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1 **CHAPTER 4501, GENERAL PROVISIONS**

2
3 **4501.0100 DEFINITIONS.**

4
5 Subpart 1. **Scope.** The definitions in this part apply to this chapter and chapters 4503 to
6 4525 and Minnesota Statutes, chapter 10A. The definitions in Minnesota Statutes, chapter 10A,
7 also apply to chapters 4503 to 4525.

8
9 Subp. 2. **Address.** "Address" means the complete mailing address, including the zip code.
10 An individual may use either the person's business address or home address. An association's
11 address is the address from which the association conducts its business.

12
13 Subp. 32a. **Audit trail.** "Audit trail" means documentation of submission of an electronic file
14 or facsimile transmission to the board. The audit trail includes the date and time at which the
15 facsimile transmission or electronic file submission was made and a copy of any verification
16 report or message received from the board.

17
18 Subp. 43. **Business day.** A "business day" is from 8:00 a.m. to 4:30 p.m., Monday through
19 Friday, except for official state holidays.

20
21 Subp. 54. **Compensation.** "Compensation" means every kind of payment for labor or
22 personal services. Compensation does not include payments of Social Security, unemployment
23 compensation, workers' compensation, healthcare, retirement, or pension benefits.

24
25 Subp. 64a. **Electronic file.** "Electronic file" means a report or statement required by
26 Minnesota Statutes, chapter 10A, and submitted to the board using an electronic filing system.

27
28 Subp. 74b. **Electronic filing system.** "Electronic filing system" means the computer-based
29 systems developed by the board to transfer an electronic file of data that meets the filing and
30 reporting requirements of Minnesota Statutes, chapter 10A.

31
32 Subp. 84e. **Facsimile transmission.** "Facsimile transmission" means the use of a fax
33 machine or e-mail to submit an electronic image of a report or statement to the board.

34
35 Subp. 95. **Honorarium.** "Honorarium" means anything of value given or received for
36 services such as making speeches, writing articles, or making presentations when there is no
37 obligation on the part of the giver to make payment.

38
39 Subp. 106. **Money.** "Money" means cash and cash equivalents such as checks, money
40 orders, travelers checks, negotiable instruments, and other paper commonly accepted by a
41 bank as a deposit. A transfer of money includes an electronic transfer of funds.

42
43 Subp. 117. **Occupation.** "Occupation" means a person's usual trade, profession,
44 employment, or other similar endeavor, and includes categories for which there is no direct

1 financial compensation, such as homemaker.

2
3 **Subp. 12. Original signature.** "Original signature" means:

4
5 A. a signature in the signer's handwriting, or if the signer is unable to write, the signer's
6 mark or name written in the handwriting of another or applied by stamp at the request, and in
7 the presence, of the signer;

8
9 B. an electronic signature consisting of the letters of the signer's name, applied using a
10 cursive font or accompanied by text or symbols clearly indicating an intent to apply a signature,
11 including but not limited to the letter s with a forward slash mark on one or both sides of the
12 letter s or the placement of a forward slash mark before and after the signer's name; or

13
14 C. the signer's name on the signature line of an electronic file submitted using the filer's
15 personal identification code.

16
17 Subp. 137a. Personal identification code. "Personal identification code" is a confidential
18 user name and password provided by the board and required to use an electronic filing system.

19
20 Subp. 148. Principal place of business. "Principal place of business" means:

21
22 A. for an employed person, the name of the employer and the address from which the
23 employee conducts the employer's business;

24
25 B. for a self-employed person or a person not employed, the address from which the
26 person conducts business or personal matters; or

27
28 C. for an association, the name and business address of the association.

29
30 Subp. 159. Promptly. "Promptly" means within ten business days after the event that gave
31 rise to the requirement.

32
33 **4501.0500 FILINGS, SUBMISSIONS, AND DISCLOSURES.**

34
35 **Subpart 1. Format.** A report or statement required under Minnesota Statutes,
36 section 10A.20, must be filed electronically in a format specified by the board, to the extent
37 required by that section. Any other report or statement required under Minnesota Statutes,
38 chapter 10A, must be filed submitted electronically in a format specified by the board or on the
39 forms provided by the board for that purpose or by an electronic filing system. The board may
40 provide alternative methods for submitting information, including other means for the electronic

1 submission of data.

2

3 ~~Subp. 1a. [Repealed, L 2018 c 119 s 34]~~

4

5 ~~Subp. 2. [Repealed, L 2017 1Sp4 art 3 s 18]~~

6

7 Subp. 2~~3~~. **Filings on nonbusiness days.** If a scheduled filing date falls on a Saturday,
8 Sunday, or state holiday, the filing is due on the next business day.

9

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

1 **CHAPTER 4503, CAMPAIGN FINANCE ACTIVITIES**

2
3 **4503.0100 DEFINITIONS.**

4
5 **Subpart 1. Scope.** The definitions in this part apply to this chapter and Minnesota Statutes,
6 chapter 10A, except that the definition in subpart 7 applies to Minnesota Statutes,
7 section 211B.15. The definitions in chapter 4501 and Minnesota Statutes, chapter 10A, also
8 apply to this chapter.

9
10 **Subp. 2. Adjournment sine die.** "Adjournment sine die" means final adjournment by the
11 legislature in the second year of a biennium.

12
13 **Subp. 3. Anonymous contribution.** "Anonymous contribution" means a contribution for
14 which the name and address of the donor cannot be determined.

15
16 **Subp. 4. County office in Hennepin County.** "County office in Hennepin County" means
17 the offices of county commissioner, county attorney, and sheriff, in Hennepin County, and does
18 not include the office of Three Rivers Park District commissioner.

19
20 **Subp. 53a. Fair market value.** "Fair market value" means the amount that an individual
21 would pay to purchase the same or similar service or item on the open market.

22
23 **Subp. 64. Fundraising event.** "Fundraising event" means a meal, party, entertainment
24 event, rally, or similar gathering of three or more individuals where contributions are solicited or
25 received.

26
27 **Subp. 7. Headquarters.** For the purpose of Minnesota Statutes, section 211B.15,
28 subdivision 8, "headquarters" means a building or other structure that is used for all or part of
29 the year as the primary location where the party's business is conducted.

30
31 **Subp. 8. Legislative caucus.** "Legislative caucus" means an organization whose members
32 consist solely of legislators belonging to the same house of the legislature and the same political
33 party, and is not limited to a majority or minority caucus described in Minnesota Statutes,
34 Chapter 3, but does not include a legislative party unit.

35
36 **Subp. 9. Legislative caucus leader.** "Legislative caucus leader" means a legislator elected
37 or appointed by a legislative caucus to lead that caucus, and is not limited to leaders designated
38 pursuant to Minnesota Statutes, section 3.099.

39
40 **Subp. 10. Legislative party unit.** "Legislative party unit" means a political party unit

1 established by the party organization within a house of the legislature.

2
3 **Subp. 11. Nomination.** Except as used in Minnesota Statutes, sections 10A.09 and
4 10A.201, "nomination" means the placement of a candidate or a local candidate's name on a
5 general election or special general election ballot.

6
7 Subp. ~~125~~. **Receipted bill.** "Receipted bill" means an invoice marked paid by the vendor or
8 a canceled check with a corresponding invoice indicating the purpose of the expenditure.

9
10 Subp. 6. [~~Repealed, L 2018 c 119 s 34~~]

11
12 Subp. ~~137~~. **Statewide election.** "Statewide election" means an election for a statewide
13 constitutional office, appeals court, or supreme court office, or an election in which a question or
14 proposition on the ballot can be voted on by all voters of the state.

15
16 Subp. ~~148~~. **Unpaid bill.** "Unpaid bill" means an advance of credit for which payment has not
17 been made. An advance of credit is an unpaid bill from the time it is incurred, regardless of
18 when an actual invoice is received.

19
20 **4503.0200 ORGANIZATION OF POLITICAL COMMITTEES AND POLITICAL FUNDS.**

21
22 Subpart 1. **Organizational information to be provided by a political party.** The statement
23 of organization of a political party must include a list of the names of the party units organized in
24 each house of the legislature and in congressional districts, counties, legislative districts,
25 municipalities, and precincts, along with the name and address of the treasurer and chair of
26 each unit, and must be updated annually.

27
28 Subp. 2. **Officers of principal campaign committee.** A candidate may be chair, treasurer,
29 or both, of the candidate's own principal campaign committee. The candidate is ultimately
30 responsible for the principal campaign committee's compliance with Minnesota Statutes, chapter
31 10A.

32
33 Subp. 3. **When registration is not required.** When a person or group merely solicits
34 contributions with the approval of a candidate or the treasurer, deputy treasurer, or agent of a
35 political committee or political fund and when those contributions are made directly to the
36 reporting committee or fund, that person or group need not establish a separate political
37 committee or political fund.

38
39 Subp. 4. [~~Repealed, L 2005 c 156 art 6 s 68~~]

1 **Subp. 45. Termination of responsibility of former treasurer.** A former treasurer who
2 transfers political committee or political fund records and receipts to a new treasurer or to the
3 chair of the committee or fund is relieved of future responsibilities ~~when notice required under~~
4 ~~subpart 4 is filed~~ or when the former treasurer notifies the board in writing of the change.

5
6 Subp. 6. ~~[Repealed, L 2017 1Sp4 art 3 s 18]~~

7
8 **4503.0400 JOINT PURCHASES.**

9
10 Subpart 1. ~~[Repealed, L 2017 1Sp4 art 3 s 18]~~ **General requirement.** Principal campaign
11 committees, political party units, and political committees and funds may jointly purchase goods
12 or services without making or receiving a donation in kind. If each purchaser pays the vendor for
13 their share of the fair market value of the purchase, each purchaser must report that amount to
14 the board as an expenditure or noncampaign disbursement as required by Minnesota Statutes,
15 section 10A.20. If a purchaser pays the vendor for the total amount of the purchase and obtains
16 payment from another purchaser for that purchaser's share of the fair market value of the
17 purchase, each purchaser must use the same reporting method under Minnesota Statutes,
18 section 10A.20, subdivision 13.

19
20 Subp. 2. ~~[Repealed, L 2005 c 156 art 6 s 68]~~ **Proportionate shares of joint purchase.** If a
21 purchaser pays a vendor for the total amount of a joint purchase and each joint purchaser
22 receives goods or services of equal value, each joint purchaser must pay the purchaser that
23 paid the vendor an amount equal to the total amount paid to the vendor divided by the number
24 of joint purchasers in order to prevent the occurrence of a donation in kind. If a purchaser pays
25 a vendor for the total amount of a joint purchase and joint purchasers receive goods or services
26 of differing value, each joint purchaser must pay the purchaser that paid the vendor in
27 proportion to the value of the goods or services received in order to prevent the occurrence of a
28 donation in kind. If a joint purchaser pays the purchaser that paid the vendor less than its
29 proportionate share of the fair market value of the joint purchase, the difference must be
30 reported as a donation in kind from the purchaser that paid the vendor to the joint purchaser as
31 required by Minnesota Statutes, section 10A.20.

32
33 Subp. 3. **No impact on prohibited contributions.** Nothing in this part permits an
34 independent expenditure or ballot question political committee or fund to make a contribution,
35 including an approved expenditure, that is prohibited by Minnesota Statutes, section 10A.121, or
36 alters what constitutes a coordinated expenditure.

1 **4503.0500 CONTRIBUTIONS.**

2
3 Subpart 1. **All receipts are contributions.** Any donation of money, goods, or services
4 received by a principal campaign committee, political party unit, political committee, or political
5 fund is considered a contribution at the time the item is received.

6
7 Subp. 2. ~~[Repealed, L 2018 c 119 s 34]~~ **Contribution processors and professional**
8 **fundraisers.** A vendor may solicit, process, collect, or otherwise facilitate the accumulation of
9 contributions made to a principal campaign committee, political party unit, political committee, or
10 political fund, and may temporarily retain or control any contributions collected, without thereby
11 making a contribution to the intended recipient of the contributions, if the vendor is paid the fair
12 market value of the services provided. Contributions collected must be transmitted to the
13 intended recipient, minus any fees withheld by the vendor, and must be identified with the
14 name, address, and employment or occupation information required in Minnesota Statutes,
15 section 10A.13. A vendor that is paid the fair market value of any goods or services provided is
16 not a political committee or a political fund by virtue of providing those goods or services. A
17 vendor that determines which principal campaign committee, political party unit, political
18 committee, or political fund receives the contributions collected is a political committee or
19 political fund as provided in Minnesota Statutes, section 10A.01, even if the recipient of the
20 contributions pays the vendor the fair market value of the services provided to collect the
21 contributions.

22
23 Subp. 3. **Transmission of contributions.** Promptly after receipt of any contribution
24 intended for a principal campaign committee, political party unit, political committee, or political
25 fund, or on demand of the treasurer, any individual, association, or vendor retaining or
26 controlling the contribution must transmit the contribution together with any required record to
27 the treasurer.

28
29 Subp. 4. **Identification of contributor.** An individual or association that pays for or provides
30 goods or services, or makes goods or services available, with the knowledge that they will be
31 used for the benefit of a principal campaign committee, political party unit, political committee, or
32 a political fund, is the contributor of those goods or services.

33
34 Subp. 5. ~~[Repealed, L 2017 1Sp4 art 3 s 18]~~

35
36 Subp. 56. **Contributions by joint check.** A contribution given by a check written on a joint
37 account is considered to be a contribution by the persons who signed the check in equal
38 proportions unless the candidate or treasurer of the committee or fund has personal knowledge
39 or affirmatively ascertains from any account holder who did not sign the check that the person is
40 a joint contributor. In such cases, a written notation of the basis for considering the contribution

1 to be a joint contribution must be made at the time the contribution is deposited and kept with
2 the committee's or fund's official records.

3
4 Subp. ~~6~~7. **Forwarding anonymous contributions.** An anonymous contribution in excess of
5 \$20 must be forwarded to the board in its entirety within 14 days after its receipt by the treasurer
6 along with a statement of the amount of the contribution and the date on which it was received.

7
8 **Subp. 7. Contribution processors and professional fundraisers.** A vendor may solicit,
9 process, collect, or otherwise facilitate the accumulation of contributions made to a principal
10 campaign committee, political party unit, political committee, or political fund, and may
11 temporarily retain or control any contributions collected, without thereby making a contribution to
12 the intended recipient of the contributions, if the vendor is paid the fair market value of the
13 services provided. Contributions collected must be transmitted to the intended recipient, minus
14 any fees withheld by the vendor. A vendor that is paid the fair market value of any goods or
15 services provided is not a political committee or a political fund by virtue of providing those
16 goods or services. A vendor that determines which principal campaign committee, party unit,
17 political committee, or political fund receives the contributions collected is a political committee
18 or political fund as provided in Minnesota Statutes, section 10A.01, even if the recipient pays the
19 vendor the fair market value for the services provided to collect the contributions.

20
21 **Subp. 8. ~~[Repealed, L 2017 1Sp4 art 3 s 18]~~ Underlying sources of funding of**
22 **unregistered associations.** A principal campaign committee, party unit, or political committee
23 or fund that is not an independent expenditure or ballot question political committee or fund,
24 must consider an association's sources of funding in determining whether a contribution may be
25 accepted from an association that is not registered with the board as a principal campaign
26 committee, a party unit, a political committee, or the supporting association of a political fund. A
27 contribution from an unregistered association is prohibited if any of that association's sources of
28 funding would be prohibited from making the contribution directly under Minnesota Statutes,
29 section 211B.15, subdivision 2. Types of unregistered associations that are prohibited from
30 making a contribution to a principal campaign committee, a party unit, or a political committee or
31 fund that is not an independent expenditure or ballot question political committee or fund,
32 include, but are not limited to:

33
34 A. a political committee under the Federal Election Campaign Act of 1971, as amended,
35 including a separate segregated fund, that has received funding or administrative support from a
36 corporation that is not exempt under Minnesota Statutes section 211B.15, subdivision 15;

37
38 B. a political organization under section 527 of the Internal Revenue Code, as
39 amended, including an association that may be regulated by or operate within a state other than

1 Minnesota, that has received funding or administrative support from a corporation that is not
2 exempt under Minnesota Statutes section 211B.15, subdivision 15; and

3
4 C. an association that is not a political organization under section 527 of the Internal
5 Revenue Code, as amended, including an association not operated primarily for the purpose of
6 influencing elections, that has received funding or administrative support from a corporation that
7 is not exempt under Minnesota Statutes section 211B.15, subdivision 15.

8
9 Subp. 9. [~~Repealed, L 2005 c 156 art 6 s 68~~]

10
11 **4503.0700 CONTRIBUTION LIMITS.**

12
13 Subpart 1. **Loans included in aggregation of contributions.** Contribution limits apply to
14 the aggregation of:

15
16 A. money;

17
18 B. donations in kind;

19
20 C. outstanding loans from the contributor; and

21
22 D. proceeds of outstanding loans endorsed by the contributor.

23
24 ~~Subp. 2. [~~Repealed, L 2017 1Sp4 art 3 s 18~~]~~ **Commercial vendors not subject to bundling**
25 **limitation.** A vendor retained by a principal campaign committee, political party unit, political
26 committee, or political fund for the accumulation of contributions, and is paid by that committee,
27 party unit, or fund the fair market value of the services provided, as described in part 4503.0500,
28 subpart 2, is not subject to the bundling limitation in Minnesota Statutes, section 10A.27,
29 subdivision 1.

30
31 Subp. 3. [~~Repealed, L 2017 1Sp4 art 3 s 18~~]

32
33 **4503.0800 DONATIONS IN KIND AND APPROVED EXPENDITURES.**

34
35 [Version 1 – Would nullify Advisory Opinion 434]

36
37 ~~Subpart 1. [~~Repealed, L 2005 c 156 art 6 s 68~~]~~ **Contributor payment of processing fee.** If a
38 contributor pays a processing fee when making a contribution and the fee would otherwise have
39 been billed to the recipient of the contribution or withheld from the amount transmitted to the
40 recipient, the amount of the fee is a donation in kind to the recipient of the contribution. If the

1 donation in kind exceeds the amount specified in Minnesota Statutes, section 10A.13,
2 subdivision 1, the recipient's treasurer must keep an account of the contribution and must
3 include the contribution within campaign reports as required by Minnesota Statutes,
4 section 10A.20.

5
6 [Version 2 – Would codify Advisory Opinion 434]
7

8 Subpart 1. ~~[Repealed, L 2005 c 156 art 6 s 68]~~ **Contributor payment of processing fee.** If a
9 contributor pays a processing fee when making a contribution, equal to the fair market value of
10 the services provided, the amount of the fee is not donation in kind to the recipient of the
11 contribution.

12
13 **Subp. 2. Multicandidate materials.** An approved expenditure made on behalf of multiple
14 candidates or local candidates must be allocated between the candidates or the local
15 candidates on a reasonable basis if the cost exceeds \$20 per candidate or local candidate.

16
17 Subp. 3. **Multipurpose materials.** A reasonable portion of the fair market value of
18 preparation and distribution of association newsletters or similar materials which, in part,
19 advocate the nomination or election of a candidate or a local candidate is a donation in kind
20 which must be approved by the candidate or the local candidate if the value exceeds \$20,
21 unless an independent expenditure is being made.

22
23 Subp. 4. **Office facilities.** The fair market value of shared office space or services provided
24 to a candidate or a local candidate without reimbursement is a donation in kind.

25
26 Subp. 5. **Campaign expenditures for constituent services paid with personal funds.**
27 Costs of providing constituent services that are campaign expenditures and paid with the
28 personal funds of the candidate are a donation in kind to the principal campaign committee of
29 the candidate.

30
31 **4503.0900 NONCAMPAIGN DISBURSEMENTS.**

32
33 **Subpart 1. Additional definitions.** In addition to those listed in Minnesota Statutes, section
34 10A.01, subdivision 26, the following expenses are noncampaign disbursements:

35
36 A. transportation, meals, and lodging paid to attend a campaign school;

37
38 B. costs of campaigning incurred by a person with a disability, as defined in Minnesota
39 Statutes, section 363A.03, subdivision 12, and which are made necessary by the disability;

1 C. the cost to an incumbent or a winning candidate of providing services to residents in
2 the district after the general election in an election year for the office held;

3
4 D. payment of advances of credit in a year after the year in which the advance was
5 reported as an expenditure;

6
7 E. payment of fines assessed by the board; ~~and~~

8
9 F. costs of running a transition office for a winning gubernatorial candidate during the
10 first six months after election-; and

11
12 G. costs to maintain a bank account that is required by law, including service fees, the
13 cost of ordering checks, and check processing fees.

14
15 **Subp. 2. [Repealed, 21 SR 1779] Expenses incurred by leaders of a legislative caucus.**
16 Expenses incurred by a legislative caucus leader in carrying out their leadership responsibilities
17 may be paid by their principal campaign committee and classified as a noncampaign
18 disbursement for expenses incurred by leaders of a legislative caucus. These expenses must
19 be incurred for the operation of the caucus and include, but are not limited to, expenses related
20 to operating a website, social media accounts, a telephone system, similar means of
21 communication, travel expenses, and legal expenses.

22
23 **Subp. 3. Signage and supplies for office holders.** Expenses incurred by an office holder
24 for signage outside their official office and for basic office supplies purchased to aid the office
25 holder in performing the tasks of their office may be paid by their principal campaign committee
26 and classified as a noncampaign disbursement for expenses for serving in public office. These
27 expenses may include signage, stationary, or other means of communication that identify the
28 office holder as a member of a legislative caucus.

29
30 **Subp. 4. Equipment purchases.** The cost of durable equipment purchased by a principal
31 campaign committee, including but not limited to computers, cell phones, and other electronic
32 devices, must be classified as a campaign expenditure unless the equipment is purchased to
33 replace equipment that was lost, stolen, or damaged to such a degree that it no longer serves
34 its intended purpose, or the equipment will be used solely:

35
36 A. by a member of the legislature or a constitutional officer in the executive branch to
37 provide services for constituents during the period from the beginning of the term of office to
38 adjournment sine die of the legislature in the election year for the office held;

1 B. by a winning candidate to provide services to residents in the district in accordance
2 with subpart 1;

3
4 C. for campaigning by a person with a disability in accordance with subpart 1;

5
6 D. for running a transition office in accordance with subpart 1; or

7
8 E. as home security hardware.

9
10 Subp. 53. **Reporting purpose of noncampaign disbursements.** Itemization of an expense
11 which is classified as a noncampaign disbursement must include sufficient information to justify
12 the classification.

13
14 **4503.1000 CAMPAIGN MATERIALS INCLUDING OTHER CANDIDATES.**

15
16 Subpart 1. **Inclusion of others without attempt to influence nomination or election.**
17 Campaign materials, including media advertisements, produced and distributed on behalf of one
18 candidate which contain images of, appearances by, or references to another candidate or local
19 candidate, but which do not mention the candidacy of the other candidate or local candidate or
20 make a direct or indirect appeal for support of the other candidate or local candidate, are not
21 contributions to, or expenditures on behalf of that candidate or local candidate.

22
23 Subp. 2. **Multicandidate materials prepared by a candidate.** A candidate who produces
24 and distributes campaign materials, including media advertisements, which include images of,
25 appearances by, or references to one or more other candidates or local candidates, and which
26 mention the candidacy of the other candidates or local candidates or include a direct or indirect
27 appeal for the support of the other candidates or local candidates must collect from each of the
28 other candidates or local candidates a reasonable proportion of the production and distribution
29 costs.

30
31 **4503.1600 AGGREGATED EXPENDITURES.**

32
33 [Repealed, L 2017 1Sp4 art 3 s 18] Expenditures and noncampaign disbursements may be
34 aggregated and reported as lump sums when itemized within a report filed under Minnesota
35 Statutes, section 10A.20, if:

36
37 A. each expenditure or noncampaign disbursement was made to the same vendor;

38
39 B. each expenditure or noncampaign disbursement was made for the same type of goods or
40 services;

1
2 C. each lump sum consists solely of aggregated expenditures or solely of aggregated
3 noncampaign disbursements;

4
5 D. each lump sum consists solely of aggregated expenditures or noncampaign
6 disbursements that are paid, are unpaid, or represent the dollar value of a donations in kind;

7
8 E. the expenditures and noncampaign disbursements are aggregated over a period of no
9 more than 31 days; and

10
11 F. all expenditures and noncampaign disbursements made prior to the end of a reporting
12 period are included within the report covering that period.

13
14 Lump sums must be dated based on the last date within the period over which the expenditures
15 or noncampaign disbursements are aggregated. This subpart does not alter the date an
16 expenditure is made for purposes of the registration requirements provided in Minnesota
17 Statutes, section 10A.14.

18
19 **4503.1700 VIOLATIONS RESULTING FROM COORDINATED EXPENDITURES.**

20
21 [Repealed, L 2017 1Sp4 art 3 s 18]A principal campaign committee is responsible for a violation
22 of a contribution limit or prohibition resulting from a coordinated expenditure, and the spender is
23 also responsible if it thereby violated a contribution limit or prohibition for which the contributor
24 may be penalized by the board. A principal campaign committee's or spender's knowledge of
25 the circumstances that resulted in an expenditure being a coordinated expenditure, including the
26 use of a common vendor or subcontractor, is not necessary for the board to determine that a
27 violation occurred as a result of a coordinated expenditure. When determining any penalty to be
28 imposed for a violation resulting from a coordinated expenditure, the board must consider:

29
30 A. any steps taken prior to the violation to determine whether the candidate engaged in
31 fundraising for the spender;

32
33 B. any steps taken prior to the violation to determine whether the candidate served as an
34 officer of the spender;

35
36 C. any steps taken prior to the violation to determine whether a vendor or subcontractor
37 provided or may provide services that may result in a coordinated expenditure;

38

1 D. any steps taken prior to the violation to determine whether a vendor or subcontractor that
2 provides consulting services has satisfied the conditions in Minnesota Statutes,
3 section 10A.176, subdivision 4;
4

5 E. any steps taken prior to the violation to determine whether a spender received nonpublic
6 information regarding a candidate's campaign plans, strategy, or needs;
7

8 F. any steps taken prior to the violation to determine whether a spender provided nonpublic
9 information to a candidate regarding an expenditure;
10

11 G. any steps taken prior to the violation to ensure that the candidate did not participate in
12 making the expenditure;
13

14 H. any additional steps taken prior to the violation to ensure that the expenditure was not
15 coordinated with the candidate;
16

17 I. any steps taken after the violation to mitigate its impact, including ceasing to disseminate
18 a communication that is a coordinated expenditure;
19

20 J. any steps taken after the violation to prevent an additional violation; and
21

22 K. the factors listed in Minnesota Statutes, section 14.045.
23

24 **4503.1800 DISCLAIMERS.**
25

26 [~~Repealed, L 2017 1Sp4 art 3 s 18~~] **Subpart 1. Additional definitions.** The following
27 definitions apply to this part and Minnesota Statutes, section 211B.04:
28

29 A. "Broadcast media" means a television station, radio station, cable television system,
30 or satellite system.
31

32 B. "Social media platform" means a website or application that allows multiple users to
33 create, share, and view user-generated content, excluding a website controlled primarily by the
34 association or individual that caused the communication to be prepared or disseminated.
35

36 **Subp. 2. Material linked to a disclaimer.** Minnesota Statutes, section 211B.04, does not
37 apply to the following communications that link directly to an online page that includes a
38 disclaimer in the form required by that section, if the communication is made by or on behalf of a
39 candidate, principal campaign committee, political committee, political fund, political party unit,

1 or person who has made an electioneering communication, as those terms are defined in
2 Minnesota Statutes, Chapter 10A:

3
4 A. text, images, video, or audio, disseminated via a social media platform;

5
6 B. a text or multimedia message disseminated only to telephone numbers;

7
8 C. text, images, video, or audio, disseminated using an application accessed primarily
9 via mobile phone, excluding email messages, telephone calls, and voicemail messages; and

10
11 D. paid electronic advertisements disseminated via the internet by a third-party, including
12 but not limited to online banner advertisements and advertisements appearing within the
13 electronic version of a newspaper, periodical, or magazine.

14
15 The link must be conspicuous and when selected must result in the display of an online
16 page that prominently includes the required disclaimer.

1 **CHAPTER 4511, LOBBYIST REGISTRATION AND REPORTING**

2
3 **4511.0100 DEFINITIONS.**

4
5 Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes,
6 chapter 10A. The definitions in chapter 4501 and in Minnesota Statutes, chapter 10A, also apply
7 to this chapter.

8
9 Subp. 1a. [~~Repealed, L 2023 c 62 art 5 s 44~~]

10
11 Subp. 2. **Administrative overhead expenses.** “Administrative overhead expenses” means
12 costs incurred by the principal for office space, transportation costs, and website operations,
13 that are used to support lobbying in Minnesota.

14
15 Subp. 3. **Development of prospective legislation.** “Development of prospective
16 legislation” means communications that:

17
18 A. explain the need for legislation that has not been introduced as a bill;

19
20 B. request support for legislation that has not been introduced as a bill;

21
22 C. provide language, or comments on language, used in draft legislation that has not
23 been introduced as a bill; or

24
25 D. are intended to facilitate the drafting of language, or comments on language, used in
26 draft legislation that has not been introduced as a bill.

27
28 Subp. 4. **Employee of a political subdivision.** “Employee of a political subdivision”
29 includes an individual hired or appointed by the political subdivision. An individual is also an
30 employee of a political subdivision if the individual is:

31
32 A. hired to provide the political subdivision services as a consultant or independent
33 contractor; or

34
35 B. the individual is employed by a business that has contracted with the political
36 subdivision to provide legal counsel, professional services, or policy recommendations to the
37 political subdivision.

38
39 Subp. 52. **Gift.** "Gift" has the meaning given in chapter 4512 and Minnesota Statutes,
40 section 10A.071.

1
2 Subp. ~~63~~. **Lobbying.** "Lobbying" means attempting to influence legislative action,
3 administrative action, or the official action of a ~~metropolitan governmental unit~~ political
4 subdivision by communicating with or urging others to communicate with public officials or local
5 officials in ~~metropolitan governmental units~~. Any activity that directly supports this
6 communication is considered a part of lobbying. Payment of an application fee, or processing
7 charge, for a government service, permit, or license is not lobbying or an activity that directly
8 supports lobbying.

9
10 Subp. ~~74~~. **Lobbyist's disbursements.** "Lobbyist's disbursements" include ~~all~~ disbursements
11 for ~~lobbying~~ each gift given made by the lobbyist, the lobbyist's employer or employee, or any
12 person or association represented by the lobbyist, ~~but do not include compensation paid to the~~
13 ~~lobbyist.~~

14
15 Subp. ~~8~~. **Pay or consideration for lobbying.** "Pay or consideration for lobbying" means
16 the gross compensation paid to an individual for lobbying.

17
18 Subp. ~~95~~. **Original source of funds.** "Original source of funds" means a source of funds,
19 other than the entity for which a lobbyist is registered, paid to the lobbyist, the lobbyist's
20 employer, the entity represented by the lobbyist, or the lobbyist's principal, for lobbying
21 purposes.

22
23 Subp. ~~106~~. **Public higher education system.** "Public higher education system" includes the
24 University of Minnesota and the Minnesota State Colleges and Universities governed by
25 Minnesota Statutes, chapter 136F. The board may issue advisory opinions at the request of
26 other entities with respect to whether or not they are also included within this definition.

27
28 Subp. ~~117~~. **Reporting lobbyist.** "Reporting lobbyist" means a lobbyist responsible for
29 reporting lobbying ~~disbursements~~ activity of two or more lobbyists representing the same entity.
30 Lobbying ~~disbursements~~ activity made on behalf of an entity may be reported by each individual
31 lobbyist that represents an entity, or by one or more reporting lobbyists, or a combination of
32 individual reports and reports from a reporting lobbyist.

33
34 **Subp. 12. State agency.** "State agency" means any office, officer, department, division,
35 bureau, board, commission, authority, district, or agency of the State of Minnesota.

36
37 **4511.0200 REGISTRATION.**

38
39 **Subpart 1. Registration threshold.** An individual must register as a lobbyist with the board
40 upon the earlier of when:

1
2 A. the individual receives total pay or consideration from all sources that exceeds
3 \$3,000 in a calendar year, for the purpose of lobbying, or from a business whose primary source
4 of revenue is derived from facilitating government relations or government affairs services if the
5 individual's job duties include offering direct or indirect consulting or advice that helps the
6 business provide those services to clients. The pay or consideration for lobbying for an
7 individual whose job duties includes both lobbying and functions unrelated to lobbying is
8 determined by multiplying the gross salary or wages of the individual by the percentage of the
9 individual's work time spent lobbying in the calendar year; or

10
11 B. the individual spends more than \$3,000 of their own funds in a calendar year for the
12 purpose of lobbying. Membership dues paid by the individual, and expenses for transportation,
13 lodging, and meals used to support lobbying by the individual, are not costs that count towards
14 the \$3,000 expenditure threshold that requires registration. A lobbyist registered for an
15 association must also register separately as an individual if they meet the requirements of this
16 section.

17
18 Subpart 42. **Separate registration required for each entity.** A lobbyist who lobbies on
19 behalf of more than one individual, association, political subdivision, or public higher education
20 system shall register separately for each separate entity. Members or affiliates of an association
21 represented by a lobbyist are not separate entities for the purposes of this requirement.

22
23 Subp. 23. **Separate registration for each lobbyist.** Multiple lobbyists representing the
24 same individual, association, political subdivision, or higher education system must each
25 register separately. A lobbyist who ~~reports~~ provides lobbying activity disbursements to the board
26 through a reporting lobbyist must list the name and registration number of the reporting lobbyist
27 on a lobbyist registration. If the reporting lobbyist changes, or if the lobbyist ceases to report
28 through a reporting lobbyist, the lobbyist must amend the registration within ten days.

29
30 Subp. 34. **Registration of designated lobbyist.** A designated lobbyist must indicate on the
31 lobbyist registration form that the lobbyist will be reporting disbursements for the entity the
32 lobbyist represents. An entity that employs lobbyists may have only one designated lobbyist. A
33 designated lobbyist who ceases to be responsible for reporting the lobbying disbursements of
34 an entity must amend the lobbyist's registration with the board within ten days.

35
36 Subp. 45. **Registration of reporting lobbyist.** A reporting lobbyist must indicate on the
37 lobbyist registration form that the lobbyist will be reporting lobbying activity disbursements for
38 additional lobbyists representing the same entity. The registration must list the name and
39 registration number of each lobbyist that will be included in reports to the board of disbursements
40 made by the reporting lobbyist. Changes to the list of lobbyists represented by a reporting

1 lobbyist must be amended on the reporting lobbyist registration within ten days, or provided to
2 the board at the time of filing a report required by Minnesota Statutes, section 10A.04,
3 subdivision 2.

4
5 **4511.0300 PRINCIPALS.**
6

7 Individuals or associations represented by lobbyists are presumed to be principals until they
8 establish that they do not fall within the statutory definition of a principal. A political subdivision,
9 public higher education system, or state agency is not an association under Minnesota Statutes,
10 section 10A.01, and is not a principal.
11

12 **4511.0400 TERMINATION.**
13

14 Subpart 1. **Lobbyist termination.** A lobbyist who has ceased lobbying for a particular entity
15 may terminate registration by filing a lobbyist termination form and a lobbyist ~~disbursement~~
16 report covering the period from the last report filed through the date of termination. If the
17 lobbying ~~disbursements~~ activity of the lobbyist ~~is~~ are reported by a reporting lobbyist, the
18 nonreporting lobbyist may terminate by filing a lobbyist termination form and notifying the
19 reporting lobbyist of all ~~disbursements~~ lobbying activity by the lobbyist during the period from the
20 last report filed through the date of termination.
21

22 Subp. 2. **Reporting lobbyist termination.** A reporting lobbyist who has ceased lobbying for
23 a particular entity may terminate registration by filing a lobbyist termination form and a lobbyist
24 ~~disbursement~~ report covering the period from the last report filed through the date of
25 termination. The termination of a reporting lobbyist reverts the reporting responsibility back to
26 each lobbyist listed on the registration of the reporting lobbyist.
27

28 Subp. 3. **Designated lobbyist termination.** A designated lobbyist who has ceased lobbying
29 for a particular entity may terminate their registration using the procedure provided in subpart 1.
30 When the designated lobbyist of a lobbying entity terminates, the entity is responsible to assign
31 the responsibility to report the entity's lobbying disbursements to another lobbyist.
32

33 **4511.0500 LOBBYIST REPORTING REQUIREMENTS.**
34

35 Subpart 1. **Separate reporting required for each entity.** A lobbyist must report separately
36 for each entity for which the lobbyist is registered, unless their activity ~~disbursements~~ is reported
37 in the manner provided in Minnesota Statutes, section 10A.04, subdivision 9subpart 2.
38

39 Subp. 2. [Repealed, L 2017 1Sp4 art 3 s 18]
40

1 Subp. ~~23~~. **Report of officers and directors information-designated lobbyist.** With each
2 report of lobbyist ~~activity~~disbursements, a designated lobbyist must report ~~any change in the~~
3 ~~name and address of~~:

4
5 A. the name and address of each person, if any, by whom the lobbyist is retained or
6 employed or on whose behalf the lobbyist appears; ~~or~~

7
8 B. if the lobbyist represents an association, a current list of the names and addresses of
9 each officer and director of the association;

10
11 C. each original source of money in excess of \$500 provided to the individual or
12 association that the lobbyist represents; and

13
14 D. each gift to a public or local official given by or on behalf of a principal or a lobbyist
15 registered for the principal.

16
17 Subp. ~~34~~. **Limitation on reporting of loans.** A lobbyist is not required to report loans to a
18 public official or a local official if:

19
20 A. the lobbyist's employer, principal, or association represented which made the loan is
21 a financial institution; and

22
23 B. the loan was made in the ordinary course of business on substantially the same
24 terms as those prevailing for comparable transactions with other persons.

25
26 ~~Subp. 5. **Reporting gifts.** A gift to a public or local official from a principal for which a~~
27 ~~lobbyist is registered must be reported by the designated reporting lobbyist.~~

28
29 **4511.0600 REPORTING DISBURSEMENTS.**

30
31 Subpart 1. **Determination of actual costs required.** To the extent that actual costs of
32 lobbying activities, or administrative overhead expenses incurred by the principal to support
33 lobbying, can be obtained or calculated by reasonable means, those actual costs must be
34 determined, recorded, and used for reporting purposes.

35
36 Subp. 2. **Approximation of costs.** If the actual cost of a lobbying activity, or administrative
37 overhead expenses incurred by the principal to support lobbying, cannot be obtained or
38 calculated through reasonable means, those costs must be reasonably approximated.

1 Subp. 3. **Disbursements allocated between multiple entities.** A disbursement for
2 lobbying purposes that benefits more than one entity for which a lobbyist is separately
3 registered must be allocated between the entities benefited on a reasonable basis and reported
4 based on that allocation.

5
6 Subp. 4. **Disbursements which are only partially in support of lobbying.** A disbursement
7 that is partially in support of lobbying and partially for a nonlobbying purpose must be allocated
8 on a reasonable basis between the two purposes and the portion which is for lobbying activities
9 must be reported.

10
11 Subp. 5. [Repealed, L 2023 c 62 art 5 s 44]
12

13 Subp. 6. **Effect of gift prohibition.** The reporting requirements in this part do not change
14 the scope of the statutory prohibition under Minnesota Statutes, section 10A.071, nor do they
15 create additional exceptions to that prohibition.

16
17 **4511.0700 REPORTING COMPENSATION PAID TO LOBBYIST.**
18

19 Subpart 1. **Reporting by lobbyist.** Compensation paid to a lobbyist for lobbying is not
20 reportable by the lobbyist as a lobbyist disbursement.

21
22 Subp. 2. **Reporting by principal.** Compensation for lobbying paid by a lobbyist principal to
23 a lobbyist or to the employer of a lobbyist must be included when determining the spending level
24 categories for reporting by the lobbyist principal.

25
26 **4511.0800 ADMINISTRATIVE ACTION.**
27

28 Subpart 1. **Commencement.** An administrative action to adopt, amend, or repeal rules
29 pursuant to Minnesota Statutes, chapter 14, begins on publication of the notice required under
30 Minnesota Statutes, section 14.101, subdivision 1, or at an earlier time when the official, board,
31 commission, or agency undertaking the rulemaking takes the first formal action required by law
32 to begin the rulemaking process. An administrative action for a purpose other than rulemaking
33 begins when the commission or agency undertaking the action takes the first formal action
34 required by statute to begin the action or as otherwise defined by statute.

35
36 Subp. 2. **Advisory committees.** Participation on an administrative rulemaking advisory
37 committee established under Minnesota Statutes, section 14.101, subdivision 2, is not lobbying.

1 **4511.0900 LOBBYIST REPORTING FOR POLITICAL SUBDIVISION MEMBERSHIP**
2 **ORGANIZATIONS.**

3
4 Subpart 1. **Required reporting.** An association whose membership consists of political
5 subdivisions within Minnesota, and which is a principal that provides lobbyist representation on
6 issues as directed by its membership, must report:

7
8 A. attempts to influence administrative action on behalf of the organization's
9 membership;

10
11 B. attempts to influence legislative action on behalf of the organization's membership;
12 and

13
14 C. attempts to influence the official action of a political subdivision on behalf of the
15 organization's membership, unless the political subdivision is a member of the association.

16
17 Subp. 2. **Communication with membership.** A membership association described in
18 subpart 1 is not lobbying political subdivisions when the association communicates with its
19 membership regarding lobbying efforts made on the members' behalf, or when the association
20 recommends actions by its membership to support a lobbying effort.

21
22 **4511.1000 ACTIONS AND APPROVAL OF ELECTED LOCAL OFFICIALS.**

23
24 Subpart 1. **An action that requires a vote of the governing body.** Attempting to influence
25 the vote of an elected local official while acting in their official capacity is lobbying of that
26 official's political subdivision.

27
28 Subp. 2. **Approval by an elected local official.** Attempting to influence a decision of an
29 elected local official that does not require a vote by the elected local official is lobbying if the
30 elected local official has discretion in their official capacity to either approve or deny a
31 government service or action.

32
33 Approval by an elected local official does not include:

34
35 A. issuing a government license, permit, or variance that is routinely provided when the
36 applicant has complied with the requirements of existing state code or local ordinances;

37
38 B. any action which is performed by the office of the elected local official and which
39 does not require personal approval by an elected local official; or

1 C. prosecutorial discretion exercised by a county attorney.

2
3 **4511.1100 MAJOR DECISION OF NONELECTED LOCAL OFFICIALS.**

4
5 Subpart 1. Major decision regarding the expenditure of public money. Attempting to
6 influence a nonelected local official is lobbying if the nonelected local official may make,
7 recommend, or vote on as a member of the political subdivision's governing body, a major
8 decision regarding an expenditure or investment of public money. A major decision regarding
9 the expenditure or investment of public money includes, but is not limited to, a decision on:

10
11 A. the development and ratification of operating and capital budgets of a political
12 subdivision, including development of the budget request for an office or department within the
13 political subdivision;

14
15 B. whether to apply for, or accept, state or federal funding or private grant funding;

16
17 C. selecting recipients for government grants from the political subdivision; or

18
19 D. expenditures on public infrastructure used to support private housing or business
20 developments.

21
22 A major decision regarding the expenditure of public money does not include:

23
24 A. the purchase of goods or services with public funds that were allocated in the
25 operating or capital budget of a political subdivision;

26
27 B. selecting an offer for services or goods submitted in response to a request for
28 proposal or other procurement process used by the political subdivision; or

29
30 C. collective bargaining of a labor contract on behalf of a political subdivision.

31
32 Subp. 2. Major decision regarding the investment of public money. Attempting to
33 influence a nonelected local official is lobbying if the nonelected local official is making a major
34 decision regarding the investment of public money. A major decision regarding the investment
35 of public money includes, but is not limited to, the authority to make, recommend, or vote on as
36 a member of the political subdivision's governing body, a decision regarding investment options
37 for government employee retirement plans, or investment options or depositories for funds of
38 the political subdivision.

1 **CHAPTER 4512, GIFT PROHIBITION**

2

3 **4512.0200 GIFTS WHICH MAY NOT BE ACCEPTED.**

4

5 Subpart 1. **Acceptance.** An official may not accept a gift given by a lobbyist or lobbyist
6 principal or given as the result of a request by a lobbyist or lobbyist principal unless the gift
7 satisfies an exception under this part or Minnesota Statutes, section 10A.071.

8

9 **Subp. 2. Use of gift to metropolitan governmental unit political subdivision.** An official
10 may not use a gift given by a lobbyist or lobbyist principal to a ~~metropolitan governmental~~
11 ~~unit~~ political subdivision until the gift has been formally accepted by an official action of the
12 governing body of the ~~metropolitan governmental unit~~ political subdivision.

13

14 **Subp. 3. Exception.** A gift is not prohibited if it consists of informational material given by a
15 lobbyist or principal to assist an official in the performance of official duties and the lobbyist or
16 principal had a significant role in the creation, development, or production of that material.

1 **CHAPTER 4525, HEARINGS, AUDITS, AND INVESTIGATIONS**

2
3 **4525.0100 DEFINITIONS.**

4
5 Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes,
6 chapter 10A. The definitions in chapter 4501 and in Minnesota Statutes, chapter 10A, apply to
7 this chapter.

8
9 Subp. 1a. ~~[Repealed, 20 SR 2504]~~

10
11 Subp. 2. ~~[Repealed, 20 SR 2504]~~

12
13 ~~Subp. 2a.~~ **Complaint.** "Complaint" means a written statement, including any attachments,
14 that:

15
16 A. alleges that the subject named in the complaint has violated Minnesota Statutes,
17 chapter 10A, or another law under the board's jurisdiction; and

18
19 B. complies with the requirements in part 4525.0200, subpart 2.

20
21 Subp. ~~3~~**2b. Complainant.** "Complainant" means the filer of a complaint.

22
23 Subp. ~~4~~**3. Contested case.** "Contested case" means a proceeding conducted under
24 Minnesota Statutes, chapter 14, in which the legal rights, duties, or privileges of specific parties
25 are required by law or constitutional right to be determined after a board hearing. "Contested
26 case" includes a proceeding pursuant to a request for exemption from campaign reporting
27 requirements under Minnesota Statutes, section 10A.20, subdivisions 8 and 10; a hearing
28 ordered by the board under part 4525.0900, subpart 2, concerning a complaint, investigation, or
29 audit; and any other hearing which may be ordered by the board under parts 4525.0100 to
30 4525.1000 or which may be required by law.

31
32 "Contested case" does not include a board investigation or audit conducted under
33 Minnesota Statutes, section 10A.022, subdivisions 1 and 2.

34
35 Subp. 4. ~~[Repealed, 20 SR 2504]~~

36
37 Subp. 5. ~~[Repealed, 39 SR 757]~~ **Preponderance of the evidence.** "Preponderance of the
38 evidence" means, in light of the record as a whole, the evidence leads the board to believe that
39 a fact is more likely to be true than not true.

1 Subp. 6. ~~[Repealed, 39 SR 757]~~

2
3 Subp. 7. ~~[Repealed, 20 SR 2504]~~

4
5 ~~Subp. 8.~~ **Respondent.** "Respondent" means the subject of a complaint, an investigation, or
6 an audit.

7
8 **4525.0200 COMPLAINTS OF VIOLATIONS.**

9
10 Subpart 1. **Who may complain.** A person who believes a violation of Minnesota Statutes,
11 chapter 10A, or another provision of law placed under the board's jurisdiction by Minnesota
12 Statutes, section 10A.022, subdivision 3, or rules of the board has occurred may submit a
13 written complaint to the board.

14
15 Subp. 2. **Form.** Complaints must be submitted in writing. The name and address of the
16 person making the complaint, or of the individual who has signed the complaint while acting on
17 the complainant's behalf, must be included on the complaint, and it The complaint must be
18 signed by the complainant or an individual authorized to act on behalf of the complainant. A
19 complainant ~~must~~ shall list the alleged violator and the alleged violator's address if known by the
20 complainant and describe the complainant's knowledge of the alleged violation. Any evidentiary
21 material should be submitted with the complaint. Complaints are not available for public
22 inspection or copying until after the complaint is dismissed or withdrawn or the board makes a
23 finding.

24
25 ~~Subp. 3. [Repealed, 30 SR 903]~~ **Withdrawal.** Prior to a prima facie determination being
26 made, a complaint may be withdrawn at the request of the person making the complaint or any
27 individual authorized to act on that person's behalf. After a prima facie determination is made, a
28 complaint may not be withdrawn.

29
30 . . .

31
32 **4525.0210 DETERMINATIONS PRIOR TO AND DURING FORMAL INVESTIGATION.**

33
34 Subpart 1. ~~[Repealed, L 2017 1Sp4 art 3 s 18]~~

35
36 ~~Subp. 2.~~ **Making the prima facie determination.** In determining whether a complaint states
37 a prima facie violation, any evidence outside the complaint and its attachments may not be
38 considered. Arguments of the respondent, which are not themselves evidence, must be
39 considered.

1 If a finding is made that a complaint does not state a prima facie violation, the complaint
2 must be dismissed without prejudice. The dismissal must be ordered by the board member
3 making the determination or by the full board if the full board makes the determination. The
4 determination must be in writing and must indicate why the complaint does not state a prima
5 facie violation.

6
7 If a finding is made that a complaint states a prima facie violation, the board chair must
8 schedule the complaint for a probable cause determination.

9
10 **Subp. 23. Action after prima facie violation determination.** The executive director must
11 promptly notify the complainant and the respondent of the prima facie determination. The notice
12 must include a copy of the prima facie determination.

13
14 If a determination is made that a complaint states a prima facie violation, the notice also
15 must include the date of the meeting at which the board will make a probable cause
16 determination regarding the complaint and a statement that the complainant and the
17 respondent have the opportunity to be heard before the board makes the probable cause
18 determination.

19
20 **Subp. 3. Making the probable cause determination.** In determining whether there is
21 probable cause to believe a violation occurred, any evidence obtained by or known to the board
22 may be considered. Arguments of the respondent and complainant must be considered.
23 Probable cause exists if a complaint and any evidence obtained by or known to the board
24 presents facts which, if proven to be true, would result in a finding of a violation by the board.

25
26 **Subp. 4. Action after probable cause not found.** If the board finds that probable cause
27 does not exist to believe that a violation has occurred, the board must order that the complaint
28 be dismissed without prejudice. The order must be in writing and must indicate why probable
29 cause does not exist to believe that a violation has occurred.

30
31 The executive director must promptly notify the complainant and the respondent of the
32 board's determination. The notice must include a copy of the order dismissing the complaint
33 for lack of probable cause.

34
35 **Subp. 5. Action after probable cause found.** If the board finds that probable cause exists
36 to believe that a violation has occurred, the board then must determine whether the alleged
37 violation warrants a formal investigation.

38
39 When making this determination, the board must consider the type of possible violation;
40 the magnitude of the violation if it is a financial violation; the extent of knowledge or intent of

1 the violator; the benefit of formal findings, conclusions, and orders compared to informal
2 resolution of the matter; the availability of board resources; whether the violation has been
3 remedied; and any other similar factor necessary to decide whether the alleged violation
4 warrants a formal investigation.

5
6 If the board orders a formal investigation, the order must be in writing and must describe
7 the basis for the board's determination, the possible violations to be investigated, the scope
8 of the investigation, and the discovery methods available for use by the board in the
9 investigation.

10
11 The executive director must promptly notify the complainant and the respondent of the
12 board's determination.

13
14 The notice to the respondent also must:

15
16 A. include a copy of the probable cause order;

17
18 B. explain how the investigation is expected to proceed and what discovery methods are
19 expected to be used;

20
21 C. explain the respondent's rights at each stage of the investigation, including the right to
22 provide a written response and the right to counsel; and

23
24 D. state that the respondent will be given an opportunity to be heard by the board prior to
25 the board's determination as to whether any violation occurred.

26
27 At the conclusion of the investigation the board must determine whether a violation
28 occurred. The board's determination of any disputed facts must be based upon a
29 preponderance of the evidence.

30
31 . . .

32
33 **4525.0220 SUMMARY PROCEEDINGS.**

34
35 . . .

36
37 Subp. 3. **Consideration of request by board.** Upon receipt of a request for a summary
38 proceeding, the executive director must submit the request to the board. If the matter was
39 initiated by a complaint, the complaint has not been dismissed, and a probable cause
40 determination has not been made, the executive director must send a copy of the request to the

1 complainant no later than the time that the request is submitted to the board. Under any other
2 circumstances a complainant must not be notified, or provided a copy, of the request. The
3 request must be considered by the board at its next meeting that occurs at least ten days after
4 the request was received. If the executive director sends a copy of the request to the
5 complainant pursuant to this subpart, the complainant must be given an opportunity to be heard
6 by the board.

7
8 The board is not required to agree to a request for a summary proceeding. If the board
9 modifies the respondent's request for a summary proceeding, the board must obtain the
10 respondent's agreement to the modifications before undertaking the summary proceeding.

11 12 **4525.0550 FORMAL AUDITS.**

13
14 **Subpart 1. Formal audit.** The purpose of a formal audit is to ensure that all information
15 included in the report or statement being audited is accurately reported. The fact that the board
16 is conducting a formal audit does not imply that the subject of the audit has violated any law.
17 When conducting an audit, the board may require testimony under oath, permit written
18 statements to be given under oath, and to issue subpoenas and cause them to be served.
19 When conducting an audit the board may require the production of any records required to be
20 retained under Minnesota Statutes, section 10A.025.

21
22 . . .

23
24 **Subp. 4. Audits of affidavits of contributions.** The board may audit the affidavit of
25 contributions filed by a candidate or the candidate's treasurer to determine whether the
26 candidate is eligible to receive a public subsidy payment. The executive director must contact
27 the principal campaign committee of a candidate and request the information necessary to audit
28 any affidavit of contributions that was not filed by electronic filing system, if the committee has
29 accepted contributions from individuals totaling less than twice the amount required to qualify for
30 a public subsidy payment.

31
32 **Subp. 5. Audits of other campaign finance filings.** The board may audit any campaign
33 finance report or statement that is filed or required to be filed with the Board under Minnesota
34 Statutes, Chapter 10A or Chapter 211B. The board may conduct a partial audit, including
35 auditing a campaign finance report to determine whether a beginning or ending balance
36 reconciles with the filer's financial records. In determining whether to undertake an audit, the
37 board must consider the availability of board resources, the possible benefit to the public, and
38 the magnitude of any reporting failures or violations that may be discovered as a result of the
39 audit. The board may conduct audits in which respondents are selected on a randomized basis
40 designed to capture a sample of respondents that meet certain criteria. The board may conduct

- 1 audits in which all respondents meet certain criteria. When undertaking an audit with
- 2 respondents selected on a randomized basis, the board must, to the extent possible, seek to
- 3 prevent the audit from affecting respondents differently based on their political party affiliation,
- 4 or if the respondents are candidates, based on their incumbency status.