

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

Findings and Order in the Matter of the Bill Luther for Congress Committee

Summary of the Facts

Minnesota Statutes, section 10A.27, subdivision 13(b), prohibits an association that is not registered with the Campaign Finance and Public Disclosure Board (“the Board”) from making a contribution in excess of \$100 to a candidate, political party unit, or political committee that is registered with the Board unless, at the time the contribution was made, the unregistered association provides the recipient with disclosure of the unregistered associations receipts and expenditures in the form specified by statute. An unregistered association that fails to provide the appropriate disclosure with the contribution is subject to a civil penalty of up to \$1,000.

In the 2008 Report of Receipts and Expenditures filed with the Board the Vote Yes for Minnesota Committee disclosed receipt of a contribution of over \$100 from the Bill Luther for Congress Committee. The Bill Luther for Congress Committee is an association that is not registered with the Board. No financial disclosure was provided with the contribution.

In a letter dated February 2, 2009, Bill Luther states, “...over the years I have made every effort to fully comply with all rules relating to campaign finance. Whenever I have a question, I try to determine the answer before moving forward in order to avoid any possible violation. ...when I became aware of a fundraising solicitation by...Vote Yes Minnesota, I checked the group’s website and learned that they were a 501(c) organization. I then called the FEC and asked if my committee could contribute. Vote Yes Minnesota accepted the check...I went the extra mile to assure compliance on my end.”

The Board’s decision was based upon correspondence from Mr. Luther, Mr. Hartwell, and Board records.

Based on the above Summary of the Facts and the Relevant Statute, the Board makes the following:

Findings Concerning Probable Cause

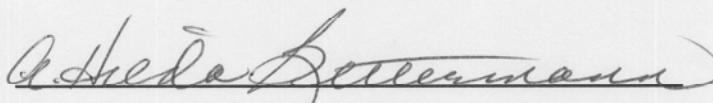
1. There is probable cause to believe that the Bill Luther for Congress Committee, an association that is not registered with the Board, violated Minnesota Statutes, section 10A.27, subdivision 13, when it made a contribution in excess of \$100 to the Vote Yes for Minnesota Committee without providing the required disclosure.
2. There is no probable cause to believe that this violation was intentional or done with the intent to circumvent the requirements of Minnesota Statutes, Chapter 10A.
3. There is no probable cause to believe that this violation was intentional or done with the intent to circumvent the requirements of Minnesota Statutes, Chapter 10A.

Based on the above Findings, the Board issues the following:

Order

1. The Board imposes a civil penalty of \$100, one times the amount by which the contribution exceeded \$100, on the Bill Luther for Congress Committee for making a contribution in excess of \$100 to a political committee without the disclosure required by Minnesota Statutes, section 10A.27, subdivision 13.
2. The Bill Luther for Congress Committee is directed to forward to the Board payment of the civil penalty, by check or money order payable to the State of Minnesota, within 30 days of receipt of this order.
3. If the Bill Luther for Congress Committee does not comply with the provisions of this order, the Board's Executive Director shall request that the Attorney General bring an action for the remedies available under Minnesota Statute, section 10A.34.
4. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minnesota Statutes, section 10A.02, subdivision 11, and upon payment by the civil penalty imposed herein, this matter is concluded.

Dated: March 3, 2009



A. Hilda Bettermann, Chair
Campaign Finance and Public Disclosure Board

Relevant Statute

Minnesota Statutes, section 10A.27, subdivision 13. Unregistered association limit;

statement; penalty. (a) The treasurer of a political committee, political fund, principal campaign committee, or party unit must not accept a contribution of more than \$100 from an association not registered under this chapter unless the contribution is accompanied by a written statement that meets the disclosure and reporting period requirements imposed by section 10A.20. This statement must be certified as true and correct by an officer of the contributing association. The committee, fund, or party unit that accepts the contribution must include a copy of the statement with the report that discloses the contribution to the board. This subdivision does not apply when a national political party contributes money to its affiliate in this state.

(b) An unregistered association may provide the written statement required by this subdivision to no more than three committees, funds, or party units in a calendar year. Each statement must cover at least the 30 days immediately preceding and including the date on which the contribution was made. An unregistered association or an officer of it is subject to a civil penalty imposed by the board of up to \$1,000, if the association or its officer:

(1) fails to provide a written statement as required by this subdivision; or

(2) fails to register after giving the written statement required by this subdivision to more than three committees, funds, or party units in a calendar year.

(c) The treasurer of a political committee, political fund, principal campaign committee, or party unit who accepts a contribution in excess of \$100 from an unregistered association without the required written disclosure statement is subject to a civil penalty up to four times the amount in excess of \$100.