

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF LUKE MIELKE REGARDING THE STANCIL (WILL)
NEIGHBORHOOD ACTION COMMITTEE

On August 8, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Luke Mielke regarding Will Stancil, a candidate for Minnesota House of Representatives District 61A. Stancil (Will) Neighborhood Action Committee is the principal campaign committee of Will Stancil.

The complaint alleges a violation of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint contains a copy of an advertisement supporting the election of Will Stancil that was allegedly published in the August issue of *Hill and Lake Press*, a newspaper.¹ The advertisement includes the text "WILL STANCIL" and "MN HOUSE • 61A" in the bottom right corner, and "WILLSTANCIL.ORG" in the middle toward the bottom of the advertisement. The complaint alleges that the advertisement does not contain the disclaimer required in Minnesota Statutes section 211B.04, subdivision 1, and does not qualify for the exceptions to the disclaimer requirement provided in subdivision 3 of the statute.

Determination

Minnesota Statutes section 211B.04, subdivision 1, 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." Minn. Stat. § 211B.04, subd. 1 (b).

Minnesota Statutes section 211B.04, subdivision 3, provides exceptions for material that does not need a disclaimer, but none of those exceptions clearly apply to the advertisement referenced in the complaint. The complaint alleges and provides evidence that the Stancil committee prepared or disseminated campaign material that lacked the required disclaimer. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 211B.04.

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

¹ static1.squarespace.com/static/637464fb306b3f399afdb21f/t/66ae392a0a031074e79648e0/1722693939446/2408_HLP_August+KIDS+ISSUE_FINAL_4+Web-comp.pdf

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: August 9, 2024