

CHAPTER 4501
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE
BOARD
GENERAL PROVISIONS

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4501.0010 SCOPE AND AUTHORITY.

This chapter and chapters 4503 to 4525 govern compliance with the Ethics in Government Act, Minnesota Statutes, chapter 10A. This chapter contains provisions and definitions of general application. This chapter and chapters 4503 to 4525 are adopted pursuant to Minnesota Statutes, section 10A.02, subdivision 13.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504*

4501.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter and chapters 4503 to 4525 and Minnesota Statutes, chapter 10A. The definitions in Minnesota Statutes, chapter 10A, also apply to chapters 4503 to 4525.

Subp. 2. **Address.** "Address" means the complete mailing address, including the zip code. An individual may use either the person's business address or home address. An association's address is the address from which the association conducts its business.

Subp. 2a. **Audit trail.** "Audit trail" means documentation of submission of an electronic file or facsimile transmission to the board. The audit trail includes the date and time at which the facsimile transmission or electronic file submission was made and a copy of any verification report or message received from the board.

Subp. 3. **Business day.** A "business day" is from 8:00 a.m. to 4:30 p.m., Monday through Friday, except for official state holidays.

Subp. 4. **Compensation.** "Compensation" means every kind of payment for labor or personal services. Compensation does not include payments of Social Security, unemployment compensation, workers' compensation, or pension benefits.

Subp. 4a. **Electronic file.** "Electronic file" means a report or statement required by Minnesota Statutes, chapter 10A, and submitted to the board using an electronic filing system.

Subp. 4b. **Electronic filing system.** "Electronic filing system" means the computer-based systems developed by the board to transfer an electronic file of data that meets the filing and reporting requirements of Minnesota Statutes, chapter 10A.

Subp. 4c. **Facsimile transmission.** "Facsimile transmission" means the use of a fax machine or e-mail to submit an electronic image of a report or statement to the board.

Subp. 5. **Honorarium.** "Honorarium" means anything of value given or received for services such as making speeches, writing articles, or making presentations when there is no obligation on the part of the giver to make payment.

Subp. 6. **Money.** "Money" means cash and cash equivalents such as checks, money orders, travelers checks, negotiable instruments, and other paper commonly accepted by a bank as a deposit. A transfer of money includes an electronic transfer of funds.

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Subp. 7. **Occupation.** "Occupation" means a person's usual trade, profession, employment, or other similar endeavor, and includes categories for which there is no direct financial compensation, such as homemaker.

Subp. 7a. **Personal identification code.** "Personal identification code" is a confidential user name and password provided by the board and required to use an electronic filing system.

Subp. 8. **Principal place of business.** "Principal place of business" means:

A. for an employed person, the name of the employer and the address from which the employee conducts the employer's business;

B. for a self-employed person or a person not employed, the address from which the person conducts business or personal matters; or

C. for an association, the name and business address of the association.

Subp. 9. **Promptly.** "Promptly" means within ten business days after the event that gave rise to the requirement.

Statutory Authority: *MS s 10A.02; 10A.025*

History: *20 SR 2504; 21 SR 1779; 30 SR 903*

4501.0200 SECURITIES.

Subpart 1. **Items which are securities.** Securities include any stock, share, bond, warrant, option, pledge, note, mortgage, debenture, lease, or commercial paper, in any corporation, partnership, mutual fund, trust, or other association.

Subp. 2. **Items which are not securities.** Securities do not include deposits in a savings account, certificates of deposit, money market certificates, treasury bills, bonds or notes, dividends from securities, or holdings in a pension or retirement plan.

Subp. 3. **Holder of securities.** A "holder of securities" is an individual having an ownership interest in a security, or who is the trustee or beneficiary of a trust having an ownership interest in a security. An individual owning shares in a mutual fund does not have an ownership interest in underlying securities owned by the fund.

Subp. 4. **Valuation of securities.** The value of a security is its fair market value. For securities traded on national exchanges, the fair market value is the closing bid price for the security on a given date. The value of a partial interest in a security is the value of the holder's proportionate share.

Subp. 5. **Exception for charitable trusts.** Trustees of associations organized for charitable, philanthropic, religious, social service, educational, or other public use or purpose are not holders of securities owned by the associations.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504*

4501.0300 CERTIFICATION, SIGNATURES, AND NOTARIZATION.

Subpart 1. [Repealed, L 2005 c 156 art 6 s 68]

Subp. 1a. **Signature required.** The original signature of the person responsible for preparation or filing of a report or other document is required to make the report or document complete. Only signed reports or documents may be filed with the board. A document filed by facsimile transmission meets the requirements of this part if the original document being transmitted bears the required signature. An electronic filing meets the requirement of this part if it is submitted with a personal identification code. The board must provisionally accept an initial registration submitted without a personal identification code pending a confirmation of the registration.

Subp. 2. **Certification.** The signature of a person authorized to sign a report or form constitutes certification by that person of the truth and accuracy of the report or form.

Subp. 3. **Notarization.** The only documents that must be notarized are affidavits of contributions filed pursuant to Minnesota Statutes, section 10A.323, and sworn statements relating to independent expenditures filed pursuant to Minnesota Statutes, section 10A.20, subdivision 6a.

Subp. 4. [Repealed, L 2005 c 156 art 6 s 68]

Statutory Authority: *MS s 10A.02; 10A.025*

History: *20 SR 2504; L 2005 c 156 art 6 s 68; 30 SR 903*

4501.0400 DETERMINATION OF LOCAL OR PUBLIC OFFICIAL STATUS.

Subpart 1. **Metropolitan governmental units to determine local official status.** Annually, each metropolitan governmental unit must determine which positions within the metropolitan governmental unit constitute its local officials and must provide the board with a list of those positions.

Subp. 2. **Acting or part-time local or public official.** An individual who fills a local or public official position on an acting or part-time basis is a local or public official.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504*

4501.0500 FILINGS, SUBMISSIONS, AND DISCLOSURES.

Subpart 1. **Format.** A report or statement required under Minnesota Statutes, chapter 10A, must be submitted on the forms provided by the board for that purpose or by an electronic filing system. The board may provide alternative methods for submitting information, including other means for the electronic submission of data.

Subp. 1a. **Completion of filing.** A filing with the board is complete upon:

- A. receipt in the board office of the document being filed, bearing the original signature of the person responsible for filing the document;
- B. receipt of a facsimile transmission of the document, subject to subpart 2;
- C. the postmark date of a first class or certified mailing of the document being filed, properly addressed to the board at its current address; or
- D. the successful submission of an electronic file to the board.

Subp. 2. **Filing by facsimile transmission or electronic filing system.** A document filed by facsimile transmission or electronic filing system has the same force and effect as filing an original paper document. Facsimile transmissions and the use of an electronic filing system are subject to items A to F.

A. A facsimile transmission or electronic file received after the close of a business day is considered received at the beginning of the next business day.

B. Use of an electronic filing system is optional. In order to provide a secure environment for the submission of electronic files, the board must require that a filer use a personal identification code when submitting an electronic file. The board may also request the filer to provide a valid e-mail address in order to receive confirmation and verification messages from the board.

C. After an electronic file is processed by the board, the information contained in the electronic file becomes the property of the state subject to the terms of the Data Practices Act under Minnesota Statutes, chapter 13.

D. In the case of a filing by facsimile transmission, the filer must retain the original of the filed document and a record of the date and time of the transmission. If an electronic filing system is used to submit an electronic file to the board, the filer must retain as documentation the database and information on which the electronic submission of data is based. The database and records are subject to audit as provided in Minnesota Statutes, chapter 10A.

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E. Within five days of a request by the board, any person filing a document by facsimile transmission or electronic filing system shall refile the document by one of the other filing methods provided in subpart 1.

F. Technical problems that prevent the successful submission of a facsimile transmission or electronic file do not relieve the filer of the responsibility of meeting the requirements of Minnesota Statutes, chapter 10A. An audit trail that demonstrates that the facsimile transmission or electronic file was successfully submitted in a timely fashion may be used by the board to waive late filing fees.

Subp. 3. **Filings on nonbusiness days.** If a scheduled filing date falls on a Saturday, Sunday, or state holiday, the filing is due on the next business day.

Subp. 4. [Repealed, L 2005 c 156 art 6 s 68]

Statutory Authority: *MS s 10A.02; 10A.025*

History: *20 SR 2504; 21 SR 1779; L 2005 c 156 art 6 s 68; 30 SR 903*

4501.0600 [Repealed, L 2005 c 156 art 6 s 68]

4501.0700 ASSESSMENT OF LATE FILING FEES.

Late filing fees are not assessed for Saturdays, Sundays, or state holidays.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504*