

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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF DEL JENKINS REGARDING THE STONEWALL DFL POLITICAL ACTION COMMITTEE

On December 23, 2021, the Campaign Finance and Public Disclosure Board received a complaint submitted by Del Jenkins regarding the Stonewall DFL Political Action Committee (Stonewall DFL PAC). The Stonewall DFL PAC is a political committee that registered with the Board in 2019 and listed its website as mnstonewalldfl.org.

The complaint alleges a violation of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint alleges that emails sent from the email address communications@mnstonewalldfl.org in 2021 do not contain a disclaimer in the form required by statute. The complaint includes copies of seven emails and the complainant provided a copy of an eighth email on December 31, 2021. Five of the emails express support for specific candidates who sought municipal or school board office in Minnesota in 2021. The emails dated December 1 and 31, 2021, do not refer to candidates by name, but seek contributions to the Stonewall DFL PAC and state that in 2022 the committee “will be working to support LGBTQ+ candidates and causes in the Gubernatorial, U.S. House, and various State House and Senate races.” An email dated December 22, 2021, does not refer to candidates by name, but seeks contributions to support the Stonewall DFL PAC’s “work to elect and support LGBTQ+ candidates and causes.” Each email contains a disclaimer stating “Prepared and paid for by the Minnesota DFL Party, Ken Martin, Chair, www.dfl.org, and not authorized by any candidate or candidate's committee.” Each email includes the Stonewall DFL PAC’s name and mailing address, displayed several lines below the disclaimer.

**Determination**

Minnesota Statutes section 211B.04 generally prohibits the preparation or dissemination of campaign material without a disclaimer. Minnesota Statutes section 211B.01, subdivision 2, defines “campaign material” to mean “any literature, publication, or material that is disseminated for the purpose of influencing voting at a primary or other election, except for news items or editorial comments by the news media.” Minnesota Statutes section 211B.04, subdivision 1, requires that a disclaimer for campaign material “include the name and address of the person or committee causing the material to be prepared or disseminated” and requires that the address “be either the committee's mailing address or the committee's website, if the website includes the committee's mailing address.” The complaint alleges and provides evidence that the Stonewall DFL PAC prepared or disseminated campaign material containing a disclaimer that does not include the committee’s name and website, and instead refers to the name and website of a political party with which the committee is affiliated, the Democratic-Farmer-Labor

Party of Minnesota. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 211B.04.

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. This prima facie determination does not mean that the Board has commenced, or will commence, an investigation or has made any determination of a violation by any of the individuals or entities named in the complaint.

Minnesota Statutes section 10A.022, subdivision 3, requires the Board, within 45 days of the date of this determination, to make findings and conclusions as to whether probable cause exists to believe that the violations of Minnesota Statutes section 211B.04 alleged in the complaint have occurred and warrant a formal investigation. The complainant and the respondent named in this prima facie determination will be given an opportunity to be heard by the Board prior to any decision on probable cause.

Until the Board makes a public finding or enters into a conciliation agreement, this matter is subject to the confidentiality requirements of Minnesota Statutes section 10A.022, subdivision 5.

/s/ Faris Rashid  
Faris Rashid, Chair  
Campaign Finance and Public Disclosure Board

Date: January 6, 2022