

1 Campaign Finance and Public Disclosure Board  
2 Adopted Permanent Rules Relating to Filing of Reports

3 4501.0100 DEFINITIONS.

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

5 Subp. 2a. **Audit trail.** "Audit trail" means documentation  
6 of submission of an electronic file or facsimile transmission to  
7 the board. The audit trail includes the date and time at which  
8 the facsimile transmission or electronic file submission was  
9 made and a copy of any verification report or message received  
10 from the board.

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

12 Subp. 4a. **Electronic file.** "Electronic file" means a  
13 report or statement required by Minnesota Statutes, chapter 10A,  
14 and submitted to the board using an electronic filing system.

15 Subp. 4b. **Electronic filing system.** "Electronic filing  
16 system" means the computer-based systems developed by the board  
17 to transfer an electronic file of data that meets the filing and  
18 reporting requirements of Minnesota Statutes, chapter 10A.

19 Subp. 4c. **Facsimile transmission.** "Facsimile transmission"  
20 means the use of a fax machine or e-mail to submit an electronic  
21 image of a report or statement to the board.

22 [For text of subps 5 to 7, see M.R.]

23 Subp. 7a. **Personal identification code.** "Personal  
24 identification code" is a confidential user name and password  
25 provided by the board and required to use an electronic filing  
26 system.

27 [For text of subps 8 and 9, see M.R.]

1 4501.0300 CERTIFICATION, SIGNATURES, AND NOTARIZATION.

2 Subp. 1a. **Signature required.** The original signature of  
3 the person responsible for preparation or filing of a report or  
4 other document is required to make the report or document  
5 complete. Only signed reports or documents may be filed with  
6 the board. A document filed by facsimile transmission meets the  
7 requirements of this part if the original document being  
8 transmitted bears the required signature. An electronic filing  
9 meets the requirement of this part if it is submitted with a  
10 personal identification code. The board must provisionally  
11 accept an initial registration submitted without a personal  
12 identification code pending a confirmation of the registration.

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

14 4501.0500 FILINGS, SUBMISSIONS, AND DISCLOSURES.

15 Subpart 1. **Format.** A report or statement required under  
16 Minnesota Statutes, chapter 10A, must be submitted on the forms  
17 provided by the board for that purpose or by an electronic  
18 filing system. The board may provide alternative methods for  
19 submitting information, including other means for the electronic  
20 submission of data.

21 Subp. 1a. **Completion of filing.** A filing with the board  
22 is complete upon:

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

26 B. receipt of a facsimile transmission of the

1 document, subject to subpart 2;

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

5 D. the successful submission of an electronic file to  
6 the board.

7 Subp. 2. Filing by facsimile transmission or electronic  
8 filing system. A document filed by facsimile transmission or  
9 electronic filing system has the same force and effect as filing  
10 an original paper document. Facsimile transmissions and the use  
11 of an electronic filing system are subject to items A to F.

12 A. A facsimile transmission or electronic file  
13 received after the close of a business day is considered  
14 received at the beginning of the next business day.

15 B. Use of an electronic filing system is optional.  
16 In order to provide a secure environment for the submission of  
17 electronic files, the board must require that a filer use a  
18 personal identification code when submitting an electronic  
19 file. The board may also request the filer to provide a valid  
20 e-mail address in order to receive confirmation and verification  
21 messages from the board.

22 C. After an electronic file is processed by the  
23 board, the information contained in the electronic file becomes  
24 the property of the state subject to the terms of the Data  
25 Practices Act under Minnesota Statutes, chapter 13.

26 D. In the case of a filing by facsimile transmission,  
27 the filer must retain the original of the filed document and a

1 record of the date and time of the transmission. If an  
 2 electronic filing system is used to submit an electronic file to  
 3 the board, the filer must retain as documentation the database  
 4 and information on which the electronic submission of data is  
 5 based. The database and records are subject to audit as  
 6 provided in Minnesota Statutes, chapter 10A.

7 E. Within five days of a request by the board, any  
 8 person filing a document by facsimile transmission or electronic  
 9 filing system shall refile the document by one of the other  
 10 filing methods provided in subpart 1.

11 F. Technical problems that prevent the successful  
 12 submission of a facsimile transmission or electronic file do not  
 13 relieve the filer of the responsibility of meeting the  
 14 requirements of Minnesota Statutes, chapter 10A. An audit trail  
 15 that demonstrates that the facsimile transmission or electronic  
 16 file was successfully submitted in a timely fashion may be used  
 17 by the board to waive late filing fees.

18 [For text of subp 3, see M.R.]

19 4503.0100 DEFINITIONS.

20 [For text of subps 1 to 3, see M.R.]

21 Subp. 3a. Fair market value. "Fair market value" means  
 22 the amount that an individual would pay to purchase the same or  
 23 similar service or item on the open market.

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

25 ~~Subp. 4a. -- Loan. -- "Loan," for principal campaign~~  
 26 ~~committees, political committees and funds, party units, and~~  
 27 ~~ballot question committees, means the lending or receipt of~~

1 funds-

2 [For text of subps 5 to 8, see M.R.]

3 4503.0500 CONTRIBUTIONS.

4 [For text of subps 1 to 7, see M.R.]

5 Subp. 8. Value of contributions of automobile use.

6 Automobile use provided to a committee by an individual may be  
7 valued at the lowest rate used by the state to reimburse its  
8 employees for automobile use. Alternatively, the value of the  
9 automobile may be calculated as the actual cost of fuel,  
10 maintenance, repairs, and insurance directly related to the use  
11 of the automobile. The use of an automobile that exceeds \$20 in  
12 value a day is either an expenditure that must be reimbursed or  
13 a donation in kind from the individual who provided the use of  
14 the automobile. An automobile provided by an association must  
15 be valued at the fair market value for renting an equivalent  
16 automobile.

17 4503.0900 NONCAMPAIGN DISBURSEMENTS.

18 Subpart 1. Additional definitions. In addition to those  
19 listed in Minnesota Statutes, section 10A.01, subdivision 26,  
20 the following expenses are noncampaign disbursements:

21 [For text of items A to C, see M.R.]

22 D. payment of advances of credit in a year after the  
23 year in which the advance was reported as an expenditure;

24 E. payment of fines assessed by the board; and

25 F. costs of running a transition office for a winning  
26 gubernatorial candidate during the first six months after

1 election.

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

3 4503.1400 PUBLIC SUBSIDY AGREEMENTS.

4 [For text of subps 2 to 8, see M.R.]

5 Subp. 9. Increase for first-time candidates. Candidates  
6 who qualify for first-time candidate status receive a ten  
7 percent increase in the campaign expenditure limit in all years  
8 of the applicable election cycle.

9 4503.1500 LOANS.

10 Subpart 1. Loan agreement requirements. An agreement to  
11 make a loan to a principal campaign committee or political  
12 committee or fund must be made in writing and signed by the  
13 borrower and endorsers.

14 Subp. 2. Unpaid year-end balance. The unpaid year-end  
15 balance of all loans from a political committee, political fund,  
16 party unit, individual, or candidate to a principal campaign  
17 committee for a legislative or constitutional office may not  
18 exceed the applicable yearly contribution limit for the entity  
19 that made the loan.

20 Subp. 3. Unpaid reimbursements. A principal campaign  
21 committee that does not reimburse an individual or candidate for  
22 an expenditure made on behalf of the committee within 18 months  
23 of the date on which the expenditure occurred shall convert the  
24 unpaid reimbursement into a loan from the individual or  
25 candidate to the committee. The unpaid balance of the loan  
26 counts against the contribution limit of the individual or

1 candidate for the year in which the expenditure occurred.

2 4503.1800 REPORTING REQUIREMENTS.

3 Subpart 1. **Contributions.** Legislative, statewide, and  
 4 judicial candidates, party units, political committees and  
 5 funds, and committees and funds to promote or defeat a ballot  
 6 question must itemize contributions that in aggregate exceed  
 7 \$100 in a calendar year on reports submitted to the board. The  
 8 itemization must include the date on which the contribution was  
 9 received, the individual or association that provided the  
 10 contribution, and the address of the contributor. Additionally,  
 11 the itemization for a donation in kind must provide a  
 12 description of the item or service received. Contributions that  
 13 are less than the itemization amount must be reported as an  
 14 aggregate total.

15 Subp. 2. ~~Contributors who are issued political~~  
 16 ~~contribution refund receipts. Party units and principal~~  
 17 ~~campaign committees that issue political contribution refund~~  
 18 ~~receipts to contributors must report the contribution that~~  
 19 ~~generated the political contribution refund receipt as provided~~  
 20 ~~in subpart 1 on the periodic report of receipts and expenditures~~  
 21 ~~filed with the board.~~

22 Subp. 3. **Expenditures and noncampaign disbursements.**  
 23 Legislative, statewide, and judicial candidates, party units,  
 24 political committees and funds, and committees to promote or  
 25 defeat a ballot question must itemize expenditures and  
 26 noncampaign disbursements that in aggregate exceed \$100 in a  
 27 calendar year on reports submitted to the board. The

1 itemization must include the date on which the committee made or  
2 became obligated to make the expenditure or disbursement, the  
3 name and address of the vendor that provided the service or item  
4 purchased, and a description of the service or item purchased.  
5 Expenditures and noncampaign disbursements must be listed on the  
6 report alphabetically by vendor.

7 4505.0900 FILING.

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

9 Subp. 7. **Reporting of securities.** A public official must  
10 list the full name of each security with a value of \$2,500 or  
11 more owned in part or in full by the public official at any time  
12 during the reporting period.

13 4511.0500 LOBBYIST REPORTING REQUIREMENTS.

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

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

19 [For text of items A to D, see M.R.]

20 E. The reporting periods and due dates for a  
21 reporting lobbyist are those provided in Minnesota Statutes,  
22 section 10A.04, subdivision 3. The board must notify by  
23 certified mail or personal service each reporting lobbyist that  
24 fails to file a required report within seven days of a statutory  
25 filing date. Additionally, the board must notify by certified  
26 mail or personal service each lobbyist listed on the



1 registration of the reporting lobbyist of the failure of the  
2 reporting lobbyist to file in a timely manner. Within ten  
3 business days of the date on which the notice was sent, each  
4 lobbyist must report disbursements to the board. If a lobbyist  
5 fails to file a report within ten business days of the date on  
6 which the notice was sent by the board, the board may impose a  
7 late filing fee of \$5 per day, not to exceed a maximum of \$100,  
8 commencing with the 11th day after the notice was sent.

9 F. The reporting lobbyist must indicate the names and  
10 registration numbers of any lobbyists who did not provide their  
11 lobbying disbursements for inclusion in a report. The board  
12 must send notice by certified mail or personal service to a  
13 lobbyist who failed to provide the required disbursement  
14 information to the reporting lobbyist. The notice must require  
15 that the lobbyist file an individual lobbyist disbursement  
16 report within ten business days of the mailing of the notice.  
17 If a lobbyist fails to file a report within ten business days of  
18 the mailing of the notice, the board may impose a late filing  
19 fee of \$5 per day, not to exceed a maximum of \$100, commencing  
20 with the 11th day after receiving notice.

21 [For text of subps 3 to 5, see M.R.]

22 4511.0600 REPORTING DISBURSEMENTS.

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

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

27 A. "Lobbying materials" includes the cost of

1 production, purchase, or other acquisition of materials that  
2 directly support lobbying.

3 B. "Media costs" includes the cost of media space or  
4 time, including Web site design and maintenance, used for  
5 lobbying activities. The cost of preparation of materials for  
6 use in the media is reported in the lobbying materials category.

7 [For text of items C and D, see M.R.]

8 E. "Fees and allowances" includes fees for  
9 consulting, surveys, polls, legal counsel, or other services as  
10 well as expenses associated with those services.

11 [For text of items F to I, see M.R.]

12 [For text of subp 6, see M.R.]

13 4512.0200 GIFTS WHICH MAY NOT BE ACCEPTED.

14 Subpart 1. Acceptance. An official may not accept a gift  
15 given by a lobbyist or lobbyist principal or given as the result  
16 of a request by a lobbyist or lobbyist principal.

17 Subp. 2. Use of gift to metropolitan governmental unit.  
18 An official may not use a gift given by a lobbyist or lobbyist  
19 principal to a metropolitan governmental unit until the gift has  
20 been formally accepted by an official action of the governing  
21 body of the metropolitan governmental unit.

22 4525.0200 COMPLAINTS OF VIOLATIONS.

23 Subpart 1. Who may complain. A person who believes a  
24 violation of Minnesota Statutes, chapter 10A, or rules of the  
25 board has occurred may submit a written complaint to the board.

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

12/14/05

[REVISOR ] CEL/JC AR3596

1 Subp. 3. [See repealer.]

2 [For text of subps 4 to 6, see M.R.]

3 4525.0500 INVESTIGATIONS AND AUDITS.

4 [For text of subps 1 to 3, see M.R.]

5 Subp. 5. **Board meetings.** Board meetings related to an  
6 investigation or audit must be conducted in accordance with part  
7 4525.0200, subparts 4 to 6.

8 **REPEALER.** Minnesota Rules, part 4525.0200, subpart 3, is  
9 repealed.