

Handbook for Secretary of State and State Auditor Candidates

January 2009

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This Handbook is intended to aid candidates and treasurers 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.

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Registration

Requirements

A candidate or treasurer is required to register a principal campaign committee with the Campaign Finance and Public Disclosure Board (Board):

- within 14 days after receiving contributions or making expenditures in excess of \$100 to influence the candidate's nomination or election, OR

During an election year:

- by the end of the next business day after receiving loans or contributions from any one source totaling \$400 or more between the last day covered in the last report before an election and the election.

Before registering a committee, you must: (1) establish a bank account with the name "Campaign Fund of (name of candidate)," and (2) appoint a committee treasurer and chair (the candidate or another person may serve as both treasurer and chair).

A candidate or treasurer must complete, sign, and file with the Board a [Registration and Statement of Organization](#). The registration form, as well as the public subsidy and economic interest forms noted below, may be downloaded from the Board's Website at www.cfboard.state.mn.us, or you may call the Board office for a copy (651/296-5148 or 800/657-3889).

Public Subsidy (optional)

Around the time of registration, many candidates opt to complete and file with the Board a [Public Subsidy Agreement](#). Under this program, candidates may give receipts to contributors for reimbursement through the Political Contributions Refund program *and* may be eligible to receive payments from the State Elections Campaign Fund. See the sections of this Handbook called [Public Subsidy](#) and [Political Contribution Refund program](#) or contact the Board for more information.

Economic Interest Statement

Within fourteen days after filing an Affidavit of Candidacy or a petition to appear on the ballot with the Secretary of State, a candidate must file a Statement of Economic Interest with the Board.

Record Keeping

Requirements

The treasurer must keep full and accurate records of all receipts and expenditures. A system for recording receipts and expenditures should be maintained to assist in monitoring the aggregate amounts to meet reporting requirements and to comply with contribution and expenditure limits. The Campaign Finance Reporter software provided at no cost by the Board can assist your record keeping and reporting. See the Handbook section called [Campaign Finance Reporter software](#).

Records of monetary receipts

For each receipt in excess of \$20, the treasurer must keep a record of:

- Name and full address of the contributor
- Amount of the contribution
- Date the contribution was received by the committee

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- Employer of the contributor – if the aggregate contributions from the individual exceed \$100 in a year
- The contributor’s registration number provided by the Board– if the contributor is a lobbyist, principal campaign committee, political committee, political fund, or political party unit.

(Note that, in addition to contributions and loan proceeds received, monetary receipts include interest income and other miscellaneous income.)

Records of monetary expenditures

For each expenditure, disbursement, and contribution made by the committee, the treasurer must keep a record of:

- Name and full address of each vendor to whom payments have been made
- Name, full address, and registration number of each political committee, political fund, principal campaign committee, or political party unit to which contributions have been made
- Date the payment or contribution was made
- Amount of the payment or contribution
- Specific purpose of the expenditure or disbursement (e.g., ads in newspaper)

Expenditures must be categorized as a campaign expenditure or a noncampaign disbursement at the time the payment is made or the item is ordered.

Records of in-kind contributions and approved expenditures

All in-kind contributions and approved expenditures are contributions to the candidate, result in matching expenditures in the same reporting period, and count toward the contribution limits.

The use of each in-kind contribution and approved expenditure must be categorized and recorded as a campaign expenditure or a noncampaign disbursement at the time the in-kind contribution is received or the approved expenditure is made.

Definitions:

In-Kind Contribution: anything of value that is given to and accepted by the committee other than money.

Approved Expenditure: an expenditure made on behalf of a candidate by an entity other than the principal campaign committee of the candidate. These expenditures require that written authorization be given to the donor entity *before an expenditure of more than \$20* may be made on behalf of the candidate. A suggested form for [written authorization](#) is available from the Board.

Campaign Expenditure: a purchase or payment of money or anything of value made, or an advance of credit incurred, or the use of a donation in-kind received, by a principal campaign committee for the purpose of influencing the nomination or election of the candidate.

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Noncampaign Disbursement: a purchase or payment of money or anything of value made, or an advance of credit incurred, or the use of a donation in-kind received, by a principal campaign committee for any of the purposes specified in 10A.01, subd. 26. See the Handbook section called *Expenditures* for a list of noncampaign disbursements.

For each in-kind contribution or approved expenditure in excess of \$20, the treasurer must keep a record of:

- Name and full address of the contributor
- Employer of the contributor – if aggregate cash and in-kind contributions exceed \$100 in a year
- Date received by the committee
- Fair market value of goods or services
- Detailed description of the item received or service provided
- Name and full address of each vendor paid by the contributor for the goods or services provided

Records Retention

Records of all accounts must be kept for four years.

Campaign Finance Reporter Software

To assist record keeping and reporting, the Board provides software *at no cost* to its clients. Refer to the later section of this Handbook that describes the *Campaign Finance Reporter software*.

Contributions

Contributions that May be Accepted*

A principal campaign committee **may accept** monetary or in-kind contributions, up to the limits summarized on the *Contribution Limits* table on page six, from:

- Individuals; or
 - Political committees, political funds, and political party units that are registered with the Board; or
 - Other principal campaign committees of state candidates at the time the donating committee is terminating its registration with the Board. A principal campaign committee that makes contributions to another candidate is required to provide the recipient committee with a *Statement of Intent to Terminate* form; or
 - Political committees registered in Hennepin County.
- * See below for certain prohibitions

Contributions that May Not be Accepted

A principal campaign committee **may not accept:**

Candidate Committees or Corporations

- **Any contribution from:** federal candidate committees, local candidate committees, other principal campaign committees except at the time of termination, or corporations (the corporate prohibition is in Chapter 211B).

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Anonymous Contributions

- A **contribution** of more than \$20 for which the name and full address of the contributor cannot be determined.

You must forward the entire anonymous contribution to the Board within 14 days for deposit in the general account of the State Elections Campaign Fund.

Unregistered Associations

- Contributions of **more than \$100 from an association that is not registered with the Board**. Registered principal campaign committees, political committees, political funds, and political party units are listed on the Board's Website www.cfboard.state.mn.us. *Call the Board office before accepting a contribution if you cannot find an entity on the lists.*

Unregistered Associations – Exception

Exception: If an association that is not registered with the Board makes a contribution of more than \$100, the association *must provide to the recipient committee, at the time the contribution is made*, a report meeting the requirements of Minn. Stat. § 10A.20. This disclosure may be made on a Report of Receipts and Expenditures form.

Contributions that May Not be Solicited or Accepted

A principal campaign committee may not solicit or accept:

Earmarked Contributions

- An **earmarked contribution**, which is a contribution made with the express or implied condition that all or any part of the contribution would be given to any other candidate.

Sessional Fundraising

- **During a regular legislative session**, contributions from: registered lobbyists, political committees, political funds, terminating principal campaign committees, committees of a legislative party caucus, or Hennepin County committees.

Exceptions for Special Session and Special Election

Exception: The prohibition on fundraising during a legislative session does not apply:

- during a **special session** of the legislature, or
- 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.

Additionally, during a regular legislative session, candidate committees **may** solicit or accept contributions from individuals who are **not** lobbyists, a state party, or party units (other than legislative caucuses).

Bundled Contributions

Bundled contributions are those delivered by someone other than the original contributor. The amount of the bundled contributions – collected and delivered by an individual, committee, or fund – is applied to the contribution limit applicable to the individual, committee, or fund that makes the delivery *as well as* to the original contributor.

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The bundling provision does not apply to contributions delivered by a member of the candidate's principal campaign committee or an individual on behalf of the individual's spouse.

Contribution Written on a Joint Check

The contribution is credited to the party or parties that signed the check. *However*, if the treasurer has personal knowledge or affirmatively determines from any account holder who did not sign the check that such person is a joint contributor, the contribution is credited to both parties on the joint account. A written note explaining the basis for considering the contribution to be joint should be made at the time the contribution is accepted and kept with the committee's official records. All information required to be kept for contributions from individuals must be recorded and reported for each account holder separately.

Deposit of Contributions and Penalty

Contributions must be deposited within 10 business days from receipt. A penalty of up to \$1,000 may be imposed for failure to deposit contributions promptly.

Return Contributions Within 60 Days

Contributions not returned within 60 days are deemed accepted. If more than 60 days have passed since a contribution was deposited and you wish to return the contribution, call the Board office for assistance.

Contribution Limits

General Information

Contributions to the candidate's committee – from individuals, lobbyists, political committees and funds, political party units, and the candidate – include monetary contributions, in-kind contributions, and loans. The contribution amounts for all three types are added together for application of the limits.

In the chart on page six, note that both per donor limits and aggregate limits apply to contributions from lobbyists, political committees, and political funds.

Aggregate Contribution Limits

Special Source Limit

Aggregate contributions from **large contributors***, **lobbyists**, **political committees**, and **political funds** are limited to 20% of the spending limit for Secretary of State and State Auditor candidates. In 2007 through 2009 the aggregate limit is \$7,980.

* Large contributors are those individuals whose total contributions exceed *\$250 in an election year*. The individual's total contributions, and not just the amount over \$250, count toward the aggregate limit.

This limit does not increase for first time candidates, candidates in a contested primary, a first time candidate in a contested primary, or if the candidate's spending limit is waived.

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Aggregate limit for political party units and terminating campaign committees.

A candidate's principal campaign committee must not accept contributions from political party units or dissolving principal campaign committees that in aggregate are in excess of: \$100 per donor in non-election years and \$500 per donor in election years.

Contribution Limits Summary

Contributions From:	Non-Election Year		Election Year	
	Per donor Limit	Aggregate Limit	Per donor Limit	Aggregate Limit
<ul style="list-style-type: none"> ▪ Individuals other than lobbyists ▪ Lobbyists ▪ Political committees ▪ Political funds 	\$100	—	\$500	—
<ul style="list-style-type: none"> ▪ Individuals other than lobbyists (large contributors) ▪ Lobbyists ▪ Political committees ▪ Political funds 	—	\$7,980	—	To be determined
<ul style="list-style-type: none"> ▪ Political party units ▪ Terminating campaign committees 	—	\$1,000	—	\$5,000
<ul style="list-style-type: none"> ▪ Candidate with a public subsidy agreement to his/her own committee 	\$5,000	—	\$5,000	—

Loans

Documentation Requirement

The committee must keep on file a signed agreement for each loan.

Loans Payable

Loans payable may be from an individual, financial institution, or other entity. Loans, except those from a financial institution, are subject to the contribution limits applicable to the lender. If a loan is forgiven by the lender, or paid by another entity, it is recorded as a contribution from this lender or other entity in the year in which the loan was originally made. The total of contributions from the lender or other entity for the year the loan was originally made, including the loan forgiven, may not exceed the applicable contribution limit.

Loans Receivable

Loans receivable are those made by the committee to an individual or other entity that must be repaid to the committee. The committee may not lend money to anyone including the candidate for purposes unrelated to the conduct of a campaign.

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Penalties for Contribution/ Loan Violations

Penalties for Contribution Violations

A civil penalty of up to four times the amount by which the contributions exceed the contribution limits may be imposed on a candidate who permits the candidate's principal campaign committee to **accept contributions in excess of any of the limits**.

A penalty of up to \$1,000 may be imposed for failure to forward to the Board an **anonymous contribution** in excess of \$20.

A penalty of up to four times the amount of the contribution in excess of \$100 may be imposed on a candidate committee for accepting a **contribution from an unregistered association** that does not provide proper disclosure.

A penalty of up to \$1,000 may be imposed on an **unregistered association for failing to provide the proper disclosure** when contributing more than \$100 to a candidate committee.

A penalty of up to \$3,000 may be imposed for the **acceptance of an earmarked contribution**. Knowingly accepting an earmarked contribution is a gross misdemeanor.

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 a gross misdemeanor.

A penalty of up to \$1,000 may be imposed for **soliciting or accepting contributions from any of the following, during a regular legislative session**: registered lobbyist, political committee, political fund, terminating principal campaign committee, or committee of a legislative party caucus.

Penalties for Loan Violations

A penalty of up to \$3,000 may be imposed on a campaign committee for lending money it has raised to anyone for purposes not related to the conduct of a campaign. Violation of this provision is a gross misdemeanor.

Public Subsidy

Public Subsidy Agreement

The [Public Subsidy Agreement](#) is a binding legal document that establishes eligibility for candidates to receive funding from the State Elections Campaign Fund and participate in the Political Contribution Refund program. A candidate with a principal campaign committee registered with the Board may elect to sign and file the agreement at any time after the committee is registered, but not later than September 1 of the election year for the office sought. The Public Subsidy Agreement may not be rescinded once it is signed and filed.

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Each signed Public Subsidy Agreement applies to an election cycle. For Secretary of State and State Auditor candidates, an agreement signed between January 1, 2007, and September 1, 2010, is with respect to spending and candidate contribution limits, effective from January 1, 2007, through December 31, 2010.

A candidate who has a registered a principal campaign committee with the Board and who has signed a public subsidy agreement is eligible to participate in the **Political Contribution Refund** program.

Eligibility

A candidate who is **unopposed in both the primary and general elections** is not eligible to receive a public subsidy from the State Election Campaign Fund. The political party account funds that would have gone to the candidate are paid to the candidate's political party.

A candidate who runs in a **special election** may be eligible to receive a public subsidy. Contact the Board office.

Payment of Public Subsidy

Public subsidy is paid to qualifying candidates from two accounts based on the state income tax checkoff: **Party Account** payments which vary among Secretary of State and State Auditor candidates based on a statutory formula, and **General Account** payments, which are the same for each candidate for a particular office.

By August 15 of each election year, the Board will notify candidates of the estimated amount of public subsidy available to qualifying candidates. The estimates will also be posted on the Board's Website.

Payments – for deposit in the committee account – are made within two weeks after the primary election. An additional small adjusting payment is made by December 15.

A Candidate Who Signs the Public Subsidy Agreement Agrees to All of these Terms

To **abide by statutory spending limits** during the election cycle until (1) the principal campaign committee is dissolved, or (2) a writ of special election is signed for the district and office for which the candidate is seeking election, or (3) the Agreement expires – whichever occurs first.

- To **limit your own personal contributions** to your principal campaign committee to \$5,000.
- To **file a valid Affidavit of Contributions** with the Board in order to be eligible to receive funds from the State Elections Campaign Fund.

In order to file an Affidavit of Contributions the candidate must first accumulate *during the election year* for which the Affidavit is filed, contributions from persons eligible to vote in Minnesota in the total amount of at least \$6,000, counting only the first \$50 received from each contributor. These contributions must be accumulated not later than the last day for reporting receipts and expenditure before a primary election.

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The Affidavit of Contributions is a sworn statement certifying that the candidate's committee has accumulated the required contributions. The Affidavit must be notarized and filed with the Board not later than the last day for reporting receipts and expenditures before a primary election. *Please note that this date is earlier than the last date for signing a Public Subsidy Agreement.*

- To **spend or become obligated to spend at least 50% of the general account public subsidy payment no later than the end of the final reporting period** preceding the general election; and if 50% of the general account is not spent by that date, to return to the Board, no later than six months following the general election, the difference between one-half of the general account public subsidy payment received and the amount of campaign expenditures made by the end of the final reporting period preceding the general election.

The candidate also agrees to **reimburse the Board** for all reasonable costs, including costs of litigation, incurred in collecting any amount due after that date. If a candidate fails to repay general account funds, the Board may not distribute additional funds to the candidate until repayment has been made.

- To **make no independent expenditures.**
- To **return to the Board**, with the [Annual Report of Receipts and Expenditures](#), **the amount of public subsidy received that exceeds actual election year campaign expenditures.**
- To **include closed captioning** for deaf and hard-of-hearing viewers on all professionally produced visual or audio recordings of two minutes or less produced for the purpose of influencing the nomination or election of the candidate by broadcast, cable television, candidate's web site, and radio, or file with the board a statement setting forth the reasons for not doing so before the advertisement is disseminated.

Limitation on the Amount of Public Subsidy

A candidate may not receive more than 50% of the spending limit in public subsidy. See the chart below.

Spending Limits with Public Subsidy Agreement

Limitation on Spending

Secretary State and State Auditor candidates who sign and file a [Public Subsidy Agreement](#) are bound by the spending limits. The **total** of all monetary campaign expenditures, in-kind and approved campaign expenditures, and unpaid campaign expenditures must not exceed the spending limit.

Base Spending Limit and Adjustments Upward in Certain Circumstances

If the candidate is a **first time candidate** (is running for an office for the first time and has not run previously for another office whose territory now includes a population that is more than one-third of the population

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in the territory for the new office), there is a 10% increase in the base spending limit. If the candidate **wins a primary election by less than a two to one margin** (closely contested primary), there is a 20% increase in the spending limit. The candidate may not spend the 20% increase until after the primary election. **If both conditions occur**, the candidate gets the benefit of both the 10% and 20% increases.

Spending Limits with Public Subsidy Agreement

Year	Base Spending Limit	10% increased spending limit for a first time candidate	20% increased spending limit for a candidate who wins in a closely contested primary	10% and 20% increased spending limit for a first time candidate in a closely contested primary
2006	\$199,500	\$219,500	\$239,400	\$263,400
2007 – 2009	\$39,900	N/A	N/A	N/A
2010	To be determined			

Possible Release from Spending Limits

Candidates who have signed a [Public Subsidy Agreement](#) **may be released** from the spending limit if the conduct of the candidate's opponent in the primary election meets the conditions described in Minn. Stat. §10A.25, Subd. 10. In summary, the conditions occur when:

- (1) the opponent does not sign a Public Subsidy Agreement agreeing to be bound by the spending limits, and
- (2) the non-signing opponent receives contributions, or makes or becomes obligated to make, expenditures in an election cycle *in excess* of the following limits:
 - (a) receipts or expenditures equal to 20% of the spending limit, up to the close of the reporting period before the primary election, or
 - (b) receipts or expenditures equal to 50% of the expenditure limit, after the close of the reporting period before the primary election.

A candidate must provide written notification of receipts and expenditures in excess of the limits set by Minnesota Statutes, sections 10A.25 and 10A.255:

- (1) to the Board office within 24 hours after reaching the receipt or expenditure limit, AND
- (2) to opponents from the day following the last day to file an Affidavit of Candidacy until the date of the primary election, within 24 hours after reaching the receipt or expenditure limit.

Upon receipt of the notice, the candidate who had signed and filed the Public Subsidy Agreement is no longer obligated by the spending limits. If the candidate chooses to be released from the spending limits, the general election opponent is also released from the spending limits.

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Political Contribution Refund (PCR) Program

Eligibility	A candidate who has registered a principal campaign committee with the Board and filed a valid Public Subsidy Agreement is eligible to participate in the Political Contribution Refund program.
Procedure	<p>A candidate or the candidate's treasurer may give a PCR receipt (Form EP-3) to an individual who (1) is eligible to vote in Minnesota and (2) makes a contribution to the principal campaign committee. Only monetary contributions qualify for the refund, not goods or services. The maximum refund that contributors may receive is \$50 per person or \$100 for married couples.</p> <p>The contributor may fill out the application for refund (Department of Revenue Form PCR), attach receipt Form EP-3, and mail them to the Department of Revenue. Individuals may apply for the refund after making the contribution and may file only one refund application per year, with no opportunity to amend. The request for refund must be made by April 15 of the next calendar year. Mail your refund requests to: Minnesota Revenue, Political Contribution Refund, St. Paul, MN 55146-1800</p>
Access to Forms	Receipt books (EP-3) for qualifying candidates are available from the Board office. If the committee uses the Board's campaign finance software, the receipts can be printed directly from a computer using that software. Political Contribution Refund Application forms (PCR) can be downloaded from the Board's Website at www.cfboard.state.mn.us .

Expenditures

Spending Limits for Those Who Sign Public Subsidy Agreements	If the candidate has signed a Public Subsidy Agreement , the terms and spending limits are applicable. See the Handbook sections called Public Subsidy and Spending Limits With Public Subsidy Agreement .
Expenditure Types	The types of expenditures are:
<i>Campaign Expenditures</i>	Campaign expenditures are made for the purpose of influencing the nomination or election of the candidate. Campaign expenditures apply toward the Spending Limits of candidates who sign a Public Subsidy Agreement.
<i>Approved Expenditures</i>	An approved expenditure is a payment for goods or services made on behalf of a candidate by an entity other than the principal campaign committee. All approved expenditures are in-kind contributions to the principal campaign committee and also must be recorded as campaign expenditures or noncampaign disbursement at the time the approved expenditure is made. The candidate or the candidate's treasurer must provide written authorization before an approved expenditure of more

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than \$20 may be made on behalf of the candidate. A suggested form for written authorization is available on the Board's Website.

Noncampaign Disbursements

Noncampaign disbursements are payments that do **not** apply toward the spending limits of candidates who sign a Public Subsidy Agreement. They include:

- Payment for accounting and legal services
- Return of a contribution to the source
- Repayment of a loan
- Interest on loans
- Return of public subsidy
- Payment of food, beverages, facility rental, and entertainment at a fundraising event
- Payment of food and beverages consumed by a candidate or volunteers while engaged in campaign activities
- Payment for food or a beverage consumed while attending a reception or meeting directly related to legislative duties
- Contributions to a political party
- Payment of expenses incurred by elected or appointed leaders of a caucus in carrying out leadership responsibilities
- Payment of candidate's expenses for serving in public office, other than for personal expenses
- Constituent services by a member of the legislature or a constitutional officer, including the costs of preparing and distributing a suggestion or idea solicitation to constituents, from the beginning of the term of office to adjournment sine die in the election year for the office held. In the 60 days after adjournment sine die, one-half of the disbursement is a campaign expenditure and applies to the expenditure limit.
- Payment of fines assessed by the Board
- Costs of child care for candidate's children when campaigning
- Fees paid to attend a campaign school
- Transportation, meals, and lodging paid to attend a campaign school
- Costs of a post election party during the election year when a candidate's name will no longer appear on a ballot or after the general election
- Filing fees
- Post-general election thank you notes or advertisements in the news media
- Costs of campaign material purchased to replace defective campaign material, if the defective material is destroyed without being used
- Payments for funeral gifts or memorials
- Costs of campaigning incurred by a person with a disability, as defined in Minn. Stat. §363A.03, subd. 12, and which are made necessary by the disability
- Costs to an incumbent or a winning candidate of providing services to residents in the district after the general election in an election year for the office held
- Payment of advances of credit in a year after the year in which the advance was reported as an expenditure
- Costs associated with a candidate attending a political party state or national convention in this state

Penalties for Expenditure Violations

Civil Penalty

A candidate subject to the expenditure limits in §10A.25 ([Public Subsidy Agreement](#)) who permits the candidate's principal campaign committee to make expenditures or permits approved expenditures to be made on the candidate's behalf in excess of the limits imposed by §10A.25, as adjusted by section §10A.255, is subject to **a civil penalty up to four times the amount by which the expenditures exceeded the limit.**

Disclosure Calendar

Deadlines for Disclosure

Deadlines for filing reports, agreements, and statements are listed in the Disclosure Calendars.

Also note that during the Legislative Session the following entities may not contribute to candidate committees, and legislative caucus committees may not solicit or accept contributions from: registered lobbyists, political committees, political funds, legislative caucus committees, or terminating

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candidate committees. The prohibition does not apply to special election candidates. Contributions from individuals who are not lobbyists, and from political committees other than caucuses, are acceptable.

2009	February 2	<i>Annual Report of Receipts and Expenditures</i> covering the period Jan. 1 through Dec. 31, 2008, is due.
	April 15	<i>Supplementary Statement of Economic Interest</i> (for an incumbent) is due – if there is a change to the report from the previous filing. Period covered: Date of last filing through March 31, 2009.
2010	February 1	<i>Annual Report of Receipts and Expenditures</i> covering the period from Jan. 1 through Dec. 31, 2009, is due for all candidate committees.
	April 15	<i>Supplementary Statement of Economic Interest</i> (for an incumbent) is due – if there is a change to the report from the previous filing. Period covered: Date of last filing through March 31, 2009.
	July 6	Filing period opens for Affidavits of Candidacy for 2010 elections. All Secretary of State and State Auditor candidates must file a <i>Statement of Economic Interest</i> within 14 days after filing for office.
	August 23	Last day in the election cycle to sign and file an <i>Affidavit of Contributions</i> .
	August 24 to September 13	<i>Report of Large Pre-Election Contribution or Loan</i> . If a Secretary of State or State Auditor candidate who has an opponent in the primary election receives contributions and loans totaling \$400 or more from any one source during this period, the candidate must file the Report in person <i>by the end of the next business day after its receipt</i> or <i>by electronic means within 24 hours after its receipt</i> . It must also be reported on the <i>Pre-General Report of Receipts and Expenditures</i> due Oct. 25, 2010.
	August 30	<i>Pre-Primary Report of Receipts and Expenditures</i> covering the period Jan. 1 through Aug. 23, 2010. For all candidates whose names are on the ballot in 2010. (Due date is 15 days before the primary election).
	September 1	Last day in the election cycle to sign and file a <i>Public Subsidy Agreement</i> .
	September 14	Primary election
	October 19 to November 1	<i>Report of Large Pre-Election Contribution or Loan</i> . All Secretary of State and State Auditor candidates who receive contributions and loans totaling \$400 or more from any one source during this period must file the Report in person <i>by the end of the next business day after its receipt</i> or <i>by electronic means within 24 hours after its receipt</i> . It must also be reported on the <i>Annual Report of Receipts and Expenditures</i> due Jan. 31, 2011.

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October 25	<i>Pre-General Report of Receipts and Expenditures</i> covering the period Jan. 1 through Oct. 18, 2010. For all candidates whose names are on the ballot in 2010. (Due date is 10 days before the general election).
November 2	General election
December 31	<i>Public Subsidy Agreements</i> expire.

Reporting

Notes on Responsibilities

- If the position of treasurer is vacant, the candidate is responsible for filing all reports.
- The treasurer must file reports even if the principal campaign committee had no activity since the previous report.
- A candidate who spends only his or her own money must file periodic reports if their expenditures exceed \$100 – even if they have no registered committee.
- A loss in the primary election, or inactivity of the committee, does not remove the requirement to file the periodic reports.
- For each filed report, the beginning cash balance must be the same as the ending cash balance of the previous year’s annual report. The reported cash balance should reconcile to the committee’s bank account.

Receiving Forms and Where to File

The Board mails a Report of Receipts and Expenditures to the treasurer of record about three weeks prior to each filing date. Forms are also available for download on the Board’s Website at www.cfboard.state.mn.us.

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 *Campaign Finance Reporter Software*. See Handbook section called *Campaign Finance Reporter Software*.

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 and statements 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.

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Campaign Finance Reporter Software

Purpose and Availability *Campaign Finance Reporter* is record keeping and reporting software developed by the Board for principal campaign committees, political committees, political funds, and party units. A CD-ROM disk is provided without charge by the Board for installation on your computer. Contact the Board office for a copy.

The software is designed to assist your compliance with the requirements of Minnesota Statutes, Chapter 10A. The software helps to maintain the completeness and accuracy of records, avoid violations, and assist timely reporting. The requirements of Minnesota campaign finance law are incorporated into the software. If you enter a transaction or a series of transactions that would result in a violation, you will be alerted. For the software's violation detection features to work properly, the Board recommends that *transactions be entered at least monthly*.

The software includes a built-in Help system. The *Campaign Finance Reporter* User Manual is available on the Board's Website or by request from the Board office and is provided with the software. Staff members also provide periodic training sessions.

Contact the Board at 651/282-6893 or 800/657-3889 to begin using the *Campaign Finance Reporter* software for electronic filing.

Amendments

Required Amendments to Reports or Statements **Within ten days** after (1) the date of the event prompting the change, or (2) the date the treasurer became aware of the inaccuracy or the need to make a change, the candidate or treasurer 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 or statement – make changes and check the Amendment box. Alternatively, you may provide the Board with other written notice.

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

Economic Interest Statement

Original Statement of Economic Interest **Within fourteen days after filing** an Affidavit of Candidacy or a petition to appear on the ballot, a candidate must file a Statement of Economic Interest with the Board.

- **Non-incumbent candidates** must file an [Original Statement of Economic Interest for Candidates for Elective Office](#).

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- **Incumbent Secretary of State and State Auditor** may (1) complete the form provided at the time of filing an Affidavit of Candidacy, or (2) update the form the Board mails to the incumbents prior to the opening of filings.

Supplementary
Statement of Economic
Interest

The incumbent Secretary of State and State Auditor must file a Supplementary Statement of Economic Interest **annually by April 15** *if there are changes to be reported from previously filed information*. The Board mails to incumbents a statement of current information on file to assist in determining the need to file the supplemental statement.

Fees and Penalties for Late Filing

Late Filing Fees

Report	Late Fee	
	Per Day	Maximum
Statement of Organization and Registration	\$5	\$100
Original Statement of Economic Interest	\$5	\$100
Report of Large Pre-Election Contribution or Loan	\$50	\$500
Pre-Primary Report of Receipts and Expenditures	\$50	\$500
Pre-General Report of Receipts and Expenditures	\$50	\$500
Annual Report of Receipts and Expenditures	\$5	\$100
Failure to amend	\$5	\$100

When Late Filing Fees Begin

Report	When Late Filing Fees Begin
Statement of Organization and Registration	On the eleventh day after the Board notifies the filer by certified mail that the statement has not been received
Original Statement of Economic Interest	On the eleventh day after the Board notifies the filer by certified mail that the report has not been received
Report of Large Pre-Election Contribution or Loan	Without notice, on the fourth day after the due date
Pre-Primary Report of Receipts and Expenditures	Without notice, on the fourth day after the due date
Pre-General Report of Receipts and Expenditures	Without notice, on the fourth day after the due date
Annual Report of Receipts and Expenditures	On the eleventh day after the Board notifies the filer by certified mail that the report has not been received

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Civil Penalties

Report	Failure to File
Statement of Organization and Registration	Up to \$1,000
Original Statement of Economic Interest	Up to \$1,000
Report of Large Pre-Election Contribution or Loan	Up to \$1,000
Pre-Primary Report of Receipts and Expenditures	Up to \$1,000
Pre-General Report of Receipts and Expenditures	Up to \$1,000
Annual Report of Receipts and Expenditures	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 Late Filing Fees 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

End-of-Election-Cycle Carryforward and Return of Public Subsidy

Partial Return of Public Subsidy if the Subsidy Amount Exceeded Your Actual Expenditures

Unspent public subsidy funds may *not* be carried forward to the next election cycle. If you received more in public subsidy than the actual election year campaign expenditures of your principal campaign committee (after adjustments for postage on hand and credit balances with vendors on December 31 of the election year), you must return the difference to the Board for deposit to the State General Fund.

The Board's form, [Return of Public Subsidy Worksheet](#), will assist the treasurer to determine if public subsidy funds must be returned and the amount. The [Return of Public Subsidy Worksheet](#) is provided to principal campaign committees with the annual [Report of Receipts and Expenditures](#) and also is available on the Board's Website.

Limited Carryforward of Unused Campaign Funds

After all campaign expenditures and noncampaign disbursements for an election cycle have been made, an amount equal to 50% of the base spending limit may be carried forward to the next election cycle. Unused postage and credit balances with vendors that exceed a combined total to \$500 count toward the carryforward amount, and are counted as expenditures during the election cycle in which they are used.

The Board's form, [Carryforward of Campaign Funds Worksheet](#), will assist in determining what amount of campaign funds can be carried forward to the next election cycle. The Carryforward form is provided to principal campaign committees with the annual [Report of Receipts and Expenditures](#) and also is available on the Board's Website.

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Mandatory Disposition
of Excess Carryforward

If you exceed the carryforward limit, **the excess funds must be disposed of in the following ways:**

- If the excess amount (the amount over 50% of the base spending limit) is less than or equal to the amount received in public subsidy, the excess amount must be returned to the Board for deposit to the State General Fund.
- If any excess amount remains after the public subsidy is returned, that amount must be contributed either to a political party for multi-candidate expenditures or to the State Elections Campaign Fund.

Termination of Committees

"May Terminate"
Conditions and
Requirements

The committee treasurer **may** terminate a principal campaign committee by filing a [Statement of Termination](#) report, along with the [Report of Receipts and Expenditures](#), when:

- (1) there are no loans, notes, or unpaid bills outstanding, and
- (2) physical assets have been disposed of so that the combined fair market value of the remaining assets (including cash) does not exceed \$100.

"Must Terminate"
Conditions and
Requirements

The committee treasurer **must** terminate a principal campaign committee by filing a [Statement of Termination](#) report, along with the [Report of Receipts and Expenditures](#), when *six years have elapsed* since:

- (1) the last election in which the candidate filed for the office sought or held at the time the principal campaign committee registered with the Board, or
- (2) the last day on which the individual for whom the committee exists served as a legislator or constitutional officer.

The Board will notify the treasurer of a principal campaign committee that has been inactive for six years of the need to terminate. Any committee so notified must dispose of its assets and terminate within 60 days. Call the Board office for information about disposal of committee assets. See Minn. Stat. §211B.12 regarding disposal of cash assets.

If the committee becomes inactive when it still has unpaid debts, the committee must liquidate available assets to pay the debts. If insufficient assets exist to pay the debts, the Board may establish a payment schedule and allow the committee to defer dissolution until all debts are paid.

Actions Permitted and
Actions Not Permitted
on Dissolution of a
Campaign Committee

Campaign funds and principal campaign committee assets may not be converted to a candidate's personal use at any time, including on dissolution. A candidate may purchase assets at a fair market price.

Principal campaign committees may not contribute funds to local or federal candidates at any time, including on dissolution.

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Campaign funds remaining after debts have been paid and assets have been sold, with proceeds deposited in the committee's account, may be transferred to other candidates' principal campaign committees, subject to the following:

- A principal campaign committee that makes contributions to another candidate is required to provide to the recipient committee, at the time of the contribution, a written statement of the donor's [intent to terminate](#) its registration with the Board within 12 months.
- The contribution must be timed so that committee termination will be completed within 12 months after the contribution was made.
- If a donating principal campaign committee fails to terminate within 12 months after making a contribution to another principal campaign committee, the Board may levy a civil penalty of up to four times the amount of the contributions made to other principal campaign committees.
- The contribution counts against the recipient's political party limit. Both the dissolving campaign committee and the accepting candidate are subject to civil penalties if the limit is exceeded.
- A terminating committee that makes a contribution in excess of the contribution limits is subject to a civil penalty of up to four times the amount by which a contribution exceeds the applicable limits.
- The contributions may not be made to a candidate for the legislature or a constitutional office during a regular legislative session. Both the recipient and contributor are subject to civil penalties for violation.
- A contribution from a terminated principal campaign committee that is not accepted by another candidate must be sent to the Board for deposit in the general account of the state elections campaign fund.

Advisory Opinions, Complaints, Independent Expenditures

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 nonpublic data under the Minnesota Government Data Practices Act. 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.

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Complaints Any person may file a written complaint with the Board concerning alleged 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.

Independent Expenditures Prohibited A candidate who has in effect a [Public Subsidy Agreement](#) is prohibited from making independent expenditures. Call the Board office if you have questions.

Penalties for Other Chapter 10A Violations

Civil Penalty of Up to \$1,000

- Acceptance of contributions or making expenditures when the office of treasurer is vacant
- Failure to keep an account of contributions to and expenditures from a political committee or political fund
- Commingling committee funds with funds of officers, members, or associates
- Failure to deposit contributions promptly
- Acceptance of anonymous contributions in excess of \$20
- Acceptance of a contribution during a legislative session from a lobbyist, political committee, political fund, terminating principal campaign committee, or committee of the legislative caucus
- Using or selling information copied from reports and statements filed with the Board for commercial purposes (*An individual who knowingly violates this law is also guilty of a misdemeanor*)

Civil Penalty of Up to Four Times the Amount of the Contribution in Excess of \$100

- Accepting a contribution from an unregistered association that does not provide the proper disclosure

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
- Knowingly accepting an earmarked contribution
- Lending money raised by a principal campaign committee to anyone for purposes not related to the conduct of a campaign
- Attempting to circumvent Chapter 10A by redirecting a contribution through, or making a contribution on behalf of, another individual or association

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- | | |
|---------------------------------------|---|
| Gross Misdemeanor No Criminal Penalty | <ul style="list-style-type: none">▪ Willfully issuing a Political Contribution Receipt form or facsimile to a contributor when the candidate has not signed a valid Public Subsidy Agreement▪ Engaging in economic reprisals or threatening loss of employment or physical coercion against an individual or association because of that individual's or association's political contributions or political activity |
| Gross Misdemeanor Criminal Penalty | <ul style="list-style-type: none">▪ 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

[Registration and Statement of Organization](#)

[Public Subsidy Agreement](#)

[Affidavit of Contributions](#)

Economic Interest Statement

- [Original Statement of Economic Interest](#)

- Supplementary Statement of Economic Interest

Political Contribution Refund (PCR program) Receipt Books, Form EP-3

[Application for Political Contribution Refund \(PCR program\), Form PCR \(Department of Revenue\)](#)

Report of Large Pre-Election Contribution or Loan

Report of Receipts and Expenditures

- Pre-Primary Report of Receipts and Expenditures

- Pre-General Report of Receipts and Expenditures

- [Annual Report of Receipts and Expenditures](#)

[Return of Public Subsidy Worksheet](#)

[Carryforward of Campaign Fund Worksheet](#)

[Approved Expenditure Authorization](#)

[Statement of Intent to Terminate](#)

[Statement of Termination](#)

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Contacts for Assistance and Related Resources

Contacts for Assistance

Minn. Stat. Chapter 10A and Rules: www.leg.state.mn.us/leg/statutes.asp
Board Website: www.cfboard.state.mn.us

Subject Matter	Contact Person - Phone - E-mail Address
Board information	Gary Goldsmith (651) 296-1721 Gary.Goldsmith@state.mn.us
Registration for all programs	Marcia Waller 651/296-5615 Marcia.J.Waller@state.mn.us
Campaign Finance reporting	Joyce Larson 651/282-6894 Joyce.Larson@state.mn.us
Campaign Finance software	Gary Goldsmith 651/297-1721 Gary.Goldsmith@state.mn.us
Public Subsidy and Political Contribution Refund Program	Jeff Sigurdson 651/296-1720 Jeffrey.G.Sigurdson@state.mn.us
Advisory Opinions	Jeff Sigurdson 651/296-1720 Jeffrey.G.Sigurdson@state.mn.us
Complaints	Gary Goldsmith 651/296-1721 Gary.Goldsmith@state.mn.us
Economic Interest Statements	LuAnn Swanson 651/297-7352 LuAnn.Swanson@state.mn.us
Forms, Receipt Books, General Information	651/296-5148 800/657-3889 www.cfboard.state.mn.us

Related Resources

Information Sought	Source(s)	Phone and Website Information
Minnesota Statutes Chapter 10A and Rules 4501 –4525, Ethics in Government Act	Minnesota’s Bookstore	651/297-3000 or 800/657-3757 www.comm.media.state.mn.us/bookstore/bookstore.asp
Political contributions refund program	Minnesota Department of Revenue	651/296-3781 www.taxes.state.mn.us
PCR refund application forms	Minnesota Department of Revenue Campaign Finance & Public Disclosure Board	www.taxes.state.mn.us www.cfboard.state.mn.us
Fundraising activities	Lawful Gambling Control Board	651/639-4000 www.gcb.state.mn.us
Federal elections	Federal Election Commission	800/424-9530 www.fec.gov
Minnesota Campaign Manual, Minn. Stat. Chapters 211A and 211B. Fair Campaign Practices Act. Local campaign finance.	Minnesota Secretary of State	651/215-1440 or 877-551-6767 www.sos.state.mn.us

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