

COMPLAINT FOR VIOLATION OF THE CAMPAIGN FINANCE AND PUBLIC DISCLOSURE ACT R -8 PM 1: 06

CAMPAIGN FINANCE & PUBLIC DISCLOSURE BOARD

All information on this form is private and confidential until a finding is issued by the Board.

Information about complaint filer

Name of complaint filer Mke Dean	
Address 2323 E. Franklin	
City, state, zip Minneapolis, MN 55406	Daytime telephone no. 605-7978
Identify person/entity you are compla	aining about
Name of person/entity being complained about National Organiz	etwo for Marriage
Address	42
City, state, zip Princeton, NJ 08542	
Title of respondent (if applicable)	
Board/Department/Agency/District # (if legislator)	
Signature of paragraphic	41/8/11
Signature of person filing complaint Da	ate / / / · · · · · · · · · · · · · · · ·
Send completed form to: Campaign Finance & Public Disclosure Board	

Suite 190, Centennial Building

658 Cedar Street St. Paul, MN 55155

If you have questions call:

651/296-1721; 800/657-3889; or

for TTY/TDD communication contact us through the Minn. Relay Service at 800/627-3529

Board staff may also be reached by e-mail at: cf.board@state.mn.us.

This document is available in alternative formats to individuals with disabilities by calling 651/296-5148; 800/657-3889; or through the Minnesota Relay Service at 800/627-3529.

Give the statute cite of the portion of Chapter 10A, or Minn. Rules you believe has been violated.	
You will find the complete text of Minn. Stat. §10A and Minn. Rules Chapters 4501 - 4525 on the Board's website at www.cfboard.state.mn.us .	
Nature of complaint	
Explain in detail why you believe the respondent has violated Chapter 10A, the Campaign Finance and Public Disclosure Act. Attach an extra sheet of paper if necessary. Attach any documents, materials, minutes, resolutions or other evidence to support your allegations.	
See attachment	

Minn. Stat. 10A.02, subd 11 - Violations; enforcement.

The board shall investigate any alleged violation filed in writing with the board. For an alleged violation of sections 10A.25 (expenditure limits) or 10A.27 (additional limits) the board shall either enter into a conciliation agreement or make a public finding of whether or not there is probable cause, within 60 days of the filing of the complaint. For alleged violations of all other sections, the board shall within 30 days after the filing of the complaint make a public finding of whether or not there is probable cause to believe a violation has occurred.

The deadline for action may be extended by a majority vote of the board. Within a reasonable time after beginning an investigation of an individual or association, the board shall notify that individual or association of the fact of the investigation. The board shall make no finding without notifying the individual or association of the nature of the allegations and affording an opportunity to answer those allegations.

Any hearing or action of the board concerning a complaint or investigation shall be confidential until the board makes a public finding concerning probable cause or enters into a conciliation agreement.

Except as provided in section 10A.28, after the board makes a public finding of probable cause the board shall report that finding to the appropriate law enforcement authorities.

COMPLAINT FOR VIOLATION OF CAMPAIGN FINANCE AND PUBLIC DISCLOSURE ACT SUBMITTED BY COMMON CAUSE MINNESOTA

Common Cause Minnesota is filing a complaint against the National Organization for Marriage for violating Minn. Stat. §10A.04, subd. 6. This complaint alleges that the National Organization for Marriage failed to file a principal report and disclose the amount of money it spent in 2010 on lobbying efforts to influence legislative action at the Minnesota legislature. It is required to file a report because the organization engaged in an effort to influence legislative action. These ads were an attempt to circumvent Minnesota campaign finance law by avoiding certain "magic words." However, in doing so, the group should have registered with the Campaign Finance Disclosure Board as a principal lobbyist. The Campaign Finance Disclosure Board ("CFDB") website clearly states that groups that intend to influence legislative action must register with the CFDB.

Failure to Register and File a Principal Report

In order to find a violation under Minn. Stat. §10A.04, subd. 6, there are two tests that must be met: (1) an individual or association; (2) must have spent over \$50,000 in a calendar year to influence legislative action.

On May 18, 2010, the Minnesota Independent¹ ran a story on how the National Organization for Marriage and the Minnesota Family Council were coordinating a \$200,000 media buy in Minnesota to oppose legislation to "redefine marriage." In a press release, the National Organization for Marriage "called on elected officials to let the people vote on this critical issue." This makes it clear that their intent was to influence legislative action. A visual in one of the television advertisements mentioned specific legislation that was discussed in 2010 (SF 120) and how this legislation is harmful. They then go on to call for a constitutional amendment to define marriage: "Thirty one states have already voted to define marriage as being between a man and a woman. It's time that Minnesotans have that same right," said Brian Brown, President of the National Organization for Marriage. The full ad can be viewed here:

http://www.nationformarriage.org/site/apps/nlnet/content2.aspx?c=omL2KeN0LzH&b=5075187&ct=84 00289

 $^{^{1}\,\}underline{\text{http://minnesotaindependent.com/59036/gathering-storm-group-returns-with-more-anti-gay-marriage-adsIn}$

The National Organization for Marriage ran additional ads throughout the fall of 2010 where it made similar statements:

- In a radio ad released around August 17, 2010, the group clearly calls for a constitutional amendment to prohibit gay marriage. The ad states, "Should it be back room politicians and screaming protesters, or should voters decide? Tom Emmer believes that Minnesota voters should have the final say on marriage, just as voters in 31 other states have done. Mark Dayton and Tom Horner say no vote for Minnesota. Dayton and Horner want your votes but they don't want you to vote on marriage."
- In a television ad released around September 23, 2010, the group has imagery of legislation (HF 893) in the background of the ad as they discuss the need for the people to vote on a constitutional amendment defining marriage.

Requested Penalties

Common Cause Minnesota respectfully requests the Minnesota Campaign Finance Disclosure Board to find the National Organization for Marriage guilty of violating the Minn. Stat. §10A.04, subd. 6.

We urge the CFBD to assess the following penalties:

- Send notice by certified mail to the National Organization for Marriage for failure to file a principal report as outlined in Minn. Stat. §10A.04, subd. 6.
- Assess a civil penalty of \$1,000 for violating Minn. Stat. §10A.04, subd. 6 for failing to submit a principal report with the board.
- Conduct an audit of the National Organization for Marriage's financial records to assure that the information provided to the CFDB is accurate.

Considering the nature of the scheme to circumvent Minnesota's campaign finance disclosure laws, we encourage the CFDB to seek the maximum penalties to send a clear message that these attempts to undermine disclosure will not be tolerated.

Attachment A

Transcript of Radio Ad – August 18, 2010

Marriage in Minnesota is under attack. A lawsuit and 5 legislative bills were filed this year to impose gay marriage.

Angry gay protesters want to force this issue on us no matter what [Audio clip: Protesters]

DFL nominee for governor Mark Dayton wants to impose same-sex marriage on Minnesota as does independent Tom Horner, but Republican Tom Emmer wants to preserve marriage as the union of one man and one woman.

No matter your position on the definition of marriage, who should decide?

Should it be back room politicians and screaming protesters, or should voters decide?

Tom Emmer believes that Minnesota voters should have the final say on marriage, just as voters in 31 other states have done.

Mark Dayton and Tom Horner say no vote for Minnesota. Dayton and Horner want your votes but they don't want you to vote on marriage.

When the candidates for governor ask for your support, ask them if they will guarantee your right to vote on marriage.

Paid for by the Minnesota Family Council and the National Organization for Marriage.

Source: http://minnesotaindependent.com/63728/nom-ant-gay-marriage-ads-minnesota

NOM Demands that Minnesotans Be All...

(http://www.nationformarriage.org/site/c.omL2KeN0LzH/b.3836955/k.BEC6/Home.htm)

Home (http://www.nationformarriage.org/site/c.omL2KeN0LzH/b.3374815/k.BE2C/Home/apps/s/link.asp)

Contact Us (http://www.nationformarriage.org/site/c.omL2KeN0LzH/b.3474771/k.29F9/Contact_Us/apps/ka/ct/default.asp)

Search



NOM BLOG (HTTP://WWW.NATIONFORMARRIAGE.ORG/SITE/C.OML2KENDLZH/B.5075191/K.D96C/NOM_BLOG/APPS/S/LINK.ASP)

ABOUT NOM (HTTP://WWW.NATIONFORMARRIAGE.ORG/SITEC.OML2KEN0LZH/B.3479573/K.E2D0/ABOUT_NOM.HTM)

PRESS ROOM (HTTP://WWW.NATIONFORMARRIAGE.ORG/SITE/C.OML2KENOLZH/B.5075189/K.32B8/PRESS_ROOM/APPS/NL/NEWSLETTER2.ASP)

DONATEI (HTTPS://WWW.KINTERA.ORG/SITE/C.OML2KENOLZH/B.5474553/K.C0F1/DONATE/APPS/KA/SD/DEFAULT.ASP? KNTAW30184=771D23AA7C0E4EB7A60B5C2037478033)

GET INFORMED (HTTP://WWW.NATIONFORMARRIAGE.ORG/SITE/C.OML2KENOLZH/B.3479571/K.8519/GET_INFORMED/APPS/S/LINK.ASP)

GET INVOLVED (HTTP://WWW.NATIONFORMARRIAGE.ORG/SITE/C.OM.L2KENOLZH/B.3510091/K.88AB/GET_INVOLVED/APPS/S/LINK.ASP)

ACTION ITEM (HTTP://WWW.NATIONFORMARRIAGE.ORG/SITE/../C.OM.L2KENOLZH/B.6456329/K.8454/ACTION_ITEM/SITEAPPS/ADVOCACY/ACTIONITEM.ASPX)

ACTION ITEM (HTTP://WWW.NATIONFORMARRIAGE.ORG/SITE/..JC.OM.L2KENOLZH/B.6456337/K.83F4/ACTION_ITEM/SITEAPPS/ADVOCACY/ACTIONITEM.ASPX)

NOM DEMANDS THAT MINNESOTANS BE ALLOWED TO VOTE ON MARRIAGE

region (1937), also il importamento que una estant anti electro, en la 1828 esta alla comitata electro de Sancia de California.

FOR IMMEDIATE RELEASE: May 18, 2010

CONTACT: Bizabeth Ray or Mary Beth Hutchins at 703-683-5004

National Organization for Marriage Demands that Minnesotans Be Allowed to Vote on Marriage:

Let The People Vote: Marriage Issue Takes Center Stage in New Advertising Campaign

NOM Latest News

(http://www.nationformarriage.org/site/apps/ni/newsletter2.asp? c=omL2KeN0LzH&b=5075187)

NOM Condemns New Calls for the Firing of Crystal Dixon; Calls on National Gay Rights Leaders to Repudiate Tactics of Intimidation & Renounce Religious Bigotry (http://www.nationformarriage.org/site/apps/ninet/content2.aspx?

c=om L2Ke N0LzH&b=5075187&ct=9313075)

NOM Stams Cummins, Inc.'s Misleading Testimony Against Indiana Marriage Amendment
[http://www.nationformarriage.org/site/apps/nlnet/content2.aspx?
c=omL2KeN0LzH&b=5075187&ct=9284687)

NOM Reacts to 9th Circuit Refusal to Lift Stay in Prop 8 Case (http://www.nationformarriage.org/site/apps/nlnet/content2.aspx?c=omL2KeN0LzH&b=5075187&ct=9236131)

NOM Congratulates MD Legislature for Defending Marriage [http://www.nationformarriage.org/site/apps/ninet/content2.aspx?c=omL2KeN0LzH&b=5075187&ct=9175599]

NOM to Spend \$1M in MD SSM Fight (http://www.nationformarriage.org/site/apps/ninet/content2.aspx?c=omL2KeN0LzH&b=5075187&ct=9164839)

(Washington, D.C.) – The National Organization for Marriage (NOM) today began a \$200,000 statewide television campaign to inform Minnesotans of the attempt by special interest groups to redefine marriage in Minnesota, and called on elected officials to let the people vote on this critical issue.

"NOM sees Minnesota as the next key battleground state in the fight to preserve marriage in America," said Brian Brown, NOM's president. "Many Minnesotans are unaware that special interest groups are working to convince activist judges and DFL lawmakers to redefine marriage in the state. A lawsuit was recently filed asking the courts to redefine marriage, and six bills were introduced in the legislature this year to do the same thing. One prominent state Senator, John Marty, has said it is his goal to redefine marriage as soon as possible, as early as next year when the legislature reconvenes."

NOM is the nation's leading advocacy organization protecting marriage as the union of one man and one woman. The group has been active in marriage debates in numerous states, including helping secure the passage of Proposition 8 in California in 2008 and Question 1 in Maine last year. NOM also helped defeat homosexual marriage proposals in New Jersey and New York last year, and is battling for the right of District of Columbia voters to overturn gay marriage in the nation's capitol.

"Many Minnesotans don't realize the extent to which homosexual marriage activists are working to redefine marriage between a man and a woman out of existence," said Tom Prichard, president of the Minnesota Family Council. "We welcome NOM to Minnesota and appreciate their efforts to inform Minnesotans on the serious threat to marriage in our state. Marriage bonds mothers and fathers to one another and children to their parents. The well-being of society is at stake when the institution of marriage is attacked."

"Thirty one states have already voted to define marriage as being a man and a woman. It's time that Minnesotans have that same right," Brown said.

The television advertisement may be viewed at http://www.youtube.com/watch?v=lb_oXczrDQo) ...

To schedule an interview with Brian Brown, President of the National Organization for Marriage, or Tom Prichard, President of the Minnesota Family Council, please contact Elizabeth Ray, eray@crcpublicrelations.com, (x130) or Mary Beth Hutchins, mhutchins@crcpublicrelations.com, (x105) at 703-683-5004.

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'Gathering Storm' group returns with more anti—gay marriage ads

By Andy Birkey | 05.18.10 | 12:47 pm

The National Organization for Marriage (NOM), a group that was instrumental in overturning same-sex marriage in California and Maine, is out with an ad in Minnesota calling it the "next key battleground state." The group — which created a <u>much-spoofed "Gathering Storm" ad</u> in 2009 — plans to spend \$200,000 on its Minnesota media buy and is coordinating the campaign with the Minnesota Family Council.

"NOM sees Minnesota as the next key battleground state in the fight to preserve marriage in America," said Brian Brown, NOM's president, in a statement Tuesday. "Many Minnesotans are unaware that special interest groups are working to convince activist judges and DFL lawmakers to redefine marriage in the state."

Tom Prichard, president of the Minnesota Family Council praised the ads: "We welcome NOM to Minnesota and appreciate their efforts to inform Minnesotans on the serious threat to marriage in our state. Marriage bonds mothers and fathers to one another and children to their parents. The well-being of society is at stake when the institution of marriage is attacked."

Here's the ad:

14 Comments »

Anti-gay groups NOM, MN Family Council target Horner, Dayton in new ads

By Andy Birkey | 08.13.10 | 9:36 am

The Minnesota Family Council and the National Organization for Marriage (NOM) are teaming up against DFLer Mark Dayton and Independence Party candidate Tom Horner with new radio ads. The ads are the second statewide campaign by NOM; the group released television ads against DFLers and IP candidates in the spring. The group also produced mailers against Sen. Paul Koering, the state's only openly gay elected Republican. He lost his primary election this week.

"Voters in 31 other states have had the opportunity to decide the definition of marriage, and it's time that Minnesotans had that same right," said Brian Brown, president of the National Organization for Marriage (NOM) in a statement on Thursday. "The candidates for governor are asking voters for their support. We're encouraging voters, in turn, demand of the candidates to guarantee they'll support their right to vote on marriage and not impose gay marriage on them."

Tom Prichard of the Minnesota Family Council added, "Both DFL nominee Mark Dayton and Independent [Independence Party candidate] Tom Horner want to impose homosexual marriage on all Minnesotans, but GOP nominee Tom Emmer supports traditional marriage. The key issue, however, is who will get to decide this issue – the politicians in St. Paul or the people themselves. That's what voters need to ask of the candidates."

The Minnesota Independent has asked for the audio for the ads and will post them once received.

11 Comments »

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Iowa groups file formal complaint against National Organization for Marriage

By <u>Jason Hancock</u> | 08.31.09 | 4:30 pm

The state's largest gay rights organization and a progressive religious group have <u>filed a formal complaint</u> against the National Organization for Marriage (NOM) with the Iowa Ethics and Campaign Disclosure Board.

One Iowa and the Interfaith Alliance of Iowa filed the complaint Monday alleging that NOM, a New Jersey-based group that opposes same-sex marriage, violated Iowa campaign finance law in their Iowa House District 90 campaign.

"NOM has complete disregard of Iowa law as they engage in express advocacy in our state, while refusing to release the identity of their donors, as is legally required in Iowa law," the complaint said. "NOM has a history of funneling secret money throughout the country to engage in similar activity."

On Aug. 20, NOM reported making an independent expenditure of \$86,060 to benefit Stephen Burgmeier, a candidate in Tuesday's Iowa House District 90 special election. The complaint alleges the expenditure violates Iowa election laws requiring disclosure of political contributors. Similar complaints have been filed against NOM in California and Maine.

The Iowa complaint comes less than a week after Charlie Smithson, executive director of the Iowa Ethics and Campaign Disclosure Board, wrote a letter to NOM Executive Director Brian Brown saying that if his organization continues to engage in express advocacy in Iowa, the group would have to form a PAC and disclose its donors.

"We request a thorough investigation into their activities, including detailed accounting of any and all contributions and their sources, as Iowans clearly deserve to know who is funding last minute advertising to try and influence tomorrow's election," the complaint said.

NOM has said it will target target Iowa in the <u>hopes of passing a state constitutional amendment</u> reversing the unanimous ruling of the Iowa Supreme Court in April that the state's Defense of Marriage Act was unconstitutional. The effort, called "The Reclaim Iowa Project," leads many to believe the \$90,000 spent on HD90 represents just a preview of the group's future investment in Iowa politics.

In Maine, the state's Commission on Governmental Ethics and Election Practices said in a letter to NOM that it will investigating their campaign practices at its Oct. 1 meeting. The group is trying to build support for a referendum to overturn a recently passed law legalizing same-sex marriage.

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NOM, Family Council invoke MLK in pro-Emmer ad opposing gay marriage

By Andy Birkey | 09.23.10 | 8:53 am

The Minnesota Family Council and the National Organization for Marriage launched a new television ad this week in support of Republican gubernatorial candidate Tom Emmer. It's the fourth foray into political advertising for the socially conservative groups this cycle and the second television ad. The ad uses footage of the Rev. Dr. Martin Luther King, Jr., and says that Emmer is the only candidate that supports putting a constitutional amendment banning same-sex marriage on the ballot.

"It is important that the citizens of Minnesota know that both Mark Dayton and Tom Horner support imposing gay 'marriage' on Minnesotans without a vote of the people," Tom Prichard of the Minnesota Family Council said in a press release about the ad. "Only Tom Emmer has publicly supported traditional marriage and the right of the people to vote on this important issue. That's what this ad communicates."

In an email on Wednesday afternoon, Brian Brown of the National Organization for Marriage said, "We've just released what may very well be our most powerful ad yet... focusing on the right of Minnesotans to vote for marriage, with footage from Dr. Martin Luther King's famous speech and the civil rights movement.

He added, "In the Minnesota governor's race, two of the three candidates want to let unelected judges force same-sex marriage on Minnesotans, with only Republican Tom Emmer standing up for the rights of Minnesota voters."

The ad is the fourth by the organizations to support or oppose a candidate. In the spring, the groups released a television ad touting Emmer as the only candidate supporting "marriage." In the summer, they went after openly gay Republican Sen. Paul Koering, sending out a mailer criticizing his dinner with an actor from the adult film industry. And recently they launched radio ads that praised Emmer's opposition to same-sex marriage.

Despite these expenditures, <u>neither group has registered</u> with the Minnesota Campaign Finance and Public Disclosure Board as a political action committee or an independent expenditure committee.

Here's the group's fourth ad:

Anti-gay marriage groups use MLK in new radio ad

By Andy Birkey | 10.15.10 | 11:26 am

The Minnesota Family Council and the National Organization for Marriage are launching radio ads that mention the Rev. Dr. Martin Luther King, Jr., in urging voters to support Republican gubernatorial candidate Tom Emmer because he backs the "right to vote" against gay marriage.

"We want the voters of Minnesota to know the facts about their rights and where the candidates stand on marriage," Brian Brown, president of NOM said in a statement on Thursday. "Just as Dr. Martin Luther King, Jr., fought for the civil rights of Americans, we echo his words to give people the ballot and let the people vote!"

NOM has used King's <u>likeness in anti-marriage equality ads in Minnesota before</u>, despite the fact that King's relatives say <u>he wouldn't have supported a call to vote against the rights of others</u>.

Here's the radio spot, which MFC and NOM have turned into a web video:

Here's the transcript:

MLK: "Give us the ballot."

Female ANNCR: The right to vote. Our most important civil right. Martin Luther King said it

simply:

MLK: "Give us the ballot."

Female ANNCR: Yet some politicians in Minnesota want to impose gay marriage without a vote of the people.

EFX: Music begins

Male ANNCR: Gay marriage has consequences. Legal experts predict same-sex marriage will result in a flood of lawsuits against individuals, small businesses and religious groups who don't accept it. When Massachusetts imposed gay marriage, second graders were taught that boys could marry other boys. In the District of Columbia, Catholic Charities was forced to end its eight-decade old adoption and foster care programs.

Female ANNCR: Shouldn't something this important be decided by Minnesota voters, not politicians?

Mark Dayton and Tom Horner want to impose gay marriage with no vote of the people.

But Tom Emmer believes marriage is between one man and one woman. And Emmer says let the people vote.

Demand your civil right to vote on marriage.

Male ANNCR: Paid for by the Minnesota Family Council and the National Organization for Marriage.

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