

Minnesota

# ***Campaign Finance and Public Disclosure Board Meeting***

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Wednesday, October 2, 2019  
10:30 A.M.  
St. Croix Room  
Centennial Office Building

## **REGULAR SESSION AGENDA**

1. **Approval of Minutes** (September 4, 2019)
2. **Chair's report**
  - a. Meeting schedule
3. **Executive director report - no written material**
4. **Enforcement report**
5. **Options for civil penalties in conciliation matters**
6. **Report on historical use of political contribution refund program**
7. **Review of legislative recommendations for lobbyist registration and reporting**
8. **Review of public comments received on 2019 legislative recommendations, further discussion on recommendations**
9. **Legal report**
10. **Other business**

## **EXECUTIVE SESSION**

Immediately following regular session



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

.....  
**September 4, 2019  
Room G-31  
Minnesota Judicial Center**  
.....

**MINUTES**

The meeting was called to order by Chair Leppik.

Members present: Flynn, Haugen, Leppik, Moilanen, Rosen (arrived during executive director report), Swanson

Others present: Sigurdson, Engelhardt, Olson, Pope staff; Hartshorn, counsel

Although Member Swanson originally planned to attend the meeting by telephone, he ultimately was able to attend in person. Because notice of a meeting by electronic means had been given and because it could not be ascertained whether any members of the public were participating in the meeting by telephone, roll call votes were taken.

**MINUTES** (August 14, 2019)

After discussion, the following motion was made:

Member Swanson's motion: To approve the August 14, 2019, minutes as drafted.

Vote on motion: A roll call vote was taken. All members voted in the affirmative (Rosen absent).

**CHAIR'S REPORT**

**A. Meeting schedule**

The next Board meeting is scheduled for 10:30 a.m. on Wednesday, October 2, 2019.

**EXECUTIVE DIRECTOR REPORT**

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that each year, the Minnesota Department of Revenue prepares a report showing the number of political contribution refunds (PCR) issued in the previous calendar year. Mr. Sigurdson said that this report provides the number of refunds issued and the aggregate amount of those refunds by political party unit and candidate committee. Mr. Sigurdson reviewed the charts in the executive director report that summarized the PCR information. Mr. Sigurdson then answered questions from members regarding PCRs and the public subsidy program in general. In response to a board member request, Mr. Sigurdson agreed to update a report of historic

use of the PCR program and to present it to the Board at the October meeting. Mr. Sigurdson concluded his report by telling members that in response to several requests, staff would be conducting compliance training in greater Minnesota in the fall.

**ENFORCEMENT REPORT**

**A. Waiver requests**

<u>Name of Candidate or Committee</u>	<u>Late Fee &amp; Civil Penalty Amount</u>	<u>Reason for Fine</u>	<u>Factors for waiver</u>	<u>Board Member's Motion</u>	<u>Motion</u>	<u>Vote on Motion</u>
Steve Jacobson (Chippewa SWCD)	\$100 LFF \$1,000 CP	Original EIS	Official was elected for first time in 2018. He was unfamiliar with EIS requirement, he was busy, and he forgot to complete his EIS despite receiving notices from Board staff. His original EIS was due 3/8/2019 and was filed 8/12/2019. Official has provided a check for \$1,000 but is seeking a waiver or reduction of amount due.	Member Swanson	To keep the late filing fee at \$100 and to reduce the civil penalty to \$150	A roll call vote was taken. Motion passed (5 ayes, Member Haugen voted no)

**B. Informational Items**

**1. Payment of late filing fee for original EIS**

Steven Jacobson, \$100

**2. Payment of civil penalty for original EIS**

Steve Jacobson, \$900 (partial payment)

**3. Payment of late filing fee for 2018 year-end report of receipts and expenditures**

Shapiro (Mary) for House, \$25  
 Klabunde (Bryan) for MN House, \$50

**4. Payment of civil penalty for late filing of 2018 year-end report of receipts and expenditures**

Klabunde (Bryan) for MN House, \$25

**5. Payment of late filing fee for 2017 year-end report of receipts and expenditures**

Klabunde (Bryan) for MN House, \$50

**6. Payment of civil penalty for late filing of 2017 year-end report of receipts and expenditures**

Klabunde (Bryan) for MN House, \$50

**7. Payment of late filing fee for lobbyist principal report due 3/15/2019**

Allied Waste Industries LLC, \$325  
Mentoring Partnership of MN, \$150  
Red Lake Tribal Council, \$50

**8. Payment of late filing fee for lobbyist principal report due 3/15/2013**

Allied Waste Industries LLC, \$5

**9. Payment of civil penalty for excess party unit contributions**

Klabunde (Bryan) for MN House, \$670

**10. Payment of civil penalty for excess special source contributions**

Friends for Jeff Peterson, \$35

**11. Forward of anonymous contribution for deposit in the state elections campaign account**

Tou (Xiong) for 53A, \$50

**REVIEW OF 2019 LEGISLATIVE RECOMMENDATIONS**

Mr. Sigurdson presented members with a memorandum regarding this issue that is attached to and made a part of these minutes. Mr. Sigurdson said that the memorandum included the Board's 2019 legislative recommendations. Mr. Sigurdson reviewed those recommendations and the 2019 legislative session. Mr. Sigurdson asked members to consider whether to pursue the recommendations in two packages; one for technical proposals and one for policy proposals. Mr. Sigurdson also said that he had discussed potential changes to the lobbying statutes with the Minnesota Governmental Relations Council (MGRC) and would bring those legislative proposals to the Board at the October meeting. Members asked several questions about the legislative process and discussed the proposals. Members asked staff to solicit input on the proposed legislative changes by sending notice of those proposals to people on the Board's email notice lists.

**LEGAL COUNSEL'S REPORT**

Mr. Hartshorn presented members with a legal report that is attached to and made a part of these minutes. Mr. Hartshorn had nothing to add to the legal report.

**OTHER BUSINESS**

There was no other business to report.

**EXECUTIVE SESSION**

The chair recessed the regular session of the meeting and called to order the executive session. Upon recess of the executive session, the chair had nothing to report into regular session.

There being no other business, the meeting was adjourned by the chair.

Respectfully submitted,

Jeff Sigurdson  
Executive Director

Attachments:  
Executive director's report  
Memorandum regarding review of 2019 legislative recommendations  
Legal report

DRAFT



# MINNESOTA

## CAMPAIGN FINANCE BOARD

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### **Board Meeting Dates for Calendar Year 2019**

Meetings are at **10:30 A.M.** unless otherwise noted.

#### **2019**

Wednesday, November 6

Wednesday, December 4

#### **2020**

Wednesday, January 8

Wednesday, February 5

Wednesday, March 4







# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** September 25, 2019

**To:** Board members  
Counsel Hartshorn

**From:** Andrew Olson, Legal/Management Analyst

**Subject:** Enforcement report for consideration at the October 2, 2019 Board meeting

## **A. Consent Items**

### **1. Administrative termination of lobbyist Kimberly Crockett (2607)**

Center of the American Experiment requested that the registration of Ms. Crockett be terminated effective August 9, 2019, which is the date the principal severed its relationship with Ms. Crockett. Ms. Crockett was asked to file a termination statement but has not done so. Board staff administratively terminated Ms. Crockett's lobbyist registration effective August 9, 2019. The principal states that Ms. Crockett did not have any lobbyist disbursements after the period covered by the most recent lobbyist disbursement report filed by its reporting lobbyist.

## **B. Discussion Items**

### **1. Balance adjustment request – St. Paul DFL (20518)**

The St. Paul DFL reported an ending cash balance in 2017 of \$22,313.78, but the party unit's bank statements reflect a balance at that time of \$22,707.72, a difference of \$393.94. The discrepancy began in 2016 or 2017. The party unit's current treasurer, Rick Varco, took over in mid-2018. He has been unable to ascertain the cause of the balance discrepancy. Mr. Varco believes the most likely cause is a combination of several small transactions that were not entered into the Campaign Finance Reporter software or data entry errors. Mr. Varco has access to the party unit's bank statements, but does not have easy access to the details for all of the checks and deposits listed on those statements. In addition, there are at least six copies of the party unit's 2016 CFR database and the one copy of the 2017 CFR database in Mr. Varco's possession had some discrepancies when he created the 2018 database. Consequently, before Mr. Varco could start reconciling the bank account to the party unit's reports, he would need to spend some time comparing the 2016 and 2017 databases to the filed reports to determine which database, if any, was used to file the last amended report. Due to the difficulty of finding the cause of the discrepancy, the size of the discrepancy, and Mr. Varco's unease over certifying amended reports for years when he was not treasurer, the party unit is requesting that the Board adjust the party unit's 2017 ending cash balance upward from \$22,313.78 to \$22,707.72.

### C. Waiver Requests

#	Committee/ Entity	Late Fee/ Civil Penalty	Report Due	Factors	Most Recent Balance	Prior Waivers
1	Protect Minnesota Political Action Fund	\$1,000 LFF	2018 Year- End	Former employee of the political fund's supporting association incorrectly told other staff that the 2018 year-end report had been filed with the Board. Once it was discovered that the report was never submitted, the report was promptly filed. Political fund has provided a check for \$1,000 but is requesting a waiver or reduction of the amount due.	\$2,608	No

### D. Informational Items

#### 1. Payment of late filing fee for 2018 year-end report of receipts and expenditures

Protect Minnesota Political Action Fund, \$1,000

#### 2. Payment of civil penalty for excess personal contributions

Hainey (Shaun) for House, \$135

#### 3. Payment of civil penalty for exceeding individual contribution limit

Jim Read for State Representative, \$35

#### 4. Payment of civil penalty for excess party unit contributions

Ruth (Richardson) for House, \$110

#### 5. Payment of civil penalty for excess special source contributions

Urdahl (Dean) Volunteer Committee, \$125

#### 6. Payment of late filing fee for lobbyist disbursement report due 6/17/2019

Jan Alswager, \$25

#### 7. Payment of late filing fee for lobbyist principal report due 3/15/2019

Delta Dental of MN, \$1,000

#### 8. Return of public subsidy due to exceeding carryforward limit

Stephenson (Zachary) for House, \$84



19 SEP 12 PM 12:30  
CAMPAIGN FINANCE &  
PUBLIC DISCLOSURE BOARD

September 11, 2019

Marcia Waller  
Minnesota Campaign Finance Board  
658 Cedar St., Rm. 190  
St. Paul, MN 55155

Dear Ms. Waller,

Please remove Kim Crockett (#2607) as a registered lobbyist for Center of the American Experiment (#3876) effective August 9, 2019, the date of her termination from the Center. Ms. Crockett has been unresponsive to requests that she file a Termination Statement. She had no reportable expenses since our last report that covered through May 31, 2019.

Thank you very much,

Peter J. Zeller  
Director of Operations

Ms. Pope:

The figures you list are correct. Attached are our Dec. 2017 and Jan. 2018 bank statements showing a balance of \$22,707.72. This matches the beginning balance of our 2018 CFB report. I request that the end of year 2017 balance on our amended report, \$22,313.78, be increased by \$393.94 in order to match the figure in on beginning balance of our 2018 report.

Rick Varco

**From:** Rick Varco <[rvarco@hotmail.com](mailto:rvarco@hotmail.com)>  
**Sent:** Tuesday, September 17, 2019 10:46 AM  
**To:** Pope, Jodi (CFB) <[jodi.pope@state.mn.us](mailto:jodi.pope@state.mn.us)>  
**Subject:** Re: Reporting problem

Ms. Pope:

To follow up on our Friday discussion, I think the best course of action is to request a balance adjustment. Having spent a fair amount of time reviewing our records already, I am confident that our start of 2018 balance is correct and matches our bank statement. I am also confident that our 2016 starting balance is correct and matched our bank balance at the time. I am not confident in the end of 2016/start of 2017 figure or the current end of 2017 figure. I do not feel that our current records would allow me to amend our 2016 or 2017 reports to correct their balances, without an unjustifiable amount of time and with no likelihood of success.

To review the status of our 2016/2017 records. I took over in the middle of 2018, after we had two different Treasurers in 2016 and 2017. Neither had been a Treasurer before or used the CFB software, nor did they have a good idea about what records to copy and save. I don't know that I have a reliable electronic CFB file for 2016. There are multiple copies on the jump drive and I can't determine which is correct. I have a file for 2017 loaded on my computer, but I am not sure it is accurate. In fact, I think problems with this file may have caused my initial correspondence with Mr. Bauer about our inaccurate balances. The lack of these prevents me from examining our CFB reported transactions in complete detail.

I have full access to our bank statements online, but details on specific checks and deposits are not easily available. I have some electronic copies of original bills and deposits, but they are probably not complete. For example, I have deposit slips, but not copies of individual contribution checks. I have some of the check register, but the carbon-less copies are often not readable and I am not sure it is complete. I also want to note that for 2017 especially, we have a large number of small transactions, both donations and receipts. Our bank website won't let me print a comprehensive list of all 2017 transactions, which would force me to transcribe one from monthly bank statements.

In short, to amend our 2016 and/or 2017 reports, I would need to reconcile two data sets without knowing if either was accurate and complete in detail.

I suspect there is no one single transaction that has caused the discrepancy, but, more likely, it is a number of different individual small discrepancies, either data entry errors or some small missed transactions.

In light of the difficulty in accurately amending the 2016 and 2017 reports and the relatively small sum involved spread over two years, I would request the Board adjust our previous balance, so that we can go forward with the accurate 2018 starting balance.

Rick Varco  
Treasurer

Protect Minnesota Political Action Fund  
285 Dale St. N  
St. Paul, MN 55103

19 SEP 17 AM 10:00  
CAMPAIGN FINANCE &  
PUBLIC DISCLOSURE BOARD



September 12, 2019

Minnesota Campaign Finance Board  
Attn: Megan Engelhardt  
190 Centennial Office Building  
658 Cedar St, St Paul, MN 55155

Dear Ms. Engelhardt,

Please find enclosed a check in the amount of \$1000 from the Protect Minnesota Political Action Fund. This is our fee for late submission of our Report of Receipts and Expenditures, Reg. No. 30693, which was due January 31, 2019.

Your letter mentioned that we could request that our fee be reduced or waived for good reason. Our reason was a employee who told us the report was submitted when it hadn't been. That employee is no longer with our organization. We would of course welcome a reduction in this fee.

As we gear up to begin fund raising for the Political Action Fund leading up to the 2020 election, we have put in place in a system of controls to make sure this never happens again. We deeply regret the error.

Thank you for your service to the state of Minnesota!

Sincerely,

Rev. Nancy Nord Bence, Executive Director  
Protect Minnesota Political Action Fund



# MINNESOTA CAMPAIGN FINANCE BOARD

**Date:** September 25, 2019

**To:** Board Members

**From:** Megan Engelhardt  
Assistant Executive Director

**Subject:** **Review of guidelines for civil penalties in conciliation matters.**

Board members asked staff to provide possible options for imposing civil penalties in certain circumstances, specifically when a committee has exceeded a contribution limit or accepted a prohibited contribution. When such a violation occurs, the committee must always return the excess and/or improper contribution and, in most cases, is also ordered to pay a separate civil penalty.

Although the Board considers each case on its own merits, many of the violations considered by the Board are very similar. Consequently, the penalties imposed for those violations also are very similar. In recent years, the Board typically has imposed a civil penalty in the amount of the excess and/or improper contribution. The Board has required immediate payment of 25% of the imposed civil penalty and has stayed payment of the remaining 75% of the penalty until the end of the next election segment on the condition that the committee have no similar violations during that time. If the committee has another similar violation, then the outstanding civil penalty is due immediately. If the committee has no other similar violations by the end of the next election segment, the outstanding civil penalty is waived. In situations where the amount of the excess and/or improper contribution was \$50 or less, no part of the civil penalty has been stayed<sup>1</sup>.

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<sup>1</sup> Minnesota Statutes section 14.045 states factors to be used by agencies when they have discretion over the amount of a fine. Those factors include . . . .

(a) If a statute or rule gives an agency discretion over the amount of a fine, the agency must take the following factors into account in determining the amount of the fine:

- (1) the willfulness of the violation;
- (2) the gravity of the violation, including damage to humans, animals, and the natural resources of the state;
- (3) the history of past violations;
- (4) the number of violations;
- (5) the economic benefit gained by the person by allowing or committing the violation; and
- (6) other factors that justice may require.

(b) For a violation after an initial violation, the following factors must be considered in addition to the factors in paragraph (a):

- (1) similarity of previous violations to the current violation to be penalized;
- (2) time elapsed since the last violation;
- (3) number of previous violations; and
- (4) response of the person to the most recent previous violation identified.



Here are some examples that will help illustrate the different options.

Example 1: The Jane Smith for House committee accepted a contribution from an individual in the amount of \$1,200 in 2018. The individual contribution limit for a house candidate was \$1,000. The Jane Smith for House campaign committee did not return the excess \$200 to the individual within 90 days of depositing the check and therefore the contribution was deemed accepted.

Example 2: The John Doe for Senate committee accepted a total of \$8,100 from political committees, political funds, and lobbyists in 2018. The aggregate special source limit for a senate candidate was \$6,600. The John Doe for Senate campaign committee did not return any of the excess \$1,500 to the political committees, political funds, or lobbyists within 90 days and therefore all the contributions were deemed accepted.

Example 3: The Jill Jackson for House committee accepted \$10,300 from political party units and terminating principal campaign committees in 2018. The aggregate political party unit and terminating principal campaign committee contribution limit for a house candidate was \$10,000 in 2018. The Jill Jackson for House committee did not return any of the excess \$300 to the political party units or terminating principal campaign committees within 90 days and therefore all the contributions were deemed accepted.

Example 4: The Mike Anderson for Senate committee accepted \$50 from Bob's Coffee, LLC. The Mike Anderson for Senate committee did not return the \$50 corporate contribution to Bob's Coffee, LLC within 90 days and therefore the contribution was deemed accepted.

Example 5: The Joe Hanson for Governor committee accepted \$1,000 from an unregistered association without obtaining the required disclosure statement . The Joe Hanson for Governor committee did not return any of the \$1,000 contribution to the unregistered association within 90 days and therefore the contribution was deemed accepted.

Example 6: The Anne Williams for House committee accepted \$400 from a registered lobbyist during the session. The Anne Williams for House committee did not return the \$400 contribution to the lobbyist within 90 days and therefore the contribution was deemed accepted.

**Option 1: No civil penalty imposed and the excess and/or improper contribution returned.** Board staff agree that generally most committees, lobbyists, corporations, and unregistered association have no intent to violate the law and are disappointed to discover a violation. This option would recognize that lack of intent by not imposing a civil penalty but would prevent the candidate committee from benefiting from the excess and/or improper contribution. The option of no civil penalty would only apply to a first violation; any subsequent violations would have a civil penalty.

Example 1: The conciliation agreement for the Jane Smith for House committee requires proof that the committee returned the excess contribution of \$200 to the individual.

Example 2: The conciliation agreement for the John Doe for Senate committee requires proof that the committee returned the excess \$1,500 to the political committees, political funds, and lobbyists.

Example 3: The conciliation agreement for the Jill Jackson for House committee requires proof that the committee returned the excess \$300 to political party units and terminating principal campaign committees.



Example 4: The conciliation agreement for the Mike Anderson for Senate committee requires proof that the committee returned the \$50 to Bob's Coffee, LLC. Bob's Coffee, LLC also has conciliation agreement that agrees to violation.

Example 5: The conciliation agreement for the Joe Hanson for Governor committee requires proof that the committee returned \$800 to the unregistered association. Unregistered association also has conciliation agreement that agrees to violation.

Example 6: The conciliation agreement for the Anne Williams for House committee requires proof that the committee returned \$400 to lobbyist. Lobbyist also has a conciliation agreement that agrees to violation.

**Option 2: Civil penalty is one times the excess and/or improper amount and return the excess and/or improper contribution.** Although a committee's violation may be unintentional, the committee still has violated Chapter 10A. This option treats all violations equally in that the amount of the civil penalty is exactly the amount of the excess and/or improper contribution.

Example 1: The conciliation agreement for the Jane Smith for House committee requires proof that the committee returned the excess contribution of \$200 to the individual and imposes a civil penalty of \$200. Individual also has conciliation agreement that agrees to imposition of a civil penalty of \$200.

Example 2: The conciliation agreement for the John Doe for Senate committee requires proof that the committee returned the excess \$1,500 to special source contributors and imposes a civil penalty of \$1,500.

Example 3: The conciliation agreement for the Jill Jackson for House committee requires proof that the committee returned the excess \$300 to political party units and terminating principal campaign committees and imposes a civil penalty of \$300.

Example 4: The conciliation agreement for the Mike Anderson for Senate committee requires proof that the committee returned the \$50 to Bob's Coffee, LLC and agrees to a civil penalty of \$50. Bob's Coffee, LLC also has conciliation agreement that agrees to a civil penalty of \$50.

Example 5: The conciliation agreement for the Joe Hanson for Governor committee requires proof that the committee returned \$800 to the unregistered association and agrees to a civil penalty of \$800. Unregistered association also has a conciliation agreement that agrees to a civil penalty of \$800.

Example 6: The conciliation agreement for the Anne Williams for House campaign committee requires proof that the committee returned \$400 to lobbyist and agrees to a civil penalty of \$400. Lobbyist also has a conciliation agreement that agrees to a civil penalty of \$400.

**Option 3: Civil penalty is one times the excess and/or improper amount with a minimum payment of \$100 or 25% of the penalty (whichever is greater); remaining 75% of civil penalty stayed; and return excess and/or improper contribution.** Option 3 is similar to recent penalties imposed by the Board, but it sets a minimum amount that must be paid to prevent committees with violations involving large contributions from paying less in civil penalties than committees with similar violations involving smaller amounts due to the 75% stay.

Example 1: The conciliation agreement for the Jane Smith for House committee requires proof that the committee returned the excess contribution of \$200 to the individual and imposes a civil penalty of \$200 with \$100 of the civil penalty due immediately and \$100 stayed until January 1,

2023. If the committee has another similar violation before January 1, 2023, the outstanding civil penalty is due immediately. If the committee does not have another similar violation before January 1, 2023, the outstanding civil penalty is waived.

Individual also has a conciliation agreement that imposes a civil penalty of \$200 with \$100 of the civil penalty due immediately and \$100 stayed until January 1, 2023. If the individual has another similar violation before January 1, 2023, the outstanding civil penalty is due immediately. If the individual does not have another similar violation January 1, 2023, the outstanding civil penalty is waived.

Example 2: The conciliation agreement for the John Doe for Senate committee requires proof that the committee returned the excess \$1,500 to special source contributors and imposes a civil penalty of \$1,500 with \$375 of the civil penalty due immediately and \$1,125 stayed until January 1, 2023. If the committee has another similar violation before January 1, 2023, the outstanding civil penalty is due immediately. If the committee does not have another similar violation before January 1, 2023, the outstanding civil penalty is waived.

Example 3: The conciliation agreement for the Jill Jackson for House committee requires proof that the committee returned the excess \$300 to political party units and terminating principal campaign committees and imposes a civil penalty of \$300 with \$100 of the civil penalty due immediately and \$200 stayed until January 1, 2023. If the committee has another similar violation before January 1, 2023, the outstanding civil penalty is due immediately. If the committee does not have another similar violation before January 1, 2023, the outstanding civil penalty is waived.

In this example 25% of the \$300 civil penalty should be \$75; however we are recommending a minimum payment to make sure that a committee with a similar violation but a smaller excess does not pay more than a committee with a larger excess.

Example 4: The conciliation agreement for the Mike Anderson for Senate committee requires proof that the committee returned the \$50 to Bob's Coffee, LLC and imposes a civil penalty of \$50. Bob's Coffee, LLC also has conciliation agreement that imposes a civil penalty of \$50.

In this example, there is no stay of a portion of the civil penalty because the civil penalty of \$50 is less than the minimum payment.

Example 5: The conciliation agreement for the Joe Hanson for Governor committee requires proof that the committee returned \$800 to the unregistered association and imposes a civil penalty of \$800 with \$200 of the civil penalty due immediately and \$600 stayed until January 1, 2023. If the committee has another similar violation before January 1, 2023, the outstanding civil penalty is due immediately. If the committee does not have another similar violation before January 1, 2023, the outstanding civil penalty is waived.

The unregistered association also has a conciliation agreement that imposes a civil penalty of \$800 with \$200 of the civil penalty due immediately and \$600 stayed until January 1, 2023. If the unregistered association has another similar violation before January 1, 2023, the outstanding civil penalty is due immediately. If the unregistered association does not have another similar violation before January 1, 2023, the outstanding civil penalty is waived.

Example 6: The conciliation agreement for the Anne Williams for House committee requires proof that the committee returned \$400 to lobbyist and imposes a civil penalty of \$400 with \$100 of the civil penalty due immediately and \$300 stayed until January 1, 2023. If the committee has another similar violation before January 1, 2023, the outstanding civil penalty is due immediately.

If the committee does not have another similar violation before January 1, 2023, the outstanding civil penalty is waived.

Lobbyist also has a conciliation agreement that imposes a civil penalty of \$400 with \$100 of the civil penalty due immediately and \$300 stayed until January 1, 2023. If the lobbyist has another similar violation before January 1, 2023, the outstanding civil penalty is due immediately. If the lobbyist does not have another similar violation before January 1, 2023, the outstanding civil penalty is waived.

**Conclusion and action**

Staff requests that the Board provide guidance on which approach to use with conciliation agreements starting with violations that occur in 2019.



**Review of the Political Contribution Refund Program  
During the Years 2002 - 2018**



**Prepared by the  
Campaign Finance and Public Disclosure Board  
September 25, 2019**



## **Administration of PCR Program**

The political contribution refund (PCR) program is administered by the Department of Revenue as provided in Minnesota Statutes section 290.06. The program provides that an eligible Minnesota voter who contributes to a candidate who has signed the public subsidy agreement, or to a major or minor political party unit, may apply for a refund from the Department of Revenue. The maximum amount that may be refunded in a calendar year is \$50 per person, or \$100 per married couple. To apply for a refund the donor must submit a PCR receipt issued by a candidate or party unit, and a Department of Revenue application on which the donor must provide a social security number. The Department of Revenue tracks refund requests by social security number so that no individual receives more than a \$50 refund in a calendar year.

The Campaign Finance Board provides a computer file that lists all candidate committees that have a current public subsidy agreement on file and all political party units registered with the Board. The Department of Revenue uses that information to verify that the donor gave to a candidate or party unit eligible to issue a PCR receipt. The Board also provides paper PCR receipts to eligible candidates and party units and has developed the Campaign Finance Reporter software so that the software can be used to generate a PCR receipt.

In August of each year the Department of Revenue sends a file to the Board that provides the number of PCR refunds, and the total value of the refunds, issued to donors in the prior calendar year. The file provides the refund totals by candidate committee and by political party unit. The Board converts the file contents into reports which are posted on the Board's website at <https://cfb.mn.gov/citizen-resources/board-programs/public-subsidy-of-campaigns/historical-use-of-public-subsidy-program/>. On the website there are separate reports for candidates and party units for the years 2013 through 2018.

The Board also compares the PCR refunds issued for contributions to candidates and political party units to the contributions disclosed on the reports of receipts and expenditures filed with the Board. The comparison is used to verify that the value of the refunds issued to contributors to a committee or party unit do not exceed the contributions reported as received by that same committee or party unit.

## **History and Status of the PCR Program**

The PCR program was initiated in 1990. The program is funded through the general fund of the state. It is not funded through the political party check-off on state income tax and property tax forms.

The PCR program has not always been funded. In 2009 then Governor Pawlenty used an unallotment of funds to balance a budget deficit. Among the programs that lost funding was the PCR program. Contributions received after June 30, 2009, were not eligible for refunds. The statutory language in Chapter 290 authorizing the program remained in place, but the program was unfunded during the following FY 2012 – 2013 biennium. The program was funded for the FY 2014 – 2015 biennium, but was not funded for the FY 2016 – 2017 biennium. The program was funded again for the FY 2018 – 2019 biennium, and is currently funded for FY 2020 – 2021. In total, the PCR program was not funded for contributions received in the last six months of 2009, all of calendar years 2010, 2011, 2012, and 2016, and the first six months of 2013, 2015, and 2017.

## PCR Refunds Issued by Candidates

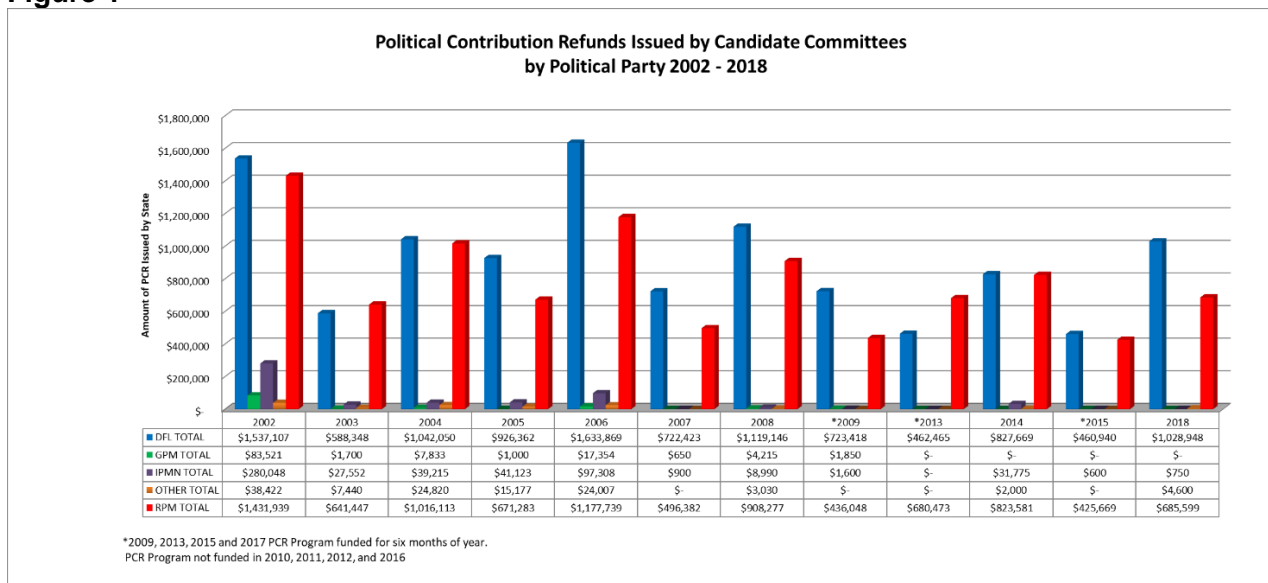
### Total refunds

From 2002 through 2018 about \$77,857,000 in cash contributions was donated by individuals to candidates who signed the public subsidy agreement. Based on those contributions, the Department of Revenue paid \$22,274,373 in PCR refunds to donors. The total amount of the refunds equals about 29% of the total amount donated by individuals to eligible candidate committees.

### Refunds for donations to candidate committees by political party

As shown in **Figure 1**, the vast majority of refunds issued for contributions made to candidate committees were for contributions to candidates with the Democratic-Farmer-Labor (DFL) or Republican Party of Minnesota (RPM) parties. In ten of the twelve years, the total of the refunds issued for donations to DFL candidates was higher than the total issued for donations to RPM candidates. RPM donors received more PCR refunds in 2003 and 2013, and in 2014 the difference between the total refunds issued to donors to candidates of the two parties was only about \$4,000.

**Figure 1**

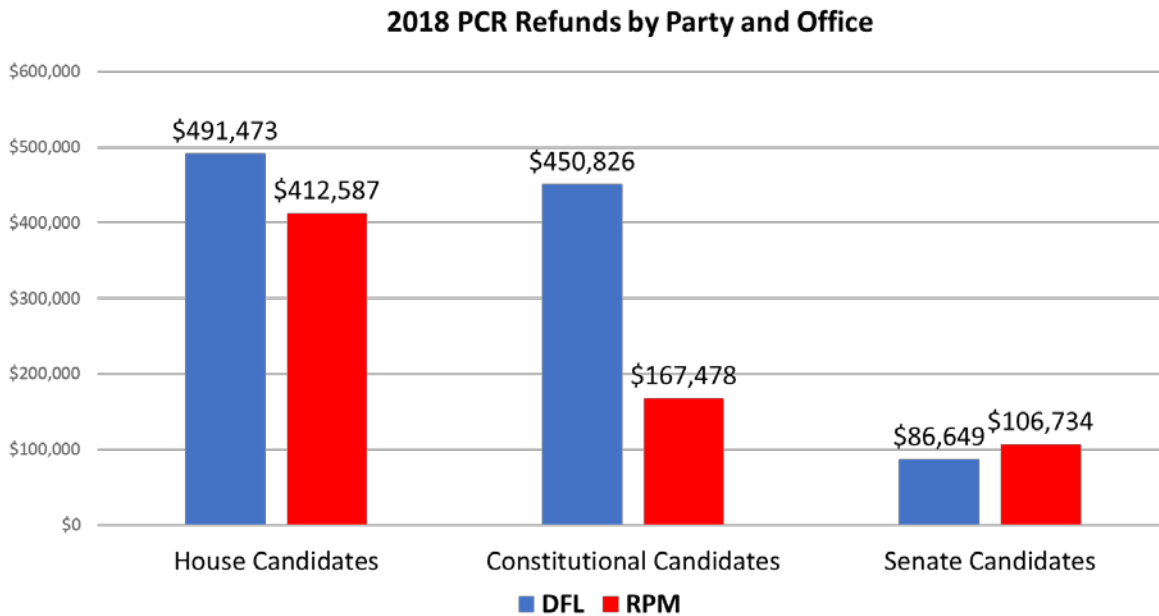


### 2018 refunds for donations to candidate committees by office

As shown in Figure 1, donors to DFL candidates were refunded about \$343,000 more than donors to RPM candidates in 2018. The majority of the difference in PCR refunds issued to DFL and RPM candidate donors occurred because of the disparity in refunds issued to contributors to candidates for constitutional office. As shown in **Figure 2**, donors to RPM House candidates received refunds equal to 84% of the total issued to donors to DFL House candidates. In contrast, donors to RPM constitutional candidates received refunds equal to only 37% of the total refunds issued to donors to DFL constitutional candidates. Senate candidates were not on the ballot in 2018, so the total refunds issued for donations to Senate candidates is much smaller. Of note, donors to RPM senate committees received more refunds than donors to DFL senate committees in 2018.



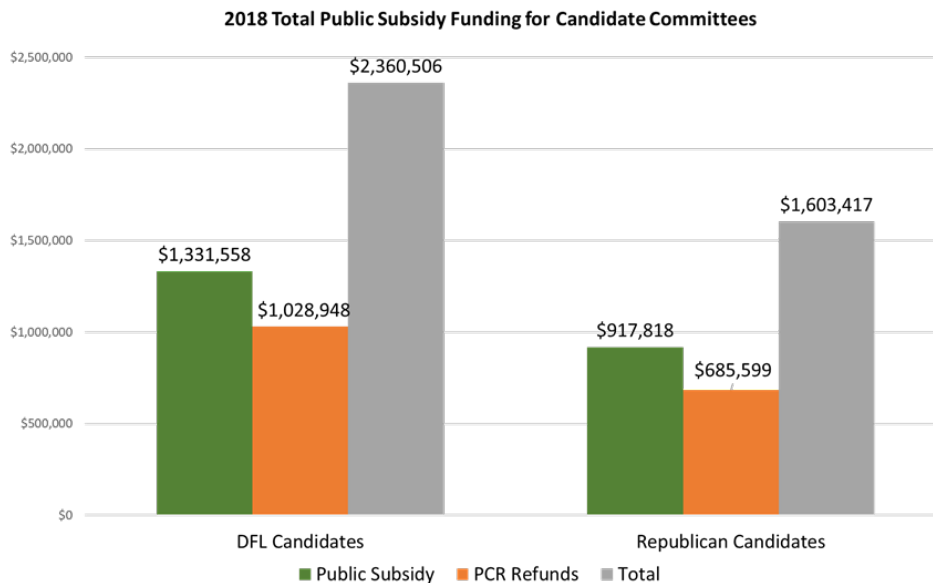
**Figure 2**



**PCR program in relation to total public subsidy payments to candidates in 2018**

Use of the PCR program to encourage contributions to a candidate’s committee is only one benefit of the public subsidy offered to candidates for state-level office in Minnesota. Candidates who sign the public subsidy agreement are eligible to immediately issue PCR receipts to contributors, and if they qualify, will also receive a direct public subsidy payment. If added together, refunds to candidate committee contributors and public subsidy payments to candidate committees equal the cost of the public subsidy program for candidates. In 2018 the total cost to the state was \$3,963,923. In **Figure 3**, the total public subsidy funding to candidate committees by political party in 2018 is shown.

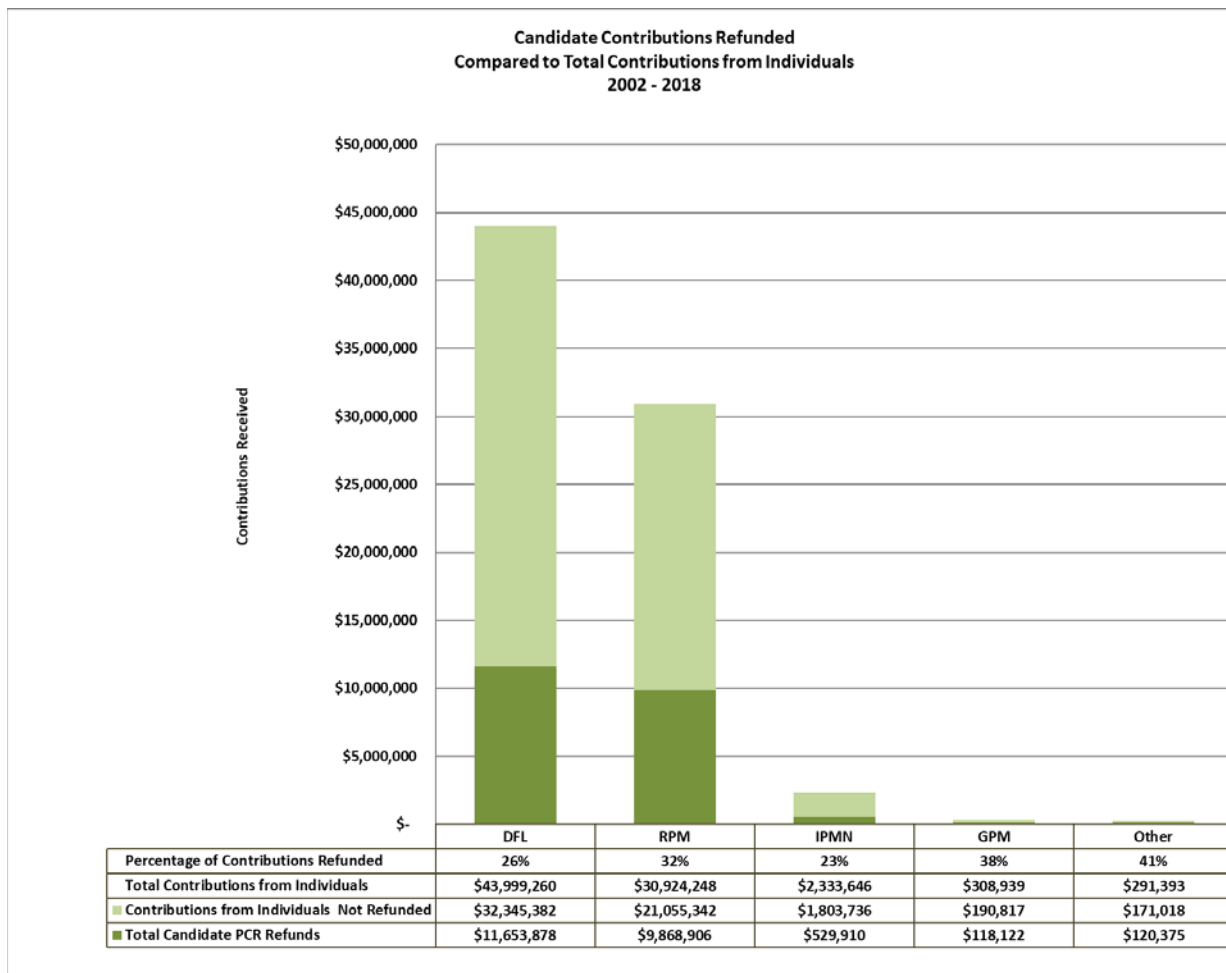
**Figure 3**



### Percentage of individual contributions refunded by PCR program

In **Figure 4** the total contributions from individuals to candidates who signed the public subsidy agreement are grouped by party and compared to the amount refunded through the PCR program to donors of those candidates. Although the total value of contributions to DFL candidates refunded through the PCR program is higher than the amount refunded for contributions to RPM candidates, the percentage of contributions refunded is actually higher for RPM candidates. The individual donors to RPM candidates were refunded 32% of the total amount contributed, compared to 26% of the amount contributed to DFL candidates. Although the total amount of dollars involved is much smaller for minor party candidates, the PCR program is still used for a significant portion of the contributions received. The Green Party of Minnesota (GPM) candidate donors were refunded 38%, and Independence Party of Minnesota (IPMN) candidate donors were refunded 23%, of the total contributed. When averaged together, individual contributors to candidates with the Libertarian Party of Minnesota, Legal Marijuana Now Party, and Grassroots-Legalize Cannabis Party were refunded 41% of the total amount contributed.

**Figure 4**

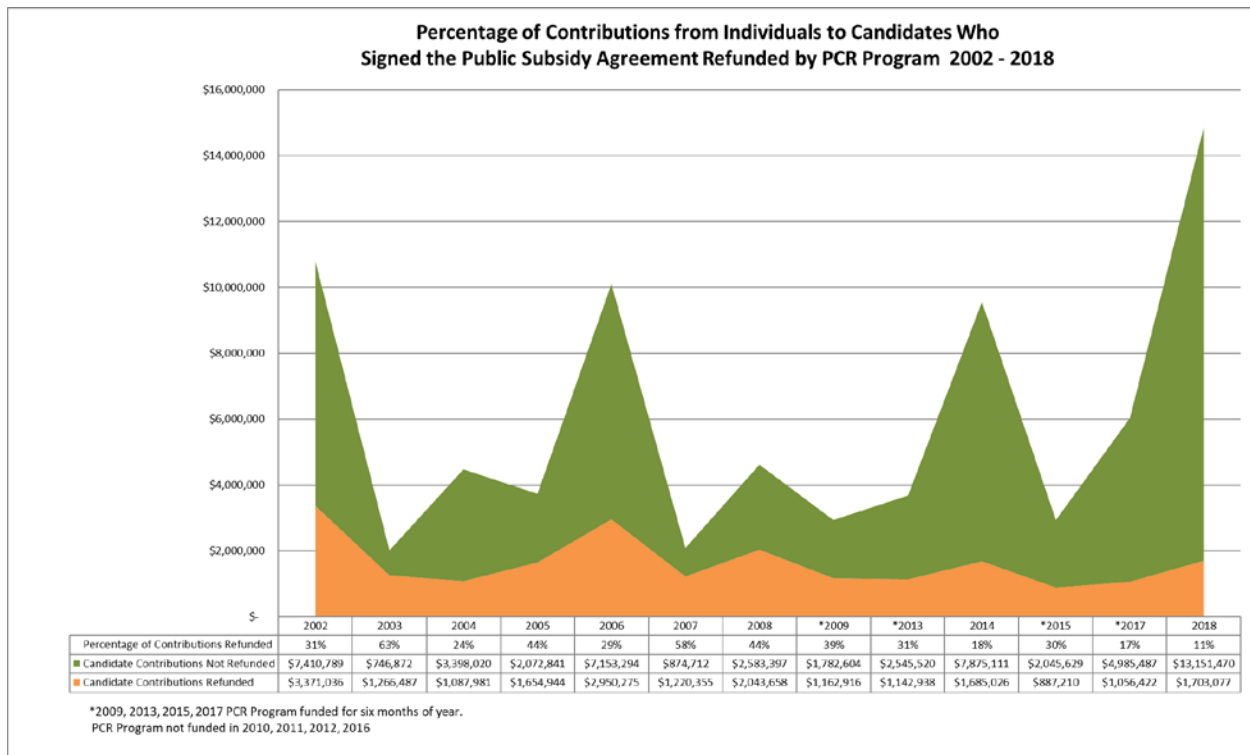


### Use of PCR program during non-election and election years

The percentage of donations to candidates that are refunded through the PCR program also varies significantly when comparing election years to non-election years. In **Figure 5** the taller spikes in the graph correspond to election years when the total amount raised by candidates (and the total amount of contributions refunded) increases dramatically compared to non-election years. However, the percentage of contributions refunded through the PCR program is higher in non-election years. This may indicate that the PCR program is used more consistently by contributors who are involved with the political process and who are aware of the program, and less consistently by contributors who only contribute during an election year when there is greater interest from the public. For example, 63% of contributions were refunded in 2003, and then in the election year 2004, about 24% of contributions from individuals were refunded. A similar pattern is seen in the non-election year 2005, during which 44% of contributions were refunded, followed by 29% refunded in 2006. This pattern continues through 2013 (the PCR program was funded for only six months in 2013) in which 31% of contributions were refunded, followed by 18% in the election year 2014, and again in 2017 (the PCR program was funded for only 6 months) when 17% of contributions were refunded, followed by 11% during the election year 2018.

Of note, **Figure 5** also shows that the total amount refunded through the PCR program for contributions to candidates has generally been in decline over the life of the program. In 2002, a little over \$3,371,000 in refunds were issued to candidate contributors, compared to about \$1,703,000 in 2018.

**Figure 5**

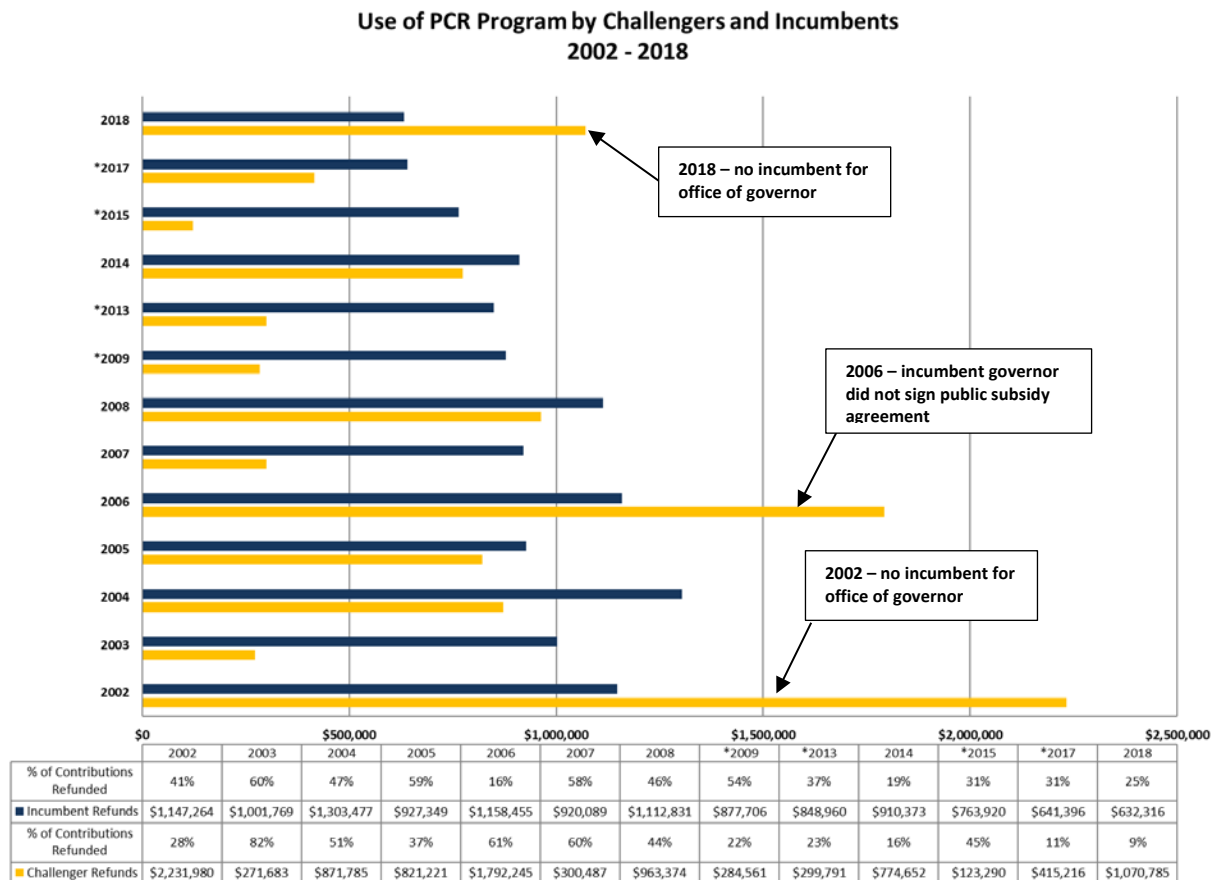


## Use of PCR program by incumbents and challengers

In **Figure 6** the refunds for donations made to challengers is compared to refunds for donations made to incumbents for the years 2002 - 2018. In total, about \$12,245,000 in refunds have been issued for donations made to candidates who are incumbent office holders, and about \$10,221,000 in refunds have been issued for donations made to candidates who are challengers.

These totals are somewhat skewed because of three gubernatorial elections. In 2002, 2006, and 2018, it appears that refunds to non-incumbent candidate donors greatly exceeded refunds to incumbent candidate donors. However, in 2002 and 2018 the incumbent governor did not run for reelection, which for the purpose of this graph made all donations to gubernatorial candidates in those years donations to a “challenger.” In 2006 then Governor Pawlenty did not sign the public subsidy agreement so his committee could not issue PCR receipts during his reelection campaign. Therefore, during that election only challengers to Governor Pawlenty were able to issue a PCR receipt. If you exclude those three years as anomalies the total amount of refunds issued for donations to incumbent candidates is about \$9,307,000, and the total refunds issued for donations to challengers is about \$5,126,000.

**Figure 6**



\*2009, 2013, 2015, 2017 PCR Program funded for six months of year.  
PCR Program not funded in 2010, 2011, 2012, 2016

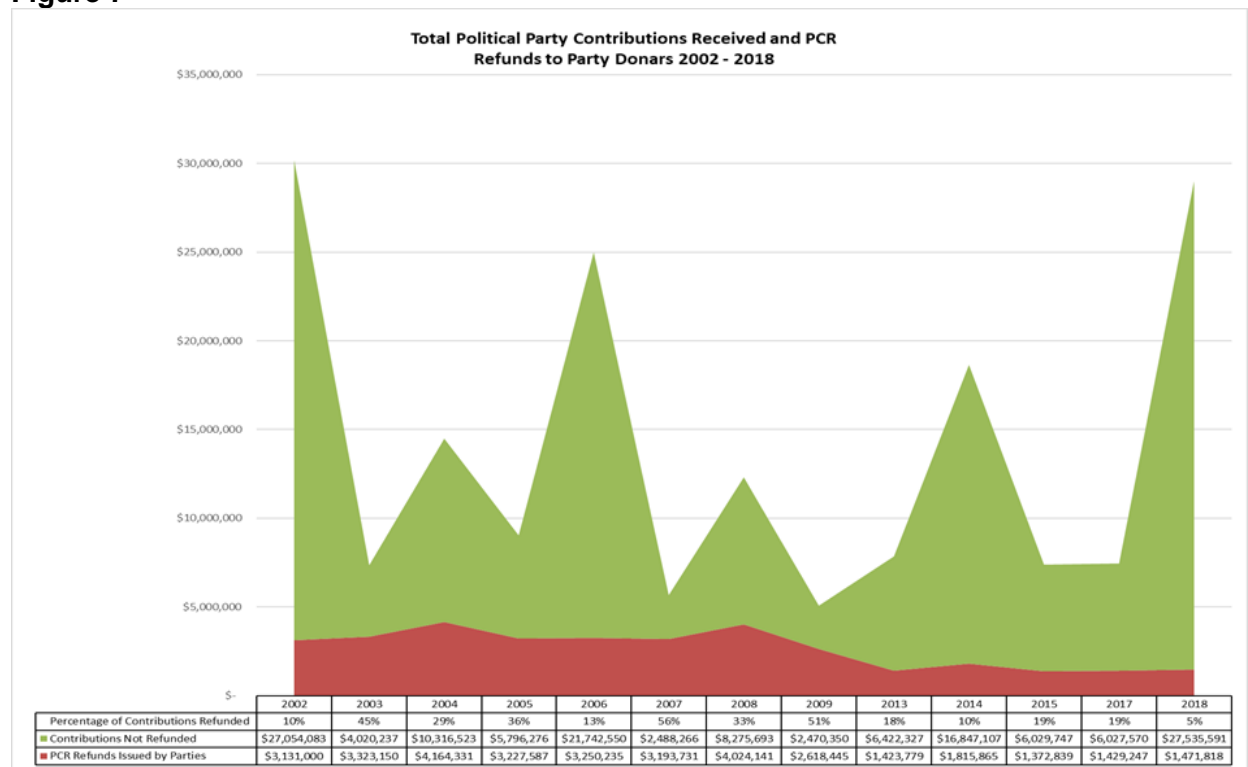
## PCR Refunds Issued by Political Parties

### Total PCR refunds issued relative to total political party contributions

During the years 2002 through 2018 the total of PCR refunds to political party donors was \$34,452,178, compared to \$22,274,373 refunded for donations to candidate committees. In **Figure 7** the total of refunds issued to political party donors is compared to the total of contributions received by party units during the years 2002 - 2018. Unlike candidate committees, political party units do not separate donations from individuals on reports filed with the Board. The total contributions reported and shown on the graph below include not only contributions from individuals, but contributions from political committees and funds, unregistered associations, and other party units. Only individuals are eligible for a PCR refund. Therefore, the comparison of PCR refunds to total donations received shows only the relative importance of the PCR program compared to total funds raised by political parties. In contrast, the charts for candidate committees show the percentage of individuals who donate to a candidate committee that received a PCR refund.

The spikes in total contributions raised by party units correspond to election years in which the office of governor was on the ballot. The percentage of total contributions received by party units that resulted in a PCR refund topped out in 2007 and 2009 when over 50% of the contribution total was refunded. When the PCR program was funded again in 2013 the percentage was in the low teens until 2018. In 2018, only about 5% of the total contributions raised by party units resulted in a PCR refund.

**Figure 7**



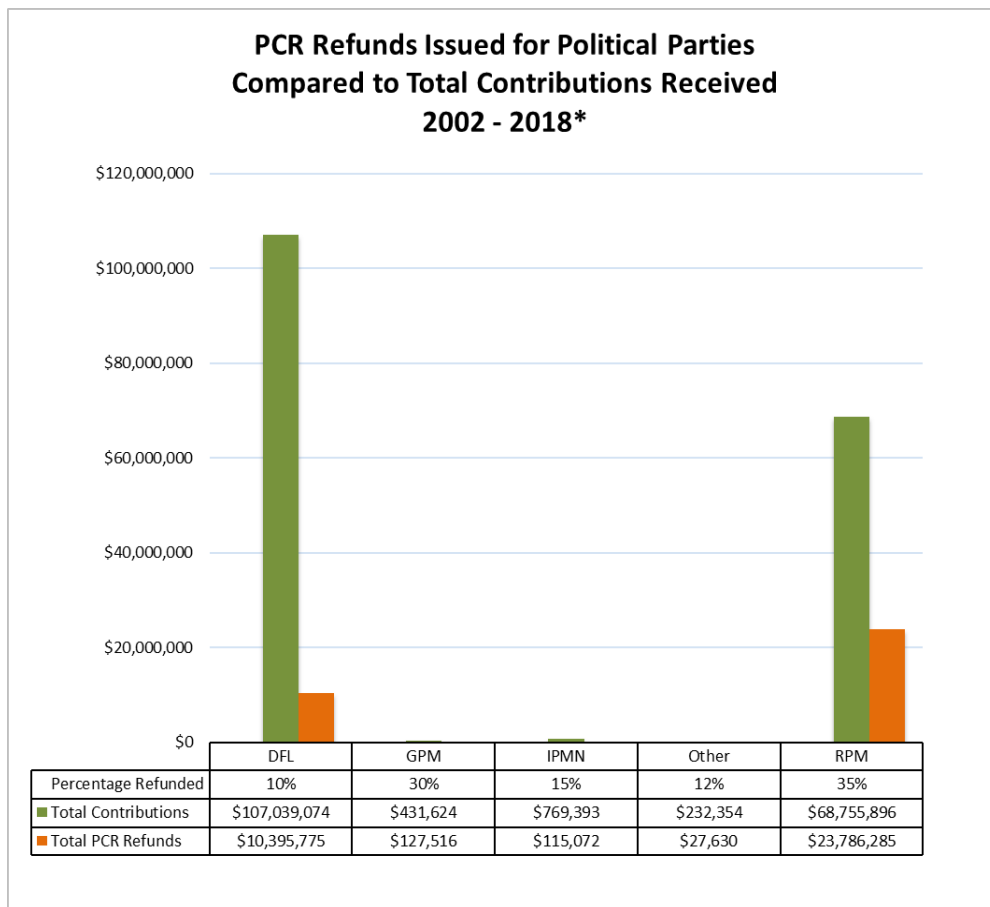
2010, 2011, 2012, and 2016 are not included in the time line because the PCR program was not funded for those years

### Use of PCR program by specific political parties

During the years 2002 through 2018 donors to RPM party units received \$23,786,285 in PCR refunds, compared to \$10,395,775 refunded for donations to DFL party units. The relative importance of contributions refunded through the PCR program to selected parties is illustrated in **Figure 8** by comparing total contributions received to those refunded to contributors via PCR refunds. The PCR refunds issued for contributions raised by RPM party units was equal to about 35% of the total funds raised by the party. By comparison, PCR refunds were issued for about 10% of the total contributions raised by DFL party units.

Although the total of PCR refunds issued to donors of other political parties was in comparison much smaller than the amounts issued to DFL and RPM donors, the program nonetheless is actively used by all registered parties. In particular, IPMN donors received refunds for about 15% of the total contributions raised by the party, and GPM donors received refunds for about 30% of the contributions received by the party.

**Figure 8**

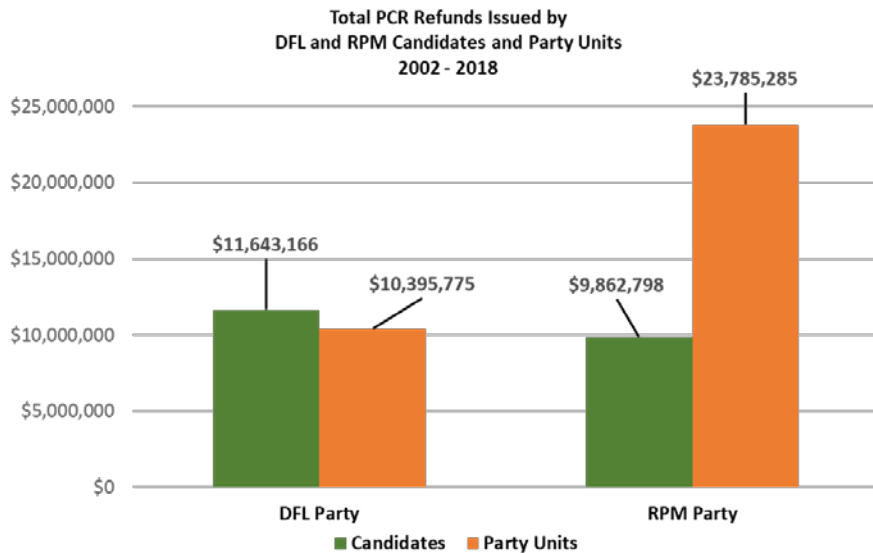


\*Total contributions do not include 2010, 2011, 2012, and 2016, which are years in which the PCR program was not funded.

**Total PCR refunds for RPM and DFL candidates and party units 2002 - 2018**

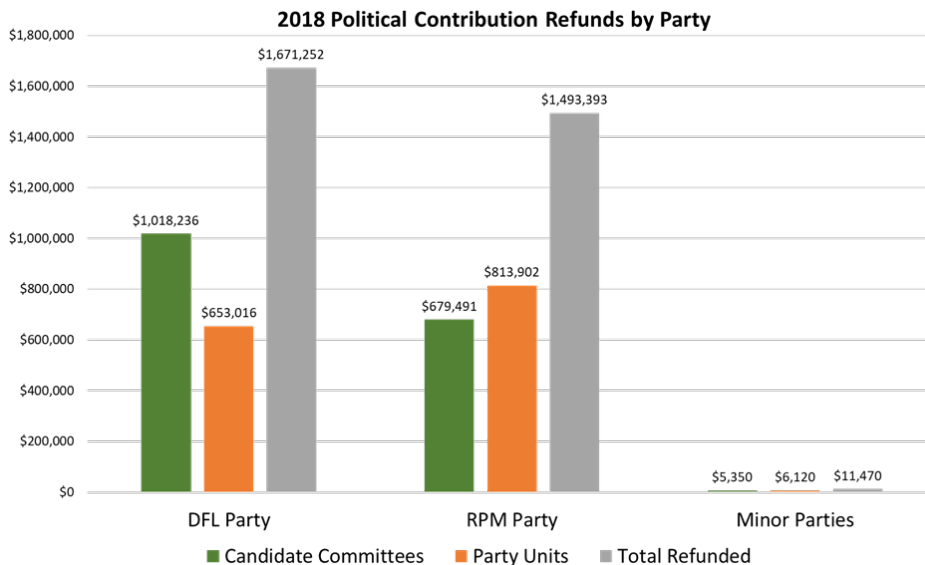
In **Figure 9** the refunds paid to donors to RPM and DFL candidate committees are compared to the refunds paid to donors to RPM and DFL political party units during the years 2002 - 2018. Combined, donors to RPM candidate committees and party units were refunded \$33,648,083. In comparison, donors to DFL candidate committees and party units were refunded \$22,038,941.

**Figure 9**



While historically RPM donors have received more refunds than DFL donors, 2018 did not follow that trend. In 2018, donors to DFL candidate committees and party units were refunded about \$180,000 more than donors to RPM candidate committees and party units. As shown in **Figure 10**, the disparity in refunds for donations to DFL candidate committees compared to RPM candidate committees explains why 2018 is an outlier.

**Figure 10**









# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** September 25, 2019

**To:** Board Members

**From:** Jeff Sigurdson, Executive Director

**Telephone:** 651-539-1189

**Re:** Possible legislative proposals for lobbying program

The Board's mission is, in part, to promote public confidence in state government decision-making. This is a shared goal for the campaign finance, economic interest, and lobbying programs. After years of administering the lobbyist registration and disclosure statutes I have concluded that the disclosure information required by statute is both limited to financial information and focused on reporting details that do not help the public understand the relationship between lobbyists and the making of public policy. Indeed, because the current lobbying expenditure information is provided to the Board without context related to the public decisions of concern to the lobbyist, this disclosure may even promote the false narrative that those lobbying disbursements are just a big pot of money thrown at elected officials, which fuels public cynicism of government decision making.

For example, lobbyists file two periodic reports of disbursements. The first covers the period of January 1 through May 31, the second June 1 through December 31. A report is filed for each client represented. The reports disclose disbursements made by lobbyists on behalf of the associations that they represent.<sup>1</sup> The disbursements are provided in nine separate categories, further delineated by whether the expenditure was to influence legislative, administrative, or metropolitan government official actions. The majority of the disbursement categories are provided in statute, and then expanded on in administrative rule. They include the amount spent on postage, telephone and telegraph bills, travel, and administrative overhead. A contract lobbyist who represents more than one client will need to estimate the percentage of each category spent to represent each registered client. I am unsure of the meaningful disclosure gained from knowing the cost of a lobbyist's cell phone plan, much less from a calculation that splits the cost of the plan among multiple clients.

The disbursement reports are also clearly an incomplete view of the money spent to lobby in Minnesota. Lobbyists are not required to disclose their compensation for lobbying on behalf of the client. The compensation paid to lobbyists is included in the annual lobbyist principal report, which is filed in March. The principal report provides a single number for all lobbying disbursements made on the principal's behalf by lobbyists, in other words the total of the disbursements already reported on the lobbyist disbursement reports, and the compensation paid to lobbyists. The difference between the disbursements reported by the lobbyists and the total for lobbying reported by the principals can be stark. For example, in 2018, total lobbying

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<sup>1</sup> The designated lobbyist for a principal or employer also reports the disbursements made directly by the principal or employer.

disbursements reported by lobbyists came to \$9,570,158. In contrast, principals reported that they spent \$78,757,615 to lobby in Minnesota in 2018. In 2018, there were 4,202 lobbyist disbursement reports filed, all of which are available for viewing on the Board's website. However, because the lobbyist disbursement categories are mostly of marginal use or interest, and because the principal reports are clearly a more complete picture of total lobbying expenditures, the media rarely cover the release of the lobbying disbursement reports.

In contrast, the release of the lobbyist principal reports in March is of interest to the media, and by extension, appears to be of interest to the public. That is generally a good thing for public disclosure. However, as noted, principals report only a lump sum number. There is no information on either the lobbyist disbursement reports, or the principal reports, on the bills, ordinances, or administrative actions that were of interest to the principal during the reporting period. Therefore, there is little analysis that can be done with the information in the principal report except to measure total spending over time, and perhaps identify the top ten spenders on lobbying for the year. Deeper analysis, for example, on the specific legislation of interest to the principal, or to a group of principals with shared interests, is not possible. If the only disclosure available is about lobbying money, then it shouldn't be a surprise that the public concludes that lobbying is all about the money.

I have provided my view on the current state on lobbying disclosure in Minnesota to support the changes that I ask the Board to consider. These changes are in four areas; the information provided on lobbying subjects when the lobbyist registers, the information provided on the lobbyist disbursement reports, the information provided on the lobbyist principal reports, and the threshold of personal expenditures that require an individual to register with the Board. The recommendations attempt to provide more meaningful disclosure by leveraging what the lobbyist knows best, namely what the lobbyist was working on for the principal during the reporting period, and by using what the principal knows best, namely the total expenditures made by the principal in Minnesota.

### **Registration**

A lobbyist registers on behalf of each principal or association represented. At the time of registration, the lobbyist is required to provide a general description of the subjects on which the lobbyist expects to lobby. In concept that is fine. In practice the descriptions are either too broad (it got to the point that staff had to put "general legislation is not a subject" on the registration form) or so specific that it is difficult to use the information to categorize the association represented. For example, the lobbyist database currently contains 2,326 distinct lobbying subjects provided at time of registration. In order for the public to understand or research the interests of the 1,449 associations currently represented by lobbyists, the list of subject areas needs some standards. The draft language replaces the current open subject line with a two-step approach. The lobbyist will first select one or more general lobbying categories from a list developed and maintained by the Board. Second, for each general lobbying category the lobbyist will provide one or more specific subjects of interest. The specific subject of interest is an open field, the Board would not provide a list to choose from. Here are some possible examples of what this could look like:

#### **General Category (from Board list)**

- 1.) Education
- 2.) Civil Law
- 3.) Taxes
- 4.) Energy

#### **Specific Subject of Interest (from lobbyist)**

- 1.) Charter Schools
- 2.) Tort Reform
- 3.) Commercial Property Tax
- 4.) Wind power

This approach would allow the Board to index principals and lobbyists by general category, and to some extent by specific subject. This would make it possible to search for all principals interested in a general category, and relate that interest to lobbying expenditures and other principals with similar interests. Development of the list of general categories would be done in consultation with lobbyists so as to avoid obvious omissions. The specific subject of interest for lobbying would be too dynamic for a static list, and would best be described by the lobbyist.

### **Lobbyist Reporting**

A lobbyist reports for every principal or association represented, however, many lobbyists delegate the reporting requirement to another lobbyist. In addition, each principal or association must be represented by a designated lobbyist who reports the lobbying disbursements made directly by the principal or association. As mentioned earlier the disbursements are attributed to one of three lobbying types: legislative, administrative, and metropolitan governmental unit. The use of reporting lobbyists and designated lobbyists is not changed under the recommendations.

With one exception that applies only to the designated lobbyist, the recommendations will end the disclosure of lobbying disbursements by lobbyists. Instead, lobbyists will identify for each type of lobbying the official actions that were lobbied on during the reporting period but only if the effort on the official action represented at least 10% of the lobbying effort on behalf of the principal. Additionally, lobbying on a matter before the Public Utilities Commission, which is currently reported as administrative lobbying, is recognized as a separate type of lobbying. Finally, for administrative lobbying and lobbying of metropolitan governmental units, the lobbyist will also identify the specific state agency or metropolitan governmental unit that is the subject of the lobbying.

Here are some examples to make this clearer. In example 1, the lobbyist only does legislative lobbying, and had only three bills that each met the threshold of 10% of the lobbying effort on behalf of the principal. The report would list the three bills (if there is a companion bill the report will show both numbers) and the reasonable, good faith estimate of the percentage of effort placed on each bill.

#### Example 1:

<b>Legislation</b>	<b>Percentage</b>
SF 2009/HF 1344	40%
SF 1200/HF 1003	35%
HF 200	20%

Note that the total does not equal 100%. There were several other bills that the lobbyist was monitoring or may have even directly lobbied on, but none of those bills must be included on the report because the time spent lobbying on each of them was less than 10% of the total effort for the principal.

In example 2, the lobbyist is active in the legislature and this year is also lobbying a metropolitan governmental unit. Again, the totals do not need to total 100%.

Example 2:

<b>Legislation</b> SF 1222/HF3000	<b>Percentage</b> 40%	
<b>Metropolitan Gov Unit</b> Minneapolis	<b>Official Action</b> City Ordinance 77B	<b>Percentage</b> 30%

The “reasonable, good faith estimate” is a standard used with success for reporting some lobbying information in Wisconsin. The standard relies, as does the current reporting of disbursements, on the integrity of lobbyists to provide accurate reports of lobbying activity on behalf of their clients.

As noted above, the designated lobbyist currently reports expenditures made directly by the principal. Under the recommendations the designated lobbyist will continue to report paid advertising by the principal that urges the public to contact public or local officials to influence official action on an issue if the advertising costs more than \$2,000 during the reporting period. Asking the public to contact a public official on an issue is a type of grassroots lobbying, and under current statute is included in the lobbyist disbursement report. However, there is no itemization of the advertising costs or purpose of the advertisement, as you would find for example in a campaign finance report. I believe there is public interest in advertising campaigns for lobbying, especially when the public is the target of the advertising. The disclosure is triggered by a fairly high threshold of over \$2,000, but the disclosure will include the cost of the advertisement, information on the vendor, a description of the advertising purchased (for example, radio advertisements), and the specific lobbying subject of interest for the advertisement (for example, gas tax).

Attached are both the current lobbyist disbursement report, and a rough draft of a report that reflects the proposed changes. The changes are found in schedules A and F.

**Principal Reporting**

Currently principals report two lobbying expenditure amounts; the amount spent to influence rate setting, power plant and powerline siting, and granting of certificates of need by the Public Utilities Commission, and the amount spent on all other types of lobbying. The amount spent may be rounded to the nearest \$20,000.

The recommendations require total spending to be reported for each of the four types of lobbying; legislative, metropolitan governmental unit, administrative, and Public Utilities Commission. The amount spent may be rounded to the nearest \$10,000, so as to provide greater accuracy on the amount of lobbying disbursements, and to also capture smaller lobbying expenditures that are missed by the \$20,000 threshold.

**Citizen Lobbyist Registration**

The Board was addressed at the June 26, 2019, meeting by Kim Pettman, who is registered as a lobbyist with the Board. Ms. Pettman is registered to represent herself, and advocates on a number of issues. Ms. Pettman asked the Board to consider a two-tiered reporting system for lobbyists that would exclude individuals that are registered to represent themselves.

I considered that approach, but from a policy standpoint I was unable to find a reason why any registered lobbyist should be excluded from reporting subjects of interest and lobbying efforts. Currently an individual may need to register as a lobbyist, even if they are not compensated and

are representing only themselves, if they spend more than \$250 of their own money on lobbying efforts. That is a fairly low expenditure threshold, which is inconsistent with the current requirement that an individual register as a lobbyist if they are paid more than \$3,000 a year for lobbying. The recommendation raises the threshold for registration for individuals who are spending their own money for lobbying to more than \$3,000, so that the same threshold is used to trigger registration.

**Attachments**

Legislative recommendations on lobbying

Current designated lobbyist report and mock up of report with recommended changes

Current principal report and mock up of report with recommended changes



## Current Statute

### 10A.03 Lobbyist Registration

#### Subd 2 (5)

(5) a general description of the subject or subjects on which the lobbyist expects to lobby. If the lobbyist lobbies on behalf of an association, the registration form must include the name and address of the officers and directors of the association.

## Recommended Changes

### 10A.03 Lobbyist Registration

#### Subd 2 (5)

(5) a general lobbying category or categories on which the lobbyist expects to lobby for the principal or employer, and at least one specific subject of interest within each general lobbying category.

(6) If the lobbyist lobbies on behalf of an association a principal, the registration form must include the name and address of the officers and directors of the principal association.

## Lobbyist Disbursement Report 10A.04

Subd. 3. **Information to lobbyist.** An employer or employee about whose activities a lobbyist is required to report must provide the information required by subdivision 4 to the lobbyist no later than five days before the prescribed filing date.

### Subdivision 4 Content

(a) A report under this section must include information the board requires from the registration form and the information required by this subdivision for the reporting period.

(b) A lobbyist must report the lobbyist's total disbursements on lobbying, separately listing lobbying to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions of a metropolitan governmental unit, and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.

(c) A lobbyist must report the amount and nature of each gift, item, or benefit, excluding contributions to a candidate, equal in value to \$5 or more, given or paid to any official, as defined in section 10A.071, subdivision 1, by the lobbyist or an employer or employee of the lobbyist. The list must include the name and address of each official to whom the gift, item, or benefit was given or paid and the date it was given or paid.

## Lobbyist Disbursement Report 10A.04

Subd. 3. **Information to lobbyist.** A principal, An employer, or lobbyist or employee about whose activities are reported to the Board by another a-lobbyist, is required to report must provide the information required by subdivision 4 to the lobbyist no later than five days before the prescribed filing date.

### Subdivision 4 Content

(a) A report under this section must include information the board requires from the registration form and the information required by this subdivision for the reporting period.

~~(b) A lobbyist must report the lobbyist's total disbursements on lobbying, separately listing lobbying disbursements to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions of a metropolitan governmental units and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.~~

(b) A lobbyist must report each state agency that had administrative action that the principal or employer sought to influence during the reporting period.

(c) A lobbyist must report each metropolitan governmental unit that had official actions that the principal or employer sought to influence during the reporting period.



(d) A lobbyist must report each original source of money in excess of \$500 in any year used for the purpose of lobbying to influence legislative action, administrative action, or the official action of a metropolitan governmental unit. The list must include the name, address, and employer, or, if self-employed, the occupation and principal place of business, of each payer of money in excess of \$500.

(e) On the report due June 15, the lobbyist must provide a general description of the subjects lobbied in the previous 12 months.

(d) A lobbyist must report each legislative bill number, administrative rule revisor number, Public Utilities Commission docket number, or metropolitan government action, that accounted for 10% or more of the lobbying effort on behalf of the principal or employer during the reporting period. The lobbyist must report a reasonable, good faith estimate of the percentage of lobbying time spent on the official actions listed in this paragraph.

(e) A lobbyist must report the amount and nature of each gift, item, or benefit, excluding contributions to a candidate, equal in value to \$5 or more, given or paid to any official, as defined in section 10A.071, subdivision 1, by the lobbyist or an employer or employee of the lobbyist. The list must include the name and address of each official to whom the gift, item, or benefit was given or paid and the date it was given or paid.

(d) A lobbyist must report each original source of money in excess of \$500 in any year used for the purpose of lobbying to influence legislative action, administrative action, or the official action of a metropolitan governmental unit. The list must include the name, address, and employer, or, if self-employed, the occupation and principal place of business, of each payer of money in excess of \$500.

(g) The designated lobbyist must report disbursements made and obligations incurred that exceed \$2,000 for paid advertising used for the purpose of urging members of the public to contact public or local officials to influence official actions during the reporting period. Paid advertising includes the cost to boost the distribution of an advertisement on social media. If a disbursement made or obligation incurred for paid advertising exceeds \$2,000 the report must provide the date that the advertising was purchased, the name and address of the vendor, a

description of the advertising purchased, and any specific subject of interest included in the advertisement.

(e\_h) On the report due June 15, the lobbyist must update or confirm the general lobbying categories and specific subjects of interest a for the principal or employer general description of the subjects that were lobbied on in the previous 12 months.

Subd. 6. **Principal reports.** (a) A principal must report to the board as required in this subdivision by March 15 for the preceding calendar year.

(b) Except as provided in paragraph (d), the principal must report the total amount, rounded to the nearest \$20,000, spent by the principal during the preceding calendar year to influence legislative action, administrative action, and the official action of metropolitan governmental units.

(c) Except as provided in paragraph (d), the principal must report under this subdivision a total amount that includes:

(1) all direct payments by the principal to lobbyists in this state;

(2) all expenditures for advertising, mailing, research, analysis, compilation and dissemination of information, and public relations campaigns related to legislative action, administrative action, or the official action of metropolitan governmental units in this state; and

(3) all salaries and administrative expenses attributable to activities of the principal relating to efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units in this state.

(d) A principal that must report spending to influence administrative action in cases of rate setting, power plant and powerline siting, and granting of certificates of need under section 216B.243 must report those amounts as provided in this subdivision, except that they must be reported separately and not included in the totals required under paragraphs (b) and (c).

Subd. 6. **Principal reports.** (a) A principal must report to the board as required in this subdivision by March 15 for the preceding calendar year.

(b) The principal must report the total amount, rounded to the nearest \$10,000, spent by the principal during the preceding calendar year on each type of lobbying listed below:

(1) to influence legislative action.

(2) to influence administrative action other than the actions listed in clause (3).

(3) to influence administrative action in cases of rate setting, power plant and powerline siting, and granting of certificates of need under section 216B.243, and

(4) to influence official action of metropolitan governmental units.

~~-(c) Except as provided in paragraph (d),~~ , For each type of lobbying listed in paragraph (b), the total amount reported for that type of lobbying must include the following:

(1) the portion of all direct payments for compensation and benefits paid by the principal to lobbyists in this state;

(2) the portion of all expenditures made or obligations incurred by the principal and all lobbyists for the principal in this state for advertising, mailing, research, consulting, surveys, expert testimony, studies, reports, analysis, compilation and dissemination of information, social media and public relations campaigns, and legal counsel related to used to support lobbying, ~~legislative action, administrative action, or the official action of metropolitan governmental units~~ in this state;

(3) a reasonable good faith estimate of the portion of all salaries and administrative

overhead expenses attributable to activities of the principal ~~relating to~~ in support of each type of lobbying efforts to influence ~~legislative action, administrative action, or the official action of metropolitan governmental units~~ in this state; and

(4) the portion of all lobbying disbursements not listed in clause (2) that were made or incurred on behalf of the principal by all lobbyists for the principal in this state.

## 10A.01 Definitions

**10A.01 Subd. 21. Lobbyist.** (a) "Lobbyist" means an individual:

(1) engaged for pay or other consideration of more than \$3,000 from all sources in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; or

(2) who spends more than \$250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.

(2) who spends more than ~~\$250~~, \$3,000 of their personal funds, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit by communicating or urging others to communicate with public or local officials.

**General lobbying category** "General lobbying category" means a broad area of interest for lobbying. The list of general lobbying categories must be specified by the board and updated periodically based on public comment. Chapter 14 does not apply to this subdivision. The board must publish on its website the list of general lobbying categories for use in lobbyist registration.

**Specific subject of interest** "Specific subject of interest" means a topic of lobbying interest for the principal or employer within a general lobbying category. The specific subject of interest must be sufficient to allow a member of the public to identify the expected and actual lobbying efforts of the principal or employer. The specific subject of interest for the principal or employer is identified by the

lobbyist representing the principal or employer.

**Designated lobbyist.** "Designated lobbyist" means the lobbyist responsible for reporting the lobbying disbursements and activity of the principal or employer. An employer or principal may have only one designated lobbyist at any given time.

**Repeal 4511.0600 subpart 5.**

# Minnesota Campaign Finance Board

Suite 190 . Centennial Office Building . 658 Cedar Street . St Paul MN 55155-1603 . Website: <https://cfb.mn.gov/> . Email: [cf.board@state.mn.us](mailto:cf.board@state.mn.us)



## Lobbyist Disbursement Report *For Designated Reporting Lobbyists*

### Filing Instructions

- This report must be completed and filed with the Board even if no disbursements were made during the reporting period.
- This report may be emailed to [cf.board@state.mn.us](mailto:cf.board@state.mn.us) or faxed to 651-539-1196; 800-357-4114
- All information on this form or report is public information and may be published on the Board's website at <https://cfb.mn.gov/>
- Board staff may also be reached by phone at 651-539-1187; 800-657-3889 or by email at: [cf.board@state.mn.us](mailto:cf.board@state.mn.us)

### Lobbyist information

Lobbyist Name	Registration number
Address	
City, State, Zip	
Telephone (daytime)	
Name of association, individual, political subdivision, or public higher education system represented	Registration number

### Reporting Period

#### Due Date

January 15, 2020

#### Period Covered

June 1 through December 31, 2019

Date of termination: \_\_\_\_\_

(If you check this box, you must complete the [Lobbyist Termination Statement](#).)

### Certification

I, \_\_\_\_\_, **certify that this report is complete, true, and correct.**  
(print or type name)

\_\_\_\_\_  
Signature of lobbyist

\_\_\_\_\_  
Date

Any person who signs and certifies to be true a report or statement which the person knows contains false information, or who knowingly omits required information, is subject to a civil penalty imposed by the Board of up to \$3,000 and is subject to criminal prosecution for a gross misdemeanor.

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180; 800-657-3889; or through the Minnesota Relay Service at 800-627-3529.

## General Definitions

**Lobbyist** – An individual who:

- is engaged for pay or other consideration and receives more than \$3,000 from all sources in any year, for the purpose of attempting to influence legislative or administrative action or the official action of a metropolitan governmental unit by communicating or urging others to communicate with public officials or local officials in a metropolitan governmental unit; or
- is appointed as a local official or an employee in a political subdivision acting in an official capacity and who spends more than 50 hours in any month attempting to influence legislative or administrative action or the official action of a metropolitan governmental unit (other than the political subdivision employing the official or employee) by communicating or urging others to communicate with public officials or local officials in metropolitan governmental units. Included in the 50 hour time threshold: time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, related research, analysis, and compilation and dissemination of information relating to legislative or administrative policy in Minnesota, or to the policies of metropolitan governmental units; or
- spends more than \$250 of the individual's own funds in any year, not including travel expenses and membership dues, for the purpose of attempting to influence legislative or administrative action or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public officials or local officials in metropolitan governmental units.

**Designated lobbyist** - The lobbyist assigned by the entity to be responsible for reporting lobbying disbursements made by the entity during the period covered on the lobbyist disbursement report. *An entity that employs lobbyists must have one and only one designated lobbyist at any given time.*

**Reporting (authorized) lobbyist** - The lobbyist authorized to report lobbying disbursements for other lobbyists representing the same entity.

If you have questions or need further clarification, please call the Campaign Finance & Public Disclosure Board office at 651-539-1187 or 800-657-3889; or for TTY/TDD communication contact us through the Minnesota Relay Service at 800-627-3529.



**Check appropriate box(es) below**

1.  We have been paid, *or*  
 Our employer has been paid  
  
more than \$500 in this calendar year in salary or fees as compensation for lobbying purposes on behalf of this individual, association, political subdivision, or public higher education system.
2.  No lobbying disbursements were made by me, my entity, and/or the lobbyists I am reporting for during this reporting period. (If disbursements were made, itemize them on Schedule A).
3.  The individual, association, political subdivision, or public higher education system that we represent paid for a gift or benefit equal in value to \$5 or more to an official. (Itemize on Schedule B).
4.  The individual, association, political subdivision, or public higher education system we represent received more than \$500 from *another* entity in this calendar year to influence legislative action, administrative action, or the official action a metropolitan governmental unit. (Itemize on Schedule C).
5.  I am authorized to report disbursements made by other lobbyists for the same individual, association, political subdivision, or public higher education system. (Itemize name(s) of lobbyist(s) you are reporting for on Schedule E).
6.  I, or someone I am reporting for, provided gifts or benefits from personal funds. (The lobbyist who provided a gift or benefit from personal funds must download a [Report of Lobbyist's Disbursements from Personal Funds](#) from the Board's website <https://cfb.mn.gov/> The report must be filed at the same time as this report).
7.  I am amending the Lobbyist Disbursement Report filed on \_\_\_\_\_.  
Date report filed
8.  The lobbyist(s) that I am authorized to report for failed to provide me with their lobbying disbursements for inclusion in this report. (Attach a sheet with name(s) and registration number(s) of any non-reporting lobbyist(s)).

## Definitions for Schedule A

1. **Preparation and distribution of lobbying materials** - Includes the cost of research and writing, preparation, publication, and distribution of reports, newsletters or other publications for lobbying and pro-rata associated office expenses and compensation.
2. **Media advertising** - Includes the cost of media space or time used for lobbying activities. The cost of preparation of materials for use in the media is reported in #1 Preparation and distribution of lobbying materials.
3. **Telephone and communications** - Includes costs for local and long-distance telephone services, electronic mail, pagers, cellular telephones, facsimile distribution services, telegraph, and other communications services.
4. **Postage and distribution** - Includes costs of postage from the United States Postal Service as well as other distribution costs associated with lobbying activities.
5. **Fees and allowances** - Includes fees for consulting, surveys, polls, legal counsel or other services, as well as expenses associated with those services. (Does not include compensation paid to Lobbyist)
6. **Entertainment** - Includes costs of all entertainment associated with any situation where lobbying activities take place.
7. **Food and beverages** - Includes costs of all food and beverages associated with any situation where lobbying activities take place.
8. **Travel and lodging** - Includes costs of all travel and lodging associated with any lobbying activity, excluding the costs of the lobbyist's own travel to accomplish the lobbying activity.
9. **Support Staff administrative costs and salary**— Associated administrative costs and salary of an individual who provides support to a lobbyist and whose support is attributable to lobbying.
10. **All other lobbying disbursements** - Includes general administration and overhead and any other lobbyist disbursements not reported in other categories.

## Schedule A - Total lobbying disbursements

You are the designated lobbyist and must include with your disbursements, all expenditures or disbursements made by the association or individual you represent.

As a reporting lobbyist, you must include, by category, the total expenditures or disbursements made during this reporting period by all lobbyists and employee(s) of the lobbyist(s) you are authorized to report for.

**See definitions of disbursements on prior page if you have questions**

	To Influence Legislative Action	To Influence Administrative Action including rulemaking or amending of rules	To Influence Metropolitan Governmental Unit Action
1. Preparation and distribution of lobbying materials	\$	\$	\$
2. Media advertising	\$	\$	\$
3. Telephone and communications	\$	\$	\$
4. Postage and distribution	\$	\$	\$
5. Fees and allowances	\$	\$	\$
6. Entertainment	\$	\$	\$
7. Food and beverages	\$	\$	\$
8. Travel and lodging	\$	\$	\$
9. Support Staff administrative costs and salary	\$	\$	\$
10. All other lobbying disbursements	\$	\$	\$
Totals	\$	\$	\$

## Definitions for Schedule B

### Officials

- **Local Official** - A person who holds elective office in a political subdivision or who is appointed to or employed in a public position in a metropolitan governmental unit in which the person has authority to make, to recommend, or to vote on major decisions regarding the expenditure or investment of public money.
- **Public Official** - A legislator, constitutional officer, commissioner, assistant or deputy commissioner, member and chief administrative officer of a state board or commission, other state agency head, or member of a metropolitan agency.
- **Legislative employees.**

**Gifts or Benefits** - Includes money; real or personal property; a service; a loan; a forbearance or forgiveness of indebtedness; promise of future employment; meals and entertainment; loans of personal property for less than payment of fair market value; giving preferential treatment for purchases; honoraria; and payments of loans or other obligations.

**Loans** - Does not include loans from financial institutions made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons.

**Honoraria** - Includes anything of value given or received for services such as making speeches, writing articles, or making presentations when there is no obligation on the part of the giver to make payment.

### REASON WHY GIFT WAS GIVEN:

1. Services to assist an official in the performance of official duties, including providing advice, consultation, information, and communication in connection with legislation, and services to the official's constituents.
2. Services of insignificant monetary value.
3. A plaque or certificate.
4. Trinket or memento.
5. Informational material of unexceptional value.
6. Food or beverage at a reception, or meal provided when the official makes a speech or answers questions as part of a program.
7. Reception, meal or meeting if all members of legislature are invited at least 5 days prior to event.
8. Gift given because of the official's membership in a group, a majority of whose members are not officials, provided an equivalent gift is given to the other members of the group.
9. Gift given by a lobbyist or lobbyist principal who is a member of the official's family, unless the gift is given on behalf of someone who is not a member of the official's family.
10. Prohibited gift.



## Schedule C

You must disclose the name and address of the source of the funds, *from other than the entity for which the lobbyist is registered*, that paid more than \$500 in this calendar year to the individual, association, political subdivision, or public higher education system you represent to be used for lobbying purposes. If the source is an individual list the employer, or if self-employed, the occupation, and principal place of business.

**Original Source of Funds** - Any source of funds, from other than the entity for which the lobbyist is registered, paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist, or the lobbyist's principal, for lobbying purposes.

**Legislative Action (Leg)** - Any action by either house of the legislature, committee, or subcommittee with regard to any bill, resolution, amendment, nomination, appointment, or report. Includes gubernatorial approval or veto of any bill.

**Administrative Action (Admin)** - An action by any public official, board, commission or agency of the executive branch to adopt, amend, or repeal a rule under Minn. Stat., ch. 14, as well as application of adopted rules in cases of rate setting, power plant and powerline siting, and granting of certificates of need under Minn. Stat., chap. 216B.243. An administrative action pursuant to Minn. Stat., ch. 14, begins on publication of the notice required under Minn. Stat., section 14.101, subdivision 1, or at an earlier time when the official, board, commission or agency undertaking the rulemaking takes the first formal action required by law to begin the rulemaking process. An administrative action for a purpose other than rulemaking begins when the commission or agency undertaking the action takes the first formal action required by statute to begin the action or as otherwise defined by statute.

**Metropolitan Governmental Unit (MGU)** - Any of the seven counties in the metropolitan area as defined in section 473.121, subd. 2; a regional railroad authority established by one or more of those counties under section 398.A.03; a city with a population of over 50,000 located in the seven-county metropolitan area; the metropolitan council, or a metropolitan agency as defined in section 473.121, subd. 5a.

## Schedule D

With each report of lobbyist disbursement, each designated lobbyist must report the name and address of:

- each person, if and by whom the lobbyist is retained or employed or, on whose behalf the lobbyist appears; or
- each officer and director of the association, if the lobbyist represents an association.







Minnesota  
**Campaign Finance and  
Public Disclosure Board**

Suite 190 . Centennial Office Building . 658 Cedar Street . St Paul MN 55155-1603 . Website: [cfb.mn.gov](http://cfb.mn.gov) . Email: [cf.board@state.mn.us](mailto:cf.board@state.mn.us)

## Lobbyist Disbursement Report For Designated Reporting Lobbyists

### Filing Instructions

- This report must be completed and filed with the Board even if no disbursements were made during the reporting period.
- This report may be emailed to [cf.board@state.mn.us](mailto:cf.board@state.mn.us) or faxed to 651-539-1196; 800-357-4114
- All information on this form or report is public information and may be published on the Board's website at [cfb.mn.gov](http://cfb.mn.gov)
- Board staff may also be reached by phone at 651-539-1187; 800-657-3889 or by email at: [cf.board@state.mn.us](mailto:cf.board@state.mn.us)

### Lobbyist information

Lobbyist Name	Registration number
Address	
City, State, Zip	
Telephone (daytime)	
Name of association, individual, political subdivision, or public higher education system represented	Registration number

### Reporting Period

**Due Date**

June 15, 2021

**Period Covered**

January 1 through May 31, 2021

Date of termination: \_\_\_\_\_ (If you check this box, you must complete the [Lobbyist Termination Statement](#).)

### Certification

I, \_\_\_\_\_, **certify that this report is complete, true, and correct.**  
(print or type name)

\_\_\_\_\_  
Signature of lobbyist

\_\_\_\_\_  
Date

Any person who signs and certifies to be true a report or statement which the person knows contains false information, or who knowingly omits required information, is subject to a civil penalty imposed by the Board of up to \$3,000 and is subject to criminal prosecution for a gross misdemeanor.

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180; 800-657-3889; or through the Minnesota Relay Service at 800-627-3529.

## General Definitions

**Lobbyist** – An individual who:

- is engaged for pay or other consideration and receives more than \$3,000 from all sources in any year, for the purpose of attempting to influence legislative or administrative action or the official action of a metropolitan governmental unit by communicating or urging others to communicate with public officials or local officials in a metropolitan governmental unit; or
- is appointed as a local official or an employee in a political subdivision acting in an official capacity and who spends more than 50 hours in any month attempting to influence legislative or administrative action or the official action of a metropolitan governmental unit (other than the political subdivision employing the official or employee) by communicating or urging others to communicate with public officials or local officials in metropolitan governmental units. Included in the 50 hour time threshold: time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, related research, analysis, and compilation and dissemination of information relating to legislative or administrative policy in Minnesota, or to the policies of metropolitan governmental units; or
- spends more than \$3,000 of the individual's own funds in any year, not including travel expenses and membership dues, for the purpose of attempting to influence legislative or administrative action or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public officials or local officials in metropolitan governmental units.

**Designated lobbyist** - The lobbyist assigned by the entity to be responsible for reporting lobbying disbursements made by the entity during the period covered on the lobbyist disbursement report. *An entity that employs lobbyists must have one and only one designated lobbyist at any given time.*

**Reporting (authorized) lobbyist** - The lobbyist authorized to report lobbying disbursements for other lobbyists representing the same entity.

If you have questions or need further clarification, please call the Campaign Finance & Public Disclosure Board office at 651-539-1187 or 800-657-3889; or for TTY/TDD communication contact us through the Minnesota Relay Service at 800-627-3529.

**Check appropriate box(es) below**

1.  We have been paid, *or*  
 Our employer has been paid  
  
more than \$500 in this calendar year in salary or fees as compensation for lobbying purposes on behalf of this individual, association, political subdivision, or public higher education system.
2.  No lobbying efforts were made by me, my entity, and/or the lobbyists I am reporting for during this reporting period. (If lobbying efforts were made, itemize them on Schedule A).
3.  The individual, association, political subdivision, or public higher education system that we represent paid for a gift or benefit equal in value to \$5 or more to an official. (Itemize on Schedule B).
4.  The individual, association, political subdivision, or public higher education system we represent received more than \$500 from *another* entity in this calendar year to influence legislative action, administrative action, or the official action a metropolitan governmental unit. (Itemize on Schedule C).
5.  I am authorized to report lobbying efforts made by other lobbyists for the same individual, association, political subdivision, or public higher education system. (Itemize name(s) of lobbyist(s) you are reporting for on Schedule E).
6.  The principal, association, or employer I represent has spent over \$2,000 on one or more paid advertisements that ask the public to contact public or local officials on an issue. (If advertisements were made itemize on Schedule F)
7.  I am amending the Lobbyist Disbursement Report filed on \_\_\_\_\_.  
Date report filed
8.  The lobbyist(s) that I am authorized to report for failed to provide me with their lobbying disbursements for inclusion in this report. (Attach a sheet with name(s) and registration number(s) of any non-reporting lobbyist(s).

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## Schedule A – Lobbying During Reporting Period

As a reporting lobbyist, you must include, by lobbying type, the total lobbying effort during this reporting period by all lobbyists you are authorized to report for.

**See definitions of disbursements on prior page if you have questions**

Please list companion bills together in one box

<b>Legislative Action</b>			
Bill Number	% of lobbying	Bill Number	% of lobbying
<b>Administrative Action</b>			
State Agency	Rule #	% of lobbying effort	
<b>Public Utility Commission</b>			
Docket #	% of lobbying effort	Docket #	% of lobbying
<b>Metropolitan Governmental Unit</b>			
Governmental Unit	Official Action	% of lobbying	

## Definitions for Schedule B

### Officials

- **Local Official** - A person who holds elective office in a political subdivision or who is appointed to or employed in a public position in a metropolitan governmental unit in which the person has authority to make, to recommend, or to vote on major decisions regarding the expenditure or investment of public money.
- **Public Official** - A legislator, constitutional officer, commissioner, assistant or deputy commissioner, member and chief administrative officer of a state board or commission, other state agency head, or member of a metropolitan agency.
- **Legislative employees.**

**Gifts or Benefits** - Includes money; real or personal property; a service; a loan; a forbearance or forgiveness of indebtedness; promise of future employment; meals and entertainment; loans of personal property for less than payment of fair market value; giving preferential treatment for purchases; honoraria; and payments of loans or other obligations.

**Loans** - Does not include loans from financial institutions made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons.

**Honoraria** - Includes anything of value given or received for services such as making speeches, writing articles, or making presentations when there is no obligation on the part of the giver to make payment.

### REASON WHY GIFT WAS GIVEN:

1. Services to assist an official in the performance of official duties, including providing advice, consultation, information, and communication in connection with legislation, and services to the official's constituents.
2. Services of insignificant monetary value.
3. A plaque or certificate.
4. Trinket or memento.
5. Informational material of unexceptional value.
6. Food or beverage at a reception, or meal provided when the official makes a speech or answers questions as part of a program.
7. Reception, meal or meeting if all members of legislature are invited at least 5 days prior to event.
8. Gift given because of the official's membership in a group, a majority of whose members are not officials, provided an equivalent gift is given to the other members of the group.
9. Gift given by a lobbyist or lobbyist principal who is a member of the official's family, unless the gift is given on behalf of someone who is not a member of the official's family.

10. Prohibited gift.

DRAFT





## Schedule C

You must disclose the name and address of the source of the funds, *from other than the entity for which the lobbyist is registered*, that paid more than \$500 in this calendar year to the individual, association, political subdivision, or public higher education system you represent to be used for lobbying purposes. If the source is an individual list the employer, or if self-employed, the occupation, and principal place of business.

**Original Source of Funds** - Any source of funds, from other than the entity for which the lobbyist is registered, paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist, or the lobbyist's principal, for lobbying purposes.

**Legislative Action (Leg)** - Any action by either house of the legislature, committee, or subcommittee with regard to any bill, resolution, amendment, nomination, appointment, or report. Includes gubernatorial approval or veto of any bill.

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**Metropolitan Governmental Unit (MGU)** - Any of the seven counties in the metropolitan area as defined in section 473.121, subd. 2; a regional railroad authority established by one or more of those counties under section 398.A.03; a city with a population of over 50,000 located in the seven-county metropolitan area; the metropolitan council, or a metropolitan agency as defined in section 473.121, subd. 5a.

## Schedule D

With each report of lobbyist disbursement, each designated lobbyist must report the name and address of:

- each person, if and by whom the lobbyist is retained or employed or, on whose behalf the lobbyist appears; or
- each officer and director of the association, if the lobbyist represents an association.









## Annual Report of Lobbyist Principal

Period covered: January 1 through December 31, 2019

### Lobbyist Principal Information

Name of Principal		Registration number
Name and Title of Individual Authorized to File This Principal Report		Email Address:
Address of Principal		
City, State, Zip		Telephone (daytime)
Website of Principal (If none, write No Website)		

**The report is due on March 16, 2020**

### Minnesota Expenditures

Instructions are on the back of this form.

- 1.) Amount Spent to influence administrative action by the Minnesota Public Utilities Commission in cases of rate setting, power plant and power line siting, and granting of certificates of need:

\$ \_\_\_\_\_

- 2.) Amount Spent for all other lobbying expenditures in Minnesota not included in line 1:

\$ \_\_\_\_\_

### Certification

This report is an amendment to the principal report filed for calendar year \_\_\_\_\_

I, \_\_\_\_\_, certify that this report is complete, true, and correct.  
(print or type name)

\_\_\_\_\_  
Signature of individual representing principal

\_\_\_\_\_  
Date

**A person who signs and certifies to be true a report or statement which the person knows contains false information, or who knowingly omits required information, is subject to a civil penalty imposed by the Board of up to \$3,000 and is subject to criminal prosecution for a gross misdemeanor.**

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180; 800-657-3889; or through the Minnesota Relay Service at 800-627-3529.

# Annual Report of Lobbyist Principal

Period covered: January 1 through December 31, 2020

## Lobbyist Principal Information

Name of Principal	Registration number
Name and Title of Individual Authorized to File This Principal Report	Email Address:
Address of Principal	
City, State, Zip	Telephone (daytime)
Website of Principal (If none, write No Website)	

**The report is due on March 15, 2021**

## Minnesota Expenditures

Instructions are on the back of this form.

- 1.) Amount spent to influence administrative action by the **Minnesota Public Utilities Commission** in cases of rate setting, power plant and power line siting, and granting of certificates of need:

\$ \_\_\_\_\_

- 2.) Amount spent to influence official actions of **metropolitan governmental units** in Minnesota

\$ \_\_\_\_\_

- 3.) Amount spent to influence **legislative action** in Minnesota.

\$ \_\_\_\_\_

- 4.) Amount spent to influence the **administrative action** of state agencies, boards, and commissions not including the amount reported for Minnesota Public Utilities Commission actions in line 1.

\$ \_\_\_\_\_

## Certification

This report is an amendment to the principal report filed for calendar year \_\_\_\_\_

I, \_\_\_\_\_, certify that this report is complete, true, and correct.  
(print or type name)

\_\_\_\_\_  
Signature of individual representing principal

\_\_\_\_\_  
Date

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This document is available in alternative formats to individuals with disabilities by calling 651-539-1180; 800-657-3889; or through the Minnesota Relay Service at 800-627-3529.

## Instructions

If you have a question after reviewing the following instructions please contact Board staff at 651-539-1187; 800-657-3889 or by email at [cf.board@state.mn.us](mailto:cf.board@state.mn.us)

## Return of Form

- This form may be emailed to [cf.board@state.mn.us](mailto:cf.board@state.mn.us) or faxed to 651-539-1196; or 800-357-4114
- All information on this form is public information and may be published on the Board's website at [cfb.mn.gov](http://cfb.mn.gov)
- Do not use pencil or red ink.

## Electronic Filing Option

- This report may be filed or amended online at [cfb.mn.gov/reports/#/principal\\_reporting/](http://cfb.mn.gov/reports/#/principal_reporting/)
- A user name and password to use the online reporting application is sent to the individual authorized to report for a principal in February of every year. If you did not receive or have misplaced this information please contact Board staff at 651-539-1187 to have a username and password resent to you.

## Reporting Total Amount Spent

- You may round the amounts spent and obligations incurred by the principal on any of the reporting categories to the nearest \$10,000. Alternatively, the principal may choose to report the actual amounts spent and obligations incurred without rounding.
- Line 1 contains the cost of attempting to influence the actions of the Minnesota Public Utilities Commission on the items listed. All other administrative lobbying of state agencies is included in the amount reported on line 4.
- All compensation paid to lobbyists in Minnesota should be prorated as appropriate and included in the amounts reported in lines 1 through 4.
- When calculating the expenditures to be reported in lines 1 through 4 remember to include all expenditures for advertising, mailing, research, analysis, compilation and dissemination of information, and public relations campaigns; all salaries and administrative expenses for paid lobbyists and support staff; and all payments to contract lobbyists.

## Certification

- Check the amendment box only if you are amending a prior report of the principal. Be sure to indicate the calendar year for which the amendment is being filed.
- Be sure that the report is signed by the individual authorized to file the report.

## Instructions

If you have a question after reviewing the following instructions please contact Board staff at 651-539-1187; 800-657-3889 or by email at: [cf.board@state.mn.us](mailto:cf.board@state.mn.us)

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- This form may be emailed to [cf.board@state.mn.us](mailto:cf.board@state.mn.us) or faxed to 651-539-1196; or 800-357-4114
- All information on this form or report is public information and may be published on the Board's website at <https://cfb.mn.gov>
- Do not use pencil or red ink.

## Electronic Filing Option

- This report may be filed or amended online at <https://principal.cfb.mn.gov/reporting/>
- A user name and password to use the online reporting application is sent to the individual authorized to report for a principal in February of every year. If you did not receive or have misplaced this information please contact Board staff at 651-539-1187 to have a username and password resent to you.

## Reporting Total Amount Spent

- You may round the amount spent by the principal on either administrative action by the Public Utilities Commission (line 1) or on all other lobbying efforts in Minnesota (line 2) to the nearest \$20,000. If it prefers, a principal may choose to report the actual amount spent on lobbying without rounding.
- Line 1 contains the cost of attempting to influence the actions of the Minnesota Public Utilities Commission on the items listed. All other administrative lobbying of state agencies is included in the amount reported on line 2.
- Line 2 contains the cost of legislative lobbying, lobbying of local officials of metropolitan governmental units, and administrative lobbying not contained in line 1.
- All compensation paid to lobbyists in Minnesota should be separated as appropriate and included in the amounts reported in lines 1 and 2.
- When calculating the expenditure to be reported in lines 1 and 2 remember to include: all expenditures for advertising, mailing, research, analysis, compilation and dissemination of information, and public relations campaigns; all salaries and administrative expenses for paid lobbyists and support staff; and all payments to contract lobbyists.

## Certification

- Check the amendment box only if you are amending a prior report of the principal. Be sure to indicate the calendar year for which the amendment is being filed.
- Be sure that the report is signed by the individual authorized to file the report.





# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** September 25, 2019

**To:** Board Members

**From:** Jeff Sigurdson, Executive Director

**Telephone:** 651-539-1189

**Re: Review of 2019 Legislative Recommendations**

The Board reviewed the 2019 legislative recommendations at the September meeting, and requested that staff solicit public input on the recommendations. Staff sent emails requesting comments to everyone on the Board's meeting notice, rulemaking, campaign finance, lobbying and general information Lists, and posted the request on the Board's website homepage. Staff received comments from both individuals and organizations. Those comments are attached for your review.

Also attached to this memo are the 2019 legislative recommendations with accompanying draft statutory language changes. This is the same information provided to members at the September meeting. The recommendations are grouped by program area, and technical changes are listed separately from policy recommendations.

I would recommend that the Board use this meeting and the November meeting to identify which, if any, of the proposals should be brought forward again at the 2020 legislative session. That would still leave most of November and December to arrange meetings with legislators to discuss the proposals and hopefully identify legislators from both parties who would be willing to author a bill carrying the proposals.

#### Attachments

Public comments on recommendations  
2019 legislative recommendations





Minnesota Campaign Finance Board  
190 Centennial Building  
658 Cedar Street  
St. Paul, MN 55155-1603

Tuesday, September 24, 2019

Members of the Minnesota Campaign Finance Board,

On behalf of Americans for Prosperity activists across Minnesota, I am writing today in opposition to portions of the proposed and reconsidered legislative recommendations from the Campaign Finance Board. Specifically, we have concerns with the second bullet point on page four, which would redefine “independent expenditure” from the bright line test that is in place today to a more uncertain standard sure to be subject to wide interpretation.

Americans for Prosperity stands firmly in support of the right of all Americans to participate in civic engagement and these provisions would only serve to limit discourse and undermine free speech.

Under current Minnesota law, advocacy groups are governed by an objective, bright-line test (i.e. use of words such as “vote for” or “elect”) in determining what will be subject to reporting requirements. This bill, however, abandons this language for a subjective, overbroad standard that will lead to increased uncertainty. Instead of accepting the risk of a drawn-out legal fight, many organizations will simply choose to stay on the sidelines.

I have attached to this e-mail a letter that we shared with all members of the Legislature as this topic was being debated last session. This letter addresses many other issues that were included in the underlying legislation that are NOT under consideration here today. I am sharing it in order to provide a broader context for our opposition to any attack on Americans’ free speech rights and highlight our fear that these definition changes are only a first step down a very dangerous road toward chilling civil discourse and debate.

It is our hope that the above referenced provisions related to changes to the definition of “independent expenditure” be removed from these legislative recommendations. Thank you for the opportunity to express our concerns, and please don’t hesitate to reach out if you have questions or if we can be of assistance.

Sincerely,

Jason Flohrs  
State Director  
Americans for Prosperity - Minnesota





Tuesday, April 30, 2019

**Key Vote Alert: Vote “No” on SF2227 – Omnibus State Government Finance Bill**

Dear Members of the Minnesota House,

On behalf of Americans for Prosperity activists across Minnesota, I am writing today to urge a “No” vote on final passage of SF2227, the Omnibus State Government Finance Bill, which includes provisions that originated in HF2050 that would limit Minnesotans’ free speech rights. Americans for Prosperity stands firmly in support of the right of all Americans to participate in civic engagement and these provisions would only serve to limit discourse and undermine free speech.

**As a “Key Vote”, Americans for Prosperity – Minnesota may include this vote in our end-of-session Legislative Scorecard that will be shared with your constituents.**

The ability to think, speak, and engage allows all individuals to challenge social, scientific, and political issues that affect their lives and their communities. Free to choose to privately come together, people can join causes they believe in without fear of intervention or retaliation by those in government. This protects all voices, especially the marginalized.

The sections of the bill from HF2050 would chill protected speech by mandating the disclosure of donors who give to organizations to support their general missions. Donors will be deterred from donating to good causes for fear their names may end up on a government registry because those organizations took positions on legislation or issues—positions with which those donors may even disagree. It would create new and burdensome reporting requirements for organizations, regulate a stunningly broad amount of speech, and enable harassment of citizens based on their beliefs.

In addition to our broad opposition to the idea that Americans need to register with the government any time they take advantage of their First Amendment rights, there are numerous specific issues with the proposed language:

- On changing the definition of “express advocating”: Under current Minnesota law, advocacy groups are governed by an objective, bright-line test (i.e. use of words such as “vote for” or “elect”) in determining what will be subject to reporting requirements. This bill, however, abandons this language for a subjective, overbroad standard that will lead to increased uncertainty. Instead of accepting the risk of a drawn-out legal fight, many organizations will simply choose to stay on the sidelines.
- On requiring binary characterization of officeholders in electioneering communications: This provision forces speakers to adopt an intent for their communication that they may not have, making any communication in which the focus is clearly on an issue or piece of legislation, but may mention an officeholder, inherently political. In effect, an organization simply engaging on a piece of legislation will be forced to declare support or opposition to a certain lawmaker or candidate. For example, an organization dedicated to increasing literacy that runs a tv ad asking parents to contact their representative and ask her to vote “yes” on a school funding bill would be forced to take a position on that representative by declaring their communication “positive” or “negative” towards her—even when their speech was clearly focused on the issue of funding. Speakers have the right to determine the intent of their own speech without government putting words in their mouth or requiring burdensome paperwork or registration.

Through broad-based grassroots outreach, *Americans for Prosperity (AFP)* is driving long-term solutions to the country’s biggest problems. AFP activists engage friends and neighbors on key issues and encourage them to take an active role in building a culture of mutual benefit, where people succeed by helping one another. AFP recruits and unites activists in 35 states behind a common goal of advancing policies that will help people improve their lives.

- On electioneering communication “targeting”: This provision regulates all mediums of communication, inevitably sweeping in communications that are never intended for election activity. This broad definition would subject a book publisher or blogger to report their activity to the state if their book or post merely mentioned a candidate or officeholder—such as a book or post on how a bill becomes law that mentions the current Governor – and happened to be distributed close to an election and could reach a relatively small number of people in the state.

**The bottom line: transparency is good for government accountability and oversight, but individuals have a right to privacy.**

Just as Americans have the right to cast ballots in private, we have the right to support causes, join groups and make donations without being monitored by the government. Seventy-three percent of registered voters agree that the government has no right to know what groups or causes they support. We should hold our government accountable without violating citizens’ privacy or burdening civic groups working to improve the lives of their fellow Americans.

History shows these freedoms protect minority voices – those fighting against injustices entrenched in the status quo. There’s a long tradition in the U.S., going all the way back to our founding, of anonymous philanthropy as well as anonymous writing on matters of public interest. The advancement of civil rights was made possible, in part, by the ability of individuals with views that ran counter to the status quo to privately join together. When Alabama tried to force the NAACP to reveal its member lists during Jim Crow, the Supreme Court held that the First Amendment protects private associations from being exposed to threats, intimidation and violence. Even today, people who have made even modest donations to groups that expressed unpopular views have lost their jobs and faced harassment when their affiliations were leaked.

Those in power shouldn’t force individuals to register their beliefs, their donations, or their associations. Our society is enriched by the civic engagement of diverse organizations clarifying and amplifying their supporters’ voices. Yet too often, these types of requirements are designed to make it harder to critique those in power and shield the political class from the voices of everyday citizens who want to make their viewpoints known to their elected officials. While the lobbyists and the well- connected will still find a way to play their inside game, everyday citizens who want to make their voices heard on issues they care about would have their voices taken away.

Thank you for the opportunity to share our opposition to the above-mentioned provisions contained within the Omnibus State Government Finance Bill. Please don’t hesitate to reach out if you have questions, need more information, or if you would like to discuss the issue further.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Flohrs', written in a cursive style.

Jason Flohrs  
State Director  
Americans for Prosperity - Minnesota

**From:** [Ron Bardal](#)  
**To:** [Engelhardt, Megan \(CFB\)](#)  
**Cc:** [George Beck](#)  
**Subject:** FW: Campaign Finance and Public Disclosure Board requests comments regarding legislative proposals  
**Date:** Monday, September 09, 2019 10:40:42 PM

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Dear Asst. Director Engelhardt:

I like the 2019 Legislative Recommendations you drafted for Governor Walz. I especially like your intention to require identification of campaign contribution sources. Dark money is a hazard to our election system because the contributor cannot be identified and held accountable for misleading and false publicity about a candidate. Our citizens need honest leaders in Washington and state houses. But, in today's society frequent repetition of falsehoods, funded by dark money, is soon taken as fact, so honest candidates are defeated through slander.

I believe one key action to achieve fair elections is to overturn the *Citizens United Vs. FEC* 2010 decision of the Supreme Court. Corporations are not people though SCOTUS claimed so in its 2010 ruling. Corporations can spend multi-millions to influence an election, but real people cannot compete financially to be heard. Under the *Citizens United* decision we can no longer be what Abraham Lincoln said we are – a government of the people, by the people, and for the people.

I am Secretary of Minnesota Citizens for Clean Elections (MnCCE). We are a non-profit, non-partisan 501-c-3 organization working to get dark money and big money out of politics so we can have equitable campaign financing and clean and fair elections.

*Ronald Bardal*

1783 19<sup>th</sup> Terrace NW, New Brighton, MN 55112  
651-633-9238

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**From:** George Beck [mailto:georgeabeck@aol.com]  
**Sent:** Monday, September 09, 2019 4:23 PM  
**To:** [Abelladonna@commoncause.org](mailto:Abelladonna@commoncause.org); [argetsingerlynn@gmail.com](mailto:argetsingerlynn@gmail.com); [rbardal@hotmail.com](mailto:rbardal@hotmail.com)

-----Original Message-----

**From:** Board Information Distribution List <[campaign.board@state.mn.us](mailto:campaign.board@state.mn.us)>  
**To:** Board Information Distribution List <[campaign.board@state.mn.us](mailto:campaign.board@state.mn.us)>  
**Sent:** Fri, Sep 6, 2019 4:02 pm  
**Subject:** Campaign Finance and Public Disclosure Board requests comments regarding legislative proposals

**TO:** All Interested Persons

The Campaign Finance and Public Disclosure Board is seeking comments from the public regarding possible legislative recommendations for 2020. The Board is currently reconsidering the legislative

recommendations offered in 2019, none of which were enacted. Here is a link to the legislative recommendations: <https://cfb.mn.gov/citizen-resources/the-board/statutes-and-rules/legislative-recommendations/>

The Board is also interested in hearing from the public on other legislative changes that might improve Chapter 10A.

Please send all comments via email ([megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)), fax (651-539-1196 or 800-357-4114), or U.S. Mail:

Megan Engelhardt  
190 Centennial Building  
658 Cedar Street  
St. Paul, MN 55155-1603  
[Megan.Engelhardt@state.mn.us](mailto:Megan.Engelhardt@state.mn.us)

All comments will be provided to the Board at the October 2, 2019, Board meeting and the comments will be available to the public. Please provide comments by September 24, 2019. Thank you.

Megan Engelhardt  
Assistant Executive Director  
Minnesota State Campaign Finance and Public Disclosure Board





**From:** [Tyler Blackmon](#)  
**To:** [Engelhardt, Megan \(CFB\)](#)  
**Subject:** Re: Campaign Finance and Public Disclosure Board requests comments regarding legislative proposals  
**Date:** Friday, September 06, 2019 3:22:47 PM

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The CFB desperately needs to overhaul its reporting infrastructure and move to a browser-based online platform. The incompatibility with Macs is maddening and out of step with almost every other state in the union.

On Fri, Sep 6, 2019 at 3:19 PM CFBE-mail <[cfb.reports@state.mn.us](mailto:cfb.reports@state.mn.us)> wrote:

TO: All Interested Persons

The Campaign Finance and Public Disclosure Board is seeking comments from the public regarding possible legislative recommendations for 2020. The Board is currently reconsidering the legislative recommendations offered in 2019, none of which were enacted. Here is a link to the legislative recommendations: <https://cfb.mn.gov/citizen-resources/the-board/statutes-and-rules/legislative-recommendations/>

The Board is also interested in hearing from the public on other legislative changes that might improve Chapter 10A.

Please send all comments via email ([megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)), fax (651-539-1196 or 800-357-4114), or U.S. Mail:

Megan Engelhardt  
190 Centennial Building  
658 Cedar Street  
St. Paul, MN 55155-1603  
[Megan.Engelhardt@state.mn.us](mailto:Megan.Engelhardt@state.mn.us)

All comments will be provided to the Board at the October 2, 2019, Board meeting and the comments will be available to the public. Please provide comments by September 24, 2019. Thank you.

Megan Engelhardt  
Assistant Executive Director  
Minnesota State Campaign Finance and Public Disclosure Board

**From:** [Gary Charles](#)  
**To:** [Engelhardt, Megan \(CFB\)](#)  
**Subject:** Campaign finance  
**Date:** Monday, September 09, 2019 4:40:37 PM

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Hello,

I oppose Citizens United and secret contributions.

Thank you,  
Gary Charles



September 24, 2019

Megan Engelhardt, Assistant Executive Director  
190 Centennial Building  
658 Cedar Street  
St. Paul, MN 55155-1603  
[Megan.Engelhardt@state.mn.us](mailto:Megan.Engelhardt@state.mn.us)

**Re: Legislative Proposals for 2020**

Dear Ms. Engelhardt,

Thank you for the opportunity for the public to comment on the Board's possible legislative recommendations for 2020. The League of Women Votes Minnesota (LWVMN) knows that the Board handles many important issues ranging from economic interest statements to inter-committee contributions to intraparty transfers. However, LWVMN would like to bring the Board's attention to an issue that LWVMN believes is one of the most important and urgent issues that need addressed.

LWVMN believes that the state's campaign finance system must ensure transparency and the public's right to know who is using money to influence elections. To pursue this goal, LWVMN believes that the Board should continue its efforts to clarify the definition of "independent expenditure."

In the Board's letter to the governor and legislative leaders on February 19, 2019, the Board described several recommendations. In that letter, the Board wrote, "there is a critical gap in the definition of what constitutes an independent expenditure to influence the nomination or election of a candidate." We agree with the Board's position that this gap exists and that it is a critical one.

The Board continued, "This gap defeats the Board's goal of providing the public with accurate information on how much money is spent in Minnesota to influence elections, and raises questions regarding the integrity and fairness of [Minnesota's campaign finance reporting]." Again, we agree that this gap defeats the Board's purpose. But we would even go so far to say that this gap does not just raise questions, but *actively undermines* the integrity of Minnesota's campaign finance reporting.

To fix that gap, the Board recommended that the definition of "independent expenditure" be updated "to include both express advocacy and words that are the functional equivalent." As the Board notes, the United States Supreme Court has used the functional equivalent standard, and the standard has survived constitutional

scrutiny. And while the functional equivalent standard ensures accurate disclosures of campaign expenditures, it avoids overregulating other forms of nonpartisan electoral activity that do not advocate for or against a party or candidate. It strikes a crucial balance of ensuring the public's right to know who is using money to influence elections, while also ensuring voters can access sufficient information about the electoral process.

We appreciate that this proposal has been recommended in the past. LWVMN asks that it remain a high—if not the highest—priority for the Board during the 2020 legislative session.

Sincerely,

A handwritten signature in black ink, appearing to be 'NH' followed by a long horizontal line extending to the right.

Nick Harper, Civic Engagement Director  
LWVMN

**From:** [clean elections](#)  
**To:** [Engelhardt, Megan \(CFB\)](#)  
**Cc:** [Bardal, Ron](#); [Beck, George](#); [Connie Lewis](#); [David Miller](#); [Jim Herrick](#); [Norrie Thomas](#); [Peterson, Ken](#); [Ruth Cain](#); [Skrentner, Lonni](#); [Todd Otis](#)  
**Subject:** Legislative Recommendations  
**Date:** Friday, September 20, 2019 4:10:18 PM  
**Attachments:** [Legislative Recommendations to the Minnesota Campaign Finance Board - 2020.docx](#)

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Dear Assistant Executive Director Engelhardt:

Thanks you for the opportunity to comment on recommendations that the Board will make to the legislature for its 2020 session.

Our suggestions are attached. Please contact me if you have any questions.

George Beck  
Chair  
Minnesota Citizens for Clean Elections



## 2020 Legislative Recommendations to the Minnesota Campaign Finance Board

1. We continue to strongly support the Board's recommendation that the definition of "expressly advocating" include a communication that is suggestive of only one meaning and where reasonable minds could not differ that it is meant to elect or defeat a candidate. The present definition allows for anonymous contributions that can hide foreign influence and deceive voters.
2. The *Citizens United* decision has permitted unlimited contributions to campaigns in an attempt to influence decisions by elected officials. The Board should ask the legislature to recommend to Congress that it adopt an amendment to the Constitution that reverses this regressive decision, as 20 other states have done.
3. The Board should recommend that public financing of political campaigns in Minnesota be strengthened in order to lessen the impact of special interest contributions and to permit those without wealth to run for office. The \$50 refund and the public subsidy should be increased or a state match for citizen contributions (e.g. 6 to 1) could be adopted.
4. Direct contributions from lobbyists to candidates or elected officials should be prohibited and the bundling of contributions should not be allowed. Lobbyists work closely with legislators and these actions put undue and improper influence on our elected officials.
5. The Board should recommend that our electorate be expanded to the greatest extent possible in order to permit a true democracy. Automatic voter registration should be available, voting rights of citizens released from prison should be restored and weekend voting should be considered.







# MINNESOTA CAMPAIGN FINANCE BOARD

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## 2019 Legislative Recommendations from the Campaign Finance and Public Disclosure Board

The Board has identified the following subjects that would benefit from a statutory change or clarification.

### Economic interest statement program – technical proposals

While administering the economic interest statement (EIS) program the Board has identified the following problematic areas that would benefit from statutory change or clarification. In the Board's view these proposals are technical in nature because they do not dramatically affect the disclosure provided to the public by the EIS forms. The suggested statutory language for the proposals is provided in attachment A.

- **Raising the dollar-level threshold for disclosure of honoraria.** Currently the annual EIS requires disclosure of each honorarium of over \$50 in the year covered by the statement. That amount has not been adjusted for inflation in decades (set in 1974), and could be increased to \$250 without affecting meaningful disclosure. A \$250 threshold for honoraria would conform to the threshold for disclosing other sources of compensation.
- **Ensure that Minnesota State Colleges and Universities trustees and its chancellor continue to file economic interest statements.** MNSCU trustees and the chancellor are currently filing EIS statements as public officials. However, it appears that a 2002 change in the definition of public official inadvertently excluded the MNSCU trustees and chancellor from the requirement to file the EIS statement, and from the gift prohibition. In other words, their disclosure is being provided voluntarily. Given that the MNSCU Board makes decisions regarding the expenditure of millions of dollars in public funds the Board believes that EIS disclosure should be required for these positions.
- **Eliminate requirement that local governments provide a notice of appointment for local officials to the Board.** Local governments in the metropolitan area are to notify the Board whenever they hire, or accept an affidavit of candidacy from, a local official who is required to file a statement of economic interest with that local entity. The Board, however, never uses this information because local officials do not file with the Board. Most local governments do not bother to file the notice, and even if they did the information would not have practical value.
- **Standardize economic interest statement reporting periods.** Minnesota Statutes section 10A.09, subdivision 6, clearly spells out the reporting period for the annual EIS. There is no such language defining the reporting period for an original statement. This creates confusion among filers and, in some cases, inconsistent disclosure between public officials. Additionally, EIS forms are divided into five disclosure schedules. For an original statement none of the schedules have the same reporting period.

Standardization of the reporting period requirement would simplify completing the statement, and help staff's support of clients completing the statement.

### Economic interest statement program – policy proposals

The Board believes that the economic interest statement (EIS) program requires disclosure that in some cases is unnecessary, and in other cases is insufficient, to alert the public of a possible conflict of interest. The following recommendations represent policy changes that would significantly alter the disclosure provided in the EIS form. The suggested statutory language for the proposals is included in attachment B.

- **Establish a two-tiered disclosure system.** The disclosure required for soil and water conservation district supervisors and members of watershed districts and watershed management organizations is excessive given their limited authority. In a two-tiered system, members of these boards and districts would disclose their occupation, sources of compensation and non-homesteaded property owned in the state. The members of these boards and districts would not disclose securities or professional or business categories.
- **Require public and local officials to disclose direct interests in government contracts.** This new disclosure would consist of a listing of any contract, professional license, lease, franchise, or permit issued by a state agency or any political subdivision of the state to the public official as an individual, or to any business in which the public official has an ownership interest of at least 25 percent.
- **Expand EIS disclosure to include beneficial interests that may create a conflict of interest.** The Board believes that the EIS program provides the public with disclosure of assets held directly by an official that may create a conflict of interest when conducting public business. However, the EIS program does not require disclosure of assets owned by another even when those assets will provide direct financial benefit to the public official because of a contract or relationship between the public official and the owner of the asset. To address this gap in disclosure the Board recommends expanding disclosure to include the official's "beneficial interest" in assets owned by another.

### Campaign finance program – technical proposals

The Board has identified the following issues related to the administration of the campaign finance program that would benefit from statutory change or clarification. In the Board's view this section of proposals are technical in nature because they do not raise new issues or dramatically affect the disclosure provided to the public through the program. The suggested statutory language for each proposal is provided in attachment C.

- **Eliminate the contribution statement from Enterprise Minnesota, Inc. members.** Minnesota Statutes section 116O.03, subdivision 9, and section 116O.04, subdivision 3, require members of the Enterprise Minnesota, Inc. board of directors and its president to file statements with the Campaign Finance Board showing contributions to any public official, political committee or fund, or political party unit. These statements must cover

the four years prior to the person's appointment and must be updated annually. The contributions that require itemization on these statements are already reported by the recipient committee to the Campaign Finance Board or, for county commissioners, to the county auditor. This disclosure therefore is at best repetitive. The Board is also not sure why this disclosure is required only of members of the Enterprise Minnesota, Inc. board of directors and its president, and for consistency, recommends eliminating the requirement.

- **Affidavit of contribution deadline.** Minnesota Statutes section 10A.323, provides that the affidavit of contributions required to qualify for a public subsidy payment must be submitted "by the deadline for reporting of receipts and expenditures before a primary under section 10A.20, subdivision 4." The cross reference to section 10A.20 subdivision 4, is incorrect as the deadline for submitting the pre-primary report is set in section 10A.20, subdivision 2. This change would correct the cross reference error.
- **Update acceptable multicandidate political party expenditures.** Political parties are provided five specific multicandidate expenditures that do not count either as a contribution to any candidate, or as an independent expenditure. One of the five multicandidate political party expenditures is funds spent operating a phone bank as long as the calls to potential voters include the name of three or more individuals who will appear on the ballot. The Board's recommendation is to update this expenditure to include direct text message services, direct voice mail services, and e-mails that meet the same standard of naming three or more individuals who will appear on the ballot.
- **Eliminate disclosure requirement for in-kind contributions between the federal and state committees of same political party.** Generally, an association not registered with the Board is required to provide underlying disclosure on the source of funds used for a contribution to a registered committee. Under current statute an exception to this requirement is made when the national committee of a political party (which is an unregistered association in Minnesota) contributes to the Minnesota state central committee of the same party. The Board recommends extending this exception to include in-kind contributions made from a federal political party unit to a political party unit registered in Minnesota. The contributors to the federal party unit are already reported to the FEC, and federal contributions are more limited than contributions that may be accepted by the state party unit. Further the public is not gaining meaningful disclosure when, for example, the federal committee for the Republican Party of Minnesota is required to provide disclosure reports to the state central committee for the Republican Party of Minnesota for the in-kind donation of shared office space and staff costs.
- **Allow unregistered associations to provide disclosure statements in writing or through a government web address.** Currently, an unregistered association that makes a contribution of over \$200 to a candidate committee, political committee or fund, or political party unit, must provide a written disclosure statement with the contribution. The disclosure statement provides information on the finances of the unregistered association in detail that is equivalent to a campaign finance report filed under Chapter 10A. The committee that receives the contribution then forwards the statement from the

unregistered association to the Board with the committee's next financial report. In practice, the majority of "unregistered associations" are in fact registered with either the Federal Election Commission (FEC) or in another state with an agency similar to the Board. The FEC and other state campaign finance agencies post reports filed by their registered committees to a government website. This proposal would allow an unregistered association to provide the written disclosure statement currently required by statute, or provide a link to a government website where the disclosure statement is available. The disclosure would still need to be equivalent to Chapter 10A, for example, it must have itemization of contributions and expenditures that are over \$200. If the reporting requirements for the state are not similar to Chapter 10A then a written report will still be required.

### Campaign finance program – policy proposals

The Board recommends two changes to the campaign finance program that represent either a new area of regulation, or which close a weakness in current statute that prevents the Board from providing complete disclosure to the public. The suggested statutory language for each proposal is provided in attachment D.

- **Provide regulation of contributions made with bitcoins and other virtual currency.** During 2018 staff received calls from campaign committees asking for guidance on accepting and reporting contributions made with bitcoins and other virtual currencies. Chapter 10A does not provide any guidance on the subject, other than to view the virtual currency as something of value. The Board's proposal will provide a statutory basis for disclosing and regulating the conversion of virtual currency into United States currency.
- **Redefine independent expenditures to include both express advocacy and words that are the functional equivalent.** Under current statute an independent expenditure must use words of express advocacy (vote for, elect, support, cast your ballot for, Smith for House, vote against, defeat, reject, or very similar words) to state support of, or opposition to, a candidate. A communication that avoid words of express advocacy, but which nonetheless has the clear purpose of influencing voting in Minnesota, does not in many cases need to be reported to the Board. This gap prevents the Board from fulfilling its core mission of providing the public with accurate and complete information on the money spent to influence the outcome of state elections.

The words of express advocacy were recognized in a footnote in the Buckley v. Valeo Supreme Court decision in 1976. In subsequent cases, (McConnell v. Federal Election Commission in 2003 and Federal Election Commission v. Wisconsin Right to Life, Inc. in 2007) the Supreme Court has adopted a functional equivalent of express advocacy standard that recognizes that communications can easily convey support for or opposition to a candidate while avoiding use of the so-called magic words. The Board proposal expands the definition of independent expenditure to include communications that do not use the eight magic words but could have no reasonable purpose other than to influence voting in Minnesota.

# Campaign Finance and Public Disclosure Board Suggested Statutory Language for Legislative Proposals

## Attachment A Economic interest statement program, technical proposals

### 10A.01 DEFINITIONS

\* \* \* \*

Subd. 35. **Public official.** "Public official" means any:

(1) member of the legislature;

\* \* \* \*

(28) member of the Greater Minnesota Regional Parks and Trails Commission; ~~or~~

(29) member of the Destination Medical Center Corporation established in section 469.41; or

(30) chancellor or member of the board of trustees of the Minnesota State Colleges and Universities.

### 10A.09 STATEMENTS OF ECONOMIC INTEREST

\* \* \* \*

Subd. 2. **Notice to board.** The secretary of state or the appropriate county auditor, upon receiving an affidavit of candidacy or petition to appear on the ballot from an individual required by this section to file a statement of economic interest, and any official who nominates or employs a public ~~or local~~ official required by this section to file a statement of economic interest, must notify the board of the name of the individual required to file a statement and the date of the affidavit, petition, or nomination.

\* \* \* \*

Subd. 5b. **Original statement; reporting period.** (a) An original statement of economic interest required under subdivision 1, clause (1), must cover the calendar month before the month in which the individual accepted employment as a public official or a local official in a metropolitan governmental unit.

(b) An original statement of economic interest required under subdivision 1, clause (2), must cover the calendar month before the month in which the individual assumed office.

(c) An original statement of economic interest required under subdivision 1, clause (3), must cover the calendar month before the month in which the candidate filed the affidavit of candidacy.

Subd. 6. **Annual statement.** (a) Each individual who is required to file a statement of economic interest must also file an annual statement by the last Monday in January of each year that the individual remains in office. The annual statement must cover the period through

December 31 of the year prior to the year when the statement is due. The annual statement must include the amount of each honorarium in excess of \$50 ~~\$250~~ received since the previous statement and the name and address of the source of the honorarium. The board must maintain each annual statement of economic interest submitted by an officeholder in the same file with the statement submitted as a candidate.

~~(b) For the purpose of annual statements of economic interest to be filed, "compensation in any month" includes compensation and honoraria received in any month between the end of the period covered in the preceding statement of economic interest and the end of the current period.~~

~~(c) An individual must file the annual statement of economic interest required by this subdivision to cover the period for which the individual served as a public official even though at the time the statement was filed, the individual is no longer holding that office as a public official.~~

~~(d) For the purpose of an annual statement of economic interest, the individual shall disclose any real property owned at any time between the end of the period covered by the preceding statement of economic interest and through the last day of the month preceding the current filing or the last day of employment, if the individual is no longer a public official.~~

## Attachment B Economic interest statement program, policy proposals

### 10A.01 DEFINITIONS

\* \* \* \*

Subd. 7e. **Beneficial interest.** “Beneficial interest” means the right, or reasonable expectation of the right to the possession of, use of, or direct financial benefit from an asset owned by another due to a contract or relationship with the owner of the asset.

### 10A.09 STATEMENTS OF ECONOMIC INTEREST

\* \* \* \*

Subd. 5. **Form; general requirements.** (a) A statement of economic interest required by this section must be on a form prescribed by the board. Except as provided in subdivision 5a, ~~t~~he individual filing must provide the following information:

- (1) name, address, occupation, and principal place of business;
- (2) the name of each associated business and the nature of that association including any associated business in which the individual has a beneficial interest;
- (3) a listing of all real property within the state, excluding homestead property, in which the individual holds: (i) a fee simple interest, a beneficial interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the interest is valued in excess of \$2,500; or (ii) an option to buy, if the property has a fair market value of more than \$50,000;
- (4) a listing of all real property within the state in which a partnership of which the individual is a member holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the individual's share of the partnership interest is valued in excess of \$2,500; or (ii) an option to buy, if the property has a fair market value of more than \$50,000. A listing under this clause or clause (3) must indicate the street address and the municipality or the section, township, range and approximate acreage, whichever applies, and the county in which the property is located;
- (5) a listing of any investments, ownership, or interests in property connected with pari-mutuel horse racing in the United States and Canada, including a racehorse, in which the individual directly or indirectly holds a partial or full interest or an immediate family member holds a partial or full interest;
- (6) a listing of the principal business or professional activity category of each business from which the individual receives more than \$250 in any month during the reporting period as an employee, if the individual has an ownership interest of 25 percent or more in the business;
- (7) a listing of each principal business or professional activity category from which the individual received compensation of more than \$2,500 in the past 12 months as an independent contractor; ~~and~~

(8) a listing of the full name of each security with a value of more than \$10,000 owned in part or in full by the individual, or in which the individual has a beneficial interest, at any time during the reporting period; and

(9) a listing of any contract, professional license, lease, franchise, or professional permit that meets the following criteria:

(i) it is held by the individual or any business in which the individual has an ownership interest of 25 percent or more; and

(ii) it is entered into with or issued by any state department or agency listed in section 15.01 or 15.06 or any political subdivision of the state.

Subd. 5a. **Form; exception for certain officials.** (a) This subdivision applies to the following individuals:

(1) a supervisor of a soil and water conservation district;

(2) a manager of a watershed district; and

(3) a member of a watershed management organization as defined under section 103B.205, subdivision 13.

(b) Notwithstanding subdivision 5, paragraph (a), an individual listed in subdivision 5a, paragraph (a), must provide only the information listed below on a statement of economic interest:

(1) the individual's name, address, occupation, and principal place of business;

(2) a listing of any association, corporation, partnership, limited liability company, limited liability partnership, or other organized legal entity from which the individual receives compensation in excess of \$250, except for actual and reasonable expenses, in any month during the reporting period as a director, officer, owner, member, partner, employer, or employee;

(3) a listing of all real property within the state, excluding homestead property, in which the individual holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the interest is valued in excess of \$2,500; or (ii) an option to buy, if the property has a fair market value of more than \$50,000; and

(4) a listing of all real property within the state in which a partnership of which the individual is a member holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the individual's share of the partnership interest is valued in excess of \$2,500; or (ii) an option to buy, if the property has a fair market value of more than \$50,000. A listing under this clause or clause (3) must indicate the street address and the municipality or the section, township, range and approximate acreage, whichever applies, and the county in which the property is located.

(c) If an individual listed in subdivision 5a, paragraph (a), also holds a public official position that is not listed in subdivision 5a, paragraph (a), the individual must file a statement of economic interest that includes the information specified in subdivision 5, paragraph (a).



## Attachment C Campaign finance program, technical proposals

### 1160.03 CORPORATION; BOARD OF DIRECTORS; POWERS.

\* \* \* \*

~~Subd. 9. **Contributions to public officials; disclosure.** Each director shall file a statement with the Campaign Finance and Public Disclosure Board disclosing the nature, amount, date, and recipient of any contribution made to a public official, political committee, political fund, or political party, as defined in chapter 10A, that:~~

~~(1) was made within the four years preceding appointment to the Enterprise Minnesota, Inc. board; and~~

~~(2) was subject to the reporting requirements of chapter 10A.~~

~~The statement must be updated annually during the director's term to reflect contributions made to public officials during the appointed director's tenure.~~

### 1160.04 CORPORATE PERSONNEL.

\* \* \* \*

~~Subd. 3. **Contributions to public officials; disclosure.** The president shall file a statement with the Campaign Finance and Public Disclosure Board disclosing the nature, amount, date, and recipient of any contribution made to a public official which:~~

~~(1) was made within the four years preceding employment with the Enterprise Minnesota, Inc. board; and~~

~~(2) was subject to the reporting requirements of chapter 10A.~~

~~The statement must be updated annually during the president's employment to reflect contributions made to public officials during the president's tenure.~~

### 10A.27 CONTRIBUTION LIMITS.

\* \* \* \*

Subd. 13. **Unregistered association limit; statement; penalty.** (a) The treasurer of a political committee, political fund, principal campaign committee, or party unit must not accept a contribution of more than \$200 from an association not registered under this chapter unless the contribution is accompanied by a ~~written~~ statement that meets the disclosure and reporting period requirements imposed by section 10A.20. The statement may be a written statement or a government web address where the disclosure report for the unregistered association may be viewed. This statement must be certified as true and correct by an officer of the contributing

association. The committee, fund, or party unit that accepts the contribution must include a copy of the written statement or web address with the report that discloses the contribution to the board.

(b) An unregistered association may provide the ~~written~~ statement required by this subdivision to no more than three committees, funds, or party units in a calendar year. Each statement must cover at least the 30 days immediately preceding and including the date on which the contribution was made. An unregistered association or an officer of it is subject to a civil penalty imposed by the board of up to \$1,000, if the association or its officer:

(1) fails to provide a ~~written~~ statement as required by this subdivision; or

(2) fails to register after giving the ~~written~~ statement required by this subdivision to more than three committees, funds, or party units in a calendar year.

(c) The treasurer of a political committee, political fund, principal campaign committee, or party unit who accepts a contribution in excess of \$200 from an unregistered association without the required ~~written~~ disclosure statement is subject to a civil penalty up to four times the amount in excess of \$200.

(d) This subdivision does not apply:

(1) when a national political party contributes money to its state committee; or

(2) when the federal committee of a major or minor political party registered with the Board gives an in kind contribution to its state central committee, or a party organization within a house of the state legislature; or

(3) to purchases by candidates for federal office of tickets to events or space rental at events held by party units in this state (i) if the geographical area represented by the party unit includes any part of the geographical area of the office that the federal candidate is seeking and (ii) the purchase price is not more than that paid by other attendees or renters of similar spaces.

#### **10A.275 MULTICANDIDATE POLITICAL PARTY EXPENDITURES.**

Subdivision 1. **Exceptions.** Notwithstanding other provisions of this chapter, the following expenditures by a party unit, or two or more party units acting together, with at least one party unit being either: the state committee or the party organization within a congressional district, county, or legislative district, are not considered contributions to or expenditures on behalf of a candidate for the purposes of section 10A.25 or 10A.27 and must not be allocated to candidates under section 10A.20, subdivision 3, paragraph ~~(g)~~(h):

(1) expenditures on behalf of candidates of that party generally without referring to any of them specifically in a published, posted, or broadcast advertisement;

(2) expenditures for the preparation, display, mailing, or other distribution of an official party sample ballot listing the names of three or more individuals whose names are to appear on the ballot;

(3) expenditures for a telephone ~~conversation call, voice mail, text message, multimedia message, internet chat message, or e-mail when the communication includes~~ the names of three or more individuals whose names are to appear on the ballot;

(4) expenditures for a political party fund-raising effort on behalf of three or more candidates; or

(5) expenditures for party committee staff services that benefit three or more candidates.

### **10A.323 AFFIDAVIT OF CONTRIBUTIONS.**

(a) in addition to the requirements of section 10A.322, to be eligible to receive a public subsidy under section 10A.31 a candidate or the candidate's treasurer must:

\* \* \* \*

(3) submit the affidavit required by this section to the board in writing by the deadline for reporting of receipts and expenditures before a primary under section 10A.20, ~~subdivision 4~~ subdivision 2.

## Attachment D Campaign finance program, policy proposals

### 10A.01 DEFINITIONS

\* \* \* \*

Subdivision 16a. **Expressly advocating.** “Expressly advocating” means:

(1) that a communication clearly identifies a candidate and uses words or phrases of express advocacy; or

(2) when taken as a whole and with limited reference to external events could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidate(s) because (1) the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning; and (2) reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s).

\* \* \* \*

**Subd. 37. Virtual currency.** (a) “Virtual currency” means an intangible representation of value in units that can only be transmitted electronically and function as a medium of exchange, units of account, or a store of value.

(b) Virtual currency includes cryptocurrencies. Virtual currency does not include currencies issued by a government.

### 10A.15 CONTRIBUTIONS

\* \* \* \*

**Subd. 8. Virtual currency contributions.** (a) A principal campaign committee, political committee, political fund, or party unit may accept a donation in kind in the form of virtual currency. The value of donated virtual currency is its fair market value at the time it is donated. The recipient of a virtual currency contribution must sell the virtual currency in exchange for United States currency within five business days after receipt.

(b) Any increase in the value of donated virtual currency after its donation, but before its conversion to United States currency, must be reported as a receipt that is not a contribution pursuant to section 10A.20, subdivision 3. Any decrease in the value of donated virtual currency after its donation, but before its conversion to United States currency, must be reported as an expenditure pursuant to section 10A.20, subdivision 3.

(c) A principal campaign committee, political committee, political fund, or party unit may not purchase goods or services with virtual currency.

**CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD  
October 2019**

**ACTIVE FILES**

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Served by Mail	Default Hearing Date	Date Judgment Entered	Case Status
Chilah Brown Michele Berger	Brown (Chilah) for Senate	Unfiled 2016 Year- End Report of Receipts and Expenditures  Unpaid late filing fee on 10/31/16 Pre- General Election Report	\$1,000 LF \$1,000 CP  \$50 LF	3/6/18	8/10/18			Board is working on the matter. Placed on hold.
Brenden Ellingboe	Ellingboe (Brenden) for House	Unfiled 2015 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	11/29/16	5/26/17			Personal Service Requested 9/18/19
Katy Humphrey, Kelli Latuska	Duluth DFL	Unfiled 2016 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	3/6/18	8/10/18			Board is working on the matter. Placed on hold. 3/5/19
Christopher John Meyer	Meyer for Minnesota	Fees and Penalty for late filing of 2016 Year-End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	7/28/17	9/6/17			Personal Service Requested 9/19/19

