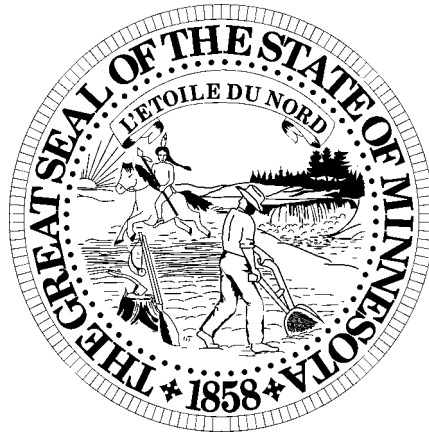


**MINNESOTA
CAMPAIGN FINANCE and PUBLIC
DISCLOSURE BOARD**

ANNUAL REPORT

JULY 1, 2000 - JUNE 30, 2001



Issued: October, 2001
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DATE: August 28, 2001

TO: The Honorable Jesse Ventura, Governor
The Honorable Don Samuelson, President of the Senate
The Honorable Roger Moe, Senate Majority Leader
The Honorable Steve Sviggum, Speaker of the House
The Honorable Tim Pawlenty, House Majority Leader
The Honorable Dick Day, Senate Minority Leader
The Honorable Tom Pugh, House Minority Leader

FROM: Shirley Chase, Chair
Campaign Finance and Public Disclosure Board

SUBJECT: Annual Report, in accordance with Minn. Stat. §10A.02, subd. 8(a), July 1, 2000, through June 30, 2001

Pursuant to Minnesota Statutes, chapter 10A.02, subd. 8 (a), the Campaign Finance and Public Disclosure Board submits its Annual Report.

The Board, consistent with their objectives and administrative procedures, provided guidance to the thousands of individuals and associations whose disclosure of certain political, economic interest, and lobbying activities is regulated by the Ethics in Government Act, Minnesota Statutes, chapter 10A.

Included in this Annual Report is information about the campaign finance disclosure and public subsidy payments associated with the 2000 election.

Throughout our activities we affirm the need for timely disclosure, public information, and enforcement, ever mindful of the depth and breadth of volunteer professional resources expended annually to comply with this important public disclosure law. We acknowledge the trust placed in the Board and its staff by the Minnesota Legislature.

The Board's activities during this fiscal year reflect our strong commitment to a reasoned and balanced approach to the public trust as expressed in the Board's mission statement.

EXECUTIVE SUMMARY

The Campaign Finance and Public Disclosure Board is charged with the administration of the Ethics in Government Act, Minnesota Statutes, chapter 10A. During fiscal year 2001 Board staff continued to keep abreast of technology and the public's continued desire for easy access to information filed with the Board. The development of a second generation of the Board's campaign finance software began in fiscal year 2001 with a final product ready for client use in election year 2002. Staff continues to maintain an agency interactive web site with information that is updated daily. For clients without access to a computer, a public use computer is available in the Board office.

The Board met nine times to conduct business, issued seven advisory opinions, concluded investigations and issued findings in nine complaints, investigated 67 potential violations of Chapter 10A which concluded in settlement of 26 conciliation agreements and ten findings of probable cause, and produced ten publications.

Board staff conducted training classes to aid volunteer treasurers and candidates in recordkeeping, reporting, and Finance 98 campaign software; served on several faculties of Continuing Legal Education seminars; spoke to various groups and classes of local colleges and universities about the requirements of Chapter 10A; hosted seven foreign dignitaries; and represented the state on the national level at the Council of Governmental Ethics Laws.

Chapter 10A includes four major programs: campaign finance registration and disclosure, public subsidy administration, lobbyist registration and disclosure, and economic interest disclosure by public officials.

The report includes information on the filings of approximately:

- 1,535 registered principal candidate committees, political committees, and political funds who filed by approximately 3,760 reports;
- 1,420 registered lobbyists representing 1,250 associations who filed approximately 9,240 reports;
- 1,240 lobbyist principals; and
- 1,339 public officials required to report to the Board.

Also included is information on public subsidy payments to five political party units and 385 candidates during election year 2000. Information on payments may be found beginning on page 26.

INTRODUCTION TO THE BOARD

Authority

The Campaign Finance and Public Disclosure Board was established by the state legislature in 1974 through enactment of the Ethics in Government Act, Minnesota Statutes, chapter 10A. In addition to enforcing the provisions of Chapter 10A, the Board promulgates rules, enforces Minnesota Rules 4501 through 4525, and issues advisory opinions to guide clients in meeting the requirements of the Act.

Function

The Board is a six-member bi-partisan citizen Board responsible for administration of the Act. Members of the Board are appointed by the Governor to staggered four-year terms. Their appointments must be confirmed by a three-fifths vote of the members of each house of the legislature. The Board holds regular meetings, which are open to the public, and annually elects its leadership and reports on its activities to the governor, the legislature, and the public.

Four Board members were confirmed by the House of Representatives and the Senate in fiscal year 2001.

The Board develops and administers registration, disclosure, and enforcement programs to ensure that the requirements of the Ethics in Government Act are met.

Mission statement

To promote public confidence in state government decision-making through development, administration, and enforcement of disclosure and public financing programs which will ensure public access to and understanding of information filed with the Board.

Website

The Board maintains a site on the internet that provides many client services, including the following:

- Electronic posting of Board meeting notices, minutes, and findings;
- Electronic publication of Advisory Opinions;
- Campaign Finance Summaries;

- Publication of lists of lobbyists and associations, candidate committees, political committees, political funds, and party units, all updated on a daily basis;
- Electronic versions of many Board publications and forms;
- Economic interest disclosure by public officials;
- Link to the Finance 98 campaign software homepage;
- Board and Staff contact information and automatic e-mail access;
- Biographies and pictures of current Board members;
- Links to the Minnesota Statutes and Board Administrative Rules; and
- Link to filings of Minnesota federal candidates.

BOARD MEMBERS



Wil Fluegel

Wil Fluegel was appointed in June 1998, by Governor Arne Carlson for a term ending in January 2001. He is a member of the Democratic Farmer Labor party. His appointment, with no restrictions on previous activities, was confirmed by the House and Senate in 1999. He served as the Chair from July 2000, to June 2001. He previously served as Vice Chair from May 1999, to August 2000, and Secretary from July 1998, to May 1999. Mr. Fluegel is a personal injury attorney in private practice who practices primarily on behalf of claimants in auto accidents, unsafe premises and defective product claims. He is a graduate of the University of Minnesota Law School and is certified as a civil trial specialist by both the National Board of Trial Advocacy and the Minnesota State Bar Association. He currently serves on the MTLA Board of Governors and the Minnesota Supreme Courts No-Fault Arbitration Standing Committee.



Shirley Chase

Shirley Chase was appointed in May 1999, by Governor Jesse Ventura for a term ending in January 2003. Because Ms. Chase's appointment was not confirmed in a timely manner, the Governor reappointed her in July 2000, to the same term. Ms. Chase has no political affiliation and has not been a public official, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the date of her appointment. She served as the Vice-Chair from July 2000, to June 2001. Ms. Chase is an attorney who works as a consultant with Chase and Associates. She is a graduate of the University of Minnesota and the William Mitchell College of Law. She is a past president of EduServ Technologies, Inc. and served as a member of the Arden Hills Human Rights Commission.

Doug Kelley

Doug Kelley was appointed in May 2000, by Governor Jesse Ventura for a term ending in January 2004. He is a member of the Republican Party of Minnesota. His appointment, with no restrictions on previous activities, was confirmed by the House and Senate in 2000. Mr. Kelley is an attorney. He owns and manages a law firm that concentrates on white-collar crime, provides services in compliance programs, internal investigations, Indian gaming, employment law, and complex civil litigation. He is a graduate of the University of Minnesota Law School. He is currently a member of the University of Minnesota Economic Roundtable and the Minnesota Audubon Council, he serves on the Board of Trustees of Outward Bound, and the Board of Directors of the Minnesota Orchestra Association. He is Co-chair of the Minnesota League of Conservation Voters.



Sidney Pauly

Sidney Pauly was appointed in March 1996, by Governor Arne Carlson for a term ending in January 2000, and reappointed by Governor Jesse Ventura for a term ending in January 2004. She is a former member of the legislature from the Republican Party of Minnesota whose appointment was confirmed by the House and Senate in 1997 and 2000. She is a graduate of the University of Minnesota. Ms. Pauly served eight years as a member of the Eden Prairie City Council and 12 years in the Minnesota House of Representatives. She is the chair of the International School of Minnesota Foundation and is active in several civic organizations.



Donald Roggenbauer

Donald Roggenbauer was appointed in June, 1999, by Governor Jesse Ventura for a term ending in January, 2002. Because Mr. Roggenbauer's appointment was not confirmed in a timely manner, the Governor reappointed him in July, 2000, to the same term. The appointment was confirmed by the House and Senate in 2001. Mr. Roggenbauer has no political affiliation and has not been a public official, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the date of his appointment. He attended the Milwaukee Area Technical College and Marquette University's Law Enforcement & Criminal Justice Programs. He served as a city law enforcement officer and senior special agent with the Federal Bureau of Alcohol, Tobacco and Fire Arms. He is currently employed as a private sector investigator and security consultant.



Allan Spear

Allan Spear was appointed in January, 2001, by Governor Jesse Ventura for a term ending in January, 2003. He is a former member of the legislature from the Democratic Farmer Labor party. His appointment was confirmed by the House and Senate in 2001. Mr. Spear is an associate professor emeritus in history at the University of Minnesota. He graduated from Oberlin College and holds a masters and a doctorate degree from Yale University. He served as a member of the Minnesota State Senate for 28 years.

Board Goals and Objectives

Facilitate easier and more universal compliance with the Ethics In Government Act, Minnesota Statutes, chapter 10A

The Board works to accomplish this objective by:

- Providing effective client education programs and publications
- Simplifying and improving reporting forms and procedures
- Providing clarity and consistency in actions taken by the Board
- Providing and continually improving a campaign finance management software application and encourage its use by the maximum number of political committees and political funds
- Working with the legislature to simplify and improve the Ethics in Government Act while maintaining its effectiveness

Provide fair and consistent enforcement of the Ethics In Government Act

The Board works to accomplish this objective by:

- Reaching timely decisions that are impartial, non-partisan, and reasonable
- Imposing sanctions consistent with the serious and important purposes of the Ethics In Government Act Using technology more effectively to identify compliance problems and provide clients with resources to avoid problems
- Evaluating and improving Board enforcement activities on an ongoing basis

Help citizens become better informed about public issues related to the Ethics in Government Act

The Board works to accomplish this objective by:

- Providing the public with reports and publications that are clear and informative
- Assuring that actions taken by the Board are described in language that the general public should understand
- Using the internet and other technology more effectively to provide information to the public and to encourage involvement by citizens in public issues
- Evaluating and improving the effectiveness of the educational programs and information that the Board provides to the public

SUMMARY OF BOARD ACTIVITIES

Meetings

The Campaign Finance and Public Disclosure Board held eight regular session meetings, nine executive session meetings, two legislative recommendation sub-committee meetings, and one nominating sub-committee meeting.

Advisory opinion procedure

The Board is authorized to issue advisory opinions on the requirements of the Ethics in Government Act (Minn. Stat. chapter 10A) and the Hennepin County Disclosure Law (Minn. Stat. §§ 383B.041 - 383B.058). Individuals or associations may ask for advisory opinions to guide their compliance with these laws.

A request for an advisory opinion and the opinion itself are private data. The Board provides a Consent to Release Information form to individuals requesting opinions as part of the procedures under this law. If the requester does not consent to the publication of the requester's identity, the Board generally exercises an option provided in the law to publish a public version of the opinion which does not identify the requester.

A written advisory opinion issued by the Board is binding on the Board in any subsequent Board proceeding concerning the person making or covered by the request and is a defense in a judicial proceeding that involves the subject matter of the opinion and is brought against the person making or covered by the request unless: 1) the Board has amended or revoked the opinion before the initiation of the Board or judicial proceeding, has notified the person making or covered by the request of its action, and has allowed at least 30 days for the person to do anything that might be necessary to comply with the amended or revoked opinion; 2) the request has omitted or misstated material facts; or 3) the person making or covered by the request has not acted in good faith in reliance on the opinion.

Advisory opinions issued in fiscal year 2001 may be found in this report by program.

Publications

The Campaign Finance and Public Disclosure Board issued ten publications:

- Annual Report for Fiscal Year 2000;
- Handbook for Candidate Committees;
- Handbook for Judicial Candidate Committees;

- Handbook for Political Committees and Political Funds;
- Handbook for Public Officials;
- Handbook for Lobbyists;
- List of Registered Committees, Funds, and Lobbyists;
- Compilation of Advisory Opinions, Nos. 321 - 328;
- Lobbying Disbursement Summary for Fiscal Year 2000; and
- 2000 Campaign Finance Summary.

Training, education and outreach

Board staff outreach:

- Served on the faculty of a MILE Continuing Legal Education program on Judicial Campaign Finance Law and Ethics.
- Served on the faculty of a Minnesota State Bar Association CLE seminar entitled “The Minnesota Legislative Process”.
- Participated in a Common Cause Roundtable discussion on a proposed Campaign Finance Simplification Act.
- Served as guest lecturer twice at the Hamline University Graduate School of Public Administration classes on lobbying and the gift ban.
- Spoke to a Legislative Advocacy class at William Mitchell Law School on lobbying, prohibition on gifts to public officials, and campaign finance provisions of Chapter 10A.
- Spoke to the freshman Republicans in the House on the gift ban, economic interest disclosure, and campaign finance reporting.
- Spoke to a group of Governor Ventura’s appointees on the requirements and provisions of Chapter 10A as they relate to appointees who are public officials or local officials in Metropolitan Governmental Units.

Disclosure training offered by Board staff:

- Three sessions for use of the Board’s Campaign Finance Software.
- Seven compliance training classes to assist treasurers in filing the pre-primary report.

Training taken by staff:

- Participated in 16 classes/seminars for a total of 223 hours of training to attain and maintain a quality of job performance that meets the needs of the state, the Campaign Finance and Public Disclosure Board, and the individual employee.
- Attended the annual Council on Governmental Ethics Laws (COGEL) conference.
- Attended a conference of Canadian Election Officials as the president of COGEL.
- Attended the COGEL Heartland regional conference for staff of COGEL members agencies.

Board member activities:

- Attended the annual Council on Governmental Ethics Laws conference.
- Met with the House Committee on Governmental Operations and Veterans Affairs Policy to discuss the Board and its responsibilities.

International officials:

- Met with a delegation of seven individuals from Azerbaijan, Armenia, Soviet Georgia, and two escorts/interpreters. The group was part of a *Transparency in Business and Government Relations* program through the Minnesota International Center and the US State Department's International Visitor Program. The delegation was interested in Minnesota's personal financial disclosure, conflict of interest provisions, and campaign finance regulations.

BOARD SECURITY IMPACT ANALYSIS

Board staff met with representatives from the Department of Administration's InterTechnologies Group regarding an evaluation of the Board's electronic security measures. The Department of Administration contracted with an outside vendor to conduct the evaluation and report the findings to agencies.

The Board began to implement some of the recommendations. More recommendations will be implemented as personnel and financial resources become available.

CAMPAIGN FINANCE PROGRAM

Advisory opinions issued

- Use of campaign funds to rent, lease, or purchase an automobile, legality of anonymous contributions, and authority of deputy treasurer.

Principal campaign committees that use campaign funds to purchase, lease, or rent a vehicle must allocate the cost of using the vehicle for both campaign activities and noncampaign activities in order to accurately report to the Board. Anonymous contributions of over \$20 must be forwarded in their entirety to the Campaign Finance and Public Disclosure Board. Deputy treasurers who are delegated authority by a principal campaign committee may submit reports and filings to the Board. No. 321

- Definition of first time candidate

First time candidate status is lost if the candidate has previously received contributions or made expenditures in excess of \$100 for an office whose territory contains more than one third of the population of the office currently sought. No. 322

- Use of principal committee campaign funds on behalf of a federal candidate

A principal campaign committee may not use its funds to make approved or independent expenditures on behalf of a candidate for federal office. No. 323

- Limits for candidates who register a principal campaign committee after a state general election

A candidate who registers with the Board during an election year for the office the candidate is seeking is entitled to the election year contribution limits for the entire election year. A candidate who signs and files a Public Subsidy Agreement with the Board is entitled to the expenditure limit for that year and the office sought regardless if the candidate's name appears on the primary or general election ballots. A candidate may issue Political Contribution Refund receipts only for contributions received after the candidate signs and files a Public Subsidy Agreement. An Affidavit of Contributions must be submitted in the year that a candidate appears on the ballot. No. 324

- Use of Campaign Funds for Legal Expenses

Under certain circumstances funds from a principal campaign committee may be used to pay for legal services if the services relate to the candidate's chances of election and the candidate does not personally benefit from the services. No. 328

Filed complaints

The Board completed eight investigations and issued findings in all eight cases.

- The Board found there was no probable cause to believe that the (Sue) McCarville Friends & Neighbors committee continues to violate the reporting requirements of Minn. Stat. Chapter 10A since the Pre-primary Report of Receipts and Expenditures has been amended to disclose unpaid bills .
- The Board found there was no probable cause to believe that the Friends of Chris Tiedeman committee violated the reporting requirements of Minn. Stat. Chapter 10A by failing to disclose in-kind contributions from the College Republican National Committee.
- The Board found there was no probable cause to believe that the (Cheryl) Lewis for State Senate Committee violated the reporting requirements of Minn. Stat. Chapter 10A by failing to obtain \$3,000 by September 1, 2000, to qualify for public subsidy in election year 2000.
- The Board found there was no probable cause to believe that the David Ole Nathan Johnson committee violated the reporting requirements of Minn. Stat. Chapter 10A by failing to disclose all expenditures associated with his campaign in election year 2000.
- The Board found there was probable cause to believe that the Bois Forte Political Education Fund failed to register a political committee or political fund with the Board and file the required Reports of Receipts and Expenditures after making contributions to state candidates. The committee registered a fund before being notified of the violation, no late filing fee was imposed and no further action was taken.

- The Board found there was no probable cause to believe that the Citizens for Mike Redmond committee violated the reporting requirements of Minn. Stat. Chapter 10A, when the committee obtained a \$10,000 bank loan from the Lake Elmo Bank during election year 2000.
- The Board issued a finding showing that there is: 1) no probable cause to believe that costs associated with preparing and mailing certain fundraising materials were under reported by the Minnesota DFL State Central Committee or the Gail Skare Campaign Committee; 2) probable cause to believe that the Minnesota DFL State Central Committee incorrectly reported some costs associated with the preparation and mailing of certain literature on behalf of Gail Skare as a multi-candidate expenditure; and 3) probable cause to believe that the Minnesota DFL State Central Committee violated Minn. State. §10A.17, subd. 2, when it did not obtain written authorization prior to making expenditures on behalf of the Gail Skare Campaign Committee. The Board directed the Executive Director to refer this matter to the Ramsey County Attorney for civil enforcement pursuant to Minn. State. §10A.17, subd. 2.
- The Board found that there is probable cause to believe the Minnesota State Bar Association failed to register a political committee or political fund with the Board and file the required Reports of Receipts and Expenditures after making expenditures in excess of \$100. The Board directed the Executive Director to report the finding of probable cause to the Ramsey County Attorney's office.

Filing deadlines

Approximately 1,535 principal campaign committees, political committees, and political funds were registered with the Board.

Fees for the late filing of the Report of Receipts and Expenditures:

- 174 committees and funds paid late fees totaling \$26,316;
- 22 committees and funds were granted waivers totaling \$4,700; and
- 8 committees and funds had fees reduced by a total of \$1,915.

Late filing fees were deposited in the state general fund.

Staff review of campaign finance reports

Approximately 1,960 reports of receipts and expenditures were filed by political party committees, political committees, and political funds. Approximately 1,800 reports were filed by principal campaign committees.

Each filed report was reviewed by Board staff for compliance with the disclosure law requirements including accurate accounting and reporting for receipts and expenditures, proper use of required disclosure schedules, and adherence to applicable contribution and expenditure limits.

Election year (Offices filing for election)	Reports filed	Amendments filed
2000 (Senate/House)	3,760	554
1998 (Constitutional/House)	3,350	660*
1996 (Senate/House)	3,620	435

*This increase is due to the Board's continued effort to seek full compliance with campaign finance disclosure laws including full address and employment information from itemized contributors, specific purposes of expenditures, and dates on all transactions. Better methods of reconciling reports between committees and funds and information received from the Department of Revenue have assisted staff in meeting the goal of full compliance.

Internal investigations

The Board reviewed 67 potential violations of Chapter 10A, involving 63 committees or funds and made ten findings concerning probable cause.

- Three committees were fined a total of \$1,150;
- Six violations carried no penalty under current law;
- One committee paid a \$500 civil fine that was returned to the committee due to extenuating circumstances;
- Twenty six of the committees entered into conciliation agreements; and
- Twenty seven of the committees amended their reports.

Contribution limits

- Single source contributions from individuals, political committees, and political funds.

All candidates for state executive and legislative offices must abide by statutory contribution limits.

The Board reviewed six potential violations of this law, based on reports filed by principal campaign committees for election year 2000. All six cases were concluded by conciliation agreement. The Board imposed civil fines

totaling \$3,214 on the six committees. Three principal campaign committees were also required to return a total of \$584 to three contributors*.

* In one instance a \$284 contribution was unable to be returned. The total amount was donated to the state general fund.

- Contributions from special sources (lobbyists, political committees, political funds, and contributions from individuals of more than \$100 and more than one-half the amount of the contribution limit).

All candidates for state executive and legislative offices must limit their contributions from special sources.

The Board reviewed twelve potential violations of this law, based on reports filed by principal campaign committees for election year 2000. All twelve cases were concluded by conciliation agreement. The Board imposed civil fines totaling \$2,092 and required all twelve principal campaign committees to return a total of \$1,570 to 20 contributors.

- Aggregate contributions from political party units

All candidates for state executive and legislative offices must abide by statutory aggregate contribution limits from political party units.

The Board reviewed one potential violation of this law, based on reports filed by principal campaign committees for election year 2000. The case was concluded by conciliation agreement. The Board imposed a civil fine of \$400 on the committee. The committee was also required to return a total of \$400 to one party unit.

Contributions during legislative session

Principal campaign committees are prohibited from soliciting or accepting certain contributions during a regular legislative session.

The Board reviewed three potential violations of this law, based on reports filed by principal campaign committees for election year 2000. Findings of probable cause were issued in all three cases. In lieu of forwarding the public findings of probable cause to the county attorney, the Board imposed civil fines totaling \$1,150 on the three committees.

Contributions between committees Principal campaign committees are prohibited from accepting contributions from other principal campaign committees except when the contributing committee is terminating its registration.

The Board reviewed 13 potential violations of this law, based on reports filed by principal campaign committees for election year 2000.

- Seven cases were concluded by conciliation agreement. The seven committees that accepted the contributions were required to return a total of \$3,500 to six contributing principal campaign committees that failed to terminate their registration with the Board.
- Findings of probable cause were issued in six cases. Minn. Stat. §10A provides no penalty on the donating committee.

Expenditure limits

All candidates for state executive and legislative offices who wish to receive public subsidy must agree to spending limits in both election and nonelection years.

The Board reviewed one potential violation of this law based on reports filed by principal campaign committees for election year 2000. The candidate entered into a conciliation agreement with the Board. A civil penalty of \$439 was paid by the principal campaign committee.

Payment of all civil fines in the campaign finance program was deposited in the state general fund.

CAMPAIGN FINANCE SOFTWARE

Contract and Development

In September 2000, the Board selected Shared Resource Management (SRM), Inc. as the vendor to develop Finance 2002. The contract between SRM and the Board was signed on October 11, 2000, with development starting immediately thereafter.

Board staff and SRM worked together to define functionality and test the application. The contract period with SRM ended on June 30, 2001.

PUBLIC SUBSIDY PROGRAM

2001 Legislative action

- General Account of the State Elections Campaign Fund

The General Account of the State Elections Campaign Fund will be paid following the primary election to candidates of a major party.

Editors note: General Account money was previously paid following the general election to House of Representative or Senate candidates who received 10% and constitutional office candidates who received 5% of the votes cast in the general election.

- Expenditure of public subsidy money

A candidate qualified to receive public subsidy must spend or promise to spend 50% of the general account money no later than two weeks prior to the general election.

- Definition of major and minor party

The definitions of major party and minor party were amended and the ability of a party to qualify for and maintain major or minor party status was delineated.

Certification of new party status

- Major party

Green Party of Minnesota

Decertification of parties

- Major party

Constitution Party of Minnesota

- Minor parties

Libertarian
Progressive Minnesota

Expenditure limit agreement

In election year 2000, 435 candidates (98%) of the 444 candidates who filed for office and registered a principal campaign committee with the Board signed public subsidy agreements with the Board to abide with campaign expenditure limits in order to receive payments from the state elections campaign fund.

Based upon increases in the consumer price index from December 1997, to December 1999, the Board determined 2000 Election Year Expenditure Limits in effect for candidates who signed a Public Subsidy Agreement and filed for office as:

- \$50,630 for senate candidates, and
- \$25,320 for house of representative candidates.

Payment to candidates

A total of \$3,227,599 was paid to 385 candidates during election year 2000. See breakdown of payments starting on page 29.

Return of public subsidy

Under provisions of the public subsidy law a candidate may be required to return some or all of the public subsidy received during the election year. Public subsidy must be returned if:

- Public subsidy received is in excess of a candidate's actual campaign expenditures; 20 candidates returned a total of \$43,925; and
- A candidate exceeds the limit on resources, which may be carried forward to the next election cycle; two candidates returned a total of \$5,700.

All public subsidy returned to the Board has been deposited in the state general fund.

Political party payments

Monthly payments are made to political parties that qualify to receive 10% of the tax filer's checkoffs to the party account of the State Elections Campaign Fund.

Based on monthly certification from the Department of Revenue for fiscal year 2001 payments were as follows:

Democratic Farmer Labor	\$39,899
Green Party of Minnesota	4,944
Independence	6,529
Progressive Minnesota	113
Republican Party of Minnesota	<u>64,173</u>
Total payments to State Party Committees:	<u>\$115,658</u>

Public subsidy payments made to the Constitution Party during fiscal years 2000 and 2001, totaling \$1,491 were refused by the party and returned to the state general fund.

2000 ELECTION OF STATE SENATE AND HOUSE OF REPRESENTATIVES

Candidate participation in public subsidy program

	DFL	IPM	RPM	GPM	LIB	CPM	OTHER	TOTAL
Candidates filing for office	202	40	206	1	1	8	2	460
Filing candidates who registered a committee with the Board	197 (97%)	37 (92%)	201 (98%)	1 (100%)	1 (100%)	4 (50%)	1 (50%)	442 (96%)
Registered candidates who signed a public subsidy agreement	197 (100%)	35 (95%)	200 (99%)	1 (100%)	1 (100%)	1 (25%)	1 (100%)	436 (98%)
Registered candidates with PSA who received public subsidy payments	184 (93%)	23 (66%)	176 (88%)	1 (100%)	0 (0%)	0 (0%)	1 (100%)	385 (88%)

**Distribution of Party Account public subsidy by office and party
State Senate**

	DFL	IPM	RPM	GPM	LIB	CPM	TOTAL
Available	\$358,283	\$96,238	\$343,769	\$8,240	\$9,245	\$3,594	\$819,369
Paid to candidates	\$356,302	\$11,594	\$332,567	0	0	0	\$700,463
Paid to party ¹	0	0	0	0	0	0	0
Returned to State ²	\$1,981	\$84,644	\$11,202	\$8,240	\$9,245	\$3,594	\$118,906

House of Representatives

	DFL	IPM	RPM	GPM	LIB	CPM	TOTAL
Available	\$253,542	\$189,199	\$338,205	\$16,479	\$18,491	\$7,188	\$823,104
Paid to candidates	\$228,953	\$22,973	\$294,764	\$481	0	0	\$547,171
Paid to party ¹	\$3,488	0	\$33,327	0	0	0	\$36,815
Returned to State ²	\$21,101	\$166,226	\$10,114	\$15,998	\$18,491	\$7,188	\$239,118

¹ Party account public subsidy designated for an otherwise qualified candidate of the party who is unopposed is paid to the party.

² Party account public subsidy designated for a district and office in which the party has no candidate is returned to the general fund of the state.

Distribution of General Account public subsidy by office

	Total Paid	Number of Candidates	Payment Per Candidate
State Senate	\$992,985	129	\$7,697
House of Representatives	\$986,980	242	\$4,078

Distribution of General Account public subsidy by party

	DFL	IPM	RPM	GPM	LIB	CPM	OTHER	TOTAL
State Senate	\$508,039	\$15,395	\$461,854	0	0	0	\$7,697	\$992,985
House of Representatives	\$481,255	\$28,549	\$473,098	\$4,078	0	0	0	\$986,980
Total	\$989,294	\$43,944	\$934,952	\$4,078	0	0	\$7,697	\$1,979,965

Public subsidy totals by party

	DFL	IPM	RPM	GPM	LIB	CPM	OTHER	TOTAL
General Account Paid to candidates*	\$989,294	\$43,944	\$934,952	\$4,078	0	0	\$7,697	\$1,979,965
Party Account paid to candidates	\$585,255	\$34,567	\$627,331	\$481	0	0	0	\$1,247,634
Party Account paid to party	\$3,488	0	\$33,327	0	0	0	0	\$36,815
Total	\$1,578,037	\$78,511	\$1,595,610	\$4559	0	0	\$7,697	\$3,264,414

Differences between totals shown and individual amounts included in totals are due to rounding.

*** General Account Payment**

Board staff used an incorrect figure to calculate the amount of funds available for general account payments. Due to this error, each senate candidate was overpaid \$33.03 and each house candidate was overpaid \$35.21 for total overpayment of \$12,781. Party account payments were correct.

STATE ELECTIONS CAMPAIGN FUND

INCOME TAX AND PROPERTY TAX CHECKOFFS^(A)

<u>TAX YEAR</u>	<u>GENERAL</u> <u>% OF</u> <u>ACCOUNT</u> <u>TOTAL</u>	<u>DFL</u> <u>% OF</u> <u>ACCT.</u> <u>TOTAL</u>	<u>RPM</u> <u>% OF</u> <u>ACCT.</u> <u>TOTAL</u>	<u>OTHER</u> <u>IND^(D)</u> <u>% OF</u> <u>ACCT.</u> <u>TOTAL</u>	<u>ACCTS.</u> <u>% OF</u> <u>PARTIES^(B,E)</u> <u>TOTAL</u>	<u>TOTAL^(C)</u>
1974 - Actual	\$125,169 - 33.6%	\$175,259 - 47.1%	\$ 68,395 - 18.4%		\$ 3,488 - 0.9%	\$ 372,311
1975 - Actual	125,979 - 33.5%	164,071 - 43.6%	83,218 - 22.1%		2,955 - 0.8%	376,233
1976 - Actual	106,303 - 27.2%	186,927 - 47.7%	89,227 - 22.8%		9,252 - 2.3%	391,799
1977 - Actual	118,774 - 26.3%	187,812 - 41.6%	132,913 - 29.4%		12,013 - 2.7%	451,512
1978 - Actual	127,740 - 24.8%	220,116 - 42.6%	153,921 - 29.8%		14,523 - 2.8%	516,300
1979 - Actual	118,454 - 24.2%	197,503 - 40.3%	160,327 - 32.7%		13,529 - 2.8%	489,813
1980 - Actual	198,028 - 24.7%	332,394 - 41.4%	258,748 - 32.2%		13,962 - 1.7%	803,132
1981 - Actual	206,640 - 26.1%	307,286 - 38.8%	262,240 - 33.1%		14,331 - 2.0%	791,608
1982 - Actual	207,014 - 25.7%	356,800 - 44.2%	229,748 - 28.5%		13,180 - 1.6%	806,742
1983 - Actual	208,328 - 25.0%	330,206 - 39.6%	282,790 - 34.0%		11,888 - 1.4%	833,212
1984 - Actual	230,294 - 27.0%	356,074 - 41.7%	266,658 - 31.3%		0 - 0%	853,026
1985 - Actual	241,682 - 30.7%	299,904 - 38.1%	245,682 - 31.2%		0 - 0%	786,848
1986 - Actual	228,470 - 31.1%	306,258 - 41.7%	200,358 - 27.2%		0 - 0%	735,086
1987 - Actual	564,790 - 31.3%	673,870 - 37.3%	567,954 - 31.4%		0 - 0%	1,806,605
1988 - Actual	545,885 - 28.8%	778,275 - 41.0%	573,560 - 30.2%		0 - 0%	1,897,720
1989 - Actual	572,375 - 30.2%	669,370 - 35.4%	650,620 - 34.4%		0 - 0%	1,892,365
1990 - Actual	593,250 - 31.6%	731,055 - 38.9%	554,005 - 29.5%		0 - 0%	1,878,310
1991 - Actual	555,730 - 33.0%	636,225 - 37.8%	491,450 - 29.2%		0 - 0%	1,683,405
1992 - Actual	515,855 - 31.5%	673,285 - 41.1%	449,390 - 27.4%		0 - 0%	1,638,530
1993 - Actual	517,790 - 32.2%	577,240 - 36.0%	511,115 - 31.8%		0 - 0%	1,606,145
1994 - Actual	485,905 - 30.7%	592,650 - 37.5%	500,260 - 31.6%		0 - 0%	1,578,815
1995 - Actual	327,055 - 22.9%	528,905 - 37.1%	460,820 - 32.2%	48,820 - 3.4%	63,305 - 4.4%	1,428,905
1996 - Actual	333,135 - 24.0%	546,740 - 39.3%	415,620 - 29.9%	27,685 - 2.0%	67,745 - 4.8%	1,390,925
1997 - Actual	328,575 - 24.5%	494,430 - 36.9%	404,055 - 30.2%	46,465 - 3.5%	65,075 - 4.9%	1,338,600
1998 - Actual	330,920 - 24.1%	199,165 - 14.5%	444,645 - 32.4%	342,480 -24.9%	53,495 - 3.9%	1,370,705
1999 - Actual	279,480 - 26.2%	356,050 - 33.3%	305,260 - 28.6%	69,875 - 6.5%	57,905 - 5.4%	1,068,570

- (A) Beginning with tax year 1980, taxpayers may check off \$2.00; beginning in tax year 1987 taxpayers may check off \$5.00.
- (B) Beginning with tax year 1984, no minor parties qualified for inclusion on the state income tax blank; in 1995 two minor parties qualified.
- (C) Beginning with tax year 1990, 3% of check-off is retained in the general fund for administrative costs.
- (D) Beginning with tax year 2000, four major parties and three minor parties qualified for inclusion on the state income tax blank.
- (E) Beginning with tax year 2001, four major parties qualified for inclusion on the state income tax blank.

TAX RETURN PARTICIPATION RATE

<u>TAX YEAR</u>	<u>TOTAL NO. OF RETURNS</u>		<u>TOTAL NO. OF CHECKOFFS</u>	<u>% OF PARTICIPATION</u>
	<u>INCOME TAX</u>	<u>PROPERTY TAX REFUNDS</u>		
1974 Actual	1,669,794		372,311	22.3%
1975 Actual	1,584,086		376,223	23.8%
1976 Actual	1,616,441		391,799	24.2%
1977 Actual	1,667,924		451,512	27.1%
1978 Actual	1,722,053	938,791	516,300	19.4%
1979 Actual	1,761,586	880,185	458,586	17.4%
1980 Actual	1,752,137	797,327	401,566	15.8%
1981 Actual	1,738,194	806,698	395,804	15.6%
1982 Actual	1,712,796	703,470	403,371	16.7%
1983 Actual	1,721,645	660,854	416,606	17.5%
1984 Actual	1,773,807	630,530	426,514	17.7%
1985 Actual	1,801,993	571,772	393,424	16.6%
1986 Actual	1,814,958	556,935	367,543	15.5%
1987 Actual	1,963,300	429,993	361,321	15.1%
1988 Actual	1,978,135	524,855	379,544	15.2%
1989 Actual	2,012,123	480,123	379,845	15.2%
1990 Actual	2,029,347	544,138	398,235	15.5%
1991 Actual	2,063,233	523,085	355,727	13.8%
1992 Actual	2,059,228	557,892	350,545	13.4%
1993 Actual	2,087,914	554,942	341,034	12.9%
1994 Actual	2,132,617	534,040	335,641	12.6%
1995 Actual	2,178,578	518,236	302,053	11.2%
1996 Actual	2,226,721	499,845	293,312	9.8%
1997 Actual	2,404,536	500,001	284,528	9.8%
1998 Actual	2,455,354	491,768	288,901	9.8%
1999 Actual	2,396,305	481,316	226,270	7.9%

Based on 3/6/01 Department of Revenue certification of 1998 and 1999 tax return checkoffs.

LOBBYIST PROGRAM

Advisory opinion issued

- Definition of lobbyist

The potential for litigation on a given subject does not change the requirement to register as a lobbyist if the individual spends more than five hours in a month or \$250 in a year communicating with local officials to influence the official actions of a metropolitan governmental unit. No. 326

Filing deadlines

Approximately 1,420 registered individuals representing 1,250 associations filed approximately 9,240 Lobbyist Disbursement Reports.

Of the 9,240 reports filed in fiscal year 2001, approximately 5% were filed late. About 7% of the reports were filed late in fiscal year 2000.

Late fees totaling \$1,860 for the late filing of Lobbyist Disbursement Reports were collected from 22 lobbyists.

Late filing fees were deposited in the state general fund.

Staff review of lobbyist disclosure reports

Each report was reviewed by Board staff for compliance with the lobbyist disclosure law.

Reporting year	Reports filed	Amendments filed
2001	9,240	23
2000	9,550	30
1999	9,040	88

Annual report of lobbyist principal

An individual or association spending more than \$500 in a calendar year to compensate a lobbyist is required to file an annual report.

A Report of Lobbyist Principal covering the period January 1 through December 31, 2000, was due on March 15, 2001, from 1,240 lobbyist principals. Four principals failed to file a report. Minn. Stat. §10A provides no penalty for failure to file a lobbyist principal report.

ECONOMIC INTEREST PROGRAM

Filed complaint

The Board completed an investigation and issued a finding in one complaint.

- The Board found that there was no probable cause to believe that James Abeler violated the reporting requirements of Minn. Stat. Chapter 10A when he filed a Supplementary Statement of Economic Interest.

2001 Legislative action

Changes to agencies whose employees and members must file Statements of Economic Interest with the Board:

- The members of the Indian Affairs Council no longer meet the definition of public official and the executive director is no longer required to file an Economic Interest Statement.
- The Board of School Administrators was created. The nine member Board will be appointed by the Governor and require the advice and consent of the senate. One administrator will be appointed by the Board.
- The Department of Trade and Economic Development is authorized to employ a fourth Deputy Commissioner.
- The Department of Public Service was abolished effective July 1, 2001, all remaining duties are transferred to the Department of Commerce.
- The Board of Boxing was abolished effective July 1, 2001.

Filing deadlines

- Original Statements of Economic Interest

Approximately 245 Notices of Appointment appointing or reappointing a public official who is required to file an Original Statement of Economic Interest were received in fiscal year 2001.

Late fees totaling \$320 for the late filing of Original Statements were collected from four public officials.

Late filing fees were deposited in the state general fund.

- Supplementary Statements of Economic Interest

Supplementary Statements of Economic Interest are required to be filed annually, if there are changes to be reported from the previously filed statement. To assist public officials in determining their need to file, Board staff mailed 1,339 public officials a copy of the information reported on previously filed statements.

Staff review of statements

Each filed statement was reviewed by Board staff for compliance with disclosure law requirements. A public official whose Statement was incomplete was required to file an amended Statement.

	2001	2000	1999
Original reports filed	245	290	326
Number of public officials	1,339	1,370	1,458
Incomplete supplementary reports requiring amendments	5	19	28

POTENTIAL CONFLICTS OF INTEREST

Advisory Opinion

- Potential conflict of interest for legislator

A specific vote, action, or decision by a legislator may create a conflict of interest under Minn. Stat. §10A.07. The occupation or profession of a legislator does not in itself create a conflict of interest. No. 325

Filing

A public official who in the discharge of the official's duties would be required to take an action or make a decision that would substantially affect the official's financial interest or those of an associated business must file a Potential Conflict of Interest form, or a written statement describing the potential conflict, or if there is insufficient time to comply with the written requirements give oral notice to their immediate supervisor of the possible conflict.

Four Potential Conflict of Interest notice forms were filed by four public officials in fiscal year 2001.

REPRESENTATION DISCLOSURE

Filing

A public official who represents a client for a fee before any individual board, commission or agency that has rule making authority in a hearing conducted under Minnesota Statutes Chapter 14, and in the cases of rate setting, power plant and powerline siting and granting of certificates of need under Minn. Stat. §216.B243, must file a Representation Disclosure Statement within 14 days after the appearance has taken place, disclosing the officials part in the action.

No Representation Disclosure notice forms were filed by public officials in fiscal year 2001.

OTHER BOARD PROGRAMS

Public Employees Retirement Association (PERA) Trustee Candidates

Candidates for election as PERA Trustees are required to file certain campaign finance disclosure reports with the Campaign Finance and Public Disclosure Board under Minn. Stat. § 353.03, subd. 1.

Under this statute, the Board prescribes and furnishes to trustee candidates the reporting form and instructions for completing the form. No filings were required for fiscal year 2001.

Minnesota Technology, Inc. (MTI)

Minn. Stats. §§1150.03 and 1160.04 require certain disclosure by the board of directors and the president of MTI upon appointment and annually thereafter during the term in office.

Under these statutes, the Board prescribes and furnishes to the directors and president the reporting form and instructions for completing the form. In April 2001, 13 reports were filed with the Board.

State Board of Investment

Minn. Stat. §11A.075 requires certain disclosure by board members upon appointment and employees upon hire and by both annually thereafter until termination of appointment or employment.

Under this statute, the Board prescribes and furnishes to the members and employees the reporting form and instructions for completing the form. In April 2001, 25 reports were filed with the Board.

State Pension Funds

Members of a governing board of a covered pension plan and the chief administrative officer of the plan are required to file certain Statements of Economic Interest with the governing Board under Minn. Stat. § 356A.06, subd. 4.

Under this statute, the Office of the State Auditor prescribes the statement and instructions for completing the statement which covers the previous calendar year. The chief administrative officer of each covered pension plan must submit a copy of all filed statements with the Campaign Finance and Public Disclosure Board annually, no later than January 15th. Approximately 740 pension plans are required to file with the Board under this law. In fiscal year 2001, 258 pension funds filed copies of the required statements with the Board.

STAFF DUTIES

Executive Director

Work with the Board to formulate objectives, priorities, and policies. Oversee support for Board meetings and committee activities. Plan and manage agency activities to accomplish Board objectives. Secure and allocate necessary financial and human resources. Direct agency and staff operations. Educate and assist clients to ensure compliance with statutory reporting requirements, limits, and prohibitions. Represent the agency to the legislature, constitutional offices, state agencies, associations, professional groups, and the public.

Assistant Executive Director

Serve as advisor to the Executive Director and assist in management of the operations for the agency. Draft advisory opinions and administrative rules for Board consideration. Manage the agency's compliance programs and information resources. Serve as the agency's representative on the Minnesota Information Policy Council.

Office Manager

(Office Services Supervisor)

Administer daily financial and biennial budgeting programs. Manage payroll and human resource procedures and systems. Draft Board meeting minutes, annual report, and forms and handbooks to assist clients in meeting statutory requirements. Prepare agency fiscal notes for legislative consideration. Serve as agency liaison to other state agencies.

Compliance Officer

(Investigator)

Investigate written complaints and draft conciliation agreements and findings for Board consideration. Coordinate investigations and settlements of potential violations of Minn. Stat. Chapter 10A. Provide guidance in case management to Board staff assigned to assist this position. Serve as investigate liaison to the Executive Director, Board, and Attorney General's office. Refer and monitor cases for Revenue Recapture and the Minnesota Collections Enterprise. Represent the Board in conciliation court. Prepare and submit reports to the Department of Finance regarding civil fines. Prepare and submit cash receipt reports to the Board. Prepare and conduct training classes for clients on campaign finance laws and reporting requirements. Serve on help desk for Finance 98 software.

Programs Administrator Provide for distribution, collection, data entry, and filing of disclosure required by Minn. Stat. 10A. Collect, store and retrieve data for the preparation and analysis of summaries of documents filed with the Board. Provide database advice and guidance to Board staff and clients. Manage all aspects of special elections.

Information Systems Manager Provide operational planning and management for the Board's information technology resources. Perform systems analysis of all Board programs and functions to determine appropriate uses of technology to further Board goals. Provide application design, specification, project management and user training and support for the Board's campaign finance software (Finance 98 and Finance 2002). Provide management with guidance in design of Board web site and develop high level programming for interactive applications delivered on the web.

Information Technology Specialist II Develop, maintain, and manage complex database applications to support administration of all Board programs and activities. Provide technical service, assistance and training to Board staff. Administer local area network and provide technical support to website. Install new personal computers and associated hardware and software.

Programs Assistant Perform enforcement activities by initiating communications with clients who need to file or amend filed documents under the guidance of the Board Investigator. Provide support to the investigator. Provide technical advice and guidance to Board clients. Enter data from and file required reports. Track delinquent reports and late filing fees, and refer non-filing clients to the Attorney General's office. Assist Investigator with training classes on campaign finance laws and reporting requirements.

Information Assistant Provide assistance in typing and word processing to Board staff. Serve as agency receptionist. Maintain agency receipts for deposit with the State Treasurer. Administer contribution receipt program. Prepare mailings for monthly Board meetings. Arrange for agency printing, duplicating, and mailing of official notices. Maintain records retention per agency schedule.

Student Worker Assisted with mailing and filing of all required documents filed with the Board office in all agency programs. Entered data from filed Lobbyist Disbursement Reports into a computer database.

STAFF SALARIES

July 1, 2000 - June 30, 2001

<u>POSITION</u>	<u>STAFF</u>	<u>SALARY</u>	
Executive Director	Jeanne Olson	\$82,979	
Assistant Executive Director	Jeffrey Sigurdson	56,513	
Office Services Supervisor II	LuAnn Swanson	45,638	
Investigator	Billie Claire Errico	39,265	
Office and Administrative Specialist Principal	Kelly Hansen	27,080	(7/1/00 – 4/6/01)
	Joyce Larson	7,814	(4/11/01 – 6/30/01)
Information Technology Specialist IV	John Nesbitt	53,909	
Information Technology Specialist II	Tom Thao	13,224	(7/1/00 - 10/31/00)
	Dan Liu	4,903	(3/28/01- 5/16/01)
	Xiaowei Cao	2,084	(6/11/01 – 6/30/01)
Office and Administrative Specialist Intermediate	Patricia Klingner	22,227	
Customer Service Specialist Intermediate	Joyce Larson	22,582	(7/1/00 – 4/10/01)
	Tricia McBrayer	3,231	(5/16/01 – 6/30/01)
Student worker	Kwame Baah-Gyimah	<u>881</u>	(5/14 – 6/30)
TOTAL 2001 SALARIES		<u>\$382,330</u>	

FINANCIAL INFORMATION

INCOME SUMMARY

Appropriation	\$707,000
Photocopy Revenue	4,633
Service Processes Fees Recovered	726
Carry forward from fiscal year 2000	108,702
TOTAL	<u>\$821,061</u>

EXPENDITURE SUMMARY

Operating budget expenditures	\$820,153
TOTAL	<u>\$908</u>

BOARD OPERATING BUDGET

The Campaign Finance and Public Disclosure Board is funded by a direct appropriation from the Minnesota Legislature. The fiscal year budget begins July 1 and ends June 30.

Full time staff (salary and fringe)	\$469,529
Part time staff (salary and fringe)	956
Workers Compensation	1,096
Achievement/Incentive	5,400
Vacation Pay Out	625
Per Diem	3,190
Office rent	29,526
Postage	13,328
Misc. rents	151
Telephone	2,949
Photocopy machine leases	17,456
In-State Travel – staff	250
Out-State Travel	3,509
Printing	5,646
Board meeting expenses	787
Staff / Board development	2,616
Subscriptions, Memberships	484
Supplies	16,087
Special Expenses	0
Equipment	10,777
Repairs	439
Misc. Purchased Services	518
Prof/Tech Services	0
Legal Costs	834
Software Development	<u>\$234,000</u>
 TOTAL	 <u>\$820,153</u>

DEPOSITS

Unless otherwise noted, all receipts collected by the Campaign Finance and Public Disclosure Board are deposited in the general fund of the state.

Late Filing Fees

Principal Campaign Committees	\$8,422	54 committees
Political Committees and Funds	17,894	120 committees
Lobbyist Disbursement Reports	1,860	24 lobbyists
Economic Interest Statements	<u>320</u>	4 public officials
TOTAL LATE FILING FEES	\$28,496	202

Civil Fines

Contribution limits violations	\$6,731	9 candidate committees
Contributions during session	1,650	4 candidate committees
Special source aggregate limit	1,330	9 candidate committees
Exceeding spending limit	<u>439</u>	1 candidate committee
TOTAL CIVIL FINES	\$10,150	23

Return of public subsidy	\$50,432	20 candidate committees 1 political party
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Contributions on termination	\$12,997	2 candidate committees
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Anonymous contributions	\$50	1 committee (deposited in the general account of the State Elections Campaign Fund)
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Photocopy receipts		
Copies	\$4633	# individuals paid (retained by Board to off-set photo copier costs)
State sales tax	324	
St. Paul sales tax	<u>25</u>	
TOTAL COPY RECEIPTS	\$4,982	

Miscellaneous income	\$756	
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TOTAL RECEIPTS	<u>\$107,863</u>	
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