

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF THE MINNESOTA DFL REGARDING THE NORTH STAR LIBERTY ALLIANCE AND REPRESENTATIVE ERIK MORTENSEN

On March 29, 2021, the Campaign Finance and Public Disclosure Board received a complaint submitted by counsel for the Minnesota DFL regarding the North Star Liberty Alliance (NSLA) and Representative Erik Mortensen. Representative Mortensen represents District 55A in the Minnesota House of Representatives.

The complaint alleges that the NSLA is a political committee and violated Minnesota Statutes section 10A.14 by failing to register with the Board. The complaint refers to the NSLA's website,¹ which criticizes multiple elected officials, calls for the impeachment of Governor Tim Walz, praises Representative Mortensen, and discusses multiple public policy issues. The website's home page states that the NSLA conducts "candidate surveys during election seasons to inform voters where candidates stand on key issues."

The complaint includes a copy of a fundraising letter signed by Representative Mortensen seeking donations to the NSLA. The letter decries actions taken by Governor Walz and other unnamed elected officials. The letter states:

We will not sit back and take it. What we will do is take back the power that is rightfully ours, put Radical Left politicians back in their place, and reassert our RIGHTS to live our own lives as we see fit.

The letter states that the NSLA seeks to end the exercise of emergency powers by Governor Walz, repeal the statutes undergirding those emergency powers, stop forced vaccinations, stop tax hikes, and expose "Republicans in Name Only" politicians. The letter explains that donations will be used to pay for communications "to alert citizens about key votes and direct them to contact their lawmakers," advertisements "that inspire Minnesotans to call the legislature in support of our liberty-preserving agenda," and grassroots lobbying efforts.

The complaint also includes a copy of a flier titled "2021 Legislative Session Roadmap." The flier describes a variety of grassroots lobbying and advertising strategies by which the NSLA seeks to achieve the goals stated in the fundraising letter, including the impeachment of Governor Walz.

In addition to alleging that the NSLA is a political committee, the complaint alleges that Representative Mortensen violated Minnesota Statutes section 10A.105, subdivision 1, which

¹ northstarlibertyalliance.com

prohibits a candidate from controlling a political committee. The complaint refers to the NSLA's fundraising letter signed by Representative Mortensen, which states that Representative Mortensen is "partnering with North Star Liberty Alliance." The letter asks recipients to return the "2021 Legislative Roadmap Support Statement back to me" along with a donation to the NSLA. When speaking about Minnesotans upset with Governor Walz, the letter says that "[w]e will not sit back and take it" and that "[w]hat we will do is take back the power that is rightfully ours." Based on the content of the letter the complaint asserts that "[i]t is apparent that Rep. Mortensen considers himself to be part of NSLA and this evidences the fact that, at a minimum, he exercises indirect control over the Committee."

Determination

Failure to Register as a Political Committee

Minnesota Statutes section 10A.01, subdivision 27, defines a political committee as "an association whose major purpose is to influence the nomination or election of one or more candidates or to promote or defeat a ballot question, other than a principal campaign committee or a political party unit." Minnesota Statutes section 10A.01, subdivision 6, defines association as "a group of two or more persons, who are not all members of an immediate family, acting in concert."

Minnesota Statutes section 10A.14, subdivision 1, generally requires the treasurer of a political committee that is not an independent expenditure political committee to file a registration statement with the Board within 14 days after the committee "has made a contribution, received contributions, or made expenditures in excess of \$750." Minnesota Statutes section 10A.14, subdivision 4, provides that the Board may impose a late filing fee of \$25 per day, up to a maximum of \$1,000, for failing to timely file a registration statement.

The complaint alleges that the NSLA is a political committee. The complaint contains evidence regarding the NSLA's efforts to influence the opinions of voters regarding state candidates. The complaint asserts that the NSLA's "recent fundraising efforts suggest that the committee likely has received more than \$750 in contributions this year." The complaint includes a copy of a fundraising letter soliciting donations to the NSLA in amounts ranging from \$35 to \$1,000 or more. The NSLA has not registered with the Board as a political committee. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 10A.14.

Single Committee Requirement

Minnesota Statutes section 10A.105, subdivision 1, provides that a candidate may form "a single principal campaign committee for each office sought" and "[a] candidate may not authorize, designate, or cause to be formed any other political committee bearing the candidate's name or title or otherwise operating under the direct or indirect control of the candidate." The complaint alleges that "Rep. Mortensen considers himself to be

part of NSLA and this evidences the fact that, at a minimum, he exercises indirect control over the Committee.” The complaint includes a copy of a fundraising letter signed by Representative Mortensen, seeking donations to the NSLA, which states that Representative Mortensen is “partnering with North Star Liberty Alliance.” The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 10A.105, subdivision 1.

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 45 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 section 10A.14 and Minnesota Statutes section 10A.105, subdivision 1, alleged in the complaint have occurred and warrant a formal investigation. The complainant and the respondents 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.

/s/ Stephen Swanson
Stephen Swanson, Chair
Campaign Finance and Public Disclosure Board

Date: 4/5/2021