



MINNESOTA CAMPAIGN FINANCE BOARD

January 9, 2024

Senator Jim Carlson, Chair
Senator Mark Koran, Ranking Republican
Senate Elections Committee

Representative Mike Freiberg, Chair
Representative, Paul Torkelson, Ranking Republican
House Elections Finance and Policy Committee

Re: Section 14.116(a) Notice to Legislature

Dear Legislators:

The Campaign Finance and Public Disclosure Board is considering adopting, amending, and repealing administrative rules concerning campaign finance regulation and reporting, lobbyist regulation and reporting, and audits and investigations. The Board's Request for Comments was published in the State Register on July 24, 2023. The Revisor of Statutes ID number is 4809. The Office of Administrative Hearings docket number is 82-9030-39382.

Pursuant to Minnesota Statutes section 14.116(a), the Board must annually submit its active rulemaking docket to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of proposed rules. Enclosed is a copy of the Board's active rulemaking docket, which is also available on the Board's website at cfb.mn.gov/citizen-resources/the-board/statutes-and-rules/rulemaking-docket/.

Respectfully,

Andrew Olson
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Enclosure: Active Rulemaking Docket



Rulemaking docket

Possible Adoption and Amendment of Rules Governing Campaign Finance Regulation and Reporting; Lobbyist Registration and Reporting; Audits and Investigations; and Other Topics; Minnesota Rules chapters 4501 through 4525

January 29, 2024 rulemaking committee meeting

The Board's rulemaking committee will meet on Monday, January 29, 2024, at 10:00 AM. The meeting will be held in the Blazing Star Room on the ground floor of the Centennial Office Building. Members of the public may attend the meeting in person or remotely by Webex by clicking [this link](#) or by calling either of the following phone numbers: 415-655-0003 or 855-282-6330 (toll free) and then entering meeting access code 2493 235 7872. Those wishing to attend the meeting remotely may join by Webex up to 15 minutes prior to the scheduled start time. There will be an opportunity for public comment regarding the draft rule language being considered by the committee.

Rulemaking topics identified within the Board's request for comments

The Campaign Finance and Public Disclosure Board is considering rule adoptions, amendments, and repeals concerning campaign finance regulation and reporting that 1) establish how campaign finance filers may jointly purchase goods or services without making or receiving a donation in kind, as discussed in Advisory Opinions [452 \(PDF\)](#) and [436 \(PDF\)](#); 2) establish the circumstances under which a principal campaign committee may pay for expenses related to the operation of a legislative caucus, as discussed in [Advisory Opinion 450 \(PDF\)](#); 3) establish criteria that campaign finance filers must consider regarding the underlying sources of funding of an unregistered association that may make a contribution in determining whether the contribution may be accepted as discussed in [Advisory Opinion 447 \(PDF\)](#); 4) clarify the circumstances under which vendors that electronically process monetary contributions to campaign finance filers are not making contributions to the recipients, and are not required to register with the Board as a political committee or fund, as discussed in [Advisory Opinions 319 \(PDF\)](#), [369 \(PDF\)](#), and [434 \(PDF\)](#); 5) clarify whether a contributor who pays a processing fee when making a monetary contribution to a campaign finance filer has made a donation in kind to the recipient consisting of the amount of the fee as discussed in [Advisory Opinion 434 \(PDF\)](#); 6) establish that a treasurer may group expenses together within campaign finance reports on a monthly basis if the expenses are for the same goods or services, from the same vendor, and all expenses incurred within a reporting period are disclosed through the end of that period; 7) establish criteria required in order for a candidate to be deemed not responsible for the actions of a vendor or subcontractors of a vendor hired by the candidate's committee, such as when those actions unintentionally result in coordinated expenditures; 8) amend [Minnesota Rules 4503.0900](#) to clarify the circumstances under which an equipment purchase by a

principal campaign committee may not be classified as a noncampaign disbursement as discussed in Advisory Opinions [89 \(PDF\)](#), [127 \(PDF\)](#), [209 \(PDF\)](#), [211 \(PDF\)](#), and [228 \(PDF\)](#); 9) update rules within [Minnesota Rules chapter 4501](#) concerning electronic filing to reflect the Board's current electronic reporting systems; 10) establish a definition of the term "county office in Hennepin County" as used in [Minnesota Statutes section 10A.01, subdivision 10d](#); 11) establish a definition of the term "nomination" as used within [Minnesota Statutes chapter 10A](#); 12) delete the text "when notice required under subpart 4 is filed or" within [Minnesota Rules 4503.0200, subpart 5](#), because [subpart 4](#) was repealed in 2005; 13) amend Minnesota Rules [4503.0800, subparts 2-4](#), and [4503.1000](#) to be inclusive of a local candidate as that term is defined by [Minnesota Statutes section 10A.01, subdivision 10d](#), to match the [changes made by the legislature](#) in 2021 to the definitions of approved expenditure and contribution within [Minnesota Statutes section 10A.01](#); 14) amend [Minnesota Rules 4503.0900, subpart 1](#) to codify the noncampaign disbursement category for costs incurred by a principal campaign committee to maintain a required bank account; 15) clarify the extent to which a disclaimer is required by [Minnesota Statutes section 211B.04](#) when campaign material is disseminated via social media; and 16) establish a definition of the term "headquarters" as used in [Minnesota Statutes section 211B.15, subdivision 8](#).

The Board is considering rule adoptions, amendments, and repeals concerning lobbyist regulation and reporting that 1) clarify that state agencies and local government bodies are not lobbyist principals as discussed in Advisory Opinions [224 \(PDF\)](#), [297 \(PDF\)](#), and [441 \(PDF\)](#); 2) clarify that informational material may be provided to a public official by a lobbyist principal without violating the gift prohibition if the principal had a significant role in creating, developing, or producing the information as discussed in [Advisory Opinion 445 \(PDF\)](#); 3) implement the [changes made by the legislature](#) in 2023 to statutes governing lobbyist regulation and reporting; 4) change the cross-reference within [Minnesota Rules 4511.0500, subpart 1](#), to refer to [Minnesota Statutes section 10A.04, subdivision 9](#), because "subpart 2" was repealed in 2017; and 5) update rules within [Minnesota Rules chapter 4501](#) concerning electronic filing to reflect the Board's current electronic reporting systems.

The Board is considering rule adoptions, amendments, and repeals concerning audits and investigations that 1) establish a procedure for withdrawing a complaint filed with the Board; 2) establish procedures and criteria to be used when conducting audits of campaign finance filers; 3) establish procedures and criteria to be used when auditing affidavits of contributions submitted by principal campaign committees when seeking to qualify for a public subsidy payment; 4) amend [Minnesota Rules 4525.0200, subpart 2](#), to clarify that a complaint may include an authorized representative's address, rather than the complainant's personal address, if the complaint is signed by an individual authorized to act on behalf of the complainant; 5) amend [Minnesota Rules 4525.0210](#) to expand and clarify the procedures that will be used after a finding of probable cause; and 6) amend [Minnesota Rules 4525.0220](#) to state whether a complainant will be informed of, and provided an opportunity to respond to, a request by a respondent for a summary proceeding.

The Board is also considering rule adoptions, amendments, and repeals concerning other topics within Minnesota Statutes chapter 10A that may arise during the rulemaking process.

Previously released rulemaking materials

[Click here to view updated draft rule language regarding lobbying released by Board staff on January 5, 2024 \(PDF\)](#)

[Click here to view draft rule language regarding lobbying released by Board staff on December 27, 2023 \(PDF\)](#)

[Click here to view draft potentially controversial rule language \(without lobbying language\) released by Board staff on December 6, 2023 \(PDF\)](#)

[Click here to view draft noncontroversial rule language released by Board staff on September 29, 2023 \(PDF\)](#)

[Click here to view comments received by the Board during the public comment period \(PDF\)](#)

[Click here to view the pages from the State Register that contained the Board's request for comments \(PDF\)](#)

[Click here to view the request for comments published in the State Register on July 24, 2023 \(PDF\)](#)

[Click here to view a draft version of a request for comments considered by the Board at its meeting on July 6, 2023 \(PDF\)](#)

[Click here to view a memorandum regarding the review of possible topics and a request for public participation that was published June 8, 2023 \(PDF\)](#)

Sign up for Board rulemaking notices

If you would like to receive notices related to the Board's rulemaking activities, please subscribe to our rulemaking notice list below.

First Name:

Last Name:

Fill in the e-mail address to which you want information sent:

If you would prefer to receive rulemaking notices by mail, please send your name and address to CFB.Rules@state.mn.us or to: Campaign Finance and Public Disclosure Board, Suite 190, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155-1603.

Comments and questions

If you have comments or questions about the rulemaking process, please contact Andrew Olson by email at andrew.d.olson@state.mn.us, by phone at [651-539-1190](tel:651-539-1190), or by mail at Campaign Finance and Public Disclosure Board, Suite 190, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155-1603. Any written comments on proposed rules may be inspected at the Board's office.