

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF SALINA AMEY REGARDING WEST SIDE CITIZENS
ORGANIZATION DBA WEST SIDE COMMUNITY ORGANIZATION

On November 19, 2024, the Campaign Finance and Public Disclosure Board received a complaint submitted by Salina Amey regarding the West Side Citizens Organization doing business as West Side Community Organization (WSCO). The WSCO is a Minnesota nonprofit corporation¹ that, according to the complaint, is a 501(c)(3) charity that files exempt organization income tax returns with the Internal Revenue Service (IRS)². The complaint asserts that the WSCO is a City of Saint Paul District Council and thereby receives funding from the City of Saint Paul.³ The complaint alleges, and Board records reflect, that the WSCO is not registered with the Board and has no lobbyists registered with the Board on its behalf.

The complaint alleges violations of Minnesota Statutes sections 10A.03 and 10A.04, which require lobbyists to register and file reports with the Board and require a lobbyist principal to file an annual report with the Board. The complaint also alleges a violation of Minnesota Statutes section 10A.05, which requires the Board's executive director to publish certain information obtained by the Board from reports filed pursuant to Minnesota Statutes section 10A.04.

The complaint alleges violations of Minnesota Statutes sections "10A.12-10A.15," which govern the operation of political funds, the operation of independent expenditure and ballot question political committees and funds, campaign finance accounting practices, registration of political committees and funds, political party units, and principal campaign committees with the Board, and various restrictions on contributions received by such entities. The complaint also alleges a violation of Minnesota Statutes section 10A.20, which governs campaign finance reports.

The complaint consists of the Board's two-page complaint form and a 163-page PowerPoint file. The complaint asserts that the "WSCO has been hijacked by the politically progressive agenda of a coalition of activist organizations that lobby and campaign for the agenda's set by politically progressive organizations that operate nationally." The complaint alleges that the WSCO "has been engaging in extensive lobbying and campaigning." The complaint alleges that the WSCO is a lobbyist principal and that "all of the WSCO staff who are engaged in lobbying" should be registered with the Board. The complaint states that the WSCO partners with "numerous other non-profit organizations at the local and Federal level." Despite the amount of material

¹ mbportal.sos.state.mn.us/Business/SearchDetails?filingGuid=31398d0b-a6d4-e011-a886-001ec94ffe7f

² The complaint includes evidence including screenshots of Form 990s indicating that WSCO's EIN is 23-7447142.

³ stpaul.gov/residents/live-saint-paul/neighborhoods/district-councils/district-council-directory/district-3;
stpaul.gov/residents/live-saint-paul/neighborhoods/district-councils/district-council-faq;
stpaul.gov/residents/live-saint-paul/neighborhoods/district-councils/district-council-funding

contained within the complaint, it does not clearly specify which particular individuals should be registered with the Board as lobbyists, and when they were allegedly required to register. The complaint contains minimal information about the amount that the WSCO allegedly spent on lobbying, and while it attempts to link the WSCO to a variety of other organizations, in many instances it contains minimal evidence of the WSCO spending money on lobbying in partnership with those organizations.

Despite alleging violations of various statutes applicable to entities required to register with the Board and file campaign finance reports, the complaint does not specify whether the WSCO is a political committee, an association required to register a political fund, or some other type of entity, it does not explain when the WSCO was required to register with the Board and begin filing campaign finance reports, and it contains minimal information about efforts by the WSCO to influence elections in a manner that is addressed by Minnesota Statutes Chapter 10A. The complaint contends that the WSCO “has a particularly close relationship with Take Action MN” and states that Bahieh Hartshorn simultaneously worked for TakeAction Minnesota and served on the WSCO’s Board of Directors, but the complaint does not otherwise explain why the political activities of TakeAction Minnesota are proof of coordination of election-related activities with the WSCO. Aside from the activities of TakeAction Minnesota, the evidence within the complaint regarding election-related activities generally does not appear to be specific to candidates, local candidates, or ballot questions, as those terms are defined within Minnesota Statutes Chapter 10A.

Financial data and staffing

The complaint includes a screenshot of Schedule C of the WSCO’s 2022 IRS Form 990, which states that the WSCO made \$19,891 in lobbying expenditures in 2021, and no lobbying expenditures in 2020 or 2022.⁴ The complaint includes a screenshot of Schedule C of the WSCO’s 2021 IRS Form 990, which also states that the WSCO made \$19,891 in lobbying expenditures in 2021.⁵ The complaint includes additional financial data regarding the WSCO extracted from its IRS Form 990s and displayed on the website of ProPublica.⁶ That data largely does not appear to necessarily disclose lobbying efforts or political expenditures, but reflects that the WSCO has had a compensated executive director. The IRS Form 990 data indicates that Monica Bravo became the WSCO’s executive director in 2016. The WSCO’s IRS Form 990s state that the organization had five employees in 2020 whose compensation totaled \$185,448, 10 employees in 2021 whose compensation totaled \$330,437, 10 employees in 2022 whose compensation totaled \$523,326, and nine employees in 2023 whose compensation totaled \$597,972.

The complaint includes a screenshot of page 10 of the WSCO’s 2019 IRS Form 990, which states that the WSCO spent \$47,523 on “Other” fees for services performed by nonemployees,

⁴ projects.propublica.org/nonprofits/organizations/237447142/202341869349300914/IRS990ScheduleC

⁵ projects.propublica.org/nonprofits/organizations/237447142/202212839349300336/IRS990ScheduleC

⁶ projects.propublica.org/nonprofits/organizations/237447142

and suggests that the amount may be indicative of an organizer salary.⁷ Schedule O of the same document states that \$28,552 of the \$47,523 was for a “Community Organizer” but the document does not appear to explain what services the community organizer performed. Aside from the amount spent on lobbying in 2021, the WSCO’s recent IRS Form 990s do not appear to directly state that the WSCO spent money on lobbying or on political expenditures.

The complaint includes financial data regarding the WSCO from the website of the Office of the Minnesota Attorney General, but that data does not appear to disclose spending on lobbying efforts or political expenditures.⁸ The complaint also includes financial data from the WSCO’s internal financial statements, but that data also does not appear to disclose spending on lobbying efforts or political expenditures.⁹

The complaint includes a screenshot of a post on the WSCO’s website dated January 20, 2022, stating that the WSCO was hiring a “Lead Organizer.”¹⁰ The webpage states that the position “supervises our team of community organizers working across the areas of Housing justice, Health and Environmental Justice, Community care, and works closely with the WS Land Use & Equitable Development Organizer,” and “is a management-level position that reports to the Executive Director” and supervises organizers “who work directly with our base.” The webpage explains that:

We’ve just won the strongest rent stabilization policy in the country as part of the Housing Equity Now coalition. This year, we’ve set our sights on organizing a tenant’s union and moving towards more dignified, equitable, accessible housing. We want to address the root causes of housing inequities by pursuing cooperative ownership models, working with land trusts, and researching other models. We’re looking for an experienced organizer to bring this bold vision for the future of our neighborhood to life. Our Lead Organizer will have the opportunity to guide our community organizers into the next level of building power with our base and transforming unjust systems that harm our neighborhood into a vision of a self-reliant and prospering West Side for all its people.

The complaint focuses on the language regarding working with the WSCO’s base, but does not otherwise explain why employing community organizers or organizing a tenant union constitutes lobbying.

TakeAction Minnesota and Bahieh Hartshorn

The complaint includes a screenshot of a Facebook post announcing TakeAction Minnesota’s May 2018 endorsement of Erin Murphy as a candidate for governor, which quotes “Bahieh

⁷ projects.propublica.org/nonprofits/organizations/237447142/202002899349300945/full

⁸ ag.state.mn.us/Charity/Search/CHR_GeneralInfo.asp?FederalID=237447142&Yr=CURR&cmdSearch=View

⁹ docs.google.com/document/d/1RpBLM84kWeeiOG_gUJYcHU6Nf8k-EVokTFAH6p68rzY/edit?tab=t.0;drive.google.com/file/d/1D4VGCGCYj3yC4dIX6UGIdsONWPli6kM/view?usp=drive_link;

¹⁰ wsco.org/lead_organizer

Hartshorn, a Political Healer and co-chair of TakeAction Minnesota's political committee".¹¹ While the complaint alleges that Ms. "Hartshorn worked as a Community Organizer at WSCO from Feb 2017- Dec 2018," it does not allege that the WSCO played a role in TakeAction Minnesota's endorsement or in disseminating TakeAction Minnesota's Facebook post announcing its endorsement. The complaint contains evidence, including the Facebook post itself and a page within TakeAction Minnesota's website, stating that Ms. Hartshorn "was the co-chair of TakeAction Minnesota's political committee" at the time the endorsement in question was announced.¹² More broadly, the complaint includes several references to TakeAction Minnesota's efforts to influence elections and the role played by Ms. Hartshorn, who according to the same webpage "joined TakeAction Minnesota in January 2019 as the Movement Politics Leadership Program Manager." The complaint does not explain why the efforts of Ms. Hartshorn as the co-chair of a political committee or fund, or as a TakeAction Minnesota employee, are related to the activities of the WSCO.

More broadly, the complaint states that TakeAction Minnesota participated in a variety of political activities, including endorsing various candidates in June 2022.¹³ However, with the exception of efforts to adopt a rent stabilization ordinance in Saint Paul,¹⁴ the complaint generally does not explain why the activities of TakeAction Minnesota are related to the activities of the WSCO.

The complaint includes a screenshot of an August 2020 Facebook post stating that Ms. Hartshorn intended to phonebank for various state legislative candidates, as well as for one federal candidate and one Brooklyn Center City Council candidate.¹⁵ The post does not refer to the WSCO and the complaint does not explain why the activities of Ms. Hartshorn as an individual volunteer, or as a TakeAction Minnesota employee, are the responsibility of the WSCO.

The Alliance and Housing Equity Now St. Paul (HENS)

The complaint includes evidence that the WSCO is a member of a coalition called The Alliance,¹⁶ which according to the complaint and a City of Saint Paul website referenced in the complaint, serves as a resource to district councils such as the WSCO.¹⁷ According to IRS Form 990s published on its website, the legal name of The Alliance appears to be the Alliance for Metropolitan Stability, and it appears to be a 501(c)(3) charity.¹⁸ The complaint refers to an event held by The Alliance on February 28, 2020, titled "From Representation to Co-

¹¹ facebook.com/photo/?fbid=10155719600108031&set

¹² old.takeactionminnesota.org/profile/bahieh-hartshorn/

¹³ takeactionminnesota.org/takeaction-minnesota-announces-endorsement-of-keith-ellison-steve-simon-and-slate-of-state-federal-and-local-candidates/

¹⁴ takeactionminnesota.org/ksph-weekofaction/

¹⁵ facebook.com/bahieh.hartshorn/posts/pfbid0vjZbB8a5M4e7VPooAB7bzuZn3fNDFp5NVZw4K9i9CPGbUaKYBP6YxGn3pG6jNE1RI

¹⁶ thealliancetc.org; thealliancetc.org/about/members/

¹⁷ stpaul.gov/residents/live-saint-paul/neighborhoods/district-councils/district-council-resources

¹⁸ thealliancetc.org/about/public-information/

governance: Advancing Equity in Policymaking,” which appears to have consisted of a panel discussion with five panelists, including Ms. Hartshorn.¹⁹ The complaint asserts that at that time, Ms. Hartshorn was a “Movement Politics Leadership Program Manager” for TakeAction Minnesota,²⁰ and was also the Vice Chair of the WSCO’s Board of Directors²¹. Page 7 of the WSCO’s 2020 IRS Form 990 states that Ms. Hartshorn did not receive any reportable compensation from the WSCO in 2020. The complaint does not explain why the event constituted lobbying or otherwise indicates that the WSCO violated Minnesota Statutes Chapter 10A.

The complaint includes a screenshot of The Alliance’s “2023 State Legislative Session Policy Agenda,” which consists of:

- Tenant right to organize
- Pre-eviction notice and expungement reform
- Source of income protection
- Good Neighbor eviction exemption
- Just Cause eviction protections
- Right to Counsel in public housing
- Curbing corporate speculation
- Repealing the state-wide preemption on rent control²²

The agenda refers to the WSCO as one of many partner organizations “working to advance housing justice and equitable community development.” The agenda refers to specific bills including H.F. 319, S.F. 429, H.F. 647, and S.F. 690 (“Pre-eviction notice and expungement reform”), H.F. 445 and S.F. 430 (“Source of income protection”), H.F. 125 and S.F. 98 (“Right to Counsel in public housing”), and H.F. 685 and S.F. 365 (“Curbing corporate speculation”).

The complaint also refers to a blog post on The Alliance’s website, dated July 29, 2021,²³ “celebrating Tram Hoang’s transition to Campaign Manager for the Keep St. Paul Home ballot initiative.”²⁴ The post states that for two years starting in July 2019, Ms. “Tram has played a central role in the Alliance’s work to increase funding for affordable housing, strengthen the rights of renters and elevate anti-displacement imperatives across the region — both advocating for the adoption of critical policies and also playing a role in ensuring strong implementation of those measures.” The post states that Ms. Tram “helped bring together and has been a core organizer for Housing Equity Now St. Paul (HENS), a powerful coalition rooted in neighborhoods most impacted by housing and economic injustice that organized to pass the

¹⁹ thealliancetc.org/actualizing-equity-recap-from-representation-to-co-governance/

²⁰ old.takeactionminnesota.org/profile/bahieh-hartshorn/; takeactionminnesota.org/co-governance-elections-and-our-role-in-defending-democracy/

²¹ facebook.com/wsconow/videos/374627013598719; assets.nationbuilder.com/wsko/pages/1271/attachments/original/1725915210/WSCO_Board_January_2021_Meeting_Minutes_.pdf; See also page 7 of the WSCO’s 2020 IRS Form 990: projects.propublica.org/nonprofits/organizations/237447142/202132019349300368/full.

²² thealliancetc.org/wp-content/uploads/2023/02/EIP-2023-State-Policy-Agenda-final.pdf

²³ thealliancetc.org/2021/07/

²⁴ thealliancetc.org/alliance-celebrates-tram-hoang-transition-to-keep-st-paul-home/

state's strongest tenant protections ordinance and is now working toward becoming the first city in the state to win rent stabilization." The post includes a link to housingequitystp.org, which appears to have been the website of HENS. The complaint does not include information about funding the WSCO provided to The Alliance, if any, but does include evidence of the WSCO's participation in The Alliance, including as part of the HENS coalition.

The complaint includes evidence that the WSCO also partnered with TakeAction Minnesota and a variety of other organizations as part of the HENS coalition.²⁵ The complaint refers to a TakeAction Minnesota webpage dated June 24, 2021, stating that HENS "collected 5,592 verified signatures, *exceeding* the 4,958 needed to get rent stabilization on the ballot," "talked to thousands of St. Paul residents who are ready for rent stabilization," and "is shifting from signature collection to get out the vote, talking to St. Paulites and letting our neighbors know rent stabilization will be on the ballot this fall."²⁶ The complaint includes a variety of evidence that the WSCO actively supported the campaign for a rent stabilization ordinance in Saint Paul, both before and after the required petition signatures were gathered.²⁷

The complaint also includes evidence that the WSCO supported efforts to shape and enforce Saint Paul's rent stabilization ordinance after it was adopted by voters in 2021.²⁸

West Side Tenant Union

The complaint includes evidence that "members of WSCO's West Side Tenant Union" traveled to Washington, D.C. in November 2023 to participate in various events supporting federal regulations on rent and other tenant protections.²⁹ The complaint also alleges that WSCO's executive director, Monica Bravo, traveled to Washington, D.C. in March 2023 "to attend the National Low Income Housing Coalition 2023 Policy Forum." The complaint does not explain why efforts to support policy changes at the federal level, legislative or otherwise, constitute lobbying within the meaning of Minnesota Statutes Chapter 10A.

²⁵ thealliancetc.org/housing-equity-now-st-paul-hens/

²⁶ takeactionminnesota.org/rent-stabilization-will-be-on-the-ballot/

²⁷ See, e.g., facebook.com/photo/?fbid=4499474423412965&set; facebook.com/events/288061076041411/; facebook.com/wsconow/posts/pfbid02XjESbiKX6b7BXBA4pNmWXuJFzivdtH74ARQbuszJZ2sW6LaQjuBWtcSYpNk7aE6TI; facebook.com/events/288061076041411/; facebook.com/events/274304691260908/; facebook.com/events/833323344044336/; facebook.com/events/398193748372540/; facebook.com/photo/?fbid=5083454718348263&set; youtube.com/watch?v=GSYK99C3Jys; minnesotareformer.com/2021/10/26/st-paul-voters-could-pass-one-of-the-countrys-most-stringent-rent-control-policies/.

²⁸ facebook.com/housingequitynowstp/posts/pfbid0S5AdZMdoYWMU2E2pVZjhYFKQimazcYMAiq9rnMrxw2dSg8JdA8JcXGJtrY2UMBI; facebook.com/events/1310948722721598.

²⁹ wso.org/wstucreportback; facebook.com/photo/?fbid=743490107806479; facebook.com/photo/?fbid=743489517806538

March 2023 town hall event

The complaint includes a photograph of a March 5, 2023, town hall event hosted by the WSCO and a screenshot of a Facebook post advertising the event.³⁰ The photograph indicates that the event was attended by State Representatives María Isa Pérez-Vega, Samakab Hussein, Mary Frances Clardy, and Zack Stephenson. The complaint does not explain why hosting a town hall event attended by state legislators constitutes lobbying, a campaign expenditure, or a contribution, within the meaning of Minnesota Statutes Chapter 10A.

GOTV events

The complaint includes a screenshot of a Facebook event page stating that the WSCO hosted a September 2018 event as part of its “WestSide 100” initiative.³¹ The page describes the initiative as an effort:

to bring 100% Voter Participation and awareness on the West Side. This is an effort for NON PARTISAN VOTER ENGAGEMENT. Making sure that West Side folks are registered and know where to vote this year. This is an initiative through WSCO to make certain our residents are informed and prepared to vote this November election.

The complaint does not include evidence that the WestSide 100 initiative involved efforts to influence the nomination or election of state-level candidates, or voting on ballot questions as that term is currently defined within Minnesota Statutes Chapter 10A.

The complaint includes evidence that the WSCO hosted an event via Zoom in October 2020 titled “Our Vote / Our Voice / Our Power.”³² The event was described as follows:

Join WSCO for an Action to Equity online forum on fighting voter suppression and sustaining activism beyond the polls. #WestSide100

No matter our race, cultural background, or zip code, our votes are our power. This election season, it's critical we understand that whether we're Black, Brown, or White, our liberation is tied together. Let's raise our voices against voter suppression and vote in record numbers to swear in a government of, by, and for the people.

To organize for 100% voter participation on the West Side – and discuss how we can sustain our activism beyond Election Day – register today for WSCO's Action to Equity forum. The online event will include a panel discussion and breakout groups.

³⁰ [facebook.com/PeopleforMarialsa/posts/pfbid0A9FNAKJFrmhBrH1CX8ATpvRzYr6VVWhQkJt6V25joyx9Z6Yp8wooAMP8gnYYsFo9l](https://www.facebook.com/PeopleforMarialsa/posts/pfbid0A9FNAKJFrmhBrH1CX8ATpvRzYr6VVWhQkJt6V25joyx9Z6Yp8wooAMP8gnYYsFo9l)

³¹ [facebook.com/events/1684090705047522](https://www.facebook.com/events/1684090705047522)

³² [facebook.com/events/339195827287718/](https://www.facebook.com/events/339195827287718/); [eventbrite.com/e/our-vote-our-voice-our-power-why-your-vote-matters-now-tickets-122621766003](https://www.eventbrite.com/e/our-vote-our-voice-our-power-why-your-vote-matters-now-tickets-122621766003).

The complaint does not include evidence that the event referred to any specific candidates, political parties, or ballot questions.

IWWOC/BIWOC activities

The complaint refers to a webpage reviewing the WSCO's activities during February 2018, including holding the first in a monthly series of meetings for "West Side Indigenous Women and Women of Color" in order "to provide the necessary tools of leadership support, strengthening, and training."³³ The webpage consists of a blog post authored by Ms. Hartshorn, and the complaint alleges that Ms. "Hartshorn worked as a Community Organizer at WSCO from Feb 2017- Dec 2018." The complaint includes several other references to WSCO Indigenous Women and Women of Color (IWWOC) tables, subsequently renamed Black, Indigenous and Womxn of Color (BIWOC) tables, including another link to a WSCO webpage.³⁴ That webpage states that in early 2019, the WSCO hosted "Caucus Trainings" with 32 participants representing 6 of the 7 wards in Saint Paul, and that "[w]e had a great turnout for Ward 2 Caucus, with many of us West Siders becoming delegates and passing resolutions!" The page includes a photograph that the complaint alleges shows that many of the 2019 Saint Paul Ward 2 caucus participants wore WSCO name tags. The same webpage states that:

In September 2019, we hosted our Indigenous Womxn and Womxn of Color Dinner with Candidates. Our goal was to create a welcoming, intergenerational space for IWWOC across St. Paul to engage with IWWOC Candidates running for School Board and City Council, share values, and develop pathways to better supporting one another.

The complaint also refers to a webpage reviewing the WSCO IWWOC Table's work during the period from February 2018 through February 2019, which states that the WSCO "Rallied at City Hall for \$15 Minimum Wage," "Participated in City Council Public Hearings about City Budget and public safety," and seeks to "Advance into more decisionmaking seats of power" and "Join advisory committees and commissions, etc."³⁵ Neither the WSCO's IWWOC/BIWOC Table webpage nor the other materials included with the complaint regarding the IWWOC/BIWOC Tables and related events appear to refer to any state-level candidates or ballot questions.

Other activities

The complaint alleges and provides evidence that the WSCO participated in a variety of other activities without clearly explaining why that participation is indicative of a violation of Minnesota Statutes Chapter 10A. The complaint refers to a webpage thanking individuals for participating in a march with TakeAction Minnesota in June 2017 "supporting . . . our immigrant and refugee community as well as elevating issues of racial, social, and economic injustices seen and

³³ wsco.org/february_whatsupwithwsco

³⁴ wsco.org/biwoc_table

³⁵ d3n8a8pro7vhmx.cloudfront.net/wsco/pages/232/attachments/original/1554149962/IWWOC_Year_in_Review_February_2018_-_February_2019.pdf

experienced on the West Side.”³⁶ The complaint refers to the WSCO’s participation in a coalition called the Saint Paul Shared Ownership Collaborative that seeks “to build a new community development paradigm powered by the ingenuity and expertise of our communities that creates real, radical and lasting transformation.”³⁷ The complaint includes a screenshot of a webpage stating that in “2021, WSCO won a lawsuit against a West Side landlord, defending our right under the Minnesota Human Rights Act to help tenants stand up for their civil rights to live in safe and habitable homes free from discrimination.”³⁸ The complaint includes a screenshot of a WSCO Facebook post advertising a May 2024 “West Side Power organizing workshop” that would involve teaching organizing skills to attendees.³⁹ The complaint does not explain why those activities constitute lobbying by the WSCO or otherwise indicate a violation of Chapter 10A.

The complaint refers to the activities of a variety of other organizations without clearly explaining or providing evidence of their connection to the WSCO’s alleged lobbying or political activity. The complaint also alleges that the WSCO has engaged in a variety of other activities that may have violated state or federal laws aside from Chapter 10A.

Determination

Lobbyist registration and reporting

Minnesota Statutes section 10A.01, subdivision 21, defines the term lobbyist, in relevant part, to mean an individual “engaged for pay or other consideration of more than \$3,000 from all sources in any year . . . for the purpose of attempting to influence legislative or administrative action, or the official action of a political subdivision, by communicating with public or local officials.”⁴⁰ Minnesota Statutes section 10A.01, subdivision 31, defines the term “political subdivision” to include “a municipality as defined in” Minnesota Statutes section 471.345, subdivision 1, which means “a county, town, city, school district or other municipal corporation or political subdivision of the state authorized by law to enter into contracts.” Minnesota Statutes section 10A.01, subdivision 24, defines the term “metropolitan governmental unit” to include “a city with a population of over 50,000 located in the seven-county metropolitan area.” The City of Saint Paul is both a political subdivision and a metropolitan governmental unit within the meaning of Minnesota Statutes Chapter 10A.

³⁶ wSCO.org/thank_you_west_side

³⁷ wSCO.org/socstp

³⁸ wSCO.org/righttoorganize

³⁹ facebook.com/events/760851875975404?post_id=811467120913879

⁴⁰ This definition was amended, effective May 18, 2024. Prior to that date, the term “lobbyist” was defined, in relevant part, to mean an individual “engaged for pay or other consideration of more than \$3,000 from all sources in any year . . . for the purpose of attempting to influence legislative or administrative action, or the official action of a political subdivision, by communicating *or urging others to* communicate with public or local officials.” This definition was also amended, effective January 1, 2024. Prior to that date, the term “lobbyist” was defined, in relevant part, to mean an individual “engaged for pay or other consideration of more than \$3,000 from all sources in any year . . . for the purpose of attempting to influence legislative or administrative action, or the official action of a *metropolitan governmental unit*, by communicating or urging others to communicate with public or local officials.”

Minnesota Rules 4511.0100, subpart 3, currently defines the term lobbying to mean “attempting to influence legislative action, administrative action, or the official action of a metropolitan governmental unit by communicating with or urging others to communicate with public officials or local officials in metropolitan governmental units. Any activity that directly supports this communication is considered a part of lobbying.”⁴¹

Minnesota Statutes section 10A.01, subdivision 35, defines the term “public official” to include 30 different categories of officials, including a “member of the legislature.” Minnesota Statutes section 10A.01, subdivision 22, defines the term local official to mean

a person who holds elective office in a political subdivision or who is appointed to or employed in a public position in a political subdivision in which the person has authority to make, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money.

Minnesota Statutes section 10A.03, subdivision 1, requires a lobbyist to register with the Board within five days after becoming a lobbyist or being engaged by a new principal. Minnesota Statutes section 10A.04, subdivision 1, requires a lobbyist to file biannual reports with the Board.

The complaint alleges and the Board’s records reflect that that there are no lobbyists registered on behalf of the WSCO. The complaint contains evidence that the WSCO has multiple compensated employees, and that some of those employees may have engaged in lobbying on behalf of the WSCO. That evidence includes the WSCO’s IRS Form 990s stating that the WSCO spent \$19,891 on lobbying expenditures in 2021. Lobbying is defined differently for federal tax purposes than it is for purposes of Minnesota Statutes Chapter 10A, but there is significant overlap. That evidence includes social media posts indicating that WSCO supported efforts to shape and enforce Saint Paul’s rent stabilization ordinance after it was adopted by voters in 2021. That evidence also includes the WSCO’s alleged membership in The Alliance and The Alliance’s “2023 State Legislative Session Policy Agenda” that includes specific policy objectives and refers to specific bills. The complaint includes evidence that the WSCO has sought to influence both legislative action and the official action of a metropolitan governmental unit by communicating with or urging others to communicate with public officials or local officials.

While it is not clear from the complaint which specific individuals may have been required to register as lobbyists on behalf of the WSCO, the complaint nonetheless contains evidence that one or more individuals may have been compensated more than \$3,000 within a calendar year to engage in lobbying. The chair therefore concludes that the complaint states a prima facie violation of the lobbyist registration and reporting requirements in Minnesota Statutes sections 10A.03 and 10A.04.

⁴¹ The Board is in the process of updating this definition to reflect recent statutory changes to the definition of the term “lobbyist” and related legislative changes.

Principal reporting

Minnesota Statutes section 10A.01, subdivision 33, defines the term principal to mean an individual or association that:

(1) spends more than \$3,000 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or

(2) spends a total of at least \$50,000 in any calendar year to influence legislative action, administrative action, or the official action of political subdivisions, as described in section 10A.04, subdivision 6.⁴²

Minnesota Statutes section 10A.01, subdivision 6, defines the term “association” to mean “a group of two or more persons, who are not all members of an immediate family, acting in concert.”

As is discussed in more detail above, the complaint alleges and contains evidence that the WSCO may have spent more than \$500 within a calendar year prior to 2024 to compensate a lobbyist. The complaint includes evidence that the WSCO has sought to influence both legislative action and the official action of a metropolitan governmental unit by communicating with or urging others to communicate with public officials or local officials. The chair therefore concludes that the complaint states a prima facie violation of the principal reporting requirements in Minnesota Statutes section 10A.04, subdivision 6.

Section 10A.05

Minnesota Statutes section 10A.05 provides that after lobbyist reports are filed with the Board, the Board’s executive director must publish information obtained from those reports. It is not possible for the WSCO to have violated that provision because it does not require or prohibit any action by a lobbyist principal or other association. The chair therefore concludes that the complaint does not state a prima facie violation of Minnesota Statutes section 10A.05.

Registration and reporting by a political fund and related provisions

Minnesota Statutes section 10A.01, subdivision 28, defines the term “political fund” to mean “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

⁴² This definition was amended, effective January 1, 2024. Prior to that date, the term “principal” was defined to include an individual or association that “(1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or (2) *is not included in clause (1) and* spends a total of at least \$50,000 in any calendar year *on efforts* to influence legislative action, administrative action, or the official action of *metropolitan governmental units*, as described in section 10A.04, subdivision 6.”

or to promote or defeat a ballot question.” Minnesota Statutes section 10A.12, subdivision 1a, provides that:

An association other than a political committee that makes only independent expenditures or expenditures to promote or defeat a ballot question must do so through an independent expenditure or ballot question political fund if the independent expenditures aggregate more than \$1,500 in a calendar year or if the expenditures to promote or defeat a ballot question aggregate more than \$5,000 in a calendar year, or by contributing to an existing independent expenditure or ballot question political committee or fund.

Minnesota Statutes section 10A.01, subdivision 27, defines the term “political committee” to mean “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.” The complaint does not specifically allege that the WSCO is a political committee, nor does it contain evidence indicating that the WSCO’s major purpose is to influence elections in the manner described within Minnesota Statutes section 10A.01, subdivision 27. Therefore, the complaint is construed to allege that the WSCO is an association that was required to register a political fund with the Board.

Minnesota Statutes section 10A.01, subdivision 7d, defines the term “ballot question political fund” to mean “a political fund that makes only expenditures to promote or defeat a ballot question and disbursements permitted under section 10A.121, subdivision 1.” Minnesota Statutes section 10A.01, subdivision 18b, defines the term “independent expenditure political fund” to mean “a political fund that makes only independent expenditures and disbursements permitted under section 10A.121, subdivision 1.” The complaint does not allege or contain evidence that the WSCO made independent expenditures. Therefore, the complaint is construed to allege that the WSCO is an association that was required to register either a general purpose political fund, or a ballot question political fund, with the Board.

Minnesota Statutes section 10A.14 sets forth the thresholds at which political funds must register with the Board. A general purpose political fund must register with the Board shortly after the fund “has made a contribution, received contributions, or made expenditures in excess of \$750.” Minn. Stat. § 10A.14, subd. 1. A ballot question political fund must register with the Board shortly after the fund has “received aggregate contributions for expenditures to promote or defeat a ballot question of more than \$5,000 in a calendar year” or has “made aggregate expenditures to promote or defeat a ballot question of more than \$5,000 in a calendar year.” Minn. Stat. § 10A.14, subd. 1a. Minnesota Statutes section 10A.20 requires political funds that are required to register with the Board to file periodic campaign finance reports.

Minnesota Statutes section 10A.01, subdivision 11, generally defines the term “contribution” to mean:

money, a negotiable instrument, or a donation in kind that is given to a political committee, political fund, principal campaign committee, local candidate, or party unit. An allocation by an association of general treasury money to be used for activities that must be or are reported through the association's political fund is considered to be a contribution for the purposes of disclosure required by this chapter.

Minnesota Statutes section 10A.01, subdivision 10, defines the term “candidate” to mean “an individual who seeks nomination or election as a state constitutional officer, legislator, or judge.” Minnesota Statutes section 10A.01, subdivision 10d, provides that:

“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. 1.⁴³

Minnesota Statutes section 10A.01, subdivision 9, generally defines the term “expenditure” to mean “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.” Minnesota Statutes section 10A.01, subdivision 7, provides that:

“Ballot question” means a question or proposition that is placed on the ballot and that may be voted on by:

- (1) all voters of the state;
- (2) all voters of Hennepin County;
- (3) all voters of any home rule charter city or statutory city located wholly within Hennepin County and having a population of 75,000 or more; or
- (4) all voters of Special School District No. 1.

“Promoting or defeating a ballot question” includes activities, other than lobbying activities, related to qualifying the question for placement on the ballot.⁴⁴

The City of Saint Paul’s City Charter requires the gathering of petition signatures in order to qualify an initiative question for the ballot.⁴⁵ The complaint includes evidence that the WSCO engaged in efforts to gather petition signatures to qualify the rent stabilization ordinance question for the ballot. However, the City of Saint Paul is located in Ramsey County and not Hennepin County. Therefore, the City of Saint Paul’s 2021 rent stabilization ordinance question was not a ballot question within the meaning of Minnesota Statutes Chapter 10A.

⁴³ This definition has been amended, effective January 1, 2025, to include an individual who seeks nomination or election to any “county, city, school district, township, or special district office.” [2024 Minn. Laws ch. 112, art. 4, § 2.](#)

⁴⁴ This definition has been amended, effective January 1, 2025, to include a question or proposition that may be vote on by all voters of any “county, city, school district, township, or special district.” [2024 Minn. Laws ch. 112, art. 4, § 1.](#)

⁴⁵ library.municode.com/mn/st._paul/codes/code_of_ordinances?nodeId=PTICICH_CH8INRERE

The complaint does not appear to explicitly allege that the WSCO made a contribution to, or an independent expenditure on behalf of, any candidate or local candidate, as those terms are defined within Minnesota Statutes Chapter 10A. While the complaint includes evidence that the WSCO engaged in activities encouraging individuals to vote and participate in their political party caucuses, the complaint does not include evidence that those efforts were targeted to support or oppose specific candidates or the candidates of a particular political party. The complaint includes evidence that the WSCO held a town hall event attended by various elected officials, including state legislators, but that activity does not suggest that the WSCO thereby made a contribution to, or independent expenditure on behalf of, any candidate. The complaint also includes evidence that the WSCO has communicated about policy objectives, events, and legislation, and when doing so has mentioned the names of various elected officials, including state legislators, but that activity alone does not suggest that the WSCO thereby made a contribution to, or independent expenditure on behalf of, any candidate.

The complaint includes evidence that TakeAction Minnesota endorsed, and may have made expenditures on behalf of, one or more candidates. The complaint includes evidence that Ms. Hartshorn simultaneously worked for TakeAction Minnesota and served on the WSCO's Board of Directors. The complaint also includes evidence that TakeAction Minnesota and the WSCO appear to have worked together on various efforts, unrelated to the nomination or election of candidates, such as promoting the Saint Paul rent stabilization ordinance question. Those factors do not support the conclusion that TakeAction Minnesota's efforts to influence the nomination or election of candidates are connected to the WSCO.

The remaining allegations and evidence included within the complaint do not support the conclusion that the WSCO was required to register a political fund with the Board. Because the complaint does not include evidence demonstrating that the WSCO was required to register a political fund with the Board, the complaint does not contain evidence that the WSCO violated Minnesota Statutes sections 10A.12 or 10A.14, or that it was required to file campaign finance reports under Minnesota Statutes section 10A.20.

While the complaint cites Minnesota Statutes sections "10A.12-10A.15," it generally does not explain how the WSCO allegedly violated those statutes, other than by failing to register with the Board. Moreover, the complaint does not appear to contain evidence indicating that the WSCO violated Minnesota Statutes sections 10A.121, 10A.13, or 10A.15. Based on the forgoing analysis, the chair concludes that the complaint does not state a prima facie violation of Minnesota Statutes sections 10A.12, 10A.121, 10A.13, 10A.14, 10A.15, or 10A.20.

Conclusion

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.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, within 60 days of the date of this determination, the Board will make findings and conclusions as to whether probable cause exists to believe that the violations of Minnesota Statutes sections 10A.03 and 10A.04 alleged in the complaint have occurred and warrant 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

Date: December 10, 2024