

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

**Findings Regarding William Wagner**

**Summary of Allegations, Responses and Facts**

On July 31, 2008, Bob Haas filed a complaint with the Campaign Finance and Public Disclosure Board ("the Board") against William Wagner. Mr. Wagner is a candidate for the House of Representatives, District 27A. The complaint alleges that Mr. Wagner failed to register a principal campaign committee with the Board after raising and/or spending over \$100 on his campaign for the Minnesota House of Representatives. Minnesota Statutes, Section 10A.14, subdivision 1, requires registration of a committee with the Board no later than 14 days after a candidate for the Minnesota House of Representatives has received contributions, or made expenditures in excess of \$100. Registration is not required if the candidate uses only his or her own personal funds to finance the campaign.

Mr. Haas supported his complaint by providing photographs of a campaign sign that reads "Elect William Wagner State Rep." At the bottom of the sign is a disclaimer that reads "Paid for by Wagner Vol Comm. 79003 325<sup>th</sup> St. Ellendale MN 56026". The address on the disclaimer is the same as the address of residence listed by Mr. Wagner on the affidavit of candidacy filed with the Freeborn County Auditor on July 1, 2008. In the complaint Mr. Haas states, "Mr. Wagner's lawn signs...have appeared in the district since the middle of July...the time to produce them suggests expenditures were incurred some time ago".

On August 1, 2008, the Board notified Mr. Wagner of the complaint and offered him the opportunity to respond to the complaint in general and to specific questions on the source and timing of funding for the Wagner Volunteer Committee. In a phone conversation with Board staff on August 4, 2008, Mr. Wagner said that the disclaimer was placed on the signs at the recommendation of his printer, and that he was the sole member and source of funding for his campaign at the time the signs were ordered.

On August 8, 2008, Mr. Wagner provided a written response to the complaint. In his response Mr. Wagner provides that he received an information sheet on campaign financial reporting dates when he filed his affidavit of candidacy with the Office of the Freeborn County Auditor. Mr. Wagner states, "The way I understood it was I didn't have to report anything until I had \$750.00". Mr. Wagner provided a copy of the information he received from the county to the Board. The information sheet provides that the initial candidate report is due within 14 days of receiving contributions or making expenditures of more than \$750. The information sheet does not specify which offices are covered by the stated filing requirements.

In his response Mr. Wagner also disputes the timing of when the lawn sign appeared in the district. Mr. Wagner states, "Also they said that I had put the sign up in the middle of the month, not true I received the signs on the 28<sup>th</sup> day of July and put one sign up on the 29<sup>th</sup>".

With his response Mr. Wagner submitted a Registration and Statement of Organization for the Friends for William Wagner Committee. The registration was accepted and processed by the Board on August 8, 2008.

## Board Analysis

The information sheet provided to Mr. Wagner when he filed for office applies only to local level candidates as defined in Minnesota Statutes Chapter 211A. Apparently Mr. Wagner believed that the information sheet applied to his campaign for state office, and therefore thought he did not need to register until he received contributions or made expenditures in excess of \$750. While the information sheet may be confusing, the Board did provide information packets to all county auditors for distribution to candidates for the Minnesota House of Representatives. The information packet contained committee registration and reporting requirements for candidates for the Minnesota House of Representatives.

The registration requirement contained in Minnesota Statutes, Section 10A.14, subdivision 1, does not apply if a candidate is self-funding his or her own campaign (Minnesota Statutes, Section 10A.105, subdivision 1). Mr. Wagner's states that the purchase of the campaign signs was self funded; therefore there is no evidence that registration of a committee was required at the time the signs were ordered.

There is no penalty for failing to register a committee in a timely manner if the candidate registers a committee within 10 business days after the Board sends notification that registration is required. Mr. Wagner's committee registration was submitted 5 business days after receiving notice of the complaint.

This matter was considered by the Board in executive session in its meetings on August 19, 2008. The Board's decision was based upon the evidence provided with the complaint filed by Mr. Haas, the responses provided by Mr. Wagner, and Board records.

**Based on the evidence before it and the above analysis the Board makes the following:**

### Findings Concerning Probable Cause

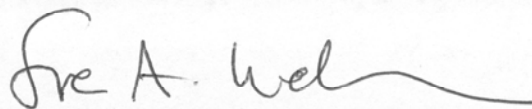
1. There is no probable cause to believe that Mr. Wagner was required to register a principal campaign committee with the Board at the time that Mr. Wagner purchased the campaign signs referenced in the complaint.
2. Mr. Wagner registered a principal campaign committee with the Campaign Finance and Public Disclosure Board within 10 business days of becoming aware of the requirement to register. No further action by Mr. Wagner or the Board is required by statute.

**Based on the above Findings, the Board issues the following:**

### ORDER

1. The Board investigation of this matter is hereby closed and made a part of the public records of the Board pursuant to Minnesota Statutes, section, 10A.02, subdivision 11, this matter is concluded.

Dated: August 19, 2008



Sven A. Wehrwein, Chair  
Campaign Finance and Public Disclosure Board

## Relevant Statutes

### **Minnesota Statutes, section 10A.105**

**Subdivision 1. Single committee.** A candidate must not accept contributions from a source, other than self, in aggregate in excess of \$100 or accept a public subsidy unless the candidate designates and causes to be formed a single principal campaign committee for each office sought.

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. However, a candidate may be involved in the direct or indirect control of a party unit

### **Minnesota Statutes, section 10A.14**

**Subdivision 1. First registration.** The treasurer of a political committee, political fund, principal campaign committee, or party unit must register with the board by filing a statement of organization no later than 14 days after the committee, fund, or party unit has made a contribution, received contributions, or made expenditures in excess of \$100.