

**COMPLAINT FOR VIOLATION OF  
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE ACT  
SUBMITTED BY COMMON CAUSE MINNESOTA**

Common Cause Minnesota is filing a complaint against the National Organization for Marriage for violating Minn. Stat. §10A.04, subd. 6. This complaint alleges that the National Organization for Marriage failed to file a principal report and disclose the amount of money it spent in 2010 on lobbying efforts to influence legislative action at the Minnesota legislature. It is required to file a report because the organization engaged in an effort to influence legislative action. These ads were an attempt to circumvent Minnesota campaign finance law by avoiding certain “magic words.” However, in doing so, the group should have registered with the Campaign Finance Disclosure Board as a principal lobbyist. The Campaign Finance Disclosure Board (“CFDB”) website clearly states that groups that intend to influence legislative action must register with the CFDB.

**Failure to Register and File a Principal Report**

In order to find a violation under Minn. Stat. §10A.04, subd. 6, there are two tests that must be met: (1) an individual or association; (2) must have spent over \$50,000 in a calendar year to influence legislative action.

On May 18, 2010, the Minnesota Independent<sup>1</sup> ran a story on how the National Organization for Marriage and the Minnesota Family Council were coordinating a \$200,000 media buy in Minnesota to oppose legislation to “redefine marriage.” In a press release, the National Organization for Marriage “called on elected officials to let the people vote on this critical issue.” This makes it clear that their intent was to influence legislative action. A visual in one of the television advertisements mentioned specific legislation that was discussed in 2010 (SF 120) and how this legislation is harmful. They then go on to call for a constitutional amendment to define marriage: “Thirty one states have already voted to define marriage as being between a man and a woman. It’s time that Minnesotans have that same right,” said Brian Brown, President of the National Organization for Marriage. The full ad can be viewed here: <http://www.nationformarriage.org/site/apps/nlnet/content2.aspx?c=omL2KeN0LzH&b=5075187&ct=8400289>

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<sup>1</sup> <http://minnesotaindependent.com/59036/gathering-storm-group-returns-with-more-anti-gay-marriage-adsIn>

The National Organization for Marriage ran additional ads throughout the fall of 2010 where it made similar statements:

- In a radio ad released around August 17, 2010, the group clearly calls for a constitutional amendment to prohibit gay marriage. The ad states, "Should it be back room politicians and screaming protesters, or should voters decide? Tom Emmer believes that Minnesota voters should have the final say on marriage, just as voters in 31 other states have done. Mark Dayton and Tom Horner say no vote for Minnesota. Dayton and Horner want your votes but they don't want you to vote on marriage."
- In a television ad released around September 23, 2010, the group has imagery of legislation (HF 893) in the background of the ad as they discuss the need for the people to vote on a constitutional amendment defining marriage.

### **Requested Penalties**

Common Cause Minnesota respectfully requests the Minnesota Campaign Finance Disclosure Board to find the National Organization for Marriage guilty of violating the Minn. Stat. §10A.04, subd. 6.

We urge the CFBD to assess the following penalties:

- Send notice by certified mail to the National Organization for Marriage for failure to file a principal report as outlined in Minn. Stat. §10A.04, subd. 6.
- Assess a civil penalty of \$1,000 for violating Minn. Stat. §10A.04, subd. 6 for failing to submit a principal report with the board.
- Conduct an audit of the National Organization for Marriage's financial records to assure that the information provided to the CFDB is accurate.

Considering the nature of the scheme to circumvent Minnesota's campaign finance disclosure laws, we encourage the CFDB to seek the maximum penalties to send a clear message that these attempts to undermine disclosure will not be tolerated.

Attachment A

Transcript of Radio Ad – August 18, 2010

*Marriage in Minnesota is under attack. A lawsuit and 5 legislative bills were filed this year to impose gay marriage.*

*Angry gay protesters want to force this issue on us no matter what [Audio clip: Protesters]*

*DFL nominee for governor Mark Dayton wants to impose same-sex marriage on Minnesota as does independent Tom Horner, but Republican Tom Emmer wants to preserve marriage as the union of one man and one woman.*

*No matter your position on the definition of marriage, who should decide?*

*Should it be back room politicians and screaming protesters, or should voters decide?*

*Tom Emmer believes that Minnesota voters should have the final say on marriage, just as voters in 31 other states have done.*

*Mark Dayton and Tom Horner say no vote for Minnesota. Dayton and Horner want your votes but they don't want you to vote on marriage.*

*When the candidates for governor ask for your support, ask them if they will guarantee your right to vote on marriage.*

*Paid for by the Minnesota Family Council and the National Organization for Marriage.*

Source: <http://minnesotaindependent.com/63728/nom-ant-gay-marriage-ads-minnesota>