

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

**PRIMA FACIE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF BARRY KUKOWSKI REGARDING DAN WHITCOMB:

The undersigned Chair of the Minnesota Campaign Finance and Public Disclosure Board has made a determination that the complaint submitted in the aforementioned matter is insufficient to state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction.

The complaint alleges that respondent Dan Whitcomb violated Minnesota Statutes section 211B.10, subdivision 1, by promising an entry into a prize drawing to anyone who contributed to his campaign. The complaint includes copies of two committee solicitations making the prize drawing offer.

**Determination:**

The complaint does not specifically identify the statutory provision that allegedly has been violated. The complaint does include a quote from Minnesota Statutes section 211B.10, subdivision 1, which provides that a person may not reward or promise to reward another to induce the person to be or to refrain from being a candidate. Examining the solicitations attached to the complaint suggests that the complainant may be alleging violations of Minnesota Statutes sections 211B.07 and 211B.13, which prohibit undue influence on and bribery of voters. Violations of sections 211B.07, 211B.10, and 211B.13, however, are not under the Board's jurisdiction. See Minn. Stat. § 10A.022, subd. 3 (giving the Board jurisdiction over violations of sections 211B.04, 211B.12, and 211B.15 only).

Because the Board does not have jurisdiction over the statutes that might give rise to the violations alleged in the complaint, the Chair concludes that the complaint does not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction. The complaint is dismissed without prejudice.

/s/ Christian Sande  
Christian M. Sande, Chair  
Campaign Finance and Public Disclosure Board

Dated: 7/7/2016