

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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF JOHN PERSELL REGARDING THE EICHORN (JUSTIN) FOR MN SENATE CAMPAIGN COMMITTEE

On May 9, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by John Persell regarding the Eichorn (Justin) for MN Senate Campaign Committee. The Eichorn (Justin) for MN Senate Campaign Committee is the principal campaign committee of Senator Justin Eichorn.

The complaint alleges that the Eichorn committee violated Minnesota Statutes section 10A.20, subdivision 3, by failing to report any in-kind contributions or expenditures within the 2021 calendar year related to two billboards. The complaint provides the location and photographs of the billboards on which the allegations are based. The complaint states that posters with the text "EICHORN FOR STATE SENATE" were added to the billboards approximately eight weeks prior to the 2020 general election and remained displayed until the end of March 2022. The complaint estimates that based on current rates, the value of the display of the billboard posters in 2021 was \$8,125. The complaint includes documentation of current advertising rates for billboards in the same area. The complaint notes that within its 2020 year-end report of receipts and expenditures, the Eichorn committee reported an in-kind contribution and corresponding in-kind expenditure valued at \$900, which appears to account for the value of the billboards during that year.

The complaint also alleges that the Eichorn committee violated Minnesota Statutes section 211B.04, subdivision 1, by failing to include a campaign disclaimer on the billboard posters. The complaint includes photographs of the two billboards that do not appear to contain a campaign disclaimer.

**Determination**

Reporting

Minnesota Statutes section 10A.20, subdivision 3, requires candidate committees to report all contributions received and expenditures made on their campaign finance reports, including in-kind contributions that exceed \$20. The complaint alleges and contains evidence that the billboard posters were displayed in 2021. The Board's records reflect that the Eichorn committee did not report receiving any in-kind contributions in 2021 and did not report making any expenditures in 2021 that would account for the value of the billboards. The chair therefore concludes that the complaint states a prima facie violation of the reporting requirements in Minnesota Statutes section 10A.20, subdivision 3.

Disclaimer

Minnesota Statutes section 211B.04 requires all campaign material to include a disclaimer in the form specified in the statute. The complaint alleges and contains evidence that the Eichorn committee's billboard posters did not include a disclaimer. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 211B.04, subdivision 1.

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.20 and Minnesota Statutes section 211B.04, alleged in the complaint have occurred and 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.

  
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Faris Rashid, Chair  
Campaign Finance and Public Disclosure Board

Date: May 23, 2022