

- 1.1 Senator ..... moves to amend H.F. No. 2531, in conference committee,  
1.2 as follows:
- 1.3 On R1, Senate language, (S2402-3)  
1.4 Page 2, after line 5, insert:
- 1.5 "Sec. 3. Minnesota Statutes 2012, section 10A.01, is amended by adding a subdivision  
1.6 to read:
- 1.7 Subd. 32a. Prima facie determination A prima facie determination is a  
1.8 determination that a complaint filed under section 10A.02, subdivision 11, is sufficient  
1.9 to allege a violation of this chapter or of those sections of chapter 211B listed in section  
1.10 10A.02, subdivision 11."
- 1.11 On R4, Senate language, (S2402-3)  
1.12 Page 3, line 24, delete everything after "shall" and insert "adopt rules under chapter  
1.13 14"
- 1.14 Page 3, line 25, delete "14.389,"  
1.15 Page 3, line 28, delete ", at a minimum"
- 1.16 On R5, Senate language, (S2402-3)  
1.17 Page 3, after line 34, insert:
- 1.18 "In addition to the notice required under chapter 14, the board shall notify the chairs and  
1.19 ranking minority members of the committees or subcommittees in the senate and house  
1.20 of representatives with primary jurisdiction over elections within seven calendar days  
1.21 of taking the following actions:
- 1.22 (1) publication of a notice of intent to adopt rules or a notice of hearing;  
1.23 (2) publication of proposed rules in the state register;  
1.24 (3) issuance of a statement of need and reasonableness; or  
1.25 (4) adoption of final rules."
- 1.26 Page 4, delete section 6, and insert:
- 1.27 "Sec. 7. Minnesota Statutes 2013 Supplement, section 10A.02, subdivision 11, is  
1.28 amended to read:
- 1.29 **Subd. 11. Violations; enforcement.** (a) The board may investigate any alleged  
1.30 violation of this chapter. The board may also investigate an alleged violation of section  
1.31 211B.04, 211B.12, or 211B.15 by or related to a candidate, treasurer, principal campaign  
1.32 committee, political committee, political fund, or party unit, as those terms are defined  
1.33 in this chapter. ~~The board must investigate any violation that is alleged in a written~~  
1.34 ~~complaint filed with the board and must~~ Upon receipt of a written complaint filed with  
1.35 the board, the board shall promptly provide a copy of the complaint to the subject of the  
1.36 complaint and notify the subject that a determination as to whether the complaint states a

- 2.1 prima facie violation will be made and that the subject may, within 15 days of the date the
- 2.2 board provided notice to the subject, submit a written statement addressing the prima facie
- 2.3 determination. The notice must include the definition of a prima facie determination within
- 2.4 30 days after the filing of the complaint ~~make findings and conclusions~~, the board chair or
- 2.5 another board member designated by the chair shall make a determination as to whether a
- 2.6 violation has occurred the complaint alleges a prima facie violation. If a determination
- 2.7 is made that the complaint does not allege a prima facie violation, the complaint shall
- 2.8 be dismissed without prejudice and the complainant must be notified of the reasons
- 2.9 the complaint did not allege a prima facie violation. If the complainant files a revised
- 2.10 complaint regarding the same facts and the same subject, the prima facie determination
- 2.11 must be completed by a board member other than the member who made the initial
- 2.12 determination and who does not support the same political party as the member who made
- 2.13 the initial determination. The chair may order that the prima facie determination for any
- 2.14 complaint be made by the full board and must order that the prima facie determination for a
- 2.15 complaint being submitted for the third time be made by the full board. If a determination
- 2.16 is made that the complaint alleges a prima facie violation, the board shall, within 45 days
- 2.17 of the prima facie determination, make findings and conclusions as to whether probable
- 2.18 cause exists to believe the alleged violation has occurred. Any party filing a complaint and
- 2.19 any party against whom a complaint is filed must be given an opportunity to be heard by
- 2.20 the board prior to the board's determination as to whether probable cause exists to believe
- 2.21 a violation has occurred. Upon a determination by the board that probable cause exists
- 2.22 to believe a violation has occurred, the board must undertake an investigation under
- 2.23 subdivision 10 and must issue an order at the conclusion of the investigation, except that if
- 2.24 the complaint alleges a violation of section 10A.25 or 10A.27, the board must either enter
- 2.25 a conciliation agreement or make public findings and conclusions as to whether a violation
- 2.26 has occurred and must issue an order within 60 days after the filing of the complaint. Prior
- 2.27 to making findings and conclusions in an investigation, the board must offer the subject of
- 2.28 the complaint an opportunity to answer the allegations of the complaint in writing and
- 2.29 to appear before the board to address the matter. The deadline for action on a written
- 2.30 complaint may be extended by majority vote of the board.
- 2.31 (b) The board may bring legal actions or negotiate settlements in its own name to
- 2.32 recover money raised from contributions subject to the conditions in this paragraph.
- 2.33 (1) No action may be commenced unless the board has made a formal determination,
- 2.34 after an investigation, that the money was raised for political purposes as defined in
- 2.35 section 211B.01, subdivision 6, and that the money was used for purposes not permitted
- 2.36 under this chapter or under section 211B.12.

- 3.1 (2) Prior to commencing an action, the board must give the association whose money
- 3.2 was misused written notice by certified mail of its intent to take action under this subdivision
- 3.3 and must give the association a reasonable opportunity, for a period of not less than 90
- 3.4 days, to recover the money without board intervention. This period must be extended
- 3.5 for at least an additional 90 days for good cause if the association is actively pursuing
- 3.6 recovery of the money. The board may not commence a legal action under this subdivision
- 3.7 if the association has commenced a legal action for the recovery of the same money.
- 3.8 (3) Any funds recovered under this subdivision must be deposited in a campaign
- 3.9 finance recovery account in the special revenue fund and are appropriated as follows:
- 3.10 (i) an amount equal to the board's actual costs and disbursements in the action,
- 3.11 including court reporter fees for depositions taken in the course of an investigation, is
- 3.12 appropriated to the board for its operations;
- 3.13 (ii) an amount equal to the reasonable value of legal services provided by the Office
- 3.14 of the Attorney General in the recovery matter, calculated on the same basis as is used
- 3.15 for charging legal fees to state agencies, is appropriated to the attorney general for the
- 3.16 attorney general's operations; and
- 3.17 (iii) any remaining balance is appropriated to the board for distribution to the
- 3.18 association to which the money was originally contributed.
- 3.19 (4) Notwithstanding clause (3), item (iii), if the candidate of a principal campaign
- 3.20 committee is the person who used the association's money for illegal purposes, or if the
- 3.21 association or political fund whose money was misused is no longer registered with the
- 3.22 board, any money remaining after the payments specified in clause (3), items (i) and (ii),
- 3.23 must be transferred to the general account of the state elections campaign account.
- 3.24 (5) Any action by the board under this paragraph must be commenced not later than
- 3.25 four years after the improper use of money is shown on a report filed with the board or the
- 3.26 board has actual knowledge of improper use. No action may be commenced under this
- 3.27 paragraph for improper uses disclosed on reports for calendar years prior to 2011.
- 3.28 (6) If the board prevails in an action brought under this subdivision and the court
- 3.29 makes a finding that the misuse of funds was willful, the court may enter judgment in favor
- 3.30 of the board and against the person misusing the funds in the amount of the misused funds.
- 3.31 (c) Within a reasonable time after beginning an investigation of an individual
- 3.32 or association, the board must notify the individual or association of the fact of the
- 3.33 investigation. The board must not make a finding of whether there is probable cause to
- 3.34 believe a violation has occurred without notifying the individual or association of the
- 3.35 nature of the allegations and affording an opportunity to answer those allegations.

- 4.1 (d) A hearing or action of the board concerning a complaint or investigation other than
- 4.2 a finding concerning probable cause or a conciliation agreement is confidential. Until the
- 4.3 board makes a public finding concerning probable cause or enters a conciliation agreement:
- 4.4 (1) a member, employee, or agent of the board must not disclose to an individual
- 4.5 information obtained by that member, employee, or agent concerning a complaint or
- 4.6 investigation except as required to carry out the investigation or take action in the matter
- 4.7 as authorized by this chapter; and
- 4.8 (2) an individual who discloses information contrary to this subdivision is subject
- 4.9 to a civil penalty imposed by the board of up to \$1,000.
- 4.10 (e) A matter that is under the board's jurisdiction pursuant to this section and that
- 4.11 may result in a criminal offense must be finally disposed of by the board before the alleged
- 4.12 violation may be prosecuted by a city or county attorney."
- 4.13 On R9, Senate language, (S2402-3)
- 4.14 Page 7, line 33, after "association" insert " , without just cause,"
- 4.15 Page 8, line 6, after "that" insert " , without just cause,"
- 4.16 Page 8, line 9, after "who" insert " , without just cause,"
- 4.17 On R13, Senate language, (S2402-3)
- 4.18 Page 12, line 11, reinstate the stricken language and delete the new language
- 4.19 Page 12, line 13, reinstate the stricken language
- 4.20 Page 12, line 18, after the stricken period, insert "The board may use section 10A.34
- 4.21 to recover fees and penalties or to seek an injunction."
- 4.22 On R14, Senate language, (S2402-3)
- 4.23 Page 13, delete section 21
- 4.24 Renumber the sections in sequence and correct the internal references
- 4.25 Amend the title accordingly