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ADMINISTRATIVE
HEARINGS

**Campaign Finance and Public Disclosure Board
Adopted Permanent Rules Relating to Requirements and Procedures**

4503.1450 DISTRIBUTION OF GENERAL ACCOUNT PUBLIC SUBSIDY FUNDS.

Subpart 1. **Agreement.** The general account public subsidy agreement required in Minnesota Statutes, section 10A.31, subdivision 7, may be provided to candidates on a separate form, or incorporated into the public subsidy agreement. The agreement must require that the candidate spend or be legally obligated to spend at least 50 percent of the general account public subsidy payment by the end of the reporting period prior to the general election. The agreement must also provide that if the candidate does not meet this requirement, the candidate must repay the board the difference between the candidates general account public subsidy payment and the candidates total campaign expenditures as of the end of the reporting period prior to the general election. The agreement must further provide that the candidate must reimburse the board for any reasonable collection costs incurred in securing the repayment of the unused general account public subsidy payment.

Subp. 2. **Failure to repay.** A candidate who fails to repay money required by the agreement cannot be paid additional general account public subsidy funds during the current or future election cycles until the entirety of the unexpended general account funds, and any associated collection fees, are either repaid to the board or discharged by a court action.

Subp. 3. **Estimate of general account public subsidy payment.** For purposes of determining a candidate's fulfillment of the terms of the agreement, the board must use the September 1 certification of available funds from the commissioner of the Department of Revenue to estimate the general account public subsidy payment for the candidate's office. Using first class mail, the board must inform each candidate eligible for a general account payment of the minimum amount that must be spent to comply with the terms of the agreement.

1 **4505.0900 FILING.**

2 [For text of subps 2 and 3, see M.R.]

3 Subp. 4. **Termination as a public official.** An individual shall file a statement of
4 economic interest to cover the period for which the individual served as a public official
5 even though at the time the statement is filed, the individual is no longer holding that
6 office as a public official. The statement of economic interest does not need to be filed if
7 there have been no changes from the most recent statement of economic interest filed
8 with the board.

9 [For text of subps 5 and 6, see M.R.]

10 **4511.0100 DEFINITIONS.**

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

12 Subp. 1a. **Designated lobbyist.** "Designated lobbyist" means a lobbyist responsible
13 for reporting the lobbying disbursements of the entity the lobbyist represents. An entity
14 that employs lobbyists may have only one designated lobbyist at any given time.

15 [For text of subps 2 to 6, see M.R.]

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

21 **4511.0200 REGISTRATION.**

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

23 Subp. 2. **Separate registration for each lobbyist.** Multiple lobbyists representing the
24 same individual, association, political subdivision, or higher education system must
25 each register separately. A lobbyist who provides lobbying disbursements to the board
26 through a reporting lobbyist must list the name and registration number of the

4511.0200

1 reporting lobbyist on a lobbyist registration. If the reporting lobbyist changes, or if the
2 lobbyist ceases to report through a reporting lobbyist, the lobbyist must amend the
3 registration within ten days.

4 Subp. 3. **Registration of designated lobbyist.** A designated lobbyist must indicate on
5 the lobbyist registration form that the lobbyist will be reporting disbursements for the
6 entity the lobbyist represents. An entity that employs lobbyists may have only one
7 designated lobbyist. A designated lobbyist who ceases to be responsible for reporting
8 the lobbying disbursements of an entity must amend the lobbyist's registration with the
9 board within ten days.

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

18 **4511.0400 TERMINATION.**

19 Subpart 1. **Lobbyist termination.** A lobbyist who has ceased lobbying for a particular
20 entity may terminate registration by filing a lobbyist termination form and a lobbyist
21 disbursement report covering the period from the last report filed through the date of
22 termination. If the lobbying disbursements of the lobbyist are reported by a reporting
23 lobbyist, the nonreporting lobbyist may terminate by filing a lobbyist termination form
24 and notifying the reporting lobbyist of all disbursements made by the lobbyist during
25 the period from the last report filed through the date of termination.

26 Subp. 2. **Reporting lobbyist termination.** A reporting lobbyist who has ceased

1 lobbying for a particular entity may terminate registration by filing a lobbyist
2 termination form and a lobbyist disbursement report covering the period from the last
3 report filed through the date of termination. The termination of a reporting lobbyist
4 reverts the reporting responsibility back to each lobbyist listed on the registration of the
5 reporting lobbyist.

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

11 **4511.0500 REPORTING REQUIREMENTS.**

12 Subpart 1. **Separate reporting required for each entity.** A lobbyist must report
13 separately for each entity for which the lobbyist is registered, unless the disbursements
14 are reported in the manner provided in subpart 2.

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

18 A. The entity must appoint one designated lobbyist to report lobbyist
19 disbursements made by the entity. The designated lobbyist must indicate that status on
20 the periodic reports of lobbyist disbursements.

21 B. A reporting lobbyist may consent to report on behalf of one or more other
22 lobbyists for the same entity, in which case, the other lobbyists are persons about whose
23 activities the reporting lobbyist must disclose and are subject to the disclosure
24 requirements of Minnesota Statutes, section 10A.04, subdivision 3. Lobbyist
25 disbursement reports filed by a reporting lobbyist must include the names and
26 registration numbers of the other lobbyists whose activities are included in the report.

1 C. Lobbyists whose activities are accounted for by a reporting lobbyist are not
2 required to file lobbyist disbursement reports.

3 D. A lobbyist whose lobbying disbursements are provided to the board through a
4 reporting lobbyist must supply all relevant information on disbursements to the
5 reporting lobbyist no later than five days before the prescribed filing date.

6 E. The reporting periods and due dates for a reporting lobbyist are those provided
7 in Minnesota Statutes, section 10A.04, subdivision 3. The board must notify by certified
8 mail or personal service each reporting lobbyist that fails to file a required report within
9 seven days of a statutory filing date. Additionally, the board must notify by certified
10 mail or personal service each lobbyist listed on the registration of the reporting lobbyist
11 of the failure of the reporting lobbyist to file in a timely manner. Within seven days of
12 receipt of this notice, each lobbyist must report disbursements to the board. If a lobbyist
13 fails to file a report within seven days of receiving this notice from the board, the board
14 may impose a late filing fee of \$5 per day, not to exceed a maximum of \$100,
15 commencing with the eighth day after receiving notice.

16 F. The reporting lobbyist must indicate the names and registration numbers of any
17 lobbyists who did not provide their lobbying disbursements for inclusion in a report.
18 The board must send notice by certified mail or personal service to a lobbyist who failed
19 to provide the required disbursement information to the reporting lobbyist. The notice
20 must require that the lobbyist file an individual lobbyist disbursement report within
21 seven days of receipt of the notice. If a lobbyist fails to file a report within seven days of
22 receiving notice from the board, the board may impose a late filing fee of \$5 per day, not
23 to exceed a maximum of \$100, commencing with the eighth day after receiving notice.

24 Subp. 3. **Report of officers and directors information.** With each report of lobbyist
25 disbursements, a designated lobbyist must report any change in the name and address
26 of:

1 [For text of items A and B, see M.R.]

2 [For text of subp 4, see M.R.]

3 Subp. 5. **Reporting gifts.** A gift to a public or local official from a principal for which
4 a lobbyist is registered must be reported by the designated reporting lobbyist.

5 **4525.0200 COMPLAINTS OF VIOLATIONS.**

6 Subpart 1. **Who may complain.** A person who believes a violation of Minnesota
7 Statutes, chapter 10A, or rules of the board has occurred may submit an oral or written
8 complaint to the board.

9 Subp. 2. **Form.** Complaints must be submitted in writing. The complaint may be
10 submitted on a form provided by the board, or may be typed or handwritten. The name
11 and address of the person making the complaint must be typewritten or hand-printed
12 on the complaint and it must be signed by the complainant. A complainant shall list the
13 alleged violator and describe the complainant's knowledge of the alleged violation. Any
14 evidentiary material should be submitted with the complaint. Complaints are not
15 available for public inspection or copying until after the board makes a finding. No
16 investigations are required if a complaint is frivolous on its face, illegible, too indefinite,
17 does not identify the violator, or is unsigned by the complainant.

18 [For text of subps 3 to 6, see M.R.]

19 **REPEALER.** Minnesota Rules, parts 4515.0700 and 4520.0700, are repealed.