

Lobbyist Handbook

May 2008

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This Handbook is intended to aid lobbyists in meeting the requirements of Minn. Stat. Chapter 10A, the Ethics in Government Act. Chapter 10A and Minn. Rules Chapters 4501 and 4503 should be consulted as needed for fuller explanation. All forms listed in the Handbook may be downloaded from the Board's Website: www.cfboard.state.mn.us.

This document is available in alternative formats to individuals with disabilities by calling 651/296-5148 or 800/657-3889 or through the Minnesota Relay Service at 800/627-3529. Questions about the Handbook or the law may be addressed to staff at 651/296-1720 or 800/657-3889.

Registration

Requirements

You must register as a lobbyist within five days after you meet one or more of the definitions listed below or if you are already a registered lobbyist and are engaged by a new individual, association, political subdivision, or public higher education system.

- If you are engaged for pay or other consideration and receive more than \$3,000 from all sources in any year, for the purpose of attempting to influence legislative or administrative action or the official action of a metropolitan governmental unit by communicating or urging others to communicate with public officials or local officials in a metropolitan governmental unit; or
- If you are an appointed local official or an employee in a political subdivision acting in an official capacity who spends more than 50 hours in any month attempting to influence legislative or administrative action or the official action of a metropolitan governmental unit (other than the political subdivision employing you) by communicating or urging others to communicate with public officials or local officials in metropolitan governmental units. Included in the 50 hour time threshold: time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, related research, analysis, and compilation and dissemination of information relating to legislative or administrative policy in Minnesota, or to the policies of metropolitan governmental units; or
- If you spend more than \$250 of your own funds in any year, not including travel expenses and membership dues, for the purpose of attempting to influence legislative or administrative action or the official action of a metropolitan governmental unit, or by communicating or urging others to communicate with public officials or local officials in metropolitan governmental units.

A lobbyist must complete, sign, and file with the Board a [Lobbyist Registration](#).

Registration not required

You do not have to register as a lobbyist if you are:

- a public official;
- an employee of the state, including an employee of any of the public higher education systems;
- an elected local official;
- a party or the party's representative appearing in a proceeding before a state board, commission, or agency of the executive branch unless the board, commission, or agency is taking administrative action;

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- an individual while engaged in selling goods or services to be paid for by public funds;
- an employee or agent of a news medium while engaged in the publishing or broadcasting of news items, editorial comments, or paid advertisements which directly or indirectly urge official action;
- a paid expert witness whose testimony is requested by the body before which the witness is appearing, but only to the extent of preparing or delivering testimony;
- a party or the party's representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and appearing at public hearings on the claim;
- an individual who volunteers personal time to work without pay or other consideration on a lobbying campaign, and who does not spend more than \$250, not including your own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action or the official action of a metropolitan governmental unit, by communicating with or urging others to communicate with public or local officials; or
- an individual who provides administrative support to a lobbyist and whose salary and administrative expenses attributable to lobbying activities are reported as lobbying expenses by the lobbyist, but who does not communicate or urge others to communicate with public or local officials.

Options at time of registration

When you register you *MUST* select one of the following reporting options:

- *Authorizing lobbyist*

At the time of registration you may choose to authorize another lobbyist (reporting lobbyist) who lobbies for the same entity to report your lobbying disbursements to the Board.

The name and the registration number of the reporting lobbyist must be listed on the *Lobbyist Registration* form. If the reporting lobbyist changes, or if you cease to report through a reporting lobbyist, you must amend your registration within 10 days; or

- *Reporting lobbyist*

Reporting lobbyists must indicate on the [Lobbyist Registration](#) form that they will be reporting disbursements for additional lobbyists (authorizing lobbyists) representing the same entity. The registration must list the name and registration number of each lobbyist that will be included on the *Lobbyist Disbursement Reports* filed by the reporting lobbyist. Changes to the list of lobbyist(s) represented by a reporting lobbyist must be amended on the reporting lobbyist's registration within 10 days or provided to the Board at the time of filing the *Lobbyist Disbursement Report*; or

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	<ul style="list-style-type: none">▪ <i>Self-reporting lobbyist</i>
	Self-reporting lobbyists report only their own disbursements directly to the Board.
Designated Lobbyist	<p>An entity that employs lobbyists must designate <i>one and only one</i> lobbyist to report its disbursements. The designated lobbyist must indicate their status on the registration and the periodic reports.</p> <p>A designated lobbyist that ceases to be responsible for reporting lobbying disbursements of an entity must amend their registration with the Board within 10 days to that effect. The entity represented must name a new designated lobbyist within 10 days.</p>
Permanent registration	Lobbyist registration is permanent until the lobbyist files a Lobbyist Termination Statement . See Handbook section called Lobbyist Termination .

Record Keeping

Requirements	Full and accurate records must be kept of all disbursements for lobbying purposes made by the lobbyist, lobbyist employer, principal, or employee(s), which are attributable to the employer or principal.
Lobbyists	Records must be kept separately for administrative lobbying, legislative lobbying or the lobbying of a metropolitan governmental unit in the following categories:
<i>Disbursements attributable to employer or principal</i>	<ul style="list-style-type: none">▪ disbursements for:<ul style="list-style-type: none">◆ preparing and distributing lobbying materials;◆ media advertising;◆ telephone and all other communication services;◆ postage and distribution costs associated with lobbying activities;◆ fees, allowances, public relations campaigns including consulting and other expenses related with those services;◆ entertainment; food and beverages;◆ travel and lodging;◆ salary and administrative costs of support staff attributable to lobbying; and◆ all other disbursements including general administration and overhead and any other lobbyist disbursements not reported in other categories,▪ gifts or benefits paid or given to officials, and <p>other sources of funds of more than \$500 in a calendar year given for purposes of lobbying, including fees or salary paid to a lobbyist as compensation.</p>

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<i>Disbursements from personal funds</i>	Keep separate records of disbursements made by the lobbyist that are not attributable to the lobbyist employer or principal by the kind of lobbying and in the same categories as listed above.
<i>Solicited Campaign Contributions</i>	A lobbyist who directly solicits and causes others to make aggregate contributions in excess of \$5,000 to candidates or legislative caucuses must keep a record of: <ul style="list-style-type: none">▪ name of each contributor solicited;▪ amount of each contribution made;▪ candidate or caucus to whom each contribution was given.
Principals	Records must be kept separately for administrative lobbying, legislative lobbying, or the lobbying of a metropolitan governmental unit in the state of Minnesota, in the following categories: <ul style="list-style-type: none">▪ all direct payments by the principal to lobbyists;▪ all expenditures for advertising, mailing, research, analysis, compilation and dissemination of information, and public relations campaigns; and▪ all salaries and administrative expenses attributable to activities of the principal.
Records Retention	Records of all accounts must be kept for four years.

Reporting

Notes on Responsibilities	Lobbying disbursements made by lobbyists on behalf of an entity may be reported by each individual lobbyist that represents an entity, or by one or more reporting lobbyists, or a combination of individual reports and reports from a reporting lobbyist(s).
<i>Authorizing lobbyist</i>	<i>Authorizing lobbyists</i> must provide the reporting lobbyist with the relevant information required for the <i>Lobbyist Disbursement Report</i> , five days prior to the reporting date.
<i>Reporting lobbyist</i>	<i>Reporting lobbyists</i> are responsible for reporting their lobbying disbursements as well as the disbursements of one or more lobbyists representing the same entity. If the reporting lobbyist changes, or if you cease to report through a reporting lobbyist, you must amend your registration within 10 days or provide the information to the Board at the time of filing the <i>Lobbyist Disbursement Report</i> .
<i>Self-reporting Lobbyist</i>	<i>Self-reporting lobbyists</i> report only their own disbursements directly to the Board.
<i>Designated lobbyist</i>	<i>Designated lobbyists</i> are responsible for reporting lobbying disbursements made by the entity the lobbyist represents. An entity that employs lobbyists must have <i>one and only one</i> designated lobbyist at any given time. The designated lobbyist must indicate their status on the periodic reports.

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The principal must provide the designated lobbyist with the relevant information required for the *Lobbyist Disbursement Report*, five days prior to the reporting date.

A designated lobbyist that ceases to be responsible for reporting lobbying disbursements of an entity must amend their registration with the Board within 10 days to that effect. The entity represented must name a new designated lobbyist within 10 days.

Records of subjects lobbied

The *Lobbyist Disbursement Report* due June 15th must include a general description of the subjects lobbied in the previous 12 months.

Report of Lobbyists Disbursement from Personal Funds

Lobbyists who make disbursements that are not attributable to the lobbyist employer or principal may download a [Report of Lobbyist Disbursements from Personal Funds](#) from the Board website. The report is due January 15th and June 15th.

Campaign Contribution Solicitor Report

Lobbyists who directly solicit and cause others to make aggregate contributions in excess of \$5,000 to candidates or legislative caucuses must file a [Contribution Solicitor Report](#). The report form may be downloaded from the Board website. The report is due 15 days before a primary election, 10 day before a general election, and on January 31st of each year.

Annual Report of Lobbyist Principal

Each principal that had a lobbyist registered with the Board during the previous calendar year must report annually on March 15th.

Filing

The Board mails letters with a user name and password to all reporting lobbyists and all principals about three weeks prior to each filing date. Paper copies of reports are available on the Board's website.

Documents may be filed with the Board by:

- U.S. Mail, or
- Personal delivery to the Board office, or
- Facsimile transmission to 651/296-1722 or 800/357-4114, or
- Electronic filing using the Board's website at:
www.cf.board.state.mn.us/lobby/report.htm for lobbyists or
www.cfboard.state.mn.us/lobby/reportPrin.htm for principals
See Handbook section titled *Electronic Filing*

Mailed documents are considered timely filed if they are postmarked on or before the required filing date.

If you electronically file or fax your report, do not mail a copy of the report to the Board office.

Filed Statements and Reports are "Public Information"

Filed reports are available for public viewing and photocopying within 48 hours after receipt in the Board office. Photocopies are 10¢ per page.

Data and summaries of various filings are available on the Board's Website at www.cfboard.state.mn.us/all_pubs.htm.

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Electronic Filing

Purpose and Availability Lobbyists and lobbyist principals may file their *Lobbyist Disbursement Report* and *Annual Report of Lobbyist Principal* electronically.

The electronic versions are similar to the paper reports and require the same level of disclosure. The reporting application is available 24 hours a day, 7 days a week.

A user name and password are required to access the system. Letters are sent to all reporting lobbyists and lobbyist principals with user names and passwords about three weeks prior to each filing date.

Amendments

Required Amendments to Reports **Within ten days** after (1) the date of the event prompting the change, or (2) the date the lobbyist became aware of the inaccuracy or the need to make a change, the lobbyist must make corrections or changes to information that has been filed with the Board.

All changes and corrections must be in writing. You may use a copy of the report - make changes and check the Amendment box or provide the Board with other written notice.

Penalty for Failure to Amend A penalty of up to \$3,000 may be imposed on a lobbyist for willfully failing to amend a filed report. Violation is also a gross misdemeanor.

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Fees and Penalties for Late Filing

Late Filing Fees

Report	Late Fee	
	Per Day	Maximum
Lobbyist Registration	\$5	\$100
Lobbyist Disbursement Report	\$5	\$100
Annual Report of Lobbyist Principal	\$5	\$100
Failure to amend	\$5	\$100

When Late Filing Fees Begin

Report	When Late Filing Fees Begin
Lobbyist Registration	On the eleventh day after the Board notifies the filer by certified mail that the statement has not been received
Lobbyist Disbursement Report	On the eleventh day after the Board notifies the filer by certified mail that the report has not been received
Annual Report of Lobbyist Principal	On the eleventh day after the Board notifies the filer by certified mail that the report has not been received

Civil Penalties

Report	Failure to File
Lobbyist Registration	Up to \$1,000
Lobbyist Disbursement Report	Up to \$1,000
Annual Report of Lobbyist Principal	Up to \$1,000
Failure to amend	Up to \$1,000
Willfully fail to amend*	Up to \$3,000
Filing a false statement*	Up to \$3,000

When Civil Penalties Begin

Report	When Civil Penalties Begin
<i>For all reports and statements, Failure to File</i>	On the eighth day after the second certified letter is sent by the Board, if the statement or report has not been received

* Also a gross misdemeanor

Candidate Contribution Limits

General Information Contributions to a candidate’s committee from lobbyists include monetary contributions, in-kind contributions, and loans.

Lobbyists must include their name and lobbyist registration number when giving a contribution to a state legislative or constitutional office candidate. Lobbyists should include their registration number on all checks used to make contributions to entities registered with the Board.

A lobbyist must not make a contribution to a state legislative or constitutional office candidate that the candidate is prohibited from accepting.

Prohibited Contributions Candidates and legislative caucuses **may not accept contributions** from lobbyists during the regular legislative session. Lobbyists may not make such contributions.

This prohibition on sessional fund raising does not apply:

- during a special session of the legislature;
- to candidates involved in a special election from the date the writ for the special election is signed by the governor to the date of the special general election; or
- to judicial candidates.

Contribution Limits Summary

Contributions to:	Non-election Year	Election Year
▪ Governor/Lt. Governor	\$500	\$2,000
▪ Attorney General	\$200	\$1,000
▪ Secretary of State/State Auditor	\$100	\$500
▪ Senate	\$100	\$500
▪ House of Representatives	\$100	\$500

Penalties for Contribution Violations

Penalties for Contribution Violations A civil penalty of up to four times the amount by which contributions exceed the contribution limits may be imposed on a lobbyist who **contributes in excess of any of the limits** to a candidate’s principal campaign committee.

A penalty of up to \$1,000 may be imposed for **contributing to a candidate committee or legislative caucus during a regular legislative session**.

A penalty of up to \$3,000 may be imposed for **attempting to circumvent** the requirements of this chapter by **redirecting** a contribution through or making a contribution on behalf of another. Violation of this provision is also a gross misdemeanor.

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Disclosure Calendar

Deadlines for Disclosure

Deadlines for filing reports are listed in the Disclosure Calendars.

2008 Disclosure Calendar

January 15 *Lobbyist Disbursement Report* covering the period June 1 through Dec. 31, 2007, is due.

February 12 Legislative session begins
During the Legislative Session lobbyists may not contribute to candidate committees or legislative caucus committees. The prohibition does not apply to special election candidates.

March 17 *Annual Report of Lobbyist Principal* covering the period Jan. 1 through Dec. 31, 2007, is due.

June 16 *Lobbyist Disbursement Report* covering the period January 1 through May 31, 2008, is due.

2009 Disclosure Calendar

January 6 Legislative session begins
During the Legislative Session lobbyists may not contribute to candidate committees or legislative caucus committees. The prohibition does not apply to special election candidates.

January 15 *Lobbyist Disbursement Report* covering the period June 1 through Dec. 31, 2008, is due.

March 16 *Annual Report of Lobbyist Principal* covering the period Jan. 1 through Dec. 31, 2008, is due.

June 15 *Lobbyist Disbursement Report* covering the period January 1 through May 31, 2009, is due.

Prohibitions

Contingent fees

No person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislative, administrative, or metropolitan governmental unit action.

Gifts to Officials

A lobbyist or lobbyist principal is prohibited from giving gifts to officials including:

- money;
- real or personal property;
- a service;
- a loan;
- a forbearance or forgiveness of indebtedness;
- a promise of future employment;
- meals and entertainment;
- loans of personal property for less than payment of fair market value;
- giving preferential treatment for purchases;

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- honoraria; and
- payment of loans or other obligations

Unless: the lobbyist or lobbyist principal receives consideration of equal or greater value in return.

Exceptions: The gift ban does not apply to the following items unless they are prohibited by another law:

- political contributions to a state candidate;
- services to assist an official in the performance of official duties, including providing advice, consultation, information, and communication in connection with legislation and services to the official's constituents;
- services of insignificant monetary value;
- plaques with a resale value of \$5 or less;
- trinket or memento costing \$5 or less;
- informational material of unexceptional value; or
- food or beverage at a reception, meal, or meeting away from the official's place of work provided by an organization before whom the official appears to make a speech or answer questions as part of a program.

Additional exceptions: The prohibition does not apply if the gift is given:

- because of the official's membership in a group, a majority of whose members are not officials, provided an equivalent gift is given to the other members of the group; or
- by a lobbyist or lobbyist principal who is a member of the official's family, unless the gift is given on behalf of someone who is not a member of the official's family.

Lobbyist Termination

Requirements

A lobbyist may terminate their registration by filing a [Lobbyist Termination Statement](#) with the *Lobbyist Disbursement Report* covering the period from the last report filed through the date of termination.

- *Reporting lobbyists* - The termination of a reporting lobbyist reverts the reporting responsibility back to each authorizing lobbyist listed on the registration of the reporting lobbyist.

If the lobbying disbursements of the terminating lobbyist are reported by a reporting lobbyist, the non-reporting lobbyist terminates by filing a *Lobbyist Termination Statement* and notifying the reporting lobbyist of all disbursements made by the lobbyist during the period.

- *Designated lobbyists* - The entity the terminating lobbyist is designated to report for must assign another lobbyist within 10 days to report disbursements made by the entity.

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Advisory Opinions, Complaints

Advisory Opinions

Individuals who are subject to the requirements of Minn. Stat. Chapter 10A or their representatives may request an advisory opinion from the Board regarding Chapter 10A to guide their actions for compliance with the law. Requests for an opinion and the Board's opinions are classified as non-public. A "public" version of Advisory Opinions, (personal and organizational identifying information removed) is published on the Board's Website. Except in limited circumstances, opinions issued are binding on the Board.

Complaints

Any person may file a written complaint with the Board concerning suspected violations of Minn. Stat. Chapter 10A. A sample form for filing a complaint may be printed from the Board's Website or obtained from the Board office.

Penalties for Other Chapter 10A Violations

Civil Penalty of Up to \$3,000 in Addition to Misdemeanor or Gross Misdemeanor Criminal Penalty

- Knowingly filing false information or knowingly omitting required information
- Willfully failing to amend a filed report
- Attempting to circumvent Chapter 10A by redirecting a contribution through, or making a contribution on behalf of, another individual or association

Gross Misdemeanor Criminal Penalty

Knowingly failing to keep committee records for four years from the date of filing of the reports or statements.

Forms Noted in this Handbook

All forms are available from the Board office or the Website at www.cfboard.state.mn.us

[Lobbyist Registration](#)

Lobbyist Disbursement Report

- Lobbyist Disbursement Report for Self-reporting Lobbyists
- Lobbyist Disbursement Report for Designated Self-reporting Lobbyists
- Lobbyist Disbursement Report for Reporting Lobbyists
- Lobbyist Disbursement Report for Designated Reporting Lobbyists

[Report of Lobbyist Disbursements from Personal Funds](#)

[Lobbyist Termination Statement](#)

[Annual Report of Lobbyist Principal](#)

[Contribution Solicitor Report](#)

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Contacts for Assistance and Related Resources

Staff

Subject Matter	Contact Person – Phone – E-mail Address
Board information	Gary Goldsmith (651) 296-1721 Gary.Goldsmith@state.mn.us
Lobbyist registration	Marcia Waller 651/296-5615 Marcia.J.Waller@state.mn.us
Lobbyist disbursement reporting	Marcia Waller 651/296-5615 Marcia.J.Waller@state.mn.us
Electronic filing	Marcia Waller 651/296-5615 Marcia.J.Waller@state.mn.us
Advisory Opinions	Jeff Sigurdson 651/296-1720 Gary.Goldsmith@state.mn.us
Gift Ban	Jeff Sigurdson 651/296-1720 Jeffrey.G.Sigurdson@state.mn.us
Complaints	Gary. Goldsmith 651/296-1721 Gary.Goldsmith@state.mn.us
Forms, General Information	651/296-5148 800/657-3889 www.cfboard.state.mn.us

Minn. Stat.
Chapter 10A
and Rules

Source(s)	Website Information
Campaign Finance and Public Disclosure Board	www.cfboard.state.mn.us/law/rules.htm
State Legislature	www.leg.state.mn.us/leg/statutes.asp
Minnesota's Bookstore	www.comm.media.state.mn.us/ bookstore/bookstore.asp

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Reporting violations, 10A.025, 10A.04 *The source material for this page is copyrighted and reproduced with the permission of the Revisor of Statutes, State of Minnesota.*