

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

.....  
**October 3, 2018  
St Croix Room  
Centennial Office Building**  
.....

**MINUTES**

The meeting was called to order by Chair Flynn.

Members present: Flynn, Haugen, Leppik, Moilanen (by telephone), Rosen, Swanson (by telephone)

Others present: Sigurdson, Engelhardt, Olson, Pope, staff; Hartshorn, counsel

**MINUTES** (September 12, 2018)

After discussion, the following motion was made:

Member Leppik's motion: To approve the September 12, 2018, minutes as drafted.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

**CHAIR'S REPORT**

**A. Meeting schedule**

The next Board meeting is scheduled for 10:30 a.m. on Wednesday, November 7, 2018.

**PAPER REPORTS – LIBERTARIAN PARTY OF MINNESOTA**

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that Chapter 10A requires campaign finance reports to be filed electronically. The Board, however, must grant a waiver of this requirement if good cause is shown. Mr. Sigurdson said that the Board typically has found good cause is shown when a committee historically has had less than \$5,000 in annual transactions, the treasurer does not have internet access or a computer, or the treasurer has a computer that is not compatible with the Board's Campaign Finance Reporter software. Mr. Sigurdson stated that the Board sends a paper report form to filers that have been given a waiver. Mr. Sigurdson told members that the Board has the statutory authority to develop paper report forms and that requiring all paper filers to use these forms promotes consistent disclosure of information.

Mr. Sigurdson said that the Board had granted the Libertarian Party of Minnesota a waiver to file paper reports. The party unit has been using the summary and certification pages from the Board's report form but has been using its own forms for the supporting schedules. Mr. Sigurdson said that he had

directed the Libertarian Party to use all the pages of the Board's paper report form beginning in 2019. Mr. Sigurdson said that the party unit disagreed with that direction and essentially was appealing to the Board.

Mary O'Connor, treasurer of the Libertarian Party of Minnesota, then addressed the Board. Ms. O'Connor said that she used a library computer to prepare the supporting schedules for the party unit's reports. Ms. O'Connor stated that her schedules followed the format of the paper report schedules and were easy to read because they were typewritten. Ms. O'Connor said that if the party unit were required to use the paper report schedules, she would have to hand-write each of the party unit's transactions on those schedules. Ms. O'Connor stated that because the schedules must include information in alphabetical order back to the beginning of the year, she could not simply add information to prior reports and, instead, would have to create a new report for every reporting deadline. Ms. O'Connor also stated that there was not enough room on the paper report schedules to include all of the information that she included on her schedules regarding the purpose of each expenditure.

After discussion, the following motion was made:

Member Rosen's motion: To approve the direction that staff has given to the Libertarian Party of Minnesota to use the Board's entire paper report form beginning in 2019.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

### **EXECUTIVE DIRECTOR REPORT**

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that reports from committees, funds, constitutional office candidates, and state party units were due at the end of September and that only four reports had not yet been filed. Mr. Sigurdson said that the pre-general-election reports were due on October 29, 2018. Mr. Sigurdson stated that staff recently had conducted an evening campaign finance compliance training session that had been well attended. Mr. Sigurdson then told members that he was preparing the budget for the next biennium. Mr. Sigurdson said that in order to maintain the current staff level of nine, the Board would have to ask for a small increase in its base budget. Mr. Sigurdson said that to ensure that the Campaign Finance Reporter software was moved from a PC-based system to a web-based system before the 2020 elections, he also planned to ask for a small, one-time increase in the Board's IT budget. Finally, Mr. Sigurdson said that staff had prepared a memorandum on the Chapter 10A implications of the recent federal court decision in CREW v. FEC.

### **ANNUAL BOARD REPORT – FISCAL YEAR 2017**

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that staff had completed the annual report of Board operations for fiscal year 2017. Mr. Sigurdson said that this report was statutorily required and was provided to the governor and legislative leadership and posted on the Board's website. Mr.

Sigurdson said the annual report for fiscal year 2018 was nearing completion and would be presented to the Board at the December meeting.

After discussion, the following motion was made:

Member Leppik's motion: To authorize the issuance of the annual report of Board operations for fiscal year 2017.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

**ENFORCEMENT REPORT**

**A. Waiver requests**

<u>Name of Candidate or Committee</u>	<u>Late Fee &amp; Civil Penalty Amount</u>	<u>Reason for Fine</u>	<u>Factors for waiver</u>	<u>Board Member's Motion</u>	<u>Motion</u>	<u>Vote on Motion</u>
Blong Yang, Mississippi Watershed Management Organization (MWMO)	\$1,000 CP \$100 LFF	2017 annual EIS	Official was listed as alternate commissioner in 2016 and 2017 by MWMO but he states he never served and was never officially informed that he was alternate. He nonetheless filed timely EISs for 2015 and 2016 because he received reminder to do so. He states he did not receive reminder to file annual EIS for 2017 despite leaving forwarding mailing address before leaving position as a Minneapolis City Councilor in Jan. 2018. However, he did receive our letter dated June 26, which was sent to Minneapolis City Hall and filed his EIS Sept. 5. The LFF assessed against another former Minneapolis City Councilor regarding an EIS for 2017 was waived under similar circumstances at April 4 meeting.	Member Rosen	To waive the late filing fee and civil penalty	A roll call vote was taken. All members voted in the affirmative.
Kris Lohrke, MN Department of Health	\$100 LFF	2017 annual EIS	Official was on leave from December 2017 until retirement in May 2018 and did not receive any mail sent to her work address until she received a notice from us September 12, 2018.	Member Rosen	To waive the late filing fee	A roll call vote was taken. All members voted in the affirmative.
Prosperity for Minnesota	\$1,000 LFF \$100 CP	2018 pre-primary report	The committee decided to terminate and issued a partial refund to a contributor in June to zero out its balance. The treasurer mistakenly thought the next report was not due until September. Also, a late filing fee of \$25 remains owed from the 2017 year-end report being filed one day late.	Member Rosen	To waive the late filing fee and civil penalty	A roll call vote was taken. All members voted in the affirmative.
7A House District RPM	\$1,000 LFF \$100 CP	2018 pre-primary report	This was new treasurer's first report. New treasurer and old treasurer are busy and had difficulty finding time to work on report. Notices were sent to old treasurer and new treasurer says he was ignorant of the seriousness of, and deadline for, filing report.	Member Rosen	To reduce the late filing fee to \$100 and to leave the civil penalty at \$100	A roll call vote was taken. All members voted in the affirmative.

MN State Council of UNITE HERE Unions	\$1,000 LFF \$300 CP	2018 pre-primary report	Long-time office manager retired and new office manager forgot to give reminder regarding pre-primary report to fund's bookkeeper. Bookkeeper says they have taken steps to ensure the oversight doesn't happen again.	Member Rosen	To reduce the late filing fee to \$100 and to reduce the civil penalty to \$100	A roll call vote was taken. All members voted in the affirmative.
Kevin Leininger, Traverse County Commissioner	\$1,000 CP \$100 LFF	2017 annual EIS	Official states he didn't realize an EIS needs to be filed annually and thought he didn't need to file another EIS since he filed one in 2017. Also, a late filing fee of \$100 remains owed from the initial EIS from 2017 being filed 7 weeks late.	Member Swanson	To reduce the civil penalty to \$300 and to leave the late filing fee at \$100	A roll call vote was taken. All members voted in the affirmative.

**Informational Items**

**A. Payment of a late filing fee for June 15, 2018, lobbyist disbursement report**

Scott Hedderich, \$250

**B. Deposit to the General Fund**

Arlene Perkkio, \$50

**C. Payment of a late filing fee for July 30, 2018, report of receipts and expenditures**

Coll PAC, \$100  
 Neighbors for Jim Davnie, \$300  
 Power by the People, \$150  
 Wabasha County DFL, \$150

**LEGAL COUNSEL'S REPORT**

Mr. Hartshorn presented members with a legal report that is attached to and made a part of these minutes. Mr. Hartshorn told members that one party unit on the report, the Duluth DFL, had retained legal counsel. Mr. Hartshorn also said that the Committee to Elect Sean White had filed an answer admitting all allegations in the complaint and asking the court to reduce the monetary penalties. Mr. Hartshorn stated that he would prepare a motion for judgement on the pleadings in this matter.

**OTHER BUSINESS**

There was no other business to report.

**EXECUTIVE SESSION**

The chair recessed the regular session of the meeting and called to order the executive session. Upon recess of the executive session, the regular session of the meeting was called back to order and the chair had the following to report into regular session:

Probable cause determination for the complaint of Erin Koegel regarding Anthony Wilder for House committee, Capra's Sporting Goods, and Heritage Auto Body

There being no other business, the meeting was adjourned by the chair.

Respectfully submitted,



Jeff Sigurdson  
Executive Director

Attachments:

Memorandum regarding Libertarian Party of Minnesota's paper report request

Memorandum regarding executive director report

Memorandum regarding annual Board report for fiscal year 2017

Annual Report of Board Operations – Fiscal Year 2017

Legal report

Probable cause determination for the complaint of Erin Koegel regarding Anthony Wilder for House committee, Capra's Sporting Goods, and Heritage Auto Body



# MINNESOTA CAMPAIGN FINANCE BOARD

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**DATE:** September 26, 2018

**TO:** Board Members

**FROM:** Jeff Sigurdson  
Executive Director

**TELEPHONE:** 651-539-1189

**SUBJECT:** **Filing of Reports of Receipts and Expenditures – Request by Libertarian Party of Minnesota**

## **Background**

In 2011 the legislature enacted the Board's recommendation that campaign finance reports of receipts and expenditures must be filed electronically. Minn. Stat. § 10A.20, subd. 1(c). The electronic filing can be achieved by using the free Campaign Finance Reporter software provided by the Board, or by using third-party vendor software that complies with standards developed by the Board. Electronic filing eliminates the need for manual data entry of reports by Board staff, and makes the data in the Board's systems more accurate.

The Board is required to provide a committee a waiver from the requirement to file electronically if good cause is shown. Good cause means a valid reason – more than just not wanting to file electronically. The Board has recognized three standard reasons for granting a waiver:

- A small committee has a history of raising or spending no more than \$5,000 in a year.
- A treasurer does not have internet access or does not own and use a computer.
- A treasurer uses a MAC. The Campaign Finance Reporter software will not run on a MAC computer without emulation software. Recently, this waiver has also been granted to committees that have a Chrome-based computer, as Campaign Finance Reporter will not work on Chrome.

A committee that receives a waiver is identified in the database of registered committees, and the committee is sent a paper report for each reporting period. The paper reports are developed by the Board to provide consistent disclosure. Minnesota Statutes section 10A.20, subdivision 3, provides in part: "The board shall prescribe forms based on the filer type indicating which of those items must be included in the filer's report."

## **Libertarian Party of Minnesota**

The Libertarian Party of Minnesota was granted a waiver on the grounds that the treasurer, Mary O'Connor, does not own a PC. The reports for the party unit were not filed on the paper reports developed by the Board. Instead, Ms. O'Connor filed the cover, summary, and certification pages from the paper report and then attached a document that she has developed for itemized expenditures and contributions.

From my perspective, using something other than the paper report developed by the Board is at best problematic for data entry and consistent disclosure for public inspection. I have informed Ms. O'Conner that the Libertarian party should file using the Board's paper reports starting in 2019.

Ms. O'Conner has asked to appear before the Board at the October meeting to explain why filing with the Board's paper report is not necessary. She has asked that I provide members with example reports filed by the Libertarian party this year. The reports are attached for your reference.

### Attachments

2018 September report  
2018 Pre-primary report  
2018 1<sup>st</sup> quarter report

Minnesota

# *Campaign Finance and Public Disclosure Board*



**Date:** September 26, 2018

**To:** Board Members

**From:** Jeff Sigurdson, Executive Director

**Telephone:** 651-539-1189

**Re:** Executive Director's Report – Board Operations

## **Program Updates**

### **Campaign Finance Program**

The 4th report of receipts and expenditures for constitutional and appellate court candidates on the general election ballot, political committees and funds, political party state central committees, and legislative caucuses was due September 25, 2018. Staff mailed a notification of the need to file the report to all affected treasurers, and then followed up with an e-mail reminder and a telephone call to all treasurers who had not yet filed on September 25<sup>th</sup>.

### **Development of Fiscal Years 2020 – 2021 Biennial Base Budget**

I am working with the SmART team to develop the Board's base budget and change item requests for the governor's budget proposal. Despite the upcoming change in the office of governor, the base budget represents an important starting place for evaluating state agency budgets regardless of who wins the election.

As I explained to the Board at the July meeting, the Board last asked for, and received, a change to the base budget for the fiscal year 2014 – 2015 biennium. At that time the base budget was increased to \$1,000,000 to allow for a staff of nine. The governor in subsequent budget years made small increases to all small agency budgets to partially compensate for expected contractual increases to employee salaries. The fiscal year 2019 budget is \$1,046,000.

As part of the budget process, the Department of Administration provides a salary estimate for each agency that reflects expected step increases, but which does not include any estimate of salary increases negotiated in labor contracts. Using the salary numbers in the estimate, and factoring in minor increases in operating costs, it appears that the existing budget of \$1,046,000 will be insufficient to maintain nine full-time positions in the upcoming biennium.

In FY 2020 the operating budget will be approximately \$45,000 short, and in FY 2021 the budget will be approximately \$68,000 deficient under current projections. This shortfall is about \$35,000 more than I expected in July prior to the release of projected salary costs. As I explained to the Board in July, I am developing an operational change item to increase the base budget of the Board. The change item would not increase the complement of the Board, but will allow the Board to maintain current operations. Change items requests must be submitted

by October 15<sup>th</sup>. I will keep the Board updated on any feedback I receive during the development of the budget proposal.

### **Impact of CREW v. FEC on Ch. 10A**

On occasion there are court decisions on campaign finance, lobbying, or public disclosure laws that potentially have ramifications for Chapter 10A. When I become aware of these decisions, I intend to ask one of the Board's legal analysts to review the ruling and prepare a memo for the Board's reference.

The attached memo by Mr. Olson is a review of a U.S. Supreme Court action on CREW v. FEC, which occurred earlier this month. Media coverage of the decision implied that the action would dramatically affect disclosure provided by associations that make independent expenditures. Mr. Olson's review indicates that conclusion is premature. The memo is attached for your review.

### **Attachment**

Memo on CREW v. FEC



# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** September 26, 2018

**To:** Board Members

**From:** Jeff Sigurdson, Executive Director

**Telephone:** 651-539-1189

**Re:** Annual Report of Board Operations

Staff has completed for Board approval a report of the Board's operations during fiscal year 2017. This report is required by Minnesota Statutes section 10A.02, subdivision 8. The report is provided to the governor, legislative leadership, and is made available to the public through the Board's website. The report is required to contain the fiscal operations of the Board, including the names, duties, and salaries of staff. The report also reviews the major programs administered by the Board.

The annual report of Board operations is one of three primary reports produced by the Board. The Board also produces an annual summary of lobbyist disbursements and a campaign finance summary, which is produced at the end of each two-year election segment. The lobbyist disbursement summary for 2017 was released in September, and is available on the Board's website at:  
[https://cfb.mn.gov/pdf/publications/reports/lobbyist\\_disbursement\\_summaries/lbsm\\_2017.pdf](https://cfb.mn.gov/pdf/publications/reports/lobbyist_disbursement_summaries/lbsm_2017.pdf) .

Board members are asked to review their profile information and photograph in the report. Changes to member profiles or photographs will also be used on the Board's website. Please send me any comments or suggestions on the executive summary and any changes to your profile. The annual report of operations for fiscal year 2018 is in the works, and will be presented at the December meeting.

The Board will need to take a formal action to authorize the issuance of the report.

Attachment

Report of Board operations for fiscal year 2017.

# Report of the Minnesota Campaign Finance and Public Disclosure Board



## Covering Fiscal Year 2017

July 1, 2016 - June 30, 2017

Issued: October 3, 2018  
CAMPAIGN FINANCE and PUBLIC DISCLOSURE BOARD  
Suite 190, Centennial Building  
658 Cedar Street  
St. Paul MN 55155-1603

Telephone: 651-539-1180 or 800-657-3889  
Fax: 651-539-1196 or 800-357-4114  
Email: [cf.board@state.mn.us](mailto:cf.board@state.mn.us)  
Website: [www.cfb.mn.gov](http://www.cfb.mn.gov)

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# MINNESOTA CAMPAIGN FINANCE BOARD

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**DATE:** October 3, 2018

**TO:** The Honorable Mark Dayton, Governor  
The Honorable, Paul Gazelka Senate Majority Leader  
The Honorable Kurt Daudt, Speaker of the House  
The Honorable Thomas Bakk, Senate Minority Leader  
The Honorable Melissa Hortman, House Minority Leader  
The Honorable Mary Kiffmeyer, Chair State Government Finance and Policy and Elections  
The Honorable Tim O'Driscoll, Chair Government Operations and Elections Policy

**FROM:** Carolyn Flynn, Chair  
Campaign Finance and Public Disclosure Board

**SUBJECT:** Report of Board activities during fiscal year 2017.

Pursuant to Minnesota Statutes section 10A.02, subdivision 8 (a), the Campaign Finance and Public Disclosure Board submits this report of the Board's activities during fiscal year 2017.

The Board, consistent with its objectives and administrative procedures, provided guidance to the thousands of individuals and associations whose disclosure of certain political, economic interest, and lobbying activities is regulated by the Campaign Finance and Public Disclosure Act, Minnesota Statutes, Chapter 10A.

Included in this report is information about campaign finance disclosure, the filing of lobbyist disbursement and lobbyist principal reports, and the filing of statements of economic interest by public officials.

Throughout its activities the Board strives to accomplish its mission; which is to promote public confidence in state government decision-making through development, administration, and enforcement of disclosure and public financing programs and ensure public access to and understanding of information filed with the Board.

We recognize the importance the State of Minnesota places on public disclosure laws and the regulation of campaign finance activity and appreciate the trust placed in the Board and its staff by the Legislature and the Office of the Governor.

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## **EXECUTIVE SUMMARY**

The Campaign Finance and Public Disclosure Board is charged with the administration of the Campaign Finance and Public Disclosure Act, Chapter 10A of Minnesota Statutes. There are three major programs governed by Chapter 10A: 1) the regulation of campaign finance contributions and expenditures for state-level candidates, party units, and political committees; 2) the registration and reporting of lobbyists and the principals the lobbyists represent; and 3) the collection and disclosure of economic interest statements required of public officials. A brief overview of each program is provided here, with reference to the page in the annual report where detailed information is located. Additionally, the annual report provides information on Board members who served during the fiscal year beginning on page 3, and on the Board's staff, budget, and other financial activity during the fiscal year starting on page 19.

On the filing date for the 2016 year-end report of campaign receipts and expenditures there were 711 state-level candidates, 323 political party units, and 406 political committees and funds registered with the Board. Collectively, the year-end reports disclosed \$78,645,364 in receipts and \$86,969,690 in expenditures during the 2016 calendar year. Additional information regarding the campaign finance program begins on page 10.

About 1,450 lobbyists were registered with the Board at any one time throughout the fiscal year. The lobbyists represented 1,460 principals. The principals reported total lobbying expenditures of \$68,316,904 in calendar year 2016. Additional information on the lobbyist program is found on page 14.

The economic interest disclosure program requires public officials in approximately 2,800 positions to file economic interest statements with the Board. Depending on the position, these officials file their statements when they initially file their affidavits of candidacy for state-level office or when they take office. Additionally, public officials must review and update their statements in January of each year. Details on the economic interest disclosure program start on page 16.

During the fiscal year, the Board held ten scheduled meetings. At these meetings, the Board issued one advisory opinions, reviewed and approved nineteen conciliation agreements resolving violations of Chapter 10A, and resolved twenty complaints alleging violations of Chapter 10A.

## INTRODUCTION TO THE BOARD

### **Authority**

The Campaign Finance and Public Disclosure Board was established by the state legislature in 1974 through enactment of Chapter 10A of the Minnesota Statutes. Throughout its history the Board has enforced the provisions of Chapter 10A, promulgated and enforced Minnesota Rules 4501 through 4525, and issued advisory opinions to guide clients in meeting the chapter's requirements.

New authority was given to the Board in 2013, which extended the Board's jurisdiction to three sections of Chapter 211B. Those sections are (1) 211B.04, which governs the "prepared and paid for" form of disclaimer, (2) 211B.12, which specifies the purposes for which campaign money may be legally used, and (3) 211B.15, which governs corporate contributions. The new authority is limited to those individuals and associations already under the Board's jurisdiction under Chapter 10A. The Board's new jurisdiction means that it may conduct investigations of possible violations of these statutes and may also issue advisory opinions on these provisions.

### **Mission Statement**

To promote public confidence in state government decision-making through development, administration, and enforcement of disclosure and public financing programs which will ensure public access to and understanding of information filed with the Board.

### **Functions**

Core functions of the Board include administration and management of the:

- registration and public disclosure by state legislative, constitutional office, and judicial office candidates, political party units, political committees, and political funds;
- state public subsidy program that provides public funding to qualified state candidates and the state committees of political parties;
- registration and public disclosure by lobbyists and principals attempting to influence state legislative action, administrative action, and the official action of metropolitan governmental units;
- disclosure of economic interest, conflicts of interest, and representation of a client for a fee under certain circumstances for designated state and metropolitan governmental unit officials.

## Goals and Objectives

- Create better compliance with the Campaign Finance and Public Disclosure Act by moving to an educational model in which providing easy to access information and training reduces the number of violations.
- Provide fair and consistent enforcement of the Act.
- Help citizens become better informed about public issues related to the Act.

## Board and Staff

- The Board consists of six members, none of who may be an active lobbyist, a state elected official, or an active candidate for state office. The Board is not non-partisan; rather it is multi-partisan, with no more than three of the members of the Board supporting the same political party.
- The Board was able to maintain eight full time and one part time equivalent positions during the fiscal year. Additional information about Board staff is found beginning on page 18.

## Board Member Qualifications

The Board consists of six citizen members who are responsible for the administration of the Campaign Finance and Public Disclosure Act. Members of the Board are appointed by the Governor to staggered four-year terms. Their appointments must be confirmed by a three-fifths vote of the members of each body of the legislature. Two members must be former members of the legislature who support different political parties; two members must be persons who have not been public officials, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the date of their appointment; and the other two members must support different political parties. The Board holds regular monthly meetings, which are open to the public, and executive session meetings, which are closed to the public.

## Board Members - July 1, 2016, through June 30, 2017



### Carol Flynn

Carol Flynn was appointed to the Board in February of 2015 by Governor Dayton for a term ending in January of 2019. She fills a Board position requiring a former DFL legislator. Flynn served as a state senator from 1990-2000 where she was Majority Whip and chaired the Judiciary and Transportation Committees. She studied at the University of Minnesota. A retired public employee, she volunteers on the Minneapolis Transportation Management Organization and as Vice President of the Loring Green West Association Board.

### **Margaret Leppik**



Margaret (Peggy) Leppik was appointed to the Board in May of 2015 by Governor Dayton for a term ending in January of 2016. Governor Dayton re-appointed Ms. Leppik in January 2016 for a term ending in January of 2020. Because the Senate was not able to schedule a vote to confirm her appointment before adjourning sine die, her appointment ended in May of 2016. She was reappointed by the Governor in July of 2016 to the same position. She fills a Board position requiring a former Republican legislator. Ms. Leppik served as a state representative from 1991-2003 where she chaired the Higher Education Finance Committee. She served on the Metropolitan Council from 2003-2011 where she was vice chair for three years and chaired the Environmental Committee. A graduate of Smith College, Leppik is an active volunteer for numerous nonprofit organizations.

### **Robert Moilanen**



Robert Moilanen was initially appointed by Governor Dayton to the Board in October, 2016. Mr. Moilanen was reappointed in June of 2017 for a term ending in January of 2019. He occupies a Board position for a member who has not been a public official, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the member's appointment. Mr. Moilanen is a graduate of Gustavus Adolphus College and George Washington University Law School. Mr. Moilanen spent the early part of his legal career working in the public sector. Subsequently, he spent nearly thirty years in the private practice of law with the majority of that time spent as a partner at the law firm of Popham, Haik, Schnobrich, Kaufman and Doty. His private practice career primarily focused on securities fraud. Mr. Moilanen concluded his professional career working as the Director of Securities for the State of Minnesota from 2011-2014.

**Daniel N. Rosen**



Daniel N. Rosen was appointed in July, 2014, by Governor Dayton for a term ending in January of 2018. He fills a Board position requiring a member who has not been a public official, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the member's appointment to the Board. A lawyer in Minneapolis, Mr. Rosen is a graduate of the University of Minnesota Law School and a founding partner of the Parker Rosen law firm, where he practices in the field of business and real estate litigation. Prior to law school Mr. Rosen was as an officer in the United States Navy and served in Operations Desert Shield and Desert Storm.

**Christian Sande – Left Board July 8, 2016**



Christian Sande was appointed by Governor Dayton to the Board in October 2013, and re-appointed in February 2015, for a term scheduled to expire in January 2019. Mr. Sande left the Board to accept the position of Hennepin County District Court Judge. He occupied a Board position for a member who has not been a public official, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the member's appointment. Mr. Sande is an attorney in private practice focusing on securities fraud litigation and antitrust and consumer fraud class actions. He is a member of the Minnesota and Washington State Bar Associations and the Public Investors Arbitration Bar Association. He is a graduate of Hamline University College of Liberal Arts and William Mitchell College of Law. He volunteers as a GED Tutor at the Open Door Learning Center in North Minneapolis and is a volunteer judge for the Minnesota State Bar Association's high school mock trial program.

**Ed Oliver – Left Board June 30, 2017**



Ed Oliver was appointed in June of 2013 by Governor Dayton for a term ending in January of 2017. Mr. Oliver continued to serve until June 30, 2017. He fills a Board position that has no restrictions on previous political activities. Mr. Oliver was a member of the Minnesota State Senate from 1993 - 2002, and served as an Assistant Minority Leader from 1998 - 2002. Mr. Oliver is an arbitrator with FINRA Dispute Resolution, Inc., and is owner and president of Oliver Financial. He currently serves on the board of the Friends of the Mississippi River, and previously served on the Minnesota State Arts Board and as a member of the Great Lakes Commission. Mr. Oliver is a University of Minnesota, College of Liberal Arts graduate where he was awarded a Bachelor of Arts degree with a major in economics.

**Emma Greenman – Left Board March 31, 2017**



Emma Greenman was initially appointed to the Board in January of 2016 by Governor Mark Dayton for a term ending in January of 2020. Because the Senate was not able to schedule a vote to confirm her appointment before adjourning sine die, her appointment ended in May of 2016. She was reappointed by the Governor in July of 2016 to the same position. She filled a Board position that has no restrictions on previous political activities. Ms. Greenman is an attorney and advocate who serves as the Director of Voting Rights and Democracy for the Center for Popular Democracy. Her expertise includes voting rights, campaign finance, criminal justice and civil litigation. Ms. Greenman holds a law degree from University of California, Berkeley Law (Boalt Hall) and a Master in Public Administration from Harvard Kennedy School of Government. She is a member of the Minnesota State Bar Association and serves on the board of The Moving Company Theatre and the steering committee of the Minneapolis Alumni Connection.

## Summary of Board Activities

### Meetings

The Campaign Finance and Public Disclosure Board held ten scheduled meetings during the fiscal year. Minutes of Board meetings are published on the Board's web site.

### Advisory Opinion Procedure

The Board is authorized to issue advisory opinions on the requirements of the Campaign Finance and Public Disclosure Act (Minn. Stat. chapter 10A), Minnesota Statutes sections 211B.04, 211B.12, and 211B.15 if the requestor is under the jurisdiction of Chapter 10A, and the Hennepin County Disclosure Law (Minn. Stat. §§ 383B.041 - 383B.058). Individuals or associations may ask for advisory opinions based on real or hypothetical situations to guide their compliance with these laws.

A request for an advisory opinion and the opinion itself are nonpublic data. The Board provides Consent to Release Information forms to individuals requesting opinions as part of the procedures under this law. If the requester does not consent to the publication of the requester's identity, the Board generally publishes a public version of the opinion, which does not identify the requester.

A written advisory opinion issued by the Board is binding on the Board in any subsequent Board proceeding concerning the person making or covered by the request and is a defense in a judicial proceeding that involves the subject matter of the opinion and is brought against the person making or covered by the request unless: 1) the Board has amended or revoked the opinion before the initiation of the Board or judicial proceeding, has notified the person making or covered by the request of its action, and has allowed at least 30 days for the person to do anything that might be necessary to comply with the amended or revoked opinion; 2) the request has omitted or misstated material facts; or 3) the person making or covered by the request has not acted in good faith in reliance on the opinion.

One advisory opinion, Advisory Opinion 443, was issued in fiscal year 2017. A summary of Advisory Opinion 443 is provided in the review of the campaign finance program.

## **Education and Training Outreach**

To accomplish the goal of educating clients and the interested public on the compliance and reporting requirements of Chapter 10A Board staff conducted the following training during the fiscal year:

- Six compliance training sessions attended by 94 candidates and treasurers of principal campaign committees, political party units, and political committees and funds;
- Two computer lab training classes attended by 27 treasurers who use the Campaign Finance Reporter software.

An ongoing problem in providing compliance training to treasurers is the difficulty in reaching St. Paul from many locations in Minnesota. Board staff does schedule some training classes in greater Minnesota, but training sessions held outside of the metro area are always going to be limited in number and may still be inconvenient to attend for some treasurers.

As an effort to provide training available at any time and at any location with web access the Board contracted to develop five online training videos for treasurers. The modules allow viewers to move at their own pace through the topics covered and incorporate quizzes during the training to make the modules more interactive. The Board also maintains videos on specific topics related to using Campaign Finance Reporter. The videos are available on the Board's web site. Based on favorable client feedback both of these training tools will be developed and used more extensively in the future.

Additionally Board staff participated in numerous panels, presented at many continuing legal education courses, and spoke to interested groups of the public on the requirements of Chapter 10A.

## **Use of Technology**

The Board has long recognized the value of receiving disclosure reports in electronic format. Electronic reports may be moved directly into Board databases where the records are analyzed for compliance issues and then exported to the Board's website for faster disclosure to the public. Electronic filing eliminates the cost and errors associated with data entry of paper reports.

To facilitate electronic filing, the Board developed web based applications for filing lobbyist disbursement reports, lobbyist

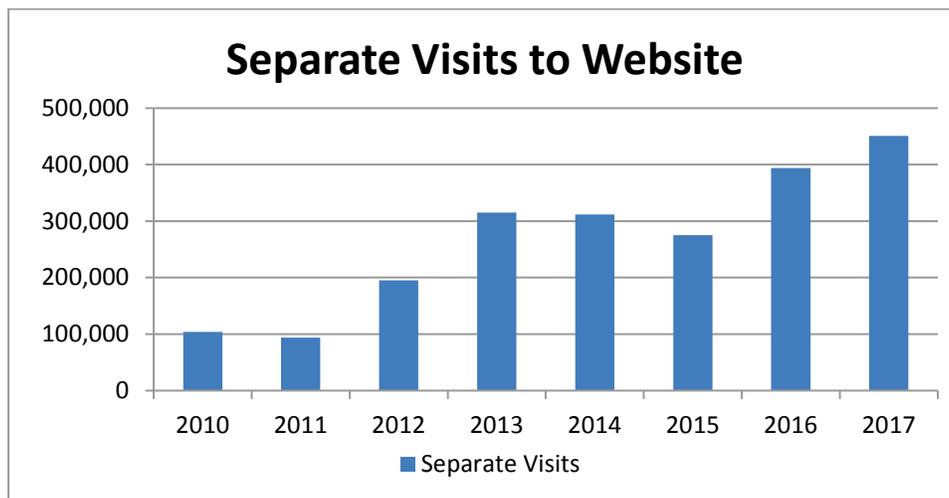
## Use of Technology (continued)

principal reports, and the economic interest statement. Use of these web based applications is optional, clients may still file a paper report, but all three applications have participation rates of over 90%, which indicates that clients also prefer electronic filing.

The Board increasingly turns to the internet to provide the point of access for clients and the general public to Board applications and information. The Board's website monitoring tools are by calendar year, not fiscal year.

The Board website offers:

- Board meeting notices and minutes;
- Board enforcement actions - findings and conciliation agreements;
- Advisory opinions;
- Lists of lobbyists and associations, candidate committees, political committees, political funds, party units, and public officials;
- Copies of all campaign finance and lobbyist reports;
- Electronic filing for lobbyists and lobbyist principals;
- Electronic filing of the *Statement of Economic Interest* for public officials;
- All Board publications and forms;
- Searchable databases of campaign finance contributions;
- Searchable database of independent expenditures;
- Campaign Finance Summaries;
- Lobbyist Disbursement Summaries;
- Annual Report of Lobbyist Principal Expenditures;
- Training videos on the use of Campaign Finance Reporter.



## **PROGRAM REVIEWS**

The Board administers three major and several minor programs as authorized by Minnesota Statutes Chapter 10A. The major programs are campaign finance, lobbying, and economic interest disclosure. The review of each major program includes a general description of the program, a review of legislation passed during the fiscal year that affects the program, a review of any Board advisory opinions issued during the time period for the program area, and an overview of administrative activity that occurred during the fiscal year.

## **CAMPAIGN FINANCE PROGRAM**

### **Program Overview**

The Board administers the provisions of Chapter 10A of the Minnesota Statutes that govern campaign finance laws for principal campaign committees, political committees, political funds, political party units, and independent expenditure committees and funds.

During 2016, an election year, these committees and funds file a three reports disclosing receipts and expenditures to the Board. Information on the number of reports filed is found on pages 11 and 12.

Each filed report is reviewed by Board staff for compliance with the disclosure law requirements, including accurate accounting and reporting, and adherence to applicable contribution and expenditure limits. Violations of contribution and expenditure limits are resolved through either a conciliation agreement, or in some cases, a Board order. Information on Board investigations and enforcement actions is found on pages 13 and 14.

As a part of the campaign finance program the Board administers and regulates the distribution of payments for the state's public subsidy program, which provides public funding to qualified state candidates and the state committees of political parties. Payments are made following the state primary election to candidates and monthly to the state committees of political parties. Information on the payments made to political parties during fiscal year 2016 is found on page 13.

### **Legislative Action**

During fiscal year 2017, the Board identified several rules that needed amendment to bring them into conformance with statutory changes that had been made since the Board's last rulemaking. The legislature enacted these conforming changes into law during the 2017 session. The legislation did not change any campaign finance requirements. It simply brought the rules into conformance with existing statutory requirements.

**Rulemaking**

The Board began a rulemaking in fiscal year 2017. The rulemaking involved potential rule amendments to 1) clarify the conduct, actions, and relationships that could prevent an expenditure from being independent; 2) clarify which expenditures could qualify as noncampaign disbursements and related topics; 3) clarify the disclaimer requirements and exemptions for statements of attribution on independent expenditures and campaign material; 4) allow staff review investigations to be resolved more quickly; 5) clarify issues that had arisen regarding the reporting of reimbursements and electronic contributions; 6) specify the deadlines for actions necessary to qualify for public subsidy payments in some special elections; and 7) bring existing rules into conformance with statutory changes made since the Board’s last rulemaking. As discussed above, the legislature enacted the conforming changes into law during the 2017 session. The Board continued to pursue the rulemaking on the other topics.

**Advisory Opinions Issued Related to the Campaign Finance Program**

The Board issued one advisory opinion in the campaign finance program in fiscal year 2017. Advisory Opinion 443 provided that a principal campaign committee registered in Hennepin County under the provisions of Minnesota Statutes Chapter 383B could amend its registration to reflect the office to which the candidate currently was seeking election.

**Campaign Finance Disclosure Reports Filed**

Number of Reports of Receipts and Expenditures filed by candidates, political party units, political committees, and political funds during a reporting year. Reporting years overlap multiple fiscal years.

**2016 Election Year**

	<b>Paper</b>	<b>Electronic</b>	<b>Total</b>
<b>Candidate Committee</b>	140	557	697
<b>Political Party Unit</b>	65	323	388
<b>Political Committee or Fund</b>	94	225	388

**Electronic Filing of Reports**

Principal campaign committees, political committees, political funds, and political party units have been using the Campaign Finance Reporter software since 1998. The Board provides the software to registered committees without charge. The maintenance, upgrade, training, and helpdesk support of the software is provided by Board staff.

**Electronic Filing  
of Reports (continued)**

The software provides compliance checks and warnings as records are entered, generates electronic reports for filing that reduce the data entry demands on Board staff, and provides contact management tools for the committees that use the software.

**Number of Committees  
Filing Electronically  
(Numbers are based on  
calendar year, not fiscal  
year)**

Electronic filing of campaign finance reports became mandatory beginning with the 2012 election cycle. The Board may grant a waiver from the requirement to file electronically if the total financial activity of a committee is less than \$5,000, or if there are technical or other valid reasons why the electronic filing requirement would be an unreasonable burden to the committee.

The Board has developed and distributed a XML schema that is the standard for the electronic filing of campaign finance reports using a third party vendor's software. Fifteen committees filed electronically using the XML standard.

<b>Reporting year</b>	<b>Candidate Campaign Committees</b>	<b>Political Committees, Political Funds, and Political Party Units</b>
<b>2016</b>	557	548
<b>2015</b>	442	524
<b>2014</b>	516	543
<b>2013</b>	479	526
<b>2012</b>	581	594
<b>2011</b>	327	237
<b>2010</b>	376	174
<b>2009</b>	292	154
<b>2008</b>	278	135
<b>2007</b>	201	114
<b>2006</b>	228	126

**Public Subsidy Payments**

The Board administers the distribution of payments for the state's public subsidy program, which provides public funding to qualified state candidates and the state committees of political parties. Payments to qualified candidates during the 2016 state general election were made in fiscal year 2017.

**Political Contribution Refund Program**

By statute, candidates who sign the public subsidy agreement and political parties are allowed to give political contribution refund receipts to individual contributors. However, the political contribution refund program was not funded by the legislature for fiscal year 2017.

**Political Party Payments**

The state committees of political parties receive 10% of the tax check-offs to the party account of the State Elections Campaign Fund. Based on monthly certification from the Department of Revenue during fiscal year 2017 the payments to political parties were as follows:

<b>Party</b>	<b>FY 2017</b>
Democratic Farmer Labor	\$38,443
Independence Party of Minnesota	\$2,423
Grassroots Party	\$518
Green Party	\$1,651
Legalize Marijuana Now Party	\$1,024
Libertarian Party	\$1,067
Republican Party of Minnesota	\$18,037
Total Payments to State Party Committees:	<b>\$ 63,163</b>

**Campaign Finance Enforcement Actions**

The Board conducts investigations of possible violations of the provisions of Chapter 10A or those sections of 211B under the Board's jurisdiction. An investigation is started in response to a complaint filed with the Board or may be initiated by staff based on information disclosed on documents filed with the Board.

Investigations of many types of violations are typically resolved by conciliation agreement. The conciliation agreement will set the terms under which the violation is to be remedied, provide for remedial measures to correct the offending behavior, and provide for a civil penalty to the committee. Violations not resolved by conciliation agreement are resolved through the issuance of a Board order. The Board may also issue an order stating that no violation occurred, if warranted.

During fiscal year 2017 the Board issued 13 agreements to resolve violations of Chapter 10A or those sections of Chapter 211B under the Board's jurisdiction. In fiscal year 2017 the Board also issued 12 findings or orders to conclude investigations, dismissed two complaints for lack of probable cause, and dismissed 12 complaints that did not state a prima facie violation of the campaign finance laws.

**Campaign Finance  
Enforcement Actions  
(continued)**

To ensure compliance with disclosure deadlines Chapter 10A provides for late fees applied at the rate of \$25 dollars a day for year-end Reports of Receipts and Expenditures, and \$50 a day for pre-primary-election and pre-general-election Reports of Receipts and Expenditures. Disclosure reports that are filed after a \$1,000 late fee has accumulated may also be subject to an additional \$1,000 civil penalty.

Civil penalties and late fees collected by the Board are deposited in the state general fund. A breakdown of late fees and civil penalties collected through enforcement is provided on page 22.

**LOBBYIST PROGRAM**

**Program Overview**

The Board administers the provisions of Chapter 10A that govern registration and public disclosure by lobbyists and principals attempting to influence state legislative action, administrative action, and the official action of metropolitan governmental units.

Lobbyists are required to report disbursements for lobbying purposes to the Campaign Finance and Public Disclosure Board two times each year (January 15 and June 15). On the June 15<sup>th</sup> report the lobbyist must provide a general description of the subject(s) lobbied on during the previous 12 months.

Individuals or associations that hire lobbyists or spend \$50,000 or more to influence legislative action, administrative action, or the official action of certain metropolitan governmental units, are principals and are required to file an annual report disclosing total expenditures on these efforts. The report is due March 15<sup>th</sup>, and covers the prior calendar year.

**Legislative Action and  
rulemaking**

During fiscal year 2017, the Board identified several rules that needed amendment to bring them into conformance with statutory changes that had been made since the Board's last rulemaking. The legislature enacted these conforming changes into law during the 2017 session. The legislation did not change any lobbying requirements. It simply brought the rules into conformance with existing statutory requirements.

The Board began a rulemaking in fiscal year 2017. The rulemaking involved potential rule amendments to bring existing rules into conformance with statutory changes made since the Board's last rulemaking. As discussed above, the legislature

**Legislative Action and rulemaking (continued)**

enacted the conforming changes into law during the 2017 session.

**Advisory Opinions Issued Related to the Lobbying Program**

No advisory opinions were issued related to the lobbying program in fiscal year 2017.

**Lobbyist Disbursement Reports**

The Board has developed a web based reporting system for lobbyists. Use of the system is voluntary, but as shown below it is used by most lobbyists as the reporting method of choice. Lobbyist disbursement reports are available for review on the Board web site.

<b>Reporting year</b>	<b>Reports filed</b>	<b>Electronically filed</b>
<b>2016</b>	4,174	98%
<b>2015</b>	4,076	97%
<b>2014</b>	4,041	96%
<b>2013</b>	3,998	97%
<b>2012</b>	3,823	93%
<b>2011</b>	3,959	94%
<b>2010</b>	3,950	98%
<b>2009</b>	4,028	93%
<b>2008</b>	4,022	92%
<b>2007</b>	3,798	90%

**Principal Expenditures**

Chapter 10A requires principals to file an annual report disclosing expenditures made in Minnesota to influence legislative, administrative, or official actions by a metropolitan governmental unit. The disclosure is a single number which may be rounded to the nearest \$20,000. Starting in 2012 principals are required to break out the amount spent influencing administrative action of the Minnesota Public Utilities Commission from all other lobbying.

	<b>All Other Lobbying in Minnesota</b>	<b>MN Public Utilities Commission</b>	<b>Total</b>
<b>2016</b>	\$62,140,012	\$6,222,560	\$68,362,572
<b>2015</b>	\$63,947,699	\$5,177,020	\$69,124,719
<b>2014</b>	\$64,517,472	\$5,889,000	\$70,406,472
<b>2013</b>	\$69,185,283	\$5,568,210	\$74,753,493
<b>2012</b>	\$59,060,155	\$2,749,590	\$61,809,745
<b>2011</b>	\$65,241,174		\$65,241,174
<b>2010</b>	\$59,172,799		\$59,172,799

**Lobbyist Program  
Enforcement Actions**

During fiscal year 2017 Board staff initiated one review regarding a possible violation of the gift ban, which resulted in dismissal.

Information on late fees and civil penalties paid by lobbyist and principals for missing a report filing deadline is found on page 22.

**ECONOMIC INTEREST PROGRAM**

**Program Overview**

The Board administers the provisions of Chapter 10A of the Minnesota Statutes that govern disclosure of economic interests by public officials and local officials in metropolitan governmental units. There were over 3,179 public officials who filed with the Board in fiscal year 2017. Local officials use forms developed by the Board, but file with the local government unit.

Original statements of economic interest must be filed at the time of appointment, or for candidates, when the candidate files for office. All incumbent candidates and appointed officials must annually review and recertify their statements. The annual recertification is due by the last Monday in January and covers all time served during the previous calendar year. The Board has developed a web based system for submitting economic interest statements.

During fiscal year 2017, there were 369 state offices, boards, agencies, or commissions with elected or appointed public officials. The Board processed 3,260 statements of economic interest during the fiscal year, 95% of which were submitted using the Board's electronic filing system, and 5% were submitted on paper forms.

During the annual recertification period in January of 2017, staff processed 2,762 statements, of those statements 99% were filed electronically.

**Legislative Action and  
Rulemaking**

During fiscal year 2017, the Board identified several rules that needed amendment to bring them into conformance with statutory changes that had been made since the Board's last rulemaking. The legislature enacted these conforming changes into law during the 2017 session. The legislation did not change any economic interest program requirements. It simply brought the rules into conformance with existing statutory requirements.

**Legislative Action and Rulemaking (continued)**

The Board began a rulemaking in fiscal year 2017. The rulemaking involved potential rule amendments to 1) clarify the definition of securities for economic interest statements to ensure that it is not overbroad; and 2) bring existing rules into conformance with statutory changes made since the Board's last rulemaking. As discussed above, the legislature enacted the conforming changes into law during the 2017 session. The Board continued to pursue the rulemaking on the other topic.

**Advisory Opinions Issued Related to the Economic Interest Program**

No advisory opinions were issued related to the economic interest program in fiscal year 2017.

**OTHER BOARD PROGRAMS**

**Potential Conflict of Interest**

A public or local official who in the discharge of the official's duties would be required to take an action or make a decision that would substantially affect the official's financial interests or those of an associated business must under certain circumstances file a *Potential Conflict of Interest Notice*, or a written statement describing the potential conflict. If there is insufficient time to comply with the written requirements, oral notice must be given to the official's immediate supervisor of the possible conflict. If the official is not permitted or is otherwise unable to abstain from action in connection with the matter, the public official must file the notice with the Board and a local official must file with the governing body of the official's political subdivision. The statement must be filed within one week of the action taken.

**Public Employees Retirement Association (PERA) Trustee Candidates**

Candidates for election as PERA Trustees are required to file certain campaign finance disclosure reports with the Campaign Finance and Public Disclosure Board under Minn. Stat. § 353.03, subd. 1. Under this statute, the Board prescribes and furnishes to trustee candidates the reporting form and instructions for completing the form.

**Enterprise Minnesota, Inc.**

The agency name was changed from Minnesota Technology, Inc (MTI) to Enterprise Minnesota, Inc. in 2008. Minn. Stat. §§ 116O.03 and 116O.04 require certain disclosure by the board of directors and the president of Enterprise Minnesota upon appointment and annually thereafter during their terms in office. Under these statutes, the Board prescribes and furnishes to the directors and president the reporting form and instructions for completing the form.

**State Board of Investment (SBI)**

Minn. Stat. § 11A.075 requires certain disclosure by SBI members upon appointment and SBI employees upon hire and by both annually until termination of appointment or employment. Under this statute, the Board prescribes and furnishes to the members and employees the reporting form and instructions for completing the form.

**Representation Disclosure**

A public official who represents a client for a fee before any individual board, commission, or agency that has rule making authority in a hearing conducted under Minnesota Statutes chapter 14, and in the cases of rate setting, power plant and powerline siting, and granting of certificates of need under Minn. Stat. § 216B.243, must file a *Representation Disclosure Statement* within 14 days after the appearance has taken place, disclosing the official's part in the action.

**Local Pension Plans**

Members of a governing board of a covered pension plan and the chief administrative officer of the plan are required to file certain statements of economic interest with the governing board under Minn. Stat. § 356A.06, subd. 4.

The Office of the State Auditor prescribes the statement and instructions for completing the statement. The chief administrative officer of each covered pension plan must submit to the Campaign Finance and Public Disclosure Board a certified list of all pension board members who filed statements with the pension board no later than January 15th. Approximately 755 pension plans are required to file with the Board under this law. The Board does not have jurisdiction over enforcement of this certification requirement.

**STAFF DUTIES**

**Executive Director**

Facilitate achievement of the Board's goals and objectives. Set agenda and prepare materials for Board and committee meetings. Direct all agency and staff operations. Draft advisory opinions for Board consideration. Serve as the Board's representative to the Legislature and the Executive Branch. Educate and assist clients in compliance with reporting requirements, limits, and prohibitions. Administer the preparation of the biennial budget.

<b>Assistant Executive Director</b>	<p>Serve as advisor to the Executive Director and assist in management of the operations for the agency. Conduct complex investigations and prepare drafts for Board consideration. Reconcile and report on the Board's financial systems. Supervise the agency's compliance programs and information resources. Administer the state public subsidy payment program. Prepare and conduct training classes for clients on campaign finance reporting requirements.</p>
<b>Legal Analyst - Management Analyst (2 staff members hold this position)</b>	<p>Perform legal analysis, make recommendations, and assist in agency administrative rulemaking and the conduct of Board investigations and drafting findings and orders for Board consideration. These positions also serve as an internal management consultant providing support and analysis to the Executive Director and Assistant Executive Director.</p>
<b>Compliance Officer Investigator</b>	<p>Review reconciliation of reported contributions; perform compliance checks on campaign finance reports filed with the Board. Assist in the conduct of Board audits. Monitor cases for Revenue Recapture and Minnesota Department of Revenue Collections Division. Prepare and submit reports to the Department of Finance regarding civil penalties.</p>
<b>Programs Administrator</b>	<p>Provide for distribution, collection, data entry, and filing of disclosure required by Chapter 10A. Collect, store, and retrieve data for the preparation and analysis of summaries of documents filed with the Board. Provide database advice and guidance to Board staff and clients.</p>
<b>Programs Assistant</b>	<p>Provide assistance with data entry and initial desk review for all filed reports. Assist with mailing, copying, and filing of all documents filed with the Board in all agency programs. Maintain agency receipts for deposit with the State Treasurer. Provide general administrative and program support.</p>
<b>Information Technology Specialist III</b>	<p>Develop, maintain, and manage complex database applications to support administration of all Board programs and activities. Provide technical service, assistance and training to Board staff. Develop, administer, and provide technical support for the Board's website. Provide client training and support in the use of the Campaign Finance Reporter Software.</p>
<b>Information Technology Specialist III</b>	<p>Ensure that the technology resources of the Board support applicable business rules and statutory obligations. Provide application design development and administration in response to management requests. Provide high-level programming. Design and support multiple complex relational databases.</p>

## Staff Salaries

### Fiscal Year 2017

Position	Staff	FY 2017
Executive Director ( 7/1/2016 – 8/31/2016)	Gary Goldsmith	\$22,466
Executive Director ( 9/1/2016 – 6/30/2017)	Jeffrey Sigurdson	\$93,540
Assistant Director (7/1/2016) – (8/31/2016)	Jeffrey Sigurdson	\$16,177
Legal - Management Analyst	Jodi Pope	\$43,002
Legal - Management Analyst	Kyle Fisher	\$52,924
Legal – Management Analyst (Part time)	Gary Goldsmith	\$41,355
Investigator	Joyce Larson	\$57,526
Information Technology Specialist 3	Jon Peterson	\$78,450
Information Technology Specialist 3	Gary Bauer	\$68,726
Office and Administrative Specialist Principal	Marcia Waller	\$52,557
Office and Administrative Specialist Intermediate	Andrew Schons	\$33,879
<b>Total Salaries</b>		<b>\$560,602</b>

## BOARD FINANCIAL INFORMATION

### Biennial Budget - Fiscal Year 2017

Income Summary	FY 2017
Appropriation	\$1,028,000
Carry forward from fiscal year 2016	\$39,993
<b>Total</b>	<b>\$1,067,993</b>
Expenditure Summary	
Operating budget expenditures	(\$1,027,625)
Refunded to state	\$40,368

### Board Operating Budget

The Campaign Finance and Public Disclosure Board is funded by a direct appropriation from the Minnesota Legislature. The appropriation for fiscal 2017 was one million twenty eight thousand dollars. Funds not expended in the first year of a biennium roll forward into the next fiscal year. At the end of fiscal year 2017 the Board returned \$40,368 to the state general fund.

**Board Operating Budget (continued)**

<b>Salary and Benefits</b>	<b>FY 2017</b>
Full time staff (salary and fringe)	\$644,905
Part time staff (salary and fringe)	\$89,095
Per diem for Board Members	\$4,800
<b>Salary and Benefits Sub Total of Expenditures</b>	<b>\$738,801</b>
<b>Operating Expenses</b>	
Office rent	\$39,550
Copier Lease	\$3,602
Postage	\$10,676
Travel	\$4,224
Printing	\$98
Staff development	\$6,125
Supplies	\$17,515
MNIT services	\$11,536
Court Reporter and Subpoena Costs	\$2,410
Equipment	\$6,106
Computer Systems Development	\$13,591
Repairs	\$1,892
Other purchased services	\$429
<b>Operating Expense Sub Total of Expenditures</b>	<b>\$117,754</b>
<b>Website Development</b>	<b>\$171,070</b>
	<b>\$1,027,625</b>

## Penalties Paid for Late Filing of Disclosure Reports and Other Violations of Chapter 10A

The following is a listing of fees and fines paid during the fiscal year. Some fees and fines may have been assessed prior to fiscal year 2017, and some fees and fines assessed during the fiscal year were not paid by June 30, 2017.

<b>Late Filing Fees</b>	<b>FY 2017 Dollars Paid</b>	<b>Number of Violations</b>
Candidate Campaign Committees	\$14,282	60
24-Hour Notice	\$10,750	21
Political Committees and Funds	\$9,992	59
Political Party Units	\$4,706	22
Economic Interest Statements	\$1,225	32
Lobbyist Disbursement Report	\$1,575	24
Lobbyist Principal Annual Report	\$1,400	14
<b>Total Late Fees</b>	<b>\$43,930</b>	<b>232</b>

<b>Civil Penalties</b>	<b>FY 2017 Dollars Paid</b>	<b>Number of Violations</b>
<b>Contribution from Unregistered association</b>		
Unregistered Association	\$70	3
Political Committees and Funds	\$0	0
Political Party Units	\$125	1
Candidate	\$125	1
<b>Contribution limits violations</b>		
Candidates accepted in excess of limit	\$0	0
Special source (20%) aggregate limit	\$750	1
PCF Contribution exceeded limits	\$0	0
Excess lobbyist contributions	\$0	0
Excess party unit contribution	\$0	0
Candidate exceeded spending limit	\$0	0
<b>Prohibited contributions during session</b>		
Political Committee and Funds	\$125	1
Lobbyist	\$0	0
Lobbyist failure to provide reg. number	\$50	2
Candidate	\$125	1
<b>Failure to file disclosure report</b>		
Candidate Committees	\$4,263	5
Political Committees and Funds	\$0	0
Political Party Units	\$0	0
Lobbyist	\$0	0
Lobbyist Principal	\$0	0
Failure to file amended report	\$0	0
Economic Interest Statement	\$100	1
<b>Independent expenditure violation</b>	\$0	0
<b>Other</b>	\$2,600	9
<b>Total Civil Penalties</b>	<b>\$8,333</b>	<b>25</b>
<b>Total Late Fees and Civil Penalties Deposited in State General Fund</b>	<b>\$52,263</b>	<b>257</b>

**CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD  
October, 2018**

**ACTIVE FILES**

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Served by Mail	Default Hearing Date	Date Judgment Entered	Case Status
Chilah Brown Michele Berger	Brown (Chilah) for Senate	Unfiled 2016 Year- End Report of Receipts and Expenditures  Unpaid late filing fee on 10/31/16 Pre- General Election Report	\$1,000 LF \$1,000 CP  \$50 LF	3/6/18	8/10/18			
Roxana Bruins	Roxana Bruins for Senate	Unfiled 2016 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	7/28/17	9/6/17	8/17/18	8/20/18	
Brenden Ellingboe	Ellingboe (Brenden) for House	Unfiled 2015 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	11/29/16	5/26/17			Hold by Board
Katy Humphrey, Kelli Latuska	Duluth DFL	Unfiled 2016 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	3/6/18	8/10/18			



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

**PROBABLE CAUSE  
DETERMINATION**

IN THE MATTER OF THE COMPLAINTS OF ERIN KOEGEL REGARDING THE ANTHONY WILDER FOR HOUSE COMMITTEE, CAPRA'S SPORTING GOODS, AND HERITAGE AUTO BODY:

On August 21, 2018, the Campaign Finance and Public Disclosure Board received three complaints submitted by Rep. Erin Koegel regarding the placement of campaign signs by the Anthony Wilder for House committee. Anthony Wilder for House is the principal campaign committee of Anthony Wilder, candidate for Minnesota House of Representatives district 37A. The complaints included photographic evidence showing that Wilder campaign signs were placed at two business locations; Capra's Sporting Goods and Heritage Auto Body. A separate complaint was filed against each of those two businesses and one was filed against the Wilder committee.

Two of the complaints allege that by allowing the Wilder committee to place campaign signs at their locations, the businesses violated Minnesota Statutes section 211B.15, subdivision 2, which prohibits corporations from making contributions to a principal campaign committees.<sup>1</sup> A search of the Minnesota Secretary of State's website shows that both Capra's Sporting Goods and Heritage Auto Body are corporations. The complainant contends that the contributions would be the fair market value of allowing the signs to be displayed on property controlled by the corporations. The third complaint alleges that by accepting the alleged contributions, the Wilder committee violated Minnesota Statutes section 211B.13, subdivision 2, which prohibits the knowing solicitation, receipt, or acceptance of anything of value that is a disbursement prohibited by that section or Minnesota Statutes section 211B.15. Although the complaint cites section 211B.13, it is clear from the remainder of the complaint and the attachments that the complaint is alleging that the Wilder committee also violated the corporate contribution prohibition in section 211B.15, subdivision 2.

Because the complaints involve the same alleged facts, the same candidate's committee, and essentially the same evidence, the Board chair combined the complaints for the purpose of the prima facie determination. On August 28, 2018, the Board chair determined that the complaints each alleged prima facie violations of Minnesota Statutes section 211B.15. Because Minnesota Statutes section 211B.13 is not under the Board's jurisdiction, the Board chair determined that the complaint against the Wilder committee did not state a prima facie violation of that statute.

On September 25, 2018, Mr. Wilder responded to the complaint against his committee in an email to Board staff. Mr. Wilder states that two weeks prior to the August 14 primary election, he met with Dean Capra, CEO of Capra's Sporting Goods, and Mike Knoll, CEO of Heritage Auto Body, in addition to two other businesses not included in the complaint. Mr. Wilder reports that he offered to pay each business

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<sup>1</sup> The complaints against Capra's Sporting Goods and Heritage Auto Body allege violations of Minnesota Statutes section 211B.15, subdivision 11; however, the alleged conduct referred to in the complaints actually would violate Minnesota Statutes section 211B.15, subdivision 2.

\$25 to place a campaign sign at their location. Mr. Wilder states that this is the same amount that the committee paid for displaying campaign signs during his 2016 campaign for the same office. Mr. Wilder explains that each business accepted his offer and on August 14 he placed the campaign signs at the business locations and left a check for \$25 at each location. Mr. Wilder provided copies of the committee's checkbook register showing that checks had been written from his campaign account to the businesses. Mr. Wilder reports that he could not obtain copies of the actual checks from the bank because they had not cleared yet.

Mr. Knoll responded to the complaint against Heritage Auto Body in an email to Board staff on September 4, 2018. Mr. Knoll likewise stated that Heritage Auto Body was being paid \$25 to host a Wilder campaign sign from August 14 through the general election. Mr. Knoll also provided a copy of the check he was given for \$25 from the Wilder committee.

Capra Sporting Goods did not provide a response to Board staff.

### **Analysis**

When the Board chair makes a finding that a complaint raises a prima facie violation, the full Board then must determine whether probable cause exists to believe an alleged violation that warrants an investigation has occurred. Minn. Stat. § 10A.022, subd. 3 (2). A probable cause determination is not a complete examination of the evidence on both sides of the issue. Rather, it is a determination of whether a complaint raises sufficient questions of fact which, if true, would result in the finding of a violation.

Minnesota Statutes section 211B.15, subdivision 2, prevents corporations from giving contributions to candidates, including signage space, and prohibits candidates from accepting contributions from corporations. Both Capra's Sporting Goods and Heritage Auto Body are corporations. Minnesota Statutes section 211B.15, subdivision 2 includes within its list of prohibited corporate contributions "any money, property, free service of its officers, employees, or members, or thing of monetary value . . . ."

The placement of Wilder campaign signs on the business property of Capra's Sporting Goods and Heritage Auto Body thereby would violate Minnesota Statutes section 211B.15, subdivision 2, unless the Wilder committee paid for the value of that signage space. The responses of Mr. Wilder and Mr. Knoll show that the Wilder committee did pay to place the campaign signs at the business locations in question. Therefore, the record does not establish probable cause to believe that the Wilder committee, Capra's Sporting Goods, or Heritage Auto Body accepted or made a corporate contribution in violation of Minnesota Statutes section 211B.15, subdivision 2.

### **Order:**

1. The allegations that Capra's Sporting Goods and Heritage Auto Body made corporate contributions to the Anthony Wilder for House committee in violation of Minnesota Statutes section 211B.15, subdivision 2, are dismissed for lack of probable cause.

2. The allegation that the Anthony Wilder for House committee accepted corporate contributions from Capra's Sporting Goods and Heritage Auto Body in violation of Minnesota Statutes section 211B.15, subdivision 2, is dismissed for lack of probable cause.



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Carolyn Flynn, Chair  
Campaign Finance and Public Disclosure Board

Date: October 3, 2018