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1 **CHAPTER 4501, GENERAL PROVISIONS**

2
3 **4501.0100 DEFINITIONS.**

4
5 Subpart 1. **Scope.** The definitions in this part apply to this chapter and chapters 4503 to
6 4525 and Minnesota Statutes, chapter 10A. The definitions in Minnesota Statutes, chapter 10A,
7 also apply to chapters 4503 to 4525.

8
9 Subp. 2. **Address.** "Address" means the complete mailing address, including the zip code.
10 An individual may use either the person's business address or home address. An association's
11 address is the address from which the association conducts its business.

12
13 Subp. 3a. **Audit trail.** "Audit trail" means documentation of submission of an electronic file
14 or facsimile transmission to the board. The audit trail includes the date and time at which the
15 facsimile transmission or electronic file submission was made and a copy of any verification
16 report or message received from the board.

17
18 Subp. 43. **Business day.** A "business day" is from 8:00 a.m. to 4:30 p.m., Monday through
19 Friday, except for official state holidays.

20
21 Subp. 54. **Compensation.** "Compensation" means every kind of payment for labor or
22 personal services. Compensation does not include payments of Social Security, unemployment
23 compensation, workers' compensation, healthcare, retirement, or pension benefits.

24
25 Subp. 64a. **Electronic file.** "Electronic file" means a report or statement required by
26 Minnesota Statutes, chapter 10A, and submitted to the board using an electronic filing system.

27
28 Subp. 74b. **Electronic filing system.** "Electronic filing system" means the computer-based
29 systems developed by the board to transfer an electronic file of data that meets the filing and
30 reporting requirements of Minnesota Statutes, chapter 10A.

31
32 Subp. 84e. **Facsimile transmission.** "Facsimile transmission" means the use of a fax
33 machine or e-mail to submit an electronic image of a report or statement to the board.

34
35 Subp. 95. **Honorarium.** "Honorarium" means anything of value given or received for
36 services such as making speeches, writing articles, or making presentations when there is no
37 obligation on the part of the giver to make payment.

38
39 Subp. 106. **Money.** "Money" means cash and cash equivalents such as checks, money
40 orders, travelers checks, negotiable instruments, and other paper commonly accepted by a
41 bank as a deposit. A transfer of money includes an electronic transfer of funds.

42
43 Subp. 117. **Occupation.** "Occupation" means a person's usual trade, profession,
44 employment, or other similar endeavor, and includes categories for which there is no direct

1 financial compensation, such as homemaker.

2
3 **Subp. 12. Original signature.** "Original signature" means:

4
5 A. a signature in the signer's handwriting, or if the signer is unable to write, the signer's
6 mark or name written in the handwriting of another or applied by stamp at the request, and in
7 the presence, of the signer;

8
9 B. an electronic signature consisting of the letters of the signer's name, applied using a
10 cursive font or accompanied by text or symbols clearly indicating an intent to apply a signature,
11 including but not limited to the letter s with a forward slash mark on one or both sides of the
12 letter s or the placement of a forward slash mark before and after the signer's name; or

13
14 C. the signer's name on the signature line of an electronic file submitted using the filer's
15 personal identification code.

16
17 Subp. 137a. **Personal identification code.** "Personal identification code" is a confidential
18 user name and password provided by the board and required to use an electronic filing system.

19
20 Subp. 148. **Principal place of business.** "Principal place of business" means:

21
22 A. for an employed person, the name of the employer and the address from which the
23 employee conducts the employer's business;

24
25 B. for a self-employed person or a person not employed, the address from which the
26 person conducts business or personal matters; or

27
28 C. for an association, the name and business address of the association.

29
30 Subp. 159. **Promptly.** "Promptly" means within ten business days after the event that gave
31 rise to the requirement.

32
33 **4501.0500 FILINGS, SUBMISSIONS, AND DISCLOSURES.**

34
35 **Subpart 1. Format.** A report or statement required under Minnesota Statutes,
36 section 10A.20, must be filed electronically in a format specified by the board, to the extent
37 required by that section. Any other report or statement required under Minnesota Statutes,
38 chapter 10A, must be filed submitted electronically in a format specified by the board or on the
39 forms provided by the board for that purpose or by an electronic filing system. The board may
40 provide alternative methods for submitting information, including other means for the electronic
41 submission of data.

42
43 Subp. 1a. [Repealed, L 2018 c 119 s 34]

1 ~~Subp. 2. [Repealed, L 2017 1Sp4 art 3 s 18]~~

2

3 Subp. 23. **Filings on nonbusiness days.** If a scheduled filing date falls on a Saturday,
4 Sunday, or state holiday, the filing is due on the next business day.

5

6 ~~Subp. 4. [Repealed, L 2005 c 156 art 6 s 68]~~

1 **CHAPTER 4503, CAMPAIGN FINANCE ACTIVITIES**

2
3 **4503.0100 DEFINITIONS.**

4
5 Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes,
6 chapter 10A, except that the definition in subpart 7 applies to Minnesota Statutes,
7 section 211B.15. The definitions in chapter 4501 and Minnesota Statutes, chapter 10A, also
8 apply to this chapter.

9
10 Subp. 2. **Adjournment sine die.** "Adjournment sine die" means final adjournment by the
11 legislature in the second year of a biennium.

12
13 Subp. 3. **Anonymous contribution.** "Anonymous contribution" means a contribution for
14 which the name and address of the donor cannot be determined.

15
16 Subp. 4. **County office in Hennepin County.** "County office in Hennepin County" means
17 the offices of county commissioner, county attorney, and sheriff, in Hennepin County, and does
18 not include the office of Three Rivers Park District commissioner.

19
20 Subp. 53a. **Fair market value.** "Fair market value" means the amount that an individual
21 would pay to purchase the same or similar service or item on the open market.

22
23 Subp. 64. **Fundraising event.** "Fundraising event" means a meal, party, entertainment
24 event, rally, or similar gathering of three or more individuals where contributions are solicited or
25 received.

26
27 Subp. 7. **Headquarters.** For the purpose of Minnesota Statutes, section 211B.15,
28 subdivision 8, "headquarters" means a building or other structure that is used for all or part of
29 the year as the primary location where the party's business is conducted.

30
31 Subp. 8. **Legislative caucus.** "Legislative caucus" means an organization whose members
32 consist solely of legislators belonging to the same house of the legislature and the same political
33 party, and is not limited to a majority or minority caucus described in Minnesota Statutes,
34 Chapter 3, but does not include a legislative party unit.

35
36 Subp. 9. **Legislative caucus leader.** "Legislative caucus leader" means a legislator elected
37 or appointed by a legislative caucus to lead that caucus, and is not limited to leaders designated
38 pursuant to Minnesota Statutes, section 3.099.

39
40 Subp. 10. **Legislative party unit.** "Legislative party unit" means a political party unit
41 established by the party organization within a house of the legislature.

42
43 Subp. 11. **Nomination.** Except as used in Minnesota Statutes, sections 10A.09 and
44 10A.201, "nomination" means the placement of a candidate or a local candidate's name on a

1 general election or special general election ballot.

2
3 Subp. ~~125~~. **Receipted bill.** "Receipted bill" means an invoice marked paid by the vendor or
4 a canceled check with a corresponding invoice indicating the purpose of the expenditure.

5
6 Subp. 6. [~~Repealed, L 2018 c 119 s 34~~]

7
8 Subp. ~~137~~. **Statewide election.** "Statewide election" means an election for a statewide
9 constitutional office, appeals court, or supreme court office, or an election in which a question or
10 proposition on the ballot can be voted on by all voters of the state.

11
12 Subp. ~~148~~. **Unpaid bill.** "Unpaid bill" means an advance of credit for which payment has not
13 been made. An advance of credit is an unpaid bill from the time it is incurred, regardless of
14 when an actual invoice is received.

15
16 **4503.0200 ORGANIZATION OF POLITICAL COMMITTEES AND POLITICAL FUNDS.**

17
18 Subpart 1. **Organizational information to be provided by a political party.** The statement
19 of organization of a political party must include a list of the names of the party units organized in
20 each house of the legislature and in congressional districts, counties, legislative districts,
21 municipalities, and precincts, along with the name and address of the treasurer and chair of
22 each unit, and must be updated annually.

23
24 Subp. 2. **Officers of principal campaign committee.** A candidate may be chair, treasurer,
25 or both, of the candidate's own principal campaign committee. The candidate is ultimately
26 responsible for the principal campaign committee's compliance with Minnesota Statutes, chapter
27 10A.

28
29 Subp. 3. **When registration is not required.** When a person or group merely solicits
30 contributions with the approval of a candidate or the treasurer, deputy treasurer, or agent of a
31 political committee or political fund and when those contributions are made directly to the
32 reporting committee or fund, that person or group need not establish a separate political
33 committee or political fund.

34
35 Subp. 4. [~~Repealed, L 2005 c 156 art 6 s 68~~]

36
37 Subp. ~~45~~. **Termination of responsibility of former treasurer.** A former treasurer who
38 transfers political committee or political fund records and receipts to a new treasurer or to the
39 chair of the committee or fund is relieved of future responsibilities ~~when notice required under~~
40 ~~subpart 4 is filed~~ or when the former treasurer notifies the board in writing of the change.

41
42 Subp. 6. [~~Repealed, L 2017 1Sp4 art 3 s 18~~]

1 **4503.0400 JOINT PURCHASES.**
2

3 Subpart 1. ~~[Repealed, L 2017 1Sp4 art 3 s 18]~~ **General requirement.** Principal campaign
4 committees, political party units, and political committees and funds may jointly purchase goods
5 or services without making or receiving a donation in kind. If each purchaser pays the vendor for
6 their share of the fair market value of the purchase, each purchaser must report that amount to
7 the board as an expenditure or noncampaign disbursement as required by Minnesota Statutes,
8 section 10A.20. If a purchaser pays the vendor for the total amount of the purchase and obtains
9 payment from another purchaser for that purchaser's share of the fair market value of the
10 purchase, each purchaser must use the same reporting method under Minnesota Statutes,
11 section 10A.20, subdivision 13.
12

13 Subp. 2. ~~[Repealed, L 2005 c 156 art 6 s 68]~~ **Proportionate shares of joint purchase.** If a
14 purchaser pays a vendor for the total amount of a joint purchase and each joint purchaser
15 receives goods or services of equal value, each joint purchaser must pay the purchaser that
16 paid the vendor an amount equal to the total amount paid to the vendor divided by the number
17 of joint purchasers in order to prevent the occurrence of a donation in kind. If a purchaser pays
18 a vendor for the total amount of a joint purchase and joint purchasers receive goods or services
19 of differing value, each joint purchaser must pay the purchaser that paid the vendor in
20 proportion to the value of the goods or services received in order to prevent the occurrence of a
21 donation in kind. If a joint purchaser pays the purchaser that paid the vendor less than its
22 proportionate share of the fair market value of the joint purchase, the difference must be
23 reported as a donation in kind from the purchaser that paid the vendor to the joint purchaser as
24 required by Minnesota Statutes, section 10A.20.
25

26 Subp. 3. **No impact on prohibited contributions.** Nothing in this part permits an
27 independent expenditure or ballot question political committee or fund to make a contribution,
28 including an approved expenditure, that is prohibited by Minnesota Statutes, section 10A.121, or
29 alters what constitutes a coordinated expenditure.
30

31 **4503.0500 CONTRIBUTIONS.**
32

33 Subpart 1. **All receipts are contributions.** Any donation of money, goods, or services
34 received by a principal campaign committee, political party unit, political committee, or political
35 fund is considered a contribution at the time the item is received.
36

37 Subp. 2. ~~[Repealed, L 2018 c 119 s 34]~~ **Contribution processors and professional**
38 **fundraisers.** A vendor may solicit, process, collect, or otherwise facilitate the accumulation of
39 contributions made to a principal campaign committee, political party unit, political committee, or
40 political fund, and may temporarily retain or control any contributions collected, without thereby
41 making a contribution to the intended recipient of the contributions, if the vendor is paid the fair
42 market value of the services provided. Contributions collected must be transmitted to the
43 intended recipient, minus any fees withheld by the vendor. A vendor that is paid the fair market
44 value of any goods or services provided is not a political committee or a political fund by virtue

1 of providing those goods or services. A vendor that determines which principal campaign
2 committee, political party unit, political committee, or political fund receives the contributions
3 collected is a political committee or political fund as provided in Minnesota Statutes, section
4 10A.01, even if the recipient of the contributions pays the vendor the fair market value of the
5 services provided to collect the contributions.

6
7 Subp. 3. **Transmission of contributions.** Promptly after receipt of any contribution
8 intended for a principal campaign committee, political party unit, political committee, or political
9 fund, or on demand of the treasurer, any individual, association, or vendor retaining or
10 controlling the contribution must transmit the contribution together with any required record to
11 the treasurer.

12
13 Subp. 4. **Identification of contributor.** An individual or association that pays for or provides
14 goods or services, or makes goods or services available, with the knowledge that they will be
15 used for the benefit of a principal campaign committee, political party unit, political committee, or
16 a political fund, is the contributor of those goods or services.

17
18 Subp. 5. [~~Repealed, L 2017 1Sp4 art 3 s 18~~]

19
20 Subp. 56. **Contributions by joint check.** A contribution given by a check written on a joint
21 account is considered to be a contribution by the persons who signed the check in equal
22 proportions unless the candidate or treasurer of the committee or fund has personal knowledge
23 or affirmatively ascertains from any account holder who did not sign the check that the person is
24 a joint contributor. In such cases, a written notation of the basis for considering the contribution
25 to be a joint contribution must be made at the time the contribution is deposited and kept with
26 the committee's or fund's official records.

27
28 Subp. 67. **Forwarding anonymous contributions.** An anonymous contribution in excess of
29 \$20 must be forwarded to the board in its entirety within 14 days after its receipt by the treasurer
30 along with a statement of the amount of the contribution and the date on which it was received.

31
32 Subp. 78. [~~Repealed, L 2017 1Sp4 art 3 s 18~~]**Underlying sources of funding of**
33 **unregistered associations.** A principal campaign committee, party unit, or political committee
34 or fund that is not an independent expenditure or ballot question political committee or fund,
35 must consider an association's sources of funding in determining whether a contribution may be
36 accepted from an association that is not registered with the board as a principal campaign
37 committee, a party unit, a political committee, or the supporting association of a political fund. A
38 contribution from an unregistered association is prohibited if any of that association's sources of
39 funding would be prohibited from making the contribution directly under Minnesota Statutes,
40 section 211B.15, subdivision 2.

41
42 Subp. 9. [~~Repealed, L 2005 c 156 art 6 s 68~~]

1 **4503.0700 CONTRIBUTION LIMITS.**

2
3 Subpart 1. **Loans included in aggregation of contributions.** Contribution limits apply to
4 the aggregation of:

- 5
6 A. money;
7
8 B. donations in kind;
9
10 C. outstanding loans from the contributor; and
11
12 D. proceeds of outstanding loans endorsed by the contributor.
13

14 Subp. 2. [Repealed, L 2017 1Sp4 art 3 s 18]**Commercial vendors not subject to bundling**
15 **limitation.** A vendor retained by a principal campaign committee, political party unit, political
16 committee, or political fund for the accumulation of contributions, and is paid by that committee,
17 party unit, or fund the fair market value of the services provided, as described in part 4503.0500,
18 subpart 2, is not subject to the bundling limitation in Minnesota Statutes, section 10A.27,
19 subdivision 1.
20

21 Subp. 3. [Repealed, L 2017 1Sp4 art 3 s 18]
22

23 **4503.0800 DONATIONS IN KIND AND APPROVED EXPENDITURES.**

24
25 Subpart 1. [Repealed, L 2005 c 156 art 6 s 68]**Contributor payment of processing fee.** If a
26 contributor pays a processing fee when making a contribution and the fee would otherwise have
27 been billed to the recipient of the contribution or withheld from the amount transmitted to the
28 recipient, the amount of the fee is a donation in kind to the recipient of the contribution. If the
29 donation in kind exceeds the amount specified in Minnesota Statutes, section 10A.13,
30 subdivision 1, the recipient's treasurer must keep an account of the contribution and must
31 include the contribution within campaign reports as required by Minnesota Statutes,
32 section 10A.20. If the donation in kind does not exceed the amount specified in Minnesota
33 Statutes, section 10A.13, subdivision 1, the recipient's treasurer is not required to keep an
34 account of the contribution or to include it within campaign reports filed under Minnesota
35 Statutes, section 10A.20.
36

37 Subp. 2. **Multicandidate materials.** An approved expenditure made on behalf of multiple
38 candidates or local candidates must be allocated between the candidates or the local
39 candidates on a reasonable basis if the cost exceeds \$20 per candidate or local candidate.
40

41 Subp. 3. **Multipurpose materials.** A reasonable portion of the fair market value of
42 preparation and distribution of association newsletters or similar materials which, in part,
43 advocate the nomination or election of a candidate or a local candidate is a donation in kind

1 which must be approved by the candidate or the local candidate if the value exceeds \$20,
2 unless an independent expenditure is being made.

3
4 Subp. 4. **Office facilities.** The fair market value of shared office space or services provided
5 to a candidate or a local candidate without reimbursement is a donation in kind.

6
7 Subp. 5. **Campaign expenditures for constituent services paid with personal funds.**
8 Costs of providing constituent services that are campaign expenditures and paid with the
9 personal funds of the candidate are a donation in kind to the principal campaign committee of
10 the candidate.

11
12 **4503.0900 NONCAMPAIGN DISBURSEMENTS.**

13
14 Subpart 1. **Additional definitions.** In addition to those listed in Minnesota Statutes, section
15 10A.01, subdivision 26, the following expenses are noncampaign disbursements:

16
17 A. transportation, meals, and lodging paid to attend a campaign school;

18
19 B. costs of campaigning incurred by a person with a disability, as defined in Minnesota
20 Statutes, section 363A.03, subdivision 12, and which are made necessary by the disability;

21
22 C. the cost to an incumbent or a winning candidate of providing services to residents in
23 the district after the general election in an election year for the office held;

24
25 D. payment of advances of credit in a year after the year in which the advance was
26 reported as an expenditure;

27
28 E. payment of fines assessed by the board; ~~and~~

29
30 F. costs of running a transition office for a winning gubernatorial candidate during the
31 first six months after election; and

32
33 G. costs to maintain a bank account that is required by law, including service fees, the
34 cost of ordering checks, and check processing fees.

35
36 Subp. 2. ~~[Repealed, 21 SR 1779]~~ **Expenses incurred by leaders of a legislative caucus.**
37 Expenses incurred by a legislative caucus leader in carrying out their leadership responsibilities
38 may be paid by their principal campaign committee and classified as a noncampaign
39 disbursement for expenses incurred by leaders of a legislative caucus. These expenses must
40 be incurred for the operation of the caucus and include, but are not limited to, expenses related
41 to operating a website, social media accounts, a telephone system, similar means of
42 communication, travel expenses, and legal expenses.

1 Subp. 3. Signage and supplies for office holders. Expenses incurred by an office holder
2 for signage outside their official office and for basic office supplies purchased to aid the office
3 holder in performing the tasks of their office may be paid by their principal campaign committee
4 and classified as a noncampaign disbursement for expenses for serving in public office. These
5 expenses may include signage, stationary, or other means of communication that identify the
6 office holder as a member of a legislative caucus.

7
8 Subp. 4. Equipment purchases. The cost of durable equipment purchased by a principal
9 campaign committee, including but not limited to computers, cell phones, and other electronic
10 devices, must be classified as a campaign expenditure unless the equipment is purchased to
11 replace equipment that was lost, stolen, or damaged to such a degree that it no longer serves
12 its intended purpose, or the equipment will be used solely:

13
14 A. by a member of the legislature or a constitutional officer in the executive branch to
15 provide services for constituents during the period from the beginning of the term of office to
16 adjournment sine die of the legislature in the election year for the office held;

17
18 B. by a winning candidate to provide services to residents in the district in accordance
19 with subpart 1;

20
21 C. for campaigning by a person with a disability in accordance with subpart 1;

22
23 D. for running a transition office in accordance with subpart 1; or

24
25 E. as home security hardware.

26
27 Subp. 53. **Reporting purpose of noncampaign disbursements.** Itemization of an expense
28 which is classified as a noncampaign disbursement must include sufficient information to justify
29 the classification.

30
31 **4503.1000 CAMPAIGN MATERIALS INCLUDING OTHER CANDIDATES.**

32
33 Subpart 1. **Inclusion of others without attempt to influence nomination or election.**
34 Campaign materials, including media advertisements, produced and distributed on behalf of one
35 candidate which contain images of, appearances by, or references to another candidate or local
36 candidate, but which do not mention the candidacy of the other candidate or local candidate or
37 make a direct or indirect appeal for support of the other candidate or local candidate, are not
38 contributions to, or expenditures on behalf of that candidate or local candidate.

39
40 Subp. 2. **Multicandidate materials prepared by a candidate.** A candidate who produces
41 and distributes campaign materials, including media advertisements, which include images of,
42 appearances by, or references to one or more other candidates or local candidates, and which
43 mention the candidacy of the other candidates or local candidates or include a direct or indirect
44 appeal for the support of the other candidates or local candidates must collect from each of the

1 other candidates or local candidates a reasonable proportion of the production and distribution
2 costs.

3
4 **4503.1600 AGGREGATED EXPENDITURES.**

5
6 ~~[Repealed, L 2017 1Sp4 art 3 s 18]~~ Expenditures and noncampaign disbursements may be
7 aggregated and reported as lump sums when itemized within a report filed under Minnesota
8 Statutes, section 10A.20, if:

9
10 A. each expenditure or noncampaign disbursement was made to the same vendor;

11
12 B. each expenditure or noncampaign disbursement was made for the same type of goods
13 or services;

14
15 C. each lump sum consists solely of aggregated expenditures or solely of aggregated
16 noncampaign disbursements;

17
18 D. each lump sum consists solely of aggregated expenditures or noncampaign
19 disbursements that are paid, are unpaid, or represent the dollar value of a donations in kind;

20
21 E. the expenditures and noncampaign disbursements are aggregated over a period of no
22 more than 31 days; and

23
24 F. all expenditures and noncampaign disbursements made prior to the end of a reporting
25 period are included within the report covering that period.

26
27 Lump sums must be dated based on the last date within the period over which the
28 expenditures or noncampaign disbursements are aggregated. This subpart does not alter
29 the date an expenditure is made for purposes of the registration requirements provided in
30 Minnesota Statutes, section 10A.14.

31
32 **4503.1800 DISCLAIMERS.**

33
34 ~~[Repealed, L 2017 1Sp4 art 3 s 18]~~ Subpart 1. **Additional definitions.** The following
35 definitions apply to this part and Minnesota Statutes, section 211B.04:

36
37 A. "Broadcast media" means a television station, radio station, cable television system,
38 or satellite system.

39
40 B. "Social media platform" means a website or application that allows multiple users to
41 create, share, and view user-generated content, excluding a website controlled primarily by the
42 association or individual that caused the communication to be prepared or disseminated.

1 Subp. 2. **Material linked to a disclaimer.** Minnesota Statutes, section 211B.04, does not
2 apply to the following communications that link directly to an online page that includes a
3 disclaimer in the form required by that section, if the communication is made by or on behalf of a
4 candidate, principal campaign committee, political committee, political fund, political party unit,
5 or person who has made an electioneering communication, as those terms are defined in
6 Minnesota Statutes, Chapter 10A:

7
8 A. text, images, video, or audio, disseminated via a social media platform;

9
10 B. a text or multimedia message disseminated only to telephone numbers;

11
12 C. text, images, video, or audio, disseminated using an application accessed primarily
13 via mobile phone, excluding email messages, telephone calls, and voicemail messages; and

14
15 D. paid electronic advertisements disseminated via the internet by a third-party,
16 including but not limited to online banner advertisements and advertisements appearing within
17 the electronic version of a newspaper, periodical, or magazine.

18
19 The link must be conspicuous and when selected must result in the display of an online
20 page that prominently includes the required disclaimer.

1 **CHAPTER 4511, LOBBYIST REGISTRATION AND REPORTING**

2
3 **4511.0100 DEFINITIONS.**

4
5 Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes,
6 chapter 10A. The definitions in chapter 4501 and in Minnesota Statutes, chapter 10A, also apply
7 to this chapter.

8
9 Subp. 1a. [~~Repealed, L 2023 c 62 art 5 s 44~~]

10
11 Subp. 2. **Administrative overhead expenses.** “Administrative overhead expenses” means
12 costs incurred by the principal for office space, transportation costs, and website operations,
13 that are used to support lobbying in Minnesota.

14
15 Subp. 3. **Development of prospective legislation.** “Development of prospective
16 legislation” means communications that request support for legislation that has not been
17 introduced as a bill, communications that provide language, or comments on language, used in
18 draft legislation that has not been introduced as a bill, or communications that are intended to
19 facilitate the drafting of language, or comments on language, used in draft legislation that has
20 not been introduced as a bill.

21
22 The following actions do not constitute development of prospective legislation:

23
24 A. responding to a request for information by a public official;

25
26 B. requesting that a public official respond to a survey on the official’s support or
27 opposition for an issue;

28
29 C. providing information to public officials in order to raise awareness and educate on
30 an issue or topic; or

31
32 D. advocating for an issue without requesting action by the public official.

33
34 Subp. 4. **Employee of a political subdivision.** “Employee of a political subdivision”
35 includes an individual hired or appointed by the political subdivision. An individual is also an
36 employee of a political subdivision if the individual is:

37
38 A. hired to provide the political subdivision services as a consultant or independent
39 contractor; or

40
41 B. the individual is employed by a business that has contracted with the political
42 subdivision to provide legal counsel, professional services, or policy recommendations to the
43 political subdivision.

1 Subp. ~~52~~. **Gift.** "Gift" has the meaning given in chapter 4512 and Minnesota Statutes,
2 section 10A.071.

3
4 Subp. ~~63~~. **Lobbying.** "Lobbying" means attempting to influence legislative action,
5 administrative action, or the official action of a ~~metropolitan governmental unit~~political
6 subdivision by communicating with or urging others to communicate with public officials or local
7 officials ~~in metropolitan governmental units~~. Any activity that directly supports this
8 communication is considered a part of lobbying. Payment of an application fee, or processing
9 charge, for a government service, permit, or license is not lobbying or an activity that directly
10 supports lobbying.

11
12 Subp. ~~74~~. **Lobbyist's disbursements.** "Lobbyist's disbursements" include ~~all~~ disbursements
13 for ~~lobbying each gift given~~ made by the lobbyist, the lobbyist's employer ~~or employee~~, or any
14 person or association represented by the lobbyist, ~~but do not include compensation paid to the~~
15 ~~lobbyist.~~

16
17 Subp. ~~85~~. **Original source of funds.** "Original source of funds" means a source of funds,
18 provided by an individual or association other than the entity for which a lobbyist is registered,
19 paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist, or the
20 lobbyist's principal, for lobbying purposes.

21
22 Subp. ~~9~~. **Pay or consideration for lobbying.** "Pay or consideration for lobbying" means the
23 gross compensation paid to an individual for lobbying. An individual whose job responsibilities
24 do not include lobbying, and who has not been directed or requested to lobby on an issue by
25 their employer, does not receive pay or consideration for lobbying they undertake on their own
26 initiative.

27
28 Subp. ~~106~~. **Public higher education system.** "Public higher education system" includes the
29 University of Minnesota and the Minnesota State Colleges and Universities governed by
30 Minnesota Statutes, chapter 136F. The board may issue advisory opinions at the request of
31 other entities with respect to whether or not they are also included within this definition.

32
33 Subp. ~~117~~. **Reporting lobbyist.** "Reporting lobbyist" means a lobbyist responsible for
34 reporting lobbying ~~disbursements~~ activity of two or more lobbyists representing the same entity.
35 Lobbying ~~disbursements~~ activity made on behalf of an entity may be reported by each individual
36 lobbyist that represents an entity, or by one or more reporting lobbyists, or a combination of
37 individual reports and reports from a reporting lobbyist.

38
39 Subp. 12. **State agency.** "State agency" means any office, officer, department, division,
40 bureau, board, commission, authority, district, or agency of the State of Minnesota.

1 **4511.0200 REGISTRATION.**

2
3 Subpart 1. **Registration threshold.** An individual must register as a lobbyist with the board
4 upon the earlier of when:

5
6 A. the individual receives total pay or consideration from all sources that exceeds
7 \$3,000 in a calendar year, for the purpose of lobbying, or from a business whose primary source
8 of revenue is derived from facilitating government relations or government affairs services if the
9 individual's job duties include offering direct or indirect consulting or advice that helps the
10 business provide those services to clients. The pay or consideration for lobbying for an
11 individual whose job duties includes both lobbying and functions unrelated to lobbying is
12 determined by multiplying the gross compensation of the individual by the percentage of the
13 individual's work time spent lobbying in the calendar year; or

14
15 B. the individual spends more than \$3,000 of their own funds in a calendar year for the
16 purpose of lobbying. Membership dues paid by the individual, and expenses for transportation,
17 lodging, and meals used to support lobbying by the individual, are not costs that count towards
18 the \$3,000 expenditure threshold that requires registration.

19
20 Subp. 2. **Registration not required.** An individual is not required to register as a lobbyist
21 with the board:

22
23 A. to represent the lobbyist's own interests, if the lobbyist is already registered to
24 represent one or more principals, unless the lobbyist spends over \$3,000 in personal funds in a
25 calendar year for the purpose of lobbying; or

26
27 B. as a result of serving on the board or governing body of an association that is a
28 principal, unless the individual receives pay or other consideration to lobby on behalf of the
29 association, and the aggregate pay or consideration for lobbying from all sources exceeds
30 \$3,000 in a calendar year.

31
32 Subpart. 43. **Separate registration required for each entity.** A lobbyist who lobbies on
33 behalf of more than one individual, association, political subdivision, or public higher education
34 system shall register separately for each separate entity. Members or affiliates of an association
35 represented by a lobbyist are not separate entities for the purposes of this requirement.

36
37 Subp. 24. **Separate registration for each lobbyist.** Multiple lobbyists representing the
38 same individual, association, political subdivision, or higher education system must each
39 register separately. A lobbyist who ~~reports~~ provides lobbying activity disbursements to the board
40 through a reporting lobbyist must list the name and registration number of the reporting lobbyist
41 on a lobbyist registration. If the reporting lobbyist changes, or if the lobbyist ceases to report
42 through a reporting lobbyist, the lobbyist must amend the registration within ten days.

1 Subp. ~~35~~. **Registration of designated lobbyist.** A designated lobbyist must indicate on the
2 lobbyist registration form that the lobbyist will be reporting disbursements for the entity the
3 lobbyist represents. An entity that employs lobbyists may have only one designated lobbyist. A
4 designated lobbyist who ceases to be responsible for reporting the lobbying disbursements of
5 an entity must amend the lobbyist's registration with the board within ten days.

6
7 Subp. ~~46~~. **Registration of reporting lobbyist.** A reporting lobbyist must indicate on the
8 lobbyist registration form that the lobbyist will be reporting lobbying activity disbursements for
9 additional lobbyists representing the same entity. The registration must list the name and
10 registration number of each lobbyist that will be included in reports to the board of disbursements
11 made by the reporting lobbyist. Changes to the list of lobbyists represented by a reporting
12 lobbyist must be amended on the reporting lobbyist registration within ten days, or provided to
13 the board at the time of filing a report required by Minnesota Statutes, section 10A.04,
14 subdivision 2.

15 16 **4511.0300 PRINCIPALS.**

17
18 Individuals or associations represented by lobbyists are presumed to be principals until they
19 establish that they do not fall within the statutory definition of a principal. A political subdivision,
20 public higher education system, or any office, department, division, bureau, board, commission,
21 authority, district, or agency of the State of Minnesota, is not an association under Minnesota
22 Statutes, section 10A.01, and is not a principal.

23 24 **4511.0400 TERMINATION.**

25
26 Subpart 1. **Lobbyist termination.** A lobbyist who has ceased lobbying for a particular entity
27 may terminate registration by filing a lobbyist termination form and a lobbyist ~~disbursement~~
28 report covering the period from the last report filed through the date of termination. If the
29 lobbying ~~disbursements~~ activity of the lobbyist ~~is~~ are reported by a reporting lobbyist, the
30 nonreporting lobbyist may terminate by filing a lobbyist termination form and notifying the
31 reporting lobbyist of all ~~disbursements made~~ lobbying activity by the lobbyist during the period
32 from the last report filed through the date of termination.

33
34 Subp. 2. **Reporting lobbyist termination.** A reporting lobbyist who has ceased lobbying for
35 a particular entity may terminate registration by filing a lobbyist termination form and a lobbyist
36 ~~disbursement~~ report covering the period from the last report filed through the date of
37 termination. The termination of a reporting lobbyist reverts the reporting responsibility back to
38 each lobbyist listed on the registration of the reporting lobbyist.

39
40 Subp. 3. **Designated lobbyist termination.** A designated lobbyist who has ceased lobbying
41 for a particular entity may terminate their registration using the procedure provided in subpart 1.
42 When the designated lobbyist of a lobbying entity terminates, the entity is responsible to assign
43 the responsibility to report the entity's lobbying disbursements to another lobbyist.

1 **4511.0500 LOBBYIST REPORTING REQUIREMENTS.**

2
3 **Subpart 1. Separate reporting required for each entity.** A lobbyist must report separately
4 for each entity for which the lobbyist is registered, unless their activity disbursements are
5 reported in the manner provided in Minnesota Statutes, section 10A.04, subdivision 9~~subpart 2.~~

6
7 ~~Subp. 2. [Repealed, L 2017 1Sp4 art 3 s 18]~~

8
9 ~~Subp. 23. Report of officers and directors information~~**designated lobbyist.** With each
10 report of lobbyist activity disbursements, a designated lobbyist must report ~~any change in the~~
11 ~~name and address of:~~

12
13 A. the name and address of each person, if any, by whom the lobbyist is retained or
14 employed or on whose behalf the lobbyist appears; ~~or~~

15
16 B. if the lobbyist represents an association, a current list of the names and addresses of
17 each officer and director of the association;

18
19 C. each original source of money in excess of \$500 provided to the individual or
20 association that the lobbyist represents; and

21
22 D. each gift to a public or local official given by or on behalf of a principal or a lobbyist
23 registered for the principal.

24
25 **Subp. 34. Limitation on reporting of loans.** A lobbyist is not required to report loans to a
26 public official or a local official if:

27
28 A. the lobbyist's employer, principal, or association represented which made the loan is
29 a financial institution; and

30
31 B. the loan was made in the ordinary course of business on substantially the same
32 terms as those prevailing for comparable transactions with other persons.

33
34 ~~Subp. 5. Reporting gifts.~~ A gift to a public or local official from a principal for which a
35 lobbyist is registered ~~must be reported by the designated reporting lobbyist.~~

36
37 **4511.0600 REPORTING DISBURSEMENTS.**

38
39 **Subpart 1. Determination of actual costs required.** To the extent that actual costs of
40 lobbying activities, or administrative overhead expenses incurred by the principal to support
41 lobbying, can be obtained or calculated by reasonable means, those actual costs must be
42 determined, recorded, and used for reporting purposes.

1 Subp. 2. **Approximation of costs.** If the actual cost of a lobbying activity, or administrative
2 overhead expenses incurred by the principal to support lobbying, cannot be obtained or
3 calculated through reasonable means, those costs must be reasonably approximated.
4

5 Subp. 3. **Disbursements allocated between multiple entities.** A disbursement for
6 lobbying purposes that benefits more than one entity for which a lobbyist is separately
7 registered must be allocated between the entities benefited on a reasonable basis and reported
8 based on that allocation.
9

10 Subp. 4. **Disbursements which are only partially in support of lobbying.** A disbursement
11 that is partially in support of lobbying and partially for a nonlobbying purpose must be allocated
12 on a reasonable basis between the two purposes and the portion which is for lobbying activities
13 must be reported.
14

15 ~~Subp. 5. [Repealed, L 2023 c 62 art 5 s 44]~~
16

17 Subp. 56. **Effect of gift prohibition.** The reporting requirements in this part do not change
18 the scope of the statutory prohibition under Minnesota Statutes, section 10A.071, nor do they
19 create additional exceptions to that prohibition.
20

21 **4511.0700 REPORTING COMPENSATION PAID TO LOBBYIST.**

22

23 Subpart 1. **Reporting by lobbyist.** Compensation paid to a lobbyist for lobbying is not
24 reportable by the lobbyist ~~as a lobbyist disbursement.~~
25

26 Subp. 2. **Reporting by principal.** Compensation for lobbying paid by a lobbyist principal to
27 a lobbyist or to the employer of a lobbyist must be included when determining the spending level
28 categories for reporting by the lobbyist principal.
29

30 **4511.0900 LOBBYIST REPORTING FOR POLITICAL SUBDIVISION MEMBERSHIP** 31 **ORGANIZATIONS.** 32

33 Subpart 1. **Required reporting.** An association whose membership consists of political
34 subdivisions within Minnesota, and which is a principal that provides lobbyist representation on
35 issues as directed by its membership, must report:
36

37 A. attempts to influence administrative action on behalf of the organization's
38 membership;
39

40 B. attempts to influence legislative action on behalf of the organization's membership;
41 and
42

43 C. attempts to influence the official action of a political subdivision on behalf of the
44 organization's membership, unless the political subdivision is a member of the association.

1
2 Subp. 2. **Communication with membership.** A membership association described in
3 subpart 1 is not lobbying political subdivisions when the association communicates with its
4 membership regarding lobbying efforts made on the members' behalf, or when the association
5 recommends actions by its membership to support a lobbying effort.
6

7 **4511.1000 ACTIONS AND APPROVAL OF ELECTED LOCAL OFFICIALS.**
8

9 Subpart 1. **An action that requires a vote of the governing body.** Attempting to influence
10 the vote of an elected local official while acting in their official capacity is lobbying of that
11 official's political subdivision.
12

13 Subp. 2. **Approval by an elected local official.** Attempting to influence a decision of an
14 elected local official that does not require a vote by the elected local official is lobbying if the
15 elected local official has discretion in their official capacity to either approve or deny a
16 government service or action. Approval by an elected local official does not include:
17

18 A. issuing a government license, permit, or variance that is routinely provided when the
19 applicant has complied with the requirements of existing state code or local ordinances;
20

21 B. any action which is performed by the office of the elected local official and which
22 does not require personal approval by an elected local official;
23

24 C. prosecutorial discretion exercised by a county attorney; or
25

26 D. participating in discussions with a party or a party's representative regarding litigation
27 between the party and the political subdivision of the elected local official.
28

29 **4511.1100 MAJOR DECISION OF NONELECTED LOCAL OFFICIALS.**
30

31 Subpart 1. **Major decision regarding the expenditure of public money.** Attempting to
32 influence a nonelected local official is lobbying if the nonelected local official may make,
33 recommend, or vote on as a member of the political subdivision's governing body, a major
34 decision regarding an expenditure or investment of public money.
35

36 Subpart 2. **Actions that are a major decision regarding public funds.** A major decision
37 regarding the expenditure or investment of public money includes, but is not limited to, a
38 decision on:
39

40 A. the development and ratification of operating and capital budgets of a political
41 subdivision, including development of the budget request for an office or department within the
42 political subdivision;
43

44 B. whether to apply for, or accept, state or federal funding or private grant funding;

1
2 C. selecting recipients for government grants from the political subdivision; or

3
4 D. expenditures on public infrastructure used to support private housing or business
5 developments.

6
7 Subpart 3. **Actions that are not a major decision.** A major decision regarding the
8 expenditure of public money does not include:

9
10 A. the purchase of goods or services with public funds in the operating or capital budget
11 of a political subdivision;

12
13 B. collective bargaining of a labor contract on behalf of a political subdivision; or

14
15 C. participating in discussions with a party or a party's representative regarding litigation
16 between the party and the political subdivision of local official.

17
18 Subp. 2. **Major decision regarding the investment of public money.** Attempting to
19 influence a nonelected local official is lobbying if the nonelected local official is making a major
20 decision regarding the investment of public money. A major decision regarding the investment
21 of public money includes, but is not limited to, the authority to make, recommend, or vote on as
22 a member of the political subdivision's governing body, a decision regarding investment options
23 for government employee retirement plans, or investment options or depositories for funds of
24 the political subdivision.

1 **CHAPTER 4512, GIFT PROHIBITION**

2

3 **4512.0200 GIFTS WHICH MAY NOT BE ACCEPTED.**

4

5 Subpart 1. **Acceptance.** An official may not accept a gift given by a lobbyist or lobbyist
6 principal or given as the result of a request by a lobbyist or lobbyist principal unless the gift
7 satisfies an exception under this part or Minnesota Statutes, section 10A.071.

8

9 Subp. 2. **Use of gift to ~~metropolitan governmental unit~~ political subdivision.** An official
10 may not use a gift given by a lobbyist or lobbyist principal to a ~~metropolitan governmental~~
11 ~~unit~~ political subdivision until the gift has been formally accepted by an official action of the
12 governing body of the ~~metropolitan governmental unit~~ political subdivision.

13

14 Subp. 3. **Exception.** A gift is not prohibited if it consists of informational material given by a
15 lobbyist or principal to assist an official in the performance of official duties and the lobbyist or
16 principal had a significant role in the creation, development, or production of that material.

1 **CHAPTER 4525, HEARINGS, AUDITS, AND INVESTIGATIONS**

2
3 **4525.0100 DEFINITIONS.**

4
5 Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes,
6 chapter 10A. The definitions in chapter 4501 and in Minnesota Statutes, chapter 10A, apply to
7 this chapter.

8
9 ~~Subp. 1a. [Repealed, 20 SR 2504]~~

10
11 ~~Subp. 2. [Repealed, 20 SR 2504]~~

12
13 ~~Subp. 2a.~~ **Complaint.** "Complaint" means a written statement, including any attachments,
14 that:

15
16 A. alleges that the subject named in the complaint has violated Minnesota Statutes,
17 chapter 10A, or another law under the board's jurisdiction; and

18
19 B. complies with the requirements in part 4525.0200, subpart 2.

20
21 ~~Subp. 3a.~~ **Complainant.** "Complainant" means the filer of a complaint.

22
23 ~~Subp. 4.~~ **Contested case.** "Contested case" means a proceeding conducted under
24 Minnesota Statutes, chapter 14, in which the legal rights, duties, or privileges of specific parties
25 are required by law or constitutional right to be determined after a board hearing. "Contested
26 case" includes a proceeding pursuant to a request for exemption from campaign reporting
27 requirements under Minnesota Statutes, section 10A.20, subdivisions 8 and 10; a hearing
28 ordered by the board under part 4525.0900, subpart 2, concerning a complaint, investigation, or
29 audit; and any other hearing which may be ordered by the board under parts 4525.0100 to
30 4525.1000 or which may be required by law.

31
32 "Contested case" does not include a board investigation or audit conducted under
33 Minnesota Statutes, section 10A.022, subdivisions 1 and 2.

34
35 ~~Subp. 4. [Repealed, 20 SR 2504]~~

36
37 ~~Subp. 5. [Repealed, 39 SR 757]~~ **Preponderance of the evidence.** "Preponderance of the
38 evidence" means, in light of the evidence obtained by or known to the board, the evidence leads
39 the board to believe that a fact is more likely to be true than not true.

40
41 ~~Subp. 6. [Repealed, 39 SR 757]~~

42
43 ~~Subp. 7. [Repealed, 20 SR 2504]~~

1 ~~Subp. 8. **Respondent.** "Respondent" means the subject of a complaint, an investigation, or~~
2 an audit.

3
4 **4525.0200 COMPLAINTS OF VIOLATIONS.**

5
6 Subpart 1. **Who may complain.** A person who believes a violation of Minnesota Statutes,
7 chapter 10A, or another provision of law placed under the board's jurisdiction by Minnesota
8 Statutes, section 10A.022, subdivision 3, or rules of the board has occurred may submit a
9 written complaint to the board.

10
11 Subp. 2. **Form.** Complaints must be submitted in writing. The name and address of the
12 person making the complaint, or of the individual who has signed the complaint while acting on
13 the complainant's behalf, must be included on the complaint, and it The complaint must be
14 signed by the complainant or an individual authorized to act on behalf of the complainant. A
15 complainant ~~must~~ shall list the alleged violator and the alleged violator's address if known by the
16 complainant and describe the complainant's knowledge of the alleged violation. Any evidentiary
17 material should be submitted with the complaint. Complaints are not available for public
18 inspection or copying until after the complaint is dismissed or withdrawn or the board makes a
19 finding.

20
21 Subp. 3. ~~[Repealed, 30-SR-903]~~ **Withdrawal.** Prior to a prima facie determination being
22 made, a complaint may be withdrawn upon the written request of the person making the
23 complaint or any individual authorized to act on that person's behalf. After a prima facie
24 determination is made, a complaint may not be withdrawn.

25
26 Subp. 4. **Oath.** Evidentiary testimony given in a meeting conducted by the board under this
27 chapter must be under oath. Arguments made to the board that do not themselves constitute
28 evidence are not required to be under oath.

29
30 Subp. 5. **Confidentiality.** Any portion of a meeting during which the board is hearing
31 testimony or taking action concerning any complaint, investigation, preparation of a conciliation
32 agreement, or a conciliation meeting must be closed to the public. The minutes and tape
33 recordings of a meeting closed to the public must be kept confidential.

34
35 Subp. 6. **Hearings.** At any time during an investigation of a complaint, the board may hold a
36 contested case hearing before making a finding on the complaint.

37
38 **4525.0210 DETERMINATIONS PRIOR TO AND DURING FORMAL INVESTIGATION.**

39
40 Subpart 1. ~~[Repealed, L 2017-1Sp4 art 3 s 18]~~

41
42 ~~Subp. 2. **Making the prima facie determination.** In determining whether a complaint states~~
43 a prima facie violation, any evidence outside the complaint and its attachments may not be

1 considered. Arguments of the respondent, which are not themselves evidence, must be
2 considered.

3
4 If a finding is made that a complaint does not state a prima facie violation, the complaint
5 must be dismissed without prejudice. The dismissal must be ordered by the board member
6 making the determination or by the full board if the full board makes the determination. The
7 determination must be in writing and must indicate why the complaint does not state a prima
8 facie violation.

9
10 If a finding is made that a complaint states a prima facie violation, the board chair must
11 schedule the complaint for a probable cause determination.

12
13 Subp. 23. **Action after prima facie violation determination.** The executive director must
14 promptly notify the complainant and the respondent of the prima facie determination. The notice
15 must include a copy of the prima facie determination.

16
17 If a determination is made that a complaint states a prima facie violation, the notice also
18 must include the date of the meeting at which the board will make a probable cause
19 determination regarding the complaint and a statement that the complainant and the
20 respondent have the opportunity to be heard before the board makes the probable cause
21 determination.

22
23 Subp. 3. Making the probable cause determination. In determining whether there is
24 probable cause to believe a violation occurred, any evidence obtained by or known to the board
25 may be considered. Arguments of the respondent and complainant must be considered.
26 Probable cause exists if there are sufficient facts and reasonable inferences to be drawn
27 therefrom to believe that a violation of law has occurred.

28
29 Subp. 4. **Action after probable cause not found.** If the board finds that probable cause
30 does not exist to believe that a violation has occurred, the board must order that the complaint
31 be dismissed without prejudice. The order must be in writing and must indicate why probable
32 cause does not exist to believe that a violation has occurred.

33
34 The executive director must promptly notify the complainant and the respondent of the
35 board's determination. The notice must include a copy of the order dismissing the complaint
36 for lack of probable cause.

37
38 Subp. 5. **Action after probable cause found.** If the board finds that probable cause exists
39 to believe that a violation has occurred, the board then must determine whether the alleged
40 violation warrants a formal investigation.

41
42 When making this determination, the board must consider the type of possible violation;
43 the magnitude of the violation if it is a financial violation; the extent of knowledge or intent of
44 the violator; the benefit of formal findings, conclusions, and orders compared to informal

1 resolution of the matter; the availability of board resources; whether the violation has been
2 remedied; and any other similar factor necessary to decide whether the alleged violation
3 warrants a formal investigation.
4

5 If the board orders a formal investigation, the order must be in writing and must describe
6 the basis for the board's determination, the possible violations to be investigated, the scope
7 of the investigation, and the discovery methods available for use by the board in the
8 investigation.
9

10 The executive director must promptly notify the complainant and the respondent of the
11 board's determination.
12

13 The notice to the respondent also must:

14 A. include a copy of the probable cause order;

15 B. explain how the investigation is expected to proceed and what discovery methods
16 are expected to be used;

17 C. explain the respondent's rights at each stage of the investigation, including the right
18 to provide a written response and the right to counsel; and
19

20 D. state that the respondent will be given an opportunity to be heard by the board prior
21 to the board's determination as to whether any violation occurred.
22

23 At the conclusion of the investigation the board must determine whether a violation
24 occurred. The board's determination of any disputed facts must be based upon a
25 preponderance of the evidence.
26

27 Subp. 6. **Action if formal investigation not ordered.** If the board finds that probable cause
28 exists to believe that a violation has occurred, but does not order a formal investigation under
29 subpart 5, the board must either dismiss the matter without prejudice or order a staff review
30 under part 4525.0320.
31

32 In making the determination of whether to dismiss the complaint or order a staff review,
33 the board must consider the type of possible violation, the magnitude of the violation if it is a
34 financial violation, the extent of knowledge or intent of the violator, the availability of board
35 resources, whether the violation has been remedied, and any other similar factor necessary
36 to decide whether to proceed with a staff review.
37

38 An order dismissing a matter must be in writing and must indicate why the matter was
39 dismissed.
40

1 The executive director must promptly notify the complainant and the respondent of the
2 board's determination. The notice must include a copy of the order.

3
4 **4525.0220 SUMMARY PROCEEDINGS.**

5
6 Subpart 1. **Summary proceeding.** A summary proceeding is an action other than a
7 complete formal investigation that is undertaken to resolve a matter, or a part of a matter, that is
8 the subject of a complaint, an investigation, or an audit. A staff review under part 4525.0320 is
9 one form of summary proceeding.

10
11 Subp. 2. **Request by respondent.** At any time, a respondent may request that a matter or a
12 part of a matter be resolved using a summary proceeding. The request must be in writing and
13 must:

14
15 A. specify the issues the respondent is seeking to resolve through the summary
16 proceeding;

17
18 B. explain why those issues are suitable for the summary proceeding; and

19
20 C. explain how the proposed summary proceeding would be undertaken.

21
22 **Subp. 3. Consideration of request by board.** Upon receipt of a request for a summary
23 proceeding, the executive director must submit the request to the board. If the matter was
24 initiated by a complaint, the complaint has not been dismissed, and a probable cause
25 determination has not been made, the executive director must send a copy of the request to the
26 complainant no later than the time that the request is submitted to the board. Under any other
27 circumstances a complainant must not be notified, or provided a copy, of the request. The
28 request must be considered by the board at its next meeting that occurs at least ten days after
29 the request was received. If the executive director sends a copy of the request to the
30 complainant pursuant to this subpart, the complainant must be given an opportunity to be heard
31 by the board.

32
33 The board is not required to agree to a request for a summary proceeding. If the board
34 modifies the respondent's request for a summary proceeding, the board must obtain the
35 respondent's agreement to the modifications before undertaking the summary proceeding.

36
37 **4525.0500 INVESTIGATIONS AND AUDITS; GENERAL PROVISIONS.**

38
39 Subpart 1. **No complaint.** The board may undertake investigations or audits with respect to
40 statements and reports which are filed or should have been filed under Minnesota Statutes,
41 chapter 10A, although no complaint has been filed. Any decision as to whether an investigation
42 should be undertaken must be made at a closed meeting of the board.

1 Subp. 2. [Repealed, 39 SR 757] **Penalties.** In exercising discretion as to the imposition of a
2 civil penalty for violation of a statute within the board's jurisdiction, the board must consider the
3 factors identified in Minnesota Statutes, section 14.045. The board also may consider additional
4 factors such as whether a violator created and complied with appropriate internal controls or
5 policies before the violation occurred; whether the violator could have avoided the violation;
6 whether the violator voluntarily reported or corrected any violation; and whether the violator took
7 measures to remedy or mitigate any violation or avoid future violations.

8
9 Subp. 3. **Contested case hearing.** At any time during an investigation or audit, the board
10 may hold a contested case hearing before making a finding on any investigation or audit.

11
12 Subp. 4. [Repealed, 20 SR 2504]

13
14 Subp. 45. **Board meetings.** Board meetings related to an investigation or audit must be
15 conducted in accordance with part 4525.0200, subparts 4 and 5. At every board meeting, the
16 executive director must report on the status of each active investigation and audit.

17
18 Subp. 56. **Subpoenas.** The board may issue subpoenas when necessary to advance an
19 investigation or audit. The board may not issue a subpoena for the production of documents or
20 witness testimony until a respondent has had at least 14 days to respond to a written request for
21 the documents or testimony. When deciding whether to issue a subpoena, the board must
22 consider the level of staff resources in taking witness testimony and conducting discovery.

23
24 Subp. 67. **Respondent submission.** In any investigation, audit, or staff review or other
25 summary proceeding, the respondent may supply additional information not requested by the
26 board, including sworn testimony. The executive director must provide the information submitted
27 by the respondent to the board in advance of the meeting at which the board will consider the
28 matter.

29
30 **4525.0550 FORMAL AUDITS.**

31
32 Subpart 1. **Formal audit.** The purpose of a formal audit is to ensure that all information
33 included in the report or statement being audited is accurately reported. The fact that the board
34 is conducting a formal audit does not imply that the subject of the audit has violated any law.
35 When conducting an audit, the board may require testimony under oath, permit written
36 statements to be given under oath, and issue subpoenas and cause them to be served. When
37 conducting an audit the board may require the production of any records required to be retained
38 under Minnesota Statutes, section 10A.025.

39
40 Subp. 2. **Respondent's rights.** The executive director must send to each respondent a draft
41 of any negative or adverse findings related to that respondent before the board considers
42 adoption of the final audit report. The respondent has the right to respond in writing to the draft
43 findings. The respondent must be given an opportunity to be heard by the board prior to the
44 board's decision regarding the draft audit report.

1
2 Subp. 3. **Final audit report.** At the conclusion of a formal audit, the board must issue a final
3 audit report. The final report must identify the subject of the audit and must include the following:

4
5 A. the name of the primary board employee responsible for conducting the audit;

6
7 B. a description of the scope of the audit;

8
9 C. any findings resulting from the audit;

10
11 D. a description of any responses to the findings that the subject of the audit provides;
12 and

13
14 E. a description of the manner in which any findings were resolved.

15
16 The final audit report may not include any information related to audits that is classified
17 as confidential under Minnesota Statutes, chapter 10A.

18
19 **Subp. 4. Audits of affidavits of contributions.** The board may audit the affidavit of
20 contributions filed by a candidate or the candidate's treasurer to determine whether the
21 candidate is eligible to receive a public subsidy payment. The executive director must contact
22 the principal campaign committee of a candidate and request the information necessary to audit
23 any affidavit of contributions that was not filed by electronic filing system, if the committee has
24 accepted contributions from individuals totaling less than twice the amount required to qualify for
25 a public subsidy payment.

26
27 **Subp. 5. Audits of other campaign finance filings.** The board may audit any campaign
28 finance report or statement that is filed or required to be filed with the Board under Minnesota
29 Statutes, Chapter 10A or Chapter 211B. The board may conduct a partial audit, including
30 auditing a campaign finance report to determine whether a beginning or ending balance
31 reconciles with the filer's financial records. In determining whether to undertake an audit, the
32 board must consider the availability of board resources, the possible benefit to the public, and
33 the magnitude of any reporting failures or violations that may be discovered as a result of the
34 audit. The board may conduct audits in which respondents are selected on a randomized basis
35 designed to capture a sample of respondents that meet certain criteria. The board may conduct
36 audits in which all respondents meet certain criteria. When undertaking an audit with
37 respondents selected on a randomized basis, the board must, to the extent possible, seek to
38 prevent selecting respondents based on their political party affiliation, or if the respondents are
39 candidates, based on their incumbency status.