

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF LUKE MIELKE REGARDING THE STANCIL (WILL)
NEIGHBORHOOD ACTION COMMITTEE

On August 8, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Luke Mielke regarding Will Stancil, a candidate for Minnesota House of Representatives District 61A. Stancil (Will) Neighborhood Action Committee is the principal campaign committee of Will Stancil.

The complaint alleges a violation of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint contains a copy of an advertisement supporting the election of Will Stancil that was published in the August issue of *Hill and Lake Press*, a newspaper.¹ The advertisement includes the text "WILL STANCIL" and "MN HOUSE • 61A" in the bottom right corner, and "WILLSTANCIL.ORG" in the middle toward the bottom of the advertisement. The complaint alleges that the advertisement does not contain a disclaimer in the form required by Minnesota Statutes section 211B.04, subdivision 1.

On August 9, 2024, the Board's chair determined that the complaint states a prima facie violation of Minnesota Statutes section 211B.04. On August 27, 2024, Mr. Stancil provided a written response. Mr. Stancil explained that "[d]uring the process of designing of the advertisement, the disclaimer was moved, and was inadvertently deleted in the final submission." Mr. Stancil stated that the advertisement was formatted as a personal letter from himself to readers and included a link to his campaign committee's website. Mr. Stancil asserted that no reasonable reader would suspect that the advertisement was purchased by anyone other than his campaign. Mr. Stancil also provided evidence that the Stancil committee had previously placed an advertisement in the same publication with a proper disclaimer.² The Board considered this matter at its meeting on September 4, 2024.

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,

¹ See *Hill and Lake Press*, August 2024, at 9, available at static1.squarespace.com/static/637464fb306b3f399afdb21f/t/66ae392a0a031074e79648e0/1722693939446/2408_HLP_August+KIDS+ISSUE_FINAL_4+Web-comp.pdf.

² See *Hill and Lake Press*, July 2024, at 14, available at static1.squarespace.com/static/637464fb306b3f399afdb21f/t/668329b8d9a2e2731e5ed8b0/1719871934057/2406_HLP_July+Issue_FINAL4Web.pdf.

it is a determination of whether there are sufficient facts and reasonable inferences to be drawn therefrom to believe that a violation of law has occurred.

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 respondents, 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 generally requires a principal campaign committee to include on its campaign material a disclaimer substantially in the form provided in Minnesota Statutes section 211B.04, subdivision 1. With the exception of broadcast media, campaign material must include a disclaimer in the following format: Prepared and paid for by the [committee name], [address]. “The address must be either the committee’s mailing address or the committee’s website, if the website includes the committee’s mailing address.” Minn. Stat. § 211B.04, subd. 1.

Minnesota Statutes section 211B.04, subdivision 3, provides exceptions for material that does not need a disclaimer, but none of those exceptions clearly apply to the advertisement referenced in the complaint. While there is an exception for “personal letters,” a newspaper advertisement is not a personal letter regardless of how the advertisement is formatted. There is also an exception for “online banner ads and similar electronic communications that link directly to an online page that includes the disclaimer.” The *Hill and Lake Press* is published online in PDF format. According to its website, the publication is also printed and “distributed by U.S. mail to over 9,000 households and businesses in our service area. An additional 1,000 copies are distributed from area businesses and public buildings in our community.”³ The Board need not decide whether an advertisement contained within a PDF document made available on a website is sufficiently similar to an online banner ad for two reasons. First, while the advertisement within the PDF version of the August issue of the *Hill and Lake Press* includes the Stancil committee’s website address, WILLSTANCIL.ORG, the advertisement does not include a hyperlink to that website. Second, any printed copies of the August issue could not have included a hyperlink to the Stancil committee’s website. In order to qualify for the banner ad exception, campaign material must “link directly to an online page that includes the disclaimer” rather than merely including a website address.

The advertisement referenced in the complaint was formatted as a first-person message from Mr. Stancil to readers. The advertisement included Mr. Stancil’s name in three different places, included a photograph of Mr. Stancil, and also included the Stancil committee’s website address. The purpose of the disclaimer requirement is to identify who prepared, disseminated, and paid for campaign material. Although the advertisement referenced in the complaint did not

³ hillandlakepress.org/advertising

include a disclaimer, those who viewed the advertisement likely understood which candidate or committee was responsible for it, and the complaint did not include evidence to the contrary.

Mr. Stancil is a first-time candidate for the office of state representative. The Stancil committee registered with the Board in February 2024 and does not have any history of past violations. There is no apparent information or benefit to be gained from issuing formal findings rather than an informal resolution of the matter. Considering those factors, the Board concludes that a formal investigation is not warranted.

Order:

1. Although probable cause exists to believe that the Stancil committee disseminated campaign material without a disclaimer in violation of 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 this matter pursuant to Minnesota Rules 4525.0320 for the purpose of concluding the investigation by conciliation agreement with the Stancil committee. If the investigation cannot be resolved by conciliation agreement, the executive director is directed to prepare findings to resolve the matter.



David Asp, Chair
Campaign Finance and Public Disclosure Board

Date: September 4, 2024