

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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF SOREN SORENSEN REGARDING THE 2<sup>ND</sup> SENATE DISTRICT DFL; TED FISKEVOLD, CHAIR OF THE 2<sup>ND</sup> SENATE DISTRICT DFL; LON ENGBERG, TREASURER OF THE 2<sup>ND</sup> SENATE DISTRICT DFL; AND THE RED LAKE POLITICAL EDUCATION COMMITTEE:

On May 3, 2018, the Campaign Finance and Public Disclosure Board received a complaint submitted by Soren Sorensen regarding the 2<sup>nd</sup> Senate District DFL; Ted Fiskevold, chair of the 2<sup>nd</sup> Senate District DFL; Lon Engberg, treasurer of the 2<sup>nd</sup> Senate District DFL; and the Red Lake Political Education Committee. Mr. Sorensen's complaint alleges that the 2<sup>nd</sup> Senate District DFL sent postcards to the endorsing convention delegates and alternates that did not include the required disclaimer; that the 2<sup>nd</sup> Senate District DFL made an inappropriate charitable contribution of \$1,000 to the Red Lake Political Committee in 2016; and that the 2<sup>nd</sup> Senate District DFL's failure to follow the DFL's rules for local party units means that its endorsements and expenditures were false claims of support in violation of Minnesota Statutes section 211B.02.

Mr. Sorensen also alleges that the Red Lake Political Education Committee is required to register with the Board as a political committee or political fund because the association has spent more than \$750 dollars to influence state legislative races. Mr. Sorensen cites the Red Lake Political Education Committee's Facebook page and a job posting by the Red Lake Political Education Committee for a political canvasser as support for his allegation.

**Determination**

2<sup>nd</sup> Senate District DFL

Minnesota Statutes section 211B.04 requires political party units to include a disclaimer on all campaign materials that prominently states, "Prepared and paid for by the . . . committee, . . . (address)." The complaint alleges that the postcard sent by the 2<sup>nd</sup> Senate District DFL did not include a disclaimer in the form required by Minnesota Statutes section 211B.04. The postcard provided with the complaint states, "Paid for by the SD2 DFL." The postcard does not include the "prepared" language or the required address. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 211B.04.

The complaint next alleges that the 2<sup>nd</sup> Senate District DFL made an inappropriate charitable contribution of \$1,000 to the Red Lake Political Committee in 2016. Minnesota Statutes section 211B.12 states that the "[u]se of money collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns, or is a noncampaign disbursement . . . [however] [t]he following are permitted expenditures . . . charitable contributions of not more than \$100 to any charity organized under section 501(c)(3) of the Internal Revenue Code annually . The party unit's 2016 year-end report of receipts and expenditures reports that on June 13, 2016, the 2<sup>nd</sup> Senate District DFL made a \$1,000 payment to the Red Lake Political Education Committee. The report

provides that the purpose of the payment was a “charitable contribution”. . . .” The Red Lake Political Education Committee is not registered as a 501(c)(3) charitable organization and the amount given is more than the \$100 allowed under Minnesota Statutes section 211B.12 if the group were a 501(c)(3) charity. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 211B.12.

Mr. Sorensen alleges that the 2<sup>nd</sup> Senate District DFL does not follow the DFL’s rules for local party units is not a matter governed by Chapter 10A. Under Chapter 10A, each state central party committee approves the registration of the local party units, such as the 2<sup>nd</sup> Senate District DFL, and the state party committee establishes the rules governing each of its local party units. The Board has no authority to enforce the state party’s rules. Therefore, the allegations that the 2<sup>nd</sup> Senate District DFL is in violation of the Minnesota DFL constitution and bylaws do not support a finding of a prima facie violation of any provision in Chapter 10A.

Mr. Sorensen’s allegation that the 2<sup>nd</sup> Senate District DFL’s failure to follow the DFL party’s rules means that the party unit’s endorsements and expenditures are a false claim of support in violation of Minnesota Statutes section 211B.02 are not under the Board’s jurisdiction. Therefore, the allegations in the complaint regarding a violation of Minnesota Statutes section 211B.02 do not support a finding of a prima facie violation.

#### Red Lake Political Education Committee

The complaint alleges that the Red Lake Political Education Committee is not registered with the Board as a political committee or political fund but appears to have spent more than \$750 dollars to influence state legislative races. Minnesota Statutes section 10A.14, subdivision 1(a) requires in part that, “The treasurer of a political committee, political fund, principal campaign committee, or party unit must register with the board by filing a registration statement. The registration statement must be filed ... no later than 14 days after the committee, fund, or party unit has made a contribution, received contributions, or made expenditures in excess of \$750;”

The complaint provided a screen shot of the Red Lake Political Education Committee’s Facebook page. The Facebook page in the about section states the, “Red Lake Political [E]ducation [C]ommittee is committed to the civic engagement of the residents of Red Lake. We coordinate the “Get Out the Vote” Campaign for the Red Lake Indian Reservation.”

The Facebook page posted, “Recently announced. Michael Northbird for 2A” on its page on March 13, 2018, and then shared the Northbird for MN House District 2A Facebook page on March 14, 2018. The complaint also provided a job posting for a political canvasser for the Red Lake Political Education Committee. The job posting specifically states that position will be doing “door to door voter registration” to “educate individuals on the importance of voting” and states that they will provide nonpartisan literature to households or individuals. These posting and documents show that the group is focused on raising awareness of the importance of voting and on assisting residents of the Red Lake Indian Reservation in registering to vote. While the group’s Facebook page did share the Northbird for MN House District 2A Facebook page, the cost of such sharing is essentially free and would not result

in expenditures of more than \$750. Thus, there is no basis on which to conclude that the Red Lake Political Education Committee is required to register as a political committee or fund with the Board. The allegations in the complaint therefore do not support a finding of a prima facie violation regarding the Red Lake Political Education Committee.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (1), this prima facie determination is made by a single Board member and not by any vote of the entire Board. This prima facie determination does not mean that the Board has commenced, or will commence, an investigation or has made any determination of a violation by any of the individuals or entities named in the complaint.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (2), within 45 days of the date of this determination the Board will make findings and conclusions as to whether probable cause exists to believe the disclaimer and the inappropriate political contribution alleged in the complaint warrants a formal investigation. The complainant and the respondent named in this prima facie determination will be given an opportunity to be heard by the Board prior to any decision on probable cause.

Until the Board makes a public finding or enters into a conciliation agreement, this matter is subject to the confidentiality requirements of Minnesota Statutes section 10A.022, subdivision 5.

/s/ Carolyn Flynn  
Carolyn Flynn, Chair  
Campaign Finance and Public Disclosure Board

Date: May 15, 2018