

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

.....
**Thursday, February 13, 2025
9:30 A.M.**

**Room 2000 (Skjegstad Conference Room)
Stassen Building**

.....
REGULAR SESSION

MINUTES

The meeting was called to order by Chair Rashid.

Members present: Asp, Flynn (remote), Rashid (remote), Soule, Swanson

Others present: Sigurdson, Engelhardt, Johnson, Olson, staff; Nathan Hartshorn (remote), counsel

MINUTES (January 13, 2025)

The following motion was made:

Member Flynn's motion: To approve the January 13, 2025, minutes as drafted.

Vote on motion: Unanimously approved.

CHAIR'S REPORT

Mr. Sigurdson and members discussed changing the date of the March 2025 meeting.

EXECUTIVE DIRECTOR'S REPORT

Mr. Sigurdson presented members with a memorandum that is attached to and made a part of these minutes. Mr. Sigurdson updated the Board on the reports due in January, which include the 2024 Annual Statements of Economic Interest, campaign finance reports, and lobbyist reports. He also discussed current legislation and the Board's budget. Lastly, Mr. Sigurdson presented information on the Report on Public Subsidy Programs in the United States published by the United States Government Accountability Office.

Member Asp asked about the Board member vacancy. Mr. Sigurdson stated the application period is open, but no action has been taken by the Governor's office.

ADVISORY OPINION 466

Mr. Sigurdson presented members with a memorandum that is attached to and made a part of these minutes. Mr. Sigurdson described the draft advisory opinion regarding a public request from Jake Loesch, on behalf of the Citizens League.

The following motion was made:

Member Soule's motion: To approve the advisory opinion as drafted.

Vote on motion: Unanimously approved.

ADVISORY OPINION 467

Mr. Sigurdson presented members with a memorandum, the public version of which is attached to and made a part of these minutes. Mr. Sigurdson described the draft advisory opinion regarding a nonpublic request concerning members of the House of Representatives. Member Swanson suggested adding the text “, as stated in the request” at the end of the first paragraph on page 1 under the heading “FACTS.”

The following motion was made:

Member Swanson's motion: To approve the advisory opinion as drafted with Member Swason's suggested change.

Vote on motion: Unanimously approved.

ENFORCEMENT REPORT

A. Discussion Items

1. Address waiver request - Eric Meittunen

Deputy Commissioner for the Minnesota Department of Veterans Affairs, Eric Meittunen, requests a waiver to exclude the address of a second property from his economic interest statement. Citing the nature of his work, Mr. Meittunen states that he has faced threats related to his job duties and other concerns that could endanger himself and his family. Given these risks, Mr. Meittunen is seeking an exemption from disclosing the address of his secondary residence under Minnesota Statutes section 10A.09, subdivision 9. While Mr. Meittunen's request also refers to his primary residence, homestead property is not required to be disclosed within a statement of economic interest. Board members asked for more information and the request will be reconsidered at the next Board meeting.

2. Administrative termination of lobbyist Jonathan Weinhausen

Mike Logan, Interim President and CEO of the Minneapolis Chamber, requests the administrative termination of lobbyist Jonathan Weinhausen (3036). Weinhausen served as CEO until June 27, 2024. To the best of Logan's knowledge, and based on information from others in the organization at that time, Weinhausen did not engage in any lobbying activities from June 1 to June 27. Also, Weinhausen filed a lobbyist report stating he did not engage in any lobbying during the period from June 1 through December 31, 2024. The Chamber is not in direct contact with him due to legal reasons, but it can confirm that he is no longer an employee. If approved, the termination will be backdated to June 27, 2024.

The following motion was made:

Member Asp's motion: To approve the administrative termination.

Vote on motion: Unanimously approved.

3. Balance adjustment for Heather Edelson for House (17902)

The Heather Edelson for House committee is requesting a balance adjustment to their 2024 beginning cash balance. The Edelson committee wishes to terminate the committee but cannot resolve a cash balance discrepancy. The treasurer and the candidate have spent significant time attempting to resolve the issue but were unable to find the discrepancy. The 2023 ending cash balance was \$3,233.94, however, the bank balance was \$4,080.51, a difference of \$846.57. The Edelson committee is requesting an upward adjustment to their 2024 beginning cash balance to \$4,080.51. The committee will then file an amended 2024 year-end report as a termination report to close the committee.

The following motion was made:

Member Flynn's motion: To approve the balance adjustment request.

Vote on motion: Unanimously approved.

B. Waiver Requests

1. Wagenius (Peter) Volunteer Committee - 19194						Board Action
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	
Large contribution notice	1/8/25	1/9/25	\$50	No.	Waive.	Member Flynn moved to approve requests 1-4.
The late fee pertains to a large contribution notice disclosing a \$600 contribution that was filed one day late. Treasurer Dwight Wagenius states that due to the short campaign period for the Senate District 60 special election and its timing around the end-of-year holidays, experienced campaign organizers were unavailable. As a result, there was insufficient time to recruit an experienced campaign chair, form committees, or conduct typical campaign organizing. The campaign operated on an extremely abbreviated timeline, focusing on essential activities such as fundraising, setting up a bank account, producing and distributing literature, direct voter contact through door-knocking and mailings, and placing lawn signs. Team members had to take on multiple roles due to limited specialization. Wagenius states that although he had prior involvement in elections with standard multi-month timelines, he had no experience as a campaign treasurer. The committee filed several other large contributions notices in a timely manner. Ending cash balance as of 12/31/24: \$11,352.						Vote on motion: Unanimously approved.

2. Mohamed Jama for Minnesota Senate - 19202						
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	Board Action
Large contribution notices	1/6/25	1/7/25	\$600 (12X\$50)	No.	Waive.	Member Flynn moved to approve requests 1-4.
<p>The late fees pertain to 12 large contributions notices that were filed one day late. Jama was a candidate in the Senate District 60 special election. Treasurer Mohamed Elmi states that the committee experienced significant delays because the IRS website was down for maintenance. This outage prevented them from obtaining an EIN and opening a bank account until January 3, 2025. The committee submitted a registration form to the Board on Sunday, January 5, the committee gained access to Campaign Finance Reporter Online late in the day on Monday, January 6, and the large contribution notices were filed the following day. Once they gained access to the filing platform they immediately reported all large contributions. Given the unexpected challenges caused by the IRS maintenance, the nature of the rushed special election, and the proactive steps they took to resolve the registration issues as quickly as possible, they are respectfully requesting a waiver.</p>						<p>Vote on motion: Unanimously approved.</p>

3. Craig Andresen - 39						Board Action
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	
2024 LAR	1/15/25	1/24/25	\$150	No.	Waive.	Member Flynn moved to approve requests 1-4. Vote on motion: Unanimously approved.
<p>Andresen failed to submit the lobbyist report on time, mistakenly believing that it had already been sent. After receiving a message from Board staff indicating that the report was late, he reached out for assistance and promptly filed the report. Andresen states he and other members of Friends of the Minnesota Scientific and Natural Areas Program board are volunteers. He is considering dropping his registration but feels that it adds credibility to their efforts. If he maintains his lobby status, Andresen plans to avoid online submissions in the future. Andresen has been a registered lobbyist since 2018 and has no history of filing reports late.</p>						

4. Abigail Wolters Campaign Committee - 19195						
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	Board Action
Large contribution notice	1/8/25	1/12/25	\$100	No.	Waive.	Member Flynn moved to approve requests 1-4.
<p>Wolters was a candidate in the Senate District 60 special election. On January 7, 2025, the Wolters House committee, which is now terminated, transferred its remaining balance of \$3,287.51 to the Wolters Senate committee. A large contribution notice should have been filed on January 8, 2025, but the notice was not filed until January 12, 2025. Treasurer Tim Kirk explained that since the funds were transferred from one committee to another committee of the same candidate, he believed the transfer should not be classified as a large contribution. He also stated that the Board should consider providing some leniency due to the tight timeline surrounding the special election. Ending cash balance as of 1/14/25: \$11,526.75</p>						<p>Vote on motion: Unanimously approved.</p>

5. David Benson-Staebler - 5122						
Report(s)	Due	Filed	Amount	Prior Waivers	Recommended Action	Board Action
2024 LAR	1/15/25	1/17/25	\$100 (2x\$50)	No.		No action was taken.
Benson-Staebler requests a waiver for two lobbyist reports related to his work with Education Standards of America and SAVE. He states he did not receive a reminder email, which are sent as a courtesy. For SAVE, only a late notice was sent to an email address that Benson-Staebler claims is not actively monitored. Benson-Staebler is willing to provide technical evidence regarding the email delivery issue and is requesting forgiveness for the two late filings, noting that he has not previously requested a waiver for late submissions.						

C. Informational Items

Payments

1. Return of public subsidy payment

CindyAhofor13A - \$3,990.91
Bolstad (Dusty) for 13B House - \$7,081.22
Whitson (Teresa) for MN House - \$56.32

2. Payment of excess carryforward amount

Acomb (Patty) for House Committee - \$23.99

3. Civil penalty for corporate contribution

Gary Steuart for Minnesota - \$200
Steuart Properties LLC - \$200

4. Late filing fee for 2022 Pre-Primary Report

22nd Senate District DFL - \$50
Le Sueur / Scott (22) County DFL - \$50

5. Late filing fee for 2022 Pre-General Report

22nd Senate District DFL - \$750
Le Sueur / Scott (22) County DFL - \$900

6. Late filing fee for 2023 Year-End Report

22nd Senate District DFL - \$150
Le Sueur / Scott (22) County DFL - \$325

7. Late filing fee for 2024 Pre-Primary large contribution notice

Minnesota Police PAC - \$250
Kari (Rehrauer) for Minnesota - \$150
Gary Steuart for Minnesota - \$250

8. Late filing fee for 2024 Pre-General large contribution notice

Lorrie Janatopoulos for House - \$50

9. Late filing fee for 2024 Pre-General Report

22nd Senate District DFL - \$700
Le Sueur / Scott (22) County DFL - \$1,000
Lion Dale Johnson 4 MN - \$50
Somali American Women Political Action Committee - \$200

10. Civil Penalty for 2024 Pre-General Report

Le Sueur / Scott (22) County DFL - \$1,000

11. Late filing fee for 2023 June Lobbyist Report

Cristine Almeida - \$25

12. Late filing fee for 2024 January Lobbyist Report

Cristine Almeida - \$25

13. Late filing fee for 2024 June Lobbyist Report

Samantha Diaz - \$550
Shannon Full - \$400
Katherine Grindberg - \$400
Mark Jones - \$25
Hannah Pallmeyer - \$50
Paul Verrette - \$950

RULEMAKING UPDATE

Mr. Olson presented members with a memorandum that is attached to and made a part of these minutes. Mr. Olson stated that the Board's adopted administrative rules will take effect on February 25, 2025.

PRIMA FACIE DETERMINATIONS

Ms. Engelhardt presented members with a memorandum that is attached to and made a part of these minutes. On January 13, 2025, the Board received a complaint from Salina Amery regarding TakeAction Minnesota. The complaint was dismissed by Chair Rashid.

LEGAL REPORT

Mr. Hartshorn provided members with a legal report that is attached to and made a part of these minutes. Mr. Hartshorn stated that former Representative Mariani attended a default judgment hearing and did not contest the entry of default judgment in the action involving him and his principal campaign committee. Mr. Hartshorn also stated that Mr. Mariani has filed all outstanding reports.

EXECUTIVE SESSION

Chair Rashid recessed the regular session of the meeting and called to order the executive session. Upon adjournment of the executive session, Member Asp had nothing to report into the regular session. There being no other business, the meeting was adjourned by Member Asp.

Respectfully submitted,



Jeff Sigurdson
Executive Director

Attachments:

Executive director's report
Memo and attachments regarding Advisory Opinion 466
Public memo and attachment regarding Advisory Opinion 467
Rulemaking update memo
Prima facie determinations memo and attachment
Legal report



MINNESOTA

CAMPAIGN FINANCE BOARD

Date: February 5, 2025

To: Board Members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Executive Director's Report – Board Operations

Year-end Reports

All three major program areas; campaign finance, lobbying, and economic interest have year-end filing requirements in January. A brief update for each program follows:

Lobbying Program. The lobbyist activity report covering the period of June 1 through December 31, 2024, was due on January 15, 2025. Of the 2,689 reports due, 2,626 (97.5%) were filed by the deadline. As of the date of this memo there are eight reports still outstanding. The use of the online reporting system remains high with 94% of lobbyist disbursement reports filed electronically. Late lobbyist reports are assessed a late filing fee of \$25 a day to a maximum of \$1,000. A \$1,000 civil penalty may also be imposed after a certified letter is sent.

Campaign Finance Program. The year-end report of receipts and expenditures for 2024 was due on January 31, 2025. Of the 1,320 reports due from candidate committees, political party units, and political committees and funds, 1,212 (92%) were filed by the deadline. As of the date of this memo there are 64 reports still outstanding. Late year-end reports are assessed a late filing fee of \$25 a day to a maximum of \$1,000. A \$1,000 civil penalty may also be imposed after a certified letter is sent.

Economic Interest Program. The annual certification by public officials for 2024 was due on January 27, 2025. Of the 3,115 public officials required to file, 2,740 (88%) were filed by the deadline. As of the date of this memo there are 94 statements still outstanding. There is a grace period for the late filing of an economic interest statement, late fees will not begin until February 11th, and will accumulate at a rate of \$5 a day to a \$100 maximum. A \$1,000 civil penalty may also be imposed after a certified letter is sent.

Update on Legislation and Budget

The Board's budget request for fiscal years 2026 and 2027 is to maintain the same funding as fiscal year 2025, which is \$1,793,000. The Board's request is included with the Governor's budget request for all state agencies. The Governor's request provides an additional \$26,000 in fiscal year 2026, and another \$53,000 in fiscal year 2027, to cover inflation and expected negotiated increases in the MAPE and AFSCME contracts.

Below is a list of the bills introduced in this legislative session related to Chapter 10A or Chapter 211B.

Bill Number	Author	Topic	Status
<u>SF 567</u>	Marty	A former member of the legislature, a former constitutional officer, and a former commissioner, deputy commissioner or assistant commissioner, is prohibited from lobbying for seven years after leaving their position.	
<u>SF 642</u>	Koran	The legislative session prohibition on contributions to candidates and the legislative caucuses from lobbyist and political committees would also apply to contributions received by any party unit during session.	
<u>SF 828</u>	Boldon	Establishes a work group to study whether local office candidates should register and report with the Board. Two members of the Board and the Executive Director are appointed to the study group. The study must report to the legislature by January 15, 2026.	
<u>SF 863</u>	Putnam	Provides that an employer may not threaten loss of employment to an individual who is considering running for public office. Modifies Minn. Stat. §10A.36.	
<u>SF 905</u>	Port	Requires additional disclosure for certain	

		contributions made to independent expenditure committees and funds, ballot question committees and funds, and electioneering communications.	
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Report on Public Subsidy Programs in the United States

In December of 2024, the United States Government Accountability Office released a report on public financing of elections related to selected states and local governments. Minnesota is one of two states included in the report. The report compares three different public subsidy models: grant programs, matching fund programs, and voucher programs. Minnesota is categorized as a grant program. In addition to Minnesota, the report reviews public subsidy programs in Arizona, the City of Los Angeles, the City of Seattle, and Montgomery County in Maryland.

The report is 77 pages long, so I am not including it with the Board materials. However, the report is online at: gao.gov/assets/gao-25-106650.pdf, and is a good resource for those who wish to know more about the various types of public subsidy programs.



MINNESOTA

CAMPAIGN FINANCE BOARD

Date: February 5, 2025

To: Board Members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Advisory Opinion 466 - Citizens League, gift prohibition

This advisory opinion request was received from Jake Loesch, on behalf of the Citizens League on January 8, 2025. The request has been made public.

The request is from the Citizens League, which is a 501(c)(3) organization that is not a lobbyist principal. The request states that the Citizens League intends to start a program that encourages bipartisan cooperation in the legislature. The program, called the Minnesota Legislative Exchange (MLE), will organize trips and pay travel costs for a legislator of one party to visit a legislator in the opposing party, with a reciprocal trip also provided by the MLE.

The Citizens League's funding is through donations received from individuals, charitable foundations, and lobbyist principals. The request asks two questions on whether the Citizens League may receive donations from lobbyist principals, either directly or through another association at the request of a lobbyist principal, to pay for the travel expenses of the legislators who participate in the MLE program.

As drafted, the opinion provides that using donations from lobbyist principals to pay the travel costs for the legislators in the MLE program would create a violation of the gift prohibition. The opinion further provides that the Citizens League can avoid violating the gift prohibition if it establishes a separate segregated account for contributions used to fund the Minnesota Legislative Exchange, and that account does not accept donations from lobbyist principals.

Please let me know if you have any questions or comments.

Attachments:

Advisory opinion request

Draft advisory opinion

Dear Mr. Sigurdson:

As a follow-up to our conversation on December 26, 2024, we are requesting an Advisory Opinion from the Minnesota Campaign Finance and Public Disclosure Board (CFB) about a new initiative we hope to launch in 2025 called the Minnesota Legislative Exchange (MLE).

The premise of the MLE is to encourage members of the Minnesota State Legislature to build relationships, camaraderie, and collaboration across the political aisle by visiting another member from the opposite party in their district and spending time together outside the State Capitol. The MLE model is based on the successful [American Congressional Exchange](#), coordinated by the Bipartisan Policy Center in Washington, D.C.

We have vetted the idea with current and former state legislators, civic leaders, business organizations, advocacy groups, and other stakeholders across Minnesota, and the response has been very encouraging and supportive. Our hope is to publicly launch the MLE in February, but we need to ensure full understanding of the regulations about the Citizens League – a 501(c)(3) organization – sponsoring in-state travel for members of the state legislature. We hope an Advisory Opinion from the CFB would also reassure legislators that the program does not run afoul of any campaign finance or lobbying laws.

The basic operation of MLE works like this:

- We (the Citizens League) would reach an agreement for legislator A to visit legislator B in their district (a Democrat visits a Republican, or vice-versa). At some point, there is a reciprocal trip where legislator B visits legislator A.
- The Citizens League (CL) would design the itinerary with some deference to the host legislator about their district. CL would arrange and manage all the travel logistics, set up the meetings, tours and activities. Trips would likely last 12-36 hours depending on the size of the district and travel time required.
- CL would pay for the travel costs of the visiting legislator (such as car rental or reimbursement of mileage for their own vehicle, meals, possibly hotel if an overnight stay is required). The host legislator would be asked to use their own funds, as they are already in their own district and any associated costs would be nominal. The furthest reaches of the state could require a flight, but that would be the rare exception.
- CL would also offer to pay for a spouse/significant other or a senior staff person to accompany the visiting member.
- The trip itineraries would be entirely educational and substantive, focused on serious conversations designed to build bipartisan relationships and explore public policy solutions.

- After the trips, our intention is that the two legislators would be able to identify policy issues they could work on together and we would endeavor to support and encourage that work by building relationships and connections with other policy experts at Minnesota-based organizations and institutions.
- There would be no political campaigning or lobbying activities on the trips. However, depending on the topics discussed or meetings arranged, it is possible that registered lobbyists may be involved as "hosts" for a meeting (if, for example, their company or organization was part of the itinerary). In those instances, we would anticipate covering the costs of any meals that might accompany the meeting.

Citizens League is not currently and has not been a registered lobbying organization in Minnesota since 2020. In seeking an Advisory Opinion, we hope to clarify that the MLE would not violate any campaign finance or lobbying laws and that we are in full compliance with all state rules with respect to sponsored travel, including any reporting requirements. Our aim is to be fully transparent and to fulfill any and all obligations for travel compliance.

Other questions we have are:

1. In support of our general organizational operations, Citizens League currently receives funding from several sources, including individual donors and foundations, as well as corporations and organizations that are registered lobbyists in Minnesota. Would an issue arise if a registered lobbying company/organization provides general unrestricted funding to Citizens League, and those funds are then used to support the MLE?
2. If a company that is a registered lobbying organization were interested in supporting the MLE, and they provided that funding to CL through their charitable foundation, would that be permissible? Would this create or require any additional reporting requirements?
3. Are there proscribed limits on spending for sponsored travel that would apply to the MLE?

We are hoping the CFB is able to consider our request for an Advisory Opinion at its Feb. 5 meeting. Meanwhile, please let us know if there are further questions or issues that you would like us to identify.

Thank you for your consideration,

Jake Loesch
Executive Director

Jonathan Perman
Minnesota Legislative Exchange

State of Minnesota
Campaign Finance and Public Disclosure Board
Suite 190, Centennial Building. 658 Cedar Street. St. Paul, MN 55155-1603

THIS ADVISORY OPINION IS PUBLIC DATA
pursuant to a consent for release of information
provided by the requester

Issued to: Jake Loesch
Citizens League
400 Robert Street N.
Suite 1820
St. Paul, MN 55101

RE: Application of Gift Prohibition to Members of the Legislature

ADVISORY OPINION 466

SUMMARY

An association that is not a lobbyist principal may pay travel expenses for a public official provided that a lobbyist or lobbyist principal did not request that the public official receive the travel, and a lobbyist or lobbyist principal did not provide funding for the travel expenses.

FACTS

On behalf of the Citizens League (CL), you request an advisory opinion from the Campaign Finance and Public Disclosure Board based on the following facts provided to the Board in a written request and discussed in a phone conversation.

1. The CL is a 501(c)(3) organization and a Minnesota nonprofit corporation, and currently receives funding from individuals, foundations, and corporations and organizations that are lobbyist principals in Minnesota. The CL is not currently a lobbyist principal; the organization was last represented by a lobbyist in 2020.
2. The CL wishes to start a new initiative, the Minnesota Legislative Exchange (MLE). The premise of the MLE is to encourage members of the Minnesota State Legislature to build relationships, camaraderie, and collaboration across the political aisle by visiting another member from the opposite party in their district and spending time together outside the State Capitol.
3. The MLE would reach an agreement with a legislator from either the Democratic-Farmer-Labor Party (DFL) or the Republican Party of Minnesota (RPM) to visit a legislator of the opposing party in their legislative district. At some point there would be a reciprocal trip where the visiting legislator would host the other legislator in their district.

4. The CL would design the itinerary for the visit in communication with the host district legislator. The CL would arrange and manage all the travel logistics, and set up the meetings, tours and activities. Trips would likely last from twelve to thirty-six hours depending on the size of the district and the travel time required.
5. The CL would pay for the travel costs of the visiting legislator; including air fare, car rental or reimbursement for mileage if a personal vehicle is used, the cost of meals, and lodging if an overnight stay is required. The host legislator would be asked to use their own funds for costs incurred during the visit.
6. The CL would also pay the travel costs of the spouse or significant other of the visiting legislator, or a senior staff member to accompany the visiting legislator.
7. The trip itineraries would be designed to be entirely educational and substantive, focused on creating conversations that build bipartisan relationships and explore public policy solutions.
8. After the trips, the intention is that the two legislators would identify policy issues that they could work on together. The CL would support and encourage that work by building connections to policy experts on the issues at Minnesota-based organizations.
9. There would be no political campaigning on the trips.
10. The CL does not intend for the trips to be an opportunity for lobbying. However, it is possible that registered lobbyist(s) may be present for some part of the itinerary, for example if the itinerary included a stop at a company or organization that is represented by lobbyists. In those instances, the CL will cover the costs of any meals that might accompany the meeting.
11. The CL is aware that lobbyists and principals are prohibited from giving gifts to public officials, as provided in Minnesota Statutes section 10A.071. The CL wishes to ensure that the MLE program will not violate this provision, or any other provision in Chapter 10A that may apply to the activities on the MLE.

Issue One

May the CL use its general operations funding, which includes unrestricted contributions from lobbyist principals, to support the MLE?

Opinion One

No. The MLE program will be a major initiative for the CL. CL donors, including lobbyist principals, will certainly be aware of the program and know that their contributions are, in part, funding a program that provides gifts of travel and lodging to legislators. Minnesota Rules Part 4512.0300 provides that a gift is given by the association paying for the gift. Donations from lobbyist principals that are, in part, used to fund the program, in combination with the lobbyist principal's knowledge that the donation may be used for gifts to public officials, results in lobbyist principals paying for the gift within the meaning of this rule.¹

To avoid using contributions from lobbyists and lobbyist principals to fund the MLE program, the CL could set up a separate segregated account from the general operating fund of the CL. The separate segregated account, which is basically a separate bank account, would only contain contributions from individuals who are not lobbyists and associations that are not lobbyist principals.

Issue Two

If a company that is a lobbyist principal were interested in supporting the MLE program, could the lobbyist principal provide funding to CL through their charitable foundation?

Opinion Two

No. The lobbyist principal is making the decision to contribute to the MLE program. Directing a charitable foundation affiliated with the lobbyist principal to make the contribution, or routing the contribution through another association, does not separate the decision to make the contribution from the lobbyist principal.

A charitable foundation may make a contribution to support the MLE program as long as the charitable foundation is not itself a lobbyist principal, and the foundation was not directed to make the contribution by a lobbyist or a lobbyist principal.

Issue Three

Are there other provisions in Chapter 10A that the CL should consider when operating the MLE program?

Opinion Three

If operated as described the MLE program is not lobbying, does not create reportable gifts from a lobbyist or principal to a public official, and is not a campaign contribution to the legislators that participate in the program. Therefore, the CL will not need to register and report the activities of the MLE program to the Board.

¹ The Board reached a similar conclusion in [Advisory Opinion 277](#).

The Board understands that the CL will promote the MLE program, that the CL may have photographs taken of legislators participating in the MLE program, and that the photographs may be provided to the legislators. If the legislator uses the photographs in material prepared by their principal campaign committee, then the photographs are an in-kind contribution to that candidate's committee. Nonprofit corporations are generally prohibited from contributing to candidates,² and even if the contribution is allowed it could lead to a situation where the CL would need to register and report to the Board as a political fund³. To avoid that outcome the CL could either reach an agreement with the legislators that the photographs will not be used by their principal campaign committee, or have the legislator's principal campaign committee purchase the photographs from the CL at their fair market value so that the photographs are not a contribution.

Issued: February 13, 2025

, Acting Chair
Campaign Finance and Public Disclosure Board

² [Minnesota Statutes section 211B.15, subdivision 15](#), provides an exception to the general prohibition on corporate contributions for nonprofit corporations if they meet certain qualifications.

³ [Minnesota Statutes section 10A.27, subdivision 13](#), requires a disclosure statement from an unregistered association that makes a contribution in excess of \$200, and registration as a political committee or fund if an association contributes in excess of \$200 to more than three principal campaign committees within a calendar year.



MINNESOTA

CAMPAIGN FINANCE BOARD

Date: February 5, 2025

To: Interested Members of the Public

From: Jeff Sigurdson – Executive Director

Telephone: 651-539-1189

Re: Advisory Opinion 467

This advisory opinion request was received on January 30, 2025. The request concerns members of the House of Representatives. The request provides that the House of Representatives has not been able to meet, and therefore has not been able to approve the housing allowance for the current legislative session. Members of the House are already living in St. Paul, preparing for the House to meet, and incurring housing costs that are not currently being reimbursed. The request asks if members of the House of Representatives may use their principal campaign committee funds to pay for housing until the housing allowance is established.

The requestor does not wish to make the request public. Therefore, the draft opinion that is provided to the public does not identify the requestor. The Board will only discuss the public version of the draft opinion during regular session.

Attachments:

Draft advisory opinion 467 – public version

State of Minnesota
Campaign Finance and Public Disclosure Board
Suite 190, Centennial Building. 658 Cedar Street. St. Paul, MN 55155-1603

**THE FOLLOWING PUBLICATION DOES NOT IDENTIFY THE
REQUESTER OF THE ADVISORY OPINION, WHICH IS NON PUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)**

ADVISORY OPINION 467

SUMMARY

A legislator may use principal campaign committee funds to pay for housing if the costs were incurred because of legislative service and funds from the legislature are not available to pay for those costs.

FACTS

On behalf of a registered political party unit and members of the legislature, you request an advisory opinion from the Campaign Finance and Public Disclosure Board based on the following facts.

1. The House of Representatives has not yet approved the housing allowance for the 94th Legislature.
2. Members of the House of Representatives are currently living in St. Paul preparing for the legislative session. The cost of securing housing that is not currently being reimbursed is creating a financial hardship for some legislators
3. You are aware that the Board has previously determined that legislators may not use principal campaign funds to supplement the housing allowance provided by the legislature.

With this background in mind, you ask the following question.

Issue One

May legislators use principal campaign committee funds to pay for housing expenses until the House of Representatives is able to approve the housing allowance for the session?

Opinion One

Yes. As provided in Minnesota Statutes section 10A.173, subdivision 4, some expenses incurred by a legislator for serving in public office may be paid for with principal campaign committee funds. Among the listed expenses are:

(1) the cost of transportation, lodging, meals, and other expenses necessary to attend meetings and conferences when the reason that the candidate attends the event is to assist the candidate in performing the duties of the office held and the candidate would not attend the event if the candidate were not an office holder;

The House of Representatives was scheduled to meet on January 14, 2025. Elected representatives with both political parties came to St. Paul presuming that would occur and to prepare for the session. The delay in the House of Representatives beginning to meet has not prevented legislators from participating in meetings, drafting legislation, and performing duties for the office they hold. Legislators would not have secured housing in St. Paul if not for the office they hold and the assumption that the House of Representatives would meet as scheduled.

The Board concludes that the housing costs described in the facts of this opinion are an expense for serving in public office as provided by Minnesota Statutes section 10A.173. Therefore, legislators may use principal campaign committee funds to temporarily pay housing costs until the housing allowance is established. If the legislature makes the housing allowance retroactive to January 14, or an earlier date, then the principal campaign committee must be reimbursed for any housing costs it paid that are ultimately paid for by the legislature.

Issued: February 13, 2025

, Acting Chair
Campaign Finance and Public Disclosure Board



MINNESOTA

CAMPAIGN FINANCE BOARD

Date: February 5, 2025

To: Board members
Nathan Hartshorn, counsel

From: Andrew Olson, Legal/Management Analyst

Telephone: 651-539-1190

Subject: Rulemaking update

On January 14, 2025, the Board's proposed administrative rules were approved by Assistant Chief Administrative Law Judge Kristien R. E. Butler. On January 15, 2025, Executive Director Jeff Sigurdson signed an order formally adopting the rules, as authorized by the Board, and that order was filed with the Office of Administrative Hearings (OAH).

On January 23, 2025, the adopted rule language was transmitted from OAH to the Office of the Minnesota Secretary of State and provided to the Governor's Office. On February 4, 2025, the Governor's Office informed Board staff that Governor Walz does not intend to veto any portion of the adopted rules pursuant to Minnesota Statutes section 14.05, subdivision 6. A notice of adoption will be published in the *State Register* on February 18, 2025, and the rules will take effect five working days thereafter on February 25, 2025, pursuant to Minnesota Statutes section 14.38.

No action is required of the Board at this time.



MINNESOTA

CAMPAIGN FINANCE BOARD

Date: February 5, 2025

To: Board members

From: Megan Engelhardt, Assistant Executive Director **Telephone:** 651-539-1182

Re: Prima Facie Determinations

Complaints filed with the Board are subject to a prima facie determination which are made by the Board chair in consultation with staff. If the Board chair determines that the complaint states a violation of Chapter 10A or the provisions of Chapter 211B under the Board's jurisdiction, the complaint moves forward to a probable cause determination by the full Board.

If the determination finds that the complaint does not state a prima facie violation, the prima facie determination must dismiss the complaint without prejudice. When a complaint is dismissed, the complaint and the prima facie determination become public data. The following complaint was dismissed by Chair Rashid, and the prima facie determination is provided here as an informational item to Board members. No further Board action is required.

TakeAction MN

On January 13, 2025, the Board received a complaint submitted by Salina Amey regarding TakeAction Minnesota. The complaint cited Minnesota Statutes section 211B.15, which prohibits corporate contributions, but did not explain what the contribution was, who made the contribution, or which entity received the contribution. The complaint also cited portions of Chapter 211B that are outside the Board's jurisdiction. The complaint was dismissed by the chair on January 24, 2025, because it did not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction.

Typically, Board staff includes a copy of the complaint for Board members to review, however, as the complaint was over 1,200 pages, we are not including it here. Please contact Board staff if you would like to review a copy of the complaint.

Attachments:

TakeAction MN prima facie determination

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF SALINA AMEY REGARDING TAKEACTION MINNESOTA

On January 13, 2025, the Campaign Finance and Public Disclosure Board received a complaint submitted by Salina Amey regarding TakeAction Minnesota. The complaint identifies the entity being complained about as “TakeAction MN All Four Units” and does not appear to specify the four units in question. TakeAction Minnesota is the supporting association of an independent expenditure political fund named the TakeAction Political Fund, Board registration number 30636.¹ There is also a general purpose political committee named the Take Action PAC, Board registration number 70026.² TakeAction Minnesota is a 501(c)(4) nonprofit corporation³ and is a principal represented by lobbyists registered with the Board⁴.

The complaint alleges a violation of Minnesota Statutes section 211B.07, which generally provides that a person may not use undue influence “against an individual to compel the individual to vote for or against a candidate or ballot question.” The complaint alleges a violation of Minnesota Statutes section 211B.08, which generally provides that “[a] religious, charitable, or educational organization may not request a candidate or committee to contribute to the organization. . . .” That statute was determined to be unconstitutional in 2005.⁵

The complaint alleges a violation of Minnesota Statutes section 211B.15, which generally prohibits corporations, including limited liability companies and nonprofit corporations, from making a contribution “to a political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office,” unless the recipient is an independent expenditure or ballot question political committee or fund. The complaint also alleges that TakeAction Minnesota should be registered with the Board as a political party.

The complaint contains over 1,200 pages and is comprised largely of screenshots of websites, social media posts, news articles, and financial data from ProPublica.org, OpenSecrets.org, InfluenceWatch.org, and other websites. The complaint includes a wide variety of information regarding attempts to influence elections and public policy, both by TakeAction Minnesota and by other organizations. However, the complaint does not clearly explain the basis for the allegation that TakeAction Minnesota violated the prohibition on corporate contributions.

¹ cfb.mn.gov/reports-and-data/viewers/campaign-finance/political-committee-fund/30636/

² cfb.mn.gov/reports-and-data/viewers/campaign-finance/political-committee-fund/70026/

³ See Order of Dismissal in the Matter of the Complaint of Matthew Sullivan regarding TakeAction Minnesota, the TakeAction Political Fund, and the Take Action PAC (Apr. 26, 2023).

⁴ cfb.mn.gov/reports-and-data/viewers/lobbying/lobbying-organizations/5349/

⁵ *Minnesota Citizens Concerned for Life, Inc. v. Kelley*, 427 F.3d 1106 (8th Cir. 2005).

The complaint alleges and includes evidence that TakeAction Minnesota participated in a coalition group, Housing Equity Now Saint Paul (HENS), also known as the Keep St. Paul Home Campaign. Pages 789 and 790 of the complaint include screenshots of a HENS Facebook post advertising a meal, called the Keep St. Paul Home Special, at the restaurant El Burrito Mercado.⁶ The post states that from October 15 through November 1, 2021, “50% of sales will be donated to Housing Equity Now St. Paul.” The complaint does not appear to allege or contain evidence that corporate contributions were accepted by the Take Action PAC or by any other entity under the Board’s jurisdiction that is prohibited from accepting corporate contributions.

Pages 65 and 66 of the complaint include information from the website of The Peoples Canvass Cooperative, which according to the complaint was formerly known as Knock Knock LLC.”⁷ Page 66 of the complaint also includes information from a document published by People’s Action titled How to Defeat Trump and Heal America.⁸ The document indicates that People’s Action worked with TakeAction Minnesota via Knock Knock LLC on “Deep Canvassing and Political Persuasion in the 2020 Presidential Election.” The document does not refer to attempts to influence elections other than the presidential election. Pages 270 and 271 of the complaint include screenshots of the website of the Federal Election Commission (FEC), which indicate that there is a super PAC associated with TakeAction Minnesota named the TakeAction MN Federal Fund.⁹

The remainder of the complaint does not appear to contain evidence that TakeAction Minnesota violated the prohibition on corporate contributions, nor does it contain text explaining how TakeAction Minnesota or any other entity may have violated that prohibition.

Determination

Minnesota Statutes section 10A.022, subdivision 3, authorizes the Board to investigate alleged or potential violations of Minnesota Statutes Chapter 10A in addition to Minnesota Statutes sections 211B.04, 211B.12, and 211B.15. The Board does not have investigative authority with respect to alleged violations of Minnesota Statutes sections 211B.07 or 211B.08.

Minnesota Statutes section 10A.01, subdivision 11, defines the term contribution, in relevant part, to mean “money, a negotiable instrument, or a donation in kind that is given to a political committee, political fund, principal campaign committee, local candidate, or party unit.” Minnesota Statutes section 10A.01, subdivision 13, defines the term donation in kind to mean “anything of value that is given, other than money or negotiable instruments. An approved expenditure is a donation in kind.”

⁶ [facebook.com/housingequitynowstp/posts/pfbid0wnXaKZJTbAagEq9XYvVxeE472oCDsjRCnRYkhJBKmXJARor827xyJ8Z9E71k8CaPI](https://www.facebook.com/housingequitynowstp/posts/pfbid0wnXaKZJTbAagEq9XYvVxeE472oCDsjRCnRYkhJBKmXJARor827xyJ8Z9E71k8CaPI)

⁷ peoplescanvass.org/our-services

⁸ peoplesaction.org/wp-content/uploads/PA-ReportDeepCanvassingResults09.14-FINAL.pdf

⁹ fec.gov/data/committee/C00738815/

Minnesota Statutes section 211B.15, subdivision 1, defines the term corporation to mean “(1) a corporation organized for profit that does business in this state; (2) a nonprofit corporation that carries out activities in this state; or (3) a limited liability company formed under chapter 322C, or under similar laws of another state, that does business in this state.” Minnesota Statutes section 211B.15, subdivision 2, provides that:

(a) A corporation may not make a contribution or offer or agree to make a contribution directly or indirectly, of any money, property, free service of its officers, employees, or members, or thing of monetary value to a political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office.

(b) A political party, organization, committee, or individual may not accept a contribution or an offer or agreement to make a contribution that a corporation is prohibited from making under paragraph (a).

(c) For the purpose of this subdivision, "contribution" includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate but does not include an independent expenditure authorized by subdivision 3.

The TakeAction Political Fund is an independent expenditure political fund and thereby may accept contributions from corporations, including from its supporting association, TakeAction Minnesota.¹⁰ The complaint does not include evidence that the Take Action PAC accepted contributions from corporations. The complaint also does not clearly allege that any particular corporation, such as TakeAction Minnesota, El Burrito Mercado, or Knock Knock LLC, made a prohibited corporate contribution to any entity registered with the Board.

HENS does not appear to have registered with the Board as a political committee or as the supporting association of a political fund. The complaint does not clearly allege that HENS was a political committee or political fund, as those terms are defined within Minnesota Statutes Chapter 10A. Moreover, the complaint does not appear to include evidence that HENS was a political committee or political fund within the meaning of Chapter 10A when it attempted to influence voting in 2021. Minnesota Statutes section 10A.01, subdivisions 27 and 28, define the terms political committee and political fund to include associations seeking “to promote or defeat a ballot question.” However, prior to January 1, 2022, the term ballot question was defined by Minnesota Statutes section 10A.01, subdivision 7 to be limited to “a question or proposition that is placed on the ballot and that may be voted on by all voters of the state.”¹¹

¹⁰ See [Minn. Stat. § 211B.15, subds. 2-4](#).

¹¹ See [2021 Minn. Laws ch. 31, art. 4, § 2](#). The definition was expanded, effective January 1, 2022, to include certain local questions voted on by voters within Hennepin County. [2024 Minn. Laws ch. 112, art. 4, § 1](#). The definition was expanded again, effective January 1, 2025, to eliminate the Hennepin County limitation and include a question “that may be voted on by . . . all voters of a county, city, school district, township, or special district.”

The complaint includes evidence that HENS sought to promote or defeat a question that was on the ballot of St. Paul voters in 2021. That question was not a ballot question within the meaning of Chapter 10A because it could not be voted on by all Minnesota voters. As a result, unless HENS was a political committee or political fund within the meaning of Chapter 10A for some other reason in 2021, any alleged violation of Minnesota Statutes section 211B.15 by HENS in 2021 is beyond the investigative authority of the Board.¹² The chair therefore concludes that the complaint does not state a prima facie violation of Minnesota Statutes section 211B.15.

The complaint also alleges that TakeAction Minnesota should be registered with the Board as a political party. Minnesota Statutes section 10A.14, subdivision 1, generally requires that a political party unit be registered with the Board within 14 days after raising or spending more than \$750. Minnesota Statutes section 10A.01, subdivisions 23 and 25, define the terms major political party and minor political party by reference to Minnesota Statutes Chapter 200. Minnesota Statutes section 200.02, subdivisions 7 and 23, define those terms and include numerous requirements that an organization must satisfy in order to qualify as a major or minor political party in Minnesota, including filing a biennial certification with the Secretary of State attesting to the organization satisfying each requirement. An organization that does not wish to be defined as a political party may avoid being defined as such by declining to seek recognition as a political party by the secretary of state. The evidence included within the complaint does not indicate that TakeAction Minnesota has taken the steps necessary to qualify as a minor or major political party in Minnesota, nor that it has attempted to do so. The chair therefore concludes that the complaint does not state a prima facie violation of Minnesota Statutes section 10A.14, subdivision 1.

The chair concludes that the complaint does not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction. Pursuant to Minnesota Statutes section 10A.022, subdivision 3, this prima facie determination is made by the Board chair and not by any vote of the entire Board. The complaint is dismissed without prejudice.



Faris Rashid, Chair
Campaign Finance and Public Disclosure Board

Date: January 24, 2025

¹² A violation of [Minnesota Statutes section 211B.15](#) by HENS could have been alleged within a complaint filed with the Office of Administrative Hearings under [Minnesota Statutes section 211B.32, subdivision 1, paragraph \(a\)](#). However, [Minnesota Statutes section 211B.15, subdivision 4](#), provides that "[a] corporation may make contributions or expenditures to promote or defeat a ballot question," in 2021 the term "ballot question" as used within Chapter 211B was broader than as used within Chapter 10A, and [Minnesota Statutes section 211B.32, subdivision 2](#) provides that such a "complaint must be filed with the office within one year after the occurrence of the act or failure to act that is the subject of the complaint" unless "the act or failure to act involves fraud, concealment, or misrepresentation that could not be discovered during that one-year period. . . ."

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
February 2025

ACTIVE FILES

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Personally Served	Default Hearing Date	Date Judgment Entered	Case Status
Mariani, Carlos	Neighbors for Mariani	Previously filed reports and statements Late filing of 2023 year-end report	\$7,620 LFF \$3,300 CP \$1,000 LFF	11/22/23 7/31/24	8/29/24	2/3/25		Default Judgement Order entered 2/4/25