

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3645

02/13/2024 Authored by Coulter and Virnig
The bill was read for the first time and referred to the Committee on Elections Finance and Policy

1.1 A bill for an act
1.2 relating to campaign finance; amending local candidate financial report
1.3 requirements; requiring the Campaign Finance and Public Disclosure Board to
1.4 oversee campaign finance reporting requirements for political committees, political
1.5 funds, and party units engaged in campaign activity for certain local elected offices
1.6 and ballot questions for local governments; amending the definition of committee
1.7 for purposes of chapter 211A; making technical and conforming changes; amending
1.8 Minnesota Statutes 2022, sections 10A.01, subdivisions 7, 10d; 211A.01,
1.9 subdivisions 3, 7, 8, by adding a subdivision; 211A.02, subdivision 2; 211A.05,
1.10 subdivision 1; 211A.06; 211A.07; 211A.12; 211A.14; Minnesota Statutes 2023
1.11 Supplement, sections 10A.20, subdivision 2a; 211A.02, subdivision 1; repealing
1.12 Minnesota Statutes 2022, sections 211A.01, subdivisions 2, 4; 211A.02, subdivision
1.13 4.

1.14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.15 Section 1. Minnesota Statutes 2022, section 10A.01, subdivision 7, is amended to read:

1.16 Subd. 7. Ballot question. "Ballot question" means a question or proposition that is placed
1.17 on the ballot and that may be voted on by:

1.18 (1) all voters of the state; or

1.19 (2) all voters of Hennepin County;

1.20 (3) all voters of any home rule charter city or statutory city located wholly within
1.21 Hennepin County and having a population of 75,000 or more; or

1.22 (4) all voters of Special School District No. 1 a county, city, school district, township,
1.23 or special district.

1.24 "Promoting or defeating a ballot question" includes activities, other than lobbying
1.25 activities, related to qualifying the question for placement on the ballot.

2.1 Sec. 2. Minnesota Statutes 2022, section 10A.01, subdivision 10d, is amended to read:

2.2 Subd. 10d. **Local candidate.** "Local candidate" means an individual who seeks  
2.3 nomination or election to:

2.4 ~~(1) any county office in Hennepin County;~~

2.5 ~~(2) any city office in any home rule charter city or statutory city located wholly within~~  
2.6 ~~Hennepin County and having a population of 75,000 or more; or~~

2.7 ~~(3) the school board in Special School District No. 1~~ a county, city, school district,  
2.8 township, or special district office.

2.9 Sec. 3. Minnesota Statutes 2023 Supplement, section 10A.20, subdivision 2a, is amended  
2.10 to read:

2.11 Subd. 2a. **Local election reports.** (a) This subdivision applies to a political committee,  
2.12 political fund, or political party unit that during a non-general election year:

2.13 (1) spends in aggregate more than \$200 to influence the nomination or election of local  
2.14 candidates;

2.15 (2) spends in aggregate more than \$200 to make independent expenditures on behalf of  
2.16 local candidates; or

2.17 (3) spends in aggregate more than \$200 to promote or defeat ballot questions defined  
2.18 in section 10A.01, subdivision 7, clause (2), (3), or (4).

2.19 (b) In addition to the reports required by subdivision 2, the entities listed in paragraph  
2.20 (a) must file the following reports in each non-general election year:

2.21 (1) a first-quarter report covering the calendar year through March 31, which is due  
2.22 April 14;

2.23 (2) a report covering the calendar year through May 31, which is due June 14;

2.24 (3) a ~~pre-primary election~~ July report due 15 days before the local primary election date  
2.25 specified in section 205.065;

2.26 (4) a pre-general-election report due 42 days before the local general election; and

2.27 (5) a pre-general-election report due ten days before a local general election.

2.28 The reporting obligations in this paragraph begin with the first report due after the  
2.29 reporting period in which the entity reaches the spending threshold specified in paragraph

2.30 (a). The ~~pre-primary~~ July report required under clause (3) is required for all entities required

3.1 to report under paragraph (a), regardless of whether the candidate or issue is on the primary  
3.2 ballot or a primary is not conducted.

3.3 Sec. 4. Minnesota Statutes 2022, section 211A.01, subdivision 3, is amended to read:

3.4 Subd. 3. **Candidate.** "Candidate" means an individual who seeks nomination or election  
3.5 to a county, municipal, school district, or other political subdivision office. This definition  
3.6 does not include an individual seeking a judicial office. ~~For purposes of sections 211A.01~~  
3.7 ~~to 211A.05 and 211A.07, "candidate" also includes a candidate for the United States Senate~~  
3.8 ~~or House of Representatives.~~

3.9 Sec. 5. Minnesota Statutes 2022, section 211A.01, is amended by adding a subdivision to  
3.10 read:

3.11 Subd. 4a. **Committee.** "Committee" means a group established by a candidate of two  
3.12 or more persons working together to support the election of the candidate to a political  
3.13 subdivision office. A committee may accept contributions and make disbursements on behalf  
3.14 of the candidate.

3.15 Sec. 6. Minnesota Statutes 2022, section 211A.01, subdivision 7, is amended to read:

3.16 Subd. 7. **Filing officer.** "Filing officer" means the officer authorized by law to accept  
3.17 affidavits of candidacy or nominating petitions for an office ~~or the officer authorized by~~  
3.18 ~~law to place a ballot question on the ballot.~~

3.19 Sec. 7. Minnesota Statutes 2022, section 211A.01, subdivision 8, is amended to read:

3.20 Subd. 8. **Political purposes.** An act is done for "political purposes" if it is of a nature,  
3.21 done with the intent, or done in a way to influence or tend to influence, directly or indirectly,  
3.22 voting for a candidate at a primary or an election or if it is done because a person is about  
3.23 to vote, has voted, or has refrained from voting for a candidate at a primary or an election.

3.24 Sec. 8. Minnesota Statutes 2023 Supplement, section 211A.02, subdivision 1, is amended  
3.25 to read:

3.26 Subdivision 1. **When and where filed by committees or candidates.** (a) A committee  
3.27 or a candidate who receives contributions or makes disbursements of more than \$750 in a  
3.28 calendar year shall submit an initial report to the filing officer within 14 days after the  
3.29 candidate or committee receives or makes disbursements of more than \$750 and ~~shall~~ must

4.1 continue to make the reports ~~listed in paragraph (b)~~ required by this subdivision until a final  
4.2 report is filed.

4.3 (b) ~~The committee or~~ In a year in which a candidate must file a report by January 31 of  
4.4 each year following the year when the initial report was filed and in a year when receives  
4.5 contributions or makes disbursements of more than \$750 or the candidate's name or a ballot  
4.6 question appears on the ballot, the candidate or committee shall must file a report:

4.7 (1) ~~ten~~ 15 days before the primary or special primary. This report is required if a primary  
4.8 is held in the jurisdiction, regardless of whether the candidate or issue is on the primary  
4.9 ballot or. If a primary is not conducted, the report is due 15 days before the primary date  
4.10 specified in section 205.065;

4.11 (2) seven days before a special primary, if one is conducted;

4.12 ~~(2)~~ (3) ten days before the general election or special election; and

4.13 ~~(3)~~ (4) 30 days after a general or special election.

4.14 The reporting obligations in this paragraph begin with the first report due after the reporting  
4.15 period in which the candidate reaches the spending threshold specified in paragraph (a). A  
4.16 candidate who did not file for office is not required to file reports required by this paragraph  
4.17 that are due after the end of the filing period. A candidate whose name will not be on the  
4.18 general election ballot is not required to file the reports required by clauses (3) and (4).

4.19 (c) Until a final report is filed, a candidate must file a report by January 31 of each year  
4.20 following a year in which:

4.21 (1) an initial report was filed;

4.22 (2) the candidate receives contributions or made disbursements of more than \$750; or

4.23 (3) the candidate's name appears on the ballot.

4.24 Notwithstanding subdivision 2, clause (4), the report required by this subdivision must only  
4.25 include the information from the previous calendar year.

4.26 Sec. 9. Minnesota Statutes 2022, section 211A.02, subdivision 2, is amended to read:

4.27 Subd. 2. **Information required.** The report to be filed by a candidate or committee must  
4.28 include:

4.29 (1) the name of the candidate or ballot question and office sought;

4.30 (2) the printed name, address, telephone number, signature, and email address, if available,  
4.31 of the person responsible for filing the report;

5.1 (3) the total cash on hand designated to be used for political purposes;

5.2 (4) the total amount of contributions received and the total amount of disbursements for  
5.3 the period from the last previous report to five days before the current report is due;

5.4 (5) the amount, date, and purpose for each disbursement if disbursements made to the  
5.5 same vendor exceed \$100 in the aggregate during the period covered by the report; and

5.6 (6) the name, address, and employer, or occupation if self-employed, of any individual  
5.7 or ~~committee~~ entity that during the year period covered by the report has made one or more  
5.8 contributions that in the aggregate exceed \$100, and the amount and date of each contribution.  
5.9 The filing officer must restrict public access to the address of any individual who has made  
5.10 a contribution that exceeds \$100 and who has filed with the filing officer a written statement  
5.11 signed by the individual that withholding the individual's address from the financial report  
5.12 is required for the safety of the individual or the individual's family.

5.13 Sec. 10. Minnesota Statutes 2022, section 211A.05, subdivision 1, is amended to read:

5.14 Subdivision 1. **Penalty.** A candidate who intentionally fails to file a report required by  
5.15 section 211A.02 or a certification required by this section is guilty of a misdemeanor. The  
5.16 treasurer of a committee ~~formed to promote or defeat a ballot question~~ who intentionally  
5.17 fails to file a report required by section 211A.02 or a certification required by this section  
5.18 is guilty of a misdemeanor. Each candidate or treasurer of a committee ~~formed to promote~~  
5.19 ~~or defeat a ballot question shall~~ must certify to the filing officer that all reports required by  
5.20 section 211A.02 have been submitted to the filing officer or that the candidate or committee  
5.21 has not received contributions or made disbursements exceeding \$750 in the calendar year.  
5.22 The certification ~~shall~~ must be submitted to the filing officer no later than seven days after  
5.23 the general or special election. The secretary of state ~~shall~~ must prepare blanks for this  
5.24 certification. An officer who issues a certificate of election to a candidate who has not  
5.25 certified that all reports required by section 211A.02 have been filed is guilty of a  
5.26 misdemeanor.

5.27 Sec. 11. Minnesota Statutes 2022, section 211A.06, is amended to read:

5.28 **211A.06 FAILURE TO KEEP ACCOUNT; PENALTY.**

5.29 A candidate, treasurer, or other individual who receives money for a committee is guilty  
5.30 of a misdemeanor if the individual:

5.31 (1) fails to keep a correct account as required by law;

5.32 (2) mutilates, defaces, or destroys an account record; or

6.1 (3) in the case of a committee, refuses upon request to provide financial information to  
6.2 a candidate; and

6.3 (4) does any of these things with the intent to conceal receipts or disbursements, the  
6.4 purpose of receipts or disbursements, or the existence or amount of an unpaid debt or the  
6.5 identity of the person to whom it is owed.

6.6 Sec. 12. Minnesota Statutes 2022, section 211A.07, is amended to read:

6.7 **211A.07 BILLS WHEN RENDERED AND PAID.**

6.8 A person who has a bill, charge, or claim against a ~~candidate's~~ candidate or a committee  
6.9 ~~shall~~ must render it in writing to the candidate or committee within 60 days after the material  
6.10 or service is provided. A bill, charge, or claim that is not presented within 60 days after the  
6.11 material or service is provided must not be paid.

6.12 Sec. 13. Minnesota Statutes 2022, section 211A.12, is amended to read:

6.13 **211A.12 CONTRIBUTION LIMITS.**

6.14 (a) A candidate or ~~a candidate's~~ committee may not accept aggregate contributions made  
6.15 or delivered by an individual or an association, a political committee, political fund, or  
6.16 political party unit in excess of \$600 in an election year for the office sought and \$250 in  
6.17 other years; except that a candidate or a candidate's committee for an office whose territory  
6.18 has a population over 100,000 may not accept aggregate contributions made or delivered  
6.19 by an individual or an association, a political committee, political fund, or political party  
6.20 unit in excess of \$1,000 in an election year for the office sought and \$250 in other years.

6.21 (b) The following deliveries are not subject to the bundling limitation in this section:

6.22 (1) delivery of contributions collected by a member of the candidate's committee, such  
6.23 as a block worker or a volunteer who hosts a fundraising event, to the committee's treasurer;  
6.24 and

6.25 (2) a delivery made by an individual on behalf of the individual's spouse.

6.26 (c) Notwithstanding sections 211A.02, subdivision 3, and 410.21, this section supersedes  
6.27 any home rule charter.

6.28 (d) For purposes of this section, the terms "political committee," "political fund," and  
6.29 "political party unit" have the meanings given in section 10A.01.

7.1 Sec. 14. Minnesota Statutes 2022, section 211A.14, is amended to read:

7.2 **211A.14 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE**  
7.3 **SESSION.**

7.4 A legislator or state constitutional officer who is a candidate ~~for a county, city, or town~~  
7.5 ~~office, under this chapter and~~ the candidate's principal campaign committee, and any other  
7.6 political committee with the candidate's name or title may not solicit or accept a contribution  
7.7 from a political committee, political fund, or registered lobbyist during a regular session of  
7.8 the legislature. For purposes of this section, the terms "political committee," "political fund,"  
7.9 and "lobbyist" have the meanings given in section 10A.01.

7.10 Sec. 15. **REPEALER.**

7.11 Minnesota Statutes 2022, sections 211A.01, subdivisions 2 and 4; and 211A.02,  
7.12 subdivision 4, are repealed.

7.13 Sec. 16. **EFFECTIVE DATE.**

7.14 This act is effective July 1, 2024.

**211A.01 DEFINITIONS.**

Subd. 2. **Ballot question.** "Ballot question" means a proposition placed on the ballot to be voted on by the voters of one or more political subdivisions but not by all the voters of the state.

Subd. 4. **Committee.** "Committee" means a corporation or association or persons acting together to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question. Promoting or defeating a ballot question includes efforts to qualify or prevent a proposition from qualifying for placement on the ballot.

**211A.02 FINANCIAL REPORT.**

Subd. 4. **Congressional candidates.** Candidates for election to the United States House of Representatives or Senate and any political committees raising money and making disbursements exclusively on behalf of any one of those candidates may file copies of their financial disclosures required by federal law in lieu of the financial statement required by this section. A candidate or committee whose report is published on the Federal Election Commission website has complied with the filing requirements of this section.