

State of Minnesota

**Campaign Finance & Public Disclosure 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: Gift to officials of informational booklet**

**ADVISORY OPINION 286**

**SUMMARY**

Gift to officials of an informational booklet which costs \$4.60 to produce and which will be available in limited quantities to the public without charge is a gift of informational material of unexceptional value which is not prohibited by Minn. Stat. § 10A.071.

**FACTS**

As the representative of an association, you ask the Campaign Finance and Public Disclosure Board (Board) for an advisory opinion based on the following facts:

1. The association you represent (the Association) is a lobbyist principal as defined in Minn. Stat. § 10A.01, subd. 28.
2. The Association is producing a booklet which is designed to increase awareness concerning individuals who are economically poor.
3. 5000 copies of the booklet will be produced at a cost of \$4.60 per copy.
4. 4000 copies of the booklet will be distributed to targeted readers, including legislators and other persons who are "officials" under the Minnesota gift prohibition statute, Minn. Stat. § 10A.071. The remaining 1000 copies will be available to members of the public upon request without charge.

**ISSUE**

Does Minn. Stat. § 10A.071 prohibit distribution of the described booklet to persons who are "officials" as defined in the statute?

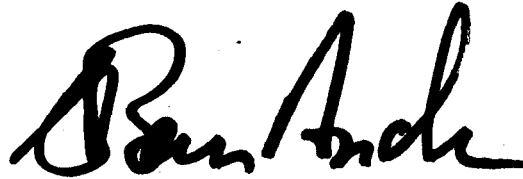
**OPINION**

No. The described booklet may be distributed under the exception to the general gift prohibition included in Minn. Stat. § 10A.071, subd. 3(a)(6), because it constitutes informational material of unexceptional value.

Your request indicates that you also intend to distribute the booklet to local officials. This advisory opinion applies only to the gift prohibition established in Minn. Stat. § 10A.071. The Board notes that gifts to local officials are also restricted by Minn. Stat. § 471.895, a statute not administered by the Board. You should consult your own legal advisors with respect to the effect of Minn. Stat. § 471.895 on the intended gift.

Issued:

1/23/58



G. Barry Anderson, Chair  
Campaign Finance and Public Disclosure Board

## CITED STATUTES

### 10A.01 DEFINITIONS

Subd. 28. **Principal.** "Principal" means an individual or association that:

- (1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or
- (2) is not included in clause (1) and spends a total of at least \$50,000 in any calendar year on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units, as described in section 10A.04, subdivision 6.

### 10A.071 CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED.

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 section do not apply if the gift is:
  - (6) informational material of unexceptional value; or