WWW.ROCHESTERMN.GOV/VOTE

Run in 2020

LOCAL CANDIDATE FILING BASICS

City of Rochester
Office of the City Clerk
201 4th St SE, Room 135
Rochester, MN 55904
507-328-2900
elections@rochestermn.gov

YOUR VOTE
OLMSTED COUNTY | ROCHESTER, MN

Aug 11 Primary
Nov 3 General Election

Candidate Filing Packet for City Offices

Note:

This handout is being distributed as background information for candidates. It is not a complete list of election laws and procedures, and is not intended to be solely relied upon for comprehensive election information. Candidates and campaigns should seek their own legal counsel to ensure all efforts are in compliance with the law. In all matters, Minnesota Election Law is the final authority.

The Minnesota Legislature is in its regular 2020 session until after the publication of this packet. Any changes made to state election law - including provisions relating to COVID-19 - are not reflected in this packet.

Important Contact Information:

City of Rochester City Clerk's Office
201 4th St SE, Room 135
Rochester, MN 55904
(507) 328-2900
elections@rochestermn.gov
www.rochestermn.gov/vote

Olmsted County Elections
151 4th St SE
Rochester, MN 55904
(507) 328-7650
elections@co.olmsted.mn.us
www.co.olmsted.mn.us/vote

Rochester Public Schools
Business Services Office, Edison Building Rm 121
615 7th St SW, Rochester, MN 55902
(507) 328-4210
accounting@rochester.k12.mn.us
www.rochesterschools.org

Minnesota Secretary of State's Office
(651) 215-1440
elections.dept@state.mn.us
www.mnvotes.org

State Office of Administrative Hearings (OAH)
(651) 361-7900
www.mn.gov/oah
Choose: Self Help-Administrative Law Overview - Fair Campaign Practices

Candidate Filing Packet

Table of Contents

Information on Filing for Office

P 4 • Offices on the ballot in 2020 and where to file
P 5 • Letter from the City Clerk
P 6 • Key Elections Dates for Candidates
P 7 • How to File for Office with the City Clerk's Office Overview
P 8 • Ethical Practices Board advice to prospective City candidates
P 9-15 • City Code of Ethics

Filing Forms

P 17-18 • Ethics Ordinance Disclosure Form (required only for City candidates)
P 19 • Candidate Name Pronunciation Guide
P 21 **Filing Forms from the Secretary of State** (also available online as electronic documents at https://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/campaign-filing-packet/)
P 23 • Affidavit of Candidacy
P 25 • Address of Residence Form (if required)
P 27 • Affidavit of Withdrawal (if required)

Campaign Finance Information

P 29 • Overview of Requirements
P 30 • Forms from the Secretary of State for Campaign Finance Filings
P 31-32 • Campaign Financial Report and Instructions
P 33 • Campaign Financial Report Certification of Filing

P34 Elections in the City of Rochester

P 35 • 2020 Election Calendar
P 36 • City Office Responsibilities
P 37 • Polling Places - *subject to change due to COVID-19*

P 38 State Information on Candidates and Campaigning

P 39 • Campaign Signs Letter for Candidates from MNDOT
P 40-41 • Attorney General Memorandum on Automatic Dialing Announcing Device Law
P 42 • Campaign Cybersecurity Memo from the Secretary of State
• Office of the Secretary of State 2020 Campaign Manual

OFFICES ON THE BALLOT IN 2020

City Offices
File at City Clerk's Office

- Council President
- Council Members (3 seats - Wards 2, 4, and 6)

School Board Offices
File at City Clerk's Office

- Director (Seats 1, 3, and 7)

County Offices
File at Olmsted County

- County Commissioner (4 seats - Districts 1, 3, 5, and 7)
- Soil and Water Conservation Officers

State Legislative Offices
File at Office of Secretary of State or Olmsted County

- State Senators from each district in Minnesota (Dist. 25 & 26 in Rochester
- State Representatives from each district in Minnesota (Dist. 25A, 25B, 26A, and 26B in Rochester)

Judicial Offices
File at Office of Secretary of State or Olmsted County

- Supreme Court Associate Justice (Seat 4)
- Court of Appeals (Seats 3, 9 , 13, and 15)
- Third District Court Judge (Seats 4, 6 , 7, 14, 17, 19, 20, and 22)

Federal Offices
File at Office of the Secretary of State

- United States Senator (one)
- United States Representative (District 1)

*President and Vice President will also be on the ballot, with a separate filing process.

A LETTER FROM THE CITY CLERK

Dear Candidate,

Congratulations on deciding to seek public office in service to the residents of the city of Rochester. As the Chief Election Official in the city, I want to assure you my office is committed to administering the electoral process with fairness and integrity, and in a manner that promotes and facilitates voter participation.

One of our commitments includes ensuring all candidates for local office have access to the same election-related information and resources. This candidate filing packet has been developed to serve as a comprehensive resource of information about the filing process, as well as election laws that may impact you as a candidate and information about voter resources that may be helpful for your campaign in connecting with voters about neutral and non-partisan basic election information.

Throughout this election season, my office will have periodic communication with you and your campaign, including information relating to any shifts required due to issues surrounding COVID-19. Please feel free to reach out with any specific concerns and questions. Thank you and be well!

Best,

Anissa N. Hollingshead
City Clerk

201 4th Street SE,
Room 135
Rochester, MN 55904

507-328-2900

elections@rochestermn.gov
www.rochestermn.gov/vote

KEY ELECTIONS DATES FOR 2020 CANDIDATES

May 19-June 3 — **Candidate Filing Period**
- By mail and at the City Clerk's Office business days from 8 am-5 pm

June 26 - Aug. 10 — **Absentee Voting Period for the Primary***
- Business days from 8 a.m.-5 p.m., and Sat. Aug. 11, 10 a.m.-3 p.m.

July 21 — **Voter Pre-registration deadline for the Primary**
- 5 p.m., for paper forms, and 11:59 p.m. for electronic registration

July 31 — **Pre-Primary Campaign Finance Report Due**

Aug. 11 — **Primary: Polls open 7 a.m. - 8 p.m.**

Sept. 18 - Nov. 2 — **Absentee Voting Period for the General Election***
- Business days from 8 a.m.-5 p.m., and Sat. Nov. 3, 10 a.m.-3 p.m.

Oct. 13 — **Voter Pre-registration deadline for the General Election**
- 5 p.m., for paper forms, and 11:59 p.m. for electronic registration

Oct. 23 — **Pre-General Election Campaign Finance Report Due**

Nov. 3 — **General Election: Polls open 7 a.m. - 8 p.m.**

Dec. 3 — **Post-General Election Campaign Finance Report Due**

Jan. 31, 2021 — **Year-End Campaign Finance Report Due**

**Minimum times for in-person absentee balloting*

201 4th Street SE,
Room 135
Rochester, MN 55904

507-328-2900

elections@rochestermn.gov
www.rochestermn.gov

YOUR VOTE
OLMSTED COUNTY | ROCHESTER, MN

HOW TO FILE FOR CITY OFFICE

Eligible candidates filing for Council President or City Council member for Wards 2, 4, or 6 are required to file with the Office of the City Clerk for the City of Rochester.

Office of the City Clerk
Rochester City Hall
201 4th Street SE, Room 135
Rochester, MN 55904

Eligibility to Hold City Office*

- Must be a resident of the city of Rochester for at least 30 days prior to filing for candidacy for the office. (For Council ward seats, must be resident of the ward for the same duration.)
- Must be a qualified voter in the State of Minnesota
- Must be 21 years of age or older when taking office in January of 2021.

Filling Information

- The filing period opens at 8:00 a.m. on Tuesday, May 19, 2020, and closes at 5:00 p.m. on Tuesday, June 2, 2020.
- Filing can be done in person on business days during the filing period at the Office of the City Clerk. *Please note the office will be closed on Monday, May 25 in observance of Memorial Day.*
- Candidates are encouraged to schedule an appointment with the Clerk's Office for filing by calling 507-328-2900 to ensure options for minimum contact.
- Complete filings can also be submitted by mail or delivery service, and must be received with the filing fee by June 2 at 5 p.m.
- Candidates can withdraw after filing until 5 p.m. on Thursday, June 4, 2020.

Filling Fees*

- The filing fee for all City offices is $50, pursuant to City Charter.
- Candidates may present a petition with signatures of eligible voters in lieu of the filing fee, pursuant to Minn Stat 204B.11 Subd. 2
  - Required signatures:
    - Council President - 500
    - Ward 2 - 500
    - Ward 4 - 355
    - Ward 6 - 470

*The City Clerk's Office is also accepting filings for Rochester Public Schools School Board Director. Eligibility and fees for Director differ from City offices.

ETHICAL PRACTICES BOARD ADVICE TO PROSPECTIVE CITY CANDIDATES

As you prepare to campaign for the position of City of Rochester council member, you may decide to speak out publicly on certain pending land use/license/permit issues. For example, you may tell the voters of your support or objection to a pending development project, license application or land use ordinance. (Lawyers refer to these matters as "quasi-judicial" because they involve a public hearing before the City Council, the presentation of evidence and testimony, and a formal written decision by the Council.)

If you decide to speak publicly on these types of matters, the City of Rochester Ethical Practices Board wants to alert you to a formal opinion it issued in 2009 regarding a council member's bias or prejudice on some matters that come before the City Council.

The Ethical Practices Board concluded that a council member cannot publicly express a position on the merits of a pending land use/license/permit matter and then vote on the matter when it comes before the City Council. By discussing and voting on a matter about which the council member has previously stated his or her judgment, the council member has compromised his or her ability to fairly and impartially listen to the testimony, weigh the evidence, apply the law and reach a decision. Such action would amount to a violation of the City's Code of Ethics.

Again, this concern only applies to those pending matters involving a public hearing, testimony and a written Council decision on a specific project or matter. It does not mean that you could not speak in support or opposition to a city ordinance or rule in general. Those matters of policy are not covered by this opinion, nor does it apply to other matters that might come before or have previously been heard by the Council.

A copy of the Board's formal opinion can be obtained from the Rochester City Attorney's Office. Contact the City Attorney to obtain a copy or with questions about this notice, including help understanding which issues are considered "quasi-judicial" and which are not.
City Attorney: Jason Loos (507) 328-2100 mailto:jloos@rochestermn.gov

CITY CODE OF ETHICS

CHAPTER 2-16. - PUBLIC ETHICS

Sec. 2-16-1. - Policy and purpose.

(a) It is imperative that all persons acting in the public service not only maintain the highest possible standards of ethical conduct in their transaction of public business but that such standards be clearly defined and known to the public as well as to the persons acting in public service.

(b) The proper operation of a democratic government requires that public officials be independent, impartial, and responsible to the people. Governmental decisions and policies must be made in the proper channels of the governmental structure. Public office may not be used for personal gain. Citizens must have confidence in the integrity of their government officials.

(c) Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of the state, and to carry out impartially the laws of the nation, state and city so as to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

(d) In recognition of these goals, there is hereby established a code of ethics for elected or appointed public officials, citizens, volunteers, and candidates for public office. The purpose of the code is to establish ethical standards of conduct for such persons by establishing acts which are incompatible with the city's best interests and requiring disclosure of private or financial interests in matters involving the city. The provisions and purposes of this code of ethics are declared to be in the best interests of the city.

(Code 1965, § 13.01)

Sec. 2-16-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appointing authority means the common council, the mayor or any other person who appoints a person to a public position.

Appointing committee means the President of Rochester Community and Technical College, the Chancellor of the University of Minnesota Rochester and the highest ranking officer of the Olmsted County Bar Association not associated with the Rochester City Attorney's Office.

Board means the ethical practices board.

Official action means any act, action, approval, decision, denial, directive, disapproval, inaction, order, performance, nonperformance, recommendation, vote or other direct result of a public official's exercise of discretionary authority in connection with the public official's public position.

Public body means the common council, any city agency, board, commission, committee or other voting body authorized to act in any capacity on behalf of the city.

Public official means any member of the common council, any city agency, board, commission, committee, or other voting body, and any department head, employee, official, supervisor, volunteer or other person who is elected, appointed, employed, hired by contract or in any other manner authorized to act in any capacity on behalf of the city.

Public position means any elected, appointed or employed position that is authorized to act in any capacity on behalf of the city.

Voting body means the common council and any other city authority, board, commission, committee, council or group, regardless of whether its function is legislative, administrative, quasi-administrative or quasi-judicial or any combination thereof, which, in order to take any official advisory or final action, must act as a body on the basis of a vote of some or all of its members.

(Code 1965, § 13.011)

Sec. 2-16-3. - Responsibilities of public office.

Public officials hold office on behalf of the public. They are bound to uphold the Constitution of the United States and the constitution of the state. Public officials must carry out impartially the laws of the nation, state, and city in fostering respect for all government. They are bound in their official acts to discharge faithfully the duties of their office. Public officials shall be dedicated to the public purpose and all programs developed by them shall be in the community interest. Public officials shall not exceed their authority or breach the law or ask others to do so.

(Code 1965, § 13.02; Ord. No. 4324, 12-4-2017)

Sec. 2-16-4. - Scope of persons covered.

(a) Except as to section 2-16-6, the provisions of this chapter are applicable to all public officials.

(b) Notwithstanding the provisions of this section, the disclosure requirements of section 2-16-6 are applicable only to elected officials, city employees (including department heads and supervisors) who have the authority to approve the expenditure of funds, members of boards or commissions created by ordinance, and any person who has filed an affidavit of candidacy for an elective city office, and any person who seeks appointment to any city board, commission, agency, or committee.

(Code 1965, § 13.03; Ord. No. 3947, 11-2-2009; Ord. No. 4118, 7-15-2013; Ord. No. 4202, 7-20-2015; Ord. No. 4252, 7-6-2016; Ord. No. 4324, 12-4-2017)

Sec. 2-16-5. - Conflict of interest.

(a) No public official shall knowingly engage in a conflict of interest.

(b) A conflict of interest shall include the following:

(1) Engage in any business or transaction, or have a direct or indirect financial or personal interest, which is incompatible with the proper discharge of the person's official duties or which would tend to impair the person's independent judgment or action in the person's performance of official duties. The term "personal interest," as distinguished from financial interest, includes an interest arising from blood or marriage relationships or close business or political association. For purposes of this subsection, the term "financial interest" means a substantial financial interest through the ownership of stocks, bonds, notes or other securities.

(2) Use of the person's public position to secure special privileges or exemptions for the person or for others.

(3) Use of the person's public position to solicit personal gifts or favors.

(4) Use of the person's public position for personal gain.

(5) Represent private interests before the common council or any city committee, board, commission, or agency where the person has participated in the review of those private interests as a member of any city committee, board, commission, or agency.

(6) Possess interest in legislation to the extent that private interest takes precedence over public interest and duty.

(7) Accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.

(8) Disclose to the public, or use for the person's or other's personal gain, information that was gained by reason of the public official's public position if the information was not public data.

(9) Disclose information that was received, discussed or decided in conference with the public body's legal counsel that is protected by the attorney-client privilege unless a majority of the public body has authorized the disclosure.

(c) It is not a conflict of interest under this section if a public official publicly discloses a potential conflict of interest, and refrains from participating in the discussion and voting on the matter when it comes before the public body of which the public official is a member.

(Code 1965, § 13.04; Ord. No. 4252, 7-6-2016)

Sec. 2-16-6. - Disclosure.

(a) The disclosure requirements of this section are applicable only to elected officials, city employees (including department heads and supervisors) who have the authority to approve the expenditure of funds, members of boards or commissions created by ordinance, and any person who has filed an affidavit of candidacy for an elective city office, and any person who seeks appointment to any city board, commission, agency, or committee.

(b) Every person subject to these disclosure requirements shall file with the city clerk a disclosure statement indicating the following:

(1) A list of interests in real property, except for the person's homestead, located within the city.

(2) A list of interests in a business doing business with the city.

(3) A list of interests in any business located within the city.

(4) His current place of employment.

(5) Such other information required by the ethical practices board in order to fulfill the objectives of the ethics disclosure form.

(c) Every person who files as a candidate for an elective city office must file the statement required by subsection (b) of this section at the time the affidavit of candidacy is filed.

(d) Material changes in a person's interest or in place of employment shall be disclosed by filing an amended disclosure statement within 30 days after the new interest is obtained or the change in employment occurs.

(e) For purposes of this section, the term "interest" means a substantial financial interest through the ownership of stocks, bonds, notes, or other securities. The term "doing business" means engaged in any contractual relationship with the city or making application for such relationship or for any relief or benefit available from the city, including, but not limited to, variance, permit, license, or plat approval.

(f) The city clerk shall prepare disclosure forms, as approved by the ethical practices board, necessary for compliance with this section. The city clerk shall notify the ethical practices board should any person described in subsection (a) of this section fail to file or update a disclosure form. In response, the ethical practices board shall inquire of the matter and, if appropriate, inform the person's appointing authority of the person's failure to file or update a disclosure form.

(Code 1965, § 13.05; Ord. No. 4324, 12-4-2017)

Sec. 2-16-7. - Ethical practices board.

(a) There is hereby created an ethical practices board ("board"). The board will be composed of seven members who are residents of the city and shall serve without compensation.

(b) The board shall be appointed by the appointing committee. In making the appointments to the board, the appointing committee shall determine an application procedure and take the following steps:

(1) The city clerk shall notify the general public, nonpartisan, nonpolitical and nonprofit civic and community groups, colleges and universities, and neighborhood associations of the application procedure for those interested in applying for a position on the board.

(2) At least 30 days prior to making an appointment, the appointing committee shall submit the names of the finalists for the board to the mayor and common council for comment.

(3) Within 14 days of receiving the names, the common council shall hold a public hearing to solicit input from the public as to the finalists.

(4) The common council shall share the input received from the public hearing with the appointing committee. In turn, the appointing committee shall make the appointments to the board.

(c) The board shall be organized as follows:

(1) The chair, vice-chair and secretary of the board shall be elected by the membership from among its members.

(2) Initially, two members of the board will be appointed for a term of three years each. Two members of the board shall be appointed for a term of two years each. One member of the board shall be appointed for a term of one year. The two additional members appointed in 2017 shall be appointed for a term that expires April 30, 2019. All subsequent appointments will be made for three-year terms. All members shall serve until their successors have been appointed and qualified. The appointing committee may remove a board member for cause at any time during the board member's term of office.

(3) No member of the board may be an elected official, an appointed official, a city employee, related to a local official or city employee, a candidate for elected public office, a person who, for compensation, represents the private interests of others before the city council or mayor, or a paid campaign worker or political consultant of a current local official.

(4) The affirmative vote of at least three members of the board shall be required to decide any matter before the board.

(d) The board shall have jurisdiction to review and make findings concerning any alleged violation of this chapter by any public official. The board may not consider any alleged violation that occurred before the adoption of this chapter or more than one year before the date of the filing of a complaint.

(e) The board has the following powers:

(1) To establish, amend and repeal rules and procedures governing its own internal organization and operations in a manner and form consistent with this chapter.

(2) To administer oaths.

(3) To meet as often as necessary to fulfill its responsibilities.

(4) To request from the mayor and city council the appointment of such staff as is necessary to carry out the duties of the board.

(5) To make notifications, extend deadlines, conduct investigations, make findings of fact, conclusions of law and order, review allegations and conduct hearings as needed to decide specific cases in which a violation of this chapter is alleged.

(6) To report its findings regarding any complaint to the person's appointing authority and to the city administrator.

(7) To issue ethics opinions to public officials regarding the propriety of any matter within the board's jurisdiction.

(8) To prescribe and make available forms for use under this chapter.

(9) To conduct a preliminary investigation of a filed complaint, or of any circumstance or situation of which the board may become aware that appears to violate any provision of this chapter.

(10) To review, index, maintain on file and dispose of complaints.

(11) To cooperate with the human resources department in the design of ethics education seminars, and to promote the city's ethics program and high ethical standards in city government.

(12) To review disclosure statements for completeness, consistency and accuracy, and to report its findings regarding those statements to the person's appointing authority and to the city administrator.

(13) To make recommendations for changes to the code of ethics or this chapter which the board believes would enhance the purposes of this chapter.

(14) Such other powers as are specifically granted in this chapter.

(f) The board shall prepare and submit an annual report to the mayor and the city council detailing the ethics activities of the board and the city during the prior year. The format of the report must be designed to maximize public and private understanding of the board and city ethics activities. The report may recommend changes to the text or administration of this chapter. The city clerk shall take reasonable steps to ensure wide dissemination and availability of the annual report of the board and other ethics information reported by the board.

(g) Should one or more members of the board recuse himself from the consideration of any matter brought to the board, the remaining board members or, should all board members recuse themselves, the city attorney may request the appointing committee to appoint temporary members to sit on the board in place of the recused members. The temporary members shall exercise all powers provided to the appointed board members only for the matter under consideration. The appointing committee shall respond to the request as it deems appropriate and in its sole discretion. If the appointing committee grants the request, it shall appoint temporary board members using any process the committee deems appropriate and necessary in light of the need for a timely resolution of the matter pending before the board.

(Code 1965, § 13.10; Ord. No. 4293, 4-10-2017)

Sec. 2-16-8. - Legal counsel.

The city attorney or the city attorney's designee shall act as the appointing committee's and the board's legal counsel. If required by this chapter or the Minnesota Rules of Professional Responsibility, the city attorney shall retain outside legal counsel to act as the appointing committee's or board's legal counsel.

(Code 1965, § 13.11)

Sec. 2-16-9. - Board action.

(a) Any person may file a complaint with the board. Any person, either personally or on behalf of an organization or governmental body, may request the board to issue an ethics opinion regarding the propriety of any matter within the board's jurisdiction.

(b) Any complaint or request for an ethics opinion shall be in writing and signed by the person making the request.

(c) Upon receipt of a complaint or upon learning of any circumstance or situation that appears to violate any provision of this chapter, the board shall conduct a preliminary investigation. If, upon completion of that investigation, the board determines there is no reasonable grounds to believe that a violation has occurred or that the complaint is frivolous, made in bad faith, brought for vexatious reasons or is filed principally for the purpose of harassment, it shall dismiss the complaint.

(d) The board shall hold a hearing on a complaint that is not dismissed, and shall report its findings to the city administrator and to the person's appointing authority. The chair of the board may obtain subpoenas from the district court to compel the attendance of witnesses or the production of documents at any hearing.

(Code 1965, § 13.12)

Sec. 2-16-10. - Code of ethics violations.

(a) A public official must report any conduct by another public official that he believes violates this code of ethics.

(1) The improper conduct of a nonappointed public official must be reported to either the alleged violator's supervisor or department head.

(2) The improper conduct of an appointed public official who is not a department head must be reported to the alleged violator's supervisor, department head or appointing authority.

(3) The improper conduct of a department head or an elected official must be reported to the board.

(b) Once a situation is reported under subsection (a)(1) or (2) of this section, the supervisor or department head has a duty to immediately investigate the alleged violation. When a situation reported under subsection (a)(1) or (2) of this section is resolved, the supervisor or department head must notify the board of the report and resolution.

(Code 1965, § 13.13)

Sec. 2-16-11. - Sanctions.

(a) Except as provided in subsection (b) of this section, a public official who violates this chapter may be subject to disciplinary action up to and including termination of city employment/city volunteer duties.

(b) An elected official or an appointed member of any board or commission, whose discipline is addressed by the City of Rochester Home Rule Charter or this Code, and who violates this chapter, may be subject to such disciplinary action as is provided by the Home Rule Charter or this Code.

(Code 1965, § 13.14)

Sec. 2-16-12. - Use of city property.

(a) A city employee shall not use or allow the use of city time, supplies or city-owned or -leased property and equipment for the employee's private interests or any other use not in the city's interest, except as provided by law.

(b) A city employee may use city time, property or equipment to communicate electronically with other persons, including, but not limited to, elected officials, the employer, or an exclusive bargaining representative under Minn. Stats. ch. 179A, provided this use, including the value of the time spent, results in no incremental costs to the city or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable.

(c) The city administrator shall issue a citywide policy on the use of electronic mail and other forms of electronic communications by city employees. The policy shall permit city employees to make reasonable use of city time, property and equipment for personal communications and shall address issues of privacy, content of communications and the definition of reasonable use as well as other issues the city administrator deems to be necessary and relevant.

(Code 1965, § 13.45)

This page intentionally left blank

ROCHESTER
Minnesota

ETHICS ORDINANCE
DISCLOSURE FORM

CITY CLERK
201 4th Street SE, Room 135
Rochester, MN 55904-3742
(507)328-2900
FAX # (507)328-2901

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP CODE _____

City of Rochester Employees:

1. What is your job title or position with the City of Rochester?

2. What city department is this position associated with?

3. When did you begin your employment?

City of Rochester Volunteers:

Name of Board/Commission On Which You Serve Or Seeking Appointment	Date Appointed Or Date Application Was Filed For Position

For the next set of questions, the word "interest" means a substantial financial interest through your ownership of stocks, bonds, notes or other securities; your holding of more than five percent of the capital stock of a corporation; or your membership or participation in a limited liability company, subchapter S corporation, partnership, association, enterprise, business, or firm. The word "interest" also includes an interest arising from blood or marriage relationships or close business or political association or other personal relationships. The phrase "doing business" means engaged in any contractual relationship with the City or making application for such relationship or for any relief or benefit available from the City including, but not limited to, variance, permit, license or plat approval.

(SEE REVERSE SIDE)

Ethics Ordinance
Disclosure Form
Page Two

1. Please list your interests in real property within the City of Rochester, other than your homestead. Complete on a separate page if necessary.

2. Please list any interests you have in a business doing business with the City.

3. Please list any interest you have in any business located within, or doing business in, the City.

4. List any and all employment.

5. List any and all community, civic, or nonprofit organizations of which you are a member. If you also serve in any such organization in a leadership or decision-making capacity, please note that capacity. For purposes of this request, the phrase "community, civic, or nonprofit organizations" means any public or private entity: (a) whose mission, duty, or existence pertains to the lives or activities of the citizens of a city, state, or the nation; and (b) which has in the past received or currently receives financial assistance from the City of Rochester; or (c) to which the city official or employee belongs as a result of the official's or employee's profession, or city employment/appointment/election. Nothing in this section requires the disclosure of one's political or religious affiliation. (Please attach a sheet if additional space is needed.)

I hereby certify that the above information is complete and accurate.

_____
Signature

_____
Date

04/06/17

NAME PRONUNCIATION FORM

To be submitted at the time of filing.
Used for the AutoMARK, the assistive voting device used in polling places.

Name:

_____

Phonetic Pronunciation:

_____

201 4th Street SE,
Room 135
Rochester, MN 55904

507-328-2900

elections@rochestermn.gov
www.rochestermn.gov

This page intentionally left blank

FORMS FROM THE SECRETARY OF STATE REQUIRED FOR CANDIDATE FILING

Accessible and fillable version of these forms are also available on the Secretary of State's website at:

https://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/campaign-filing-packet/

Minnesota Secretary of State's Office

(651) 215-1440 or 1-877-600-VOTE (8683)
elections.dept@state.mn.us
www.mnvotes.org

This page intentionally left blank

Office of the Minnesota Secretary of State

AFFIDAVIT OF CANDIDACY

Filing # _____

Cash/Check # _____

Amount $ _____

Instructions

All information on this form is available to the public. Information provided will be published on the Secretary of State's website. If filing for partisan office and not a major party candidate, you must file both an affidavit of candidacy and a nominating petition. (*Minn. Stat.* 204B.03)

Candidate Information

Name and Office

Candidate Name (as it will appear on the ballot)

Office Sought District #

For Partisan Office, Provide Political Party or Principle

For Judicial Office, Provide Name of Incumbent

Residence Address

Do not complete if residence address is to be private and checkbox below is marked. All address and contact information is optional for federal, judicial, county attorney, and county sheriff office candidates.

Street Address

City State Zip Code

☐ **My residence address is to be classified as private data.** I certify a police report has been submitted or I have an order for protection for my (or my family's) safety, or my address is otherwise private by Minnesota law. I have attached a separate form listing my residence address.

Campaign Address and Contact

Candidate Phone Number (Required)

Campaign Contact Address (Required for those who have checked the box above):

Street Address

City State Zip Code

Website Email

Affirmation

For all offices, I swear (or affirm) that this is my true name or the name by which I am generally known in the community.
If filing for a state or local office, I also swear (or affirm) that:

- I am eligible to vote in Minnesota;
- I have not filed for the same or any other office at the upcoming primary or general election (except as provided in *M.S.* 204B.06, subd. 1 (2));
- I am, or will be on assuming office, 21 years of age or more;
- I will have maintained residence in this district for at least 30 days before the general election; and
- If a major political party candidate, I either participated in the party's most recent precinct caucuses or intend to vote for a majority of that party's candidates at the next general election.

If filing for one of the following offices, I also swear (or affirm) that I meet the requirements listed below:

- **United States Senator** – I will be an inhabitant of this state when elected and I will be at least 30 years old and a citizen of the United States for not less than nine years on the next January 3rd, or if filled at special election, within 21 days after the election.
- **United States Representative** – I will be an inhabitant of this state when elected and I will be at least 25 years old and a citizen of the United States for not less than seven years on the next January 3rd, or if filled at special election, within 21 days after the election.
- **Governor or Lieutenant Governor** – I will be at least 25 years old on the first Monday of the next January and a resident of Minnesota for not less than one year on election day. I am filing jointly with
- **Supreme Court Justice, Court of Appeals Judge, District Court Judge, or County Attorney** – I am learned in the law and licensed to practice law in Minnesota. My Minnesota attorney license number is and a copy of my license is attached.
- **State Senator or State Representative** – I will be a resident of Minnesota not less than one year and of this district for six months on the day of the general or special election.
- **County Sheriff** – I am a licensed peace officer in Minnesota. My Board of Peace Officer Standards and Training license number is and a copy of my license is attached.
- **School Board Member** – I have not been convicted of an offense for which registration is required under *Minn. Stat.* 243.166.
- **County, Municipal, School District, or Special District Office** – I meet any other qualifications for that office prescribed by law.

Candidate Signature_____ Date_____

Subscribed and sworn to before me this _____ day of _____, 20_____.

_____

Notary public or other officer empowered to take and certify acknowledgement (Notary stamp)

This page intentionally left blank

Office of the Minnesota Secretary of State

ADDRESS OF RESIDENCE FORM

Instructions

This form is to be attached to the Affidavit of Candidacy when a candidate has checked the Private Data box.

The address of residence is classified as private data at the request of the candidate. The address of residence is used by the filing officer who received the affidavit of candidacy, upon written request of a registered voter, to determine whether the address of residence listed by the candidate is actually located in the area represented by the office sought, pursuant to *Minnesota Statutes*, section 204B.06, subd. 1b (b). While the candidate is not required to provide the address of residence, failure to provide the address of residence will result in an incomplete affidavit of candidacy and the rejection of the affidavit of candidacy, which will result in the omission of the candidate's name from any ballot in the election for which the candidate attempts to file the affidavit of candidacy and pay the filing fee. This information will be available to the filing officer to whom the written request is delivered, to employees of that filing officer and to other elections officials with whom that filing officer consults in order to obtain information necessary to make the determination whether the address of residence listed by the candidate is actually located in the area represented by the office sought.

Candidate and Address of Residence

Candidate Name

Office Sought

Street Address

City MN ZIP Code

Statement

Pursuant to *Minnesota Statutes* 204B.06, subd. 1b (c), I have requested that my address of residence be classified as private data. I certify that a police report has been submitted, or I have an order for protection regarding my safety or my family's safety.

Signature of candidate Date

This page intentionally left blank

Office of the Minnesota Secretary of State

AFFIDAVIT OF WITHDRAWAL

Instructions

Generally, a candidate who has filed an affidavit of candidacy may remove his or her name from the ballot by filing an affidavit of withdrawal by 5 p.m. no later than 2 days after the end of the filing period. The affidavit of withdrawal is filed with the same filing officer where the original affidavit of candidacy was filed. The withdrawal affidavit should include the candidate's name and office for which they filed and include a request to have their name withdrawn from the ballot. See the Candidate Withdrawal webpage for details regarding U.S. Presidential and Vice Presidential candidates, and candidates for State Constitutional Offices (Governor and Lieutenant Governor, Secretary of State, Attorney General, and State Auditor).

Statement

I, _____

certify that I filed an affidavit of candidacy for the office of _____

on _____, 2019. I request that my name be withdrawn from the ballot,

pursuant to *Minnesota Statutes* 204B.12, subd. 1.

Signature _____ Date _____

This page intentionally left blank

CAMPAIGN FINANCE FILINGS

Campaign finance reports are required by Minnesota Statutes Chapter 211A for candidates for city offices. They are also required for committees formed to support or defeat a candidate or ballot question. Campaign finance filings must be filed with the City Clerk as the filing officer for City offices. The sample Campaign Finance Report form may be used for required reports.

Filing an Initial Report

An initial report must be filed within 14 days after a candidate or committee raises or spends more than $750,

Reporting Schedule

Once a candidate or committee is required to file an initial report, it must file the reports below until it files a Final Report. Do not file these reports until an initial report is required.

PRE-PRIMARY REPORT

This report is due 10 days before the primary when the candidate's name or ballot question appears on the ballot. This report covers the period from when the previous report left off until 15 days before the primary.

PRE-GENERAL REPORT

This report is due 10 days before the general election when the candidate's name or ballot question appears on the ballot. This report covers the period from when the previous report left off until 15 days before the general election.

POST-GENERAL REPORT

This report is due 30 days after the general election when the candidate's name or ballot question appears on the ballot, and covers the period from 15 days before the general election through 25 days after the the general election.

YEAR-END REPORT

This report is due by Jan. 31 of each year after the Initial report is filed.

FINAL REPORT

This report is filed once all debts are paid and all assets in excess of $100 in aggregate are disposed of.

Certification of Filing

All candidates or committees must file a Certification of Filing within 7 days of a general or special election in which their name is on the ballot. On this form, the candidate or committee treasurer affirms either that all required campaign finance reports have been filed, or the candidate or committee did not raise or spend more than $750 in that calendar year. Certifications are not required with other filings.

FORMS FROM THE SECRETARY OF STATE REQUIRED FOR CAMPAIGN FINANCE FILINGS

Accessible and fillable version of these forms are also available on the Secretary of State's website at:

https://www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/

Required Campaign Finance forms can be submitted when due to the City Clerk's Office in hard copy or electronically.

Minnesota Secretary of State's Office

(651) 215-1440 or 1-877-600-VOTE (8683)
elections.dept@state.mn.us
www.mnvotes.org

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation _____

Office sought or ballot question _____ District _____

Type of report
_____ Candidate report
_____ Campaign committee report
_____ Association or corporation report
_____ Final report

Period of time covered by report:

from _____ to _____

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded $100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH $ _____

TOTAL CASH-ON-HAND $ _____

IN-KIND + $ _____

TOTAL AMOUNT RECEIVED = $ _____

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	*Purpose*	*Amount*
	TOTAL	

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than $200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	*Purpose*	*Name and Address of Recipient*	*Expenditure or Contribution Amount*
		TOTAL	

I certify that this is a full and true statement. _____

Signature Date

Printed Name _____ Telephone_____ Email (if available)_____

Address _____

For Office Use Only: Name Office Report

INSTRUCTIONS

(Reference: Minnesota Statutes, Chapters 211A and 211B)

This CAMPAIGN FINANCIAL REPORT is for use by candidates and committees for county, municipal, school district and special district office who receive contributions or make disbursements of more than $750 in a calendar year; committees or corporations spending more than $750 for or against a ballot question in a calendar year; and corporations spending more than $200 on activities to encourage participation in precinct caucuses, voter registration or voting.

Where to file this report:

Hospital Districts	The municipal (city or town) clerk – same place where filed affidavit of candidacy
Park Districts	The county auditor or municipal clerk – same place where filed affidavit of candidacy
School Districts	School district clerk
Townships	Town clerk
Cities	City clerk
Soil & Water Conservation Districts	County auditor
Counties	County auditor

Candidate or committee report: The initial report must be filed within 14 days after the candidate or committee receives contributions or makes disbursements of more than $750 in a calendar year. Subsequent reports must be filed.

During an Election Year - An "election year" is any year in which the candidate's name or a question appears on the ballot.

In such a year (if an initial report has been filed) reports are required to be filed:

- *10 days before the primary or special primary*
- *10 days before the general election or special election*
- *30 days after a general election or special election*
- *By January 31 of each year following the year when the initial report was filed.*

During a non-election year - By January 31 of each year following the year when the initial report was filed.

Once a final report* is filed, no further subsequent reports are required to be filed.

CONTRIBUTIONS: Means anything of monetary value that is given or loaned to a candidate or committee for a political purpose. "Contribution" does not include a service provided without compensation by an individual. **Each candidate or committee must list the total amount of cash-on-hand designated to be used for political purposes as of the close of the reporting period.**

CONTRIBUTION LIMITS: Candidates or candidate's committees for county, municipal, school district offices may not accept aggregate contributions in excess of $600 in an election year or in excess of $250 in a non-election year made or delivered by an individual or committee. However, candidates seeking election from districts with a population in excess of 100,000 may not accept aggregate contributions in excess of $1,000 in an election year and $250 in a non-election year.

BALLOT QUESTIONS: Any political committee, association or corporation that makes a contribution or expenditure to promote or defeat a ballot question as defined in Minnesota Statutes, section 211A.01 shall file reports with the filing officer responsible for placing the question on the ballot. Reports must be filed within 14 days of receiving contributions or making disbursements of more than $750 in one calendar year, using the same schedule as above.

CONGRESSIONAL CANDIDATES: Candidates for election to the United States House of Representatives and Senate and any committee raising funds exclusively on behalf of any one of those candidates may file copies of the reports required by federal law in lieu of those required by Minnesota Statutes Chapter 211A.

CORPORATE ACTIVITIES TO ENCOURAGE PARTICIPATION: Corporations may contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register or vote if the projects are not controlled by or operated for the advantage of a candidate, political party or committee. The total amount of expenditures or contributions for any one project greater than $200, together with the date, purpose and the names and addresses of the persons receiving the contribution or expenditures must be reported. Reports must be filed with the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299, using the same schedule as above.

***FINAL REPORT:** A final report may be filed any time after the candidate, committee or corporation has settled all debts and disposed of all assets in excess of $100 in the aggregate. Check final report under "type of report".

PROHIBITED TRANSFERS: Candidates for county, municipal, school district or special district offices may not accept contributions from the principal campaign committees of any candidate for legislative, judicial or state constitutional office. In addition, a candidate may not make contributions to the principal campaign committee of any candidate for legislative, judicial or state constitutional office unless the contributions are made from the candidate's personal funds.

STATE CANDIDATES: Candidates and committees for state constitutional offices, the state legislature, supreme court, court of appeals, district court and committees for state constitutional amendments are governed by Minnesota Statutes Chapter 10A. Contact the State Campaign Finance and Public Disclosure Board for further information at (651) 539-1180.

Note: The filing officer must restrict public access to the address of any individual who has made a contribution that exceeds $100 and who has filed with the filing officer a written statement signed by the individual that withholding the individual's address from the financial report is required for the safety of the individual or the individual's family.

Updated 7/18/2014

Office of the Minnesota Secretary of State

CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING

Instructions

Each county, municipal or school district candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports required by *Minnesota Statutes* 211A.02 have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding $750 in the calendar year. The certification shall be submitted to the filing officer not later than seven days after the general or special election. (*Minnesota Statutes* 211A.05, subdivision 1)

Campaign Information

Name of candidate or committee

Office sought by candidate (if applicable)

Identification of ballot question (if applicable)

Certification

Select the appropriate choice below, and sign.

I do swear (or affirm) that all campaign financial reports required by Minnesota Statutes 211A.02 have been submitted to the filing officer.

I do swear (or affirm) that all campaign contributions or disbursements did not exceed $750 in the calendar year.

Signature of candidate or committee treasurer

Date

This page intentionally left blank

ELECTIONS INFORMATION FOR THE CITY OF ROCHESTER

KEY DATES FOR ELECTIONS IN 2020

MAY 22 — JUNE 5

Candidate filing period
May 19 - June 2

PRIMARY		GENERAL
JUNE 26	Absentee voting starts Vote early by mail or in-person	SEPT. 18
JULY 21	Preregistration deadline	OCT. 13
AUG. 11	**Election Day** **Polls open** **7 a.m. - 8 p.m.**	NOV. 3

YOUR VOTE
OLMSTED COUNTY | ROCHESTER, MN

2020 City of Rochester Election Calendar

May 19	Candidate filings open 8:00 a.m. (M.S. 205.13, subd. 1a)
May 25	City & County Offices Closed: Memorial Day
June 2	Candidate filings close 5:00 p.m. (M.S. 205.13, subd. 1a)
June 4	Candidates may withdraw until 5:00 p.m. (M.S. 205.13, subd. 6) *
June 26 - August 11	Absentee voting period for the Primary, Monday – Friday, 8:00 a.m. – 5:00 p.m. (M.S. 203B.05, subd.1; M.S. 203B.085; M.S. 204B.35, subd. 4)
June 26 – November 13	All noncommercial signs of any size may be posted in any number (M.S. 211B.045)
July 3	City & County Offices Closed: Independence Day
July 21	Voter pre-registration for the Primary ends at election offices at 5:00 p.m. (M.S. 201.061) *(Online registration available until 11:59 p.m.)*
July 31	Pre-Primary Campaign Finance Report Due to City Clerk by 5:00 p.m. (M.S. 211A.02 Subd. 1)
August 8	Extended hours for absentee voting: minimum 10:00 a.m. to 3:00 p.m. (M.S. 203B.085)
August 11	**PRIMARY– Polls are open 7:00 A.M. to 8:00 P.M.** **3:00 P.M. deadline for agent return of absentee ballots to County Elections Office** **6:00 P.M. - 8:00 P.M. No public meetings or school events except regularly schedule classes (M.S. 204C.03)**
September 7	City & County Offices Closed: Labor Day
September 18 – November 3	Absentee voting period for General Election (M.S. 203B.05, subd.1; M.S. 203B.085; M.S. 204B.35, subd. 4)
September 22	National Voter Registration Day
October 13	Voter pre-registration for the General Election ends at election offices at 5:00 P.M. (M.S. 201.061) *(Online registration available until 11:59 p.m.)*
October 23	Pre-General Election Campaign Finance Report Due to City Clerk by 5:00 P.M. (M.S. 211A.02 Subd. 1)
October 31	Extended hours for absentee voting: minimum 10:00 A.M. to 3:00 P.M. (M.S. 203B.085)
November 3	**GENERAL ELECTION – Polls are open 7:00 A.M. to 8:00 P.M.** **3:00 P.M. deadline for agent return of absentee ballots to County Elections Office** **6:00 P.M. - 8:00 P.M. No public meetings or school events except regularly schedule classes (M.S. 204C.03)**
December 3	Post-General Election Campaign Finance Report Due to City Clerk by 5:00 P.M. (M.S. 211A.02 Subd. 1)
January 31, 2021	Year-End Campaign Finance Report Due to City Clerk by 5:00 P.M. (M.S. 211A.02 Subd. 1)

YOUR VOTE
OLMSTED COUNTY | ROCHESTER, MN

WARD 1	
P1 & 6	4-H Building 1508 Aune Drive SE
P2	Resurrection Catholic Church 1600 11th Avenue SE (LOCATED WITH 4-6)
P3	Oak Hills Wesleyan Church 410 28th Street SW
P4 & 10	Willow Creek Middle School 2425 11th Ave. SE
P5	Ascension Evangelical Lutheran Church 2207 11th Avenue SE
P7	Alternative Learning Center 37 Woodlake Dr SE (NEW IN 2020)
P8	Autumn Ridge Church 3611 Salem Road SW
P9	Bamber Valley Elementary School 2001 Bamber Valley Road SW
P11 & 12	Operating Engineers Local #49 1765 County Road 16 SW
WARD 3	
P1	Holy Spirit Catholic Church 5455 50th Avenue NW
P2	Berean Community Church 3157 Kenosha Drive NW
P3	Sunset Trail Apartments Community Room 3639 41st St NW
P4	Resurrection Evangelical Lutheran Church 4520 19th Avenue NW
P5	Hosanna Lutheran Church 2815 57th Street NW
P6	Calvary Baptist Church 5905 Silas Dent Road NW
P7	George Gibbs Junior Elementary School 5525 56th Street NW
WARD 5	
P1	Northrop Community Center 201 Eighth Street NW
P2	Gloria Dei Lutheran Church 1212 12th Avenue NW
P3	Kellogg Middle School 503 17th Street NE
P4	Old Fire Hall #2 702 W. Silver Lake Dr. NE
P5	Churchill Elementary School 2240 Seventh Avenue NE
P6	Evangel United Methodist Church 2645 North Broadway
P7	Christ Our Rock Lutheran Church 3040 Stonehedge Drive NE
P8	Rochester Public Utilities 4000 East River Road NE

WARD 2	
P1	United Way Building 903 West Center Street
P2	Edison Administrative Building 615 Seventh Street SW
P3	Shorewood Senior Housing – Shorewood Place, 2205 Second Street SW
P4	History Center of Olmsted County 1195 West Circle Drive
P5	Harriet Bishop Elementary School 406 36th Avenue NW (NEW IN 2020)
P6	People of Hope Church 3703 Country Club Road West
P7	Shorewood Senior Housing – Shorewood Commons, 2115 Second Street SW
P8	Harriet Bishop Elementary School 406 36th Avenue NW (JOINT WITH 2-5)
WARD 4	
P1	University of Minnesota Rochester 111 S Broadway Ave
P2	Bethel Lutheran Church 810 Third Avenue SE
P3	Redeemer Lutheran Church 869 Seventh Avenue SE
P4	Olmsted County #2117 Building 2117 Campus Drive SE
P5 & 7	UCR Regional Sports Center 2900 UCR Place SE
P6	Resurrection Catholic Church 1600 11th Avenue SE (LOCATED WITH 1-2)
P8	Old People's COOP (School Facilities Services Center), 3935 US 14
P9	Christ Lutheran Church 2904 20th Street SE
WARD 6	
P1	Holy Cross Lutheran Church 2703 9th Avenue NW
P2	Herbert Hoover Elementary School 369 Elton Hills Drive NW
P3	John Adams Middle School 1525 31st Street NW
P4	Gethsemane Lutheran Church 2204 22nd Street NW
P5	Pax Christi Catholic Church 4135 18th Avenue NW
P6	Gage Elementary 1300 40th Street NW (NEW IN 2020)
P7	Assembly of God Church 4240 18th Avenue NW
P8	Sunset Terrace Elementary School 1707 19th Avenue NW

YOUR VOTE
OLMSTED COUNTY | ROCHESTER, MN

*These locations are subject to change due to COVID-19

INFORMATION FOR CANDIDATES AND CAMPAIGNS FROM THE STATE OF MINNESOTA

See also:

https://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/

https://www.sos.state.mn.us/election-administration-campaigns/campaigning/

DEPARTMENT OF TRANSPORTATION

395 John Ireland Blvd.
St. Paul, MN 55155

April 30, 2018

RE: Placement of Signs along Trunk Highways

To CANDIDATES FOR PUBLIC OFFICE:

The Minnesota Department of Transportation reminds the public that placing signs, including campaign signs, along trunk highways is prohibited. State law (Minnesota Statutes, section 160.2715) prohibits the placement, painting, printing or affixing of advertisements on any object within the limits of a trunk highway. This restriction includes driving lanes, inside and outside shoulders, ditches and sight corners at intersections. The trunk highway system includes state, U.S., and interstate highways in Minnesota.

The Minnesota Outdoor Advertising Control Act (Minnesota Statutes, section 173.15), which applies to land next to trunk highway right of way, prohibits placing advertising devices on private land without consent of the owner or occupant; on trees, shrubs, or public utility poles; or by painting on rocks or other natural features.

These laws protect the safety of the traveling public and those who might place signs. They ensure Minnesota complies with federal highway beautification laws. Right-of-way is used for a variety of purposes, including providing a safe place for vehicles that leave travel lanes, snow storage, location for public utilities, draining excess water away from roads, vegetation growth for aesthetics and erosion control and even pollinator habitat. Unauthorized signs and people stopping to place signs within the limits of the highway can compromise these functions.

County, city, and township employees administer applicable laws on roads under their jurisdiction. MnDOT is responsible for the trunk highway system. Please contact local MnDOT offices for assistance when placing signs where trunk highway right of way cannot be clearly identified. Make sure those who place signs on your behalf know the law. Illegally placed signs will be removed by MnDOT employees and temporarily stored; please contact local MnDOT offices (http://www.dot.state.mn.us/maintenance/district.html) promptly to retrieve signs that have been removed.

Thank you for your cooperation,

Charles A. Zelle
Commissioner

An equal opportunity employer

TO: **Candidates, Political Campaigns, Political Parties, Political Committees and Other Interested Persons**

FROM: **Minnesota Attorney General's Office**

DATE: **April 27, 2020**

RE: **Minnesota's Automatic Dialing-Announcing Device Law**

This memorandum is to provide guidance to candidates, political campaigns, political parties, political committees, and others concerning Minnesota's automatic dialing-announcing device law. It is similar to memoranda first issued by the Minnesota Attorney General's Office ("AGO") in 2004.

Minnesota's ADAD Law

A copy of Minnesota's automatic dialing-announcing device law, which is contained at Minn. Stat. §§ 325E.26-.31, is attached.

The law provides as follows:

> A caller shall not use or connect to a telephone line an automatic dialing-announcing device unless: (1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or (2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.

Minn. Stat. § 325E.27(a) (2018). An "automatic dialing-announcing device," or "ADAD," is defined as "a device that selects and dials telephone numbers and that, working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called." *Id*. § 325E.26, subd. 2. "Caller" includes "a person, corporation, firm, partnership, association, or legal or commercial entity who attempts to contact, or who contacts, a subscriber in this state by using a telephone or a telephone line." *Id.*, subd. 3. "Subscriber" is defined as "a person who has subscribed to telephone service from a telephone company or the other persons living or residing with the subscribing person." *Id.*, subd. 5.

The ADAD law does not apply to "messages to subscribers with whom the caller has a current business or personal relationship." *Id*. § 325E.27.

The attached law also contains other provisions relating to the use of ADADs in Minnesota. For example, all ADADs (to the extent their use is not prohibited) must be designed and operated to disconnect within ten (10) seconds after termination of the telephone call by the subscriber. *Id*. § 325E.28. ADADs may not be used before 9:00 a.m. or after 9:00 p.m. *Id*. § 325E.30. In addition, where an ADAD message is immediately preceded by a live operator, the operator must make certain disclosures to the subscriber. *See Id*. § 325E.29.

The constitutionality of the ADAD statute has been upheld by the Minnesota Supreme Court and the Eighth Circuit Court of Appeals. *See Gresham v. Swanson*, 866 F.3d 853, 856

(8th Cir. 2017) (upholding constitutionality of ADAD statute in challenge by telephone-solicitation firm and its managing member); *Van Bergen v. State*, 59 F.3d 1541, 1556 (8th Cir. 1995) (upholding constitutionality of ADAD statute in challenge by political candidate); *State v. Casino Mktg. Group, Inc.*, 491 N.W.2d 882, 891-92 (Minn. 1992) (upholding constitutionality of ADAD statute in challenge by telephone-solicitation firm).

Enforcement of the ADAD Law

The AGO is authorized to enforce the ADAD law and seek a court order to enjoin violations of it. *See, e.g.*, Minn. Stat. §§ 8.31, 325E.31. This Office generally intends to follow the following policy:

Upon receiving a verified and substantiated complaint that the above statute has been violated, the AGO will promptly contact the campaign that had allegedly violated the law and advise it of the alleged ADAD violations. Upon thereafter receiving verified and substantiated complaints from at least three or more individuals involving an identified committee, the AGO may ask the committee to sign an Assurance of Discontinuance. If the committee does not do so promptly, the AGO may file a lawsuit and seek a temporary restraining order to enjoin further violations of the law.

In order for a complaint to be verified and substantiated, the complainant must sign an affidavit that documents the following:

1) The date and time the subscriber received the ADAD message;

2) Where available (i.e., when left on an answering machine), a recording of the text of the message;

3) Substantiation of the identity of the caller;

4) A statement that the subscriber (which includes persons living or residing with the subscriber) did not knowingly or voluntarily request, consent to, permit, or authorize receipt of the message;

5) A statement that the message was not immediately preceded by a live operator who obtained the subscriber's consent (or the consent of a person living or residing with the subscriber) before the message was delivered; and

6) A statement that the subscriber (which includes other persons living or residing with the subscriber) does not have a current business or personal relationship with the caller.

The policy adopted in 2004 required at least three signed affidavits to balance the legitimate enforcement of the statute with "the potential for mischief by political opponents." The AGO intends to continue the same general policy in 2020.

Attachment

STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

May 22, 2018

To: All Candidates Filing for Office

Subject: Campaign Cybersecurity

Cybersecurity is an important part of voters' confidence in our democracy.

In response to the growing emphasis on secure elections, researchers at Harvard University, in collaboration with bi-partisan campaign professionals, national security experts, and leaders in cybersecurity from the public and private sector, created the **Campaign Cybersecurity Playbook** as a practical, baseline guide to cybersecurity that campaigns can use to help safeguard their systems.

The **Campaign Cybersecurity Playbook** can be found online at:
http://www.belfercenter.org/CyberPlaybook

The guide is free of charge and the Office of Secretary of State encourages candidates and their campaigns to consider its recommendations.

180 State Office Building | 100 Rev. Dr. Martin Luther King, Jr. Blvd. | Saint Paul, MN 55155-1299
Phone: 651-201-1324 or 1-877-600-8683 | Fax: 651-215-0682 | MN Relay Service: 711
E-mail: secretary.state.@state.mn.us | Web site: www.sos.state.mn.us

2020

State of Minnesota

CAMPAIGN MANUAL

CAMPAIGN FINANCIAL REPORTING & FAIR CAMPAIGN PRACTICES

Minnesota Statutes, Chapters 211A and 211B, including related laws and summary

Office of the Minnesota Secretary of State
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Phone: (651) 215-1440
Toll Free: 1-877-600-8683
Minnesota Relay Service: 1-800-627-3529
Email: elections.dept@state.mn.us
Website: www.sos.state.mn.us

PREFACE

State law requires the Secretary of State to publish an easily understandable annotated digest of Chapters 211A and 211B of Minnesota statutes.

This booklet contains:

- The required digest;
- The text of Chapters 211A and 211B;
- Annotations to these chapters and to former Chapter 210A, known as the Fair Campaign Practices Act, which had some provisions comparable to 211A and 211B.

Chapter 211A generally regulates campaign reporting requirements of candidates and committees supporting county, municipal, school district or other political subdivision candidates for office and questions. Candidates and committees supporting candidates for federal, state and judicial office are ***not*** regulated by Chapter 211A.

Chapter 211B regulates a variety of campaign practices and applies to all federal, state, judicial and local candidates, *except* for President and Vice President, and committees supporting them. It also regulates the activities of committees formed to promote or oppose ballot questions and proposed constitutional amendments.

COMPLAINTS

A complaint alleging a violation of Chapter 211A or 211B MUST be filed with the Office of Administrative Hearings (OAH). For further information on complaints and penalties, see the OAH's Fair Campaign Practices webpage (https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp), or contact OAH at:

Office of Administrative Hearings
600 North Robert Street
St. Paul, MN 55101
(651) 361-7900

CAMPAIGN FINANCE & PUBLIC DISCLOSURE

Campaign Finance & Public Disclosure Board

Campaign finances and certain disclosures of:

- Candidates for state constitutional offices,
- Candidates for state legislative offices,
- Candidates for judicial offices, and
- Committees formed to promote or oppose constitutional amendments

are regulated by Chapter 10A of Minnesota statutes and administered by the Minnesota Campaign Finance and Public Disclosure Board (https://cfb.mn.gov/), who can be contacted at:

Minnesota Campaign Finance and Public Disclosure Board
190 Centennial Office Building
658 Cedar St.
St. Paul, Minnesota 55155
(651) 539-1180 or 1-800-657-3889

Federal Offices

Campaign financing and certain disclosures of candidates for federal office:

- United States President and Vice President,
- United States Senator, and
- United States Representative

are regulated by state and federal law. The Federal Election Commission (www.fec.gov) administers the federal laws. Contact the commission at

Federal Election Commission
999 E Street NW
Washington, DC 20463
(800) 424-9530

Reports filed with the FEC are available within 48 hours after the report has been filed. Reports filed by candidates for U.S. Representative can be viewed and copied directly from the FEC web site at a terminal available to the public at the Secretary of State's Office, Elections Division.

The FEC has *waived* the requirement that these candidates *also* file paper copies of these reports with the Secretary of State.

Hennepin County, Bloomington, Minneapolis & Minneapolis Schools

Minnesota Statutes, Sections 383B.041-.058 regulate campaign finance reporting and disclosure for:

- Hennepin County Offices,
- Cities of Bloomington & Minneapolis Offices, and
- Minneapolis Public Schools Offices.

For further information, please contact the Hennepin County Election and Voter Registration Department (www.hennepin.us/residents#elections) at

Hennepin County Election and Voter Registration Department
PSL 012 Government Center
300 S. 6th St.
Minneapolis, MN 55487
(612) 348-5151

FILING FOR OFFICE & CAMPAIGNING INFORMATION IS AVAILABLE ONLINE

Candidate filing for office and campaigning information is available 24 hours a day, 7 days a week at the Office of the Minnesota Secretary of State's "Become a Candidate" webpage located at (https://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/).

Accessible and fillable versions of many forms and other information are available.

TABLE OF CONTENTS

PREFACE 3
COMPLAINTS 3
CAMPAIGN FINANCE & PUBLIC DISCLOSURE 3
CAMPAIGN FINANCE & PUBLIC DISCLOSURE BOARD 3
FEDERAL OFFICES 4
HENNEPIN COUNTY, BLOOMINGTON, MINNEAPOLIS & MINNEAPOLIS SCHOOLS 4
FILING FOR OFFICE & CAMPAIGNING INFORMATION IS AVAILABLE ONLINE 4
TABLE OF CONTENTS 5
SUMMARY OF CHAPTERS 211A & 211B 9
FILING FOR OFFICE CHECKLIST 9
CHANGES IN ELECTION LAWS AND/OR RULES 9
CANDIDATE AND COMMITTEE QUESTIONS 9
CAMPAIGN CYBER SECURITY 10
NOTES & DECISIONS 10
CAMPAIGN FINANCIAL REPORTING CHAPTER 211A 10
WITH WHOM DO I FILE CAMPAIGN FINANCIAL REPORTS? 11
CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING 12
ONLINE CAMPAIGN FINANCE FORMS 12
FEDERAL OFFICES 12
CAMPAIGN PRACTICES CHAPTER 211B 12
SOLICITATION OF CONTRIBUTIONS 13
CORPORATE CONTRIBUTIONS 13
REGULATION OF EXPENDITURES 13
ADVERTISING & LITERATURE REQUIREMENTS 14
IMPROPERLY INFLUENCING VOTERS 15
ELECTION DAY ACTIVITIES 16
VIOLATIONS OF CHAPTER 211B 16
CHAPTER 211A CAMPAIGN FINANCIAL REPORTING 17
211A.01 DEFINITIONS 17
211A.02 FINANCIAL REPORT 17
211A.03 FINAL REPORT 19
211A.04 SECRETARY OF STATE'S DUTIES 19
211A.05 FAILURE TO FILE STATEMENT 19
211A.06 FAILURE TO KEEP ACCOUNT; PENALTY 20
211A.07 BILLS WHEN RENDERED AND PAID 20
211A.08 PROSECUTION 20
211A.09 FORFEITURE OF NOMINATION OR OFFICE 20
211A.10 DISQUALIFIED INDIVIDUALS NOT TO HOLD VARIOUS POSITIONS 21
211A.11 PENALTIES FOR VIOLATIONS 21
211A.12 CONTRIBUTION LIMITS 21
211A.13 PROHIBITED TRANSFERS 22
211A.14 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION 22

CHAPTER 211B FAIR CAMPAIGN PRACTICES 23
211B.01 DEFINITIONS 23
211B.02 FALSE CLAIM OF SUPPORT 24
211B.03 USE OF THE TERM REELECT 24
211B.04 CAMPAIGN MATERIAL MUST INCLUDE DISCLAIMER 25
211B.045 NONCOMMERCIAL SIGNS EXEMPTION 26
211B.05 PAID ADVERTISEMENTS IN NEWS 26
211B.06 FALSE POLITICAL AND CAMPAIGN MATERIAL 27
211B.07 UNDUE INFLUENCE ON VOTERS PROHIBITED 29
211B.08 SOLICITATION OF CONTRIBUTIONS PROHIBITED 29
211B.09 PROHIBITED PUBLIC EMPLOYEE ACTIVITIES 30
211B.10 INDUCING OR REFRAINING CANDIDACY; TIME OFF FOR PUBLIC OFFICE MEETINGS 30
211B.11 ELECTION DAY PROHIBITIONS 30
211B.12 LEGAL EXPENDITURES 31
211B.13 BRIBERY, TREATING, AND SOLICITATION 32
211B.14 DIGEST OF LAWS 33
211B.15 CORPORATE POLITICAL CONTRIBUTIONS 33
211B.16 PROSECUTION 36
211B.17 FORFEITURE OF NOMINATION OR OFFICE; CIRCUMSTANCES WHERE NOT FORFEITED 36
211B.18 DISQUALIFIED CANDIDATE NOT TO HOLD VARIOUS POSITIONS 36
211B.19 PENALTIES FOR VIOLATION 37
211B.20 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS 37
211B.205 PARTICIPATION IN PUBLIC PARADES 38
211B.21 APPLICABILITY 38
211B.31 DEFINITION 38
211B.32 COMPLAINTS OF UNFAIR CAMPAIGN PRACTICES 38
211B.33 PRIMA FACIE REVIEW 39
211B.34 PROBABLE CAUSE HEARING 39
211B.35 EVIDENTIARY HEARING BY PANEL 40
211B.36 PROCEDURES 41
211B.37 COSTS ASSESSED 41
RELATED LAWS - SELECTED PROVISIONS 43
10A.01 NON-CAMPAIGN DISBURSEMENT 43
10A.121 INDEPENDENT EXPENDITURE AND BALLOT QUESTION POLITICAL COMMITTEES AND FUNDS 44
10A.20 CAMPAIGN REPORTS 45
10A.273 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION 49
10A.31 DESIGNATION OF INCOME TAX PAYMENTS 50
10A.38 CAPTIONING OF CAMPAIGN ADVERTISEMENTS 50
160.27 PARTICULAR USES OF RIGHT-OF-WAY; MISDEMEANORS 51
160.2715 RIGHT-OF-WAY USE; MISDEMEANORS 51
200.02 DEFINITIONS 51
204C.035 DECEPTIVE PRACTICES IN ELECTIONS 53
204C.06 CONDUCT IN AND NEAR POLLING PLACES 53
204C.35 FEDERAL, STATE, AND JUDICIAL RACES 54
204C.36 RECOUNTS IN COUNTY, SCHOOL DISTRICT, AND MUNICIPAL ELECTIONS 56
209.02 CONTESTANT; GROUNDS 58
209.021 NOTICE OF CONTEST 58

FILING FOR OFFICE CHECKLIST 59
AFFIDAVIT OF CANDIDACY 59
NOMINATING PETITIONS AND PETITIONS IN PLACE OF FILING FEE 60
FILING FEES 60
PROOF OF LICENSURE 60
BEFORE LEAVING 60
AFTER FILING 60
WITHDRAWALS 61
INDEX 63
CAMPAIGN FINANCIAL REPORT (PHOTOCOPY VERSION) 65
CAMPAIGN FINANCIAL REPORT INSTRUCTIONS 66
CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING 67

SUMMARY OF CHAPTERS 211A & 211B

This section provides an easily understandable digest of Chapters 211A and 211B. As a digest, it should not be used as a substitute for the requirements imposed by the text of Chapters 211A and 211B, which are reproduced in this booklet.

FILING FOR OFFICE CHECKLIST

A "filing for office" checklist can be found in this manual. It is a *generic* list for all Minnesota offices. The list's purpose is to let you know what to "generally" expect when filing for an office, important items to remember to complete before leaving the filing event and what to expect after you have filed for office.

There are more specific items related to each office sought. Before filing, it is strongly encouraged to contact the filing officer (usually the clerk of the jurisdiction – see page 11) and obtain all the specific procedures and forms related to "filing" for that office for that election.

Note: Candidates are solely responsible for meeting the legal requirements of the filing process as provided in Minnesota Election Law. Minnesota Election Law is the final authority in all matters, not the checklist provided in this guide.

CHANGES IN ELECTION LAWS AND/OR RULES

Candidates are responsible for familiarizing themselves with any **changes in all laws; especially those related to all elections, campaigning and candidate filing**. The Minnesota Legislature was in session when this booklet was produced. Changes made to Chapters 211A and 211B or other related laws finally enacted on or after May 1, 2020 and before the next production of this booklet, will be posted on the web site of the Minnesota Secretary of State at the Additions to Campaign Manual webpage (www.sos.state.mn.us/election-administration-campaigns/campaigning/additions-to-campaign-manual).

Annotations for relevant court decisions received from the Attorney General's office after May 1, 2020 will be posted on the same web site.

CANDIDATE AND COMMITTEE QUESTIONS

If you have any questions about this manual or generalized questions about the administration of Minnesota elections, please contact Secretary of State Elections Division staff members at the address and phone number below, or the following e-mail address: elections.dept@state.mn.us

Minnesota Secretary of State, Elections Division
180 State Office Building
100 Dr. Rev. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-1299
(651) 215-1440

Attention: Please be advised that the Office of the Minnesota Secretary of State's staff members cannot provide legal opinions and/or definitive answers about any state law or rule. Candidates and committee members are encouraged to seek out their own legal, financial and/or campaign advisors/consultants for guidance.

CAMPAIGN CYBER SECURITY

Cybersecurity is an important part of voters' confidence in our democracy. In response to the growing emphasis on secure elections, researchers at Harvard University, in collaboration with bi-partisan campaign professionals, national security experts, and leaders in cybersecurity from the public and private sector, created the Campaign Cybersecurity Playbook (https://www.belfercenter.org/CyberPlaybook) as a practical, baseline guide to cybersecurity that campaigns can use to help safeguard their systems. The guide is free of charge and we encourage candidates and their campaigns to consider its recommendations.

NOTES & DECISIONS

The "Notes & Decisions" briefly summarize judicial decisions and Attorney General's interpretations of Minnesota Election Law. However, the summaries are not intended to modify any statutory provision. Some of the Notes & Decisions summarize interpretations of *prior* versions of a statute that **may not apply to the current version** of the statute.

CAMPAIGN FINANCIAL REPORTING CHAPTER 211A

Chapter 211A generally regulates campaign contribution limits and campaign finance reporting of candidates for county, municipal, school district or other political subdivision offices, excluding judicial offices. This chapter also applies to committees acting to influence the nomination, election or defeat of a candidate or to promote or defeat a proposition to be voted on in any political subdivision.

With certain exceptions, M.S. 211A.12 sets contribution limits for an individual or committee of $250 in non-election years and $600 in an election year for a candidate's territory with a population of 100,000 or less and $1,000 in an election year for a candidate's territory with a population over 100,000. However, M.S. 211A.13 prohibits contributions from certain principal campaign committees as defined in M.S. 10A.01, subd. 34.

Candidates and committees must file a financial report according to M.S. 211A.02:

- within 14 days after receiving contributions or making disbursements of more than $750 in a calendar year and
- by January 31 of each year following the year when the initial report was filed. In addition, in a year when the candidate's name or a ballot question appears on the ballot, a report must be filed:
  - 10 days before the primary or special primary;
  - 10 days before the general election or special election; and
  - 30 days after a general or special election.

Final Reports: A final report may be filed at any time after all debts have been settled and all assets in excess of $100 in the aggregate are disposed of. Candidates and committees file reports with the filing officer. Once a final report has been submitted, no further reports are required.

Committees organized to promote or defeat ballot questions not voted on by all voters of the state are required to file reports with the officer authorized by law to place a question on the ballot.

With whom do I file campaign financial reports?

Campaign Finance Reporting Locations

For these offices/questions…	File Campaign Finance Reports with…
Hospital Districts	The municipal (city or town) clerk – same place where filed affidavit of candidacy
Park Districts	The county auditor or municipal clerk – same place where filed affidavit of candidacy
School Districts	School district clerk
Townships	Town clerk
Cities	City clerk
Soil & Water Conservation Districts	County auditor
Counties	County auditor
State Legislature	Minnesota Campaign Finance and Public Disclosure Board
Constitutional Amendments	Minnesota Campaign Finance and Public Disclosure Board
Statewide Offices	Minnesota Campaign Finance and Public Disclosure Board
Federal Offices	Federal Elections Commission & OSS (unless report published on FEC website)
U.S. President & Vice President	Federal Elections Commission

It is important to confirm the location to file required campaign financial reports as it is the responsibility of the campaign/committee.

The financial reports must include the total cash on hand designated to be used for political purposes, the total amount of contributions and disbursements for the period from the last previous report to five days before the current report is due, the amount, date, and purpose for each disbursement and the name, address, and employer or occupation if self-employed of any individual or committee that during the year has made one or more contributions that in the aggregate exceed $100. Reporting forms are found at the OSS Campaign Finance Filings webpage (www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/).

A reporting form is also found at the end of this manual. Local filing clerks and county auditors also have blank campaign financial forms available.

For municipal elections, these reporting requirements are in addition to municipal charter reporting provisions and county special laws. The reporting requirements do not replace special laws providing reporting requirements for a municipality. *M.S. 211A.02, subd. 3*

A candidate who intentionally fails to file a required report, a committee that fails to file a required report and an officer who issues a certificate of election to a candidate knowing that the candidate has not filed a financial statement are subject to a civil penalty of up to $5,000 and/or a misdemeanor penalty. In addition, a winning candidate who violates Chapter 211A is subject to forfeiture of the nomination or office under certain circumstances. *M.S. 211A.09*

If a candidate or committee has filed an initial report but fails to file a subsequent report on the date it is due, the filing officer shall immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the filing officer shall file a complaint with the Office of Administrative Hearings.

A candidate whose election has been set aside because of a violation of Chapter 211A may not be appointed to fill the resulting vacancy during the term of the office sought. Any person convicted of a violation of Chapter 211A may not be appointed to fill a vacancy in the office during the term of the office for which the election was held and is not qualified to fill a vacancy in any office for which the legislature may establish qualifications under Article XII, Section 3, of the Minnesota Constitution. *M.S. 211A.10*

Any person who receives money for a committee and fails to keep a correct account as required by law or mutilates, defaces or destroys an account record, is subject to a civil penalty of up to $5,000 or a misdemeanor penalty if any of these acts are done with the intent to conceal certain information. *M.S. 211A.06*

A person who has a bill, charge or claim against a committee must render it in writing to the committee within 60 days after the material or service is provided. Payment is prohibited on a bill, charge or claim presented after 60 days. *M.S. 211A.07*

Campaign Financial Report Certification of Filing

Regardless if an initial report has been filed or not, each county, municipal or school district candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports, to date, required by M.S. 211A.02 have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding $750 in the calendar year. The certification shall be submitted to the filing officer not later than 7 days after the general or special election. *M.S. 211A.05, subd. 1*

A Certificate of Election is **not allowed** to be issued by an election officer unless that candidate has certified that all reports, to date, required of M.S. 211A.02 have been filed (Campaign Report Certification of Filing form). In fact, issuing a certificate of election without the Certificate of Filing on record could lead to a misdemeanor conviction of the filing officer. A Certification of Filing form is found on the last pages of this manual and is available at the OSS Campaign Finance Filings webpage (www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/). Local filing clerks and county auditors also have blank certification forms available.

Online Campaign Finance Forms

Accessible and fillable versions of the campaign finance forms found at the end of this manual can be found at the Minnesota Secretary of State's webpage for Campaign Finance Filings (www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/).

Federal Offices

Federal laws set out reporting requirements for federal campaigns. The Federal Election Commission (FEC), not the Secretary of State, administers the federal laws. Reports on campaigns for the U.S. House and Senate filed with the FEC can be viewed and copied directly from the FEC website (www.fec.gov). The Secretary of State's Office, Elections Division has a terminal available for viewing the FEC website. The FEC has waived the requirement that U.S. House candidates file a duplicate paper copy of reports with the Secretary of State.

CAMPAIGN PRACTICES CHAPTER 211B

Chapter 211B regulates a variety of campaign practices and applies to all federal, state and local candidates, except candidates for president and vice president. Judicial and school district candidates are also covered by Chapter 211B. It also regulates committees acting to influence the nomination, election or defeat of a covered candidate or to promote or defeat a ballot question.

Solicitation of Contributions

M.S. 211B.08 generally prohibits a religious, charitable or educational organization from soliciting a contribution from a candidate or committee. It does not apply to certain business advertisements, regular payments by a candidate to an organization to which he was a member or contributor for more than six months before candidacy or ordinary contributions at church services.

It is also illegal for a person to knowingly solicit, receive or accept any money, property or other thing of monetary value that is a disbursement prohibited by certain sections of Chapter 211B. *M.S. 211B.13, subd. 2*

Corporate Contributions

M.S. 211B.15 prohibits defined corporations from directly or indirectly contributing anything of monetary value to a political party, organization, committee or individual to promote or defeat the candidacy of an individual for nomination, election or appointment to a political office but does not prohibit independent expenditures as defined in M.S. 10A.01, subd. 18.

Corporations may make contributions or expenditures to promote or defeat a ballot question, to place a question on the ballot or to express its views on issues of public concern.

M.S. 211B.15, subds. 6-7b lists the associated civil and criminal penalties for individuals and corporations who "knowingly violate" section 211B.15.

Corporations may contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register or vote, provided that the projects are not controlled by or operated for the advantage of any candidate, political party or committee. Corporations may provide meeting facilities for committees, political parties or candidates on a nondiscriminatory and nonpreferential basis.

Corporations selling products or services to the public may post notices on their public premises promoting participation in the precinct caucuses, voter registration or voting, provided these messages are not controlled or operated for the advantage of any candidate, political party or committee.

Regulation of Expenditures

Spending limitations amount. Chapter 211B does not limit the amount of campaign spending.

Spending limitations purposes. The law limits the purposes for which candidates and committees may spend money.

The permitted purposes, which are set forth in M.S. 211B.12, include salaries, communications, campaign advertising, printing, office space and equipment, a limited amount of charitable contributions and other expenses related to the conduct of election campaigns.

To give or promise to give anything of monetary value to any person for the purpose of inducing a voter to refrain from voting or to vote in a particular way is a felony.

An exception is made for refreshments of food and nonalcoholic beverages of having a value up to **$5** consumed on the premises at a private gathering or public meetings. *M.S. 211B.13, subd. 1*

Whether an item constitutes a "thing of value" is discussed in an opinion of the Attorney General which states (Op. Atty. Gen. 627f-1, April 25, 1938):

- "...(W)hether packets or books of matches are things of value ...involves a question of fact which this office has no authority to determine. We may say, however, that if such articles have any material value for any purpose other than simply as a medium for carrying advertising matter, they come under the ban of the statute.
- This office has expressed the opinion that if a person distributes, in an election campaign, articles which may possibly have some value other than as an advertising medium, such as packets or books of matches, relying on the belief that their value is so slight that they will not be considered a "thing of value", such person must take the chance of having the legality of so doing questioned in a criminal prosecution or an election contest."

Listed are some decisions and other opinions relating to a similar prior statute:

- The purpose of influencing voters is the poison which the Fair Campaign Practice Act is aimed at, and in the absence of such purpose, a gift is not considered to be a violation of the act. (Engelbret v. Tuttle, 185 Minn. 608, 242 N.W. 425).
  - Where a gift won at a church bazaar by a candidate's wife was later returned to the church treasury and no publicity was given to the returning of this gift, the court said that no intent to influence voters could be found. (Engelbret v. Tuttle, supra).
  - Where a candidate attended showers for friends and presented gifts that were similar with respect to the character and cost of those given by other invited guests, the court said that the giving of such gifts could not be considered as an act done with intent to influence voters. (Engelbret v. Tuttle, supra).
  - A candidate furnished drinks of liquor to voters and at the same time asked them to vote for him. The court said that a candidate for public office who, during his campaign, solicits the vote of an elector and at the same time gives him intoxicating liquor, brings himself clearly within the prohibition of the statute. A contention that such acts on the part of a candidate amounted to mere hospitality or that they were trivial and unimportant cannot be sustained. (Miller v. Maier, 136 Minn. 231, 161 N.W. 513).
  - It is not legal for a candidate to give away cigars in the election room while the polls are open. (Op. Atty. Gen. 627f-1, March 20, 1917).
  - The distribution by a candidate of free tickets to a county fair admitting children under 12 years of age free is a violation of this section. (Op. Atty. Gen. 627f-1, June 3, 1930).

Advertising & Literature Requirements

*******Important: The case of *281 Care Committee et al v. Arneson et al.*, (Case No. 13-1229) issued September 2, 2014, the United States Court of Appeals for the Eighth Circuit determined that M.S. 211B.06 failed a constitutional challenge under the First Amendment and was void.

Even though M.S. 211B.06 failed a constitutional challenge in 2014, the Minnesota statute itself has not been removed or changed.

***One will need to consult with personal legal counsel regarding questions about M.S. 211B.06.

It still states that certain printed material written or distributed by a candidate or committee is subject to the section on false political and campaign material. Under that section, a person who intentionally participates in the preparation, dissemination or broadcast of paid political advertising or campaign material with respect to the personal or political character or acts of a candidate which is designed or tends to elect, promote, defeat or injure any candidate is guilty of a gross misdemeanor if the person knows it is false or communicates to others with reckless disregard of whether it is false. The provision also applies to literature, advertising or campaign material with respect to the effect of a ballot question. A person who intentionally participates in drafting a letter to the editor known to be false concerning the personal or political character of a candidate or acts of a candidate, if defamatory, or the effect of a ballot question may under certain circumstances be subject to a misdemeanor penalty. This statute does not apply to a person or organization whose sole act is, in the normal course of their business, to print, manufacture or disseminate false information.

Advertisements. M.S. 211B.05 requires every advertisement in a newspaper, periodical or magazine to include the words "PAID ADVERTISEMENT." Radio, television and cable systems have similar requirements. The amount charged for the advertisement must be the same as for any other political candidate and no greater than charges for comparable purposes. The name of the candidate and the committee that prepared and paid for the advertisement must be included at the beginning or end of the advertisement.

M.S. 211B.05, subd. 3, prohibits any employee of a newspaper, periodical, magazine or broadcaster from soliciting or receiving any payment or promise of payment for influencing or attempting to influence voting through printed or broadcast matter except as a paid advertisement.

Other printed literature. Printed matter other than newspaper advertisements are subject to similar requirements. M.S. 211B.04 requires that the name and address of the person or committee causing the material to be prepared or disseminated appear prominently on the material.

This provision does not apply to fundraising tickets, business cards, personal letters or similar items that are clearly being sent by the candidate. In addition, it does not apply to bumper stickers, pins, buttons, pens or similar small items on which the disclaimer cannot be conveniently printed; skywriting, wearing apparel or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable; and online banner ads and similar electronic communications that link directly to an online page that includes the disclaimer.

In addition, it does not apply to individuals or an association that is not required to register or report under Chapter 10A or 211A.

Attention: Minnesota Court of Appeals Decision affecting Minnesota Statutes 211B.04. In April of 2006 the Minnesota Court of Appeals ruled, in *Riley v. Jankowski* (*Minnesota Court of Appeals file #A05-1125*), that at least in part, Minnesota Statutes 211B.04, which relates to disclaimer requirements, is unconstitutional.

The Office of Administrative Hearings (OAH) has jurisdiction over Minnesota Statutes Chapter 211B. The OAH's Fair Campaign Practices webpage (https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp) has more information about the complaint process and potential penalties for violations.

Improperly Influencing Voters

Bribery, advancing money, & treating prohibited. As stated previously, there is a prohibition against giving anything of monetary value to any person for the purpose of influencing that person's vote. *M.S. 211B.13*

Threats, force, undue influence. M.S. 211B.07 makes it illegal for any person to threaten, coerce or unduly influence another in order to compel another to vote for or against a candidate or ballot question.

Promise appointments. No person, in order to promote a candidate's nomination or election, may directly or indirectly promise to appoint or employ another person (M.S. 211B.13, subd. 1). This statute does not prohibit a candidate from publicly expressing a preference for any other candidate to be voted on at the same primary or election.

Influencing others. A person may not make any direct or indirect threat of harm, economic reprisal or certain other threats against an individual to vote for or against a candidate or ballot question. *M.S. 211B.07*

Transporting voters. Under M.S. 211B.11, subd. 3, it is illegal for a person transporting a voter to the polls to induce or persuade a voter to vote or refrain from voting for a candidate or ballot question.

Influencing a person's candidacy. M.S. 211B.10, subd. 1 forbids the use of any promise or reward to induce a person to become a candidate, refrain from being a candidate or cease being a candidate.

False claim of party support. No person shall knowingly falsely claim or imply that a candidate has the support or endorsement of a major political party or party unit of an organization. *M.S. 211B.02*

Use of "reelect." A person may not, in the event of redistricting, use the term "reelect" in a campaign for elective office unless the candidate is the incumbent of that office and the office represents any part of the new district. *M.S. 211B.03*

Campaigning in multiple-unit dwellings. Candidates with or without their campaign volunteers may not be denied access to campaign in multiple-unit dwellings within the district or territory represented by the office to which the candidate seeks election. A resident may deny admittance to his or her dwelling, identification may be required, visits to certain persons may be denied for health reasons, limits may be put on hours and numbers of campaigners, appointments may be required and campaigners may be denied admittance or expelled for good cause. A violation of this section is a petty misdemeanor. *M.S. 211B.20*

Election Day Activities

It is not illegal to campaign on Election Day, but it is illegal, on Election Day, to:

- Seek to induce or persuade any voter to vote in a certain way or refrain from voting within 100 feet of the building in which a polling place is situated, or anywhere on public property on which a polling place is situated.
- Wear any political badge, insignia or button, or provide any such badge, insignia or button, at or about the polls, however violation of this section will not prevent an individual from voting. M.S. 211B.11, subd. 1

Violations of Chapter 211B

Violations of Chapter 211B *may* entail criminal penalties. A conviction on criminal charges for violating its provisions may forfeit a winner's nomination or election. In addition to these penalties, the violator, if that individual has won the election, is prohibited from being appointed to the office sought during the term of the office with respect to which the election was held.

M.S. 211B.32 provides that a complaint alleging a violation of Chapter 211A or 211B must be filed with the Office of Administrative Hearings. The complaint must be finally disposed of by the Office of Administrative Hearings before the alleged violation may be prosecuted by a county attorney.

Penalties. In its disposition of the complaint, the Office of Administrative Hearings may impose a civil penalty of up to $5,000 for any violation of Chapter 211A or 211B. In addition, the complaint may be referred to the appropriate county attorney for criminal prosecution as a misdemeanor or felony, whichever the law provides. *M.S. 211B.35, subds. 2(d) & 2(e)*

Furthermore, the person convicted may forfeit the nomination or office (M.S. 211B.17, subd. 1). The convicted person may not be appointed to fill a vacancy in the office for which election was sought and is not qualified to fill a vacancy in any office for which the legislature may establish qualifications under Minn. Const. art. XII, sec. 3; M.S. 211B.17.

The prohibition on holding office does not limit the ability of each house of the legislature to judge the election returns and eligibility of its own members.

Circumstances where nomination or election not forfeited. M.S. 211B.17, subd. 2 sets forth certain situations in which the nomination or election of the candidate shall not be set aside as a penalty for violating Chapter 211B.

CHAPTER 211A CAMPAIGN FINANCIAL REPORTING

211A.01 DEFINITIONS

Subd. 1. **Application**. The definitions in chapter 200 and this section apply to this chapter.

Subd. 2. **Ballot question**. "Ballot question" means a proposition placed on the ballot to be voted on by the voters of one or more political subdivisions but not by all the voters of the state.

Subd. 3. **Candidate**. "Candidate" means an individual who seeks nomination or election to a county, municipal, school district, or other political subdivision office. This definition does not include an individual seeking a judicial office. For purposes of sections 211A.01 to 211A.05 and 211A.07, "candidate" also includes a candidate for the United States Senate or House of Representatives.

Subd. 4. **Committee**. "Committee" means a corporation or association or persons acting together to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question. Promoting or defeating a ballot question includes efforts to qualify or prevent a proposition from qualifying for placement on the ballot.

Subd. 5. **Contribution**. "Contribution" means anything of monetary value that is given or loaned to a candidate or committee for a political purpose. "Contribution" does not include a service provided without compensation by an individual.

Subd. 6. **Disbursement**. "Disbursement" means money, property, office, position, or any other thing of value that passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed, or lent. "Disbursement" does not include payment by a county, municipality, school district, or other political subdivision for election-related expenditures required or authorized by law.

Subd. 7. **Filing officer**. "Filing officer" means the officer authorized by law to accept affidavits of candidacy or nominating petitions for an office or the officer authorized by law to place a ballot question on the ballot.

Subd. 8. **Political purposes**. An act is done for "political purposes" if it is of a nature, done with the intent, or done in a way to influence or tend to influence, directly or indirectly, voting at a primary or an election or if it is done because a person is about to vote, has voted, or has refrained from voting at a primary or an election.

History: 1988 c 578 art 2 s 1; 1990 c 453 s 22

211A.01 NOTES & DECISIONS

A school district fairly informs voters about a levy question, and thus does not engage in promotion of levy questions for purposes of campaign-finance-reporting requirements, when it addresses the positive and negative consequences of the levy, not only the anticipated improvement in educational opportunities, but also the increased tax rate and such other less desirable consequences as may be foreseen. *Minnesota Voters Alliance v. Anoka-Hennepin Sch. Dist.,* 868 N.W.2d 703 (Minn. App. 2015).

School district was a corporation within the meaning of the Campaign Financial Reports Act and Fair Campaign Practices Act, and therefore could qualify as a committee subject to the campaign-finance reporting requirements of that chapter if the district acted "to promote or defeat a ballot question;" legislature had specifically designated school districts as public corporations, and the fact that the legislature used a broad term without limiting its scope in the Act was indicative of an intent to encompass all forms of corporate bodies, including public corporations such as school districts. *Abrahamson v. Saint Louis Cnty. Sch. Dist.,* 819 N.W.2d 129 (Minn. 2012).

211A.02 FINANCIAL REPORT

Subd. 1. **When and where filed by committees**. (a) A committee or a candidate who receives contributions or makes disbursements of more than $750 in a calendar year shall submit an initial report to the filing officer within 14 days after the candidate or committee receives or makes disbursements of more than $750 and shall continue to make the reports listed in paragraph (b) until a final report is filed.

(b) The committee or candidate must file a report by January 31 of each year following the year when the initial report was filed and in a year when the candidate's name or a ballot question appears on the ballot, the candidate or committee shall file a report:

(1) ten days before the primary or special primary;

(2) ten days before the general election or special election; and

(3) 30 days after a general or special election.

Subd. 2. **Information required**. The report to be filed by a candidate or committee must include:

(1) the name of the candidate or ballot question;

(2) the printed name, address, telephone number, signature, and email address, if available, of the person responsible for filing the report;

(3) the total cash on hand designated to be used for political purposes;

(4) the total amount of contributions and disbursements for the period from the last previous report to five days before the current report is due;

(5) the amount, date, and purpose for each disbursement; and

(6) the name, address, and employer, or occupation if self-employed, of any individual or committee that during the year has made one or more contributions that in the aggregate exceed $100, and the amount and date of each contribution. The filing officer must restrict public access to the address of any individual who has made a contribution that exceeds $100 and who has filed with the filing officer a written statement signed by the individual that withholding the individuals address from the financial report is required for the safety of the individual or the individual's family.

Subd. 3. **Municipal charter provisions and special laws saved**. The provisions of this section requiring the filing of reports are in addition to the provisions of any municipal charter requiring the filing of reports in connection with a municipal primary, general election, special primary, or special election, but they do not replace special laws providing filing requirements for a municipality.

Subd. 4. **Congressional candidates**. Candidates for election to the United States House of Representatives or Senate and any political committees raising money and making disbursements exclusively on behalf of any one of those candidates may file copies of their financial disclosures required by federal law in lieu of the financial statement required by this section. A candidate or committee whose report is published on the Federal Election Commission Web site has complied with the filing requirements of this section.

Subd. 5. **Electronic reporting**. The reports required by this section may be filed electronically, subject to the approval of the filing officer.

Subd. 6. **Online accessibility; reports.** (a) The filing officer of a local government shall make all reports required to be filed with the local government under this section available on the local government's Web site, if the local government maintains a Web site. The filing officer must post the reports on the local government's Web site as soon as possible, but no later than 30 days after receipt of the report. The local government must make the reports available on the local government's Web site for four years from the date the report was posted to the Web site.

(b) The filing officer shall provide the Campaign Finance and Public Disclosure Board with the link to the section of the Web site where reports are made available pursuant to paragraph (a). The Campaign Finance and Public Disclosure Board shall publish on its Web site each link that a filing officer provides pursuant to this paragraph.

(c) This subdivision does not apply to a statutory or home rule charter city or town if the statutory or home rule charter city or town has fewer than 400 registered voters as of January 1 of the year in which the election is to be held.

History: 1988 c 578 art 2 s 2; 1989 c 291 art 1 s 30; 1Sp2001 c 10 art 18 s 39; 2004 c 293 art 2 s 43; 2006 c 242 s 38; 2008 c 244 art 1 s 22; 2010 c 327 s 25; 2014 c 265 s 1; 2014 c 309 s 24

211A.02 NOTES & DECISIONS

Because a school district is a public corporation, it is subject to campaign-finance-reporting requirements if it acts to promote or defeat a ballot question. *Minnesota Voters Alliance v. Anoka-Hennepin Sch. Dist.,* 868 N.W.2d 703 (Minn. App. 2015).

Complaint alleging that school district and school board violated Campaign Financial Reports Act and Fair Campaign Practices Act, by using public funds to promote the passage of bond issue ballot questions in referendum election, was insufficient to set forth a prima facie violation, as required to entitle complaints to hearing; although complaint identified several expenditures for printing and video work that district had made during campaign period preceding election, and alleged that district superintendent and school principal had promoted the passage of ballot questions, complaint failed to describe the content of any message communicated by district employees or board. *Barry v. St. Anthony-New Brighton Independent Sch. Dist. 282,* 781 N.W.2d 898 (*Minn. App. 2010*)

In bond referendum context, school district and its board members are neither a candidate nor a committee as defined by chapter 211A, and district is not required to report contributions or disbursements through the reporting requirements of chapter. "Disbursement," as used in statute, does not include payment by a county, municipality, school district, or other political subdivision for election-related expenditures required or authorized by law. *Barry v. St. Anthony-New Brighton Independent School District 282*, OAH 3-6326-20564-CV (May 21, 2009).

Statute applied to candidate for mayor of municipality; candidate's failure to file complete and accurate campaign finance reports justified fine. *Osmek v. McKinley*, OAH 8-6326-20255-CV (April 8, 2009)

Administrative hearing process established to hear complaints alleging violations of statutes establishing financial-reporting requirements for political candidates and committees acting to influence elections and statutes regulating campaign practices did not violate the separation-of-powers doctrine and amount to an unconstitutional delegation of district court's original jurisdiction. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

211A.03 FINAL REPORT

A candidate or committee may file a final report when all debts have been settled and all assets in excess of $100 in the aggregate are disposed of. The final report may be filed at any time and must include the kinds of information contained in the financial statements required by section 211A.02 for the period from the last previous report to the date of the final report.

History: 1988 c 578 art 2 s 3

211A.03 NOTES & DECISIONS

In bond referendum context, school district and its board members are neither a candidate nor a committee as defined by chapter 211A, and district is not required to report contributions or disbursements through the reporting requirements of chapter. *Barry v. St. Anthony-New Brighton Independent School District 282*, OAH 3-6326-20564-CV (May 21, 2009).

211A.04 SECRETARY OF STATE'S DUTIES

Subd. 1. **Report forms.** The secretary of state shall prepare blanks for reports required by section 211A.02. Copies must be furnished through the county auditor or otherwise, as the secretary of state finds expedient, to a committee upon request or to a candidate upon filing for office.

History: 1988 c 578 art 2 s 4

211A.05 FAILURE TO FILE STATEMENT

Subd. 1. **Penalty.** A candidate who intentionally fails to file a report required by section 211A.02 or a certification required by this section is guilty of a misdemeanor. The treasurer of a committee formed to promote or defeat a ballot question who intentionally fails to file a report required by section 211A.02 or a certification required by this section is guilty of a misdemeanor. Each candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports required by section 211A.02 have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding $750 in the calendar year. The certification shall be submitted to the filing officer no later than seven days after the general or special election. The secretary of state shall prepare blanks for this certification. An officer who issues a certificate of election to a candidate who has not certified that all reports required by section 211A.02 have been filed is guilty of a misdemeanor.

Subd. 2. **Notice of failure to file**. If a candidate or committee has filed an initial report but fails to file a subsequent report on the date it is due, the filing officer shall immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the filing officer shall file a complaint under section 211B.32.

History: 1988 c 578 art 2 s 5; 1989 c 291 art 1 s 31; 2004 c 277 s 3; 2008 c 244 art 1 s 23; 2010 c 327 s 26

211A.05 NOTES & DECISIONS

In bond referendum context, school district and its board members are neither a candidate nor a committee as defined by chapter 211A, and district is not required to report contributions or disbursements through the reporting requirements of chapter. *Barry v. St. Anthony-New Brighton Independent School District 282*, OAH 3-6326-20564-CV (May 21, 2009)

County auditor does not have authority to omit name of a nominee from general election ballot because affidavit of disbursements discloses disbursements in excess of amount allowed by law. Op. Atty. Gen. 627C-12, September 29, 1948.

211A.06 FAILURE TO KEEP ACCOUNT; PENALTY

A treasurer or other individual who receives money for a committee is guilty of a misdemeanor if the individual:

(1) fails to keep a correct account as required by law;
(2) mutilates, defaces, or destroys an account record; or
(3) in the case of a committee, refuses upon request to provide financial information to a candidate; and
(4) does any of these things with the intent to conceal receipts or disbursements, the purpose of receipts or disbursements, or the existence or amount of an unpaid debt or the identity of the person to whom it is owed.

History: 1988 c 578 art 2 s 6

211A.06 NOTES & DECISIONS

In bond referendum context, school district and its board members are neither a candidate nor a committee as defined by chapter 211A, and district is not required to report contributions or disbursements through the reporting requirements of chapter. Time expended by school district employees who attended public or private meetings in support of referendum during business hours is not a reportable "contribution," because it is not a thing of value given or loaned to either a "candidate" or a "committee." *Barry v. St. Anthony-New Brighton Independent School District 282*, OAH 3-6326-20564-CV (May 21, 2009).

211A.07 BILLS WHEN RENDERED AND PAID

A person who has a bill, charge, or claim against a candidate's committee shall render it in writing to the committee within 60 days after the material or service is provided. A bill, charge, or claim that is not presented within 60 days after the material or service is provided must not be paid.

History: 1988 c 578 art 2 s 7

211A.08 PROSECUTION

Subd. 3. **County attorney authority.** A county attorney may prosecute any violation of this chapter.

History: 1986 c 444; 1988 c 578 art 2 s 8; 2004 c 277 s 4

211A.08 NOTES & DECISIONS

County attorney may proceed by complaint and information rather than impaneling grand jury. Op. Atty. Gen. 627B-1, August 18, 1966.

Attorney employed to assist county attorney is not required to conduct a private and independent investigation but may conduct same so as to enable attorney to present the county attorney relevant facts and names of witnesses capable giving competent testimony in proceeding. Op. Atty. Gen. 121A-1, September 26, 1952.

Duty of county attorney is to prosecute violations of Act, not to bring proceedings to annul election. Op. Atty. Gen. 121-B-9, April 5, 1940.

211A.09 FORFEITURE OF NOMINATION OR OFFICE

Subd. 1. **Forfeiture required.** Except as provided in subdivision 2, if a candidate is convicted of violating a provision of this chapter or if an offense was committed by another individual with the knowledge, consent, or connivance of the candidate, the court, after entering the adjudication of guilty, shall enter a supplemental judgment declaring that the candidate has forfeited the nomination or office. If the court enters the supplemental judgment, it shall transmit to the filing officer a transcript of the supplemental judgment, the nomination or office becomes vacant, and the vacancy must be filled as provided by law.

Subd. 2. **Circumstances where nomination or office not forfeited.** In a trial for a violation of this chapter, the candidate's nomination or election is not void if the court finds that:

(1) an offense, though committed by the candidate or with the candidate's knowledge, consent, or connivance, was trivial; or

(2) an act or omission of a candidate arose from accidental miscalculation or other reasonable cause, but in any case not from a want of good faith, and that it would be unjust for the candidate to forfeit the nomination or election.

Neither of these findings is a defense to a conviction under this chapter.

History: 1988 c 578 art 2 s 9

211A.09 NOTES & DECISIONS

To sustain charge under this section must show omissions were deliberate, serious, and material violations of election law. *Moulton v. Newton,* 274 Minn. 545, 144 N.W. 2d 706 (1966). As to whether acts complained of are trivial or unimportant, see *Bank v. Egan*, 240 Minn. 192, 60 N.W. 2d 257 (1953).

211A.10 DISQUALIFIED INDIVIDUALS NOT TO HOLD VARIOUS POSITIONS

A candidate whose election to office has been set aside for a violation of this chapter may not be appointed, during the period fixed by law as the term of the office, to fill a vacancy that may occur in the office. A candidate or other individual who is convicted of a violation of this chapter may not be appointed, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in the office. An appointment to an office made contrary to this section is void.

A candidate or other individual who is convicted of a violation of this chapter is not qualified, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in an office for which the legislature may establish qualifications under article XII, section 3, of the Minnesota Constitution.

History: 1988 c 578 art 2 s 10

211A.10 NOTES & DECISIONS

Legislature may regulate the exercise of the right to vote. This section held not to add to the constitutional qualifications for holding office. *Saari v. Gleason*, 126 Minn. 378, 148 N.W. 293 (1914).

211A.11 PENALTIES FOR VIOLATIONS

A violation of this chapter for which no other penalty is provided is a misdemeanor.

History: 1988 c 578 art 2 s 11

211A.12 CONTRIBUTION LIMITS

A candidate or a candidate's committee may not accept aggregate contributions made or delivered by an individual or committee in excess of $600 in an election year for the office sought and $250 in other years; except that a candidate or a candidate's committee for an office whose territory has a population over 100,000 may not accept aggregate contributions made or delivered by an individual or committee in excess of $1,000 in an election year for the office sought and $250 in other years.

The following deliveries are not subject to the bundling limitation in this section:

(1) delivery of contributions collected by a member of the candidate's committee, such as a block worker or a volunteer who hosts a fundraising event, to the committee's treasurer; and
(2) a delivery made by an individual on behalf of the individual's spouse.

Notwithstanding sections 211A.02, subdivision 3, and 410.21, this section supersedes any home rule charter.

History: 1993 c 318 art 2 s 46; 1997 c 224 s 1; 2014 c 265 s 2

211A.13 PROHIBITED TRANSFERS

A candidate for political subdivision office must not accept contributions from the principal campaign committee of a candidate as defined in section 10A.01, subdivision 34. A candidate for political subdivision office must not make contributions to a principal campaign committee, unless the contribution is made from the personal funds of the candidate for political subdivision office.

History: 1993 c 318 art 2 s 47; 2003 c 2 art 1 s 21

211A.13 NOTES & DECISIONS

Section prohibits transfers of funds between candidates and committees subject to Chapter 10A, but not transfers between candidates for local offices. Op. Atty. Gen. 627e, August 1, 1994.

211A.14 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION

A legislator or state constitutional officer who is a candidate for a county, city, or town office, the candidate's principal campaign committee, and any other political committee with the candidate's name or title may not solicit or accept a contribution from a political fund or registered lobbyist during a regular session of the legislature.

History: 1997 c 224 s 2

CHAPTER 211B FAIR CAMPAIGN PRACTICES

211B.01 DEFINITIONS

Subd. 1. **Application**. The definitions in chapter 200 and this section apply to this chapter.

Subd. 2. **Campaign material**. "Campaign material" means 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.

Subd. 3. **Candidate**. "Candidate" means an individual who seeks nomination or election to a federal, statewide, legislative, judicial, or local office including special districts, school districts, towns, home rule charter and statutory cities, and counties, except candidates for president and vice-president of the United States.

Subd. 4. **Committee**. "Committee" means two or more persons acting together or a corporation or association acting to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question. Promoting or defeating a ballot question includes efforts to qualify or prevent a proposition from qualifying for placement on the ballot.

Subd. 5. **Disbursement**. "Disbursement" means an act through which money, property, office, or position or other thing of value is directly or indirectly promised, paid, spent, contributed, or lent, and any money, property, office, or position or other thing of value so promised or transferred.

Subd. 6. **Political purposes**. An act is done for "political purposes" when the act is intended or done to influence, directly or indirectly, voting at a primary or other election. This does not include news items or editorial comments published or broadcast by the news media.

History: 1988 c 578 art 3 s 1; 2004 c 293 art 3 s 1

211B.01 NOTES & DECISIONS

To set forth a "prima facie case" on a complaint alleging a violation of Campaign Financial Reports Act or Fair Campaign Practices Act, the party must either submit evidence or allege facts that, if unchallenged or accepted as true, would be sufficient to prove that the party is entitled to the requested relief. *Abrahamson v. St. Louis County School Dist.*, 802 N.W.2d 393 (Minn. App. 2011).

Complaint alleging that school district and school board violated Campaign Financial Reports Act and Fair Campaign Practices Act, by using public funds to promote the passage of bond issue ballot questions in referendum election, was insufficient to set forth a prima facie violation, as required to entitle complaints to hearing; although complaint identified several expenditures for printing and video work that district had made during campaign period preceding election, and alleged that district superintendent and school principal had promoted the passage of ballot questions, complaint failed to describe the content of any message communicated by district employees or board. *Barry v. St. Anthony-New Brighton Independent Sch. Dist. 282,* 781 N.W.2d 898 (Minn. App. 2010).

Respondent's "legislative review," distributed as paid insert to local paper, constituted campaign material within the meaning of statute. *Gadsden v. Kiffmeyer,* OAH 3-0320-21609-CV (November 1, 2010).

Because of potential chilling effect on free speech rights of chambers of commerce that operated as nonprofit corporations, chambers satisfied injury-in-fact requirement for Article III standing in action challenging constitutionality of statutes; case was ripe for review; and chambers had reasonable fear of prosecution under statute. *St. Paul Area Chamber of Commerce v. Gaertner*, 439 F.3d 481 (8th Cir. 2006).

Previous provision of statute defining "campaign material" as any material that "tend[s] to influence voting at a primary or other election" was unconstitutionally vague under the First Amendment. *Minnesota Citizens Concerned for Life, Inc. v. Kelley*, 291 F.Supp.2d 1052 (D. Minn. 2003), affirmed in part and reversed in part on other grounds, 427 F.3D 1106 (8th Cir. 2005)

Fair Campaign Practices Act is directed to actions of candidate and persons for whom he is responsible; and where there is nothing to show that candidate sanctioned improper activities, that are not chargeable to him. *Munnell v. Rowlette*, 275 Minn. 94, 145 N.W. 2d 531 (1966).

Act applies to city charter election. Op. Atty. Gen. 627B-1, August 18, 1966.

Committee formed to support constitutional amendment must file statement of receipts and disbursements. Op. Atty. Gen. 627B-2, August 26, 1952.

The term "voluntary committee" is but another name for a political committee under this section. Such a committee may not be organized as a mere subterfuge to evade the Fair Campaign Practices Act. Op. Atty. Gen. 627C-7, August 30, 1946.

The Fair Campaign Practices Act applies to activities of which the purpose is to secure the adoption or defeat of a constitutional amendment. The act also applies to the activities of a committee formed for purpose of bringing about or preventing the adoption of an ordinance. Op. Atty. Gen. 627B-1, October 14, 1942.

211B.02 FALSE CLAIM OF SUPPORT

A person or candidate may not knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot question has the support or endorsement of a major political party or party unit or of an organization. A person or candidate may not state in written campaign material that the candidate or ballot question has the support or endorsement of an individual without first getting written permission from the individual to do so.

History: 1988 c 578 art 3 s 2

211B.02 NOTES & DECISIONS

Campaign statute governing false claims of support, violated by Minnesota Supreme Court candidate who falsely claimed that a party's judicial-election committee endorsed her, was not overbroad in violation of the First Amendment; statute only prohibited a candidate from making a knowingly false claim, statute did not prohibit a candidate from truthfully reporting receipt of a party sub-unit's endorsement, and counter-speech, even media statements and retractions, was not an effective alternative means to combat false claims of support or endorsement. *Linert v. MacDonald,* 901 N.W.2d 664 (Minn. Ct. App. 2017).

Complainant demonstrated by a preponderance of the evidence that Respondent violated statute by falsely stating in written campaign material that Respondent had the endorsement of particular state legislators. *Forney v. Bourn,* OAH 11-0325-20954-CV (March 19, 2010).

Complainant failed to demonstrate by a preponderance of the evidence that Respondent violated statute by stating that Respondent had endorsement of union before endorsement was officially made; statute requires candidates to obtain written permission before claiming to have been endorsed by individuals, not organizations. *Bourn v. Forney,* OAH 11-0325-20954-CV (March 19, 2010).

Complainant failed to demonstrate by a preponderance of the evidence that Respondent violated statute where Respondent's website from a previous campaign, accessible only due to a web-browser glitch, accurately described endorsements made in that campaign, and Respondent corrected error when she learned of it. *Bourn v. Forney,* OAH 11-0325-20954-CV (March 19, 2010).

Statute requires actual written permission of purported endorser in order to allow claim of endorsement; there is no exception for national political leaders, or for inferences drawn from leaders' public statements. *Repke v. Saint Paul Better Ballot Campaign*, OAH 3-0325-20939-CV (November 30, 2009).

Candidate's claim of endorsement from a person, published without the person's written permission, justified levying fine on candidate, even though person did in fact support candidate. *Bicking v. Rybak*, OAH 4-6326-20522-CV (July 28, 2009).

Use of sample ballot falsely implied party endorsement. Matter of Contest of Election in DFL Primary, 344 N.W.2d 826 (Minn. 1983).

Prominent political leaders are not "units of political party." *Graves v. Meland*, 264 N.W.2d 401 (Minn. 1978).

211B.03 USE OF THE TERM REELECT

A person or candidate may not, in the event of redistricting, use the term "reelect" in a campaign for elective office unless the candidate is the incumbent of that office and the office represents any part of the new district.

History: 1988 c 578 art 3 s 3

211B.04 CAMPAIGN MATERIAL MUST INCLUDE DISCLAIMER

Subd. 1. **Campaign material.** (a) A person who participates in the preparation or dissemination of campaign material other than as provided in section 211B.05, subdivision 1, that does not prominently include the name and address of the person or committee causing the material to be prepared or disseminated in a disclaimer substantially in the form provided in paragraph (b) or (c) is guilty of a misdemeanor.

(b) Except in cases covered by paragraph (c), the required form of disclaimer is: "Prepared and paid for by the ..... committee, ... (address)" for material prepared and paid for by a principal campaign committee, or "Prepared and paid for by the ..... committee, ... (address)" for material prepared and paid for by a person or committee other than a principal campaign committee. The address must be either the committee's mailing address or the committee's website, if the website includes the committee's mailing address. If the material is produced and disseminated without cost, the words "paid for" may be omitted from the disclaimer.

(c) In the case of broadcast media, the required form of disclaimer is: "Paid for by the ..... committee." If the material is produced and broadcast without cost, the required form of the disclaimer is: "The ..... committee is responsible for the content of this message."

Subd. 2. **Independent expenditures.** (a) The required form of the disclaimer on a written independent expenditure is: "This is an independent expenditure prepared and paid for by ..... (name of entity participating in the expenditure), ... (address). It is not coordinated with or approved by any candidate nor is any candidate responsible for it." The address must be either the entity's mailing address or the entity's website, if the website includes the entity's mailing address. When a written independent expenditure is produced and disseminated without cost, the words "and paid for" may be omitted from the disclaimer.

(b) The required form of the disclaimer on a broadcast independent expenditure is: "This independent expenditure is paid for by ..... (name of entity participating in the expenditure). It is not coordinated with or approved by any candidate nor is any candidate responsible for it." When a broadcast independent expenditure is produced and disseminated without cost, the following disclaimer may be used: "..... (name of entity participating in the expenditure) is responsible for the contents of this independent expenditure. It is not coordinated with or approved by any candidate nor is any candidate responsible for it."

Subd. 3. **Material that does not need a disclaimer.** (a) This section does not apply to fund-raising tickets, business cards, personal letters, or similar items that are clearly being distributed by the candidate.

(b) This section does not apply to an individual or association that is not required to register or report under chapter 10A or 211A.

(c) This section does not apply to the following:

(1) bumper stickers, pins, buttons, pens, or similar small items on which the disclaimer cannot be conveniently printed;

(2) skywriting, wearing apparel, or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable; and

(3) online banner ads and similar electronic communications that link directly to an online page that includes the disclaimer.

(d) This section does not modify or repeal section 211B.06.

Subd. 4. **Websites.** The requirements of this section are satisfied for an entire website or social media page when the disclaimer required in subdivision 1 or 2 appears once on the home page of the site.

Subd. 5. **Font size.** For written communications other than an outdoor sign, website, or social media page, the disclaimer must be printed in 8-point font or larger.

History: 1988 c 578 art 3 s 4; 1991 c 227 s 24; 1998 c 376 s 2; 2004 c 293 art 3 s 2; 2010 c 397 s 15; 2015 c 73 s 22; 2018 c 119 s 33

211B.04 NOTES & DECISIONS

Statute requiring campaign materials to include disclaimer regarding preparation of materials did not impermissibly restrict right to free speech, because statute expressly limited reach to political candidates and campaign committees. *Lewison v. Hutchinson,* 929 N.W.2d 444 (Minn. Ct. App. 2019).

Public display of political candidate's lawn signs without required disclaimer to inform voters about election-related spending was continuing violation of statute requiring disclaimer, and thus applicable one-year limitations period for challenging violations of statute did not begin to run while signs remained up. *Lewison v. Hutchinson,* 929 N.W.2d 444 (Minn. Ct. App. 2019).

Respondent's "legislative review", distributed as a paid insert to local paper, substantially complied with disclaimer requirement contained in statute. *Gadsden v. Kiffmeyer,* OAH 3-0320-21609-CV (November 1, 2010).

Because disclaimer requirement in statute could be violated by completely truthful anonymous statements made by individuals acting independently from any candidate and using their own resources, and there were no overriding state interests that permitted statute to limit such political expression under the exacting scrutiny standard, disclaimer requirement was overbroad and unconstitutional, restricted pure speech in violation of the First Amendment. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

Because disclaimer requirement in statute directly attacks core political speech unsupported by an interest in avoiding the appearance of corruption, statute violates the First Amendment. *Minnesota Citizens Concerned for Life, Inc. v. Kelley*, 291 F.Supp.2d 1052 (D. Minn. 2003), affirmed in part and reversed in part on other grounds, 427 F.3d 1106 (8th Cir. 2005).

Former sections (a) and (b) of this section were unconstitutional pursuant to *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 115 S. Ct. 1511 (1994). Op. Atty. Gen. 82t, August 27, 1997.

Absence of authorship clause on cards held trivial. Miske v. Fisher, 193 Minn. 514, 259 N.W. 18 (1935).

If open letter is circulated in interest of better government and not for particular candidate, then section does not require, in addition to author's name and address, name of any candidate. Op. Atty. Gen. 627J-3, October 6, 1948. See also Op. Atty. Gen. 627J-3, February 10, 1947 on the same issue.

Emery boards must bear name and address of author. Op. Atty. Gen. 627F-1, September 24, 1948.

Sticker with nothing more on it than the name of a person for whom votes are desired is not in effect a campaign card. Op. Atty. Gen. 627J-1, August 18, 1942.

Use of a patriotic poster with candidate's solicitation of votes thereon must bear the name and address of the author. Op. Atty. Gen. 627F-1, August 18, 1942.

Name of person or persons on committee who authorize insertion of advertisement must be stated. Op. Atty. Gen. 627C-5, October 1, 1938.

Candidate for office may include word "lawyer" on campaign card but such a card must contain address of author, while card containing a mere statement that a person is a candidate for office without anything in the way of an appeal or argument does not need to state its authorship. Op. Atty. Gen. 627J-1, March 16, 1936.

211B.045 NONCOMMERCIAL SIGNS EXEMPTION

All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times.

History: 1990 c 585 s 30; 2004 c 142 s 1; 2010 c 184 s 42; 2013 c 131 art 2 s 74

211B.05 PAID ADVERTISEMENTS IN NEWS

Subd. 1. **Acceptance of paid advertisements**. A newspaper, periodical, or magazine may not intentionally accept for insertion in the newspaper, magazine, or periodical a political advertisement unless the words "PAID ADVERTISEMENT," and the disclaimer required under section 211B.04 are included at the beginning or end of the advertisement. The disclaimer must be in a legible text size and font. A radio station, television station, or cable system may not accept for broadcast a political advertisement unless the words "PAID ADVERTISEMENT" are included at the beginning or end of the advertisement.

Subd. 2. **Advertising rates.** Rates charged for advertising to support or oppose a candidate or ballot question must be the same as the charges made for any other political candidate and may be no greater than charges made for any other comparable purpose or use according to the seller's rate schedule.

Subd. 3. **Compensation prohibited, except for paid advertisement**. An owner, publisher, editor, reporter, agent, broadcaster, or employee of a newspaper, periodical, magazine, radio or television broadcast station, or cable system may not directly or indirectly solicit, receive, or accept a payment, promise, or compensation, nor may a person pay or promise to pay or in any manner compensate an owner, publisher, editor, reporter, agent, broadcaster, or employee directly or indirectly for influencing or attempting to influence voting at an election or primary through printed material in the newspaper or periodical, or radio, television, or cable broadcast, except as a "PAID ADVERTISEMENT" as provided in this section.

Subd. 4. **Unpaid material identification**. Unpaid material published in a newspaper, magazine, or other publication that is: (1) in unique typeset or otherwise differentiated from other unpaid material, (2) designed to influence or attempt to influence the voting at any election or the passage or defeat of legislation, and (3) not placed on the editorial page must be clearly identified as an editorial opinion.

History: 1988 c 578 art 3 s 5; 2001 c 143 s 1

211B.05 NOTES & DECISIONS

Newspaper's decision to reprint candidates' campaign ads due to errors in initial printing did not violate statute, even though reprinting, unlike initial printing, was in ad space usually costing more than candidates paid for initial printing. *Clausen v. Star Tribune*, OAH 3-0325-20975-CV (November 23, 2009).

211B.06 FALSE POLITICAL AND CAMPAIGN MATERIAL

Subd. 1. **Gross misdemeanor**. A person is guilty of a gross misdemeanor who intentionally participates in the preparation, dissemination, or broadcast of paid political advertising or campaign material with respect to the personal or political character or acts of a candidate, or with respect to the effect of a ballot question, that is designed or tends to elect, injure, promote, or defeat a candidate for nomination or election to a public office or to promote or defeat a ballot question, that is false, and that the person knows is false or communicates to others with reckless disregard of whether it is false.

A person is guilty of a misdemeanor who intentionally participates in the drafting of a letter to the editor with respect to the personal or political character or acts of a candidate, or with respect to the effect of a ballot question, that is designed or tends to elect, injure, promote, or defeat any candidate for nomination or election to a public office or to promote or defeat a ballot question, that is false, and that the person knows is false or communicates to others with reckless disregard of whether it is false.

Subd. 2. **Exception**. Subdivision 1 does not apply to any person or organization whose sole act is, in the normal course of their business, the printing, manufacturing, or dissemination of the false information.

History: 1988 c 578 art 3 s 6; 1998 c 376 s 3

211B.06 NOTES & DECISIONS

*******IMPORTANT: In the case of *281 Care Committee et al v. Arneson* et al., (Case No. 13-1229) issued September 2, 2014, the United States Court of Appeals for the Eighth Circuit determined that 211B.06 failed a constitutional challenge under the First Amendment and was void.

Claim that district court improperly refused to accept candidate's election contest filing because district court's decision was not a "duty concerning an election"; statute is not a broad vehicle through which any conduct with any relationship to an election, however tangential, can be challenged. *Carlson v. Ritchie*, 830 N.W.2d 887 (Minn. 2013).

Budget projection based on "worst case" scenario was not sufficient to establish actual malice, and therefore publication of projection in support of ballot question did not constitute publication of a false statement in connection with a ballot question; using "worst case" assumptions was more akin to producing a "slanted" statement than it was to producing a statement that was demonstrably false. *Abrahamson v. Saint Louis Cnty. Sch. Dist.,* 819 N.W.2d 129 (Minn. 2012).

Claim alleging a violation of statute that made it a criminal offense to publish a false statement to defeat a ballot question was required to be filed within one year of the publication of the statement. *Abrahamson v. Saint Louis Cnty. Sch. Dist.,* 819 N.W.2d 129 (Minn. 2012).

Suit was not void for failure to state a claim for which relief could be granted because statute presents a credible threat of prosecution for non-defamatory speech about ballot initiatives and plaintiffs presented sufficient allegations that their non-defamatory speech about ballot initiatives had been chilled to survive a motion to dismiss. *281 Care Comm. v. Arneson,* 638 F.3d 621 (8th Cir. 2011).

Complaint failed to provide sufficient evidence to demonstrate that Respondent violated statute because evidence was insufficient to prove that the Respondent knew that his challenged statement in newspaper advertisement was false or that he communicated it with reckless disregard as to whether it was false. *Carpenter v. Walker,* OAH 8-0325-21583-CV (October 25, 2010).

Complainant failed to provide sufficient evidence to demonstrate that Respondent violated statute because evidence is insufficient to prove that Respondent knew that challenged statement in campaign materials was false or that he communicated it with reckless disregard as to whether it was false. *Fatland v. Smith,* OAH 8-0325-21219-CV (June 9, 2010).

Respondent's challenged statement in advertisement, while incomplete and somewhat misleading, was not false within meaning of statute. *Erickson v. Education Minnesota Local 1406,* OAH 15-0325-21158-CV (May 18, 2010).

Respondent's challenged statement in advertisement was not false within meaning of statute. *House Republican Campaign Comm. v. Alliance for a Better Minnesota,* OAH 3-0320-21132-CV (April 27, 2010).

Summary disposition for Respondent was appropriate because Complainant produced no evidence that Respondent's challenged statements were factually false or that Respondent disseminated them with reckless disregard as to whether they were false. *Thul v. Minnesota DFL Party,* OAH 11-0320-21159-CV (April 20, 2010).

Statute is directed against false statements of specific facts, and does not prohibit inferences or implications, even if misleading; moreover, statement that must be proved false is not necessarily the literal phrase published but rather what a reasonable reader would have understood the author to have said. *Hauer v. Katch*, OAH 8-0325-20710-CV (August 3, 2009)

Statute mandated fine be levied upon person who wrote letter to residents of city criticizing City Council and containing factual allegation writer knew to be false; letter constituted "campaign material" under meaning of statute. *Pahl v. Mucciacciaro*, OAH 8-6381-20067-CV (February 11, 2009)

Violation of the statutory prohibition of false campaign material requires a finding of both a false statement and actual malice of reckless disregard. Statements criticizing official conduct do not lose constitutional protection merely because they are criticisms and effectively diminish an official's reputation. Statements in candidate's campaign flyer held to be false contentions of fact, rather than statements of opinion protected under the First Amendment. Penalty of $800 for candidate's violation of statutory prohibition on false campaign material, based on candidate's willfulness and on gravity of violations, held valid. *Fine v. Bernstein*, 726 N. W. 2d 137 (Minn. App. 2007).

Rights to jury trial of successful candidates in city council election were not violated by administrative hearing process that heard allegations by their opponents that they violated statutes establishing financial-reporting requirements for political candidates and committees acting to influence elections and statutes regulating campaign practices. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

As-applied constitutional challenge to election statute prohibiting false statements that hinged on party-endorsed candidate's being prosecuted for allegedly falsely claiming to be only party member who was candidate in county commissioner race was mooted when charges against candidate were dismissed with prejudice. Republican Party of Minn., *Third Congressional Dist. v. Klobuchar*, 381 F.3d 785 (8th Cir. 2004)

This section is not preempted by the Federal Election Campaign Act. However, it is unconstitutionally overbroad because it extends to statements not made with "actual malice." *State v. Jude*, 554 N.W.2d 750 (Minn. Ct. App. 1996).

Extreme and illogical inferences drawn from accurate fact statement was not "false information." *Kennedy v. Voss*, 304 N.W.2d 299 (Minn. 1981).

Campaign circular containing earlier laudatory statements about a candidate is not defamatory and, therefore, does not violate this section. *Graves v. Meland*, 264 N.W. 2d 401 (Minn. 1978).

False representation regarding source of information is not violation of election laws as long as information is true. *Grotjohn v. McCollar*, 291 Minn. 344, 191 N.W. 2d 396 (1971).

Candidate who denied prior knowledge of the details and method of publishing alleged falsehood did not violate Fair Campaign Practices Act. In re County Commissioner for Wright County, 289 Minn. 523, 185 N.W. 2d 277 (1971).

Although defamatory of supporters of a candidate, a campaign document held not defamatory of candidate himself and so no violation of Corrupt Practices Act. *Dart v. Erickson*, 188 Minn. 344, 191 N.W. 2d 396 (1971).

211B.07 UNDUE INFLUENCE ON VOTERS PROHIBITED

A person may not directly or indirectly use or threaten force, coercion, violence, restraint, damage, harm, loss, including loss of employment or economic reprisal, undue influence, or temporal or spiritual injury against an individual to compel the individual to vote for or against a candidate or ballot question. Abduction, duress, or fraud may not be used to obstruct or prevent the free exercise of the right to vote of a voter at a primary or election, or compel a voter to vote at a primary or election. Violation of this section is a gross misdemeanor.

History: 1988 c 578 art 3 s 7

211B.07 NOTES & DECISIONS

Complainant failed to demonstrate preponderance of the evidence that Respondent sheriff threatened coercion, harm, or loss in order to compel him to cast a ballot for Respondent in the fall election. *Turcotte v. Dahl,* OAH 4-0325-21569-CV (October 25, 2010).

Statute requires showing that accused party used or threatened force, coercion, violence, harm, undue influence, or other similar tactics to compel a person to vote for him or another candidate; showing that accused told a person not to vote for another candidate is insufficient. *Smith v. Ewanika*, OAH 12-6302-20444-CV (April 1, 2009).

Campaign flyers distributed by city council candidate, stating that if recipients of the flyers did not remove lawn signs supporting opponent, that would "not go unnoticed in the future," did not threaten voters in violation of section of Fair Campaign Practices Act prohibiting exerting undue influence on voters; vaguely ominous-sounding language did not make any specific threat. *Menne v. Phillips*, 2008 WL 2102721 (Minn. App. May 20, 2008) (unpublished op.).

In absence of showing that incumbent municipal judge by his presence in courtroom on court business for some 1-1/2 hours during morning of election had interfered with conduct of election in adjacent polling place or had sought to influence voters or that he was aware that sticker campaign was being conducted for another candidate for his office, election of incumbent was not invalid on ground that he had violated election statutes. *Munnell v. Rowlette*, 275 Minn. 92, 145 N.W. 2d 531 (1966).

While action of police officer in interfering with campaign worker for sticker candidate for municipal judge was unwarranted where action was not that of opposing candidate and there was nothing to show that opponent had sanctioned such action, any violation of Corrupt Practices Act would be chargeable to opponent. Id.

Where it is customary for incumbent judge to release prisoners convicted of misdemeanors before Christmas each year so as to permit them to earn money for Christmas shopping, and there was no showing that prisoners released pursuant to that practice shortly before election in which incumbent was candidate where voters in village where election was to be held or had been directed or solicited to vote for incumbent in exchange for their freedom, there was nothing in such conduct to justify any invalidation of incumbent's reelection. Id.

Corrupt Practices Act is directed to actions of candidates for office and to persons for who he is responsible. Id.

Standing in line by nonvoters and the abuse of the right to challenge voters constitute gross misdemeanors under Minnesota law. Op. Atty. Gen. 182, October 26, 1964.

Judgment that contestee's attempted coercion of voters on public relief by threats that he, as chairman of emergency relief board, would have them removed from relief if they did not support him in his campaign for county commissioner, was limited in character and that his election was free from offensive and illegal acts is reversed and judgment directed that contestee's election be annulled and set aside. *Fritz v. Hanfler*, 195 Minn. 640 263 N.W. 10 (1935).

211B.08 SOLICITATION OF CONTRIBUTIONS PROHIBITED

A religious, charitable, or educational organization may not request a candidate or committee to contribute to the organization, to subscribe for the support of a club or organization, to buy tickets to entertainment, or to pay for space in a publication. This section does not apply to:

(1) the solicitation of a business advertisement in periodicals in which the candidate was a regular contributor, before candidacy;

(2) ordinary business advertisements;

(3) regular payments to a religious, charitable, or educational organization, of which the candidate was a member, or to which the candidate was a contributor for more than six months before candidacy; or

(4) ordinary contributions at church services.

History: 1988 c 578 art 3 s 8

Special Note from the Office of the Revisor of Statutes: This section was found unconstitutional in Minnesota Citizens Concerned for Life, Inc. v Kelley, 427 F.3d 1106 (8th Cir. 2005). See Notes & Decisions below for further details.

211B.08 NOTES & DECISIONS

Provision prohibiting religious, charitable, or educational organizations from requesting donations from candidates or committees was not narrowly tailored to serve state interest in prohibiting organizations from soliciting money from candidates in exchange for votes, and thus violated those organizations' First Amendment right to solicit contributions. *Minnesota Citizens Concerned for Life, Inc. v. Kelley*, 427 F.3d 1106 (8th Cir. 2005), reversing 291 F.Supp.2d 1052 (D. Minn. 2003).

211B.09 PROHIBITED PUBLIC EMPLOYEE ACTIVITIES

An employee or official of the state or of a political subdivision may not use official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity. A political subdivision may not impose or enforce additional limitations on the political activities of its employees.

History: 1988 c 578 art 3 s 9

211B.09 NOTES & DECISIONS

Display of campaign literature at courthouse not within meaning of "compel". *Burns v. Valen*, 400 N.W. 2d 123 (Minn. Ct. App. 1987).

211B.10 INDUCING OR REFRAINING CANDIDACY; TIME OFF FOR PUBLIC OFFICE MEETINGS

Subd. 1. **Inducing or refraining from candidacy**. A person may not reward or promise to reward another in any manner to induce the person to be or refrain from or cease being a candidate. A person may not solicit or receive a payment, promise, or reward from another for this purpose.

Subd. 1a. **Prohibited activities of a political party.** A political party unit may not, through imposition or threatened imposition of any fine, sanction, or other penalty, attempt to coerce an individual who does not have the party unit's official endorsement as a means to prevent the individual from filing as a candidate for office.

Subd. 2. **Time off for public office meetings**. A person elected to a public office must be permitted time off from regular employment to attend meetings required by reason of the public office. The time off may be without pay, with pay, or made up with other hours, as agreed between the employee and employer. When an employee takes time off without pay, the employer shall make an effort to allow the employee to make up the time with other hours when the employee is available. No retaliatory action may be taken by the employer for absences to attend meetings necessitated by reason of the employee's public office.

History: 1988 c 578 art 3 s 10; 2012 c 250 s 3

211B.11 ELECTION DAY PROHIBITIONS

Subd. 1. **Soliciting near polling places.** A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is situated, or anywhere on the public property on which a polling place is situated, on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons, or other political insignia to be worn at or about the polling place on the day of a primary or election. A political badge, political button, or other political insignia may not be worn at or about the polling place on primary or election day. This section applies to areas established by the county auditor or municipal clerk for absentee voting as provided in chapter 203B.

Nothing in this subdivision prohibits the distribution of "I VOTED" stickers as provided in section 204B.49.

Subd. 3. **Transportation of voters to polling place; penalty**. A person transporting a voter to or from the polling place may not ask, solicit, or in any manner try to induce or persuade a voter on primary or election day to vote or refrain from voting for a candidate or ballot question.

Subd. 4. **Penalty**. Violation of this section is a petty misdemeanor.

History: 1988 c 578 art 3 s 11; 1989 c 291 art 1 s 32; 1993 c 223 s 25; 2014 c 288 art 2 s 8; 2017 c 92 art 1 s 27

211B.11 NOTES & DECISIONS

Minnesota statute and election policy prohibiting display of political materials, including political apparel in the polling place, as applied, did not violate political organization's freedom of speech rights under First Amendment; banning apparel with organization's name and logo was reasonable because it was wholly consistent with state's legitimate interest in preserving polling place decorum and neutrality. *Minnesota Majority v. Mansky,* 849 F.3d 749 (8th Cir. 2017), *cert. granted* 138 S.Ct. 446.

Excluding political organization's "Please I.D. Me" buttons from polling place was rationally related to state's interests in maintaining decorum of the polls, preserving integrity of elections, and protecting voters from confusion and undue influence. Statute and election policy prohibiting display of political materials in the polling place, as applied, did not violate First Amendment right to freedom of speech. *Minnesota Majority v. Mansky*, 62 F.Supp.3d 870 (D. Minn. 2014).

Statute did not facially violate First Amendment right to freedom of speech, because statute was viewpoint neutral as applicable to all political material regardless of viewpoint, was reasonable restriction of speech in nonpublic forum in light of purpose that forum served and state's legitimate interest in maintaining peace, order, and decorum in polling place, and had plainly legitimate sweep. As-applied challenge remanded to district court for further proceedings. *Minnesota Majority v. Mansky*, 708 F.3d 1051 (8th Cir. 2013).

Statute prohibiting display of political material at or about the polling place, as applied by written state election day policy prohibiting wearing of political buttons and clothing, was viewpoint neutral and was reasonably related to the legitimate state interest of maintaining safe, orderly, advocacy-free polling places, as required by First Amendment; inclusion of illustrative examples in policy, including plaintiffs' political organization, did not alter the viewpoint neutrality of the policy, and fact that policy was promulgated following plaintiff election judge's inquiry did not support a finding that the policy was not viewpoint neutral or that the restrictions were content-based. *Minnesota Majority v. Mansky*, 789 F.Supp.2d 1112 (D. Minn. 2011).

Suit against county officials and Secretary of State alleging that enforcement of statutory bar on the wearing of political badges, political buttons, and other political insignia within polling places violated plaintiffs' constitutional rights failed to state a claim for which relief count be granted. *Minnesota Majority v. Mansky,* No. 10-4401 (D. Minn. Apr. 29, 2011).

Statute does not apply to private property or against a person who displays campaign material within a private business. Statute does apply to candidate who drove past polling place on election day in truck bearing campaign sign promoting his candidacy. *Schimming v. Riverblood*, OAH 7-6347-20326-CV (June 5, 2009).

This section forbids erection of campaign sign before election day for display on election day within 100 feet of polling place. *State v. Zimmer*, Findings of Fact, Conclusions of Law and Order, No. T3-94-3002 (Mille Lacs Co. Dist. Ct., May 5, 1995).

Former subdivision 2 prohibiting Election Day campaigning was unconstitutional. Op. Atty. Gen. 627-h, August 28, 1989.

There is no provision of the Minnesota election law prohibiting the posting of signs within one hundred feet of a polling place except such posting may not be done on Election Day. Op. Atty. Gen. 627H, May 31, 1966.

Stickers may not be distributed at or within the polling place or within one hundred feet thereof on Election Day. Op. Atty. Gen. 627B-8, March 9, 1945.

Stickers may not be left in an election polling place on Election Day. Op. Atty. Gen. 28A-8, August 7, 1942.

211B.12 LEGAL EXPENDITURES

Use of money collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns, or is a noncampaign disbursement as defined in section 10A.01, subdivision 26. The following are permitted expenditures when made for political purposes:

(1) salaries, wages, and fees;

(2) communications, mailing, transportation, and travel;

(3) campaign advertising;

(4) printing;

(5) office and other space and necessary equipment, furnishings, and incidental supplies;

(6) charitable contributions of not more than $100 to any charity organized under section 501(c)(3) of the Internal Revenue Code annually, except that the amount contributed is not limited by this clause if the political committee, political fund, party unit, principal campaign committee, or campaign fund of a candidate for political subdivision office that made the contribution dissolves within one year after the contribution is made; and

(7) other expenses, not included in clauses (1) to (6), that are reasonably related to the conduct of election campaigns. In addition, expenditures made for the purpose of providing information to constituents, whether or not related to the conduct of an election, are permitted expenses. Money collected for political purposes and assets of a political committee or political fund may not be converted to personal use.

History: 1988 c 578 art 3 s 12; 1993 c 318 art 2 s 48; 2008 c 295 s 23; 2010 c 327 s 27; 2015 c 73 s 23

211B.12 NOTES & DECISIONS

Evidence that Respondent city council member spent campaign funds on hairstyling and dry-cleaning services and AAA membership is sufficient to show violation of statute; such expenses were not reasonably related to Respondent's campaign, and personal benefits conferred upon Respondent were so disproportionate as to convert disbursements to personal use. *Kaari v. Johnson,* OAH 8-0325-20970-CV (March 2, 2010).

The word "salary" is construed in an election contest as being used in broad sense of compensation embracing both "salary" and "fees". *Spokely v. Haaven*, 183 Minn. 467, 237 N.W. 11 (1931).

211B.13 BRIBERY, TREATING, AND SOLICITATION

Subd. 1. **Bribery, advancing money, and treating prohibited**. A person who willfully, directly or indirectly, advances, pays, gives, promises, or lends any money, food, liquor, clothing, entertainment, or other thing of monetary value, or who offers, promises, or endeavors to obtain any money, position, appointment, employment, or other valuable consideration, to or for a person, in order to induce a voter to refrain from voting, or to vote in a particular way, at an election, is guilty of a felony. This section does not prevent a candidate from stating publicly preference for or support of another candidate to be voted for at the same primary or election. Refreshments of food or nonalcoholic beverages having a value up to $5 consumed on the premises at a private gathering or public meeting are not prohibited under this section.

Subd. 2. **Certain solicitations prohibited**. A person may not knowingly solicit, receive, or accept any money, property, or other thing of monetary value, or a promise or pledge of these that is a disbursement prohibited by this section or section 211B.15.

History: 1988 c 578 art 3 s 13; 2005 c 156 art 6 s 63

211B.13 NOTES & DECISIONS

Newspaper's decision to reprint candidates' campaign ads due to errors in initial printing did not violate statute, even though reprinting, unlike initial printing, was in ad space usually costing more than candidates paid for initial printing. *Clausen v. Star Tribune*, OAH 3-0325-20975-CV (November 23, 2009).

Fact that candidate's campaign billboard is located on property owned by corporation is not sufficient to show that corporation made prohibited corporate contribution to candidate or his campaign committee. *Rego v. Emmer*, OAH 15-0320-20325-CV (March 18, 2009).

The making in good faith by a group of citizens to an entire county of an offer of site and money for a new court house is not a felony under this section. Op. Atty. Gen. 627B-3, May 6, 1954. Accord Op. Atty. Gen. 106-e, April 10, 1955.

Whether the distribution of objects such as matchbooks, pencils, emery boards, etc. is a violation of this section is a question of fact upon which the attorney general cannot pass judgment. Op. Atty. Gen. 627F-1, March 7, 1950.

Acceptance of cut in salary pursuant to resolution of county board would not be violation of Corrupt Practices Act. Op. Atty. Gen., July 27, 1933. For other opinions treating this issue see also Op. Atty. Gen. 359A-22, March 22, 1933; Op. Atty. Gen. 627B-3, March 20, 1933; Op. Atty. Gen. 359A-22, July 11, 1932 and January 27, 1932.

Giving of drink of liquor as act of mere hospitality is not violation of Corrupt Practices Act. *Engelbret v. Tuttle*, 185 Minn. 608, 242 N.W. 425 (1932).

Giving shower gifts to friends similar in value to gifts given by other guests was not a violation. Id.

The distribution by a candidate of free tickets to a county fair admitting children under 12 years of age free is a violation of this section. (Op. Atty. Gen. 627f-1, June 3, 1930).

Giving voter a drink of liquor while actively soliciting vote is a violation. *Miller v. Maier*, 136 Minn. 231, 161 N.W. 513 (1917).

It is not legal for a candidate to give away cigars in the election room while the polls are open. (Op. Atty. Gen. 627f-1, March 20, 1917).

211B.14 DIGEST OF LAWS

The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable digest of this chapter and annotations of it. The digest may include other related laws and annotations at the discretion of the secretary of state.

The secretary of state shall distribute the digest to candidates and committees through the county auditor or otherwise as the secretary of state considers expedient. A copy of the digest and, if appropriate, a financial reporting form and a certification of filing form must be distributed to each candidate by the filing officer at the time that the candidate's affidavit of candidacy is filed.

History: 1988 c 578 art 3 s 14; 1993 c 223 s 26; 1997 c 147 s 73

211B.15 CORPORATE POLITICAL CONTRIBUTIONS

Subd. 1. **Definitions**. For purposes of this section, "corporation" means:

(1) a corporation organized for profit that does business in this state;

(2) a nonprofit corporation that carries out activities in this state; or

(3) a limited liability company formed under chapter 322B or 322C, or under similar laws of another state, that does business in this state.

Subd. 2. **Prohibited contributions.** (a) A corporation may not make a contribution or offer or agree to make a contribution directly or indirectly, of any money, property, free service of its officers, employees, or members, or thing of monetary value to a political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office.

(b) A political party, organization, committee, or individual may not accept a contribution or an offer or agreement to make a contribution that a corporation is prohibited from making under paragraph (a).

(c) For the purpose of this subdivision, "contribution" includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate but does not include an independent expenditure authorized by subdivision 3.

Subd. 3. **Independent expenditures**. A corporation may not make an expenditure or offer or agree to make an expenditure to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office, unless the expenditure is an independent expenditure. For the purpose of this subdivision, "independent expenditure" has the meaning given in section 10A.01, subdivision 18.

Subd. 4. **Ballot question**. A corporation may make contributions or expenditures to promote or defeat a ballot question, to qualify a question for placement on the ballot unless otherwise prohibited by law, or to express its views on issues of public concern. A corporation may not make a contribution to a candidate for nomination, election, or appointment to a political office or to a committee organized wholly or partly to promote or defeat a candidate.

Subd. 5. **News media**. This section does not prohibit publication or broadcasting of news items or editorial comments by the news media.

Subd. 6. **Penalty for individuals.** (a) An officer, manager, stockholder, member, agent, employee, attorney, or other representative of a corporation acting on behalf of the corporation who violates this section is subject to a civil penalty of up to ten times the amount of the violation, but in no case more than $10,000, imposed by the Campaign Finance and Public Disclosure Board under chapter 10A or imposed by the Office of Administrative Hearings under this chapter.

(b) Knowingly violating this section is a crime. An officer, manager, stockholder, member, agent, employee, attorney, or other representative of a corporation acting in behalf of the corporation who is convicted of knowingly violating this section may be fined not more than $20,000 or be imprisoned for not more than five years, or both.

Subd. 7. **Penalty for corporations.** (a) A corporation that violates this section is subject to a civil penalty of up to ten times the amount of the violation, but in no case more than $10,000, imposed by the Campaign Finance and Public Disclosure Board under chapter 10A or imposed by the Office of Administrative Hearings under this chapter.

(b) Knowingly violating this section is a crime. A corporation convicted of knowingly violating this section is subject to a fine not greater than $40,000. A convicted domestic corporation may be dissolved as well as fined. If a foreign or nonresident corporation is convicted, in addition to being fined, its right to do business in this state may be declared forfeited.

Subd 7a. **Application of penalties.** No penalty may be imposed for a violation of this section that is subject to a civil penalty under section 10A.121.

Subd 7b. **Knowing violations.** An individual or a corporation knowingly violates this section if, at the time of a transaction, the individual or the corporation knew:

(1) that the transaction causing the violation constituted a contribution under chapter 10A, chapter 211A, or chapter 383B; and

(2) that the contributor was a corporation subject to the prohibitions of subdivision 2.

Subd. 8. **Permitted activity; political party**. It is not a violation of this section for a political party, as defined in section 200.02, subdivision 7, to form a nonprofit corporation for the sole purpose of holding real property to be used exclusively as the party's headquarters.

Subd. 9. **Media projects**. It is not a violation of this section for a corporation to contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register, or vote if the projects are not controlled by or operated for the advantage of a candidate, political party, or committee.

Subd. 10. **Meeting facilities**. It is not a violation of this section for a corporation to provide meeting facilities to a committee, political party, or candidate on a nondiscriminatory and nonpreferential basis.

Subd. 11. **Messages on premises**. It is not a violation of this section for a corporation selling products or services to the public to post on its public premises messages that promote participation in precinct caucuses, voter registration, or elections if the messages are not controlled by or operated for the advantage of a candidate, political party, or committee.

Subd. 13. **Aiding violation; penalty**. An individual who aids, abets, or advises a violation of this section is guilty of a gross misdemeanor.

Subd. 14. **Prosecutions; venue**. Violations of this section may be prosecuted in the county where the payment or contribution was made, where services were rendered, or where money was paid or distributed.

Subd. 15. **Nonprofit corporation exemption**. The prohibitions in this section do not apply to a nonprofit corporation that:

(1) is not organized or operating for the principal purpose of conducting a business;

(2) has no shareholders or other persons affiliated so as to have a claim on its assets or earnings; and

(3) was not established by a business corporation or a labor union and has a policy not to accept significant contributions from those entities.

Subd. 16. **Employee political fund solicitation**. Any solicitation of political contributions by an employee must be in writing, informational and nonpartisan in nature, and not promotional for any particular candidate or group of candidates. The solicitation must consist only of a general request on behalf of an independent political committee (conduit fund) and must state that there is no minimum contribution, that a contribution or lack thereof will in no way impact the employee's employment, that the employee must direct the contribution to candidates of the employee's choice, and that any response by the employee shall remain confidential and shall not be directed to the employee's supervisors or managers. Questions from an employee regarding a solicitation may be answered orally or in writing consistent with the above requirements. Nothing in this subdivision authorizes a corporate donation of an employee's time prohibited under subdivision 2.

Subd. 17. **Nonprofit corporation political activity**. It is not a violation of this section for a nonprofit corporation to provide administrative assistance to one political committee or political fund that is associated with the nonprofit corporation and registered with the campaign finance and public disclosure board under section 10A.14. Such assistance must be limited to accounting, clerical or legal services, bank charges, utilities, office space, and supplies. The records of the political committee or political fund may be kept on the premises of the nonprofit corporation.

The administrative assistance provided by the nonprofit corporation to the political committee or political fund is limited annually to the lesser of $5,000 or 7-1/2 percent of the expenditures of the political committee or political fund.

History: 1988 c 578 art 3 s 15; 1989 c 209 art 2 s 26; 1992 c 517 art 1 s 1-9; 1993 c 318 art 2 s 49; 1996 c 459 s 3,4; 1997 c 202 art 2 s 63; 2010 c 397 s 16,17,18,20; 2013 c 138 art 1 s 51-53; 2015 c 73 s 24; 2016 c 135 art 4 s 8

211B.15 NOTES & DECISIONS

District court did not abuse its discretion in denying preliminary injunction sought by Minnesota corporations to prevent enforcement of provision of Minnesota's Fair Campaign Practices law prohibiting corporate political contributions as in violation of their First Amendment speech rights. *Minnesota Citizens Concerned for Life, Inc. v. Swanson,* 692 F.3d 864 (8th Cir. 2012).

Statutory ban on direct corporate contributions to political candidates and affiliated entities, such as political parties, did not violate Equal Protection Clause; crucial differences existed between structure and functioning of corporations and unions that justified differential treatment under election laws. *Minnesota Citizens Concerned for Life, Inc. v. Swanson*, 640 F.3d 304 (8th Cir. 2011)

Corporations seeking preliminary injunction enjoining enforcement of Minnesota law precluding corporations from making direct contributions to candidates and political parties did not have likelihood of success on the merits of their claims that the law violated plaintiffs' constitutional rights. *Minnesota Citizens Concerned for Life, Inc. v. Swanson,* 741 F.Supp.2d 1115 (D. Minn. 2010).

Newspaper's decision to reprint candidates' campaign ads due to errors in initial printing did not violate statute, even though reprinting, unlike initial printing, was in ad space usually costing more than candidates paid for initial printing. *Clausen v. Star Tribune*, OAH 3-0325-20975-CV (November 23, 2009).

"Corporation," as used in statute, does not include school district or its board members. *Barry v. St. Anthony-New Brighton Independent School District 282*, OAH 3-6326-20564-CV (May 21, 2009).

Because of potential chilling effect on free speech rights of chambers of commerce that operated as nonprofit corporations, chambers satisfied injury-in-fact, requirement for Article III standing in action challenging constitutionality of statutes; case was ripe for review; and chambers had reasonable fear of prosecution under statute. *St. Paul Area Chamber of Commerce v. Gaertner*, 439 F.3d 481 (8th Cir. 2006).

See M.S. 72A.12, subd. 5 (1988), pertaining to insurance companies.

Statute prohibiting corporate independent expenditures was unconstitutional as applied to certain nonprofit organizations. *Day v. Holohan*, 34 F.3d 1356 (8th Cir. 1994).

This section does not prohibit sponsorship of "conduit" or "nonpartisan" political action committees by a corporation. *Minnesota Association of Commerce and Industry v. Foley*, 316 N.W. 2d 524 (Minn. 1982).

211B.16 PROSECUTION

Subd. 3. **County attorney authority**. A county attorney may prosecute any violation of this chapter.

History: 1988 c 578 art 3 s 16; 2004 c 277 s 5

211B.16 NOTES & DECISIONS

County attorney may proceed by complaint and information rather than impaneling grand jury. Op. Atty. Gen. 627B-1, August 18, 1966.

Attorney employed to assist county attorney is not required to conduct a private and independent investigation but may conduct same so as to enable attorney to present the county attorney relevant facts and names of witnesses capable of giving competent testimony in proceeding. Op. Atty. Gen. 121A-1, September 29, 1952.

211B.17 FORFEITURE OF NOMINATION OR OFFICE; CIRCUMSTANCES WHERE NOT FORFEITED

Subd. 1. **Forfeiture of nomination or office**. Except as provided in subdivision 2, if a candidate is found guilty of violating this chapter or an offense was committed by another individual with the knowledge, consent, or connivance of the candidate, the court, after entering the adjudication of guilty, shall enter a supplemental judgment declaring that the candidate has forfeited the nomination or office. If the court enters the supplemental judgment, it shall transmit to the filing officer a transcript of the supplemental judgment, the nomination or office becomes vacant, and the vacancy must be filled as provided by law.

Subd. 2. **Circumstances where nomination or office not forfeited**. In a trial for a violation of this chapter, the candidate's nomination or election is not void if the court finds that:

(1) an offense, though committed by the candidate or with the candidate's knowledge, consent, or connivance, was trivial; or

(2) an act or omission of a candidate arose from accidental miscalculation or other reasonable cause, but in any case not from a want of good faith; and the court also finds that it would be unjust for a candidate to forfeit the nomination or election. None of these findings is a defense to a conviction under this chapter.

History: 1988 c 578 art 3 s 17

211B.17 NOTES & DECISIONS

Alleged violations of Fair Campaign Practices Act by newspaper stated no justiciable issue for election contest. *Derus v. Higgins*, 555 N.W.2d 515 (Minn. 1996).

211B.18 DISQUALIFIED CANDIDATE NOT TO HOLD VARIOUS POSITIONS

A candidate whose election to office has been set aside for a violation of this chapter may not be appointed, during the period fixed by law as the term of the office, to fill a vacancy in that office. A candidate or other individual who is convicted of a violation of this chapter may not be appointed, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy that may occur in the office. An appointment to an office made contrary to the provisions of this section is void.

A candidate or other individual who is convicted of a violation of this chapter is not qualified, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in an office for which the legislature may establish qualifications under article XII, section 3, of the Minnesota Constitution.

History: 1988 c 578 art 3 s 18

211B.18 NOTES & DECISIONS

Legislator excluded from office due to violation of Fair Campaign Practices Act could not be precluded from running in special election solely on account of that prior violation. *Pavlak v. Growe*, 284 N.W.2d 174 (Minn. 1979).

211B.19 PENALTIES FOR VIOLATION

A violation of this chapter for which no other penalty is provided is a misdemeanor.

History: 1988 c 578 art 3 s 19

211B.20 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS

Subd. 1. **Prohibition**. (a) It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has:

(1) organized a campaign committee under applicable federal or state law;

(2) filed a financial report as required by section 211A.02; or

(3) filed an affidavit of candidacy for elected office.

A candidate granted access under this section must be allowed to be accompanied by campaign volunteers.

(b) Access to a facility or area is only required if it is located within the district or territory that will be represented by the office to which the candidate seeks election, and the candidate and any accompanying campaign volunteers seek access exclusively for the purpose of campaigning for a candidate or registering voters. The candidate must be seeking election to office at the next general or special election to be held for that office.

(c) A candidate and any accompanying campaign volunteers granted access under this section must be permitted to leave campaign materials for residents at their doors, except that the manager of a nursing home may direct that the campaign materials be left at a central location within the facility. The campaign materials must be left in an orderly manner.

(d) If a facility or area contains multiple buildings, a candidate and accompanying volunteers must be permitted to access more than one building on a single visit, but access is limited to only one building at a time. If multiple candidates are traveling together, each candidate and that candidate's accompanying volunteers is limited to one building at a time, but all of the candidates and accompanying volunteers traveling together must not be restricted to accessing the same building at the same time.

(e) A violation of this section is a petty misdemeanor.

Subd. 2. **Exceptions**. Subdivision 1 does not prohibit:

(1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;

(2) requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;

(3) in the case of a nursing home or a registered housing with services establishment providing assisted living services meeting the requirements of section 144G.03, subdivision 2, denial of permission to visit certain persons for valid health reasons;

(4) limiting visits by candidates or volunteers accompanied by the candidate to a reasonable number of persons or reasonable hours;

(5) requiring a prior appointment to gain access to the facility; or

(6) denial of admittance to or expulsion from a multiple unit dwelling for good cause.

History: 1988 c 578 art 3 s 20; 2010 c 314 s 3

211B.205 PARTICIPATION IN PUBLIC PARADES

If a public parade allows candidates, a candidate must be allowed to participate for a fee that is not greater than the amount that is charged to other units participating in the parade.

History: 1Sp2001 c 10 art 18 s 40

211B.21 APPLICABILITY

Nothing in section 211B.17 or 211B.18 may be construed to limit the ability of each house of the legislature to act as judge of the election returns and eligibility of its own members.

History: 1988 c 578 art 3 s 21

211B.31 DEFINITION

As used in sections 211B.32 to 211B.36, "office" means the Office of Administrative Hearings.

History: 2004 c 277 s 6

211B.32 COMPLAINTS OF UNFAIR CAMPAIGN PRACTICES

Subd. 1. **Administrative remedy; exhaustion**. (a) Except as provided in paragraph (b), a complaint alleging a violation of chapter 211A or 211B must be filed with the office. The complaint must be finally disposed of by the office before the alleged violation may be prosecuted by a county attorney.

(b) Complaints arising under those sections and related to those individuals and associations specified in section 10A.022, subd. 3, must be filed with the Campaign Finance and Public Disclosure Board.

Subd. 2. **Limitation on filing**. The complaint must be filed with the office within one year after the occurrence of the act or failure to act that is the subject of the complaint, except that if the act or failure to act involves fraud, concealment, or misrepresentation that could not be discovered during that one-year period, the complaint may be filed with the office within one year after the fraud, concealment, or misrepresentation was discovered.

Subd. 3. **Form of complaint**. The complaint must be in writing, submitted under oath, and detail the factual basis for the claim that a violation of law has occurred. The office may prescribe the form of a complaint.

Subd. 4. **Proof of claim**. The burden of proving the allegations in the complaint is on the complainant. The standard of proof of a violation of section 211B.06, relating to false statements in paid political advertising or campaign material, is clear and convincing evidence. The standard of proof of any other violation of chapter 211A or 211B is a preponderance of the evidence.

Subd. 5. **Filing fee; waiver; refund.** (a) The complaint must be accompanied by a filing fee of $50, unless filed by a filing officer under section 211A.05, subdivision 2.

(b) The office may waive the payment of the filing fee, if the individual seeking a waiver of the fee files with the office an affidavit stating that the individual is financially unable to pay the fee.

(c) The office may refund the filing fee of a complainant who prevails on the merits.

Subd. 6. **Service on respondent**. Upon receipt of the filed complaint, the office must immediately notify the respondent and provide the respondent with a copy of the complaint by the most expeditious means available.

History: 2004 c 277 s 7; 2013 c 138 art 1 s 54; 2015 c 73 s 26

211B.32 NOTES & DECISIONS

On appeal of decision adjudicating claims of unfair campaign practices, appellate court presumes decisions of Office of Administrative Hearings are correct. *Lewison v. Hutchinson,* 929 N.W.2d 444 (Minn. Ct. App. 2019).

Claim alleging a violation of statute that made it a criminal offense to publish a false statement to defeat a ballot question was required to be filed within one year of the publication of the statement. *Abrahamson v. Saint Louis Cnty. Sch. Dist.,* 819 N.W.2d 129 (Minn. 2012).

Statutes that established administrative hearing process, which heard allegations filed by opponents of successful candidates in city council election that candidates violated statutes establishing financial-reporting requirements and statutes regulating campaign practices, did not unconstitutionally intrude on First Amendment rights of successful candidates, as statutes merely established a process to consider violations of election statutes and did not establish substantive law. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

211B.33 PRIMA FACIE REVIEW

Subd. 1. **Time for review**. The chief administrative law judge must randomly assign an administrative law judge to review the complaint. Within one business day after the complaint was filed with the office, when practicable, but never longer than three business days, the administrative law judge must make a preliminary determination for its disposition.

Subd. 2. **Recommendation**. (a) If the administrative law judge determines that the complaint does not set forth a prima facie violation of chapter 211A or 211B, the administrative law judge must dismiss the complaint.

(b) If the administrative law judge determines that the complaint sets forth a prima facie violation of section 211B.06 and was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the administrative law judge must conduct an expedited probable cause hearing under section 211B.34.

(c) If the administrative law judge determines that the complaint sets forth a prima facie violation of a provision of chapter 211A or 211B, other than section 211B.06, and that the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the administrative law judge, on request of any party, must conduct an expedited probable cause hearing under section 211B.34.

(d) If the administrative law judge determines that the complaint sets forth a prima facie violation of chapter 211A or 211B, and was filed more than 60 days before the primary or special election or more than 90 days before the general election to which the complaint relates, the administrative law judge must schedule an evidentiary hearing under section 211B.35.

Subd. 3. **Notice to parties**. The office must notify all parties of the determination made under subdivision 2. If the complaint is scheduled for hearing, the notice must identify the time and place of the hearing and inform all parties that they may submit evidence, affidavits, documentation, and argument for consideration by the administrative law judge.

Subd. 4. **Joinder and separation of complaints**. The chief administrative law judge may direct that two or more complaints be joined for disposition if the chief administrative law judge determines that the allegations in each complaint are of the same or similar character, are based on the same act or failure to act, or are based on two or more acts or failures to act constituting parts of a common scheme or plan. If one complaint contains two or more allegations, the chief administrative law judge may separate the allegations, if they are not of the same or similar character, if they are not based on the same act or failure to act, or if they are not based on two or more acts or failures to act constituting parts of a common scheme or plan. If the chief administrative law judge separates the allegations in a complaint, the assigned administrative law judge or judges may make separate recommendations under subdivision 2 for each allegation.

History: 2004 c 277 s 8

211B.34 PROBABLE CAUSE HEARING

Subd. 1. **Time for review**. The assigned administrative law judge must hold a probable cause hearing on the complaint no later than three business days after receiving the assignment if an expedited hearing is required by section 211B.33, except that for good cause the administrative law judge may hold the hearing no later than seven days after receiving the assignment. If an expedited hearing is not required by section 211B.33, the administrative law judge must hold the hearing not later than 30 days after receiving the assignment.

Subd. 2. **Disposition**. At the probable cause hearing, the administrative law judge must make one of the following determinations:

(a) The complaint is frivolous, or there is no probable cause to believe that the violation of law alleged in the complaint has occurred. If the administrative law judge makes either determination, the administrative law judge must dismiss the complaint.

(b) There is probable cause to believe that the violation of law alleged in the complaint has occurred. If the administrative law judge so determines, the chief administrative law judge must schedule the complaint for an evidentiary hearing under section 211B.35.

Subd. 3. **Reconsideration by chief administrative law judge.**

(a) If the administrative law judge dismisses the complaint, the administrative law judge shall provide to the complainant written notice of the right to seek reconsideration of the decision on the record by the chief administrative law judge.

(b) A petition for reconsideration must be filed within two business days after the dismissal. The chief administrative law judge must make a decision on the petition within three business days after receiving the petition. If the chief administrative law judge determines that the assigned administrative law judge made a clear error of law and grants the petition, within five business days after granting the petition, the chief administrative law judge shall schedule the complaint for an evidentiary hearing under section 211B.35.

History: 2004 c 277 s 9

211B.35 EVIDENTIARY HEARING BY PANEL

Subd. 1. **Deadline for hearing**. When required by section 211B.34, subdivision 2 or 3, the chief administrative law judge must assign the complaint to a panel of three administrative law judges for an evidentiary hearing. The hearing must be held within the following times:

(1) ten days after the complaint was assigned, if an expedited probable cause hearing was requested or required under section 211B.33;

(2) 30 days after the complaint was filed, if it was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates; or

(3) 90 days after the complaint was filed, if it was filed at any other time.

For good cause shown, the panel may extend the deadline set forth in clause (2) or (3) by 60 days.

Subd. 2. **Disposition of complaint**. The panel must determine whether the violation alleged in the complaint occurred and must make at least one of the following dispositions:

(a) The panel may dismiss the complaint.

(b) The panel may issue a reprimand.

(c) The panel may find that a statement made in a paid advertisement or campaign material violated section 211B.06.

(d) The panel may impose a civil penalty of up to $5,000 for any violation of chapter 211A or 211B.

(e) The panel may refer the complaint to the appropriate county attorney.

Subd. 3. **Time for disposition**. The panel must dispose of the complaint:

(1) within three days after the hearing record closes, if an expedited probable cause hearing was required by section 211B.33; and

(2) within 14 days after the hearing record closes, if an expedited probable cause hearing was not required by section 211B.33.

History: 2004 c 277 s 10

211B.35 NOTES & DECISIONS

Statutes that established administrative hearing process, which heard allegations filed by opponents of successful candidates in city council election that candidates violated statutes establishing financial-reporting requirements and

statutes regulating campaign practices, did not unconstitutionally intrude on First Amendment rights of successful candidates, as statutes merely established a process to consider violations of election statutes and did not establish substantive law. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

211B.36 PROCEDURES

Subd. 1. **Evidence and argument**. The administrative law judge or panel may consider any evidence and argument submitted until a hearing record is closed, including affidavits and documentation, or may continue a hearing to enable the parties to submit additional testimony.

Subd. 2. **Withdrawal of complaint**. At any time before an evidentiary hearing under section 211B.35 begins, a complainant may withdraw a complaint filed under section 211B.32. After the evidentiary hearing begins, a complaint filed under section 211B.32 may only be withdrawn with the permission of the panel.

Subd. 3. **Costs**. If the assigned administrative law judge or panel determines the complaint is frivolous, they may order the complainant to pay the respondent's reasonable attorney fees and to pay the costs of the office in the proceeding in which the complaint was dismissed.

Subd. 4. **Hearings public**. A hearing under section 211B.34 or 211B.35 may be conducted by conference telephone call or by interactive television. All hearings must be open to the public.

Subd. 5. **Judicial review**. A party aggrieved by a final decision on a complaint filed under section 211B.32 is entitled to judicial review of the decision as provided in sections 14.63 to 14.69; however, proceedings on a complaint filed under section 211B.32 are not a contested case within the meaning of chapter 14 and are not otherwise governed by chapter 14.

History: 2004 c 277 s 11

211B.36 NOTES & DECISIONS

On appeal of decision adjudicating claims of unfair campaign practices, appellate court presumes decisions of Office of Administrative Hearings are correct. *Lewison v. Hutchinson,* 929 N.W.2d 444 (Minn. Ct. App. 2019).

Statutes regulating campaign practices did not violate the separation-of-powers doctrine or amount to an unconstitutional delegation of district court's original jurisdiction. *Riley v. Jankowski*, 713 N.W.2d 379 (Minn. App. 2006).

211B.37 COSTS ASSESSED

Except as otherwise provided in section 211B.36, subdivision 3, the chief administrative law judge shall assess the cost of considering complaints filed under section 211B.32 as provided in this section. Costs of complaints relating to a statewide ballot question or an election for a statewide or legislative office must paid from appropriations to the office for this purpose. Costs of complaints relating to any other ballot question or elective office must be paid from appropriation to the office for this purpose.

History: 2004 c 277 s 12; 2013 c 131 art 2 s 75; 2013 c 138 art 4 s 7; 2015 c 73 s 25; 2015 c 77 art 2 s 52

RELATED LAWS - SELECTED PROVISIONS

Note: The following are selected provisions of laws related to the conduct of election campaigns in Minnesota and are provided for informational purposes only. Please refer to Minnesota Statutes for the full text of these sections.

10A.01 NON-CAMPAIGN DISBURSEMENT

Subd. 18. **Independent expenditure.** "Independent expenditure" means an expenditure expressly advocating the election or defeat of a clearly identified candidate, if the expenditure 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 is not a contribution to that candidate. An independent expenditure does not include the act of announcing a formal public endorsement of a candidate for public office, unless the act announcing is simultaneously accompanied by an expenditure that would otherwise qualify as an independent expenditure under this subdivision.

Subd. 26. **Noncampaign disbursement**. (a) "Non-campaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, or a donation in kind received, by a principal campaign committee for any of the following purposes:

(1) payment for accounting and legal services;

(2) return of a contribution to the source;

(3) repayment of a loan made to the principal campaign committee by that committee;

(4) return of a public subsidy;

(5) payment for food, beverages, and necessary utensils and supplies, entertainment, and facility rental for a fund-raising event;

(6) services for a constituent by a member of the legislature or a constitutional officer in the executive branch as provided in section 10A.173, subdivision 1;

(7) payment for food and beverages consumed by a candidate or volunteers while they are engaged in campaign activities;

(8) payment for food or a beverage consumed while attending a reception or meeting directly related to legislative duties;

(9) payment of expenses incurred by elected or appointed leaders of a legislative caucus in carrying out their leadership responsibilities;

(10) payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses;

(11) costs of child care for the candidate's children when campaigning;

(12) fees paid to attend a campaign school;

(13) costs of a post-election party during the election year when a candidate's name will no longer appear on a ballot or the general election is concluded, whichever occurs first;

(14) interest on loans paid by a principal campaign committee on outstanding loans;

(15) filing fees;

(16) post-general election holiday or seasonal cards, thank-you notes, or advertisements in the news media mailed or published prior to the end of the election cycle;

(17) the cost of campaign material purchased to replace defective campaign material, if the defective material is destroyed without being used;

(18) contributions to a party unit;

(19) payments for funeral gifts or memorials;

(20) the cost of a magnet less than six inches in diameter containing legislator contact information and distributed to constituents; and

(21) costs associated with a candidate attending a political party state or national convention in this state;

(22) other purchases or payments specified in board rules or advisory opinions as being for any purpose other than to influence the nomination or election of a candidate or to promote or defeat a ballot question;

(23) costs paid to a third party for processing contributions made by a credit card, debit card, or electronic check;

(24) a contribution to a fund established to support a candidate's participation in a recount of ballots affecting that candidate's election;

(25) costs paid by a candidate's principal campaign committee for a single reception given in honor of the candidate's retirement from public office after the filing period for affidavits of candidacy for that office has closed;

(26) a donation from a terminating principal campaign committee to the state general fund; and

(27) a donation from a terminating principal campaign committee to a county obligated to incur special election expenses due to that candidate's resignation from state office.

(b) The board must determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.

(c) A noncampaign disbursement is considered to be made in the year in which the candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.

10A.01 NOTES & DECISIONS

Corporations seeking preliminary injunction against enforcement of Minnesota statute, which defined independent expenditures that corporations were allowed to make advocating the election or defeat of a clearly identified candidate, were not likely to succeed on the merits of their claim that the definition was impermissibly vague under the First Amendment; definition did not apply to expenditures for issue advocacy or advocacy that did not use the "magic words," such as "vote for," "elect," "support," "vote against," and "defeat," which the Supreme Court had recognized as constituting express advocacy. *Minnesota Citizens Concerned for Life, Inc. v. Swanson,* 741 F.Supp.2d 1115 (D. Minn. 2010).

In order to avoid invalidation of statute on grounds that it is vague, overbroad, and regulated political speech in violation of the First Amendment, phrase "to influence the nomination of election of a candidate" in subds. 27 and 28 must be construed so as to mean that "political committee" is organization whose major purpose is nomination or election of a candidate and that "political fund" is fund used for express advocacy. *Minnesota Citizens Concerned for Life, Inc. v. Kelley,* 291 F.Supp.2d 1052 (D. Minn. 2003).

10A.121 INDEPENDENT EXPENDITURE AND BALLOT QUESTION POLITICAL COMMITTEES AND FUNDS

Subd. 1. **Permitted disbursements.** An independent expenditure political committee or fund, or a ballot question political committee or fund, may:

(1) pay costs associated with its fund-raising and general operations;

(2) pay for communications that do not constitute contributions or approved expenditures;

(3) make contributions to independent expenditure or ballot question political committees or funds;

(4) make independent expenditures;

(5) make expenditures to promote or defeat ballot questions;

(6) return a contribution to its source;

(7) for a political fund, record bookkeeping entries transferring the association's general treasury money allocated for political purposes back to the general treasury of the association; and

(8) for a political fund, return general treasury money transferred to a separate depository to the general depository of the association.

Subd. 2. **Penalty.** (a) An independent expenditure political committee or independent expenditure political fund is subject to a civil penalty of up to four times the amount of the contribution or approved expenditure if it does the following:

(1) makes a contribution to a candidate, party unit, political committee, or political fund other than an independent expenditure political committee or an independent expenditure political fund; or

(2) makes an approved expenditure.

(b) No other penalty provided in law may be imposed for conduct that is subject to a civil penalty under this section.

10A.20 CAMPAIGN REPORTS

Subd 1. **First filing; duration.** (a) The treasurer of a political committee, political fund, principal campaign committee, or party unit must begin to file the reports required by this section for the first year it receives contributions or makes expenditures that require it to register under section 10A.14 and must continue to file until the committee, fund, or party unit is terminated.

(b) If, on or before the last date included in a reporting period, a political committee, political fund, principal campaign committee, or party unit received contributions or made expenditures that would require it to register under section 10A.14, the political committee, political fund, principal campaign committee, or party unit must both register with the board under section 10A.14 and report under this section by the date that the report for that reporting period is due.

(c) The reports must be filed electronically in a standards-based open format specified by the board. For good cause shown, the board must grant exemptions to the requirement that reports be filed electronically.

Subd. 1b. **Release of reports.** A report filed under this section is nonpublic data until 8:00 a.m. on the day following the day the report was due.

Subd. 2. **Time for filing**. (a) The reports must be filed with the board on or before January 31 of each year and additional reports must be filed as required and in accordance with paragraphs (b) to (f).

(b) In each year in which the name of a candidate for legislative or district court judicial office is on the ballot, the report of the principal campaign committee must be filed 15 days before a primary election and ten days before a general election, seven days before a special primary election and seven days before a special general election, and ten days after a special election cycle.

(c) In each general election year, a political committee, a political fund, a state party committee, and a party unit established by all or a part of the party organization within a house of the legislature must file reports on the following schedule:

(1) a first-quarter report covering the calendar year through March 31, which is due April 14;

(2) a report covering the calendar year through May 31, which is due June 14;

(3) a pre-primary-election report due 15 days before a primary election;

(4) a pre-general-election report due 42 days before the general election; and

(5) a pre-general-election report due ten days before a general election.

(d) In each general election year, a party unit not included in paragraph (c) must file reports 15 days before a primary election and ten days before a general election.

(e) In each year in which a constitutional office or appellate court judicial seat is on the ballot, the principal campaign committee of a candidate for that office or seat must file reports on the following schedule:

(1) a first-quarter report covering the calendar year through March 31, which is due April 14;

(2) a report covering the calendar year through May 31, which is due June 14;

(3) a pre-primary-election report due 15 days before a primary election;

(4) a pre-general-election report due 42 days before the general election;

(5) a pre-general-election report due ten days before a general election; and

(6) for a special election, a constitutional office candidate whose name is on the ballot must file reports seven days before a special primary election, seven days before a special general election, and ten days after a special election cycle.

(f) Notwithstanding paragraphs (a) to (e):

(1) the principal campaign committee of a candidate who did not file for office is not required to file the report due June 14, the report due 15 days before the primary election, or the report due seven days before a special primary election; and

(2) the principal campaign committee of a candidate whose name will not be on the general election ballot is not required to file the report due 42 days before the general election, the report due ten days before a general election, or the report due seven days before a special general election.

Subd. 3. **Contents of report**. (a) The report required by this section must include each of the items listed in paragraphs (b) to (q) that are applicable to the filer. The board shall prescribe forms based on filer type indicating which of those items must be included on the filer's report.

(b) The report must disclose the amount of liquid assets on hand at the beginning of the reporting period.

(c) The report must disclose the name, address, employer, or occupation if self-employed, and registration number if registered with the board, of each individual or association that has made one or more contributions to the reporting entity, including the purchase of tickets for a fund-raising effort, that in aggregate within the year exceed $200 for legislative or statewide candidates or more than $500 for ballot questions, together with the amount and date of each contribution, and the aggregate amount of contributions within the year from each source so disclosed. A donation in kind must be disclosed at its fair market value. An approved expenditure must be listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors must be listed in alphabetical order. Contributions from the same contributor must be listed under the same name. When a contribution received from a contributor in a reporting period is added to previously reported unitemized contributions from the same contributor and the aggregate exceeds the disclosure threshold of this paragraph, the name, address, and employer, or occupation if self-employed, of the contributor must then be listed on the report.

(d) The report must disclose the sum of contributions to the reporting entity during the reporting period.

(e) The report must disclose each loan made or received by the reporting entity within the year in aggregate in excess of $200, continuously reported until repaid or forgiven, together with the name, address, occupation, principal place of business, if any, and registration number if registered with the board of the lender and any endorser and the date and amount of the loan. If a loan made to the principal campaign committee of a candidate is forgiven or is repaid by an entity other than that principal campaign committee, it must be reported as a contribution for the year in which the loan was made.

(f) The report must disclose each receipt over $200 during the reporting period not otherwise listed under paragraphs (c) to (e).

(g) The report must disclose the sum of all receipts of the reporting entity during the reporting period.

(h) The report must disclose the name, address, and registration number if registered with the board of each individual or association to whom aggregate expenditures, approved expenditures, independent expenditures, and ballot question expenditures have been made by or on behalf of the reporting entity within the year in excess of $200, together with the amount, date, and purpose of

each expenditure, including an explanation of how the expenditure was used, and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made, identification of the ballot question that the expenditure was intended to promote or defeat and an indication of whether the expenditure was to promote or to defeat the ballot question, and in the case of independent expenditures made in opposition to a candidate, the candidate's name, address, and office sought. A reporting entity making an expenditure on behalf of more than one candidate for state or legislative office must allocate the expenditure among the candidates on a reasonable cost basis and report the allocation for each candidate.

(i) The report must disclose the sum of all expenditures made by or on behalf of the reporting entity during the reporting period.

(j) The report must disclose the amount and nature of an advance of credit incurred by the reporting entity, continuously reported until paid or forgiven. If an advance of credit incurred by the principal campaign committee of a candidate is forgiven by the creditor or paid by an entity other than that principal campaign committee, it must be reported as a donation in kind for the year in which the advance of credit was made.

(k) The report must disclose the name, address, and registration number if registered with the board of each political committee, political fund, principal campaign committee, or party unit to which contributions have been made that aggregate in excess of $200 within the year and the amount and date of each contribution.

(l) The report must disclose the sum of all contributions made by the reporting entity during the reporting period.

(m) The report must disclose the name, address, and registration number if registered with the board of each individual or association to whom noncampaign disbursements have been made that aggregate in excess of $200 within the year by or on behalf of the reporting entity and the amount, date, and purpose of each noncampaign disbursement, including an explanation of how the expenditure was used.

(n) The report must disclose the sum of all noncampaign disbursements made within the year by or on behalf of the reporting entity.

(o) The report must disclose the name and address of a nonprofit corporation that provides administrative assistance to a political committee or political fund as authorized by section 211B.15, subdivision 17, the type of administrative assistance provided, and the aggregate fair market value of each type of assistance provided to the political committee or political fund during the reporting period.

(p) Legislative, statewide, and judicial candidates, party units, and political committees and funds must itemize contributions that in aggregate within the year exceed $200 for legislative or statewide candidates or more than $500 for ballot questions on reports submitted to the board. The itemization must include the date on which the contribution was received, the individual or association that provided the contribution, and the address of the contributor. Additionally, the itemization for a donation in kind must provide a description of the item or service received. Contributions that are less than the itemization amount must be reported as an aggregate total.

(q) Legislative, statewide, and judicial candidates, party units, political committees and funds, and committees to promote or defeat a ballot question must itemize expenditures and noncampaign disbursements that in aggregate exceed $200 in a calendar year on reports submitted to the board. The itemization must include the date on which the committee made or became obligated to make the expenditure or disbursement, the name and address of the vendor that provided the service or item purchased, and a description of the service or item purchased, including an explanation of how the expenditure was used. Expenditures and noncampaign disbursements must be listed on the report alphabetically by vendor.

Subd. 4. **Period of Report**. A report must cover the period from January 1 of the reporting year to seven days before the filing date, except that the report due on January 31 must cover the period from January 1 to December 31 of the reporting year.

Subd. 5. **Pre-election reports**. (a) Any loan, contribution, or contributions:

(1) to a political committee or political fund from any one source totaling more than $1,000;

(2) to the principal campaign committee of a candidate for an appellate court judicial office totaling more than $2,000;

(3) to the principal campaign committee of a candidate for district court judge totaling more than $400; or

(4) to the principal campaign committee of a candidate for constitutional office or for the legislature totaling more than 50 percent of the election segment contribution limit for the office, received between the last day covered in the last report before an election and the election must be reported to the board in the manner provided in paragraph (b).

(b) A loan, contribution, or contributions required to be reported to the board under paragraph (a) must be reported to the board either:

(1) in person by the end of the next business day after its receipt; or

(2) by electronic means sent within 24 hours after its receipt.

(c) These loans and contributions must also be reported in the next required report.

(d) This notice requirement does not apply in a primary election to a candidate who is unopposed in the primary, in a primary election to a ballot question political committee or fund, or in a general election to a candidate whose name is not on the general election ballot. The board must post the report on its Web site by the end of the next business day after it is received.

(e) This subdivision does not apply to a ballot question or independent expenditure political committee or fund that has not met the registration threshold of section 10A.14, subdivision 1a. However, if a contribution that would be subject to this section triggers the registration requirement in section 10A.14, subdivision 1a, then both registration under that section and reporting under this section are required.

Subd. 6. **Report when no Committee**. (a) A candidate who does not designate and cause to be formed a principal campaign committee and who makes campaign expenditures in aggregate in excess of $750 in a year must file with the board a report containing the information required by subdivision 3. Reports required by this subdivision must be filed by the dates on which reports by principal campaign committees must be filed.

(b) An individual who makes independent expenditures that aggregate more than $1,500 in a calendar year or expenditures to promote or defeat a ballot question that aggregate more than $5,000 in a calendar year must file with the board a report containing the information required by subdivision 3. A report required by this subdivision must be filed by the date on which the next report by political committees and political funds must be filed.

Subd. 6a. **Statement of Independence**. An individual, political committee, political fund, or party unit filing a report or statement disclosing an independent expenditure under subdivision 3 or 6 must file with the report a sworn statement that the disclosed expenditures were not made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of any candidate or any candidate's principal campaign committee or agent.

Subd 15. **Equitable Relief**. A candidate whose opponent does not timely file the report due 15 days before the primary, the report due ten days before the general election, or the notice required under section 10A.25, subdivision 10, may petition the district court for immediate equitable relief to enforce the filing requirement. A prevailing party under this subdivision may be awarded attorney fees and costs by the court.

10A.273 CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION

Subd. 1. **Contributions during legislative session.** (a) A candidate for the legislature or for constitutional office, the candidate's principal campaign committee, or a political committee or party unit established by all or a part of the party organization within a house of the legislature must not solicit or accept a contribution from a registered lobbyist, political committee, political fund, or an association not registered with the board, during a regular session of the legislature.

(b) A registered lobbyist, political committee, political fund, or an association not registered with the board must not make a contribution to a candidate for the legislature or for constitutional office, the candidate's principal campaign committee, or a political committee or party unit established by all or a part of the party organization within a house of the legislature during a regular session of the legislature.

Subd. 3. **Definition.** For purposes of this section, a "regular session" starts at 12:00 a.m., on the first day of each annual session and ends at 11:59 p.m. on the last day of each annual session. For purposes of this section, regular session does not include a special session or the interim between the two annual sessions of a biennium.

Subd. 4. **Civil penalty.** A candidate, political committee, party unit, political fund, an association not registered with the board, or a registered lobbyist that violates this section is subject to a civil penalty imposed by the board of up to $1,000. If the board makes a public finding that there is probable cause to believe a violation of this section has occurred, the board may bring an action, or transmit the finding to a county attorney who must bring an action, in the District Court of Ramsey County, to collect a civil penalty as imposed by the board. Penalties paid under this section must be deposited in the general fund in the state treasury.

Subd. 5. **Special Election**. This section does not apply in a legislative special election during the period beginning when the person becomes a candidate in the special election and ending on the day of the special election.

10A.31 DESIGNATION OF INCOME TAX PAYMENTS

Subd. 3a. **Qualification of political parties**. (a) A major political party qualifies for inclusion on the income tax form and property tax refund return as provided in subdivision 3 if it qualifies as a major political party by July 1 of the taxable year.

(b) A minor political party qualifies for inclusion on the income tax form and property tax refund return as provided in subdivision 3 if it qualifies as a minor party statewide by July 1 of the taxable year.

(c) The secretary of state shall notify each major and minor political party by the first Monday in January of each odd-numbered year of the conditions necessary for the party to participate in income tax form and property tax refund return programs.

(d) The secretary of state shall notify each political party, the commissioner of revenue, and the Campaign Finance and Public Disclosure Board by July 1 of each year and following certification of the results of each general election of the political parties that qualify for inclusion on the income tax form and property tax refund return as provided in subdivision 3.

Subd. 7a. **Withholding of public subsidy.** If a candidate who is eligible for payment of public subsidy under this section has not filed the report of receipts and expenditures required under section 10A.20 before a primary election, any public subsidy for which that candidate is eligible must be withheld by the board until the candidate complies with the filing requirements of section 10A.20 and the board has sufficient time to review or audit the report. If a candidate who is eligible for public subsidy does not file the report due before the primary election under section 10A.20 by the date that the report of receipts and expenditures filed before the general election is due, that candidate shall not be paid public subsidy for that election.

Subd. 7b. **Failure to repay.** A candidate who fails to repay money required by the agreement cannot be paid additional public subsidy funds during the current or future election cycles until the entirety of the unexpended funds and any associated collection fees are either repaid to the board or discharged by court action.

10A.38 CAPTIONING OF CAMPAIGN ADVERTISEMENTS

(a) This section applies to a campaign advertisement by a candidate who is governed by an agreement under section 10A.322.

(b) "Campaign advertisement" means a professionally produced visual or audio recording of two minutes or less produced by the candidate for the purpose of influencing the nomination or election of a candidate.

(c) A campaign advertisement that is disseminated as an advertisement by broadcast or cable television must include closed captioning for deaf and hard-of-hearing viewers, unless the candidate has filed with the board before the advertisement is disseminated a statement setting forth the reasons for not doing so. A campaign advertisement that is disseminated as an advertisement to the public on the candidate's Web site must include closed captioning for deaf and hard-of-hearing viewers, unless the candidate has posted on the Web site a transcript of the spoken content of the advertisement or the candidate has filed with the board before the advertisement is disseminated a statement setting forth the reasons for not doing so. A campaign advertisement must not be disseminated as an advertisement by radio unless the candidate has posted on the candidate's Web site a transcript of the spoken content of the advertisement or the candidate has filed with the board before the advertisement is disseminated a statement setting forth the reasons for not doing so.

160.27 PARTICULAR USES OF RIGHT-OF-WAY; MISDEMEANORS

Subd. 1. **Public notices**. With the approval of the proper road authority, billboards for the use and purpose of displaying public notices only may be erected within the limits of any public highway, including city streets.

Subd. 6. **Removal of unauthorized advertisements, buildings, or structure**. The road authorities may take down, remove, or destroy any advertisement, building, or structure in or upon any highway in violation of this section and section 160.2715.

160.2715 RIGHT-OF-WAY USE; MISDEMEANORS

(a) Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

(1) obstruct any highway or deposit snow or ice thereon;

(9) place or maintain any advertisement within the limits of any highway, except as provided in section 160.27, subdivision 7;

(10) paint, print, place, or affix any advertisement or any object within the limits of any highway except as provided in section 160.27, subdivision 7;

(11) deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;

(b) Any violation of this subdivision is a misdemeanor.

200.02 DEFINITIONS

Subd. 4. **Special election.** "Special election" means:

(1) an election held at any time to fill vacancies in state or federal offices; or

(2) an election for a special purpose held by a subdivision of the state on a date authorized by section 205.10, subdivision 3a, or 205A.05, subdivision 1a.

Subd. 6. **Political Party**. "Political party" means an association of individuals under whose name a candidate files for partisan office.

Subd. 7. **Major political party**. (a) "Major political party" means a political party that maintains a party organization in the state, political division or precinct in question and that has presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the last preceding state general election for presidential electors; and whose candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election.

(b) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and that has presented at least 45 candidates for election to the office of state representative, 23 candidates for election to the office of state senator, four candidates for election to the office of representative in Congress, and one candidate for election to each of the following offices: governor, and lieutenant governor, attorney general, secretary of state, and state auditor, at the last preceding state general election for those offices.

(c) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and whose members present to the secretary of state at any time before the close of filing for the state partisan primary ballot a petition for a place on the state partisan primary ballot, which petition contains valid signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding

state general election. A signature is valid only if signed no more than one year prior to the date the petition is filed.

(d) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (a) or a political party that presents candidates at an election as required by paragraph (b) becomes a major political party as of January 1 following that election and retains its major party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (a) or fails to present candidates as required by paragraph (b) at subsequent state general elections.

(e) A major political party whose candidates fail to receive the number and percentage of votes required under paragraph (a) and that fails to present candidates as required by paragraph (b) at each of two consecutive state general elections described by paragraph (a) or (b), respectively, loses major party status as of December 31 following the later of the two consecutive state general elections.

Subd. 23. **Minor political party**. (a) "Minor political party" means a political party that has adopted a state constitution, designated a state party chair, held a state convention in the last two years, filed with the secretary of state no later than December 31 following the most recent state general election a certification that the party has met the foregoing requirements, and met the requirements of paragraph (b) or (e), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate:

(1) for election to the office of governor and lieutenant governor, secretary of state, state auditor, or attorney general, at the last preceding state general election for those offices; or

(2) for election to the office of presidential elector or U.S. senator at the preceding state general election for presidential electors; and

(3) who received votes in each county that in the aggregate equal at least one percent of the total number of individuals who voted in the election, or its members must have presented to the secretary of state at any time before the close of filing for the state partisan primary ballot a nominating petition in a form prescribed by the secretary of state containing the valid signatures of party members in a number equal to at least one percent of the total number of individuals who voted in the preceding state general election. A signature is valid only if signed no more than one year prior to the date the petition was filed.

(c) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (b) becomes a minor political party as of January 1 following that election and retains its minor party status for at least two stat general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (b) at subsequent state general elections.

(d) A minor political party whose candidates fail to receive the number and percentage of votes required under paragraph (b) at each of two consecutive state general elections described by paragraph (b) loses minor party status as of December 31 following the later of the two consecutive state general elections.

(e) A minor party that qualifies to be a major party loses its status as a minor party at the time it becomes a major party. Votes received by the candidates of a major party must be counted in determining whether the party received sufficient votes to qualify as a minor party, notwithstanding that the party does not receive sufficient votes to retain its major party status. To be considered a minor party in an election in a legislative district, the political party must have presented at least one candidate for a legislative office in that district who received votes from at least ten percent of the total number of individuals who voted for that office, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the valid signatures of party members in a number equal to at least ten percent of the total number of

individuals who voted in the preceding state general election for that legislative office. A signature is valid only if signed no more than one year prior to the date the petition was filed.

Subd. 29. **Original Signature.** "Original signature" does not include an electronic signature.

204C.035 DECEPTIVE PRACTICES IN ELECTIONS

Subd. 1. **Criminal penalty**. No person shall knowingly deceive another person regarding the time, place, or manner of conducting an election or the qualifications for or restrictions on voter eligibility for an election, with the intent to prevent the individual from voting in the election. A violation of this section is a gross misdemeanor.

Subd. 2. **Reporting false election information**. Any person may report to the county auditor or municipal clerk an act of deception regarding the time, place, or manner of conducting an election or the qualifications for or restrictions on voter eligibility for an election. The election official to whom the report was made shall provide accurate information to the person who reported the incorrect information in a timely manner, and may provide information about the act of deception and accurate information to mass media outlets in any affected area. The county attorney may subsequently proceed under subdivision 1.

204C.06 CONDUCT IN AND NEAR POLLING PLACES

Subd. 1. **Persons allowed near polling place**. An individual shall be allowed to go to and from the polling place for the purpose of voting without unlawful interference. No one except an election official or an individual who is waiting to register or to vote or an individual who is conducting exit polling shall stand within 100 feet of the building in which a polling place is located. "Exit polling" is defined as approaching voters in a predetermined pattern as they leave the polling place after they have voted and asking voters to fill out an anonymous, written questionnaire.

Subd. 2. **Individuals allowed in polling place**. (a) Representatives of the secretary of state's office, the county auditor's office, and the municipal or school district clerk's office may be present at the polling place to observe election procedures. Except for these representatives, election judges, sergeants-at-arms, and challengers, an individual may remain inside the polling place during voting hours only while voting or registering to vote, providing proof of residence for an individual who is registering to vote, or assisting a disabled voter or a voter who is unable to read English. During voting hours no one except individuals receiving, marking, or depositing ballots shall approach within six feet of a voting booth, unless lawfully authorized to do so by an election judge.

(b) Teachers and elementary or secondary school students participating in an educational activity authorized by section 204B.27, subdivision 7, may be present at the polling place during voting hours.

Subd. 3. **Damaging or removing election materials; gross misdemeanor.** No individual shall intentionally:

(a) tear down, mutilate, deface or otherwise damage during the hours of voting any voter instruction poster placed inside or outside of a polling place by an election judge or other election official; or

(b) remove from the polling place before the time for voting ends any ballots prepared for use at the election or any supplies or conveniences placed in voting booths for use by the voters, except as authorized by law.

A violation of this subdivision is a gross misdemeanor.

Subd. 4. **Damaging or removing election materials; felony**. No individual shall intentionally:

(a) remove from a polling place any election file or election register, except as authorized by law;

(b) damage, deface, or mutilate any ballot, election file or election register or any item of information contained on it, except as authorized by law; or

(c) add anything to a ballot, election file, or election register, except as authorized by law.

(d) A violation of this subdivision is a felony.

Subd. 7. **Use of intoxicating liquor; prohibition; penalty**. During the time an election is being held it is a misdemeanor to bring intoxicating liquor or 3.2 percent malt liquor into in a polling place, to drink intoxicating liquor or 3.2 percent malt liquor in a polling place, or to be intoxicated in a polling place. The election judges shall not permit an obviously intoxicated individual to vote or remain in the polling place for any purpose.

204C.06 NOTES & DECISIONS

Statutory violations in the conduct of elections do not of themselves invalidate an election. *Munnell v. Rowlette*, 275 Minn. 92, 145 N.W. 2d (1966).

Former section 204A.37 limited who may be in a polling place while the polls are open. Former section 204A.40 applies after the polls close. Op. Atty. Gen. 182A-5, November 20, 1964. See sections M.S. 204C.07, 204C.19 and 204C.21.

Standing in line by non-voters and the abuse of the right to challenge voters constitute gross misdemeanors under Minnesota law. Op. Atty. Gen. 182, October 26, 1964.

Section applies to village and town elections. Op. Atty. Gen. 490C, November 19, 1954.

When polling place is held in town garage building, coffee socials may not be held within same building. Op. Atty. Gen. 672M, May 10, 1954.

It was not permissible for one of the judges of election on election day to take ballot from polling place to home of sick or disabled person, permit such person to mark it and then return to polling place and cast it in name of such person. Op. Atty. Gen. 28C-1, November 27, 1935.

204C.35 FEDERAL, STATE, AND JUDICIAL RACES

Subd. 1. **Publicly funded recounts.** (a) In a state primary when the difference between the votes cast for the candidates for nomination to:

(1) a state legislative office is less than one-half of one percent of the total number of votes counted for that nomination or is ten votes or less and the total number of votes cast for the nomination is 400 votes or less; or

(2) a statewide federal office, state constitutional office, statewide judicial office, congressional office, or district judicial office is less than one-quarter of one percent of the total number of votes counted for that nomination or is ten votes or less and the total number of votes cast for the nomination is 400 votes or less; and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall manually recount the vote upon receiving a written request from the candidate whose nomination is in question.

Immediately following the meeting of the board that has responsibility for canvassing the results of the nomination, the filing officer must notify the candidate that the candidate has the option to request a recount of the votes at no cost to the candidate. This written request must be received by the filing officer no later than 5:00 p.m. on the second day after the canvass of the primary for which the recount is being sought.

(b) In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to:

(1) a state legislative office is less than one-half of one percent of the total number of votes counted for that office or is ten votes or less and the total number of votes cast for the office is 400 votes or less; or

(2) a statewide federal office, state constitutional office, statewide judicial office, congressional office, or district judicial office and the votes of any other candidate for that office is less than one-quarter of one percent of the total number of votes counted for that office or is ten votes or less if the total number of votes cast for the office is 400 votes or less, the canvassing board shall manually recount the votes upon receiving a written request from the candidate whose election is in question.

Immediately following the meeting of the board that has responsibility for canvassing the results of the general election, the filing officer must notify the candidate that the candidate has the option to request a recount of the votes at no cost to the candidate. This written request must be received by

the filing officer no later than 5:00 p.m. on the second day after the canvass of the election for which the recount is being sought.

(c) A recount must not delay any other part of the canvass. The results of the recount must be certified by the canvassing board as soon as possible.

(d) Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board.

Subd. 2. **Discretionary candidate recounts**. (a) A losing candidate whose name was on the ballot for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be manually recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

(c) A discretionary recount of a primary must not delay delivery of the notice of nomination to the winning candidate under section 204C.32.

(d) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(e) The results of the recount must be certified by the canvassing board as soon as possible.

(f) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(g) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on Election Day by a margin greater than the standard for acceptable performance of voting systems provided in section 206.89, subdivision 4, the cost of the recount must be paid by the jurisdiction conducting the recount.

Subd. 3. **Scope of recount**. A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. Original ballots that have been duplicated under section 206.86, subdivision 5, are not within the scope of a recount and must not be examined except as provided by a court in an election contest under chapter 209.

Subd. 4. **Filing officer**. For the purposes of this section, the secretary of state is the filing officer for candidates for all federal offices and for state offices voted on in more than one county. The county auditor is the filing officer for state offices voted on in only one county.

204C.35 NOTES & DECISIONS

During automatic administrative recount, absent a voluntary agreement between local election officials and two candidates for seat in United States Senate that absentee ballots had been rejected in error and that the absentee-ballot envelopes should be opened and the ballots should be counted, resolution of whether the absentee ballots were rejected in error would have to await an election contest proceeding. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009). (However, see Laws

2013, section 203B.121, subd. 2 (e) which prohibits rejected absentee ballots from being opened or reviewed except in an election contest).

A manual administrative recount, which is necessary when the margin of victory in an election is less than one-half of one percent, is intended to ensure that the votes cast in the election were accurately counted. *Coleman v. Ritchie*, 759 N.W.2d 47 (Minn. 2009).

204C.36 RECOUNTS IN COUNTY, SCHOOL DISTRICT, AND MUNICIPAL ELECTIONS

Subd. 1. **Publicly funded recounts**. (a) Except as provided in paragraphs (b) and (c), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is less than one-quarter of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the one-quarter of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the votes cast for that candidate and for a winning candidate for nomination or election is less than one-half of one percent, and the total number of votes cast for the nomination or election of all candidates is more than 400 but less than 50,000. In cases of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(c) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(d) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed by 5:00 p.m. on the fifth day after the canvass of a primary or special primary or by 5:00 p.m. on the seventh day of the canvass of a special or general election for which a recount is sought.

(e) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district.

Subd. 2. **Discretionary candidate recounts**. (a) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by subdivision 1, clauses (a) to (e). The votes shall be manually recounted as provided in this section if the requesting candidate files with the county auditor, municipal clerk, or school district clerk a bond, cash, or surety in an amount set by the governing body of the jurisdiction or the school board of the school district for the payment of the recount expenses.

(b) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been

counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(c) A discretionary recount of a primary must not delay delivery of the notice of nomination to the winning candidate under section 204C.32.

(d) The results of the recount must be certified by the canvassing board as soon as possible.

(e) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(f) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on Election Day by a margin greater than the standard for acceptable performance of voting systems provided in section 206.89, subdivision 4, the cost of the recount must be paid by the jurisdiction conducting the recount.

Subd. 3. **Discretionary ballot question recounts**. A recount may be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1. A recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. Upon receipt of a written request when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1, the county auditor shall recount the votes for a county question at the expense of the county, the governing body of the municipality shall recount the votes for a municipal question at the expense of the municipality, and the school board of the school district shall recount the votes for a school district question at the expense of the school district. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

Subd. 4. **Expenses**. In the case of a question, a person, or a candidate requesting a discretionary recount, is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Subd. 5. **Notice of contest**. Time for notice of contest of a nomination or election to a county office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the county canvassing board. Time for notice of contest of a nomination or election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality. Time for notice of contest of a school district election that is recounted under this subdivision begins to run on certification of the results of the recount by the school board.

Subd. 6. **Scope of recount**. A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office or question to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

209.02 CONTESTANT; GROUNDS

Subd. 1. **General**. Any eligible voter, including a candidate, may contest in the manner provided in this chapter:

(1) the nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to the senate or the house of representatives of the United States, or to a statewide, county, legislative, municipal, school, or district court office; or

(2) the declared result of a constitutional amendment or other question voted upon at an election. The contest may be brought over an irregularity in the conduct of an election or canvass of votes, over the question of who received the largest number of votes legally cast, over the number of votes legally cast in favor of or against a question, or on the grounds of deliberate, serious, and material violations of the Minnesota Election Law.

209.02 NOTES & DECISIONS

Judicial election could not be set aside solely on basis of judicial code violations. *Burns v. Valen*, 400 N.W. 2d 123 (Minn. Ct. App. 1987).

209.021 NOTICE OF CONTEST

Subd. 1. **Manner; time; contents**. Service of a notice of contest must be made in the same manner as the service of summons in civil actions. The notice of contest must specify the grounds on which the contest will be made. The contestant shall serve notice of the contest on the parties enumerated in this section. Except as provided in section 204D.27, notice must be served and filed within five days after the canvass is completed in the case of a primary or special primary or within seven days after the canvass is completed in the case of a special or general election. If a contest is based on a deliberate, serious, and material violation of the election laws that was discovered from the statements of receipts and disbursements required to be filed by candidates and committees, the action may be commenced and the notice served and filed within ten days after the filing of the statements in the case of a general or special election or within five days after the filing of the statements in the case of a primary or special primary. If a notice of contest questions only which party received the highest number of votes legally cast at the election, a contestee who loses may serve and file a notice of contest on any other ground during the three days following expiration of the time for appealing the decision on the vote count.

FILING FOR OFFICE CHECKLIST

Note: Candidates are solely responsible for meeting the legal requirements of the filing process as provided in Minnesota Election Law. Minnesota Election Law is the final authority in all matters, not this checklist.

AFFIDAVIT OF CANDIDACY

1. Determine correct filing period.
2. **Determine correct filing officer. Confirm office hours during filing period.**
3. Completed, signed and notarized filing paperwork and filing fees can be mailed or delivered by another person to the filing officer. Has to be received in the appropriate filing office during the filing period.
4. For candidates who will be out of the state during the filing period, completed, signed and notarized filing paperwork and filing fees may be submitted 7 days earlier than the first day of filing period. Review M.S. 204B.09, subd. 1a; 205.13, subd. 1b, 205A.06, subd. 1c, for further details.
5. Determine correct name of office sought and determine if there are different seats numbers/letters for a similar office title.
6. The name that you list on the top of the affidavit is the name that will be placed on the ballot; exactly – as is. Make sure it is clearly written and verify with filing officer any details such as hyphenations, Mc names, irregular spacing, etc.
    a. Names are placed on the ballot in upper and lower case, so, be very specific as to what letters are to be capitalized.
7. Affidavit is complete, signed and notarized.
    a. Either before the filing event (no more than 60 days before the first day of the filing period).
    b. Or at the filing event. Filing officers may serve as notarial official for affidavits of candidacy.
8. What is a "complete" affidavit?
    a. Name – exactly what will appear on the ballot (upper and lower case letters).
    b. Review M.S. 204B.06, subd. 1(3), para. 2 regarding "true name and commonly/generally known in the community."
    c. Office & District # - be specific. Clarify the exact name of the seat up for election and make it clear the seat number/letter if similar offices are on the ballot. If there are special elections for vacancies, clearly state which seat you choose.
    d. Partisan & Judicial Offices – clearly state this information to avoid confusion.
    e. Residential address – this is required for many offices. There are a few exceptions.
    f. Campaign Address & Contact – Required and optional items depending upon the office sought. Avoid the use of government phone numbers, addresses or e-mail addresses.
    g. A phone number is required for all affidavits except for some federal, judicial, county sheriff or county attorney offices.
    h. Read through the Affirmation and decide if everything is true and accurate for you and the office you seek before signing.
    i. Sign affidavit in front of a notary public or other officer empowered to take and certify acknowledgements. Filing officers usually have this authority.

j. Affidavit can be completed, signed and notarized within 60 days of the first day of filing for the office and during the filing period.

NOMINATING PETITIONS AND PETITIONS IN PLACE OF FILING FEE

1. Nominating Petitions are required for those filing for partisan office as a minor party or independent candidate. It is also required for offices in some cities of the first class.
    a. Review M.S. 204B.07, 204B.10, 204D.13, 204D.23, 205.121, 205.13 & Minn. Rule Chapter 8205.
    b. Signatures are gathered during the filing period.
2. Petitions in Place of a Filing fee may be used by any candidate to waive the filing fee associated with filing for office.
    a. Review M.S. 204B.11, 204B.131 & Minn. Rule Chapter 8205.
3. There is a **combination** petition (Nomination & In-Place of a Filing Fee) available for partisan offices.
4. If a petition is submitted, the confirmation of the filing will not take place until signatures have been verified and the petition is certified as sufficient.

FILING FEES

1. Most filing offices accept cash or checks. There are a few offices that now accept credit or debit card payments.
2. The filing fee amount and the type of payment will be noted on the affidavit.
3. A separate receipt might be given at that time or a receipt might be mailed out at a later date.

PROOF OF LICENSURE

1. Those filing for the office of County Sheriff must provide proof of licensure as a peace officer in the State of Minnesota. M.S. 204B.06, subd. 8, 387.01, 626.846
2. Those filing for the office of County Attorney must provide proof of licensure to practice law in the State of Minnesota. M.S. 204B.06, subd. 8, 388.01
3. Those filing for any judicial office must provide proof of licensure to practice law in the State of Minnesota. M.S. 204B.06, subd. 8

BEFORE LEAVING

1. Receive a copy of the completed, signed and notarized affidavit.
2. Make sure the phone number is present on the affidavit for most offices.
3. You will receive either a filing number for a complete filing or a receipt number for a petition.
4. Receive a filing packet.
    a. State and judicial offices will receive a packet from the Campaign Finance and Public Disclosure Board with time sensitive materials to be addressed immediately after filing.

AFTER FILING

1. If the office will be on the state primary and/or general election ballots, candidates can find their filing information at the OSS Candidate Finder website (https://candidates.sos.state.mn.us/)
    a. There is a delay between information that is placed in the candidate database and when it is projected on the public website. If it isn't on the website by the next day, contact the filing officer.

2. If an error in the information on the website is found, contact the filing officer with whom you filed, right away. The filing officer will double check the affidavit information and make corrections if warranted.
3. Most filing officers would like the notation of the error and the correction sought in writing. They might verify that you are the candidate or working on behalf of the candidate before making the change as well.
4. If the information on the website matches what was placed on the affidavit, it will most likely not be changed. You may need to speak to the legal counsel of the jurisdiction about changes that do not match what was placed on the affidavit.
5. Elections not held with the state elections may or may not have the availability of the OSS candidate finder website. The filing information is only kept with the filing officer for that election.
6. If a petition was submitted, the candidate will be notified if it was determined to be sufficient or insufficient.
    a. If sufficient, a filing number will be assigned.

WITHDRAWALS

1. There is usually a two-day withdrawal period after the close of filing. There are exceptions, but, usually, the candidate will have up to two days after the close of filing to file a withdrawal if they no longer wish to have their name placed on the ballot.
2. If you miss the deadline for withdrawal, your name, in most cases, will be placed on the ballot.
    a. If you happen to win, it is your choice if you want to accept the certification of election.
    b. If you happen to win, and do not accept the certificate of election, a vacancy will exist. The person who received the next highest number of votes at that election does not receive the certificate of election.

INDEX

ADVANCING MONEY..... 15
ADVERTISEMENTS..... 14
ADVERTISING AND LITERATURE
REQUIREMENTS 14
APPLICABILITY
211B 38
BILLS WHEN RENDERED AND PAID
..... 20
BRIBERY 15, 32
CAMPAIGN FINANCE AND PUBLIC
DISCLOSURE BOARD 3
CAMPAIGN FINANCIAL REPORT,
CHAPTER 211A 10
CAMPAIGN FINANCIAL REPORT,
WHERE TO FILE 11
CAMPAIGN FINANCIAL REPORTING
..... 17
CAMPAIGN PRACTICES
COMPLAINTS..... 38
CAMPAIGN PRACTICES, CHAPTER
211B 12
CAMPAIGN REPORTS 44, 45, 49
CERTIFICATION OF FILING,
CAMPAIGN FINANCIAL REPORT
..... 12
COMPLAINTS
UNFAIR CAMPAIGN PRACTICES
..... 38
CONTESTANT
GROUNDS 58
CONTRIBUTION LIMITS 21
CONTRIBUTIONS AND
SOLICITATIONS DURING
LEGISLATIVE SESSION..... 22
CONTRIBUTIONS, SOLICITATION OF
..... 13
CORPORATE CONTRIBUTIONS 13
COSTS ASSESSED..... 41
COUNTY ATTORNEY INQUIRY 20
DENIAL OF ACCESS
MULTIPLE UNIT DWELLINGS .. 37
DIGEST OF LAWS..... 33
DISCRETIONARY BALLOT
QUESTION RECOUNTS 57
DISCRETIONARY CANDIDATE
RECOUNTS 57
DISQUALIFIED CANDIDATE 36
DISQUALIFIED INDIVIDUALS NOT
TO HOLD VARIOUS POSITIONS
..... 21
ELECTION DAY
PROHIBITIONS 30
ELECTION DAY ACTIVITIES 16
EVIDENTIARY HEARING BY PANEL
..... 40
EXPENDITURES
LEGAL..... 31
FAILURE TO FILE STATEMENT..... 19
FAILURE TO KEEP ACCOUNT;
PENALTY 20
FAIR CAMPAIGN PRACTICES..... 23
FALSE CLAIM OF PARTY SUPPORT
..... 15
FALSE CLAIM OF SUPPORT 24
FALSE POLITICAL AND CAMPAIGN
MATERIAL
EXCEPTIONS..... 27
PENALTY 27
FEDERAL OFFICES 12
FEDERAL RACES 54
FINAL REPORT 19
FINAL REPORTS, CAMPAIGN
FINANCIAL REPORT..... 10
FINANCIAL REPORT 17
FORFEITURE OF NOMINATION... 36
FORFEITURE OF NOMINATION OR
OFFICE 20
FORFEITURE OF OFFICE 36
IMPROPERLY INFLUENCING
VOTERS 15
INCOME TAX PAYMENTS..... 50
INFLUENCING A PERSON'S
CANDIDACY 15
INFLUENCING OTHERS 15
JUDICIAL RACES 54
MAJOR POLITICAL PARTY 51
MINOR POLITICAL PARTY 52
MISDEMEANORS
160.27..... 51
MULTIPLE-UNIT DWELLINGS 16
NON-CAMPAIGN DISBURSEMENT
..... 43
NONCOMMERCIAL SIGNS
EXEMPTION 26
NOTICE OF CONTEST 58
OPTIONAL RECOUNT 55
OTHER PRINTED LITERATURE 15
PAID ADVERTISEMENTS IN NEWS
..... 26
PARADES..... 38
PENALTIES
211B 16, 37
PENALTIES FOR VIOLATIONS..... 21
POLITICAL CONTRIBUTIONS
CORPORATE 33
POLLING PLACES
CONDUCT 53
PRIMA FACIE 39
PROBABLE CAUSE HEARING..... 39
PROHIBITED TRANSFERS 22
PROMISE APPOINTMENTS 15
PROSECUTION..... 36
PUBLIC EMPLOYEE ACTIVITIES
PROHIBITED 30
RECOUNT
EXPENSES 57, 58
NOTICE OF CONTEST 57, 58
RECOUNTS
COUNTY..... 56
MUNICIPAL..... 56
SCHOOL DISTRICT..... 56
REELECT 15
REELECT
USE OF TERM 24
REGULATION OF EXPENDITURES 13
RELATED LAWS..... 43
REQUIRED RECOUNTS..... 56
SECRETARY OF STATE'S DUTIES .. 19
SOLICITATION..... 32
SOLICITATION OF CONTRIBUTIONS
PROHIBITED 29
SPENDING LIMITATIONS AMOUNT
..... 13
SPENDING LIMITATIONS-PURPOSE
..... 13
STATE RACES 54
SUMMARY AND ANNOTATIONS ... 9
THREATS..... 15
TRANSPORTING VOTERS 15
TREATING..... 15, 32
UNDUE INFLUENCE 15, 29
USES OF RIGHT-OF-WAY 51
VIOLATION
211B 37
VIOLATIONS
211B 16

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation _____

Office sought or ballot question _____ District _____

Type of report
_____ Candidate report
_____ Campaign committee report
_____ Association or corporation report
_____ Final report

Period of time covered by report:

from _____ to _____

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded $100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH $ _____ TOTAL CASH-ON-HAND $ _____

IN-KIND + $ _____

TOTAL AMOUNT RECEIVED = $ _____

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

Date	*Purpose*	*Amount*
	TOTAL	

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than $200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

Date	*Purpose*	*Name and Address of Recipient*	*Expenditure or Contribution Amount*
		TOTAL	

I certify that this is a full and true statement. _____
Signature Date

Printed Name _____ Telephone _____ Email (if available) _____

Address _____

For Office Use Only: Name Office Report

CAMPAIGN FINANCIAL REPORT INSTRUCTIONS

(Reference: Minnesota Statutes, Chapters 211A and 211B)

This CAMPAIGN FINANCIAL REPORT is for use by candidates and committees for county, municipal, school district and special district office who receive contributions or make disbursements of more than $750 in a calendar year; committees or corporations spending more than $750 for or against a ballot question in a calendar year; and corporations spending more than $200 on activities to encourage participation in precinct caucuses, voter registration or voting.

WHERE TO FILE:

Hospital Districts	The municipal (city or town) clerk – same place where filed affidavit of candidacy
Park Districts	The county auditor or municipal clerk – same place where filed affidavit of candidacy
School Districts	School district clerk
Townships	Town clerk
Cities	City clerk
Soil & Water Conservation Districts	County auditor
Counties	County auditor

WHEN TO FILE: The initial report must be filed within 14 days after the candidate or committee receives contributions or makes disbursements of more than $750 in a calendar year. Subsequent reports must be filed:

During an election year - An "election year" is any year in which the candidate's name or a question appears on the ballot.

In such a year (if an initial report has been filed) reports are required to be filed:

- 10 days before the primary or special primary
- 10 days before the general election or special election
- 30 days after a general election or special election
- By January 31 of each year following the year when the initial report was filed.

During a non-election year - By January 31 of each year following the year when the initial report was filed.

Once a **final report** (see below) is filed, no further subsequent reports are required to be filed.

CONTRIBUTIONS: Means anything of monetary value that is given or loaned to a candidate or committee for a political purpose. "Contribution" does not include a service provided without compensation by an individual. **Each candidate or committee must list the total amount of cash-on-hand designated to be used for political purposes as of the close of the reporting period.**

CONTRIBUTION LIMITS: Candidates or candidate's committees for county, municipal, school district offices may not accept aggregate contributions in excess of $600 in an election year or in excess of $250 in a non-election year made or delivered by an individual or committee. However, candidates seeking election from districts with a population in excess of 100,000 may not accept aggregate contributions in excess of $1,000 in an election year and $250 in a non-election year.

BALLOT QUESTIONS: Any political committee, association or corporation that makes a contribution or expenditure to promote or defeat a ballot question as defined in Minnesota Statutes, section 211A.01 shall file reports with the filing officer responsible for placing the question on the ballot. Reports must be filed within 14 days of receiving contributions or making disbursements of more than $750 in one calendar year, using the same schedule as above.

CONGRESSIONAL CANDIDATES: Candidates for election to the United States House of Representatives and Senate and any committee raising funds exclusively on behalf of any one of those candidates may file copies of the reports required by federal law in lieu of those required by Minnesota Statutes Chapter 211A.

CORPORATE ACTIVITIES TO ENCOURAGE PARTICIPATION: Corporations may contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register or vote if the projects are not controlled by or operated for the advantage of a candidate, political party or committee. The total amount of expenditures or contributions for any one project greater than $200, together with the date, purpose and the names and addresses of the persons receiving the contribution or expenditures must be reported. Reports must be filed with the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299, using the same schedule as above.

FINAL REPORT: A final report may be filed any time after the candidate, committee or corporation has settled all debts and disposed of all assets in excess of $100 in the aggregate. Check final report under "type of report".

PROHIBITED TRANSFERS: Candidates for county, municipal, school district or special district offices may not accept contributions from the principal campaign committees of any candidate for legislative, judicial or state constitutional office. In addition, a candidate may not make contributions to the principal campaign committee of any candidate for legislative, judicial or state constitutional office unless the contributions are made from the candidate's personal funds.

STATE CANDIDATES: Candidates and committees for state constitutional offices, the state legislature, supreme court, court of appeals, district court and committees for state constitutional amendments are governed by Minnesota Statutes Chapter 10A. Contact the State Campaign Finance and Public Disclosure Board for further information at (651) 539-1180.

Note: The filing officer must restrict public access to the address of any individual who has made a contribution that exceeds $100 and who has filed with the filing officer a written statement signed by the individual that withholding the individual's address from the financial report is required for the safety of the individual or the individual's family.

CAMPAIGN FINANCIAL REPORT CERTIFICATION OF FILING

Instructions

Each county, municipal or school district candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports required by Minnesota Statutes 211A.02 have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding $750 in the calendar year. The certification shall be submitted to the filing officer not later than seven days after the general or special election. (Minnesota Statutes 211A.05, subdivision 1).

Campaign Information

Name of candidate or committee _____

Office sought by candidate (if applicable) _____

Identification of ballot question (if applicable) _____

Certification

Select the appropriate choice below, and sign:

☐ I do swear (or affirm) that all campaign financial reports required to date by Minnesota Statutes 211A.02 have been submitted to the filing officer.

☐ I do swear (or affirm) that campaign contributions or disbursements did not exceed $750 in the calendar year.

Signature of candidate or committee treasurer _____

Date _____

Office of the Minnesota Secretary of State

Elections Division

2020 Campaign Manual

4/24/2020