

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

**FINDINGS, CONCLUSIONS, AND ORDER**

IN THE MATTER OF THE REED PERKINS FOR SENATE DISTRICT 1 COMMITTEE

**Background**

On June 29, 2020, the Campaign Finance and Public Disclosure Board received a complaint submitted by Jeremy Clouch regarding the Reed Perkins for Senate District 1 committee. Reed Perkins for Senate District 1 is the principal campaign committee of Reed Perkins, a candidate for Minnesota Senate District 1.

The complaint alleged violations of Minnesota Statutes section 211B.04 due to the failure to include a proper disclaimer on the Perkins committee's website and on an advertisement run via the Perkins committee's Facebook page. The complaint alleged that the website has been available since the spring or early summer of 2019. The complaint included hyperlinks to cached versions of the Perkins committee's website showing that as of May 4, 2020, the website's home page included the text "Reed Perkins FOR STATE SENATE" as well as an email address and phone number, but did not contain a complete disclaimer. The complaint also included a screenshot of the Facebook advertisement, which was disseminated from August 10 through August 20, 2019, and included the text "Paid for by Perkins for MN1."

On July 6, 2020, the Board vice chair determined that the complaint alleged a prima facie violation of Minnesota Statutes section 211B.04. On July 10, 2020, Mr. Perkins responded to the complaint. Mr. Perkins stated that Mr. Clouch contacted his committee on June 27, 2020, and the committee's chair then contacted Board staff "to ensure everything that is currently on our website does have all the appropriate disclaimers." The committee's website and Facebook page were modified to include a disclaimer in the format required by statute. Mr. Perkins stated that prior to being modified, the Facebook page contained the committee's email address, phone number, and website address, but not a mailing address. Mr. Perkins explained that the committee paid \$10 for the Facebook advertisement and that it was disseminated to approximately 1,094 users.

During the Board meeting held on August 14, 2020, Mr. Perkins appeared before the Board to explain the actions taken to address the issue and to answer any questions. The Board then determined that while there was probable cause to believe that a violation occurred, a formal investigation was not warranted because the Perkins committee acknowledged the violations and promptly corrected the disclaimer on its website. The Board ordered the executive director to initiate a staff review for the purpose of determining an appropriate civil penalty, if any.

**Analysis**

Minnesota Statutes section 211B.04, subdivision 1, requires candidates to include 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 Perkins committee's website as of May 4, 2020, and the Facebook advertisement, failed to include the committee's mailing address and the website did not include language stating that it was prepared and paid for by the committee. In determining the appropriate penalty for a violation of the disclaimer requirement the Board considers multiple factors such as whether it is clear who is responsible for the campaign material and how to contact them, whether there are 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 there is any basis for concluding that the violation was willful. The Board may impose a civil penalty of up to \$3,000 for a violation of Minnesota Statutes section 211B.04.

In this case, the Facebook advertisement that did not contain the complete disclaimer was seen by about 1,100 individuals. The Board concludes that individuals who saw the Facebook advertisement would have been able to determine who was responsible for the advertisement given the content of the advertisement, and the partial disclaimer ""Paid for by Perkins for MN1" provided in the advertisement. The website for the Perkins campaign did not contain a complete disclaimer for approximately 15 months. The Board does not know how many individuals visited the website during the time when it did not have a complete disclaimer. However, the content of the website made it clear who was responsible for the site, and the site did contain telephone and email contacts for the campaign during the time when it did not contain the required disclaimer.

The Board concludes that the failure to provide the required disclaimer on the Facebook advertisement and the committee's website was not a willful violation of Minnesota Statutes section 211B.04. It is unlikely that the lack of the required disclaimer caused confusion as to who was responsible for the material.

**Based on the above background and analysis, the Board makes the following:**

#### **Findings of Fact**

1. The Reed Perkins for Senate District 1 committee prepared and disseminated a website and a Facebook advertisement promoting the candidacy of Mr. Perkins for the purpose of influencing voting at an election.
2. The website and Facebook advertisement did not include disclaimer text in the format required by Minnesota Statutes section 211B.04, subdivision 1.
3. The Facebook advertisement was disseminated to approximately 1,094 individuals.
4. The cost to produce and disseminate the Facebook advertisement was \$10.

5. Upon being notified of the complaint, the Perkins committee added disclaimer text to its website and Facebook page that adheres to the format required by Minnesota Statutes section 211B.04.

**Based on the above analysis and findings of fact, the Board makes the following:**

#### **Conclusions of Law**

1. The website and Facebook advertisement prepared and disseminated by the Reed Perkins for Senate District 1 committee were campaign material under Minnesota Statutes section 211B.01, subdivision 2.
2. The Perkins committee violated Minnesota Statutes section 211B.04, subdivision 1, when it prepared and disseminated that material without a disclaimer in the required format.

**Based on the above findings of fact and conclusions of law, the Board issues the following:**

#### **Order**

1. A civil penalty in the amount of \$100 is assessed against the Reed Perkins for Senate District 1 committee for violating the disclaimer requirement in Minnesota Statutes section 211B.04.
2. The Perkins committee is directed to forward to the Board payment of the civil penalty, by check or money order payable to the State of Minnesota, within 30 days of the date of this order.
3. If the Perkins committee does not comply with the provisions of this order, the Board's executive director may request that the attorney general bring an action on behalf of the Board for the remedies available under Minnesota Statutes section 10A.34.
4. The Board investigation of this matter is concluded and hereby made a part of the public records of the Board pursuant to Minnesota Statutes section 10A.022, subdivision 5.

/s/ Gary Haugen  
Gary Haugen, Chair  
Campaign Finance and Public Disclosure Board

Date: August 14, 2020