

ETHICAL PRACTICES BOARD

First Floor South, Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603

Issued to:

Kathryn L. Nelson
8983 Preserve Boulevard
Eden Prairie, MN 55347

RE: Volunteer Activities

ADVISORY OPINION #151

SUMMARY

151. Services provided without compensation by an individual volunteering personal time on behalf of a candidate are not considered a contribution to that candidate. Minn. Stat. § 10A.01, subd. 7 (1992). Therefore, volunteer activities by a lobbyist provided without compensation on behalf of an incumbent legislator or constitutional officer seeking re-election are included in the exception from the gift prohibition for services of insignificant monetary value. Minn. Stat. § 10A.071, subd. 3 (3) (Laws of 1994, Ch. 377, Sec. 5).

FACTS

As a lobbyist registered with the Ethical Practices Board who is also a local DFL party officer and who has been active in the past in a wide variety of political campaigns you have received the Board's Bulletin for Lobbyists and Principals, May, 1994, about a 1994 law that becomes effective August 1, 1994. You ask the Board for an advisory opinion based upon your statement of the following facts:

1. Volunteers play a prominent role in Minnesota political campaigns at both the legislative and statewide level.
2. Volunteer activities include, but are not limited to, doorknocking and literature dropping, phone bank activities, volunteer fundraising, preparing and assembling candidate mailings, drafting and designing letters and literature on behalf of a candidate, coordinating volunteer activities of other volunteers, and serving as campaign manager or treasurer in volunteer capacity.
3. Chapter 377 of Minnesota Session Laws 1994, Sec. 5, provides that a lobbyist or principal may not give a gift or request another to give a gift to an official; an official may not accept a gift from a lobbyist or principal.
4. The law cited above defines "gift" to mean money, real or personal property,

individual or an association other than the political committee, political fund, or principal 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 subdivision, 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 personal time on behalf of a candidate, ballot question, political committee or political fund, or the publishing or broadcasting of news items or editorial comments by the news media.

Laws of 1994, Ch. 377, Sec. 5, created Minn. Stat. § 10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED which provides:

Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

(b) "Gift" means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.

(c) "Official" means a public official, an employee of the legislature, or a local official of a metropolitan governmental unit.

Subd. 2. Prohibition. A lobbyist or principal may not give a gift or request another to give a gift to an official. An official may not accept a gift from a lobbyist or principal.

Subd. 3. Exceptions. (a) The prohibitions in this sections do not apply if the gift is:

(1) a contribution as defined in section 10A.01, subdivision 7;

(2) services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;

(3) services of insignificant monetary value;

(4) a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;

(5) a trinket or memento of insignificant value;

(6) informational material of unexceptional value; or

(7) food or a beverage given at a reception, meal, or meeting away from the recipient place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program.

(b) The prohibitions in this section do not apply if the gift is given:

(1) because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or

(2) by a lobbyist or principal who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family.

or a service that is given and received without the giver receiving consideration of equal or greater value in return.

5. The law cited above defines "official" to include a public official, which includes members of the legislature and constitutional officers under Minn. Stat. § 10A.01, subd. 18.
6. The prohibition on gifts in the 1994 law does not apply if the gift is a contribution as defined in Minn. Stat. § 10A.01, subd. 7; to services to assist an official in the performance of official duties; to services of insignificant monetary value.
7. Minn. Stat. § 10A.01, subd. 7, provides that contribution does not include services without compensation by an individual volunteering personal time on behalf of a candidate, political committee, or political fund.

QUESTION

Are volunteer activities by a lobbyist on behalf of an incumbent legislator or constitutional officer seeking re-election prohibited?

OPINION

No. Services provided without compensation by an individual volunteering personal time on behalf of a candidate are not considered a contribution to that candidate. Minn. Stat. § 10A.01, subd. 7 (1992). Therefore, volunteer activities by a lobbyist provided without compensation on behalf of an incumbent legislator or constitutional officer seeking re-election are included in the exception from the gift prohibition for services of insignificant monetary value. Minn. Stat. § 10A.071, subd. 3 (3) (Laws of 1994, Ch. 377, Sec. 5).

Issued:

June 30, 1994


Vanne Owens Hayes, Chair
Ethical Practices Board

PERTINENT STATUTES

Minn. Stat. § 10A.01 DEFINITIONS provides:

Subd. 7. "Contribution" means a transfer of funds or a donation in kind. Contribution includes any loan or advance of credit to a political committee, political fund, or principal campaign committee, which loan or advance of credit is (a) forgiven, or (b) paid by an