

## Minnesota Campaign Finance and Public Disclosure Board

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# Legislative and Constitutional Office Candidate Handbook

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## Welcome

This handbook was written for you by the staff of the Campaign Finance and Public Disclosure Board. The Board was created by the Legislature back in the 1970's. Its job is to oversee and publish information about money used to influence state elections. This includes elections for state candidates. You can learn more about the mission and members of the Board on our website at [cfb.mn.gov](http://cfb.mn.gov).

This handbook is for campaign committees run by candidates for state offices. The state offices are governor, lieutenant governor, secretary of state, attorney general, state senator, and state representative. If you are a candidate for judicial office, this handbook is not for you. You need a different handbook that was written for the special rules that apply to judicial candidates.

This handbook will tell you how to start and run a candidate's campaign committee. If you read and understand the information in this handbook, you can run a candidate campaign committee or be a treasurer with confidence.

If you print this handbook, please check the Board website periodically for updates. Look at the "Last revised" date on the first page of the online handbook to see if you have the latest version.

We have not tried to answer every possible question in this handbook. When you can't find the answer to a question here, please call us. You can find out which staff member can best help you by looking at the Getting Help section. You also can look at our website for additional information. All the forms you need also are available on our website.

In general, if a candidate is going to spend or receive more than \$750 to get elected or wants to receive public money, the candidate must register a campaign committee with the Board. The candidate's committee will collect donations from people who support the candidate and will spend money to help the candidate get elected. The candidate's committee must regularly report these contributions and expenditures to the Board. The information on the report is posted on the Board's website so the public knows who is spending money to influence the public's votes.

Each candidate's committee has one person in charge of the money. That person is called the treasurer. The treasurer has an important job, which is making sure that the committee follows the campaign finance laws. The treasurer's job takes time and requires a person who is willing to accept a lot of responsibility.

The treasurer must receive, keep records on, and report all money coming into the committee. The treasurer has to approve all spending and make sure that the committee's money is used in legally permitted ways. If the committee enters into transactions that violate state laws or fails to file proper reports on time, it is the treasurer who is responsible to the Board. You should not become a treasurer unless you are willing and able to take on these responsibilities. If you already are a treasurer, you should be sure that you know what is expected of you and you should help the committee find another treasurer if you are unwilling or unable to accept the treasurer's responsibilities.

## **Starting a candidate's campaign committee**

### **Overview**

This chapter tells you whether you need a campaign committee, what a candidate's campaign committee does, and how to set up a committee.

### **Topics covered**

- [Do I need to form a campaign committee?](#)
- [What does a candidate's campaign committee do?](#)
- [Who should be the committee chair and treasurer?](#)
- [Does the committee need a bank account?](#)
- [How often do you need to deposit contributions?](#)
- [How do you register with the Board?](#)
- [What is the time limit for registering?](#)
- [Do you want to get public money for the campaign?](#)
- [What penalties apply if you don't follow the laws for starting a committee?](#)

### **Do I need to form a campaign committee?**

A candidate does not need to form a campaign committee if

- the candidate will spend only the candidate's own money on the campaign, or
- the candidate will not accept contributions totaling more than \$750 from other people.

If the candidate is going to receive more than \$750 from supporters to get elected or wants to receive public money, the candidate must form a campaign committee.

The rest of this handbook assumes that you need a campaign committee and will help you to understand how to form and operate that committee.

### **What does a candidate's campaign committee do?**

The candidate is in control of his or her campaign, but the financial transactions of the campaign must be made through the committee. The candidate cannot accept or spend money for the campaign outside of the committee. All contributions, including money from the candidate, must go to the committee. Campaign expenditures are then made by the committee.

A candidate can have only one campaign committee for each office sought. In the campaign finance area, the candidate's campaign committee is known as the principal campaign committee.

## **Who should be the committee chair and treasurer?**

Every candidate's campaign committee must have a chair and a treasurer. The candidate chooses the chair and the treasurer and can replace them at any time. The chair and the treasurer can be the same person. The candidate can be the chair and/or the treasurer. Usually the candidate will not be the treasurer because the candidate needs to focus on campaigning and not on the finances of the committee.

The chair's duties are not specified in law. It therefore is up to the candidate and the committee to decide what the chair's duties will be.

The treasurer is the key financial person in the committee. The campaign finance laws specify many of the treasurer's duties. The committee cannot accept or spend any money when it does not have a treasurer. The Board will send notifications and bulletins to the treasurer and use the treasurer as the contact person for the committee. The treasurer's job has several parts.

## **Recordkeeping**

The treasurer must keep detailed records of all the contributions that the committee receives and of all the money the committee spends. Some of the things that the treasurer must keep records of include the following:

- The total amount of money that the committee receives;
- The name and address of anyone who gives more than \$20 to the committee along with the date and the amount of the contribution;
- Every expenditure made by the committee along with the date and amount of the expense;
- Every expenditure made by someone with the committee's approval along with the date and amount of the expense; and
- The name, address, and Board registration number of any political committee or fund, candidate's committee, or party unit to which the committee gives money along with the date and amount of the contribution.

This list of recordkeeping tasks is just a sample of what the treasurer must do. The different sections of this handbook provide more details about the records that must be kept for each kind of transaction.

Good records are important because candidates must tell the public who has given them money and what they did with those contributions. Also, there are limits on the amount of money and help that a candidate's committee can receive and spend. Many of these limits apply to contributions given over the course of a two-year period. Without good records, the committee cannot know if the total amount received from someone over the two-year period or the total amount spent is more than the allowed amount. The treasurer or the candidate must save the records for four years.

## **Knowing general campaign finance laws**

The treasurer does not need to know all the campaign finance laws. But a treasurer should know enough about these laws to spot potential problems. The treasurer also should know where to find campaign finance information and how to get additional help when needed. For example, if a treasurer generally knows that there are contribution limits on the total amount that an individual can give the committee, the treasurer will understand how important it is to check those limits whenever the committee receives an initial contribution or a second contribution from the same person. The treasurer should know that the specific contribution limits and other important information are available in this handbook and on the Board's website. The treasurer also should know that Board staff members are available to answer campaign finance questions.

## **Reconciliation**

The committee's records are like bank statements. The treasurer regularly must compare the committee's actual cash on hand with its receipts and spending records. If the committee's records do not reconcile with the bank's records, the treasurer must find and fix the problem.

## **Reporting**

The treasurer must report all receipts and spending to the Board. There is only one report required during a non-election year. The number of reports due during an election year depends on the office for which the candidate is running and whether the candidate wins at a primary election. The reporting section of this handbook has more details about the number of reports required and their due dates.

In addition, just before the election, the treasurer also must report large contributions as they happen. The treasurer signs each report to confirm that the information on it is complete, true, and correct. Because the treasurer is responsible for the report, all of the committee's recordkeeping and reconciliation should be done by the treasurer or under the treasurer's close supervision. If the committee has no treasurer, the candidate must file the committee's reports.

The Board has free software called Campaign Finance Reporter (CFR). You can install CFR on your computer and use it to keep the committee's records. CFR incorporates the campaign finance laws. As you enter your records, it will alert you to possible problems. If you enter records regularly, you should have time to fix most problems before the time limit has passed. You also can use CFR to generate reports and send them electronically to the Board.

The Board offers [training sessions](#) for CFR in St. Paul and, occasionally, at locations around the state. [CFR tutorials](#) also are available on the Board website. Finally, you can always call the Board if you need additional CFR support.

For most committees, filing using an electronic system is required. This means that the treasurer should plan to take training and use the CFR software to keep the committee's records. Some committees will qualify for an exemption from the electronic filing requirement. More information about the electronic filing requirement and the exemption is available on the Board's website.

### **Does the committee need a bank account?**

Yes. Money given to a candidate's campaign committee cannot be mixed with any other money. You must open a separate bank account for the campaign committee. The bank account must be called the "Campaign Fund of (name of candidate)." The name on the checks, however, can be the name of the committee. The treasurer must have signing authority for the account. The Board strongly suggests that the candidate also have signing authority for the account in case the treasurer resigns or is unable to carry out the job's duties. This is also a good tool for financial control because it ensures that at least two people have access to the official bank records.

To open a bank account, you need an identification number from the Internal Revenue Service (IRS). The IRS has two types of identification numbers: an individual number (TIN) and an employer number (EIN). The IRS gives EINs to political organizations, even those that are not actually employers. The IRS has [EIN information](#) on its website and an [EIN online application](#). You also can call the IRS at (800) 829-4933 or send the IRS an [SS-4 Application for an Employer Identification Number](#). For more detailed help, see the step-by-step instructions in the Common Questions section of this handbook.

Some candidates decide to open their campaign checking account as a personal account. Your bank will let you know if this is an option. If it is, you will use your social security number as your identification number.

All money received by the campaign committee must be deposited into the committee's bank account.

### **How often do you need to deposit contributions?**

In general, you must deposit contributions within 10 business days of receiving the money. For contributions received through electronic means, such as PayPal, the committee receives the money on the date that it has access to the funds under the terms of the agreement with the contribution processor. For all other contributions, the committee receives the money on the date when it physically receives the contribution. If possible, you may want to make copies of any checks before you deposit them. This may make it easier to reconcile the committee's financial records.



## **How do you register with the Board?**

After you have opened the campaign committee's bank account, you can register the committee with the Board. You must use the Board's [registration form](#) to register the committee.

On the registration form, you will report basic information such as the names and addresses of the candidate, the committee, the committee's officers, and the committee's bank account. You can deliver the form to the Board in person or by mail, fax, or email. At this time, a committee cannot register on-line. The actual name of the committee is left to the candidate's discretion, but it typically includes the name of the candidate and either a reference to the office sought or the legislative district in which the candidate is running. The registration form must be signed by the treasurer or the candidate.

If something that you list on the registration changes, you must tell the Board within 10 days of the change. It is very important to promptly notify the Board of changes in the committee contact information because this is the information that the Board uses when it needs to contact the committee. Changes must be in writing. You can use the same form to report changes or send an e-mail or letter with the needed information.

Remember to open mail from the Board promptly. Much of the information is date sensitive.

## **What is the time limit for registering?**

You must register the candidate's campaign committee with the Board within 14 days after receiving more than \$750 from supporters or spending more than \$750 to help the candidate get nominated or elected. Receiving contributions or spending money to get the party's endorsement counts toward the \$750 threshold. Even if the candidate does not receive a party endorsement and stops running for office at that point, you still must register the committee if the contribution or spending thresholds were met.

## **Do you want to get public money for the campaign?**

A candidate can receive public money for the campaign if the candidate meets the requirements of the Public Subsidy Program. The deadline to decide whether to receive public money is three weeks before the candidate's primary. There is a section discussing the Public Subsidy Program later in the handbook. Certain limits and other requirements discussed in this handbook apply only if the candidate has decided to participate in the Public Subsidy Program. Participation begins when the candidate signs a public subsidy agreement. If you are

considering participating in the Public Subsidy Program, you should skip ahead and read that section before reading the rest of this handbook.

**Do you want your contributors to be eligible for political contribution refunds (PCR)?**

If a candidate participates in the Public Subsidy Program, individuals who give money to that candidate after the candidate has filed a public subsidy agreement can receive a political contribution refund from the state. The refund is equal to the amount contributed up to a yearly maximum of \$50 per person (\$100 for a married couple).

**What penalties apply if you don't follow the laws for starting a committee?**

If you do not register the committee within the 14-day time limit, the Board can charge a late fee. The Board can charge an additional penalty of up to \$1,000 for not filing a registration after the Board has sent notice that your registration is overdue.

## Receiving contributions

### Overview

This chapter tells you what things the committee can receive from people who want to help the candidate get elected. It also tells you what records to keep for those contributions. You will use the records to make reports to the Board.

### Topics covered

[What is a contribution?](#)

[A note about independent expenditures](#)

[How should you handle loans?](#)

[Who can give you contributions?](#)

[Who can't give you contributions?](#)

[What do you do if you accept a contribution from a prohibited source?](#)

[What rules apply when the legislature is in session?](#)

[What are the contribution limits?](#)

[What do you do if you accept a contribution that is more than the limits?](#)

[How should you handle joint contributions?](#)

[What records do you have to keep?](#)

[What penalties apply to contributions that don't follow the rules?](#)

### What is a contribution?

A contribution is anything given to the committee. The contribution can be money. A contribution also can be a thing or a service. Contributions of anything other than money are called in-kind contributions. There are some exceptions to the general rule that everything given to the committee is a contribution. A committee volunteer's time is not a contribution. This volunteer time can include professional or technical services as long as the service does not require the use of equipment or other resources from a business.

A committee cannot accept any contributions when it does not have a treasurer. All money that the committee receives must be deposited in the committee's bank account. The committee's money cannot be mixed with anyone else's funds. If possible, you should make a copy of any checks before you deposit them. This will make it easier to reconcile the committee's records.

The money that your committee uses to open its bank account is either a contribution or a loan from the person who provided the funds.

When the committee receives a contribution through an online contribution processor such as PayPal, the entire amount given by the contributor is the amount of the contribution. The committee should not subtract any processing fees when recording the amount of the contribution. The committee will report the processing fees as a noncampaign disbursement to the contribution processor.

### **Vehicle use**

The use of a personal car for campaign purposes by a volunteer or by the candidate is **not** a contribution.

A committee can choose to reimburse a volunteer or the candidate for vehicle use. To reimburse someone, you must use the IRS business mileage rate applicable to the year of travel. The [2020 rate](#) is available on the Board's website. If you do reimburse someone for vehicle use, you must report it as a campaign expenditure or a noncampaign disbursement, depending on what the person was doing while using the vehicle.

### **In-kind contributions**

An in-kind contribution is always valued at fair market value. For example, if someone gives the committee a used computer, the value of the contribution would be the price for which the donor could have sold the computer in the open market. The donor and the committee should agree on the value of the in-kind contribution. There is an exception for things that are given to the committee that have little value. You do not have to keep track of or report donations of goods that have a market value of \$20 or less.

Remember that every in-kind contribution is also an in-kind expenditure on the date that it was accepted by the committee. The handbook section on spending money tells you how to report in-kind expenditures.

### **Approved expenditures**

Sometimes, an individual or a group will spend money on the candidate's behalf. If the candidate or the committee approves, or is in any way involved with the spending, the amount spent is a contribution to the committee. This type of campaign spending is called an approved expenditure.

If someone wants to make an approved expenditure on the candidate's behalf, the treasurer must approve the expense in advance and in writing. The written approval must state the amount that can be spent and the reason for the spending. The Board has a form on its website for [approving an expenditure](#). A letter also is acceptable proof of approval. You should keep a copy of the letter or the form for the committee's records.

Approved expenditures are always in-kind contributions. The amount of the contribution is the amount spent on the candidate's behalf. The date of the contribution is the date that the contribution was accepted.

### **Notice required when selling items**

Many times, a committee will try to raise money by selling t-shirts, hats, or other items. Committees also sell tickets to fundraisers. The money that the committee receives from the sale of an item or a ticket to an event is a contribution to the committee. It is **not** income. In addition, the entire amount paid for the item is the amount of the contribution. The committee should not deduct the value of the item purchased to determine the amount of the contribution.

When a committee sells goods or services to raise money, it must give notice to the purchasers that the proceeds from the sale are a contribution to the committee. This notice may be given verbally at the time of the sale. Alternatively, the committee may give the notice by prominently displaying it on a sign at the place where the items are sold. If the committee is selling items at a location with more than one cashier, a notice must be posted at each location where a purchase may be made.

The notice requirement does not apply to events where the main purpose is to conduct fundraising or to goods or services sold at a fundraising event that requires the purchase of a ticket to attend.

### **Income**

A committee also could earn income such as interest on the committee's bank account or proceeds from selling property that was used in the regular operation of the committee. Income is not a contribution to the committee. Income is reported on a different schedule than contributions and is not subject to the same restrictions as contributions. Because income is an exception to the general rule, contact Board staff if you have any questions about reporting a receipt as income rather than as a contribution.

The money that a committee gets from selling tickets to fundraisers is not income. These funds are contributions from the people who bought tickets. The Common Questions section of the handbook talks about specific issues related to different types of fundraisers.

### **A note about independent expenditures**

Sometimes individuals or groups will make expenditures on the candidate's behalf without consulting with or involving the candidate or the candidate's committee in any way. If the expenditure meets the requirements of the law for independence, it is called an "independent

expenditure." An independent expenditure is not a contribution to the candidate and is not included on the committee's report. If you know about an independent expenditure in advance or have had discussions about an independent expenditure, you should be very careful that your involvement has not converted the independent expenditure to a contribution. If in doubt, ask for guidance from a Board staff member.

### **How should you handle loans?**

All loans require a written agreement between the lender and the committee, even if the lender is the candidate. The written agreement must include the date and amount of the loan and the name, address, occupation, and principal place of business of the lender and any co-signer or guarantor. All loans must eventually be either repaid or forgiven.

A loan or a loan guarantee is not a contribution until the loan is forgiven or it is paid by someone other than the committee. If the loan is forgiven, the lender that forgave the loan is the donor of the contribution. If the loan was repaid by someone other than the committee, the entity that repaid the loan is the donor of the contribution. The amount of the contribution is the amount of the loan that was forgiven or repaid.

Because a loan could turn into a contribution at some point in the future, loans from anyone other than a financial institution are subject to the same contribution limits that would apply to a contribution from the lender. The amount of the loan must be added to the cash and in-kind contributions from the same lender when checking to see if the lender's contribution limit has been reached. These contribution limits are discussed later in this section.

Financial institutions rarely give unsecured loans to candidate's committees. In practice, a bank will not loan money to a candidate's committee unless someone guarantees or co-signs the loan. When someone guarantees or co-signs a loan for the committee, this promise could become an actual contribution to the committee at some point in the future if the co-signer is eventually required to pay off the loan. Because of this, the amount of a loan that an individual may co-sign cannot exceed the contribution limit of the individual and counts against the contribution limit from that individual.

### **Who can give you contributions?**

You can take contributions from the following types of people:

- Individuals who are not lobbyists;
- Individuals who are lobbyists;
- General purpose political committees and political funds that are registered with the Board;
- Political party units that are registered with the Board;
- Political committees registered in Hennepin County;

- Another state candidate's committee **only** if that candidate is closing down the committee within the 12 months; and
- Groups that are not registered with the Board or Hennepin County if 1) the contribution is \$200 or less or 2) the group also gives you a disclosure form showing who gave the group money and how the group spent that money.

The disclosure form from the unregistered group must list information that is required by the campaign finance laws. The Board recommends that you not accept more than \$200 from any group not registered with the Board. If you do want to take more than \$200 from an unregistered group, be sure to consult with Board staff so that you and the donor understand the requirements before you accept the contribution.

If a group is registered with the Board, it must give you its registration number with its contribution. Because some groups forget to include their registration numbers with their contributions, you should always use the lists on the Board's website to see if the group that contributed is registered with the Board.

Remember that if a group gives you more than \$200, the group also must give you its registration number or a disclosure form.

### **Who can't give you contributions?**

Some people and groups cannot give anything to a candidate's committee. You cannot take money, things, or any other contribution from the following people or groups:

- Corporations;
- Limited liability companies (LLCs);
- Anonymous contributors unless the contribution is \$20 or less;
- State candidate campaign committees unless the committee is terminating within the next twelve months;
- Federal or local candidate committees;
- Independent expenditure and ballot question political committees and funds; and
- Anyone who gives you money on the condition that you will then give it, or any portion of it, to another candidate.

Federal law also prohibits contributions from foreign nationals to candidate committees for any level of office. More information on this prohibition is available at [www.fec.gov/updates/foreign-nationals/](http://www.fec.gov/updates/foreign-nationals/).

## **What do you do if you accept a contribution from a prohibited source?**

If the committee deposits a contribution from a prohibited source by mistake, it must give the contribution back. If the committee returns a contribution from a prohibited source within 90 days of deposit, it does not have to include the contribution or the check returning the contribution on the committee's report and any violation associated with the contribution is cleared. If using the CFR software, the committee, however, should record both the receipt and the return of the contribution so that the CFR records will match the committee's bank statements. If the prohibited contribution is returned more than 90 days after it was deposited, the committee still must return the contribution, but the full amount of the original contribution must be included on the committee's report as a contribution. The report must also include an expenditure transaction recording the return of the contribution. The violation that resulted from the prohibited contribution is not cured by returning the contribution more than 90 days after it was received and, as a result, will be dealt with by the Board. If a committee returns the actual check from a donor without depositing it, nothing is reported to the Board.

Your committee will not be able to accept contributions from most businesses because most businesses are organized as some type of corporation or LLC or are associations not registered with the Board.

If the committee receives an anonymous contribution that is more than \$20, you must send it to the Board within 14 days. The Board will add the money to the Public Subsidy Program account. You must send the entire amount of the anonymous contribution to the Board, not just the amount over \$20.

Sometimes the committee will know the name of a donor but will not have a piece of required information, such as the donor's address or employer/occupation. For example, the committee may receive a contribution through an electronic processor such as PayPal that includes only the donor's name and email address. The committee must try to get the missing information for that contribution. If the committee cannot get the missing information, it must treat the entire contribution as an anonymous one and forward it to the Board.

A committee also can refuse or return any contribution, or any part of a contribution, for its own reasons.

## **What rules apply when the legislature is in session?**

A candidate's committee cannot take contributions from some sources when the legislature is in session. During the session, the committee cannot receive contributions from 1) lobbyists; 2) political committees and political funds; and 3) associations not registered with the Board.

The sessional prohibition applies to all candidates who have a committee registered with the Board; not just to candidates who currently hold office. The ban applies to the entire first day of



the session, even though the session typically does not begin until noon, and to the entire last day. A contribution from one of the specified donor types that is mailed to your committee before the session starts but is not received until after the session has begun is received during the session and cannot be accepted. The ban does not apply to special legislative sessions or when the candidate is in a special election.

## **What are the contribution limits?**

### **Limits on contributions from individuals, political committee and funds, and candidates**

There are limits on the amount that one person or one political committee or fund can give to a candidate's committee during a two-year period. A two-year period that ends on December 31 of an election year is called an election segment. Any other two-year period is called a non-election segment. The contribution limits are higher in an election segment than they are in a non-election segment.

For an office with a four-year term, the non-election segment and the election segment together make up the election cycle for that office. The Minnesota House of Representatives has an election cycle of two years, so that cycle consists only of an election segment.

The contribution limits also are different for each office. The limits apply both to one-time contributions and to the total amount given by one person or group over the course of each two-year segment. Although the limits apply to contributions from both individuals and from political committees and funds, the limits are commonly referred to as the individual contribution limits.

The individual contribution limit also applies to members of the candidate's family.

When a candidate has not signed a public subsidy agreement, there is no limit on the amount that the candidate can give the candidate's own committee. When the candidate has signed a public subsidy agreement, the limit on contributions from the candidate for a two-year segment is five times the individual contribution limit for that two-year segment.

**Limits for contributions from individuals, political committees and funds, and candidates**

<b>Office</b>	<b>Election segment - individual limit</b>	<b>Election segment - candidate's personal funds limit</b>	<b>Non-election segment - individual limit</b>	<b>Non-election segment - candidate's personal funds limit</b>
Governor/Lt. Governor	\$4,000	\$20,000	\$2,000	\$10,000
Attorney General	\$2,500	\$12,500	\$1,500	\$7,500
Secretary of State, State Auditor	\$2,000	\$10,000	\$1,000	\$5,000
State Senate	\$1,000	\$5,000	\$1,000	\$5,000
State Representative	\$1,000	\$5,000	N/A	N/A

Bundled contributions are contributions delivered to the committee by someone other than the original contributor. A candidate's committee may not accept contributions delivered by a person if the total of contributions made and delivered by that person exceeds the applicable individual contribution limit.

Each individual contribution in the bundle is also treated as a contribution from the original contributor and counts against the contribution limit applicable to that contributor as well. The bundling restrictions do not apply to contributions delivered by one spouse on behalf of another or to contributions collected by a member of the candidate's campaign committee. It is up to the candidate to determine the process for making people members of the committee. However, to avoid bundling violations, a written record of committee members should be kept.

Loans and loan guarantees from sources other than financial institutions are subject to the contribution limits.

**Aggregate political party unit and terminating candidate committee limits**

There also is a limit on the total amount that can be given to a candidate's committee by all party units and terminating state candidate committees combined. This limit is ten times the individual contribution limit for the office sought and is different for election segments and non-election segments.

### Aggregate party unit and candidate committee contribution limits

Office	Election segment limit	Non-election segment limit
Governor/Lt. Governor	\$40,000	\$20,000
Attorney General	\$25,000	\$15,000
Secretary of State, State Auditor	\$20,000	\$10,000
State Senate	\$10,000	\$10,000
State Representative	\$10,000	N/A

### Special source limits

Finally, there is a limit on the total amount that a candidate's committee can receive from certain types of donors. This limit is called the "special source limit". The donors included in this limit are often called "special sources", and include political committees and funds, lobbyists, and associations not registered with the Board. Contributions from large donors no longer count toward the special source limit.

The special source limit applies to the total amount given by all special sources over the course of each two-year segment.

The special source limit is about 20% of the spending limits for the office sought and is calculated by the Board for each election. The special source limit applies to all candidates; even those who do not sign the public subsidy agreement.

Be sure to track special source contributions carefully because if you exceed the special source limit, the Board may require your committee to pay a civil penalty of up to four times the amount that the committee went over the limit.

### Aggregate special source limits for the 2019-2020 election cycle segment

Office	Amount
Governor/Lt. Gov.	\$339,500
Attorney General	\$45,300
Secretary of State, State Auditor	\$22,700
State Senate	\$20,600
State Representative	\$13,700

### What do you do if you accept a contribution that is more than the limits?

A single contribution that is more than the contribution limits is called a facially excessive contribution. A committee cannot accept a facially excessive contribution unless, at the same time that the committee deposits the contribution, it also writes a check to the contributor for the excess amount of the contribution. The committee would report to the Board only the amount kept as a contribution. But the committee should record both the contribution and the refund in its own records so that they match the committee's bank statements.

If the total amount of all contributions from a donor is more than the contribution limits, the committee still must return the excess amount but it has 90 days to do so. If the committee returns the excess contribution within 90 days of deposit, it does not have to include the contribution or the check returning the contribution on the committee's report and any violation associated with the contribution is cleared. Again, the committee should still record the receipt and the return of the contribution in its own records so that they will match the committee's bank statements. If the excess contribution is returned more than 90 days after it was deposited, the committee still must return the excess amount, but the full amount of the original contribution must be included on the committee's report as a contribution. The report must also include an expenditure transaction recording the return of the excess amount of the contribution. The violation that resulted from the excess contribution is not cured by returning the excess more than 90 days after it was received and, as a result, will be dealt with by the Board.

You may want to use a cashier's check to return a contribution because then the refund will be subtracted from the committee's bank account when the check is issued instead of when it is cashed. If you use a committee check, be sure to review your bank statements regularly to make sure the check is cashed.

### **How should you handle joint contributions?**

Many times, people contribute to a candidate using a check written on a joint account. However, campaign finance rules do not recognize joint contributions. Every contribution must be reported as coming from one donor. This means that the treasurer must decide how to report a contribution that is received in the form of a check drawn on an account with two names on it.

When you receive a check written on a joint account, you can report the full amount of the contribution as coming from the person who signed the check. If the amount of the check puts the signer over the individual contribution limit, however, you will need to determine whether the contribution can be split between the two people named on the account.

A person may deliver a contribution on behalf of the person's spouse. If you receive a check from a joint checking account, you must first determine whether the people named on the account are a married couple. If they are, you may split the contribution between the two people if one of the following conditions is met: 1) you personally know that the check was intended to be from both spouses; or 2) you contact the person who did not sign the check to confirm that the check was intended to be from both spouses. You should make a note in your records that explains how you treated the contribution and why.

Couples who are not married may not deliver each other's contributions. If a check from two unmarried people is more than the limit that the signer could donate, it results in a contribution

limits violation. In that case, you must return to the donor the amount that exceeds the individual contribution limit.

### **What records do you have to keep?**

You must keep a record of everything given to the committee. You must keep the records for four years. The four-year period starts on the date that the report containing the information is filed with the Board. If an amendment to that report is filed, the four-year period starts on the date of the amendment. The campaign finance laws require larger contributions to be itemized on the report. Specifically, for contributions over \$200, you must list the name, address, and employer of the donor, the date and amount of the contribution; and the donor's Board registration number if the donor is registered with the Board. If one donor has given multiple contributions that total more than \$200, you must itemize them all, listing each contribution separately on the report under the donor's name. Contributions from donors who have given \$200 or less, in total, should be added together and listed as a lump sum on the committee report to the Board. However, you still have to keep an internal record of each of these contributions.

Many times, an initial contribution will be too small to report as an itemized contribution. The campaign finance itemization laws, however, apply to all contributions given over the course of the year. If you do not keep good records, you will not be able to tell when a donor's total contributions reach the itemization level. The contribution limits also apply to the total of all contributions received from the same donor during a two-year period. You will need to accurately track contributions to avoid exceeding the contribution limits.

Although you should keep records of everything given to the committee, the detail of each record depends on the amount given. The specific rules are described in the sections below. There also are examples of how to record and report transactions related to some typical fundraisers in the Common Questions section of the handbook.

If you use an electronic reporting system like CFR, regularly add donation information and remember to back up your data often.

### **Contributions of \$20 or less – Cash**

For a cash contribution of \$20 or less, the only thing you must record is the amount and the date the contribution was received. You may choose to record the name of the contributor for the committee's own use. If your candidate signs the public subsidy agreement, you may want to count contributions of \$20 or less toward the contribution threshold necessary to qualify for public funds. You are able to count contributions of \$20 or less toward this qualifying threshold only if you record the date of the contribution and the contributor's name and address information.

If you collect money through small donations put in a jar or box, you should tell donors that if they want to donate more than \$20, they should see the treasurer so you can get their donation information. Donations of \$20 or less collected through a donation jar are reported with other nonitemized contributions regardless of the total amount put in the jar.

### **Contributions of \$20 or less – In-kind**

You do not have to record or report anything for an in-kind contribution that is \$20 or less.

### **Contributions over \$20 but not more than \$200– Cash and In-kind**

For all contributions over \$20 but not more than \$200, you must record the name and address of the donor, the date the contribution was received, the amount of the contribution, and, for in-kind contributions, a description of what was donated. If the donor is registered with the Board, you must record the donor's Board registration number. Registered donors must put this registration number on the contribution. If the donor does not put the registration number on the contribution, you must get the number yourself. You can contact the donor or use the registration lists on the Board's website.

### **Contributions over \$200 – Cash and In-kind**

For contributions that are more than \$200, you must record the same information required for contributions over \$20 but not more than \$200. In addition, you must record the donor's employer or, if self-employed, the donor's occupation.

You should keep your list of donors in alphabetical order by type of donor because this is how you must report the donors to the Board. For example, you will report contributions from lobbyists on one schedule and contributions from individuals on another. Each reporting period includes all contributions received during the year, not just the contributions received since the last report. If you use the Board's CFR reporting software, it will automatically keep track of your donors by type and in alphabetical order. In addition, CFR will allow you to easily comply with the requirement that reports be filed in electronic form.

Remember that the contribution limits apply to contributions given over the course of the two-year segment while the itemization requirements apply to contributions given over the course of the calendar year.

### **What penalties apply to contributions that don't follow the rules?**

The Board can charge a penalty of up to \$1,000 for the following things:

- Accepting a contribution when the committee does not have a treasurer;

- Not keeping records of contributions;
- Mixing committee funds with other money;
- Not depositing contributions promptly;
- Not giving notice that a purchase of a good or service is a contribution;
- Accepting an anonymous contribution over \$20; and
- Accepting a contribution during the legislative session from the prohibited groups.

If the committee takes a contribution from a group that is not registered with the Board and the contribution is more than \$200, the Board can charge a penalty of up to four times the amount of the contribution that is over \$200.

If the committee takes a contribution that is more than the limit for that type of contribution, the Board can charge a civil penalty that is up to four times the amount by which the contribution exceeded the limits.

One of the most common contribution mistakes is taking a donation that is over the contribution limits.

The Board can seek a penalty of up to \$3,000 if someone tries to get around the contribution limits by making contributions through another person or on behalf of another person. The Board also can seek a penalty of up to \$3,000 if a person knowingly fails to keep records of contributions. The Board can impose an additional \$3,000 civil penalty on the candidate or committee that is affiliated with the person who knowingly failed to keep the contribution records. Finally, the Board can impose a penalty of up to \$3,000 if the committee takes a prohibited contribution from a corporation.

## Spending money

### Overview

This chapter tells you what the committee can do with its money. It also tells you what spending limits apply to candidates who have signed public subsidy agreements. It also covers what records to keep of your spending. You will use those records to make reports to the Board.

### Topics covered

[What can a committee do with its money?](#)

[What are the disclaimer requirements?](#)

[What are in-kind expenditures?](#)

[What are the spending limits?](#)

[What does not count toward the spending limits \(noncampaign disbursements\)?](#)

[How to tell if an expense fits into a noncampaign disbursement category](#)

[What records must you keep?](#)

[What penalties apply to improper spending?](#)

### What can a committee do with its money?

Campaign committees make campaign expenditures, noncampaign disbursements, and contributions. Campaign expenditures are payments made to help a candidate get elected. There are limits on campaign spending for candidates who have signed public subsidy agreements. Some things that a committee spends its money on do not count towards the spending limits. These things are called noncampaign disbursements. There is a list of noncampaign disbursements near the end of this chapter. A candidate's campaign committee also may make contributions to political parties, political committees, and political funds. A committee may make donations to 501(c)(3) charities of \$100 per charity per year.

Money collected for political purposes cannot be used by or loaned to anyone for personal reasons. A committee also cannot make contributions to federal or local candidates. A candidate who has signed a public subsidy agreement cannot make independent expenditures on behalf of another candidate. The committee of a candidate who has signed a public subsidy agreement can make contributions to an independent expenditure committee or fund. But if the contribution is made on or after January 1 of an election year for the candidate, the recipient independent expenditure committee or fund cannot make independent expenditures during the election year on behalf of the contributing candidate.

### What are the disclaimer requirements?

All campaign material must include a disclaimer, which is a statement of attribution that tells who is responsible for producing and distributing the material. The campaign finance laws are very specific about the words that must be used in the disclaimer. When a candidate's



committee is involved with producing or distributing the campaign material, the following disclaimers must be used.

For campaign material that is distributed through broadcast media, the disclaimer must state, "Paid for by the .....committee." If the material is produced and broadcast without cost, the disclaimer must state, "The ..... committee is responsible for the content of this message.

For all other campaign material prepared and paid for by the candidate's committee, the disclaimer must state, "Prepared and paid for by the ..... committee, .....(address)." If the material is produced and distributed without cost, the words "paid for" may be omitted from the disclaimer. The address in the disclaimer must be either the committee's mailing address or the committee's website address if the website includes the committee's mailing address.

For written communications other than outdoor signs, websites, or social media pages, the disclaimer must be printed in 8-point font or larger. The disclaimer requirement is satisfied for an entire website or social media page when the full disclaimer appears once on the homepage of the site. On a Facebook page, the full disclaimer should be in the banner picture for the site or in the About section.

The disclaimer requirement does not apply to the following items:

- fund-raising tickets, business cards, personal letters, or similar items that are clearly being distributed by the candidate;
- bumper stickers, pins, buttons, pens, or similar small items on which the disclaimer cannot be conveniently printed;
- skywriting, wearing apparel, or similar items where it would be impracticable to include a disclaimer; and
- online banner ads and similar electronic communications that link directly to another online page that includes the full disclaimer.

### **What are in-kind expenditures?**

In-kind expenditures result ONLY from the committee's receipt of in-kind contributions. They are equal and complementary. Every in-kind contribution received by your committee results in an in-kind expenditure on the date that the in-kind contribution was accepted by your committee. Approved expenditures are a type of in-kind expenditure. In-kind expenditures count toward the spending limits just as cash expenditures do.

Remember that the committee's in-kind expenditures must match its in-kind contributions. For every in-kind contribution coming in, there will be a corresponding in-kind expenditure going out.

## **What are the spending limits?**

If a candidate signs a public subsidy agreement, the candidate must follow the spending limits for the candidate's office. The spending limits apply to a committee's expenditures during a two-year segment. The spending limits are higher during a two-year election segment and lower during the two-year non-election segment. The spending limits cover all the committee's cash and in-kind campaign spending, approved expenditures, and unpaid campaign expenditures. A candidate who does not sign a public subsidy agreement has no limit on campaign spending.

If the committee spends money to promote or defeat a ballot question, that spending is a campaign expenditure and it counts against the spending limits.

The spending limits are increased by 10% if the candidate is running for an office for the first time and meets other legal requirements. A candidate is a first time candidate if:

- the candidate has not previously held the same office;
- the candidate's name has not previously been on the primary or general election ballot for that office; and
- in the past ten years, the candidate has not raised or spent more than \$750 in a run for any other office whose territory now includes more than one-third of the population in the territory of the new office.

Board staff can help you figure out if your candidate qualifies for the 10% increase.

The spending limits are increased by 20% if a candidate had a closely contested primary election. A closely contested primary election is one in which the candidate won the primary by less than a two to one margin. Do not assume that you will receive this increase; it is available only after the primary election results are known. The Board will contact any candidate that qualifies for the higher spending limits.

A candidate can qualify for an increase in the spending limits for both running for an office for the first time and having a contested primary.

A candidate can be released from the spending agreement if the candidate has an opponent who did not sign a public subsidy agreement and:

- At any time up to the 15 days before the primary, the opponent receives or spends 20% or more of the spending limits for the office; or
- Beginning two weeks before the primary, the opponent receives or spends 50% or more of the spending limits for the office.

Before the primary, an “opponent” includes only those people running against the candidate in the primary. If a candidate is released from the spending limits, the candidate’s opponent in the general election also is released from the spending limits.

The rules for being released from a public subsidy agreement are complicated. Never assume that you have been released from the spending limits. Contact the Board for guidance on the process and your options.

**Spending limits for the 2019-2020 election cycle segment**

Office	2019-2020 base spending limit	2019-2020 limit for candidate running for office for the first time	2019-2020 limit for candidate with closely contested primary	2019-2020 limit for first time candidate with closely contested primary
Governor/Lt. Governor	\$1,697,400	\$1,867,140	NA	NA
Attorney General	\$226,400	\$249,040	NA	NA
Secretary of State, State Auditor	\$113,300	\$124,630	NA	NA
State Senate	\$102,800	\$113,080	\$123,360	\$135,696
State Representative	\$68,500	\$75,350	\$82,200	\$90,420

**What counts toward the spending limits?**

Everything the committee spends in the two-year segment counts toward the spending limits unless the payment is specifically listed and described in the next two sections of this handbook.

Even if the committee hasn’t paid for something it purchased during the two-year segment, the amount of the expense counts toward the limits for the two-year segment in which the committee agreed to the purchase.

**What does not count toward the spending limits (noncampaign disbursements)?**

Noncampaign disbursements do not count toward the spending limits. The following is the current list of noncampaign disbursements:

- Payment for accounting and legal services;
- Return of a contribution to the source;
- Repayment of a loan;
- Return of public subsidy;
- Payment of food, beverages, utensils and supplies, facility rental, and entertainment at a fundraising event (note that payment for advertising or invitations to a fundraising event is not a noncampaign disbursement);

- Constituent services by a member of the legislature or a constitutional officer, including the costs of preparing and distributing a suggestion or idea solicitation to constituents, from the beginning of the term of office to adjournment sine die in the election year for the office held. In the 60 days after adjournment sine die, one-half of constituent service payments count toward the spending limits;
- Payment of food and beverages consumed by a candidate or volunteers while engaged in campaign activities;
- Payment for food or a beverage consumed while attending a reception or meeting directly related to legislative duties;
- Payment of expenses incurred by leaders of a caucus in carrying out leadership duties;
- Payment of candidate's expenses for serving in public office, other than for personal expenses;
- Costs of child care for candidate's children when campaigning;
- Fees, transportation, meals, and lodging paid to attend a campaign school;
- Costs of a post-election party during the election year when a candidate's name will no longer appear on a ballot or after the general election;
- Interest on loans;
- Filing fees;
- Post-general election holiday or seasonal cards, thank you notes, or ads in the news media mailed or published before the end of the election cycle;
- Costs of campaign material bought to replace defective campaign material, if the defective material is destroyed without being used;
- Costs of campaigning incurred by a person with a disability, as defined in Minnesota Statutes, section 363A.03, subdivision 12, and which are made necessary by the disability;
- Payments for funeral gifts or memorials;
- Costs of a magnet less than six inches in diameter with legislator contact information given to constituents;
- Costs of the candidate attending a state or national political party convention held in the state;
- Costs to an incumbent or a winning candidate of providing services to residents in the district after the general election in an election year for the office held;
- Costs of running a transition office for a winning gubernatorial candidate during the first six months after an election;
- Payment of advances of credit in a year after the year in which the advance was reported as an expenditure;
- Payment of fines assessed by the Board;
- Costs paid to a third party for processing contributions made by a credit card, debit card, or electronic check;
- Funds donated by a terminating candidate committee to the state general fund or to a county obligated to incur special election expenses due to that candidate's resignation;
- Costs for a party given in honor of the candidate's retirement from public office; and
- Contribution to a fund used to pay for recount costs of the candidate.

## **How to tell if an expense fits into a noncampaign disbursement category**

To qualify as a noncampaign disbursement, an expense must fit one of the categories listed above. If the expense does not reasonably fit into a listed category, that expense is not a noncampaign disbursement.

Some of the noncampaign disbursement categories are easy to understand, such as return of public subsidy. Other categories are less obvious. For example, Board staff receives many questions each year regarding the food and beverage categories. This section of the handbook focuses on the noncampaign disbursement categories that are not self-explanatory and discusses how to determine whether an expense fits into one of those categories. If you have questions about whether an expense qualifies as a noncampaign disbursement, you can call Board staff or ask for an advisory opinion on the matter. The Board also has prepared a [Guide to Noncampaign Disbursements](#) that is available on the Board's website.

## **Payment of food and beverages consumed by a candidate or volunteers while engaged in campaign activities**

To determine whether an expense fits under this category, the treasurer must consider whether the purpose of the event or activity where the food and beverages were consumed qualifies as a campaign activity that supports the election of the candidate. For example, door knocking on the day before the election is a campaign activity that supports the election of the candidate. Consequently, buying beverages for the volunteers who are doing the door knocking would qualify under this noncampaign disbursement category.

On the other hand, buying lunch for volunteers to thank them for their help in the past would not fit under this category because the event where the food was consumed is not a campaign activity.

Although the campaign activities must support the candidate's election, there is no restriction regarding when the campaign activities must occur. For example, planning sessions between the candidate and key campaign staff during the winter before an election could reasonably be considered campaign activities.

The campaign activities must be for the candidate claiming the payment as a noncampaign disbursement. If the committee pays for food consumed by the candidate or by volunteers while they are campaigning for another candidate, that expense would be an in-kind contribution to the other candidate.

## **Payment for food or a beverage consumed while attending a reception or meeting directly related to legislative duties**

This category applies to meals purchased for the officeholder, other legislators, and legislative staff but not to others attending the reception or meeting.

## **Payment of candidate's expenses for serving in public office, other than for personal expenses**

This category does not apply broadly to any and all expenses that may arise for legislators or constitutional officers. Instead, this category is appropriate only for expenditures that would not have been incurred if the individual were not specifically a legislator or a constitutional officer. For example, travel costs to St. Paul each week for a legislator who lives in Greater Minnesota could fall under this category because the legislator would not have incurred these travel expenses if he or she were not a legislator. Incumbents, however, should take care to ensure that they do not receive reimbursements from their committees for travel expenses that have been or will be reimbursed by the legislature.

The cost of attending an evening task force meeting or an out-of-state conference could also fall under this noncampaign disbursement category if the candidate would not attend the event if he or she were not an officeholder and the reason that the candidate attends the event is to assist the candidate in performing his or her legislative duties. Trips that are for general fact-finding and relationship building, such as meeting with the state's congressional delegation in Washington, D.C., are not reasonable costs of serving in office that may be paid for with campaign committee funds.

The cost of an elected official's cell phone and data use also may be an expense of serving in office if the phone is used for communications related to serving in office. Any cell phone use that is related to the campaign, however, would be a campaign expenditure. The committee should allocate cell phone expenses according to the candidate's use of the phone.

The committee can **never** pay for cell phone lines or data used by the candidate's family. When the candidate's cell phone expenses are included in a family cell phone plan, it can be very difficult to determine how much of the bill is due to the candidate's use and how much is attributable to the family's use. To avoid any question of conversion to personal use, the committee should purchase a single-user plan for the candidate's phone or pay only the candidate's share of a multi-user plan. If the committee chooses option two, it should document how it determined the candidate's share of the plan's cost.

## **Constituent services**

Services provided for constituents after the election through the date of the legislature's adjournment sine die in the candidate's next election year are noncampaign disbursements. Constituent services provided in the 60 days after adjournment sine die in the candidate's election year are 50% noncampaign disbursements and 50% campaign expenditures. Constituent services provided more than 60 days after adjournment sine die through election day are 100% campaign expenditures.

To qualify as a constituent service, the service must actually serve the constituent in some way and not simply enhance the candidate's reputation. For example, paying for bus transportation

to allow constituents to attend an educational day at the Capitol during session is a constituent service. Informational mailings also can be constituent services. The mailings, however, cannot advocate for the re-election of the legislator or solicit campaign contributions.

### **What spending records must be kept?**

You must keep records of all the committee expenditures, including unpaid expenditures, in-kind expenditures, and approved expenditures (which are a form of in-kind expenditure). Your records must include the date and amount of each expenditure. You must keep the records for four years. The four-year period starts on the date that the report containing the information is filed with the Board. If an amendment to that report is filed, the four-year period starts on the date of the amendment. The treasurer must approve all spending done by the committee. You can use the Board's CFR software to keep track of your spending. You should regularly enter your spending into CFR and back up your data often.

There is one exception to the requirement that you record every expenditure. The exception is for very small items that you purchase out of a petty cash fund. The treasurer or deputy treasurer can take up to \$100 per week for a statewide office or up to \$20 per week for a legislative office from the committee's checking account and use that money to pay cash for small incidental purchases. The committee must keep a record of each withdrawal for the petty cash fund. If the withdrawals add up to more than \$100, the committee must itemize them on the committee's reports. The committee should get a receipt for each reimbursement or payment made from petty cash but does not report these individual transactions to the Board.

For both cash and in-kind expenditures, you must record the following information:

- the date and amount of the expenditure, including in-kind expenditures;
- the name and address of the vendor and the vendor's Board registration number if the vendor is registered with the Board; and
- a description of the item or service purchased, including how the item or service was used.

If you are reimbursing someone for an expense that was more than \$200 or paying a credit card bill for an expense that was more than \$200, you must keep some additional information. You must keep the information listed above for 1) the person or company that you are paying for the expense and 2) the vendor who actually sold the item or performed the service. For example, if you reimburse a volunteer who paid more than \$200 for a brochure, you must keep the following information in your records:

- the date and amount of the reimbursement expenditure;
- the fact that the payment was reimbursement for a brochure;
- the name and address of the person being reimbursed; and
- the name and address of the vendor who produced the brochure.

If you reimburse someone for vehicle use, you must report it as a campaign expenditure or a noncampaign disbursement, depending on what the person was doing while using the vehicle.

You must have an invoice or a receipt for any payment over \$100. If the committee spends more than \$200 with a vendor at one time or over the course of the year, you must itemize the payments to that vendor. Keep your records in alphabetical order by vendor because that is how you must report your expenditures to the Board. If you use the CFR software, it will automatically group payments to a vendor and sort vendors alphabetically.

You also should keep separate records for campaign spending and for non-campaign spending. Then you will know if the committee is nearing the spending limits. You also must report these two types of spending separately to the Board. The CFR software warns you as you approach the campaign spending limits or if you go over.

The date that a campaign expenditure or noncampaign disbursement is reportable is the date when the committee made the commitment to spend the money, not when the bill was actually paid. An expenditure that has not been paid at the reporting date must be listed as an unpaid bill. For example, if the committee runs advertisements on Facebook, Facebook will not charge the committee for the ads until they all have finished running or the cost has reached a maximum amount set by the committee. The committee should record the Facebook advertisements as an unpaid bill using the date that the committee entered into the advertising agreement with Facebook. The committee can estimate the cost of the ads and then enter the actual amount when it pays the bill.

The date that an in-kind expenditure was made is the date that the committee accepted the in-kind contribution of goods or the date that in-kind services were actually provided. The vendor for the in-kind expenditure is the donor of the corresponding in-kind contribution.

Approved expenditures made on the candidate's behalf are both in-kind contributions and in-kind expenditures. For example, if an entity provided phone banks for the candidate, the committee would report this contribution as an in-kind contribution and an in-kind expenditure on the date that the services were provided. Also, before an entity goes ahead with an approved expenditure, the treasurer or the candidate must approve the expense in writing. The written permission should describe what the donor is going to do for the committee, when it will happen, and how much the donor can spend. This writing should be kept with the committee's other records.

Remember that approved expenditures must be approved in advance and in writing by the treasurer or the candidate and that the writing must state the amount that can be spent and the reason for the spending.



## **What penalties apply to improper spending?**

The Board can charge a penalty of up to \$1,000 for the following things:

- Spending money when the committee does not have a treasurer;
- Not keeping records of spending; and
- Mixing committee funds with other money.

If a candidate has signed a public subsidy agreement and the candidate's committee goes over the spending limits, the Board can charge a penalty of up to four times the amount that the committee went over the spending limits.

The Board also can seek a penalty of up to \$3,000 if a person knowingly fails to keep records of expenditures. The Board can impose an additional \$3,000 civil penalty on the candidate or committee that is affiliated with the person who knowingly failed to keep the expenditure records.

The Board can impose a penalty of up to \$3,000 if someone converts committee funds to personal use and can bring a legal action to recover the converted funds. The Board also can impose a penalty of up to \$3,000 for violations of the disclaimer requirement.

## Reporting to the Board

### Overview

This chapter tells you how to use your records to file reports with the Board. It also tells you when those reports are due. You can use the Board's free CFR software to keep your records and make your reports. If you use the CFR software, it automatically fills out all of the report schedules for you.

### Topics covered

- When do you need to file reports with the Board?
- What are the special reporting requirements just before an election (24-hour notice reports)?
- How do you report to the Board?
- How do you get an exemption from the electronic filing requirement?
- How do you report if you still file a paper form?
- How do you find registration numbers for contributors registered with the Board?
- How do you decide if money received by your committee should be reported as a contribution or as income?
- How do you decide if a payment made by your committee should be reported as an expenditure or a contribution?
- What do you report to the Board?
- How do you fix mistakes on a report?
- What penalties apply to reporting?

### When do you need to file reports with the Board?

The reports that you file with the Board are like bank statements. They show the amount of money that the committee started with at the beginning of the year, the receipts and spending that have come in and gone out of the committee during the year, and the amount of money that the committee has left at the end of the year.

In a non-election year, you must file one report for the entire year. This report is due on January 31<sup>st</sup> of the following year. The 2019 year-end report was due on January 31, 2020.

In an election year, a candidate for legislative office must file three reports with the Board. In 2020, those reports are due according to the following schedule:

Pre-primary-election report:	July 27, 2020 (15 days before the primary)
Pre-general-election report:	October 26, 2020 (10 days before the general election)
Year-end report:	By February 1, 2021

The committee of a candidate for legislative office who did not file for office does not have to file the pre-primary-election report. A candidate for legislative office whose name will not appear on the general election ballot does not have to file the pre-general-election report.

In an election year for a constitutional office, a candidate for constitutional office must file six reports with the Board. The next election year for constitutional offices is 2022. In 2022, the six reports will be due according to the following schedule:

April report:	April 14, 2022
June report:	June 14, 2022
Pre-primary-election report:	July 25, 2022 (15 days before the primary)
42-day pre-general-election report:	September 27, 2022
10-day pre-general-election report:	October 31, 2022
Year-end report:	By January 31, 2023

The committee of a candidate for constitutional office who did not file for office does not have to file the June report or the pre-primary-election report. A candidate for constitutional office whose name will not appear on the general election ballot does not have to file the 42-day pre-general-election report or the 10-day pre-general-election report.

Because 2020 is not an election year for constitutional offices, a candidate for constitutional office must file only one report for the entire year. This year-end report is due by February 1, 2021.

A calendar with all the reporting dates is available on the Board's website. Remember that late fees begin without notice on the day after a report is due.

Each report filed with the Board covers the time period from the beginning of the year to the cut-off date for the report. The cut-off date for a report is seven days before the report is due, except that the cut-off date for the year-end report is December 31<sup>st</sup>. The beginning balance on every report is always the ending balance from the previous year's report. Because each report covers the entire year up to the date of the report, you will repeat some of the committee's earlier receipt and spending entries on its later reports.

You must file reports every year until the committee closes, even if the committee does not collect or spend any money during the year.

### **What are the reporting requirements just before an election (24-hour notice reports)?**

During election years, there is a gap between the last date for transactions included on the pre-primary-election report and the date of the primary election. There is another gap between the last date for transactions included on the pre-general-election report and the general election.

During these two time periods, you must report to the Board any large contributions that you receive. The size of the contribution that triggers the notice requirement is different for each office.

### **24-hour notice triggers**

<b>Office</b>	<b>Triggering amount</b>
House of Representatives and Senate	More than \$500
Secretary of State and State Auditor	More than \$1,000
Attorney General	More than \$1,250
Governor	More than \$2,000

The report is due within 24 hours after you receive the large contribution if you file it electronically or by fax. The report is due by 4:30 p.m. the next business day if you file it in person. You may not file this report by U.S. Mail. The triggering amount is the total of all contributions received from the same donor during the 24-hour notice period. You don't count contributions received before the beginning of the period because they will be included on your pre-election report.

There are two exceptions to the 24-hour notice requirement. A candidate who is unopposed in the primary election does not need to file a 24-hour notice for a large contribution received during the pre-primary-election 24-hour notice period. A candidate whose name will not be on the general election ballot does not need to file a 24-hour notice for a large contribution received during the pre-general-election 24-hour notice period.

The CFR software application will notify you if you have a 24-hour notice due and will guide you through the filing of the notice. The Board also has an on-line reporting system for these large contributions. It is called the 24-Hour On-Line Notice System. You can use this system to report large contributions even if you do not use the Board's CFR software. The Board gives all registered committees a username and password and a web link to access the system.

For 2020, the 24-hour notice requirement is in effect during the following periods:

<b>Election</b>	<b>First day in effect</b>	<b>Last day in effect</b>
Primary	July 21	August 10
General	October 20	November 2

The 24-hour notice period is based on the date that the committee receives the contribution. If a contribution is given to the candidate or to a committee member, it is received on that date. That means that it is important for everyone who receives contributions on behalf of the committee to notify the treasurer of every contribution during the 24-hour notice period. If they do not, a reporting violation may occur because the treasurer did not know about the contribution.

The 24-hour notice report is a report filed with the Board, just like your regular reports. For that reason, it is subject to the same penalty for late filing, which is \$50 per day. If a treasurer does not manage the 24-hour notice requirement carefully, late fees of \$1,000 per unfiled 24-hour notice can easily result.

### **How do you report to the Board?**

You must file your reports electronically. The Board will make an exception for your committee if you show that you have a good reason for not filing electronically.

If you are using the Board's free CFR software to keep your records, you also can use the software to generate the required reports and send them electronically to the Board. CFR incorporates the campaign finance requirements. As you enter your records, it will alert you to possible mistakes. If you enter records regularly, you should have time to fix your mistakes before the time limit has passed. The Board holds periodic training classes on the use of the software. The Board website has a current list of [training opportunities](#). The training offered by the Board and [online tutorials](#) on the Board's website explain the step-by-step process for creating and filing a report using CFR.

You can use other campaign finance software to keep your records and report to the Board as long as the software meets the Board's requirements.

### **How do you get an exemption from the electronic filing requirement?**

If you think you have a good reason for not filing electronically, you can request a waiver from the requirement. Committees that do very little spending often ask for waivers. You can ask for a waiver by filling out the [waiver request](#) that is available on the Board's website. The Board will tell you if the waiver is granted. If it is, you can continue to file paper reports.

### **How do you report if you still file a paper form?**

If the committee has a waiver to report using a paper form, you may send your report to the Board by fax, by U.S. mail, or as an attachment to an electronic mail. If you fax the report, you should keep a copy of the transmittal confirmation to show that you sent the report on time. Even home faxes usually have a way to print a transmission report. If the Board does not receive the fax by the filing deadline and the committee does not have a transmittal confirmation, the committee's report will be considered to be late.

Paper reports must comply with all the legal requirements for committee reports. You should **read the instructions** for completing each schedule before you start to fill them in. You should complete the schedules before you fill out the summary page. On the schedules, contributions and expenditures must be grouped by source or vendor. Donors and vendors must be reported alphabetically when itemization is required. The report must include all transactions from January 1 through the cutoff date of the reporting period.

Paper reports also must be clearly legible even in a scanned image. If the report is not legible, the treasurer will be required to re-do the report and to resubmit it. The Board has also developed an information sheet that tells treasurers about the most common problems with paper filings. This [information sheet](#) is available on the Board's website.

### **How do you find registration numbers for contributors registered with the Board**

If a lobbyist, party unit, political committee, or political fund that is registered with the Board gives your committee money and the contribution is greater than the itemization threshold, you must report the contributor's Board registration number with the contribution. The lobbyist, party unit, political committee, or political fund is required to include its registration number with its contribution. Use the registration number provided by the contributor for your records.

If no registration number was provided with the contribution, it can be difficult to determine which lobbyist, party unit, committee, or fund was the actual source of contribution. For example, political parties often have two party units that use the same legislative district number as part of their names. The only difference between the names of these party units is the letter that follows the district number, usually an A or a B. Political committees and funds also may have similar names or may use different names on their checks than the names that are on the Board registration list.

Finding the correct registration number is important because if you don't use the correct number on your report, Board staff may not be able to match contributions on the reports filed by the donor and the recipient. This may result in your being required to amend your report to correct the error.

If there is no registration number with a contribution from a group, check the lists of registered entities on the Board's website or contact Board staff for help. You also can contact the entity that made the contribution to ask for its registration number.

If you use CFR, enter the contribution using the registration number provided and the system will fill in the contributor's correct committee name.

If your committee makes a contribution to another group registered with the Board, you must give that entity your committee's registration number. On your report, you must include the correct registration number for the party unit or the committee or fund to which your committee gave money.

### **How do you decide if money received by your committee should be reported as a contribution or as income?**

Money received by your committee is reported either as a contribution to the committee or as miscellaneous income. Almost all of the money received by a principal campaign committee

should be reported as contributions but there are a few exceptions to this general rule. Here are some common receipts and how they should be reported.

<b>Transaction</b>	<b>How to report transaction</b>
Money received for tickets to a fundraiser	Contribution
Money received for a table sponsorship at a fundraiser	Contribution
Money given to reimburse your committee for another candidate's share of the cost of a good or service, such as a mailing or a fundraiser	Miscellaneous income
Money received as a refund because the committee paid for a good or service that it never received	Miscellaneous income
Interest paid on the committee's bank account	Miscellaneous income
Proceeds from selling something at a silent or live auction	Contribution
Item given to your committee to sell at an auction	Contribution
Refund of a security deposit	Miscellaneous income

**How to decide if a payment made by your committee should be reported as an expenditure or as a contribution to another registered entity.**

Money paid out by your committee is reported either as an expenditure (campaign or noncampaign) or as a contribution. Money paid to other entities registered with the Board is the only type of payment that is ever reported as a contribution. All other payments are reported as expenditures. Here are some common payments and how they should be reported.

<b>Transaction</b>	<b>How to report transaction</b>
Money paid to a party unit for membership dues	Contribution
Money paid to a party unit for tickets to a convention or dinner	Contribution
Payment to a party unit or a committee registered with the Board for a table sponsorship at an event	Contribution
Payment to a group not registered with the Board for sponsorship of an event	Expenditure
Money given to a 501(3)(c) charity	Expenditure
Money used to pay for the candidate's attendance at a civic organization dinner	Expenditure
Money you returned to a contributor more than 90 days after deposit of the contribution	Expenditure
Money paid to a party unit because the party unit and the candidate agreed to make a joint expenditure and the party unit initially paid the entire cost of the expenditure	Expenditure

**What do you report to the Board?**

You report the committee's receipts and spending to the Board. Each report has a summary section where you show

- the total amount given to the committee by each type of donor;

- the total amount spent by the committee for campaign purposes, non-campaign purposes, and contributions; and
- the total amount loaned to the committee outright or in the form of unpaid bills.

The report also has a section where you list more details about contributions that the committee received from each type of donor. For example, you list contributions from lobbyists on Schedule A1 – LOB - Contributions by Lobbyists. There are other schedules for contributions from individuals and other political units. You use the Schedule B forms to list spending by category. Finally, there are forms to report the details of loans and unpaid bills.

The amount of detail that you report on each form depends on the amount of the contribution or the spending.

If you use the CFR software, you don't need to worry about the schedules or the summary. CFR fills them out automatically based on the receipts and expenditures you entered. Before you send your report to the Board, you can look at it on your computer or print it out so that you can see exactly what your filed report will contain.

Paper filers will need to review the instructions included with the paper forms and the information sheet about common paper filing problems before filing reports. This review will help paper filers to correctly fill out each schedule and the summary and make sure that the report meets the requirements for a paper filing.

The Common Questions section of the handbook describes how to report transactions that arise during a typical fundraiser.

## **Contributions**

In this section, when we talk about the contribution amount, we mean the total of all contributions received from the same donor. For example, if a donor buys a fundraiser ticket for \$75 and later makes a cash contribution of \$150 through PayPal, the contribution amount is \$225 and the contributions will be itemized. Do not subtract processing fees or the value of anything received by the donor at the fundraiser to determine the amount of the contribution. Any processing fees and fundraiser expenses will be reported as noncampaign disbursements. Apply the rules below to the donor totals, not to each individual contribution from the same donor.

You do not have to report anything for in-kind contributions from one donor that are \$20 or less. You also should exclude in-kind contributions of \$20 or less when calculating the total amount given by a donor.



Contributions from donors who each gave \$200 or less – Cash and in-kind total:

- Add the in-kind contributions together.
- Add the cash contributions together.
- Report the **total amount** of in-kind contributions in the in-kind column on the nonitemized line on the bottom of the schedule.
- Report the **total amount** of the cash contributions in the cash column on the nonitemized line on the bottom of the schedule.
- Do not list the donors separately.
- Do not list these small contributions as miscellaneous income.

Contributions from one donor of more than \$200 – Cash and In-kind total:

- Report each contribution individually.
- Report the date received and the donor's name, address, and employer or occupation.
- Report in-kind contributions in the in-kind column and cash contributions in the cash column.
- List the donors in alphabetical order.
- If a donor made more than one contribution, list each contribution separately under the donor's first entry on your report
- Include the registration number of any donor registered with the Board.

Don't report payments for tickets or admission to fundraisers as "miscellaneous income." They are contributions from the people who came to the fundraiser.

## Expenditures

For this section, the expenditure amount is the total of all payments made or owed to the same vendor. For example, if you bought office supplies for \$75 and later bought more supplies from the same vendor for \$150, the expenditure amount for that vendor is \$225 and the expenditures will be itemized. Unpaid bills count toward the itemization threshold. Apply the rules below to the vendor totals, not to each individual payment made to the same vendor.

Vendors or suppliers to whom you have made expenditures of \$200 or less

- Add the campaign expenditures together and report the **total amount** on the nonitemized line on the campaign expenditure schedule.
- Add the noncampaign disbursements together and report the **total amount** on the nonitemized line on the noncampaign disbursement schedule.
- Do not list the payments individually.

Vendors or suppliers to whom you have made expenditures of more than \$200

- List the vendor name, address, and Board registration number if the vendor is registered with the Board with the first expenditure to that vendor reported on the schedule.
- Report each additional payment individually on the schedule below the vendor's entry.
- Report the date and either the amount of the payment or the amount that is unpaid.
- Describe the item or service bought and how the item or service was used. The description must be specific enough so that people looking at the report can tell what was bought with the payment.
- List the vendors in alphabetical order on the report.
- If the payment was made to reimburse someone or to pay a credit card bill, you must report using either of the following two methods. (1) You can report the expenditure as if it were paid directly to the vendor who sold the goods or services; listing the vendor as the payee instead of the person you reimbursed. Under this option, you will keep your own records showing that this payment was actually a reimbursement and to whom it was paid. (2) Under the second method, you can report the name and address of the person you are reimbursing as the payee and describe the item originally purchased. Under this option, if you are reimbursing someone for an item that cost more than \$200, you must also include the name and address of the vendor that the person being reimbursed bought the item from. If you are reimbursing an individual for more than one expenditure, list the underlying vendors in alphabetical order under the name of the person being reimbursed.

If you have questions about how to report a contribution or a payment, you can contact the Board for help.

The other disbursements schedule is used only for the return of public subsidy money, payment of security deposits, and payments to charities. If you have something else recorded on this schedule, you might have made a data entry error or recorded something incorrectly. Call the Board for help.

### **How do you fix mistakes on a report?**

After you have filed a report with the Board, you might discover that the report is incorrect or missing some information. After you discover the error, you have 10 days to file an amended report with the Board. If you feel that you will need more than 10 days to research a problem or gather bank records, contact the Board. The Board will provide limited extensions to the amendment period for good cause.

## **What penalties apply to reporting?**

The Board can charge a fee for late reports. The late fee is \$25 per day for year-end reports and \$50 per day for the other pre-election reports, up to a maximum of \$1,000. The late fees begin the day after the report is due, without notice. Please be sure to keep the reporting deadlines on your calendar. The late fee also applies to notices of large contributions that must be filed during each 24-hour notice period.

The Board can charge a penalty of up to \$1,000 for the following things:

- Not sending in a report after the Board has told the committee that it is overdue;
- Not sending in an amended report after the Board has told you to do so;
- Not sending in information requested by the Board to reconcile discrepancies between contributions reported by the donor and the recipient; and
- Failing to keep records of contributions and spending.

The Board can seek a penalty of up to \$3,000 for the following things:

- Signing and certifying a report to be true when the person knows that it contains false information or omits required information;
- Knowingly providing false or incomplete information to a treasurer with the intent that the treasurer rely on that information to certify the report;
- Knowingly failing to keep records of contributions and spending;
- Willfully failing to file an amended report; and
- Willfully failing to cooperate with the Board to reconcile a report discrepancy.

The Board also can impose an additional \$3,000 civil penalty on the candidate or committee affiliated with a person who

- falsely certified a report;
- provided false information to the treasurer; or
- knowingly failed to keep records of contributions and spending.

## Public Subsidy Program

### Overview

The Public Subsidy Program provides public money to eligible candidates to use for their campaigns in exchange for the candidates agreeing to limit their committees' campaign expenditures and to comply with other requirements. If a candidate participates in the Public Subsidy Program, individuals who give money to that candidate may be eligible to receive a political contribution refund of up to \$50 from the state. This section reviews the program and tells you what you must do to participate in the public subsidy system.

### Topics covered

- [Who is eligible for the Public Subsidy Program?](#)
- [What do you have to do to get the public funds?](#)
- [How much money will you receive?](#)
- [What are the spending limits?](#)
- [What is the Political Contribution Refund Program?](#)
- [What happens to the public subsidy funds after the election?](#)
- [What penalties apply to the Public Subsidy Program?](#)

### Who is eligible for the Public Subsidy Program?

A candidate can receive public money for the campaign if the candidate meets these conditions:

1. The candidate must sign and file a public subsidy agreement with the Board by the deadline.
2. The candidate must form and register a committee.
3. The candidate must raise a specified amount in monetary contributions counting only up to the first \$50 from people eligible to vote in Minnesota by July of the election year. The amount that must be raised varies by office. A chart showing the amounts that must be raised by office is provided below. The candidate can count contributions received in the year before the election year. If one person gives the candidate more than \$50 during the specified time period, the candidate can count only the first \$50 of that person's contribution toward the public subsidy requirement. The candidate must record the name and address of the contributor, regardless of the amount of the contribution, to count the contribution toward the required threshold.
4. The candidate or the committee treasurer must sign an affidavit stating that the contribution threshold described above has been met. The affidavit must be filed with the Board by the statutory deadline. The Campaign Finance Reporter software will generate and file the affidavit. It is important to note that filing the affidavit of contributions is a separate requirement from filing the pre-primary report of receipts and expenditures for the committee. The affidavit of contributions and the pre-primary report of receipts and expenditures share the same deadline date.

5. The candidate must file to run for office as the candidate of a political party recognized in Minnesota. Candidates not affiliated with a recognized political party are never eligible for public subsidy payments. For more information on getting on the ballot, see that subject in the Additional Topics section of this handbook.
6. The candidate must have an opponent at either the primary or general election.
7. The candidate's committee must file the required pre-primary report with the Board.
8. The candidate must win the primary.

**Contributions required to qualify for the Public Subsidy Program**

<b>Office</b>	<b>Amount that must be raised</b>
Governor	\$35,000
Attorney General	\$15,000
Secretary of State	\$6,000
State Auditor	\$6,000
Senate	\$3,000
State Representative	\$1,500

**What do you have to do to get the public funds?**

To receive the public money, the candidate must sign a public subsidy agreement. In the agreement, the candidate promises the following things:

1. The candidate will not spend more than the limits set for the candidate's office during each two-year segment of the election cycle;
2. The candidate will not contribute to the committee more than the limits set for personal contributions for each two-year segment of the election cycle. A chart showing the contribution limits for a candidate to the candidate's own committee for the two-year segment from January 1, 2019, through December 31, 2020, is provided below;
3. The candidate will return any public money not spent on the campaign;
4. The candidate will include closed captioning on campaign ads or explain to the Board why this was not done; and
5. The candidate will not use committee funds to make independent expenditures for another candidate.

The candidate must give the signed public subsidy agreement to the Board. The Board must receive the agreement at least three weeks before the candidate's primary. The Board cannot accept public subsidy agreements after that date. Once the Board receives the public subsidy agreement, the agreement cannot be canceled. The agreement is in force as long as the candidate has the campaign committee or until the end of the election cycle for the office sought, whichever comes first.

## Personal contribution limits for the two-year segment of 2019 and 2020

Office	Amount
Governor/Lt. Governor	\$20,000
Attorney General	\$12,500
Secretary of State, State Auditor	\$10,000
State Senate	\$5,000
State Representative	\$5,000

### How much money will you receive?

The funds for public subsidy payments come from two sources: a general appropriation approved by the legislature and state tax form check-offs by tax return filers. The total amount available for candidates changes from election to election and varies by office, district and party.

In the spring of an election year, the Board finds out how much money the Department of Revenue collected from the tax check-off by political party for each legislative district. The Board uses that information to figure out the estimated payment to candidates for each type of office. The Board publishes the estimated amount before the filing period opens. The public subsidy payment made to your candidate is usually similar to the payment that was made to a candidate for the same district and party at the last state general election. Until the new official estimates are released, however, previous public subsidy payments are only a very rough estimate of what you might receive and are only reliable if the geographic boundaries of the district have not changed very much. You can see the public subsidy payments made for prior elections on the Board website.

The Board sends out the public subsidy money within two weeks after the primary election. The Board will send another very small payment in December if additional tax check-offs are processed after the post-primary payment.

### What is the Political Contribution Refund (PCR) Program?

An individual who is eligible to vote in the state may apply to the Department of Revenue for a refund of a contribution made to a state candidate. Only candidates who have signed and filed a public subsidy agreement before the contribution was made can issue the PCR receipt necessary to claim the refund from the Department of Revenue. The Department of Revenue will reject a refund application for a contribution received before the date when the candidate filed a public subsidy agreement. The refund is equal to the amount contributed up to a maximum of \$50 (\$100 per married couple).

Refunds can be made only for contributions of money; not for contributions of goods or services.

Also, under the campaign finance laws, the entire amount paid for a ticket to attend a fundraiser or for an item bought at a fundraising auction is a contribution to the candidate. But under the tax laws governing the PCR Program, when the contributor gets something of value (like a

meal) as a result of making the contribution, the value of the item may need to be deducted from the contribution to determine the amount eligible for the refund.

The Department of Revenue has prepared a document, Revenue Notice # 91–16, with examples of how to calculate the amount of the contribution that is eligible for the refund when the contributor gets something of value as a result of making the contribution. [Revenue Notice #91-16](#) is available on the Board’s website.

### **Key dates for 2020 public subsidy payments to legislative candidates**

By April 15, 2020	Publication of spending limits applicable to 2019-2020 election cycle segment.
By May 19, 2020	Publication of estimates of election segment public subsidy amounts available for candidates.
June 16, 2020	Notification to candidates of minimum amount of public subsidy they may expect to receive.
July 20, 2020	Last day for candidates to raise contributions to qualify for public subsidy.
July 21, 2020	Last day for candidates to sign and file a public subsidy agreement.
July 27, 2020	Last day to file an affidavit of contributions to qualify for public subsidy.
August 25, 2020	Party account and general account public subsidy distributed to eligible candidates not later than one week after the canvassing board certification.
December 31, 2020	Public subsidy agreements for all candidates expire.

### **What are the spending limits?**

The spending limits are different for each office. They are adjusted for inflation each election year. Campaign committees make campaign expenditures and noncampaign disbursements. Campaign expenditures are payments made to help a candidate get elected. The spending limits apply to all campaign expenditures.

Some things that a committee spends its money on do not count towards the spending limits. These things are called noncampaign disbursements. Noncampaign disbursements include things like payments for food served at a fundraiser or eaten by volunteers while working for the committee. The complete list of current noncampaign disbursements is included in the Spending Money section of this handbook.

The spending limits are increased by 10% if the candidate is running for an office for the first time and meets other legal requirements. The candidate cannot get this increase if the candidate ran for the office, for example, state senate, anywhere in the state previously, even if it was in a different district. The candidate also is not eligible if 1) the candidate ran for another office in the same area, and 2) the area for that office included more than one-third of the people who will be able to vote for the office the candidate currently seeks. Board staff can help you figure out if your candidate qualifies for the 10% increase.

The spending limits are increased by 20% if a candidate had a closely contested primary election. A closely contested primary election is one in which the candidate won the primary by less than a two to one margin. Do not assume that you will receive this increase; it is available only after the primary election results are known. The Board will contact any candidate that qualifies for the higher spending limits.

A candidate can qualify for an increase in the spending limits for both running for an office for the first time and having a contested primary.

A candidate can be released from the spending agreement if the candidate has an opponent who did not sign a public subsidy agreement and:

- At any time up to 21 days before the primary, the opponent receives or spends 20% or more of the spending limits for the office; or
- Beginning three weeks before the primary, the opponent receives or spends 50% or more of the spending limits for the office.

Before the primary, an “opponent” includes only those people running against the candidate in the primary. If a candidate is released from the spending limits, the candidate’s opponent in the general election also is released from the spending limits.

The rules for being released from a public subsidy agreement are complicated. Never assume that you have been released from the spending limits. Contact the Board for guidance on the process and your options.

On its website, the Board has a chart showing all of the [spending limits](#). The chart also is included in the Spending Money section of this handbook.

### **What happens to the public subsidy funds after the election?**

Your committee is allowed to spend the public subsidy funds on campaign expenditures as it wishes. The committee’s campaign expenditures, however, must at least equal the amount of the public subsidy payment. If the amount spent on campaign expenditures by the committee is less than the public subsidy payment, the committee must return the difference to the Board.

### **What penalties apply to the Public Subsidy Program?**

If the committee does not file its reports with the Board by the deadlines, the Board can withhold the public subsidy money.

If someone files a false affidavit of contributions, the Board can seek criminal charges against that person and a penalty of up to \$3,000.



If a candidate or the candidate's treasurer willfully issues a PCR receipt when the candidate did not file a signed public subsidy agreement or if someone willfully issues a PCR receipt to an individual who is not eligible for a refund, the Board can impose a penalty of up to \$3,000 and seek criminal charges against the issuer of the receipt.

If a candidate has signed a public subsidy agreement and the candidate's committee goes over the spending limits, the Board can charge a penalty of up to four times the amount that the committee went over the spending limits.

Do not file an affidavit of contributions until after you have raised the required amount.

## **After the election**

### **Overview**

This chapter tells you what happens to the committee and its money after the election. It also tells you how to terminate the committee.

### **Topics covered**

[What does the committee do with unspent public subsidy money?](#)

[What does the committee do with leftover campaign funds?](#)

[How do you terminate the committee?](#)

[What penalties apply to committees after the election?](#)

### **What does the committee do with unspent public subsidy money?**

The committee cannot keep unspent public subsidy funds after the election year. If the committee's public subsidy was more than its campaign expenditures during the election cycle, the committee will have to return the unspent public subsidy to the Board. Before the end of the election year, you should compare the committee's campaign expenditures to its public subsidy payments. Then you can set aside enough money to return any unspent public subsidy or you can call the Board in December to discuss the committee's options for making additional campaign expenditures before the end of the election year. After you file the committee's year-end report in January, the Board will formally notify you if the committee needs to return any public subsidy funds.

### **What does the committee do with any leftover campaign funds?**

There is a limit on the maximum amount of money that a committee can carry forward into a new election cycle. The limit on the amount to carry over is 25% of the election cycle base spending limit for the candidate's office. Unused postage and credit balances with vendors that exceed a combined total of \$500 must be counted as part of the carried over amount. The carry forward calculation only applies at the end of the election cycle for the office sought. The limit applies to all committees for that office, even if the candidate did not actually run in the election.

Near the end of the election cycle, the Board will send you a reminder about the carry forward limit and directions for estimating whether your committee has a carry forward issue. Before the end of the year, you should use those directions to determine whether your committee has a carry forward issue. If you determine that your committee has a carry forward issue, then before the end of the year you may reduce the cash balance of the committee by making additional campaign expenditures or noncampaign disbursements or by making contributions to political party units.

If on December 31<sup>st</sup>, the committee has more money than it can carry over, it will be required to give the excess funds to the state elections campaign fund in the next year. If the committee spent all the public subsidy money that it received on campaign expenditures, the committee may be allowed to give the excess funds to a political party unit instead of the state. After your committee has filed its year-end report, the Board will formally notify you if your committee is required to reduce its cash on hand as a result of the carry forward rules.

### **How do you terminate the committee?**

A committee cannot stop operating until 1) it has \$100 or less in cash and property and 2) it has submitted a termination report to the Board. A committee can terminate its registration with the Board even if it has unpaid debts. The committee's termination, however, does not affect the liability of the committee, the candidate, or the committee's officers for the unpaid debts. The committee cannot give its assets away to anyone for personal use. The committee can sell its assets to anyone at fair market value, including the candidate. If the candidate is running for another state-level office, the committee's debts can be transferred to the new committee. Assets can be transferred to the new state-level committee subject to the limits on transfers from party units and terminating candidate committees.

To reduce its assets, the committee also can make contributions to political parties, political committees, and political funds. A committee that is terminating within the next 12 months can make contributions to other state-level candidates but can never give money to federal or local candidates. A committee that is terminating within 12 months also can make unlimited contributions to charities organized under section 501(c)(3) of the Internal Revenue Code. When the committee donates money to other state candidates, you must tell the recipient in writing that the committee is terminating.

The committee can never give money to a federal or local candidate or to a candidate in another state.

When the committee has \$100 or less, you can terminate its registration with the Board by sending a termination report to the Board. The termination report is just like a regular report except that it covers from January 1 of the termination year through the date the committee stopped operating. Terminating the committee's registration with the Board means that no further reports will be required.

The treasurer or candidate must keep the committee's records for four years after it terminates.

It is not unusual for candidate committees to be inactive for an election cycle while a candidate decides whether to run again. But there is a limit on how long the committee may stay registered without activity. A committee must stop operating and terminate its registration when 1) it has been six years since the last election that the candidate ran in or 2) it has been six years since the day that the candidate left office.

The Board will notify a committee if it must terminate. The committee then has 60 days to dispose of its assets and send in the termination report. If the candidate is planning to run again for the same office, you can ask the Board for permission to keep the committee active beyond the six year limit.

**What penalties apply to committees after the election?**

The Board can charge a penalty of up to \$1,000 for not keeping records for four years.

If the committee does not terminate within 12 months after giving money to another candidate's committee, the Board can charge a penalty of up to four times the amount of each contribution made to another candidate's committee. If the committee gives more than the contribution limits to another candidate's committee, the Board can charge a penalty of up to four times the amount that the contribution exceeded the limits.

## Common questions

### Overview

This chapter describes some important things that are not covered in detail in the previous sections. It also tells you how to report some common transactions that occur during fundraisers.

### Topics covered

[Getting on the ballot](#)

[Economic Interest Statements](#)

[Getting a federal tax ID number for political purposes](#)

[How do you find registration numbers for contributors registered with the Board?](#)

[How do you decide if money received by your committee should be reported as a contribution or as income?](#)

[How do you decide if a payment made by your committee should be reported as an expenditure or as a contribution to another registered entity?](#)

[Online contributions](#)

[Fundraiser reporting examples](#)

[Joint fundraising events](#)

[Conducting raffles or drawings](#)

[Conducting auctions](#)

[Having policies to help control your money](#)

[Closed captioning resources](#)

[Criminal penalties](#)

### Getting on the ballot

Nothing that you do with the Board actually gets the candidate's name on the ballot. That is because the Office of the Secretary of State handles the election process. The Board only handles financial and disclosure matters. Candidates typically get on the ballot by filing an affidavit of candidacy to run for office during a specified filing period. The requirements are technical and you have to follow them correctly. The candidate should review materials produced by the Secretary of State and contact that office if there are questions. The [Secretary's website](#) has more information about what a candidate must do to get the candidate's name on the ballot.

When the candidate files with the Secretary of State or a county filing officer to get on the ballot, the filing officer will give the candidate a packet of materials from the Board. It is very important that the candidate reads everything in this packet. It includes forms and requirements needed to qualify for public subsidy money and an Economic Interest Statement that must be filed with the Board promptly. The next section explains the Economic Interest Statement.

## **Economic Interest Statements**

One of the documents the candidate will receive in the packet from the filing officer is an Economic Interest Statement (EIS). The EIS shows who employs the candidate, where the candidate owns property in Minnesota, the candidate's investments in stocks or mutual funds, and whether the candidate has any financial interests in horseracing. The candidate must file the completed EIS with the Board within 14 days after filing the affidavit of candidacy. The candidate must file the EIS even if the candidate does not have a campaign committee registered with the Board. The Board puts information from the EIS on its website to make it easier for people to know when an elected official could have a conflict of interest.

If the candidate does not timely file the EIS, the Board will charge a fee of \$5 for each day that the EIS is late. If the candidate does not file the EIS after the Board has given notice that it is due, the Board can charge an additional penalty.

## **How to get a federal tax ID number (EIN) for political purposes.**

1. Go to the [EIN online application](#) on the IRS website.
2. When asked for the type of organization, check the bottom button for "other" types of organizations.
3. On the next page, select "Political Organization"
4. When asked for the reason for the EIN, select "Banking Purposes"
5. The responsible person is an "individual" who should probably be the candidate for a candidate committee so that you don't have to change it every time the treasurer changes.
6. When asked, the person should indicate that they are an authorized officer of the entity.
7. For the legal name, use "Campaign Fund of (name of candidate). Then the name attached to the EIN will match the name on the bank account.
8. Check the button that says you will NOT be filing the form 8871. This form is not filed by state candidate committees.
9. When asked if you will need employee forms, select "No". (Unless your committee will actually have paid employees. If you fall into this category, seek legal assistance.)
10. When asked how you wish to receive your number, by mail or online, select online. Otherwise you can wait weeks to get the number.
11. Review and print your application information. If it is all correct, click the Submit button.

## How do you find registration numbers for contributors registered with the Board

If a lobbyist, party unit, political committee, or political fund that is registered with the Board gives your committee money and the contribution is greater than the itemization threshold, you must report the contributor's Board registration number with the contribution. The lobbyist, party unit, political committee, or political fund is required to include its registration number with its contribution. Use the registration number provided by the contributor for your records.

If no registration number was provided with the contribution, it can be difficult to determine which lobbyist, party unit, committee, or fund was the actual source of contribution. For example, political parties often have two party units that use the same legislative district number as part of their names. The only difference between the names of these party units is the letter that follows the district number, usually an A or a B. Political committees and funds also can have similar names or may use different names on their checks than the names that are on the Board registration list.

Finding the correct registration number is important because if you don't use the correct number on your report, Board staff may not be able to match contributions on reports filed by the donor and the recipient. This may result in you being required to amend your report to correct the error.

If there is no registration number with a contribution from a group, check the lists of registered entities on the Board's website or contact Board staff for help. You also can contact the entity that made the contribution to ask for its registration number.

If your committee makes a contribution to another group registered with the Board, you must give that entity your committee's registration number. On your report, you also must include the correct registration number for the party unit or the committee or fund to which your committee gave money.

## How do you decide if money received by your committee should be reported as a contribution or as income?

Money received by your committee is reported either as a contribution to the committee or as miscellaneous income. Almost all of the money received by a principal campaign committee should be reported as contributions but there are a few exceptions to this general rule. Here are some common receipts and how they should be reported.

<b>Transaction</b>	<b>How to report transaction</b>
Money received for tickets to a fundraiser	Contribution
Money received for a table sponsorship at a fundraiser	Contribution
Money given to reimburse your committee for another candidate's share of the cost of a good or service, such as a mailing or a fundraiser	Miscellaneous income

<b>Transaction</b>	<b>How to report transaction</b>
Money received as a refund because the committee paid for a good or service that it never received	Miscellaneous income
Interest paid on the committee's bank account	Miscellaneous income
Proceeds from selling something at a silent or live auction	Contribution
Item given to your committee to sell at an auction	Contribution
Refund of a security deposit	Miscellaneous income

**How to decide if a payment made by your committee should be reported as an expenditure or as a contribution to another registered entity.**

Money paid out by your committee is reported either as an expenditure (campaign or noncampaign) or as a contribution. Money paid to other entities registered with the Board is the only type of payment that is ever reported as a contribution. All other payments are reported as expenditures. Here are some common payments and how they should be reported.

<b>Transaction</b>	<b>How to report transaction</b>
Money paid to a party unit for membership dues	Contribution
Money paid to a party unit for tickets to a convention or dinner	Contribution
Payment to a party unit or a committee registered with the Board for a table sponsorship at an event	Contribution
Payment to a group not registered with the Board for sponsorship of an event	Expenditure
Money given to a 501(3)(c) charity	Expenditure
Money used to pay for the candidate's attendance at a civic organization dinner	Expenditure
Money you returned to a contributor more than 90 days after deposit of the contribution	Expenditure
Money paid to a party unit because the party unit and the candidate agreed to make a joint expenditure and the party unit initially paid the entire cost of the expenditure	Expenditure

**Online contributions**

When the committee receives a contribution through an online contribution processor such as PayPal, the committee must record the entire amount given by the donor as the amount of the contribution. The committee should not subtract any processing fees to determine the contribution amount. The committee will report the processing fees as noncampaign disbursements to the contribution processor. The committee does not have to report each processing fee as a separate transaction but instead can report the fees paid to each processor on a monthly basis.

**Fundraiser reporting examples**

All money received from a fundraiser attendee is a contribution, regardless of whether the attendee received food and beverages, entertainment, or benefits such as a golf outing. The



only way that you can exclude fees from the attendee's contribution is if the fees were paid directly to the provider of the services, such when the attendee paid the greens fees directly to the golf course.

The examples below explain recordkeeping and reporting for a typical fundraising event and for a golf tournament.

The committee holds a fundraiser. The regular entrance fee is \$20 but people who contribute \$250 or more can attend a special reception with the candidate. Food and beverages are provided to the people who attend.

The committee must keep records of all the money collected at the fundraiser as contributions. The committee also must keep records of any goods or services donated for the fundraiser. The details recorded will depend on the amount of the contribution.

For contributions of \$20 or less, the committee must record only the total amount received. The committee does not need to record any donor information for these small contributions.

For contributions of more than \$20 to \$200, the committee must record the name and address of the donor along with any Board registration number.

For contributions of more than \$200, the committee must record the donor's name, address, Board registration number, if any, and employer or occupation.

All the costs related to the fundraiser count as spending for the committee holding the event. The payments for the food, beverages, utensils and supplies, facility rental, and entertainment, or the value of those items if they were donated, are recorded as non-campaign spending. Any other expenses, such as invitations and postage, are recorded as campaign spending.

For all cash and in-kind expenditures, you must record the following information:

- the date and amount of the payment or in-kind expenditure;
- the name and address of the vendor;
- a description of the item or service purchased; and
- the Board registration number of any entity to which you make a payment.

If the committee holds a golf tournament fundraiser and charges \$200 per person, the committee would report the entire \$200 as a contribution. The committee would not deduct the cost of greens fees or cart rentals from the \$200. Instead, the committee would report these expenses as non-campaign spending. If attendees pay their greens fees directly to the golf course, those fees do not count as contributions to the committee. The golf course cannot offer reduced greens fees that are not available to other groups. If the golf course did offer reduced fees, it would be a contribution to the candidate's committee from a corporation, which is against the law.

## **Joint fundraising events**

If the committee holds a fundraiser with another candidate's committee, you must be careful not to break the rule against accepting a contribution earmarked for another candidate and the rule against making transfers to another state-level candidate's committee. You should make it clear which candidate is getting the contribution by doing things such as setting up separate contribution tables for each candidate or giving donors a receipt with the candidate's name. The costs of the fundraiser have to be split between the candidates according to each candidate's share of the fundraiser's proceeds. For example, if one candidate received 40% of the total contributions, that candidate's committee must pay 40% of the event's campaign expenditures and 40% of the event's noncampaign disbursements. The division must be done separately for campaign expenditures and noncampaign disbursements. If one candidate pays more than his or her share, reimbursements may be made after the event as long as clear and complete records are kept to explain the finances of the event. The committee that receives the reimbursement payment would report that receipt as miscellaneous income. The committee that makes the reimbursement payment would report that payment as an expenditure.

## **Conducting raffles or drawings**

Raffles could be considered charitable gambling and might not be legal for a political fundraiser. You should read "[Frequently Asked Questions about Raffles, Lawful Gambling, and Political Campaign Financing.](#)" This is a flyer put out by the Gambling Control Board, which regulates charitable gambling. It is available on the Board's website. You also can call the Gambling Control Board at (651) 639-4000 if you are considering having a raffle or a drawing as part of a fundraiser.

## **Conducting auctions**

When the committee collects goods for an auction, remember the following things:

- Don't accept any contributions from corporations, either directly or indirectly;
- Don't accept contributions worth more than \$200 from groups that are not registered with the Board unless the group gives you a financial disclosure form; and
- Be aware of how a contribution could affect the committee's contribution limits, especially if the contribution is from a lobbyist.

When the committee holds an auction, the items donated for the auction are in-kind contributions to the committee from the people who give the items. You must record every in-kind contribution that is more than \$20. The items must be valued at fair market value. You must add the value of all items given by a person to determine the amount of that person's contribution. You cannot treat each item separately.

If the total value of the item or items donated is less than \$20, you do not have to keep a record of the item(s). You may wish to keep a record for internal committee reasons.

If the value of the donated item is more than \$20, you must record the donor's name and address and Board registration number. If the donated item is worth more than \$200, you also must record the donor's employer or occupation.

A best practice tip is to create a contribution receipt form that has space for all the required information. On the form, you can tell people to give employment information only if the contribution is more than \$200.

Each item donated to the committee for the auction that is worth more than \$20 also must be recorded as an in-kind expenditure. The vendor for the expenditure is the person who donated the item. The value is the fair market value of the item, which should be the same as the value of the corresponding in-kind contribution. You also must describe the item in the committee's records. The date of the expenditure is the same date as the date of its receipt.

A best practice tip is to record both the in-kind receipt and the in-kind expenditure at the time the item is accepted.

Fair market value is the price that someone would pay for the item in the open market. It does not include a premium that a person might pay for the item to help the seller.

The sale of the auction items is totally separate from the collection of those items. Everyone who buys something at the auction has made a cash contribution to the committee holding the auction. Record these purchases as cash contributions. Do not reduce the amount of the contribution by the value of the item bought. You do not need to report the item bought to the Board but you may want to keep these records for internal purposes.

### **Having policies to help control your money**

It can be hard to keep track of contributions collected during fundraisers and for auctions. It is very important for the treasurer to keep control over these events. If more than one person will be collecting contributions at a fundraiser, for an auction, or just in the ordinary course of the committee's work, the treasurer should make sure that these people get the required information from the donors. A best practice tip is to create a receipt for every contribution. The receipt should include the donor's name, address, employment information, and Board registration number along with the date and amount of the contribution. The person collecting the contribution for the committee should keep a copy of the receipt and give a copy to the donor. The treasurer should collect the copies of these receipts as soon as possible. All money and contributions also should be given to the treasurer right away. The treasurer also should keep any records related to fundraisers such as the bid sheet for an auction.

A committee should have policies that ensure that the treasurer is the person in control of the money and that the money in the bank always balances out with the money shown on reports filed with the Board.

## **Closed captioning resources**

Candidates who participate in the Public Subsidy Program must provide closed captioning on their campaign ads or explain to the Board why this was not done. To help candidates with this requirement, the Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans makes a free, online [training class about closed captioning](#) available through its website.

## **Criminal penalties**

Some violations of the campaign finance laws can be criminally prosecuted. For these violations, the Board could refer the matter to the Attorney General or to a county attorney. The attorney general or the county attorney would decide whether the matter should be charged as a crime. The Board itself does not charge or prosecute criminal matters.

Some of the violations that carry possible criminal penalties are listed in this handbook. In addition, the following violations of campaign finance laws may be charged as crimes:

- Filing a registration form knowing that it contains false information or omits required information;
- Knowingly providing false or incomplete information to a treasurer with the intent that the treasurer will use that information in certifying a report;
- Trying to get around the contribution limits by making contributions through another person or on behalf of another person;
- Willfully issuing a PCR receipt when the candidate did not file a signed public subsidy agreement or the donor was not eligible for the refund;
- Participating in the preparation or distribution of campaign materials that do not include the required disclaimer;
- Helping someone to violate the laws prohibiting corporate contributions; and
- Knowingly failing to keep records.

## Getting help

### Overview

This chapter tells you how to get help from the Board.

### Topics covered

[What is the role of Advisory Opinions?](#)

[Complaints](#)

[How do you contact the Board?](#)

### What is the role of Advisory Opinions?

The Board on occasion issues advisory opinions that provide the Board's interpretation of a statutory provision. Over the years, the Board has issued over 400 [advisory opinions](#) that can be viewed and searched on the Board website. If you have a question about an advisory opinion, or wish to discuss the process for requesting an opinion from the Board, contact Board staff.

### Complaints

The Board enforces campaign finance laws by reviewing reports that people file with it. Of course, not all problems with campaign finances show up on filed reports. If you have reason to believe that a committee is not reporting accurately to the Board, or in some other way has broken the campaign finance laws, you can file a complaint with the Board. If the complaint is about an activity under the Board's jurisdiction, and evidence is provided to show that the complaint has a reasonable basis, the Board will investigate. The information concerning the complaint is private until the Board publishes its decision.

### How do you contact the Board?

At the beginning of this handbook, we told you that we wouldn't try to answer every possible question you might have. We encourage you to call or e-mail the Board for help. We want your experience running a candidate's committee to be successful, and Board staff will try their best to provide you with the information you need for that to happen.

The Board has two email distribution lists that will keep you informed of campaign finance issues and updates to CFR. To subscribe to these lists, go to the Board's website and select "Citizen Resources."

## Staff Members

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## Who to Call for Help

Board Information	(651) 539-1182
Registration for All Programs	(651) 539-1187
Campaign Finance Reporting	(651) 539-1188
Lobbyists Reporting	(651) 539-1187
Economic Interest Statements	(651) 539-1184
Public Subsidy	(651) 539-1189
Advisory Opinions	(651) 539-1189
Campaign Finance Software	(651) 539-1185
Forms, Receipt Books, General Information	(651) 539-1180
All staff may also be reached at	(800) 657-3889

## **Email the board**

Registration and Reports: [cfb.reports@state.mn.us](mailto:cfb.reports@state.mn.us)  
Economic Interest Statements: [cfb.eis@state.mn.us](mailto:cfb.eis@state.mn.us)  
General questions or comments: [cf.board@state.mn.us](mailto:cf.board@state.mn.us)

## **You may also contact the Board as follows:**

By telephone at (651) 539-1180 or toll free (800) 657-3889.  
By TTY by calling (800) 627-3529 and asking for (651) 539-1180.  
By fax to (651) 539-1196 or fax toll free (800) 357-4114.

By United States mail to: Campaign Finance & Public Disclosure Board  
190 Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155-1603