

2715.7340 MATERIAL REQUIRED TO BE FILED.

Subpart 1. **Preliminary soliciting material.** Two preliminary copies of the information statement or the proxy statement, form of proxy, and any other soliciting material to be furnished to security holders concurrently with it, or the information statement pursuant to part 2715.8400, shall be filed with the commissioner at least ten days prior to the date definitive copies of the material are first sent or given to security holders, or a shorter period prior to that date the commissioner authorizes upon a showing of good cause.

Subp. 2. **Additional preliminary soliciting material.** Two preliminary copies of any additional soliciting material relating to the same meeting or subject matter to be furnished to security holders subsequent to the proxy statement shall be filed with the commissioner at least two days, exclusive of Saturdays, Sundays and holidays, prior to the date copies of this material are first sent or given to security holders, or a shorter period prior to that date the commissioner authorizes upon a showing of good cause.

Subp. 3. **Soliciting material.** Two definitive copies of the information statement or the proxy statement, form of proxy, and all other soliciting material, in the form in which the material is furnished to security holders, shall be filed with or mailed for filing to the commissioner not later than the date the material is first sent or given to any security holders.

Subp. 4. **Revised material.** Where the proxy statement, form of proxy, or other material filed pursuant to this rule is amended or revised, one of the copies of the amended or revised material filed pursuant to this rule shall be marked to indicate clearly and precisely the changes made.

Subp. 5. **Information that need not be filed.** Copies of replies to inquiries from security holders requesting further information and copies of communications which do no more than request that forms of proxy previously solicited be signed and returned need not be filed pursuant to parts 2715.7100 to 2715.8400.

Subp. 6. **Discretionary filings.** Notwithstanding the provisions of subparts 1 and 2 and part 2715.7390, subpart 5, preliminary copies of soliciting material in the form of speeches, press releases, and radio or television scripts may be filed with the commissioner prior to use or publication. Definitive copies, however, shall be filed with or mailed for filing to the commissioner as required by subpart 3 not later than the date the material is used or published. The provisions of subparts 1 and 2 and part 2715.7390, subpart 5 apply to any reprints or reproductions of all or any part of this material.

Statutory Authority: *MS s 60A.22*

Published Electronically: *September 14, 2007*