

Minnesota

# ***Campaign Finance and Public Disclosure Board Meeting***

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Wednesday, May 6, 2020  
10:30 A.M.  
Conducted remotely via Webex due to COVID-19 pandemic

## **REGULAR SESSION AGENDA**

1. Approval of Minutes
  - a. March 6, 2020
2. Chair's Report
  - a. 2020 Meeting schedule
3. Executive director report – no written material
4. Review of lobbying regulations from other states that differ from Chapter 10A
5. Review of relevant court decision – Elster v. City of Seattle (public financing via vouchers)
6. Enforcement report
7. Advisory Opinion Request 453 - Layover
8. Legal report
9. Other business

## **EXECUTIVE SESSION**

Immediately following regular session



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

.....  
**March 6, 2020  
St Croix Room  
Centennial Office Building**  
.....

**MINUTES**

The meeting was called to order by Chair Moilanen.

Members present: Flynn, Haugen, Leppik, Moilanen, Rosen (arrived during chair's report), Swanson

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

**MINUTES** (February 5, 2020)

After discussion, the following motion was made:

Member Leppik's motion: To approve the February 5, 2020, minutes as drafted.

Vote on motion: Unanimously passed (Rosen absent).

**CHAIR'S REPORT**

**A. 2020 meeting schedule**

The next Board meeting is scheduled for 10:30 a.m. on Wednesday, April 1, 2020.

**B. Chair's update**

Chair Moilanen told members that he had discussed two issues with Board staff since the last meeting. The first issue was whether staff salaries and job classifications reflected the actual work being performed. Chair Moilanen said that because staff salaries comprised most of the Board's budget, he believed that it would be appropriate to review those salaries and the job classifications as part of the upcoming budget review. Chair Moilanen next said that because the Board had additional time to work on its lobbyist legislative proposal, he had asked staff to look at lobbyist regulations in other states and to present a report on that topic at the April meeting.

**EXECUTIVE DIRECTOR REPORT**

In response to questions from members, Mr. Sigurdson first addressed preparations for the COVID-19 situation. Mr. Sigurdson said that staff was ensuring that the Board's Continuity of Operations Plan (COOP) was up to date. Mr. Sigurdson told members that in the event of a pandemic, the COOP provided for one or two staff members to come into the office with everyone else working from home.

Mr. Sigurdson said that in the fall, staff had tested the plan by working from home for a morning and that everyone had been able to connect to the office computers. Mr. Sigurdson also noted that if necessary, a Board meeting could be held by telephone as long as one member was physically present at the meeting site.

Mr. Sigurdson next told members that lobbyist principal reports were due on March 16<sup>th</sup>. Mr. Sigurdson also said that he would be giving monthly updates on the progress of the project to move the Campaign Finance Reporter (CFR) software to the internet. Mr. Sigurdson stated that the online software was being developed in-house and was a bit, but not a lot, behind schedule. Mr. Sigurdson said that because information entered into the current version of CFR would be imported into the new online version, no one would have to double enter any transactions due to a delay in the rollout.

Mr. Sigurdson then said that he had sent the letter approved by the Board at the February meeting to all members of the legislature. He also had met with two legislators about the lobbying proposal and had informed them that the proposal was being held until fall for further development. Mr. Sigurdson stated that he had testified about a bill that would allow candidates to use campaign funds to buy security systems and to classify those expenses as a cost of serving in office. Mr. Sigurdson said that he was concerned that the list of security systems for which campaign funds could be used included the phrase "including but not limited to." Mr. Sigurdson stated that this language was very broad and could open the door to expenses that were only remotely related to security. Finally, Mr. Sigurdson said that he had not heard anything from the Governor about when appointments would be made to the two open positions on the Board. Mr. Sigurdson said that because the deadline for legislative approval of the two appointments made last summer was quickly approaching, he planned to ask the legislature to move forward with hearings on those two appointments.

Chair Moilanen then discussed in more detail his request that staff examine and report on lobbyist regulations in other states. Chair Moilanen said that he believed that this request was appropriate given the additional time that the Board now had to look at this issue. Chair Moilanen stated that he expected to learn more about who is included in the definition of lobbyist in other states and whether other states charge lobbyist registration fees. Chair Moilanen also expressed frustration with the pace of the appointment process.

### **OPTIONS FOR CIVIL PENALTIES IN CONCILIATION MATTERS**

Ms. Engelhardt presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Ms. Engelhardt told members that the civil penalty issue had been presented at the October meeting but that members had wanted to delay any final decisions until all members were present. Ms. Engelhardt reviewed the three options in the memo and the examples illustrating each approach. The three options were as follows: 1) to not impose any civil penalty for a first offense, 2) to impose a civil penalty equal to the excess contribution received, and 3) to impose a civil penalty equal to the amount of the excess contribution but to require payment only of \$100 or 25% of the penalty, whichever was greater, and to stay the remaining 75% of the penalty until the end of the next election cycle. Ms. Engelhardt explained that under option 3, any penalty that was less than \$100 would have to be paid in full. Ms. Engelhardt also stated that any stayed amounts would be due immediately if the committee committed a second violation.

Members then expressed their opinions and concerns about the options presented. Members were mindful of the Board's obligation to always consider the factors in Minnesota Statutes section 14.045 when imposing a penalty but understood staff's need for direction regarding the initial penalty to recommend in a proposed decision. Based on comments from the Board, staff understood that option 3 would be an appropriate starting point for proposed penalties in recommended decisions. The Board then will consider the statutory factors when reviewing that recommendation and, based on that consideration, adjust the penalty as appropriate for each case.

## **ENFORCEMENT REPORT**

### **A. Consent items**

#### **1. Administrative termination of lobbyist Bruce Miller (584)**

Mr. Olson told members that the Minnesota Farmers Union has asked that the lobbyist registration of Mr. Miller be terminated due to Mr. Miller's death on November 9, 2019. Mr. Olson said that Board staff had administratively terminated Mr. Miller's lobbyist registration as of that date. A reporting lobbyist for the Farmers Union had filed a lobbyist disbursement report inclusive of Mr. Miller covering the most recent reporting period. A representative from the Minnesota Farmers Union attended the meeting but did not address the Board.

#### **2. Retroactive termination of lobbyist Ronald Harnack (1853)**

Mr. Olson told members that Mr. Harnack recently had filed a lobbyist termination statement that listed a termination date of December 31, 2018. Mr. Harnack had stated that he had not engaged in lobbying at all in 2019. Mr. Olson said that Board staff had terminated Mr. Harnack's lobbyist registration as of December 31, 2018. Mr. Olson stated that a reporting lobbyist for the same principal had filed lobbyist disbursement reports covering 2019 that were inclusive of Mr. Harnack so there would be no need for Mr. Harnack to file disbursement reports covering that period regardless of whether the termination was retroactive to the end of 2018.

After discussion, the following motion was made:

Member Rosen's motion:	To approve the items on the consent agenda.
Vote on motion:	Unanimously passed.

**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
Kerry Brick (Investment Advisory Council)	\$5 LFF	Annual EIS	Official retired and moved out of state in September 2019. Email address on file was official's work address. First notice mailed to MN address was not received at new address until late February. He received second notice in early February informing him EIS was late. EIS was due 1/27/2020 and filed 2/11/2020. RECOMMENDED ACTION: Waive	Member Rosen	To approve the staff recommendation.	Unanimously passed.
Michael Kanner (Petrofund Board)	\$40 LFF	Annual EIS	Official retired and was no longer Commissioner's designee to Petrofund Board in August 2019. Board staff did not have official's personal contact info at the time, but later obtained home address and mailed letter. When letter was received, EIS was filed. EIS was due 1/27/2020 and filed 2/21/2020. RECOMMENDED ACTION: Waive	Member Rosen	To approve the staff recommendation.	Unanimously passed.
Rekoe Howard (4461)	\$275 LFF	2nd 2019 lobbyist report	Lobbyist was hospitalized near time when report was due on 1/15/2020. Report filed 1/31/2020. RECOMMENDED ACTION: Waive	Member Rosen	To approve the staff recommendation.	Unanimously passed.
Leech Lake PAC (40889)	\$225 LFF	2019 year-end	Leech Lake Band experienced cyber attack 1/27/2020, resulting in loss of access to internet, email, and accounting systems for extended period of time. Report was filed 2/13/2020, listing an ending cash balance of \$14,923. RECOMMENDED ACTION: Waive	Member Rosen	To approve the staff recommendation.	Unanimously passed.
Maren Schroeder (4539)	\$50 LFF	2nd 2019 lobbyist report	Lobbyist was filing lobbyist disbursement report for first time and initially thought report was due 1/31/2020 rather than 1/15/2020, because that's when campaign finance reports were due and she is treasurer for candidate committee. Report was filed 1/17/2020 disclosing no disbursements during reporting period. Lobbyist states fee would cause economic hardship. RECOMMENDED ACTION: Waive	Member Rosen	To approve the staff recommendation.	Unanimously passed.

<p>Scott Klein        (Two Rivers        WD)</p>	<p>\$110        LFFs        \$500 CP</p>	<p>Original        and        annual        EIS</p>	<p>Official was appointed in January 2019. Board staff received notice of appointment months later and sent letters in August, September, October, and December 2019, and January 2020. Original EIS was due 10/14/2019 and annual was due 1/27/2020. Both statements were filed 2/12/2020. Amount owed includes \$100 LFF and \$500 CP for original EIS and \$10 LFF for annual EIS. Official is a farmer who was busy dealing with extended harvest season in late 2019 and initially thought he was not required to file because he was appointed not elected.        RECOMMENDED ACTION: Waive CP leaving balance of \$110 owed for LFFs</p>	<p>Member        Rosen</p>	<p>To approve the        staff        recommendation.</p>	<p>Unanimously        passed.</p>
<p>Rebecca        Peichel for        House        (17125)</p>	<p>\$850        LFFs</p>	<p>2017,        2018,        and        2019        year-        end</p>	<p>No-change statements were filed 2/2/2018, 2/26/2019, and 2/24/2020, resulting in LFFs of \$50, \$425, and \$375, respectively. Committee has not had any financial activity since 2011 and has a cash balance of \$500. Treasurer has filed termination report and mailed check for \$500 to the Board. RECOMMENDED ACTION: Reduce LFFs to total of \$500.</p>	<p>Member        Rosen</p>	<p>To approve the        staff        recommendation.</p>	<p>Unanimously        passed.</p>

**C. Informational Items**

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

Lisa Neal-Delgado for State Representative, \$25

**2. Partial payment of late filing fee for September 2018 report of receipts and expenditures**

Minnesota Gun Owners Political Action Committee, \$500

**3. Payment of late filing fee for 2018 pre-primary report of receipts and expenditures**

Minnesota Gun Owners Political Action Committee, \$1,000

**4. Payment of late filing fee for June 2018 report of receipts and expenditures**

Minnesota Gun Owners Political Action Committee, \$1,000

**5. Partial payment of late filing fee for 2018 April report of receipts and expenditures**

Minnesota Gun Owners Political Action Committee, \$500

**6. Payment of late filing fee for 2016 year-end report of receipts and expenditures**

Meyer (Christopher John) for Minnesota, \$500

**7. Payment of late filing fee for lobbyist disbursement report due 1/15/2020**

William King, \$25  
Gary Wertish, \$50

**8. Payment of late filing fee for lobbyist principal report due 3/15/2019**

Minnesota State Cattlemen's Association, \$100

**9. Payment of late filing fee for 2019 annual EIS**

Landon Olson, \$5

**10. Payment of civil penalty for 2017 annual EIS**

Dan Schoen, \$250

**11. Payment of late filing fee for 2017 annual EIS**

Dan Schoen, \$25

**12. Forwarded anonymous contribution**

Connie Bernardy Volunteer Team (House), \$50

**LEGAL COUNSEL'S REPORT**

Mr. Hartshorn presented members with a legal report that is attached to and made a part of these minutes. Mr. Hartshorn told members that the Meyer matter had been dismissed and that the Schoen matter had been resolved. Mr. Hartshorn had nothing else to add to the legal report.

**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:

Findings, conclusions, and order in the matter of the Funk (Thomas) for Senate committee

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

Respectfully submitted,

Jeff Sigurdson  
Executive Director

Attachments:

Memorandum regarding options for civil penalties in conciliation matters

Legal report

Findings, conclusions, and order in the matter of the Funk (Thomas) for Senate committee





# MINNESOTA

## CAMPAIGN FINANCE BOARD

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### **Board Meeting Dates for Calendar Year 2020**

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

#### **2020**

Wednesday, June 3

Wednesday, July 1

Wednesday, August 5

Wednesday, September 2

Wednesday, October 7

Wednesday, November 4

Wednesday, December 2





# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** April 29, 2020

**To:** Board members

**From:** Andrew Olson, Legal/Management Analyst

**Telephone:** 651-539-1190

**Re:** How Regulation of Lobbying by Other States Differs from Chapter 10A

The paragraphs below describe how other states regulate lobbying in ways that differ from Chapter 10A. Most of the underlying data was compiled by the National Conference of State Legislatures and was last updated either in early 2020 or mid-2018. This information is not exhaustive and is subject to exceptions and limitations not addressed by this memorandum.

## **Monetary Threshold for Being Defined as a Lobbyist**

Most states define the term lobbyist to only include individuals who receive compensation for, or spend money on, lobbying efforts. Many states, including Minnesota, set monetary thresholds at which point those engaged in lobbying are required to register and file periodic reports.<sup>1</sup> Chapter 10A sets the threshold at \$250 spent or \$3,000 received within a calendar year for lobbying, but the \$250 threshold excludes an individual's travel expenses and dues.<sup>2</sup>

Arkansas sets the threshold at \$400 spent or received within a quarter for lobbying, but excludes amounts spent on travel, lodging, meals, and dues. Connecticut sets the threshold at \$1,000 spent or received within a calendar year for lobbying. Georgia sets the threshold at \$250 received or \$1,000 spent within a calendar year for lobbying, but excludes from the \$1,000 threshold amounts spent on travel, food, lodging, and informational materials. Hawaii sets the threshold at \$1,000 received per calendar year or \$1,000 spent within a reporting period for lobbying. Indiana sets the threshold at \$500 spent or received within a registration year for lobbying. Maryland sets the threshold at \$500 spent or \$2,500 received within a reporting period for lobbying. Michigan sets the threshold at \$1,000 spent within a 12-month period for lobbying, or \$250 spent within that same period if the entire \$250 is spent lobbying a single official. Vermont sets the threshold at \$500 spent or received within a calendar year for lobbying. Wyoming sets the threshold at \$500 received within a reporting period for lobbying. New York sets the threshold at \$5,000 spent or received within a calendar year for lobbying.<sup>3</sup> Texas sets the threshold at \$500 spent or \$1,000 received within a quarter for lobbying, but the \$500 threshold excludes amounts spent on the individual's food, beverages, entertainment, transportation, and lodging, and the \$1,000 threshold excludes an individual who spent no more than 40 hours on compensated lobbying during the quarter.<sup>4</sup>

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<sup>1</sup> [ncsl.org/research/ethics/50-state-chart-lobby-definitions.aspx](https://www.ncsl.org/research/ethics/50-state-chart-lobby-definitions.aspx)

<sup>2</sup> Minn. Stat. § 10A.01, subd. 21 (a).

<sup>3</sup> [jcope.ny.gov/system/files/documents/2018/02/jcope-comprehensive-lobbying-reporting-manual2272018.pdf](https://www.jcope.ny.gov/system/files/documents/2018/02/jcope-comprehensive-lobbying-reporting-manual2272018.pdf)

<sup>4</sup> [ethics.state.tx.us/data/resources/guides/lobby\\_guide.pdf](https://ethics.state.tx.us/data/resources/guides/lobby_guide.pdf)

## Regulation of Lobbying of Regional and Local Governments

Chapter 10A defines the term lobbyist to include individuals who attempt to influence “the official action of a metropolitan governmental unit.”<sup>5</sup> Chapter 10A defines the term metropolitan governmental unit to include seven counties and the regional railroad authorities of those counties, cities with a population in excess of 50,000 within those seven counties, and the Metropolitan Council, the Metropolitan Parks and Open Space Commission, the Metropolitan Airports Commission, and the Metropolitan Sports Facilities Commission.<sup>6</sup> As a result, individuals who satisfy the monetary threshold and lobby large cities within the seven-county metro area or the counties themselves are required to register with the Board and file disbursement reports, while those who lobby cities or counties outside the seven-county metro area are not.

Only a few other states have statutes regulating lobbying of regional and local governments, including Georgia, Missouri, and New York. Georgia defines the term lobbyist to include individuals who satisfy a monetary threshold in their efforts “to promote or oppose the passage of any ordinance or resolution by a public officer ... or any committee of such public officers, or the approval or veto of any such ordinance or resolution.”<sup>7</sup> The term public officer is defined to include elected county, municipal, and school board officials.<sup>8</sup> Missouri defines the term lobbyist to include individuals “employed specifically for the purpose of attempting to influence any action by a local government official elected in a county, city, town, or village with an annual operating budget of over ten million dollars.”<sup>9</sup> New York defines the term lobbying to include attempts to influence the procurement decisions of municipal officials and employees, actions regarding a proposed municipal law, ordinance, resolution, regulation, or rule, actions regarding an executive order of the CEO of a municipality, or the outcome of municipal rate making proceedings.<sup>10</sup> Vermont does not regulate lobbying of its counties or municipalities, but does regulate lobbying of regional tourism associations,<sup>11</sup> development corporations, and planning commissions<sup>12</sup>.

Most states define lobbying in a manner that only includes lobbying of their legislatures and some executive branch agencies and officials.<sup>13</sup> Aside from Minnesota I am unable to find any state that regulates those who lobby regional and municipal governments differently depending on whether those governments are located within a specific region or metropolitan area. However, Missouri defines the term lobbyist to exclude those lobbying very small counties and municipalities with an annual operating budget of \$10 million or less. Many municipalities in other states enforce their own ordinances and rules regulating lobbying. For example, in Texas the cities of El Paso, Austin, Dallas, San Antonio, and Houston have varying ordinances requiring lobbyists to register and file periodic reports.<sup>14</sup> I am not aware of any county or municipality in Minnesota that requires lobbyists to register or file reports with that political subdivision.

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<sup>5</sup> Minn. Stat. § 10A.01, subd. 21.

<sup>6</sup> Minn. Stat. § 10A.01, subd. 24. See also Minn. Stat. § 473.121, subds. 2, 5.

<sup>7</sup> Ga. Code § 21-5-70 (5) (D)-(E).

<sup>8</sup> Ga. Code § 21-5-3 (22) (F)-(G).

<sup>9</sup> Mo. Rev. Stat. § 105.470 (1).

<sup>10</sup> N.Y. Legis Law § 1-C (c).

<sup>11</sup> Vt. Stat. tit. 10, § 669g (b).

<sup>12</sup> Vt. Stat. tit. 24, § 2786 (c).

<sup>13</sup> [ncsl.org/research/ethics/50-state-chart-lobby-definitions.aspx](http://ncsl.org/research/ethics/50-state-chart-lobby-definitions.aspx)

<sup>14</sup> Ross Fischer, Jack Gullahorn, The Advent of State and Local Lobby Regulations and the Legal and Ethical Considerations for Attorneys, 3 St. Mary's J. Legal Mal. & Ethics 32 (2013).

## Disclosure of Relationships Between Lobbyists and Officials Beyond Compensation

Chapter 10A requires officials to annually disclose their occupations, their principal places of business, and the names of businesses from which they receive compensation in excess of \$250 in any month or hold securities valued in excess of \$10,000.<sup>15</sup> Many states also require officials to disclose certain connections to lobbyists and principals.<sup>16</sup> Oregon requires officials to disclose the name of any lobbyist associated with a business with which the official or a family member is also associated. Indiana requires officials to disclose the name of any lobbyist associated with a business that employs the official, along with a description of the subject matter of that individual's lobbying efforts. Many states require officials to disclose the name of immediate family members who are lobbyists, including South Carolina, Tennessee, Washington, Kentucky, Missouri, New Mexico, and North Carolina. Kentucky goes further than other states, requiring officials to disclose the name of any lobbyist who is a member of the official's immediate family, a partner of the official or an immediate family member, an officer or director of the official's employer, an employer of the official or a family member of the official, or a business associate of the official or a family member of the official. Maryland requires officials to disclose income paid to a spouse by a principal if the spouse is a lobbyist.

## Frequency of Reporting

Chapter 10A requires lobbyists to file disbursement reports twice annually and requires principals to file a report stating their total lobbying expenditures once each year.<sup>17</sup> Like Chapter 10A, some states require principals to submit reports separate from those filed by lobbyists, however, Chapter 10A appears to be unique in allowing principals to round their lobbying expenditures to the nearest \$20,000 increment<sup>18</sup>.

Other states variously require lobbyists to file reports monthly, monthly while the legislature is in session and quarterly or annually otherwise, bimonthly, quarterly, twice annually, or annually. The most common requirements are to report quarterly or twice annually.<sup>19</sup> Georgia requires lobbyists to file reports twice per month while its General Assembly is in session. A few states only require lobbyists to disclose disbursements when filing an annual registration statement. Maine allows lobbyists who do not lobby outside of a legislative session to file a statement declaring they will not lobby when the legislature is not in session, rather than continuing to file monthly reports. Some states, such as Missouri, do not require periodic reports to be filed for the duration of a period in which the filer is not acting as a lobbyist. Other states, such as Wyoming, do not require a periodic report to be filed if only a minimal amount has been spent on lobbying since the previous reporting period. When applicable to a reporting period, Kansas allows lobbyists to file a statement declaring that \$100 or less was spent on lobbying, rather than filing a disbursement report.

## Content of Periodic Reports

Chapter 10A requires lobbyists to disclose on each disbursement report the amount spent during the reporting period on lobbying, broken down into categories including "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."<sup>20</sup> Each report must disclose any source of funds used for

<sup>15</sup> [Minn. Stat. § 10A.09, subd. 5.](#)

<sup>16</sup> [ncsl.org/research/ethics/personal-financial-disclosure-lobbyist-connection.aspx](https://www.ncsl.org/research/ethics/personal-financial-disclosure-lobbyist-connection.aspx)

<sup>17</sup> [Minn. Stat. § 10A.04.](#)

<sup>18</sup> [Minn. Stat. § 10A.04, subd. 6 \(b\).](#)

<sup>19</sup> [ncsl.org/research/ethics/50-state-chart-lobbyist-report-requirements.aspx](https://www.ncsl.org/research/ethics/50-state-chart-lobbyist-report-requirements.aspx)

<sup>20</sup> [Minn. Stat. § 10A.04, subd. 4.](#)

lobbying, in excess of \$500 per calendar year, provided by a source other than the lobbyist principal. The disbursement report covering the first reporting period of each year must also include “a general description of the subjects lobbied in the previous 12 months,” and each report must disclose any gifts valued at \$5 or more given to an official by a lobbyist or lobbyist principal.<sup>21</sup>

Other states generally require that lobbyists or principals disclose similar information, but there is variation particularly regarding categories of disbursements, itemization requirements, and the extent to which lobbyists and principals are required to identify the subjects of their lobbying efforts and specific legislation or administrative actions.<sup>22</sup> Like Chapter 10A, many states require itemization of gifts or other payments made to benefit an official, but do not require itemization of general lobbying disbursements. Similarly to Chapter 10A, Arkansas requires lobbyists to disclose the total disbursements made during each reporting period and to break down that total by category, “including food and refreshments, entertainment, living accommodations, advertising, printing, postage, travel, telephone, and other expenses or services.”<sup>23</sup> Arizona requires itemization of expenses for gifts, categorized as food or beverage, speaking engagement, travel and lodging, flowers, or other expenditure.<sup>24</sup> However, Arizona does not require any reporting of expenses “for the lobbyist’s personal sustenance, office expenses, filing fees, legal fees, employees’ compensation, [or] lodging and travel.”

California requires lobbyist principals to disclose the total amount paid to lobbyists and to provide “[a] description of the specific lobbying interests of the filer.”<sup>25</sup> Wisconsin requires that each principal provide a “reasonable estimate of the proportion of its time spent in lobbying associated with [a] legislative proposal, proposed administrative rule, budget bill subject or other topic,” that “accounts for 10 percent or more of the principal’s time spent in lobbying during the reporting period.”<sup>26</sup>

Texas and New York require the disclosure of much more granular information regarding the subjects of lobbying efforts. Texas requires lobbyists to disclose the total amount paid to communicate with officials, broken down by categories including transportation and lodging, food and beverages, entertainment, awards and mementos, other gifts, and attendance of officials at fundraisers or charity events.<sup>27</sup> Texas also requires that lobbyists report the amount spent on mass media communications. Lobbyists in Texas are required to disclose, on their annual registration form, “the subject matter of the legislation or of the administrative action that is the subject of the registrant’s direct communication with a member of the legislative or executive branch and, if applicable, the docket number or other administrative designation of the administrative action.”<sup>28</sup> To the extent that information is not provided on the annual registration form, it must be disclosed on the lobbyist’s periodic reports.<sup>29</sup>

New York requires principals to disclose the subjects of lobbying efforts, including a general description of each subject, the bill numbers of any bills, the number or subject matter of any executive orders, the number of any proposed or final rule, regulation, ratemaking proceeding, or municipal resolution or ordinance, and the title or identifying number of any procurement

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<sup>21</sup> [Minn. Stat. § 10A.04, subd. 4.](#)

<sup>22</sup> [ncsl.org/research/ethics/50-state-chart-lobbyist-report-requirements.aspx](https://ncsl.org/research/ethics/50-state-chart-lobbyist-report-requirements.aspx)

<sup>23</sup> [Ark. Code § 21-8-604.](#)

<sup>24</sup> [Ariz. Rev. Stat. § 41-1232.02.](#)

<sup>25</sup> [Cal. Gov’t Code § 86116.](#)

<sup>26</sup> [Wis. Stat. § 13.68 \(1\) \(bn\).](#)

<sup>27</sup> [Tex. Gov’t Code § 305.006 \(b\).](#)

<sup>28</sup> [Tex. Gov’t Code § 305.005 \(f\) \(4\).](#)

<sup>29</sup> [Tex. Gov’t Code § 305.006 \(d\).](#)



contracts or other materials.<sup>30</sup> New York also requires that lobbyists itemize all expenditures in excess of \$75, if the total compensation received and expenses paid during a calendar year exceed \$5,000.<sup>31</sup>

## **Revolving Door Prohibitions**

Chapter 10A does not require former state legislators or other officials to wait any period of time after leaving office before engaging in lobbying and it categorically excludes public officials, state employees, and most local officials and employees from the definition of the term lobbyist<sup>32</sup>. Bills were introduced in each chamber of the Minnesota Legislature this year that would prohibit former legislators from registering as a lobbyist for four years after leaving office.<sup>33</sup> Other states typically require certain officials and public employees to wait a period of time after leaving office or employment before engaging in lobbying and many of those states explicitly prohibit legislators and some other officials from engaging in lobbying while in office.<sup>34</sup> The duration of the lobbying prohibition after leaving office varies and is generally within the range of six months to two years. During those times periods, some states only prohibit former officials and employees from lobbying the specific agency they previously served. Alaska, Connecticut, Delaware, Georgia, Hawaii, Indiana, Maine, Maryland, New Jersey, Ohio, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, and West Virginia each generally prohibit former state legislators from lobbying for a period of one year after leaving office. South Carolina is unique in also prohibiting the immediate family members of certain elected officials from lobbying for a period of one year after the official has left office.<sup>35</sup>

## **Registration Fees**

Lobbyists and principals in Minnesota are not required to pay a registration fee. Chapter 10A was amended in May 2003 to require lobbyists to pay an annual fee of \$50 per principal, and to require principals to pay an annual fee of \$50, but those provisions expired in June 2004.<sup>36</sup> Most states require lobbyists to pay a registration fee.<sup>37</sup> The amount of the fee varies but is generally within the range of \$50 to \$100. Some states require the registration fee to be paid only upon a lobbyist's initial registration and some require the fee to be paid annually. Some states require lobbyists to pay a separate fee for each principal represented and a few states require principals to pay a separate registration fee. Many states that charge registration fees waive the fee requirement for government employees.

## **Gift Prohibitions Applicable to Family Members**

Chapter 10A bars lobbyists and principals from giving gifts to officials, but does not prohibit gifts given to family members of officials.<sup>38</sup> Unlike many other states, Chapter 10A lacks an exception to its gift prohibition for gifts given to officials by personal friends. Several other states prohibit gifts from lobbyists and principals to at least some family members of legislators, other types of officials, or public employees.<sup>39</sup> Iowa, Connecticut, and New Mexico generally

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<sup>30</sup> N.Y. Legis. Law § 1-j (b) (3).

<sup>31</sup> N.Y. Legis. Law § 1-h (a); N.Y. Comp. Codes R. & Regs. tit. 19, § 943.9.

<sup>32</sup> Minn. Stat. § 10A.01, subd. 21 (b).

<sup>33</sup> S.F. 3216 (2020); H.F. 2964 (2020).

<sup>34</sup> [ncsl.org/research/ethics/50-state-table-revolving-door-prohibitions.aspx](https://www.ncsl.org/research/ethics/50-state-table-revolving-door-prohibitions.aspx)

<sup>35</sup> S.C. Code § 2-17-15.

<sup>36</sup> 2003 Minnesota Laws, 1st Special Session, Ch. 1, Art. 2, Sec. 24-27 (H.F. 1); 2003 Minnesota Laws, 1st Special Session, Ch. 23, Sec. 10 (H.F. 56).

<sup>37</sup> [ncsl.org/research/ethics/50-state-chart-lobbyist-registration-requirements.aspx](https://www.ncsl.org/research/ethics/50-state-chart-lobbyist-registration-requirements.aspx)

<sup>38</sup> Minn. Stat. § 10A.071.

<sup>39</sup> [ncsl.org/research/ethics/50-state-table-gift-laws.aspx](https://www.ncsl.org/research/ethics/50-state-table-gift-laws.aspx)

prohibit gifts from lobbyists and principals to officials, public employees, candidates, and their family members. Kentucky prohibits gifts from those sources to the spouses of officials. Alabama, Colorado, and Nebraska prohibit gifts from those sources to the family members of officials and public employees. South Dakota and Virginia prohibit gifts from those sources to family members of officials. Pennsylvania prohibits gifts to “associated persons.”

Some states attempt to differentiate between gifts that are given to influence action by the government and those given for other reasons. New York prohibits gifts from lobbyists and principals to family members of officials, unless it would be unreasonable to infer that the purpose was to influence the official. Rhode Island prohibits gifts to the spouses, dependent children, and business associates of officials, if the gift is an attempt to influence official action. Maine prohibits gifts to immediate family members of legislators if the purpose is to influence official action or to serve as a reward. New Hampshire and Tennessee prohibit gifts to officials and their family members, if the purpose is to influence official action. Hawaii requires legislators to disclose gifts to themselves, their spouses, and their dependent children, that in the aggregate exceed \$200 from any source within a calendar year. Alaska includes within its gift prohibition gifts given by the immediate family members of lobbyists to legislators and legislative employees. Several states exclude from their gift prohibition any gift given by a member of the same household as, or a personal friend of, the recipient.

### **Use of Public Funds for Lobbying**

Similarly to Indiana and Nebraska, Chapter 10A categorically excludes public officials, state employees, and most local officials and employees from the definition of the term lobbyist<sup>40</sup>. Minnesota generally does not prohibit political subdivisions or other entities that receive state funds from hiring lobbyists. However, Minnesota’s Public Employees Retirement Association is prohibited from entering into a contract for lobbying or legislative advocacy.<sup>41</sup> Also, Minnesota requires political subdivisions to report annually to the state auditor the amount paid to lobbyists.<sup>42</sup> Bills were introduced in each chamber of the Minnesota Legislature in 2017 that would have reduced the local government aid and county program aid paid to political subdivisions by the amount spent by those subdivisions on lobbying, but there was no committee hearing on the bill introduced in the Minnesota Senate and neither bill proceeded to a floor vote.<sup>43</sup>

Some states prohibit government agencies from using public funds to hire an external lobbyist.<sup>44</sup> Arizona, Connecticut, Florida, Illinois, Louisiana, Massachusetts, North Carolina, Utah, and Virginia each prohibit state agencies from paying outside lobbyists, but allow state employees to engage in lobbying. Several states prohibit organizations and political subdivisions that receive state funds from using those specific funds to pay for lobbying. Kansas does not have such a prohibition but does require lobbyists to report the amount of public funds received for their lobbying services.

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<sup>40</sup> [Minn. Stat. § 10A.01, subd. 21 \(b\)](#).

<sup>41</sup> [Minn. Stat. § 353.03, subd. 3a \(b\) \(6\)](#).

<sup>42</sup> [Minn. Stat. § 6.76](#).

<sup>43</sup> [S.F. 2155 \(2017\)](#); [H.F. 2187 \(2017\)](#).

<sup>44</sup> [ncsl.org/research/ethics/50-state-chart-limits-on-public-funds-to-lobby.aspx](https://www.ncsl.org/research/ethics/50-state-chart-limits-on-public-funds-to-lobby.aspx)



# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** April 29, 2020

**To:** Board members

**From:** Andrew Olson, Legal/Management Analyst

**Telephone:** 651-539-1190

**Re:** Elster v. City of Seattle, [444 P.3d 590](#) (Wash. 2019) (public financing via voucher system for municipal candidates)

## **Seattle's Democracy Voucher Program**

In 2015 voters in Seattle approved Initiative 122, a ballot referendum that made several changes to campaign finance regulations imposed on candidates for municipal office. The initiative included the creation of the Democracy Voucher Program, which requires the Seattle Ethics and Elections Commission (SEEC) to issue four vouchers of \$25 each to every registered voter and to others who opt into the program and have resided in Seattle for at least 30 days. Individuals may assign a voucher to a candidate by giving it to the candidate, returning it to the SEEC by mail, or by using an online portal. Individuals may give each of their four vouchers to the same candidate.

In order to receive voucher funds a candidate must sign a pledge agreeing to abide by a spending limit, refrain from accepting contributions in excess of \$300 from any contributor (\$550 for a mayoral candidate) excluding voucher funds, refrain from knowingly soliciting contributions to any organization that will make independent expenditures during the same election cycle, and attend multiple debates. A candidate must also receive a minimum number of contributions of at least \$10 each in order to qualify, namely 600 contributions for a mayoral candidate, 400 for a city attorney or at-large city council candidate, and 150 for any other city council candidate. A candidate participating in the program must be released from the spending limit if the SEEC finds that spending by an opponent plus the value of independent expenditures adverse to the candidate exceeds the spending limit imposed on the candidate by a significant amount.

The program was first used in 2017 and is funded by a dedicated property tax levy that provides \$3 million annually in funding and costs the average homeowner approximately \$8 per year. In 2017 the vouchers were issued in January and in 2019 they were issued in mid-February. The SEEC issued over \$47.6 million in vouchers in 2019 to Seattle residents, but the vast majority were never assigned to a candidate. Voucher funds are released on a first-come-first-serve basis until available funds are exhausted. In 2019 the total amount of voucher funds released totaled \$2.45 million. Of the 55 city council candidates that proceeded to the primary election in 2019, 44 sought to qualify for the program and 35 received voucher funds. Of the 14

candidates that proceeded to the general election, 12 participated in the program. Over 38,000 Seattle residents assigned their vouchers to candidates in 2019.

## Court Decisions

In June 2017 two individuals who own property in Seattle filed a lawsuit in Washington state court on First Amendment grounds alleging that the program amounts to compelled speech. The trial court dismissed the complaint, concluding that the program does not burden speech, does not compel taxpayers to associate with each other, and is viewpoint neutral “because candidates qualify for voucher support regardless of the views they espouse, and the City imposes no restrictions on voters’ choice as to whom they may assign their vouchers.”<sup>1</sup>

The Washington Supreme Court unanimously affirmed the trial court in July 2019.<sup>2</sup> The court noted that the United States Supreme Court upheld the tax checkoff system that funds the Presidential Election Campaign Fund in *Buckley v. Valeo*. In *Buckley* the Court held that “public financing as a means of eliminating the improper influence of large private contributions furthers a significant governmental interest”<sup>3</sup> and the fact that some taxpayers disagree is immaterial, because “every appropriation made by Congress uses public money in a manner to which some taxpayers object.”<sup>4</sup> The court differentiated Seattle’s voucher program from other public financing schemes that have been found to burden speech, such as the system previously used in Arizona whereby publicly financed candidates were provided matching funds based on the speech of their opponents and those making independent expenditures.<sup>5</sup> The court found that unlike schemes involving matching funds provided based on the conduct of opponents, Seattle’s voucher program “does not alter, abridge, restrict, censor, or burden speech.”

The court also held that the voucher program does not amount to compelled speech or burden the associational freedoms of the plaintiffs because, unlike the plaintiff in *Janus v. AFSCME, Council 31*,<sup>6</sup> they “cannot show the tax individually associated them with any message conveyed by the Democracy Voucher Program.” Because the court concluded that the voucher program does not burden fundamental rights, it applied rational basis review, the lowest level of scrutiny used in considering constitutional challenges.

The court went on to conclude that the voucher program is viewpoint neutral and survives rational basis review because “the decision of who receives vouchers is left to the individual municipal resident” and “the city imposes neutral criteria on who can receive vouchers and who can redeem them.” The court explained that the fact “[t]hat some candidates will receive more vouchers reflects the inherently majoritarian nature of democracy and elections, not the city’s intent to subvert minority views.”

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<sup>1</sup> [Elster v. City of Seattle, No. 17-2-16501-8, 2017 WL 11407502 \(Wash. Super. Ct. Nov. 2, 2017\)](#).

<sup>2</sup> [Elster v. City of Seattle, 444 P.3d 590 \(Wash. 2019\)](#).

<sup>3</sup> [Buckley v. Valeo, 424 U.S. 1, 96 \(1976\)](#).

<sup>4</sup> *Id.* at 92.

<sup>5</sup> See [Arizona Free Enter. Club's Freedom Club PAC v. Bennett, 564 U.S. 721 \(2011\)](#).

<sup>6</sup> [Janus v. Am. Fed'n of State, Cty., & Mun. Employees, Council 31, 138 S. Ct. 2448 \(2018\)](#).

The plaintiffs sought review by the United States Supreme Court, arguing that the Washington Supreme Court applied the wrong level of scrutiny and that the voucher program compels the plaintiffs to fund private political speech with which they disagree in a manner barred by *Janus*. In March 2020 the United States Supreme Court denied the plaintiffs' petition for review.

### **Potential Impact on Chapter 10A**

The voucher system used by the City of Seattle is believed to be the only public financing mechanism within the United States whereby individual citizens directly control the extent to which specific candidates receive public financing without the individuals having to make a contribution. Nonetheless, the decision of the Washington Supreme Court illustrates that public financing mechanisms may incorporate features permitting individual citizens to decide how public subsidy funds are allocated. Chapter 10A affords Minnesota residents some measure of control over the extent to which candidates and party units receive public financing via the tax checkoff program and the political contribution refund program.

### **Matching Contribution Programs**

Several states and municipalities afford individuals control over which candidates receive public funds by matching small individual contributions to qualifying candidates, who generally must abide by a spending limit and other restrictions. For example, New Jersey and Michigan provide a 2-1 match for gubernatorial candidates, Maryland provides a 1-1 match for gubernatorial candidates, Florida and Rhode Island provide a match for statewide candidates on a 2-1 basis, up to a certain threshold, then on a 1-1 basis thereafter, Hawaii provides a 1-1 match for state candidates and various municipal candidates, and Massachusetts provides a 1-1 match for statewide candidates. Berkeley, CA and Portland, OR each provide a 6-1 match for municipal candidates, San Francisco, CA has provided a match that ranges from 1-1 to 2-1 depending on a number of factors including whether the candidate is an incumbent, and starting this year will increase those rates to a range of 4-1 to 6-1, and New York City currently provides a match of either 6-1 or 8-1 depending on which program the candidate opts into. Boulder, CO provides a 1-1 match for city council candidates and Washington, D.C. has begun administering a program whereby qualifying municipal candidates receive a base amount of public funding (e.g., \$40,000 for council candidates and \$160,000 for mayoral candidates), then receive a 5-1 match thereafter. Other counties and municipalities with matching contribution programs include Howard and Montgomery County, MD, Suffolk County, NY, Oakland, Los Angeles, Long Beach, and Richmond, CA, Tucson, AZ, and New Haven, CT.



# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** April 29, 2020  
**To:** Board members  
Counsel Hartshorn  
**From:** Andrew Olson, Legal/Management Analyst  
**Subject:** Enforcement report for consideration at the May 6, 2020 Board meeting

## **A. Consent Items**

### **1. Administrative termination of lobbyist Sarah Leistico (4566)**

Growth & Justice requested that the lobbyist registration of Ms. Leistico be terminated effective November 1, 2019, as she is no longer employed by that principal. Ms. Leistico was asked to file a termination statement but has not done so. Board staff administratively terminated Ms. Leistico's lobbyist registration effective November 1, 2019. A reporting lobbyist for the same principal filed disbursement reports inclusive of Ms. Leistico for both reporting periods in 2019.

### **2. Withdrawal of lobbyist registration of Erin Buie (3278) on behalf of three principals**

Ms. Buie registered as a lobbyist on behalf of three principals including the National Basketball Association (3552), the PGA Tour, Inc. (7466), and Major League Baseball (7458), in January 2020. Ms. Buie was unaware that those entities decided not to retain the services of her employer in 2020 and she has requested that her registration as a lobbyist for those three principals be withdrawn.

## **B. Discussion Items**

### **1. Request to terminate four lobbyists retroactive to end of 2018 and withdraw one lobbyist registration on behalf of the Minnesota Association of County Social Services Administrators (MACSSA) (4036), and register five lobbyists retroactive to early 2019 on behalf of the Association of Minnesota Counties (AMC) (61)**

MACSSA's designated/reporting lobbyist has explained that it is an affiliate of another principal, the AMC. The two principals decided that after 2018, the four lobbyists registered on behalf of MACSSA, all of whom are employed by Goff Public, should terminate their registrations for MACSSA and instead register as lobbyists for the AMC, which already had multiple registered lobbyists. Due to miscommunication between MACSSA and Goff Public, the required termination and registration forms were not filed with the Board until April 2020, and in the meantime a fifth lobbyist registered on behalf of MACSSA effective January 7, 2019. MACSSA's designated/reporting lobbyist timely filed lobbyist

disbursement reports covering each reporting period in 2019 reflecting that no lobbyist disbursements were made by herself or any of the other four individuals registered as lobbyists for MACSSA. However, MACSSA did not file a 2019 lobbyist principal report. The AMC's annual report of lobbyist principal covering 2019 was inclusive of lobbying expenditures related to the lobbyists registered for MACSSA and AMC. If approved, the requests outlined below will eliminate the requirement that MACSSA file a report of lobbyist principal covering 2019, as the lobbying expenditures in question have already been reported by the AMC. If approved, these requests will also require that MACSSA's reporting lobbyist file two lobbyist disbursement reports covering 2019 as a representative of the AMC, while the lobbyist disbursement reports covering 2019 filed as a representative of MACSSA will be withdrawn. The requested retroactive terminations and registrations, and one withdrawal of registration, are as follows:

- Elizabeth Emerson (2088), Chris Georgacas (4002), Andrew Hasek (4447), and Pierre Willette (1093) – terminate MACSSA registration effective 12/31/2018 and register as lobbyist for AMC effective 1/1/2019.
- Kevion Ellis (4476) – Withdraw MACSSA registration and register as lobbyist for AMC effective 1/7/2019.

**2. Request to refer matter to the Attorney General’s Office – Minnesota Gun Owners Political Action Committee (MNGOPAC) (41109)**

In October 2019 the Board issued findings and ordered the MNGOPAC to pay \$7,000 in late filing fees for failing to timely file seven reports of receipts and expenditures covering 2017 and 2018 and a \$400 civil penalty imposed for accepting contributions in excess of \$200 from an association not registered with the Board without the required disclosure statement. The \$400 civil penalty and \$1,500 of the late filing fees was paid. In December 2019 the Board granted the MNGOPAC a payment plan for the remaining balance requiring payments of \$1,500 each by the end of December 2019, January 2020, and February 2020, and a final payment of \$1,000 by the end of March 2020. After entering into the payment plan, no payment was made by the MNGOPAC until mid-February when it paid \$3,000. No further payment has been received despite communications from Board staff, leaving a balance owed of \$2,500. Staff is asking the Board to refer the matter to the Attorney General’s Office to seek an order compelling payment of \$2,500 for the accrued late filing fees that remain owed pursuant to the findings issued by the Board and the payment plan approved in December 2019.

**C. Waiver Requests**

#	Committee/ Entity	Late Fee/ Civil Penalty	Report Due	Factors	Prior Waivers	Recommended Action
1	Tim Peterson (Sunrise River WMO)	\$185 LFFs \$800 CP	Original & 2019 Annual EIS	Official was appointed in January 2019 but Board staff were not notified until August 2019. The address provided to Board staff by the WMO was incorrect so the official never received mailed notices regarding his EIS. After Board staff found a telephone number for the official, corrected the address, and mailed the paper form, the EIS was promptly filed. The original EIS was due 10/18/2019 and an EIS was filed 3/5/2020, satisfying the original and 2019 annual EIS requirements.	No	Waive

2	Wei Huang (Investment Advisory Council)	\$100 LFF	2018 Annual EIS	Official resigned from the IAC and moved out of state in November 2018. He didn't receive the notice regarding his annual EIS at his new address until March 2019. The EIS was due 1/28/2019 and was filed 3/11/2019.	No	Waive
3	Lisa Eder (Crime Victims Reparations Board)	\$155 LFFs \$1,000 CP	2018 and 2019 Annual EIS	Official retired from her job in November 2018 but remained a public official until mid-2019. Board staff only had a work mailing and email address on file and she did not receive notifications regarding the 2018 or 2019 annual EIS. Board staff obtained a home address and mailed a letter in mid-February of 2020. The EISs were received 2/26/2020. The EISs were due 1/27/2019 and 1/29/2020.	No	Waive
4	Larry Scherger (Dodge SWCD)	\$100 LFF	2017 Annual EIS	Official had difficulty logging into the Board's website to file his EIS. The EIS was due 1/29/2018 and was filed 3/19/2018. Official sent an email explaining the issue in 2018 and thought the late fee had been waived. His 2018 and 2019 annual EISs were timely filed. Due to an error by Board staff, after the 2017 EIS was filed a letter was not sent regarding the balance owed until March 2020.	No	Waive
5	Mark McWalter (West Polk SWCD)	\$100 LFF \$1,000 CP	2017 Annual EIS	The EIS was due 1/29/2018 and was filed 9/13/2018. It is unclear why the EIS was filed late, but the 2018 and 2019 annual EISs were timely filed. Due to an error by Board staff, after the 2017 EIS was filed a letter was not sent regarding the balance owed until March 2020.	No	Waive
6	Alliant Energy Corporation (307)	\$25 LFF	2019 Lobbyist Principal	Principal's Public & Community Affairs Coordinator was delayed in retrieving her work computer and then was unable to file the report on the due date, 3/16/2020, due to a variety of issues related to the COVID-19 pandemic. The report was filed 3/17/2020.	No	Waive
7	eco Hair Braider Association LLC (7345)	\$475 LFF	2019 Lobbyist Principal	Principal's sole lobbyist mistakenly filed an amended lobbyist disbursement report, rather than the lobbyist principal report, on the due date, 3/16/2020. After realizing her error the lobbyist principal report was filed 4/11/2020, disclosing \$0 in lobbying expenditures in 2019.	No	Waive
8	SEIU Healthcare Minnesota (5345)	\$575 LFF	2019 Lobbyist Principal	Principal's political director was away from his office without access to mail due to COVID-19. He contacted Board staff 3/30/2020 to ask if he failed to file a lobbying report but there was a miscommunication as the same organization has a political fund that had a campaign finance report coming due. The report was due 3/16/2020 and was filed 4/16/2020.	No	Waive
9	Minnesota Nurses Association (552)	\$25 LFF	2019 Lobbyist Principal	Principal's political director was busy preparing to have all staff start working from home due to COVID-19 in the days leading up to the due date. The report was due 3/16/2020 and was filed 3/17/2020.	No	Waive



10	Northwest Evaluation Association (6217)	\$525 LFF	2019 Lobbyist Principal	Principal's risk and safety manager was busy preparing to have staff start working remotely due to COVID-19 in the days leading up to the due date. The report was due 3/16/2020 and was filed 4/14/2020.	No	Waive
11	Goodhue Pioneer Trail Association (7125)	\$25 LFF	2019 Lobbyist Principal	Principal's co-chair was busy trying to keep her small business alive when the report came due. The principal disclosed \$0 in lobbying expenditures in 2019 and it no longer has a registered lobbyist. The report was due 3/16/2020 and was filed 3/17/2020.	No	Waive
12	SMART-TD-MN PAC (30019)	\$25 LFF	2020 1st Quarter	Treasurer attempted to email the report to Board staff on the due date but the email was not sent. Treasurer was using remote access software to connect to his computer and realized the email did not go through the following morning. The report was due 4/14/2020 and was filed 4/15/2020.	24-hour notice LFF reduced from \$1,000 to \$250 in May 2019	Waive
13	Southeast Metro Business PAC (40746)	\$25 LFF	2020 1st Quarter	Treasurer planned to go into her office on the due date on 4/14/2020 to scan and send us a paper no-change statement, but she was unable to do so until the following day due to COVID-19 related issues.	\$50 LFF waived in Nov. 2012 as Treasurer attempted to file via software	Waive
14	PROGRESSPPAC (40975)	\$600 LFF	2019 Year-End	Treasurer died in September 2019 and notices regarding the report were sent to him. The chair wasn't aware that the committee remained active until contacted by Board staff, at which point he filed the report. The report was due 1/31/2020 and was filed 3/6/2020. The committee's 2019 ending cash balance was \$7,708.	No	Waive
15	Cohen (Richard) Volunteer Committee (11829)	\$475 LFF	2019 Year-End	Treasurer didn't start working on the report until late January due to illness. Candidate was out of town during parts of December and January and his brother passed away in early January, limiting the candidate's ability to spend time working on the report. The report was due 1/31/2020 and was filed 3/1/2020. The committee's 2019 ending cash balance was \$32,124.	No	Waive
16	Pine County DFL (HD 11B) (20126)	\$525 LFF	2019 Year-End	Treasurer was receiving medical treatment when the report was due 1/31/2020. The report was filed 3/1/2020. The party unit's 2019 ending cash balance was \$1,594.	No	Waive
17	Pine County DFL (HD 11B) (20126)	\$1,000 LFF \$1,000 CP	2018 Pre-General	New treasurer did not understand the difference between the pre-primary and pre-general report and didn't realize that this report needed to be filed. Report was due 10/29/2018 and was filed 3/10/2020. The 2018 year-end report was filed on time.	No	Waive CP and reduce LFF to \$500

18	Committee of Thirteen Legislative Fund (40045)	\$150 LFF	2020 1st Quarter	The committee changed treasurers in 2019 and there were a multitude of issues with the original 2019 year-end report. It took some time for the new treasurer to sort out those issues with CFB staff and with members of the committee itself, in part due to disruptions caused by the COVID-19 pandemic. That delayed the treasurer's efforts to complete and file the 2020 1st Quarter report. The report was due 4/14/2020 and was received 4/22/2020. The committee reported a cash balance of \$23,365 as of 3/31/2020.	No	Reduce to \$75
19	Minnesota Muskie & Pike Alliance Legislative Fund (80028)	\$1,000 LFF	2019 Year-End	Treasurer mailed a paper report prior to the deadline but Board staff do not have a record of receiving it. Because the filer is a fund that is not required to file a report in the absence of financial activity, Board staff did not know the filer was required to file the report. Treasurer realized the report due 1/31/2020 was never received and filed the report electronically 4/15/2020. The fund reported a cash balance of \$2,298 as of 3/31/2020.	No	Reduce to \$250
20	Neighbors for Ruben (Vazquez) (17912)	\$1,575 LFFs \$1,000 CP	2018 & 2019 Year-End	Candidate experienced family/personal issues that he states made him unable to submit the reports on time. 2018 year-end report was due 1/31/2019 and was filed 6/24/2019, resulting in maximum LFF and CP. 2019 year-end report was due 1/31/2020 and was filed 3/5/2020, resulting in LFF of \$575. The committee has a cash balance of \$1,095 and is proposing to pay that amount, have the remainder waived, and then terminate.	No	Waive CP and reduce LFFs to total of \$1,095 conditioned upon the committee terminating within 30 days
21	YWCA of Minneapolis (5052)	\$1,000 LFF \$1,000 CP	2018 Lobbyist Principal	Designated lobbyist experienced family/personal issues that he states made him unable to submit the report on time. Report was due 3/15/2019 and was filed 6/24/2019. Principal disclosed \$44,600 spent on lobbying in 2018. The 2019 report was timely filed.	No	Waive CP and reduce LFF to \$500
22	Roque Diaz (Perpich Center for Arts Education)	\$100 LFF	Original EIS	Official was appointed in November 2018. The EIS was due 1/28/2019 and was filed 3/28/2019. Official states that payment of the fee would cause economic hardship.	No	Reduce to \$50
23	School Lunch Bunch (30341)	\$1,000 LFF	2018 Year-End	Treasurer states that the failure to timely file the report was an honest mistake and the LFF would cause financial hardship. The report disclosed \$2,044 in receipts and \$1,050 in outgoing contributions in 2018. The report was due 1/31/2019 and was filed 11/21/2019. The fund reported a cash balance of \$356 as of 3/31/2020. The 2019 year-end report was timely filed.	\$50 LFF waived in Dec. 2012 due to difficulty using software for first time	Reduce to \$200

24	Mahlstedt (Dean) for Senate (16980)	\$25 LFF	2019 Year- End	Treasurer states that the candidate "was going through some medical issues which ended up with a stroke." The report was due 1/31/2020 and a no-change statement was received via email 2/3/2020. According to videos posted by the candidate to his Facebook page, the issues that were diagnosed as a stroke began weeks after the report was due. Treasurer has not responded to two emails seeking clarification. The committee has filed a no-change statement each year since 2011 and reported a 2019 ending cash balance of \$457.	No	None
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**D. Informational Items**

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

Anderson (Sarah) Volunteer Committee, \$175  
New Moose, \$25

**2. Payment of late filing fee for lobbyist disbursement report due 1/15/2020**

Chris Conroy, \$125  
Steve Peterson, \$25  
Phillip Qualy, \$50  
John-Paul Yates, \$350

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

Woodbury Capital LLC, \$50

**4. Payment of late filing fee for 2019 annual EIS**

Scott Klein, \$10

**5. Payment of late filing fee for 2017 annual EIS**

Tony Wensloff, \$100

**6. Payment of late filing fee for original EIS**

Catherine Cesnik, \$100  
Scott Klein, \$100

**7. Payment of late filing fee for special election pre-general 24-hour notice**

Friends of Chad Hobot, \$50

**8. Payment of civil penalty for disclaimer violation**

Funk (Thomas) for Senate, \$100

**9. Partial payment of civil penalty for spending limit violation**

Doug Wardlow for Attorney General, \$100

## Lobbyist Sarah Leistico (4566)

**From:** Matt Byrne <Matt@growthandjustice.org>

**Sent:** Monday, March 09, 2020 11:28 AM

**To:** CFBE-mail <cfb.reports@state.mn.us>

**Subject:** Lobbyist Termination

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Hello,

Growth & Justice Reg# 6026 has had Sarah Leistico Reg #4566 as a lobbyist, but she is no longer with Growth & Justice as of 11/01/2019 and so we would like to have her administratively terminated. She is out of the state and unable to do this herself and has had no disbursements recently.

Thanks,

Matt

**Matt Byrne**

**Program Manager | Growth & Justice**

970 Raymond Ave Suite 201

Saint Paul, MN 55114

763.587.5524

STINSON  
GOLD  
MILLER  
LLP

Erin I. Buie

DIRECTOR OF GOVERNMENT RELATIONS

DIRECT: 612.335.1727

OFFICE: 612.335.1500

erin.buie@stinson.com

March 11, 2020

Minnesota Campaign Finance Board

Re: MN Campaign Finance Board Registrations

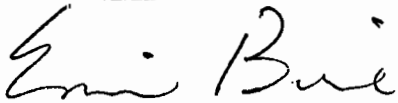
To Whom It May Concern:

In early January, I submitted lobbyist registrations on behalf of the NBA (Reg #3552), PGA Tour, Inc. (Reg #7466), and Major League Baseball (Reg #7458) which were erroneous, as I was unaware that those entities were not going to continue to retain the services of our firm for the 2020 calendar year. I would like to request that those registrations be retracted so that the registration record can be deleted.

Please let me know if you need anything else from me to facilitate this request, and thank you for your consideration.

Sincerely,

**Stinson LLP**



Erin I. Buie



April 23, 2020

Minnesota Campaign Finance and Public Disclosure Board  
Attn: Marcia Waller, Programs Administrator  
658 Cedar St.; Suite 190  
Saint Paul, MN 55155

Dear Administrator Waller:

I am submitting this letter with lobbyist termination paperwork for the Minnesota Association of County Social Service Administrators (MACSSA). This paperwork is backdated to 12/31/18 and we respectfully request that the Board approve this termination and registration due to the unique circumstances that led to this delayed termination. This termination would apply to:

- Elizabeth Emerson (2088) – terminate 12/31/18; register for AMC 1/1/19
- Kevion Ellis (4476) – register for AMC 1/7/19
- Chris Georgacas (4002) – terminate 12/31/18; register for AMC 1/1/19
- Andrew Hasek (4447) – terminate 12/31/18; register for AMC 1/1/19
- Pierre Willette (1093) – terminate 12/31/18; register for AMC 1/1/19

MACSSA is an affiliate organization of the Association of Minnesota Counties (AMC). Goff Public has been registered lobbyists for MACSSA since 2013. During this time, MACSSA's Executive Director served as the lobbying principal for reporting purposes. At the end of 2018, MACSSA and AMC made the decision to move all lobbying principal duties to AMC as the parent organization.

This decision should have been communicated to Goff Public in early 2019. However, during this time MACSSA also underwent a change in its Executive Director. I do not recall being notified of this change and, therefore, did not modify our registrations accordingly. MACSSA completed its search for an Executive Director after the legislative session and I believe any follow-up notification may have been lost in the shuffle as the new Executive Director assumed his new position.

In mid-March of 2020, AMC followed up with me to notify me of its desire to change the registration. Due to the uncertainty in the legislative process and dramatically increased workload, I did not immediately address this. In early April 2020, AMC received notice of MACSSA's failure to report and I was reminded to move forward with this termination and registration. Since that notification, Goff Public has submitted the proper paperwork to terminate our registration for MACSSA effective 12/31/2018 and registering for AMC effective 1/1/19.

I am asking that you not penalize MACSSA, AMC, or Goff Public for this error and miscommunication during the unique circumstances outlined above. I am happy to answer any questions or provide additional information.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Emerson'.



444 Cedar Street | Suite 910 | Saint Paul, MN 55101 | 651 • 292 • 8062

Elizabeth Emerson  
Vice President, Government Relations



MN CAMPAIGN FINANCE BD  
'20 MAR 6 AM 10:55

Minnesota Campaign Finance Board  
Centennial Office Building, Suite 190  
658 Cedar Street  
St Paul, Mn 55155-1603

*March 1, 2020*

Good day to board members,  
and Jodie Pope

My name is Timothy J Peterson and I received a call from Jodie Pope that she left on my voice mail.

This call was made by me to Jodie on February 12<sup>th</sup> while I was at the Minneapolis airport on my way to LA for a 15 day Hawaiian cruise.

Jodie told me she was trying to get a form to me but did not have my home address. After giving her the proper address, she mailed the enclosed documents to my home and asked that I fill out after my return home.

I am a Retired 69 year man and apologize for this form getting to you at such a late date. But the circumstances were out of my control. As stated these documents were never received by me.

As my correct address was not on file with your department.

To further complicate matters I slipped outside my house on ice and was brought to the emergence room where a cat scan was performed to my head from the said fall. Should have stayed in Hawaii!!!

Again we are sorry this material was not given to the board in due timing.

But hope we can try to understand it was out of my control.

Not having proper home address.

I am an Alternate member on the Sunrise River WaterShed committee.

Not a voting member on this committee.

Best Regards

Timothy J Peterson  
23561 Fontana Street NE  
Stacy, Mn 55079  
6512334151



## Wei Huang (Investment Advisory Council)

**From:** Huang, Wei <[whuang@acg.aaa.com](mailto:whuang@acg.aaa.com)>  
**Sent:** Monday, March 09, 2020 8:09 AM  
**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>  
**Subject:** Economic Interest Statement - Reg # 12851  
**Importance:** High

---

Dear Ms. Engelhardt,

I would like to request a full waiver of the \$100 late fee for filing my 2018 Economic Interest Statement a few days late in early March 2019.

I resigned from the St Paul and Minnesota Foundations in early November 2018, and started working for The Auto Club Group in Michigan the following week. I didn't get the request to file for my 2018 Economic Interest until March 2019 and I filed right away. I have enjoyed volunteering my time to serve on the Investment Advisory Council during my time in Minnesota. Please feel free to contact me if you need anything else.

Thank you in advance for your consideration.

Wei

Wei Huang, CFA  
Chief Investment Officer  
The Auto Club Group  
1 Auto Club Dr  
Dearborn, MI 48126  
313-336-2226  
[WHuang@acg.aaa.com](mailto:WHuang@acg.aaa.com)

---

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## Lisa Eder (Crime Victims Reparations Board)

**From:** Lisa Eder <[lisa.eder30@yahoo.com](mailto:lisa.eder30@yahoo.com)>  
**Sent:** Friday, April 03, 2020 2:37 PM  
**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>  
**Subject:** Request for consideration of waiving late filing fees

---

Dear Ms. Engelhardt and Board,

This letter is to request the waiving of late filing fees that accrued in regards to the annual economic interest statement related to my work on the MN Crime Victims Reparations Board not being submitted / received by your office by the due date.

I apologize for the lack of timely submission and would like to explain the reason for the issue and ask for your consideration.

I retired from my position at the Hennepin County Attorney Office in November of 2018. It is my understanding that the 2018 form was mailed to my former employers address sometime in early 2019 (?) I was no longer working and did not receive the form. I continued serving on the board for half of 2019. When my appointment was done I thought that nothing more was required of me.

Fast forward to February of 2020. After receiving and opening the letter advising that I had not submitted the 2018 or 2019 statements and that I owed a significant late fee. I was pretty freaked out and contacted your office that day. Sarah was incredibly helpful in explaining why I had received the letter and figuring out what had happened.

I filled out the forms that day and drove to the post office to submit them.

I honestly was unaware that I had not filled out forms that were required and upon learning that I was did so that day.

I ask for you consideration of waiving the late filing fees and civil penalties associated with the economic interest forms. If you need additional information I can be reached at the number listed below.

Thank you,

Lisa Eder

(612) 865-7216

**From:** Larry Scherger <[lrscherg@gmail.com](mailto:lrscherg@gmail.com)>

**Sent:** Wednesday, March 18, 2020 10:25 AM

**To:** CFBE-mail <[cfb.reports@state.mn.us](mailto:cfb.reports@state.mn.us)>

**Subject:** waive late fees 2017

---

Attention Megan Engelhart;

I received your letter for timely of filing the 2017 statement . I sent a email to the board in 2017 explaining my difficulty logging on to your web site , I attempted 3 or 4 time and finally gave up .later I was able to login and complete my requirements I requested waiver of fee at that time and assumed that it was resolved.

I will at this time request a waiver of late fees per the staff recommendation based on the lack of timely notice regarding these fees and the fact that you timely filed my 2018 and 2019 statements.

Thanks Larry

Sent from [Mail](#) for Windows 10

Mark McWalter (West Polk SWCD)

Mark McWalter

PO BOX 224

East Grand Forks MN 56716

Minnesota Campaign Finance Board

Suite 190, Centennial Office Building

658 Cedar Street

St. Paul MN 55155-1603

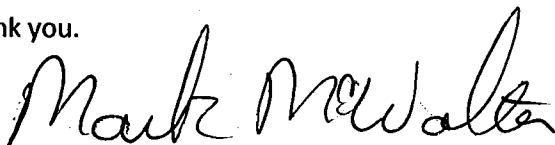
RE: Economic Interest State

Dear Board:

Please except this letter as my request for a waiver of outstanding late fees.

I was not informed by your staff (Jodi Pope, Legal/Management Analyst; email attached) nor aware that I had to ask the Board to waive any outstanding amounts due to the late submittal.

Thank you.

A handwritten signature in black ink that reads "Mark McWalter". The signature is written in a cursive, flowing style.

Mark McWalter

West Polk Soil & Water Conservation District

## Nicole Bernd

---

**From:** Nicole Bernd  
**Sent:** Thursday, September 13, 2018 8:37 AM  
**To:** 'Pope, Jodi (CFB)'  
**Cc:** Mark McWalter  
**Subject:** RE: statement of economic interest  
**Attachments:** SWPolk18091308240.pdf

Good Morning Ms. Pope,  
I am sending you the attached requirements on behalf of West Polk Soil & Water Conservation District Supervisor, Mark McWalter.  
Please confirm.  
Thank you.  
Sincerely,



*Nicole Bernd*

**District Manager**  
**West Polk Soil & Water Conservation District**  
528 Strander Ave  
Crookston MN 56716  
218-281-6070 x122  
Email - [nicole.bernd@wpolk.mnswcd.org](mailto:nicole.bernd@wpolk.mnswcd.org)  
[www.westpolkswcd.com](http://www.westpolkswcd.com)  
[www.facebook.com/WPSWCD/](https://www.facebook.com/WPSWCD/)

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**From:** Pope, Jodi (CFB) <jodi.pope@state.mn.us>  
**Sent:** Thursday, September 6, 2018 12:27 PM  
**To:** marksmcwalter@hotmail.com  
**Cc:** Nicole Bernd <nicole.bernd@wpolk.mnswcd.org>  
**Subject:** statement of economic interest

Mr. McWalter,

As we discussed, here is a copy of the statement of economic interest that you filed in 2016. Please review the information on it, make any changes necessary to reflect your financial interests in 2017 (the statement covers all of 2017), then sign it and return it to me by email or by fax to 800-357-4114.

Please let me know if you have any questions.

Jodi Pope  
Legal/Management Analyst  
Minnesota Campaign Finance and Public Disclosure Board  
651-539-1183



**From:** Ryan, Renee <[ReneeRyan@alliantenergy.com](mailto:ReneeRyan@alliantenergy.com)>  
**Sent:** Tuesday, April 28, 2020 9:33 AM  
**To:** CFBEmail <[cfb.reports@state.mn.us](mailto:cfb.reports@state.mn.us)>  
**Subject:** Lobbyist Principal Report

---

Dear Ms. Engelhardt,

This email is in response to your letter dated April 17, 2020 to Mr. Robert Bartlett, Alliant Energy Corporation, in regards to the Lobbyist Principal Report due 3/16/2020 Reg No:307.

This is a request to waive the late filing fee.

In my position at Alliant Energy, as the Public & Community Affairs Coordinator, I'm responsible for coordinating the submission of the Minnesota Campaign Finance Board Lobbyist Principal Report on behalf of Robert Bartlett. I was unable to file the report or access our username and password due to Alliant Energy's first response to the COVID-19 pandemic. On March 9<sup>th</sup> I traveled to California for a weeklong vacation. When I returned home from vacation Saturday March 14 I was informed by my Manager that I was unable to enter the Alliant Energy building until I self-quarantined 14 days from the date I returned from California due to the COVID-19 pandemic.

On Monday, March 16 I was able to retrieve my work computer and begin to work from home. March 16 was also the first day that Alliant Energy implemented a company-wide work-from-home policy. Due to the large volume of employees working from home I was unable to access Alliant Energy's VPN (Virtual Private Network) which is where I stored the username and password information for this report. I informed Robert that I was unable to retrieve the information sent from Marcia Waller and was unable to submit the report.

Robert reached out to Marcia on Monday, March 16 to obtain the username and password so that he could submit the report himself. Robert also informed Marcia at that time that our lobbying total was \$0 for the reporting period. Marcia responded to his request on March 17, and Robert filed the report immediately thereafter.

We are aware of the importance of report deadlines and have met these deadlines in the past. We were unable to submit the report on the due date due to unusual and unforeseeable circumstances related to the COVID-19 pandemic. Despite these circumstances, we attempted in good faith to file the report as quickly as possible. Given the unforeseen circumstances and our good faith efforts, I would like to ask that you waive the late filing fee.

Sincerely,

*Renee Ryan*

**Renee Ryan** | Public & Community Affairs Coordinator

**Alliant Energy**

4902 North Biltmore Lane | Madison, WI 53718

Office: (608) 458-5759 |

[alliantenergy.com](http://alliantenergy.com) | [reneeryan@alliantenergy.com](mailto:reneeryan@alliantenergy.com)

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**From:** denise jarrett <[DeniseJarrett@live.com](mailto:DeniseJarrett@live.com)>

**Sent:** Friday, April 24, 2020 12:44 PM

**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>

**Subject:** Lobbyist Principal Report

---

Hi Megan,

Lobbyist Report due on 03/16/2020 for Reg. No: 7345 was mistakenly repeatedly reported to the Lobbyist Reporting portal on March 13, 2020. Please excuse my confusion. The 'Stay A Home' orders coupled with my family COVID-19 problems, re-location, and general care I confused the reporting portals. We are asking for a waiver of the late filing fee of \$475. Thank you and I look forward to the Campaign Finance response.

Thanks,

Denise Jarrett

612-407-28284

BraidersCourse.com

**From:** Rick Varco <[Rick.Varco@seiuhcmn.org](mailto:Rick.Varco@seiuhcmn.org)>  
**Sent:** Monday, March 30, 2020 4:25 PM  
**To:** Stevens, Melissa (CFB) <[melissa.stevens@state.mn.us](mailto:melissa.stevens@state.mn.us)>  
**Subject:** CFB Reports Due?

---

Ms. Stevens:

I haven't been in my office since since March 10. I just realized I don't have access to my CFB documents or mail. Can you let me know if I am missing a report either for SEIU Healthcare Minnesota lobbying or the St. Paul DFL.

Rick Varco  
Political Director  
C. 651-231-2775

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**From:** Stevens, Melissa (CFB) <[melissa.stevens@state.mn.us](mailto:melissa.stevens@state.mn.us)>  
**Sent:** Monday, March 30, 2020 4:28 PM  
**To:** Rick Varco <[Rick.Varco@seiuhcmn.org](mailto:Rick.Varco@seiuhcmn.org)>  
**Subject:** RE: CFB Reports Due?

Hi Rick,  
The campaign finance reports are due April 14.

*Melissa M. Stevens*

Compliance Officer  
Minnesota Campaign Finance and Public Disclosure Board  
658 Cedar Street, Suite 190  
St Paul MN 55155  
Tel: 651-539-1188  
Website: [www.cfb.mn.gov](http://www.cfb.mn.gov)

---

**From:** Rick Varco <[Rick.Varco@seiuhcmn.org](mailto:Rick.Varco@seiuhcmn.org)>  
**Sent:** Wednesday, April 15, 2020 8:16 PM

**To:** Stevens, Melissa (CFB) <[melissa.stevens@state.mn.us](mailto:melissa.stevens@state.mn.us)>

**Subject:** RE: CFB Reports Due?

Ms. Stevens:

I just got a letter from the CFB reminding me that the SEIU Healthcare Minnesota Lobbying report was due March 15. I just filed the report. In light on the email below, I request that you waive the fine.

Rick Varco  
Political Director  
C. 651-231-2775

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**From:** Corey Mortensen <[Corey.Mortensen@mnnurses.org](mailto:Corey.Mortensen@mnnurses.org)>  
**Sent:** Thursday, April 23, 2020 2:48 PM  
**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>  
**Subject:** MNA PC late fee waiver request

---

Good afternoon Megan,

First of all, I hope you are doing well amidst these uncharted waters we are in right now. I am requesting a waiver of the \$25 late fee in regard to the late filing of the Lobbyist Principal report due on 3/16/20. I filed the report as soon as I received the notice from Shannon, which I believe was late in the day the report was due. We officially closed the office until further notice effective 3/17/20, but some of our staff had already made arrangements to work from home. Shannon, our Political Director, receives these notices, and I suspect it got lost in the shuffle of trying to coordinate all staff working from home and the heavy lift it was to figure out how to remotely keep the organization up and running for the foreseeable future. I am the one that submits the reports after confirming the filing data with Shannon. Thank you for your consideration.

Thanks,

Corey Mortensen  
*Director of Finance*  
Minnesota Nurses Association  
345 Randolph Avenue, Suite 200  
St. Paul, MN 55102  
Ph: (651) 414-2854  
Fax: (651) 695-7000

**From:** Vincent Salvi <[vincent.salvi@nwea.org](mailto:vincent.salvi@nwea.org)>

**Sent:** Thursday, April 23, 2020 3:15 PM

**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>

**Subject:** NWEA Lobbyist Principal Report due on 3/16/2020, Reg. No.: 6217

---

Dear Ms. Engelhardt:

This is to acknowledge receipt of your letter to me dated April 17<sup>th</sup> indicating a late filing fee had accrued for the Principal Report due 3/16/2020. I request a reduction or elimination of this late filing fee I am one of the responsible managers for NWEA's emergency response team and had been intensely involved and putting in long hours in the planning for closure of our Portland, Oregon office due to the COVID-19 outbreak, which we implemented on March 16<sup>th</sup>. Submitting the Principal Report due on 3/16/20 was simply not something I had the ability to prioritize in early March of this year.

Your consideration due to this nationwide emergency and the extensive effort needed by NWEA to try to ensure the safety and wellbeing of its staff would be greatly appreciated. However, I also recognize the right of the Minnesota Campaign Finance Board to implement fines as appropriate and will respect any decision you make in regard to imposition of this fine.

Thank you.

**Vincent Salvi**

Manager, Risk and Safety  
Facilities & Business Services

Phone: 503-548-5004

Mobile: 503-997-7508



**Goodhue Pioneer Trail Association (7125)**

From: Roxanne Bartsh <rbartsh@gmail.com>

Sent: Sunday, April 26, 2020 11:05 AM

To: Engelhardt, Megan (CFB) <megan.engelhardt@state.mn.us>

Subject: Late Fee

---

Re: Goodhue Pioneer Trail Reg. No. 7125

Megan

I received a late fee notice of \$25.00 for not filing the form on time. Please consider waiving this fee. I am scrambling to keep my small business alive.

Thank you

Roxanne Bartsh



**From:** UTU-SMART-TD Minnesota <[sld@smart-td-minnesota.org](mailto:sld@smart-td-minnesota.org)>  
**Sent:** Wednesday, April 15, 2020 8:42 AM  
**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>; Sigurdson, Jeff (CFB) <[jeff.sigurdson@state.mn.us](mailto:jeff.sigurdson@state.mn.us)>  
**Subject:** MN-CF&PD-BD Report-Filing-Computer Remote Email Program Error-April 14, 2020  
**Importance:** High

---

Hello Mr. Sigurdon, Ms. Englehardt,

Attached please find our SMART-TD- MN PAC ID 30019 Report for April 14, 2020. Please accept this report.

I apologized for delay as this was sent via remote computer access yesterday. However, this morning I find my remote computer access failed to send properly. I respectfully request your waiving any penalty. However, if there is a penalty please advise and I will pay that immediately. Our remote program computer error.

Thank you.

Sincerely

P. J. Qualy  
Minnesota Legislative Director  
UTU-SMART-TD Minnesota  
651-222-7500 ( o )  
612-239-4414 ( c )  
[sld@smart-td-Minnesota.org](mailto:sld@smart-td-Minnesota.org)



---

**From:** UTU-SMART-TD Minnesota <[sld@smart-td-minnesota.org](mailto:sld@smart-td-minnesota.org)>  
**Sent:** Wednesday, April 15, 2020 9:45 AM  
**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>  
**Subject:** Re: MN-CF&PD-BD Report-Filing-Computer Remote Email Program Error-April 14, 2020

Hello Ms. Engelhardt,

Thank you. However I never have championed the Access Program, Campaign Finance Reporter program. As we are a labor union and are holding an election for my successor at this time, I have made clear the next State Director must convert our reports over to the MN-CF&PD-BD program; further, it is actually easier than paper (for most). That said, I know my assistant director has taken a MN-CF&PD-BD computer class already.

Yes, please do list me for a waiver and do reference the memo below. We use a Splash-Top remote access program and I find there is a delay, shadow, in the program relay to actual base

computer key tabs. I believe I must have double clicked or the program delay did not recognize initial -send- click. Again, my mistake and I take full responsibility. Thank you.

Stay well and thanks for all you all do at the MN-CF&PD-BD. We have a clean state politically and it is only because of the laws enacted and work, oversight of the MN-CF&PD-BD. Thank you.

Sincerely,

**P. J. Qualy**  
**Minnesota Legislative Director**  
**UTU-SMART-TD Minnesota**  
**651-222-7500 ( o )**  
**612-239-4414 ( c )**

[sld@smart-td-Minnesota.org](mailto:sld@smart-td-Minnesota.org)



## Southeast Metro Business PAC (40746)

**From:** Jennifer Lee <[jenniferlee7120@gmail.com](mailto:jenniferlee7120@gmail.com)>

**Sent:** Tuesday, April 28, 2020 11:23 AM

**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>

**Subject:** April 14th finance report

---

Megan,

Thank you for the return call. I represent the Southeast Metro Business PAC. I unintentionally filed our report a day late because I was planning to go to the office on the 14th to scan it and file it. We received a call from an exporter who needed a certificate of origin signed so someone else had to go into the office on the 14th and I wasn't able to go due to the social distancing guidelines. I am asking for an exception based on the restrictions placed on us during this pandemic.

Jennifer Gale

MN CAMPAIGN FINANCE BD  
20 MAR 6 PM 3:23

March 6, 2020

To Whom This May Concern,

This concerns a political action committee named PROGRESSPPAC.

Mail from the Minnesota Campaign Finance Board has been going to the past treasurer, Richard T. Kramer, at his home address at: 1471 Barclay Street  
St. Paul, MN, 55106.

Sadly, Mr. Kramer died suddenly of a heart attack on September 24, 2019.

I knew Mr. Kramer, but I was not aware that this pac still existed or that the report had not been sent in. I was the ~~the~~ chair of the committee, and finally received a carbon copy of the most recent demand for the report.

With the aid of Megan Engelhardt I immediately set about gathering the data and I personally carried the information to her office.

After this is resolved it is my intention as the new treasurer to terminate this pac by making the legal and appropriate donations for which this pac was formed.

I am also requesting that the late fee be waived due to these special circumstances

Thank You  
Raymond E. Hest

## Cohen (Richard) Volunteer Committee (11829)

**From:** Richard Cohen <[senrichardcohen64@gmail.com](mailto:senrichardcohen64@gmail.com)>  
**Sent:** Monday, March 02, 2020 6:32 PM  
**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>  
**Subject:** Cohen Volunteer Committee/11829

---

Dear Ms. Engelhardt:

My report has finally been filed today. I recognize that this is quite late with a large fine, but I would like you to pass on this request to the Board:

I expect to pay some fine, but I would like to ask for consideration of some abatement. During the fall my treasurer was ill and was doing no work on the campaign, so she began work on the report quite late.

Additionally, I decided not to run for several reasons, both personal and professional (the professional reasons possibly will have be out of town during parts of next year's legislative session). However, what is directly related to the personal and the lateness of the report was my brother. I knew that there would be health issues in December and that I would be in and out of Vail and Denver during that time. The ultimate result was not what I expected when he passed away in early January. I was than in Colorado for two memorial events in Denver and Vail. I had talked to my accountant about doing this, but he felt he was too unfamiliar with everything and passed. My treasurer was than able to start putting everything together beginning at the end of January, and I was than able to help at that time. However, no work had been done and that is why it took a month to finally finish a somewhat complicated report.

Again, I expect to pay a fine, but I hope that some of this might be taken into consideration. The lateness was not due to laziness or not paying attention. It was due to health and family considerations.

Thank you for your consideration of this.

Sincerely,

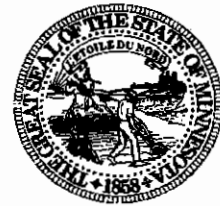
Richard Cohen

--

Please note I have a new email address: [senrichardcohen64@gmail.com](mailto:senrichardcohen64@gmail.com). Use this email address for all future correspondence. Thank you.

Minnesota

# Campaign Finance and Public Disclosure Board



## Request for Waiver of Electronic Filing Requirement

Committee or fund name <b>Pine 11B DFL (HD 11B)</b>	Registration number <b>20126</b>
Treasurer name <b>John Frechette</b>	Treasurer email address <b>jack-h.frechette@gmail.com</b>
Treasurer address <b>19695 Elder Drive</b>	
Treasurer city, state, zip <b>Hinckley, MN 55037</b>	Treasurer telephone (daytime) <b>617 943 3574</b>

### Request

I hereby request a waiver of the requirement to file reports electronically during the 2020 election year.

### Reason for request (check one)

Small committee

The above principal campaign committee, party unit, or political committee or fund has not raised or spent more than \$5,000 in the following years (check all that apply):

2016  2017  2018  2019

We do not expect to raise or spend more than \$5,000 during 2020

Lack of computer or internet access (explain in box below)

Macintosh user (explain in box below)

Other good cause (explain in box below)

Explain the reason(s) for your waiver request: *I am delayed in my report submission because at the time of submission deadline, I was receiving treatment at Hazelden-Betty Ford for alcohol dependence, and had all of my files in a locked area of my home. I hugely regret not putting the report in a colleague's hands, and am so sorry for the inconvenience this has caused. The report has been submitted, but any relief on late submission fines would mean the world to me and to my unit. Thank you.*

I, John Frechette, certify that this report is complete, true, and correct.  
(print or type name)

Signature of  treasurer  or deputy treasurer (check one) Date 3/3/20

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

**From:** Jack Frechette <jack.h.frechette@gmail.com>  
**Sent:** Monday, March 16, 2020 3:15 PM  
**To:** Olson, Andrew (CFB) <Andrew.D.Olson@state.mn.us>  
**Subject:** Re: Pine Co. 2018 pre-general report

Hello Mr. Olson,

Thank you for the very helpful clarification. If you are able to use the letter I submitted regarding the 2019 year end report to address its late submission, that would be appreciated.

As for the 2018 pre-general report, I'm afraid I can simply say that I believed the pre-general report to be the same report as the report covering the period of Jan 1 - July 23. I did not realize that a third report was necessary for that calendar year. 2018 was my first year as treasurer for this organizing unit, or indeed as a treasurer for any organization, and while I handled our resources honestly, efficiently, and with transparency, I found the reporting schedule more challenging than it clearly is. Ours is a small unit, and I was proud to take on the two year responsibility of treasurer, but when it came to reporting to the CFB I was clearly out of my depth. I will add that I will be transitioning into the more skill-appropriate role of Outreach and Inclusion officer, and a more able treasurer will be taking my place. I ask for your understanding and mercy from a treasurer who did not properly equip himself for the role of reporter, and humbly ask for a waiver for our penalties and fees. Thank you very much for your consideration.

Best,

Jack Frechette

April 26, 2020

Megan Engelhardt  
Assistant Executive Director  
Minnesota Campaign Finance Board  
Centennial Office Building -Suite 190  
658 Cedar Street  
St. Paul, MN 55155

Dear Megan

Re: Request to waive or reduce late filing fee per April 23, 2020 correspondence.

This request is to request CFB to waive or decrease fees of \$150.00 which were related to my late filing of the April 14<sup>th</sup> report. This delay occurred as a result of my not receiving the notice of correction for the January 31<sup>st</sup> report per my mail or email. I did not receive the correction needed for that report until the 2<sup>nd</sup> week in March from your staff inquiry in which I tried to make needed corrections and was not able to meet the expectations.

A conference with Committee of Thirteen members resulted in recommended changes which completed on April 14<sup>th</sup>. Delay of this changes occurred as committee members were affected by the relocation of staff to their homes occurring from the school closures (interruptions) from the Covid 19 state recommendations. We also needed to learn to use an



electronic platform to discuss relevant details to the questioned January 31<sup>st</sup> report. i.e. Zoom.

Since this is my first year in completing the CFB reports it has taken longer in learning the required data per line item and format requirements. The Committee of Thirteen members reviewed the revisions thus giving my an ok to send the given data.

I submitted a revised version of the Jan 31<sup>st</sup> report on April 14<sup>th</sup> thus making my April 14<sup>th</sup> report delated. The April 14<sup>th</sup> CFB report was submitted on April 22<sup>nd</sup> thus incurring a fine.

Thank you for this consideration.

Submitted by Mary Leoni  
Treasurer  
Committee of Thirteen Legislative Fund

Cc Paul Sisson, Committee of Thirteen – Chair  
psisson@mpls.k12.mn.us

## Minnesota Muskie & Pike Alliance Legislative Fund (80028)

**From:** Bradford Patterson <[brad.patterson@rcis.com](mailto:brad.patterson@rcis.com)>  
**Sent:** Friday, April 17, 2020 11:15 AM  
**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>  
**Subject:** Request for Waiver of Fees

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To whom it may concern:

I am writing to request that the Minnesota Campaign Finance Board waive some or all of the late fees for my Political Fund I am treasurer of (Minnesota Musky & Pike) due to our having not processed our January yearend report in a timely manner. I had mailed the report in before it's requested due date, but for reasons unbeknownst to me, it did not arrive at the Campaign Board. I apologize for this. I was not made aware of the report having not been received until April, at which time I decided to switch my method of reporting and start leveraging your automated software package. Unfortunately by that time the fee was at the maximum.

The accrued late fees of \$1000 would amount to 43.5% of our total fund. This would be onerous, most years we do not even raise 1/3 of that amount. I am willing to pay a late fee as we obviously did not have our report in at the due date, regardless of intent, however this fee would break us. Also, I'd like the committee to consider that rather than just complain, I've made efforts to change over to using your software so that these issues do not happen in the future.

Thank you for your consideration of this matter.

\*\*\*\*\* PLEASE NOTE \*\*\*\*\*

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# Neighbors for Ruben (Vazquez) (17912)

13 March 2020

Megan Engelhardt  
Assistant Executive Director  
Minnesota State Campaign Finance and Public Disclosure Board  
190 Centennial Building  
658 Cedar Street  
St. Paul, MN 55155-1603

**RE: Neighbors for Ruben (Reg. No. 17912)  
Late Filing Fees and Civil Penalty WAIVER Request**

Dear Ms. Englehardt,

Please accept this as a formal waiver request for the 2019 year-end report. Due to some unexpected family/personal issues, I was not able to submit my report on time. Due to the nature of these events, I do not feel comfortable going into detail. Yet, I want to acknowledge that this oversight was solely my responsibility and should not reflect poorly on any other members that represent this committee.

I understand there is a \$2,450 fee due to the Minnesota Campaign Finance Board. I realize this fee is my responsibility. Yet, due to these unexpected family/personal issues, I am currently unable to pay this fee as they have created a personal financial hardship.

Therefore, I like to use the current funds in this committee of \$1095.06 to pay towards this fee and would request a waiver of the remainder late fees. Please know that I will also be terminating this committee once these funds have been disposed of as payment towards these fees.

Thank you in advance for your consideration to waive these fees. Should you have any questions or require additional information, please do not hesitate to contact me directly at the number listed below.

With gratitude,

Rubén Vázquez  
651.270.4540

3 March 2020

Megan Engelhardt  
Assistant Executive Director  
Minnesota State Campaign Finance and Public Disclosure Board  
190 Centennial Building  
658 Cedar Street  
St. Paul, MN 55155-1603

**RE: Late Filing Fees and Civil Penalty WAIVER Request (Reg. No. 5052)**

Dear Ms. Englehardt,

Please accept this as a formal waiver request for my lobbyist disbursement report due on March 15, 2019. Due to some unexpected family/personal issues, I was not able to submit my report on time. Due to the nature of these events, I do not feel comfortable going into detail. Yet, I want to acknowledge that this oversight was my responsibility and should not reflect poorly on the organization I represent.

I understand there is a \$2,000 fee due to the Minnesota Campaign Finance Board. Since this it is my oversight, I feel paying this fee is my responsibility and not that of the organization. Yet, due to these unexpected family/personal issues, I am currently unable to pay this fee as they have created a personal financial hardship. I also realize there is a \$50 late filing fees for the lobbyist disbursement reports. I will submit a check for the fee today via regular US Mail.

Therefore, I would request either a waiver to these fees or a reduction of the late fees.

Thank you in advance for your consideration to waive these fees. Should you have any questions or require additional information, please do not hesitate to contact me directly at the number listed below.

With gratitude,



Rubén Vázquez  
651.270.4540

**From:** Diaz, Roque <[Diaz.Roque@macphail.org](mailto:Diaz.Roque@macphail.org)>  
**Sent:** Saturday, February 29, 2020 10:06 AM  
**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>  
**Subject:** 2018 Economic Interest Statement Late Fee

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To Whom It May Concern:

I am writing this letter to explain my unfortunate set of circumstances that have caused me to become delinquent on the 2018 Economic Interest Statement. I have done everything in my power to make ends meet but unfortunately we have fallen short and would like you to consider waiving the \$100 late fee. My number one goal is to keep my family financially stable as a single father and would really appreciate the opportunity to do that.

My financial situation has got better because of resigning from the board at Perpich Center to take on more income earning positions. I would appreciate if you can work with me to waive the delinquent amount owed.

I truly hope that you will consider working with me and anxious to get this settled so we all can move on.

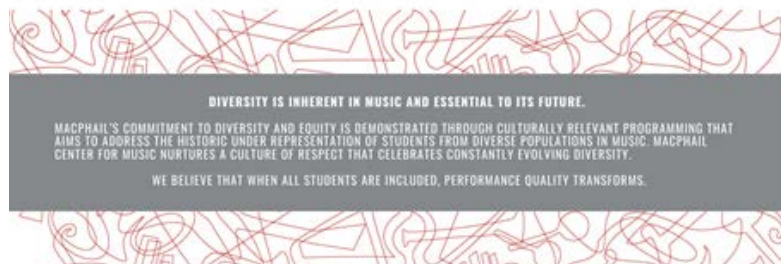
Sincerely and Respectfully,

Roque

**Roque Diaz** | *Director of School Partnerships*  
**MacPhail Center for Music**  
501 South 2nd Street | Minneapolis, MN 55401  
[Diaz.Roque@macphail.org](mailto:Diaz.Roque@macphail.org) | Work: 612.767.5256 | Cell: 702.917.4870  
Office: 616 | Skype: diaz.roque |

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Minnesota Campaign Finance Board

April 27, 2020

Dear Board Members

I write to you to ask forgiveness of late fees assigned to the School Lunch Bunch. As the volunteer Treasurer of the committee I am responsible for the filing of the board reports. I had an instance at the end of 2018 where the year end report was not submitted properly. This involved the report to not be submitted until November of 2019.

The School Lunch Bunch is a fund that was set up to participate in the legislative process on behalf of Minnesota's school children. The funds that we receive are from the front-line cafeteria employees in very small donations. Our donations are not tax deductible but are made through the kindness of our members hearts. These same members are still on the job every day feeding our students despite school closures and the Covid-19 pandemic.

As a very small fund I ask the forgiveness of our current fines. A fine of \$1000.00 will require almost half of the total receipts of our fund. This was an honest mistake. I am working to get this fund in good standing and will be handing the Treasurer duties to someone more suited to the requirements of the position.

I appreciate your consideration in this matter.

Sincerely

Jeff Millard

**Mahlstedt (Dean) for Senate (16980)**

**From:** ProCare Services, Inc <[procare@procaremn.com](mailto:procare@procaremn.com)>  
**Sent:** Monday, March 30, 2020 5:53 PM  
**To:** Engelhardt, Megan (CFB) <[megan.engelhardt@state.mn.us](mailto:megan.engelhardt@state.mn.us)>  
**Cc:** Lorna Mahlstedt <[lorna@procaremn.com](mailto:lorna@procaremn.com)>  
**Subject:** FC - waiver request Reg No 16980

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Megan,

Please consider waiving the \$25 late fee for Dean Mahlstedt. 1) Dean has yet to turn in his papers late. 2) Dean was going through some medical issues which ended up with a stroke. Please consider this request as we attempted to get in on time but it was indeed a 3 days late (Monday, Feb 3 instead of Friday, Jan 31). Much appreciated.

Best Regards,

*Lorna*

Lorna Mahlstedt  
320-583-2255

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# MINNESOTA CAMPAIGN FINANCE BOARD

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**Date:** April 29, 2020

**To:** Board Members

**From:** Jeff Sigurdson, Executive Director

**Telephone:** 651-539-1189

**Re:** Advisory Opinion 453 – Elected Official Use of Podcast

On April 27, 2020, the Campaign Finance and Public Disclosure Board received a request for an advisory opinion regarding the development and reporting requirements for a podcast. As of the date of this memo the requestor has not signed the release making the request a public document.

Because the request was received two days before the Board mailing there was not enough time to prepare a draft advisory opinion for consideration at the May meeting. The matter will have to be formally laid over to the June 3, 2020 meeting because Minnesota Statutes section 10A.02, subdivision 12, requires advisory opinions to be issued within 30 days after receipt unless a majority of the Board agrees to extend this time limit.

Attachments:

Advisory opinion request – Nonpublic data only provided to Board members

