

Minnesota Campaign Finance and Public Disclosure Board

REQUEST FOR COMMENTS

Possible Amendment to and Repeal of Rules Governing Campaign Finance Regulation and Reporting; Independent Expenditures; Economic Interest Disclosure; Lobbying, Gift Ban Provisions; and Audits and Investigations; and Possible Technical and Clarifying Updates to Rules Administered by the Campaign Finance and Public Disclosure Board; *Minnesota Rules*, chapters 4501 through 4525; Revisor's ID Numbers R-04450 and R-04451

Subject of Rules. The Minnesota Campaign Finance and Public Disclosure Board requests comments on its possible amendment to and repeal of rules governing campaign finance regulation and reporting, independent expenditures, economic interest disclosure, lobbying, gift ban provisions, and audits and investigations and its possible technical and clarifying updates to rules administered by the Board.

The Board is considering rule amendments and repeals that 1) clarify conduct, actions, and relationships that prevent an expenditure from being independent and related topics; 2) clarify which expenditures 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 through the use of findings, conclusions, and orders; 5) clarify how to report reimbursements and the purpose of expenditures; 6) clarify when contributions made electronically are received; 7) specify the deadlines for actions necessary to qualify for public subsidy payments in a special election called under Minnesota Statutes section 204B.13; 8) revisit the definition of securities for economic interest statements to ensure that it is not overbroad; and 9) bring existing rules into conformance with statutory changes made since the Board's last rulemaking. As resources permit, the Board also will consider potential rule topics outside of this list submitted by members of the public.

The Board plans to pursue two rulemaking proceedings. One proceeding, Revisor's ID Number R-04451, will include the amendments necessary to conform the rules to current statutes and other amendments that have no opposition. The other proceeding, Revisor's ID Number R-04450, will include all other proposed amendments. The Board plans to determine which amendments to include in which proceeding based on the comments received in response to this notice, the comments made at the subcommittee meetings described below, and conversations with regulated parties.

Persons Affected. The amendment to and repeal of the rules would likely affect 1) candidates for state level offices; 2) candidate committees, political committees and funds, and political party units registered or required to register with the Board; 3) entities not registered with the Board that follow or participate in political campaigns; 4) groups not registered with the Board that make or consider making independent expenditures; 5) people who must file statements of economic interest with the Board because they are public and local officials; and 6) lobbyists registered with the Board and their principals.

Statutory Authority. *Minnesota Statutes* section 10A.02, subdivision 13, authorizes the Board to "adopt rules to carry out the purposes of this chapter."

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on Friday, February 3, 2017. The Board plans to appoint a subcommittee of Board members to develop the proposed rule language. The first subcommittee meeting will be held in January 2017. Notice of the subcommittee meetings will be posted on the Board's website at <http://cfbreport.state.mn.us/RuleMaking/>. The subcommittee meetings will be open to the public and interested parties will have the opportunity to comment on the proposed rule topics and language. The Board does not plan to appoint an advisory committee to comment on the possible rules.

Rules Drafts. The Board has not yet drafted the possible rule amendments and repeals but anticipates that drafts of potential language will be available before publication of the proposed rules.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Jodi Pope at Campaign Finance and Public Disclosure Board, 190 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155; (651) 539-1183; fax (651) 539-1196 or (800) 357-4114; jodi.pope@state.mn.us or submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com>

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the administrative law judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: November 28, 2016

Jeff Sigurdson, Executive Director
Campaign Finance and Public Disclosure Board