

Minnesota

Campaign Finance and Public Disclosure Board Meeting

Friday, November 6, 2020
10:00 A.M.
Conducted remotely via Webex due to COVID-19 pandemic

REGULAR SESSION AGENDA

1. Approval of minutes
 - a. October 7, 2020
2. Chair's report
 - a. 2020 meeting schedule
3. Executive director report
 - a. Yearly Update on Reconciliation of Contributions between Registered Committees
 - b. Draft language for lobbyist legislative recommendations
4. Enforcement report
5. Prima facie determination
6. Legal report
7. Other business

EXECUTIVE SESSION

Immediately following regular session

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

.....
October 7, 2020

Meeting conducted remotely though Webex due to COVID-19 pandemic

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MINUTES

The meeting was called to order by Chair Haugen.

Members present: Flynn, Haugen, Leppik, Rashid, Rosen (absent during waiver requests due to technical difficulties), Swanson

Others present: Sigurdson, Engelhardt, Olson, Pope, staff; Hartshorn, counsel (arrived during enforcement report)

MINUTES (September 9, 2020)

After discussion, the following motion was made:

Member Flynn's motion:

To approve the September 9, 2020, minutes as drafted.

Vote on motion:

A roll call vote was taken. All members voted in the affirmative (Rashid abstained).

CHAIR'S REPORT

A. 2020 meeting schedule

The next Board meeting is scheduled for 10:00 a.m. on Friday, November 6, 2020.

EXECUTIVE DIRECTOR REPORT

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that campaign finance reports for political committees and funds, state party units, legislative caucuses, and appellate court judicial candidates were due on September 22, 2020, and that only four reports remained outstanding. Mr. Sigurdson said that staff had done the mailing for the next campaign finance report, which was due on October 26, 2020. Mr. Sigurdson stated that only about 20 people had attended the most recent compliance training class offered through Webex. Previous classes had been attended by over 50 people per session. Mr. Sigurdson said that given this decline in attendance, staff would not offer any additional online training until early in 2021.

A. Report on political contribution refunds issued in 2019

Mr. Sigurdson told members that the Department of Revenue had issued a report on the use of the Political Contribution Refund (PCR) Program in 2019 by candidates and party units. Mr. Sigurdson briefly reviewed the amounts of refunds that had been issued in total, for contributions to candidates from the major political parties, and for contributions to party units.

B. Update on legislative recommendations for lobbyist program

Mr. Sigurdson told members that he had met with a task force from the Minnesota Governmental Relations Council (MGRC) on September 11, 2020, to discuss the legislative recommendations for the lobbyist program. Mr. Sigurdson said that the MGRC had provided valuable feedback on its two primary issues of concern. The first issue was the need to set up new time management systems so that lobbyists could determine which matters constituted 25% of their efforts. Mr. Sigurdson said that the MGRC had explained that the time spent on an issue alone did not always convey the importance of that issue to a principal because some minor efforts were more time consuming than other more important efforts. The second area of concern was having to report bill numbers. Mr. Sigurdson said that proposals often are included in many bills to increase their odds of passage. In addition, individual proposals often are adopted as part of an omnibus bill, which includes many other topics. Mr. Sigurdson also pointed out that tracking lobbying efforts by bill number requires expertise that the average person may not have.

Kathy Hahne from the MGRC then addressed the Board. Ms. Hahne stated that the task force included members who worked for a wide variety of principals to ensure that the group could give a comprehensive response to the proposals. Ms. Hahne answered questions from members and thanked the Board for the opportunity to respond to the legislative recommendations.

ENFORCEMENT REPORT

A. Discussion item

1. Duluth DFL (20575) – Late fees and civil penalty for reports of receipts and expenditures

Mr. Olson told members that the Duluth DFL had incurred the maximum \$1,000 late filing fee and \$1,000 civil penalty for its 2016 year-end report and the maximum \$1,000 late filing fee for its 2017 year-end report. Mr. Olson said that no civil penalty was imposed for the 2017 year-end report because the matter had been referred to the attorney general's office before certified letters were sent regarding the failure to file that report. Mr. Olson stated that at the August 2020 meeting, the Board had adopted findings resolving an investigation of the Duluth DFL and that those findings had discussed in detail the problems that the party unit had encountered with its former treasurer. Mr. Olson said that the party unit had selected a new treasurer, Kelli Latuska, in June 2017.

Mr. Olson stated that the Duluth DFL was asking the Board to waive the \$3,000 owed for the 2016 and 2017 year-end reports. Mr. Olson stated that in the waiver request, the party unit's attorney, David Zoll, explained that the former treasurer repeatedly had assured the Duluth DFL that she would promptly file the 2016 year-end report. Mr. Zoll explained that once Ms. Latuska obtained access to the party unit's financial records in 2017, it was clear that there was a substantial cash balance discrepancy, the former treasurer would not cooperate with efforts to resolve the reporting issues, and Ms. Latuska was not comfortable certifying a report as accurate without confirming its accuracy. Mr. Olson said that the

request also pointed out that the Board had already imposed a \$1,500 civil penalty against the Duluth DFL for being affiliated with a person who falsely certified a campaign finance report.

Mr. Olson told members that the party unit had reported a cash balance of \$1,343 as of July 20, 2020, and that the reported balance did not account for the \$1,500 civil penalty imposed by the Board in August. Mr. Olson stated that in November 2006 the party unit had been granted a waiver of \$3,500 in late filing fees and civil penalties for its 2003 year-end and 2004 pre-primary and pre-general reports because there was a transition between treasurers and notices regarding the reports had been sent to the former treasurer. Mr. Olson told members that the party unit had not been granted a waiver of any late filing fees or civil penalties since then.

David Zoll, attorney for the Duluth DFL, then addressed the Board. Mr. Zoll told members that the findings in the investigation had ordered the Duluth DFL to pay a \$1,500 civil penalty for being affiliated with someone who filed a false report. Mr. Zoll argued that the party unit therefore already had been penalized for the events giving rise to the late 2016 and 2017 reports. Mr. Zoll then answered questions from members.

After discussion, the following motion was made:

Member Flynn’s motion: To waive the \$1,000 late fee and the \$1,000 civil penalty owed for the 2016 year-end report.

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

B. Waiver requests

Name of Candidate or Committee	Late Fee & Civil Penalty Amount	Reason for Fine	Factors for waiver and recommended action	Board Member's Motion	Motion	Vote on Motion
Minnesota Realtors Political Action Committee (70006)	\$200 LFF	June 2020	Person responsible for preparing the reports was out of office for over a month while ill with COVID-19. Reports were due 6/15/20 and were filed 6/25/20 and 6/26/20, respectively. MN Realtors PAC reported cash balance of \$948,800 as of 7/20/20. REALIEF has not reported any financial activity since it registered in Sept. 2018. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative (Rosen absent).
REALIEF (41213)	\$225 LFF	June 2020		Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative (Rosen absent).

51st Senate District RPM (20424)	\$200 LFF	2020 Pre-primary	Treasurer had medical issues that made it difficult to complete and file report. Report was due 7/27/20 and filed 8/2/20. Party unit reported cash balance of \$1,263 as of 7/20/20. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative (Rosen absent).
Jeanne Massey (2267)	\$75 LFF	1st 2020 Lobbyist	Report was completed on time and lobbyist thought report was filed but it was only saved rather than submitted. Report was due 6/15/20 and filed 6/18/20 after error was discovered. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative (Rosen absent).
Senator (John) Marty Volunteer Committee (11880)	\$50 LFF	2020 Pre-primary	Treasurer mistakenly initialized new reporting year in CFR software on due date and then was unable to file report. Report was due 7/27/20 and filed following day after treasurer contacted Board staff. Committee reported cash balance of \$21,126 as of 7/20/20. RECOMMENDED ACTION: Waive	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative (Rosen absent).
13th Senate District DFL (20505)	\$650 LFF	2020 Pre-primary	Treasurer thought local party units only filed year-end report. Report was due 7/27/20 and filed 8/14/20. Party unit reported cash balance of \$588 as of 7/20/20. RECOMMENDED ACTION: Reduce LFF to \$100	Member Leppik	To approve the staff recommendation.	A roll call vote was taken. All members voted in the affirmative (Rosen absent).
Torkelson (Paul) for State Representative (16697)	\$50 LFF	Pre-primary 24-hour notice	Large contribution received on Friday and notice filed on Monday. Candidate thought weekends were not counted, which is correct if notice is filed in person; electronic notices must be filed within 24 hours of receipt of contribution. Committee reported cash balance of \$10,228 as of 7/20/20. RECOMMENDED ACTION: None	No motion		

Carpenters Local 930 PAC (30600)	\$50 LFF	2020 Pre- primary	Report was filed one day late due to oversight by treasurer. Only activity disclosed on report was \$399 in non-itemized contributions. Fund reported cash balance of \$798 as of 9/15/20. RECOMMENDED ACTION: None	No motion		
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C. Informational items

1. Payment of civil penalty for corporate contribution

Cragun Corporation, \$400

2. Payment of civil penalty for disclaimer violation

Reed Perkins for Senate District 1, \$100

3. Payment of late filing fee for 2020 pre-primary report of receipts and expenditures

66A House District RPM, \$200
 53rd Senate District DFL, \$200
 Committee to Elect John Hoffman, \$50
 Right Now Minnesota, \$50
 Larkin Hoffman Political Fund, \$50
 TakeAction Political Fund, \$50

4. Payment of late filing fee for 2020 1st quarter report of receipts and expenditures

Constitution Party of Minnesota, \$250

5. Payment of late filing fee for 2019 year-end report of receipts and expenditures

Rebecca Peichel for House, \$225

6. Payment of late filing fee for 2018 year-end report of receipts and expenditures

Fateh (Omar) for House LLC, \$1,000
 Rebecca Peichel for House, \$225

7. Payment of late filing fee for 2017 year-end report of receipts and expenditures

Rebecca Peichel for House, \$50

8. Payment of late filing fee for lobbyist disbursement report due 6/15/2020

Simon Opatz, \$225
Monica Meyer, \$125
Matthew Benda, \$125
Joseph Weber, \$100
Heather Corcoran, \$75
Cory Bennett, \$75
Carol Overland, \$50
William Amberg, \$50
Jonathan Curry, \$50
Dorian Grilley, \$50
David Anderson, \$25
Jeffery Anderson, \$25

9. Payment of late filing fee for 2019 annual EIS

Chester Raguse, \$20

10. Forwarded anonymous contribution

Pam Myhra for House, \$60

PRIMA FACIE DETERMINATION

Ms. Pope presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Ms. Pope told members that when the Board chair determines that a complaint does not state a prima facie violation, the chair must dismiss the complaint without prejudice. After a dismissal, the matter is public and the dismissal is reported to the full Board for informational purposes at the next regularly scheduled meeting. Ms. Pope said that since the last meeting, Chair Haugen had determined that a complaint filed by Greg Laden regarding the Perry Nouis for Minnesota committee had not stated a prima facie violation of any provision under the Board's jurisdiction.

Ms. Pope told members that the complaint alleged that the Nouis committee had signs and a website that indicated that Mr. Nouis was the incumbent representative for the district rather than a candidate for that office. The complaint argued that the signs and the website violated the provisions in Minnesota Statutes section 211B.03 regarding the use of the term "re-elect" by nonincumbents. Ms. Pope said that the complaint also may have alleged a violation of Minnesota Statutes section 211B.06, which prohibits the dissemination of false campaign material.

Ms. Pope stated that although the Board has jurisdiction to investigate some violations of Minnesota Statutes Chapter 211B, it does not have jurisdiction to investigate the violations of Minnesota Statutes sections 211B.03 or 211B.06 alleged in the complaint. Ms. Pope said that the chair therefore concluded that the complaint did not allege a prima facie violation of any statute under the Board's jurisdiction and dismissed it without prejudice.

LEGAL COUNSEL'S REPORT

Mr. Hartshorn presented members with a legal report that is attached to and made a part of these minutes. Mr. Hartshorn had nothing to add to the grid on the legal report. Mr. Hartshorn told members that there would be movement after the November election on the new cases added to the grid.

OTHER BUSINESS

There was no other business to report.

EXECUTIVE SESSION

The chair recessed the regular session of the meeting and called to order the executive session. Upon recess of the executive session, the chair had the following to report into regular session:

Probable cause determination in the matter of the complaint of the Senate Victory Fund regarding Erin Murphy for Senate

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

Respectfully submitted,

Jeff Sigurdson
Executive Director

Attachments:
Executive director's report
Memorandum regarding prima facie determination – no violation
Legal report
Probable cause determination in the matter of the complaint of the Senate Victory Fund regarding Erin Murphy for Senate



MINNESOTA

CAMPAIGN FINANCE BOARD

Board Meeting Dates for Calendar Year 2020

Meetings are at **10:00 A.M.** unless otherwise noted.

2020

Wednesday, December 2

2021

Wednesday, January 6

Wednesday, February 3

Wednesday, March 3

Wednesday, April 7

Wednesday, May 5

Wednesday, June 2



MINNESOTA CAMPAIGN FINANCE BOARD

Date: October 30, 2020

To: Board Members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Executive Director's Report

Campaign Finance Reports The pre-general report of receipts and expenditures for all state candidates on the general election ballot, all political committees, all political party units and all political funds that had activity during the reporting period, was due on October 26, 2020. The Board currently has not received 3 of the expected 400 reports from candidate committees (99.25% filed) or 37 of the expected 732 reports from all other types of committees and funds (95% filed).

The 24-hour reporting period for large contributions opened on October 20, and will close on November 2, 2020. As of the date of this memo the Board has received 189 24-hour notifications which are immediately available for public review at <https://cfb.mn.gov/reports-and-data/viewers/campaign-finance/large-contribution-notices/>.

Board Operations

Staffing: Minnesota Management and Budget (MMB) has granted the Board an exception to the general hiring freeze for state employees in order to fill the position of program administrator left vacant by the retirement of Marcia Waller. This position is responsible for processing all registrations for lobbyists, candidates, and political committees. In addition, the position is responsible for administering the lobbyist and lobbyist principal reporting periods. Staff will be conducting interviews for the position in early November.

Impact of COVID-19: MMB has informed all state agencies that it expects telecommuting to be used if possible through June of 2021. The Centennial Office Building remains closed to the general public, as is the Board's office. Some staff work must still occur at the Board office. However, with the end of the pre-election reporting periods, I expect that the number of staff working in the office will decrease to one or two on most days.

Yearly Update on Reconciliation of Contributions between Registered Committees To ensure the accuracy of reported contributions made by registered committees and funds to other registered committees and funds, staff conducts a yearly reconciliation of contributions.

The reconciliation identifies cases where the amount of contributions reported being made and received do not match, which is then used by staff to contact committees to resolve the discrepancies. The attached memo reviews the history behind the reconciliation process, and provides that over 99.9% of the contributions reported in 2019 now reconcile.

Legislative Recommendations for the Lobbying Program: As I reviewed for the Board at the October Board meeting, the Minnesota Governmental Relations Council (MGRC) appointed a task force to review and respond to the Board's legislative proposal for the lobbying program as drafted in January of this year. The task force provided me with feedback in September that focused on two primary concerns; how will a lobbyist determine which actions on behalf of a principal required at least 25% of the total effort for the principal and therefore must be reported, and whether reporting a bill or administrative rule revisor number is providing useful information to the public.

Attached to this memo is draft legislative language that addresses those two concerns, but from my perspective, still provides significantly better disclosure on the subjects of concern for the lobbying entity. I would emphasize that the recommendations are still in draft form. I do not intend for the Board to take any formal action at the November meeting. However, I would hope for a Board discussion on the direction the recommendations are taking. Staff is also working on mockups of reporting forms and screens that reflect the registration and reporting changes that would occur if the proposal is adopted. Board member direction and comment on this draft will be incorporated into a version for consideration at the December meeting. If the Board decides to propose the lobbying recommendations to the legislature I would then have December to contact members of the legislature and explain the proposal.

The following is a brief comparison of the major differences between this draft and the recommendations presented in January.

Registration: The current requirement for lobbyist registration is that a lobbyist list the subject areas of interest for the entity represented. The problem is that there are no standards for the subject description, which has led to over 2,300 distinct subjects listed at the time of registration. This number of subjects foils any attempt to provide a searchable index of principals by subject of interest. A more limited, but still inclusive, set of subjects would allow the public to search the 1,450 principals represented by lobbyists to find those that, for example, are interested in wind energy, or any other subject before public officials. The January proposal contained a two-step process where the lobbyist selected a subject from a set list, and then supplemented with additional information on the specific subject. After further analysis, staff believes that a searchable index of subjects can be created using a simpler system that requires selection of the subject from a set list without asking for additional detail at the time of registration.

Tracking of lobbyist time for reporting of major subjects of interest: The members of the task force provided that very few lobbyists track their time. Instead contract lobbyists are usually paid a retainer fee for services provided. Setting up a time tracking system equivalent to those commonly used by attorneys would be, in their view, cost prohibitive and unduly burdensome.

Further, the task force is concerned that using time alone to determine the 25% reporting threshold could be misleading. For example, a principal may have had two major goals for the session, but using time alone as the standard could lead to a lobbyist reporting a time consuming, but relatively trivial effort to add a minor amendment but not reporting a significant issue that was achieved in a comparatively short period of time. To address this issue the revised recommendations require the lobbyist to use a reasonable, good faith estimate of the total effort for the entity represented, but does not rely specifically on time, or require tracking of time spent lobbying.

Method used to identify issues that require 25% or more of the lobbying effort for the entity: The second major concern expressed by the task force is that the January recommendations require the lobbyist to identify the bill number, administrative rule revisor number, Public Utilities Commission docket number, or metropolitan governmental unit ordinance number that met the 25% of lobbying threshold. Members of the MGRC task force felt that emphasis on specific bill numbers would not be particularly useful public disclosure, as many bills are folded into omnibus bills that are remarkably broad in subject matter, or the key language of interest to the principal is moved into multiple bills in an effort to be included in a bill that moves forward. Further, relying on bill numbers (or ordinance numbers, docket numbers, or revisor numbers) could obscure the issues of concern to the principal because it requires the public to know what was in the bill. Even immediately after a legislative session identifying subjects within a given bill requires specialized knowledge. Over the passage of time, it would require significant research to understand the content of the bills reported by the lobbyist.

The attached version of the recommendations requires identification of specific subjects of interest within the legislation, administrative rule, or metropolitan governmental action. The use of specific subjects will again allow for indexing so that in retrospect the public will be able to identify all principals that had a significant effort regarding a subject before public officials during the reporting period.

Additional disclosure: This version of the recommendations provides that a lobbyist who engages in administrative lobbying or lobbying of metropolitan governmental units must identify those agencies and metropolitan governmental units even if the effort does not reach the 25% threshold. Under current statute metropolitan governmental unit and administrative lobbying are just broad categories, with no identification of the city, county, or agency subject to lobbying efforts.

If Board members are interested in reviewing the January lobbying recommendations they are online at https://cfb.mn.gov/pdf/legal/Lobbying_Proposal.pdf

Attachments

Yearly update on reconciliation of contributions between registered committees
Draft language for lobbying legislative proposals



MINNESOTA CAMPAIGN FINANCE BOARD

DATE: October 16, 2020
TO: Board Members
FROM: Jeff Sigurdson
Executive Director
TELEPHONE: 651-539-1189
SUBJECT: Yearly Update on Reconciliation of Contributions between Registered Committees

Background

In the fall of 2013, the Star Tribune published an article describing problems found in the database of contributions to state candidates, political party units, and political committees and funds provided to the paper by the Campaign Finance and Public Disclosure Board. In particular the Star Tribune found that it could not reconcile over \$20 million dollars in contributions reported between registered committees during the years 2000 to 2012. Staff confirmed that the problems identified in the article existed, and during the remainder of 2013, all of 2014, and the first quarter of 2015, worked to reduce the number of contributions between registered entities that did not reconcile.

At the August 2015 Board meeting staff reported to the Board on the progress made in reconciling contributions, and reported on nine steps implemented by the executive director to minimize unreconciled contributions in future reporting years. The Board directed staff to stop the active reconciliation of contributions made prior to 2014, and to report annually to the Board regarding the reconciliation of contributions for the prior reporting year. This memo provides the status of the reconciliation of contributions between registered entities reported in 2019.

Reconciliation of 2019

The 2019 year-end reports of receipts and expenditures were due on January 31, 2020. The reports were processed using procedures designed to limit the number of unreconciled contributions caused by data entry errors. These procedures include double checking the data entry of paper reports by staff and requiring treasurers to submit complete amended reports if warranted.

In Table 1 the 2019 reconciliation numbers are highlighted in grey. The years 2010 – 2018 are provided for comparison.

Table 1

Year	Total Itemized Transfers Between Registered Committees	Amount Initially Not Reconciled	Percentage Initially Reconciled	Current Amount Not Reconciled	Percentage Currently Reconciled
2010	\$25,459,972	\$4,791,084	81.18%	\$31,968	99.87%
2011	\$4,087,836	\$500,960	87.75%	\$5,870	99.86%
2012	\$32,772,360	\$4,326,600	86.80%	\$19,614	99.94%
2013	\$4,506,703	\$417,657	90.73%	\$8,167	99.82%
2014	\$24,647,813	\$1,955,927	92.06%	\$30,561	99.88%
2015	\$5,125,778	\$530,272	89.65%	\$1,430	99.97%
2016	\$32,920,683	\$5,621,789	83.02%	\$20,858	99.94%
2017	\$5,548,494	\$180,393	96.69%	\$7,175	99.87%
2018	\$43,457,655	\$2,514,075	94.21%	\$10,500	99.98%
2019	\$8,015,000	\$363,378	95.47%	\$5,165	99.93%
10 Year Totals	\$186,542,294	\$21,202,135	88.63%	\$141,308	99.92%

The reconciliation process takes considerable staff time to complete, and was complicated this year when the office was closed due to the pandemic. Staff initially reached out informally through email to 204 candidates and 256 political committees and party units with a reconciliation issue and requested they review their records on specific contributions. A significant number of problems were resolved through emails and subsequent amendments. Formal letters requiring a response were mailed to 120 political committees and party units in May and 121 candidates in June of this year. In almost all cases, amendments were secured from the donor, the recipient, or both to resolve the discrepancies. Staff is still working with a handful of committees to resolve contributions that do not reconcile.

10A.01 DEFINITIONS

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

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

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

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

* * * *

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

Designated lobbyist. "Designated lobbyist" means the lobbyist responsible for reporting the lobbying disbursements and activity of the entity the lobbyist represents. An entity that is represented by lobbyists may have only one designated lobbyist at any given time.

General lobbying category. "General lobbying category" means an area of interest for lobbying for an entity that is on a list of categories specified by the board.

Specific subject of interest. "Specific subject of interest" means a particular topic or area of lobbying interest within a general lobbying category. The specific subjects of interest for an entity during a reporting period are disclosed by a reporting lobbyist on the report submitted to the Board for that period. The specific subject of interest must be described with enough information to show the particular issue of importance to the entity represented.

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

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

10A.03 LOBBYIST REGISTRATION

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

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

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

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

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

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

(5) the general lobbying categories, description of the subject or subjects on which the lobbyist expects to lobby for the entity represented; and

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

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

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

10A.04 LOBBYIST REPORTS

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

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

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

Subd. 4. **Content.** (a) A report under this section must include information the board requires from the registration form and the information required by this subdivision for the reporting period. The lobbyist must report the total percentage of lobbying effort spent on any specific subject of interest or Public Utilities Commission project reported under this section. The determination of the total percentage of lobbying effort spent on a subject and the determination regarding whether a specific subject of interest or Public Utilities Commission project met the 25% reporting threshold must be based on the lobbyist's reasonable, good faith estimate of the lobbyists' s total efforts on behalf of the entity.

~~(b) A lobbyist must report the lobbyist's total disbursements on lobbying, separately listing lobbying disbursements to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions of a metropolitan governmental units and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication~~

~~used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.~~

(b) A lobbyist must report every state agency that had administrative action that the represented entity sought to influence during the reporting period. If an administrative action accounted for 25% or more of the lobbyist's effort on behalf of the represented entity during the reporting period, the lobbyist must report the specific subjects of interest for that action. The specific subjects of interest reported must be listed in the order of importance to the entity represented

(c) A lobbyist must report every metropolitan governmental unit that considered official action that the entity represented sought to influence during the reporting period. If an official action by a metropolitan governmental unit accounted for 25% or more of that lobbyist's effort on behalf of the represented entity during the reporting period, the lobbyist must report the specific subjects of interest for that action. The specific subjects of interest reported must be listed in the order of importance to the entity represented.

(d) If a legislative action accounted for 25% or more of that lobbyist's efforts on behalf of the entity represented during the reporting period, the lobbyist must report the specific subjects of interest for that action. The specific subjects of interest reported must be listed in the order of importance to the entity represented.

(e) If a rate setting, power plant and powerline siting, or granting of certificate of need accounted for 25% or more of that lobbyist's effort on behalf of the principal or employer during the reporting period, the lobbyist must report the Public Utilities Commission project name for that action.

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

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

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

(i) On the report due June 15, the lobbyist must provide update or confirm a the general lobbying categories for the entity represented that were lobbied on in the previous 12 months.

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

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

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

(1) lobbying to influence legislative action;

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

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

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

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

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

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

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

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

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

4511.0600 REPORTING DISBURSEMENTS

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

4511.0800 ADMINISTRATIVE ACTION

Minnesota Rules part 4511.0800 is repealed.



MINNESOTA CAMPAIGN FINANCE BOARD

Date: October 30, 2020

To: Board members
Counsel Hartshorn

From: Andrew Olson, Legal/Management Analyst

Subject: Enforcement report for consideration at the November 6, 2020, Board meeting

A. Discussion Items

1. Balance Adjustment Request – Citizens to Elect Paul Yang (18354)

A request for a cash balance adjustment of over \$200 must be brought to the Board for approval. This principal campaign committee reported a 2018 ending cash balance of \$5,743.90, but the balance in the committee’s bank account as of the end of 2018 was actually \$6,241.39. The committee registered with the Board in June 2018 and reported over \$54,000 in receipts and almost \$49,000 in disbursements in 2018. The committee’s treasurer has reviewed the committee’s bank statements and other financial records but is unable to reconcile the committee’s 2018 year-end report. The committee is requesting that its 2018 ending cash balance be adjusted upward by \$497.49, from \$5,743.90 to \$6,241.39. The treasurer has provided documentation showing that \$6,241.39 was the balance in the committee’s bank account as of the end of 2018 and that is the amount listed as the beginning cash balance on the committee’s 2019 year-end report.

B. Waiver Requests

#	Committee/ Entity	Late Fee/ Civil Penalty	Report Due	Factors	Prior Waivers	Recommended Action
1	John (Thompson) for 67A (18495)	\$100 LFF	2020 Pre- General	Treasurer mistakenly filed an amended pre-primary report via the CFR software on the due date rather than the pre-general report. After realizing the error the correct report was filed 2 days late. The committee reported a cash balance of \$12,257 as of 10/19/20.	No	Waive

2	62nd Senate District DFL (20483)	\$100 LFF	2020 Pre-General	Former treasurer did not provide the new treasurer with the party unit's CFR data when the new treasurer took over in the middle of 2020. The new treasurer did not realize he lacked the data needed to file the report until days before the deadline and had difficulty contacting Board staff. The report was due 10/26/2020 and a paper report was filed 2 days late. The party unit reported a cash balance of \$791 as of 10/19/2020.	\$1,000 LFF waived in Feb. 2019 after treasurer failed to file a report and the party unit elected a new treasurer	Reduce to \$50
3	Alarm PAC (30306)	\$100 LFF	2020 Pre-General	Supporting association's internet was down for several days. Service was restored on the due date, 10/26/2020, but the person responsible for preparing the report forgot to file a no-change statement, which was filed 2 days late. The fund reported a cash balance of \$2,907 as of 10/19/2020.	No	Reduce to \$50
4	Antonio Nerios (House candidate)	\$30 LFF	Original EIS	Candidate filed affidavit of candidacy 6/1/2020, making the EIS due 6/15/2020. Candidate states that he thought an EIS needed to be filed only if he reached the \$750 threshold for registering a candidate committee. EIS was filed 7/20/2020.	No	None
5	Roger Steinkamp MN Senate (18607)	\$50 LFF	2020 Pre-General	Candidate planned to finish the report on the due date but completed the report the morning after the deadline. The committee reported a cash balance of \$14,556 as of 10/19/2020.	No	None

C. Informational Items

1. Payment of civil penalty for corporate contribution

Cass County RPM, \$400

2. Payment of civil penalty for exceeding individual contribution limit

Brad Kovach Committee to Elect for House, \$250

John Heinrich for House, \$100

3. Partial payment of civil penalty for spending limit violation

Doug Wardlow for Attorney General, \$100

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

Communications Workers of America Minnesota State Council, \$100

5. Payment of late filing fee for 2020 pre-primary 24-hour notice

Firefighters Association of Minneapolis Political Fund, \$250
Minnkota Power Action Committee, \$50
Torkelson (Paul) for State Representative, \$50

6. Payment of late filing fee for September 2020 report of receipts and expenditures

OAK PAC, \$25
Libertarian Party of Minnesota, \$25
Firefighters Association of Minneapolis Political Fund, \$25

7. Payment of late filing fee for 2020 pre-primary report of receipts and expenditures

13th Senate District DFL, \$100
Carpenters Local 930 PAC, \$50

8. Payment of late filing fee for June 2020 report of receipts and expenditures

Women's Victory Fund (Women PAC), \$325

9. Payment of late filing fee for 2020 1st quarter report of receipts and expenditures

Women's Victory Fund (Women PAC), \$100

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

MSCA-PAC, \$50

11. Payment of late filing fee for lobbyist disbursement report due 6/15/2020

Ronald Dicklich, \$100
Edward Cooper, \$75

12. Payment of late filing fee for original EIS

Arjun Kataria, \$100

13. Forwarded anonymous contributions

Kari Dziejczic for State Senate, \$375
Bergstrom (Donna) Volunteer Committee, \$150

October 16, 2020

Citizens to Elect Paul Yang
452 Lafond Ave
St. Paul, MN 55103
763-381-9288

Minnesota Campaign Finance and Public Disclosure Board

To Whom it May Concern,

I am writing this letter to ask the Board to grant a cash balance adjustment, increasing the committee's reported 2018 ending cash balance by \$497.49, from \$5,743.90 to \$6,241.39.

If you have any questions please do not hesitate to contact me by phone at 763-381-9288 or email at yang0370@gmail.com.

Sincerely,

Xiong Yang

Treasurer for Citizens to Elect Paul Yang

John (Thompson) for 67A (18495)

From: Amee Xiong <ameexiong@gmail.com>
Sent: Wednesday, October 28, 2020 2:12 PM
To: Sigurdson, Jeff (CFB) <jeff.sigurdson@state.mn.us>
Cc: John Thompson <johnfor67a@gmail.com>
Subject: Fwd: Campaign Finance Filing

Dear Jeff,

I had submitted the finance report on Monday, Oct. 26th for John Thompson's campaign at 8:38pm and received a confirmation below so we thought it went through and wasn't showing up yet because of the 24 hours stated on the response email. It turns out that the report was not correctly submitted because I did not download the report first before doing the file transfer. Gary just helped me with the process now. I hope that we are not penalized for this because we had received a confirmation on the due date.

Thanks,
Amee

----- Forwarded message -----

From: John Thompson <johnfor67a@gmail.com>
Date: Tue, Oct 27, 2020 at 2:28 PM
Subject: Fwd: Campaign Finance Filing
To: Amee Xiong <ameexiong@gmail.com>

Here you go!

Thanks!

Suyapa

----- Forwarded message -----

From: <gary.bauer@state.mn.us>
Date: Mon, Oct 26, 2020 at 9:39 PM
Subject: Campaign Finance Filing
To: <johnfor67a@gmail.com>

This message confirms receipt by the Campaign Finance & Public Disclosure Board of your campaign finance report described below. This message only confirms that the report was received. The Board has not yet reviewed the report for compliance with campaign finance laws. Thank you for filing electronically.

Registration Number: 18495
Committee Name: John for 67A
Report Year: 20
Report Type: Pre-Primary Report
File Size: 14573568
File Received: Monday, Oct 26 2020 08:38:25 PM

Please Note:

When a board report is filed using the Campaign Finance Reporter software, it may take up to 24 hours for the Board's systems to process the report. Upon successfully receiving a board report an email will be sent to the email address listed as the committee email address as an e-filing confirmation. One day after receiving this conformation, users should perform a download of information from the Board, which will update the indicator that the report was sent/received.

While using the software, a download may be performed at any time by performing the following:

- On the top menu bar select Tools > File Transfer

- Check the Download Committee Information circle in the Download File Selection, check the All Files circle

- Click the Begin Transfer button

--

John Thompson for 67A

From: Jadzia Sembla <ereiamjh616@gmail.com>
Sent: Wednesday, October 28, 2020 6:44 PM
To: Stevens, Melissa (CFB) <melissa.stevens@state.mn.us>
Cc: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>
Subject: Re: Technical difficulties:

Melissa,

Thank you for your prompt attention to my request.
Here is our completed report.

Megan,

Melissa said I should check with you for mercy.
Mostly, I don't want a bad mark on our SD record.
While it would be nice to get a discount, I don't know if that is possible.
I took all the classes, and know the software.
I had no idea my predecessor hadn't backed up the CF Reporter data.
Spend days of my little free time working on it.
Nobody is in the office, and responses are random.
I asked Jon and Gary about good times to connect, and got 1 call back, but no response via email.
No offense to Gary, but his call was at the peak of retail at USPS.
I have been working 12-14 hour days, covering for others.
Very little down time.
Still my own fault for assuming I had it covered and planned procrastination.
Anyhow, I am frustrated, and given everything, feel like I should get an equal payment for my frustration,
but I understand that your job is compliance, not customer service.
I get that there is a pandemic, and all the rest. #2020
...but if you can reduce the fee, I will donate it elsewhere. 😊
Otherwise, please bill me the \$100 directly if possible.

thanks, and solidarity,
jadzia sembla
ereiamjh616@gmail.com
c: 612-207-8946
or 314-282-7404

From: Denise Gill <denise@cortholten.com>
Sent: Wednesday, October 28, 2020 7:10 AM
To: CFBE-mail <cfb.reports@state.mn.us>
Subject: AlarmPAC report

We just filed our Pre-General Election report. I was wondering if there is any way to waive the late fee. Our internet and phone system was down for 10 days and I just got everything working again on Monday. With everything going on, I completely forgot to submit the report. We had nothing to report and it was submitted this morning.

Thank you for your consideration.



Denise J. Gill

161 St. Anthony Ave, Suite 820

St. Paul, MN 55103

651.287.6400 (Office)

651.291.0846 (Fax)

651-343-6230 (Cell)

denise@cortholten.com

www.mnesta.org 

Antonio Nerios (House candidate)

From: Veterans Party Minnesota <info@vpmn.org>

Sent: Tuesday, October 06, 2020 9:25 AM

To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>; antonio.nerios@outlook.com

Subject: Late Fee

Megan

I am aware of a \$30 late fee which the Minnesota Campaign Finance Board says I owe. Being that I have not started a campaign committee, would the board be able to wave such a fee.

Very Respectfully,
Antonio Nerios

From: Roger MNSenate <rogermnsenate@gmail.com>
Sent: Tuesday, October 27, 2020 9:59 PM
To: Olson, Andrew (CFB) <Andrew.D.Olson@state.mn.us>
Subject: Re: report a few minutes late

Hello Andrew,

I submitted my report at about 6:30 am this m after working through the night on it. I realize it was due at 11:59.

I had programmed my time to submit the report on time. This is the first time running for office and dealing with fund raising and reporting in a campaign, so my timing isn't perfect to start with. Then a videographer showed up this afternoon to do a series of shorts with a friend who is running for City Council; another colleague running for the House and me. Given the circumstances, it was an opportunity I couldn't miss.

In any event, I didn't realize the time it would take to work my through the report and submit it, and worked through the night until about 6:30 am when I finally hit the send button. No doubt an experienced accountant could have done it in a fraction of the time. As you can see, I don't have a high budget campaign and it depends on the graces of volunteers and DIY spirit. I'm envious of my colleagues who have professionals doing their accounting. We are learning as we go.

I'm not looking for sympathy, but a little compassion and understanding of the situation. I was under the mistaken impression that the deadline would be before the start of business on October 27. You can tell we aren't floating in money and I ask for your indulgence. Guess I'm learning the hard way.

I am very appreciative of the CFB officers and staff who have been prompt, courteous and very helpful. This is my muff.

Thank you for any consideration you may accord..

Cheers



MINNESOTA CAMPAIGN FINANCE BOARD

DATE: October 30, 2020
TO: Board members
FROM: Andrew Olson, Legal/Management Analyst **TELEPHONE:** (651) 539-1190
RE: Prima facie determination finding no violation

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

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

Complaint regarding Greg Kuhn

On September 28, 2020, the Board received a complaint submitted by C.T. Marhula regarding Greg Kuhn, a candidate for Bemidji City Council. The complaint alleged that campaign material promoting Mr. Kuhn's candidacy did not include the disclaimer required by Minnesota Statutes section 211B.04.

The Board has jurisdiction to investigate a violation of the disclaimer requirement if the alleged violation involves a candidate for state constitutional office, state legislator, or state judge. The complaint did not allege or provide reason to believe that Mr. Kuhn is a state-level candidate. On October 1, 2020, the chair therefore concluded that the complaint did not allege a prima facie violation of any statute under the Board's jurisdiction and dismissed the complaint without prejudice.

Attachments:

Complaint
Prima facie determination

Campaign Finance & Public Disclosure Board

190 Centennial Office Building, 658 Cedar St, St Paul, MN 55155 cfb.mn.gov



Complaint for Violation of the Campaign Finance and Public Disclosure Act

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

Information about complaint filer

Name of complaint filer C.T. Marhula	
Address 4524 Birchmont Dr NE #10	Email address ctm@gra.midco.net
City, state, and zip Bemidji, MN 56601	Telephone (Daytime) 701-317-2232

Identify person/entity you are complaining about

Name of person/entity being complained about Greg Kuhn
Address 206 25th Street NW
City, state, zip Bemidji, MN 56601
Title of respondent (If applicable) Candidate
Board/Department/Agency/District # (If legislator) City of Bemidji Council

Signature of person filing complaint

09/15/2020

Date

Send completed form to:

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

If you have questions:

Call 651-539-1189, 800-657-3889, or for TTY/TDD communication contact us through the Minnesota Relay Service at 800-627-3529. Board staff may also be reached by email at cf.board@state.mn.us.

Give the statutory cite to the section of Chapter 10A, Chapter 211B, **211B.04**
or Minnesota Rules you believe has been violated:

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

Nature of complaint

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

<p>Failure to display disclaimer as to who paid for the campaign piece that was mailed.</p>

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

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

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

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

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

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

Elect

Greg KUN



- Greg is a graduate of Bemidji State University with a Bachelor's of Science Degree in Business and is currently employed as the Asset Manager with Peterson Sheet Metal
- Greg is a 13 year United States Air Force Veteran and has travelled extensively throughout the world. He will use those experiences to continue the ongoing efforts to make Bemidji a more inclusive community
- Greg will use his business experience to help run the City of Bemidji as the \$70 million dollar business that it is, in order to provide the services it's residents deserve
- Greg will work hard to account for the proper spending of your tax dollars while bringing the mindset that government works for you, not the other way around

Elect **Greg KUHN**

Milestones in life:

- ➡ In 20 years, you can see maturity in a pension plan
- ➡ In 20 years you can pay off your mortgage
- ➡ In 20 years, your children grow up, graduate, and start families of their own
- ➡ Ron Johnson has been the Ward 3 City Council representative for 20 years
- ➡ Being a City Council member for 20 years shouldn't be a milestone in life

**Vote for Greg Kuhn on November 3rd
and make a change!**

PRSR MKT
U.S. POSTAGE
PAID
MAILED FROM
ZIP CODE 56601
PERMIT NO. 71



*****SCH 5-DIGIT 56601
1*1**797

Registered Voters
4524 BIRCHMONT DR NE APT 10
BEMIDJI, MN 56601-4317

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

**PRIMA FACIE
DETERMINATION**

IN THE MATTER OF THE COMPLAINT OF C.T. MARHULA REGARDING GREG KUHN

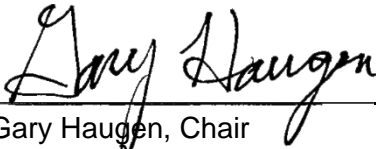
On September 28, 2020, the Campaign Finance and Public Disclosure Board received a complaint submitted by C.T. Marhula regarding Greg Kuhn. The complaint states that Mr. Kuhn is a candidate for Bemidji City Council. The complaint alleges that campaign material promoting Mr. Kuhn's candidacy did not include a disclaimer in violation of Minnesota Statutes section 211B.04.

Determination

Minnesota Statutes section 211B.04 requires campaign material to include a disclaimer substantially in the form provided in that statute, stating the name and address of the person or committee causing the material to be prepared or disseminated. The Board does not have investigative authority with respect to the disclaimer requirement unless the alleged violation involves a person or entity subject to Minnesota Statutes Chapter 10A. Minn. Stat. § 10A.022, subd. 3 (a).

The complaint states that Mr. Kuhn is seeking local office. The complaint makes no claim that Mr. Kuhn is running for any state-level office that would result in him being a candidate as that term is defined by Minnesota Statutes section 10A.01, subdivision 10. Because Mr. Kuhn is not a candidate within the meaning of Minnesota Statutes Chapter 10A, the Board does not have investigative authority with respect to the allegation in the complaint. The complaint therefore does not state a prima facie violation.

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



Gary Haugen, Chair
Campaign Finance and Public Disclosure Board

Date: 10/1/2020

**CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
November 2020**

ACTIVE FILES

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Served by Mail	Default Hearing Date	Date Judgment Entered	Case Status
Sandra (Sandi) Blaeser		2018 Public Official Statement of Economic Interest	\$100 LFF and \$1,000 CP	9/23/20				File received from Board 9/11/2020
		2019 Public Official Statement of Economic Interest	\$100 LFF and \$1,000 CP					
Chilah Brown Michele Berger	Brown (Chilah) for Senate	Unfiled 2016 Year- End Report of Receipts and Expenditures	\$1,000 LFF \$1,000 CP	3/6/18	8/10/18			Removed from hold 9/14 at Board's request.
		Unpaid late filing fee on 10/31/16 Pre- General Election Report	\$50 LFF					
Alyssa Eichman	Swing Right PAC	Unfiled 2018 Year- End Report of Receipts and Expenditures	\$1,000 LFF \$1,000 CP	9/29/20				File received from Board 10/5/2020
		Late Filing of 2018 Pre-General Report due 10/29/18; filed on 10/30/18	\$50 LFF					
Kelly Gunderson		Candidate Statement of Economic Interest due 6/16/20	\$100 LFF \$1,000CP	9/23/20				File received from Board 9/23/2020

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Served by Mail	Default Hearing Date	Date Judgment Entered	Case Status
Marcus Harcus	MN Campaign for Full Legalization	Original Statement of Economic Interest, due 6/16/20	\$100 LFF \$1,000 CP	9/29/20				File received from Board 10/5/2020
		Lobbyist Disbursement Report due 6/15/20	\$1,000 LFF \$1,000 CP					
		Lobbyist Disbursement Report due 1/15/20	\$1,000 LFF \$1,000 CP					
		Late Filing of Lobbyist Disbursement Report due 1/15/19; filed on 6/16/19	\$1,000 LFF					
		Late Filing of Lobbyist Disbursement Report due 6/15/18, filed on 6/27/18	\$200 LFF					
		Annual Lobbyist Principal Report, due 3/16/20	\$1,000 LFF \$1,000 CP					
Beau Hullerman		Candidate Statement of Economic Interest due 6/16/20	\$100 LFF \$1,000CP	9/23/20				File received from Board 9/23/2020
Tim Johnson		Candidate Statement of Economic Interest due 6/16/20	\$100 LFF \$1,000CP	9/23/20				File received from Board 9/11/2020

