

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

**Findings and Order in the Matter of the Complaint by Ray Marshall
regarding Catholics for Marriage Equality MN**

Review of the Complaint, Evidence Provided, and Response to Allegations

The Complaint

On August 24, 2012, the Campaign Finance and Public Disclosure Board (the Board) received a complaint from Ray Marshall regarding Catholics for Marriage Equality MN (C4ME-MN), which Mr. Marshall states is also known as the Catholic Pastoral Committee on Sexual Minorities (CPCSM). In his complaint Mr. Marshall states:

Catholics for Marriage Equality MN (a.k.a. Catholic Pastoral Committee on Sexual Minorities) has been actively campaigning against the Minnesota Marriage Amendment since it was passed by the state legislature in 2011. ...Campaign activities include developing/maintaining a website, distributing emails, accepting donations, printing/distributing lawn signs, printing/distributing literature, conducting public speaking engagements, producing videos, as well as various other campaign-related activities.

Mr. Marshall then specified the portions of Chapter 10A he believes were violated by C4ME-MN:

Catholics for Marriage Equality MN has failed to register a ballot question committee as required by Minnesota Statute 10A.14. Catholics for Marriage Equality MN has failed to file routine campaign reports as prescribed by Minnesota Statute 10A.20. Catholics for Marriage Equality MN may be in violation of other provisions of Minnesota Statute 10A, including contribution recordkeeping, expense accounting, etc. The lack of reporting makes it impossible to determine at this time the extent of these potential violations.

In support of his allegations Mr. Marshall supplied a copy of a *Star Tribune* story from August 18, 2012, entitled "Marriage fight divides state's Catholics". In the article Jim Smith, who is identified as a board member of C4ME-MN, is quoted.

Mr. Marshall also provided a number of screen shots of pages from the C4ME-MN website (www.c4me.org). The screens shots included:

- A page from which an individual may request lawn signs, bumper stickers, and lapel buttons from C4ME-MN. These items contain the text "Another Catholic Voting NO" with a graphic for a marked check box.
- A page on which an individual could play and order videos developed by C4ME-MN.
- Sensus Fidelium, the blog for C4ME-MN.
- A listing of upcoming events at which a representative of C4ME-MN would be present.

The Board notified Michael Bayly, Executive Director of CPCSM, of the complaint by letter dated September 11, 2012.

Responses and Documentation from Catholics for Marriage Equality MN

Mr. Bayly initially responded to the complaint and to questions asked by the Board as part of its investigation of the complaint by letter dated October 10, 2012. The Board asked for clarification of certain responses and for additional information by letter dated October 25, 2012. Mr. Bayly provided a second response by letter dated November 12, 2012.

To explain the connection between CPCSM and C4ME-MN, Mr. Bayly states in his letter of October 10, 2012, that:

Catholics for Marriage Equality MN is an initiative of the Catholic Pastoral Committee on Sexual Minorities (CPCSM), an independent, grassroots organization that for 32 years has worked to create environments of respect, acceptance, and safety within both Church and society wherein the experiences, insights, and integrity of LGBT persons and their families are recognized, affirmed and celebrated. ... Since our founding in 1980 we have been registered with the state of Minnesota as a non-profit 501(c) (3) tax exempt organization. Our average annual budget is approx. \$15,000. ... CPCSM's addressing of issues relating to marriage equality began well before the current marriage amendment ballot question and will continue after the November 6, 2012 vote on this question- regardless of the outcome.

In response to a Board question on whether CPCSM was a separate organization from C4ME-MN, Mr. Bayly provided in his letter of November 12, 2012:

No, we do not see C4ME-MN as a separate organization to CPCSM. Rather, we view it as an educational initiative or project of CPCSM. Accordingly, C4ME-MN is not registered as a separate non-profit association. Nor does it have a separate tax identification number.

Mr. Bayly then went on to explain the purpose of C4ME-MN:

The primary purpose of Catholics for Marriage Equality MN (C4ME-MN), consistent with the mission of CPCSM, is not to defeat the marriage amendment but to *educate* Catholics about what marriage equality means (i.e. the granting of civil marriage rights, benefits and responsibilities to same-sex couples), why marriage is important to LGBT people, and why Catholics can in good conscience support marriage equality for all, regardless of sexual orientation. In terms of the 'marriage amendment,' we seek to educate and facilitate discussion on the range of Catholic thinking on this issue. We feel that this is an important and necessary component of the discussion, and one that is missing from the Catholic hierarchy's treatment of the issue. Members of the hierarchy insist that Catholics can only vote 'yes,'. ... We also highlight that Catholics can in good conscience *choose* to vote 'no,' and that this decision is supported by those aspects of the Catholic faith noted above.

Mr. Bayly provided additional information on the purpose of C4ME-MN in his response of November 12, 2012:

C4ME-MN represents a focused effort on the part of CPCSM to educate area Catholics on the issue of marriage equality. ... For a time, C4ME-MN's efforts also focused on educating Catholics on why they could, in good conscience, vote 'no' on the proposed constitutional amendment.

In his October 10, 2012, response Mr. Bayly addressed the documents filed in support of the complaint. In regard to the *Star Tribune* article Mr. Bayly states:

Mr. Marshall also cites an August 18, 2012 *Star Tribune* article as evidence that C4ME-MN's primary purpose is to defeat the marriage amendment. However, this article surveys a range of Catholic thought on the "marriage fight." ...When C4ME-MN board member Jim Smith is quoted in this article he does not talk about voting 'no' but rather acknowledges that many Catholics are "not on board with gay marriage or marriage equality but are deeply uncomfortable with the church spending so much money and time to enshrine this amendment into our constitution." We do not see this statement as a directive to vote 'no' on the amendment.

In explanation of the lawns signs, bumper stickers, and buttons, Mr. Bayly states:

CPCSM's Catholics for Marriage Equality initiative has produced buttons, bumper stickers and lawn signs. However, we very consciously chose wording for these items that would not be seen as telling people how to vote on the marriage amendment. There is no explicit directive for others to "vote no" conveyed by our "Another Catholic Voting No" yard signs, bumper stickers, and buttons. Rather, this statement acknowledges a decision that a Catholic has made and invites others to consider making the same decision. ... Although the decision to vote 'no' may well be how some choose to express their support for marriage equality, nowhere on our website or on our "Another Catholic Voting No" yard signs do we instruct people how to vote.

With his November 10, 2012, response, Mr. Bayly provided copies of invoices issued to C4ME-MN for the printing of the signs, bumper stickers, and buttons. The invoices covered the period of April through October 2012, with a total amount of \$12,660.

In reference to some of the videos found on the C4ME-MN website Mr. Bayly states:

CPCSM' s Catholics for Marriage Equality MN initiative was formally launched on September 29, 2011 with the premiere at the Riverview Theater of *Catholics for Marriage Equality*, our self-produced series of short "video vignettes" that feature local LGBT Catholics and their loved ones "sharing stories of faith, family and marriage." ...The actual 'marriage amendment' is rarely mentioned in the film, and there is no "vote no" message conveyed either in the film or its accompanying discussion guide.

Mr. Bayly provided additional information about the *Catholics for Marriage Equality* video in his November 12, 2012, response.

Production (of the video) began on May 1, 2011 with the actual filming of the five 'video vignettes' that comprise the series. Total cost of this project was \$4,407.65. This includes \$2,400 paid to ...Reel Nomad Productions for filming and editing services.

In reference to the listing of C4ME-MN events provided with the complaint Mr. Bayly states:

...in Mr. Marshall's complaint he includes material from Minnesotans United for all Families' website promoting a June 10, 2012 event entitled "Catholics Vote No." Although C4ME-MN had an informational booth at this event, it was in fact a Minnesotans United for All Families event, and all donations made at that event went to Minnesotans United for All Families. ... C4ME-MN has hosted its own educational events on the issue of marriage equality, and as Executive Coordinator I have spoken at various Catholic gatherings focused on the marriage amendment. Such gatherings have always been billed as "dialogue forums," with both sides of the issue being discussed.

In his November 12, 2012, response Mr. Bayly provided he was paid as a consultant on the C4ME-MN initiative, and that a consulting fee was also paid to Mr. Smith for facilitating forums for C4ME-MN. Copies of the consulting contracts were provided by Mr. Bayly. The total value of the contracts related to C4ME-MN during the period of December 2011 through November 2012 was \$5,500.

Discussing the C4ME-MN website Mr. Bayly provides:

Regarding the C4ME-MN website (www.c4me.org), we view it as an educational resource, not as a tool to promote the defeat of the marriage amendment.

With his November 12, 2012, response Mr. Bayly provided a statement from the vendor that developed and hosts the C4ME-MN website that the charges for the website during the period of September 2011 through November 2012 totaled \$4,270.

Mr. Bayly further provided that costs for other miscellaneous items and services used by C4ME-MN during the period of May 2011 through November 2012, including in-kind donations from CPCSM, totaled \$1,370.

When broken down by year the C4ME-MN expenditures in 2011 include: \$4,407 for the production of the *Catholics for Marriage Equality* videos, \$2,470 for the design of the C4ME-MN website, \$200 for the hosting of the website during the year, and about \$600 in consulting fees for an approximate total of \$7,677 in expenditures.

Expenditures in 2012 include \$12,660 for the "Another Catholic Voting No" materials, consulting fees of \$4,900, approximately \$1,600 for hosting and further development of the website, and a portion of the \$1,370 in support services provided by CPCSM. The total operating budget for C4ME-MN during the period of May 2011 through November 2012 is reported by Mr. Bayly as \$28,207.91.

Board Analysis

The complaint contends that C4ME-MN failed to register with the Board as a political committee and report its activities to defeat the constitutional amendment ballot question on the definition of marriage. The C4ME-MN responses contend that registration and reporting are not required because the C4ME-MN activity identified in the complaint are either educational efforts on the issue of marriage equality or provided “no explicit directive” to vote against the marriage amendment.

Further, C4ME-MN provides that it is an initiative of CPCSM, and not a separate association. Because CPCSM existed for years prior to the placement of the constitutional amendment on the ballot the response contends that the association’s primary purpose must be something other than elections. As an initiative of CPCSM, C4ME-MN maintains that its primary purpose is also not related to elections.

Although interrelated, the board will first review the registration requirements of Chapter 10A that may apply to CPCSM and C4ME-MN, and then review the activities of C4ME-MN to determine if they trigger a registration and reporting requirement.

Registration

The complaint alleges that C4ME-MN is in violation of Chapter 10A because it has not registered as a political committee with the Board. The complaint further contends that C4ME-MN is also known as CPCSM, and presumably is indistinguishable from CPCSM.

C4ME-MN’s response confirms that it is not a separate association, but is rather “a focused effort on the part of CPCSM.” CPCSM was incorporated in 1980, which shows a record of a primary, or major, purpose that is unrelated to defeating the definition of marriage constitutional amendment, which was placed on the ballot in 2011.

The major purpose of CPCSM is key to determining if registration as a political committee is required under Chapter 10A. The definition of political committee in Minnesota Statutes, section 10A.01, subdivision 27, provides in part that:

"Political committee" means an association whose major purpose is to ...promote or defeat a ballot question, other than a principal campaign committee or a political party unit.

The Board concludes that the evidence shows that the major purpose of CPCSM is something other than to promote or defeat a ballot question. Therefore, the allegation that CPCSM should be registered as a political committee is unfounded.

However, the definition of political fund in Minnesota Statutes section 10A.01, subdivision 28, provides a standard that is applicable to associations with a major purpose other than influencing elections. That statute provides:

“Political fund" means an accumulation of dues or voluntary contributions by an association other than a political committee, principal campaign committee, or party unit, if the accumulation is collected or expended to ... promote or defeat a ballot question.

A political fund is not a separate association or legal entity. A political fund is an accumulation of an association's money that is used for a political purpose. An association that registers a political fund with the Board is not creating a separate entity, but is rather acknowledging expenditures and contributions that require disclosure through the provisions of Chapter 10A. An association may register its political fund with a different name than that of the association.

To determine if the political fund registration requirements apply to CPCSM the Board examined the activities of C4ME-MN in order to determine if money was accumulated or expended to defeat the definition of marriage ballot question.

Activities of C4ME-MN

The definition of an "expenditure" that is regulated as campaign speech and reportable to the Board is found in Minnesota Statutes, section 10A.01, subdivision 9. This statute provides in part that:

"Campaign expenditure" or "expenditure" means a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of ...promoting or defeating a ballot question.

This definition does not require an "explicit directive" to vote for or against a ballot question in order for an activity to be an expenditure under Chapter 10A. Instead, a disbursement is evaluated by the purpose for which it was made in order to determine if the cost of an activity is an "expenditure" under Chapter 10A.

In a statement of guidance developed during 2011 and published in final form on January 19, 2012, the Board explained the criteria that would be applied when determining if an expenditure by an association was made or incurred for the purpose of promoting or defeating a ballot question. The guidance provides:

- (A) An expenditure to promote or defeat a ballot question (a ballot question expenditure) is an expenditure:
 - (a) that expressly advocates the adoption or defeat of a ballot question measure, or
 - (b) that is susceptible of no reasonable interpretation other than as an appeal to vote for or against a ballot question measure.

- (B) A communication is presumed to be a communication to promote or defeat a ballot question if it (1) mentions the issue that is the subject of the ballot question; (2) states a position on that issue; and (3) mentions the ballot question that addresses the issue, mentions voting on the issue, or otherwise indicates that people will be able to vote on the issue.

- (C) A communication that discusses an issue that is the subject of a ballot question but does not mention the ballot question that addresses the issue; does not mention voting on the issue; and otherwise does not indicate that people will be able to vote on the issue is presumed to be excluded from the definition of ballot question expenditure under Chapter 10A.

The Board's approach to the application of Chapter 10A in this instance is based on the language of Chapter 10A itself and on two United States Supreme Court decisions which discuss the disclosure related to political speech.

In *Buckley v. Valeo*, 424 U.S. 1 (1976), the United States Supreme Court recognized the authority of government to regulate campaign speech, but the Court was concerned that without a clear standard for defining campaign speech some communications that were not for campaign purposes would be subject to unwarranted regulation. To resolve this problem, the Court held that when an association whose major purpose is something other than to influence elections issues a communication, the government may only regulate the communication as campaign speech if the communication contains express words of advocacy. Sometimes referred to as the "magic words" standard, the Court provided examples of express advocacy. Words such as "vote for," "elect," "support," "cast your ballot for," "Smith for Senate," "vote against," "defeat," "oppose," and "reject" are commonly cited as the type of words recognized as express advocacy. Communications that make use of such words are considered campaign speech and may be regulated.

Supreme Court rulings subsequent to *Buckley v. Valeo* have acknowledged that there is a "functional equivalent of express advocacy" that may also be used to identify campaign communications that are subject to disclosure. In *FEC v. Wisconsin Right to Life, Inc.* 551 U.S. 449 (2007), the Supreme Court provided that a communication is "the functional equivalent of express advocacy" only if it is "susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate." In its statement of guidance the Board suggested that it would adopt this standard in the case of ballot question expenditures under Chapter 10A. In the present matter, it does so.

With the functional equivalence standard in mind, the Board reviewed the actions of C4ME-MN referenced in the complaint.

"Another Catholic Voting No" lawn signs, bumper stickers and buttons.

The Board concludes that even under the express advocacy standard the "Another Catholic Voting No" materials were expenditures to defeat a ballot question. The public and proclamation on a sign, button, or bumper sticker that someone is "voting no" is in the same category as the *Buckley* "magic words." The Board finds no legal distinction between a sign that says, in effect, "I am voting no and am proud of it" from a sign that says "You should vote no". The message to "vote no" is not modified by declaring that the advocacy is made by a Catholic in the form of a statement of what that Catholic is doing.

Even if one were to argue that the "Another Catholic Voting No" materials do not constitute express advocacy, there can be no argument that they are not its functional equivalent. For these reasons, the cost of producing the materials containing the message constitutes expenditures to influence a ballot question election.

The C4ME-MN website and affiliated Sensus Fidelium blog.

Mr. Bayly maintains that the C4ME-MN website is an educational resource on marriage equality, and that it provided information on how a Catholic may decide to support marriage equality, but it was not a tool to defeat the marriage amendment.

However, the Board examination of the website found examples of both express advocacy against the definition of marriage amendment and other material that is susceptible of no reasonable interpretation other than as an appeal to vote against the ballot question measure. For example, the Statement of Support pledge page asks the reader to "sign the statement

below and pledge to vote no” and is headed with the statement “As Catholics, we support civil marriage equality and oppose the MN constitutional amendment limiting the freedom to marry for the following reasons.”¹ Additionally, the Sensus Fidelium, pages promoted a presentation entitled “Catholics Voting No on Both Amendments” with graphics stating “Vote No Twice No Voter ID No Marriage Amendment November 6th” and “Vote No Don’t Limit the Freedom to Marry or the Right to Vote”² Further, the majority of website pages have either a picture of a button or a yard sign with the statement “Another Catholic Voting No.”³

Other portions of the website contain information that, if taken in isolation, may be seen as educational and not for the purpose of defeating the ballot amendment. But in many cases the information is placed on a page that discusses marriage equality, which states support for marriage equality, and which clearly mentioned that a constitutional amendment on the definition of marriage amendment will be on the ballot.⁴

Based on its content, the Board concludes that the cost of the C4ME-MN website and Sensus Fidelium blog are expenditures to defeat the definition of marriage ballot question.

Catholics for Marriage Equality Video Series

Mr. Bayly’s statement that the video series was not in opposition to the definition of marriage amendment is contradicted by the official C4ME-MN press release announcing the initial showing and availability of the videos, dated September 26, 2011. The press release states in part, “Though many Catholics may still be considering their views on marriage for same-sex couples, Catholics for Marriage Equality MN encourages all Catholics to vote against using the state constitution to deny civil rights to a certain group of citizens.” Mr. Bayly is quoted in the press release as saying, “The defeat of the ‘marriage amendment’ won’t make gay marriage legal in Minnesota...but its passage would be the only time that the constitution has been used to restrict and deny rights and not expand them. I don’t think anyone should be supportive of such unfairness, of such a misuse of the constitution.”

The content of the six videos that make up the series varies. If purchased from C4ME-MN, the series is provided on a single DVD with a common play menu. As a series, the videos provide a common message in support of marriage equality and make multiple references to the ballot question on the definition of marriage.

The Board concludes that the expenditures to produce the *Catholics for Marriage Equality Video Series* were for the purpose of defeating the definition of marriage ballot question.

Public presentations and forums hosted by C4ME-MN.

Mr. Bayly acknowledges that while a paid consultant of C4ME-MN, he spoke at “gatherings focused on the marriage amendment” and that Mr. Smith was also paid for facilitating forums for C4ME-MN. Information on what occurred at each of the forums or gatherings is not available. However, the announcement on the Sensus Fidelium site of a C4ME-MN sponsored event states:

¹ <http://c4me.org/statement/statement.html> as of October 22, 2012.

² <http://c4me-mn.blogspot.com/2012/09/a-matter-of-social-justice.html>

³ <http://c4me.org/resources/why/another.html>

⁴ For example, <http://c4me.org/talking/talking.html> as of October 22, 2012.

At C4ME-MN's September 29 event, *A Matter of Social Justice* we'll hear from representatives of both 'Vote No' campaigns – Our Vote, Our Future and Minnesotans United for All Families. What's the latest news from both campaigns? How are their efforts proceeding? How can we get involved to help defeat both amendments? Come hear the answers to these and other questions on September 29.⁵

The Board concludes that the consulting contracts between C4ME-MN and Mr. Bayly and Mr. Smith were expenditures for the purpose of defeating the definition of marriage ballot question.

Based on the review of C4ME-MN activities during this investigation the Board finds no reason to exclude any portion of the \$28,207.91 C4ME-MN operational budget from the reporting requirements for expenditures made for the purpose of defeating a ballot question.

Conclusion

The Board concludes that C4ME-MN was the name under which the unregistered political fund of CPCSM operated. As a result, CPCSM will be required to register its political fund, C4ME-MN, with the Board.

The requirement for an association to register a ballot question political fund is found in Minnesota Statutes section 10A.14. This statute requires registration with the Board when an association accepts over a \$100 in contributions or makes over \$100 in expenditures to promote or defeat a ballot question. However, the Board has adopted a policy of not enforcing the registration and reporting requirements for ballot question political committees or funds until they exceed a \$5,000 threshold in receiving contributions or making expenditures.

Under the Board's modified threshold, an association that fails to register within 14 days of passing the \$5,000 threshold is subject to a late fee of \$5 per day to a maximum of \$100. If the association does not register after notification from the Board of the registration requirement an additional civil penalty of \$1000 may be assessed.

The documentation provided by C4ME-MN show that during the period of May 2011 through December 2011 a total of approximately \$7,677 in expenditures were made on the definition of marriage ballot question.

The exact date on which the \$5,000 threshold for expenditures or accumulation of contributions was passed cannot be determined from the documentation provided by C4ME-MN. However, as the maximum \$100 late fee will have already accumulated for any date in 2011 an exact date is not needed for the purpose of this investigation. These findings will direct the registration of C4ME-MN to be retroactive to the date of its first known expenditure: the production of the *Catholics for Marriage Equality* video series in May of 2011.

⁵ <http://c4me-mn.blogspot.com/2012/09/a-matter-of-social-justice.html>

Reporting Required

In 2011, a non-election year, a political fund was required to file only one year-end Report of Receipts and Expenditures disclosing the fund's activity during the calendar year. For 2012, the election year reporting schedule requires a political fund to file six reports, the first of which was due on June 19, 2012. Four subsequent reports are also unfiled.

The late filing fee for the 2011 year-end Report of Receipts and Expenditures was \$25 a day to a maximum of \$1,000. The late filing fee for the June 19, 2012 pre-primary election Report of Receipts and Expenditures was \$50 per day to a maximum of \$1,000. Late filing fees of \$1,000 each have accrued for the additional four unfiled reports as well.

Civil penalties are also available for late filing of a report; however, notification from the Board is required before a civil penalty may be applied. That notification has not yet occurred in this case.

These findings will assess a \$1,000 late fee to C4ME-MN for the 2011 year-end Report of Receipts and Expenditures and also assess a \$1,000 late fee to C4ME-MN as a late filing fee for the cumulative late filings of the reports due in 2012.

C4ME-MN must file a 2011 year-end Report of Receipts and Expenditures, the October 29, 2012 pre-general-election Report of Receipts and Expenditures, and the 2012 year-end Report of Receipts and Expenditures which is due January 31, 2013.

Reports of Receipts and Expenditures disclose the source of funds used by the political fund. In the January 19, 2012, statement of guidance the Board provided the method of disclosure required for contributions to the political fund, and the disclosure required for general treasury money transferred from the association to its political fund. Relevant to this finding the statement of guidance provides:

They (an association) may solicit money under the name of the political fund as if the fund were, itself, an entity separate from the association. Money given in response to solicitations that ask for money in the name of the political fund itself are contributions.

The C4ME-MN website provides a donation page for the activities of C4ME-MN. The donation page states that contributions made through the website will be deposited with CPCSM. Consistent with the statement of guidance, the funds received through the C4ME-MN website are contributions to the political fund. Contributions to C4ME-MN are itemized if the amount of the contribution exceeds \$100.

General treasury money is money that was not given to CPCSM for the purpose of supporting C4ME-MN. If CPCSM allocated general treasury money to its political fund, C4ME-MN, then CPCSM must provide with each applicable Report of Receipts and Expenditures a disclosure statement of the sources of those general treasury funds.

Based on the above Review and Analysis and the Relevant Statutes, the Board makes the following:

Findings

1. There is no probable cause to believe that the Catholic Pastoral Committee on Sexual Minorities is required to register and report as a political committee under Chapter 10A.
2. There is probable cause to believe that during 2011 the Catholic Pastoral Committee on Sexual Minorities was required to register Catholics for Marriage Equality MN as the association's ballot question political fund.
3. There is probable cause to believe that the Catholic Pastoral Committee on Sexual Minorities political fund failed to file a Report of Receipts and Expenditures for 2011 and for five reporting periods in 2012.

Based on the above Findings, the Board issues the following:

Order

1. The Catholic Pastoral Committee on Sexual Minorities must register Catholics for Marriage Equality MN as the association's ballot question political fund. The registration will be retroactive to May 1, 2011, and must be submitted to the Board within 14 days of receipt of this order.
2. A late fee of \$100 is imposed on the Catholic Pastoral Committee on Sexual Minorities for failure to file the registration of Catholics for Marriage Equality MN within 14 days of the date on which over \$5,000 in expenditures to defeat a ballot question were made by Catholics for Marriage Equality MN. Payment must be made by issuing a check payable to the State of Minnesota and conveying that check to the Board within 30 days of the date of this order.
3. The Catholic Pastoral Committee on Sexual Minorities must submit a 2011 year-end Report of Receipts and Expenditures and the 2012 pre-general-election Report of Receipts and Expenditures that was due on October 29, 2012. The reports must be submitted within 14 days of the date on which Catholics for Marriage Equality MN is registered with the Board. If the reports are not submitted within that time frame the Executive Director is authorized to provide notification and apply an additional \$1,000 civil penalty for the late filing of each report.
4. A late fee of \$1,000 is imposed on The Catholic Pastoral Committee on Sexual Minorities for failure to timely file the 2011 year-end Report of Receipts and Expenditures, and an additional \$1,000 late fee is imposed for failure to timely file five 2012 Reports of Receipts and Expenditures. Payment must be made by issuing a check payable to the State of Minnesota and conveying that check to the Board within 30 days of the date of this order.
5. The Catholic Pastoral Committee on Sexual Minorities must file its 2012 year-end Report of Receipts and Expenditures by the January 31, 2013, due date, and must thereafter continue to file reports until it terminates its registration with the Board.

Relevant Statutes

Minnesota Statutes section 10A.01

Subd. 9. **Campaign expenditure.** "Campaign expenditure" or "expenditure" means a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question.

An expenditure is considered to be made in the year in which the candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.

An expenditure made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate.

Except as provided in clause (1), "expenditure" includes the dollar value of a donation in-kind.

"Expenditure" does not include:

- (1) noncampaign disbursements as defined in subdivision 26;
- (2) services provided without compensation by an individual volunteering personal time on behalf of a candidate, ballot question, political committee, political fund, principal campaign committee, or party unit;
- (3) the publishing or broadcasting of news items or editorial comments by the news media; or
- (4) an individual's unreimbursed personal use of an automobile owned by the individual and used by the individual while volunteering personal time.

Minnesota Statutes section 10A.14 - Registration

Subdivision 1. **First registration.** The treasurer of a political committee, political fund, principal campaign committee, or party unit must register with the board by filing a statement of organization no later than 14 days after the committee, fund, or party unit has made a contribution, received contributions, or made expenditures in excess of \$100, or by the end of the next business day after it has received a loan or contribution that must be reported under section 10A.20, subdivision 5, whichever is earlier.

Subd. 2. **Form.** The statement of organization must include:

- (1) the name, address, and Web site address if the registrant maintains a Web site, of the committee, fund, or party unit;
- (2) the name, address, and e-mail address of the chair of a political committee, principal campaign committee, or party unit;
- (3) the name and address of any supporting association of a political fund;
- (4) the name, address, and e-mail address of the treasurer and any deputy treasurers;

(5) the name, address, and e-mail address of the candidate of a principal campaign committee;

(6) a listing of all depositories or safety deposit boxes used; and

(7) for the state committee of a political party only, a list of its party units.

Subd. 3. [Repealed, 1976 c 307 s 35]

Subd. 4. **Failure to file; penalty.** If an individual fails to file a statement required by this section within ten business days after the statement was due, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing with the 11th day after the statement was due.

The board must send notice by certified mail to any individual who fails to file a statement within ten business days after the statement was due that the individual may be subject to a civil penalty for failure to file the statement. An individual who fails to file the statement within seven days after the certified mail notice was sent by the board is subject to a civil penalty imposed by the board of up to \$1,000.

Subd. 5 **Exemptions.** For good cause shown, the board must grant exemptions to the requirement that e-mail addresses be provided.

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