

Resolutions regarding political fund depositories

Resolved:

An independent expenditure political fund that does not accept contributions from individuals or associations other than the association that created the political fund is not required to maintain a depository separate from the depository of the association that created it.

Motion by Member Scanlon adopted by unanimous vote on June 1, 2010.

Resolved,

The Board recognizes that Chapter 10A does not include a requirement that an association other than a political committee, principal campaign committee, or party unit maintain a separate depository as a condition of raising or spending money to influence the nomination or election of candidates or to promote or defeat a ballot question.

The Board will not enforce Rule 4503.0200, subp. 6, as it relates to associations that are not political committees, principal campaign committees, or party units. The Board recommends that the Legislature repeal Minnesota Rules Part 4503.0200, subp. 6, which imposes a requirement beyond that specified in Chapter 10A. In the absence of legislative action, the Board directs the Executive Director to include either the repeal or appropriate amendment of Rule 4502.0200, subp. 6, in the Board's next rulemaking procedure to implement the provisions of this resolution

The Board concludes that it is not "commingling" for an association that is not a political committee, principal campaign committee, or party unit to keep money raised or spent to influence the nomination or election of candidates or to promote or defeat a ballot question in the same depository it uses for its general treasury money, provided that the association maintains an accounting mechanism which separately accounts for the money that constitutes the association's political fund from the general treasury money of the association. The Executive Director is directed to include this conclusion in the bill implementing the Board's legislative recommendations.

Motion by Member Luger adopted by unanimous vote on August 16, 2011.