

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
PO Box 64620  
St. Paul, MN 55164-0620

**COMPLAINT FORM  
for Violations of the  
FAIR CAMPAIGN PRACTICES ACT or  
CAMPAIGN FINANCE ACT**

**Information about complaint filer (Complainant)**

Name: Reid LeBeau, on behalf of the Minnesota Republican Party

Address: The Jacobson Law Group  
180 East Fifth Street, Suite 940

City, State, Zip: Saint Paul, MN 55101

Telephone Number: 612-483-1507

Email Address: rlebeau@thejacobsonlawgroup.com

**Information about the person/entity you are complaining about (Respondent)**

Name: The Minnesota DFL

Address: 255 East Plato Blvd.

City, State, Zip: St. Paul, MN 55107

Telephone Number: 651-293-1200

Email Address: Ken Martin, Chair DFL Party, chair@dfi.org

Provide the specific statute in Minnesota Statutes Chapter 211A (Campaign Finance Act) or Chapter 211B (Fair Campaign Practices Act) that you allege has been violated:

(Chapters 211A and 211B are available online at  
<https://www.revisor.leg.state.mn.us/statutes/?id=211A>  
<https://www.revisor.leg.state.mn.us/statutes/?id=211B>)

Date(s) of violation(s): The violations were discovered October 26, 2022.

Date of election or ballot question: November 8, 2022

Elected office or ballot question involved:

U.S. Congress District 6

If allowed by law, do you wish to request an expedited probable cause hearing?

Yes.

### **Nature of Complaint**

Explain in detail why you believe the Respondent has violated Minnesota Statutes Chapters 211A or 211B. Attach copies of any documents that support your allegations. The Administrative Law Judge must dismiss this complaint if this submission does not prove a prima facie violation of the statutes. "Prima facie" means that the facts you present are sufficient to show a violation.

See attached memorandum.

### **Oath**

I, R. Reid LeBeau II, under penalty of perjury, swear or affirm that the statements I have made in this complaint are true and correct to the best of my knowledge.

Dated: 10/28/2022



Signature of Complainant

## Filing Instructions

Send completed notarized form and check for \$50 filing fee made payable to: Office of Administrative Hearings. If you are financially unable to pay the filing fee, you may submit an *in forma pauperis* affidavit (available at <https://mn.gov/oah/forms-and-filing/forms/index.jsp> ) instead.

Complaints may be submitted to the Office of Administrative Hearings by personal delivery to 600 North Robert Street, St. Paul, MN 55101, or U.S. mail to the Office of Administrative Hearings, PO Box 64620, St. Paul, MN 55164-0620. Complaints are not deemed filed until both the complaint form and filing fee are received at the Office of Administrative Hearings. Pursuant to Minn. R. 1400.5550, subp. 5, any filing received after 4:30 p.m. will be deemed received the following business day.

If you have questions, call an OAH staff attorney at 651-361-7900.

This document is available in alternative formats to individuals with disabilities by calling 651-361-7834.

## Legal Resources

Minn. Stat. § 211B.33, subd. 1 and 2 provide as follows:

**Subd. 1. Time for Review.** The chief administrative law judge must randomly assign an administrative law judge to review the complaint. Within one business day after the complaint was filed with the office, when practicable, but never longer than three business days, the administrative law judge must make a preliminary determination for its disposition.

**Subd. 2. Recommendation.**

(a) If the administrative law judge determines that the complaint does not set forth a prima facie violation of chapter 211A or 211B, the administrative law judge must dismiss the complaint.

(b) If the administrative law judge determines that the complaint sets forth a prima facie violation of section 211B.06 and was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the administrative law judge must conduct an expedited probable cause hearing under section 211B.34.

(c) If the administrative law judge determines that the complaint sets forth a prima facie violation of a provision of chapter 211A or 211B, other than section 211B.06, and that the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the

complaint relates, the administrative law judge, on request of any party, must conduct an expedited probable cause hearing under section 211B.34.

(d) If the administrative law judge determines that the complaint sets forth a prima facie violation of chapter 211A or 211B, and was filed more than 60 days before the primary or special election or more than 90 days before the general election to which the complaint relates, the administrative law judge must schedule an evidentiary hearing under section 211B.35.

### **Tennessee Warning**

The data requested in this form will be used for the purpose of carrying out the responsibilities of the Office of Administrative Hearings in the complaint process established by Minn. Stat. § 211B.31-.37. The information requested is needed to initiate the proceeding, provide required notice to other parties or persons and conduct the required review and hearing. Failure to provide the requested information can result in the Complaint being rejected as incomplete, delayed in processing and/or dismissed as failing to set forth a prima facie violation.

The law governing this process makes all records relating to the hearing, including this Complaint, open to the public. If you believe that any data you are submitting is not public under law, you must identify which data is protected and why it is not public data under the Minnesota Government Data Practices Act.

**STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS**

**OAH \_\_\_\_\_**

**The Minnesota Republican Party,  
Complainant,**

**v.**

**COMPLAINT**

**The Minnesota DFL Party,**

**Respondent.**

**COMPLAINT**

1. This action arises from the unlawful use of the term “reelect” in campaign material in violation of Minn. Stat. § 211B.03.

**FACTS**

2. Based on information and belief, the Complainant adopts all allegations set forth in this Complaint.
3. The Minnesota DFL Party and the DFL Party Chair, Ken Martin, created and distributed campaign material that violates Minn. Stat. § 211B.03. **Exhibit A.**
4. Jeanne Hendricks is a candidate for U.S. Congress District 6.
5. Jeanne Hendricks is not an incumbent candidate for U.S. Congress District 6.
6. As part of the candidate’s campaign, the candidate distributed a campaign pamphlet.
7. The pamphlet says, “On November 8 We Will Re-Elect Tim Walz, Peggy Flanagan, Keith Ellison, Steve Simon, Julie Blaha, and Jeanne Hendricks.” **Exhibit A.**

## VIOLATIONS OF LAW AND CLAIMS

8. Minn. Stat. § 211B.03 prohibits “[a] person or candidate” from using “the term ‘reelect’ in a campaign for elective office unless the candidate is the incumbent of that office....”
9. Under Minnesota law, the term “[p]erson” may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.” Minn. Stat. § 645.44; *see also Kari Mortensen, Complainant v. Brad Tabke, Respondent*, 2022 WL 4371178, at \*3 (finding that a campaign committee was a “person” under Minn. Stat. § 211B.03 and subject to the statute’s restrictions on using the term “reelect.”)
10. The Minnesota DFL and Ken Martin violated Minn. Stat. § 211B.03 by stating that voters should “reelect” Jeanne Hendricks who is not an incumbent candidate.
11. Under Minnesota law, a campaign committee, a political party, or any other “bodies politic,” are liable under Minn. Stat. § 211B.03 when they distribute material that misuses the term “reelect.”
12. The Minnesota DFL Party and Ken Martin violated Minn. Stat. § 211B.03 by using the term “reelect” on campaign material.

Respectfully submitted,

Date: October 28, 2022



R. Reid LeBeau II (MN #347504)  
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*Attorney for Complainant*

**ON NOVEMBER 8  
WE WILL RE-ELECT**

**Tim  
Walz**  
GOVERNOR



**Peggy  
Flanagan**  
LIEUTENANT  
GOVERNOR

**Keith  
Ellison**  
ATTORNEY  
GENERAL

**Steve  
Simon**  
SECRETARY  
OF STATE

**Julie  
Blaha**  
STATE  
AUDITOR

**Jeanne Hendricks**  
U.S. CONGRESS DISTRICT 6

And we need Democrats in the State Legislature.  
**In your district, you get to vote for:**

**Aric Putnam**  
MN STATE SENATE DISTRICT 14

**Dan Wolgamott**  
STATE REPRESENTATIVE DISTRICT 14B

**MAKE YOUR PLAN TO VOTE**

VOTE ON TUESDAY NOVEMBER 8.

Or, if you have plans on  
November 8, you can vote early.

Visit [DFL.org/Vote](http://DFL.org/Vote) to find  
your polling place or early  
vote location and more details  
on voting.



Prepared and paid for by the Minnesota DFL Party.  
Kim Martin, Chair, [www.dfl.org](http://www.dfl.org)

V373

**Exhibit A**

OAH Docket Number: \_\_\_\_\_

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

The Minnesota Republican Party,

v.

The Minnesota DFL Party.

**NOTICE OF APPEARANCE**

[Insert matter title]

**PLEASE TAKE NOTICE that:**

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**<sup>1</sup>

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

**Party's/Agency's Name:** The Minnesota Republican Party

Email: \_\_\_\_\_ Telephone: (651) 222-0022

Mailing Address: 7400 Metro Blvd., Ste 424, Edina, MN 55439

**Party's/Agency's Attorney:** R. Reid LeBeau II

Firm Name: The Jacobson Law Group

Email: rlebeau@thejacobsonlawgroup.com Telephone: (612) 483-1507

Mailing Address: 180 East Fifth Street, Ste. 940, St. Paul, MN 55101

**Respondent's/Opposing Party's Name:** The Minnesota DFL Party

Email: \_\_\_\_\_ Telephone: (651) 293-1200

Mailing Address: 255 E. Plato Blvd., St. Paul, MN 55107

Dated: October 28, 2022



**Signature of Party/Agency or Attorney**

<sup>1</sup> In order to opt in to electronic notice, this form must be emailed to [OAH.efiling.support@state.mn.us](mailto:OAH.efiling.support@state.mn.us). If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. See 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2021).

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.