

## Complaints

### Who can file a complaint?

Any individual can file a complaint.

### What can the Board investigate?

The Campaign Finance and Public Disclosure Board can investigate alleged violations of the following laws:

- The campaign finance and public disclosure laws in Minnesota Statutes chapter 10A;
- The campaign finance and public disclosure rules in Minnesota Rules chapters 4501-4525; and
- The three provisions of chapter 211B that are under the Board's jurisdiction for state-level candidates, committees, and ballot questions (sections 211B.04 (disclaimers on campaign material), 211B.12 (use of money collected for political purposes), and 211B.15 (corporate contributions)).

### How do I file a complaint?

No special form is required to file a complaint. If you prefer to work from a form, one is available upon request from the Board and on the Board's website. [Click here for the form.](#) The complaint must refer to the law that allegedly has been violated and include the name and address of the person or entity that allegedly violated the law (the respondent), a description of the facts that allegedly show how the respondent violated the law, and the name and signature of the person filing the complaint (the complainant).

### Is the complaint public?

Complaints and investigations are confidential until the Board issues a decision resolving the matter. 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 including the complaint itself.

### What happens after a complaint is filed?

The complainant is notified that the Board has received the complaint. The Board also sends a copy of the complaint to the respondent. The law then requires a two-stage process to be completed before the Board can investigate the complaint. The first stage is a prima facie determination; the second is a probable cause decision.

### What is a prima facie determination?

A prima facie determination is the first of two tests that a complaint must pass before it can be investigated. At the prima facie stage, the Board chair or a Board member appointed by the chair determines whether the information in the complaint is sufficient to allege a violation of Chapter 10A, the Board's rules, or the provisions of 211B under the Board's jurisdiction.

### When does the prima facie determination have to be made?

The Board member must make the prima facie determination within 10 business days after the Board receives the complaint.

### What happens after the prima facie determination?

If the Board member determines that the complaint does not state a prima facie violation of the campaign finance laws, the complaint is dismissed and the Board notifies both the complainant and the respondent of the decision. If the complaint does state a prima facie violation, it moves to the probable cause stage.

### What is a probable cause decision?

The probable cause decision is the second of two tests that a complaint must pass before it can be investigated. At the probable cause stage, the entire Board reviews the complaint to decide whether probable cause exists to believe a violation of the campaign finance laws has occurred and, if it has, whether that violation warrants a formal investigation.

## **When does the probable cause decision have to be made?**

The Board must make the probable cause decision within 45 days after the prima facie determination. The Board makes the probable cause decision at a meeting closed to the public. Both the complainant and the respondent can send a written statement and attend the Board meeting where the probable cause decision will be made to explain why they think probable cause does or does not exist in the matter. The meeting is not a trial, however, and neither the complainant nor the respondent may question anyone or present evidence. Instead, the discussion is limited to whether probable cause exists to justify moving forward with an investigation of the complaint.

## **What happens after the probable cause decision?**

If the Board determines that probable cause does not exist to believe a violation has occurred, the Board dismisses the complaint. If the Board determines that probable cause exists but that the violation does not warrant a formal investigation, the Board will dismiss the complaint but the order will recognize that there was a violation. If the Board determines that probable cause exists and the violation warrants an investigation, the Board will begin an investigation of the allegations in the complaint. The Board always notifies the complainant and the respondent of its decision.

## **What happens during the investigation?**

During the investigation, Board staff gathers information related to the allegations in the complaint and any other violations that are discovered during the investigation. In most cases, the Board asks people to voluntarily provide information or statements to the Board. But the Board has the power to issue subpoenas for information and testimony that is not voluntarily provided. In all cases, the respondent has the right to provide witnesses and additional evidence to the Board even when the Board has not asked for that information.

## **What is a summary proceeding?**

A summary proceeding is something other than a full investigation that resolves a matter or part of a matter under investigation. A summary proceeding can be a stipulation of facts or a conciliation agreement. In a conciliation agreement, the respondent admits a violation of the campaign finance laws and usually agrees to pay a penalty and take remedial actions to prevent a future violation. At any time in the investigation, a respondent may ask to use a summary proceeding. The request must specify the issues to be resolved and the type of summary proceeding requested.

## **When does the Board have to make a decision about the complaint?**

Although there is a 60-day deadline for investigating complaints that allege spending or contribution limits violations, this deadline may be extended by majority vote of the Board. There is no deadline for investigating complaints that do not involve spending or contribution limits. After each Board meeting, the Board updates both the complainant and the respondent about the status of the investigation.

## **What happens when the Board makes a decision on the complaint?**

When the investigation is complete, the matter is scheduled for a decision at a Board meeting. The complainant and the respondent are notified of and given an opportunity to appear at the meeting to address the Board. If the Board's staff plans to recommend a resolution of the matter, the respondent also is usually told what that recommendation will be.

The meeting where the Board considers the complaint is not a trial and neither the complainant nor the respondent may question anyone or present evidence. Instead, the Board considers the record developed during the investigation, including any witnesses or evidence provided by the complainant or the respondent. The complainant and the respondent can present arguments about whether the record developed during the investigation does or does not show that the campaign finance laws have been violated.

## **What happens after the Board makes a decision on the complaint?**

If the Board determines that the respondent did not violate the campaign finance laws, the complaint is dismissed. If the Board concludes that the respondent violated the campaign finance laws, the Board issues findings, conclusions, and an order describing the violation and the penalty. If the violation involves spending or contribution limits, the Board will try to resolve the matter through a conciliation agreement with the respondent instead of issuing findings, conclusions, and an order. If the Board cannot reach an agreement with the respondent, the Board will issue findings, conclusions, and an order in the matter.