee, party unit, or fund
6.12 the fair market value of the services provided, as described in part 4503.0500, subpart 2a,
6.13 is not subject to the bundling limitation in Minnesota Statutes, section 10A.27, subdivision
6.14 1.

6.15 **4503.0800 DONATIONS IN KIND AND APPROVED EXPENDITURES.**

6.16 Subpart 1. [Repealed, L 2005 c 156 art 6 s 68]

6.17 Subp. 1a. **Contributor payment of processing fee.** If a contributor pays a processing
6.18 fee when making a contribution and the fee would otherwise have been billed to the recipient
6.19 of the contribution or withheld from the amount transmitted to the recipient, the amount of
6.20 the fee is a donation in kind to the recipient of the contribution. If the donation in kind
6.21 exceeds the amount specified in Minnesota Statutes, section 10A.13, subdivision 1, the
6.22 recipient's treasurer must keep an account of the contribution and must include the
6.23 contribution within campaign reports as required by Minnesota Statutes, section 10A.20.
6.24 If the donation in kind does not exceed the amount specified in Minnesota Statutes, section
6.25 10A.13, subdivision 1, the recipient's treasurer is not required to keep an account of the

7.1 contribution or to include it within campaign reports filed under Minnesota Statutes, section
7.2 10A.20.

7.3 Subp. 2. **Multicandidate materials.** An approved expenditure made on behalf of
7.4 multiple candidates or local candidates must be allocated between the candidates or the
7.5 local candidates on a reasonable basis if the cost exceeds \$20 per candidate or local candidate.

7.6 Subp. 3. **Multipurpose materials.** A reasonable portion of the fair market value of
7.7 preparation and distribution of association newsletters or similar materials which, in part,
7.8 advocate the nomination or election of a candidate or a local candidate is a donation in kind
7.9 which must be approved by the candidate or the local candidate if the value exceeds \$20,
7.10 unless an independent expenditure is being made.

7.11 Subp. 4. **Office facilities.** The fair market value of shared office space or services
7.12 provided to a candidate or a local candidate without reimbursement is a donation in kind.

7.13 *[For text of subpart 5, see Minnesota Rules]*

7.14 **4503.0900 NONCAMPAIGN DISBURSEMENTS.**

7.15 Subpart 1. **Additional definitions.** In addition to those listed in Minnesota Statutes,
7.16 section 10A.01, subdivision 26, the following expenses are noncampaign disbursements:

7.17 *[For text of items A to D, see Minnesota Rules]*

7.18 E. payment of fines assessed by the board; ~~and~~

7.19 F. costs of running a transition office for a winning gubernatorial candidate during
7.20 the first six months after election-; and

7.21 G. costs to maintain a bank account that is required by law, including service fees,
7.22 the cost of ordering checks, and check processing fees.

7.23 Subp. 2. [Repealed, 21 SR 1779]

8.1 Subp. 2a. **Expenses incurred by leaders of a legislative caucus.** Expenses incurred
8.2 by a legislative caucus leader in carrying out their leadership responsibilities may be paid
8.3 by their principal campaign committee and classified as a noncampaign disbursement for
8.4 expenses incurred by leaders of a legislative caucus. These expenses must be incurred for
8.5 the operation of the caucus and include but are not limited to expenses related to operating
8.6 a website, social media accounts, a telephone system, similar means of communication,
8.7 travel expenses, and legal expenses.

8.8 Subp. 2b. **Signage and supplies for office holders.** Expenses incurred by an office
8.9 holder for signage outside their official office and for basic office supplies purchased to aid
8.10 the office holder in performing the tasks of their office may be paid by their principal
8.11 campaign committee and classified as a noncampaign disbursement for expenses for serving
8.12 in public office. These expenses may include signage, stationery, or other means of
8.13 communication that identify the office holder as a member of a legislative caucus.

8.14 Subp. 2c. **Equipment purchases.** The cost of durable equipment purchased by a
8.15 principal campaign committee, including but not limited to computers, cell phones, and
8.16 other electronic devices, must be classified as a campaign expenditure unless the equipment
8.17 is purchased to replace equipment that was lost, stolen, or damaged to such a degree that it
8.18 no longer serves its intended purpose, or the equipment will be used solely:

8.19 A. by a member of the legislature or a constitutional officer in the executive branch
8.20 to provide services for constituents during the period from the beginning of the term of
8.21 office to adjournment sine die of the legislature in the election year for the office held;

8.22 B. by a winning candidate to provide services to residents in the district in
8.23 accordance with subpart 1;

8.24 C. for campaigning by a person with a disability in accordance with subpart 1;

8.25 D. for running a transition office in accordance with subpart 1; or

9.1 E. as home security hardware.

9.2 *[For text of subpart 3, see Minnesota Rules]*

9.3 **4503.1000 CAMPAIGN MATERIALS INCLUDING OTHER CANDIDATES.**

9.4 Subpart 1. **Inclusion of others without attempt to influence nomination or**
9.5 **election.** Campaign materials, including media advertisements, produced and distributed
9.6 on behalf of one candidate which contain images of, appearances by, or references to another
9.7 candidate or local candidate, but which do not mention the candidacy of the other candidate
9.8 or local candidate or make a direct or indirect appeal for support of the other candidate or
9.9 local candidate, are not contributions to, or expenditures on behalf of that candidate or local
9.10 candidate.

9.11 Subp. 2. **Multicandidate materials prepared by a candidate.** A candidate who
9.12 produces and distributes campaign materials, including media advertisements, which include
9.13 images of, appearances by, or references to one or more other candidates or local candidates,
9.14 and which mention the candidacy of the other candidates or local candidates or include a
9.15 direct or indirect appeal for the support of the other candidates or local candidates must
9.16 collect from each of the other candidates or local candidates a reasonable proportion of the
9.17 production and distribution costs.

9.18 **4503.1900 AGGREGATED EXPENDITURES.**

9.19 Expenditures and noncampaign disbursements may be aggregated and reported as lump
9.20 sums when itemized within a report filed under Minnesota Statutes, section 10A.20, if:

9.21 A. each expenditure or noncampaign disbursement was made to the same vendor;

9.22 B. each expenditure or noncampaign disbursement was made for the same type
9.23 of goods or services;

9.24 C. each lump sum consists solely of aggregated expenditures or solely of
9.25 aggregated noncampaign disbursements;

10.1 D. each lump sum consists solely of aggregated expenditures or noncampaign
10.2 disbursements that are paid, are unpaid, or represent the dollar value of a donation in kind;

10.3 E. the expenditures and noncampaign disbursements are aggregated over a period
10.4 of no more than 31 days; and

10.5 F. all expenditures and noncampaign disbursements made prior to the end of a
10.6 reporting period are included within the report covering that period.

10.7 Lump sums must be dated based on the last date within the period over which the
10.8 expenditures or noncampaign disbursements are aggregated. This subpart does not alter the
10.9 date an expenditure is made for purposes of the registration requirements provided in
10.10 Minnesota Statutes, section 10A.14.

10.11 **4503.2000 DISCLAIMERS.**

10.12 Subpart 1. **Additional definitions.** The following definitions apply to this part and
10.13 Minnesota Statutes, section 211B.04:

10.14 A. "broadcast media" means a television station, radio station, cable television
10.15 system, or satellite system; and

10.16 B. "social media platform" means a website or application that allows multiple
10.17 users to create, share, and view user-generated content, excluding a website controlled
10.18 primarily by the association or individual that caused the communication to be prepared or
10.19 disseminated.

10.20 Subp. 2. **Material linked to a disclaimer.** Minnesota Statutes, section 211B.04, does
10.21 not apply to the following communications that link directly to an online page that includes
10.22 a disclaimer in the form required by that section if the communication is made by or on
10.23 behalf of a candidate, principal campaign committee, political committee, political fund,
10.24 political party unit, or person who has made an electioneering communication, as those
10.25 terms are defined in Minnesota Statutes, chapter 10A:

11.1 A. text, images, video, or audio disseminated via a social media platform;

11.2 B. a text or multimedia message disseminated only to telephone numbers;

11.3 C. text, images, video, or audio disseminated using an application accessed
11.4 primarily via mobile phone, excluding email messages, telephone calls, and voicemail
11.5 messages; and

11.6 D. paid electronic advertisements disseminated via the internet by a third party,
11.7 including but not limited to online banner advertisements and advertisements appearing
11.8 within the electronic version of a newspaper, periodical, or magazine.

11.9 The link must be conspicuous and when selected must result in the display of an online
11.10 page that prominently includes the required disclaimer.

11.11 **4511.0100 DEFINITIONS.**

11.12 *[For text of subparts 1 and 1a, see Minnesota Rules]*

11.13 Subp. 1b. **Administrative overhead expenses.** "Administrative overhead expenses"
11.14 means costs incurred by the principal for office space, transportation costs, and website
11.15 operations that are used to support lobbying in Minnesota.

11.16 Subp. 1c. **Development of prospective legislation.** "Development of prospective
11.17 legislation" means communications that request support for legislation that has not been
11.18 introduced as a bill, communications that provide language, or comments on language, used
11.19 in draft legislation that has not been introduced as a bill, or communications that are intended
11.20 to facilitate the drafting of language, or comments on language, used in draft legislation
11.21 that has not been introduced as a bill. The following actions do not constitute development
11.22 of prospective legislation:

11.23 A. responding to a request for information by a public official;

12.1 B. requesting that a public official respond to a survey on the official's support or
12.2 opposition for an issue;

12.3 C. providing information to public officials in order to raise awareness and educate
12.4 on an issue or topic; or

12.5 D. advocating for an issue without requesting action by the public official.

12.6 *[For text of subpart 2, see Minnesota Rules]*

12.7 Subp. 3. **Lobbying.** "Lobbying" means attempting to influence legislative action,
12.8 administrative action, or the official action of a ~~metropolitan governmental unit~~ political
12.9 subdivision by communicating with or urging others to communicate with public officials
12.10 or local officials in ~~metropolitan governmental units~~. Any activity that directly supports this
12.11 communication is considered a part of lobbying. Payment of an application fee, or processing
12.12 charge, for a government service, permit, or license is not lobbying or an activity that directly
12.13 supports lobbying.

12.14 Subp. 4. **Lobbyist's disbursements.** "Lobbyist's disbursements" include ~~all~~
12.15 disbursements for ~~lobbying made~~ each gift given by the lobbyist, the lobbyist's employer
12.16 ~~or employee~~, or any person or association represented by the lobbyist, ~~but do not include~~
12.17 ~~compensation paid to the lobbyist.~~

12.18 Subp. 5. **Original source of funds.** "Original source of funds" means a source of
12.19 funds, provided by an individual or association other than the entity for which a lobbyist is
12.20 registered, paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist,
12.21 or the lobbyist's principal, for lobbying purposes.

12.22 Subp. 5a. **Pay or consideration for lobbying.** "Pay or consideration for lobbying"
12.23 means the gross compensation paid to an individual for lobbying. An individual whose job
12.24 responsibilities do not include lobbying, and who has not been directed or requested to

13.1 lobby on an issue by their employer, does not receive pay or consideration for lobbying
13.2 they undertake on their own initiative.

13.3 *[For text of subpart 6, see Minnesota Rules]*

13.4 Subp. 7. **Reporting lobbyist.** "Reporting lobbyist" means a lobbyist responsible for
13.5 reporting lobbying ~~disbursements~~ activity of two or more lobbyists representing the same
13.6 entity. Lobbying ~~disbursements made~~ activity on behalf of an entity may be reported by
13.7 each individual lobbyist that represents an entity, or by one or more reporting lobbyists, or
13.8 a combination of individual reports and reports from a reporting lobbyist.

13.9 Subp. 8. **State agency.** "State agency" means any office, officer, department, division,
13.10 bureau, board, commission, authority, district, or agency of the state of Minnesota.

13.11 **4511.0200 REGISTRATION.**

13.12 *[For text of subpart 1, see Minnesota Rules]*

13.13 Subp. 2. **Separate registration for each lobbyist.** Multiple lobbyists representing
13.14 the same individual, association, political subdivision, or higher education system must
13.15 each register separately. A lobbyist who ~~provides reports~~ lobbying disbursements activity
13.16 to the board through a reporting lobbyist must list the name and registration number of the
13.17 reporting lobbyist on a lobbyist registration. If the reporting lobbyist changes, or if the
13.18 lobbyist ceases to report through a reporting lobbyist, the lobbyist must amend the registration
13.19 within ten days.

13.20 Subp. 2a. **Registration threshold.** An individual must register as a lobbyist with the
13.21 board upon the earlier of when:

13.22 A. the individual receives total pay or consideration from all sources that exceeds
13.23 \$3,000 in a calendar year for the purpose of lobbying or from a business whose primary
13.24 source of revenue is derived from facilitating government relations or government affairs
13.25 services if the individual's job duties include offering direct or indirect consulting or advice

14.1 that helps the business provide those services to clients. The pay or consideration for lobbying
14.2 for an individual whose job duties include both lobbying and functions unrelated to lobbying
14.3 is determined by multiplying the gross compensation of the individual by the percentage
14.4 of the individual's work time spent lobbying in the calendar year; or

14.5 B. the individual spends more than \$3,000 of their own funds in a calendar year
14.6 for the purpose of lobbying. Membership dues paid by the individual, and expenses for
14.7 transportation, lodging, and meals used to support lobbying by the individual, are not costs
14.8 that count toward the \$3,000 expenditure threshold that requires registration.

14.9 Subp. 2b. **Registration not required.** An individual is not required to register as a
14.10 lobbyist with the board:

14.11 A. to represent the lobbyist's own interests if the lobbyist is already registered to
14.12 represent one or more principals, unless the lobbyist spends over \$3,000 in personal funds
14.13 in a calendar year for the purpose of lobbying; or

14.14 B. as a result of serving on the board or governing body of an association that is
14.15 a principal, unless the individual receives pay or other consideration to lobby on behalf of
14.16 the association, and the aggregate pay or consideration for lobbying from all sources exceeds
14.17 \$3,000 in a calendar year.

14.18 *[For text of subpart 3, see Minnesota Rules]*

14.19 **Subp. 4. Registration of reporting lobbyist.** A reporting lobbyist must indicate on
14.20 the lobbyist registration form that the lobbyist will be reporting ~~disbursements~~ lobbying
14.21 activity for additional lobbyists representing the same entity. The registration must list the
14.22 name and registration number of each lobbyist that will be included in reports of
14.23 ~~disbursements~~ to the board made by the reporting lobbyist. Changes to the list of lobbyists
14.24 represented by a reporting lobbyist must be amended on the reporting lobbyist registration

15.1 within ten days, or provided to the board at the time of filing a report required by Minnesota
15.2 Statutes, section 10A.04, subdivision 2.

15.3 **4511.0300 PRINCIPALS.**

15.4 Individuals or associations represented by lobbyists are presumed to be principals until
15.5 they establish that they do not fall within the statutory definition of a principal. A political
15.6 subdivision; public higher education system; or any office, department, division, bureau,
15.7 board, commission, authority, district, or agency of the state of Minnesota is not an
15.8 association under Minnesota Statutes, section 10A.01, and is not a principal.

15.9 **4511.0400 TERMINATION.**

15.10 Subpart 1. **Lobbyist termination.** A lobbyist who has ceased lobbying for a particular
15.11 entity may terminate registration by filing a lobbyist termination form and a lobbyist
15.12 ~~disbursement~~ report covering the period from the last report filed through the date of
15.13 termination. If the lobbying ~~disbursements~~ activity of the lobbyist ~~are~~ is reported by a
15.14 reporting lobbyist, the nonreporting lobbyist may terminate by filing a lobbyist termination
15.15 form and notifying the reporting lobbyist of all ~~disbursements made~~ lobbying activity by
15.16 the lobbyist during the period from the last report filed through the date of termination.

15.17 Subp. 2. **Reporting lobbyist termination.** A reporting lobbyist who has ceased
15.18 lobbying for a particular entity may terminate registration by filing a lobbyist termination
15.19 form and a lobbyist ~~disbursement~~ report covering the period from the last report filed through
15.20 the date of termination. The termination of a reporting lobbyist reverts the reporting
15.21 responsibility back to each lobbyist listed on the registration of the reporting lobbyist.

15.22 Subp. 3. **Designated lobbyist termination.** A designated lobbyist who has ceased
15.23 lobbying for a particular entity may terminate their registration using the procedure provided
15.24 in subpart 1. When the designated lobbyist of a lobbying entity terminates, the entity is

16.1 responsible to assign the responsibility to report ~~entity~~ the entity's lobbying disbursements
 16.2 to another lobbyist.

16.3 **4511.0500 LOBBYIST REPORTING REQUIREMENTS.**

16.4 Subpart 1. **Separate reporting required for each entity.** A lobbyist must report
 16.5 separately for each entity for which the lobbyist is registered, unless ~~the disbursements are~~
 16.6 their activity is reported in the manner provided in subpart 2 Minnesota Statutes, section
 16.7 10A.04, subdivision 9.

16.8 Subp. 2. [Repealed, L 2017 1Sp4 art 3 s 18]

16.9 Subp. 3. **Report of ~~officers and directors information~~ designated lobbyist.** With
 16.10 each report of lobbyist ~~disbursements~~ activity, a designated lobbyist must report ~~any change~~
 16.11 ~~in the name and address of:~~

16.12 A. the name and address of each person, if any, by whom the lobbyist is retained
 16.13 or employed or on whose behalf the lobbyist appears; ~~or~~

16.14 B. if the lobbyist represents an association, a current list of the names and addresses
 16.15 of each officer and director of the association;

16.16 C. each original source of money in excess of \$500 provided to the individual or
 16.17 association that the lobbyist represents; and

16.18 D. each gift to a public or local official given by or on behalf of a principal or a
 16.19 lobbyist registered for the principal.

16.20 *[For text of subpart 4, see Minnesota Rules]*

16.21 Subp. 5. [See repealer.]

16.22 **4511.0600 REPORTING DISBURSEMENTS.**

16.23 Subpart 1. **Determination of actual costs required.** To the extent that actual costs
 16.24 of lobbying activities or administrative overhead expenses incurred by the principal to

17.1 support lobbying can be obtained or calculated by reasonable means, those actual costs must
17.2 be determined, recorded, and used for reporting purposes.

17.3 Subp. 2. **Approximation of costs.** If the actual cost of a lobbying activity or
17.4 administrative overhead expenses incurred by the principal to support lobbying cannot be
17.5 obtained or calculated through reasonable means, those costs must be reasonably
17.6 approximated.

17.7 *[For text of subparts 3 to 6, see Minnesota Rules]*

17.8 **4511.0700 REPORTING COMPENSATION PAID TO LOBBYIST.**

17.9 Subpart 1. **Reporting by lobbyist.** Compensation paid to a lobbyist for lobbying is
17.10 not reportable by the lobbyist ~~as a lobbyist disbursement.~~

17.11 *[For text of subpart 2, see Minnesota Rules]*

17.12 **4511.0900 LOBBYIST REPORTING FOR POLITICAL SUBDIVISION** 17.13 **MEMBERSHIP ORGANIZATIONS.**

17.14 Subpart 1. Required reporting. An association whose membership consists of political
17.15 subdivisions within Minnesota and which is a principal that provides lobbyist representation
17.16 on issues as directed by its membership must report:

17.17 A. attempts to influence administrative action on behalf of the organization's
17.18 membership;

17.19 B. attempts to influence legislative action on behalf of the organization's
17.20 membership; and

17.21 C. attempts to influence the official action of a political subdivision on behalf of
17.22 the organization's membership, unless the political subdivision is a member of the association.

17.23 Subp. 2. Communication with membership. A membership association described
17.24 in subpart 1 is not lobbying political subdivisions when the association communicates with

18.1 its membership regarding lobbying efforts made on the members' behalf, or when the
18.2 association recommends actions by its membership to support a lobbying effort.

18.3 **4511.1000 ACTIONS AND APPROVAL OF ELECTED LOCAL OFFICIALS.**

18.4 Subpart 1. **An action that requires a vote of the governing body.** Attempting to
18.5 influence the vote of an elected local official while acting in their official capacity is lobbying
18.6 of that official's political subdivision.

18.7 Subp. 2. **Approval by an elected local official.** Attempting to influence a decision
18.8 of an elected local official that does not require a vote by the elected local official is lobbying
18.9 if the elected local official has discretion in their official capacity to either approve or deny
18.10 a government service or action. Approval by an elected local official does not include:

18.11 A. issuing a government license, permit, or variance that is routinely provided
18.12 when the applicant has complied with the requirements of existing state code or local
18.13 ordinances;

18.14 B. any action which is performed by the office of the elected local official and
18.15 which does not require personal approval by an elected local official;

18.16 C. prosecutorial discretion exercised by a county attorney; or

18.17 D. participating in discussions with a party or a party's representative regarding
18.18 litigation between the party and the political subdivision of the elected local official.

18.19 **4511.1100 MAJOR DECISION OF NONELECTED LOCAL OFFICIALS.**

18.20 Subpart 1. **Major decision regarding the expenditure of public money.** Attempting
18.21 to influence a nonelected local official is lobbying if the nonelected local official may make,
18.22 recommend, or vote on as a member of the political subdivision's governing body, a major
18.23 decision regarding an expenditure or investment of public money.

19.1 Subp. 2. **Actions that are a major decision regarding public funds.** A major decision
 19.2 regarding the expenditure or investment of public money includes but is not limited to a
 19.3 decision on:

19.4 A. the development and ratification of operating and capital budgets of a political
 19.5 subdivision, including development of the budget request for an office or department within
 19.6 the political subdivision;

19.7 B. whether to apply for or accept state or federal funding or private grant funding;

19.8 C. selecting recipients for government grants from the political subdivision; or

19.9 D. expenditures on public infrastructure used to support private housing or business
 19.10 developments.

19.11 Subp. 3. **Actions that are not a major decision.** A major decision regarding the
 19.12 expenditure of public money does not include:

19.13 A. the purchase of goods or services with public funds in the operating or capital
 19.14 budget of a political subdivision;

19.15 B. collective bargaining of a labor contract on behalf of a political subdivision;
 19.16 or

19.17 C. participating in discussions with a party or a party's representative regarding
 19.18 litigation between the party and the political subdivision of the local official.

19.19 **4512.0200 GIFTS WHICH MAY NOT BE ACCEPTED.**

19.20 Subpart 1. **Acceptance.** An official may not accept a gift given by a lobbyist or lobbyist
 19.21 principal or given as the result of a request by a lobbyist or lobbyist principal unless the gift
 19.22 satisfies an exception under this part or Minnesota Statutes, section 10A.071.

19.23 Subp. 2. **Use of gift to ~~metropolitan governmental unit~~ a political subdivision.** An
 19.24 official may not use a gift given by a lobbyist or lobbyist principal to a ~~metropolitan~~

20.1 ~~governmental unit~~ political subdivision until the gift has been formally accepted by an
20.2 official action of the governing body of the ~~metropolitan governmental unit~~ political
20.3 subdivision.

20.4 Subp. 3. **Exception.** A gift is not prohibited if it consists of informational material
20.5 given by a lobbyist or principal to assist an official in the performance of official duties and
20.6 the lobbyist or principal had a significant role in the creation, development, or production
20.7 of that material.

20.8 **4525.0100 DEFINITIONS.**

20.9 *[For text of subparts 1 to 6, see Minnesota Rules]*

20.10 Subp. 6a. **Preponderance of the evidence.** "Preponderance of the evidence" means,
20.11 in light of the evidence obtained by or known to the board, the evidence leads the board to
20.12 believe that a fact is more likely to be true than not true.

20.13 *[For text of subparts 7 and 8, see Minnesota Rules]*

20.14 **4525.0200 COMPLAINTS OF VIOLATIONS.**

20.15 *[For text of subpart 1, see Minnesota Rules]*

20.16 Subp. 2. **Form.** Complaints must be submitted in writing. The name and address of
20.17 the person making the complaint, or of the individual who has signed the complaint while
20.18 acting on the complainant's behalf, must be included on the complaint and it. The complaint
20.19 must be signed by the complainant or an individual authorized to act on behalf of the
20.20 complainant. A complainant shall ~~shall~~ must list the alleged violator and the alleged violator's
20.21 address if known by the complainant and describe the complainant's knowledge of the
20.22 alleged violation. Any evidentiary material should be submitted with the complaint.
20.23 Complaints are not available for public inspection or copying until after the complaint is
20.24 dismissed or withdrawn or the board makes a finding.

20.25 Subp. 3. [Repealed, 30 SR 903]

21.1 Subp. 3a. **Withdrawal.** Prior to a prima facie determination being made, a complaint
21.2 may be withdrawn upon the written request of the person making the complaint or any
21.3 individual authorized to act on that person's behalf. After a prima facie determination is
21.4 made, a complaint may not be withdrawn.

21.5 *[For text of subparts 4 to 6, see Minnesota Rules]*

21.6 **4525.0210 DETERMINATIONS PRIOR TO AND DURING FORMAL**
21.7 **INVESTIGATION.**

21.8 *[For text of subparts 1 to 3, see Minnesota Rules]*

21.9 Subp. 3a. **Making the probable cause determination.** In determining whether there
21.10 is probable cause to believe a violation occurred, any evidence obtained by or known to the
21.11 board may be considered. Arguments of the respondent and complainant must be considered.
21.12 Probable cause exists if there are sufficient facts and reasonable inferences to be drawn
21.13 therefrom to believe that a violation of law has occurred.

21.14 *[For text of subpart 4, see Minnesota Rules]*

21.15 **Subp. 5. Action after probable cause found.** If the board finds that probable cause
21.16 exists to believe that a violation has occurred, the board then must determine whether the
21.17 alleged violation warrants a formal investigation.

21.18 When making this determination, the board must consider the type of possible violation;
21.19 the magnitude of the violation if it is a financial violation; the extent of knowledge or intent
21.20 of the violator; the benefit of formal findings, conclusions, and orders compared to informal
21.21 resolution of the matter; the availability of board resources; whether the violation has been
21.22 remedied; and any other similar factor necessary to decide whether the alleged violation
21.23 warrants a formal investigation.

21.24 If the board orders a formal investigation, the order must be in writing and must describe
21.25 the basis for the board's determination, the possible violations to be investigated, the scope

22.1 of the investigation, and the discovery methods available for use by the board in the
22.2 investigation.

22.3 The executive director must promptly notify the complainant and the respondent of the
22.4 board's determination.

22.5 The notice to the respondent also must:

22.6 *[For text of items A to C, see Minnesota Rules]*

22.7 D. state that the respondent will be given an opportunity to be heard by the board
22.8 prior to the board's determination as to whether any violation occurred.

22.9 At the conclusion of the investigation, the board must determine whether a violation
22.10 occurred. The board's determination of any disputed facts must be based upon a
22.11 preponderance of the evidence.

22.12 *[For text of subpart 6, see Minnesota Rules]*

22.13 **4525.0220 SUMMARY PROCEEDINGS.**

22.14 *[For text of subparts 1 and 2, see Minnesota Rules]*

22.15 Subp. 3. **Consideration of request by board.** Upon receipt of a request for a summary
22.16 proceeding, the executive director must submit the request to the board. If the matter was
22.17 initiated by a complaint, the complaint has not been dismissed, and a probable cause
22.18 determination has not been made, the executive director must send a copy of the request to
22.19 the complainant no later than the time that the request is submitted to the board. Under any
22.20 other circumstances a complainant must not be notified or provided a copy of the request.
22.21 The request must be considered by the board at its next meeting that occurs at least ten days
22.22 after the request was received. If the executive director sends a copy of the request to the
22.23 complainant pursuant to this subpart, the complainant must be given an opportunity to be
22.24 heard by the board.

23.1 The board is not required to agree to a request for a summary proceeding. If the board
23.2 modifies the respondent's request for a summary proceeding, the board must obtain the
23.3 respondent's agreement to the modifications before undertaking the summary proceeding.

23.4 **4525.0500 INVESTIGATIONS AND AUDITS; GENERAL PROVISIONS.**

23.5 *[For text of subparts 1 and 2, see Minnesota Rules]*

23.6 Subp. 2a. **Penalties.** In exercising discretion as to the imposition of a civil penalty for
23.7 violation of a statute within the board's jurisdiction, the board must consider the factors
23.8 identified in Minnesota Statutes, section 14.045. The board also may consider additional
23.9 factors such as whether a violator created and complied with appropriate internal controls
23.10 or policies before the violation occurred, whether the violator could have avoided the
23.11 violation, whether the violator voluntarily reported or corrected any violation, and whether
23.12 the violator took measures to remedy or mitigate any violation or avoid future violations.

23.13 *[For text of subparts 3 to 7, see Minnesota Rules]*

23.14 **4525.0550 FORMAL AUDITS.**

23.15 Subpart 1. **Formal audit.** The purpose of a formal audit is to ensure that all information
23.16 included in the report or statement being audited is accurately reported. The fact that the
23.17 board is conducting a formal audit does not imply that the subject of the audit has violated
23.18 any law. When conducting an audit, the board may require testimony under oath, permit
23.19 written statements to be given under oath, and issue subpoenas and cause them to be served.
23.20 When conducting an audit the board may require the production of any records required to
23.21 be retained under Minnesota Statutes, section 10A.025.

23.22 *[For text of subparts 2 and 3, see Minnesota Rules]*

23.23 Subp. 4. **Audits of affidavits of contributions.** The board may audit the affidavit of
23.24 contributions filed by a candidate or the candidate's treasurer to determine whether the
23.25 candidate is eligible to receive a public subsidy payment. The executive director must contact

24.1 the principal campaign committee of a candidate and request the information necessary to
24.2 audit any affidavit of contributions that was not filed by electronic filing system, if the
24.3 committee has accepted contributions from individuals totaling less than twice the amount
24.4 required to qualify for a public subsidy payment.

24.5 Subp. 5. **Audits of other campaign finance filings.** The board may audit any campaign
24.6 finance report or statement that is filed or required to be filed with the board under Minnesota
24.7 Statutes, chapter 10A or 211B. The board may conduct a partial audit, including auditing
24.8 a campaign finance report to determine whether a beginning or ending balance reconciles
24.9 with the filer's financial records. In determining whether to undertake an audit, the board
24.10 must consider the availability of board resources, the possible benefit to the public, and the
24.11 magnitude of any reporting failures or violations that may be discovered as a result of the
24.12 audit. The board may conduct audits in which respondents are selected on a randomized
24.13 basis designed to capture a sample of respondents that meet certain criteria. The board may
24.14 conduct audits in which all respondents meet certain criteria. When undertaking an audit
24.15 with respondents selected on a randomized basis, the board must, to the extent possible,
24.16 seek to prevent selecting respondents based on their political party affiliation, or if the
24.17 respondents are candidates, based on their incumbency status.

24.18 **RENUMBERING INSTRUCTION.** A. Renumber Minnesota Rules, part 4501.0100,
24.19 subpart 7a, as Minnesota Rules, part 4501.0100, subpart 7c.

24.20 B. Renumber Minnesota Rules, part 4503.0100, subpart 3a, as Minnesota Rules, part
24.21 4503.0100, subpart 3c.

24.22 **REPEALER.** Minnesota Rules, part 4511.0500, subpart 5, is repealed.



MINNESOTA CAMPAIGN FINANCE BOARD

Date: August 28, 2024

To: Board members

From: Megan Engelhardt, Assistant Executive Director
Greta Johnson, Legal / Management Analyst

Telephone: 651-539-1182
Telephone: 651-539-1183

Re: Prima Facie Determinations

Complaints filed with the Board are subject to a prima facie determination which are made by the Board chair in consultation with staff. If the Board chair determines that the complaint states a violation of Chapter 10A or the provisions of Chapter 211B under the Board's jurisdiction, the complaint moves forward to a probable cause determination by the full Board.

If the determination finds that the complaint does not state a prima facie violation, the prima facie determination must dismiss the complaint without prejudice. When a complaint is dismissed, the complaint and the prima facie determination become public data. The following complaints were dismissed by Chair Asp, and the prima facie determinations are provided here as an informational item to Board members. No further Board action is required.

Mark Westpfahl

On August 14, 2024, the Board received a complaint from Kevin Sethre regarding Mark Westpfahl, a mayoral candidate in the City of South St. Paul. The complaint alleged that Mark Westpfahl did not file a pre-primary campaign finance report per Minnesota Statutes section 211A.02, subdivision 1, paragraph (b), clause (1), which states that a campaign finance report needs to be filed "ten days before the primary or special primary." The complaint was dismissed due to the Board's lack of jurisdiction over the statute that might give rise to the violation alleged in the complaint.

People for Gregory (Davids) Committee

On July 22, 2024, the Board received three complaints from Cory Johnson regarding Representative Gregory Davids, a candidate for Minnesota House of Representatives District 26B. The People for (Gregory) Davids Committee is the principal campaign committee of Representative Davids.

The complaints alleged that the Davids committee sent three separate campaign mailers that state that Representative Davids is the Republican-endorsed candidate for House District 26B. All three complaints alleged that Representative Davids is not the Republican-endorsed candidate for House District 26B. The complaints alleged that the mailers violated Minnesota Statutes section 211B.02, which regulates claims of endorsement and support. Because all three complaints alleged that the Davids committee violated Minnesota Statutes section 211B.02 in the same manner, the Board chair considered all three complaints together. The complaints were dismissed due to the Board's lack of jurisdiction over the statute that might give rise to the violations alleged in the complaints.

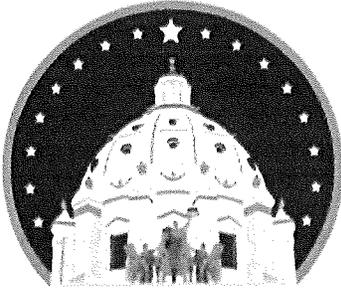
Attachments:

Westpfahl complaint

Westpfahl prima facie determination

Davids complaint

Davids prima facie determination



MINNESOTA CAMPAIGN FINANCE BOARD

Complaint for Violation of the Campaign Finance and Public Disclosure Act

All information on this form is confidential until a decision is issued by the Board.
A photocopy of the entire complaint, however, will be sent to the respondent.

Information about complaint filer

Name of complaint filer	Kevin Sethre		
Address	3650 73rd Street E	Email address	sethrek@gmail.com
City, state, and zip	Inver Grove Height MN 55076	Telephone (Daytime)	651 358 9143

Identify person/entity you are complaining about

Name of person/entity being complained about	Mark Westpfahl		
Address	1519 Deerword Drive		
City, state, zip	South St.Paul MN 55075		
Title of respondent (If applicable)	Mark J. Westpfahl for Mayor		
Board/Department/Agency/District # (If legislator)			

Signature of person filing complaint

Date

Send completed form to:

Campaign Finance & Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

If you have questions call 651-539-1189, 800-657-3889, or for TTY/TDD communication contact us via the Minnesota Relay Service at 800-627-3529. Board staff may be reached by email at cf.board@state.mn.us.

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180, 800-657-3889, or through the Minnesota Relay Service at 800-627-3529.

Mark J. Westfahl for Mayor
markformayorssp.com

April 3 - May 21, 2014

Donor Name	Amount	Address (for over \$200)	Employer
Personal Loan - Westfahl	\$3,000	1519 Deenwood Drive, South St. Paul, MN 55075	South St. Paul Public Schools
Matt Klein	100		
Claire Troxel	20		
Jake Cortes	50		
Ryan Vernosh	30		
Ty Fehrman	50		
Lauren Huschka	25		
Joe and Julla Atkins	100		
Jennifer Bloom	100		
Don Westfahl	500	1519 Birka Lane, Onalaska, Wisconsin 5465	Retired
Paul Putt	100		
Matt Gresick	100		

Mark J. Westpfahl for Mayor
markformayorssp.com

Date	CAMPAIGN EXPENSES	
		Expenses
4/3/24	Website & Host	154.4
4/23/24	Campalgn Lit Piece 1	910.1
4/16/24	Campalgn Signs	932.9
5/1/24	SSP4ALL Sponsorship	50
5/1/24	Kaposia Days Sponsorship	750
5/10/24	SSPPS Drama Club Sponsorship	25
5/16/24	Queensboro - Branded merchandise	36.56
5/21/24	Kaposia Days Biz Expo	30
5/21/24	SSP Mayoral Filing	20

Campaign Finance

Campaigns and candidates are required to make information public about the money they raise and spend. These laws about campaign finance vary, depending on the office, please visit the [Minnesota Secretary of State's site](#) for more in-depth information on requirements.

Local Candidates and Campaigns

Local candidates and campaigns follow [Minnesota Statutes Chapter 211A](#) and local laws, and file with their local [filing officer](#). Those that raise or spend larger amounts of money must make this information public through [Campaign Finance filings](#).

Campaign Finance Reports

2024

[Bakken, Pam: April 10 - June 11](#)

[Bakken, Pam: June 18 - July 1](#)

[Fehrman, Tyler: January 1 - May 21](#)

[Francis, Jimmy: January 1 - March 31](#) [Francis, Jimmy: April 1 - August 1](#)

[Hansen, Lori: June 15 - August 1](#)

[Westpfahl, Mark: April 3 - May 21](#)

2023

Jimmy Francis, 2023

2022

Joe Kaliszewski, 2022 Certification of Filing, 2022

Tom Seaberg, 2022 Certification of Filing, 2022

Matthew Thomson, Certification of Filing, 2022

 Government Websites by CivicPlus®

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF KEVIN SETHRE REGARDING MARK WESTPFAHL

On August 14, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Kevin Sethre regarding Mark Westpfahl, a mayoral candidate in the City of South St. Paul.

The complaint alleges that Mark Westpfahl did not file a pre-primary campaign finance report per Minnesota Statutes section 211A.02, subdivision 1, paragraph (b), clause (1), which states that a campaign finance report needs to be filed "ten days before the primary or special primary. This report is required regardless of whether the candidate or issue is on the primary ballot or a primary is not conducted." The complaint states that Westpfahl's report should have been filed by August 3, 2024, and includes a screenshot of what appears to be a City of South St. Paul webpage indicating that Westpfahl had not filed the pre-primary report as of the date the complaint was submitted.

Determination

Minnesota Statutes section 10A.022, subdivision 3, authorizes the Board to investigate alleged or potential violations of Minnesota Statutes chapter 10A in addition to Minnesota Statutes sections 211B.04, 211B.12, and 211B.15. Because the Board does not have jurisdiction over the statutes that might give rise to the violations alleged in the complaint, the chair concludes that the complaint does not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction. Pursuant to Minnesota Statutes section 10A.022, subdivision 3, this prima facie determination is made by the Board chair and not by any vote of the entire Board. The complaint is dismissed without prejudice.



David Asp, Chair
Campaign Finance and Public Disclosure Board

Date: August 16, 2024



MINNESOTA CAMPAIGN FINANCE BOARD

MN CAMPAIGN FINANCE BOARD
24 JUL 22 4:19:22

Complaint for Violation of the Campaign Finance and Public Disclosure Act

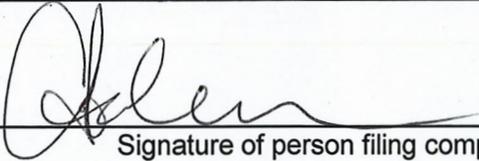
All information on this form is confidential until a decision is issued by the Board.
A photocopy of the entire complaint, however, will be sent to the respondent.

Information about complaint filer

Name of complaint filer	Cory Johnson		
Address	715 Jonathan Lane	Email address	thxdude@pm.me
City, state, and zip	La Crescent	Telephone (Daytime)	5073963427

Identify person/entity you are complaining about

Name of person/entity being complained about	Greg Davids		
Address	PO Box 1		
City, state, zip	PRESTON, MN 55965		
Title of respondent (If applicable)			
Board/Department/Agency/District # (If legislator)	HOUSE 26B		


Signature of person filing complaint

18-JULY-2024
Date

Send completed form to:

Campaign Finance & Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

If you have questions call 651-539-1189, 800-657-3889, or for TTY/TDD communication contact us via the Minnesota Relay Service at 800-627-3529. Board staff may be reached by email at cf.board@state.mn.us.

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Give the statutory cite to the section of Chapter 10A, Chapter 211B, or Minnesota Rules you believe has been violated:

211B.02

You will find links to the complete text of Chapter 10A, Chapter 211B, and Minnesota Rules chapters 4501 - 4525 on the Board's website at cfb.mn.gov.

Nature of complaint

Explain in detail why you believe the respondent has violated the campaign finance and public disclosure laws. Attach extra sheet(s) of paper if necessary. Attach any documents, photographs, or other evidence needed to support your allegations. Electronic files may be provided to the Board by email or via a file transfer service.

211B.02 FALSE CLAIM OF SUPPORT.
 A person or candidate may not knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot question has the support or endorsement of a major political party or party unit or of an organization. A person or candidate may not state in written campaign material that the candidate or ballot question has the support or endorsement of an individual without first getting written permission from the individual to do so.

Greg is sending out mailers which indicate he is supported by the MNGOP.
 Greg lost the endorsement on April 20, 2024, at the endorsing convention after 1 round of voting.
 Greg cannot be using the MNGOP logo to my understanding of the statue.

https://www.hometownsource.com/caledonia/news/local/representative-davids-seeks-re-election-after-losing-party-endorsement-to-steuart/article_121ce744-13c9-11ef-8841-df2b0ea092c0.html

Minnesota Statutes section 10A.022 and Minnesota Rules Chapter 4525 describe the procedures required for investigating complaints. A full description of the complaint process is available on the Board's website. Briefly, the Board will notify you when it has received your complaint. The Board must send a copy of the complaint to the respondent. Complaints and investigations are confidential. Board members and staff cannot talk about an investigation except as required to carry out the investigation or to take action in the matter. After the Board issues a decision, the record of the investigation is public.

The law requires a complaint to go through two stages before the Board can begin an investigation: a prima facie determination and a probable cause decision. If the complaint does not pass one of the stages, it must be dismissed. The Board chair or their designee has 10 business days after receiving your complaint to determine whether the complaint alleges a prima facie violation. If the complaint alleges a prima facie violation, the Board has 45 days to decide whether probable cause exists to believe a violation that warrants a formal investigation has occurred. Both you and the respondent have the right to be heard on the issue of probable cause before the Board makes this decision. The Board will notify you if the complaint moves to the probable cause stage.

If the Board determines that probable cause does not exist, the Board will dismiss the complaint. If the Board determines that probable cause exists, the Board may start an investigation. In some cases the Board will issue findings, conclusions, and an order as its decision. In other cases the Board will instead enter into a conciliation agreement with the respondent. The Board's final decision will be posted on the Board's website.

State Representative Greg Davids. Fighting for your 2nd Amendment freedoms!

Southeastern Minnesota's gun owners know they have a trusted ally in Rep. Davids, as he understands that your Constitutional right to keep and bear arms shall not be infringed. As Democrats continued their assault on your 2nd Amendment liberties this session, Rep. Davids continued to vote against these senseless measures. Thanks to his unwavering support for gun rights, **Rep. Davids consistently receives endorsement from the NRA and the Minnesota Gun Owners Caucus!**

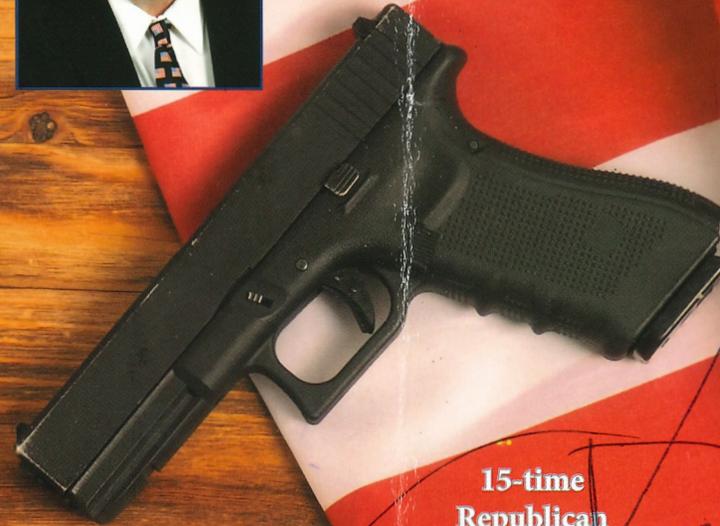


- ▶ **Opposed 'universal' background checks**
- ▶ **Opposed red flag confiscation orders**
- ▶ **Opposed binary trigger ban**
- ▶ **Opposed firearm storage requirements**
- ▶ **Opposed criminalizing victims of gun theft if they fail to report a missing gun within 48 hours**

**On Primary Day, August 13,
Vote Greg Davids for State Representative!**



A proven, conservative leader!



15-time
Republican
Endorsed!





*By mail or in person beginning June 28
On Primary Day, Tuesday, August 13*

**Greg Davids.
Defending your
2nd Amendment rights.**



**Prepared and paid for by
People for Davids Committee
PO Box 1
Preston, MN 55965**

PRESORTED
STANDARD
U.S. POSTAGE PAID
TWIN CITIES, MN
PERMIT NO. 26920



**Cory Johnson
Or Current Resident
715 Jonathan Ln
La Crescent, MN 55947-1054**



MINNESOTA CAMPAIGN FINANCE BOARD

MN CAMPAIGN FINANCE BOARD
24 JUL 22 09:22

Complaint for Violation of the Campaign Finance and Public Disclosure Act

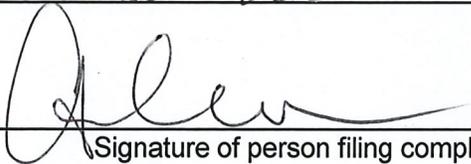
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Name of complaint filer		Cory Johnson	
Address	715 Jonathan Lane	Email address	thxdude@pm.me
City, state, and zip	La Crescent	Telephone (Daytime)	5073963427

Identify person/entity you are complaining about

Name of person/entity being complained about	Greg Davids
Address	PO Box 1
City, state, zip	PRESTON, MN 55965
Title of respondent (If applicable)	
Board/Department/Agency/District # (If legislator)	HOUSE 26B


Signature of person filing complaint

18-July-2024
Date

Send completed form to:

Campaign Finance & Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

If you have questions call 651-539-1189, 800-657-3889, or for TTY/TDD communication contact us via the Minnesota Relay Service at 800-627-3529. Board staff may be reached by email at cf.board@state.mn.us.

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180, 800-657-3889, or through the Minnesota Relay Service at 800-627-3529.

Give the statutory cite to the section of Chapter 10A, Chapter 211B, or Minnesota Rules you believe has been violated:

211B.02

You will find links to the complete text of Chapter 10A, Chapter 211B, and Minnesota Rules chapters 4501 - 4525 on the Board's website at cfb.mn.gov.

Nature of complaint

Explain in detail why you believe the respondent has violated the campaign finance and public disclosure laws. Attach extra sheet(s) of paper if necessary. Attach any documents, photographs, or other evidence needed to support your allegations. Electronic files may be provided to the Board by email or via a file transfer service.

211B.02 FALSE CLAIM OF SUPPORT.

A person or candidate may not knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot question has the support or endorsement of a major political party or party unit or of an organization. A person or candidate may not state in written campaign material that the candidate or ballot question has the support or endorsement of an individual without first getting written permission from the individual to do so.

Greg is sending out mailers which indicate he is supported by the MNGOP. Greg lost the endorsement on April 20, 2024, at the endorsing convention after 1 round of voting. Greg cannot be using the MNGOP logo to my understanding of the statute.

https://www.hometownsource.com/caledonia/news/local/representative-davids-seeks-re-election-after-losing-partys-endorsement-to-steuart/article_121ce744-13c9-11ef-8841-df2b0ea092c0.html

Minnesota Statutes section 10A.022 and Minnesota Rules Chapter 4525 describe the procedures required for investigating complaints. A full description of the complaint process is available on the Board's website. Briefly, the Board will notify you when it has received your complaint. The Board must send a copy of the complaint to the respondent. Complaints and investigations are confidential. Board members and staff cannot talk about an investigation except as required to carry out the investigation or to take action in the matter. After the Board issues a decision, the record of the investigation is public.

The law requires a complaint to go through two stages before the Board can begin an investigation: a prima facie determination and a probable cause decision. If the complaint does not pass one of the stages, it must be dismissed. The Board chair or their designee has 10 business days after receiving your complaint to determine whether the complaint alleges a prima facie violation. If the complaint alleges a prima facie violation, the Board has 45 days to decide whether probable cause exists to believe a violation that warrants a formal investigation has occurred. Both you and the respondent have the right to be heard on the issue of probable cause before the Board makes this decision. The Board will notify you if the complaint moves to the probable cause stage.

If the Board determines that probable cause does not exist, the Board will dismiss the complaint. If the Board determines that probable cause exists, the Board may start an investigation. In some cases the Board will issue findings, conclusions, and an order as its decision. In other cases the Board will instead enter into a conciliation agreement with the respondent. The Board's final decision will be posted on the Board's website.



15-time
Republican
Endorsed!



Greg
DAVIDS
State
Representative

State Representative Greg Davids is working to secure our elections!

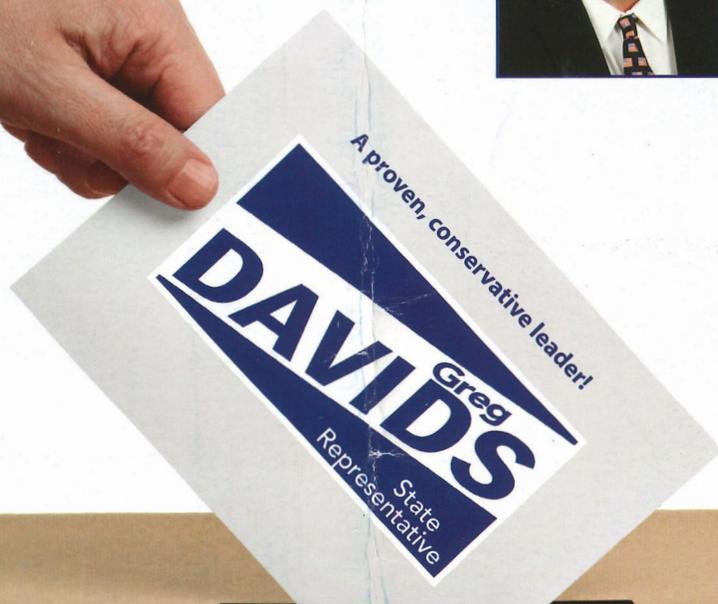
Every Minnesota citizen should know their election system is protected, transparent, fair, and honest. Rep. Davids understands this, and has supported numerous measures that would ensure all ballots in our state are legally cast and accurately counted.

- ▶ **Voted to approve a Constitutional Amendment for Voter ID**
- ▶ **Voted to add safeguards that prevent illegal immigrants from receiving a ballot**
- ▶ **Voted to ban liberal dark money from being used to influence our elections.**
- ▶ **Opposed drop boxes and other Democrat schemes to make our elections less secure**

**On Primary Day, August 13,
Vote Greg Davids for State Representative!**



A vote for Greg Davids is a vote for election integrity!



*By mail or in person beginning June 28
On Primary Day, Tuesday, August 13*

Prepared and paid for by
People for Davids Committee
PO Box 1
Preston, MN 55965

PRESORTED
STANDARD
U.S. POSTAGE PAID
TWIN CITIES, MN
PERMIT NO. 26920



Cory Johnson
Or Current Resident
715 Jonathan Ln
La Crescent, MN 55947-1054



MINNESOTA CAMPAIGN FINANCE BOARD

Complaint for Violation of the Campaign Finance and Public Disclosure Act

All information on this form is confidential until a decision is issued by the Board.
A photocopy of the entire complaint, however, will be sent to the respondent.

Information about complaint filer

Name of complaint filer	Cory Johnson		
Address	715 Jonathan Lane	Email address	thxdude@pm.me
City, state, and zip	La Crescent	Telephone (Daytime)	5073963427

Identify person/entity you are complaining about

Name of person/entity being complained about	Greg Davids		
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Greg Davids.
A proven, conservative leader
on our pro-life values.



By mail or in person beginning June 28
On Primary Day, Tuesday, August 13

Prepared and paid for by
People for Davids Committee
PO Box 1
Preston, MN 55965

PRESORTED
STANDARD
U.S. POSTAGE PAID
TWIN CITIES, MN
PERMIT NO. 26920



Cory Johnson
Or Current Resident
715 Jonathan Ln
La Crescent, MN 55947-1054

GREG DAVIDS - Taking a stand for LIFE!

During his time as our state representative, Rep. Davids has been recognized as a steady and reliable voice for the rights of the unborn. With a 100% rating due to his continued strong support for pro-life legislation, **Rep. Davids has been consistently endorsed by the MCCL.**

- ▶ Rep. Davids voted against radical Democrat legislation allowing abortions at any point during a pregnancy - including at the moment of birth.
- ▶ Rep. Davids voted against the repeal of the Women's Right to Know law, which provided women important health information before having an abortion.
- ▶ Rep. Davids supported licensing and inspecting of abortion facilities.
- ▶ Rep. Davids voted against legislation that eliminates lifesaving care for infants who survived an abortion.
- ▶ Rep. Davids opposed using your tax dollars to help fund abortions.
- ▶ Rep. Davids has been previously endorsed by:



507-951-3893

gdavids@centurytel.net



15-time
Republican
Endorsed!



By mail or in person
beginning June 28

On Primary Day,
Tuesday, August 13

Vote Greg Davids for State Representative
Our Voice for Life!



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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF CORY JOHNSON REGARDING THE PEOPLE FOR (GREGORY) DAVIDS COMMITTEE

On July 22, 2024, the Campaign Finance and Public Disclosure Board received three complaints submitted by Cory Johnson regarding Representative Gregory Davids, a candidate for Minnesota House of Representatives District 26B. The People for (Gregory) Davids Committee is the principal campaign committee of Representative Davids.

The complaints allege that the Davids committee sent three separate campaign mailers that state that Representative Davids is the Republican-endorsed candidate for House District 26B. All three complaints allege that Representative Davids is not the Republican-endorsed candidate for House District 26B. The complainant provided copies of three mailers sent by the Davids committee that each state "15-time Republican Endorsed!" The complaints allege that the mailers violated Minnesota Statutes section 211B.02, which regulates claims of endorsement and support. Because all three complaints allege that the Davids committee violated Minnesota Statutes section 211B.02 in the same manner, the Board chair will consider all three complaints in this prima facie determination.

Determination

Minnesota Statutes section 10A.022, subdivision 3, authorizes the Board to investigate alleged or potential violations of Minnesota Statutes chapter 10A in addition to Minnesota Statutes sections 211B.04, 211B.12, and 211B.15. The Board does not have jurisdiction over Minnesota Statutes section 211B.02. Minnesota Statutes section 211B.02 is the only statute that was allegedly violated. Therefore, the chair concludes that the complaints do not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction. Pursuant to Minnesota Statutes section 10A.022, subdivision 3, this prima facie determination is made by the Board chair and not by any vote of the entire Board. The complaints are dismissed without prejudice.



David Asp, Chair
Campaign Finance and Public Disclosure Board

Date: August 5, 2024

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
September 2024

ACTIVE FILES

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Personally Served	Default Hearing Date	Date Judgment Entered	Case Status
Mariani, Carlos	Neighbors for Mariani	Previously filed reports and statements Late filing of 2023 year-end report	\$7,620 LFFs \$3,300 CPs \$1,000 LFF \$1,000 CP	11/22/23				