



## Potential conflict of interest

Minnesota Campaign Finance and Public Disclosure Board

Public and local officials can face situations where carrying out their public duties could affect their private financial interests. When in the discharge of official duties a public or local official would be required to take an action or make a decision that would substantially affect the official's financial interests or those of an associated business, the official must complete a potential conflict of interest notice.

The potential conflict of interest notice requirement does not apply to the following:

- district court judges, appeals court judges, and Supreme Court justices,
- actions or decisions where the effect on the official is no greater than the effect on other members of the official's business classification, profession, or occupation, or
- local officials when the pending matter involves an interest in contract governed by Minnesota Statutes sections 471.87 and 471.88.

On the potential conflict of interest notice, the official must provide information about the official's position, the matter requiring action or decision, and the nature of the potential conflict. All information on the notice is public. The notice must be filed before the action or decision involving the potential conflict of interest takes place.

The completed notice must be delivered to the official's immediate supervisor. If the official is a legislator, the notice must be delivered to the presiding officer of the legislative body where the official serves. If the official is a member of the governing body of a metropolitan governmental unit, the notice must be delivered to the presiding officer of that governing body.

If there is no time to prepare the notice, the official must orally tell his or her immediate supervisor about the potential conflict. Legislators and members of metropolitan governmental unit governing bodies must orally tell their presiding officers about the potential conflict.

What happens after notice of the potential conflict is given depends on the position. If the official is not a legislator or a member of the governing body of a metropolitan governmental unit, one of the following things must happen:

- The official's supervisor must assign the matter, if possible, to another employee who does not have a potential conflict of interest; or
- If the official has no immediate superior, the official must abstain, if possible, from having influence over the action or decision in question.

If the official is a legislator or a member of the governing body of a metropolitan governmental unit, the legislative or governing body, at the official's request, may excuse the official from taking part in the action or decision in question.

If the official is not permitted or is not able to abstain from action or decision in connection with the matter, the official must file a notice of inability to abstain from potential conflict of interest. This form also is available on the Board's website.