

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF GEORGE SELVESTRA REGARDING THE COMMITTEE TO ELECT JOSH HEINTZEMAN

On August 11, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by George Selvestra regarding Representative Joshua Heintzeman, a candidate for Minnesota House of Representatives District 6B. The Committee to Elect Josh Heintzeman is the principal campaign committee of Representative Heintzeman.

The complaint alleges violations of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint alleges that large signs promoting Representative Heintzeman's candidacy were displayed along State Highway 210 and State Highway 371 and that those signs lacked a disclaimer. The complaint states that some of the signs were attached to a sign promoting other candidates and that some of the signs were displayed individually.

The complaint includes two photographs. Each photograph depicts a sign containing the text:

REPUBLICAN ENDORSED
JOSH
HEINTZEMAN
VOTE AUGUST 9TH

The signs displayed in the photographs promoting Representative Heintzeman's candidacy do not appear to include a disclaimer.

Determination

Minnesota Statutes section 211B.04 requires principal campaign committees to include on their campaign material a disclaimer substantially in the form provided in Minnesota Statutes section 211B.04, subdivision 1. The complaint alleges and provides evidence that the Heintzeman committee prepared or disseminated campaign material that lacked a disclaimer. The chair therefore concludes that the complaint states a prima facie violation of Minnesota Statutes section 211B.04.

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.

Minnesota Statutes section 10A.022, subdivision 3, requires the Board, within 45 days of the date of this determination, to make findings and conclusions as to whether probable cause exists to believe that the violations of Minnesota Statutes section 211B.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.

/s/ Faris Rashid
Faris Rashid, Chair
Campaign Finance and Public Disclosure Board

Date: August 15, 2022