

State of Minnesota
Campaign Finance & Public Disclosure Board
First Floor South, Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603

THIS ADVISORY OPINION IS PUBLIC DATA
pursuant to a Consent for Release of Information signed by the requester

Issued to: Mary Kiffmeyer, Secretary of State
 180 State Office Building
 100 Constitution Avenue
 St. Paul, MN 55155

RE: Publishing candidate links on state government office's web site

ADVISORY OPINION 311

SUMMARY

Inclusion of candidate web site links on the Office of the Secretary of State's web site does not result in contributions to the candidates if every filing candidate for the same office has the same opportunity to have a link included.

FACTS

As Secretary of State for the State of Minnesota, you ask the Campaign Finance and Public Disclosure Board (Board) for an advisory opinion based on the following facts which were included in your request letter or verbally conveyed to Board staff:

1. The Office of the Secretary of State (the Office) is authorized by statute to sponsor or participate in nonpartisan activities that promote voter participation.
2. One of the activities of the Office is to provide a worldwide web site that contains information about all candidate filings for federal, state, and county level offices. With the increasing use of the internet and the worldwide web, the Office anticipates that it will be requested to provide links from the web pages it maintains to the web sites of individual candidates.
3. The Office is willing to include on its web site links to all candidate web sites about which it is informed. There would be no charge for the inclusion of any candidate's link. Each link will be the same size and style. No candidate's link will be more accessible or displayed differently than the links of other candidates for the same office.
4. The Office expects to place the links on the candidate listing pages that are created when filings for office open. Any candidate who qualifies for placement on the ballot could have a link placed on the Office's page. Links will be removed when the candidate listings for the election are removed, shortly after the end of the election cycle for the office.

5. The Office does not plan to include candidate links on its site until filings open for the 2000 elections, although it may do so for special election candidates before that time.
6. The Office is considering a disclaimer on its worldwide web site that would inform users that (1) links to candidate sites are created based on web site addresses provided by the candidates, (2) the links are displayed for voter information purposes and not to influence the nomination or election of a candidate, and (3) the candidate web sites are not monitored or regulated by the Office.

The Office asks whether its maintenance of links to candidate worldwide web sites would constitute a contribution of services to the candidates listed.

ISSUE

Does inclusion on the Office of the Secretary of State's web site of links to web pages of candidates who have filed for office constitute a campaign contribution?

OPINION

Inclusion of candidate web site links on the Office of the Secretary of State's web site under the plan described in the facts does not result in contributions to the candidates whose links are included.

The Board's conclusion is based on the following facts unique to this situation:

1. The Office of the Secretary of State is a state agency charged with conducting activities that foster voter participation. The Office believes that inclusion of the subject links will help it perform this responsibility.
2. The Office will offer inclusion of links to all candidates who file for the specified offices without regard to party affiliation, perceived candidate viability, web site content, or other criteria. The links will be the same size and style. No candidate link will be more easily accessed than those of other candidates for the same office.
3. Pages containing the links will be removed within a short time after the end of the election cycle, thus ensuring that candidates in a prior election cycle will not benefit from the links before the time new candidates file for office and qualify for a link.

In reaching the conclusion expressed in this opinion, the Board has not relied on the disclaimer the Office proposes to include on its site and, therefore, expresses no opinion as to its effect.

The Board's jurisdiction extends only to candidates for state constitutional, legislative, and judicial offices. This opinion is not applicable to federal or local candidates.

Issued: 4-9-99



Carolyn D. Rodriguez, Chair
Campaign Finance and Public Disclosure Board

RELEVANT STATUTES

Minn. Stat. § 10A.01 Definitions

Subd. 7. Contribution. "Contribution" means a transfer of funds or a donation in kind.
. . . .

Subd. 7b. Donation in kind. "Donation in kind" means anything of value other than money or negotiable instruments given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question. Donation in kind includes an approved expenditure.
. . . .

Subd. 10a. Approved expenditure. "Approved expenditure" means an expenditure made on behalf of a candidate by an entity other than the principal campaign committee of that candidate, which expenditure is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of that candidate, the candidate's principal campaign committee or the candidate's agent. An approved expenditure is a contribution to that candidate.