

Minnesota Campaign Finance and Public Disclosure Board

REQUEST FOR COMMENTS

Possible Adoption of New and Amended Rules Governing Requirements and Procedures under *Minnesota Statutes Chapter 10A, Minnesota Rules, Chapters 4501, 4503, and 4525.*

Subject of Rules. The Campaign Finance and Public Disclosure Board (the Board) requests comments on its possible adoption of new rules and amendments to existing rules governing the operations of the Board as it implements the provisions of *Minnesota Statutes Chapter 10A*. In specific the Board is considering new rules and amended rules that will:

- Clarify the type of communications that may convert an independent expenditure into an approved expenditure.
- Clarify the requirements for the registration and operation of a political committee or political fund in Minnesota that is already registered at the federal level.
- Delineate the procedures used during a Board investigation or audit.
- Define the procedures used available to an individual or association after completion of a Board investigation.
- Clarify the confidentiality requirements for testimony and other records provided in Board investigations.
- Modify the filing deadlines and requirements for documents that are submitted by facsimile or electronically.
- Regulate the commingling of funds by an entity registered with the Board with other funds.
- Clarify the requirements for organizations of reports filed with the Board. The Board anticipates that only reports related to campaign finance (Chapter 4503) will be affected by the rule making process.
- Specify that itemized contributions that lack complete disclosure are treated as anonymous contributions.
- Clarify the application of the special source contributions limits.
- Provide a procedure for use when an unregistered association makes a contribution without the required disclosure.

- Clarify that the Board has no authority to accept a Public Subsidy Agreement or Affidavit of Contributions filed after the deadline.
- Provide procedures for use when a contribution is received electronically, including the determination of date of receipt and method to report transaction fees related to electronic transfer of funds.
- Provide a method to determine the value of online services provided as an in kind contribution, including approved expenditures.
- Clarify the requirements to qualify for the ten percent increase in the campaign expenditure limit for a candidate running for office for the first time.
- Provide criteria to assist principal campaign committees in determining the date at which an obligation is incurred when goods or services are purchased in one calendar year for delivery in the next calendar year.
- Further clarify and supplement the general provisions of *Minnesota Statutes* Chapter 10A as the Board deems appropriate based on input received and Board review during this rulemaking procedure.

Persons Affected. The possible amendments to existing rules and adoption of new rules are likely to affect individuals or associations that are regulated by or are required to register with the Board or become the subject of a Board investigation; principal campaign committees, political committees, political funds, political party units, and candidates and treasurers associated with these entities; federally registered associations wishing to engage in activities that affect state level elections in Minnesota; individuals or associations wishing to make independent expenditures in Minnesota; and lobbyists and other individuals required to file reports or statements on lobbying activities with the Board.

Statutory Authority. *Minnesota Statutes*, section 10A.02, subd. 13, authorizes the Board to adopt rules to carry out the purposes of *Minnesota Statutes*, Chapter 10A. In addition, *Minnesota Statutes*, section 10A.025, subdivision 1a, directs the Board to adopt rules to regulate electronic filing and to ensure that the electronic filing process is secure.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Board does not anticipate that a draft of the new and amended rules will be available before the publication of the proposed rules.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Gary Goldsmith, Campaign Finance and Public Disclosure Board, Suite 190,

Centennial Office Building, 658 Cedar Street, St. Paul, MN, 55155. By **phone**: (651) 296-1721 or toll free 1-800-657-3889, or **email**: gary.goldsmith@state.mn.us. TTY users may call the Board at 1-800-627-3529.

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

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

Dated: December 10, 2009

Gary Goldsmith, Executive Director
Campaign Finance and Public Disclosure Board