

CHAPTER 4511
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
LOBBYIST REGISTRATION AND REPORTING

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4511.0010 SCOPE.

This chapter implements the lobbyist registration and reporting requirements of Minnesota Statutes, chapter 10A.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779*

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4511.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes, chapter 10A. The definitions in chapter 4501 and in Minnesota Statutes, chapter 10A, also apply to this chapter.

Subp. 1a. [Repealed, L 2023 c 62 art 5 s 44]

Subp. 1b. **Administrative overhead expenses.** "Administrative overhead expenses" means costs incurred by the principal for office space, transportation costs, and website operations that are used to support lobbying in Minnesota.

Subp. 1c. **Development of prospective legislation.** "Development of prospective legislation" means communications that request support for legislation that has not been introduced as a bill, communications that provide language, or comments on language, used in draft legislation that has not been introduced as a bill, or communications that are intended to facilitate the drafting of language, or comments on language, used in draft legislation that has not been introduced as a bill. The following actions do not constitute development of prospective legislation:

- A. responding to a request for information by a public official;
- B. requesting that a public official respond to a survey on the official's support or opposition for an issue;
- C. providing information to public officials in order to raise awareness and educate on an issue or topic; or
- D. advocating for an issue without requesting action by the public official.

Subp. 2. **Gift.** "Gift" has the meaning given in chapter 4512 and Minnesota Statutes, section 10A.071.

Subp. 3. **Lobbying.** "Lobbying" means attempting to influence legislative action, administrative action, or the official action of a political subdivision by communicating with or urging others to communicate with public officials or local officials. Any activity that directly supports this communication is considered a part of lobbying. Payment of an application fee, or processing charge, for a government service, permit, or license is not lobbying or an activity that directly supports lobbying.

Subp. 4. **Lobbyist's disbursements.** "Lobbyist's disbursements" include disbursements for each gift given by the lobbyist, the lobbyist's employer, or any person or association represented by the lobbyist.

Subp. 5. **Original source of funds.** "Original source of funds" means a source of funds, provided by an individual or association other than the entity for which a lobbyist is registered, paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist, or the lobbyist's principal, for lobbying purposes.

Subp. 5a. **Pay or consideration for lobbying.** "Pay or consideration for lobbying" means the compensation paid to an individual for lobbying. An individual whose job responsibilities do not include lobbying, and who has not been directed or requested to lobby on an issue by their employer, does not receive pay or consideration for lobbying they undertake on their own initiative.

Subp. 6. **Public higher education system.** "Public higher education system" includes the University of Minnesota and the Minnesota State Colleges and Universities governed by Minnesota Statutes, chapter 136F. The board may issue advisory opinions at the request of other entities with respect to whether or not they are also included within this definition.

Subp. 7. **Reporting lobbyist.** "Reporting lobbyist" means a lobbyist responsible for reporting lobbying activity of two or more lobbyists representing the same entity. Lobbying activity on behalf of an entity may be reported by each individual lobbyist that represents an entity, or by one or more reporting lobbyists, or a combination of individual reports and reports from a reporting lobbyist.

Subp. 8. **State agency.** "State agency" means any office, officer, department, division, bureau, board, commission, authority, district, or agency of the state of Minnesota.

Statutory Authority: *MS s 10A.01; 10A.02; 10A.022; 10A.025*

History: 21 SR 1779; 26 SR 1363; 49 SR 979

Published Electronically: March 17, 2025

4511.0200 REGISTRATION.

Subpart 1. **Separate registration required for each entity.** A lobbyist who lobbies on behalf of more than one individual, association, political subdivision, or public higher education system shall register separately for each separate entity. Members or affiliates of an association represented by a lobbyist are not separate entities for the purposes of this requirement.

Subp. 2. **Separate registration for each lobbyist.** Multiple lobbyists representing the same individual, association, political subdivision, or higher education system must each register separately. A lobbyist who reports lobbying activity to the board through a reporting lobbyist must list the name and registration number of the reporting lobbyist on a lobbyist registration. If the reporting lobbyist changes, or if the lobbyist ceases to report through a reporting lobbyist, the lobbyist must amend the registration within ten days.

Subp. 2a. **Registration threshold.** An individual must register as a lobbyist with the board upon the earlier of when:

A. the individual receives total pay or consideration from all sources that exceeds \$3,000 in a calendar year for the purpose of lobbying or from a business whose primary source of revenue is derived from facilitating government relations or government affairs services if the individual's job duties include offering direct or indirect consulting or advice that helps the business provide those services to clients. The pay or consideration for lobbying for an individual whose job duties include both lobbying and functions unrelated to lobbying is determined by multiplying the compensation of the individual by the percentage of the individual's work time spent lobbying in the calendar year; or

B. the individual spends more than \$3,000 of their own funds in a calendar year for the purpose of lobbying. Membership dues paid by the individual, and expenses for transportation, lodging, and meals used to support lobbying by the individual, are not costs that count toward the \$3,000 expenditure threshold that requires registration.

Subp. 2b. **Registration not required.** An individual is not required to register as a lobbyist with the board:

A. to represent the lobbyist's own interests if the lobbyist is already registered to represent one or more principals, unless the lobbyist spends over \$3,000 in personal funds in a calendar year for the purpose of lobbying; or

B. as a result of serving on the board or governing body of an association that is a principal, unless the individual receives pay or other consideration to lobby on behalf of the association, and the aggregate pay or consideration for lobbying from all sources exceeds \$3,000 in a calendar year.

Subp. 3. **Registration of designated lobbyist.** A designated lobbyist must indicate on the lobbyist registration form that the lobbyist will be reporting disbursements for the entity the lobbyist represents. An entity that employs lobbyists may have only one designated lobbyist. A designated

lobbyist who ceases to be responsible for reporting the lobbying disbursements of an entity must amend the lobbyist's registration with the board within ten days.

Subp. 4. **Registration of reporting lobbyist.** A reporting lobbyist must indicate on the lobbyist registration form that the lobbyist will be reporting lobbying activity for additional lobbyists representing the same entity. The registration must list the name and registration number of each lobbyist that will be included in reports to the board made by the reporting lobbyist. Changes to the list of lobbyists represented by a reporting lobbyist must be amended on the reporting lobbyist registration within ten days, or provided to the board at the time of filing a report required by Minnesota Statutes, section 10A.04, subdivision 2.

Statutory Authority: *MS s 10A.01; 10A.02; 10A.022; 10A.025*

History: *21 SR 1779; 26 SR 1363; 49 SR 979*

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4511.0300 PRINCIPALS.

Individuals or associations represented by lobbyists are presumed to be principals until they establish that they do not fall within the statutory definition of a principal. A political subdivision; public higher education system; or any office, department, division, bureau, board, commission, authority, district, or agency of the state of Minnesota is not an association under Minnesota Statutes, section 10A.01, and is not a principal.

Statutory Authority: *MS s 10A.01; 10A.02; 10A.022; 10A.025*

History: *21 SR 1779; 49 SR 979*

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4511.0400 TERMINATION.

Subpart 1. **Lobbyist termination.** A lobbyist who has ceased lobbying for a particular entity may terminate registration by filing a lobbyist termination form and a lobbyist report covering the period from the last report filed through the date of termination. If the lobbying activity of the lobbyist is reported by a reporting lobbyist, the nonreporting lobbyist may terminate by filing a lobbyist termination form and notifying the reporting lobbyist of all lobbying activity by the lobbyist during the period from the last report filed through the date of termination.

Subp. 2. **Reporting lobbyist termination.** A reporting lobbyist who has ceased lobbying for a particular entity may terminate registration by filing a lobbyist termination form and a lobbyist report covering the period from the last report filed through the date of termination. The termination of a reporting lobbyist reverts the reporting responsibility back to each lobbyist listed on the registration of the reporting lobbyist.

Subp. 3. **Designated lobbyist termination.** A designated lobbyist who has ceased lobbying for a particular entity may terminate their registration using the procedure provided in subpart 1. When the designated lobbyist of a lobbying entity terminates, the entity is responsible to assign the responsibility to report the entity's lobbying disbursements to another lobbyist.

Statutory Authority: *MS s 10A.01; 10A.02; 10A.022; 10A.025*

History: *21 SR 1779; 26 SR 1363; 49 SR 979*

Published Electronically: *March 17, 2025*

4511.0500 LOBBYIST REPORTING REQUIREMENTS.

Subpart 1. **Separate reporting required for each entity.** A lobbyist must report separately for each entity for which the lobbyist is registered, unless their activity is reported in the manner provided in Minnesota Statutes, section 10A.04, subdivision 9.

Subp. 2. [Repealed, L 2017 1Sp4 art 3 s 18]

Subp. 3. **Report of designated lobbyist.** With each report of lobbyist activity, a designated lobbyist must report:

A. the name and address of each person, if any, by whom the lobbyist is retained or employed or on whose behalf the lobbyist appears;

B. if the lobbyist represents an association, a current list of the names and addresses of each officer and director of the association;

C. each original source of money in excess of \$500 provided to the individual or association that the lobbyist represents; and

D. each gift to a public or local official given by or on behalf of a principal or a lobbyist registered for the principal.

Subp. 4. **Limitation on reporting of loans.** A lobbyist is not required to report loans to a public official or a local official in a metropolitan governmental unit if:

A. the lobbyist's employer, principal, or association represented which made the loan is a financial institution; and

B. the loan was made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons.

Subp. 5. [Repealed, 49 SR 979]

Statutory Authority: *MS s 10A.01; 10A.02; 10A.022; 10A.025*

History: *21 SR 1779; 26 SR 1363; 30 SR 903; L 2017 1Sp4 art 3 s 18; 49 SR 979*

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4511.0600 REPORTING DISBURSEMENTS.

Subpart 1. **Determination of actual costs required.** To the extent that actual costs of lobbying activities or administrative overhead expenses incurred by the principal to support lobbying can be obtained or calculated by reasonable means, those actual costs must be determined, recorded, and used for reporting purposes.

Subp. 2. **Approximation of costs.** If the actual cost of a lobbying activity or administrative overhead expenses incurred by the principal to support lobbying cannot be obtained or calculated through reasonable means, those costs must be reasonably approximated.

Subp. 3. **Disbursements allocated between multiple entities.** A disbursement for lobbying purposes that benefits more than one entity for which a lobbyist is separately registered must be allocated between the entities benefited on a reasonable basis and reported based on that allocation.

Subp. 4. **Disbursements which are only partially in support of lobbying.** A disbursement that is partially in support of lobbying and partially for a nonlobbying purpose must be allocated on a reasonable basis between the two purposes and the portion which is for lobbying activities must be reported.

Subp. 5. [Repealed, L 2023 c 62 art 5 s 44]

Subp. 6. **Effect of gift prohibition.** The reporting requirements in this part do not change the scope of the statutory prohibition under Minnesota Statutes, section 10A.071, nor do they create additional exceptions to that prohibition.

Statutory Authority: *MS s 10A.01; 10A.02; 10A.022; 10A.025*

History: *21 SR 1779; 30 SR 903; 49 SR 979*

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4511.0700 REPORTING COMPENSATION PAID TO LOBBYIST.

Subpart 1. **Reporting by lobbyist.** Compensation paid to a lobbyist for lobbying is not reportable by the lobbyist.

Subp. 2. **Reporting by principal.** Compensation for lobbying paid by a lobbyist principal to a lobbyist or to the employer of a lobbyist must be included when determining the spending level categories for reporting by the lobbyist principal.

Statutory Authority: *MS s 10A.01; 10A.02; 10A.022; 10A.025*

History: *21 SR 1779; 49 SR 979*

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4511.0800 ADMINISTRATIVE ACTION.

Subpart 1. **Commencement.** An administrative action to adopt, amend, or repeal rules pursuant to Minnesota Statutes, chapter 14, begins on publication of the notice required under Minnesota Statutes, section 14.101, subdivision 1, or at an earlier time when the official, board, commission, or agency undertaking the rulemaking takes the first formal action required by law to begin the rulemaking process. An administrative action for a purpose other than rulemaking begins when the commission or agency undertaking the action takes the first formal action required by statute to begin the action or as otherwise defined by statute.

Subp. 2. **Advisory committees.** Participation on an administrative rulemaking advisory committee established under Minnesota Statutes, section 14.101, subdivision 2, is not lobbying.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779*

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4511.0900 LOBBYIST REPORTING FOR POLITICAL SUBDIVISION MEMBERSHIP ORGANIZATIONS.

Subpart 1. **Required reporting.** An association whose membership consists of political subdivisions within Minnesota and which is a principal that provides lobbyist representation on issues as directed by its membership must report:

- A. attempts to influence administrative action on behalf of the organization's membership;
- B. attempts to influence legislative action on behalf of the organization's membership; and
- C. attempts to influence the official action of a political subdivision on behalf of the organization's membership, unless the political subdivision is a member of the association.

Subp. 2. **Communication with membership.** A membership association described in subpart 1 is not lobbying political subdivisions when the association communicates with its membership regarding lobbying efforts made on the members' behalf, or when the association recommends actions by its membership to support a lobbying effort.

Statutory Authority: *MS s 10A.01; 10A.02; 10A.022; 10A.025*

History: *49 SR 979*

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4511.1000 ACTIONS AND APPROVAL OF ELECTED LOCAL OFFICIALS.

Subpart 1. **An action that requires a vote of the governing body.** Attempting to influence the vote of an elected local official while acting in their official capacity is lobbying of that official's political subdivision.

Subp. 2. **Approval by an elected local official.** Attempting to influence a decision of an elected local official that does not require a vote by the elected local official is lobbying if the elected local official has discretion in their official capacity to either approve or deny a government service or action. Approval by an elected local official does not include:

- A. issuing a government license, permit, or variance that is routinely provided when the applicant has complied with the requirements of existing state code or local ordinances;
- B. any action which is performed by the office of the elected local official and which does not require personal approval by an elected local official;
- C. prosecutorial discretion exercised by a county attorney; or

D. participating in discussions with a party or a party's representative regarding litigation between the party and the political subdivision of the elected local official.

Statutory Authority: *MS s 10A.01; 10A.02; 10A.022; 10A.025*

History: *49 SR 979*

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4511.1100 [Repealed, L 2025 1Sp11 s 3]

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