

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 863

- 02/25/2013 Authored by Winkler and Bernardy
The bill was read for the first time and referred to the Committee on Elections
- 03/11/2013 Adoption of Report: Pass and Read Second Time
- 03/13/2013 By motion, re-referred to the Committee on Judiciary Finance and Policy
- 03/14/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on State Government Finance and Veterans Affairs

1.1 A bill for an act
 1.2 relating to campaign finance; providing for additional disclosure; making various
 1.3 changes to campaign finance and public disclosure law; providing penalties;
 1.4 amending Minnesota Statutes 2012, sections 10A.01, subdivisions 10, 11,
 1.5 27, 28, by adding subdivisions; 10A.02, subdivisions 9, 10, 11, 12; 10A.025,
 1.6 subdivisions 2, 3; 10A.105, subdivision 1; 10A.12, subdivisions 1, 1a, 2;
 1.7 10A.121; 10A.14, subdivision 1, by adding a subdivision; 10A.15, subdivisions
 1, 2, 3; 10A.20, subdivisions 1, 2, 3, 5, 6, 7, by adding a subdivision; 10A.25,
 1.8 subdivisions 2, 2a, 3, 3a; 10A.257, subdivision 1; 10A.27, subdivisions 1, 10, 11,
 1.9 13, 14, 15; 10A.323; 211B.32, subdivision 1; proposing coding for new law in
 1.10 Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 2012, sections
 1.11 10A.24; 10A.242; 10A.25, subdivision 6.
 1.12

1.13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.14 Section 1. Minnesota Statutes 2012, section 10A.01, is amended by adding a
 1.15 subdivision to read:

1.16 Subd. 7c. **Ballot question political committee.** "Ballot question political
 1.17 committee" means a political committee that makes only expenditures to promote or defeat
 1.18 a ballot question and disbursements permitted under section 10A.121, subdivision 1.

1.19 Sec. 2. Minnesota Statutes 2012, section 10A.01, is amended by adding a subdivision
 1.20 to read:

1.21 Subd. 7d. **Ballot question political fund.** "Ballot question political fund" means
 1.22 a political fund that makes only expenditures to promote or defeat a ballot question and
 1.23 disbursements permitted under section 10A.121, subdivision 1.

1.24 Sec. 3. Minnesota Statutes 2012, section 10A.01, subdivision 10, is amended to read:

2.1 Subd. 10. **Candidate.** "Candidate" means an individual who seeks nomination or
2.2 election as a state constitutional officer, legislator, or judge. An individual is deemed to seek
2.3 nomination or election if the individual has taken the action necessary under the law of this
2.4 state to qualify for nomination or election, has received contributions or made expenditures
2.5 in excess of \$100, or has given implicit or explicit consent for any other person to receive
2.6 contributions or make expenditures in excess of \$100, for the purpose of bringing about the
2.7 individual's nomination or election. A candidate remains a candidate until the candidate's
2.8 principal campaign committee is dissolved as provided in section ~~10A.24~~ 10A.243.

2.9 Sec. 4. Minnesota Statutes 2012, section 10A.01, subdivision 11, is amended to read:

2.10 Subd. 11. **Contribution.** (a) "Contribution" means money, a negotiable instrument,
2.11 or a donation in kind that is given to a political committee, political fund, principal
2.12 campaign committee, or party unit. An allocation by an association of general treasury
2.13 money to be used for activities that must be or are reported through the association's
2.14 political fund is considered to be a contribution for the purposes of disclosure required
2.15 by this chapter.

2.16 (b) "Contribution" includes a loan or advance of credit to a political committee,
2.17 political fund, principal campaign committee, or party unit, if the loan or advance of credit
2.18 is: (1) forgiven; or (2) repaid by an individual or an association other than the political
2.19 committee, political fund, principal campaign committee, or party unit to which the loan
2.20 or advance of credit was made. If an advance of credit or a loan is forgiven or repaid as
2.21 provided in this paragraph, it is a contribution in the year in which the loan or advance
2.22 of credit was made.

2.23 (c) "Contribution" does not include services provided without compensation by an
2.24 individual volunteering personal time on behalf of a candidate, ballot question, political
2.25 committee, political fund, principal campaign committee, or party unit; the publishing or
2.26 broadcasting of news items or editorial comments by the news media; or an individual's
2.27 unreimbursed personal use of an automobile owned by the individual while volunteering
2.28 personal time.

2.29 Sec. 5. Minnesota Statutes 2012, section 10A.01, is amended by adding a subdivision
2.30 to read:

2.31 Subd. 16a. **Expressly advocating.** "Expressly advocating" means:

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

3.1 (2) that a communication, when taken as a whole and with limited reference to
3.2 external events, such as the proximity to the election, is susceptible of no interpretation
3.3 by a reasonable person other than as advocating the election or defeat of one or more
3.4 clearly identified candidates.

3.5 Sec. 6. Minnesota Statutes 2012, section 10A.01, is amended by adding a subdivision
3.6 to read:

3.7 Subd. 17c. **General treasury money.** "General treasury money" means money
3.8 that an association other than a principal campaign committee, party unit, or political
3.9 committee accumulates through membership dues and fees, donations to the association
3.10 for its general purposes, and income from the operation of a business. General treasury
3.11 money does not include money collected to influence the nomination or election of
3.12 candidates or to promote or defeat a ballot question.

3.13 Sec. 7. Minnesota Statutes 2012, section 10A.01, is amended by adding a subdivision
3.14 to read:

3.15 Subd. 26a. **Person** "Person" means an individual, an association, a political
3.16 subdivision, or a public higher education system.

3.17 Sec. 8. Minnesota Statutes 2012, section 10A.01, subdivision 27, is amended to read:

3.18 Subd. 27. **Political committee.** "Political committee" means an association whose
3.19 major purpose is to influence the nomination or election of ~~a candidate~~ one or more
3.20 candidates or to promote or defeat a ballot question, other than a principal campaign
3.21 committee or a political party unit.

3.22 Sec. 9. Minnesota Statutes 2012, section 10A.01, subdivision 28, is amended to read:

3.23 Subd. 28. **Political fund.** "Political fund" means an accumulation of dues or
3.24 voluntary contributions by an association other than a political committee, principal
3.25 campaign committee, or party unit, if the accumulation is collected or expended to
3.26 influence the nomination or election of ~~a candidate~~ one or more candidates or to promote
3.27 or defeat a ballot question. The term "political fund" as used in this chapter may also refer
3.28 to the association acting through its political fund.

3.29 Sec. 10. Minnesota Statutes 2012, section 10A.02, subdivision 9, is amended to read:

3.30 Subd. 9. **Documents; information.** The executive director must inspect all material
3.31 filed with the board as promptly as necessary to comply with this chapter ~~and,~~ with other

4.1 provisions of law requiring the filing of a document with the board, and with other
4.2 provisions of law under the board's jurisdiction pursuant to subdivision 11. The executive
4.3 director must immediately notify ~~the~~ an individual required to file a document with the
4.4 ~~board~~ if a written complaint is filed with the board alleging, or it otherwise appears, that a
4.5 document filed with the board is inaccurate or does not comply with this chapter, or that
4.6 the individual has failed to file a document required by this chapter or has failed to comply
4.7 with this chapter or other provisions under the board's jurisdiction pursuant to subdivision
4.8 11. ~~The executive director may provide an individual required to file a document under~~
4.9 ~~this chapter with factual information concerning the limitations on corporate campaign~~
4.10 ~~contributions imposed by section 211B.15.~~

4.11 Sec. 11. Minnesota Statutes 2012, section 10A.02, subdivision 10, is amended to read:

4.12 Subd. 10. **Audits and investigations.** The board may make audits and investigations,
4.13 impose statutory civil penalties, and issue orders for compliance with respect to statements
4.14 ~~and reports that are filed or that should have been filed under~~ the requirements of this
4.15 chapter and provisions under the board's jurisdiction pursuant to subdivision 11. In all
4.16 matters relating to its official duties, the board has the power to issue subpoenas and cause
4.17 them to be served. If a person does not comply with a subpoena, the board may apply to
4.18 the District Court of Ramsey County for issuance of an order compelling obedience to the
4.19 subpoena. A person failing to obey the order is punishable by the court as for contempt.

4.20 Sec. 12. Minnesota Statutes 2012, section 10A.02, subdivision 11, is amended to read:

4.21 Subd. 11. **Violations; enforcement.** (a) The board may investigate any alleged
4.22 violation of this chapter. The board may also investigate an alleged violation of section
4.23 211B.04, 211B.12, or 211B.15 by or related to a candidate, treasurer, principal campaign
4.24 committee, political committee, political fund, or party unit, as those terms are defined in
4.25 this chapter. The board must investigate any violation that is alleged in a written complaint
4.26 filed with the board and must within 30 days after the filing of the complaint make a ~~public~~
4.27 ~~finding of whether there is probable cause to believe a violation has occurred~~ findings and
4.28 conclusions as to whether a violation has occurred and must issue an order, except that
4.29 if the complaint alleges a violation of section 10A.25 or 10A.27, the board must either
4.30 enter a conciliation agreement or make a public ~~finding of whether there is probable cause,~~
4.31 findings and conclusions as to whether a violation has occurred and must issue an order
4.32 within 60 days after the filing of the complaint. The deadline for action on a written
4.33 complaint may be extended by majority vote of the board.

5.1 (b) The board may bring legal actions in its own name to recover money raised from
5.2 contributions subject to the conditions in this paragraph.

5.3 (1) No action may be commenced unless the board has made a formal determination,
5.4 after an investigation, that the money was raised for political purposes as defined in
5.5 section 211B.01, subdivision 6, and that the money was used for purposes not permitted
5.6 under this chapter or under section 211B.12.

5.7 (2) Prior to commencing an action, the board must give the association written
5.8 notice by certified mail of its intent to take action under this subdivision and must give the
5.9 association a reasonable opportunity, for a period of not less than 90 days, to recover the
5.10 money without board intervention. This period must be extended for at least an additional
5.11 90 days for good cause if the association is actively pursuing recovery of the money. The
5.12 board may not commence a legal action under this subdivision if the association has
5.13 commenced a legal action for the recovery of the same money.

5.14 (3) Any funds recovered under this subdivision must be distributed as follows:

5.15 (i) an amount equal to the board's actual costs and disbursements in the action,
5.16 including court reporter fees for depositions taken in the course of an investigation, must
5.17 be returned to the board's general operating appropriation account;

5.18 (ii) an amount equal to the reasonable value of legal services provided by the Office
5.19 of the Attorney General must be deposited into the general operating account of the Office
5.20 of the Attorney General and is available for general purposes of the office; and

5.21 (iii) any remaining balance must be returned to the association to which the money
5.22 was originally contributed.

5.23 (4) Notwithstanding clause (3), item (iii), if the candidate of a principal campaign
5.24 committee is the person who used the association's money for illegal purposes, or if the
5.25 association or political fund whose money was misused is no longer registered with the
5.26 board, any money remaining after the payments specified in clause (3), items (i) and (ii),
5.27 must be deposited into the general account of the state elections campaign account.

5.28 (5) Any action by the board under this paragraph must be commenced not later than
5.29 four years after the improper use of money is shown on a report filed with the board or the
5.30 board has actual knowledge of improper use. No action may be commenced under this
5.31 paragraph for improper uses disclosed on reports for calendar years prior to 2011.

5.32 (6) If the board prevails in an action brought under this subdivision and the court
5.33 makes a finding that the misuse of funds was willful, the court may enter judgment in favor
5.34 of the board and against the person misusing the funds in the amount of the misused funds.

5.35 (b) (c) Within a reasonable time after beginning an investigation of an individual
5.36 or association, the board must notify the individual or association of the fact of the

6.1 investigation. The board must not make a finding of whether there is probable cause to
 6.2 believe a violation has occurred without notifying the individual or association of the
 6.3 nature of the allegations and affording an opportunity to answer those allegations.

6.4 ~~(e)~~ (d) A hearing or action of the board concerning a complaint or investigation
 6.5 other than a finding concerning probable cause or a conciliation agreement is confidential.
 6.6 Until the board makes a public finding concerning probable cause or enters a conciliation
 6.7 agreement:

6.8 (1) a member, employee, or agent of the board must not disclose to an individual
 6.9 information obtained by that member, employee, or agent concerning a complaint or
 6.10 investigation except as required to carry out the investigation or take action in the matter
 6.11 as authorized by this chapter; and

6.12 (2) an individual who discloses information contrary to this subdivision is subject
 6.13 to a civil penalty imposed by the board of up to \$1,000.

6.14 (e) A matter that is under the board's jurisdiction pursuant to this section and that
 6.15 may result in a criminal offense must be finally disposed of by the board before the alleged
 6.16 violation may be prosecuted by a county attorney.

6.17 Sec. 13. Minnesota Statutes 2012, section 10A.02, subdivision 12, is amended to read:

6.18 Subd. 12. **Advisory opinions.** (a) The board may issue and publish advisory
 6.19 opinions on the requirements of this chapter and of those sections listed in subdivision 11
 6.20 based upon real or hypothetical situations. An application for an advisory opinion may
 6.21 be made only by ~~an individual or association~~ a person who is subject to chapter 10A and
 6.22 who wishes to use the opinion to guide the individual's or the association's person's own
 6.23 conduct. The board must issue written opinions on all such questions submitted to it
 6.24 within 30 days after receipt of written application, unless a majority of the board agrees
 6.25 to extend the time limit.

6.26 (b) A written advisory opinion issued by the board is binding on the board in a
 6.27 subsequent board proceeding concerning the person making or covered by the request and
 6.28 is a defense in a judicial proceeding that involves the subject matter of the opinion and is
 6.29 brought against the person making or covered by the request unless:

6.30 (1) the board has amended or revoked the opinion before the initiation of the board
 6.31 or judicial proceeding, has notified the person making or covered by the request of its
 6.32 action, and has allowed at least 30 days for the person to do anything that might be
 6.33 necessary to comply with the amended or revoked opinion;

6.34 (2) the request has omitted or misstated material facts; or

7.1 (3) the person making or covered by the request has not acted in good faith in
7.2 reliance on the opinion.

7.3 (c) A request for an opinion and the opinion itself are nonpublic data. The board,
7.4 however, may publish an opinion or a summary of an opinion, but may not include in the
7.5 publication the name of the requester, the name of a person covered by a request from an
7.6 agency or political subdivision, or any other information that might identify the requester,
7.7 unless the person consents to the inclusion.

7.8 Sec. 14. Minnesota Statutes 2012, section 10A.025, subdivision 2, is amended to read:

7.9 Subd. 2. **Penalty for false statements.** (a) A report or statement required to be filed
7.10 under this chapter must be signed and certified as true by the individual required to file the
7.11 report. The signature may be an electronic signature consisting of a password assigned
7.12 by the board.

7.13 (b) An individual who signs and certifies shall not sign and certify to be true a
7.14 report or statement knowing it contains false information or who knowingly knowing it
7.15 omits required information is guilty of a gross misdemeanor and subject to a civil penalty
7.16 imposed by the board of up to \$3,000.

7.17 (c) An individual shall not knowingly provide false or incomplete information to
7.18 a treasurer with the intent that the treasurer will rely on that information in signing and
7.19 certifying to be true a report or statement.

7.20 (d) A person who violates paragraph (b) or (c) is subject to a civil penalty imposed
7.21 by the board of up to \$3,000. A violation of paragraph (b) or (c) is a gross misdemeanor.

7.22 (e) The board may impose an additional civil penalty of up to \$3,000 on the principal
7.23 campaign committee or candidate, party unit, political committee, or association that has a
7.24 political fund that is affiliated with an individual who violated paragraph (b) or (c).

7.25 Sec. 15. Minnesota Statutes 2012, section 10A.025, subdivision 3, is amended to read:

7.26 Subd. 3. **Record keeping; penalty.** (a) A person required to file a report or statement
7.27 or who has accepted record-keeping responsibility for the filer must maintain records on
7.28 the matters required to be reported, including vouchers, canceled checks, bills, invoices,
7.29 worksheets, and receipts, that will provide in sufficient detail the necessary information
7.30 from which the filed reports and statements may be verified, explained, clarified, and
7.31 checked for accuracy and completeness. The person must keep the records available for
7.32 audit, inspection, or examination by the board or its authorized representatives for four
7.33 years from the date of filing of the reports or statements or of changes or corrections to
7.34 them. A person who knowingly violates this subdivision is guilty of a misdemeanor.

8.1 (b) The board may impose a civil penalty of up to \$3,000 on a person who knowingly
 8.2 violates this subdivision. The board may impose a separate civil penalty of up to \$3,000
 8.3 on the principal campaign committee or candidate, party unit, political committee, or
 8.4 association that has a political fund that is affiliated with an individual who violated
 8.5 this subdivision.

8.6 (c) A knowing violation of this subdivision is a gross misdemeanor.

8.7 Sec. 16. Minnesota Statutes 2012, section 10A.105, subdivision 1, is amended to read:

8.8 Subdivision 1. **Single committee.** A candidate must not accept contributions from a
 8.9 source, other than self, in aggregate in excess of ~~\$100~~ \$750 or accept a public subsidy
 8.10 unless the candidate designates and causes to be formed a single principal campaign
 8.11 committee for each office sought. A candidate may not authorize, designate, or cause to be
 8.12 formed any other political committee bearing the candidate's name or title or otherwise
 8.13 operating under the direct or indirect control of the candidate. However, a candidate may
 8.14 be involved in the direct or indirect control of a party unit.

8.15 Sec. 17. Minnesota Statutes 2012, section 10A.12, subdivision 1, is amended to read:

8.16 Subdivision 1. **When required for contributions and approved expenditures.** An
 8.17 association other than a political committee or party unit may not contribute more than
 8.18 ~~\$100~~ \$750 in aggregate in any ~~one~~ calendar year to candidates, political committees, or
 8.19 party units or make ~~any approved or independent expenditure or expenditure to promote~~
 8.20 ~~or defeat a ballot question~~ expenditures of more than \$750 in aggregate in any calendar
 8.21 year unless the contribution or expenditure is made from through a political fund.

8.22 Sec. 18. Minnesota Statutes 2012, section 10A.12, subdivision 1a, is amended to read:

8.23 Subd. 1a. **When required for independent expenditures or ballot questions.** An
 8.24 association other than a political committee that makes only independent expenditures
 8.25 ~~and disbursements permitted under section 10A.121, subdivision 1, or expenditures to~~
 8.26 promote or defeat a ballot question must do so ~~by forming and registering through~~ an
 8.27 independent expenditure or ballot question political fund if the ~~expenditure is in excess of~~
 8.28 ~~\$100~~ independent expenditures aggregate more than \$1,500 in a calendar year or if the
 8.29 expenditures to promote or defeat a ballot question aggregate more than \$5,000 in a
 8.30 calendar year, or by contributing to an existing independent expenditure or ballot question
 8.31 political committee or ~~political~~ fund.

8.32 Sec. 19. Minnesota Statutes 2012, section 10A.12, subdivision 2, is amended to read:

9.1 Subd. 2. **Commingling prohibited.** The contents of a an association's political
 9.2 fund may not be commingled with other funds or with the personal funds of an officer or
 9.3 member of the association or the fund. It is not commingling for an association that uses
 9.4 only its own general treasury money to make expenditures and disbursements permitted
 9.5 under section 10A.121, subdivision 1, directly from the depository used for its general
 9.6 treasury money. An association that accepts more than \$1,500 in contributions to influence
 9.7 the nomination or election of candidates or more than \$5,000 in contributions to promote
 9.8 or defeat a ballot question must establish a separate depository for those contributions.

9.9 Sec. 20. Minnesota Statutes 2012, section 10A.121, is amended to read:

9.10 **10A.121 INDEPENDENT EXPENDITURE AND BALLOT QUESTION**
 9.11 **~~POLITICAL COMMITTEES AND INDEPENDENT EXPENDITURE POLITICAL~~**
 9.12 **~~FUNDS.~~**

9.13 Subdivision 1. **Permitted disbursements.** An independent expenditure political
 9.14 committee or ~~an independent expenditure political~~ fund, or a ballot question political
 9.15 committee or fund, in addition to making independent expenditures, may:

9.16 (1) pay costs associated with its fund-raising and general operations;

9.17 (2) pay for communications that do not constitute contributions or approved
 9.18 expenditures; ~~and~~

9.19 (3) make contributions to ~~other independent expenditure or ballot question~~ political
 9.20 committees or independent expenditure political funds;

9.21 (4) make independent expenditures;

9.22 (5) make disbursements for electioneering communications;

9.23 (6) make expenditures to promote or defeat ballot questions;

9.24 (7) return a contribution to its source;

9.25 (8) for a political fund, record bookkeeping entries transferring the association's
 9.26 general treasury money allocated for political purposes back to the general treasury of
 9.27 the association; and

9.28 (9) for a political fund, return general treasury money transferred to a separate
 9.29 depository to the general depository of the association.

9.30 Subd. 2. **Penalty.** (a) An independent expenditure political committee or
 9.31 independent expenditure political fund is subject to a civil penalty of up to four times the
 9.32 amount of the contribution or approved expenditure if it does the following:

9.33 (1) makes a contribution to a candidate, party unit, political committee, or political
 9.34 fund other than an independent expenditure political committee or an independent
 9.35 expenditure political fund; or

10.1 (2) makes an approved expenditure.

10.2 (b) No other penalty provided in law may be imposed for conduct that is subject to a
10.3 civil penalty under this section.

10.4 Sec. 21. Minnesota Statutes 2012, section 10A.14, subdivision 1, is amended to read:

10.5 Subdivision 1. **First registration.** The treasurer of a political committee, political
10.6 fund, principal campaign committee, or party unit must register with the board by filing
10.7 a registration statement of organization no later than 14 days after the committee, fund,
10.8 or party unit has made a contribution, received contributions, or made expenditures in
10.9 excess of ~~\$100~~ \$750, or by the end of the next business day after it has received a loan
10.10 or contribution that must be reported under section 10A.20, subdivision 5, whichever is
10.11 earlier. This subdivision does not apply to ballot question or independent expenditure
10.12 political committees or funds, which are subject to subdivision 1a.

10.13 Sec. 22. Minnesota Statutes 2012, section 10A.14, is amended by adding a subdivision
10.14 to read:

10.15 Subd. 1a. **Independent expenditure or ballot question political committees**
10.16 **and funds; first registration; reporting.** The treasurer of an independent expenditure
10.17 or ballot question political committee or fund must register with the board by filing
10.18 a registration statement:

10.19 (1) no later than 14 calendar days after the committee or the association registering
10.20 the political fund has:

10.21 (i) received aggregate contributions for independent expenditures of more than
10.22 \$1,500 in a calendar year;

10.23 (ii) received aggregate contributions for expenditures to promote or defeat a ballot
10.24 question of more than \$5,000 in a calendar year;

10.25 (iii) made aggregate independent expenditures of more than \$1,500 in a calendar
10.26 year; or

10.27 (iv) made aggregate expenditures to promote or defeat a ballot question of more
10.28 than \$5,000 in a calendar year; or

10.29 (2) by the end of the next business day after it has received a loan or contribution
10.30 that must be reported under section 10A.20, subdivision 5, and it has met one of the
10.31 requirements of clause (1).

10.32 Sec. 23. Minnesota Statutes 2012, section 10A.15, subdivision 1, is amended to read:

11.1 Subdivision 1. **Anonymous contributions.** A political committee, political fund,
11.2 principal campaign committee, or party unit may not retain an anonymous contribution in
11.3 excess of ~~\$20~~ \$50, but must forward it to the board for deposit in the general account of
11.4 the state elections campaign ~~fund~~ account.

11.5 Sec. 24. Minnesota Statutes 2012, section 10A.15, subdivision 2, is amended to read:

11.6 Subd. 2. **Source; amount; date.** An individual who receives a contribution in
11.7 excess of ~~\$20~~ \$50 for a political committee, political fund, principal campaign committee,
11.8 or party unit must, on demand of the treasurer, inform the treasurer of the name and, if
11.9 known, the address of the source of the contribution, the amount of the contribution, and
11.10 the date it was received.

11.11 Sec. 25. Minnesota Statutes 2012, section 10A.15, subdivision 3, is amended to read:

11.12 Subd. 3. **Deposit.** All contributions received by or on behalf of a candidate,
11.13 principal campaign committee, political committee, political fund, or party unit must
11.14 be deposited in an account designated "Campaign Fund of (name of candidate,
11.15 committee, fund, or party unit)." All contributions must be deposited promptly upon
11.16 receipt and, except for contributions received during the last three days of a reporting
11.17 period as described in section 10A.20, must be deposited during the reporting period
11.18 in which they were received. A contribution received during the last three days of a
11.19 reporting period must be deposited within 72 hours after receipt and must be reported
11.20 as received during the reporting period whether or not deposited within that period. A
11.21 candidate, principal campaign committee, political committee, political fund, or party unit
11.22 may refuse to accept a contribution. A deposited contribution may be returned to the
11.23 contributor within ~~60~~ 90 days after deposit. A contribution deposited and not returned
11.24 within ~~60~~ 90 days after that deposit must be reported as accepted.

11.25 Sec. 26. Minnesota Statutes 2012, section 10A.20, subdivision 1, is amended to read:

11.26 Subdivision 1. **First filing; duration.** The treasurer of a political committee, political
11.27 fund, principal campaign committee, or party unit must begin to file the reports required
11.28 by this section ~~in~~ for the first year it receives contributions or makes expenditures ~~in excess~~
11.29 ~~of \$100~~ that require it to register under section 10A.14 and must continue to file until the
11.30 committee, fund, or party unit is terminated. The reports must be filed electronically in a
11.31 standards-based open format specified by the board. For good cause shown, the board
11.32 must grant exemptions to the requirement that reports be filed electronically.

12.1 Sec. 27. Minnesota Statutes 2012, section 10A.20, subdivision 2, is amended to read:

12.2 Subd. 2. **Time for filing.** (a) The reports must be filed with the board on or before
12.3 January 31 of each year and additional reports must be filed as required and in accordance
12.4 with paragraphs (b) to (d).

12.5 (b) In each year in which the name of ~~the~~ a candidate for legislative or district court
12.6 judicial office is on the ballot, the report of the principal campaign committee must be
12.7 filed 15 days before a primary and ten days before a general election, seven days before a
12.8 special primary and a special election, and ten days after a special election cycle.

12.9 (c) In each general election year, a political committee ~~or~~, a political fund must file
12.10 reports 28 and 15 days before a primary and 42 and ten days before a general election.
12.11 Beginning in 2012, reports required under this paragraph must also be filed 56 days before
12.12 a primary, a state party committee, a party unit established by all or a part of the party
12.13 organization within a house of the legislature, and the principal campaign committee
12.14 of a candidate for constitutional or appellate court judicial office must file reports on
12.15 the following schedule:

12.16 (1) a first-quarter report covering the calendar year through March 31, which is
12.17 due April 14;

12.18 (2) in a year in which a primary election is held in August, a report covering the
12.19 calendar year through May 31, which is due June 14;

12.20 (3) in a year in which a primary election is held before August, a pre-general-election
12.21 report covering the calendar year through July 15, which is due July 29;

12.22 (4) a pre-primary-election report due 15 days before a primary election;

12.23 (5) a pre-general-election report due 42 days before the general election;

12.24 (6) a pre-general-election report due ten days before a general election; and

12.25 (7) for a special election, a constitutional office candidate whose name is on the
12.26 ballot must file reports seven days before a special primary and a special election, and ten
12.27 days after a special election cycle.

12.28 (d) In each general election year, a party unit not included in paragraph (c) must file
12.29 reports 15 days before a primary election and ten days before a general election.

12.30 (e) Notwithstanding paragraphs (a) to (d), the principal campaign committee of a
12.31 candidate whose name will not be on the general election ballot is not required to file the
12.32 report due ten days before a general election or seven days before a special election.

12.33 Sec. 28. Minnesota Statutes 2012, section 10A.20, subdivision 3, is amended to read:

12.34 Subd. 3. **Contents of report.** (a) The report required by this section must include
12.35 each of the items listed in paragraphs (b) to (o) that are applicable to the filer. The board

13.1 shall prescribe forms based on filer type indicating which of those items must be included
13.2 on the filer's report.

13.3 ~~(a)~~ (b) The report must disclose the amount of liquid assets on hand at the beginning
13.4 of the reporting period.

13.5 ~~(b)~~ (c) The report must disclose the name, address, and employer, or occupation if
13.6 self-employed, of each individual or association that has made one or more contributions
13.7 to the reporting entity, including the purchase of tickets for a fund-raising effort, that in
13.8 aggregate within the year exceed ~~\$100~~ \$200 for legislative or statewide candidates or more
13.9 than \$500 for ballot questions, together with the amount and date of each contribution, and
13.10 the aggregate amount of contributions within the year from each source so disclosed. A
13.11 donation in kind must be disclosed at its fair market value. An approved expenditure must
13.12 be listed as a donation in kind. A donation in kind is considered consumed in the reporting
13.13 period in which it is received. The names of contributors must be listed in alphabetical
13.14 order. Contributions from the same contributor must be listed under the same name. When
13.15 a contribution received from a contributor in a reporting period is added to previously
13.16 reported unitemized contributions from the same contributor and the aggregate exceeds
13.17 the disclosure threshold of this paragraph, the name, address, and employer, or occupation
13.18 if self-employed, of the contributor must then be listed on the report.

13.19 ~~(e)~~ (d) The report must disclose the sum of contributions to the reporting entity
13.20 during the reporting period.

13.21 ~~(d)~~ (e) The report must disclose each loan made or received by the reporting entity
13.22 within the year in aggregate in excess of ~~\$100~~ \$200, continuously reported until repaid or
13.23 forgiven, together with the name, address, occupation, and principal place of business,
13.24 if any, of the lender and any endorser and the date and amount of the loan. If a loan
13.25 made to the principal campaign committee of a candidate is forgiven or is repaid by an
13.26 entity other than that principal campaign committee, it must be reported as a contribution
13.27 for the year in which the loan was made.

13.28 ~~(e)~~ (f) The report must disclose each receipt over ~~\$100~~ \$200 during the reporting
13.29 period not otherwise listed under paragraphs ~~(b)~~ (c) to ~~(d)~~ (e).

13.30 ~~(f)~~ (g) The report must disclose the sum of all receipts of the reporting entity during
13.31 the reporting period.

13.32 ~~(g)~~ (h) The report must disclose the name and address of each individual or
13.33 association to whom aggregate expenditures, ~~including~~ approved expenditures,
13.34 independent expenditures, ballot question expenditures, and disbursements for
13.35 electioneering communications have been made by or on behalf of the reporting entity
13.36 within the year in excess of ~~\$100~~ \$200, together with the amount, date, and purpose of

14.1 each expenditure and the name and address of, and office sought by, each candidate on
14.2 whose behalf the expenditure was made or, in the case of electioneering communications,
14.3 each candidate identified positively in the communication, identification of the ballot
14.4 question that the expenditure was intended to promote or defeat and an indication of
14.5 whether the expenditure was to promote or to defeat the ballot question, and in the
14.6 case of independent expenditures made in opposition to a candidate or electioneering
14.7 communications in which a candidate is identified negatively, the candidate's name,
14.8 address, and office sought. A reporting entity making an expenditure on behalf of more
14.9 than one candidate for state or legislative office must allocate the expenditure among the
14.10 candidates on a reasonable cost basis and report the allocation for each candidate.

14.11 ~~(h)~~ (i) The report must disclose the sum of all expenditures made by or on behalf of
14.12 the reporting entity during the reporting period.

14.13 ~~(i)~~ (j) The report must disclose the amount and nature of an advance of credit
14.14 incurred by the reporting entity, continuously reported until paid or forgiven. If an advance
14.15 of credit incurred by the principal campaign committee of a candidate is forgiven by the
14.16 creditor or paid by an entity other than that principal campaign committee, it must be
14.17 reported as a donation in kind for the year in which the advance of credit was made.

14.18 ~~(j)~~ (k) The report must disclose the name and address of each political committee,
14.19 political fund, principal campaign committee, or party unit to which contributions have
14.20 been made that aggregate in excess of ~~\$100~~ \$200 within the year and the amount and
14.21 date of each contribution.

14.22 ~~(k)~~ (l) The report must disclose the sum of all contributions made by the reporting
14.23 entity during the reporting period.

14.24 ~~(l)~~ (m) The report must disclose the name and address of each individual or
14.25 association to whom noncampaign disbursements have been made that aggregate in excess
14.26 of ~~\$100~~ \$200 within the year by or on behalf of the reporting entity and the amount, date,
14.27 and purpose of each noncampaign disbursement.

14.28 ~~(m)~~ (n) The report must disclose the sum of all noncampaign disbursements made
14.29 within the year by or on behalf of the reporting entity.

14.30 ~~(n)~~ (o) The report must disclose the name and address of a nonprofit corporation that
14.31 provides administrative assistance to a political committee or political fund as authorized
14.32 by section 211B.15, subdivision 17, the type of administrative assistance provided, and the
14.33 aggregate fair market value of each type of assistance provided to the political committee
14.34 or political fund during the reporting period.

14.35 Sec. 29. Minnesota Statutes 2012, section 10A.20, subdivision 5, is amended to read:

15.1 Subd. 5. ~~Preelection~~ **Pre-election reports.** (a) Any loan, contribution, or
 15.2 contributions:

15.3 (1) to a political committee or political fund from any one source totaling more than
 15.4 \$1,000 or more, or in a statewide election for;

15.5 (2) to the principal campaign committee of a candidate for an appellate court judicial
 15.6 office, ~~any loan, contribution, or contributions from any one source~~ totaling more than
 15.7 \$2,000 or more, or in any judicial;

15.8 (3) to the principal campaign committee of a candidate for district court judge
 15.9 totaling more than \$400 or more, and any loan, contribution, or contributions; or

15.10 (4) to the principal campaign committee of a candidate for constitutional office or
 15.11 for the legislature ~~from any one source~~ totaling 80 more than 50 percent ~~or more~~ of the
 15.12 election cycle contribution limit for the office, received between the last day covered in
 15.13 the last report before an election and the election must be reported to the board ~~in one of~~
 15.14 ~~the following ways:~~ in the manner provided in paragraph (b).

15.15 (b) A loan, contribution, or contributions required to be reported to the board under
 15.16 paragraph (a) must be reported to the board either:

15.17 (1) in person by the end of the next business day after its receipt; or

15.18 (2) by electronic means sent within 24 hours after its receipt.

15.19 (c) These loans and contributions must also be reported in the next required report.

15.20 (d) This notice requirement does not apply ~~with respect to~~ in a primary in which
 15.21 the statewide or legislative election to a candidate who is unopposed in the primary, in a
 15.22 primary election to a ballot question political committee or fund, or in a general election to
 15.23 a candidate whose name is not on the general election ballot. The board must post the
 15.24 report on its Web site by the end of the next business day after it is received.

15.25 (e) This subdivision does not apply to a ballot question or independent expenditure
 15.26 political committee or fund that has not met the registration threshold of section 10A.14,
 15.27 subdivision 1a. However, if a contribution that would be subject to this section triggers the
 15.28 registration requirement in section 10A.14, subdivision 1a, then both registration under
 15.29 that section and reporting under this section are required.

15.30 Sec. 30. Minnesota Statutes 2012, section 10A.20, subdivision 6, is amended to read:

15.31 Subd. 6. **Report when no committee.** (a) A candidate who does not designate
 15.32 and cause to be formed a principal campaign committee and ~~an individual~~ who makes
 15.33 ~~independent expenditures or~~ campaign expenditures ~~expressly advocating the approval or~~
 15.34 ~~defeat of a ballot question~~ in aggregate in excess of ~~\$100~~ \$750 in a year must file with
 15.35 the board a report containing the information required by subdivision 3. Reports required

16.1 by this subdivision must be filed ~~on~~ by the dates on which reports by principal campaign
16.2 committees, funds, and party units are must be filed.

16.3 (b) An individual who makes independent expenditures that aggregate more than
16.4 \$1,500 in a calendar year or expenditures to promote or defeat a ballot question that
16.5 aggregate more than \$5,000 in a calendar year must file with the board a report containing
16.6 the information required by subdivision 3. A report required by this subdivision must be
16.7 filed by the date on which the next report by political committees and political funds
16.8 must be filed.

16.9 Sec. 31. Minnesota Statutes 2012, section 10A.20, subdivision 7, is amended to read:

16.10 Subd. 7. **Statement of inactivity.** If a reporting entity principal campaign
16.11 committee, party unit, or political committee, has no receipts or expenditures during a
16.12 reporting period, the treasurer must file with the board at the time required by this section
16.13 a statement to that effect.

16.14 Sec. 32. Minnesota Statutes 2012, section 10A.20, is amended by adding a subdivision
16.15 to read:

16.16 Subd. 7a. **Activity of political fund.** An association is not required to file any
16.17 statement or report for a reporting period when the association accepted no contributions
16.18 into the association's political fund and made no expenditures from its political fund since
16.19 the last date included in its most recent filed report. If the association maintains a separate
16.20 checking account for its political fund, the receipt of interest on the proceeds of that
16.21 account and the payment of fees to maintain that account do not constitute activity that
16.22 requires the filing of a report for an otherwise inactive political fund.

16.23 Sec. 33. **[10A.201] ELECTIONEERING COMMUNICATIONS.**

16.24 Subdivision 1. **Electioneering communication.** (a) "Electioneering
16.25 communication" means a communication distributed by television, radio, satellite, or
16.26 cable broadcasting system; by means of printed material, signs, or billboards; or through
16.27 the use of telephone communications that:

16.28 (1) refers to a clearly identified candidate;

16.29 (2) is made within:

16.30 (i) 30 days before a primary election or special primary election for the office sought
16.31 by the candidate; or

16.32 (ii) 60 days before a general election or special election for the office sought by
16.33 the candidate;

17.1 (3) is targeted to the relevant electorate; and
17.2 (4) is made without the express or implied consent, authorization, or cooperation
17.3 of, and not in concert with or at the request or suggestion of, a candidate or a candidate's
17.4 principal campaign committee or agent.

17.5 (b) Electioneering communication does not include:

17.6 (1) the publishing or broadcasting of news items or editorial comments by the news
17.7 media;

17.8 (2) a communication that constitutes an approved expenditure or an independent
17.9 expenditure;

17.10 (3) a communication by an association distributed only to the association's own
17.11 members, donors, or subscribers in a newsletter or similar publication in a form that is
17.12 routinely sent to the association's members;

17.13 (4) a voter guide, which is a pamphlet or similar printed materials, intended to help
17.14 voters compare candidates' positions on a set of issues, as long as each of the following is
17.15 true:

17.16 (i) the guide does not focus on a single issue or a narrow range of issues, but
17.17 includes questions and subjects sufficient to encompass major issues of interest to the
17.18 entire electorate;

17.19 (ii) the questions and any other description of the issues are clear and unbiased in
17.20 both their structure and content;

17.21 (iii) the questions posed and provided to the candidates are identical to those
17.22 included in the guide;

17.23 (iv) each candidate included in the guide is given a reasonable amount of time and
17.24 the same opportunity as other candidates to respond to the questions;

17.25 (v) if the candidate is given limited choices for an answer to a question, for example:
17.26 "support," "oppose," "yes," or "no," the candidate is also given an opportunity, subject to
17.27 reasonable limits, to explain the candidate's position in the candidate's own words; the
17.28 fact that a candidate provided an explanation is clearly indicated in the guide; and the
17.29 guide clearly indicates that the explanations will be made available for public inspection,
17.30 subject to reasonable conditions;

17.31 (vi) answers included in the guide are those provided by the candidates in response
17.32 to questions, the candidate's answers are unedited, and the answers appear in close
17.33 proximity to the question to which they respond;

17.34 (vii) if the guide includes candidates' positions based on information other than
17.35 responses provided directly by the candidate, the positions are based on recorded votes,

18.1 reliable media reports, or public statements of the candidates and are presented in an
18.2 unedited and unbiased manner; and

18.3 (viii) the guide includes all major party candidates for each office listed in the guide;

18.4 (5) any other communication specified in board rules or advisory opinions as being
18.5 excluded from the definition of electioneering communications; and

18.6 (6) a communication that:

18.7 (i) refers to a clearly identified candidate who is an incumbent member of the
18.8 legislature or a constitutional officer;

18.9 (ii) refers to a clearly identified issue that is or was before the legislature in the
18.10 form of an introduced bill; and

18.11 (iii) is made when the legislature is in session or within ten days after the last day of
18.12 a regular session of the legislature.

18.13 (c) A communication that meets the requirements of paragraph (a) but is made with
18.14 the authorization or express or implied consent of, or in cooperation or in concert with, or
18.15 at the request or suggestion of a candidate, a candidate's principal campaign committee, or
18.16 a candidate's agent is an approved expenditure.

18.17 (d) Distributing a voter guide questionnaire, survey, or similar document to
18.18 candidates and communications with candidates limited to obtaining their responses,
18.19 without more, do not constitute communications that would result in the voter guide being
18.20 an approved expenditure on behalf of the candidate.

18.21 Subd. 2. **Targeted to relevant electorate.** (a) For purposes of this section, a
18.22 communication that refers to a clearly identified candidate is targeted to the relevant
18.23 electorate if the communication is distributed to or can be received by more than 1,500
18.24 persons in the district the candidate seeks to represent, in the case of a candidate for the
18.25 house of representatives, senate, or a district court judicial office or by more than 6,000
18.26 persons in the state, in the case of a candidate for constitutional office or appellate court
18.27 judicial office.

18.28 (b) A communication consisting of printed materials, other than signs, billboards,
18.29 or advertisements published in the print media, is targeted to the relevant electorate if it
18.30 meets the requirements of paragraph (a) and is distributed to voters by means of United
18.31 States mail or through direct delivery to a resident's home or business.

18.32 Subd. 3. **Disclosure of electioneering communications.** (a) Electioneering
18.33 communications made by a political committee, a party unit, or a principal campaign
18.34 committee must be disclosed on the periodic reports of receipts and expenditures filed by
18.35 the association on the schedule and in accordance with the terms of section 10A.20.

19.1 (b) An association other than a political committee, party unit, or principal campaign
19.2 committee may register a political fund with the board and disclose its electioneering
19.3 communications on the reports of receipts and expenditures filed by the political fund.
19.4 If it does so, it must disclose its disbursements for electioneering communication on the
19.5 schedule and in accordance with the terms of section 10A.20.

19.6 (c) An association that does not disclose its disbursements for electioneering
19.7 communication under paragraph (a) or (b) must disclose its electioneering communications
19.8 according to the requirements of subdivision 4.

19.9 Subd. 4. **Statement required for electioneering communications made by**
19.10 **unregistered associations.** (a) Except for associations providing disclosure as specified
19.11 in subdivision 3, paragraph (a) or (b), every person who makes a disbursement for the
19.12 costs of producing or distributing electioneering communications that aggregate more than
19.13 \$1,500 in a calendar year must, within 24 hours of each disclosure date, file with the board
19.14 a disclosure statement containing the information described in this subdivision.

19.15 (b) Each statement required to be filed under this section must contain the following
19.16 information:

19.17 (1) the names of: (i) the association making the disbursement; (ii) any person
19.18 exercising direction or control over the activities of the association with respect to the
19.19 disbursement; and (iii) the custodian of the financial records of the association making
19.20 disbursement;

19.21 (2) the address of the association making the disbursement;

19.22 (3) the amount of each disbursement of more than \$200 during the period covered
19.23 by the statement, a description of the purpose of the disbursement, and the identification of
19.24 the person to whom the disbursement was made;

19.25 (4) the names of the candidates identified or to be identified in the communication;

19.26 (5) if the disbursements were paid out of a segregated bank account that consists
19.27 of funds donated specifically for electioneering communications, the name and address
19.28 of each person who gave the association more than \$200 in aggregate to that account
19.29 during the period beginning on the first day of the preceding calendar year and ending on
19.30 the disclosure date; and

19.31 (6) if the disbursements for electioneering communications were made using general
19.32 treasury money of the association, an association that has paid more than \$5,000 in
19.33 aggregate for electioneering communications during the calendar year must file with its
19.34 disclosure statement a written statement that includes the name, address, and amount
19.35 attributable to each person that paid the association membership dues or fees, or made
19.36 donations to the association that, in total, aggregate more than \$5,000 of the money used

20.1 by the association for electioneering communications. The statement must also include
20.2 the total amount of the disbursements for electioneering communications attributable to
20.3 persons not subject to itemization under this clause. The statement must be certified as
20.4 true by an officer of the association that made the disbursements for the electioneering
20.5 communications.

20.6 (c) To determine the amount of the membership dues or fees, or donations
20.7 made by a person to an association and attributable to the association's disbursements
20.8 for electioneering communications, the association must separately prorate the total
20.9 disbursements made for electioneering communications during the calendar year over all
20.10 general treasury money received during the calendar year.

20.11 (d) If the amount spent for electioneering communications exceeds the amount of
20.12 general treasury money received by the association during that year:

20.13 (1) the electioneering communications must be attributed first to all receipts of
20.14 general treasury money received during the calendar year in which the electioneering
20.15 communications were made;

20.16 (2) any amount of current year electioneering communications that exceeds the total
20.17 of all receipts of general treasury money during the current calendar year must be prorated
20.18 over all general treasury money received in the preceding calendar year; and

20.19 (3) if the allocation made in clauses (1) and (2) is insufficient to cover the subject
20.20 electioneering communications, no further allocation is required.

20.21 (e) After a portion of the general treasury money received by an association
20.22 from a person has been designated as the source of a disbursement for electioneering
20.23 communications, that portion of the association's general treasury money received
20.24 from that person may not be designated as the source of any other disbursement for
20.25 electioneering communications or as the source for any contribution to an independent
20.26 expenditure political committee or fund.

20.27 Subd. 5. **Disclosure date.** For purposes of this section, the term "disclosure date"
20.28 means the earlier of:

20.29 (1) the first date on which an electioneering communication is publicly distributed,
20.30 provided that the person making the electioneering communication has made
20.31 disbursements for the direct costs of producing or distributing one or more electioneering
20.32 communication aggregating in excess of \$1,500; or

20.33 (2) any other date during the same calendar year on which an electioneering
20.34 communication is publicly distributed, provided that the person making the electioneering
20.35 communication has made disbursements for the direct costs of distributing one or more

21.1 electioneering communications aggregating in excess of \$1,500 since the most recent
21.2 disclosure date.

21.3 Subd. 6. **Contracts to disburse.** For purposes of this section, a person shall be
21.4 treated as having made a disbursement if the person has entered into an obligation to
21.5 make the disbursement.

21.6 Subd. 7. **Statement of attribution.** (a) An electioneering communication must
21.7 include a statement of attribution.

21.8 (1) For communications distributed by printed material, signs, and billboards, the
21.9 statement must say, in conspicuous letters: "Paid for by [association name] [address]."

21.10 (2) For communications distributed by television, radio, satellite, or cable
21.11 broadcasting system, the statement must be included at the end of the communication and
21.12 must orally state at a volume and speed that a person of ordinary hearing can comprehend:
21.13 "The preceding communication was paid for by the [association name]."

21.14 (3) For communications distributed by telephone communication, the statement
21.15 must precede the communication and must orally state at a volume and speed that a person
21.16 of ordinary hearing can comprehend: "The following communication is paid for by the
21.17 [association name]."

21.18 (b) If the communication is paid for by an association registered with the board, the
21.19 statement of attribution must use the association's name as it is registered with the board.
21.20 If the communication is paid for by an association not registered with the board, the
21.21 statement of attribution must use the association's name as it is disclosed to the board on
21.22 the association's disclosure statement associated with the communication.

21.23 Subd. 8. **Failure to file; penalty.** (a) If a person fails to file a statement required by
21.24 this section by the date the statement is due, the board may impose a late filing fee of \$50
21.25 per day, not to exceed \$1,000, commencing the day after the report was due.

21.26 (b) The board must send notice by certified mail to a person who fails to file a
21.27 statement within ten business days after the statement was due that the person may be
21.28 subject to a civil penalty for failure to file the statement. A person who fails to file the
21.29 statement within seven days after the certified mail notice was sent by the board is subject
21.30 to a civil penalty imposed by the board of up to \$1,000.

21.31 (c) An association that provides disclosure under section 10A.20 rather than under
21.32 this section is subject to the late filing fee and civil penalty provisions of section 10A.20
21.33 and is not subject to the penalties provided in this subdivision.

21.34 (d) An association that makes electioneering communications under this section and
21.35 willfully fails to provide the statement required by subdivision 4, paragraph (b), clause
21.36 (6), within the time specified is subject to an additional civil penalty of up to four times

22.1 the amount of the electioneering communications disbursements, but that should have
 22.2 been included on the statement.

22.3 Sec. 34. **[10A.243] TERMINATION OF REGISTRATION.**

22.4 Subdivision 1. **Termination report.** A political committee, political fund, principal
 22.5 campaign committee, or party unit may terminate its registration with the board after it
 22.6 has disposed of all its assets in excess of \$100 by filing a final report of receipts and
 22.7 expenditures. The final report must be identified as a termination report and must include
 22.8 all financial transactions that occurred after the last date included on the most recent
 22.9 report filed with the board. The termination report may be filed at any time after the
 22.10 asset threshold in this section is reached.

22.11 Subd. 2. **Asset disposition.** "Assets" include credit balances at vendors, prepaid
 22.12 postage and postage stamps, as well as physical assets. Assets must be disposed of at their
 22.13 fair market value. Assets of a political fund that consist of, or were acquired using, only
 22.14 the general treasury money of the fund's supporting association remain the property of the
 22.15 association upon termination of the association's political fund registration and are not
 22.16 subject to the disposal requirements of this section.

22.17 Sec. 35. **[10A.244] VOLUNTARY INACTIVE STATUS; POLITICAL FUNDS.**

22.18 Subdivision 1. **Election of voluntary inactive status.** An association that has a
 22.19 political fund registered under this chapter may elect to have the fund placed on voluntary
 22.20 inactive status if the following conditions are met:

22.21 (1) the association makes a written request for inactive status;

22.22 (2) the association has filed all periodic reports required by this chapter and
 22.23 has received no contributions into its political fund and made no expenditures or
 22.24 disbursements for electioneering communications through its political fund since the last
 22.25 date included on the association's most recent report; and

22.26 (3) the association has satisfied all obligations to the state for late filing fees and civil
 22.27 penalties imposed by the board or the board has waived this requirement.

22.28 Subd. 2. **Effect of voluntary inactive status.** After an association has complied
 22.29 with the requirements of subdivision 1:

22.30 (1) the board must notify the association that its political fund has been placed in
 22.31 voluntary inactive status and of the terms of this section;

22.32 (2) the board must stop sending the association reports, forms, and notices of report
 22.33 due dates that are periodically sent to entities registered with the board;

23.1 (3) the association is not required to file periodic disclosure reports for its political
 23.2 fund as otherwise required under this chapter;

23.3 (4) the association may not accept contributions into its political fund and may not
 23.4 make expenditures, contributions, or disbursements for electioneering communications
 23.5 through its political fund; and

23.6 (5) if the association maintains a separate depository account for its political fund,
 23.7 it may continue to pay bank service charges and receive interest paid on that account
 23.8 while its political fund is in inactive status.

23.9 Subd. 3. **Resumption of active status or termination.** (a) An association that
 23.10 has placed its political fund in voluntary inactive status may resume active status upon
 23.11 written notice to the board.

23.12 (b) A political fund placed in voluntary inactive status must resume active status
 23.13 within 14 days of the date that it has accepted contributions or made expenditures,
 23.14 contributions, or disbursements for electioneering communications that aggregate more
 23.15 than \$750 since the political fund was placed on inactive status. If, after meeting this
 23.16 threshold, the association does not notify the board that its fund has resumed active
 23.17 status, the board may place the association's political fund in active status and notify the
 23.18 association of the change in status.

23.19 (c) An association that has placed its political fund in voluntary inactive status may
 23.20 terminate the registration of the fund without returning it to active status.

23.21 Subd. 4. **Penalty for financial activity while in voluntary inactive status.** If an
 23.22 association fails to notify the board of its political fund's resumption of active status under
 23.23 subdivision 3, the board may impose a civil penalty of \$50 per day, not to exceed \$1,000
 23.24 commencing on the 15th calendar day after the fund resumed active status.

23.25 Sec. 36. **[10A.245] ADMINISTRATIVE TERMINATION OF INACTIVE**
 23.26 **COMMITTEES AND FUNDS.**

23.27 Subdivision 1. **Inactivity defined.** (a) A principal campaign committee becomes
 23.28 inactive on the later of the following dates:

23.29 (1) six years after the last election in which the individual for whom the committee
 23.30 exists was a candidate for the office sought or held at the time the principal campaign
 23.31 committee registered with the board; or

23.32 (2) six years after the last day on which the individual for whom the committee
 23.33 exists served in an elective office subject to this chapter.

23.34 (b) A political committee, political fund, or party unit becomes inactive when
 23.35 four years have elapsed since the end of a reporting period during which the political

24.1 committee, political fund, or party unit made an expenditure or disbursement requiring
 24.2 itemized disclosure under this chapter.

24.3 (c) A political fund that has elected voluntary inactive status under section 10A.244
 24.4 becomes inactive within the meaning of this section when four years have elapsed during
 24.5 which the political fund was continuously in voluntary inactive status.

24.6 Subd. 2. **Termination by board.** The board may terminate the registration of a
 24.7 principal campaign committee, party unit, political committee, or political fund found to be
 24.8 inactive under this section 60 days after sending written notice of inactivity by certified mail
 24.9 to the affected association at the last address on record with the board for that association.
 24.10 Within 60 days after the board sends notice under this section, the affected association must
 24.11 dispose of its assets as provided in this subdivision. The assets of the principal campaign
 24.12 committee, party unit, or political committee must be used for the purposes authorized by
 24.13 this chapter or section 211B.12 or must be liquidated and deposited in the general account
 24.14 of the state elections campaign account. The assets of an association's political fund that
 24.15 were derived from the association's general treasury money revert to the association's
 24.16 general treasury. Assets of a political fund that resulted from contributions to the political
 24.17 fund must be used for the purposes authorized by this chapter or section 211B.12 or must
 24.18 be liquidated and deposited in the general account of the state elections campaign account.

24.19 Sec. 37. **[10A.246] UNPAID DEBT UPON TERMINATION.**

24.20 Termination of a registration with the board does not affect the liability, if any, of the
 24.21 association or its candidates, officers, or other individuals for obligations incurred in the
 24.22 name of the association or its political fund.

24.23 Sec. 38. Minnesota Statutes 2012, section 10A.25, subdivision 2, is amended to read:

24.24 Subd. 2. **Amounts.** (a) In a year in which an election is held each election cycle for
 24.25 an office sought by a candidate, the principal campaign committee of the candidate must
 24.26 not make campaign expenditures nor permit approved expenditures to be made on behalf
 24.27 of the candidate that result in aggregate expenditures in excess of the following:

24.28 (1) for governor and lieutenant governor, running together, ~~\$2,577,200~~ \$5,000,000;

24.29 (2) for attorney general, ~~\$429,600~~;

24.30 (~~3~~) for secretary of state, and state auditor, separately, ~~\$214,800~~ each \$1,500,000;

24.31 (~~4~~) (3) for state senator, ~~\$68,100~~ \$120,000;

24.32 (~~5~~) (4) for state representative, ~~\$34,300~~ \$60,000.

24.33 (b) In addition to the amount in paragraph (a), clause (1), a candidate for
 24.34 endorsement for the office of lieutenant governor at the convention of a political party

25.1 may make campaign expenditures and approved expenditures of five percent of that
 25.2 amount to seek endorsement.

25.3 (c) If a special election cycle occurs during a general election cycle, expenditures by
 25.4 or on behalf of a candidate in the special election cycle do not count as expenditures by or
 25.5 on behalf of the candidate in the general election cycle.

25.6 (d) The expenditure limits in this subdivision for an office are increased by ten
 25.7 percent for a candidate who ~~is running for that office for the first time~~ has not previously
 25.8 held the same office, whose name has not previously been on the primary or general
 25.9 election ballot for that office, and who has not in the past ten years raised or spent
 25.10 more than \$750 in a run previously for any other office whose territory now includes a
 25.11 population that is more than one-third of the population in the territory of the new office.
 25.12 In the case of a legislative candidate, the office is that of a member of the house of
 25.13 representatives or senate without regard to any specific district.

25.14 Sec. 39. Minnesota Statutes 2012, section 10A.25, subdivision 2a, is amended to read:

25.15 Subd. 2a. **Aggregated expenditures.** If a candidate makes expenditures from more
 25.16 than one principal campaign committee for nomination or election to statewide office
 25.17 in the same election ~~year~~ cycle, the amount of expenditures from all of the candidate's
 25.18 principal campaign committees for statewide office for that election ~~year~~ cycle must be
 25.19 aggregated for purposes of applying the limits on expenditures under subdivision 2.

25.20 Sec. 40. Minnesota Statutes 2012, section 10A.25, subdivision 3, is amended to read:

25.21 Subd. 3. **Governor and lieutenant governor a single candidate.** For the purposes
 25.22 of ~~sections 10A.11 to 10A.34~~ this chapter, a candidate for governor and a candidate
 25.23 for lieutenant governor, running together, are considered a single candidate. Except
 25.24 as provided in subdivision 2, paragraph (b), all expenditures made by or all approved
 25.25 expenditures made on behalf of the candidate for lieutenant governor are considered to be
 25.26 expenditures by or approved expenditures on behalf of the candidate for governor.

25.27 Sec. 41. Minnesota Statutes 2012, section 10A.25, subdivision 3a, is amended to read:

25.28 Subd. 3a. **Independent expenditures and electioneering communications.** The
 25.29 principal campaign committee of a candidate must not make independent expenditures or
 25.30 disbursements for electioneering communications.

25.31 Sec. 42. Minnesota Statutes 2012, section 10A.257, subdivision 1, is amended to read:

26.1 Subdivision 1. **Unused funds.** After all campaign expenditures and noncampaign
 26.2 disbursements for an election cycle have been made, an amount up to ~~50~~ 25 percent of the
 26.3 election ~~year~~ cycle expenditure limit for the office may be carried forward. Any remaining
 26.4 amount up to the total amount of the public subsidy from the state elections campaign fund
 26.5 must be returned to the state treasury for credit to the general fund under section 10A.324.
 26.6 Any remaining amount in excess of the total public subsidy must be contributed to the
 26.7 state elections campaign ~~fund~~ and account or a political party for multicandidate expenditures
 26.8 as defined in section 10A.275.

26.9 Sec. 43. Minnesota Statutes 2012, section 10A.27, subdivision 1, is amended to read:

26.10 Subdivision 1. **Contribution limits.** (a) Except as provided in subdivision 2,
 26.11 a candidate must not permit the candidate's principal campaign committee to accept
 26.12 aggregate contributions in an election cycle made or delivered by any individual, political
 26.13 committee, ~~or political fund,~~ or association not registered with the board in excess of
 26.14 the following:

26.15 (1) to candidates for governor and lieutenant governor running together, ~~\$2,000 in~~
 26.16 ~~an election year for the office sought and \$500 in other years~~ \$6,000;

26.17 (2) to a candidate for attorney general, secretary of state, or state auditor, ~~\$1,000 in~~
 26.18 ~~an election year for the office sought and \$200 in other years~~ \$4,000;

26.19 (3) to a candidate for state senator, ~~\$500 in an election year for the office sought~~
 26.20 ~~and \$100 in other years~~ \$3,000;

26.21 (4) to a candidate for state representative, ~~\$500 in an election year for the office~~
 26.22 ~~sought and \$100 in the other year~~ \$1,500; and

26.23 (5) to a candidate for judicial office, ~~\$2,000 in an election year for the office sought~~
 26.24 ~~and \$500 in other years~~ \$4,500.

26.25 (b) The following deliveries are not subject to the bundling limitation in this
 26.26 subdivision:

26.27 (1) delivery of contributions collected by a member of the candidate's principal
 26.28 campaign committee, such as a block worker or a volunteer who hosts a fund-raising
 26.29 event, to the committee's treasurer; and

26.30 (2) a delivery made by an individual on behalf of the individual's spouse.

26.31 (c) A lobbyist, political committee, political party unit, ~~or an association that has a~~
 26.32 ~~political fund,~~ or an association not registered with the board must not make a contribution
 26.33 a candidate is prohibited from accepting.

26.34 Sec. 44. Minnesota Statutes 2012, section 10A.27, subdivision 10, is amended to read:

27.1 Subd. 10. **Limited personal contributions.** A candidate who ~~accepts a public~~
 27.2 ~~subsidy~~ signs an agreement under section 10A.322 may not contribute to the candidate's
 27.3 own campaign during ~~a year~~ an election cycle more than ~~ten~~ five times the candidate's
 27.4 election ~~year~~ cycle contribution limit under subdivision 1.

27.5 Sec. 45. Minnesota Statutes 2012, section 10A.27, subdivision 11, is amended to read:

27.6 Subd. 11. **Contributions from certain types of contributors.** A candidate must
 27.7 not permit the candidate's principal campaign committee to accept a contribution from
 27.8 a political committee, political fund, lobbyist, ~~or~~ large contributor, or association not
 27.9 registered with the board if the contribution will cause the aggregate contributions from
 27.10 those types of contributors to exceed an amount equal to 20 percent of the expenditure
 27.11 limits for the office sought by the candidate, provided that the 20 percent limit must be
 27.12 rounded to the nearest \$100. For purposes of this subdivision, "large contributor" means
 27.13 an individual, other than the candidate, who contributes an amount that is ~~more than \$100~~
 27.14 ~~and~~ more than one-half the amount an individual may contribute.

27.15 Sec. 46. Minnesota Statutes 2012, section 10A.27, subdivision 13, is amended to read:

27.16 Subd. 13. **Unregistered association limit; statement; penalty.** (a) The treasurer of
 27.17 a political committee, political fund, principal campaign committee, or party unit must not
 27.18 accept a contribution of more than ~~\$100~~ \$200 from an association not registered under
 27.19 this chapter unless the contribution is accompanied by a written statement that meets the
 27.20 disclosure and reporting period requirements imposed by section 10A.20. This statement
 27.21 must be certified as true and correct by an officer of the contributing association. The
 27.22 committee, fund, or party unit that accepts the contribution must include a copy of the
 27.23 statement with the report that discloses the contribution to the board. ~~This subdivision~~
 27.24 ~~does not apply when a national political party contributes money to its affiliate in this state.~~

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

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

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

27.33 (c) The treasurer of a political committee, political fund, principal campaign
 27.34 committee, or party unit who accepts a contribution in excess of ~~\$100~~ \$200 from an

28.1 unregistered association without the required written disclosure statement is subject to a
 28.2 civil penalty up to four times the amount in excess of \$100 \$200.

28.3 (d) This subdivision does not apply:

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

28.5 (2) to purchases by candidates for federal office of tickets to events or space rental

28.6 at events held by party units in this state (i) if the geographical area represented by the

28.7 party unit includes any part of the geographical area of the office that the federal candidate

28.8 is seeking and (ii) the purchase price is not more than that paid by other attendees or

28.9 renters of similar spaces.

28.10 Sec. 47. Minnesota Statutes 2012, section 10A.27, subdivision 14, is amended to read:

28.11 Subd. 14. **Contributions of business revenue.** An association may, if not prohibited
 28.12 by other law, contribute revenue from the operation of a business to an independent
 28.13 expenditure or ballot question political committee or an independent expenditure political
 28.14 fund without complying with subdivision 13.

28.15 Sec. 48. Minnesota Statutes 2012, section 10A.27, subdivision 15, is amended to read:

28.16 Subd. 15. **Contributions of dues or contribution revenue or use of general**
 28.17 **treasury money.** (a) An association may, if not prohibited by other law, contribute revenue
 28.18 ~~from membership dues or fees, or from contributions received by the association~~ its general
 28.19 treasury money to an independent expenditure or ballot question political committee or
 28.20 an independent expenditure political fund, including its own independent expenditure or
 28.21 ballot question political committee or fund, without complying with subdivision 13.

28.22 (b) Before the day when the recipient committee or fund's next report must be
 28.23 filed with the board under section 10A.20, subdivision 2 or 5, an association that has
 28.24 contributed more than \$5,000 or more in aggregate to independent expenditure political
 28.25 committees or funds during the calendar year or has contributed more than \$5,000 in
 28.26 aggregate to ballot question political committees or funds during the calendar year
 28.27 must provide in writing to the recipient's treasurer a statement that includes the name,
 28.28 address, and amount attributable to each ~~individual or association~~ person that paid the
 28.29 association dues or fees, or made ~~contributions~~ donations to the association that, in total,
 28.30 aggregate more than \$1,000 or more \$5,000 of the contribution from the association to the
 28.31 independent expenditure or ballot question political committee or fund. The statement
 28.32 must also include the total amount of the contribution ~~from individuals or associations~~
 28.33 attributable to persons not subject to itemization under this section. The statement must be
 28.34 certified as true ~~and correct~~ by an officer of the donor association.

29.1 ~~(b)~~ (c) To determine the amount of membership dues or fees, or contributions
29.2 donations made by an individual or association that exceed \$1,000 of the contribution
29.3 made by the donor association a person to an association and attributable to the
29.4 association's contribution to the independent expenditure or ballot question political
29.5 committee or fund, the donor association must: separately prorate the total independent
29.6 expenditures and ballot question expenditures made during the calendar year over all
29.7 general treasury money received during the calendar year.

29.8 (1) ~~apply a pro rata calculation to all unrestricted dues, fees, and contributions~~
29.9 ~~received by the donor association in the calendar year; or~~

29.10 (2) ~~as provided in paragraph (c), identify the specific individuals or associations~~
29.11 ~~whose dues, fees, or contributions are included in the contribution to the independent~~
29.12 ~~expenditure political committee or fund.~~

29.13 (e) ~~Dues, fees, or contributions from an individual or association must be identified~~
29.14 ~~in a contribution to an independent expenditure political committee or fund under~~
29.15 ~~paragraph (b), clause (2), if:~~

29.16 (1) ~~the individual or association has specifically authorized the donor association to~~
29.17 ~~use the individual's or association's dues, fees, or contributions for this purpose; or~~

29.18 (2) ~~the individual's or association's dues, fees, or contributions to the donor~~
29.19 ~~association are unrestricted and the donor association designates them as the source of the~~
29.20 ~~subject contribution to the independent expenditure political committee or fund.~~

29.21 (d) If the amount contributed to independent expenditure and ballot question
29.22 political committees or funds in a calendar year exceeds the amount of general treasury
29.23 money received by the association during that year:

29.24 (1) the contributions must be attributed first to all receipts of general treasury money
29.25 received during the calendar year in which the contributions were made;

29.26 (2) any amount of current-year contributions that exceeds the total of all receipts of
29.27 general treasury money during the current calendar year must be prorated over all general
29.28 treasury money received in the preceding calendar year; and

29.29 (3) if the allocation made in clauses (1) and (2) is insufficient to cover the subject
29.30 contributions, no further allocation is required.

29.31 (e) ~~After a portion of an individual's or association's dues, fees, or contributions to~~
29.32 ~~the donor association have~~ the general treasury money received by an association from a
29.33 person has been designated as the source of a contribution to an independent expenditure or
29.34 ballot question political committee or fund, that portion of the individual's or association's
29.35 dues, fees, or contributions to the donor association association's general treasury money
29.36 received from that person may not be designated as the source of any other contribution to

30.1 an independent expenditure or ballot question political committee or fund or as the source
 30.2 of funds for a disbursement for electioneering communications made by that association.

30.3 ~~(d) For the purposes of this section, "donor association" means the association~~
 30.4 ~~contributing to an independent expenditure political committee or fund that is required to~~
 30.5 ~~provide a statement under paragraph (a).~~

30.6 Sec. 49. Minnesota Statutes 2012, section 10A.323, is amended to read:

30.7 **10A.323 AFFIDAVIT OF CONTRIBUTIONS.**

30.8 (a) In addition to the requirements of section 10A.322, to be eligible to receive a
 30.9 public subsidy under section 10A.31 a candidate or the candidate's treasurer must ~~file an~~
 30.10 ~~affidavit with the board stating that:~~

30.11 (1) between January 1 of the previous year and the cutoff date for transactions
 30.12 included in the report of receipts and expenditures due before the primary election ~~the~~
 30.13 ~~candidate has accumulated,~~ accumulate contributions from ~~persons~~ individuals eligible to
 30.14 vote in this state in at least the amount indicated for the office sought, counting only the
 30.15 first \$50 received from each contributor, excluding in-kind contributions:

30.16 ~~(1)~~ (i) candidates for governor and lieutenant governor running together, \$35,000;

30.17 ~~(2)~~ (ii) candidates for attorney general, \$15,000;

30.18 ~~(3)~~ (iii) candidates for secretary of state and state auditor, separately, \$6,000;

30.19 ~~(4)~~ (iv) candidates for the senate, \$3,000; and

30.20 ~~(5)~~ (v) candidates for the house of representatives, \$1,500-;

30.21 (2) the candidate or the candidate's treasurer must file an affidavit with the board
 30.22 stating that the principal campaign committee has complied with this paragraph. The
 30.23 affidavit must state the total amount of contributions that have been received from persons
 30.24 individuals eligible to vote in this state, disregarding excluding:

30.25 (i) the portion of any contribution in excess of \$50-;

30.26 (ii) any in-kind contribution; and

30.27 (iii) any contribution for which the name and address of the contributor is not known
 30.28 and recorded; and

30.29 (3) the candidate or the candidate's treasurer must submit the affidavit required
 30.30 by this section to the board in writing by the deadline for reporting of receipts and
 30.31 expenditures before a primary under section 10A.20, subdivision 4.

30.32 (b) A candidate for a vacancy to be filled at a special election for which the filing
 30.33 period does not coincide with the filing period for the general election must accumulate
 30.34 the contributions specified in paragraph (a) and must submit the affidavit required by this

31.1 section to the board within five days after the close of the filing period for the special
31.2 election for which the candidate filed.

31.3 (c) A candidate whose name is placed on the ballot after the date by which the
31.4 affidavit must be filed under this subdivision must accumulate the required contributions
31.5 and must file the affidavit required by this section within ten days of the date that the
31.6 candidate's name was placed on the ballot.

31.7 Sec. 50. Minnesota Statutes 2012, section 211B.32, subdivision 1, is amended to read:

31.8 Subdivision 1. **Administrative remedy; exhaustion.** (a) Except as provided in
31.9 paragraph (b), a complaint alleging a violation of chapter 211A or 211B must be filed with
31.10 the office. The complaint must be finally disposed of by the office before the alleged
31.11 violation may be prosecuted by a county attorney.

31.12 (b) Complaints arising under those sections and related to those individuals and
31.13 associations specified in section 10A.02, subdivision 11, paragraph (a), must be filed with
31.14 the Campaign Finance and Public Disclosure Board.

31.15 Sec. 51. **REPEALER.**

31.16 Minnesota Statutes 2012, sections 10A.24; 10A.242; and 10A.25, subdivision 6, are
31.17 repealed.

31.18 Sec. 52. **EFFECTIVE DATE.**

31.19 This act is effective the day following final enactment.

10A.24 DISSOLUTION OR TERMINATION.

Subdivision 1. **Termination report.** A political committee, political fund, principal campaign committee, or party unit may not dissolve until it has settled all of its debts and disposed of all its assets in excess of \$100 and filed a termination report. "Assets" include credit balances at vendors and physical assets such as computers and postage stamps. Physical assets must be listed at their fair market value. The termination report may be made at any time and must include all information required in periodic reports.

Subd. 2. **Termination allowed.** Notwithstanding subdivision 1, a committee, fund, or party unit that has debts incurred more than six years previously, has disposed of all its assets, and has met the requirements of section 10A.20, subdivision 7, may notify any remaining creditors by certified mail and then file a termination report.

10A.242 DISSOLUTION OF INACTIVE COMMITTEES AND FUNDS.

Subdivision 1. **Dissolution required.** A political committee, political fund, or principal campaign committee must be dissolved within 60 days after receiving notice from the board that the committee or fund has become inactive. The assets of the committee or fund must be spent for the purposes authorized by section 211B.12 and other applicable law or liquidated and deposited in the general account of the state elections campaign fund within 60 days after the board notifies the committee or fund that it has become inactive.

Subd. 2. **Inactivity defined.** (a) A principal campaign committee becomes inactive on the later of the following dates:

(1) when six years have elapsed since the last election in which the person was a candidate for the office sought or held at the time the principal campaign committee registered with the board; or

(2) when six years have elapsed since the last day on which the individual for whom it exists served in an elective office subject to this chapter.

(b) A political committee or fund becomes inactive when two years have elapsed since the end of a reporting period during which the political committee or fund made an expenditure or disbursement requiring disclosure under this chapter.

Subd. 3. **Remaining debts.** If a committee or fund becomes inactive when it still has unpaid debts, the committee or fund must liquidate available assets to pay the debts. If insufficient assets exist to pay the debts, the board may set up a payment schedule and allow the committee or fund to defer dissolution until all debts are paid. This section does not extinguish debts incurred by the committee or fund.

10A.25 SPENDING LIMITS.

Subd. 6. **Limit in nonelection year.** During an election cycle, in any year before the election year for the office held or sought by the candidate, a candidate must not make campaign expenditures nor permit approved expenditures to be made on behalf of the candidate that exceed 20 percent of the expenditure limit set forth in subdivision 2.