

1 **Ethical Practices Board**

2 **Adopted Permanent Rules Relating to Ethics in Government**

3 **4501.0100 DEFINITIONS.**

4 [For text of subps 1 to 8, see M.R.]

5 Subp. 9. **Promptly.** "Promptly" means within ten business days after the event that  
6 gave rise to the requirement.

7 **4501.0500 FILINGS, SUBMISSIONS, AND DISCLOSURES.**

8 Subpart 1. **Completion of filing.** A filing with the board is complete upon:

9 A. receipt in the board office of the document being filed, bearing the original  
10 signature of the person responsible for filing the document;

11 B. receipt of a facsimile transmission of the document, subject to subpart 2; or

12 C. the postmark date of a first class or certified mailing of the document being  
13 filed, properly addressed to the board at its current address.

14 Subp. 2. **Filing by facsimile transmission.** A document filed by facsimile  
15 transmission has the same force and effect as the original. Facsimile filings are subject to  
16 items A to C.

17 A. A facsimile transmission received after the close of a business day is considered  
18 received at the beginning of the next business day.

19 B. In the case of a filing by facsimile transmission, the filer must retain the original  
20 of the filed document and a record of the date and time of the transmission.

21 C. Within five days of a request by the board, any person filing a document by  
22 facsimile transmission shall refile the document by one of the other filing methods  
23 provided in subpart 1.

24 [For text of subps 3 and 4, see M.R.]

1     **4503.0100 DEFINITIONS.**

2                             [For text of subps 1 to 5, see M.R.]

3             Subp. 6. **Services for a constituent; constituent services.** "Services for a constituent"  
4     or "constituent services" means services performed or provided by an incumbent  
5     legislator or constitutional officer for the benefit of one or more residents of the official's  
6     district, but does not include gifts, congratulatory advertisements, charitable  
7     contributions, or similar expenditures.

8                             [For text of subps 7 and 8, see M.R.]

9     **4503.0200 ORGANIZATION OF POLITICAL COMMITTEES AND POLITICAL**  
10    **FUNDS.**

11                            [For text of subps 1 to 5, see M.R.]

12            Subp. 6. **Depositories.** The depositories of a political committee or political fund  
13     include any depository in which the committee or fund has a savings, checking, or  
14     similar account, or purchases a money market certificate or certificate of deposit. Before  
15     registering, a political committee or political fund which expects to receive money or  
16     negotiable instruments must establish a checking, savings, or similar account in the  
17     name of "Campaign Fund of (name of candidate, committee, or fund)."

18    **4503.0500 CONTRIBUTIONS.**

19            Subpart 1. **All receipts are contributions.** Any donation of money, goods, or services  
20     received by a principal campaign committee is considered a contribution at the time the  
21     item is received.

22            Subp. 2. **Time of receipt of contributions.**

23            A. A monetary contribution is received by a political committee or political fund,  
24     for reporting and contribution limit purposes, when the instrument conveying the  
25     contribution, such as cash, check, or money order, is physically received by the  
26     treasurer, the candidate, or a committee or fund worker.

1           B. A contribution delivered through the mail is received on the date the mail is  
2 gathered from the delivery point by the treasurer, the candidate, or a committee or fund  
3 worker.

4           Subp. 3. **Transmission of contributions.** Promptly after receipt of any contribution or  
5 on demand of the treasurer, an individual must transmit the contribution together with  
6 any required record to the treasurer.

7           Subp. 4. **Identification of contributor.** An individual or association that pays for or  
8 provides goods or services, or makes goods or services available, with the knowledge  
9 that they will be used for the benefit of a political committee or a political fund, is the  
10 contributor of those goods or services.

11           Subp. 5. **Contributions from Hennepin county registered associations.** In lieu of  
12 registration with the board, an association registered with the Hennepin county filing  
13 officer under Minnesota Statutes, sections 383B.041 to 383B.058, that makes  
14 contributions of more than \$100 to a committee or fund in a calendar year may notify  
15 the recipient committee of its registration with Hennepin county, including its  
16 registration number, and instruct the recipient committee to include the notice when the  
17 recipient committee discloses receipt of the contribution.

18           Subp. 6. **Contributions by joint check.** A contribution given by a check written on a  
19 joint account is considered to be a contribution by the persons who signed the check in  
20 equal proportions unless the candidate or treasurer of the committee or fund has  
21 personal knowledge or affirmatively ascertains from any account holder who did not  
22 sign the check that the person is a joint contributor. In such cases, a written notation of  
23 the basis for considering the contribution to be a joint contribution must be made at the  
24 time the contribution is deposited and kept with the committee's or fund's official  
25 records.

26           Subp. 7. **Forwarding anonymous contributions.** An anonymous contribution in

1 excess of \$20 must be forwarded to the board in its entirety within 14 days after its  
2 receipt by the treasurer along with a statement of the amount of the contribution and the  
3 date on which it was received.

4 Subp. 8. **Value of contributions of automobile use.** Automobile use provided  
5 without reimbursement to the provider is a donation in kind valued at the lowest rate  
6 used by the state of Minnesota to reimburse its employees for automobile use.

7 Subp. 9. **Contributions between principal campaign committees of the same**  
8 **candidate.** Contributions between principal campaign committees of the same  
9 candidate are prohibited except when the contributing committee intends to terminate  
10 its registration and completes the termination by the end of the reporting period in  
11 which the contribution was made.

12 **4503.0750** [Withdrawn at .. SR ....]

13 **4503.0900 NONCAMPAIGN DISBURSEMENTS.**

14 [For text of subpart 1, see M.R.]

15 Subp. 2. [See repealer.]

16 Subp. 3. **Reporting purpose of noncampaign disbursements.** Itemization of an  
17 expense which is classified as a noncampaign disbursement must include sufficient  
18 information to justify the classification.

19 **4503.0950 COSTS OF CONSTITUENT SERVICES AND SERVICES TO RESIDENTS**  
20 **OF CANDIDATE'S DISTRICT WHICH DO NOT REQUIRE REPORTING.**

21 Subpart 1. **Services paid with personal funds of candidate.**

22 A. Constituent services which a principal campaign committee would report as  
23 noncampaign disbursements under Minnesota Statutes, section 10A.01, subdivision 10c,  
24 clause (f), and which are paid for with the personal funds of an incumbent are not  
25 reportable.

1 B. Services for a resident in the candidate's district after a general election, through  
 2 the end of the year, paid for with the personal funds of an incumbent or the winning  
 3 candidate are not reportable.

4 Subp. 2. **Constituent services provided as part of official duties and paid through**  
 5 **legislative appropriation.** Constituent services provided by an incumbent as a part of  
 6 the duties of serving in office and paid for with state funds designated for that use are  
 7 not reportable under Minnesota Statutes, chapter 10A.

8 **4503.1100 CARRYFORWARD OF CAMPAIGN FUNDS; UNPAID ADVANCES OF**  
 9 **CREDIT.**

10 [For text of subps 1 and 2, see M.R.]

11 Subp. 3. **Carryforward applies at end of special election cycle.** The limitations on  
 12 carryforward of funds imposed by Minnesota Statutes, section 10A.25, subdivision 11,  
 13 apply at the end of a special election cycle as well as the end of a general election cycle.  
 14 The limitations at the end of a special or general election cycle apply to all candidates  
 15 for the office which was the subject of the election regardless of whether the candidate  
 16 actually ran in the election.

17 **4503.1300 GOVERNOR AND LIEUTENANT GOVERNOR.**

18 [For text of subps 1 to 5, see M.R.]

19 Subp. 6. **Public subsidy agreement.** A public subsidy agreement signed by a  
 20 candidate for governor or lieutenant governor is binding on both candidates and on the  
 21 surviving principal campaign committee after a merger accomplished under this part.

22 **4503.1400 PUBLIC SUBSIDY AGREEMENTS.**

23 Subpart 1. [See repealer.]

24 Subp. 2. **Period covered by agreement.** A public subsidy agreement is effective for  
 25 the entire election cycle regardless of when the agreement is signed.

1        **Subp. 3. Effect of signing public subsidy agreement after first year of election cycle.**

2        By signing a public subsidy agreement after the first year of an election cycle, a  
3        candidate agrees to abide by spending and contribution limits for candidates with  
4        public subsidy agreements for the entire election cycle. The candidate is subject to the  
5        same remedies for prior violations of contribution and spending limits as a candidate  
6        who signed a public subsidy agreement during the first year of the election cycle.

7        **Subp. 4. Effect on right to participate in political contribution refund program.** The  
8        right to issue receipts under the political contribution refund program established in  
9        Minnesota Statutes, section 290.06, subdivision 23, arises only when the public subsidy  
10       agreement is actually signed.

11       **Subp. 5. Expiration at end of special election cycle.** Public subsidy agreements for all  
12       candidates in a district in which a special election is held expire at the end of the special  
13       election cycle regardless of whether the candidate actually ran in the special election.

14       **Subp. 6. Return of public subsidy.** If a candidate who has received public subsidy  
15       money fails to file a year-end report of receipts and expenditures in an election year, the  
16       board may determine the amount of public subsidy which must be returned based on  
17       the last report filed by the candidate.

18       **Subp. 7. Nonreceipt of public subsidy funds.** A public subsidy agreement is binding  
19       regardless of whether the candidate actually receives funds from the state elections  
20       campaign fund.

21       **Subp. 8. Affidavit of contributions for special elections.** For a special election for  
22       which the filing period does not coincide with a general election, the candidate must  
23       submit the affidavit of contributions not later than five days after filing an affidavit of  
24       candidacy or nominating petition for the office sought.

25       **4503.1600 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE**  
26       **SESSION.**

1 If the board makes a public finding that there is probable cause to believe a violation  
2 of Minnesota Statutes, section 10A.065, has occurred, in lieu of pursuing or enforcing a  
3 judgment, the board may accept payment of any fine imposed and thereafter close the  
4 matter.

5 **4503.1700 FILING OF 48-HOUR NOTICE.**

6 The 48-hour notice required under Minnesota Statutes, section 10A.20, subdivision 5,  
7 may be filed by facsimile transmission in addition to the other methods permitted by  
8 law.

9 **4511.0010 SCOPE.**

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

12 **4511.0100 DEFINITIONS.**

13 Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota  
14 Statutes, chapter 10A. The definitions in chapter 4501 and in Minnesota Statutes, chapter  
15 10A, also apply to this chapter.

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

18 Subp. 3. **Lobbying.** "Lobbying" means attempting to influence legislative action,  
19 administrative action, or the official action of a metropolitan governmental unit by  
20 communicating with or urging others to communicate with public officials or local  
21 officials in metropolitan governmental units. Any activity that directly supports this  
22 communication is considered a part of lobbying.

23 Subp. 4. **Lobbyist's disbursements.** "Lobbyist's disbursements" include all  
24 disbursements for lobbying made by the lobbyist, the lobbyist's employer or employee,  
25 or any person or association represented by the lobbyist, but do not include  
26 compensation paid to the lobbyist.

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

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

#### 10 **4511.0200 REGISTRATION.**

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

16 Subp. 2. **Separate registration for each lobbyist.** Multiple lobbyists representing the  
17 same individual, association, political subdivision, or higher education system must  
18 each register separately.

#### 19 **4511.0300 PRINCIPALS.**

20 Individuals or associations represented by lobbyists are presumed to be principals  
21 until they establish that they do not fall within the statutory definition of a principal.

#### 22 **4511.0400 TERMINATION.**

23 A lobbyist who has ceased lobbying for a particular entity may terminate registration  
24 by filing a final lobbyist disbursement report covering the period from the last report  
25 filed through the date of termination and indicating on the report that the lobbyist  
26 intends to terminate the particular registration as of the specified termination date.



1     **4511.0500 REPORTING REQUIREMENTS.**

2         Subpart 1. **Separate reporting required for each entity.** A lobbyist must report  
3     separately for each entity for which the lobbyist is registered.

4         Subp. 2. **Reporting by multiple lobbyists representing the same entity.** Items A to C  
5     apply if a single individual, association, political subdivision, or public higher education  
6     system is represented by more than one lobbyist.

7             A. The entity must designate one lobbyist to report lobbyist disbursements made  
8     by the entity and the reporting lobbyist must indicate this designation on the periodic  
9     reports of lobbyist disbursements.

10            B. A lobbyist may consent to report on behalf of other lobbyists for the same entity,  
11     in which case, the other lobbyists are persons about whose activities the reporting  
12     lobbyist must report and are subject to the disclosure requirements of Minnesota  
13     Statutes, section 10A.04, subdivision 3. Lobbyist disbursement reports filed by the  
14     reporting lobbyist must include the names and registration numbers of any other  
15     lobbyists whose activities are included in the report.

16            C. Lobbyists whose activities are reported by a designated reporting lobbyist must  
17     file lobbyist disbursement reports specifying the name and registration number of the  
18     lobbyist reporting on their behalf.

19         Subp. 3. **Report of officers and directors information.** With each report of lobbyist  
20     disbursements, each lobbyist, except those whose activities are reported by a designated  
21     reporting lobbyist, must report any change in the name and address of:

22            A. each person, if any, by whom the lobbyist is retained or employed or on whose  
23     behalf the lobbyist appears; or

24            B. if the lobbyist represents an association, each officer and director of the  
25     association.

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

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

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

7       Subp. 5. **Reporting gifts.** A gift to a public or local official from a principal for which  
8 a lobbyist is registered must be reported by the lobbyist who reports that principal's  
9 lobbying disbursements.

#### 10       **4511.0600 REPORTING DISBURSEMENTS.**

11       Subpart 1. **Determination of actual costs required.** To the extent that actual costs of  
12 lobbying activities can be obtained or calculated by reasonable means, those actual costs  
13 must be determined, recorded, and used for reporting purposes.

14       Subp. 2. **Approximation of costs.** If the actual cost of a lobbying activity cannot be  
15 obtained or calculated through reasonable means, those costs must be reasonably  
16 approximated.

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

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

25       Subp. 5. **Specific disbursement categories.** Disbursements must be reported based on  
26 the categories in items A to I.

1           A. "Lobbying materials" includes the cost of production, purchase, or other  
2 acquisition of materials that directly support lobbying.

3           B. "Media costs" includes the cost of media space or time used for lobbying  
4 activities. The cost of preparation of materials for use in the media is reported in the  
5 lobbying materials category.

6           C. "Telephone and communications" includes costs for local and long-distance  
7 telephone services, electronic mail, pagers, cellular telephones, facsimile distribution  
8 services, telegraph, and other communications services.

9           D. "Postage and distribution" includes costs of postage from the United States  
10 Postal Service as well as other distribution costs associated with lobbying activities.

11           E. "Fees and allowances" includes fees for consulting or other services as well as  
12 expenses associated with those services.

13           F. "Entertainment" includes costs of all entertainment associated with any situation  
14 where lobbying activities take place.

15           G. "Food and beverages" includes costs of all food and beverages associated with  
16 any situation where lobbying activities take place.

17           H. "Travel and lodging" includes costs of all travel and lodging associated with  
18 any lobbying activity, excluding the costs of the lobbyist's own travel to accomplish the  
19 lobbying activity.

20           I. "Other disbursements" includes general administration and overhead and any  
21 other lobbyist disbursements not reported in other categories.

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

25           **4511.0700 REPORTING COMPENSATION PAID TO LOBBYIST.**

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

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

6 **4511.0800 ADMINISTRATIVE ACTION.**

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

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

18 **REPEALER.** Minnesota Rules, parts 4503.0800, subpart 5; 4503.0900, subpart 2;  
19 4503.1400, subpart 1; 4510.0010; 4510.0050; 4510.0400; 4510.0500; 4510.0600; 4510.0700;  
20 4510.0800; 4510.0900; and 4510.1100, are repealed.