Minnesota Campaign Finance and Public Disclosure Board www.cfboard.state.mn.us 651/296-5148 or 800/657-3889

Political Party Units Quick Reference Guide

April 2006

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This Quick Reference Guide is intended to aid treasurers in meeting the requirements of Minn. Stat. Chapter 10A, the Ethics in Government Act. Chapter 10A and Minn. Rules Chapters 4501 and 4503 should be consulted as needed for fuller explanation. All forms listed in the Guide may be downloaded from the Board's Website: www.cfboard.state.mn.us.

This document is available in alternative formats to individuals with disabilities by calling 651/296-5148 or 800/657-3889 or through the Minnesota Relay Service at 800/627-3529. Questions about the Guide or the law may be addressed to staff at 651/296-1720 or 800/657-3889.

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Registration

Requirements

A treasurer is required to register a political party unit with the Campaign Finance and Public Disclosure Board (Board) within 14 days after 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.

Before registering a party unit committee, the treasurer must establish a bank account. A committee must also appoint a committee chair (the same person may serve as both chair and treasurer).

A treasurer must complete, sign, and file with the Board a <u>Registration</u> and <u>Statement of Organization</u>. The registration form may be downloaded from the Board's Website at <u>www.cfboard.state.mn.us</u>.

Hennepin County

Political party units registered in Hennepin County need not register with the Board and may contribute to state legislative and constitutional office candidates, political committees, political funds, and political party units registered with the Board.

Record Keeping

Requirements

The treasurer must keep full and accurate records of all receipts and expenditures. A system for recording receipts and expenditures should be maintained to assist in meeting reporting requirements. The Campaign Finance Reporter software provided at no cost by the Board can assist your record keeping and reporting. See the Guide section called *Campaign Finance Reporter software*.

Records of monetary receipts

For each receipt in excess of \$20, the treasurer must keep a record of:

- Full name and address of the contributor
- Amount of the contribution
- Date the contribution was received by the party unit
- Employer of the contributor if the aggregate contributions from the individual exceed \$100 in a year
- The contributor's registration number provided by the Board- if the contributor is a lobbyist, principal campaign committee (candidate committee), political committee, political fund, or political party unit.

(Note that, in addition to contributions and loan proceeds received, monetary receipts include interest income and other miscellaneous income.)

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Records of monetary expenditures

For each expenditure, disbursement, and contribution made by the party unit, the treasurer must keep a record of:

- Name and full address of each vendor to whom payments have been made
- Name, full address, and registration number of each principal campaign committee, political committee, political fund, or political party unit to which contributions have been made
- Date the payment or contribution was made
- Amount of the payment or contribution
- Specific purpose of the expenditure or disbursement (e.g., ads in newspaper)

Records of approved expenditures

An expenditure made on behalf of a candidate by an entity other than the principal campaign committee of the candidate. These expenditures require written authorization to another entity *before a purchase of more than \$20* may be made on behalf of the candidate. A suggested form for written authorization is available from the Board.

For each approved expenditure in excess of \$20, the treasurer must keep a record of:

- Name and registration number of the candidate committee
- Date the contribution was made
- Fair market value of goods or services
- Detailed description of the goods or services provided
- Name and full address of each vendor paid by the contributor for the goods or services provided

All approved expenditures are contributions to the candidate and may count toward the candidate expenditure limits.

Records of in-kind contributions

All in-kind contributions are contributions to the party unit and become expenditures in the same reporting period. In-kind contributions are anything of value that is given to and accepted by the party unit other than money.

For each in-kind contribution in excess of \$20, the treasurer must keep a record of:

- Name and full address of the contributor
- Employer of the contributor if aggregate cash and in-kind contributions exceed \$100 in a year
- Date received by the party unit
- Fair market value of goods or services
- Detailed description of the item received or service provided
- Name and full address of each vendor paid by the contributor for the goods or services provided

Records Retention

Records of all accounts must be kept for four years.

Campaign Finance Reporter Software

To assist record keeping and reporting, the Board provides software *at no cost* to its clients. Refer to the later section of this Guide that describes the *Campaign Finance Reporter software*.

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Contributions

Contributions that May be Accepted*

A party unit **may** *accept* monetary or in-kind contributions from:

- Individuals; or
- Other political party units, political committees, and political funds, that are registered with the Board; or
- Principal campaign committees; or
- Political committees registered in Hennepin County.
- See below for certain prohibitions

Contributions that May Not be Accepted

A party unit **may not** *accept*:

Anonymous Contributions

 An anonymous contribution of more than \$20. An anonymous contribution is one for which the name and full address of the contributor cannot be determined.

You must forward the entire anonymous contribution to the Board within 14 days for deposit in the general account of the State Elections Campaign Fund.

Unregistered Associations

Contributions of more than \$100 from an association that is not registered with the Board. Registered principal campaign committees, political committees, political funds, and political party units are listed on the Board's Website at www.cfboard.state.mn.us under "Board Lists." Call the Board office before accepting a contribution if you cannot find the entity on the lists.

Unregistered Associations – Exception

Exception: If an association that is not registered with the Board makes a contribution of more than \$100, the association *must provide* to the recipient committee, at the time the contribution is made, a report meeting the requirements of Minn. Stat. § 10A.20. This disclosure may be made on the Report of Receipts and Expenditures.

Earmarked Contributions

• An **earmarked contribution** – a contribution with the express or implied condition that all or any part of the contribution would be given to a particular candidate.

Corporate Contribution

 Any contribution from a corporation (the corporate prohibition is in Chapter 211B).

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Contribution Written on a Joint Check

The contribution is credited to the party or parties that signed the check. *However*, if the treasurer has personal knowledge or affirmatively determines from any account holder who did not sign the check that such person is a joint contributor, the contribution is credited to both parties on the joint account. A written note explaining the basis for considering the contribution to be joint should be made at the time the contribution is accepted and kept with the committee's official records.

All information required to be kept for contributions from individuals must be recorded and reported for each account holder separately.

Deposit of Contributions and Penalty

Contributions must be deposited within 10 business days from receipt. A penalty of up to \$1,000 may be imposed for failure to deposit contributions promptly.

Return Contributions Within 60 Days

Contributions not returned within 60 days are deemed accepted. If more than 60 days have passed since a contribution was deposited and you wish to return the contribution, call the Board office for assistance.

Political Contribution Refund (PCR) Program

Eligibility

A party unit that has registered a committee with the Board is eligible to participate in the Political Contribution Refund program.

Procedure

A party unit's treasurer or chair may give a PCR receipt (<u>Form EP-3</u>) to an individual who (1) is eligible to vote in Minnesota and (2) makes a contribution to the party unit. Only monetary contributions qualify for the refund, not goods or services. The maximum refund that contributors may receive is \$50 per person or \$100 for married couples.

The contributor may fill out the application for refund (Department of Revenue Form PCR), attach receipt Form EP-3, and mail them to the Department of Revenue. Individuals may apply for the refund after making the contribution and may file only one refund application per year, with no opportunity to amend. The request for refund must be made by April 15 of the next calendar year. Mail your refund requests to: Minnesota Revenue, Political Contribution Refund, St. Paul, MN 55146-1800.

Access to Forms

Receipt books (EP-3) for qualifying party units are available from the Board office. If the party unit uses the Board's campaign finance software, the receipts can be printed directly from a computer using that software. Political Contribution Refund Application forms (PCR) can be downloaded from the Board's Website at www.cfboard.state.mn.us.

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Contributions to Candidate Committees

General Information

Contributions to a candidate committee – from party units – include monetary contributions, in-kind contributions, and loans.

Registration Number Required A party unit must give the party unit name and registration number when making contributions to a candidate.

Contribution Limits Summary

Contributions To:	Non Election Year	Election Year
Governor/Lt. Governor	\$5,000	\$20,000
Attorney General	\$2,000	\$10,000
Secretary StateState Auditor	\$1,000	\$5,000
• Senate	\$1,000	\$5,000
 House of Representatives 	\$1,000	\$5,000

Timing Restrictions on Contributions

 During a regular legislative session, a candidate may not accept contributions from a legislative caucus. This prohibition applies to all candidates registered with the Board, not just incumbents.

Exception: The prohibition on fundraising during a legislative session does not apply:

- during a special session of the legislature, or
- to candidates involved in a special election, from the date the writ for the special election is signed by the Governor to the date of the special general election.

Bundled Contributions

Bundled contributions are those delivered to candidates by someone other than the original contributor. The amount of the bundled contributions – collected and delivered by an individual or party unit – is applied to the candidate's contribution limit applicable to the individual or party unit that makes the delivery *as well as* to the original contributor.

The bundling provision does not apply to contributions delivered by a member of the candidate's principal campaign committee or an individual on behalf of the individual's spouse.

Written Authorization from Candidate Committee

Written authorization from a candidate's treasurer must be obtained before a purchase (approved expenditure) of more than \$20 may be made on behalf of the candidate. All approved expenditures are contributions to that candidate and may apply to the candidate's expenditure limits.

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Loans

Documentation
Requirement

The party unit must keep on file a signed agreement for each loan.

Loans Payable

Loans payable may be from an individual, financial institution, or other appropriate entity. If a loan is forgiven by the lender, or paid by another entity, it is recorded as a contribution from this lender or other entity in the year in which the loan was originally made.

Loans Receivable

Loans receivable are those made by the party unit to an individual or other entity that must be repaid to the party unit. The party unit may not lend money to anyone for purposes unrelated to the conduct of a campaign.

Penalties for Contribution/ Loan Violations

Penalties for Contribution Violations

A penalty of up to \$1,000 may be imposed for failure to forward to the Board an **anonymous contribution** in excess of \$20.

A penalty of up to four times the amount of the contribution in excess of \$100 may be imposed on a political party unit for accepting a **contribution from an unregistered association** that does not provide proper disclosure.

A penalty of up to \$1,000 may be imposed on an **unregistered association for failing to provide the proper disclosure** when contributing more than \$100 to a political party unit.

A penalty of up to \$3,000 may be imposed for the **acceptance of an earmarked contribution**. An individual acting on behalf of a political party unit who knowingly accepts any earmarked contribution is guilty of a gross misdemeanor.

A penalty of up to \$3,000 may be imposed for **attempting to circumvent** the requirements of this chapter by **redirecting** a contribution through or making a contribution on behalf of another. Violation of this provision is a gross misdemeanor.

A penalty of up to \$1,000 may be imposed on a **legislative caucus** for **making a contribution during a regular legislative session** to a principal campaign committee.

Penalties for Loan Violations

A penalty of up to \$3,000 may be imposed on a political party unit for lending money it has raised to anyone for purposes not related to the conduct of a campaign. Violation is also a gross misdemeanor.

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Expenditures

General Information

The treasurer must keep records of all expenditures and disbursements.

Expenditure Types

The types of expenditures are:

- Disbursements made by your party unit, including committee operating costs.
- Contributions given by your party unit to a state legislative, constitutional office, or judicial candidate committee, committee or political fund, or another political party unit registered with the Board.
- Contributions given by your party unit to other committees or funds not regulated by the Board. Contributions may be given to Hennepin County candidates, committees, and funds without the need to report to Hennepin County.

Approved Expenditures

An approved expenditure is a payment for goods or services made on behalf of a candidate by an entity other than the principal campaign committee. All approved expenditures are in-kind contributions to the principal campaign committee and may apply to the candidate's spending limit. The candidate or the candidate's treasurer must provide written authorization before an <u>approved expenditure</u> of more than \$20 may be made on behalf of the candidate.

Independent Expenditures

Expenditures made on behalf of a candidate without the express or implied consent, authorization, cooperation of, or at the request or suggestion of the candidate, the candidate's treasurer, or the candidate's agent. A political party unit may make an independent expenditure provided that:

- the communication contains a statement (disclaimer) that the activity is an independent expenditure and the candidate is not responsible for it; *and*
- this statement (disclaimer) is included in oral communications, in conspicuous type on the front page of all literature and advertisements published or posted, and at the end of all broadcast advertisements; *and*
- the treasurer of the party unit making the independent expenditure reports the expenditure on an <u>Affidavit and Report of Independent Expenditures</u> with a sworn statement that the expenditure was not made with the authorization or expressed or implied consent of, or in cooperation with or in concert with, or at the request or suggestion of any candidate, candidate's committee, or candidate's agent.

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Multi-candidate Expenditures

Political party units may make certain expenditures that are not considered to be contributions to candidates or in-kind expenditures made on behalf of candidates. Multi-candidate expenditures are:

- Expenditures on behalf of party candidates generally in any advertisement published, posted, or broadcast, no reference may be made about specific candidates;
- Expenditures for the preparation, display, mailing, or other distribution of an official party sample ballot that lists the names of three or more individuals whose names will be on the ballot;
- Expenditures for telephone conversations including the names of three or more individuals whose names will be on the ballot;
- Expenditures for political party fundraising effort on behalf of three or more candidates; and
- Expenditures for party committee staff member services that benefit three or more candidates.

Penalties for Expenditure Violations

Civil Penalty	of	up	to
\$1,000			

For failure to receive written authorization from the treasurer of a candidate committee prior to making an approved expenditure of more than \$20.

Civil Penalty of up to \$3,000

For failure to disclose an independent expenditure or falsely claiming that the expenditure was an independent expenditure. Violation of this provision is also a gross misdemeanor.

Disclosure Calendar

Deadlines for Disclosure

Deadlines for filing reports are listed in the Disclosure Calendars.

Also note that during the Legislative Session legislative caucuses may not give a contribution to a state legislative or constitutional office candidate. This prohibition does not apply during a special session of the legislature or to a candidate involved in a special election, from the date the writ for the special election is signed by the Governor to the date of the general election.

2006

January 31	Annual Report of Receipts and Expenditures covering the period Jan. 1 through Dec. 31, 2005, is due.
August 28	Pre-Primary Report of Receipts and Expenditures covering the period Jan. 1 through Aug. 21, 2006. (Due date is 15 days before the primary election).
October 30	Pre-General Report of Receipts and Expenditures covering the period Jan. 1 through Oct. 23, 2006. (Due date is 10 days before the general election).

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2007	January 31	Annual Report of Receipts and Expenditures covering the period Jan. 1 through Dec. 31, 2006, is due.
2008	January 31	Armual Report of Receipts and Expenditures covering the period from Jan. 1 through Dec. 31, 2007, is due.

Reporting

Notes on Responsibilities

- If the position of treasurer is vacant, the chair is responsible for filing all reports.
- The treasurer must file reports even if the party unit had no activity since the previous report.
- For each filed report, the beginning cash balance must be the same as the ending cash balance of the previous year's annual report. The reported cash balance should reconcile to the party unit's bank account.

Receiving Forms and Where to File

The Board mails a <u>Report of Receipts and Expenditures</u> to the treasurer of record about three weeks prior to each filing date. Forms are also available for download on the Board's Website at <u>www.cfboard.state.mn.us</u>.

Documents may be filed with the Board by:

- U.S. Mail, or
- Personal delivery to the Board office, or
- Fax transmission to 651/296-1722 or 800/357-4114, or
- Electronic filing using the Board's Campaign Finance Reporter software. See Guide section called Campaign Finance Reporter Software on page 10, or
- Email to the Board office: cfboard@state.mn.us.

Mailed documents are considered timely filed if they are postmarked on or before the required filing date.

Personally delivered or faxed documents must be received in the Board office by 4:30 p.m. on the required filing date to be considered timely filed. A filing received in the Board office after 4:30 p.m. is considered received on the next business day.

Filed Statements and Reports are "Public Information" Filed reports are available for public viewing and photocopying within 48 hours after receipt in the Board office. Photocopies are 10¢ per page.

Data and summaries of various filings are available on the Board's Website at www.cfboard.state.mn.us.

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Campaign Finance Reporter Software

Purpose and Availability

Campaign Finance Reporter is record keeping and reporting software developed by the Board for principal campaign committees, political committees, political funds, and party units. A CD-ROM disk is provided without charge by the Board for installation on your computer. Contact the Board office for a copy.

The software is designed to assist your compliance with the requirements of Minnesota Statutes, Chapter 10A. The software helps to maintain the completeness and accuracy of records, avoid violations, and assist timely reporting. The requirements of Minnesota campaign finance law are incorporated in the software. If you enter a transaction or a series of transactions that would result in a violation, you will be alerted. For the software's violation detection features to work properly, the Board recommends that *transactions be entered at least monthly*.

The software includes a built-in Help system. The *Campaign Finance Reporter* User Manual is available on the Board's Website or by request from the Board office. Staff members also provide periodic training sessions.

Contact the Board at 651/282-6893 or 800/657-3889 to begin using the *Campaign Finance Reporter* software for electronic filing.

Amendments

Required Amendments to Reports or Statements

Within ten days after (1) the date of the event prompting the change, or (2) the date the treasurer became aware of the inaccuracy or the need to make a change, the treasurer must make corrections or changes to information that has been filed with the Board.

All changes and corrections must be in writing. You may use a copy of the report – make changes and check the Amendment box. Alternatively, you may provide the Board with other written notice.

Penalty for Failure to Amend

A penalty of up to \$3,000 may be imposed on a political committee or political fund for willfully failing to amend a filed report. Violation is also a gross misdemeanor.

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Fees and Penalties for Late Filing

Late Filing Fees

Report	Late	e Fee
	Per Day	Maximum
Statement of Organization and Registration	\$5	\$100
Pre-Primary Report of Receipts and Expenditures	\$5	\$100
Pre-General Report of Receipts and Expenditures	\$5	\$100
Annual Report of Receipts and Expenditures	\$5	\$100
Failure to amend	\$5	\$100

When Late Filing Fees Begin

Report	When Late Filing Fees Begin
Statement of Organization and Registration	Eleven (11) days after the Board notifies the filer by certified mail that the statement has not been received
Pre-Primary Report of Receipts and Expenditures	Without notice, four (4) days after the due date
Pre-General Report of Receipts and Expenditures	Without notice, four (4) days after the due date
Annual Report of Receipts and Expenditures	Eleven (11) days after the Board notifies the filer by certified mail that the report has not been received

Civil Penalties

Report	Failure to File
Statement of Organization and Registration	Up to \$1,000
Pre-Primary Report of Receipts and Expenditures	Up to \$1,000
Pre-General Report of Receipts and Expenditures	Up to \$1,000
Annual Report of Receipts and Expenditures	Up to \$1,000
Failure to amend	Up to \$1,000
Willfully fail to amend*	Up to \$3,000
Filing a false statement*	Up to \$3,000

When Civil Penalties Begin

Report	When Late Filing Fees Begin
For all reports and statements, Failure to File	Seven (7) days after the second certified letter is sent by the Board, if the statement or report has not been received

^{*} Also a gross misdemeanor

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Termination of Committees

Termination Conditions and Requirements

The committee treasurer *may* terminate a party unit committee by filing a <u>Statement of Termination</u> report, along with the <u>Report of Receipts and Expenditures</u>, when:

- (1) there are no loans, notes, or unpaid bills outstanding, and
- (2) physical assets have been disposed of so that the combined fair market value of the remaining assets (including cash) does not exceed \$100.

Advisory Opinions, Complaints

Advisory Opinions

Individuals who are subject to the requirements of Minn. Stat. Chapter 10A or their representatives may request an advisory opinion from the Board regarding Chapter 10A to guide their actions for compliance with the law. Requests for an opinion and the Board's opinions are classified confidential in the Minnesota Government Data Practices Act. A "public" version of Advisory Opinions, (personal and organizational identifying information removed) is published on the Board's Website. Except in limited circumstances, opinions issued are binding on the Board.

Complaints

Any person may file a written complaint with the Board concerning suspected violations of Minn. Stat. Chapter 10A.

Penalties for Other Chapter 10A Violations

Civil Penalty of Up to \$1,000

- Failure to have a treasurer and chair
- Failure to keep an account of contributions to and expenditures from a political party unit
- Commingling party unit funds with funds of officers, members, or associates
- Failure to deposit contributions promptly
- Acceptance of anonymous contributions in excess of \$20
- Making an approved expenditure of more than \$20 without receiving written authorization from the committee treasurer
- Using or selling information copied from reports and statements filed with the Board for commercial purposes (An individual who knowingly violates this law is guilty of a misdemeanor)
- Legislative caucus making a contribution to a legislative or constitutional office candidate committee during a regular legislative session.

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Civil Penalty of Up to Four Times the Amount of the Contribution in Excess of \$100

 Accepting a contribution from an unregistered association that does not provide the proper disclosure

Civil Penalty of Up to \$3,000 in Addition to Misdemeanor or Gross Misdemeanor Criminal Penalty

- Knowingly filing false information or knowingly omitting required information
- Willfully failing to amend a filed report
- Knowingly accepting an earmarked contribution
- Lending money raised by a political party unit to anyone for purposes not related to the conduct of a campaign
- Attempting to circumvent Chapter 10A by redirecting a contribution through, or making a contribution on behalf of, another individual or association
- Falsely claiming that an expenditure was an independent expenditure
- Failure to disclose an independent expenditure
- Engaging in economic reprisals or threatening loss of employment or physical coercion against an individual or association because of that individual's or association's political contributions or political activity

Gross Misdemeanor Criminal Penalty

 Knowingly failing to keep committee records for four years from the date of filing of the reports

Forms Noted in this Guide

All forms are available from the Board office or the Website at www.cfboard.state.mn.us

Registration and Statement of Organization

Political Contribution Refund (PCR program) Receipt Books, Form EP-3

Application for Political Contribution Refund (PCR program), Form PCR (Department of Revenue)

Report of Receipts and Expenditures

- Pre-Primary Report of Receipts and Expenditures
- Pre-General Report of Receipts and Expenditures
- Annual Report of Receipts and Expenditures

Approved Expenditure Authorization

Affidavit and Report of Independent Expenditures

Statement of Termination

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Contacts for Assistance and Related Resources

Contacts for Assistance Minn. Stat. Chapter 10A and Rules: www.leg.state.mn.us/leg/statutes.asp Board Website: www.cfboard.state.mn.us

Subject Matter	Contact Person -	Phone – E-mail Address
Board information	Jeanne Olson (651) 296-1721	Jeanne.Olson@state.mn.us
Registration for all programs	Joyce Larson 651/296-5615	Marcia.J.Waller@state.mn.us
Campaign Finance reporting	Leah Drilias 651/282-6894	Joyce.Larson@state.mn.us
Campaign Finance software	John Nesbitt 651/282-6893	John.Nesbitt@state.mn.us
Political Contribution Refund Program	Jeff Sigurdson 651/296-1720	Jeffrey.G.Sigurdson@state.mn.us
Advisory Opinions	Jeff Sigurdson 651/296-1720	Jeffrey.G.Sigurdson@state.mn.us
Complaints	Jeanne Olson 651/296-1721	Jeanne.Olson@state.mn.us
Forms, Receipt Books, General Information	651/296-5148 800/657-3889	www.cfboard.state.mn.us

Related Resources

Information Sought	Source(s)	Phone and Website Information
Minnesota Statutes Chapter 10A and Rules 4501 –4525, Ethics in Government Act	Minnesota's Bookstore	651/297-3000 or 800/657-3757 www.comm.media.state.mn.us/ bookstore/bookstore.asp
Political contributions refund program	Minnesota Department of Revenue	651/296-3781 <u>www.taxes.state.mn.us</u>
PCR refund application forms	Minnesota Department of Revenue Campaign Finance & Public Disclosure Board	www.taxes.state.mn.us www.cfboard.state.mn.us
Fundraising activities	Lawful Gambling Control Board	651/639-4000 www.gcb.state.mn.us
Federal elections	Federal Election Commission	800/424-9530 www.fec.gov
Minnesota Campaign Manual, Minn. Stat. Chapters 211A and 211B Fair Campaign Practices Act. Local campaign finance.		651/215-1440 or 877-551-6767 www.sos.state.mn.us

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