

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF MEGAN AMERICAN HORSE REGARDING LAKERS4CHANGE

On November 5, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Megan American Horse regarding Lakers4Change. The complaint includes a link to a webpage on the Board’s website, which states that Lakers4Change was a political committee that registered with the Board in April of 2022, and terminated its registration with the Board effective on December 31, 2022.¹ The committee’s Board registration number was 41296. The complaint also includes a link to two campaign finance reports, covering portions of 2024, filed by Lakers4Change with the filing officer for Prior Lake - Savage Area Schools, ISD 719, pursuant to Minnesota Statutes section 211A.02.² Lakers4Change is not presently registered with the Board.

The complaint asserts that Lakers4Change “has been conducting campaign activities at the state level and higher under a terminated registration.” In support of that assertion the complaint includes a link to a Lakers4Change webpage titled Volunteer Opportunities.³ The page includes text stating “If you would like to request a sign for one or more of our endorsed candidates, please fill out this [link](#) to request.” The word link is hyperlinked to a Google Forms page titled Candidate Yard Sign Request.⁴ The form contains an image referring to Prior Lake - Savage Area Schools and its school board. The form contains text asking users to complete the “form if you would like a school board candidate’s yard sign.” The form appears to allow an individual to request yard signs for three school board candidates for the Prior Lake - Savage Area Schools, school district. The form appears to also allow an individual to request a yard sign for Gabriela Kroetch, “Trump Vance,” Royce White, or Joe Teirab. Directly below those options, the form includes text asking “Would you like to be contacted to help with their campaign?” The complaint alleges that “there are yard signs available for state-level to presidential-level candidates, funded and distributed by Lakers4Change.” The complaint also includes a 9-second video depicting the Volunteer Opportunities webpage and the Candidate Yard Sign Request form. Board records state that Gabriela Kroetch is a candidate for Minnesota House District 55A.

The 2024 campaign finance reports of Lakers4Change were filed with the Prior Lake - Savage Area School District. The first report covers the period from July 22 through August 26, and the second report covers the period from August 27 through October 25. The first of the two reports includes a single disbursement for \$43.91, described as “CHECKS.” The second of the two reports includes various disbursements totaling \$2,949.43, each of which are described as “Marketing,” “Postage,” or “Fundraising Platform Fees.” The reports collectively disclose the

¹ cfb.mn.gov/reports-and-data/viewers/campaign-finance/political-committee-fund/41296/

² plsas.org/uploaded/School_Board/Election/Lakers4Change_1.pdf

³ lakers4change.com/volunteer-opportunities

⁴ docs.google.com/forms/d/e/1FAIpQLSdHqP3wCfX1mxshJLWd-R8XdH8Igpcl927QC9aufHplJV2idQ/viewform

receipt of \$3,590 in contributions. The complaint alleges and provides evidence that Lakers4Change raised over \$750 as of August 5, 2024.

As is noted in the complaint, the reports filed by Lakers4Change with a local filing officer “do not specify what funds were designated to school board campaign versus the marketing for Gabriela Kroetch, Trump Vance, Royce White, and Joe Teirab.” Neither of the reports appear to include the name of any candidate or ballot question. The complaint asserts that spending regarding state and federal candidates “supersedes any local campaigning for local seats or local referendums” and therefore, “this sort of campaign financial activity legally requires an active PAC registration.”

The complaint alleges violations of Minnesota Statutes sections 10A.14 (requiring registration with the Board), 10A.20 (requiring filing reports with the Board), 10A.273 (prohibiting certain candidates and political party units from soliciting or accepting contributions from certain sources during a regular session of the legislature), 10A.27 (imposing contribution limits and requiring disclosure from unregistered associations that make contributions under certain circumstances), and 10A.29 (prohibiting circumvention of Minnesota Statutes Chapter 10A by redirecting a contribution through, or making a contribution on behalf of, another individual or association). The complaint refers to Lakers4Change as a “PAC” but does not specify whether it was required to register with the Board as a political committee or register a political fund. While the complaint cites Minnesota Statutes section 10A27, it does not explain which provision within that statute was allegedly violated.

Determination

Definitions

Minnesota Statutes section 10A.01, subdivision 1, provides that for purposes of Minnesota Statutes Chapter 10A, “the terms defined in this section have the meanings given them unless the context clearly indicates otherwise. Minnesota Statutes section 10A.01 defines the terms “expenditure,” “candidate,” “local candidate,” “independent expenditure political committee,” “independent expenditure political fund,” “political committee,” and “political fund,” in relevant part, as follows:

Subd. 9. Campaign expenditure. "Campaign expenditure" or "expenditure" means a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the nomination or election of a candidate or a local candidate or for the purpose of promoting or defeating a ballot question.

...
"Expenditure" does not include:

...
(2) services provided without compensation by an individual volunteering personal time on behalf of a candidate or a local candidate, ballot question, political committee, political fund, principal campaign committee, or party unit;

...

(4) an individual's unreimbursed personal use of an automobile owned by the individual and used by the individual while volunteering personal time.

...

Subd. 10. Candidate. "Candidate" means an individual who seeks nomination or election as a state constitutional officer, legislator, or judge.

...

Subd. 10d. Local candidate. "Local candidate" means an individual who seeks nomination or election to:

- (1) any county office in Hennepin County;
- (2) any city office in any home rule charter city or statutory city located wholly within Hennepin County and having a population of 75,000 or more; or
- (3) the school board in Special School District No. 1.

...

Subd. 18a. Independent expenditure political committee. "Independent expenditure political committee" means a political committee that makes only independent expenditures and disbursements permitted under section 10A.121, subdivision 1.

Subd. 18b. Independent expenditure political fund. "Independent expenditure political fund" means a political fund that makes only independent expenditures and disbursements permitted under section 10A.121, subdivision 1.

...

Subd. 27. Political committee. "Political committee" means an association whose major purpose is to influence the nomination or election of one or more candidates or local candidates or to promote or defeat a ballot question, other than a principal campaign committee, local candidate, or a political party unit.

Subd. 28. Political fund. "Political fund" means an accumulation of dues or voluntary contributions by an association other than a political committee, principal campaign committee, or party unit, if the accumulation is collected or expended to influence the nomination or election of one or more candidates or local candidates or to promote or defeat a ballot question.

The complaint does not appear to allege, or contain evidence, that any of the three school board candidates, Royce White, Joe Teirab, Donald Trump, or J.D. Vance are defined as a candidate or local candidate for purposes of Minnesota Statutes Chapter 10A. The only individual identified within the complaint that appears to be a candidate or local candidate within the meaning of Chapter 10A is Gabriela Kroetch. The complaint also does not appear to allege, or contain evidence, that Lakers4Change has sought to promote or defeat any ballot question, as that term is defined within Chapter 10A.

In order to be defined as a political committee for purposes of Chapter 10A, an association's major purpose must be "to influence the nomination or election of one or more candidates or local candidates or to promote or defeat a ballot question" as those terms are defined by Minnesota Statutes section 10A.01. Minn. Stat. § 10A.01, subd. 27. The complaint does not support the conclusion that Lakers4Change is a political committee because the complaint includes strong evidence that the major purpose of Lakers4Change is to influence elections

involving Prior Lake - Savage Area Schools, which do not include candidates, local candidates, or ballot questions, as those terms are presently defined within Chapter 10A.⁵

In order to be defined as a political fund for purposes of Chapter 10A, “an accumulation of dues or voluntary contributions by an association” must be “collected or expended to influence the nomination or election of one or more candidates or local candidates or to promote or defeat a ballot question” as those terms are defined by Minnesota Statutes section 10A.01. Minn. Stat. § 10A.01, subd. 28. The only evidence included in the complaint directly supporting the assertion that Lakers4Change collected or spent money to influence the nomination or election of a candidate or local candidate, or to promote or defeat a ballot question, as those terms are defined within Chapter 10A, is the Candidate Yard Sign Request form allowing individuals to request a yard sign for Gabriela Kroetch. Although the complaint alleges that yard signs were “funded and distributed by Lakers4Change,” the complaint does not include any evidence indicating that Lakers4Change paid for the production or distribution of any signs.

Registration and reporting

Minnesota Statutes section 10A.14 sets forth the thresholds at which political committees and funds must register with the Board. A general purpose political committee or fund must register with the Board shortly after raising or spending more than \$750. Minn. Stat. § 10A.14, subd. 1. An independent expenditure political committee or fund must register with the Board shortly after raising or spending more than \$1,500. Minn. Stat. § 10A.14, subd. 1a. Minnesota Statutes section 10A.20 requires political committees and funds that are required to register with the Board to file periodic campaign finance reports.

If Lakers4Change operates a general purpose political fund, it is not presently required to be registered with the Board unless more than \$750 has been raised or spent in 2024 in an effort to influence an election involving a state-level candidate, such as Gabriela Kroetch, or a local candidate or ballot question, as those terms are presently defined within Chapter 10A. Speculation regarding the amount, if any, spent by Lakers4Change to support the candidacy of Gabriela Kroetch would be necessary to reach the conclusion that Lakers4Change was required to register a political fund based on the facts alleged in the complaint. The complaint does not state a prima facie violation of Minnesota Statutes sections 10A.14 or 10A.20, because those allegations are based on speculation unsupported by evidence.

Contributions during legislative session

Minnesota Statutes section 10A.273 prohibits certain state-level candidates and political party units from soliciting or accepting contributions from certain sources during a regular session of the legislature. The prohibition does not apply to contributions made to political committees,

⁵ The definitions of the terms “local candidate” and “ballot question” have been amended, effective January 1, 2025, to include an individual seeking election to any county, city, school district, township, or special district office, and to include a question that may be voted on by all voters of any county, city, school district, township, or special district, respectively. [2024 Minn. Laws. ch. 112, art. 4, §§ 1-2](#). As a result, the scope of associations defined as a political committee or fund for purposes of Minnesota Statutes Chapter 10A will increase significantly beginning in 2025.

political funds, or local candidates. To the extent that the complaint alleges that Lakers4Change made a contribution to Gabriela Kroetch during a regular session of the legislature, that allegation is not supported by the evidence included in the complaint. The complaint does not include evidence that Lakers4Change enabled individuals to request a yard sign for Gabriela Kroetch during the 2024 legislative session, and instead includes campaign finance reports stating that the first disbursement Lakers4Change made in 2024 was on July 19, 2024. The legislature adjourned sine die on May 20, 2024.⁶ Therefore, the complaint does not state a prima facie violation of Minnesota Statutes section 10A.273.

Contribution limits and disclosure by unregistered associations

Minnesota Statutes section 10A.27 imposes various contribution limits on candidates. The only contribution limit that Lakers4Change could have conceivably violated based on the facts alleged in the complaint is the \$1,000 limit on contributions to any particular candidate for state representative during the 2023-2024 election cycle. See Minn. Stat. § 10A.27, subd. 1 (a) (5), (c). The complaint does not include direct evidence of the amount, if any, spent by Lakers4Change to support the candidacy of Gabriela Kroetch, and speculation would be necessary to reach the conclusion that Lakers4Change contributed more than \$1,000 to Gabriela Kroetch during the 2023-2024 election cycle. Therefore, the complaint does not state a prima facie violation of Minnesota Statutes sections 10A.27, subdivision 1, paragraph (c).

Minnesota Statutes section 10A.27, subdivisions 13-16, require associations not registered with the Board to provide a disclosure statement when making a contribution in excess of a particular dollar amount to certain types of entities, including a political committee or fund. Those provisions also require the recipient of the contribution to provide the disclosure statement to the Board. The campaign finance reports included in the complaint do not itemize any contributions received by Lakers4Change from an association, rather than an individual, and the complaint does not otherwise include evidence that Lakers4Change received contributions from any association. To the extent that the complaint alleges that Lakers4Change made a contribution to Gabriela Kroetch in excess of \$200 without providing a disclosure statement, speculation regarding the amount of the contribution would be necessary to reach that conclusion, and speculation would also be required to reach the conclusion that any required disclosure statement was not, in fact, provided to Gabriela Kroetch by Lakers4Change. The complaint does not state a prima facie violation of Minnesota Statutes section 10A.27, subdivisions 13-16, because that allegation is based on speculation unsupported by evidence.

Circumvention

Minnesota Statutes section 10A.29 prohibits an association from attempting “to circumvent this chapter by redirecting a contribution through, or making a contribution on behalf of, another individual or association. . . .” Despite citing the statute, the complaint does not identify any contribution that was redirected or made on behalf of another contributor, and does not explain what provision within Minnesota Statutes Chapter 10A may have been circumvented.

⁶ See [Minn. Const. art. IV, § 12](#).

Therefore, the complaint does not state a prima facie violation of Minnesota Statutes section 10A.29.

The chair concludes that the complaint does not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction. 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. The complaint is dismissed without prejudice.



David Asp, Chair
Campaign Finance and Public Disclosure Board

Date: November 14, 2024