

Handbook for Judicial Candidates

January 2009

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This Handbook is intended to aid candidates and 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 Handbook 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 Handbook or the law may be addressed to staff at 651/296-1720 or 800/657-3889.

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www.cfboard.state.mn.us 651/296-5148 or 800/657-3889

Registration

Requirements

A candidate or treasurer is required to register a principal campaign committee 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 candidate's nomination or election

During an election year:

District court judicial candidates

- by the end of the next business day after receiving loans or contributions from any one source totaling \$400 or more between the last day covered in the last report before an election and the election

Supreme and appeals court candidates

- by the end of the next business day after receiving loans or contributions from any one source totaling \$2,000 or more between the last day covered in the last report before an election and the election

(see calendar on page 6)

Before registering a committee, you must: (1) establish a bank account with the name "Campaign Fund of (name of candidate)," and (2) appoint a committee treasurer and chair (the candidate or another person may serve as both treasurer and chair).

A candidate or treasurer must complete, sign, and file with the Board a [Registration and Statement of Organization](#). The registration form may be downloaded from the Board's Website at www.cfboard.state.mn.us, or you may call the Board office for a copy (651/296-5148 or 800/657-3889).

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 monitoring the aggregate amounts to meet reporting requirements. The Campaign Finance Reporter software provided at no cost by the Board can assist your record keeping and reporting. See the Handbook section called [Campaign Finance Reporter software](#).

Records of monetary receipts

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

- Name and full address of the contributor
- Amount of the contribution
- Date the contribution was received by the committee
- 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, political committee, political fund, or political party unit.

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

Records of monetary expenditures

For each expenditure, disbursement, and contribution made by the committee, 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 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)

Expenditures must be categorized as a campaign expenditure or a noncampaign disbursement at the time the payment is made or the item is ordered.

Records of in-kind contributions and approved expenditures

All in-kind contributions and approved expenditures are contributions to the candidate and result in matching expenditures in the same reporting period.

The use of each in-kind contribution and approved expenditure must be categorized and recorded as a campaign expenditure or a noncampaign disbursement at the time the in-kind contribution is received or the approved expenditure is made.

Definitions:

In-Kind Contribution: anything of value that is given to and accepted by the committee other than money.

Approved Expenditure: an expenditure made on behalf of a candidate by an entity other than the principal campaign committee of the candidate. These expenditures require that written authorization be given to the donor entity *before an expenditure of more than \$20* may be made on behalf of the candidate. A suggested form for [written authorization](#) is available from the Board.

Campaign Expenditure: a purchase or payment of money or anything of value made, or an advance of credit incurred, or the use of a donation in-kind received, by a principal campaign committee for the purpose of influencing the nomination or election of the candidate.

Noncampaign Disbursement: a purchase or payment of money or anything of value made, or an advance of credit incurred, or the use of a donation in-kind received, by a principal campaign committee for any of the purposes specified in 10A.01, subd. 26. See the Handbook section called [Expenditures](#) for a list of noncampaign disbursements.

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For each in-kind contribution or approved expenditure 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 committee
- 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 Handbook that describes the [*Campaign Finance Reporter software*](#).

Contributions

Contributions that May be Accepted*

A principal campaign committee **may accept** monetary or in-kind contributions from:

- Individuals; or
- Political committees, political funds, and political party units that are registered with the Board; or
- Other principal campaign committees of state candidates at the time the donating committee is terminating its registration with the Board. A principal campaign committee that makes contributions to another candidate is required to provide the recipient committee with a [Statement of Intent to Terminate form](#); or
- Political committees registered in Hennepin County.

* See below for certain prohibitions.

Contributions that May Not be Accepted

A principal campaign committee **may not accept**:

Candidate Committees or Corporations

- **Any contribution from:** federal candidate committees, local candidate committees, other principal campaign committees except at the time of termination, or corporations (the corporate prohibition is in Chapter 211B);

Anonymous Contributions

- A **contribution** of more than \$20 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.

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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 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 a Report of Receipts and Expenditures form.

Contributions that
May Not be Solicited
or Accepted

A principal campaign committee may not solicit or accept:

Earmarked
Contributions

An **earmarked contribution**, which is a contribution made with the express or implied condition that all or any part of the contribution would be given to any other candidate.

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.

Loans

Documentation
Requirement

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

Loans Payable

Loans payable may be from an individual, financial institution, or other 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 committee to an individual or other entity that must be repaid to the committee. The committee may not lend money to anyone including the candidate for purposes unrelated to the conduct of a campaign.

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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 candidate committee 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 candidate committee.

A penalty of up to \$3,000 may be imposed for the **acceptance of an earmarked contribution**. Knowingly accepting an earmarked contribution is 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.

Penalties for Loan
Violations

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

Expenditures

Expenditure Types

The types of expenditures are:

*Campaign
Expenditures*

Campaign expenditures are made for the purpose of influencing the nomination or election of the candidate.

*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. The candidate or the candidate's treasurer must provide **written authorization** before an approved expenditure of more than \$20 may be made on behalf of the candidate. A suggested form for written authorization is available on the Board's Website.

*Noncampaign
Disbursements*

Noncampaign disbursements include:

- Payment for accounting and legal services
- Return of a contribution to the source
- Repayment of a loan
- Interest on loans
- Payment of food, beverages, facility rental, and entertainment at a fundraising event
- Contributions to a political party
- Transportation, meals, and lodging paid to attend a campaign school
- Costs of a post election party during the election year when a candidate's name will no longer appear on a ballot or after the general election
- Filing fees

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- Costs of child care for candidate's children when campaigning
- Fees paid to attend a campaign school
- Costs of campaigning incurred by a person with a disability, as defined in Minn. Stat. §363A.03, subd. 12, and which are made necessary by the disability
- Payment of candidate's expenses for serving in public office, other than for personal expenses
- Payment of fines assessed by the Board
- Payment of food and beverages consumed by a candidate or volunteers while engaged in campaign activities
- Post-general election thank you notes or advertisements in the news media
- Costs of campaign material purchased to replace defective campaign material, if the defective material is destroyed without being used
- Payment of advances of credit in a year after the year in which the advance was reported as an expenditure
- Payments for funeral gifts or memorials
- Costs associated with a candidate attending a political party state or national convention in this state

Disclosure Calendar

2009	February 2	<i>Annual Report of Receipts and Expenditures</i> covering the period Jan. 1 through Dec. 31, 2008, is due.
2010	February 1	<i>Annual Report of Receipts and Expenditures</i> covering the period Jan. 1 through Dec. 31, 2009, is due.
	July 6	Filing period opens for Affidavits of Candidacy for 2010 elections.
	August 24 to September 13	<i>Report of Large Pre-Election Contribution or Loan.</i> If a candidate for district court judge who has an opponent in the primary election receives contributions and loans totaling \$400 or more and a candidate for supreme or appeals court receives contributions and loans totaling \$2,000 or more from any one source during this period, the candidate must file the Report in person <i>by the end of the next business day after its receipt or by electronic means within 24 hours after its receipt.</i> It must also be reported on the <i>Pre-General Report of Receipts and Expenditures</i> due Oct. 25, 2010.
	August 30	<i>Pre-Primary Report of Receipts and Expenditures</i> covering the period Jan. 1 through Aug. 23, 2010. For all candidates whose names are on the ballot in 2010. (Due date is 15 days before the primary election).
	September 14	Primary election
	October 19 to November 1	<i>Report of Large Pre-Election Contribution or Loan.</i> All candidates for district court judge who receive contributions and loans totaling \$400 or more and all candidates for supreme or appeals court judge who receive contributions and loans totaling \$2,000 or more from any one source during this period must file the Report in person <i>by the end of the next business day after its receipt or by electronic means within 24 hours after its receipt.</i> It must also be reported on the <i>Annual Report of Receipts and Expenditures</i> due Jan. 31, 2011.

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October 25 *Pre-General Report of Receipts and Expenditures* covering the period Jan. 1 through Oct. 18, 2010. For all candidates whose names are on the ballot in 2010. (Due date is 10 days before the general election).

November 2 General election

Reporting

Notes on Responsibilities

- If the position of treasurer is vacant, the candidate is responsible for filing all reports.
- The treasurer must file reports even if the principal campaign committee had no activity since the previous report.
- A candidate who spends only his or her own money must file periodic reports if their expenditures exceed \$100 – even if they have no registered committee.
- A loss in the primary election, or inactivity of the committee, does not remove the requirement to file the periodic reports.
- 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 committee’s bank account.

Receiving Forms and Where to File

The Board mails a Report of Receipts and Expenditures 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 www.cfboard.state.mn.us.

Documents may be filed with the Board by:

- U.S. Mail, or
- Personal delivery to the Board office, or
- Facsimile transmission to 651/296-1722 or 800/357-4114, or
- Electronic filing using the Board’s *Campaign Finance Reporter* software. See Handbook section called *Campaign Finance Reporter Software*.

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

If you electronically file or fax your report, do not mail a copy of the report to the Board office.

Filed Statements and Reports are “Public Information”

Filed reports and statements 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 into 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 and is provided with the software. 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 **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 candidate or 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 principal campaign committee 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 Fee	
	Per Day	Maximum
Statement of Organization and Registration	\$5	\$100
Report of Large Pre-Election Contribution or Loan	\$50	\$500
Pre-Primary Report of Receipts and Expenditures	\$50	\$500
Pre-General Report of Receipts and Expenditures	\$50	\$500
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	On the eleventh day after the Board notifies the filer by certified mail that the statement has not been received
Report of Large Pre-Election Contribution or Loan	Without notice on the fourth day after the due date
Pre-Primary Report of Receipts and Expenditures	Without notice on the fourth day after the due date
Pre-General Report of Receipts and Expenditures	Without notice on the fourth day after the due date
Annual Report of Receipts and Expenditures	On the eleventh day 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
Report of Large Pre-Election Contribution or Loan	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
<i>For all reports and statements, Failure to File</i>	On the eighth day 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

"May Terminate"
Conditions and
Requirements

The committee treasurer **may** terminate a principal campaign committee by filing a [Statement of Termination](#) report, along with the [Report of Receipts and Expenditures](#), 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.

"Must Terminate"
Conditions and
Requirements

The committee treasurer **must** terminate a principal campaign committee by filing a [Statement of Termination](#) report, along with the [Report of Receipts and Expenditures](#), when *six years have elapsed* since:

- (1) the last election in which the candidate filed for the office sought or held at the time the principal campaign committee registered with the Board, or
- (2) the last day on which the individual for whom the committee exists served as a state judge or justice.

The Board will notify the treasurer of a principal campaign committee that has been inactive for six years of the need to terminate. Any committee so notified must dispose of its assets and terminate within 60 days. Call the Board office for information about disposal of committee assets. See Minn. Stat. §211B.12 regarding disposal of cash assets.

If the committee becomes inactive when it still has unpaid debts, the committee must liquidate available assets to pay the debts. If insufficient assets exist to pay the debts, the Board may establish a payment schedule and allow the committee to defer dissolution until all debts are paid.

Actions Permitted and
Actions Not Permitted
on Dissolution of a
Campaign Committee

Campaign funds and principal campaign committee assets may not be converted to a candidate's personal use at any time, including on dissolution. A candidate may purchase assets at a fair market price.

Principal campaign committees may not contribute funds to local or federal candidates at any time, including on dissolution.

Campaign funds remaining after debts have been paid and assets have been sold, with proceeds deposited in the committee's account, may be transferred to other candidates' principal campaign committees, subject to the following:

- A principal campaign committee that makes contributions to another candidate is required to provide to the recipient committee, at the time of the contribution, a written statement of the donor's [intent to terminate](#) its registration with the Board within 12 months.
- The contribution must be timed so that committee termination will be completed within 12 months after the contribution was made.

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- If a donating principal campaign committee fails to terminate within 12 months after making a contribution to another principal campaign committee, the Board may levy a civil penalty of up to four times the amount of the contributions made to other principal campaign committees.
- Contributions made to legislative and constitutional office candidates count against the recipient's political party limit. Both the dissolving campaign committee and the accepting candidate are subject to civil penalties if the limit is exceeded.
- A terminating committee that makes a contribution in excess of the contribution limits is subject to a civil penalty of up to four times the amount by which a contribution exceeds the applicable limits.
- Contributions may not be made to a candidate for the legislature or a constitutional office during a regular legislative session. Both the recipient and contributor are subject to civil penalties for violation.

A contribution from a terminated principal campaign committee that is not accepted by another candidate must be sent to the Board for deposit in the general account of the State Elections Campaign Fund.

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 as nonpublic data 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 alleged violations of Minn. Stat. Chapter 10A. A sample form for filing a complaint may be printed from the Board's Website or obtained from the Board office.

Penalties for Other Chapter 10A Violations

Civil Penalty of Up to \$1,000

- Acceptance of contributions or making expenditures when the office of treasurer is vacant
- Failure to keep an account of contributions to and expenditures from a political committee or political fund
- Commingling committee funds with funds of officers, members, or associates
- Failure to deposit contributions promptly

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- Acceptance of anonymous contributions in excess of \$20
 - Using or selling information copied from reports and statements filed with the Board for commercial purposes. (*Knowingly violating this law is also a misdemeanor*)
- 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 principal campaign committee 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
- Gross Misdemeanor No Criminal Penalty
- 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 or statements.

Forms Noted in this Handbook

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

[Registration and Statement of Organization](#)

[Report of Large Pre-Election Contribution or Loan](#)

[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](#)

[Statement of Intent to Terminate](#)

[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	Gary Goldsmith (651) 296-1721 Gary.Goldsmith@state.mn.us
Registration for all programs	Marcia Waller 651/296-5615 Marcia.J.Waller@state.mn.us
Campaign Finance reporting	Joyce Larson 651/282-6894 Joyce.Larson@state.mn.us
Campaign Finance software	Gary Goldsmith 651/296-1721 Gary.Goldsmith@state.mn.us
Advisory Opinions	Jeff Sigurdson 651/296-1720 Jeffrey.G.Sigurdson@state.mn.us
Complaints	Gary Goldsmith 651/296-1721 Gary.Goldsmith@state.mn.us
Forms, General Information	651/296-5148 800/657-3889 www.cfboard.state.mn.us

Related
Resources

Information Sought	Source(s)	Phone and Website Information
Board on Judicial Standards		651/296-3999 www.state.mn.us/ebranch/judstnds/index.html
Code of Judicial Conduct	Canon Five	651/296-3999 www.state.mn.us/ebranch/judstnds/index.html
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
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.	Minnesota Secretary of State	651/215-1440 or 877-551-6767 www.sos.state.mn.us

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