

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF BRIAN WOJTALEWICZ REGARDING THE CITIZENS FOR TIM MILLER COMMITTEE:

The complaint alleges that the Citizens for Tim Miller committee failed to post transcripts on the candidate's campaign website for all of the radio advertisements produced and paid for by the campaign committee.

Minnesota Statutes section 10A.38 states that "a campaign advertisement must not be disseminated as an advertisement by radio unless the candidate has posted on the candidate's Web site a transcript of the spoken content of the advertisement or the candidate has filed with the board before the advertisement is disseminated a statement setting forth the reasons for not doing so." Candidates who sign a public subsidy agreement are governed by Minnesota Statutes section 10A.38. Board records indicate that Tim Miller signed a public subsidy agreement.

On November 6, 2014, the Board Chair made a determination that the complaint stated a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction.

Based on the Board's review no radio transcripts for campaign advertisements were available on the candidate's website as of October 19, 2014. A further review of the candidate's website on December 16, 2014, revealed that radio transcripts for all but one of the campaign advertisements in the complaint were available, along with radio transcripts for other campaign advertisements not mentioned in the complaint.

Findings:

1. The Citizens to Elect Tim Miller committee disseminated campaign advertisements via radio broadcast during the 2014 election.
2. Tim Miller, the candidate, signed a public subsidy agreement for the 2013-2014 election cycle and was therefore bound by Minn. Stat. § 10A.38.
3. The candidate's website, as of November 6, 2014, did not contain transcripts of campaign advertisements disseminated by radio.
4. The candidate's website, as of December 16, 2014, did contain transcripts of campaign advertisements disseminated by radio.
5. The candidate did not file a statement with the Board setting forth the reasons for not posting transcripts of campaign advertisements disseminated by radio on his campaign website prior to dissemination of the advertisements.

Conclusions:

1. Probable cause exists to believe that candidate Tim Miller violated section 10A.38 of the Minnesota Statutes because the candidate disseminated campaign advertisements by radio prior to posting transcripts of those advertisements to his website or filing a statement with the Board setting for the reasons for not doing so before the advertisement was disseminated.
2. No penalty is provided for by statute for a violation of the radio transcript provision.
3. Because the candidate's website has been amended to include transcripts of the campaign advertisements, with the exception of one version of an education advertisement that is very similar to the posted version, further commitment of state resources to this matter would not serve a sufficient public purpose.

Order:

The complaint in the above matter is dismissed.

/s/ George A. Beck

1/6/2015

Dated: _____

George A. Beck, Chair
Campaign Finance and Public Disclosure Board