

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF NICK HARPER REGARDING SAFER HENNEPIN

On October 25, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by Nick Harper regarding Safer Hennepin. Safer Hennepin, formerly known as Cannabis for Economic Growth, is an independent expenditure political fund assigned Board registration number 30709.

The complaint alleges that expenditures relating to Facebook advertisements were not properly reported by Safer Hennepin in its September 2022 report of receipts and expenditures, in violation of Minnesota Statutes section 10A.20, subdivision 3. The complaint alleges, and Board records reflect, that Safer Hennepin listed a total of \$20,150 in independent expenditures for local candidates within Hennepin County but failed to file Schedule B3B – HEN IE with its report, which would include any required itemization of those expenditures. The complaint includes publicly available data provided by Facebook regarding two advertisements supporting a candidate for Hennepin County attorney, the total cost of which totaled between \$1,600 and \$2,199. The complaint includes data showing that the advertisements ran from August 3, 2022, through August 9, 2022, the date of the primary election.

On November 3, 2022, Mr. Harper supplemented the complaint with a screenshot of four additional Facebook advertisements, at least some of which allegedly were independent expenditures made by Safer Hennepin for local candidates within Hennepin County. The supplement to the complaint notes that the 2022 pre-general report of receipts and expenditures filed by Safer Hennepin on November 1, 2022, did not contain Schedule B3B – HEN IE, which should include the required itemization of independent expenditures. For purposes of this prima facie determination the supplement will be considered part of the original complaint.

Determination

Generally, Minnesota Statutes section 10A.20 pertains to reports which are required to be filed with the Board. Specifically, Minnesota Statutes section 10A.20, subdivision 3, paragraph (h) requires political funds to report:

the name, address, and registration number if registered with the board of each individual or association to whom . . . independent expenditures . . . have been made . . . within the year in excess of \$200, together with the amount, date, and purpose of each expenditure, including an explanation of how the expenditure was used, and the name and address of, and office sought by, each candidate or local candidate on whose behalf the expenditure was made . . . and in the case of independent expenditures made in opposition to a candidate or local candidate, the candidate's or local candidate's name, address, and office sought.

Minnesota Statutes section 10A.20, subdivision 3, paragraph (j) requires political funds to report unpaid bills:

(j) The report must disclose the amount and nature of an advance of credit incurred by the reporting entity, continuously reported until paid or forgiven.

The complaint alleges and contains evidence that Safer Hennepin failed to file required information within its September 2022 and 2022 pre-general reports. The complaint alleges and provides evidence that Safer Hennepin incurred over \$200 in expenditures payable to Facebook for independent expenditure advertisements supporting a local candidate. The Chair therefore concludes that the complaint states a prima facie violation of the reporting requirements in Minnesota Statutes 10A.20, subdivision 3.

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.

Minnesota Statutes section 10A.022, subdivision 3, requires the Board, within 45 days of the date of this determination, to make findings and conclusions as to whether probable cause exists to believe that the violation of Minnesota Statutes section 10A.20 alleged in the complaint has occurred and 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.



Faris Rashid, Chair
Campaign Finance and Public Disclosure Board

Date: November 4, 2022