

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

**ORDER OF DISMISSAL**

IN THE MATTER OF THE COMPLAINT OF GEORGE SELVESTRA REGARDING THE COMMITTEE TO ELECT JOSH HEINTZEMAN

On August 11, 2022, the Campaign Finance and Public Disclosure Board received a complaint submitted by George Selvestra regarding Representative Joshua Heintzeman, a candidate for Minnesota House of Representatives District 6B. The Committee to Elect Josh Heintzeman is the principal campaign committee of Representative Heintzeman.

The complaint alleged violations of Minnesota Statutes section 211B.04, which regulates the use of disclaimers on campaign material. The complaint alleged that signs promoting Representative Heintzeman's candidacy were displayed along State Highway 210 and State Highway 371 and that those signs lacked a disclaimer.

The complaint included two photographs. Each photograph depicts a sign containing the text:

REPUBLICAN ENDORSED  
JOSH  
HEINTZEMAN  
VOTE AUGUST 9TH

The signs displayed in the photographs did not appear to include a disclaimer.

On August 15, 2022, the Board's chair determined that the complaint alleged a prima facie violation of Minnesota Statutes section 211B.04. Counsel for the Heintzeman committee, R. Reid LeBeau II, provided a written response to the complaint on September 21, 2022. Mr. LeBeau stated that "[d]uring this primary season, the sign locations were modified to include a banner and footer which stated 'Republican Endorsed' and 'Vote Aug. 9.'" Mr. LeBeau said that "[t]he signs were handmade and originally included a handwritten disclaimer at the bottom of the sign." Mr. LeBeau explained that because the "VOTE AUGUST 9TH" footer covered the original disclaimer, "at the same time as adding the banner and footer to the sign locations, the campaign affixed a sticker to all signs which included the required disclaimer."

Mr. LeBeau provided photographs of two of the signs and a close-up photograph of the disclaimer text printed on one of the stickers. Each of the pictured signs included a hand-written disclaimer as well as a sticker toward the bottom of the sign. The stickers included the text "John Heintzeman for Minnesota House of Representatives" and text stating "Prepared and Paid for by the Committee to Elect Josh Heintzeman • JoshHeintzeman.com." The committee's website<sup>1</sup> included a complete disclaimer that contains the committee's mailing address.

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<sup>1</sup> [joshheintzeman.com](http://joshheintzeman.com)

Mr. LeBeau stated that the committee acted reasonably to ensure that the signs included disclaimers when it realized that the original disclaimers on the signs would be covered, and that there was no actual confusion regarding who prepared and paid for the signs. Mr. LeBeau stated that “[a]ll signs with the footer obstructing the pre-written disclaimer were affixed with a sticker containing the required disclaimer information.” With respect to the photographs submitted with the complaint, Mr. LeBeau said that the stickers may have been destroyed by weather conditions or removed by a person, but the committee has “checked the signs regularly to ensure that a sticker is affixed.”

The Board considered this matter at its meeting on October 5, 2022. Mr. LeBeau appeared before the Board on behalf of the Heintzeman committee. The Board found that there was probable cause to believe that a violation of the disclaimer requirement occurred and determined that a formal investigation was not warranted. The Board ordered a staff review to resolve the matter pursuant to Minnesota Rules 4525.0210, subpart 6, and 4525.0320.

On October 28, 2022, in response to a request from Board staff, Mr. LeBeau provided an affidavit signed by Keri Heintzeman, the Heintzeman committee’s campaign manager. Within the affidavit Mrs. Heintzeman stated “[o]n July 31, 2022, it was my job to add sticker disclaimers to all 9 of our plywood, homemade, campaign signs during the installation of the VOTE AUG 9<sup>TH</sup> footers.” Mrs. Heintzeman said “I attest that I did this for each of our signs, and I did it well.” The Board considered this matter again at its meeting on November 14, 2022.

Minnesota Statutes section 211B.04, subdivision 1, concerns a “person who participates in the preparation or dissemination of campaign material” without a disclaimer in the form required by that statute. Therefore, what matters is whether the signs in question contained a disclaimer in the form required by statute when they were erected or modified by the Heintzeman committee. The photographs included in the complaint indicate that at some point the disclaimer stickers were removed from at least two of the Heintzeman committee’s signs. However, Mrs. Heintzeman stated under oath that disclaimer stickers were added to each of the signs when footers covering the original disclaimers were added in late July. There is nothing in the record indicating that the Heintzeman committee removed the disclaimer stickers. Based on the foregoing analysis the Board concludes that the Heintzeman committee did not violate Minnesota Statutes section 211B.04 with respect to the signs pictured in the complaint.

### **Order**

The investigation of this matter is dismissed and hereby made a part of the public records of the Board pursuant to Minnesota Statutes section 10A.022, subdivision 5.

/s/ Faris Rashid  
Faris Rashid, Chair  
Campaign Finance and Public Disclosure Board

Date: November 14, 2022