

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

**Findings in the Matter of the Acceptance of a Contribution from an Unregistered Committee
by the 38th Senate District RPM**

Summary of the Facts

In response to an inquiry from the Campaign Finance and Public Disclosure Board (“the Board”) Michael Brodkorb, Chair, 38th Senate District RPM, confirmed that the Swift for City Council Committee, an association not registered with the Board, made a contribution of \$924.41 to the 38th Senate District RPM on January 20, 2006.

Minnesota Statutes, section 10A.27, subdivision 13 (a), prohibits a party unit from accepting a contribution in excess of \$100 from an unregistered association unless, at the time the contribution was made, the unregistered association provides the recipient with the disclosure required by Minnesota Statutes, section 10A.20. A political party unit that accepts a contribution from an unregistered association without the appropriate disclosure is subject to a civil penalty of up to four times the amount of the contribution over \$100.

By letter dated January 2, 2007, Michael Brodkorb, Chair of the 38th Senate District RPM, stated, “...The intent of the 38th Senate District RPM is and always has been to comply with the reporting requirements of the campaign finance law. ...In early 2006, Jim Swift moved out of state and closed the Swift for City Council committee, contributing the balance to the BPOU.”

This matter was considered by the Board in executive session at its meeting on January 9, 2007. The Board’s decision was based upon correspondence from Mr. Brodkorb and Board records.

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

Findings Concerning Probable Cause

1. There is probable cause to believe that the 38th Senate District accepted a contribution that exceeded \$100 from the Swift for City Council Committee, an association that is not registered with the Board, without receiving the required disclosure resulting in a violation of Minnesota Statutes, section 10A.27, subdivision 13. 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.
2. There is probable cause that this contribution was not returned within 60 days as permitted in Minnesota Statutes, section 10A.15, subdivision 3.
3. There is probable cause to believe that Jim Swift, candidate of the Swift for City Council Committee has terminated his campaign committee.

Relevant Statute

Minnesota Statutes, section 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.