

(SENATE AUTHORS: REST)

DATE	D-PG	OFFICIAL STATUS
02/28/2011	311	Introduction and first reading Referred to Local Government and Elections

1.1

A bill for an act

1.2

relating to elections; financing operations of Campaign Finance and Public

1.3

Disclosure Board from state elections campaign fund; requiring costs of unfair

1.4

campaign practice complaints to be assessed against state elections campaign

1.5

fund; amending Minnesota Statutes 2010, sections 10A.31, subdivisions 3, 4,

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7; 211B.37.

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

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Section 1. Minnesota Statutes 2010, section 10A.31, subdivision 3, is amended to read:

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Subd. 3. **Form.** The commissioner of revenue must provide on the first page of the

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income tax form and the renter and homeowner property tax refund return a space for the

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individual to indicate a wish to pay \$5 (\$10 if filing a joint return) from the general fund

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of the state to finance: (1) election campaigns; and (2) the operations of the Campaign

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Finance and Public Disclosure Board. The form must also contain language prepared by

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the commissioner that permits the individual to direct the state to pay the \$5 (or \$10 if

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filing a joint return) to: (1) one of the major political parties; (2) any minor political

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party that qualifies under subdivision 3a; or (3) all qualifying candidates as provided

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by subdivision 7. The renter and homeowner property tax refund return must include

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instructions that the individual filing the return may designate \$5 on the return only if the

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individual has not designated \$5 on the income tax return.

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Sec. 2. Minnesota Statutes 2010, section 10A.31, subdivision 4, is amended to read:

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Subd. 4. **Appropriation.** (a) The amounts designated by individuals for the state

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elections campaign fund, less three percent, are appropriated from the general fund; Each

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July, \$725,000 is appropriated to the Campaign Finance and Public Disclosure Board to

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be used for its operations. The remaining amount must be transferred and credited to the

S.F. No. 518, as introduced - 87th Legislative Session (2011-2012) [11-1963]

appropriate account in the state elections campaign fund, and are annually appropriated for distribution as set forth in subdivisions 5, 5a, 6, and 7. The remaining three percent must be kept in the general fund for administrative costs.

(b) In addition to the amounts in paragraph (a), \$1,020,000 for each general election is appropriated from the general fund for transfer to the general account of the state elections campaign fund.

Sec. 3. Minnesota Statutes 2010, section 10A.31, subdivision 7, is amended to read:

Subd. 7. **Distribution of general account.** (a) Following the appropriation to the Campaign Finance and Public Disclosure Board under subdivision 4, as soon as the board has obtained the results of the primary election from the secretary of state, but no later than one week after certification of the primary results by the State Canvassing Board, the board must distribute the available money in the general account, as certified by the commissioner of revenue on September 1 and according to allocations set forth in subdivision 5, in equal amounts to all candidates of a major political party whose names are to appear on the ballot in the general election and who:

(1) have signed a spending limit agreement under section 10A.322;

(2) have filed the affidavit of contributions required by section 10A.323; and

(3) were opposed in either the primary election or the general election.

(b) The public subsidy under this subdivision may not be paid in an amount that would cause the sum of the public subsidy paid from the party account plus the public subsidy paid from the general account to exceed 50 percent of the expenditure limit for the candidate or 50 percent of the expenditure limit that would have applied to the candidate if the candidate had not been freed from expenditure limits under section 10A.25, subdivision 10. Money from the general account not paid to a candidate because of the 50 percent limit must be distributed equally among all other qualifying candidates for the same office until all have reached the 50 percent limit or the balance in the general account is exhausted.

(c) A candidate must expend or become obligated to expend at least an amount equal to 50 percent of the money distributed by the board under this subdivision no later than the end of the final reporting period preceding the general election. Otherwise, the candidate must repay to the board the difference between the amount the candidate spent or became obligated to spend by the deadline and the amount distributed to the candidate under this subdivision. The candidate must make the repayment no later than six months following the general election. The candidate must reimburse the board for all reasonable costs, including litigation costs, incurred in collecting any amount due.

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If the board determines that a candidate has failed to repay money as required by this paragraph, the board may not distribute any additional money to the candidate until the entirety of the repayment has been made.

Sec. 4. Minnesota Statutes 2010, section 211B.37, is amended to read:

211B.37 COSTS ASSESSED.

Except as otherwise provided in section 211B.36, subdivision 3, the chief administrative law judge shall assess the cost of considering complaints filed under section 211B.32 ~~as provided in this section. Costs of complaints relating to a statewide ballot question or an election for a statewide or legislative office must be assessed against the appropriation from the general fund to the general account of the state elections campaign fund in section 10A.31, subdivision 4. Costs of complaints relating to any other ballot question or elective office must be assessed against the county or counties in which the election is held. Where the election is held in more than one county, the chief administrative law judge shall apportion the assessment among the counties in proportion to their respective populations within the election district to which the complaint relates according to the most recent decennial federal census.~~

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective July 1, 2011.