

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF JULIE WESTERLUND REGARDING THE CINDY (PUGH) FOR MINNESOTA COMMITTEE:

On October 1, 2018, the Campaign Finance and Public Disclosure Board received a complaint submitted by Julie Westerlund regarding an internet campaign advertisement for Rep. Cindy Pugh, a candidate for Minnesota House of Representatives District 33B. Cindy (Pugh) for Minnesota is the principal campaign committee of Rep. Cindy Pugh. The complaint alleges that the internet advertisement lacks a disclaimer in violation of Minnesota Statutes section 211B.04. The complaint includes a screenshot of what appears to be an online banner ad. The complaint states that the advertisement appeared in the complainant's Facebook feed.

Determination:

Minnesota Statutes section 211B.04 generally requires that campaign material contain a disclaimer identifying the name and address of the person or committee that caused the campaign material to be prepared or disseminated. However, the disclaimer requirement does not apply to "online banner ads and similar electronic communications that link directly to an online page that includes the disclaimer." The complaint does not allege that the banner ad fails to link to a webpage containing the required disclaimer. Nor does the screenshot attached to the complaint suggest that the advertisement does not direct viewers to a website when clicked. In the event that the advertisement does link directly to the website for the Pugh committee (cindyforminnesota.com) that website contains a disclaimer at the bottom of its homepage that satisfies Minnesota Statutes section 211B.04, subdivision 1. The chair therefore concludes that the complaint does not state a prima facie violation of Minnesota Statutes section 211B.04, subdivision 1, by the Cindy (Pugh) for Minnesota committee.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, this prima facie determination is made by the Board chair 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 Minnesota Statutes section 211B.04, subdivision 1, or any other statute or rule under the Board's jurisdiction. The complaint is dismissed without prejudice.

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

Date: October 3, 2018