

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Considerations in Setting Fines for Campaign Practices Violations

The Office of Administrative Hearings has been recently been charged with the responsibility of adjudicating some charges of illegal political campaign activity. Prior to 2004, complaints were investigated and prosecuted by county attorneys through the criminal court process. Now, a complaint must first be filed with the Office of Administrative Hearings and the Office must finally dispose of it before a county attorney may prosecute. If the Office finds a violation, it may dismiss the matter, issue a reprimand, impose a civil penalty of up to \$5,000, and/or refer the complaint to a county attorney for criminal proceedings. Hearings and penalties in each case are made by a panel of three Administrative Law Judges appointed by the Chief Administrative Law Judge.

Every case is different, and each penalty will be selected to reflect the specific facts of the case. However, in order to assure some consistency from one case to the next, the Office has decided to use a penalty matrix as guidance. This matrix sets forth presumptive penalties. In extraordinary circumstances, a panel may depart from the presumptive penalty, and it will explain the reasons for the departure.

Until the office gains more experience that will permit it to refine the penalty matrix, the matrix set forth below will guide ALJs. The Office anticipates that additional experience will cause it to change the matrix.

Gravity of Violation → Willfulness ↓	Minimal/no impact on voters, easily countered	Some impact on several voters, difficult to correct/counter	Many voters misled, process corrupted, unfair advantage created
Deliberate, multiple violations in complaint, history of violations, clear statute, unapologetic	\$600 - 1200	\$1200 – 2400 and/or Refer to County Attorney	\$2400 - 5000 and/or Refer to County Attorney
Negligent, ill-advised, ill-considered	\$250 - 600	\$600 - 1200	\$1200 - 2400 and/or Refer to County Attorney

Inadvertent, isolated, promptly corrected, vague statute, accepts responsibility	\$0 - 250	\$400 - 600	\$600 - 1200
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