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REPLY TO MINNEAPOLIS

February 3, 2017

VIA E-MAIL

Jodi Pope
jodi.pope@state.mn.us
Campaign Finance and Public Disclosure Board
190 Centennial Office Building
658 Cedar Street,
St. Paul, MN 55155

Re: Proposed Rulemaking

Dear Jodi:

Our firm represents the Minnesota Democratic-Farmer-Labor Party. We submit these comments in response to the Campaign Finance and Public Disclosure Board's November 28, 2016 Request for Comments with respect to potential rulemaking. The Party encourages the Board to adopt rules which would (1) provide greater clarity regarding conduct, actions, and relationships that would prevent an expenditure from being treated as an independent expenditure; and (2) clarify disclaimer requirements, particularly with respect to social media accounts.

Currently, the Board's interpretation of the provisions of Chapter 10A relating to independent expenditures are set forth in numerous Advisory Opinions (e.g., 296, 338, 385, 400, 410, and 412) and Orders relating to specific complaints and investigations. The interpretations are limited to the facts of a specific request or investigation and sometimes reach inconsistent conclusions. As a result, there are no clear, generally applicable guidelines regarding the conduct, actions, and relationships which could destroy the independence of an expenditure. By adopting new rules incorporating and further developing its past interpretations, the Board would establish readily accessible and clear rules for candidates, party units, and political committees and allow consistent enforcement by the Board.

Similarly, the Board should take this opportunity to incorporate, and expand upon, its September 18, 2014 memorandum regarding application of the disclaimer requirement to social media accounts into the rules. The Board could facilitate compliance by providing greater detail regarding whether and how the disclaimer requirement would apply to individual social media posts or short-form online advertisements such as Google ads and codifying the "substantial compliance" standard as recognized by the Office of Administrative Hearings.

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Finally, we request to receive copies of draft rules as they are prepared and to receive all other notices related to the rulemaking process. We appreciate the opportunity to submit these comments regarding the proposed rulemaking and look forward to working with the Board on further development of the rules.

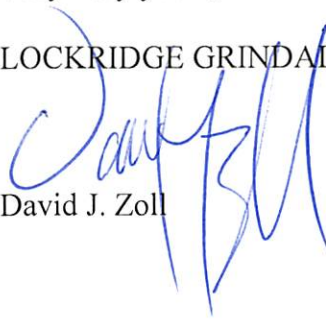
Please feel free to contact Charlie Nauen or me with any questions.

Thank you.

Very truly yours,

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

David J. Zoll



DJZ/hnp
c: Minnesota DFL
C. Nauen