

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

CONCILIATION AGREEMENT

In the matter of the Stonewall DFL Political Action Committee (41232);

1. The Stonewall DFL Political Action Committee (Stonewall DFL PAC) is a political committee that registered with the Board in November 2019. On December 23, 2021, the Board received a complaint submitted by Del Jenkins alleging that the committee violated Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. On January 6, 2022, the Board chair determined that the complaint alleged a prima facie violation of the disclaimer requirement. On January 28, 2022, the committee provided a written response to the complaint stating that it had corrected the disclaimer displayed on its website and within emails to be sent by the committee in the future. On February 2, 2022, the Board found that there was probable cause to believe that a violation occurred and directed the Board's executive director to open a staff review to conclude the investigation.
2. Minnesota Statutes section 211B.04, subdivision 1, requires the inclusion of a disclaimer on campaign material that prominently states "Prepared and paid for by the . . . committee, . . . (address)." Campaign material is defined in Minnesota Statutes section 211B.01, subdivision 2, as "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." The Board may impose a civil penalty of up to \$3,000 for a violation of Minnesota Statutes section 211B.04.
3. The committee sent nine emails in 2021 and early 2022. Five of the emails expressed support for specific candidates who sought municipal or school board office in Minnesota in 2021. The remaining emails did not refer to candidates by name but did seek contributions to the committee. Each email included 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."
4. In determining the appropriate penalty for a violation of the disclaimer requirement the Board considers multiple factors such as whether it was clear who was responsible for the campaign material and how to contact them, whether the violation has been remedied, whether there were prior violations of the disclaimer requirement, the cost of the campaign material and how widely it was disseminated, whether the violation was self-reported, and whether the violation was willful. The emails sent by the Stonewall DFL PAC included the committee's full name and mailing address, displayed several lines below the disclaimer. The emails also displayed the committee's logo and website address, were sent from the address communications@mnstonewalldfl.org, and were sent to subscribers to the committee's email list. Therefore, it is unlikely that the inaccurate disclaimer caused confusion as to who prepared the emails. The committee's treasurer, Matt Boston, explained that incorrect disclaimer language was used

“because we had sent an email in coordination with the DFL around Pride in June 2021, so we used their disclaimer. Then in subsequent emails, we copied the same template without changing the disclaimer back to the appropriate Stonewall DFL disclaimer.” This is the committee’s first violation of the disclaimer requirement. No cost was incurred to prepare or disseminate the emails and the emails were each sent to approximately 1,232 recipients. The violation was not self-reported, but rather was discovered as a result of the complaint.

5. The parties agree that the Stonewall DFL PAC violated the disclaimer requirement under Minnesota Statutes section 211B.04. Based on the factors listed above, the committee agrees to the imposition of a civil penalty of \$100. Payment is due within 30 days of the date the agreement is signed by both parties.

6. If the committee does not comply with the provisions of this agreement, this matter may be reopened by the Board and the Board may take such actions as it deems appropriate.

/s/ Steven Frich
Steven Frich, Chair
Stonewall DFL Political Action Committee

Dated: March 28, 2022

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

Dated: March 2, 2022