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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 495

February 2, 2009

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections

1.1 A bill for an act
1.2 relating to campaign finance; providing for reimbursement of certain costs of the
1.3 campaign finance and public disclosure board by individuals who file frivolous
1.4 complaints; amending Minnesota Statutes 2008, section 10A.02, subdivision 11.

1.5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.6 Section 1. Minnesota Statutes 2008, section 10A.02, subdivision 11, is amended to read:

1.7 Subd. 11. **Violations; enforcement.** (a) The board may investigate any alleged
1.8 violation of this chapter. The board must investigate any violation that is alleged in a
1.9 written complaint filed with the board and must within 30 days after the filing of the
1.10 complaint make a public finding of whether there is probable cause to believe a violation
1.11 has occurred, except that if the complaint alleges a violation of section 10A.25 or 10A.27,
1.12 the board must either enter a conciliation agreement or make a public finding of whether
1.13 there is probable cause, within 60 days after the filing of the complaint. The deadline for
1.14 action on a written complaint may be extended by majority vote of the board.

1.15 (b) Within a reasonable time after beginning an investigation of an individual
1.16 or association, the board must notify the individual or association of the fact of the
1.17 investigation. The board must not make a finding of whether there is probable cause to
1.18 believe a violation has occurred without notifying the individual or association of the
1.19 nature of the allegations and affording an opportunity to answer those allegations.

1.20 (c) A hearing or action of the board concerning a complaint or investigation other
1.21 than a finding concerning probable cause or a conciliation agreement is confidential.
1.22 Until the board makes a public finding concerning probable cause or enters a conciliation
1.23 agreement:

2.1 (1) a member, employee, or agent of the board must not disclose to an individual
2.2 information obtained by that member, employee, or agent concerning a complaint or
2.3 investigation except as required to carry out the investigation or take action in the matter
2.4 as authorized by this chapter; and

2.5 (2) an individual who discloses information contrary to this ~~subdivision~~ paragraph is
2.6 subject to a civil penalty imposed by the board of up to \$1,000.

2.7 (d)(1) A complaint or response to a complaint alleging a violation of this chapter
2.8 must be made in writing and contain the signature of an individual responsible for
2.9 submitting the complaint or response. The board may prescribe a form for this purpose. A
2.10 complaint or response must also certify, in writing, that:

2.11 (i) the complaint or response is submitted in good faith and is not designed to harass,
2.12 delay, or create an unnecessary investigation; and

2.13 (ii) the claims or defenses presented are supported by the law, to the best of the
2.14 submitter's knowledge and interpretation, and are supported by evidence or are reasonably
2.15 likely to be supported by evidence upon an investigation by the board.

2.16 (2) If, after notice and a reasonable opportunity to respond, the board determines
2.17 that a complaint or response is inconsistent with the certifications provided in clause (1),
2.18 the board may require the individual or association responsible to reimburse the board for
2.19 any costs incurred to investigate the complaint.