

Minnesota

Campaign Finance and Public Disclosure Board Meeting

Wednesday, February 5, 2020
10:30 A.M.
St. Croix Room
Centennial Office Building

REGULAR SESSION AGENDA

1. Approval of Minutes
 - a. January 3, 2020
2. Chair's Report
 - a. 2020 Meeting schedule
3. Executive director report
4. Review of Relevant Court Decisions
 - a. Schickel v. Dilger (lobbyist contribution ban, sessional contributions, and gift ban)
 - b. Citizens Union v. New York (disclosure of large donors by 501(c)s)
5. Enforcement report
6. Advisory Opinion 452 – Joint Purchase of Services
7. Legislative recommendations
8. Prima facie determination finding no violation
9. Legal report
10. Other business

EXECUTIVE SESSION

Immediately following regular session

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

.....
**January 3, 2020
St Croix Room
Centennial Office Building**
.....

MINUTES

The meeting was called to order by Chair Moilanen.

Members present: Flynn, Haugen, Leppik, Moilanen, Rosen (by telephone, left during legal report), Swanson

Others present: Sigurdson, Engelhardt, Olson, Pope, staff; Hartshorn, counsel

MINUTES (December 4, 2019)

After discussion, the following motion was made:

Member Leppik's motion:

To approve the December 4, 2019, minutes as drafted.

Vote on motion:

A roll call vote was taken. All members voted in the affirmative.

CHAIR'S REPORT

A. 2020 Meeting schedule

The next Board meeting is scheduled for 10:30 a.m. on Wednesday, February 5, 2020.

B. Verbal comments from Chair Moilanen

Chair Moilanen said that to begin his term as chair, he had asked individual members and staff for suggestions about how the Board could do things better in the coming year. Chair Moilanen told members that he had heard their comments and would raise them in the appropriate places during the meeting. Members then discussed whether to start meetings at an earlier time but ultimately decided to retain the current 10:30 a.m. starting time.

EXECUTIVE DIRECTOR REPORT

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that staff member Kevin Lochner would be leaving his position on January 7th. Mr. Sigurdson said that Mr. Lochner had administered the economic interest (EIS) program. Mr. Sigurdson stated that he would post the vacancy after reviewing

the position description to ensure that it accurately reflected the amount of time spent on the EIS program. Mr. Sigurdson then told members that he and Assistant Director Engelhardt had attended the Council on Governmental Ethics Laws (COGEL) conference where they had taken part in seminars discussing new issues in the campaign finance, lobbying, and ethics areas and had exchanged information with counterparts from other states. Mr. Sigurdson also said that the primaries for two house special elections would be held soon and that staff would be making public subsidy payments for those elections after the primaries.

ADVISORY OPINION 451 – GIFT PROHIBITION

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that the draft advisory opinion was public because the requester had signed the necessary release. Mr. Sigurdson explained that the requester was a professor who had asked whether members of the legislature could be given meals as part of a study to determine whether having lunch together had any effect on bipartisan cooperation. Mr. Sigurdson said that the draft opinion concluded that the meals were not prohibited gifts because the study's sponsors were not principals.

After discussion, the following motion was made:

Member Swanson's motion:	To approve Advisory Opinion 451 as drafted.
Vote on motion:	A roll call vote was taken. All members voted in the affirmative.

REVIEW OF RELEVANT COURT DECISIONS

A. Thompson v. Hebdon (individual contribution limit)

Mr. Olson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Olson told members that this case involved the question of whether Alaska's \$500 annual limit on individual contributions to state-level candidates violated the Constitution. Mr. Olson said that the U.S. Supreme Court had ordered the 9th Circuit Court of Appeals to reconsider its decision upholding the limit in light of *Randall v. Sorrell*, a 2006 Supreme Court case. Mr. Olson said that in *Randall v. Sorrell*, which was a plurality opinion, the Supreme Court had invalidated contribution limits similar to those in Alaska because the dollar amounts simply were too low. Mr. Olson said that the *Thompson* decision had no immediate implications for Chapter 10A but that if the case were to make its way to the Supreme Court again, it could lead to a re-examination of the question of how low a contribution limit may be before it violates the First Amendment.

B. Calzone v. Summers (lobbyist registration and reporting)

Mr. Olson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Olson told members that this case involved the question of whether a Missouri law requiring registration of all lobbyists, even those who were not paid to lobby, violated the

Constitution. Mr. Olson said that the 8th Circuit Court of Appeals had determined that the law violated the First Amendment when applied to a person who did not receive money or anything else of value for his lobbying activities. Mr. Olson said that the *Calzone* decision did not have any direct implications for Chapter 10A because Minnesota's lobbyist registration and reporting requirements apply only to those who receive more than \$3,000 per year in compensation for lobbying or who spend more than \$250 in a year of their own money on lobbying efforts. Mr. Olson said that it appeared that the State of Missouri might appeal the *Calzone* decision.

ENFORCEMENT REPORT

Before Mr. Olson started the enforcement report, Chair Moilanen said that one of the suggestions that he had received from members concerned creating a consent agenda for this portion of the meeting. Members discussed the issue and directed staff to move forward with this plan for the next meeting with the understanding that any member could remove an item from the consent agenda for discussion.

A. Discussion item

1. Retroactive administrative termination of lobbyist Walid Issa (4187)

Mr. Olson told members that Mr. Issa's former employer, Solomon Strategies Group (SSG), had asked for the administrative termination of Mr. Issa's registrations as a lobbyist for five principals. SSG asked that the terminations be retroactive to June 30, 2017. Mr. Olson said that a reporting lobbyist for four of the principals had filed lobbyist disbursement reports inclusive of Mr. Issa that covered each reporting period through May 31, 2019, and that a former reporting lobbyist for the remaining principal had filed lobbyist disbursement reports inclusive of Mr. Issa that covered each reporting period through May 31, 2018. Mr. Olson stated that SSG had asked Mr. Issa to file termination statements but that Mr. Issa had not done so. Mr. Olson said that the Board had laid the matter over at the December meeting and had directed staff to ask SSG to remove references to Mr. Issa from its website. Mr. Olson stated that SSG's website had since been updated to remove references to Mr. Issa. Mr. Olson said that Board staff was asking that Mr. Issa's termination date be June 30, 2017.

After discussion, the following motion was made:

Member Leppik's motion:

To approve the request for the retroactive administrative termination of lobbyist Walid Issa.

Vote on motion:

A roll call vote was taken. All members voted in the affirmative.

B. Waiver request

<u>Name of Candidate or Committee</u>	<u>Late Fee & Civil Penalty Amount</u>	<u>Reason for Fine</u>	<u>Factors for waiver</u>	<u>Board Member's Motion</u>	<u>Motion</u>	<u>Vote on Motion</u>
Together Minnesota	\$1,300 LFFs	3 2018 pre-primary 24-hour notices (2 were late, 1 was never received)	<p>IE committee registered during pre-primary 24-hour notice period on 8/7/2018, one day after it received a contribution of \$15,000, so it was required to file a 24-hour notice the same day it registered. Treasurer filed an underlying source disclosure statement on 8/10/2018 for contribution received 8/6/2018 and thought that the statement satisfied 24-hour notice requirement. Treasurer thought contribution of \$3,000 received 8/9/2018 did not require a 24-hour notice because unregistered associations are only required to provide underlying source disclosure statements to IE committees if they give \$5,000 or more in a calendar year. Two contributions over \$1,000 were deposited 8/13/2018, the last day of pre-primary 24-hour notice period. Treasurer stated that he should have reported those contributions as having been received 8/14/2018, as that was the date the funds became available in committee's bank account, and that would have prevented the committee from having to file 24-hour notices for those contributions. However, Minn. Stat. § 10A.15, subd. 2a, states that contribution not made through electronic means is received for reporting purposes when contribution is physically received, not when deposited, and definition of contribution includes negotiable instruments, so the contributions had to have been received on or before 8/13/2018. Treasurer uses Apple computer and thus files paper reports. He apparently didn't realize until 8/13/2018 that 24-hour notices may be filed electronically via the Board's website and 24-hour notices were filed for three of the subject contributions on that day. One of those notices was timely filed while the other two resulted in LFFs of \$200 and \$100 based on the date contributions were received. No 24-hour notice was received regarding one of the 8/13/2018 contributions, resulting in LFF of \$1,000.</p> <p>The Board typically reduces \$1,000 24-hour notice late fees for first-time violations to \$250.</p>	Member Swanson	To reduce the late filing fees to \$360.	Roll call vote was taken. Five members voted in affirmative. Member Flynn abstained.

C. Informational items

1. Payment of late filing fee for 2018 pre-general report of receipts and expenditures

People PAC, \$800

2. Payment of late filing fee for lobbyist disbursement report due 6/17/2019

Robert Doar, \$100

Bob Carney Jr., \$75

Martin McDonough, \$100

Christopher Parsons, \$25

REVIEW OF LEGISLATIVE RECOMMENDATIONS

Mr. Sigurdson presented members with a memorandum regarding this issue that is attached to and made a part of these minutes. Mr. Sigurdson said that the Governor's Office had contacted him and had voiced no objections to the legislative proposals but had indicated that the governor had other priorities for the 2020 session, specifically the bonding bill. Mr. Sigurdson then stated that in response to comments from lobbyists, the lobbying proposal had been changed to require reporting of any issue on which the lobbyist spent 25% of his or her efforts, rather than 10%. Mr. Sigurdson said that the lobbyist proposal now also included a provision applicable when a former legislator arranges meetings between lobbyists and current legislators but does not actually attend or lobby at those meetings. Mr. Sigurdson said that in these situations, the former legislator would need to register as a lobbyist or the entity that hired the former legislator would need to report that payment as a lobbying expense.

Kathy Hahne from the Minnesota Governmental Relations Council (MGRC) then addressed the Board. Ms. Hahne said that the MGRC had surveyed its members about the lobbying proposal. Ms. Hahne reported that the MGRC members were supportive of the goal of better disclosure and specifically supported the recommended changes regarding identification of lobbying subjects at the time of registration and the threshold for reporting on the annual report by lobbyist principals. Members were concerned about the potential administrative burdens related to reporting on the lobbyist disbursement reports. Specifically, some members from smaller firms were concerned about how they would determine whether they had met the 10% reporting threshold, especially when they were paid on a flat fee basis. Ms. Hahne acknowledged that the latest version of the lobbying proposal increased this reporting threshold to 25% and said that the threshold change had been made after the survey was released to MGRC members. Ms. Hahne said that the MGRC governing board would consider taking a formal position on the proposal at its January meeting. Ms. Hahne then answered questions from members.

Members then decided to first discuss the two new proposals regarding lobbying and the increase in the amount of the political contribution refund (PCR). Discussion also took place regarding different ways that the Board could proceed with any legislative proposals. After discussion, it was the consensus of the Board not to pursue the PCR proposal this year. Members, however, were interested in continuing to refine and pursue the lobbyist proposal.

Next, members reviewed the decisions that had been made in 2019 regarding the proposals for the campaign finance and economic interest (EIS) programs. Members recalled that the Board had unanimously approved the technical changes for both programs and the policy changes for the EIS

program. The policy changes for the campaign finance program were approved but this approval was not unanimous.

Additional discussion took place regarding how to proceed with the legislative proposals. Members discussed the idea of sending a letter to some or all members of the legislature and what content should be in any letter that was sent. Members also discussed who should sign the letter.

George Beck from Clean Elections Minnesota (CEM) then addressed the Board. Mr. Beck referred members to the written comments that CEM had submitted for the meeting. Mr. Beck urged the Board to pursue the policy changes to the definition of express advocacy and discussed the concerns that this proposal was intended to address. Mr. Beck then answered questions from members.

Members continued discussing the potential content of the letter that could be sent to the legislature. During this discussion, Mr. Sigurdson noted that Board had not officially acted on the lobbying proposals.

After discussion, the following motion was made:

Member Swanson's motion: To add the lobbying proposals in the form presented at the January meeting to the Board's list of approved policy recommendations with the understanding that those proposals may be modified going forward.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

After additional discussion, the following motion was made:

Member Moilanen's motion: To direct staff to draft a letter for signature by all Board members for distribution to all legislators advising the legislature that amendments to Chapter 10A are needed in the areas of campaign finance, economic interest, and lobbying; that these amendments involve both technical and policy changes, that there is some urgency for some of the proposals, that Chapter 10A has not been updated in some areas in a number of years, and that the Board invites further discussion with the Board or the executive director about these changes.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

LEGAL COUNSEL'S REPORT

Mr. Hartshorn presented members with a legal report that is attached to and made a part of these minutes. Mr. Hartshorn told members that a default judgment hearing soon would be held in the Meyer matter and that the Ellingboe matter had been resolved. Mr. Hartshorn had nothing else to add to the legal report.

OTHER BUSINESS

Chair Moilanen thanked Member Leppik for her service as chair in 2019 and Mr. Lochner for his work with the Board in the economic interest program.

EXECUTIVE SESSION

The chair recessed the regular session of the meeting and called to order the executive session. Upon recess of the executive session, the chair had nothing to report into regular session.

There being no other business, the meeting was adjourned by the chair.

Respectfully submitted,

Jeff Sigurdson
Executive Director

Attachments:

Executive director's report
Memorandum regarding Advisory Opinion 451
Draft public version of Advisory Opinion 451
Memorandum regarding *Thompson v. Hebdon*
Memorandum regarding *Calzone v. Summers*
Memorandum regarding legislative recommendations
2019 legislative recommendations
Lobbyist recommendations
Political contribution refund program recommendations
Legal report



MINNESOTA

CAMPAIGN FINANCE BOARD

Board Meeting Dates for Calendar Year 2020

Meetings are at **10:30 A.M.** unless otherwise noted.

2020

Wednesday, March 4

Wednesday, April 1

Wednesday, May 6

Wednesday, June 3

Wednesday, July 1

Wednesday, August 5

Wednesday, September 2

Wednesday, October 7

Wednesday, November 4

Wednesday, December 2



MINNESOTA

CAMPAIGN FINANCE BOARD

Date: January 29, 2020

To: Board Members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Executive Director's Report

Status of Year-end Reports and Annual Certification

Notices of the need to file the 2019 year-end Report of Receipts and Expenditures, the June – July Lobbyist Disbursement Report, and the EIS Annual Certification were all mailed at the end of December. The table of reports expected and filed is as of January 29, 2020.

Program	Reports Expected	Due Date	Filed Electronically	Number of Reports Outstanding
Lobbyist	2,145	1/15/2020	2,013 (94%)	7
EIS	2,976	1/27/2020	2,594 (87%)	205
Campaign Finance	1,062	1/31/2020	609	Will be updated at Board meeting



MINNESOTA CAMPAIGN FINANCE BOARD

Date: January 29, 2020

To: Board members

From: Andrew Olson, Legal/Management Analyst

Telephone: 651-539-1190

Re: Schickel v. Dilger, [925 F.3d 858](#) (6th Cir. 2019) (ban on lobbyist contributions to legislators, ban on contributions from principals and PACs during session, and gift ban)

Kentucky's Restrictions on Lobbyists and Principals Regarding Contributions and Gifts to Legislators and Candidates

Kentucky completely prohibits contributions from lobbyists to the campaign committees of state legislators and candidates for its state legislature,¹ and bars lobbyists from serving as treasurers for, or soliciting or delivering contributions to, those candidate committees.² Kentucky prohibits contributions to those committees from the employers of lobbyists and Kentucky's equivalent of political committees during a regular session of its state legislature.³

Kentucky also bars lobbyists and employers of lobbyists from giving "anything of value" to state legislators and candidates for its state legislature, as well as their spouses and children.⁴ Kentucky's gift prohibition used to allow lobbyists and their employers to spend up to \$100 on food and beverages per year, per legislator, regardless of the type of occasion involved, but that exception was eliminated in 2014.⁵ Like Chapter 10A, there are a number of exceptions to Kentucky's gift prohibition including an exception for events to which all members of either chamber of the state legislature, all members of a joint committee or task force, or an entire caucus of legislators, are invited.⁶ These statutes are enforced by the Kentucky Legislative Ethics Commission (KLEC).

Federal District Court Decision

An incumbent state legislator and a former legislative candidate filed a federal lawsuit in 2015 challenging a number of provisions including those listed above on vagueness, First Amendment, and equal protection grounds. In 2017 the district court, applying the most rigorous level of review, strict scrutiny, struck down the blanket prohibition on contributions from lobbyists. The court found that the law was not narrowly tailored to achieve the state's compelling interest of preventing quid pro quo corruption because it was not limited to the

¹ Ky. Rev. Stat. § 6.767 (2); Ky. Rev. Stat. § 6.811 (6).

² Ky. Rev. Stat. § 6.811 (5).

³ Ky. Rev. Stat. § 6.767 (3); Ky. Rev. Stat. § 6.811 (7).

⁴ Ky. Rev. Stat. § 6.751 (2); Ky. Rev. Stat. § 6.811 (4).

⁵ 2014 Ky. Acts 276.

⁶ Ky. Rev. Stat. § 6.611 (2) (b).

legislative session.⁷ The district court also struck down the ban on lobbyists serving as treasurers for, or soliciting or delivering contributions to, legislative candidates, noting that the state provided “no evidence of recent corruption in Kentucky that would show that the ban is narrowly tailored to address an important government interest.” The district court, applying a lower level of scrutiny, upheld the prohibition on contributions from employers of lobbyists and Kentucky’s equivalent of political committees during a regular legislative session.

The district court discussed the gift prohibition at length, decided to apply strict scrutiny, and noted that a violator of the gift prohibition is subject to criminal prosecution. The district court found the gift prohibition to be unconstitutionally vague, in part “because it does not give a person of ordinary intelligence the ability to know what conduct is prohibited.” The district court deemed the gift prohibition to be a content-based restriction on speech because it only applied to lobbyists and their employers. The district court concluded that the gift prohibition violated the Equal Protection Clause of the Fourteenth Amendment because it “treats lobbyists differently from other constituents.” Finally, the district court struck down the gift prohibition as overbroad on its face and therefore violative of the First Amendment, concluding that “the gift ban may include innocuous interactions between legislators and constituents that could cause a chilling effect on fundamental interactions in the furtherance of the democratic process.”

Sixth Circuit Court of Appeals Decision

On appeal in 2019, a unanimous Sixth Circuit Court of Appeals panel reversed with respect to each statute that was invalidated by the district court.⁸ The Sixth Circuit held that the plaintiffs lacked standing to challenge the provisions that only restrict the activities of lobbyists and their employers, but could challenge the corresponding provisions that prohibit legislators and candidates from accepting contributions and gifts from certain sources. The panel concluded that those provisions were subject to closely drawn scrutiny, not strict scrutiny, as they “are marginal restrictions that do not in any way hinder lobbyists’ or legislators’ ability to discuss candidates or issues.”⁹ The Sixth Circuit described the evidence the state offered of endemic past corruption involving state legislators, including quid pro quo corruption, which led to the enactment of the challenged statutes.

With respect to the complete ban on contributions from lobbyists, the panel noted that the Fourth Circuit Court of Appeals recently had upheld a similar prohibition in North Carolina, stating that lobbyists “are especially susceptible to political corruption” and “a complete ban was necessary as a prophylactic to prevent not only actual corruption but also [its] appearance.”¹⁰ The Sixth Circuit found “no merit to the legislators’ argument that only *recent* scandals justify a contribution ban” and concluded that “[w]hile this ban dispenses with one means a legislator has to gather funds, it leaves open others less susceptible to the same risk of corruption or its appearance, and thus survives closely drawn scrutiny.” For similar reasons, the panel affirmed the district court in upholding the ban on contributions from the employers of lobbyists and Kentucky’s equivalent of political committees during a regular legislative session.

The Sixth Circuit also found the gift prohibition to be constitutionally sound, stating that it “does not prevent lobbyists and legislators from meeting” and “does not forbid *any* interaction or the utterance of *any* word between the two. They may associate as often as they wish over a cup

⁷ [Shickel v. Dilger, No. 2:15-CV-00155, 2017 WL 2464998 \(E.D. Ky. June 6, 2017\)](#).

⁸ [Schickel v. Dilger, 925 F.3d 858 \(6th Cir. 2019\)](#).

⁹ Closely drawn scrutiny, first articulated by the United States Supreme Court in *Buckley v. Valeo* in 1976, is an intermediate level of review requiring “a sufficiently important interest” and “means closely drawn to avoid unnecessary abridgment of associational freedoms.”

¹⁰ The Six Circuit panel was discussing [Preston v. Leake, 660 F.3d 726 \(4th Cir. 2011\)](#).

of coffee or dinner or baseball game. This law simply requires that, if they do, legislators pay their own way.” The panel held that the exception for events to which all members of a chamber, joint committee or task force, or caucus, are invited, does not make the gift prohibition impermissibly underinclusive, but rather “encourages interactions that are less likely to raise concerns about actual or apparent corruption.” The Sixth Circuit rejected the argument that the gift prohibition was overbroad, explaining that though the plaintiffs offered clever hypotheticals, there was no evidence showing that the KLEC enforced, or threatened to enforce, the gift prohibition in a manner that would sweep in the conduct referenced by the plaintiffs.

The panel concluded that the gift prohibition was not a content-based restriction, as it did not target the content of anyone’s speech. The Sixth Circuit held that when applying closely drawn scrutiny, the prohibition survived the plaintiffs’ equal protection argument. The panel also concluded that the gift prohibition was not unconstitutionally vague. The Sixth Circuit stated that although the phrase “anything of value” was broad and left room for ambiguity, it was clear what, as a whole, was prohibited by the statute. The panel specifically noted that Kentucky allows those potentially affected by the statute to request an advisory opinion in which the requester may remain confidential.

The plaintiffs in the case requested rehearing en banc by the Sixth Circuit Court of Appeals, which was denied in July 2019. Their request for review by the United States Supreme Court was denied in December 2019.

Potential Impact on Chapter 10A

There does not appear to be any direct impact on Chapter 10A except to bolster the constitutionality of its gift prohibition and bar on contributions from certain sources during a regular legislative session. The decision of the Sixth Circuit Court of Appeals illuminates the possibility of amending Chapter 10A to entirely prohibit contributions from lobbyists to candidates or to include the spouses of officials within the gift prohibition.



MINNESOTA CAMPAIGN FINANCE BOARD

Date: January 29, 2020

To: Board members

From: Andrew Olson, Legal/Management Analyst

Telephone: 651-539-1190

Re: Citizens Union of the City of New York v. Attorney Gen. of New York, [408 F. Supp. 3d 478](#) (S.D.N.Y. 2019) (requirement imposed on some 501(c) organizations to publicly disclose large donors)

New York's Requirement that Certain 501(c) Groups Publicly Disclose Some Donors

In 2016 New York enacted a law applying to any 501(c)(3) organization that gives a cash or in-kind donation in excess of \$2,500 to a 501(c)(4) organization that is engaged in lobbying in New York. The law requires the 501(c)(3) organization to file a report disclosing the identity of any donor to the 501(c)(3) organization that gave in excess of \$2,500 during a six-month reporting period.¹

The same law requires any 501(c)(4) organization that spends more than \$10,000 in a calendar year on certain communications to file a report disclosing the name and address of any donor that gave the organization at least \$1,000 within a six-month reporting period.² A 501(c)(4) may avoid disclosing most of its donors by using a segregated bank account to pay for those communications, in which case the report only needs to include donations of \$1,000 or more per reporting period that are deposited into that account. The law encompasses any communication conveyed to at least 500 members of the public that "refers to and advocates for or against a clearly identified elected official or the position of any elected official or administrative or legislative body relating to the outcome of any vote or substance of any legislation, potential legislation, pending legislation, rule, regulation, hearing, or decision by any legislative, executive or administrative body." Expenditures that are covered by a separate state reporting requirement such as lobbyist and campaign finance disclosure laws are categorically excluded.

In each case, reports filed by 501(c) organizations would be made available to the public unless the New York Attorney General determines that disclosure would "cause harm, threats, harassment, or reprisals to the source of the donation or to individuals or property affiliated with the source of the donation." The decision of the Attorney General is appealable to a judicial hearing officer.

¹ N.Y. Exec. Law § 172-e.

² N.Y. Exec. Law § 172-f.

Federal District Court Decision

The provisions in question took effect in late 2016. However, New York agreed to delay enforcement pending the outcome of a federal lawsuit filed by a 501(c)(4) organization with an affiliated 501(c)(3) in December 2016 asserting that those provisions facially violated the First Amendment. A federal district court, applying exacting scrutiny,³ struck down both provisions as violative of the First Amendment in September 2019.⁴

With respect to the provision applicable to 501(c)(3)s, the court noted that disclosures “are required whether or not the 501(c)(3) donor intended to support a 501(c)(4) or exercised any control over the 501(c)(3)'s donation to the 501(c)(4).” The court found the provision “places a significant burden on the First Amendment interest in freedom of association” of those who desire anonymity, whether “motivated by fear of economic or official retaliation, by concern about social ostracism, or merely by a desire to preserve as much of one's privacy as possible.” The court held that “[t]here is no substantial relation between the requirement that the identity of donors to 501(c)(3)s be publicly disclosed and any important government interest.” The court found that although New York referenced the interests of deterring corruption and aiding the detection of violations of law, it offered no fully developed argument linking the challenged provisions to those interests. The court further concluded that “[t]he link between a 501(c)(3) donor and the content of lobbying communications by the 501(c)(4) is too attenuated to effectively advance any informational interest.”

Addressing the possibility that any given report may be withheld from the public by the state, the court explained that “an after-the-fact exemption procedure does nothing to ameliorate the chilling effect on 501(c)(3) donors. The possibility that the Attorney General might in the future approve a disclosure exemption would provide cold comfort to a potential donor asked to run the risk of threats, harassment, or reprisals.”

With respect to the disclosure required of 501(c)(4)s, the court observed that the requirement “sweeps far more broadly than any disclosure law that has survived judicial scrutiny” because it was not limited to communications mentioning candidates, electioneering, and “direct lobbying of elected officials.” The court addressed the argument that the state’s “information interest relates broadly to any undue influence in politics (not just elections) arising from undisclosed contributions.” The court concluded that “[t]he cases upholding donor disclosure requirements have never recognized an informational interest of such breadth. Indeed, the narrowing constructions adopted in *Harriss*⁵ and *Buckley*,⁶ combined with the protections for anonymous speech articulated in *Talley*⁷ and *McIntyre*,⁸ strongly suggest that compelled identity disclosure is impermissible for issue-advocacy communications.” The court held that the option to only disclose donors whose donations were transferred to a segregated account used for covered communications “does nothing to remedy the central flaw,” which was that the statute “encompasses issue advocacy.” The State of New York has not filed a notice of appeal.

³ Exacting scrutiny is an intermediate level of scrutiny requiring a “substantial relation between the disclosure requirement and a sufficiently important governmental interest.”

⁴ [Citizens Union of the City of New York v. Attorney Gen. of New York](#), 408 F. Supp. 3d 478 (S.D.N.Y. 2019).

⁵ [United States v. Harriss](#), 347 U.S. 612 (1954).

⁶ [Buckley v. Valeo](#), 424 U.S. 1 (1976).

⁷ [Talley v. California](#), 362 U.S. 60 (1960).

⁸ [McIntyre v. Ohio Elections Comm'n](#), 514 U.S. 334 (1995).

Potential Impact on Chapter 10A and Similar Litigation

There does not appear to be any direct impact on Chapter 10A. However, the decision illuminates First Amendment issues associated with attempting to compel disclosure from those engaged in pure issue advocacy, particularly issue advocacy that does not consist of professional, direct lobbying. Issues related to compelling disclosure of large donors to 501(c) organizations may be addressed relatively soon by the United States Supreme Court. In September 2018 the Ninth Circuit Court of Appeals upheld a California regulation⁹ that requires 501(c) organizations to provide to the state unredacted copies of their Form 990s filed with the Internal Revenue Service, thereby disclosing donors who have given more than \$5,000 within a single year.¹⁰ A petition for review¹¹ of that case is currently being considered by the United States Supreme Court. A petition for review¹² filed in a related case in which the Ninth Circuit rejected a challenge to the same regulation¹³ is scheduled to be considered by the justices in mid-February. The regulation in question was also upheld by the Ninth Circuit in 2015¹⁴ and in that instance the United States Supreme Court denied review. A major distinction between the New York law and California's regulation is that California solely seeks the disclosure to facilitate its regulation of nonprofit organizations and does not make the information available to the public.

⁹ Cal. Code Regs. tit. 11, § 301.

¹⁰ *Americans for Prosperity Found. v. Becerra*, 903 F.3d 1000 (9th Cir. 2018).

¹¹ *Petition for Writ of Certiorari, Thomas More Law Center v. Becerra*, No. 19-255.

¹² *Petition for Writ of Certiorari, Inst. for Free Speech v. Becerra*, No. 19-793.

¹³ *Inst. for Free Speech v. Becerra*, No. 17-17403 (9th Cir. 2019) (summary affirmance).

¹⁴ *Ctr. for Competitive Politics v. Harris*, 784 F.3d 1307 (9th Cir. 2015).



MINNESOTA

CAMPAIGN FINANCE BOARD

Date: January 29, 2020

To: Board members
Counsel Hartshorn

From: Andrew Olson, Legal/Management Analyst

Subject: Enforcement report for consideration at the February 5, 2020 Board meeting

A. Consent Items

1. Administrative termination of lobbyist Wayne Brandt (8018)

Two principals, Minnesota Forest Industries, Inc. and the Minnesota Timber Producers Association, requested that the lobbyist registrations of Mr. Brandt be terminated due to Mr. Brandt's death on September 12, 2019. Board staff administratively terminated Mr. Brandt's lobbyist registrations as of that date. Each principal has filed a lobbyist disbursement report on Mr. Brandt's behalf covering the most recent reporting period.

B. Discussion Items

1. Retroactive termination of lobbyist Richard Gephardt (2000)

In March 2016 Mr. Gephardt registered as a lobbyist for a single principal. A reporting lobbyist for the same principal included Mr. Gephardt on six lobbyist disbursement reports covering the years 2016-2018. The reporting lobbyist filed a termination statement for herself on January 8, 2019, listing a termination date of June 1, 2018. Mr. Gephardt is requesting that his lobbyist registration also be terminated effective June 1, 2018, which is the date Mr. Gephardt's firm stopped lobbying on behalf of the principal. If the retroactive termination is approved, no late filing fees will be assessed.

2. Balance adjustment request of Norrie Thomas Campaign Fund (18038)

This principal campaign committee reported an ending cash balance for 2018 of \$607.78 but only had \$320.28 in its bank account as of the end of 2018. The committee has reviewed its financial records but has been unable to ascertain the source of the discrepancy. The committee is requesting that its 2018 ending cash balance be adjusted downward by \$287.50 from \$607.78 to \$320.28. The committee has provided documentation showing that \$320.28 was the balance in the committee's bank account as of the end of 2018. The committee intends to give its funds to another committee or party unit and then file a termination report.

3. Balance adjustment request of Cindy (Yang) for House (18038)

This principal campaign committee reported an ending cash balance for 2018 of \$2,771.35 but actually had \$3,108.22 in its bank account as of the end of 2018. The committee has reviewed its financial records and believes that \$255.25 of the discrepancy consists of contributions made via PayPal for which the committee is unable to identify the individual contributors. The committee is requesting that its 2018 ending cash balance be adjusted upward by \$336.87 from \$2,771.35 to \$3,108.22. The committee has provided documentation showing that \$3,108.22 was the balance in the committee's bank account as of the end of 2018. The committee has filed a termination report and closed its bank account.

4. Request to withdraw registration of Women for Political Change Political Action Fund (80033)

The Women for Political Change Political Action Fund was registered as a political fund on April 4, 2019. In January the chair contacted Board staff and explained that Women for Political Change had met with its legal counsel to discuss the legal requirements of Chapter 10A. The organization has determined that it is not going to make political contributions or independent expenditures. Based on the legal advice they were given, the organization is now formally requesting withdrawal of the registration, as it should not have registered with the Board.

C. Waiver Requests

In accordance with discussion that occurred at the January 3, 2020 Board meeting, the grid below includes a recommended action, if any, to be taken in response to each waiver request. Staff is taking into consideration whether any prior waiver requests have been granted when making each recommendation. The recommended actions for requests four and five below, for example, are to waive half of the amount owed, because there were no previous waiver requests and the officials were unfamiliar with the process of filing an EIS.

#	Committee/ Entity	Late Fee/ Civil Penalty	Report Due	Factors	Prior Waivers	Recommended Action
1	Benjamin Brutlag (Bois de Sioux WD)	\$100 LFF	Original EIS	Official was appointed in May 2019. He completed his EIS online by the due date and saved it but did not click the submit button. After being contacted by Board staff in December 2019 he filed his EIS 1/7/2020.	No	Waive
2	Doug Dahlen (Bois de Sioux WD)	\$100 LFF	Original EIS	Official was reappointed in May 2019. Official is certain he completed and mailed his EIS twice after being contacted by Board staff. Staff has no record of receiving the mailed EIS forms but the EIS was filed online 1/3/2020.	No	Waive
3	Michael Christensen (Wild Rice WD)	\$100 LFF	Original EIS	Official was reappointed in March 2019. Official states he completed and mailed his EIS in a timely manner after being contacted a few months later by Board staff. Staff has no record of receiving the mailed EIS but it was filed online 1/8/2020.	No	Waive
4	Chad Stuewe (Buffalo Creek WD)	\$100 LFF	Original EIS	Official was appointed in April 2019. He received a letter notifying him of the requirement to file an EIS but did not think it applied to him because he was appointed rather than elected. EIS was filed 1/8/2020.	No	Reduce LFF to \$50

5	Catherine Cesnik (Basset Creek WMO)	\$100 LFF \$100 CP	Original EIS	Official was appointed in April 2019 and was unfamiliar with the process of completing an EIS. EIS was filed 1/16/2020.	No	Waive CP leaving balance of \$100 for LFF
6	Meyer (Christopher John) for Minnesota (17992)	\$1,000 LFF \$1,000 CP	2016 Year-end	Candidate didn't realize a year-end report needed to be filed as he dropped out of the race without having filed for office. Certified letters were mailed to treasurer in February and March 2017, both of which were returned. Candidate did receive an email sent to treasurer in March 2017, but couldn't find his financial records. Committee was referred to the AGO in July 2017. Report was filed in October 2017. That report is a termination report and reflects an ending cash balance of \$82, so the committee was terminated retroactive to the end of 2016. Candidate has limited income and will need a payment plan unless the balance owed is reduced to \$500 or less.	No	Waive CP leaving balance of \$1,000 for LFF and authorize payment plan of \$500 by March 1, then \$100 per month
7	Roxana Bruins for Senate (18044)	\$1,000 LFF \$110.83 CP (\$889.17 paid via revenue recapture)	2016 Year-end	Treasurer quit just before the 2016 general election and candidate had difficulty learning how to complete and file the year-end report. Committee was referred to the AGO in July 2017 and default judgment was entered in September 2018. During this time period candidate was experiencing health issues and personal problems. The report was filed in March 2019. That report is a termination report and reflects an ending cash balance of \$93, so the committee was terminated retroactive to the end of 2016. The committee received \$8,523 in public subsidy funds in 2016.	No	Waive LFF leaving balance owed of \$110.83 for CP
8	Kevin Leininger (Traverse County)	\$100 LFF \$300 CP	Original and 2017 Annual EIS	\$100 LFF was assessed due to late filing of the original EIS in April 2017. \$100 LFF and \$1,000 CP were assessed due to late filing of the 2017 annual EIS. Official didn't understand how to complete the original EIS. Official also didn't realize an EIS needs to be filed annually and thought he didn't need to file another EIS since he filed an original EIS in 2017. The CP for the annual EIS was reduced to \$300 at the October 2018 Board meeting, conditioned upon payment of the remaining balance owed. \$100 was paid, leaving a total balance of \$400. A letter was sent at the end of 2019 seeking payment of \$400. Official is asking the Board to reconsider waiving the full amount.	\$1,000 CP reduced to \$300 in Oct. 2018	None

D. Informational Items

1. Forwarded anonymous contribution

Minnesota Physical Therapy PAC, \$51.49
Todd Lippert for State House Committee, \$20

2. Payment of civil penalty for contribution from unregistered association without required disclosure

13th Senate District DFL, \$55

MN State College Faculty, \$105

3. Payment of civil penalty for exceeding aggregate special source contribution limit

Jasinski (John) for Senate Committee, \$165

Erin (Koegel) for Minnesota, \$460

4. Payment of civil penalty for exceeding individual contribution limit

Erin (Koegel) for Minnesota, \$125

5. Payment of late filing fees for 2018 pre-primary 24-hour notices

Together Minnesota, \$360

6. Payment of late filing fee for lobbyist disbursement report due 1/15/2019

Scott Hedderich, \$250

7. Payment of late filing fee for lobbyist disbursement report due 6/17/2019

Scott Hedderich, \$200

Martin McDonough, \$100

8. Payment of late filing fee for lobbyist principal report due 3/15/2017

Village Green Residential Properties LLC, \$150



MINNESOTA FOREST INDUSTRIES

903 Medical Arts Building • 324 West Superior Street • Duluth, Minnesota 55802 • 218-722-5013 • Fax 218-722-2065 • www.minnesotaforests.com

Campaign Finance and Public Disclosure Board
Centennial Office Building, Suite 190
St. Paul, MN 55155-1603
1/17/2020

TO; Campaign Finance and Public Disclosure Board

RE: Wayne Brandt from Minnesota Forest Industries

This is to notify you to terminate Wayne Brandt as the Lobbyist for Minnesota Forest Industries.
Wayne passed away on September 12, 2019

The June- December 2019 has been reported in the total amount of \$12.63 Filing date of January 15,
2020

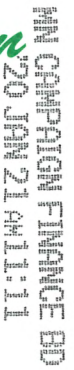
Thank you,

Mike Birkeland
Executive Vice President
Minnesota Forest Industries



Minnesota Timber Producers Association

903 Medical Arts Building • 324 W. Superior St. • Duluth, Minnesota 55802
Phone 218-722-5013 • Fax 218-722-2065



Campaign Finance and Public Disclosure Board
Centennial Office Building, Suite 190
St. Paul, MN 55155-1603

To: Campaign Finance and Public Disclosure Board

Re: Wayne Brandt from Minnesota Timber Producers Association

This is to notify you to terminate Wayne Brandt as the Lobbyist for Minnesota Timber Producers Association. Wayne passed away on September 12, 2019

The June- December 2019 has been reported in the total amount of \$11.36 filing date of January 15, 2020

Thank you,

Mike Birkeland
Executive Vice President
Minnesota Timber Producers Association.

Gephardt
GovernmentAffairs

1350 I Street NW | Suite 250 | Washington, DC 20005
202.403.2150
www.gephardt.com

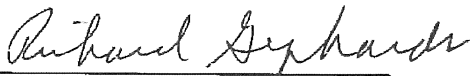
MINNESOTA CAMPAIGN FINANCE BOARD
20 JAN 29 PM 12:01

January 23, 2020
Minnesota Campaign Finance and Public Disclosure Board
190 Centennial Office Building
658 Cedar St
St Paul, Minnesota 55155

Members of the Minnesota Campaign Finance Board,

I am writing to notify you of my retroactive termination as a lobbying for CoreCivic (fka Corrections Corp of America) effective June 1, 2018. This is the same termination date as my colleague Christina Hamilton and marks the date that my firm stopped lobbying on behalf of CoreCivic in Minnesota. I attest that I have neither lobbied elected officials in Minnesota nor made any disbursements during the last reporting period that I was an active lobbyist or thereafter. I apologize for the delay in filing this registration. Furthermore, I would like to request a waiver for any late fees I accrued during the period since my retroactive termination. If there are any additional steps I should take to complete this termination, please reach out to my colleagues Christina Hamilton (christinahamilton@gephardt.com) or Tom O'Donnell (tomodonnell@gephardt.com).

Sincerely,



Richard Gephardt
President and CEO
Gephardt Government Affairs

Minnesota Campaign Finance Board

190 Centennial Office Building, 658 Cedar St, St Paul, MN 55155 <https://cfb.mn.gov/>



MN CAMPAIGN FINANCE BOARD
20 JAN 23 PM 12:00

Lobbyist Termination Statement

Filing instructions

- This statement must be completed and filed with a Lobbyist Disbursement Report when terminating a lobbyist registration.
- This form may be emailed to cf.board@state.mn.us or faxed to 651-539-1196 or 800-357-4114.
- All information on this form or report is public information and may be published on the Board's website at <https://cfb.mn.gov/>
- Do not use pencil or red ink to complete this form.
- Board staff may also be reached by phone at 651-539-1187 or 800-657-3889 or by email at cf.board@state.mn.us.

Lobbyist information

Name of lobbyist	Richard A. Gephardt	Registration number	2000
Address	1350 I ST NW Suite 250		
City, state, zip	Washington DC 20005	Telephone (Daytime)	2024032150
Name of association, individual, political subdivision or public higher education system represented	CoreCivic (fka Corrections Corp of America)	Registration number	4450

Date of termination: 6/1/2018

Certification

I, Richard A. Gephardt, certify that this report is complete, true, and correct.
Print or type name of lobbyist

Richard A. Gephardt

Signature of lobbyist

1/23/20

Date

Any person who signs and certifies to be true a report or statement which the person knows contains false information, or who knowingly omits required information, is subject to a civil penalty imposed by the Board of up to \$3,000 and is subject to criminal prosecution for a gross misdemeanor.

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180, 800-657-3889, or through the Minnesota Relay Service at 800-627-3529.

Norrie Thomas Campaign Fund (18038)

From: Norrie Thomas <norrieathomas@gmail.com>
Sent: Monday, September 30, 2019 11:45 AM
To: Stevens, Melissa (CFB) <melissa.stevens@state.mn.us>; james gabrielson <peaceinwrightcounty@gmail.com>
Subject: Campaign Balance Adjustment Request

Dear Melissa,

We request a balance adjustment.

We have \$320.28 in our account as of today- Sept 30, 2019

There has been no activity in my campaign account in 2019.

We have tried to reconcile the difference between \$320.28 and \$607.78 and cannot.

We went through in detail all receipts and all donations and tried to find if we double booked a receipt. It was difficult to reconcile with ActBlue at times, because of the monthly reports and the episode receipts. We thought we may have double booked a donation, but, we could not find a discrepancy.

We went through the expenditures to determine if we missed something, We especially looked at our UPS/printing bills, Our thought was that we may have missed a payment that might have been made at the counter against the monthly invoice.

Anchor Bank, where the campaign funds were held, was sold to Old National Bank in April of 2018. We did have difficulty following the events during the next few weeks and may have made an error during the transition.

We spent about 50 hours trying to find the discrepancy and have not been able to find the problem. We went through the receipts and donations multiple times (at least 6 times) and we were not successful.

We would like to close the campaign account. Please advise as to the best way to proceed with a balance adjustment. We would be willing to make up the difference if that is acceptable.

Thank You

Norrie A Thomas, Candidate for Minnesota House seat 2016 and 2018

James E. Gabrielson, Treasurer

Norrie Thomas

1620 Locust Hills Place

Wayzata, Minnesota 55391

612-599-6497

Dear Board Members,

We are terminating our committee as we lost in the primaries during the 2018 election for House 40B. As we were preparing the 2019 Year End report we showed a balance on 1/1/2019 of \$2,771.35. However our bank statement has a beginning balance on 1/1/2019 of \$3,108.22. Before submitting our year end report in 2018, we had spoke to staff at the campaign finance office, and was advised to go ahead and submit the report and keep note of that discrepancy. We have dispersed the remaining funds of our committee, totalling \$3,026.60 with a remaining balance of \$81.62 in assets.

We've audited and gone through all of our donations and expenditures and narrowed down the discrepancy to our online donations. In the beginning of our campaign, we had set up a PayPal account to accept online donations. However due to donor complaints about not being able to donate through our committee's website, we ended up setting up a Stripe account. In between the transition the \$255.25 was transferred to our TCF bank account, but we aren't able to identify the donors of the \$255.25.

We are requesting a balance adjustment on the 2019 year end report, changing the beginning balance to \$3,108.22. Please see attached our January statement showing our December 2018 balance, along with out January 2019 balance, as well as our June 2019 statement showing a balance of 0 as we closed down our TCF account.

Thank you,
Cindy Yang

A handwritten signature in black ink, appearing to read "Cindy Yang". The signature is fluid and cursive, with the first name "Cindy" written in a larger, more prominent script than the last name "Yang".

From: [Sonia Neculescu](#)
To: [Sigurdson, Jeff \(CFB\)](#); [Engelhardt, Megan \(CFB\)](#)
Subject: Re: Reminder - January 31st Due Date for Year-End Report
Date: Tuesday, January 28, 2020 10:18:40 PM

Hello,

Thank you for reaching out. As a new and youth-led organization, we are still navigating the legal process and working to figure out what we need to file in order for our c4 organization to be compliant. We've recently been receiving legal counsel from Winthrop & Weinstine to go over our organization's documents and just learned that we actually aren't required to file a report with the CFB because we aren't running any independent expenditures or PACs. At the time that we registered with the CFB we did not know this and were only made aware recently by our legal counsel. They recommended that we reach out and ask that our registration be dissolved before the filing deadline on 1/31.

Please feel free to call me at 920-595-9172 if you have any additional questions. I apologize for the error on our part!

Thank you,
Sonia Neculescu
WFPC Political Action Director

On Fri, Jan 24, 2020 at 3:05 PM Sigurdson, Jeff (CFB) <jeff.sigurdson@state.mn.us> wrote:

To: Sonia Neculescu

Women for Political Change Political Action Fund

Just a reminder, the 2019 year-end report for your committee is due by midnight, Friday, January 31, 2020. Please note that a late filing fee of \$25 per day starts on the first business day after the deadline. Avoid the last minute rush and file early, information in a report is not released to the public until February 3rd.

If you are using the Campaign Finance Reporter software and need a refresher on how to enter receipts or generate a report you will find a series of short online videos that demonstrate how to do various tasks at: <https://cfb.mn.gov/filer-resources/self-help/education-and-tools/online-videos/>

Cc:

--

Sonia Neculescu

she/her/hers

Political Action Director

www.womenforpoliticalchange.org

m. (920) 585-9172



Benjamin Brutlag (Bois de Sioux WD)

From: Ben Brutlag <ben@brutlag.net>
Sent: Tuesday, January 07, 2020 2:54 PM
To: Pope, Jodi (CFB) <jodi.pope@state.mn.us>
Subject: Campaign Finance

Dear: Campaign Finance and Public Disclosure Board

I am writing to you today to ask for a waiver of the penalties for failure to submit the requested forms for the Minnesota original and annual statement of economic interest. I completed the forms online in 2019 and I thought I had submitted the forms as requested. However, only upon receiving a call from your office did I come to realize that the form was only saved in the system and not saved and submitted. I apologize for any extra work this may have caused. Also see attached forms.

Thank you for your consideration.

Thank You,

Benjamin Brutlag
218-731-2117

Doug Dahlen (Bois de Sioux WD)

From: dahlen.doug <dahlen.doug@gmail.com>
Sent: Monday, January 06, 2020 6:40 PM
To: Pope, Jodi (CFB) <jodi.pope@state.mn.us>
Subject:

I mailed the form in twice. I finally filed on line to get it through. There was no changes in my income.
Sent from my Samsung Galaxy smartphone.

MN CAMPAIGN FINANCE BD
20 JAN 8 AM 11:11

When I received the paperwork in October, I basically sent the information back in return mail. I wouldn't put this aside considering the last time I had to report I was late and was fined a fee, so I wouldn't let that happen

I sent this new info via certified mail to make sure you get it

Sincerely,



HELLO.

sorry for not sending this in sooner. I guess I didn't think it pertained to me because I wasn't elected. So I thought it was a mistake being mailed to me ~~too~~ since I didn't "campaign" and was appointed by the County Commissioners.

Thanks

Chad Stuewe

13 Jan 2020

Catherine Cesnik
11825 26th Ave, N.
Plymouth, MN 55441

Minnesota Campaign Finance Board
658 Cedar St., Suite 190
St. Paul, MN 55155-1603

MINNESOTA CAMPAIGN FINANCE BOARD
658 CEDAR ST. SUITE 190
ST. PAUL, MN 55155

To Whom it may concern:

Please waive the late fees associated with my financial disclosure, and accept my apologies for inconveniencing your staff.

This is my first filing and I am new to this process. Having experienced the process, ~~and~~ I am confident I will have no trouble filing these on time in the future.

All best,

Catherine Cesnik

Meyer (Christopher John) for Minnesota (17922)

From: Christopher Meyer <chrisjohnmeyer@gmail.com>

Sent: Monday, January 27, 2020 12:54 AM

To: Sigurdson, Jeff (CFB) <jeff.sigurdson@state.mn.us>; nathan.hartshorn@ag.state.mn.us

Subject: Campaign Finance Board Request

Hello Mr. Sigurdson, thank you for your guidance over the phone on Friday, and thank you Mr. Hartshorn for arranging the call. As we discussed, I would like to request to be added to the agenda for your February meeting. I would like to ask the Campaign Finance Board to consider reducing the fine that I owe them, and/or to work out a payment plan to pay what I owe. Please submit this email for their consideration.

In 2016 I made an unsuccessful run for state senate. I was soundly defeated at the convention in April of 2016, and dropped out of the race at that point. I never filed for the primary. When we inquired about the paperwork we needed to file, we were informed that it wasn't necessary for us to file the pre-primary report, since I had never filed for it. I did not realize that I still needed to file a report at the end of the year.

I moved to a different house in November of 2016, and did not receive correspondence that was sent to my old address. My treasurer did forward an email that was sent in March of 2017, at which point the fine had already reached \$600. I should have filed immediately at that point, but after my move I had not been careful to keep my donation records and couldn't find them. Once the fine reached \$1000 later that month, I thought it was maxed out; I did not have any idea that I would be liable for an additional \$1,000 penalty after that.

I accept responsibility for failing to file my campaign finance report in a timely manner and greatly regret that failure. I respect the critical importance of campaign finance law to our democracy, and the need for fines to enforce compliance with it. But I would ask the Board to consider some degree of leniency in my case. I was just out of college when I ran, and my treasurer and other staff were still students. None of us had any prior experience with campaign finance. We were not familiar with the process. After we were informed that we didn't need to file a pre-primary report, I thought we were done.

As part of your consideration, I will note the size of the fine in relation to my income. Last year I made about \$21,000, and I expect to earn roughly the same this year. After taxes, food, and rent I generally have between \$100 to \$200 a month available in disposable income. At whatever threshold the Board chooses to enforce the penalty, my ability to contribute toward it is not much more than \$100/month, so I would request a payment plan compatible with that ability.

I have \$337 available in my savings account at this time. I told Mr. Sigurdson that I could pay \$300 immediately, to demonstrate good faith to pay off what I owe. He advised me to wait until after the Board considered my request to make that payment.

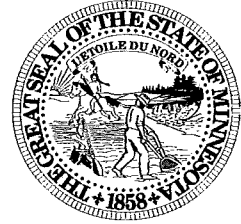
I will suggest a few different scenarios. If the Board is willing to settle the debt for \$500, I could pay off that full amount by March 1. If the Board is willing to settle it at \$1000, I would still regard that as very generous, and could pay \$500 by March 1, and \$100 per month for 5 months subsequently. If the board chooses to enforce the full amount, I can pay \$500 by March 1, and the rest over the following 16 months. At whatever threshold the Board sets, I will comply within my ability to pay it.

Thank you for your consideration,

Chris Meyer
612-703-9692

16 JAN -8 PM 1:28

Suite 190 . Centennial Office Building . 658 Cedar Street . St. Paul MN 55155-1603 . 651-539-1180 . 800-657-3889



CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD

Registration and Statement of Organization Principal Campaign Committee

under Minn. Stat. §§ 10A.14 and 10A.19

Instructions

- This statement is due at the Campaign Finance and Public Disclosure Board office within 14 days after the Candidate raises or spends in excess of \$750, or within 10 days after any change in previously filed information.
- All required sections must be filled in before the committee can be registered.
- This form may be emailed to cf.board@state.mn.us or faxed to 651-539-1196; 800-357-4114
- All information on this form or report is public information and may be published on the Board's website at www.cfboard.state.mn.us
- It is unlawful to use this information for commercial purposes.
- Do not use pencil or red ink.
- Board staff may also be reached by phone at 651-539-1187 or 800-657-3889 or by email at cf.board@state.mn.us

Registration

New Registration

Amendment: Registration No. _____

Candidate

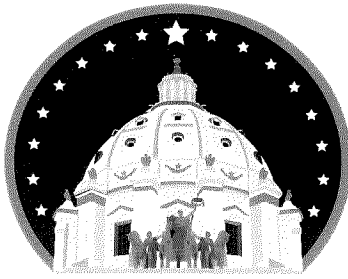
Candidate name Christopher John Meyer	
Address (line 1) 2200 28 th Ave S	
Address (line 2)	
City, state, zip Minneapolis, MN 55406	
Telephone (daytime) 605-490-0204	Email address (Required or write No Email) chrisjohnmeyer@gmail.com

Office sought

Constitutional office (specify) _____ Senate, Distr # 60 House of Representatives, Distr # _____
 Supreme Court Appeals Court District Court Distr # _____ Seat # _____

Party affiliation

Democratic Farmer Labor Grassroots Party Independence Party Minnesota Libertarian Party of Minnesota
 Republican Party Minnesota Green Party Legal Marijuana Now Party Other _____



MINNESOTA CAMPAIGN FINANCE BOARD

NOTICE OF FAILURE TO FILE REPORT OF RECEIPTS AND EXPENDITURES

CERTIFIED and 1ST CLASS MAIL

Cassandra Tommerdahl
Meyer (Christopher John) for Minnesota
937 17th Ave SE
Minneapolis MN 55414

17922

February 13, 2017

Christopher John Meyer
2200 28th Ave S
Minneapolis MN 55406

Dear Cassandra Tommerdahl and Christopher John Meyer:

Your committee was required to file the 2016 Year-end Report of Receipts and Expenditures by January 31, 2017. The report covered the period of January 1 through December 31, 2016. Campaign Finance and Public Disclosure Board records show that report information was mailed to the treasurer of record on December 27, 2016. As of today, your report has not been received.

A late filing fee of \$25 per business day began February 1, 2017. Until your report is filed, this penalty will continue to accrue to a maximum of \$1,000. As of February 13, 2017, the late fee is \$225.

You should also be aware that if you fail to file the report by February 23, 2017, the Board may impose an additional civil penalty of \$1,000 in addition to the late fee.

If your report is not received by February 23, 2017, the Board may also begin legal proceedings to compel the required filing and assessment of late filing fees and penalties.

If you need a new report form or have questions on completing the report, please call me at 651-539-1188 or 800-657-3889.

Sincerely,

Joyce Larson
Compliance Officer



Minnesota
Campaign Finance & Public
Suite 190, Centennial Bu
658 Cedar Street
St. Paul, Minnesota 55115

MAR -7 PM 1:51

CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD

CERTIFIED MAIL™



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MAR 17
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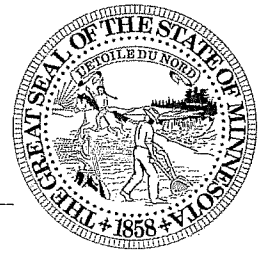
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UNCLAIMED
UNABLE TO FORWARD
RETURN TO SENDER



Campaign Finance and Public Disclosure Board

190 Centennial Office Bldg, 658 Cedar St, St Paul, MN 55155

cf.board@state.mn.us



March 30, 2017

Certified and First Class Mail

7012 0470 0001 2589 4217

Cassandra Tommerdahl
Meyer (Christopher John) for Minnesota
937 17th Ave SE
Minneapolis, MN 55414

Dear Cassandra Tommerdahl,

Your committee has failed to file with the Board its 2016 year-end report of receipts and expenditures due January 31, 2017. To date, the committee has accrued the statutory maximum \$1,000 late filing fee due to its failure to file the report. In addition to the late filing fee, on April 10, 2017, a civil penalty will begin accruing in the amount of \$100 a week up to a maximum of \$1,000 until the report is received.

Please submit your report and mail or deliver a check for \$1,000 payable to the State of Minnesota to the Board at the address listed above immediately. Under Minnesota Statute, all fees are deposited in the general fund of the state.

Failure to pay this fine may result in referral to the Attorney General's Office to begin the collection process.

The Board may reduce or waive late filing fees upon written request for good cause. A waiver request should explain in detail the reasons why the Board should waive or reduce the late filing fees. You may mail or e-mail the request to my attention at the addresses provided above. The waiver request will be public information, and will be reviewed by the Board at the next scheduled meeting after the request is received.

If you wish to request a paper report, or have any questions about this letter or the assessment of late filing fees, please call me at 651-539-1184 or toll free at 800-657-3889 or via email at andrew.schons@state.mn.us.

Sincerely,

A handwritten signature in black ink, appearing to be "AS", written over a circular stamp or mark.

Andrew Schons
Programs Assistant

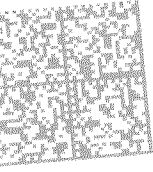


CERTIFIED MAIL™



7012 0470 0001 2589 4217

U.S. POSTAGE PITNEY BOWES



ZIP 55155 \$00381⁰
02 1W
0001398116 MAR. 30. 2017

FIRST CLASS

17 MAY -4 PM 1:45

CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD

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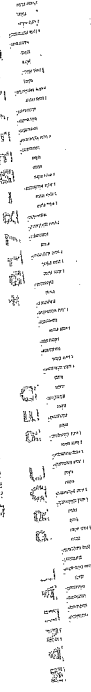
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RETURN TO SENDER

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MANUAL PROC REQ *9173-09375-20-43



DWC

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MINNESOTA CAMPAIGN FINANCE BOARD

July 27, 2017

Nathan Hartshorn
Assistant Attorney General
1400 Bremer Tower
445 Minnesota Street
St. Paul, MN 55101

Dear Mr. Hartshorn,

At its meeting of June 14, 2017, the Campaign Finance and Public Disclosure Board voted to authorize the executive director to refer the following matter to the Office of the Attorney General for litigation to seek a court order compelling the filing of the year-end report of receipts and expenditures required under Chapter 10A and a judgment for the currently accrued late filing fees and civil penalties.

Matter referred:

Committee:	Meyer (Christopher John) for Minnesota
Candidate:	Christopher John Meyer 2200 28 th Ave S Minneapolis, MN 55406

The complaint should seek an order compelling the filing of the 2016 year-end report of receipts and expenditures required for the above committee and the collection of the accrued late filing fees and civil penalties for that report, as well as any costs and disbursements to which the Board is entitled. The committee did not receive any public subsidy funds during 2016. Because Mr. Meyer did not file for office, the committee was required to file only a year-end report for 2016. Because the committee has not filed that report, the Board does not know the committee's last reported cash balance. The year-end report has accrued the maximum late filing fee of \$1,000 and the maximum civil penalty of \$1,000.

Where possible, please use Metro Legal Services or a local county sheriff to serve process. Please contact Jodi Pope, Legal Analyst, if you need additional information regarding the facts on which the complaint is based.

I would like to review the complaint prior to it going out for service.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Sigurdson", written over a horizontal line.

Jeff Sigurdson
Executive Director

cc: Rita Desmond

Roxana Bruins for Senate (18044)

From: roxana <roxanabruins@gmail.com>
Sent: Wednesday, January 8, 2020 4:25 PM
To: Sigurdson, Jeff (CFB) <jeff.sigurdson@state.mn.us>
Subject: Campaign Finance Board Request for Waiver

Dear Sir and Campaign Finance Board,

We had a telephone conversation a while back regarding my inquiry about fees assessed from when I ran for Senate in 2016. In that conversation we discussed several factors contributing to the reports not being completed on time, etc and you mentioned that I could submit a letter with details surrounding the situation and subsequent non-payment of those fees. First and foremost please know that I am very sorry and it was never a deliberate intention to be non-compliant regarding the completion of reports, filings; more so, lack of familiarity of the online finance documenting and process. My recommendation, after the fact, would be to encourage or even require all candidates to attend the trainings so they too are at least somewhat familiar with and understand the tasks their treasurer undertakes.

The following is the very best and thorough account I can provide. In 2016 I ran for Senate thereby creating a committee including a treasurer. Approximately a week prior to the election my treasurer resigned her position due to personal familial reasons and my committee was without a treasurer. I did not then have a treasurer and due to policy I was named treasurer. I was made aware that end of year reports needed to be filed and I sought help from the board (via email and phone). They were very helpful in trying to coach me however I could not access the system requiring more help, causing more time to lapse. Once able to access the system the prompts indicated various pieces of information were required or needed attention in order to proceed and file a year end report.

I had received correspondence from the CFB (at my 3225 Louisiana Ave No address) and then in early 2018 I again continued conversations with several personnel from the campaign finance office while I was trying to figure it out. Unfortunately, I am not incredibly technological and that has been a weakness for quite some time, therefore it did not get completed, let alone on time. I did not realize that I needed to terminate the committee as well, which meant failing to complete 2 year end reports (2016 and 2017). January 25th, 2018 both my husband and I were let go from our places of employment (completely different companies) and were unemployed for nearly 6 months. As things in our lives somewhat spiraled downward I began a battle with depression and anxiety, making it even more difficult to concentrate, focus, and get things done on a basic level. That same Spring 2018 we sold our home, taking a loss, and moved (to New Hope) and we did have a forward in place, receiving regular mail but certified letters were not forwarded and so those accumulated at the post office. I had gone in to the post office and that is when I received the certified letters, one indicating a court date had been set. My battle with depression worsened on all levels, impacting all aspects of my life, including work, personal and family life (6 kids, 4 still actively raising).

I had planned to attend that court hearing and take responsibility for the non-compliance of providing reports however I could not attend because my husband suffered a debilitating back injury at his new job, requiring on-going care and his spinal surgery was scheduled for August 15th. I was faced with either attending the court hearing or being there for my husband as he underwent spinal surgery (and our family while we prayed and waited for surgery completion and results). Again, I am sorry for not being in attendance for the hearing and not getting the reports completed but it is truly in line with my personality and personal integrity to stand by my values of family (wife and mother). It took several

months for him to rehabilitate and return to work and for me to more fully address my heightened depression and anxiety as a result of nearly 2 years of “rapid fire” challenges for our entire family.

This statement is true to the best of my ability and recollection and I hereby request and submit a waiver relieving me of the fines and fees placed upon me.

Kind regards,

Roxana Bruins

Sent from [Mail](#) for Windows 10

Reg 184

16 NOV -8 AM 10:59
CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD

1 November 2016

Campaign Finance and Public Disclosure Board
Suite 190, Centennial Building
658 Cedar Street
St. Paul, MN 55155-1603

From: Rosemary Wagner, Treasurer
Roxana Bruins for Senate
6664 Gettysburg Ave N
Brooklyn Park, MN 55428

Subject: Stepping down as treasurer

As of Oct. 31, 2016, I have stepped down as treasurer on the Roxana Bruins for Senate Campaign Committee, Registration #18044. My time capacity has become so very limited to carry out the responsibilities or fulfill the obligations required of this position. Family health and work issues have come to light, which I have to place priority on.

I will be as available as possible to her new treasurer and to the Campaign Finance and Public Disclosure Board for any questions, if needed.

Sincerely,

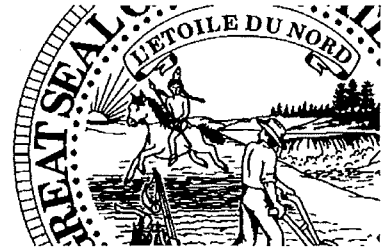


Rosemary Wagner

Cc: Roxana Bruins
3225 Louisiana Ave N
Crystal MN 55427

Minnesota

***Campaign Finance and
Public Disclosure Board***



Date: November 9, 2016

To: Roxana Bruins, Treasurer
Roxana Bruins for Senate
3225 Louisiana Ave N
Crystal MN 55427

From: Marcia Waller
Programs Administrator

Re: Roxana Bruins for Senate, Reg #18044

The Campaign Finance and Public Disclosure Board received notice that Rosemary Wagner no longer represents your committee as treasurer.

The statute requires the position of treasurer to be filled, so I have placed your name in as treasurer until you amend your registration. I have enclosed a Registration and Statement of Organization form for you to amend the registration of the committee when the position is filled.

A political committee, fund or party unit may not accept a contribution or make an expenditure or permit an expenditure to be made while the office of treasurer is vacant. The candidate/chair becomes responsible for filing reports when the position of treasurer is vacant.

Please call me at 651-539-1187 if you have questions regarding this letter or need assistance.

encl

Larson, Joyce (CFB)

From: Larson, Joyce (CFB)
Sent: Friday, February 03, 2017 2:26 PM
To: 'roxana Bruins'
Subject: RE: Campaign Report

Expires: Wednesday, August 02, 2017 12:00 AM

You can call me to discuss.

Joyce Larson
Campaign Finance & Public Disclosure Board
651-539-1188

From: roxana Bruins [mailto:roxanabruinswins@gmail.com]
Sent: Friday, February 03, 2017 2:19 PM
To: Larson, Joyce (CFB) <joyce.larson@state.mn.us>
Subject: Re: Campaign Report

Good afternoon. I definitely need and am asking for some help with navigating the software so that i can complete the report.

Several days before the Nov. election, my treasurer, who went through all the necessary trainings early on, resigned.

I was successful at downloading the campaign finance software and have tried numerous times to follow the directions provided in the CFB letter, with username and password. Unfortunately, and embarrassingly, I have not been able to bring up my committee information or locate where to file the report, etc. As a result, I haven't been able to file yet, electronically, and am requesting help or asking how to get any help, to avoid any additional late filing fees.

Sincerely,
Roxana Bruins

On Jan 27, 2017 2:35 PM, "Larson, Joyce (CFB)" <joyce.larson@state.mn.us> wrote:

To: Roxana Bruins, Roxana Bruins for Senate

Re: 2016 Year-end Report of Receipts and Expenditures

January 27, 2017

The 2016 Year-end Report of Receipts and Expenditures is due January 31, 2017, covering the period January 1 to December 31, 2016. Please be sure to file the report no later than the end of the day on Tuesday, January 31, 2017, to avoid a late fee.

If you send a paper report by fax, please keep the confirmation sheet from your fax machine as proof that the report was submitted by the due date. The Board's fax numbers are [651-539-1196](tel:651-539-1196) or [800-357-4114](tel:800-357-4114).

The late filing fee for the year-end Report of Receipts and Expenditures begins on February 1, 2017, at the rate of \$25 per day to a maximum of \$1,000.

Larson, Joyce (CFB)

From: Larson, Joyce (CFB)
Sent: Tuesday, February 07, 2017 4:26 PM
To: 'roxanabruinswins@gmail.com'
Subject: Report of Receipts and Expenditures
Expires: Sunday, August 06, 2017 12:00 AM

To: Roxana Bruins

February 7, 2017

Re: Roxana Bruins for Senate

A Report of Receipts and Expenditures for calendar year 2016 was due on January 31, 2017. The Campaign Finance and Public Disclosure Board has not received the report for your committee. A \$25 per day late fee began on Wednesday, February 1, 2017. Please submit your report as soon as possible.

Joyce Larson
651-539-1188



MINNESOTA CAMPAIGN FINANCE BOARD

July 27, 2017

Nathan Hartshorn
Assistant Attorney General
1400 Bremer Tower
445 Minnesota Street
St. Paul, MN 55101

Dear Mr. Hartshorn,

At its meeting of June 14, 2017, the Campaign Finance and Public Disclosure Board voted to authorize the executive director to refer the following matter to the Office of the Attorney General for litigation to seek a court order compelling the filing of the year-end report of receipts and expenditures required under Chapter 10A and a judgment for the currently accrued late filing fees and civil penalties.

Matter referred:

Committee: Roxana Bruins for Senate
Candidate/treasurer: Roxana Bruins
3225 Louisiana Ave N
Crystal, MN 55427

The complaint should seek an order compelling the filing of the year-end report of receipts and expenditures required for the above committee and the collection of the accrued late filing fees and civil penalties for each, as well as any costs and disbursements to which the Board is entitled. The committee received \$8,407.98 in public subsidy funds during 2016 and last reported a cash balance of \$8,717.66 as of 10/24/2016, prior to receiving the December public subsidy payment. The year-end report has accrued the maximum late filing fee of \$1,000 and the maximum civil penalty of \$1,000.

Where possible, please use Metro Legal Services or a local county sheriff to serve process. Please contact Jodi Pope, Legal Analyst, if you need additional information regarding the facts on which the complaint is based.

I would like to review the complaint prior to it going out for service.

Sincerely,

Jeff Sigurdson
Executive Director

cc: Rita Desmond

From: roxanabruinswins
To: [Larson, Joyce \(CFB\)](mailto:Larson, Joyce (CFB))
Subject: RE: Campaign Report
Date: Wednesday, September 13, 2017 8:19:24 AM

Dear Ms. Larson,

I am emailing to acknowledge receipt of various communications regarding completion of the December 2016 Campaign Finance Report.

I have 2 explanations...the first is simple and quite embarrassing...I dont know how to do it. My treasurer resigned the week prior to the election due to significant personal reasons in her life and I had no one I could rely on to step in. There are very few transactions after the October report and despite my multiple efforts and attempts to download everything and navigate through it...I wasnt successful at all and unable to figure it out. I did discover some errors that were made and had no idea how to fix it causing me to make calls and email regarding my need for help- with no success there either.

Secondly, due to some unforeseen family and life events at the same time, I experienced
(which I had not ever experienced before) brought on by
(unaffiliated by the campaign) affecting my ability to "function as usual."

I want to get the report completed and filed but I need help and don't specifically know who to ask because I simply cannot do it myself.

Begging for forgiveness and help,
Roxana Bruins
651-734-8318

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "Larson, Joyce (CFB)" <joyce.larson@state.mn.us>
Date: 1/27/17 2:35 PM (GMT-06:00)
To: roxanabruinswins@gmail.com
Subject: Campaign Report

To: Roxana Bruins, Roxana Bruins for Senate

Re: 2016 Year-end Report of Receipts and Expenditures

January 27, 2017

The 2016 Year-end Report of Receipts and Expenditures is due January 31, 2017, covering the period January 1 to December 31, 2016. Please be sure to file the report no later than the end of the day on Tuesday, January 31, 2017, to avoid a late fee.

If you send a paper report by fax, please keep the confirmation sheet from your fax machine as proof that the report was submitted by the due date. The Board's fax numbers are 651-539-1196 or 800-357-4114.

The late filing fee for the year-end Report of Receipts and Expenditures begins on February 1, 2017, at the rate of \$25 per day to a maximum of \$1,000.

Campaign Finance and Public Disclosure Board

651-539-1188

Kevin Leininger (Traverse County)

From: [Kevin Leininger](#)
To: [Olson, Andrew \(CFB\)](#)
Subject: Re: Balance Owed for Late Filing of Statements of Economic Interest
Date: Saturday, January 25, 2020 7:26:51 PM

I again apologize for not filling that first economic interest thing. I didn't understand it, so instead of asking for help, I just was bull headed and didn't do it. Out here in rural mn. Commissioners don't really make enough money for the headaches it is. Therefore this fine is a hardship to me. Right now the farm economy is not great either. I ask you to reconsider the fine imposed on me to be forgiven for what I paid. Or whatever you can do for me. Thank you for your understanding. Commissioner Kevin Leininger. District 2 Traverse county.

On Tue, Dec 31, 2019, 9:59 AM Olson, Andrew (CFB) <Andrew.D.Olson@state.mn.us> wrote:

Dear Mr. Leininger:

Please see the attached letter regarding the balance owed for late filing fees and a civil penalty assessed due to the late filing of statements of economic interest. A copy of the letter will be mailed to you today. Please contact me with any questions or concerns.

Respectfully,

Andrew Olson

Legal/Management Analyst

Minnesota Campaign Finance and Public Disclosure Board

651-539-1190



MINNESOTA

CAMPAIGN FINANCE BOARD

December 31, 2019

Kevin Leininger
5848 620th Ave
Wheaton, MN 56296

Sent via U.S. Mail and email to:
stormhtg@gmail.com

Re: Late filing fee and civil penalty for 2017 annual statement of economic interest

Dear Mr. Leininger:

You were required to file a 2017 annual statement of economic interest with the Minnesota Campaign Finance and Public Disclosure Board by January 29, 2018. The statement was not received until September of 2018 resulting in a late filing fee of \$100 and a civil penalty of \$1,000. We received your request to waive the late fee and civil penalty and that request was considered by the Board at its meeting on October 3, 2018. As stated in a letter that was mailed to you, the Board decided to reduce the civil penalty to \$300 and the Board did not waive or reduce the amount of the \$100 late filing fee. The reduction in the balance owed was contingent upon the Board receiving payment of the remaining balance of \$400. To date, we have only received payment of \$100.

In addition to the amount owed for your 2017 annual statement of economic interest you also owe a late filing fee of \$100 for your original statement of economic interest, which you were required to file by March 6, 2017, but was not received until April 25, 2017.

Please mail or deliver a check or money order for the total balance owed of \$400, payable to the State of Minnesota, to the Board at the address listed below by January 27, 2020. If you are unable to pay the amount owed, please instead provide a written request for a payment plan, specifying how much you will pay and the date payments will be made in order to pay the balance owed. If payment or a request for a payment plan is not received by January 27, 2020, the original amount owed for the civil penalty will be reinstated and we will refer the full original amount owed to the Minnesota Department of Revenue for collection. Please contact me with any questions or concerns.

Respectfully,

A handwritten signature in black ink, appearing to read "Andrew Olson".

Andrew Olson
Legal/Management Analyst
651-539-1190
andrew.d.olson@state.mn.us

September 6, 2018

Kevin Lochner
Campaign Finance & Public Disclosure Board
190 Centennial Office Building
658 Cedar St.
St. Paul, MN 55155

Kevin,

I would like to formally request that the Board waive the late filing fee and civil penalty for my late submission of the Annual Statement of Economic Interest for Public Officials. I did not realize this form needed to be filled out annually. I was under the assumption that since I filled one out the previous year I didn't have to do it for 2018. I have completed the form which is attached and would like you to consider the waiver of the \$1,100.00.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Leininger". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Kevin Leininger
District 2 Commissioner
Traverse County



MINNESOTA

CAMPAIGN FINANCE BOARD

Date: January 29, 2020

To: Board Members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Advisory Opinion 452 – Joint Purchase of Commercial Services

This advisory opinion was requested by a committee registered with the Board. The committee does not wish to make the request public. Therefore, both a public and a nonpublic draft version of the opinion are provided for the Board's review. The request is not available to the public and only the public version of the advisory opinion will be made available on the Board's website.

The request asks for clarification of the guidance provided in Advisory Opinion 436. Advisory Opinion 436 provides in part that committees may jointly purchase services from a commercial vendor, but in order to avoid in-kind contributions, all committees that participate in the joint purchase must have a bona fide use for the item purchased, and must pay an equal or proportionate share of the cost of the item purchased.

The requestor asks primarily if the use of a third-party vendor is needed to comply with the guidance provided in Advisory Opinion 436. The opinion as drafted provides that the use of a third-party vendor is not required, but that the committees making the joint purchase are responsible for complying with Chapter 10A. The draft opinion also recommends that the committees keep in their records documentation that all committees have a bona fide use for the purchase, and the calculations used to determine the equal or proportionate share of the cost for each committee.

Attachments:

Advisory opinion request

Nonpublic version of draft advisory opinion

Public version of draft advisory opinion

**State of Minnesota
Campaign Finance & Public Disclosure Board
Suite 190, Centennial Building. 658 Cedar Street. St. Paul, MN 55155-1603**

**THE FOLLOWING PUBLICATION DOES NOT IDENTIFY THE
REQUESTER OF THE ADVISORY OPINION, WHICH IS NON PUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)**

ADVISORY OPINION 452

SUMMARY

Committees may jointly purchase services and products from a commercial vendor without the use of a third-party intermediary.

Facts

As a representative of a committee registered with the Board, you ask the Campaign Finance and Public Disclosure Board for an advisory opinion to clarify the guidance found in Advisory Opinion 436.¹ In particular, the answer provided to question 2 of Advisory Opinion 436 gives direction on how political committees may jointly purchase services from a commercial vendor without making an inadvertent in-kind contribution, or a prohibited contribution, between the committees that are making the purchase. The facts from Advisory Opinion 436 that are relevant to question 2, and needed to understand the basis of this opinion, are as follows.

1. The vendor is a commercial corporation that operates a research and opinion polling service that provides its customers with information which helps their election related activities in Minnesota.
2. The vendor's customers include candidate committees, political party units, political committees and funds, and independent expenditure committees and funds registered with the Board.
3. The vendor has in place policies and procedures that prohibit its customers from discussing their election related plans, including how the customer will use polling and research information, with employees of the vendor.
4. The vendor sells discrete research and polling projects in response to specific requests received from customers. The vendor charges either an hourly rate or a flat fee for these services. Both the hourly rate and the flat fee will reflect a rate the vendor reasonably believes will exceed the cost to produce the work requested.
5. If two or more customers jointly ask the vendor to work on a discrete research or polling project, the vendor will charge the same hourly rate or flat fee as it would if only one customer were purchasing the product. The cost of the project will be divided between the customers so that each customer pays an equal and proportionate share of the total project cost.

In addition, for the purposes of this opinion, the Board provides this definition.

¹ Advisory Opinion 436 (Nov. 5, 2013) https://cfb.mn.gov/pdf/advisory_opinions/AO436.pdf

6. "Bona fide use" means that each committee has an authentic, genuine, and real need for the services provided by the vendor that is autonomous of the needs of other committee(s) that jointly purchase the services.

Background

Advisory opinions issued by the Board provide safe harbor to a requestor who follows the advice given in the opinion. Political committees often refer to advisory opinions that were not issued to them for guidance on their behavior and for an understanding of how the Board interprets a given statutory requirement. In this opinion, the requestor asks for clarification on Advisory Opinion 436, which it has used for guidance when making joint purchases of services with other registered political committees.

Advisory Opinion 436 was issued to a commercial vendor that provides issue and candidate related research and polling services for use in political campaigns. The vendor was willing to sell its products to two or more committees that jointly purchased the products at the same rate or flat fee that would be charged to a single committee purchasing their products. Question 2 and the opinion provided in Advisory Opinion 436 are as follows:

Question 2: If two or more registered committees or funds evenly share the cost of purchasing a specific set of research or polling services, will the registered committees or funds have made in-kind contributions to each other equal in value to the amount each committee or fund saved by not purchasing the services alone?

Opinion: No, as long as all parties that are a part of the joint purchase have a bone fide use for the services purchased and the share each party pays is equivalent to the proportionate benefit each party expects to receive from the service. Registered committees and funds, like any other consumer, try to derive the best value possible for their money. As long as all of the parties in a joint purchase of services have a legitimate use for the services, and the joint purchase is a way to buy needed services at a reduced cost, then the joint purchase is not an in-kind contribution.

If, however, a participant in a joint purchase has no need for the services acquired, then the purpose of the joint purchase changes. A party to a joint purchase of services that has no bona fide use for the services is partially subsidizing the services used by the other participants in the purchase. In this scenario the cost paid by the party that had no use for the service is an in-kind contribution to any registered committee that received the service through the joint purchase. An in-kind contribution is not necessarily prohibited, but as pointed out by Advisory Opinion 410, an in-kind contribution between an IEPC and any other type of registered committee, is a violation of Chapter 10A.

An in-kind contribution may also occur if the cost paid by a party to a joint purchase is significantly disproportionate to the parties' use of the service. In such a case, the parties must allocate the cost of the service in proportion to the benefit they received from it....

To this point in Advisory Opinion 436 the guidance is clear, a joint purchase by committees of research and polling services does not create an in-kind contribution between the committees as long as 1) each committee has a bona fide use for the services, and 2) each committee pays an equal or proportionate share of the cost of the services.

However, the vendor in Advisory Opinion 436 stated that it had policies prohibiting its employees from discussing with customers their use of purchased services and the customers' election related plans. The Board noted in the opinion that these policies would prevent the vendor from ensuring that each committee involved in a joint purchase had a bona fide use for the services, and also would prevent the vendor from knowing if each committee was paying an equal or equitable share of the cost of the services. In the opinion, the Board provided that it "... may investigate to determine if all parties to the purchase had a bona fide need for the information acquired and that the amount paid in a joint purchase was appropriate."

The requestor believes that committees have tried to comply with the guidance of Advisory Opinion 436 in part by using a third-party vendor to act as a conduit between the vendor providing the services and the committees that are purchasing the services. Presumably the third-party vendor determines that each committee that participates in the joint purchase has a bona fide use for the product, and that each committee is paying an equal or equitable share of the cost.

With this background in mind, the requestor asks the following questions.

Issue One

Is a third-party vendor required to properly execute a joint purchase of bona fide services from a commercial vendor?

Opinion One

No, the use of a third-party vendor is not required. The committees that jointly purchase the services are ultimately responsible for complying with the provisions of Chapter 10A. Committees that agree to make a joint purchase, and wish to avoid making an in-kind contribution, will need to determine beforehand that all committees have a bona fide use for the services and that each committee pays for an equal or proportionate share of the services. As documentation of their compliance the Board recommends that the participating committees keep as records the calculations and relevant communications used to determine that an in-kind contribution did not occur.

Issue Two

May committees directly contract with a vendor for services and split the costs, provided the other necessary conditions are met?

Opinion Two

Yes, both this opinion and Advisory Opinion 436 acknowledge that committees may jointly purchase services assuming that no unreported or impermissible in-kind contributions occur. The use of a third-party vendor to purchase the services is permissible, but not required.

Issue Three

If committees do contract directly with a vendor, does the administrative work of the committee acting as point of contact with the vendor constitute an in-kind contribution from that group to the other committees?

Opinion Three

No, a committee acting as the point of contact for a joint purchase is not reducing the cost of the service provided by the vendor to the other committee. The communications between the committees making the joint purchase will offset any potential savings by a committee not directly communicating with the vendor.

Issued February 5, 2020

Robert Moilanen, Chair
Campaign Finance and Public Disclosure Board

DRAFT



MINNESOTA CAMPAIGN FINANCE BOARD

Date: January 29, 2020

To: Board Members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Legislative Recommendations

At the January 3, 2020, Board meeting staff was directed to draft a cover letter to accompany the Board's legislative recommendations to the legislature. The letter was to be signed by all six members, and was to contain the content described in Chair Moilanen's motion. The full motion on the direction to staff is included in the minutes, all members voted for the motion.

Unfortunately, I was not able to devise language for a letter that all members were willing to sign. I was also mindful of the advice provided by Counsel Hartshorn that there are open meeting law implications if members significantly amend or debate the content of a letter outside of a public meeting. Therefore, I am bringing back the cover letter for Board action at the February meeting. The Board may be able to devise language for the letter at the meeting that all six members are willing to sign, or the Board may decide to change its direction to staff as to the content of the letter, or who will sign the letter.

Additionally, Member Swanson's motion to adopt the recommendation on the lobbying program included the provision that the Board may continue to review and modify the recommendations going forward. To that end I have attached the current version of the statutory changes for the lobbying recommendations.

Attachments

Lobbyist program recommendations – statutory language

10A.01 DEFINITIONS

Minnesota Statutes 2018, section 10A.01, subdivision 21, is amended to read:

Subd. 21. **Lobbyist.** (a) "Lobbyist" means an individual:

(1) engaged for pay or other consideration of more than \$3,000 from all sources in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, (a) by communicating or urging others to communicate with public or local officials; or (b) by facilitating access to public or local officials;
or

(2) who spends more than \$3,000 ~~250~~ of the individual's personal funds, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.

* * * *

Minnesota Statutes 2018, section 10A.01, is amended by adding subdivisions to read:

Designated lobbyist. "Designated lobbyist" means the lobbyist responsible for reporting the lobbying disbursements and activity of the principal or employer. An employer or principal may have only one designated lobbyist at any given time.

General lobbying category. "General lobbying category" means a broad area of interest for lobbying specified by the board.

Specific subject of interest. "Specific subject of interest" means a topic of lobbying interest within a general lobbying category described with sufficient specificity to identify the expected areas of interest for the principal or employer.

Official action of metropolitan governmental units. "Official action of metropolitan governmental units" means any action that requires a vote or approval by one or more elected local officials while acting in their official capacity; or an action by an appointed or employed local official to make, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money.

Legislative action. "Legislative action" means the discussion or development of prospective legislation; or the review, modification, adoption, or rejection of any bill, amendment, resolution, nomination, administrative rule, or report by a member of the legislature or employee of the legislature. "Legislative action" also means the discussion or development of prospective legislation, or a request for support or opposition to introduced legislation, with a constitutional officer. Legislative action includes the action of the governor in approving or vetoing any bill or portion of a bill.

10A.03 LOBBYIST REGISTRATION

Minnesota Statutes 2018, section 10A.03, subdivision 2, is amended to read:

Subd. 2. **Form.** The board must prescribe a registration form, which must include:

(1) the name, address, and e-mail address of the lobbyist;

(2) the principal place of business of the lobbyist;

(3) the name and address of each individual, association, political subdivision, or public higher education system, if any, by whom the lobbyist is retained or employed or on whose behalf the lobbyist appears;

(4) the website address of each association, political subdivision, or public higher education system identified under clause (3), if the entity maintains a website; ~~and~~

~~(5) a general lobbying category or categories, description of the subject or subjects and the specific subjects of interest within each general lobbying category, on which the lobbyist expects to lobby for the principal or employer; and~~

~~(6) if the lobbyist lobbies on behalf of an association, the registration form must include the name and address of the officers and directors of the association.~~

Minnesota Statutes 2018, section 10A.03, is amended by adding subdivision 6 to read:

Subd. 6. **General lobbying categories.** A list of general lobbying categories must be specified by the board and updated periodically based on public comment. The board must publish on its website the current list of general lobbying categories. Chapter 14 does not apply to the specification, publication, or periodic updates of the list of general lobbying categories.

10A.04 LOBBYIST REPORTS

Minnesota Statutes 2018, section 10A.04, subdivision 3, is amended to read:

~~Subd. 3. **Information to lobbyist.** A principal, An employer, or employee lobbyist about whose activities are reported to the Board by another a lobbyist is required to ~~report~~ must provide the information required by subdivision 4 to the lobbyist no later than five days before the prescribed filing date.~~

Minnesota Statutes 2018, section 10A.04, subdivision 4, is amended to read:

Subd. 4. **Content.** (a) A report under this section must include information the board requires from the registration form and the information required by this subdivision for the reporting period.

~~(b) A lobbyist must report the lobbyist's total disbursements on lobbying, separately listing lobbying disbursements to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions of a metropolitan governmental units and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.~~

~~(b) A lobbyist must report each state agency that had administrative action that the principal or employer sought to influence during the reporting period. ~~the lobbyist's total disbursements on lobbying, separately listing lobbying to influence legislative action, lobbying to~~~~

~~influence administrative action, and lobbying to influence the official actions of a metropolitan governmental unit, and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.~~

(c) A lobbyist must report each metropolitan governmental unit that considered, or was asked to take, official action that the principal or employer sought to influence during the reporting period.

(d) A lobbyist must report each legislative action that accounted for 25% or more of that lobbyist's effort on behalf of the principal or employer during the reporting period. The legislative action must be identified by specific subject of interest for prospective legislation, by legislative bill number for introduced legislation, or, if the legislation has been included in an omnibus bill, by bill number and section containing the legislation action. The lobbyist must report a reasonable, good faith estimate of the total percentage of lobbying time spent on each of the actions listed in this paragraph.

(e) A lobbyist must report each administrative action that accounted for 25% or more of the lobbyist's effort on behalf of the principal or employer during the reporting period. The administrative action must be identified by the revisor number assigned to it or a description of the proposed administrative action if a revisor number has not been assigned. The lobbyist must report a reasonable, good faith estimate of the total percentage of lobbying time spent on each of the actions listed in this paragraph.

(f) A lobbyist must report the Public Utilities Commission docket number for each rate setting, each power plant and powerline siting, and each granting of certificate of need that accounted for 25% or more of that lobbyist's effort on behalf of the principal or employer during the reporting period. The lobbyist must report a reasonable, good faith estimate of the total percentage of lobbying time spent on each of the actions listed in this paragraph.

(g) A lobbyist must report each official action of a metropolitan governmental unit that accounted for 25% or more of that lobbyist's effort on behalf of the principal or employer during the reporting period. The official action must be identified by the name of the specific metropolitan governmental unit and the ordinance number or name of the official action. The lobbyist must report a reasonable, good faith estimate of the total percentage of lobbying time spent on each of the actions listed in this paragraph.

(eh) A lobbyist must report the amount and nature of each gift, item, or benefit, excluding contributions to a candidate, equal in value to \$5 or more, given or paid to any official, as defined in section 10A.071, subdivision 1, by the lobbyist or an employer or employee of the lobbyist. The list must include the name and address of each official to whom the gift, item, or benefit was given or paid and the date it was given or paid.

(di) A lobbyist must report each original source of money in excess of \$500 in any year used for the purpose of lobbying to influence legislative action, administrative action, or the official action of a metropolitan governmental unit. The list must include the name, address, and employer, or, if self-employed, the occupation and principal place of business, of each payer of money in excess of \$500.

(j) The designated lobbyist must report disbursements made and obligations incurred that exceed \$2,000 for paid advertising used for the purpose of urging members of the public to contact public or local officials to influence official actions during the reporting period. Paid advertising includes the cost to boost the distribution of an advertisement on social media. If a disbursement made or obligation incurred for paid advertising exceeds \$2,000 the report must provide the date that the advertising was purchased, the name and address of the vendor, a description of the advertising purchased, and any specific subject of interest addressed by the advertisement.

(ek) On the report due June 15, the lobbyist must ~~provide update or confirm a~~ the general lobbying categories and specific description of the subjects of interest for the principal or employer that were lobbied on in the previous 12 months.

Minnesota Statutes 2018, section 10A.04, subdivision 6, is amended to read:

Subd. 6. **Principal reports.** (a) A principal must report to the board as required in this subdivision by March 15 for the preceding calendar year.

~~(b) Except as provided in paragraph (d),~~ The principal must report the total amount, rounded to the nearest \$2_10,000, spent by the principal during the preceding calendar year to influence legislative action, administrative action, and the official action of metropolitan governmental units. on each type of lobbying listed below:

(1) lobbying to influence legislative action;

(2) lobbying to influence administrative action, other than lobbying described in clause (3);

(3) lobbying to influence administrative action in cases of rate setting, power plant and powerline siting, and granting of certificates of need under section 216B.243; and

(4) lobbying to influence official action of metropolitan governmental units.

~~(c) Except as provided in paragraph (d),~~ For each type of lobbying listed in paragraph (b), the principal must report under this subdivision a total amount that includes:

(1) the portion of all direct payments for compensation and benefits paid by the principal to lobbyists in this state;

(2) the portion of all expenditures for advertising, mailing, research, consulting, surveys, expert testimony, studies, reports, analysis, compilation and dissemination of information, social media and public relations campaigns, and legal counsel, used to support lobbying related to legislative action, administrative action, or the official action of metropolitan governmental units in this state; and

(3) a reasonable good faith estimate of the portion of all salaries and administrative overhead expenses attributable to activities of the principal relating to efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units in this state; and

(4) the portion of all lobbying disbursements not listed in clause (2) that were made or incurred on behalf of the principal by all lobbyists for the principal in this state.

~~(d) A principal that must report spending to influence administrative action in cases of rate setting, power plant and powerline siting, and granting of certificates of need under section 216B.243 must report those amounts as provided in this subdivision, except that they must be reported separately and not included in the totals required under paragraphs (b) and (c).~~

Minnesota Statutes 2018, section 10A.04, is amended by adding subdivision 10 to read:

Subd. 10. **Specific subjects of interest.** The specific subjects of interest for the principal or employer is identified by the lobbyist at the time the lobbyist registers with the Board, or as provided on the report due on June 15th.

4511.0600 REPORTING DISBURSEMENTS

Minnesota Rules, part 4511.0600, subpart 5, is repealed.

4511.0800 ADMINISTRATIVE ACTION

Minnesota Rules part 4511.0800 is repealed.



MINNESOTA CAMPAIGN FINANCE BOARD

DATE: January 29, 2020
TO: Board Members
FROM: Megan Engelhardt, Assistant Executive Director **TELEPHONE:** (651) 539-1182
RE: Prima facie determination finding no violation

Complaints filed with the Board are subject to a prima facie determination made by the Board chair in consultation with staff. If the Board chair determines that a complaint states a violation of Chapter 10A or the provisions of Chapter 211B under the Board's jurisdiction, the complaint moves forward to a probable cause determination by the full Board.

If, however, the chair determines that a complaint does not state a prima facie violation, the chair must dismiss the complaint without prejudice. When a complaint is dismissed, the complaint and the prima facie determination become public data. The following complaint was dismissed by the chair and the prima facie determination is provided here as an informational item to the other board members. No further action of the Board is required.

Complaint regarding Logan Coplan

On January 10, 2020, the Board received a complaint submitted by Brandon Haugrud regarding Logan Coplan. Mr. Coplan is campaigning for election as a state representative in district 61A. The complaint stated that Mr. Coplan has a website supporting his campaign, and has been solicitating contributions for several months. The complaint alleged that Mr. Coplan should have registered a principal campaign committee with the Board.

Minnesota Statutes section 10A.14 requires "[t]he treasurer of a . . . principal campaign committee . . . to register with the board by filing a registration statement." Registration with the Board is required "no later than 14 days after the committee . . . has made a contribution, received contributions, or made expenditures in excess of \$750." However, there was no indication from the complaint that Mr. Coplan had received contributions in excess of \$750 or made expenditures in excess of \$750. Thus, there was no basis to conclude that Mr. Coplan was required to register with the Board. On January 17, 2020, the chair concluded that the complaint did not state a prima facie violation of Minnesota Statutes section 10A.14.

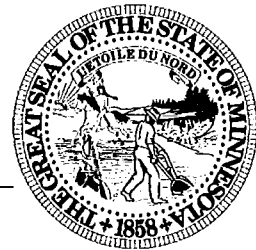
Attachments:

Complaint
Prima facie determination

Campaign Finance & Public Disclosure Board

190 Centennial Office Building, 658 Cedar St, St Paul, MN 55155

www.cfboard.state.mn.us



MINNESOTA CAMPAIGN FINANCE BOARD
20 JAN 10 AM 11:04

Complaint for Violation of the Campaign Finance and Public Disclosure Act

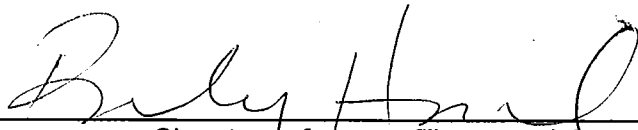
All information on this form is confidential until a decision is issued by the Board.
A photocopy of the entire complaint, however, will be sent to the respondent.

Information about complaint filer

Name of complaint filer	Brandon Haugrud		
Address	210 W Grant St #319	Email address	bmhaugrud@gmail.com
City, state, and zip	Minneapolis, MN	Telephone (Daytime)	

Identify person/entity you are complaining about

Name of person/entity being complained about	Mr. Logan Coplan
Address	LoganCoplanfor61A.com
City, state, zip	
Title of respondent (If applicable)	Candidate
Board/Department/Agency/District # (If legislator)	61A


Signature of person filing complaint

12/26/2019
Date

Send completed form to:

Campaign Finance & Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

If you have questions:

Call 651-539-1190, 800-657-3889, or for TTY/TDD communication contact us through the Minnesota Relay Service at 800-627-3529. Board staff may also be reached by email at cf.board@state.mn.us.

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180, 800-657-3889, or through the Minnesota Relay Service at 800-627-3529.

Give the statutory cite to the section of Chapter 10A, Chapter 211B, or Minnesota Rules you believe has been violated:

Section 14, Subdivision 1

You will find the complete text of Chapter 10A, Chapter 211B, and Minnesota Rules chapters 4501 - 4525 on the Board's website at www.cfboard.state.mn.us.

Nature of complaint

Explain in detail why you believe the respondent has violated the campaign finance and public disclosure laws. Attach an extra sheet of paper if necessary. Attach any documents, materials, minutes, resolutions, or other evidence to support your allegations.

I came across some campaign literature for Mr. Logan Coplan who purports to be a candidate for public office in my district (61A). As I was perusing his website I noticed that he is accepting donations for his campaign, but when I searched for his financial disclosures on the website of the Campaign Finance Board I could not find that he was a registered candidate. This is rather concerning to me as it is my understanding that under Minnesota Statutes Chapter 10A, a campaign must file a registration statement with the Board no later than 14 days after the campaign has received contributions exceeding \$750. Now it is certainly possible that Mr. Coplan has not yet met the monetary threshold requiring his registration, but given that his campaign and solicitation for campaign contributions has been underway for at least several months, I believe it would be prudent for the Board to conduct a proper inquiry. Thank you.

Minnesota Statutes section 10A.022, subdivision 3, describes the procedures required for investigating complaints. A full description of the complaint process is available on the Board's website.

Briefly, the Board will notify you when it has received your complaint. The Board must send a copy of the complaint to the respondent. Complaints and investigations are confidential. Board members and staff cannot talk about an investigation except as required to carry out the investigation or to take action in the matter. After the Board issues a decision, the record of the investigation is public.

The law requires a complaint to go through two stages before the Board can begin an investigation: a prima facie determination and a probable cause decision. If the complaint does not pass one of the stages, it must be dismissed.

The Board has 10 business days after receiving your complaint to determine whether the complaint is sufficient to allege a prima facie violation of the campaign finance laws. If the Board determines that the complaint does allege a prima facie violation, the Board has 45 days to decide whether probable cause exists to believe a violation that warrants a formal investigation has occurred. Both you and the respondent have the right to be heard on the issue of probable cause before the Board makes this decision. The Board will notify you if the complaint moves to the probable cause stage.

If the Board determines that probable cause does not exist, the Board will dismiss the complaint. If the Board determines that probable cause exists, the Board will start an investigation. The Board will send you monthly updates regarding the status of the investigation. At the end of the investigation, the Board will offer you and the respondent the opportunity to be heard before the Board makes a final decision.

In most cases, the Board will issue findings, conclusions, and an order as its decision. For a spending or contribution limits violation, the Board can enter into a conciliation agreement with the respondent instead of issuing findings, conclusions, and an order. The Board's final decision will be sent to you and posted on the Board's website.

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF BRANDON HAUGRUD REGARDING LOGAN COPLAN:


On January 10, 2020, the Campaign Finance and Public Disclosure Board received a complaint submitted by Brandon Haugrud regarding Logan Coplan. The complaint states that Mr. Coplan is campaigning for election as a state representative in District 61A, but has not registered a principal campaign committee with the Board. The complaint states that Mr. Coplan has a website supporting his campaign, and has been soliciting contributions for several months. The complaint alleges that Mr. Coplan should have registered a principal campaign committee with the Board.

Determination

In this matter, the individual who is the subject of the complaint has not registered a campaign committee or reported campaign expenditures to the Board. Minnesota Statutes section 10A.14 requires "[t]he treasurer of a . . . principal campaign committee . . . to register with the board by filing a registration statement." Registration with the Board is required "no later than 14 days after the committee . . . has made a contribution, received contributions, or made expenditures in excess of \$750."

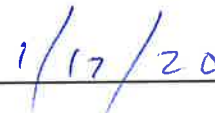
The complaint states that Mr. Coplan has a website promoting his campaign for election to the state legislature, and has been soliciting contributions for that campaign. However, there is no indication from the complaint that Mr. Coplan has received contributions in excess of \$750 or made expenditures in excess of \$750. Thus, there is no basis to conclude that Mr. Coplan was required to register with the Board. Because the allegation in the complaint is based on speculation it does not support a finding of a prima facie violation of Minnesota Statutes section 10A.14.

Pursuant to Minnesota Statutes section 10A.022, subdivision 3, this prima facie determination is made by a single Board member and not by any vote of the entire Board. Based on the above analysis, the Chair concludes that the complaint does not state a prima facie violation of Chapter 10A or of those sections of Chapter 211B under the Board's jurisdiction. The complaint is dismissed without prejudice.



Robert Moilanen, Chair
Campaign Finance and Public Disclosure Board

Date: _____



**CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
February 2019**

ACTIVE FILES

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Served by Mail	Default Hearing Date	Date Judgment Entered	Case Status
Chilah Brown Michele Berger	Brown (Chilah) for Senate	Unfiled 2016 Year- End Report of Receipts and Expenditures Unpaid late filing fee on 10/31/16 Pre- General Election Report	\$1,000 LF \$1,000 CP \$50 LF	3/6/18	8/10/18			Board is working on the matter. Placed on hold.
Katy Humphrey, Kelli Latuska	Duluth DFL	Unfiled 2016 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	3/6/18	8/10/18			Board is working on the matter. Placed on hold. 3/5/19
Christopher John Meyer	Meyer for Minnesota	Fees and Penalty for late filing of 2016 Year-End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	7/28/17	9/6/17	1/24/2020		Personal service was obtained 9/30/19
Dan Schoen		2017 Annual Statement of Economic Interest	\$100 LF \$1,000 CP	1/28/19	3/27/19			Placed on hold by Board.

