

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF AMBER BUYSMAN REGARDING THE VOEGELI (DWAYNE) 4 HOUSE COMMITTEE

On March 2, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Amber Buysman regarding Dwayne Voegeli, a candidate for Minnesota House of Representatives District 26A. Voegeli (Dwayne) 4 House is the principal campaign committee of Dwayne Voegeli.

The complaint alleges violations of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint includes four photographs depicting each side of a postcard mailer and a handout. The front side of the mailer includes the Voegeli committee's name and address on the top left corner and states "Paid for by Voegeli4house.org" and "Lisa Radtke Treasurer" on the bottom left corner. The back of the mailer includes the committee's phone number and email and website addresses.

The front side of the campaign handout includes the text "Dwayne Voegeli for House 26A" and is written in the first-person perspective of the candidate. The back of the handout includes the text "VOEGELI for House 26A" and very small text that appears to say "Prepared and paid for by Voegeli4house.org." The complaint alleges that the handout was disseminated on February 27, 2024, the evening that precinct caucuses were held by political parties. The complaint alleges that the mailer and handout do not contain the disclaimer required in Minnesota Statutes section 211B.04.

Determination

Minnesota Statutes section 211B.04 requires principal campaign committees to include on their campaign material a disclaimer substantially in the form provided in Minnesota Statutes section 211B.04, subdivision 1. Printed campaign material must include a disclaimer in the following format: Prepared and paid for by the [committee name], [address]. "The address must be either the committee's mailing address or the committee's website, if the website includes the committee's mailing address," pursuant to Minnesota Statutes section 211B.04, subdivision 1. With certain exceptions, "the disclaimer must be printed in 8-point font or larger" pursuant to Minnesota Statutes section 211B.04, subdivision 5.

The mailer contains a majority of the required disclaimer text. It says that it was "Paid for by Voegeli4house.org" on the bottom left corner, and at the top left corner is the committee's name and address. While the words "prepared and" are missing in the disclaimer and the information is not included as one sentence, the mailer substantially complies with the disclaimer

requirements of Minnesota Statutes section 211B.04. The chair therefore concludes that the complaint does not state a prima facie violation of Minnesota Statutes section 211B.04 regarding the mailer.

The disclaimer printed on the handout appears to be smaller than the required font size. The complaint thereby alleges and provides evidence that the Voegeli committee prepared or disseminated campaign material that did not have the disclaimer in the correct font size. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 211B.04 regarding the handout.

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(d), requires the Board, within 60 days of the date of this determination, to make findings and conclusions as to whether probable cause exists to believe that a violation of Minnesota Statutes section 211B.04 alleged in the complaint has occurred and warrants 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.



David Asp, Chair
Campaign Finance and Public Disclosure Board

Date: March 14, 2024