

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) (1994 Minn. Laws, ch. 377, sec. 1)**

RE: Candidate involvement in other political committee; use of principal campaign committee funds to promote a constitutional amendment.

ADVISORY OPINION # 261

SUMMARY

A candidate may not form, or exert direct or indirect control over, a political committee separate from the candidate's principal campaign committee. A candidate's use of principal campaign committee funds to promote a constitutional amendment must be reported as campaign expenditures.

FACTS

As a legislator, you ask the Ethical Practices Board (Board) for an advisory opinion based on the following facts:

1. You have a principal campaign committee registered with the Board for your legislative office and thus are a candidate as defined in Minn. Stat. § 10A.01, subd. 5.
2. You are interested in promoting a constitutional amendment both during the legislative process of qualifying the matter for placement on the general election ballot and once it is on the ballot. You expect to be a sponsor of the legislation that would place the amendment on the general election ballot.
3. You are considering the formation of a separate political committee for the purpose of carrying out activities related to the constitutional amendment.
4. You are also considering use of your own principal campaign committee funds, if permitted by statute, for activities related to promotion of the amendment.

ISSUE ONE

What role may a candidate play in the formation and operation of a political committee established to promote a constitutional amendment?

OPINION

A candidate's participation in the formation or operation of a political committee other than the candidate's own principal campaign committee or a party unit is generally prohibited by Minn. Stat. § 10A.19, subd. 1, if that committee would operate under the direct or indirect control of the candidate.

While you might serve in some advisory capacity to a committee established and controlled by others, there is inherent potential for indirect control in every such situation, which control is prohibited by Minn. Stat. § 10A.19, subd. 1.

In order to render an opinion more specific than we state above, we would need to review the specific facts related to each proposed involvement of a candidate in another political committee. We state generally, however, that because the statutory prohibitions are written in broad terms, we believe that they must also be interpreted broadly.

ISSUE TWO

To what extent may a candidate use principal campaign committee funds for activities related to promotion of a constitutional amendment?

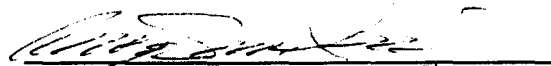
OPINION

Principal campaign committees may use their funds to make campaign expenditures.

A campaign expenditure is an expenditure for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question. Minn. Stat. § 10A.01, subd. 10. Promoting a ballot question includes activities related to qualifying the question for placement on the ballot. Minn. Stat. § 10A.01, subd. 23.

Campaign expenditures must be reported as such on the periodic Reports of Receipts and Expenditures filed by the committee and count toward the candidate's campaign spending limit.

Issued: 3-21-97


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. 10. **Campaign expenditure.** "Campaign expenditure" or "expenditure" means a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question.

. . . .

10A.19 PRINCIPAL CAMPAIGN COMMITTEE.

Subdivision 1.

. . . .

A candidate may not authorize, designate, or cause to be formed any other political committee bearing the candidate's name or title or otherwise operating under the direct or indirect control of the candidate.

A political committee bearing a candidate's name or title or otherwise operating under the direct or indirect control of the candidate, other than a principal campaign committee of the candidate, may not accept contributions after May 21, 1993, and must be dissolved by December 31, 1993.

. . . .