STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF C.T. MARHULA REGARDING GREG KUHN

On September 28, 2020, the Campaign Finance and Public Disclosure Board received a complaint submitted by C.T. Marhula regarding Greg Kuhn. The complaint states that Mr. Kuhn is a candidate for Bemidji City Council. The complaint alleges that campaign material promoting Mr. Kuhn's candidacy did not include a disclaimer in violation of Minnesota Statutes section 211B.04.

Determination

Minnesota Statutes section 211B.04 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 Board does not have investigative authority with respect to the disclaimer requirement unless the alleged violation involves a person or entity subject to Minnesota Statutes Chapter 10A. Minn. Stat. § 10A.022, subd. 3 (a).

The complaint states that Mr. Kuhn is seeking local office. The complaint makes no claim that Mr. Kuhn is running for any state-level office that would result in him being a candidate as that term is defined by Minnesota Statutes section 10A.01, subdivision 10. Because Mr. Kuhn is not a candidate within the meaning of Minnesota Statutes Chapter 10A, the Board does not have investigative authority with respect to the allegation in the complaint. The complaint therefore does not state a prima facie violation.

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 of those sections of Chapter 211B under the Board's jurisdiction. The complaint is dismissed without prejudice.

/s/ Gary Haugen   Date: 10/1/2020
Gary Haugen, Chair
Campaign Finance and Public Disclosure Board