

## CHAPTER 210A

### FAIR CAMPAIGN PRACTICES

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#### 210A.01 DEFINITIONS.

Subdivision 1. The words used in sections 210A.01 to 210A.44 have the meanings prescribed to them in chapter 200; and the words defined in this section are applicable for the purpose of construing sections 210A.01 to 210A.44.

Subd. 2. Any act shall be deemed to have been for "political purposes" when the act is of a nature, is done with the intent, or is done in such way, as to influence or tend to influence, directly or indirectly, voting at any primary or election or on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary.

Subd. 3. **Candidate.** "Candidate" means any individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States. In sections 210A.22 to 210A.28, 210A.32 and 210A.33, "candidate" does not mean an individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be considered for constitutional office, member of the legislature, justice of the supreme court, court of appeals, or district court, county court, probate court, or county municipal court judge.

Subd. 4. "Disbursements" means every act by or through which any money, property, office, or position or other thing of value passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed, or lent, and also any money, property, office, or position or other thing of value so given, provided, paid, expended, promised, pledged, contributed, or lent.

Subd. 5. "Filing office," when used with reference to any candidate, shall be

construed to mean the officer who is authorized by law to issue a certificate of nomination or election to such candidate if the candidate is successful. If there be no officer authorized to issue such certificate of nomination or election, then such term shall be construed to mean the clerk of the town or city in which such candidate resides.

Subd. 6. "Personal campaign committee" means any committee appointed by a candidate for any election.

Subd. 7. "Party committee" means any committee appointed or elected to represent any major political party with a party organization in this state.

Subd. 8. Every two or more persons elected or appointed by any major political party or association for the purpose, wholly or partly, of raising, collecting, or disbursing money, or directing the raising, collecting or disbursing thereof, for nomination or election purposes, and every two or more persons who shall cooperate in the raising, collecting, or disbursing of money used, or to be used for or against the election to public office of any person or any class or number of persons, or for or against the adoption of any law, ordinance, or constitutional amendment, shall be deemed a "political committee" within the meaning of sections 210A.01 to 210A.44.

Subd. 9. "Committee" means any personal campaign committee, party committee, or political committee, unless the intent is clearly shown to be otherwise.

**History:** 1975 c 284 s 1; 1978 c 463 s 105; 1979 c 59 s 6; 1981 c 29 art 7 s 38; 1983 c 247 s 92; 1986 c 444

#### 210A.02 FALSE CLAIM OF PARTY SUPPORT.

No person or candidate shall knowingly, either personally or by any other person, while such candidate is seeking a nomination or election, make, directly or indirectly, a false claim stating or implying that the candidate has the support or endorsement of any major political party, or unit thereof, or of any organization, when in fact the candidate does not have such support or endorsement.

**History:** 1975 c 284 s 2; 1981 c 29 art 7 s 38; 1986 c 444

#### 210A.03 CAMPAIGN LITERATURE MUST INCLUDE NAMES.

Any person or committee who shall publish, issue, post, or circulate, or cause to be published, issued, posted, or circulated, otherwise than in a newspaper, as provided in section 210A.05, subdivision 1, any literature, campaign material, or any publication, including but not limited to cards, pamphlets, flyers, signs, banners, leaflets, tending to influence voting at any primary or election which fails to bear on the face thereof the name and address of the author, the name of the candidate in whose behalf the same is published, issued, posted, or circulated, and the name and address of any other person or committee causing the same to be published, issued, posted, or circulated, shall be guilty of a misdemeanor; provided, nothing herein contained shall be construed as modifying or repealing any of the provisions of section 210A.04.

**History:** 1975 c 284 s 3

#### 210A.04 FALSE POLITICAL AND CAMPAIGN MATERIAL; PENALTY; EXCEPTIONS.

Subdivision 1. Every person who intentionally participates in the preparation or dissemination of paid political advertising or campaign material with respect to the personal or political character or acts of any candidate, which is known by that person to be false and which is designed or tends to elect, injure or defeat any candidate for nomination or election to a public office, is guilty of a gross misdemeanor.

Subd. 2. Subdivision 1 does not apply to a printer or manufacturer of campaign material whose sole act is the printing or manufacturing of campaign material and delivery to the person who orders it, and who does not know the printed matter is false; nor does it apply to a broadcaster for a radio or television broadcast station or cable system whose sole act is the dissemination of the false information as advertising paid for in the regular course of business, and who does not know the information is false.

**History:** 1975 c 284 s 4; 1981 c 266 s 1

**210A.05 PAID ADVERTISEMENTS IN NEWS.**

Subdivision 1. No publisher of a newspaper, periodical, or magazine shall insert either in the advertising columns of such newspaper, magazine, or periodical, or elsewhere therein, any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any primary or general election unless at the head or the foot of the matter is printed in six point capital letters the words "Paid Advertisement," and unless there is a statement at the head or the foot of the matter of the amount paid or to be paid therefor, or a statement that the same is to be paid at regular advertising rates, the name of the candidate in whose behalf the matter is inserted and of any other person or the names of the officer and the committee authorizing the publication.

Subd. 2. To the extent that any person sells advertising space used on behalf of any candidate, the charges made shall not exceed the charges made for any other comparable purpose or use according to the seller's rate schedule.

**History:** 1975 c 284 s 5

**210A.06 COMPENSATION PROHIBITED, EXCEPT FOR PAID ADVERTISEMENT.**

No owner, publisher, editor, reporter, agent, or employee of any newspaper or periodical shall directly or indirectly solicit, receive, or accept any payment, promise, or compensation, nor shall any person pay or promise to pay, or in any manner compensate any such owner, publisher, editor, reporter, agent, or employee directly or indirectly for influencing or attempting to influence through any printed matter in such newspaper or periodical any voting at any election or primary through any means except through the matter inserted in such newspaper or periodical as "PAID ADVERTISEMENT," and so designated as provided by sections 210A.01 to 210A.44.

**History:** 1975 c 284 s 6

**210A.07 UNDUE INFLUENCE ON VOTERS PROHIBITED.**

No election judge, officer, or any other person shall directly or indirectly, personally or through any other person, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict, personally or through any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any individual in order to induce or compel or attempt to induce or compel that individual to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, nor shall by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise of any voter at any primary or election, or compel, induce, or prevail upon any elector to give or to refrain from giving a vote at any primary or election.

**History:** 1975 c 284 s 7; 1981 c 29 art 7 s 25; 1986 c 444

**210A.08 SOLICITATION OF CONTRIBUTIONS PROHIBITED.**

No person shall demand, solicit, ask, or invite any payment or contribution to any religious, charitable, or other causes or organizations, supposedly to be primarily for the public good, from any candidate for nomination or election, or to subscribe for the support of any club, or organization, or to buy tickets to any entertainment or ball or to pay for space in any book, program, periodical, or publication, nor shall such demand or solicitation be made upon any committee. This shall not apply to the solicitation of any business advertisement in periodicals in which the candidate was a regular contributor, prior to candidacy, nor to ordinary business advertisements, nor to regular payments of any organization, religious, charitable, or otherwise, of which the candidate was a member, or to which the candidate was a contributor for more than six months before candidacy, nor to any ordinary contributions at church services.

**History:** 1975 c 284 s 8; 1986 c 444

**210A.081 POLITICAL ACTIVITIES PROHIBITED BY EMPLOYEES OF POLITICAL SUBDIVISIONS.**

No officer, agent, clerk, or employee of any political subdivision shall, directly or indirectly, during hours of employment solicit or receive funds or at any time use authority or official influence to compel any officer or employee in the classified service to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Any person who violates any provision of this section shall be guilty of a misdemeanor, and shall be punished accordingly, and any officer or employee in the classified service found guilty of violating any provision of this section is automatically separated from the service. No political subdivision may impose or enforce any additional limitations on the political activities of its employees.

**History:** 1981 c 210 s 50; 1986 c 444

**210A.09 INDUCING OR REFRAINING A PERSON AS A CANDIDATE; TIME OFF FOR PUBLIC OFFICE MEETINGS.**

Subdivision 1. No person shall pay, or promise to reward another in any manner or form for the purpose of inducing the other person to be or refrain from or cease being a candidate, and no person shall solicit or receive any payment, promise, or reward from another for such purpose.

Subd. 2. Any person elected to a public office shall be permitted time off from regular employment to attend meetings of the public office. No retaliatory action may be taken by the employer for absences necessary for the employee to attend the meetings. Such time off may be without pay, with pay, or made up with other hours, as agreed between the employee and employer. When an employee takes time off without pay, the employer shall make an effort to allow the employee to make up the time with other hours when the employee is available.

**History:** 1975 c 284 s 9; 1976 c 239 s 73; 1980 c 406 s 1; 1986 c 444

**210A.091 PUBLIC OFFICIAL, NAME.**

Every person elected to public office may use the name given in the person's affidavit of candidacy or nominating petition in transacting official business in the ensuing term of office.

**History:** 1975 c 5 s 125; 1986 c 444

**210A.10 SOLICITING NEAR POLLING PLACES PROHIBITED.**

It shall be unlawful for any person within any polling place or within 100 feet of the building in which any polling place is situated on the day of any primary or election to ask, solicit, or in any manner try to induce or persuade any voter on such primary or election day to vote for or refrain from voting for any candidate or the candidates of any major political party or organization, or any measure submitted to the people; and, conviction thereof carries a fine of not less than \$5 nor more than \$100 for the first offense, and for the second and each subsequent offense occurring on the same or different election days, a fine as aforesaid or imprisonment in the county jail for not less than five nor more than 30 days or both such fine and imprisonment.

**History:** 1975 c 284 s 10; 1981 c 29 art 7 s 38; 1986 c 444

**210A.11 ELECTION DAY, CERTAIN CAMPAIGNING PROHIBITED.**

Subdivision 1. Any person who shall at any place on the day of any primary or election broadcast by television or radio any material intended or which tends to influence the voting at any election or circulate or distribute, or cause to be circulated or distributed, any campaign cards, candidates' cards, placard or campaign literature of any kind whatsoever shall be guilty of a misdemeanor. Nothing herein contained shall be construed as modifying or repealing the provisions of section 210A.07.

Subd. 2. No person shall buy, sell, give, or provide any political badges, buttons, or other insignia to be worn at or about the polling place on the day of any primary or election and no such political badge, button, or other insignia shall be worn at or about the polling place on any primary or election day.

**History:** 1975 c 284 s 11; 1981 c 29 art 7 s 38

#### **210A.12 NOT TO PAY FOR TIME LOST AT POLLING PLACE.**

Subdivision 1. **Payment for lost time prohibited.** It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polling place, or in registering.

Subd. 2. **Payment for personal service prohibited, exception.** No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty it is to act as challenger and watch the count of official ballots.

**History:** 1975 c 284 s 12; 1981 c 29 art 7 s 38

#### **210A.13 TRANSPORTATION OF VOTERS TO POLLING PLACE; PENALTY.**

Subdivision 1. It shall be unlawful for any person transporting any voter to or from the polling place to ask, solicit, or in any manner try to induce or persuade any voter on primary or election day to vote or refrain from voting for any candidate or the candidates of any major political party or organization or any measure submitted to the people.

Subd. 2. It shall be unlawful for any person transporting any voter to or from the polling place to display any campaign cards, candidates' cards, placards or campaign literature of any kind.

Subd. 3. It shall be unlawful for any candidate to transport any voter other than a member of a candidate's household, a candidate's parents or the parents of a candidate's spouse, to or from the polling place on primary or election day.

Subd. 4. Any person who violates the provisions of this section is guilty of a misdemeanor.

**History:** 1975 c 284 s 13; 1981 c 29 art 7 s 38; 1981 c 33 s 1

#### **210A.14 MAY NOT INFLUENCE EMPLOYEES.**

No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of the person's employees, any printed or written matters containing any threat, notice or information, or make any threat, verbal or otherwise, that in case any particular ticket or a major political party or organization or candidate shall be elected or not elected or any measure referred to a vote of the people shall be adopted or not adopted, work in the place of employment or establishment will cease, in whole or in part, or the place of employment or establishment will be closed up, or the salaries or wages of the workers or employees be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinion or action of workers or employees.

**History:** 1975 c 284 s 14; 1981 c 29 art 7 s 38; 1986 c 444

#### **210A.141 REFUSING EMPLOYEE ELECTION PRIVILEGES; PENALTY.**

No person acting as principal or as an official or agent of another, shall directly or indirectly refuse, abridge or in any manner interfere with the election privileges or immunities of an employee of that person or the employee's principal. A violation of this section is a misdemeanor.

**History:** 1981 c 29 art 7 s 26; 1986 c 444

**210A.15 MAY NOT PROMISE APPOINTMENTS.**

No person shall, in order to aid or promote the person's nomination or election, directly or indirectly, personally or through any other person, appoint or promise to appoint any person, or secure or promise to secure or aid in securing the appointment, nomination, or election of any person to any public or private position or employment, or to any position of honor, trust, or emolument. Nothing herein contained shall prevent a candidate from stating publicly a preference for or support of any other candidate for any office to be voted for at the same primary or election; nor prevent a candidate, for any office in which the person elected will be charged with the duty of participating in the election or the nomination of any person as a candidate for any office, from publicly stating or pledging a preference for or support of any person for such office or nomination.

**History:** 1975 c 284 s 15; 1986 c 444

**210A.16 LEGAL EXPENDITURES.**

The expenditure of money or other thing of value by any candidate, personal campaign committee, party committee, or political committee for political purposes other than those provided in this section is prohibited. The following are permitted expenditures:

- (a) Salaries, wages, and fees;
- (b) Communications, mailing, transportation, and travel;
- (c) Campaign advertising;
- (d) Printing;
- (e) Office and other space and necessary equipment, furnishings, and supplies incidental thereto;
- (f) Other expenses, not included in the above, which are reasonably related to the conduct of election campaigns.

**History:** 1975 c 284 s 16

**210A.17 BRIBERY; PENALTY.**

Every person who willfully, directly or indirectly, pays, gives, or lends any money or other thing of value, or who offers, promises, or endeavors to procure any money, place, employment, or other valuable consideration, to or for any voter, or to or for any other person, in order to induce any voter to refrain from voting, or to vote in any particular way, at any election, shall be guilty of a felony.

**History:** 1975 c 284 s 17

**210A.18 ADVANCING MONEY UNLAWFULLY; PENALTY.**

Every person who directly or indirectly advances, pays, contributes, furnishes, or pledges any valuable thing or consideration, or cause the same to be done, to or for the use of any other person, with the intent that such advancement, payment, contribution, pledge, or any part thereof, shall be expended or used in bribery at any election, or in fulfillment of any promised bribe, shall be guilty of a felony.

**History:** 1975 c 284 s 18

**210A.19 UNLAWFUL EXPENDITURES; PENALTY.**

**Subdivision 1. Treating by candidates prohibited.** Every person or candidate for nomination or election to a public office, who, either personally or by any other person, directly or indirectly, gives, provides, or pays wholly or in part, or promises to pay wholly or in part, the expenses of giving or providing any meat, drink, or other entertainment or provisions, clothing, liquors, cigars or tobacco to or for any person for the purpose of or with the intent to influence that person or any other person to give or refrain from giving a vote at the primary or election to or for any candidate or measure before the people shall be guilty of a misdemeanor.

Subd. 2. **Acceptance by electors prohibited.** No elector shall accept any such meat, drink, entertainment, provision, clothing, liquor, cigars or tobacco, and such acceptance shall be a ground of challenge to the elector's vote and of rejecting the elector's vote on a contest.

**History:** 1975 c 284 s 19; 1986 c 444

#### **210A.20 MAKING OF WAGERS PROHIBITED.**

Any candidate who, before or during any primary or election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the primary or election in the candidate's electoral district, in any part thereof, or on any event or contingency relating to any pending primary or election, or who provides money or other valuable thing to be used by any person in betting or wagering upon the results of any pending primary or election, shall be guilty of violation of sections 210A.01 to 210A.44. Any person who, for the purpose of influencing the result of any primary or election, makes any bet or wager of anything of pecuniary value on the result of such primary or election, in the person's electoral district or any part thereof, or of any pending primary or election, or on any event or contingency relating thereto, shall be guilty of a violation of sections 210A.01 to 210A.44 and, in addition thereto, any such act shall be a ground of challenge against the person's right to vote.

**History:** 1975 c 284 s 20; 1986 c 444

#### **210A.21 CERTAIN SOLICITATIONS PROHIBITED.**

No person shall solicit, receive, or accept any money, property, or other thing of value, or any promise or pledge thereof, constituting a disbursement prohibited by sections 210A.01 to 210A.44.

**History:** 1975 c 284 s 21

#### **210A.22 [Repealed, 1982 c 523 art 5 s 3]**

#### **210A.23 MAY AUTHORIZE DISBURSEMENTS BY CAMPAIGN COMMITTEE.**

Any candidate may delegate to a personal campaign committee or to any party committee of a party in a signed writing, the expenditure of any portion of the total disbursements which are authorized to be incurred by the candidate or on the candidate's behalf by the provisions of sections 210A.01 to 210A.44, but the total of all disbursements by the candidate and personal campaign committee in the candidate's behalf shall not exceed in the aggregate the amounts in sections 210A.01 to 210A.44 specified, except as provided herein.

**History:** 1975 c 284 s 23; 1986 c 444

#### **210A.24 BILLS, WHEN RENDERED AND PAID.**

Every person who shall have any bill, charge, or claim upon or against any personal campaign or party committee or any candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall render in writing to such committee or candidate such bill, charge, or claim within ten days after the day of the primary or election in connection with which such bill, charge, or claim was incurred. No candidate and no personal campaign or party committee shall pay any bill, charge, or claim so incurred prior to any primary or election, which is not so presented within ten days after such primary or election.

**History:** 1975 c 284 s 24

#### **210A.25 DISBURSEMENTS BY CANDIDATE.**

No candidate shall make any disbursement for political purposes except under the

candidate's personal direction which for any purpose shall be considered the candidate's act, through the candidate's party committee, or through a personal campaign committee, whose authority to act shall be filed, as provided in sections 210A.01 to 210A.44.

**History:** 1975 c 284 s 25; 1986 c 444

#### **210A.26 MUST FILE VERIFIED STATEMENT OF EXPENDITURES.**

**Subdivision 1. Statements of candidates, personal campaign committees and party committees.** Every candidate, and the secretary of every personal campaign and party committee, shall, eight days before the primary, on or before the tenth day following the primary, eight days before the general election, and on or before the tenth day following the general election, file a financial statement verified by the candidate or the secretary of the committee, as the case may be, which shall show in itemized detail all transactions, all disbursements, and all obligations to make disbursements, for political purposes. Each statement, after the first, shall contain a summary of all preceding statements.

**Subd. 2. Filing statements, information required.** The statement of any candidate and the statement of the candidate's personal campaign committee shall be filed with the filing officer of such candidate. The statement of every state committee and of every congressional committee shall be filed with the secretary of state. The statement of every party committee for a legislative district shall be filed with the filing officer of the candidate for senator or representative in such legislative district. The statement of every other party committee shall be filed in the office of the county auditor of the county within which, or for a subdivision within which, such disbursements were made. Each statement shall give in full detail:

(a) Every sum of money and all property, and every other thing of value, received by such candidate or committee during such period from any source whatsoever which the candidate or committee uses or has used, or is at liberty to use for political purposes, together with the name of every person or source from which each was received and the date when each was received, together with the total amount received from all sources in any amount or manner;

(b) Every promise or pledge of money, property, or other thing of value, received by such candidate or committee during such period, the proceeds of which the candidate uses or has used, or is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, the special purposes for which each was promised or pledged, and the date when each was so promised or pledged, together with the total amount promised or pledged from all sources in any amounts or manner;

(c) Every disbursement by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner; and

(d) Every obligation, expressed or implied, to make any disbursement incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purposes for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner.

**Subd. 3. Statements of political committees.** Statements shall also be made by any political committee showing the total amount of receipts and disbursements, and for what purpose such disbursements were made. Such statement shall be filed within 30 days after any primary, municipal, or general election:

(a) When the committee is organized to support a candidate for a federal office with the filing officer of such candidate;



(b) When the committee is organized to support a candidate for a judicial district or county office with the auditor of the county in which such committee has its headquarters;

(c) When the committee is organized to support a candidate for municipal office in municipalities having more than 20,000 population with the filing officer of the municipality.

**Subd. 4. Elections in certain municipalities, statements to be filed.** Every candidate and the secretary of every personal campaign committee in every municipal primary, special municipal election, or regular municipal election in all municipalities having more than 20,000 inhabitants shall file a financial statement as follows:

- (a) Seven days before the primary;
- (b) Seven days after the primary;
- (c) Seven days before the regular or special elections; and
- (d) Seven days after the regular or special election.

The statement shall be verified upon the oath of the candidate or the personal campaign committee, as the case may be, and shall cover all transactions made up to and including the third day before the filing of the statement and not accounted for and reported upon in statements theretofore filed, except that no transactions shall be made thereafter which are not included in the final statement. The statements required by this subdivision shall disclose the same information required in subdivision 2. Each statement after the first shall contain a summary of all preceding statements and summarize all items theretofore reported under the provisions of this section. Blanks for all these statements shall be prepared by the secretary of state, and copies thereof, together with a copy of this section, shall be furnished, through the county auditor, or otherwise, as the secretary of state may deem expedient, to the secretary of every committee and to every candidate, upon the filing of nomination papers by the candidate, and to all other individuals required by the charter of the municipalities or any election law applicable to the municipality, in which any municipal primary, special municipal election, or regular municipal election is being held or is to be held under the provisions of any municipal charter, or applicable law, and to all other persons required by law to file statements who may apply therefor. The provisions of this section relating to the filing of verified statements of expenditures shall be in addition to requirements contained in the charter of any municipalities requiring the filing of verified statements of expenditures in connection with any municipal primary, special municipal election, or regular municipal election held or to be held under any municipal charter or applicable law. The verified statements shall be filed with the proper filing officer of the municipality.

**Subd. 5. Congressional candidates.** Candidates for election to the United States house of representatives and senate and any political committees raising funds and making expenditures exclusively on behalf of any one of those candidates may file copies of their federally required financial disclosures in lieu of those required by sections 210A.01 to 210A.44.

**Subd. 6. Ballot questions.** Any individual, political committee, association or corporation that makes any contribution or expenditure to promote or defeat a ballot question shall file reports as required by this subdivision. Reports shall be filed at the times required for filing financial statements under subdivision 1. Reports shall be filed with the official responsible for placing the question on the ballot. Each report shall show the following information, covering the period from the last report to seven days before the filing date:

(a) The name and address of each committee, individual, or other person to whom aggregate contributions or expenditures in excess of \$100 have been made to promote or defeat a ballot question, together with the amount, date and purpose of the contribution or expenditure;

(b) The total amount of contributions and expenditures made to promote or defeat a ballot question; and

(c) Identification of the ballot question which the individual, political committee, association or corporation seeks to promote or defeat.

The secretary of state shall prescribe the form for reports required under this subdivision and may do so without adopting rules pursuant to chapter 14.

For the purpose of this subdivision:

(1) "Ballot question" means a question or proposition, other than a ballot question as defined in section 10A.01, subdivision 23, which is placed on the ballot and which may be voted on by the voters of one or more political subdivisions of the state; and

(2) A contribution or expenditure for activities related to qualifying a question for placement on the ballot is a contribution or expenditure to promote or defeat the ballot question.

**History:** 1975 c 284 s 26; 1980 c 587 art 2 s 11,12; 1980 c 607 art 17 s 13,14; 1981 c 29 art 7 s 27; 1982 c 424 s 130; 1986 c 444

#### **210A.27 STATEMENT OF EXPENSE, BLANKS; DIGEST OF LAWS.**

Subdivision 1. Blanks for all statements required by sections 210A.01 to 210A.44 shall be prepared by the secretary of state and copies thereof shall be furnished through the county auditor or otherwise, as the secretary of state may deem expedient, to the secretary of every committee, and to every candidate upon filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor.

Subd. 2. The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable digest of sections 210A.01 to 210A.44, complete with annotations thereof.

The secretary of state shall distribute such digest in the same manner as the blanks for statements authorized by subdivision 1.

**History:** 1975 c 284 s 27

#### **210A.28 NAMES OF CANDIDATES SHALL NOT BE PRINTED ON BALLOT UNLESS STATEMENT IS FILED.**

The name of a candidate chosen at a primary, or otherwise, shall not be printed on the official ballot for the ensuing general election, unless there has been filed by or on behalf of the candidate and by the candidate's personal campaign committee, if any, the statements of accounts and expenses relating to nomination required by sections 210A.01 to 210A.44.

**History:** 1975 c 284 s 28; 1981 c 29 art 7 s 28; 1986 c 444

#### **210A.29 FILING STATEMENTS BY TREASURER; PENALTY.**

Every treasurer or other person who receives any money to be applied to any of the election purposes for which expenditures are permitted by law, who fails to file the statement and account respecting the same required by sections 210A.01 to 210A.44 within the time prescribed, shall be guilty of a misdemeanor.

**History:** 1975 c 284 s 29

#### **210A.30 FAILURE OF TREASURER TO KEEP ACCOUNTS; PENALTY.**

Every such treasurer or other person who receives any money to be applied to the purposes aforesaid, who fails to keep a correct book of account containing all the statements and details required by law, with intent to conceal the receipt or disbursement of any sum of money received or disbursed, or the purpose for which the same was received or disbursed, or to conceal the existence of any unpaid debt or obligation, or the amount thereof, or to whom the same is due, in detail, or who shall mutilate, deface, or destroy such book with like intent, shall be guilty of a misdemeanor.

**History:** 1975 c 284 s 30; 1986 c 444

**210A.31 FAILURE BY CANDIDATE TO FILE STATEMENT; PENALTY.**

Every candidate for nomination or election to any elective office except governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, state senator and state representative, who intentionally fails to make and file the verified statement of moneys contributed, disbursed, expended, or promised personally or by any other person, committee, or organization for the candidate, so far as the candidate can learn, in the manner, within the time, and with the details required by sections 210A.01 to 210A.44, or who enters upon the duties of any such office, or receives any salary or emolument therefrom, with knowledge that such statement has not been filed, and every officer who issues a commission or certificate of election to any person with knowledge that such statement has not been so filed, is guilty of a gross misdemeanor.

**History:** 1975 c 284 s 31; 1986 c 444

**210A.32 FILING OFFICERS SHALL NOTIFY CANDIDATE OR COMMITTEE.**

The officer with whom the expense account of any candidate for public office or committee is required to be filed by the provisions of sections 210A.01 to 210A.44, shall notify such candidate or committee of the failure to comply with such law, immediately upon the expiration of the time fixed by any law of this state for filing of the same, and shall notify the county attorney of the county where such candidate resides or in which the headquarters of the committee is located, of the fact of the failure to file such expense account and the county attorney shall thereupon notify such candidate or the secretary of the committee of such delinquency and if the provisions of sections 210A.01 to 210A.44 shall not be complied with within ten days after the mailing of such notice, the county attorney shall thereupon prosecute such candidate or the officer of the committee required by law to file such statement.

**History:** 1975 c 284 s 32

**210A.33 PERSONAL CAMPAIGN COMMITTEES.**

Any candidate may select a single personal campaign committee to consist of one or more persons. Before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, expressed or implied, to do so, such candidate shall file with the filing officer of such candidate a written statement signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof and of the secretary thereof. If the campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the filing officer of such candidate. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. In civil actions and proceedings brought under sections 210A.01 to 210A.44, the acts of every member of such personal campaign committee shall be presumed to be with the knowledge and approval of the candidate until it has been clearly proved that the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, the candidate could not have had knowledge of and opportunity to disapprove the same.

**History:** 1975 c 284 s 33; 1986 c 444

**210A.34 CORPORATIONS NOT TO CONTRIBUTE TO POLITICAL CAMPAIGN; PERMITTED ACTIVITIES; REPORTS; PENALTIES.**

Subdivision 1. It shall be unlawful for any corporation doing business in this state to make any contribution or to offer, consent or agree to make any contribution, directly or indirectly, of any money, property, free service of its officers or employees or thing of value to any major political party, organization, committee or individual

to promote or defeat the candidacy of any person for nomination, election, or appointment to any political office. For the purpose of this subdivision, "contribution" includes an expenditure to promote or defeat the election or nomination of any candidate to any political office which is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of a candidate or the candidate's principal campaign committee or agent.

Subd. 1a. It shall be unlawful for any corporation doing business in this state to make any independent expenditure or to offer, consent or agree to make any independent expenditure to promote or defeat the candidacy of any person for nomination, election or appointment to any political office. For the purpose of this subdivision, "independent expenditure" means an expenditure which is not made with the authorization or expressed or implied consent of, or in cooperation or concert with, or at the request or suggestion of, a candidate or the candidate's principal campaign committee or agent.

Subd. 1b. A corporation doing business in this state may make contributions or expenditures to promote or defeat a ballot question, to qualify a question for placement on the ballot unless otherwise prohibited by law, or to express its views on issues of public concern. But no such contribution shall be made to any candidate for nomination, election or appointment to a political office or to any committee organized wholly or partly to promote or defeat such a candidate.

Subd. 1c. Nothing in this section shall be construed to prohibit publication or broadcasting of news items or editorial comments by the news media.

Subd. 2. Any officer, stockholder, agent, employee or attorney or other representatives of any corporation acting for or in behalf of such corporation who shall violate the provisions of sections 210A.01 to 210A.44 shall be fined not exceeding \$10,000 or be imprisoned in the Minnesota correctional facility-Stillwater not exceeding five years, or both fined and imprisoned in the discretion of the court.

Subd. 3. Any corporation convicted of violating any of the provisions of sections 210A.01 to 210A.44 shall be subject to a penalty in the amount not exceeding \$20,000 to be collected as other claims or demands for money are collected; and, if a domestic corporation, in addition to that penalty, it may be dissolved; and, if a foreign or nonresident corporation, in addition to that penalty, its right to do business in this state may be declared forfeited.

Subd. 4. It shall not be a violation of this section for a major political party, as defined in section 200.02, subdivision 7, to form a nonprofit corporation for the sole purpose of holding real property to be used exclusively as the party's headquarters.

Subd. 5. It shall not be a violation of this section for a corporation to contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register, or vote provided that the projects are not controlled by or operated for the advantage of any candidate, major political party, or political committee.

Subd. 6. It shall not be a violation of this section for a corporation to provide meeting facilities to any political committee, major political party or candidate on a nondiscriminatory and nonpreferential basis.

Subd. 7. It shall not be a violation of this section for a corporation selling products or services to the public to post on their public premises messages which promote participation in precinct caucuses, voter registration, or elections, provided that such messages are not controlled by or operated for the advantage of any candidate, major political party, or political committee.

Subd. 8. The total amount of any expenditure or contribution or any one project permitted by subdivisions 5 and 7 which exceeds \$100, together with the date, purpose and the names and addresses of the persons receiving the contribution or expenditures, shall be reported to the secretary of state. The reports shall be filed on a form provided by the secretary of state on the dates required for political committees under the provisions of section 210A.26, subdivision 1. Failure to comply shall be subject to the penalties related to campaign finance reporting under the provisions of this chapter.

**History:** 1975 c 284 s 34; 1976 c 108 s 1; 1979 c 102 s 13; 1980 c 587 art 2 s 13-16; 1980 c 607 art 17 s 15-18; 1981 c 29 art 7 s 29,38; 1984 c 628 art 3 s 11; 1986 c 444

**210A.35 AIDING VIOLATION; PENALTY.**

Any person or persons who shall aid, abet, or advise a violation of the provisions of section 210A.34 shall be guilty of a gross misdemeanor.

*History: 1975 c 284 s 35*

**210A.36 PROSECUTIONS; WHERE MADE.**

Violations of the provisions of section 210A.34 may be prosecuted in the county where such payment or contribution is made or services rendered or in any county wherein such money has been paid or distributed.

*History: 1975 c 284 s 36*

**210A.37 COUNTY ATTORNEY TO INQUIRE INTO VIOLATIONS; PENALTIES.**

If the county attorney of the county shall be notified by any officer or other person of any violation of any of the provisions of sections 210A.01 to 210A.44, the county attorney shall forthwith diligently inquire into the facts of such violation, and if there be reasonable ground for instituting a prosecution, it shall be the duty of such county attorney to present the charge, with all the evidence which can be procured, to the grand jury of such county. If any county attorney shall fail or refuse to faithfully perform any duty imposed upon the county attorney by the provisions of sections 210A.01 to 210A.44, the county attorney shall be guilty of a misdemeanor; and, on conviction thereof, shall forfeit the office. It shall be the duty of the county attorney, under the penalty of forfeiture of the office, to prosecute any and all persons guilty of any violation of the provisions of sections 210A.01 to 210A.44, the penalty of which is fine or imprisonment, or both, or removal from office. Any citizen may employ an attorney to assist the county attorney to perform duties under the provisions of sections 210A.01 to 210A.44, and such attorney shall be recognized by the county attorney and the court as associate counsel in the proceeding; and no prosecution, action, or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reasons of the county attorney for such dismissal, together with the objections thereto of the associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose.

*History: 1975 c 284 s 37; 1986 c 444*

**210A.38 VIOLATIONS BY UNAUTHORIZED PERSON NOT TO FORFEIT NOMINATION.**

When upon the trial of any action or proceedings under the provisions of sections 210A.01 to 210A.44, it shall appear from the evidence that the offense complained of was not committed by or with the knowledge or consent of the candidate or was committed without the candidate's sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial or unimportant, and that in all respects the candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate forfeit the nomination, position, or office, then the nomination or election of such candidate shall not by reason of such offense complained to be void, nor shall the candidate be removed from nor deprived of the nomination, position, or office.

*History: 1975 c 284 s 38; 1986 c 444*

**210A.39 DISQUALIFIED CANDIDATE NOT TO HOLD POSITION.**

A candidate elected to an office, and whose election to that office has been annulled

and set aside for any offense mentioned in sections 210A.01 to 210A.44, may not, during the period fixed by law as the term of that office, be appointed to fill any vacancy which may occur in that office. A candidate or other person who is convicted of any offense mentioned in sections 210A.01 to 210A.44, may not, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, be appointed to fill any vacancy in that office. Any appointment to an office made in violation of or contrary to the provisions of this section is void.

A candidate or other person who is convicted of any offense mentioned in sections 210A.01 to 210A.44 is not, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, qualified to fill a vacancy in any office for which the legislature may establish qualifications under article XII, section 3, of the Minnesota Constitution.

**History:** 1975 c 284 s 39; 1983 c 253 s 25

#### **210A.40 JUDGMENTS; TO WHOM TRANSMITTED.**

If any person shall in a criminal action be judged to have been guilty of any violation of the provisions of sections 210A.01 to 210A.44 while a candidate for any office under the constitution or laws of the state, or under any ordinance of any municipality therein, other than the office of state senator or member of the house of representatives, the court shall, after entering the adjudication of guilty, enter a supplemental judgment, declaring such person to have forfeited the office in the conduct of the campaign for the nomination or election to which the person was guilty of such violation, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment, and thereupon such office shall be deemed vacant and shall be filled as provided by law.

If any person shall, in a criminal action, be adjudicated guilty of any violation of the provisions of sections 210A.01 to 210A.44, committed while a candidate for the office of state senator, member of the house of representatives, United States senator, or representative in Congress, or while a member of the personal campaign committee of any such candidate, the court, after entering such adjudication, shall forthwith transmit to the presiding officer of the legislative body as a member of which such officer was a candidate when such violation occurred, a certificate setting forth such adjudication of guilty.

**History:** 1975 c 284 s 40; 1986 c 444

#### **210A.41 MAY EMPLOY COUNSEL.**

Nothing contained in sections 210A.01 to 210A.44 shall prevent any candidate from employing counsel for representation in any action or proceeding affecting rights as a candidate, nor from paying all costs and disbursements necessary incidental thereto. No sum so paid or incurred shall be deemed a part of the campaign expenses of any such candidate.

**History:** 1975 c 284 s 41; 1986 c 444

#### **210A.42 PENALTIES FOR VIOLATION.**

Any person violating any provisions of sections 210A.01 to 210A.44, except as otherwise provided herein, shall, upon conviction thereof, be guilty of a gross misdemeanor; and no person so convicted shall be permitted to take or hold office to which the person was elected, if any, or receive the emoluments thereof.

**History:** 1975 c 284 s 42; 1986 c 444

#### **210A.43 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS.**

**Subdivision 1. Prohibition.** It is unlawful for any person, either directly or indirectly, to deny access to any apartment house, dormitory, nursing home, manufac-

tured home park, any areas in which two or more single family dwellings are located on private roadways or other multiple unit facility used as a residence, to any candidate who has filed for election to public office or workers accompanied by the candidate, provided the candidate and workers seeking admittance to such facility do so solely for the purpose of campaigning.

**Subd. 2. Exceptions.** The provisions of subdivision 1 shall not be construed to prohibit:

(a) Denial of admittance into a particular apartment, room, manufactured home or personal residential unit by a person or persons residing in that particular apartment, room, manufactured home or unit.

(b) Requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;

(c) In the case of nursing homes, denial of permission to visit certain persons where valid reasons of health exist therefor;

(d) Limiting visits by candidates or workers accompanied by the candidate to reasonable number of persons, reasonable hours or requiring prior appointments;

(e) Denial of admittance to or expulsion from a multiple unit dwelling for good cause.

**Subd. 3. Injunction.** Any candidate who is denied access personally or with accompanying workers to any multiple unit dwelling in violation of subdivision 1 shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against all persons involved in any violation of subdivision 1, to prevent and restrain violations thereof without alleging or proving actual damages or that an adequate remedy at law does not exist, so that injunctive relief can be obtained promptly without awaiting injury or actual damage. Such injunctive relief shall not abridge or be in lieu of any other remedy or penalty provided by law, provided the court shall specifically exclude from the injunction any resident of the multiple unit facilities specified in subdivision 1 who shall have indicated orally or in writing to the candidate, the candidate's representative or the court that the resident does not want to be contacted by said candidate.

**Subd. 4. Violations not a crime.** A violation of the provisions of this section is not a crime.

**History:** 1975 c 284 s 43; 1981 c 365 s 9; 1986 c 444

#### **210A.44 CITATION.**

Sections 210A.01 to 210A.44 shall be known as the "fair campaign practices act."

**History:** 1975 c 284 s 44