

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

**PROBABLE CAUSE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF STEVE DRAZKOWSKI REGARDING THE NEIGHBORS FOR ILHAN (OMAR) COMMITTEE:

On October 8, 2018, the Campaign Finance and Public Disclosure Board received a complaint submitted by Rep. Steve Drazkowski regarding the Neighbors for Ilhan (Omar) committee. This new complaint alleges violations of Minnesota Statutes Chapter 211B and Chapter 10A not raised in the earlier complaints. Rep. Drazkowski alleges that the Omar committee's 2017 year-end report of receipts and expenditures shows several out-of-state trips paid for by the committee. Rep. Drazkowski alleges that these disbursements are not allowed as campaign expenditures or noncampaign disbursements, and therefore the committee violated Minnesota Statutes Chapter 10A and Minnesota Statutes section 211B.12.

On October 12, 2018, the Board chair determined that the complaint alleged a prima facie violation of Minnesota Statutes sections 10A.27 and 211B.12.

Analysis

Minnesota Statutes section 211B.12 provides that funds raised for political purposes must be used for expenses “. . . reasonably related to the conduct of election campaigns, or . . . a noncampaign disbursement.” This statute also provides that principal campaign committee funds may not be converted to personal use.

Minnesota Statutes section 10A.27, subdivision 9, bars a candidate or treasurer from making “a contribution from the principal campaign committee to a candidate for political subdivision office in any state.” One of the campaign expenditures listed on the Omar committee's report is airfare to Boston to speak at a rally. The complaint provides reason to believe that this rally was for a Boston City Council candidate. While Rep. Omar's appearance at the rally, in itself, likely would not constitute a contribution to the Boston City Council candidate, the expenditure of committee funds to pay for Rep. Omar's travel to Boston, thereby enabling her to speak at the candidate's campaign rally, may constitute an in-kind contribution from the Omar committee to the candidate for Boston City Council.

Minnesota Statutes section 10A.01, subdivision 26, paragraph (10), provides that noncampaign disbursements include payment for the candidate's expenses for serving in public office. Travel expenses can fall within this category when the reason for the candidate's attendance at the event is to help the candidate in the performance of the duties of the office held and the candidate would not have attended the event if the candidate were not an office holder. See Findings in the matter of People for (Gregory) Davids Committee (Aug. 15, 2006); Advisory Opinion 277 (Oct. 31, 1997);

Minnesota Statutes section 10A.173, subd. 4 (effective June 1, 2018). Based on the descriptions provided on the year-end report, the out-of-state travel may not have been to events that would have helped a candidate in the performance of state representative duties.

Order:

1. Probable cause exists to believe that the Omar committee's payment of expenses for Rep. Omar to travel to Boston may have constituted an in-kind contribution to a local candidate in another state in violation of Minnesota Statutes section 10A.27, subdivision 9.
2. Probable cause exists to believe that the Omar committee's payments for Rep. Omar's out-of-state travel expenses may be miscategorized as a cost of serving in office and may constitute an impermissible use of committee funds in violation of Minnesota Statutes section 211B.12.
3. An investigation is ordered.
4. Until the Board makes a public finding this matter is subject to the confidentiality requirements of Minnesota Statutes section 10A.022, subdivision 5.

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

Date: November 7, 2018