

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF DIANA FRIEMANN REGARDING THE NEIGHBORS FOR LIZ BOLDON COMMITTEE

On November 3, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by Diana Friemann regarding Representative Liz Boldon, a candidate for Minnesota Senate District 25. Neighbors for Liz Boldon is the principal campaign committee of Representative Boldon.

The complaint alleges a violation of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint includes a photograph of an advertisement in the Rochester Post Bulletin for the Boldon campaign. The advertisement included references to the Boldon committee's Twitter, Instagram, and Facebook accounts and the Boldon committee's website address, but the disclaimer required by Minnesota Statutes section 211B.04 is not provided in the advertisement. On November 18, 2022, the Board's chair determined that the complaint states a prima facie violation of Minnesota Statutes section 211B.04.

On November 22, 2022, Mrs. Friemann provided a statement to the Board that reiterates the facts in the complaint and asks that the Board hold the Boldon committee responsible for not following campaign finance law. On December 5, 2022, Representative Boldon provided a written response to the complaint. Representative Boldon acknowledged that the committee inadvertently failed to include the required disclaimer in the advertisement identified in the complaint. Representative Boldon provided that the committee ran many advertisements over the course of the campaign with the correct disclaimer, and expressed regret over the "human error" that lead to the omission of the disclaimer on the advertisement in question. The response stated that the average daily circulation of the Rochester Post Bulletin is 41,000, and stated that this advertisement ran twice. The Board considered this matter at its meeting on December 15, 2022.

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 Boldon committee agrees that it inadvertently failed to include the disclaimer on an advertisement that ran twice in the Rochester Post Bulletin. Based on the complaint and response provided to the Board, there is probable cause to believe that a violation of the disclaimer requirement occurred.

The Boldon committee has acknowledged the violation. The advertisement included references to the Boldon committee’s Twitter, Instagram, and Facebook accounts, and the committee’s website address. Therefore, it is unlikely that the public was confused as to who was responsible for the advertisement. The response provided information that the average daily circulation of the Rochester Post Bulletin is 41,000, and that this advertisement ran twice. The Boldon committee 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 Boldon committee prepared and disseminated campaign material lacking a disclaimer 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 Boldon committee. If the investigation cannot be resolved by conciliation agreement, the executive director is directed to prepare findings to resolve the matter.



Faris Rashid, Chair
Campaign Finance and Public Disclosure Board

Date: December 15, 2022