

Minnesota Campaign Finance and Public Disclosure Board

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID No. 4809; OAH Docket No. 24-9030-39382

Proposed Adoption and Amendment of Rules Governing Campaign Finance; Lobbying; and Audits and Investigations, *Minnesota Rules*, chapters 4501, 4503, 4511, 4512, and 4525.

Introduction. The Campaign Finance and Public Disclosure Board intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on November 6, 2024, the Board will hold a public hearing virtually via Webex. In that case, Administrative Law Judge Kristien R. E. Butler will conduct the hearing starting at 9:30 AM on Tuesday, December 17, 2024.

If a hearing is held, you may join the hearing by internet by navigating to <https://minnesota.webex.com/minnesota/j.php?MTID=mf1df9849b3e622b9c6a12d142be8e066>. If prompted, enter the meeting password, 121724CFB. Alternatively, you may open the Webex application or navigate to <https://signin.webex.com/join>, then enter meeting number 2489 827 0759. To join the hearing by telephone, dial 415-655-0003 or 855-282-6330 (toll free), then enter meeting number 2489 827 0759. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the Board contact person after November 6, 2024 and before December 17, 2024.

Board Contact Person. Comments or questions on the rules and written requests for a public hearing may be directed to the Board contact person: Andrew Olson, Legal/Management Analyst, Campaign Finance and Public Disclosure Board, 190 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155-1603. The Board contact person may be contacted by phone at 651-539-1190 or 800-657-3889 (toll free), by fax at 651-539-1196 or 800-357-4114 (toll free), or by email at andrew.d.olson@state.mn.us. Minnesota Relay users may dial 711 or 800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about campaign finance, lobbying, and audits and investigations. The general statutory authority to adopt the rules is *Minnesota Statutes*, section 10A.02, subdivision 13. Additional statutory authority to adopt portions of the rules is provided by *Minnesota Statutes*, sections 10A.02, subdivision 12a, 10A.01, subdivision 26, paragraph (a), clause (22), and 14.125. A copy of the proposed rules is published in the State Register and is also available on the Board's website at https://cfb.mn.gov/pdf/legal/rulemaking/2023/Revisor_draft.pdf.

Comments. You have until 4:30 p.m. on Wednesday, November 6, 2024, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the Board contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules

addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Submit any comments or questions on the rules or written requests for a public hearing to the Board contact person: Andrew Olson, Legal/Management Analyst, Campaign Finance and Public Disclosure Board, 190 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155-1603. The Board contact person may be contacted by phone at 651-539-1190 or 800-657-3889 (toll free), by fax at 651-539-1196 or 800-357-4114 (toll free), or by email at andrew.d.olson@state.mn.us. Minnesota Relay users may dial 711 or 800-627-3529.

You may also review the proposed rules and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>.

Request for a Hearing. In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the Board contact person must receive by 4:30 p.m. on Wednesday, November 6, 2024. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Board cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for a hearing are withdrawn to reduce the number below 25, the Board must give written notice of this to all persons who requested a hearing, explain the actions taken to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the Board contact person listed above.

Modifications. The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the Board or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Board will cancel the hearing scheduled for December 17, 2024, if it does not receive requests for a hearing from 25 or more persons. If you request a public hearing, the Board will notify you before the scheduled hearing whether the hearing will

be held. You may also call or email the Board contact person at 651-539-1190 or andrew.d.olson@state.mn.us after November 6, 2024, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing via Webex on the date and at the time listed above. The hearing will continue until all interested persons have been heard or until 4:30 PM. Administrative Law Judge Kristien R. E. Butler is assigned to conduct the hearing. Judge Butler's Legal Assistant William Moore can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and fax 651-539-0310 or William.t.moore@state.mn.us.

Hearing Procedure. If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the Board and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments and responses to do so using the Administrative Hearings' Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>. If using the eComments website is not possible, you may submit post-hearing comments in person, via U.S. mail, or by fax addressed to Judge Butler at the address or fax number listed in the Notice of Hearing section above.

All comments or responses received will be available for review at the Board's office or on the Board's website at <https://cfb.mn.gov/citizen-resources/the-board/statutes-and-rules/rulemaking-docket>. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to Administrative Law Judge Kristien R. E. Butler. Judge Butler can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, by phone at 651-361-7893, or by fax at 651-539-0310.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is available from the Board contact person. You may review or obtain a copy on the Board's website at <https://cfb.mn.gov/pdf/legal/rulemaking/2023/SONAR.pdf>.


Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Ask any questions about this requirement by contacting the Board contact person.

Adoption Procedure if No Hearing. If no hearing is required, the Board may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the Board to receive notice of future rule proceedings, contact the Board contact person or navigate to <https://public.govdelivery.com/accounts/MNCFB/subscriber/new>, enter your email address, check the box labeled Administrative Rulemaking, then click Submit.

Adoption Procedure after a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the Board adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the Board contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

September 30, 2024
Date



Jeff Sigurdson, Executive Director
Campaign Finance and Public Disclosure Board