

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF SENATOR PAUL GAZELKA REGARDING THE ERIN MURPHY FOR SENATE COMMITTEE

On September 22, 2020, the Campaign Finance and Public Disclosure Board received a complaint submitted by Senator Paul Gazelka regarding the Erin Murphy for Senate committee. Erin Murphy for Senate is the principal campaign committee of Erin Murphy, a candidate for Minnesota Senate District 64.

The complaint alleges violations of Minnesota Statutes section 10A.27, subdivision 9, which prohibits a principal campaign committee from making a contribution to another candidate's principal campaign committee, and Minnesota Statutes section 10A.25, subdivision 3a, which prohibits candidates who have signed the public subsidy agreement from making independent expenditures. Ms. Murphy signed the public subsidy agreement on October 2, 2019. The complaint alleges that the Erin Murphy for Senate committee is seeking to hire and pay campaign staff who will work at the direction of the Erin Murphy for Senate committee on behalf of other Minnesota state-level candidates. The complaint included copies of job postings for paid campaign workers. The postings state:

Through the 2020 General Election, Erin Murphy for State Senate will be working to keep Minnesota blue in statewide races, and to help create a State Senate majority that can take action on the urgent issues facing our state. To do so, the campaign is building a strong relational organizing program that will work to increase turnout across CD 4, recruit SD 64 volunteers to call Minnesotans across the state, and mobilize Erin's past base to support candidates in contested Senate races.

The complaint alleges that the Erin Murphy for Senate committee will be making expenditures in contested Senate races in Minnesota and alleges that those expenditures violate the cited provisions of Chapter 10A.

Determination

Minnesota Statutes section 10A.27, subdivision 9, paragraph (a), states a "candidate's principal campaign committee must not make a contribution to another candidate's principal campaign committee, except when the contributing committee is being dissolved." The complaint alleges and provides evidence that the Erin Murphy for Senate committee has made or is making expenditures to hire campaign staff who will work on behalf of other Minnesota state-level candidates. Under Chapter 10A, expenditures made on behalf of a candidate "with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the

request or suggestion of the candidate, the candidate's principal campaign committee, or the candidate's agent" are approved expenditures. An approved expenditure is a contribution to the candidate on whose behalf the expenditure is made. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 10A.27, subdivision 9.

Minnesota Statutes section 10A.25, subdivision 3a, states that a candidate who signed the public subsidy agreement "must not make independent expenditures." The complaint alleges and provides evidence that the Erin Murphy for Senate committee has made or is making expenditures to hire campaign staff who will work "to mobilize potential voters to support candidates in contested Senate races." Under Minnesota Statutes section 10A.01, subdivision 18, expenditures expressly advocating the election or defeat of a clearly identified candidate that are made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or any candidate's principal campaign committee or agent are independent expenditures. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 10A.25, subdivision 3a.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, 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, within 45 days of the date of this determination, the Board will make findings and conclusions as to whether probable cause exists to believe that the violations of Minnesota Statutes section 10A.27, subdivision 9, and Minnesota Statutes section 10A.25, subdivision 3a, alleged in the complaint warrant 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/ Gary Haugen
Gary Haugen, Chair
Campaign Finance and Public Disclosure Board

Date: September 25, 2020