

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

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May 4, 2022
St Croix Room
Centennial Office Building
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MINUTES

The meeting was called to order by Chair Rashid.

Members present: Asp, Flynn (by telephone), Leppik, Rashid, Soule (by telephone), Swanson

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

MINUTES (April 6, 2022)

After discussion, the following motion was made:

Member Leppik's motion: To approve the April 6, 2022, minutes as drafted.

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

CHAIR'S REPORT

A. 2022 meeting schedule

The next Board meeting is scheduled for 10:30 a.m. on Wednesday, June 1, 2022.

EXECUTIVE DIRECTOR'S REPORT

Mr. Sigurdson presented members with a memorandum that is attached to and made a part of these minutes. Mr. Sigurdson told members that 150 new state-level candidates had filed with the Board over the past 90 days and staff are conducting compliance trainings via Webex. Mr. Sigurdson said that holding compliance trainings via Webex has proved popular. Mr. Sigurdson stated that redistricting has resulted in many registration amendments, terminations, and new registrations. Mr. Sigurdson told members that staff is preparing candidate filing packets which provide state-level candidates with information about contribution and spending limits, registration with the Board, the public subsidy program, and reporting deadlines. Mr. Sigurdson stated that conference committees will soon discuss the Senate and House omnibus bills that concern Chapter 10A. Mr. Sigurdson said that interviews are being scheduled to fill the vacant legal/management analyst position.

ENFORCEMENT REPORT

A. Waiver Requests

Entity	Late Fee/ Civil Penalty	Report Due	Factors and Recommended Action	Board Member's Motion	Motion	Vote on Motion
1. Maroon & Gold Political Action Committee (41233)	\$75 LFF	2022 1st Quarter	Report due 4/14/2022 was filed 4/19/2022. Treasurer mistakenly filed another copy of the committee's 2021 year-end report via the CFR software prior to the due date, rather than a 2022 1st quarter report. The treasurer had not initialized the 2022 calendar year within the software and did not realize the wrong report was filed until after the due date. The report is a no-change statement and lists a cash balance of \$880. RECOMMENDED ACTION: Waive	Swanson	Approve the staff recommendation for requests 1 through 2	A roll call vote was taken. All members voted in the affirmative.
2. 27th Senate District DFL (20324)	\$350 LFF	2021 Year-End	Treasurer mistakenly filed another copy of the party unit's 2020 year-end report via the CFR software on 1/19/2022, rather than a 2021 year-end report, which was due on 1/31/2022. Treasurer realized the error in mid-February but she needed to file an amended 2020 year-end report to correct the ending cash balance before filing the 2021 report, so the 2021 year-end report was not filed until 2/18/2022. The report is a no-change statement and lists a cash balance of \$544. RECOMMENDED ACTION: Waive	Swanson	Approve the staff recommendation for requests 1 through 2	A roll call vote was taken. All members voted in the affirmative.

<p>3. TwinWest Chamber of Commerce PAC (70013)</p>			<p>No-change statements due 1/31/2022 were filed three days late resulting in LFFs of \$75 for each committee. Old treasurer recently ceased working for the organization that operates each committee and that organization's staff believed the reports had been filed. New treasurer logged into the CFR software the day the reports were due and saw a message stating the reports had already been filed. Board staff believe that the old treasurer never initialized the 2021 calendar year and the new treasurer saw that message because she had mistakenly logged into the 2020 calendar year. After realizing the reports had not been filed, the new treasurer promptly filed no-change statements, amended the committees' registration information, and stated that they intend to terminate each committee soon. The committees reported a combined cash balance of \$3,579 as of the end of 2021. RECOMMENDED ACTION: Waive</p>	<p>Swanson</p>	<p>Approve the staff recommendation for requests 3 through 4</p>	<p>A roll call vote was taken. Five members voted in the affirmative, Asp abstained.</p>
<p>4. TwinWest Business Advocacy Fund (41117)</p>	<p>\$150 LFFs</p>	<p>2021 Year-End</p>	<p>No-change statements due 1/31/2022 were filed three days late resulting in LFFs of \$75 for each committee. Old treasurer recently ceased working for the organization that operates each committee and that organization's staff believed the reports had been filed. New treasurer logged into the CFR software the day the reports were due and saw a message stating the reports had already been filed. Board staff believe that the old treasurer never initialized the 2021 calendar year and the new treasurer saw that message because she had mistakenly logged into the 2020 calendar year. After realizing the reports had not been filed, the new treasurer promptly filed no-change statements, amended the committees' registration information, and stated that they intend to terminate each committee soon. The committees reported a combined cash balance of \$3,579 as of the end of 2021. RECOMMENDED ACTION: Waive</p>	<p>Swanson</p>	<p>Approve the staff recommendation for requests 3 through 4</p>	<p>A roll call vote was taken. Five members voted in the affirmative, Asp abstained.</p>
<p>5. Kristen Eide-Tollefson (Environmental Quality Board)</p>	<p>\$45 LFF \$1,000 CP</p>	<p>2021 Annual EIS</p>	<p>EIS due 1/31/2022 was filed 3/19/2022. Official had difficulty accessing the online system used to file her EIS and due to changes in her investments she had difficulty ascertaining what information she needed to complete her EIS. Official is leaving the EQB and has paid \$55 of the late filing fee, which is the amount that had accrued as of the date of a letter mailed by Board staff in early March, leaving a balance of \$1,045. RECOMMENDED ACTION: Waive CP leaving balance of \$45</p>	<p>Soule</p>	<p>Approve the staff recommendation for requests 5 through 6</p>	<p>A roll call vote was taken. All members voted in the affirmative.</p>

<p>6. Jonathan Weinhagen (3036)</p>	<p>\$850 LFFs</p>	<p>1st 2020 Lobbyist (x2) 2nd 2021 Lobbyist (x2)</p>	<p>Reports due for two principals on 6/15/2020 were filed 7/8/2020, resulting in LFFs of \$400 each. Reports due for two principals on 1/18/2022 were filed one day late, resulting in LFFs of \$25 each. Lobbyist states that he did not receive mailed reminders concerning the reports due 6/15/2020 due to the pandemic. Lobbyist also did not receive email reminders because his email address changed in 2017 and he did not amend his lobbyist registration to provide the new email address. The reports due on 6/15/2020 disclosed no disbursements. Lobbyist had difficulty accessing the online reporting system on 1/18/2022, causing the reports due that day to be filed one day late. RECOMMENDED ACTION: Waive LFFs for 2021 reports and reduce LFFs for 2020 reports to \$100 each</p>	<p>Soule</p>	<p>Approve the staff recommendation for requests 5 through 6</p>	<p>A roll call vote was taken. All members voted in the affirmative.</p>
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<p>7. Hausman (Alice) Volunteer Committee (12313)</p>	<p>\$975 LFF</p>	<p>2021 Year-End</p>	<p>Report due 1/31/2022 was filed 3/28/2022. Treasurer experienced a death in his immediate family less than a week before the report was due and both the treasurer and candidate contacted Board staff seeking an extension. Candidate states that she spoke with the treasurer and she initially believed the report had been filed. Candidate eventually asked someone else to prepare the report. The committee reported a cash balance of \$15,150 as of the end of 2021 and the candidate is not seeking re-election. Board staff is not making a recommendation. While the Board has typically waived a late filing fee when the treasurer has experienced a death in their immediate family, in this instance it took nearly two months for the committee to file the report despite outreach from Board staff. RECOMMENDED ACTION: No recommendation</p>	<p>Swanson</p>	<p>Reduce LFF to \$500</p>	<p>A roll call vote was taken. All members voted in the affirmative.</p>
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8. Joe Garofalo for House (18517)	\$1,000 LFF \$1,000 CP	2021 Year- End	Treasurer mistakenly filed another copy of the committee's 2020 year-end report via the CFR software on the due date, 1/31/2022, rather than a 2021 year-end report. Board staff attempted to call the treasurer 2/11/2022 regarding the missing report. A notice was mailed to the treasurer, who is the candidate's spouse, but they were out of state and did not receive the notice until the middle or end of March. Treasurer then worked with Board staff and filed a 2021 year-end no-change statement on 3/31/2022. The committee reported a cash balance of \$4,150. Board staff is not making a recommendation. While the Board has typically waived a late filing fee the first time that a committee has mistakenly filed the wrong report, in this instance it took two months for the committee to file the correct report despite attempts by Board staff to contact the treasurer. RECOMMENDED ACTION: No recommendation	Swanson	Waive CP, reduce LFF to \$500	A roll call vote was taken. All members voted in the affirmative.
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9. Ms. Breitinger appeared by telephone, explained her request, and answered questions from members prior to a motion being made on the request listed below.

9. Jennifer Breitinger (9098)	\$150 LFF	2nd 2021 Lobbyist	Report due 1/18/2022 was filed 1/26/2022. Lobbyist filed reports for eight other principals by the due date but mistakenly did not file this report on time. The report disclosed no disbursements. There was no motion on this request at the April 2022 Board meeting and the lobbyist is seeking reconsideration. RECOMMENDED ACTION: None	Flynn	Waive	A roll call vote was taken. All members voted in the affirmative.
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B. Informational Items

1. Payment of civil penalty for prohibited contribution during legislative session

Minnesotans for Julie Blaha, \$250
Denise Specht, \$125

2. Payment of late filing fee for 2022 1st quarter report of receipts and expenditures

OAK PAC, \$100
Legal Marijuana Now Party, \$25

3. Payment of late filing fee for 2021 year-end report of receipts and expenditures

60th Senate District RPM, \$900
Somali American Women Political Action Committee, \$550
15A House District RPM, \$225
1st Congressional District IPMN, \$225
Nobles County DFL, \$50
Kittson County DFL, \$25
5th Congressional District IPMN, \$25
Citizens for Diane Napper, \$25

4. Payment of late filing fee for 2021 Annual EIS

Bruce Lawrence, \$35
Kristen Eide-Tollefson, \$55 (partial payment)

5. Forwarded anonymous contributions

Sullivan (Thomas) For The House, \$277.96
Sammy T McCarty 4 Minnesota, \$200

PRIMA FACIE DETERMINATION

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson told members that a complaint filed against the Mort (Erik Mortensen) for House committee was dismissed because it concerned an issue that is outside the jurisdiction of the Board.

LEGAL COUNSEL'S REPORT

Mr. Hartshorn presented members with a legal report that is attached to and made a part of these minutes. Mr. Hartshorn told members that a default judgment hearing regarding Ms. Rhoades was held and Ms. Rhoades was given more time to file an answer to the complaint. Mr. Hartshorn explained that if an answer is filed he intends to file a motion for summary judgment.

EXECUTIVE SESSION

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

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

Respectfully submitted,



Jeff Sigurdson
Executive Director

Attachments:

Executive Director's Report – Board Operations

Memorandum regarding prima facie determination finding no violation

Legal report



MINNESOTA CAMPAIGN FINANCE BOARD

Date: April 27, 2022

To: Board Members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Executive Director's Report – Board Operations

Redistricting

As a result of redistricting a large number of political party units based on current legislative districts are closing down and terminating with the Board. In their place “new” political party units based on the redistricted legislative boundaries are being registered with the Board. So far thirty-six new party unit registrations have been processed; eventually I expect this number to be significantly higher.

Candidate Registrations

A state election year always brings new candidate registrations, but that is particularly the case in a redistricting year. In the last 90 days over 150 new candidate committees have been registered with the Board.

Training

Redistricting and the related retirement of a large number of legislators has brought new treasurers and candidates into the system who need training on the requirements of Chapter 10A. Ms. Engelhardt and Mr. Olson conducted an online compliance training session for campaign finance on the evening of April 20th. Sixty treasurers and candidates participated in the training. The next scheduled training is May 10th, with eighty-eight individuals already signed up. Ms. Engelhardt is also conducting a training session for local party units at the DFL state convention on May 21st.

Update on Legislation

On Tuesday, April 26th, HF 4293, the state government omnibus bill that contains modifications to Chapter 10A, received its third reading and passed the House by a vote of 70 to 63. During discussion of the bill Rep. Drazkowski proposed an amendment that would have added the provisions of HF 2173, which is the Board's recommendation on lobbying. The amendment was withdrawn after discussion. The discussion of the amendment starts at 58:18 of this recording of the floor session: <https://www.house.leg.state.mn.us/hjvid/92/895818>.

In the Senate the state government omnibus bill is SF 3975, the bill has received its second reading, but as of the date of this memo has not been scheduled for a vote.

Board Staffing

The deadline to apply for the staff position of Legal Analyst/Management Analyst was extended to April 26, 2022, to increase the size of the applicant pool. Ms. Engelhardt is reviewing the applications to identify candidates for an interview.



MINNESOTA CAMPAIGN FINANCE BOARD

Date: April 27, 2022

To: Board members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Prima facie determination finding no violation

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

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

Complaint regarding the Mort (Erik Mortensen) for House committee

On April 14, 2022, the Board received a complaint submitted by Mike Luce regarding the Mort (Erik Mortensen) for House committee, the principal campaign committee of Representative Erik Mortensen. The complaint stated that one of the committee's lawn signs had been displayed for two weeks on property in Shakopee, Minnesota, and that "[p]eople are not going to want to look at yard signs all summer." The complaint did not cite any specific statute or rule, but may have been referring to Minnesota Statutes section 211B.045, which prevents municipalities from regulating the posting of noncommercial signs for a certain time period during each state general election year.

Chair Rashid concluded that the Board does not have jurisdiction over any statute that appears to govern the facts alleged in the complaint. Chair Rashid therefore concluded that the complaint did not state a prima facie violation of Minnesota Statutes Chapter 10A or those sections of Chapter 211B under the Board's jurisdiction.

Attachments:

Prima facie determination

Complaint

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
APRIL 2022
ACTIVE FILES

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Personally Served	Default Hearing Date	Date Judgment Entered	Case Status
Jenny Rhoades		Candidate Statement of Economic Interest due 6/15/20—filed after lawsuit served.	\$100 LFF \$1,000CP	9/23/20	6/29/21 1/1/22	4/4/22		Rhodes has not filed an answer.
Jae Hyun Shim		Statement of Economic Interest due 1/25/2021	\$100 LFF \$1,000CP	9/7/21	2/9/22			Shim filed the statement on February 25. Matter placed on hold while the Board provides Shim an opportunity to pay the late fee and civil penalty.

CLOSED FILES

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Served by Mail	Default Hearing Date	Date Judgment Entered	Case Status
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