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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **4728**

03/07/2024 Authored by Bahner, Freiberg, Greenman, Torkelson, Altendorf and others

The bill was read for the first time and referred to the Committee on Elections Finance and Policy

03/18/2024 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

- 1.1 A bill for an act
- 1.2 relating to elections; requiring the commissioner of revenue to establish an online
- 1.3 system to claim the political contribution refund; amending the political contribution
- 1.4 refund program to allow for electronic information transfer between the Campaign
- 1.5 Finance and Public Disclosure Board and the Department of Revenue; appropriating
- 1.6 money; amending Minnesota Statutes 2022, sections 10A.02, subdivision 11b;
- 1.7 10A.322, subdivision 4; Minnesota Statutes 2023 Supplement, section 290.06,
- 1.8 subdivision 23.
- 1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.10 Section 1. Minnesota Statutes 2022, section 10A.02, subdivision 11b, is amended to read:
- 1.11 Subd. 11b. **Data privacy related to electronic reporting system.** (a) The board may
- 1.12 develop and maintain systems to enable treasurers to enter and store electronic records
- 1.13 online for the purpose of complying with this chapter. Data entered into such systems by
- 1.14 treasurers or their authorized agents is not government data under chapter 13 and may not
- 1.15 be accessed or used by the board for any purpose without the treasurer's written consent.
- 1.16 Data from such systems that has been submitted to the board as a filed report is government
- 1.17 data under chapter 13.
- 1.18 (b) To the extent necessary to administer the refund under section 290.06, subdivision
- 1.19 23, the board may access or use data entered and stored in an electronic reporting system
- 1.20 and share the data with the commissioner of revenue. Data accessed, used, or maintained
- 1.21 by the board under this paragraph is private data on individuals, as defined in section 13.02,
- 1.22 subdivision 12.
- 1.23 **EFFECTIVE DATE.** This section is effective January 1, 2026.

2.1 Sec. 2. Minnesota Statutes 2022, section 10A.322, subdivision 4, is amended to read:

2.2 Subd. 4. **Refund receipt forms; penalty.** (a) The board must make available to a political
2.3 party on request and to any candidate for whom an agreement under this section is effective,
2.4 ~~a supply of official~~ electronic refund receipt forms receipts that state in boldface type that:

2.5 (1) a contributor who is given a receipt form is eligible to claim a refund as provided in
2.6 section 290.06, subdivision 23; and

2.7 (2) if the contribution is to a candidate, that the candidate has signed an agreement to
2.8 limit campaign expenditures as provided in this section.

2.9 ~~The forms must provide duplicate copies of the receipt to be attached to the contributor's~~
2.10 ~~claim.~~ A receipt must only be issued for a contribution of \$10 or more. Each receipt must
2.11 include a unique receipt validation number that allows the commissioner of revenue to
2.12 verify the information on the receipt with the Campaign Finance Board.

2.13 (b) At least once a week, the board must provide the commissioner of revenue a receipt
2.14 validation report. For each contribution reported to the board during the week, the report
2.15 must include:

2.16 (1) the date and amount of the contribution;

2.17 (2) the name and address of the contributor;

2.18 (3) the name and campaign identification number of the party or candidate that received
2.19 the contribution; and

2.20 (4) the receipt validation number assigned to the contribution.

2.21 ~~(b)~~ (c) The willful issuance of an official refund receipt form ~~or a facsimile of one~~ to
2.22 any of the candidate's contributors by a candidate or treasurer of a candidate who did not
2.23 sign an agreement under this section is subject to a civil penalty of up to \$3,000 imposed
2.24 by the board.

2.25 ~~(e)~~ (d) The willful issuance of an official refund receipt form ~~or a facsimile~~ to an
2.26 individual not eligible to claim a refund under section 290.06, subdivision 23, is subject to
2.27 a civil penalty of up to \$3,000 imposed by the board.

2.28 ~~(d)~~ (e) A violation of paragraph ~~(b)~~ (c) or ~~(e)~~ (d) is a misdemeanor.

2.29 (f) A receipt validation report and a receipt validation number prepared pursuant to this
2.30 section are private data on individuals, as defined in section 13.02, subdivision 12.

3.1 **EFFECTIVE DATE.** This section is effective for contributions made after December
3.2 31, 2025.

3.3 Sec. 3. Minnesota Statutes 2023 Supplement, section 290.06, subdivision 23, is amended
3.4 to read:

3.5 Subd. 23. **Refund of contributions to political parties and candidates.** (a) A taxpayer
3.6 may claim a refund equal to the amount of the taxpayer's contributions made in the calendar
3.7 year to candidates and to a political party. The maximum total refund per calendar year for
3.8 an individual must not exceed \$75 and for a married couple, filing jointly, must not exceed
3.9 \$150. The commissioner must not issue a refund, whether in one payment or in aggregate,
3.10 to a taxpayer that exceeds the maximum refund amounts specified in this subdivision. A
3.11 refund of a contribution is allowed only if the taxpayer files a ~~form required by the~~
3.12 ~~commissioner and attaches to the form a copy of an official refund receipt form issued by~~
3.13 ~~the candidate or party and signed by the candidate, the treasurer of the candidate's principal~~
3.14 ~~campaign committee, or the chair or treasurer of the party unit, after the contribution was~~
3.15 ~~received. The receipt forms must be numbered, and the data on the receipt that are not public~~
3.16 ~~must be made available to the campaign finance and public disclosure board upon its request~~
3.17 claim using the electronic filing system authorized in paragraph (h). The claim must include
3.18 one or more unique receipt validation numbers from receipts issued pursuant to section
3.19 10A.322, subdivision 4. A claim must be filed with the commissioner no sooner than January
3.20 1 of the calendar year in which the contribution was made and no later than April 15 of the
3.21 calendar year following the calendar year in which the contribution was made. ~~A taxpayer~~
3.22 ~~may file only one claim per calendar year.~~ A claim must be for a minimum of \$10. Amounts
3.23 paid by the commissioner after June 15 of the calendar year following the calendar year in
3.24 which the contribution was made must include interest at the rate specified in section
3.25 270C.405.

3.26 (b) No refund is allowed under this subdivision for a contribution to a candidate unless
3.27 the candidate:

3.28 (1) has signed an agreement to limit campaign expenditures as provided in section
3.29 10A.322;

3.30 (2) is seeking an office for which voluntary spending limits are specified in section
3.31 10A.25; and

3.32 (3) has designated a principal campaign committee.

4.1 This subdivision does not limit the campaign expenditures of a candidate who does not
4.2 sign an agreement but accepts a contribution for which the contributor improperly claims
4.3 a refund.

4.4 (c) For purposes of this subdivision, "political party" means a major political party as
4.5 defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion
4.6 on the income tax or property tax refund form under section 10A.31, subdivision 3a.

4.7 A "major party" or "minor party" includes the aggregate of that party's organization
4.8 within each house of the legislature, the state party organization, and the party organization
4.9 within congressional districts, counties, legislative districts, municipalities, and precincts.

4.10 "Candidate" means a candidate as defined in section 10A.01, subdivision 10, except a
4.11 candidate for judicial office.

4.12 "Contribution" means a gift of money.

4.13 (d) The commissioner shall make copies of the form available to the public and candidates
4.14 upon request.

4.15 (e) The following data collected or maintained by the commissioner under this subdivision
4.16 are private: the identities of individuals claiming a refund, the identities of candidates to
4.17 whom those individuals have made contributions, and the amount of each contribution.

4.18 (f) The commissioner shall report to the campaign finance and public disclosure board
4.19 by each August 1 a summary showing the total number and aggregate amount of political
4.20 contribution refunds made on behalf of each candidate and each political party. These data
4.21 are public.

4.22 (g) The amount necessary to pay claims for the refund provided in this section is
4.23 appropriated from the general fund to the commissioner of revenue.

4.24 (h) ~~For a taxpayer who files a claim for refund via the Internet or other electronic means,~~
4.25 ~~the commissioner may accept the number on the official receipt as documentation that a~~
4.26 ~~contribution was made rather than the actual receipt as required by paragraph (a) The~~
4.27 ~~commissioner must establish an electronic filing system by which refunds are claimed.~~

4.28 **EFFECTIVE DATE.** This section is effective for contributions made after December
4.29 31, 2025.

5.1 Sec. 4. **APPROPRIATION.**

5.2 \$..... in fiscal year 2025 is appropriated from the general fund to the commissioner of
5.3 revenue to establish and implement an electronic filing system for political contribution
5.4 refund claims. This is a onetime appropriation and is available until June 30, 2026.

5.5 **EFFECTIVE DATE.** This section is effective June 1, 2024.