

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

Kathy Lewis and Judy Keliher,  
Complainants,

**ORDER OF DISMISSAL**

v.  
Think "Twice" Coalition,  
Respondent

On November 2, 2004, the Complainants filed a complaint with the Office of Administrative Hearings alleging violations of Minnesota Campaign Law by the Respondent. The complaint alleges violation of both the disclaimer requirements for campaign literature and the prohibition against false campaign material.

The Chief Administrative Law Judge assigned this matter to the undersigned Administrative Law Judge on November 2, 2004, under Minn. Stat. § 211B.33. A copy of the complaint was sent to the Respondents on November 2, 2004.

After reviewing the complaint, the Administrative Law Judge finds that it does not set forth a claim, that if proven, would constitute a violation of chapter 211A or 211B, and specifically Minn. Stat. § § 211B.04 and 211B.06.

Based upon the complaint and for the reasons set out in the attached Memorandum,

**IT IS HEREBY ORDERED:**

That the complaint filed by Kathy Lewis and Judy Keliher against the Think "Twice" Coalition is DISMISSED.

Dated this 3<sup>rd</sup> day of November 2004.

S/ George A. Beck  
GEORGE A. BECK  
Administrative Law Judge

**NOTICE**

Under Minn. Stat. § 211B.36, subd. 5 this Order is the final decision in this matter. Any party aggrieved by this decision may seek judicial review as provided in Minn. Stat. § § 14.63 to 14.69.

## MEMORANDUM

The Complainants stood for election to the Lakeville School Board this week. Their complaint includes a flyer which was apparently distributed throughout the school district close to the election. It opposes the Complainants' reelection as school board members. The Complainants state that because the flyer contains a post office box they were unable to determine members of the Think "Twice" Coalition. They also suggested that the flyer contained false information.

Under Minn. Stat. § 211B.04 campaign material must include the name and address of the committee causing the material to be disseminated in substantially the following form: "Prepared and paid for by the \_\_\_\_\_ Committee, (address), in support of (insert name of candidate or ballot question)." Campaign material that is not circulated on behalf of a particular candidate or ballot question must also include in the disclaimer that it is "in opposition to (insert name of candidate or ballot question)."

The flyer in question contains the following disclaimer: "Prepared and paid for by the Think "Twice" Coalition, 1609 W. Cty. Road 42 No. 147, Burnsville, MN 55306, in opposition to Judy Keliher & Kathy Lewis." The address listed is a UPS store and the number is a mailbox number at that store.

Although the complainants have been unable to determine the persons responsible for the flyer, they have not demonstrated a violation of the statute. The flyer does contain the name and address of the organization causing it to be prepared or disseminated substantially in the form suggested by the statute and also includes the "in opposition to" language required by the statute.

The complaint also suggests that the flyer contains false statements. Minn. Stat. § 211B.06 prohibits the preparation or dissemination of campaign material that is false. However, the complaint filed does not set forth any facts that would provide a basis for determining that facts in the flyer are false. Accordingly, the Administrative Law Judge is unable to make a determination that there had been any prima facie violation of Minnesota Chapter 211B. This matter is therefore dismissed.

**G.A.B.**