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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4728

03/07/2024 Authored by Bahner, Freiberg, Greenman, Torkelson, Altendorf and others
The bill was read for the first time and referred to the Committee on Elections Finance and Policy

1.1 A bill for an act
1.2 relating to elections; requiring the commissioner of revenue to establish an online
1.3 system to claim the political contribution refund; amending the political contribution
1.4 refund program to allow for electronic information transfer between the Campaign
1.5 Finance and Public Disclosure Board and the Department of Revenue; appropriating
1.6 money; amending Minnesota Statutes 2022, sections 10A.02, subdivision 11b;
1.7 10A.322, subdivision 4; Minnesota Statutes 2023 Supplement, section 290.06,
1.8 subdivision 23.

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

1.10 Section 1. Minnesota Statutes 2022, section 10A.02, subdivision 11b, is amended to read:

1.11 Subd. 11b. Data privacy related to electronic reporting system. The board may
1.12 develop and maintain systems to enable treasurers to enter and store electronic records
1.13 online for the purpose of complying with this chapter. Data entered into such systems by
1.14 treasurers or their authorized agents is not government data under chapter 13 and may not
1.15 be accessed or used by the board for any purpose without the treasurer's written consent.
1.16 Data from such systems that has been submitted to the board as a filed report is government
1.17 data under chapter 13. Data submitted to the board for purposes of the refund under section
1.18 290.06, subdivision 23, may be transferred to the commissioner of revenue for purposes of
1.19 processing the refund.

1.20 EFFECTIVE DATE. This section is effective for contributions made after

1.21 Sec. 2. Minnesota Statutes 2022, section 10A.322, subdivision 4, is amended to read:

1.22 Subd. 4. Refund receipt forms; penalty. (a) The board must make available to a political
1.23 party on request and to any candidate for whom an agreement under this section is effective,

2.1 an official electronic refund receipt or a supply of paper official refund receipt forms ~~that~~
 2.2 state, both of which must state in boldface type that:

2.3 (1) a contributor who is given a receipt ~~form~~ is eligible to claim a refund as provided in
 2.4 section 290.06, subdivision 23; and

2.5 (2) if the contribution is to a candidate, that the candidate has signed an agreement to
 2.6 limit campaign expenditures as provided in this section.

2.7 Each receipt must include a unique identification number that allows the commissioner of
 2.8 revenue to verify the information on the receipt with the Campaign Finance Board. The
 2.9 paper forms must provide duplicate copies of the receipt to be attached to the contributor's
 2.10 claim.

2.11 (b) The willful issuance of an official refund receipt ~~form~~ or a facsimile of one to any
 2.12 of the candidate's contributors by a candidate or treasurer of a candidate who did not sign
 2.13 an agreement under this section is subject to a civil penalty of up to \$3,000 imposed by the
 2.14 board.

2.15 (c) The willful issuance of an official refund receipt ~~form~~ or a facsimile to an individual
 2.16 not eligible to claim a refund under section 290.06, subdivision 23, is subject to a civil
 2.17 penalty of up to \$3,000 imposed by the board.

2.18 (d) A violation of paragraph (b) or (c) is a misdemeanor.

2.19 **EFFECTIVE DATE.** This section is effective for contributions made after

2.20 Sec. 3. Minnesota Statutes 2023 Supplement, section 290.06, subdivision 23, is amended
 2.21 to read:

2.22 Subd. 23. **Refund of contributions to political parties and candidates.** (a) A taxpayer
 2.23 may claim a refund equal to the amount of the taxpayer's contributions made in the calendar
 2.24 year to candidates and to a political party. The maximum refund for an individual must not
 2.25 exceed \$75 and for a married couple, filing jointly, must not exceed \$150.

2.26 (b) A refund of a contribution is allowed only if the taxpayer:

2.27 (1) files a form required by the commissioner and attaches to the form a copy of an
 2.28 official refund receipt form issued by the candidate or party and signed by the candidate,
 2.29 the treasurer of the candidate's principal campaign committee, or the chair or treasurer of
 2.30 the party unit, after the contribution was received; or

3.1 (2) files a claim via the Internet or other electronic means that includes a unique
3.2 identification number with which to verify the information on the receipt required under
3.3 clause (1).

3.4 (c) The receipt forms must be numbered, and the data on the receipt that are not public
3.5 must be made available to the campaign finance and public disclosure board upon its request.

3.6 (d) A claim must be filed with the commissioner no sooner than January 1 of the calendar
3.7 year in which the contribution was made and no later than April 15 of the calendar year
3.8 following the calendar year in which the contribution was made. A taxpayer may file ~~only~~
3.9 more than one claim per calendar year, provided that the total amount of all claims does
3.10 not exceed the maximum refund amounts under paragraph (a). Amounts paid by the
3.11 commissioner after June 15 of the calendar year following the calendar year in which the
3.12 contribution was made must include interest at the rate specified in section 270C.405.

3.13 ~~(b)~~ (e) No refund is allowed under this subdivision for a contribution to a candidate
3.14 unless the candidate:

3.15 (1) has signed an agreement to limit campaign expenditures as provided in section
3.16 10A.322;

3.17 (2) is seeking an office for which voluntary spending limits are specified in section
3.18 10A.25; and

3.19 (3) has designated a principal campaign committee.

3.20 This subdivision does not limit the campaign expenditures of a candidate who does not
3.21 sign an agreement but accepts a contribution for which the contributor improperly claims
3.22 a refund.

3.23 ~~(e)~~ (f) For purposes of this subdivision, "political party" means a major political party
3.24 as defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion
3.25 on the income tax or property tax refund form under section 10A.31, subdivision 3a.

3.26 A "major party" or "minor party" includes the aggregate of that party's organization
3.27 within each house of the legislature, the state party organization, and the party organization
3.28 within congressional districts, counties, legislative districts, municipalities, and precincts.

3.29 "Candidate" means a candidate as defined in section 10A.01, subdivision 10, except a
3.30 candidate for judicial office.

3.31 "Contribution" means a gift of money.

4.1 ~~(d)~~ (g) The commissioner shall make copies of the form available to the public and
 4.2 candidates upon request.

4.3 ~~(e)~~ (h) The following data collected or maintained by the commissioner under this
 4.4 subdivision are private: the identities of individuals claiming a refund, the identities of
 4.5 candidates to whom those individuals have made contributions, and the amount of each
 4.6 contribution.

4.7 ~~(f)~~ (i) The commissioner shall report to the campaign finance and public disclosure board
 4.8 by each August 1 a summary showing the total number and aggregate amount of political
 4.9 contribution refunds made on behalf of each candidate and each political party. These data
 4.10 are public.

4.11 ~~(g)~~ (j) The amount necessary to pay claims for the refund provided in this section is
 4.12 appropriated from the general fund to the commissioner of revenue.

4.13 ~~(h)~~ (k) For a taxpayer who files a claim for refund via the Internet or other electronic
 4.14 means, the commissioner may accept the unique identification number on the official receipt
 4.15 as documentation that a contribution was made rather than the actual receipt as required by
 4.16 paragraph (a).

4.17 **EFFECTIVE DATE.** This section is effective for contributions made after

4.18 Sec. 4. **APPROPRIATION.**

4.19 \$..... is appropriated from the general fund to the commissioner of revenue in fiscal
 4.20 year to implement a system for accepting unique identification numbers to process
 4.21 political contribution refund claims.

4.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.