

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF SOREN SORENSEN REGARDING MICHAEL NORTHBIRD:

On March 8, 2018, the Campaign Finance and Public Disclosure Board received a complaint submitted by Soren Sorensen regarding Michael Northbird.

The complaint states that Mr. Sorensen, a delegate to the DFL's SD2 endorsing convention, received a campaign mailing sent by candidate, Michael Northbird, seeking support at the DFL's SD2 endorsing convention for District 2A. The complaint alleges that Mr. Northbird's mailing did not have the required disclaimer language.

Determination:

Minnesota Statutes section 211B.04 requires candidates to include a disclaimer on all campaign materials that states "Prepared and paid for by the . . . committee, . . . (address)." The materials mailed by Mr. Northbird are campaign materials under the meaning of section 211B.04, as they were seeking the "endorsement and support for State Representative 2A." However, section 211B.04 also provides that "[the] section does not apply to an individual or association that is not required to register or report under chapter 10A."

In this matter, the candidate who is the subject of the complaint has not registered or reported to the Board. Minnesota Statutes section 10A.14 requires "[t]he treasurer of a . . . principal campaign . . . to register with the board by filing a registration statement." Registration with the Board is required "no later than 14 days after the committee . . . has made a contribution, received contributions, or made expenditures in excess of \$750."

The complaint provided a copy of the campaign materials and it appears that Mr. Northbird has made some expenditures in sending this mailing to approximately 100 delegates to the endorsing convention. However, it is not likely that Mr. Northbird made expenditures in an amount over \$750 in this mailing. Thus, there is no basis to conclude that the disclaimer requirements of Minnesota Statutes section 211B.04 apply to the campaign material provided with the complaint. The allegations in the complaint therefore do not support a finding of a prima facie violation regarding the disclaimer requirements.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, paragraph (1), 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 of those sections of Chapter 211B under the Board's jurisdiction. The complaint is dismissed without prejudice.

/s/ Carolyn Flynn
Carolyn Flynn, Chair
Campaign Finance and Public Disclosure Board

Date: March 14, 2018