

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 25, 2022.

Date of election or ballot question: November 8, 2022

Elected office or ballot question involved:

U.S. Congress District 7 and MN State Senate District 4

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: 10/26/2022



Signature of Complainant



10/26/2022

**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 the campaign material that violates Minn. Stat. § 211B.03. **Exhibit A.**
4. Jill Abahsain is a candidate for U.S. Congress District 7.
5. Jill Abahsain is not an incumbent candidate for U.S. Congress District 7.
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 Jill Abahsain.” **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” Jill Abahsain who is not an incumbent candidates.
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 26, 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

Jill Abahsain

U.S. CONGRESS DISTRICT 7

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

Rob Kupec

MN STATE SENATE DISTRICT 4

Heather Keeler

STATE REPRESENTATIVE DISTRICT 04A

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 to find
your polling place or early
vote location and more details
on voting.



Prepared and paid for by the Minnesota DFL Party,
Ken Martin, Chair, www.dfl.org

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