

CHAPTER 4500
ETHICAL PRACTICES BOARD
CAMPAIGN FINANCING

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4500.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4500.0100 to 4500.4400 the terms defined in this part have the meanings given them.

Subp. 1a. **Address.** "Address" means, for an individual, the individual's home mailing address or, for an association, the place where the association conducts its business, including the street and number, the post office box or rural route, if appropriate, the room number, and the city, state, and zip code. An individual may provide a business address rather than a home mailing address.

Subp. 2. **Board.** "Board" means the Ethical Practices Board.

Subp. 3. **Business day.** "Business day" means 8:00 a.m. to 4:30 p.m. Monday through Friday except for official state holidays.

Subp. 4. **File, filed, filing.** "File," "filed," and "filing" mean delivery to the office of the board by 4:30 p.m. on the prescribed filing date or postmarked on the filing date. If the filing date is a Saturday, Sunday, or legal holiday, the filing date is the next regular business day.

Subp. 5. **Fundraising event.** "Fundraising event" means any dinner, luncheon, rally, coffee party, cocktail party, or other similar gathering of three or more individuals where contributions are solicited or received to influence the nomination or election of a candidate.

Subp. 6. **Money.** "Money" means cash on hand, cash on deposit in banks and other depositories, checks, negotiable instruments and other paper commonly accepted by a bank as a deposit, and transfers through electronic funds transfers.

Subp. 7. **Periodic report.** "Periodic report" means the report of receipts and expenditures required to be filed with the board at prescribed filing dates.

Subp. 8. **Unpaid bills.** "Unpaid bills" means advance of credit.

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Statutory Authority: *MS s 10A.02 subd 13***History:** *11 SR 1611***4500.0200 APPLICABILITY.**

Parts 4500.0100 to 4500.4400 apply to principal campaign committees, political committees, political funds, individuals and associations that raise or expend more than \$100 in a calendar year to influence the nomination or election of a candidate or to promote or defeat a ballot question.

Statutory Authority: *MS s 10A.02 subd 13***4500.0300 AGREEMENT TO MAKE LOANS.**

An agreement to make a loan to a political committee or fund shall be made in writing, signed by the borrower (and endorsers, if any), and reported on the appropriate schedule.

Statutory Authority: *MS s 10A.02 subd 13***4500.0400 ALLOCATION OF APPROVED EXPENDITURES.**

Except for a political party expenditure as provided in Minnesota Statutes, section 10A.275, the treasurer of a political committee or political fund making an approved expenditure on behalf of more than one candidate shall allocate the expenditure among such candidates on a reasonable proportionate basis and report the allocation to each candidate on periodic reports.

Statutory Authority: *MS s 10A.02 subd 13***4500.0500 [Repealed, 12 SR 1809]****4500.0600 ANONYMOUS CONTRIBUTIONS.**

Any single contribution in excess of \$20 for which no donor can be identified by the committee or fund shall be forwarded in its entirety to the board within 14 days after its receipt. When forwarding such an anonymous contribution, the treasurer of the committee or fund shall report to the board the amount of the contribution and the date on which it was received.

Statutory Authority: *MS s 10A.02 subd 13***4500.0700 APPROVED EXPENDITURES.**

No approved expenditure in excess of \$20 on behalf of a candidate shall be made until the individual or association receives a written authorization from the treasurer or candidate of the principal campaign committee containing the following information: date; amount of expenditure; name of individual/committee/fund making the expenditure; purpose of the expenditure; candidate on whose behalf expenditure is made; office sought; expenditure authorized by signature of treasurer or candidate of principal campaign committee.

Statutory Authority: *MS s 10A 02 subd 13***4500.0800 ASSOCIATION NEWSLETTERS ON BEHALF OF A CANDIDATE.**

Unless an association as defined in Minnesota Statutes, section 10A.01, subdivision 3 is making an independent expenditure, the proportionate cost of preparation and distribution of a newsletter which advocates the nomination or election of a candidate is a donation in kind and must be approved by the candidate if the cost exceeds \$20 per candidate.

Statutory Authority: *MS s 10A.02 subd 13***4500.0900 CAMPAIGN HEADQUARTERS.**

A reasonable proportion of the cost of a political party's headquarters which serves as the headquarters of a candidate must be allocated to the candidate and

reported as a campaign expenditure by the principal campaign committee of the candidate.

Statutory Authority: *MS s 10A.02 subd 13*

4500.1000 CAMPAIGN LITERATURE.

Subpart 1. Pictures; references to other candidates. Campaign literature paid for and distributed by a candidate or a principal campaign committee of a candidate running for office which contains pictures of or incidental references to another candidate or officeholder will not be considered an approved and authorized expenditure on behalf of the other candidate provided the candidacy of the other candidate is not mentioned and no direct or indirect appeal for support of the other candidate is made, or if there is an independent expenditure disclaimer as defined in Minnesota Statutes, section 10A.17, subdivision 4.

Subp. 2. Distribution by principal campaign committee. Literature distributed by a candidate's principal campaign committee is presumed to influence the nomination or election of the candidate. Cost of the literature must be reported by the candidate's principal campaign committee. For material obtained free of charge, the fair market value must be estimated for reporting purposes. The cost of printed material which does not identify the candidate and in no way furthers the candidate's nomination or election is not a campaign expenditure.

Statutory Authority: *MS s 10A.02 subd 13*

4500.1100 CERTIFICATION.

The signature of the treasurer or deputy treasurer of record shall be sufficient certification on forms prescribed by the board. Notarization is not required. A candidate may sign forms that the treasurer or deputy treasurer of the committee is required to file.

Statutory Authority: *MS s 10A.02 subd 13*

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

Subpart 1. Contribution and expenditure limits. When a candidate, who sought nomination or election to one office, subsequently seeks the nomination or election to another office in the same election year, expenditures incurred and contributions received to influence the nomination or election to the first office will not be counted toward the campaign contribution and expenditure limits to the subsequent office sought.

Subp. 2. Registration requirements. A candidate who seeks another office must designate a separate principal campaign committee and a separate account for funds for the office sought.

Subp. 3. Public financing agreement. A candidate may sign a public financing agreement for each office sought until September 1 of the general election year. Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.

Statutory Authority: *MS s 10A.02 subd 13*

History: *12 SR 1809*

4500.1300 [Repealed, 11 SR 1611]

4500.1400 CONTRIBUTIONS BETWEEN PRINCIPAL CAMPAIGN COMMITTEES OF THE SAME CANDIDATE.

Exclusive of personal funds of a candidate as reported on the periodic reports, the candidate may permit his principal campaign committee to accept contributions up to the applicable contribution limit for a political committee from another principal campaign committee formed by that candidate in seeking another office to further his nomination or election to the other office. If the other principal campaign committee is a federally registered committee, then the

provisions of Minnesota Statutes, section 10A.22, subdivision 7 apply as well as the contribution limit of the receiving committee.

Statutory Authority: *MS s 10A.02 subd 13*

4500.1500 JUDICIAL CANDIDATE.

Subpart 1. Aggregate contributions. Contributions to a candidate for district court which in aggregate exceed \$100 shall be disclosed in accordance with requirements set forth in Minnesota Statutes, section 10A.20, subdivision 3, paragraph (b).

Subp. 2. Contributions from one source. Contributions to a candidate for district court from any one source totaling more than \$400 received between the last day covered in the last report prior to an election and the election shall be reported to the board in person, by telegram or mailgram, or by certified mail sent within 48 hours after receipt and also in the next required report.

Statutory Authority: *MS s 10A.02 subd 13*

History: *12 SR 1809*

4500.1600 CONTRIBUTIONS FROM ASSOCIATIONS.

Subpart 1. Optional disclosure. An association that contributes more than \$100 in a calendar year to a political committee or political fund may, in lieu of registration with the board, provide the recipient political committee or political fund with a report of receipts and expenditures containing all information required by Minnesota Statutes, section 10A.20 for the reporting period in which the contribution was made.

Subp. 2. Exception. A Minnesota-domiciled association that makes separate contributions of more than \$100 to more than three committees or funds in a calendar year must register with the board.

Subp. 3. Hennepin County. In lieu of registration with the board, an association registered with the Hennepin County filing officer under Minnesota Statutes, sections 383B.041 to 383B.058, that makes contributions of more than \$100 to a committee or fund in a calendar year may notify the recipient committee of its registration with Hennepin county and instruct the recipient committee to include the notice when the recipient committee discloses receipt of the contribution.

Statutory Authority: *MS s 10A.02 subd 13*

History: *11 SR 1611*

4500.1700 CONTRIBUTION LIMITS; POLITICAL PARTY DEFINITION.

For purposes of determining an aggregate political party contribution limit, the organization of a political party does not include a political party ward organization; a social club of a political party in a congressional district, legislative district, municipality, or precinct; an auxiliary committee of a political party unit defined by Minnesota Statutes, section 10A.27, subdivision 4; or an association as defined in Minnesota Statutes, section 10A.01, subdivision 3 which uses a political party name and is not listed in Minnesota Statutes, section 10A.27, subdivision 4.

Statutory Authority: *MS s 10A.02 subd 13*

4500.1800 [Repealed, 12 SR 1809]

4500.1900 EXPENSES INCURRED TO REPAY LOANS.

The expenses of raising money to repay outstanding loans from a previous calendar year are reportable as campaign expenditures in the year in which expenses are incurred.

Statutory Authority: *MS s 10A.02 subd 13*

4500.2000 FORGIVENESS AND PAYMENT OF A LOAN.

When a loan to a principal campaign committee is forgiven or repaid by an individual, political committee, or political fund, in accordance with Minnesota Statutes, section 10A.32, subdivision 3, clause (b), a candidate who accepts money from the state elections campaign fund and whose aggregate contribution limit is exceeded shall return to the board with the required periodic report amendment or periodic report, a check or money order, payable to the state treasurer for the amount in excess of the aggregate contribution limit but not to exceed the amount received from the state elections campaign fund.

Statutory Authority: MS s 10A.02 subd 13

4500.2100 FORGIVENESS AND PAYMENT OF UNPAID BILLS.

When a donation in kind in excess of \$20 which results from the forgiveness of an unpaid bill or payment of an unpaid bill by an individual, political committee, or political fund other than the principal campaign committee causes the aggregate contribution limit of a candidate who accepts money from the state elections campaign fund to be exceeded, in accordance with Minnesota Statutes, section 10A.32, subdivision 3, clause (b), a candidate shall return the amount due, but not to exceed the amount received from the state elections campaign fund, by a check or money order made out to the state treasurer with the required amendment or periodic report.

Statutory Authority: MS s 10A.02 subd 13

4500.2200 FUNDRAISING EVENT.

Subpart 1. Fundraising event held for one or two candidates. The expenses of a fundraising event held by the state or local committee of a political party for one or two candidates are a donation in kind and, except for food and beverage consumed at the fundraising event, shall be reported as a campaign expenditure by the candidate or candidates under the following conditions: the fundraising event is expressly or implicitly approved by the candidate, his treasurer, or agent to be held on behalf of the candidate; and the candidate or candidates are clearly identified in advertisements, tickets, or any advance publicity for the fundraising event; and the candidate receives proceeds, if any, from the fundraising event. "Clearly identified" means that the name of the candidate is used, or a photograph or drawing of the candidate appears, or the identity of the candidate is apparent by unambiguous reference.

Subp. 2. Joint fundraising event. A separate committee may be established by two or more candidates to report the contributions and expenditures as required by the act for a fundraising event held jointly. The expenses of the fundraising event shall be allocated among the candidates on a reasonable proportionate basis as donations in kind, and, except for food and beverage consumed at a fundraising event, as campaign expenditures. A transfer of funds to a candidate combined with the value of donations in kind from that committee may not exceed the applicable contribution limit for an individual, political committee, or political fund set forth in Minnesota Statutes, section 10A.27, subdivision 1.

Statutory Authority: MS s 10A.02 subd 13

4500.2300 INACTIVE REGISTERED COMMITTEES AND FUNDS.

A registered committee or fund which receives no income and makes no expenditures or noncampaign disbursements during a reporting period may so indicate in the space provided on the periodic report and shall thereby satisfy the reporting requirement.

Statutory Authority: MS s 10A.02 subd 13

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4500.2400 JOINT CHECKS.

When a contribution is given on a check written on a joint account, it shall be deemed a contribution by the signator(s) of the check unless otherwise specified by the signator(s). When a contribution is given on a check written on a joint account and specified as a joint contribution, it shall be deemed a separate contribution by each of the holders of the joint account in a proportional amount.

Statutory Authority: MS s 10A.02 subd 13

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

Subpart 1. Public financing agreement. Following their joint endorsement or filing for office, candidates for governor and lieutenant governor must jointly sign the public financing agreement if they wish to participate in public financing.

Subp. 2. Combination of committees. Candidates for governor and lieutenant governor may cause their separate principal campaign committees to be combined as one with no limit on the amount of funds transferred between the two committees. Such action may be taken regardless of whether the action results in either principal campaign committee terminated with outstanding unpaid bills or loans provided that the unpaid bills or loans are assumed and continuously reported by the remaining committee until paid or forgiven.

Statutory Authority: MS s 10A.02 subd 13

History: 12 SR 1809

4500.2600 LATE FILING FEES.

The board shall send a delinquency notice by certified mail to the treasurer of a political committee or political fund within ten business days after a filing date. A copy of the notice shall be sent by first class mail to the candidate and the chairman of a political committee or political fund. If a certified letter is returned by the post office to the board as refused, then the letter shall be deemed to have been received by the addressee on the date refused. The late filing fee will then commence accumulating on the eighth day after refusal. A certified letter returned to the board as undelivered shall be forwarded by first class mail to the treasurer. An undelivered notice of late filing shall be considered received by the recipient five business days after the first class mailing. A late filing fee will be charged through the day preceding the day of filing of a late statement or late periodic report. A late filing fee shall not be assessed for Saturday, Sunday, or legal holidays.

Statutory Authority: MS s 10A.02 subd 13

4500.2700 WAIVER OF LATE FILING FEE.

The board shall grant a waiver of a late filing fee if satisfied that the statement or report was not filed on time due to sickness, injury, or other compelling reason upon receipt of a written request for a waiver.

Statutory Authority: MS s 10A.02 subd 13

4500.2800 MEDIA ADVERTISEMENTS.

If a candidate participates in, but does not pay for, a media advertisement paid for by a principal campaign committee other than his own which advocates the nomination or election of other candidates or federal candidates, no portion of the cost of the advertisement shall be considered an approved expenditure on behalf of the participating candidate provided his candidacy is not mentioned and no direct or indirect appeal for support for his candidacy is made.

Statutory Authority: MS s 10A.02 subd 13

4500.2900 USE OF CREDIT CARDS.

A candidate or treasurer of a political committee or fund may approve the

solicitation and collection of campaign contributions through the use of credit cards. An organization which issues credit cards, when acting in the ordinary course of business by collecting and disbursing funds designated by the card holders for contributions to a political committee or political fund, is not required to register or report.

Statutory Authority: *MS s 10A.02 subd 13*

4500.3000 MILEAGE EXPENSE.

A candidate who is reimbursed for gasoline expenses by his principal campaign committee must report those as campaign expenses; however, a candidate who pays for gasoline expenses from personal funds is giving donations in kind which, if valued at \$20 or less, are neither reported nor recorded. The lowest rate that the state of Minnesota uses to reimburse its employees shall be used to determine the value of automobile use.

Statutory Authority: *MS s 10A.02 subd 13*

4500.3100 NONCAMPAIGN DISBURSEMENTS; CONSTITUENT SERVICES.

Subpart 1. Expenses to be reported. Expenses paid by the principal campaign committee of a candidate in a nonelection year and until 60 days after adjournment sine die of the legislature in an election year for the office held, for constituent services including newsletters, public opinion questionnaires, aides to legislators for constituent services during a legislative session, stationery not printed at government expense, postage, and rent for district offices shall be reported as a constituent service noncampaign disbursement. Only that portion of the expense actually used or consumed for services to constituents shall be reported as a noncampaign disbursement.

Subp. 2. Constituent services from personal funds until 60 days following adjournment. Costs of providing constituent services which are paid from personal funds of an officeholder and incurred until 60 days following adjournment sine die of the legislature in the election year for the office held are not required to be reported by the principal campaign committee of the officeholder.

Subp. 3. Constituent services after 60 days following adjournment. Costs of providing constituent services by an officeholder who is a candidate which are incurred after 60 days following adjournment sine die of the legislature in the election year for the office held and sought are reportable by the principal campaign committee of the officeholder as campaign expenditures.

Subp. 4. Constituent services from personal funds after 60 days following adjournment. Costs of providing constituent services which are paid from personal funds of an officeholder and incurred after 60 days following adjournment sine die of the legislature in the election year for the office held and sought are a donation in kind and must be reported as such by the principal campaign committee of the officeholder.

Subp. 5. Constituent services after the general election. Costs of providing constituent services which are incurred in an election year after the general election are noncampaign disbursements.

Subp. 6. [Repealed, 11 SR 1611]

Statutory Authority: *MS s 10A.02 subd 13*

4500.3200 MISCELLANEOUS NONCAMPAIGN DISBURSEMENTS.

Other expenses which are to be reported as miscellaneous noncampaign disbursements if paid for by the principal campaign committee of the candidate include but are not limited to: costs for child care for the candidate's children when campaigning, fees paid to attend a campaign school, costs of a postelection party during the election year when a candidate's name will no longer appear on a ballot or the general election is concluded, whichever occurs first, interest on

loans paid by a principal campaign committee on outstanding loans, and filing fees, if permitted by other Minnesota law, postgeneral election thank-you notes or advertisements in the news media.

Statutory Authority: *MS s 10A.02 subd 13*

4500.3300 ORGANIZATION OF POLITICAL COMMITTEES AND POLITICAL FUNDS.

Subpart 1. Registration required. Any group of two or more persons which receives contributions or which makes expenditures, transfers of funds, or independent expenditures in aggregate more than \$100 to influence the nomination or election of one or more candidates for statewide or legislative office or to promote or defeat a ballot question must register as a political committee or political fund. If the group's major purpose is to influence the nomination or election of one or more candidates, or to promote or defeat a ballot question, it shall register as a political committee. If the group is an association whose major purpose is one other than to influence nominations or elections, or to promote or defeat a ballot question, it shall register as a political fund. When a person or group merely solicits contributions with the approval of a candidate or the treasurer, deputy treasurer, or agent of a political committee or political fund and when those contributions are made directly to the reporting committee or fund, that person or group need not establish a separate political committee or political fund. A candidate may be his own chairman and/or treasurer.

Subp. 2. Accounts. All monetary assets of a committee or fund shall be kept in designated depositories in accounts named in accordance with Minnesota Statutes, section 10A.15, subdivision 3.

Subp. 3. Commingling. The funds of a political committee or the contents of a political fund shall not be commingled with any other funds or with the personal funds of a candidate, any officer, or member of the committee or fund.

Subp. 4. Certificate in other financial institution. If a political committee or fund purchases a certificate of deposit or money market certificate from a financial institution other than that which has been previously disclosed as a depository, the treasurer must amend the statement of organization by adding the name of the new depository.

Statutory Authority: *MS s 10A.02 subd 13*

4500.3400 PAYMENT OF COMPENSATION FOR PERSONAL SERVICES.

The gross value of compensation, in excess of \$20, for personal services of an individual or group which are rendered to a candidate, political committee, or political fund is reported as a donation in kind from the individual or association that makes the payment.

Statutory Authority: *MS s 10A.02 subd 13*

4500.3500 PUBLIC FINANCING.

A candidate or officeholder who signs an agreement to participate in the state elections campaign fund is bound by the expenditure limits in an election year and nonelection year whether or not the candidate actually receives funds from the state elections campaign fund. To be effective a public finance agreement must be received in the office of the Ethical Practices Board or postmarked no later than September 1.

Statutory Authority: *MS s 10A.02 subd 13*

4500.3600 RECORDING CONTRIBUTIONS.

Every individual, political committee, or fund that receives a contribution in excess of \$20 shall record the name, address, and any other information required by statute. Promptly after receipt of any contribution or on demand of the treasurer, the contribution together with any required record shall be transmitted to the treasurer.

Statutory Authority: *MS s 10A.02 subd 13*

4500.3700 REPORTING AND DISCLOSING EARMARKED CONTRIBUTIONS.

Subpart 1. Information to be recorded. Each individual, political committee, or political fund which receives an earmarked contribution of more than \$20 shall record the name and address of the source of the contribution and any other information required by statute; the name and address of the candidate, political committee, or political fund for whom the contribution is earmarked; the political committee or political fund through which the earmarked contribution is directed; and the amount of each earmarked contribution.

Subp. 2. Reporting contribution. An earmarked contribution is reported in periodic reports as miscellaneous income by the political committee or political fund through which the contribution is directed to a candidate. When transferred to the candidate by the political committee or political fund, the information in subpart 1 shall accompany the transfer, although the earmarked contribution shall be disclosed on periodic reports by the political committee or political fund only when in excess of \$100.

Subp. 3. Information to be disclosed. The treasurer of a principal campaign committee of a candidate shall disclose on periodic reports the name and address of the source of a contribution and any other information required by statute; the individual, political committee, or political fund through which the contribution was directed; and the fact that the contribution was earmarked when the total aggregate contributions from the same source in a calendar year reached the disclosure thresholds of Minnesota Statutes, section 10A.20, subdivision 3, clause (b).

Statutory Authority: *MS s 10A.02 subd 13*

4500.3800 REPORTING UNPAID BILLS OUTSTANDING AS CAMPAIGN EXPENDITURES.

For the purpose of determining the total amount of campaign expenditures in a calendar year, any unpaid bills, for campaign expenditures used or consumed during the calendar year, owed by the reporting principal campaign committee on December 31 shall be considered campaign expenditures. An unpaid bill is reportable as a noncampaign disbursement when paid in a succeeding year by the political committee or political fund that incurred the bill.

Statutory Authority: *MS s 10A.02 subd 13*

4500.3900 RESPONSIBILITIES OF TREASURERS.

Subpart 1. Change of treasurer. The new treasurer or the candidate shall send the board written notice of a change of treasurers within ten days after the change occurs. The notice must include the name and address of the new treasurer and the effective date of the transfer of records and receipts to the new treasurer.

Subp. 2. Former treasurer. A former treasurer who transfers committee or fund records and receipts to a new treasurer is relieved of record retention responsibilities.

Subp. 3. Canceled check. A copy of a canceled check with an invoice stating the purpose of the expenditure will be treated as a receipted bill.

Statutory Authority: *MS s 10A.02 subd 13*

History: *11 SR 1611*

4500.4000 SAMPLE BALLOT PREPARED BY A CANDIDATE.

A candidate who prepares and distributes a sample ballot which contains the names of other candidates must include the proper disclaimer required for independent expenditures and must report the total cost of the preparation, printing, and distribution of the sample ballot unless the candidate is making an approved expenditure.

Statutory Authority: *MS s 10A.02 subd 13*

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4500.4100 [Repealed, 12 SR 1809]

4500.4200 [Repealed, 12 SR 1809]

4500.4300 SPECIAL ELECTIONS.

Subpart 1. **Applicability of statutes.** Contribution limits in Minnesota Statutes, section 10A.27 apply to general elections and to special elections.

Subp. 2. **Separate application.** Contribution limits for a general election and for a special election shall apply separately.

Subp. 3. [Repealed, 12 SR 1809]

Statutory Authority: *MS s 10A.02 subd 13*

4500.4400 TERMINATION OF REGISTRATION.

Subpart 1. **Termination report.** A termination report must cover the period from the closing date of the last previous report filed through the date of termination. Any terminated political committee or political fund which subsequently becomes subject to the registration and reporting requirements of the act is required to reregister.

Subp. 2. **Transfer of debts.** An agreement to terminate a candidate's principal committee for one office under Minnesota Statutes, section 10A.241, must be made in writing, signed by the candidate and the committee treasurers, and preserved in the records of each committee.

Statutory Authority: *MS s 10A.02 subd 13*

History: *11 SR 1611*