

Saint Paul Municipal Code

Chapter 28. Campaign Contributions

Sec. 28.01. Definitions of terms.

For the purposes of this chapter, the terms defined in this section shall have the meanings ascribed to them in this section:

Candidate means any individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be so considered. An individual shall be deemed to seek nomination for election if he or she has taken the action necessary to qualify himself or herself for nomination of election, has received contributions or made expenditures in excess of one hundred dollars (\$100.00), or has given his or her implicit or explicit consent for any other person to receive contributions or make expenditures in excess of one hundred dollars (\$100.00), for the purpose of bringing about his or her nomination or election.

Committee means any personal campaign committee or political committee unless the intent is clearly shown to be otherwise.

Contribution means a transfer of funds or a donation in kind.

"Contribution" includes any loan or advance of credit to a political committee, party committee or personal campaign committee, which loan or advance of credit is forgiven or paid by an entity other than the political committee, or personal campaign committee to which the loan or advance of credit is made. If an advance of credit or a loan is forgiven or paid as provided in this definition, it is a contribution in the year in which the loan or advance of credit is made. A contribution made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate.

"Contribution" does not include services provided without compensation by an individual volunteering his time on behalf of a candidate, ballot question, political committee, personal campaign committee or the publishing or broadcasting of news items or editorial comments by the news media.

Depository means any bank, savings and loan association or credit union organized under federal or state law and transacting business within Minnesota.

Disbursement means every act by or through which any money, property, office, or position or other thing of value passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed or lent, and also any money, property, office, or position or other thing of value so given, provided, paid, expended, promised, pledged, contributed or lent.

Donation in kind means anything of value other than money or negotiable instruments given by an individual or association to a political committee or personal campaign committee for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question. "Donation in kind" includes an approved expenditure.

Election means:

- (1) A general, special, primary or runoff election; or
- (2) A convention or caucus of a political party held to nominate a candidate.

Person means an individual, partnership, committee, association, corporation, labor organization and any other organization or group of persons, including a committee organized for political purposes, which is not included in the definition of "political committee or political fund." Personal campaign committee means any committee appointed by a candidate for any election.

Political committee. Every two (2) or more persons elected or appointed by any major political party or association for the purpose, wholly or partly, of raising, collecting or disbursing money, or directing the raising, collecting or disbursing thereof, for nomination or election purposes, and every two (2) or more persons who shall cooperate in the raising, collecting or disbursing of money used, or to be used for or against the election to public office of any person or any class or number of persons, or for or against the adoption of any law, ordinance, or Charter amendment, or to support, oppose or influence any petition for initiative, referendum or recall shall be deemed a "political committee."

Political fund means any accumulation of dues or voluntary contributions by an association other than a political committee, which accumulation is collected or expended for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question.

Public office means any elective office as set forth under the Charter of the City of Saint Paul but does not include judges or other officials as are provided by statute.

Political party means an association, committee or organization which nominates and supports a candidate for election to any public office whose name appears on the election ballot as the candidate of such association, committee or organization.

(Code 1956, § 382.01; Ord. No. 17158, 9-10-84; Ord. No. 17257, §§ 1, 2, 7-25-85; Ord. No. 17501, § 1, 10-13-87)

Sec. 28.02. Administration.

(a) *City clerk to administer.* The city clerk shall be in charge of administering and carrying out the various provisions of this chapter.

(b) *City clerk; powers and duties.* The city clerk shall have the following duties and powers:

(1) Prescribe, adopt and distribute the form for registration forms, statements and reports required to be filed which shall, whenever possible, be identical to or consistent with state forms.

(2) Receive and accept for filing in the city clerk's office the registration forms, statements and reports required by this chapter.

(3) Make the statements and reports filed with the city clerk available for public inspection and copying. A reasonable charge for the cost of copying may be charged.

(4) Preserve all statements and reports for a period of four (4) years from the date of filing, or, in the event that the committee represents a candidate or party which permanently terminates activity within two (2) years, then said records and accounts shall be kept for two (2) years.

(5) Report findings of noncompliance to the elections board.

(Code 1956, § 382.02; Ord. No. 17501, §§ 2, 3, 10-13-87)

Sec. 28.03. Committees and political funds.

(a) *Organization; funds:*

(1) Every committee and every political fund shall have a chairperson and a treasurer, who may be the same person. Every personal campaign committee shall also have a secretary.

(2) No contribution shall be accepted and no expenditure shall be made by or on behalf of a committee at a time when there is a vacancy in the office of treasurer.

(3) The treasurer of a committee or political fund shall not designate more than two (2) depositories.

(4) No funds of a committee or political fund shall be commingled with any personal funds of the officers, members or associates of the committee.

(5) All monetary contributions received by or on behalf of any candidate or committee or political fund shall, within fourteen (14) days after the receipt thereof, be deposited in a depository account designated "Campaign Fund of _____ (name of committee or fund)."

(b) *Record keeping:*

(1) It shall be the duty of the treasurer of every committee and every political fund to keep a detailed and accurate account of all identification data, as herein defined, with respect to both contributions received and expenditures made by such committee.

(2) The accounts required to be kept under this section shall be current within fourteen (14) days after receiving a contribution or making an expenditure.

(3) The treasurer shall preserve all records and accounts required to be kept by this section for four (4) years; provided, however, that in the event that the committee or political fund represents a candidate or party which permanently terminates activity within two (2) years, then said records and accounts shall be kept for two (2) years.

(4) Each individual required to file any report or statement as required by this chapter shall maintain records on the matters required to be reported, including vouchers, canceled checks, bills, invoices, worksheets and receipts, which will provide in sufficient detail the necessary information from which the filed reports and statements may be verified, explained, clarified and checked for accuracy and completeness, and shall keep the records available for audit, inspection or examination by the elections board for four (4) years from the date of filing of the reports or statements or of changes or corrections thereto.

(c) Registration:

(1) The treasurer of every committee and every political fund shall register with the city clerk by filing a statement of organization no later than fourteen (14) days after the date upon which the committee or political fund receives contributions or makes expenditures of one hundred dollars (\$100.00) or more.

(2) The statement of organization shall include:

- a. The name and address of the committee or political fund;
- b. The geographic area in which it will operate and the purpose of the committee or political fund;
- c. The name, address and position of the custodian of books and accounts;
- d. The name and address of the chairperson, the treasurer and any other principal officers;
- e. The name, address, office sought and party affiliation, if any, of each candidate whom the committee or fund is supporting, or, if the committee or fund is supporting the entire ticket of any party, the name of the party;
- f. A statement as to whether the committee or political fund is a continuing one;
- g. A listing of all depositories or safety deposit boxes used.

(3) Any change in information required in subparagraph (2) above shall be forwarded to the city clerk by the chairman or treasurer of the committee or political fund within ten (10) days of the change.

(d) Campaign reports:

(1) Every candidate, the secretary of every personal campaign committee and treasurer of every committee or political fund shall file with the city clerk the reports required by this section in any year it receives contributions or makes expenditures of one hundred dollars (\$100.00) or more.

(2) Every candidate, the secretary of every personal campaign committee and the treasurer of every committee and every political fund shall file a financial statement as follows:

- a. Ten (10) days before the primary;
- b. Ten (10) days before the regular or special elections;

c. On January 31 of each year the personal campaign committee or the committee is in existence; and

d. Thirty (30) days after the special or regular election.

The statements shall be verified upon the oath of the party filing and shall cover all transactions made up to and including the third day before the filing of the statement and not accounted for and reported upon in statements previously filed, except that no transactions shall be made thereafter which are not included in the final statement. The statements required by this section shall disclose the same information required in subsection (3). Each statement after the first shall contain a summary of all preceding statements and summarize all items theretofore reported under the provisions of this subdivision.

(3) Each report under this subdivision shall disclose:

a. Every sum of money and all property, and every other thing of value, received by such candidate or committee or political fund during such period from any source whatsoever which the candidate or committee uses or has used, or is at liberty to use for political purposes, together with the name and address of every person or source from which it was received and the date when each was received, together with the total amount received from all sources in any amount or manner;

b. Every promise or pledge of money, property or other thing of value received by such candidate or committee or political fund during such period, the proceeds of which the candidate uses or has used, or is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, the special purposes for which each was promised or pledged, and the date when each was so promised or pledged, together with the total amount promised or pledged from all sources in any amounts or manner;

c. Every disbursement by such candidate or committee or political fund for political purposes made during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner; and

d. Every obligation, expressed or implied, to make any disbursement incurred by such candidate or committee or political fund for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purposes for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner.

e. The reporting obligations of subparagraphs a. and b. immediately above shall not apply to money or any other thing of value under fifty dollars (\$50.00) in worth.

(4) Requirements respecting reports and statements:

a. The reports or statements required by this chapter shall be signed and certified as true by the person required to file the report or statement.

b. Each contribution in kind shall be valued at fair market value and reported on the appropriate schedule of receipts, identified as to its nature and listed as "contributions in kind." The total amount of goods and services contributed in

kind shall be deemed to have been consumed in the reporting period in which received. Each contribution in kind shall be declared as an expenditure at the same fair market value and reported on the appropriate expenditure schedule, identified as "contribution in kind."

c. Any material changes in information previously submitted and any corrections to a report shall be reported in writing to the city clerk within fourteen (14) days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph containing the information to be changed or corrected.

(5) Every individual who receives a contribution for a committee or political fund or candidate shall, within fourteen (14) days after receipt of the contribution, inform the treasurer of the information required to be kept by paragraph (4).

(6) No anonymous contribution or contributions shall be retained by a committee, political fund or candidate, but shall be turned over to the department of finance and management services for deposit into the general fund.

(7) Exemptions:

a. The city's elections board shall exempt any committee, political fund or political party, or any of their members or contributors, from the provisions of subparagraph (4) if disclosure would expose any or all of them to economic reprisal, loss of employment or threat of physical coercion.

A committee, political fund or political party may seek an exemption for all of its members or contributors only if it proves a reasonable probability that a substantial number of its members or contributors would suffer a restrictive effect on their freedom of association if members were required to seek exemptions individually.

b. The city's elections board shall exempt any individual from the provisions of subparagraph (4) who, by written request, demonstrates a reasonable probability that disclosure would expose that individual to economic reprisals, loss of employment or threat of physical coercion.

A written order of the state ethical practices board exempting an association or any of its members or contributors because of a determination that a disclosure would expose any or all of them to economic reprisals, loss of employment or threat of physical coercion shall constitute prima facie evidence for exemption from the provisions of subparagraph (4).

The city's elections board shall issue a written resolution to exempt any individual.

c. A committee, political fund or a political party, or any of its members or contributors, shall have standing to seek an exemption. The city's elections board shall establish a procedure so that any individual seeking an exemption may proceed anonymously if the individual would be exposed to the reprisals listed in subparagraph b. above were the individual's identity revealed.

(8) Within thirty (30) days after the effective date of this chapter, all existing officeholders, candidates and committees shall file with the city clerk, in the manner prescribed by subparagraph (3), a registration statement, including a statement of the amount of cash on hand. For the purposes of this subparagraph,

"cash" shall be defined to include deposits, marketable securities and other cash equivalents.

(e) *Ballot questions.* Any individual, committee, political fund, association or corporation that makes any contribution or expenditure to promote or defeat a ballot question shall file reports as required by this paragraph. Reports shall be filed at the times required for filing financial statements under subsection (d)(2) of this section. Reports shall be filed with the city clerk for placing the question on the ballot. Each report shall show the following information, covering the period from the last report to seven (7) days before the filing date:

(1) The name and address of each committee, political fund, individual or other person to whom aggregate contributions or expenditures in excess of one hundred dollars (\$100.00) have been made to promote or defeat a ballot question, together with the amount, date and purpose of the contribution or expenditure;

(2) The total amount of contributions and expenditures made to promote or defeat a ballot question; and

(3) Identification of the ballot question which the individual, committee, political fund, association or corporation seeks to promote or defeat.

The city clerk shall prescribe the form for reports required under this section.

For the purpose of this paragraph:

(i) "*Ballot question*" means a question or proposition which is placed on the ballot and which may be voted on by the voters; and

(ii) A contribution or expenditure for activities related to qualifying a question for placement on the ballot is a contribution or expenditure to promote or defeat the ballot question.

(Code 1956, § 382.03; Ord. No. 16886, 2-18-82; Ord. No. 17158, 9-10-84; Ord. No. 17257, § 3, 7-25-85; Ord. No. 17501, § 4, 10-13-87; Ord. No. 17653, § 1, 6-1-89; Ord. No. 17660, §§ 1--3, 6-27-89)

Sec. 28.04. Violations.

(a) *Candidates.* Any candidate, or secretary of a personal campaign committee or treasurer of a committee or political fund who receives, accepts, benefits from, or expends any campaign contributions which said candidate, secretary or treasurer knows to have been contributed or expended in violation of this chapter is guilty of a misdemeanor.

(b) *Contributors.* Any person or responsible officer of an entity who makes a contribution in violation of this chapter is guilty of a misdemeanor. For purposes of this section, "responsible officer" means that person having final decision-making authority to make a contribution where the contributor is some entity other than a person.

(c) *Records and reports.* Any person who is required by this chapter to make reports or keep records and who fails to do so is guilty of a misdemeanor.

(Code 1956, § 382.04; Ord. No. 17501, § 5, 10-13-87)

Sec. 28.05. Contribution limitations.

The limitations placed on contributions to a candidate for a city office shall be as set by Minnesota Statutes § 211A.12 as amended.

(Ord. No. 17158, 9-10-84; Ord. No. 17257, § 4, 7-25-85; Ord. No. 17501, § 6, 10-13-87; C.F. No. 94-1184, § I, 10-5-94)