

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

**PROBABLE CAUSE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF CHRIS EVANS REGARDING THE DENNIS SMITH FOR STATE HOUSE COMMITTEE:

On October 2, 2018, the Campaign Finance and Public Disclosure Board received a complaint submitted by Chris Evans regarding the report of receipts and expenditures filed July 30, 2018, by the Dennis Smith for State House committee. Dennis Smith for State House is the principal campaign committee of Rep. Dennis Smith, a candidate for Minnesota House of Representatives District 34B.

The complaint stated that the report did not include any campaign expenditures or contributions for the time period covered by the report, which was January 1, 2018, through July 23, 2018. The complaint alleged that Rep. Smith marched in the Maple Grove Days parade on July 12, 2018. The complaint included a photo from Rep. Smith's Twitter page depicting him wearing a shirt promoting his candidacy, with a caption indicating that Rep. Smith marched in the parade. The complaint alleged that the organizer of the parade, the Maple Grove Community Organization, charges political candidates an entry fee to participate. The complaint argued that the committee failed to disclose an expenditure for the parade's entry fee on the report filed July 30, 2018, in violation of Minnesota Statutes section 10A.20.

On October 9, 2018, the Board chair determined that the complaint alleged a prima facie violation of Minnesota Statutes section 10A.20. On October 24, 2018, Rep. Smith responded to the complaint and filed an amended pre-primary report of receipts and expenditures for the Smith committee. Rep. Smith states that his campaign had a transition with a new treasurer. Rep. Smith also states that he was having a complicated issue with the Campaign Finance Reporter software that involved working for a significant amount of time with a Board staff member to resolve. The Smith committee's amended pre-primary report of receipts and expenditures is now corrected to include the expenditures for the Maple Grove Days parade.

**Analysis**

When the Board chair makes a finding that a complaint raises a prima facie violation, the full Board then must determine whether probable cause exists to believe an alleged violation that warrants an investigation has occurred. Minn. Stat. § 10A.022, subd. 3 (2). A probable cause determination is not a complete examination of the evidence on both sides of the issue. Rather, it is a determination of whether a complaint raises sufficient questions of fact which, if true, would result in the finding of a violation.

Minnesota Statutes section 10A.20 requires principal campaign committees to file reports of receipts and expenditures. Pursuant to Minnesota Statutes section 10A.20, subdivision 3, those

reports must contain itemized and summary information on contributions received and expenditures made during the reporting period.

The complaint alleged that the Smith committee violated Minnesota Statutes section 10A.20, subdivision 3, by not disclosing the expenditure for participating in the Maple Grove Days parade, which Rep. Smith marched in, on his pre-primary report of receipts and expenditures. The Smith committee's pre-primary report did not disclose any campaign expenditures. Consequently, there is probable cause to believe that a violation of the reporting requirements has occurred. The Smith committee, however, filed an amended report within the timeline requested by Board staff that disclosed all of the committee's transactions from January 1, 2018, through July 23, 2018. It should be noted that the only itemized campaign expenditure on the Smith committee's amended pre-primary report is the fee for the Maple Grove Days parade, which was \$350. Because the reporting violation has been cured by a timely amendment, it does not warrant further investigation.

**Order:**

1. The allegation that the Dennis Smith for State House committee violated the reporting requirements in Minnesota Statutes section 10A.20, subdivision 3, is dismissed because although there is probable cause to believe that this violation occurred, no further investigation is warranted due to the committee's filing of an amended report.

/s/ Carolyn Flynn  
Carolyn Flynn, Chair  
Campaign Finance and Public Disclosure Board

Date: November 7, 2018