

ETHICAL PRACTICES BOARD

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

The following publication does not identify the requester of the advisory opinion, which is nonpublic data under Minn. Stat. § 10A.02, subd. 12(b)

RE: Definition of first time candidate

ADVISORY OPINION # 241

SUMMARY

A candidate who raises and spends over \$100 to seek nomination or election to a house seat in one election cycle is not a first time candidate when seeking the same office in a different district in a subsequent election cycle.

FACTS

As a candidate with a principal campaign committee registered with the Ethical Practices Board (Board), you request an advisory opinion from the Board based on the following facts provided in your request or contained in reports your previous committee filed with the Board.

1. In 1996 you registered a principal campaign committee with the Board for a campaign for a seat in the House of Representatives in the 1996 elections.
2. Previously, in December of 1993, you registered a principal campaign committee for a house seat for a district different than the one you currently seek.
2. In 1993 your previous committee raised \$2,400 and spent \$1,648.82. In 1994 the committee raised \$450 and spent \$1201.18. The committee terminated at the end of 1994.
3. You indicate that your previous committee raised and spent this money to influence your endorsement at the party's endorsing convention. You did not win that endorsement and did not file for election or make any further effort to be elected after the convention.

ISSUE

Are you a first time candidate even though you previously registered a principal campaign committee which raised and spent money in each of two years seeking nomination or election to a house seat in a different district?

OPINION

No. First time candidate status does not apply to an individual who has sought nomination or election to the same office previously.

Minn. Stat. § 10A.25, subd. 2(c), provides first time candidates with a 10 percent increase in the election year spending limit. Eligible candidates include candidates who are "... running for that office for the first time ...".

A house candidate runs for the office of Representative. Running for that office in any district constitutes running for that office. This is consistent with the Board's policy of allowing a candidate to change districts by simply amending the principal campaign committee's statement of organization. It is not necessary for a candidate merely changing districts, but not the office, to terminate one principal campaign committee and form another.

Since the office for which you previously had a principal campaign committee is the same as the office you now seek, it is necessary for the Board to consider whether your activities in your previous district constituted "running for" the office within the meaning of the statute.

You formed a principal campaign committee which raised and spent money in each of two years in an effort to bring about your endorsement as your party's candidate. Obtaining party endorsement is done for the purpose of influencing the candidate's nomination or election. As such, seeking party endorsement, should a candidate choose to do so, is a part of the process of running for office.

You are not a first time candidate for the House of Representatives in 1996 because you ran for that office in 1994 within the meaning of Minn. Stat. § 10A.25, subd. 2(c).

Issued: 7-26-96


Carolyn D. Rodriguez, Chair
Ethical Practices Board

CITED STATUTES

10A.01 DEFINITIONS.

Subdivision 1. For the purposes of sections 10A.01 to 10A.34, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.

Subd. 5. **Candidate.** "Candidate" means an individual who seeks nomination or election to any statewide or legislative office for which reporting is not required under federal laws. The term candidate shall also include an individual who seeks nomination or election to supreme court, court of appeals, or district court judgeships of the state. An individual shall be deemed to seek nomination or election if the individual has taken the action necessary under the law of the state of Minnesota to qualify for nomination or election, has received contributions or made expenditures in excess of \$100, or has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about the individual's nomination or election. A candidate remains a candidate until the candidate's principal campaign committee is dissolved as provided in section 10A.24.

10A.25 LIMITS ON CAMPAIGN EXPENDITURES.

Subd. 2.

(c) The expenditure limits in this subdivision for an office are increased by ten percent for a candidate who is running for that office for the first time and who has not run previously for any other office whose territory now includes a population that is more than one-third of the population in the territory of the new office.