STATE OF MINNESOTA CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

FINDINGS IN THE MATTER OF THE ALLIANCE FOR A BETTER MINNESOTA

Summary of the Facts

In a letter dated February 8, 2007, Reid LeBeau, Alliance for a Better Minnesota ("the Committee"), voluntarily notified the Campaign Finance and Public Disclosure Board ("the Board") that the Committee accepted a contribution from the IBEW Minnesota State Council general fund.

Mr. LeBeau stated, "...we confirmed that a contribution from the International Brotherhood of Electrical Workers State Council made on June 2, 2006 originated from the contributing organization's general fund and not their Minnesota registered political action committee. The Alliance for a Better Minnesota, upon receipt of the contribution in June had the good faith belief that the contribution was from the organization's state registered PAC and reported the contribution accordingly. ...it has taken the only steps at its disposal to remedy the error by immediately refunding the contribution..."

The IBEW Minnesota State Council is an association that is not registered with the Board, although it has a political committee that is registered with the Board. The name of the political committee is the IBEW Minnesota State Council PAC.

Pursuant to Minnesota Statutes, Section 10A.27, subd. 13, political committees registered with the Board may not accept contributions in excess of \$100 from unregistered associations unless each contribution is accompanied by financial disclosure specified by statute. No such disclosure was provided in this case.

This matter was considered by the Board in executive session on March 13, 2007.

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 Committee accepted a contribution from an unregistered association, believing the check to be from the association's registered political committee, which has virtually the same name.
- 2. The Committee voluntarily notified the Board of the violation and returned the contribution received from the IBEW Minnesota State Council. The Board finds that the Committee returned the contribution as soon as it became aware of the violation.

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

<u>ORDER</u>

- 1. The Board imposes no penalty on the Alliance for a Better Minnesota.
- 2. The Board investigation of this matter is entered into the public record in accordance with Minnesota Statutes, section 10A.02, subdivision 11. The matter is concluded.

Dated: March 13, 2007

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Felicia Boyd, 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.