

CHAPTER 4503
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE
BOARD

CAMPAIGN FINANCE ACTIVITIES

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4503.0010 SCOPE.

This chapter applies to the campaign finance activities of candidates and their principal campaign committees, political party units, political committees, and political funds regulated by Minnesota Statutes, sections 10A.11 to 10A.335.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504*

4503.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes, chapter 10A. The definitions in chapter 4501 and Minnesota Statutes, chapter 10A, also apply to this chapter.

Subp. 2. **Adjournment sine die.** "Adjournment sine die" means final adjournment by the legislature in the second year of a biennium.

Subp. 3. **Anonymous contribution.** "Anonymous contribution" means a contribution for which the name and address of the donor cannot be determined.

Subp. 3a. **Fair market value.** "Fair market value" means the amount that an individual would pay to purchase the same or similar service or item on the open market.

Subp. 4. **Fundraising event.** "Fundraising event" means a meal, party, entertainment event, rally, or similar gathering of three or more individuals where contributions are solicited or received.

Subp. 5. **Receipted bill.** "Receipted bill" means an invoice marked paid by the vendor or a canceled check with a corresponding invoice indicating the purpose of the expenditure.

Subp. 6. **Services for a constituent; constituent services.** "Services for a constituent" or "constituent services" means services performed or provided by an incumbent legislator or constitutional officer for the benefit of one or more residents of the official's district, but does not include gifts, congratulatory advertisements, charitable contributions, or similar expenditures.

Subp. 7. **Statewide election.** "Statewide election" means an election for a statewide constitutional office, Appeals Court, or Supreme Court office, or an election in which a question or proposition on the ballot can be voted on by all voters of the state.

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Subp. 8. **Unpaid bill.** "Unpaid bill" means an advance of credit for which payment has not been made. An advance of credit is an unpaid bill from the time it is incurred, regardless of when an actual invoice is received.

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

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

4503.0200 ORGANIZATION OF POLITICAL COMMITTEES AND POLITICAL FUNDS.

Subpart 1. **Organizational information to be provided by a political party.** The statement of organization of a political party must include a list of the names of the party units organized in each house of the legislature and in congressional districts, counties, legislative districts, municipalities, and precincts, along with the name and address of the treasurer and chair of each unit, and must be updated annually.

Subp. 2. **Officers of principal campaign committee.** A candidate may be chair, treasurer, or both, of the candidate's own principal campaign committee. The candidate is ultimately responsible for the principal campaign committee's compliance with Minnesota Statutes, chapter 10A.

Subp. 3. **When registration is not required.** When a person or group merely solicits contributions with the approval of a candidate or the treasurer, deputy treasurer, or agent of a political committee or political fund and when those contributions are made directly to the reporting committee or fund, that person or group need not establish a separate political committee or political fund.

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

Subp. 5. **Termination of responsibility of former treasurer.** A former treasurer who transfers political committee or political fund records and receipts to a new treasurer or to the chair of the committee or fund is relieved of future responsibilities when notice required under subpart 4 is filed or when the former treasurer notifies the board in writing of the change.

Subp. 6. **Depositories.** The depositories of a political committee or political fund include any depository in which the committee or fund has a savings, checking, or similar account, or purchases a money market certificate or certificate of deposit. Before registering, a political committee or political fund which expects to receive money or negotiable instruments must establish a checking, savings, or similar account in the name of "Campaign Fund of (name of candidate, committee, or fund)."

Statutory Authority: *MS s 10A.02*

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

4503.0300 TERMINATION OF POLITICAL COMMITTEE OR POLITICAL FUND.

Subpart 1. **Termination report.** A termination report must cover the period from the closing date of the last report filed through the date of termination.

Subp. 2. [Repealed, L 2005 c 156 art 6 s 68]

Subp. 3. **Transfer of debts.** An agreement to transfer debts upon the termination of a candidate's principal committee for one office under Minnesota Statutes, section 10A.241, must be made in writing, signed by the candidate and the committee treasurers, and preserved in the records of each committee.

Subp. 4. **Payment plan pending dissolution of inactive political committee or political fund.** An inactive political committee or political fund that must dissolve according to Minnesota Statutes, section 10A.242, and that has liquidated its available assets to pay its debts may submit to the board a proposed payment schedule to settle any remaining

debts. Upon approval of the schedule, the board may allow the committee or fund to defer dissolution until all debts are paid.

Statutory Authority: *MS s 10A.02*

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

4503.0400 DISTRICT COURT JUDICIAL CANDIDATES.

Subpart 1. **Donations in kind.** Donations in kind to a candidate for district court judge which in aggregate exceed \$100 must be disclosed in accordance with Minnesota Statutes, section 10A.20, subdivision 3, paragraph (b).

Subp. 2. [Repealed, L 2005 c 156 art 6 s 68]

Statutory Authority: *MS s 10A.02*

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

4503.0500 CONTRIBUTIONS.

Subpart 1. **All receipts are contributions.** Any donation of money, goods, or services received by a principal campaign committee is considered a contribution at the time the item is received.

Subp. 2. **Time of receipt of contributions.**

A. A monetary contribution is received by a political committee or political fund, for reporting and contribution limit purposes, when the instrument conveying the contribution, such as cash, check, or money order, is physically received by the treasurer, the candidate, or a committee or fund worker.

B. A contribution delivered through the mail is received on the date the mail is gathered from the delivery point by the treasurer, the candidate, or a committee or fund worker.

Subp. 3. **Transmission of contributions.** Promptly after receipt of any contribution or on demand of the treasurer, an individual must transmit the contribution together with any required record to the treasurer.

Subp. 4. **Identification of contributor.** An individual or association that pays for or provides goods or services, or makes goods or services available, with the knowledge that they will be used for the benefit of a political committee or a political fund, is the contributor of those goods or services.

Subp. 5. **Contributions from Hennepin County registered associations.** In lieu of registration with the board, an association registered with the Hennepin County filing officer under Minnesota Statutes, sections 383B.041 to 383B.058, that makes contributions of more than \$100 to a committee or fund in a calendar year may notify the recipient committee of its registration with Hennepin County, including its registration number, and instruct the recipient committee to include the notice when the recipient committee discloses receipt of the contribution.

Subp. 6. **Contributions by joint check.** A contribution given by a check written on a joint account is considered to be a contribution by the persons who signed the check in equal proportions unless the candidate or treasurer of the committee or fund has personal knowledge or affirmatively ascertains from any account holder who did not sign the check that the person is a joint contributor. In such cases, a written notation of the basis for considering the contribution to be a joint contribution must be made at the time the contribution is deposited and kept with the committee's or fund's official records.

Subp. 7. **Forwarding anonymous contributions.** An anonymous contribution in excess of \$20 must be forwarded to the board in its entirety within 14 days after its receipt by the treasurer along with a statement of the amount of the contribution and the date on which it was received.

Subp. 8. **Value of contributions of automobile use.** Automobile use provided to a committee by an individual may be valued at the lowest rate used by the state to reimburse

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its employees for automobile use. Alternatively, the value of the automobile may be calculated as the actual cost of fuel, maintenance, repairs, and insurance directly related to the use of the automobile. The use of an automobile that exceeds \$20 in value a day is either an expenditure that must be reimbursed or a donation in kind from the individual who provided the use of the automobile. An automobile provided by an association must be valued at the fair market value for renting an equivalent automobile.

Subp. 9. [Repealed, L 2005 c 156 art 6 s 68]

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

History: *20 SR 2504; 17 SR 1779; L 2005 c 156 art 6 s 68; 30 SR 903*

4503.0600 USE OF CREDIT CARDS.

Subpart 1. **Contributions.** A candidate or treasurer of a political committee or political fund may approve the solicitation and collection of campaign contributions through the use of credit cards. An organization that issues credit cards, when acting in the ordinary course of business by collecting and disbursing funds designated by the card holders for contributions to a committee or fund, is not required to register or report.

Subp. 2. **Expenditures; disbursements.** A treasurer who reimburses a credit card company for campaign expenditures or noncampaign disbursements that require itemization on a report of receipts and expenditures under Minnesota Statutes, section 10A.20, must disclose the purpose and the name and address of the vendor supplying the good or service for which payment is made.

Statutory Authority: *MS s 10A.02*

History: *15 SR 1512; 20 SR 2504*

4503.0700 CONTRIBUTION LIMITS.

Subpart 1. **Loans included in aggregation of contributions.** Contribution limits apply to the aggregation of:

- A. money;
- B. donations in kind;
- C. outstanding loans from the contributor; and
- D. proceeds of outstanding loans endorsed by the contributor.

Subp. 2. **Special election contribution limits.** Election year contribution limits set forth in Minnesota Statutes, section 10A.27, apply to a special election cycle.

Subp. 3. **Independent application of limits for special election.** Contribution limits apply independently for election years, other years, and special election cycles.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504*

4503.0800 DONATIONS IN KIND AND APPROVED EXPENDITURES.

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

Subp. 2. **Multicandidate materials.** An approved expenditure made on behalf of multiple candidates must be allocated between the candidates on a reasonable basis if the cost exceeds \$20 per candidate.

Subp. 3. **Multipurpose materials.** A reasonable portion of the fair market value of preparation and distribution of association newsletters or similar materials which, in part, advocate the nomination or election of a candidate is a donation in kind which must be approved by the candidate if the value exceeds \$20, unless an independent expenditure is being made.

Subp. 4. **Office facilities.** The fair market value of shared office space or services provided to a candidate without reimbursement is a donation in kind.

Subp. 5. **Campaign expenditures for constituent services paid with personal funds.** Costs of providing constituent services that are campaign expenditures and paid with the personal funds of the candidate are a donation in kind to the principal campaign committee of the candidate.

Statutory Authority: *MS s 10A.02*

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

4503.0900 NONCAMPAIGN DISBURSEMENTS.

Subpart 1. **Additional definitions.** In addition to those listed in Minnesota Statutes, section 10A.01, subdivision 26, the following expenses are noncampaign disbursements:

- A. transportation, meals, and lodging paid to attend a campaign school;
- B. costs of campaigning incurred by a person with a disability, as defined in Minnesota Statutes, section 363A.03, subdivision 12, and which are made necessary by the disability;
- C. the cost 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;
- D. payment of advances of credit in a year after the year in which the advance was reported as an expenditure;
- E. payment of fines assessed by the board; and
- F. costs of running a transition office for a winning gubernatorial candidate during the first six months after election.

Subp. 2. [Repealed, 21 SR 1779]

Subp. 3. **Reporting purpose of noncampaign disbursements.** Itemization of an expense which is classified as a noncampaign disbursement must include sufficient information to justify the classification.

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

History: *20 SR 2504; 21 SR 1779; L 1999 c 220 s 50; 30 SR 903*

4503.0950 COSTS OF CONSTITUENT SERVICES AND SERVICES TO RESIDENTS OF CANDIDATE'S DISTRICT WHICH DO NOT REQUIRE REPORTING.

Subpart 1. **Services paid with personal funds of candidate.**

A. Constituent services which a principal campaign committee would report as noncampaign disbursements under Minnesota Statutes, section 10A.01, subdivision 26, clause (6), and which are paid for with the personal funds of an incumbent are not reportable.

B. Services for a resident in the candidate's district after a general election, through the end of the year, paid for with the personal funds of an incumbent or the winning candidate are not reportable.

Subp. 2. **Constituent services provided as part of official duties and paid through legislative appropriation.** Constituent services provided by an incumbent as a part of the duties of serving in office and paid for with state funds designated for that use are not reportable under Minnesota Statutes, chapter 10A.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779; L 1999 c 220 s 50*

4503.1000 CAMPAIGN MATERIALS INCLUDING OTHER CANDIDATES.

Subpart 1. **Inclusion of others without attempt to influence nomination or election.** Campaign materials, including media advertisements, produced and distributed on behalf of one candidate which contain images of, appearances by, or references to another candidate, but which do not mention the candidacy of the other candidate or make a direct or indirect

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appeal for support of the other candidate, are not contributions to, or expenditures on behalf of that candidate.

Subp. 2. **Multicandidate materials prepared by a candidate.** A candidate who produces and distributes campaign materials, including media advertisements, which include images of, appearances by, or references to one or more other candidates, and which mention the candidacy of the other candidates or include a direct or indirect appeal for the support of the other candidates must collect from each of the other candidates a reasonable proportion of the production and distribution costs.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504*

4503.1100 CARRYFORWARD OF CAMPAIGN FUNDS; UNPAID ADVANCES OF CREDIT.

Subpart 1. **Retention for unpaid advances of credit.** In addition to the carryforward permitted under Minnesota Statutes, section 10A.257, subdivision 1, the treasurer of a principal campaign committee may retain into the next election cycle an amount equal to the sum of all unpaid advances of credit on the last day of the previous election cycle.

Subp. 2. **Forgiveness and payment of advances of credit.** When an advance of credit for which funds were retained under subpart 1 is later forgiven or paid by an individual or association other than the principal campaign committee, funds retained under subpart 1 based on the advance of credit must be disposed of pursuant to Minnesota Statutes, section 10A.257, subdivision 1.

Subp. 3. **Carryforward applies at end of special election cycle.** The limitations on carryforward of funds imposed by Minnesota Statutes, section 10A.257, subdivision 1, apply at the end of a special election cycle as well as the end of a general election cycle. The limitations at the end of a special or general election cycle apply to all candidates for the office which was the subject of the election regardless of whether the candidate actually ran in the election.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504; 21 SR 1779; L 1999 c 220 s 50*

4503.1200 JOINT FUND RAISING EVENTS BY PRINCIPAL CAMPAIGN COMMITTEES.

Subpart 1. **General requirement.** Proceeds and costs of joint fund raising events held by two or more principal campaign committees must be allocated in such a way as to avoid earmarking and prohibited transfers or contributions from one principal campaign committee to another.

Subp. 2. **Elective procedures to assure compliance.** Principal campaign committees may be certain that allocation of proceeds and costs of a joint fundraising event will not result in earmarking or a prohibited transfer or contribution if:

A. contributions are made individually to each committee by check payable to the committee, by cash given in a separate collection for the committee, or by cash with a record kept of each contributor and recipient;

B. expenses of the event are allocated among the participating committees in direct proportion to the contributions received by each committee; and

C. campaign expenditures and noncampaign disbursements are allocated separately and in the same proportion.

Subp. 3. **Record keeping and reconciliation of expenses.** The treasurers of principal campaign committees conducting a joint fund raising event must maintain records of all costs associated with the event. After the conclusion of the event, the treasurers shall complete a reconciliation and allocation of the costs of the event pursuant to this part, and

shall make any transfers of funds between the committees necessary to properly allocate the expenses.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504*

4503.1300 GOVERNOR AND LIEUTENANT GOVERNOR.

Subpart 1. **Seeking endorsement as lieutenant governor.** Raising and spending funds to seek endorsement as lieutenant governor may be done either through a separate principal campaign committee established by the lieutenant governor candidate or through a joint principal campaign committee of the governor and lieutenant governor candidates.

Subp. 2. **Separate records for seeking endorsement.** A principal campaign committee that makes expenditures and authorizes approved expenditures to seek endorsement for the office of lieutenant governor at the convention of a political party and intends those expenditures to be in addition to the expenditure limit established by Minnesota Statutes, section 10A.25, subdivision 2, shall maintain a separate record of those expenditures.

Subp. 3. **Merger of committees.** Separate committees of a candidate for governor and lieutenant governor must be merged not later than five business days after the joint endorsement or filing for office by the candidates for governor and lieutenant governor. The merger must be accomplished by amending the statement of organization of one of the committees making it a joint committee and by terminating the remaining committee. All funds, assets, and debt of the terminated committee must be transferred to the joint committee at the time of the merger. The transfer of debt must be by means of an agreement meeting the requirements of part 4503.0300, subpart 3.

Subp. 4. **Contribution limits for governor and lieutenant governor before and after merger of separate committees.** Prior to the merger of separate principal campaign committees for governor and lieutenant governor, each committee may accept contributions up to the limits set forth in Minnesota Statutes, section 10A.27, subdivision 1, clause (a), for governor and lieutenant governor running together. After the merger of the committees, contributions to either committee from a single source must be aggregated in determining whether the contribution limit for the joint committee has been reached or exceeded. If the limit has been exceeded, contributions must be returned in accordance with subpart 5.

Subp. 5. **Return of contributions after merger.** Funds transferred to the joint committee which result in aggregate contributions in excess of the applicable limits may be returned to the contributor within 60 days of the transfer of funds to the joint committee.

Subp. 6. **Public subsidy agreement.** A public subsidy agreement signed by a candidate for governor or lieutenant governor is binding on both candidates and on the surviving principal campaign committee after a merger accomplished under this part.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504; 21 SR 1779*

4503.1400 PUBLIC SUBSIDY AGREEMENTS.

Subpart 1. [Repealed, 21 SR 1779]

Subp. 2. **Period covered by agreement.** A public subsidy agreement is effective for the entire election cycle regardless of when the agreement is signed.

Subp. 3. **Effect of signing public subsidy agreement after first year of election cycle.** By signing a public subsidy agreement after the first year of an election cycle, a candidate agrees to abide by spending and contribution limits for candidates with public subsidy agreements for the entire election cycle. The candidate is subject to the same remedies for prior violations of contribution and spending limits as a candidate who signed a public subsidy agreement during the first year of the election cycle.

Subp. 4. **Effect on right to participate in political contribution refund program.** The right to issue receipts under the political contribution refund program established in

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Minnesota Statutes, section 290.06, subdivision 23, arises only when the public subsidy agreement is actually signed.

Subp. 5. **Expiration at end of special election cycle.** Public subsidy agreements for all candidates in a district in which a special election is held expire at the end of the special election cycle regardless of whether the candidate actually ran in the special election.

Subp. 6. **Return of public subsidy.** If a candidate who has received public subsidy money fails to file a year-end report of receipts and expenditures in an election year, the board may determine the amount of public subsidy which must be returned based on the last report filed by the candidate.

Subp. 7. **Nonreceipt of public subsidy funds.** A public subsidy agreement is binding regardless of whether the candidate actually receives funds from the state elections campaign fund.

Subp. 8. **Affidavit of contributions for special elections.** For a special election for which the filing period does not coincide with a general election, the candidate must submit the affidavit of contributions not later than five days after filing an affidavit of candidacy or nominating petition for the office sought.

Subp. 9. **Increase for first-time candidates.** Candidates who qualify for first-time candidate status receive a ten percent increase in the campaign expenditure limit in all years of the applicable election cycle.

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

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

4503.1450 DISTRIBUTION OF GENERAL ACCOUNT PUBLIC SUBSIDY FUNDS.

Subpart 1. **Agreement.** The general account public subsidy agreement required in Minnesota Statutes, section 10A.31, subdivision 7, may be provided to candidates on a separate form, or incorporated into the public subsidy agreement. The agreement must require that the candidate spend or be legally obligated to spend at least 50 percent of the general account public subsidy payment by the end of the reporting period prior to the general election. The agreement must also provide that if the candidate does not meet this requirement, the candidate must repay the board the difference between the candidates general account public subsidy payment and the candidates total campaign expenditures as of the end of the reporting period prior to the general election. The agreement must further provide that the candidate must reimburse the board for any reasonable collection costs incurred in securing the repayment of the unused general account public subsidy payment.

Subp. 2. **Failure to repay.** A candidate who fails to repay money required by the agreement cannot be paid additional general account public subsidy funds during the current or future election cycles until the entirety of the unexpended general account funds, and any associated collection fees, are either repaid to the board or discharged by a court action.

Subp. 3. **Estimate of general account public subsidy payment.** For purposes of determining a candidate's fulfillment of the terms of the agreement, the board must use the September 1 certification of available funds from the commissioner of the Department of Revenue to estimate the general account public subsidy payment for the candidate's office. Using first class mail, the board must inform each candidate eligible for a general account payment of the minimum amount that must be spent to comply with the terms of the agreement.

Statutory Authority: *MS s 10A.02*

History: *26 SR 1363*

4503.1500 LOANS.

Subpart 1. **Loan agreement requirements.** An agreement to make a loan to a principal campaign committee or political committee or fund must be made in writing and signed by the borrower and endorsers.

Subp. 2. **Unpaid year-end balance.** The unpaid year-end balance of all loans from a political committee, political fund, party unit, individual, or candidate to a principal campaign committee for a legislative or constitutional office may not exceed the applicable yearly contribution limit for the entity that made the loan.

Subp. 3. **Unpaid reimbursements.** A principal campaign committee that does not reimburse an individual or candidate for an expenditure made on behalf of the committee within 18 months of the date on which the expenditure occurred shall convert the unpaid reimbursement into a loan from the individual or candidate to the committee. The unpaid balance of the loan counts against the contribution limit of the individual or candidate for the year in which the expenditure occurred.

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

History: *20 SR 2504; 30 SR 903*

4503.1600 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION.

If the board makes a public finding that there is probable cause to believe a violation of Minnesota Statutes, section 10A.273, has occurred, in lieu of pursuing or enforcing a judgment, the board may accept payment of any fine imposed and thereafter close the matter.

Statutory Authority: *MS s 10A.02*

History: *20 SR 2504; 21 SR 1779; L 1999 c 220 s 50*

4503.1700 FILING OF 48-HOUR NOTICE.

The 48-hour notice required under Minnesota Statutes, section 10A.20, subdivision 5, may be filed by facsimile transmission in addition to the other methods permitted by law.

Statutory Authority: *MS s 10A.02*

History: *21 SR 1779*

4503.1800 REPORTING REQUIREMENTS.

Subpart 1. **Contributions.** Legislative, statewide, and judicial candidates, party units, political committees and funds, and committees and funds to promote or defeat a ballot question must itemize contributions that in aggregate exceed \$100 in a calendar year on reports submitted to the board. The itemization must include the date on which the contribution was received, the individual or association that provided the contribution, and the address of the contributor. Additionally, the itemization for a donation in kind must provide a description of the item or service received. Contributions that are less than the itemization amount must be reported as an aggregate total.

Subp. 2. **Expenditures and noncampaign disbursements.** Legislative, statewide, and judicial candidates, party units, political committees and funds, and committees to promote or defeat a ballot question must itemize expenditures and noncampaign disbursements that in aggregate exceed \$100 in a calendar year on reports submitted to the board. The itemization must include the date on which the committee made or became obligated to make the expenditure or disbursement, the name and address of the vendor that provided the service or item purchased, and a description of the service or item purchased. Expenditures and noncampaign disbursements must be listed on the report alphabetically by vendor.

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

History: *30 SR 903*