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MINNESOTA CAMPAIGN FINANCE BOARD

DATE: November 28, 2016

TO:

Governor Mark Dayton
116 Veterans Service Building

Paul Marinac, Revisor
700 State Office Building

Sen. Katie Sieben, Current Chair
Subcommittee on Elections
3203 Senate Building

Rep. Tim Sanders, Current Chair
Government Operations and Election Policy
553 State Office Building

Sen. Tom Saxhaug, Current Chair
State Departments and Veterans Finance Division
2111 Senate Building

Rep. Sarah Anderson, Chair
State Government Finance
583 State Office Building

Sen. Mary Kiffmeyer, Incoming Chair
State Government Finance & Policy & Elections
123 State Office Building

Rep. Tim O'Driscoll, Incoming Chair
Government Operations & Elections Policy
451 State Office Building

Mr. Greg Hubinger, Director
Legislative Coordinating Commission
72 State Office Building

FROM: Jeff Sigurdson, Executive Director

SUBJECT: Obsolete rules report pursuant to Minnesota Statutes section 14.05, subdivision 5.

Pursuant to Minnesota Statutes section 14.05, subdivision 5, the Campaign Finance and Public Disclosure Board hereby informs you that the following rules are obsolete, unnecessary, or duplicative.

1. Minnesota Rules 4501.0500, subpart 2, item A, is unnecessary because the Board has concluded that the rule imposes a filing requirement more stringent than that imposed by statute.
2. Minnesota Rules 4503.0200, subpart 6, which requires depositories for political committees, is a redundant and overly broad restatement of the requirements found in Minnesota Statutes sections 10A.14 and 10A.15.
3. Minnesota Rules 4503.0500, subpart 8, which requires the use of an automobile to be classified as either an expenditure to be reimbursed or an in-kind contribution, is obsolete because of the provisions of Minnesota Statutes section 10A.01, subdivision 9.
4. Minnesota Rules 4503.1400, subpart 8, contains filing deadlines for the submission of affidavits of contributions for special elections that have been rendered obsolete by the provisions of Minnesota Statutes section 10A.323.

5. Minnesota Rules 4503.1450, subpart 3, which regulates notification given to candidates of the general account portion of the public subsidy payment, has been rendered obsolete because of changes in Minnesota Statutes sections 10A.321.
6. Minnesota Rules 4503.1700, which requires reporting of certain contributions to the Board within 48 hours, is obsolete because of an amendment to the filing period and method found in Minnesota Statutes section 10A.20, subdivision 5.
7. Minnesota Rules 4512.0100, subparts 2 and 4, which define the terms "individual services" and "field of specialty" as they relate to plaques given as gifts, are obsolete because of amendments to Minnesota Statutes section 10A.071, subdivision 3 (a) (4).
8. References in the rules to the threshold at which itemization of a contribution or an expenditure is required must be changed from \$100 to \$200 because the legislature increased this threshold in Chapter 10A.
9. References to election year contribution and expenditure limits must be changed to election cycle or election segment limits due to a statutory terminology change.
10. References to the supplemental economic interest statement must be changed to the annual economic interest statement due to a statutory terminology change made in 2015.
11. References to investigation procedures must be changed to conform to the new investigation procedures in Minnesota Statutes section 10A.022.
12. Minnesota Rules 4501.0500, subpart 2, item B, contains a sentence regarding optional electronic filing that either contradicts the statutory electronic filing requirement or is redundant.
13. Minnesota Rules 4503.0300, subpart 4, which requires terminating committees to have payment plans for their debts, is obsolete because the statute requiring committees to retire their debts before terminating has been repealed.
14. Minnesota Rules 4503.0400, subpart 1, is obsolete because it repeats statutory language governing in-kind contributions, contains an incorrect itemization threshold, and includes an outdated citation to the requirements governing reporting of in-kind contributions.
15. Minnesota Rules 4503.1300, subpart 5, refers to the old 60-day period for returning contributions to their source without penalty. Committees now have 90 days under Chapter 10A to return a contribution to its source to avoid a penalty.
16. Minnesota Rules 4503.1450, subpart 1, which refers to a specific agreement for the general account portion of the public subsidy payment, has been rendered obsolete due to changes in Minnesota Statutes section 10A.322.
17. Minnesota Rules 4505.0900, subpart 7, refers to an obsolete threshold for reporting securities on economic interest statements. Chapter 10A now requires officials to disclose securities worth more than \$2,500 not securities worth \$2,500 or more.
18. Minnesota Rules 4511.0500, subpart 2, item E, refers to late fee and notice provisions that have been replaced in statute.

19. Minnesota Rules 4512.0100, subpart 5, refers to the term "or similar memento" which is no longer used in the reference to plaques in the gift prohibition statute.

The rules in items one through ten were identified in last year's obsolete rules report. The Board plans to repeal or correct the listed obsolete provisions as part of a regular rulemaking proceeding that will begin on December 5, 2016. Therefore, the Board **does not** request that any of the rules identified in this report be included in the Revisor of Statutes bill on obsolete rules.

Cc: Legislative Reference Library