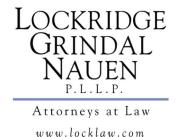
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MINNEAPOLIS

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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;
- 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.

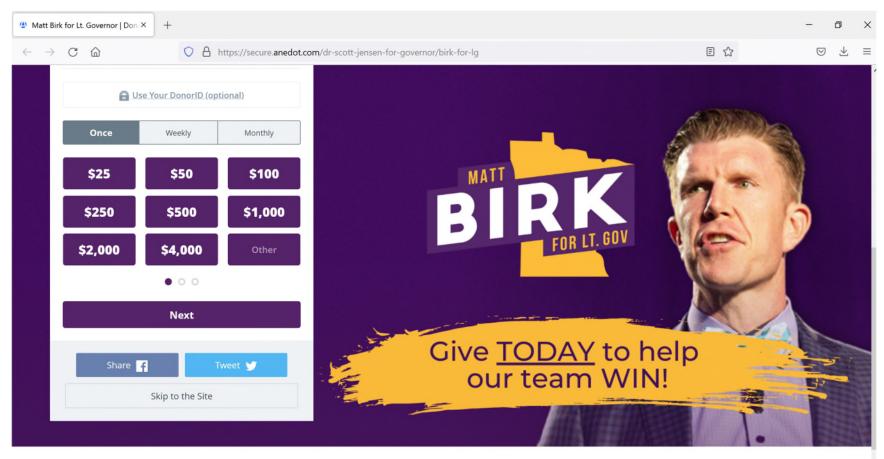
Very truly yours,

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

Charles N Nauen

Enclosures

c: Minnesota DFL David Zoll



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

