

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

**PROBABLE CAUSE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF ROBERT HOFFMAN REGARDING THE LISA HANSON FOR SENATE COMMITTEE

On August 4, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by R. Reid LeBeau II on behalf of Robert Hoffman regarding Lisa Hanson, a candidate for Minnesota Senate District 23. Lisa Hanson for Senate is the principal campaign committee of Ms. Hanson.

The complaint alleges a violation of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint includes photographs of the front and back of a postcard-style mailer that appears to have been sent to Mr. Hoffman. The mailer does not include a disclaimer as provided in Minnesota Statutes section 211B.04. The mailer does not provide a return mailing address, but does provide the website address, email address, and phone number for the Hanson committee. The website of the Hanson committee does contain the full disclaimer required by Minnesota Statutes section 211B.04.

On August 10, 2022, the Board chair determined that the complaint alleged a prima facie violation of Minnesota Statutes section 211B.04. Copies of the complaint and the prima facie determination were mailed and emailed to Ms. Hanson and the committee's treasurer the next day. A response was received by the Board on August 19, 2022 from counsel for the Hanson committee, Richard Dahl.

The Hanson committee admitted to the violation stating that the error was due to "an unintentional oversight" caused by improper proofreading prior to the mailer being sent out. The response provides that all other campaign material prepared by the Hanson committee contained the required disclaimer. The Hanson committee also stated that 5,186 mailers were distributed, and that the total printing and mailing cost was \$3,003.58.

**Analysis**

When the Board chair makes a finding that a complaint raises a prima facie violation, the full Board then must determine whether probable cause exists to believe an alleged violation that warrants an investigation has occurred. Minn. Stat. § 10A.022, subd. 3 (d). A probable cause determination is not a complete examination of the evidence on both sides of the issue. Rather, it is a determination of whether a complaint raises sufficient questions of fact which, if true, would result in the finding of a violation.

If the Board finds that probable cause exists, the Board is required to determine whether the alleged violation warrants a formal investigation, considering the type and magnitude of the

alleged violation, the knowledge of the respondent, any benefit to be gained from a formal investigation, the availability of Board resources, and whether the violation has been remedied. Minn. R. 4525.0210, subp. 5. If the Board finds that probable cause exists but does not order a formal investigation, the Board is required to either dismiss the complaint or order a staff review. Minn. R. 4525.0210, subp. 6.

Minnesota Statutes section 211B.04, subdivision 1, generally requires that political committees include a disclaimer on campaign material that prominently states "Prepared and paid for by the . . . committee, . . . (address)." "The address must be either the committee's mailing address or the committee's website, if the website includes the committee's mailing address."

Based on the complaint and the response provided by the Hanson committee, there is probable cause to believe that a violation of the disclaimer requirement occurred. There is no dispute as to whether the material referenced in the complaint was campaign material requiring a disclaimer, and the Hanson committee has not disputed that the disclaimer was required.

Given their content, including the use of first-person language, and the fact that the mailers contained the Lisa Hanson for Senate Facebook page name, website address, email address, and phone number, it is unlikely that the lack of a disclaimer caused confusion as to who prepared and paid for the mailer. The mailers also provided recipients with the means to contact the committee. The website referenced on the mailer had the required disclaimer and full mailing address of the Hanson committee. The cost to produce and disseminate the mailers was over \$3,000. The Hanson committee registered with the Board on March 14, 2022, and has no prior violations of the disclaimer requirement. Considering those factors, the Board concludes that a formal investigation is not warranted.

**Order:**

1. Although probable cause exists to believe that the Lisa Hanson for Senate committee prepared and disseminated campaign material lacking a disclaimer substantially in the form required by Minnesota Statutes section 211B.04, a formal investigation is not warranted.
2. The Board's executive director is directed to initiate a staff review regarding the allegations contained in the complaint pursuant to Minnesota Rules 4525.0320 for the purpose of concluding the investigation by conciliation agreement with the Lisa Hanson for Senate committee. If the investigation cannot be resolved by conciliation agreement, the executive director is directed to prepare findings to resolve the matter.

  
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Faris Rashid, Chair  
Campaign Finance and Public Disclosure Board

Date: 9/7/22