

MINNESOTA

CAMPAIGN FINANCE AND BALLOT MEASURE GUIDE

These resources are current as of 3/15/12. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at advocacy@afj.org.

What's New in This Guide

The following changes/additions have been made since the previous version of this guide:

- ◆ Updated contribution limits, including limits for candidates for judicial office
- ◆ “Unregistered associations” able to contribute revenue from business, membership dues, or contributions to Independent Expenditure PACs
- ◆ Corporations permitted to make independent expenditures
- ◆ Updates to definition of IE, Independent Expenditure Political Committee, Independent Expenditure Political Fund; penalties for failure to comply with registration requirements
- ◆ Administering an independent expenditure political committee or fund, under “[Recordkeeping and Administration of PACs](#)”
- ◆ Updates to “[Member Communications](#)”
- ◆ Advisory Opinion 410, discussing “[Coordination](#)”
- ◆ Updated [Reporting Schedule](#) for PACs
- ◆ Required [Disclaimers](#) for Independent Expenditures
- ◆ Updates to the rules for Ballot Questions

This guide summarizes key aspects of *state* campaign finance law and regulations. It is not intended to provide legal advice or to serve as a substitute for legal advice

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

Table of Contents

- I. **Contribution Limits and Source Restrictions**
 - a. Election Year Contribution Limits
 - b. Non-Election Year Contribution Limits
 - c. Contribution Restrictions
 - i. Aggregation
 - ii. Legislative Session
 - iii. Non-PACs
 - iv. PACs, Lobbyists and “Large Contributors”
 - v. Affiliated PACs
 - vi. Conduits
 - vii. In-Kind Contributions
 - viii. Corporate Contributions and Expenditures
 - 1. Contributions and Expenditures Subject to Corporate Contribution Ban
 - 2. Exceptions to Corporate Contribution Ban
 - 3. Affiliated PAC
 - 4. Endorsements
- II. **Communications**
 - a. Member Communications
 - b. Issue Advocacy vs. Express Advocacy
 - c. Independent Expenditures
 - i. Definition
 - ii. Entities Permitted to Make Independent Expenditures
 - iii. Disclaimers
- III. **Coordination**
- IV. **Registration and Reporting Requirements**
 - a. Definition of PAC
 - b. Registration
 - c. Recordkeeping and Administration of PACs
 - d. Reporting
 - e. Reporting Schedule
 - f. Statement of Inactivity
 - g. Public Disclosure
 - h. Termination
- V. **Ballot Measures**
- VI. **Enforcement and Penalties**
- VII. **Contact Information for State and Local Agencies**

CONTRIBUTION LIMITS AND SOURCE RESTRICTIONS

Election Year Contribution Limits:

From ↓	To Candidates				To Committees			To Ballot Measures
	Governor and Judicial Candidates	Attorney Gen, Sec. of State, State Auditor	Legislative	Municipal	PACs	IE-only PACs	Parties	
Individuals	\$2,000	\$1,000	\$500	\$500 (pop. greater than 100,000) \$300 for all others	No limit	No limit	No limit	No limit
PACs	Same as above	Same as above	Same as above	Same as above	No limit	No limit	No limit	No limit
IE-only PACs	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	No limit	Prohibited	No limit
Corporations**	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	No limit	Prohibited	No limit

*In this Guide, the term “PAC” refers to both political committees and political funds under Minnesota law.

**See discussion of corporate contributions below for exceptions

Non-Election Year Contribution Limits:

From ↓	To Candidates				To Committees			To Ballot Measures
	Governor and Judicial Candidates	Attorney Gen, Sec. of State, State Auditor	Legislative	Municipal	PACs	IE-only PACs	Parties	
Individuals	\$500	\$200	\$100	\$100	No limit	No limit	No limit	No limit
PACs	Same as above	Same as above	Same as above	Same as above	No limit	No limit	No limit	No limit
IE-only PACs	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	No limit	Prohibited	No limit
Corporations**	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	No limit	Prohibited	No limit

*In this Guide, the term “PAC” refers to both political committees and political funds under Minnesota law.

**see discussion of corporate contributions below for exceptions

[Minn. Stat. § 10A.27, subd. 1](#) (state campaign contribution limits); [Minn. Stat. § 211A.12](#) (municipal campaign contribution limits).

The Minnesota Campaign Finance Board publishes the applicable contribution limits each year which take into account which offices are up for election in that year. These are available on its web site at www.cfboard.state.mn.us. Elections for the Minnesota House of Representatives are held every even-numbered year; the next Minnesota gubernatorial and state Senate elections will be held in 2012.

Contribution Restrictions

Aggregation

- There is no limit on the total an individual may contribute for political purposes generally as long as all contributions to each individual candidate is within the limits above. The limits are per year and depend on whether the year is an election year (generally even years) or a non-election year (generally odd years). [Minn. Stat. § 10A.27, subd. 1](#).

Legislative Session

- Registered lobbyists, PACs, and political parties are prohibited from making contributions to a candidate for the legislature or a constitutional office (Governor, Lieutenant Governor, Secretary of State, Auditor or Attorney General) during a regular legislative session. This limit does not apply to a legislative special election from the time a person is actually a candidate in the special election up to the day of the special election. [Minn. Stat. § 10A.273](#).

Non-PACs

- A PAC, political party or campaign committee may not accept a contribution of \$100 or more from an “unregistered association” unless the contribution is accompanied by a disclosure statement that provides the name and address of the association. [Minn. Stat. § 10A.27, subd. 13](#).
- For these purposes, an “unregistered association” includes any group of people not registered with the Minnesota Campaign Finance and Public Disclosure Board. It includes federal PACs, federal candidate committees, local candidate committees, PACs from other states, 527s that are not also registered in Minnesota, partnerships, and any informal association or group of individuals. See, e.g., *Findings and Order in the Matter of Greater Minnesota Votes*, May 8, 2007; *Findings Regarding Minnesotans for Better Roads and Transit*, May 8, 2007. See also, *Amended Findings and Order Regarding The 21st Century Democrats*

(*Minnesota Committee*), May 16, 2006 (state PAC ordered to pay \$190,000 civil penalty for receipt of 29 contributions in excess of \$100 from federal PAC not registered in Minnesota, without proper disclosure from federal PAC).

- An unregistered association may provide the written statement required by this subdivision to **no more than three** PACs or party units in a calendar year. [Minn. Stat. § 10A.27, subd. 13\(b\)](#).
- Corporations are technically included within the meaning of an “unregistered association” because they do not register with the Campaign Finance and Public Disclosure Board, but they are generally prohibited from contributing to candidates, party units, and PACs (other than independent expenditure only PACs) by other rules. [Minn. Stat. § 211B.15, subd. 2](#); [Minn. Stat. § 211B.01, subd. 3](#). See [Corporate Contributions and Expenditures](#), and the separate discussion below regarding [Ballot Measures](#).
- An independent expenditure PAC may accept unlimited contributions from unregistered associations, including corporations. An independent expenditure PAC is a political committee or political fund that makes only independent expenditures and disbursements. Minn. Stat. § 10A.01, subs. 18a and 18b. An association that has made a contribution to an independent expenditure PAC from its revenue from the operation of a business is not subject to any original-source disclosure. Minn. Stat. § 10A.27, subd. 14. An association that has made a contribution to an independent expenditure PAC from its membership dues or fees or other contributions of \$5,000 or more in aggregate during a calendar year must provide a written statement to the PAC’s treasurer including:
 - Name, address, amount attributable to each individual or association whose contribution, fees or dues equal an aggregate of \$1,000 or more; and
 - Total amount of contribution from individuals or associations not subject to itemization.[Minn. Stat. § 10A.27, subd. 15](#).

In calculating the amount of a contribution that is attributed to any donor, the association may allocate its contribution the first \$999.99 of the total donations and membership dues or fees received from an individual or association by the donor association. Donors whose allocation to the contribution does not exceed this amount need not be itemized.

Statement of Guidance, Jan. 19, 2012.

PACs, Lobbyists and “Large Contributors” Contributing to Candidates

- A candidate may not accept a contribution from a PAC, lobbyist, or large contributor if the contribution will cause the aggregate contributions from those types of contributors to exceed 20% of the expenditure limits for the

office sought by the candidate. A “large contributor” is an individual who contributes more than \$100 and more than half what they are permitted to contribute under the limits in the tables above. [Minn. Stat. § 10A.27, subd. 11.](#)

- Registered lobbyists, PACs, and political parties must include their registration number when making contributions to candidates. [Minn. Stat. § 10A.15, subd. 5.](#)
 - These contributors must exercise caution when making a donation through an Internet web site that the site provides a mechanism for including this information with the donation. If the web site does not permit submission of this information, the contributor must use a different method for making the contribution that will permit inclusion of the registration number with the contribution.
- Lobbyists and PACs are prohibited from making contributions that a candidate is prohibited from accepting, including those in excess of the 20% campaign expenditure limit above or without the required registration number. [Minn. Stat. § 10A.27, subd. 1\(c\).](#)

Affiliated PACs

- If one PAC (called the “parent”) establishes, maintains or controls another political committee or political fund (called the “subsidiary”), contributions from the subsidiary are treated as made from the parent for purposes of reporting and counting towards the contribution limits of both the parent and the subsidiary. [Minn. Stat. § 10A.15, subd. 3c.](#)

Conduits

- Earmarking of contributions is prohibited. In particular, an individual, PAC, campaign committee or party may not solicit or accept a contribution from any source with the express or implied condition that the contribution or any part of it be directed to a particular candidate other than the initial recipient. [Minn. Stat. § 10A.16.](#)
- Contributions may not be bundled. That is, a single individual or association cannot collect checks for contributions from a number of contributors and deliver them all together to the candidate or campaign committee, unless the person making the delivery is a member of the candidate’s principal campaign committee. A block worker and a volunteer host of a fundraising event are considered members of the campaign committee for these purposes. [Minn. Stat. § 10A.27, subd.1\(b\).](#)
- Anonymous contributions greater than \$20 are prohibited. If a PAC, campaign committee or political party receives an anonymous contribution in excess of \$20, it must forward the contribution to the Minnesota Campaign Finance and Public Disclosure Board for deposit into the

general account of the state elections campaign fund. [Minn. Stat. § 10A.15, subd. 1.](#)

- Corporations are permitted to maintain, administer and solicit contributions conduit funds for their employees that are not required to register as political committees or political funds, so long as the employees direct the distribution of their own contributions and the fund meets certain other requirements. See [Minn. Stat. § 211B.15, subd. 16](#); [Adv. Op. 406 \(May 5, 2009\)](#).

In-kind contributions

- In-kind contributions are contributions and count towards the limits described above. [Minn. Stat. § 10A.01, subd. 11.](#)
- An in-kind contribution includes anything of value that is given, other than money or negotiable instruments. [Minn. Stat. § 10A.01, subd. 13.](#)
- An expenditure of funds made on behalf of a candidate is an in-kind contribution if the candidate, her campaign, or her agent authorizes or consents to the expenditure in any way, or requests or suggests the expenditure. [Minn. Stat. § 10A.01, subd. 4.](#)
- An individual or association that pays for or provides goods or services, or makes goods or services available, with the knowledge that they will be used for the benefit of a political committee or a political fund is the contributor of those goods or services. Minn. R. 4503.0500, subp. 4.
- Allowing a candidate to use one's car without reimbursement is an in-kind donation valued at the lowest rate used by the State of Minnesota to reimburse its employees of automobile use. Minn. R. 4503.0500, subp. 8. But using one's own car in the course of volunteering is not. [Minn. Stat. § 10A.01, subd. 11\(c\)](#)
- The fair market value of office space or services provided to a candidate without reimbursement is a donation in kind. Minn. R. 4503.0800, subp. 4.
- "In-kind" contributions do *not* include:
 - services provided without compensation by an individual volunteering personal time on behalf of a candidate, ballot question, PAC, principal campaign committee or party unit. [Minn. Stat. § 10A.01, subd. 11\(c\)](#);
 - unreimbursed personal use of one's car while volunteering personal time. [Minn. Stat. § 10A.01, subd. 11\(c\)](#)

- incidental expenditures less than \$20. [Minn. Stat. § 10A.17, subd. 2; Adv. Op. 357 \(May 26, 2004\).](#)

Corporate Contributions and Expenditures

- Minnesota corporations are permitted to make independent expenditures to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. [Minn. Stat. § 211B.15, subd. 3; Minn. Stat. § 211B.01, subd. 3.](#) An “independent expenditure” means an expenditure that is not made with the authorization or expressed or implied consent of, or in cooperation or concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate. [Minn. Stat. § 10A.01, subd. 18.](#)
- A corporation or any other unregistered association wishing to make its own independent expenditure in excess of \$100 using funds from the corporation or other unregistered association must do so by setting up an independent expenditure only political fund. [Minn. Stat. § 10A.12, subd. 1\(a\)](#) The corporation or other unregistered association must then report the expenditure as an “in kind” contribution to its political fund. The corporation or other unregistered association must provide a disclosure statement identifying the underlying source of the contribution (as described under Contribution Restrictions above) and this plus the contribution is reported by the political fund to the Campaign Finance Board. Minn. Stat. 10A.27, subd. 15.
- Contributions and Expenditures Subject to Corporate Contribution Ban
 - A corporation may not make a contribution to any political party, organization, committee, or individual to promote or defeat a particular candidate. [Minn. Stat. § 211B.15, subd. 3.](#)
 - Contributing includes giving or offering to give, directly or indirectly, any money, property, free services of officers, employees or members, or any thing of monetary value.
 - The prohibition includes approved expenditures. An “approved expenditure” is an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with, or at the request or suggestion of, a candidate or a committee established to support or oppose a candidate. [Minn. Stat. § 211B.15, subd. 2.](#)
- Exceptions to Corporate Contribution Ban
 - Ballot Measures – Corporations are permitted to make contributions or expenditures to promote or defeat a ballot question. [Minn. Stat.](#)

[§ 211B.15, subd. 4.](#)

- Meeting Rooms – Corporations are permitted to provide meeting facilities to a committee, political party or candidate, but only on a nondiscriminatory and nonpreferential basis. [Minn. Stat. § 211B.15, subd. 10.](#)
- Independent expenditures and contributions to independent expenditures only PACs. [Minn. Stat. § 10A.12, subd. 1a.](#)
- Affiliated PAC
 - A nonprofit corporation with an associated PAC may provide certain types of administrative support to its PAC, such as accounting, clerical or legal services, bank charges, utilities, office space and supplies. This administrative assistance is limited annually to the lesser of \$5,000 or 7½ % of the committee or fund's expenditures. The PAC's records may be stored on the premises of the nonprofit. [Minn. Stat. § 211B.15, subd. 17.](#)
- Endorsements
 - A mere endorsement of a candidate is permitted and is not considered an independent expenditure unless simultaneously accompanied by an expenditure that would otherwise qualify as an independent expenditure. [Minn. Stat. § 10A.01, subd. 18.](#)

COMMUNICATIONS

Member Communications

- The Minnesota campaign finance law does *not* include an exception for political communications to a corporation's members. Accordingly, any express advocacy communication which requires an expenditure of corporate funds (including staff time) must be an independent expenditure and must be reported as such.

Issue Advocacy vs. Express Advocacy

- An organization that has a primary purpose other than influencing elections and which advocates a particular issue *without* expressly advocating for or against a particular candidate is not required to register or report as a political committee or political fund with the Minnesota Campaign Finance and Public Disclosure Board; however an organization that *does* engage in a threshold amount of express advocacy must

register and report such activity through a political committee or political fund.

- An organization that engages in issue advocacy, however, should evaluate whether its advocacy may subject it to regulation as a lobbyist or lobbyist principal. (See separate guide on Lobbying in Minnesota).

Independent Expenditures

- Definition
 - An “independent expenditure” is an expenditure that:
 1. Expressly advocates the election or defeat of a clearly identified candidate; *and*
 2. Is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or any candidate’s principal campaign committee or agent.
 - An independent expenditure does *not* include the act of announcing a formal public endorsement of a candidate for public office, *unless* the act is simultaneously accompanied by an expenditure that would otherwise qualify as an independent expenditure based on the above definition.

[Minn. Stat. § 10A.01, subd. 18.](#)

- An independent expenditure does *not* qualify as a contribution to any candidate.
- Entities Permitted to Make Independent Expenditures
 - Independent expenditures may be made by an individual, PAC, corporation, other unregistered association or political party. [Minn. Stat. § 10A.17, subd. 4.](#)
 - A PAC must disclose independent expenditures in its regular disclosure reports filed with the Minnesota Campaign Finance and Public Disclosure Board (see detailed requirements on [Reporting](#), below). [Minn. Stat. § 10A.20, subd. 3.](#) The report must include a sworn statement as to the independence of the expenditure.
 - An association other than a political committee that makes *only* independent expenditures must register as an independent expenditure or political fund if it makes expenditures in excess of \$100 (otherwise it may contribute to an existing independent expenditure political committee or political fund without having to separately register). [Minn. Stat. § 10A.12, subd. 1a.](#)

- Disclaimers
 - An individual or entity that independently solicits or accepts contributions or makes independent expenditures on behalf of a state-level candidate must publicly disclose that the expenditure is an independent expenditure. [Minn. Stat. § 10A.17, subd. 4.](#)
 - Solicitations requesting contributions for an independent expenditure related to a state candidate must contain a statement in conspicuous type that the activity is an independent expenditure and is not approved by the candidate nor is the candidate responsible for it. [Minn. Stat. § 10A.17, subd. 4.](#)
 - In general, all independent expenditures, whether oral or written, related to a state candidate must contain a conspicuous statement that the activity is an independent expenditure and is not approved by the candidate nor is the candidate responsible for it. The disclaimer must be included in phone calls and other oral communications; printed in conspicuous type on the front page of all literature and advertisements published or posted; and provided at the end of all broadcast advertisements made by the individual, political committee, political fund, principal campaign committee, or party unit on the candidate's behalf. [Minn. Stat. § 10A.17, subd. 4.](#)
 - Campaign material, which is defined as “any literature, publication, or material that is disseminated for the purpose of influencing voting at a primary or other election, except for news items or editorial comments by the news media,” must include the following disclaimer information:
 - For materials prepared and paid for by a principal campaign committee: “Prepared and paid for by the committee, (address)”
 - For materials prepared and paid for by a person or committee other than a principal campaign committee, including PACs: “Prepared and paid for by the Committee, (address), in support of (name of candidate or ballot question)”
 - For broadcast media: “Paid for by the committee”
 - Campaign material *not* circulated on behalf of a particular candidate or ballot question must also include a disclaimer that it is “in opposition to (name of candidate or ballot question) or “this publication is not circulated on behalf of any candidate or ballot question”
 - Such disclaimers are not required for individuals or groups that act independently of a candidate, candidate’s

committee, political committee, or political fund *and* spend less than an aggregate of \$2,000 of their own money to distribute campaign materials at least seven days prior to the election to which the materials refer.

[Minnesota Statutes Section 211B.04.](#)

COORDINATION

- A candidate's appearance at a pre-endorsement interview is not a request or suggestion by that candidate that the endorsing association make an expenditure on behalf of that candidate. [Adv. Op. 114 \(Dec. 1991\)](#), opinion lapsed – for informational purposes only.
- Sharing consultants with a candidate will not preclude an organization from making independent expenditures for that candidate, as long as certain procedures are used to ensure the organization's activities remain separate and independent of the candidate. See [Adv. Op. 400 \(July 22, 2008\)](#), [Adv. Op. 338 \(Apr. 23, 2002\)](#), [Adv. Op. 296 \(July 24, 1998\)](#).
- If a candidate's campaign worker or fundraising committee member participates in the decision making process of an Independent Expenditure Political Committee (IEPC), *i.e.* sits on the IEPC's advisory committee, and the IEPC decides to make an expenditure supporting that same candidate, there is a strong presumption that the expenditure would *not* be an independent expenditure. This presumption is not present if an individual who sits on the IEPC's advisory committee hosts a fundraiser for a candidate whom the IEPC then supports. [Adv. Op. 410 \(September 7, 2010\)](#).

REGISTRATION AND REPORTING REQUIREMENTS

- Definition of "PAC" – Minnesota has two types of organizations that are commonly referred to as "PACs". These definitions are mutually exclusive; an entity may only qualify as *one* of the following:
 - A political committee is a group of two or more people whose "major purpose" is to influence the nomination or election of a candidate or to promote or defeat a ballot question. In other words, a political committee is an entity separate from an organization that might support it. [Minn. Stat. § 10A.01, subd. 27.](#)
 - A political fund is an account whose purpose is to influence the nomination or election of a candidate or to promote or defeat a ballot question, and is formed by or in connection with an

association of two or more people (which may be an entity like a nonprofit corporation or an unincorporated association) that has a purpose other than influencing elections. [Minn. Stat. § 10A.01, subd. 28](#). For example, a separate segregated fund maintained by a 501(c)(4) organization for election-related activities is a political fund. An “independent expenditure political fund” is a political fund that makes only independent expenditures. [Minn. Stat. § 10A.01, subd. 18b](#). A political fund is not a separate entity from its sponsoring organization but instead an accounting and reporting mechanism.

- These definitions have been interpreted by the Minnesota Supreme Court to be limited to groups that *expressly advocate* the nomination or election of a particular candidate or the promotion or defeat of a ballot question. *Minnesota Citizens Concerned for Life, Inc. v. Kelley*, 698 N.W.2d 424 (Minn. 2005); [Adv. Op. 205 \(June 2, 2009\)](#).
- An “independent expenditure political committee,” or “independent expenditure political fund” is a political committee or fund that makes only independent expenditures. [Minn. Stat. § 10A.01, subd. 18a](#).
- Registration
 - A political committee or political fund must register within 14 days of receiving contributions or making expenditures in excess of \$100 to influence the nomination or election of one or more candidates or to promote or oppose a state ballot question. Additionally, if a political committee or fund receives a loan or contribution from a single source of \$1,000 or more (\$2,000 or more for a statewide judicial election, and \$400 or more for other judicial elections) between the last day covered by its pre-election report and an election, then it must register (and report the loan or contribution) in person by the end of the next business day, or by electronic means within 24-hours. [Minn. Stat. § 10A.14, subd. 1](#).
 - Independent expenditure political committees and independent expenditure political funds must register as such if they make independent expenditures (and *only* independent expenditures) in excess of \$100. [Minn. Stat. § 10A.12, subd. 1a](#).
 - Receipt of a contribution not expressly for use in influencing elections in Minnesota would not, by itself, trigger registration. However, before the funds may be spent for election activities in Minnesota (if greater than \$100), the organization must register as a political committee, or political fund, depending on whether the organization has a primary purpose of influencing elections. The transfer of the contribution(s) from the entity or account that

received the non-designated funds is permitted if the committee or fund is an independent expenditure only political committee or fund but must be accompanied by an underlying source disclosure statement discussed above under “Contributions.”

- Federal and out-of-state PACs are considered “unregistered associations” and their ability to make contributions to candidates or to Minnesota PACs or to make independent expenditures is subject to the rules regarding unregistered associations, discussed throughout this article.

- Recordkeeping and Administration of PACs

- A political committee or political fund must establish a separate bank account, and commingling of funds with other accounts is not permitted. [Minn. Stat. § 10A.12, subd. 2](#). A political fund is not required to maintain a separate account. *Statement of Guidance* (Jan. 19, 2012)
- A nonprofit corporation with an affiliated PAC may provide certain types of administrative support to its PAC, such as accounting, clerical or legal services, bank charges, utilities, office space and supplies. This administrative assistance is limited annually to the lesser of \$5,000 or 7½ % of the committee or fund’s expenditures. The PAC’s records may be stored on the premises of the nonprofit. [Minn. Stat. § 211B.15, subd. 17](#).
- In addition to making independent expenditures, an independent expenditure political committee or an independent expenditure political fund may:
 - pay costs associated with its fund-raising and general operations;
 - pay for communications that do not constitute contributions or approved expenditures; and
 - make contributions to other independent expenditure political committees or independent expenditure political funds.

[Minn. Stat. § 10A.121](#).

- Reporting

- Starting January 1, 2012, all reports must be filed electronically with the Campaign Finance & Public Disclosure Board using their [Campaign Finance Reporter Software](#).
- PACs must report the following information ([Minn. Stat. § 10A.20, subd. 3](#)):

- The amount of liquid assets on hand at the beginning of the reporting period;
- Information about contributions received:
 - For each individual and association (group, organization, other committee, etc.) that has made one or more contributions, including the purchase of fundraising tickets, that in the aggregate in the year exceed \$100:
 - Name, address, employer or occupation
 - Amount and date of each contribution
 - Aggregate amount of contributions within the year from each source disclosed
 - The sum of all contributions during the reporting period
- Information about loans:
 - Each loan made or received with an aggregate of more than \$100, together with the name, address, occupation and principal place of business, if any, of the lender, and the amount and date of the loan
 - The amount and nature of an advance of credit, in any amount
- Information about receipts:
 - Each receipt over \$100 during the reporting period, that has not otherwise been reported
 - The sum of all receipts received during the reporting period
- Information about expenditures:
 - For expenditures in excess of \$100 in the aggregate:
 - Name and address of each individual or association (i.e., business, organization, group, committee, campaign) to whom such expenditures were made
 - Amount, date and purpose of each expenditure
 - Name and address of, and office sought by, each candidate on behalf the expenditure was made (including both independent and approved expenditures)
 - Identification of the ballot question that the expenditure was intended to promote or defeat

- In the case of an independent expenditure in opposition to a candidate, the candidate's name, address, and office sought
 - If a single expenditure relates to multiple candidates, the reporting entity must make a reasonable cost allocation among all the candidates and report the allocation for each candidate
 - The sum of all expenditures made by or on behalf of the reporting entity during the reporting period
 - Entities making independent expenditures must include a sworn statement that the activities were truly independent of any candidate. [Minn. Stat. § 10A.20, subd. 6a.](#)
 - Information about contributions made:
 - For contributions to another political committee, political fund, principal campaign committee or party unit in excess of \$100 in the aggregate:
 - The name and address of the recipient
 - Amount and date of each contribution
 - The sum of all contributions made by the reporting entity in the reporting period
 - If a nonprofit corporation provides administrative assistance to the political committee or political fund:
 - The type of administrative assistance provided
 - The aggregate fair market value of each type of assistance provided during the reporting period
 - A PAC receiving an underlying source disclosure statement from an unregistered association must submit a copy of such statements to the Campaign Finance Board before the deadline for the PAC's next regular report. [Minn. Stat. § 10A.27, subd. 16.](#)
- Reporting Schedule
 - Reports must be filed with the Board each year on January 31.
 - In general election years, reports must be filed according to the following schedule:
 - 28 and 15 days before a primary;
 - 42 and ten days before a general election; and

- Beginning in 2012, reports must also be filed 56 days before a primary.
- The “reporting period” is January 1 of the reporting year to seven days before the filing date, except that the report due on January 31 covers the period from the last day covered by the previous report to December 31. [Minn. Stat. § 10A.20, subd. 4.](#)
- Pre-Election Reports: During the period beginning the day following the last day covered by a pre-election report and ending on election day, certain large donations must be reported either electronically within 24 hours of receipt or in person by the end of the business day following receipt:
 - A loan or contribution from one source to a candidate for constitutional office (governor, attorney general, secretary of state, and state auditor) or the legislature totaling 80% or more of the contribution limit for the office.
 - A loan or contribution from one source totaling \$1,000 or more (\$2,000 or more for a statewide judicial candidates, and \$400 or more for other judicial district candidates).

These loans and contributions must also be covered in the next report due, and are not required in primaries in which a statewide or legislative candidate is unopposed.

[Minn. Stat. § 10A.20, subd. 5.](#)

- Statement of Inactivity – If a political committee or political fund has no receipts or expenditures during a reporting period, the treasurer must file a statement to that effect. [Minn. Stat. § 10A.20, subd. 7.](#)
- Public Disclosure
 - Reports are posted on the internet. Donor names are included in the reports, but reports are not searchable by donor names at this time. The internet version of the reports is simply a .pdf copy of the report that was actually filed.
- Termination
 - To terminate a PAC, the treasurer must file a termination report and final report of receipts and expenditures with the Minnesota Campaign Finance and Public Disclosure Board.
 - The treasurer *may* terminate a PAC when there are no loans, notes or unpaid bills outstanding and physical assets have been disposed of so that the combined fair market value of the remaining assets (including cash) does not exceed \$100. [Minn. Stat. § 10A.24.](#)

- The treasurer *must* terminate a PAC when two years have elapsed since it made reportable expenditures or disbursements. *Political Committee and Political Fund Handbook, Feb. 2009* at 11.

BALLOT MEASURES

- PACs working to support or defeat a state ballot question must abide by the same registration, reporting and contribution requirements as apply to candidate elections. See, e.g., Minn. Stat. § 10A.01, subds. 27 and 28. A PAC that limits its activities to promoting or defeating a ballot question is considered an independent expenditure only PAC. *Statement of Guidance*, (Jan. 19, 2012).
- Corporations and other unregistered associations may make contributions or expenditures to promote or defeat a ballot question. [Minn. Stat. § 211B.15, subd. 4](#). (They must register as the appropriate type of PAC if they meet the requisite threshold – see “[Registration](#)” above).
- The Campaign Finance Board has stated that it will not enforce the requirements to register a political committee or fund to promote or defeat a ballot measure until an association has received \$5,000 or more in contributions or made \$5,000 or more in expenditures. *Statement of Guidance* (Jan. 19, 2012).
- Expenditures for lobbying to promote or defeat *legislative* approval of a measure to be placed on the ballot are not considered campaign expenditures and therefore are not subject to the registration (as a political committee or political fund) and reporting requirements for such committees or funds. See [Minn. Stat. § 10A.01, subds. 7](#) and [9](#).

ENFORCEMENT AND PENALTIES

- Violations of the campaign finance and PAC registration and reporting rules are enforced by the Minnesota Campaign Finance and Public Disclosure Board. Most violations are punishable by a civil penalty of up to \$1,000, but accepting a contribution from an unregistered association that does not provide the proper disclosure results in a penalty of up to four times the amount of the contribution in excess of \$100. Knowingly filing false reports and similar willful violations are misdemeanors, gross misdemeanors and in some cases, may bring criminal penalties.
- Violations of the prohibition on corporate contributions are prosecuted by the county attorney. An individual who acts on behalf of a corporation in violation of this prohibition may be fined up to \$20,000 or

be imprisoned for up to five years, or both. A corporation convicted of violating this prohibition is subject to a fine up to \$40,000. A convicted domestic corporation may also be dissolved and a convicted foreign corporation may also have its right to do business in Minnesota revoked. [Minn. Stat. § 211B.15, subs. 6 and 7.](#)

- Failure to file as an independent expenditure political committee or political fund may result in a civil penalty of up to four times the amount of the independent expenditure made without registering, but shall not exceed \$25,000, except when the violation was intentional. [Minn. Stat. § 10A.12, subd. 1b.](#)

CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

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FOR FURTHER ASSISTANCE

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