

1.1 CONFERENCE COMMITTEE REPORT ON S.F. No. 205

1.2 A bill for an act

1.3 relating to campaign finance; modifying provisions related to the campaign
1.4 finance and public disclosure board; making changes to provisions related to
1.5 enforcement, registration, fees, data, contributions, statements of economic
1.6 interest, and various other provisions administered by the board; providing
1.7 penalties; making technical changes; amending Minnesota Statutes 2014,
1.8 sections 10A.02, subdivision 11; 10A.03, subdivision 3; 10A.08, subdivision 1;
1.9 10A.09, subdivisions 6, 10; 10A.14, subdivisions 1, 1a, 4; 10A.17, subdivision
1.10 4; 10A.20, subdivisions 1, 2, 3; 10A.25, subdivision 10; 10A.27, subdivisions
1.11 1, 11, by adding a subdivision; 10A.322, subdivision 4; 10A.34, by adding a
1.12 subdivision; 13.607, subdivision 5, by adding a subdivision; 211B.04; 211B.12;
1.13 211B.15, subdivision 2; repealing Minnesota Statutes 2014, section 10A.20,
1.14 subdivision 1c; Minnesota Rules, part 4503.1500, subpart 2.

1.15 May 17, 2015

1.16 The Honorable Sandra L. Pappas
1.17 President of the Senate

1.18 The Honorable Kurt L. Daudt
1.19 Speaker of the House of Representatives

1.20 We, the undersigned conferees for S.F. No. 205 report that we have agreed upon the
1.21 items in dispute and recommend as follows:

1.22 That the House recede from its amendments and that S.F. No. 205 be further
1.23 amended as follows:

1.24 Delete everything after the enacting clause and insert:

1.25 "Section 1. Minnesota Statutes 2014, section 10A.02, subdivision 11, is amended to
1.26 read:

1.27 Subd. 11. **Violations; enforcement.** (a) The board may investigate any alleged
1.28 violation of this chapter. The board may also investigate an alleged violation of section
1.29 211B.04, 211B.12, or 211B.15 by or related to a candidate, treasurer, principal campaign
1.30 committee, political committee, political fund, or party unit, as those terms are defined
1.31 in this chapter.

1.32 (1) Upon receipt of a written complaint filed with the board, ~~the board shall promptly~~
1.33 ~~provide a copy of the complaint to the subject of the complaint and notify the subject that~~

2.1 ~~a determination as to whether the complaint states a prima facie violation will be made~~
2.2 ~~and that the subject may, within 15 days of the date the board provided notice to the~~
2.3 ~~subject, submit a written statement addressing the prima facie determination. The notice~~
2.4 ~~must include the definition of a prima facie determination.~~

2.5 ~~Within 30 days after the filing of the complaint, the board chair or another board~~
2.6 ~~member designated by the chair shall promptly make a determination as to whether the~~
2.7 ~~complaint alleges a prima facie violation. If a determination is made that the complaint~~
2.8 ~~does not allege a prima facie violation, the complaint shall be dismissed without prejudice~~
2.9 ~~and the complainant and the subject of the complaint must be promptly notified of the~~
2.10 ~~reasons the complaint did not allege a prima facie violation. The notice to the subject of~~
2.11 ~~the complaint must include a copy of the complaint. If the complainant files a revised~~
2.12 ~~complaint regarding the same facts and the same subject, the prima facie determination~~
2.13 ~~must be completed by a board member other than the member who made the initial~~
2.14 ~~determination and who does not support the same political party as the member who made~~
2.15 ~~the initial determination. The chair may order that the prima facie determination for any~~
2.16 ~~complaint be made by the full board and must order that the prima facie determination for~~
2.17 ~~a complaint being submitted for the third time be made by the full board.~~

2.18 ~~(2) If a determination is made that the complaint alleges a prima facie violation,~~
2.19 ~~the board shall, within 45 days of the prima facie determination, make findings and~~
2.20 ~~conclusions as to whether probable cause exists to believe the alleged violation that~~
2.21 ~~warrants a formal investigation has occurred. Any party filing a complaint and any party~~
2.22 ~~against whom a complaint is filed must be given an opportunity to be heard by the board~~
2.23 ~~prior to the board's determination as to whether probable cause exists to believe a violation~~
2.24 ~~that warrants a formal investigation has occurred.~~

2.25 ~~(3) Upon a determination by the board that probable cause exists to believe a~~
2.26 ~~violation that warrants a formal investigation has occurred, the board must undertake~~
2.27 ~~an investigation under subdivision 10 and must issue an order at the conclusion of~~
2.28 ~~the investigation, except that if the complaint alleges a violation of section 10A.25 or~~
2.29 ~~10A.27, the board must either enter a conciliation agreement or make public findings and~~
2.30 ~~conclusions as to whether a violation has occurred and must issue an order within 60 days~~
2.31 ~~after the ~~filing of the complaint~~ probable cause determination has been made. Prior to~~
2.32 ~~making findings and conclusions in an investigation, the board must offer the subject of~~
2.33 ~~the complaint an opportunity to answer the allegations of the complaint in writing and~~
2.34 ~~to appear before the board to address the matter. The deadline for action on a written~~
2.35 ~~complaint may be extended by majority vote of the board.~~

3.1 (b) The board may bring legal actions or negotiate settlements in its own name to
3.2 recover money raised from contributions subject to the conditions in this paragraph.

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

3.7 (2) Prior to commencing an action, the board must give the association whose money
3.8 was misused written notice by certified mail of its intent to take action under this subdivision
3.9 and must give the association a reasonable opportunity, for a period of not less than 90
3.10 days, to recover the money without board intervention. This period must be extended
3.11 for at least an additional 90 days for good cause if the association is actively pursuing
3.12 recovery of the money. The board may not commence a legal action under this subdivision
3.13 if the association has commenced a legal action for the recovery of the same money.

3.14 (3) Any funds recovered under this subdivision must be deposited in a campaign
3.15 finance recovery account in the special revenue fund and are appropriated as follows:

3.16 (i) an amount equal to the board's actual costs and disbursements in the action,
3.17 including court reporter fees for depositions taken in the course of an investigation, is
3.18 appropriated to the board for its operations;

3.19 (ii) an amount equal to the reasonable value of legal services provided by the Office
3.20 of the Attorney General in the recovery matter, calculated on the same basis as is used
3.21 for charging legal fees to state agencies, is appropriated to the attorney general for the
3.22 attorney general's operations; and

3.23 (iii) any remaining balance is appropriated to the board for distribution to the
3.24 association to which the money was originally contributed.

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

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

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

4.1 (c) Within a reasonable time after beginning an investigation of an individual
4.2 or association, the board must notify the individual or association of the fact of the
4.3 investigation. The board must not make a finding that a violation has occurred without
4.4 notifying the individual or association of the nature of the allegations and affording
4.5 an opportunity to answer those allegations. After the board has sent notice of the
4.6 investigation to the individual or association, the individual or association must preserve
4.7 evidence related to the investigation.

4.8 (d) A hearing before the board or action of the board concerning a complaint or
4.9 investigation other than findings, conclusions, and orders or a conciliation agreement is
4.10 confidential. Until the board makes a public finding or enters a conciliation agreement:

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

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

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

4.20 Sec. 2. Minnesota Statutes 2014, section 10A.03, subdivision 3, is amended to read:

4.21 Subd. 3. **Failure to file.** ~~The board must send a notice by certified mail to any~~
4.22 ~~lobbyist who fails to file a registration form within five days after becoming a lobbyist. If~~
4.23 ~~a lobbyist fails to file a registration form within ten business days after the notice was sent~~
4.24 ~~by the date that the form was due, the board may impose a late filing fee of \$5 \$25 per day,~~
4.25 ~~not to exceed \$100 \$1,000, starting on the 11th day after the notice was sent form was due.~~
4.26 ~~The board must send an additional notice by certified mail to a lobbyist who fails to file a~~
4.27 ~~form within 14 ten business days after the first notice was sent by the board form was due~~
4.28 ~~that the lobbyist may be subject to a civil penalty for failure to file the form. A lobbyist~~
4.29 ~~who fails to file a form within seven days after the second certified mail notice was sent by~~
4.30 ~~the board is subject to a civil penalty imposed by the board of up to \$1,000.~~

4.31 Sec. 3. Minnesota Statutes 2014, section 10A.08, subdivision 1, is amended to read:

4.32 Subdivision 1. **Disclosure required.** A public official who represents a client for a
4.33 fee before an individual, board, commission, or agency that has rulemaking authority in a
4.34 hearing conducted under chapter 14, must disclose the official's participation in the action

5.1 to the board within 14 days after the appearance. If the public official fails to disclose the
5.2 participation ~~within ten business days after~~ by the date that the disclosure required by this
5.3 section was due, the board may impose a late filing fee of ~~\$5~~ \$25 per day, not to exceed
5.4 ~~\$100~~ \$1,000, starting on the ~~11th~~ day after the disclosure was due. The board must send
5.5 notice by certified mail to a public official who fails to disclose the participation within
5.6 ten business days after the disclosure was due that the public official may be subject to a
5.7 civil penalty for failure to disclose the participation. A public official who fails to disclose
5.8 the participation within seven days after the certified mail notice was sent by the board is
5.9 subject to a civil penalty imposed by the board of up to \$1,000.

5.10 Sec. 4. Minnesota Statutes 2014, section 10A.09, subdivision 6, is amended to read:

5.11 Subd. 6. **Supplementary Annual statement.** Each individual who is required to
5.12 file a statement of economic interest must also file a supplementary annual statement
5.13 ~~on by April 15~~ the last Monday in January of each year that the individual remains
5.14 in office ~~if information on the most recently filed statement has changed.~~ The annual
5.15 statement must cover the period through December 31 of the year prior to the year when
5.16 the statement is due. The supplementary annual statement, ~~if required~~, must include
5.17 the amount of each honorarium in excess of \$50 received since the previous statement
5.18 and the name and address of the source of the honorarium. The board must maintain a
5.19 each annual statement of economic interest submitted by an officeholder in the same file
5.20 with the statement submitted as a candidate.

5.21 Sec. 5. Minnesota Statutes 2014, section 10A.09, subdivision 10, is amended to read:

5.22 Subd. 10. **Board audits; data classification.** All data related to an audit, including
5.23 the existence of the audit, are ~~classified as confidential data, as defined in section 13.02,~~
5.24 ~~subdivision 3.~~ A member, employee, or agent of the board must not disclose information
5.25 obtained by the member, employee, or agent concerning the audit except as required to
5.26 carry out the audit or take action in the matter. Upon completion of the audit, the board's
5.27 final audit report is public. The final audit report must contain the name of the individual
5.28 subject to the audit, a description of any audit findings, a description of any responses
5.29 provided by the individual who was subject to the audit, and a description of the manner in
5.30 which any findings were resolved.

5.31 Sec. 6. Minnesota Statutes 2014, section 10A.14, subdivision 1, is amended to read:

5.32 Subdivision 1. **First registration.** (a) The treasurer of a political committee,
5.33 political fund, principal campaign committee, or party unit must register with the board by

6.1 filing a registration statement. The registration statement must be filed by the earliest of
6.2 the following dates:

6.3 (1) no later than 14 days after the committee, fund, or party unit has made a
6.4 contribution, received contributions, or made expenditures in excess of \$750;²

6.5 (2) no later than the next report of receipts and expenditures filing date applicable
6.6 to the committee, fund, or party unit if the committee, fund, or party unit reached the
6.7 threshold in clause (1) before the end of the reporting period covered by that report; or

6.8 (3) by the end of the next business day after it has received a loan or contribution
6.9 that must be reported under section 10A.20, subdivision 5, ~~whichever is earlier.~~

6.10 (b) This subdivision does not apply to ballot question or independent expenditure
6.11 political committees or funds, which are subject to subdivision 1a.

6.12 Sec. 7. Minnesota Statutes 2014, section 10A.14, subdivision 1a, is amended to read:

6.13 Subd. 1a. **Independent expenditure or ballot question political committees**
6.14 **and funds; first registration; reporting.** The treasurer of an independent expenditure
6.15 or ballot question political committee or fund must register with the board by filing a
6.16 registration statement. The registration must be filed by the earliest of the following dates:

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

6.19 (i) received aggregate contributions for independent expenditures of more than
6.20 \$1,500 in a calendar year;

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

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

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

6.27 (2) no later than the next report of receipts and expenditures filing date applicable
6.28 to the independent expenditure or ballot question committee or fund if the committee or
6.29 fund reached the threshold in clause (1) before the end of the reporting period covered by
6.30 that report; or

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

6.34 Sec. 8. Minnesota Statutes 2014, section 10A.14, subdivision 4, is amended to read:

7.1 Subd. 4. **Failure to file; penalty.** If an individual fails to file a statement required by
7.2 this section ~~within ten business days after~~ by the date that the statement was due, the board
7.3 may impose a late filing fee of \$5 ~~\$25~~ per day, not to exceed \$100 \$1,000, ~~commencing~~
7.4 ~~with the 11th~~ starting on the day after the statement was due.

7.5 The board must send notice by certified mail to any individual who fails to file a
7.6 statement within ten business days after the statement was due that the individual may be
7.7 subject to a civil penalty for failure to file the statement. An individual who fails to file the
7.8 statement within seven days after the certified mail notice was sent by the board is subject
7.9 to a civil penalty imposed by the board of up to \$1,000.

7.10 Sec. 9. Minnesota Statutes 2014, section 10A.17, subdivision 4, is amended to read:

7.11 Subd. 4. **Independent expenditures.** (a) Except as provided in paragraphs (b) and
7.12 (c), an individual, political committee, political fund, principal campaign committee,
7.13 or party unit that independently solicits or accepts contributions or makes independent
7.14 expenditures on behalf of a candidate must publicly disclose that the expenditure is an
7.15 independent expenditure. All written communications with those from whom contributions
7.16 are independently solicited or accepted or to whom independent expenditures are made
7.17 on behalf of a candidate must contain a statement in conspicuous type that the activity
7.18 is an independent expenditure and is not approved by the candidate nor is the candidate
7.19 responsible for it. Similar language must be included in all oral communications, in
7.20 conspicuous type on the front page of all literature and advertisements published or posted,
7.21 and at the end of all broadcast advertisements made by that individual, political committee,
7.22 political fund, principal campaign committee, or party unit on the candidate's behalf.

7.23 (b) Paragraph (a) does not apply to individuals or associations that are not required
7.24 to register or report under this chapter.

7.25 (c) Paragraph (a) does not apply to the following:

7.26 (1) bumper stickers, pins, buttons, pens, or similar small items on which the
7.27 independent expenditure statement cannot be conveniently printed;

7.28 (2) skywriting, wearing apparel, or other means of displaying an advertisement
7.29 of such a nature that the inclusion of the independent expenditure statement would be
7.30 impracticable; and

7.31 (3) online banner ads and similar electronic communications that link directly to an
7.32 online page that includes the independent expenditure statement.

7.33 Sec. 10. Minnesota Statutes 2014, section 10A.20, subdivision 1, is amended to read:

8.1 Subdivision 1. **First filing; duration.** (a) The treasurer of a political committee,
8.2 political fund, principal campaign committee, or party unit must begin to file the reports
8.3 required by this section for the first year it receives contributions or makes expenditures
8.4 that require it to register under section 10A.14 and must continue to file until the
8.5 committee, fund, or party unit is terminated.

8.6 (b) If, on or before the last date included in a reporting period, a political committee,
8.7 political fund, principal campaign committee, or party unit received contributions or
8.8 made expenditures that would require it to register under section 10A.14, the political
8.9 committee, political fund, principal campaign committee, or party unit must both register
8.10 with the board under section 10A.14 and report under this section by the date that the
8.11 report for that reporting period is due.

8.12 (c) The reports must be filed electronically in a standards-based open format
8.13 specified by the board. For good cause shown, the board must grant exemptions to the
8.14 requirement that reports be filed electronically.

8.15 Sec. 11. Minnesota Statutes 2014, section 10A.20, subdivision 2, is amended to read:

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

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

8.24 (c) In each general election year, a political committee, a political fund, a state party
8.25 committee, and a party unit established by all or a part of the party organization within a
8.26 house of the legislature must file reports on the following schedule:

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

8.29 (2) a report covering the calendar year through May 31, which is due June 14;

8.30 (3) a pre-primary-election report due 15 days before a primary election;

8.31 (4) a pre-general-election report due 42 days before the general election; and

8.32 (5) a pre-general-election report due ten days before a general election.

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

9.1 (e) In each year in which a constitutional office or appellate court judicial seat is
9.2 on the ballot, the principal campaign committee of a candidate for that office or seat
9.3 must file reports on the following schedule:

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

9.6 (2) a report covering the calendar year through May 31, which is due June 14;

9.7 (3) a pre-primary-election report due 15 days before a primary election;

9.8 (4) a pre-general-election report due 42 days before the general election;

9.9 (5) a pre-general-election report due ten days before a general election; and

9.10 (6) for a special election, a constitutional office candidate whose name is on the
9.11 ballot must file reports seven days before a special primary election, seven days before a
9.12 special general election, and ten days after a special election cycle.

9.13 (f) Notwithstanding paragraphs (a) to (e):

9.14 (1) the principal campaign committee of a candidate who did not file for office is not
9.15 required to file the report due June 14, the report due 15 days before the primary election,₂
9.16 or the report due seven days before a special primary election; and

9.17 (2) the principal campaign committee of a candidate whose name will not be on the
9.18 general election ballot is not required to file the report due 42 days before the general
9.19 election, the report due ten days before a general election, or the report due seven days
9.20 before a special general election.

9.21 Sec. 12. Minnesota Statutes 2014, section 10A.20, subdivision 3, is amended to read:

9.22 Subd. 3. **Contents of report.** (a) The report required by this section must include
9.23 each of the items listed in paragraphs (b) to (o) that are applicable to the filer. The board
9.24 shall prescribe forms based on filer type indicating which of those items must be included
9.25 on the filer's report.

9.26 (b) The report must disclose the amount of liquid assets on hand at the beginning
9.27 of the reporting period.

9.28 (c) The report must disclose the name, address, ~~and~~ employer, or occupation if
9.29 self-employed, and registration number if registered with the board, of each individual or
9.30 association that has made one or more contributions to the reporting entity, including the
9.31 purchase of tickets for a fund-raising effort, that in aggregate within the year exceed \$200
9.32 for legislative or statewide candidates or more than \$500 for ballot questions, together
9.33 with the amount and date of each contribution, and the aggregate amount of contributions
9.34 within the year from each source so disclosed. A donation in kind must be disclosed at
9.35 its fair market value. An approved expenditure must be listed as a donation in kind. A

10.1 donation in kind is considered consumed in the reporting period in which it is received.
10.2 The names of contributors must be listed in alphabetical order. Contributions from the
10.3 same contributor must be listed under the same name. When a contribution received from
10.4 a contributor in a reporting period is added to previously reported unitemized contributions
10.5 from the same contributor and the aggregate exceeds the disclosure threshold of this
10.6 paragraph, the name, address, and employer, or occupation if self-employed, of the
10.7 contributor must then be listed on the report.

10.8 (d) The report must disclose the sum of contributions to the reporting entity during
10.9 the reporting period.

10.10 (e) The report must disclose each loan made or received by the reporting entity
10.11 within the year in aggregate in excess of \$200, continuously reported until repaid or
10.12 forgiven, together with the name, address, occupation, ~~and~~ principal place of business, if
10.13 any, and registration number if registered with the board of the lender and any endorser
10.14 and the date and amount of the loan. If a loan made to the principal campaign committee
10.15 of a candidate is forgiven or is repaid by an entity other than that principal campaign
10.16 committee, it must be reported as a contribution for the year in which the loan was made.

10.17 (f) The report must disclose each receipt over \$200 during the reporting period not
10.18 otherwise listed under paragraphs (c) to (e).

10.19 (g) The report must disclose the sum of all receipts of the reporting entity during
10.20 the reporting period.

10.21 (h) The report must disclose the name ~~and~~₂ address, and registration number if
10.22 registered with the board of each individual or association to whom aggregate expenditures,
10.23 approved expenditures, independent expenditures, and ballot question expenditures have
10.24 been made by or on behalf of the reporting entity within the year in excess of \$200, together
10.25 with the amount, date, and purpose of each expenditure and the name and address of, and
10.26 office sought by, each candidate on whose behalf the expenditure was made, identification
10.27 of the ballot question that the expenditure was intended to promote or defeat and an
10.28 indication of whether the expenditure was to promote or to defeat the ballot question, and
10.29 in the case of independent expenditures made in opposition to a candidate, the candidate's
10.30 name, address, and office sought. A reporting entity making an expenditure on behalf of
10.31 more than one candidate for state or legislative office must allocate the expenditure among
10.32 the candidates on a reasonable cost basis and report the allocation for each candidate.

10.33 (i) The report must disclose the sum of all expenditures made by or on behalf of the
10.34 reporting entity during the reporting period.

10.35 (j) The report must disclose the amount and nature of an advance of credit incurred
10.36 by the reporting entity, continuously reported until paid or forgiven. If an advance of credit

11.1 incurred by the principal campaign committee of a candidate is forgiven by the creditor or
11.2 paid by an entity other than that principal campaign committee, it must be reported as a
11.3 donation in kind for the year in which the advance of credit was made.

11.4 (k) The report must disclose the name ~~and~~, address, and registration number if
11.5 registered with the board of each political committee, political fund, principal campaign
11.6 committee, or party unit to which contributions have been made that aggregate in excess
11.7 of \$200 within the year and the amount and date of each contribution.

11.8 (l) The report must disclose the sum of all contributions made by the reporting
11.9 entity during the reporting period.

11.10 (m) The report must disclose the name ~~and~~, address, and registration number
11.11 if registered with the board of each individual or association to whom noncampaign
11.12 disbursements have been made that aggregate in excess of \$200 within the year by or on
11.13 behalf of the reporting entity and the amount, date, and purpose of each noncampaign
11.14 disbursement.

11.15 (n) The report must disclose the sum of all noncampaign disbursements made within
11.16 the year by or on behalf of the reporting entity.

11.17 (o) The report must disclose the name and address of a nonprofit corporation that
11.18 provides administrative assistance to a political committee or political fund as authorized
11.19 by section 211B.15, subdivision 17, the type of administrative assistance provided, and the
11.20 aggregate fair market value of each type of assistance provided to the political committee
11.21 or political fund during the reporting period.

11.22 Sec. 13. Minnesota Statutes 2014, section 10A.25, subdivision 10, is amended to read:

11.23 Subd. 10. **Effect of opponent's conduct.** (a) After the deadline for filing a spending
11.24 limit agreement under section 10A.322, a candidate who has agreed to be bound by the
11.25 expenditure limits imposed by this section as a condition of receiving a public subsidy
11.26 for the candidate's campaign may choose to be released from the expenditure limits but
11.27 remain eligible to receive a public subsidy if the candidate has an opponent who has
11.28 not agreed to be bound by the limits and has received contributions or made or become
11.29 obligated to make expenditures during that election cycle in excess of the following limits:

11.30 (1) up to the close of the reporting period before the primary election, receipts or
11.31 expenditures equal to 20 percent of the election segment expenditure limit for that office
11.32 as set forth in subdivision 2; or

11.33 (2) after the close of the reporting period before the primary election, cumulative
11.34 receipts or expenditures during that election cycle equal to 50 percent of the election cycle
11.35 expenditure limit for that office as set forth in subdivision 2.

12.1 Before the primary election, a candidate's "opponents" are only those who will
12.2 appear on the ballot of the same party in the primary election.

12.3 (b) A candidate who has not agreed to be bound by expenditure limits, or the
12.4 candidate's principal campaign committee, must file written notice with the board and
12.5 provide written notice to any opponent of the candidate for the same office within 24 hours
12.6 of exceeding the limits in paragraph (a). The notice must state only that the candidate or
12.7 candidate's principal campaign committee has received contributions or made or become
12.8 obligated to make campaign expenditures in excess of the limits in paragraph (a).

12.9 (c) Upon receipt of the notice, a candidate who had agreed to be bound by the limits
12.10 may file with the board a notice that the candidate chooses to be no longer bound by the
12.11 expenditure limits. A notice of a candidate's choice not to be bound by the expenditure
12.12 limits that is based on the conduct of an opponent in the state primary election may not
12.13 be filed more than one day after the State Canvassing Board has declared the results
12.14 of the state primary.

12.15 (d) A candidate who has agreed to be bound by the expenditure limits imposed
12.16 by this section and whose opponent in the general election has chosen, as provided in
12.17 paragraph (c), not to be bound by the expenditure limits because of the conduct of an
12.18 opponent in the primary election is no longer bound by the limits but remains eligible to
12.19 receive a public subsidy.

12.20 Sec. 14. Minnesota Statutes 2014, section 10A.27, subdivision 1, is amended to read:

12.21 Subdivision 1. **Contribution limits.** (a) Except as provided in subdivision 2,
12.22 a candidate must not permit the candidate's principal campaign committee to accept
12.23 aggregate contributions made or delivered by any individual, political committee, political
12.24 fund, or association not registered with the board in excess of the following:

12.25 (1) to candidates for governor and lieutenant governor running together, \$4,000
12.26 in the election segment of an election cycle for the office sought and \$2,000 in the
12.27 nonelection segment of the election cycle;

12.28 (2) to a candidate for attorney general, \$2,500 in the election segment of an election
12.29 cycle for the office sought and \$1,500 in the nonelection segment of the election cycle;

12.30 (3) to a candidate for secretary of state or state auditor, \$2,000 in the election
12.31 segment of an election cycle and \$1,000 in the nonelection segment of the election cycle;

12.32 (4) to a candidate for state senator, \$1,000 in the election segment of an election
12.33 cycle for the office sought and \$1,000 in a nonelection segment of the election cycle;

12.34 (5) to a candidate for state representative, \$1,000 in the election segment of an
12.35 election cycle for the office sought; and

13.1 (6) to a candidate for judicial office, \$2,500 in the election segment of an election
13.2 cycle for the office sought and ~~\$1,000~~ \$2,500 in a nonelection segment of the election cycle.

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

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

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

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

13.12 Sec. 15. Minnesota Statutes 2014, section 10A.27, subdivision 11, is amended to read:

13.13 Subd. 11. **Contributions from certain types of contributors.** A candidate must
13.14 not permit the candidate's principal campaign committee to accept a contribution from a
13.15 political committee, political fund, lobbyist, ~~large contributor~~, or association not registered
13.16 with the board if the contribution will cause the aggregate contributions from those types
13.17 of contributors during an election cycle segment to exceed an amount equal to 20 percent
13.18 of the election cycle segment expenditure limits for the office sought by the candidate,
13.19 provided that the 20 percent limit must be rounded to the nearest \$100. ~~For purposes of~~
13.20 ~~this subdivision, "large contributor" means an individual, other than the candidate, who~~
13.21 ~~contributes an amount that is more than one-half the amount an individual may contribute~~
13.22 ~~during the election cycle segment.~~

13.23 Sec. 16. Minnesota Statutes 2014, section 10A.273, subdivision 1, is amended to read:

13.24 Subdivision 1. **Contributions during legislative session.** (a) A candidate for the
13.25 legislature or for constitutional office, the candidate's principal campaign committee, or
13.26 a political committee or party unit established by all or a part of the party organization
13.27 within a house of the legislature, must not solicit or accept a contribution from a
13.28 registered lobbyist, political committee, political fund, or an association not registered
13.29 with the board, ~~or a party unit established by the party organization within a house of the~~
13.30 ~~legislature~~, during a regular session of the legislature.

13.31 (b) A registered lobbyist, political committee, political fund, or an association not
13.32 registered with the board, ~~or a party unit established by the party organization within a~~
13.33 ~~house of the legislature~~, must not make a contribution to a candidate for the legislature
13.34 or for constitutional office, the candidate's principal campaign committee, or a political

14.1 committee or party unit established by all or a part of the party organization within a house
14.2 of the legislature during a regular session of the legislature.

14.3 Sec. 17. Minnesota Statutes 2014, section 10A.273, subdivision 3, is amended to read:

14.4 Subd. 3. **Definition.** For purposes of this section, a "regular session" includes the
14.5 entire first day and the entire last day of each annual session. For purposes of this section,
14.6 "regular session" does not include a special session or the interim between the two annual
14.7 sessions of a biennium.

14.8 Sec. 18. Minnesota Statutes 2014, section 10A.322, subdivision 4, is amended to read:

14.9 Subd. 4. **Refund receipt forms; penalty.** (a) The board must make available to a
14.10 political party on request and to any candidate for whom an agreement under this section
14.11 is effective, a supply of official refund receipt forms that state in boldface type that:

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

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

14.16 The forms must provide duplicate copies of the receipt to be attached to the contributor's
14.17 claim.

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

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

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

14.26 Sec. 19. Minnesota Statutes 2014, section 10A.34, is amended by adding a subdivision
14.27 to read:

14.28 Subd. 4. **Penalty for violations of chapter 211B under board's jurisdiction.** If
14.29 a civil penalty is not specified in a section of chapter 211B brought under the board's
14.30 jurisdiction by section 10A.02, subdivision 11, paragraph (a), the board may impose
14.31 a civil penalty of up to \$3,000.

15.1 Sec. 20. Minnesota Statutes 2014, section 13.607, is amended by adding a subdivision
15.2 to read:

15.3 Subd. 3a. **Campaign Finance and Public Disclosure Board audit data.** The
15.4 record of certain audits conducted under chapter 10A is classified, and disposition of
15.5 certain information is governed, by section 10A.09, subdivision 10.

15.6 Sec. 21. Minnesota Statutes 2014, section 13.607, subdivision 5, is amended to read:

15.7 Subd. 5. **Statements of economic interest.** (a) Disclosure of statements of
15.8 economic interest filed by local officials is governed by section 10A.09, subdivision 6a.

15.9 (b) ~~Data related to audits of statements of economic interest are governed by section~~
15.10 ~~10A.09, subdivision 10.~~

15.11 Sec. 22. Minnesota Statutes 2014, section 211B.04, is amended to read:

15.12 **211B.04 CAMPAIGN LITERATURE MUST INCLUDE DISCLAIMER.**

15.13 (a) A person who participates in the preparation or dissemination of campaign
15.14 material other than as provided in section 211B.05, subdivision 1, that does not
15.15 prominently include the name and address of the person or committee causing the material
15.16 to be prepared or disseminated in a disclaimer substantially in the form provided in
15.17 paragraph (b) or (c) is guilty of a misdemeanor.

15.18 (b) Except in cases covered by paragraph (c), the required form of disclaimer is:
15.19 "Prepared and paid for by the committee,(address)" for material prepared
15.20 and paid for by a principal campaign committee, or "Prepared and paid for by the
15.21 committee,(address), ~~in support of(insert name of candidate or ballot~~
15.22 ~~question)~~" for material prepared and paid for by a person or committee other than a
15.23 principal campaign committee. If the material is produced and disseminated without cost,
15.24 the words "paid for" may be omitted from the disclaimer.

15.25 (c) In the case of broadcast media, the required form of disclaimer is: "Paid for
15.26 by the committee." If the material is produced and broadcast without cost, the
15.27 required form of the disclaimer is: "The committee is responsible for the content
15.28 of this message."

15.29 (d) ~~Campaign material that is not circulated on behalf of a particular candidate~~
15.30 ~~or ballot question must also include in the disclaimer either that it is "in opposition~~
15.31 ~~to....(insert name of candidate or ballot question....)"; or that "this publication is not~~
15.32 ~~circulated on behalf of any candidate or ballot question."~~

16.1 (e) This section does not apply to ~~objects stating only the candidate's name and the~~
16.2 ~~office sought, fund-raising tickets, or business cards, personal letters, or similar items~~ that
16.3 are clearly being sent distributed by the candidate.

16.4 ~~(f) (e) This section does not apply to an individual or association who acts~~
16.5 ~~independently of any candidate, candidate's committee, political committee, or political~~
16.6 ~~fund and spends only from the individual's or association's own resources a sum that is less~~
16.7 ~~than \$2,000 in the aggregate to produce or distribute campaign material that is distributed~~
16.8 ~~at least seven days before the election to which the campaign material relates~~ that is not
16.9 required to register or report under chapter 10A or 211A.

16.10 (f) This section does not apply to the following:

16.11 (1) bumper stickers, pins, buttons, pens, or similar small items on which the
16.12 disclaimer cannot be conveniently printed;

16.13 (2) skywriting, wearing apparel, or other means of displaying an advertisement of
16.14 such a nature that the inclusion of a disclaimer would be impracticable; and

16.15 (3) online banner ads and similar electronic communications that link directly to an
16.16 online page that includes the disclaimer.

16.17 (g) This section does not modify or repeal section 211B.06.

16.18 Sec. 23. Minnesota Statutes 2014, section 211B.12, is amended to read:

16.19 **211B.12 LEGAL EXPENDITURES.**

16.20 Use of money collected for political purposes is prohibited unless the use is
16.21 reasonably related to the conduct of election campaigns, or is a noncampaign disbursement
16.22 as defined in section 10A.01, subdivision 26. The following are permitted expenditures
16.23 when made for political purposes:

16.24 (1) salaries, wages, and fees;

16.25 (2) communications, mailing, transportation, and travel;

16.26 (3) campaign advertising;

16.27 (4) printing;

16.28 (5) office and other space and necessary equipment, furnishings, and incidental
16.29 supplies;

16.30 (6) charitable contributions of not more than \$100 to any charity organized
16.31 under section 501(c)(3) of the Internal Revenue Code annually, except that the amount
16.32 contributed by a is not limited by this clause if the political committee, political fund,
16.33 party unit, principal campaign committee, or ~~from the~~ campaign fund of a candidate for
16.34 political subdivision office that made the contribution dissolves within one year after the
16.35 contribution is made ~~is not limited by this clause; and~~

17.1 (7) other expenses, not included in clauses (1) to (6), that are reasonably related to
17.2 the conduct of election campaigns. In addition, expenditures made for the purpose of
17.3 providing information to constituents, whether or not related to the conduct of an election,
17.4 are permitted expenses. Money collected for political purposes and assets of a political
17.5 committee or political fund may not be converted to personal use.

17.6 Sec. 24. Minnesota Statutes 2014, section 211B.15, subdivision 2, is amended to read:

17.7 Subd. 2. **Prohibited contributions.** (a) A corporation may not make a contribution
17.8 or offer or agree to make a contribution directly or indirectly, of any money, property, free
17.9 service of its officers, employees, or members, or thing of monetary value to a ~~major~~
17.10 political party, organization, committee, or individual to promote or defeat the candidacy
17.11 of an individual for nomination, election, or appointment to a political office.

17.12 (b) A political party, organization, committee, or individual may not accept a
17.13 contribution or an offer or agreement to make a contribution that a corporation is
17.14 prohibited from making under paragraph (a).

17.15 (c) For the purpose of this subdivision, "contribution" includes an expenditure to
17.16 promote or defeat the election or nomination of a candidate to a political office that is
17.17 made with the authorization or expressed or implied consent of, or in cooperation or in
17.18 concert with, or at the request or suggestion of, a candidate or committee established to
17.19 support or oppose a candidate but does not include an independent expenditure authorized
17.20 by subdivision 3.

17.21 Sec. 25. Minnesota Statutes 2014, section 211B.37, is amended to read:

17.22 **211B.37 COSTS ASSESSED.**

17.23 Except as otherwise provided in section 211B.36, subdivision 3, the chief
17.24 administrative law judge shall assess the cost of considering complaints filed under section
17.25 211B.32 as provided in this section. Costs of complaints relating to a statewide ballot
17.26 question or an election for a statewide or legislative office must be ~~assessed against the~~
17.27 ~~appropriation from the general fund to the general account of the state elections campaign~~
17.28 ~~account in section 10A.31, subdivision 4~~ paid from appropriations to the office for this
17.29 purpose. Costs of complaints relating to any other ballot question or elective office must
17.30 be paid from appropriations to the office for this purpose.

17.31 Sec. 26. **REVISOR'S INSTRUCTION.**

17.32 The revisor of statutes shall renumber the provisions of Minnesota Statutes listed
17.33 in column A to the references listed in column B. The revisor shall also make necessary

18.1 cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the
18.2 renumbering.

18.3	<u>Column A</u>	<u>Column B</u>
18.4	<u>10A.02, subd. 9</u>	<u>10A.022, subd. 1</u>
18.5	<u>10A.02, subd. 10, paragraphs (a) and</u>	
18.6	<u>(b)</u>	<u>10A.022, subd. 2</u>
18.7	<u>10A.02, subd. 10, paragraph (c)</u>	<u>10A.02, subd. 13, paragraph (b)</u>
18.8	<u>10A.02, subd. 11, paragraph (a)</u>	<u>10A.022, subd. 3</u>
18.9	<u>10A.02, subd. 11, paragraph (b)</u>	<u>10A.022, subd. 8</u>
18.10	<u>10A.02, subd. 11, paragraph (c)</u>	<u>10A.022, subd. 4</u>
18.11	<u>10A.02, subd. 11, paragraph (d)</u>	<u>10A.022, subd. 5, paragraph (a)</u>
18.12	<u>10A.02, subd. 11, paragraph (e)</u>	<u>10A.022, subd. 7</u>
18.13	<u>10A.02, subd. 11a</u>	<u>10A.022, subd. 5, paragraph (b)</u>
18.14	<u>10A.02, subd. 13</u>	<u>10A.02, subd. 13, paragraph (a)</u>
18.15	<u>10A.09, subd. 10</u>	<u>10A.022, subd. 6</u>

18.16 Sec. 27. **REPEALER.**

18.17 Minnesota Statutes 2014, section 10A.20, subdivision 1c, and Minnesota Rules,
18.18 part 4503.1500, subpart 2, are repealed.

18.19 Sec. 28. **EFFECTIVE DATE.**

18.20 This act is effective the day following final enactment."

18.21 Delete the title and insert:

18.22 "A bill for an act
18.23 relating to campaign finance; modifying provisions related to the Campaign
18.24 Finance and Public Disclosure Board; making changes to provisions related
18.25 to enforcement, registration, fees, data, contributions, statements of economic
18.26 interest, and various other provisions administered by the board; providing
18.27 penalties; making technical changes; amending Minnesota Statutes 2014,
18.28 sections 10A.02, subdivision 11; 10A.03, subdivision 3; 10A.08, subdivision 1;
18.29 10A.09, subdivisions 6, 10; 10A.14, subdivisions 1, 1a, 4; 10A.17, subdivision
18.30 4; 10A.20, subdivisions 1, 2, 3; 10A.25, subdivision 10; 10A.27, subdivisions
18.31 1, 11; 10A.273, subdivisions 1, 3; 10A.322, subdivision 4; 10A.34, by adding a
18.32 subdivision; 13.607, subdivision 5, by adding a subdivision; 211B.04; 211B.12;
18.33 211B.15, subdivision 2; 211B.37; repealing Minnesota Statutes 2014, section
18.34 10A.20, subdivision 1c; Minnesota Rules, part 4503.1500, subpart 2."

19.1 We request the adoption of this report and repassage of the bill.

19.2 Senate Conferees:

19.3
19.4 Jim Carlson Katie Sieben

19.5
19.6 Ann H. Rest

19.7 House Conferees:

19.8
19.9 Tim Sanders Jim Nash

19.10
19.11 Michael V. Nelson