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April 4, 2022

Mr. Jeff Sigurdson
jeff.sigurdson@state.mn.us
Executive Director
Minnesota Campaign Finance and Public
Disclosure Board
190 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Re: Matt Birk for Lieutenant Governor Campaign Finance Violations

Dear Jeff:

We represent the Minnesota DFL and submit this letter complaint on the Minnesota DFL's behalf pursuant to Minn. Stat. §§ 10A.022, subd. 3 and 211B.32, subd. 1. As set forth below, the unregistered Matt Birk for Lieutenant Governor committee has violated Minnesota campaign finance law. We request that the Board investigate the violations identified in this letter pursuant to its authority under Minn. Stat. § 10A.022, subd. 3, and assess appropriate penalties for these violations and any other violations discovered in the course of the Board's investigation.

Matt Birk has launched a confusing and misleading campaign for Lieutenant Governor. His website, <https://mattbirk.com>, states, "I'm running alongside Dr. Scott Jensen to be Minnesota's next Lieutenant Governor" and carries a disclaimer stating that the site is "Paid for and provided by the Dr. Scott Jensen for Governor Committee." However, the "DONATE" button redirects visitors to a site soliciting contributions to the nonexistent "Matt Birk for Lt. Governor" committee while carrying a disclaimer stating that the site is "Paid for and provided by Dr. Scott Jensen for Governor." See Exhibit 1.

Matt Birk is also running campaign advertisements on Facebook and has spent at least \$4,000 on the ads. See Exhibit 2. The ads all display with the language "**Sponsored • Paid for by Matt Birk for Lt. Governor.**" See Exhibits 3 & 4. The first such advertisement ran from March 10 to March 18, 2022 at a cost of \$1,500-2,000 and made between 125,000 and 150,000 impressions. See Exhibit 4. This advertisement ran more than 14 days ago and exceeds the \$750 threshold to trigger the registration requirement.

There are at least four campaign finance violations resulting from Birk's conduct:

- (1) If there is a "Matt Birk for Lt. Governor" committee, it failed to register with the Board within 14 days of raising or spending \$750 as required by Minn. Stat. § 10A.14, subd. 1;
- (2) Also if there is a "Matt Birk for Lt. Governor" committee, it must either pay for the use of all resources, including the <https://mattbirk.com> website, that are "paid for and provided" by Dr. Scott Jensen for Governor. The failure to pay the fair market value of such services would result in an in-kind contribution from the Jensen committee which is prohibited under Minn. Stat. § 10A.27, subd. 9;
- (3) If there is no "Matt Birk for Lt. Governor" committee, the Facebook advertisements stating "**Sponsored • Paid for by Matt Birk for Lt. Governor**" contain a false and misleading disclaimer in violation of Minn. Stat. § 211B.04; and
- (4) Also if there is no "Matt Birk for Lt. Governor" committee, the solicitation of contributions which presumably are deposited in the account of the Dr. Scott Jensen for Governor committee violate Minn. Stat. § 10A.16 which prohibits "solicit[ing] or accept[ing] a contribution from any source with the express or implied condition that the contribution or any part of it be directed to a particular candidate other than the initial recipient."

We respectfully request the Board to conduct an investigation of the Matt Birk for Lieutenant Governor committee and assess appropriate penalties for all of the violations.

Please feel free to contact me with any questions. Thank you.

Very truly yours,

LOCKRIDGE GRINDAL NAUEN P.L.L.P.



Charles N. Nauen

Enclosures

c: Minnesota DFL
David Zoll

EXHIBIT 1

Use Your DonorID (optional)

Once Weekly Monthly

\$25 \$50 \$100

\$250 \$500 \$1,000

\$2,000 \$4,000 Other

Next

Share Tweet

Skip to the Site

MATT BIRK FOR LT. GOV

Give TODAY to help our team WIN!

Mail physical checks to

Matt Birk for Lt. Governor

P. O. Box 1348, Minnetonka, MN 55345

Paid for and provided by Dr. Scott Jensen for Governor

EXHIBIT 2


Ad Library

https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&view_all_page_id=100784262573885&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&tse:

Although some ads may still appear as active in the Ad Library, ads aren't shown to people in Russia and advertisers in Russia can't create or run ads. Learn more at <https://fb.me/UkraineEfforts>.

Meta Ad Library Ad Library Report Ad Library API

United Sta... Issues, elections or politics Matt Birk



Matt Birk
@MattBirkMN
8,460 followers • Political Candidate
@mattbirkmn
966 followers

Page transparency See more

- Page created Mar 8, 2022
- Page name has not changed
- Primary country/region location for people who manage this Page includes: United States (3)

Total spent by Page on ads about social issues, elections or politics

May 7, 2018 - Mar 31, 2022
United States

\$4,000
[See spend details](#)

Recently spent by Page on ads about social issues, elections or politics

7 days • Mar 25 - Mar 31, 2022
United States

\$1,124
[See spend details](#)

Ads from Matt Birk

~7 results
These results include active and inactive ads about social issues, elections and politics.

Keyword Filters Sort by Export CSV

Launched April 2022

<p>Inactive</p> <p>Apr 1, 2022 - Apr 1, 2022</p> <p>Platforms</p> <p>Categories</p> <p>ID: 395216045751175</p> <p>2 ads use this creative and text</p>	<p>Inactive</p> <p>Apr 1, 2022 - Apr 1, 2022</p> <p>Platforms</p> <p>Categories</p> <p>ID: 1882128375508086</p> <p>2 ads use this creative and text</p>
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EXHIBIT 3

Ad Library

https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&view_all_page_id=100784262573885&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&ts=

Meta

Ad Library Ad Library Report Ad Library API


United Sta... Issues, elections or politics Matt Birk

Keyword Filters Sort by Export CSV

Launched April 2022

Inactive
Apr 1, 2022 - Apr 1, 2022
Platforms
Categories
ID: 395216045751175
2 ads use this creative and text
See summary details

Matt Birk
Sponsored • Paid for by Matt Birk for Lt. Governor
Super Bowl Champion and Vikings LEGEND Matt Birk is running as Dr. Scott Jensen's Lt. Governor in Minnesota. LIKE AND FOLLOW our page!



Inactive
Apr 1, 2022 - Apr 1, 2022
Platforms
Categories
ID: 1882128375508086
2 ads use this creative and text
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Matt Birk
Sponsored • Paid for by Matt Birk for Lt. Governor
Super Bowl Champion and Vikings LEGEND Matt Birk is running as Dr. Scott Jensen's Lt. Governor in Minnesota. LIKE AND FOLLOW our page!




EXHIBIT 4

Ad Library

https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&view_all_page_id=100784262573885&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&ts=

Meta Ad Library Ad Library Report Ad Library API

United Sta... Issues, elections or politics Q Matt Birk

Keyword Filters Sort by Export CSV

Launched March 2022

Inactive
Mar 20, 2022 - Mar 28, 2022
Platforms
Categories
Estimated Audience Size: >1M people
Amount spent (USD): <\$100
Impressions: 3K - 4K
ID: 1029794104580237
See ad details

Inactive
Mar 20, 2022 - Mar 28, 2022
Platforms
Categories
Estimated Audience Size: >1M people
Amount spent (USD): <\$100
Impressions: 4K - 5K
ID: 1127158294522613
See ad details

Inactive
Mar 10, 2022 - Mar 18, 2022
Platforms
Categories
Estimated Audience Size: >1M people
Amount spent (USD): \$1.5K - \$2K
Impressions: 125K - 150K
ID: 493847365542534
See ad details

Matt Birk
Sponsored · Paid for by Matt Birk for Lt. Governor
Super Bowl Champion and Vikings LEGEND Matt Birk is running as Dr. Scott Jensen's Lt. Governor in Minnesota. LIKE AND FOLLOW our page!

PRO LIFE
PRO FAMILY
PRO EDUCATION CHOICE
VIKINGS LEGEND
MATT BIRK IS
DR. SCOTT JENSEN'S
RUNNING MATE

Matt Birk
Government Official
7,881 people like this

Like Page

Matt Birk
Sponsored · Paid for by Matt Birk for Lt. Governor
Super Bowl Champion and Vikings LEGEND Matt Birk is running as Dr. Scott Jensen's Lt. Governor in Minnesota. LIKE AND FOLLOW our page!

IT'S TIME
FOR A NEW
DIRECTION

Dr. Scott Jensen and Matt Birk will bring effective leadership BACK to Minnesota!

Matt Birk
Sponsored · Paid for by Matt Birk for Lt. Governor
I'm running for Lt. Governor alongside Dr. Scott Jensen to make Minnesota the BEST it can be! LIKE AND FOLLOW MY PAGE!

It's the 4th Quarter, Minnesota.
Time is running out! Bad policies, bad outcomes for our kids...

Matt Birk
Politician

Like Page