

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF SIGURD SCHEURLE REGARDING SARAH KRUGER FOR MN HOUSE

On April 19, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Sigurd Scheurle regarding Sarah Kruger, who is a candidate for House District 26A. Sarah Kruger for MN House (19041) is Sarah Kruger's principal campaign committee.

The complaint alleges that the complainant received a mailer during the week of March 18, 2024, before the Minnesota Democratic-Farmer-Labor Party's House District 26A nominating convention. The complaint alleges that the mailer is fake, misleading, and attributed to a nonexistent group called "Winona Area Democrats For Reproductive Rights". The complaint alleges the content of the mailer to be false because it claims that Dwayne Voegeli, another House District 26A candidate seeking the Minnesota DFL's endorsement, "wants to decide if women are deserving of reproductive care." The mailer also states "PLEASE VOTE FOR SARAH KRUGER ON MARCH 23".

The complaint lists the name of the person or entity being complained about as "Sarah Kruger". The complaint also states that Sarah Kruger has disclaimed affiliation with the mailing. The complaint includes a copy of the mailer. The mailer contains language that states that it was paid for by an organization called "Winona Area Democrats For Reproductive Rights". The complaint cites Minnesota Statutes sections 211B.02, 211B.04, and 211B.06.

Determination

Minnesota Rules 4525.0200, subpart 2, provides that "A complainant shall list the alleged violator and the alleged violator's address if known by the complainant and describe the complainant's knowledge of the alleged violation." Although the complaint lists Sarah Kruger as the alleged violator, the complaint also states that Ms. Kruger disclaimed affiliation with the mailer. Moreover, the mailer states that it was paid for by an organization called "Winona Area Democrats For Reproductive Rights", which is not registered with the Board and is not the name of Ms. Kruger's principal campaign committee. Minnesota Rules 4525.0210, subpart 2, provides that "In determining whether a complaint states a prima facie violation, any evidence outside the complaint and its attachments may not be considered."

The disclaimer printed on the mailer does not contain an address, and therefore does not comply with the provisions of Minnesota Statutes section 211B.04 which requires campaign material to include a disclaimer substantially in the form provided in that statute, stating the name and address of the person or committee causing the material to be prepared or

disseminated. The complaint was lodged against Ms. Kruger as the individual responsible for the disclaimer violation, but fails to provide any evidence that Ms. Kruger or her campaign committee were responsible for preparing or disseminating the mailer. In fact, the complaint acknowledges that Ms. Kruger has stated that she was not responsible for the mailer. The complaint therefore does not state a prima facie violation by Ms. Kruger or her campaign committee of the disclaimer requirement in Minnesota Statutes section 211B.04.

Minnesota Statutes section 10A.022, subdivision 3, paragraph (a), provides that the Board may investigate any alleged or potential violation of Minnesota Statutes chapter 10A, but its investigative authority with respect to Chapter 211B is limited to sections 211B.04, 211B.12, and 211B.15, insofar as those sections apply to individuals and associations under the Board's jurisdiction. Minnesota Statutes section 211B.02 prohibits a person or candidate from making a false claim, directly or indirectly, that a candidate or ballot question has the endorsement or support of a political party unit, organization, or individual. Minnesota Statutes section 211B.06 generally prohibits the intentional preparation or dissemination of false political advertising or campaign material.¹ However, the Board does not have investigative authority with respect to Minnesota Statutes sections 211B.02 or 211B.06. The complaint therefore does not state a prima facie violation of Minnesota Statutes Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction.

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. Based on the above analysis, the Chair concludes that the complaint does not state a prima facie violation of Chapter 10A or those sections of Chapter 211B under the Board's jurisdiction. The complaint is dismissed without prejudice.



David Asp, Chair
Campaign Finance and Public Disclosure Board

Date: May 3, 2024

¹ See [281 Care Committee v. Arneson, 766 F.3d 774 \(8th Cir. 2014\)](#) regarding the constitutionality of Minnesota Statutes section 211B.06.