

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

Findings in the Matter of the Minnesota DFL State Central Committee

Summary of the Facts

Pursuant to Minnesota Statutes, Section 10A.27, subdivision 13, candidates, political party units, and political committees registered with the Campaign Finance and Public Disclosure Board (the Board) may not accept a contribution in excess of \$100 from an association that is not registered with the Board unless the contribution is accompanied by financial disclosure of the donating association's receipts and expenditures in the form specified by statute.

In the 2008 Report of Receipts and Expenditures filed with the Board, the Minnesota DFL State Central Committee disclosed receipt of a contribution in the amount of \$1,250 from Progressive Majority Minnesota, a committee registered with the Board. However, the Progressive Majority Minnesota Report of Receipts and Expenditures did not disclose a corresponding contribution.

In response to a Board inquiry into the discrepancy Gloria Totten, treasurer for Progressive Majority Minnesota, stated "The contribution reported by the Minnesota DFL State Central Committee was mistakenly drawn from one of Progressive Majority [sic] national accounts."

A written response dated July 27, 2009, from Libby Keefe on behalf of the Minnesota DFL State Central Committee states "The name, address, city, state and zip on the check received are identical to the filing with the Minnesota Campaign Finance and Public Disclosure Board. ...It is the position of the Party that the check accepted was believed to be from Progressive Majority Minnesota's PAC...there was no reason for the party to believe otherwise."

This matter was considered by the Board in executive session on September 1, 2009. The Board's decision was based upon correspondence from Ms. Keefe, Ms. Totten and Board records.

Based on the above Summary of the Facts and Relevant Statutes, the Board makes the following:

Finding Concerning Probable Cause

1. There is probable cause to believe that the Minnesota DFL State Central Committee inadvertently violated Minnesota Statutes, section 10A.27, subdivision 13, when they accepted a contribution from an unregistered association, believing the check to be from the association's registered political committee, which has the same address under a similar name.

2. There is probable cause that the contribution was not returned within 60 days as permitted in Minnesota Statutes, section 10A.15, subdivision 3.
3. There is no probable cause to believe that this violation was intentional or done with the intent to circumvent the requirements of Minnesota Statutes, Chapter 10A.

Based on the above Finding Concerning Probable Cause, the Board issues the following:

ORDER

1. The Board imposes no civil penalty on the Minnesota DFL State Central Committee.
2. The Minnesota DFL State Central Committee is directed to return \$1,150 to the national account of Progressive Majority.
3. The Minnesota DFL is directed to forward to the Board a copy of the letter and check returning the contribution in excess of \$100 to Progressive Majority within thirty days of receipt of this order.
4. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minnesota Statutes, section 10A.02, subdivision 11, and upon the Board's receipt of proof that the excess contribution was returned to Progressive Majority, this matter is concluded.

Dated: September 1, 2009



Bob Milbert, Vice Chair
Campaign Finance and Public Disclosure Board

Relevant Statutes

10A.27, subdivision 13. Unregistered association limit; statement; penalty. (a) The treasurer of a political committee, political fund, principal campaign committee, or party unit must not accept a contribution of more than \$100 from an association not registered under this chapter unless the contribution is accompanied by a written statement that meets the disclosure and reporting period requirements imposed by section 10A.20. This statement must be certified as true and correct by an officer of the contributing association. The committee, fund, or party unit that accepts the contribution must include a copy of the statement with the report that discloses the contribution to the board. This subdivision does not apply when a national political party contributes money to its affiliate in this state.

- (b) An unregistered association may provide the written statement required by this subdivision to no more than three committees, funds, or party units in a calendar year. Each statement must cover at least the 30 days immediately preceding and including the date on which the contribution was made. An unregistered association or an officer of it is subject to a civil penalty imposed by the board of up to \$1,000, if the association or its officer:
- (1) fails to provide a written statement as required by this subdivision; or
 - (2) fails to register after giving the written statement required by this subdivision to more than three committees, funds, or party units in a calendar year.
- (c) The treasurer of a political committee, political fund, principal campaign committee, or party unit who accepts a contribution in excess of \$100 from an unregistered association without the required written disclosure statement is subject to a civil penalty up to four times the amount in excess of \$100.