

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 NON PUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)

RE: Limits for candidates who register a principal campaign committee after a state general election.

ADVISORY OPINION 324

SUMMARY

A candidate who registers with the Board during an election year for the office the candidate is seeking is entitled to the election year contribution limits for the entire election year. A candidate who signs and files a Public Subsidy Agreement with the Board is entitled to the contribution limits for that year and the office sought regardless whether the candidate's name appears on the primary or general election ballots. A candidate may issue Political Contribution Refund receipts only for contributions received after the candidate signs and files a Public Subsidy Agreement. An Affidavit of Contributions must be submitted in the year that a candidate appears on the ballot.

FACTS

As a potential candidate for the office of state senate, you ask the Campaign Finance and Public Disclosure Board (the Board) for an advisory opinion based on the following facts:

1. You will register a principal campaign committee for the office of state senator, on or about November 15th, 2000.
2. You will sign a Public Subsidy Agreement during calendar year 2000.
3. The office of state senator was on the 2000 state general election ballot.
4. You will be a candidate for the office of State Senate in the year 2002.

ISSUE ONE

Do the election year contribution limits for an office expire on general election day?

OPINION

No, election year contribution limits are in effect for the entire calendar year that an office is on the state general election ballot. Election year contribution limits expire on December 31 of the state election year.

ISSUE TWO

What is the aggregate election year contribution limit for a candidate who registers a principal campaign committee after the state general election?

OPINION

The election year contribution limits for individual, political party, political committee, political fund, and aggregate contributions for that year are available to a candidate regardless of the date that the candidate registers a principal campaign committee with the Board.

For the office of state senate the 2000 election year aggregate contribution limit is \$10,126.

ISSUE THREE

May a principal campaign committee that registers with the Board after the state general election participate in the Political Contribution Refund (PCR) program?

OPINION

A candidate who has registered a principal campaign committee with the Board and who has signed and filed a spending limit agreement is eligible to issue PCR receipts. Only contributions received after the agreement is filed with the Board are eligible for a PCR refund.

The Board notes that a spending limit agreement expires at the end of an election year in which the office sought by the candidate appears on the ballot. The expiration of the spending limit agreement applies to all candidates for that office, whether or not the candidate filed for office or their name appeared on the ballot. When a spending limit agreement expires, a new agreement must be signed and filed with the Board prior to the issuance of PCR receipts for contributions received in the following year.

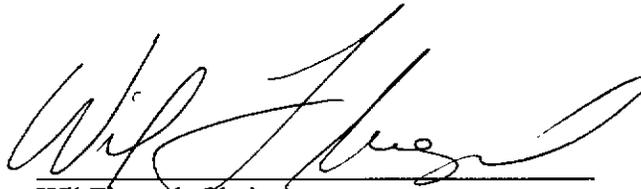
ISSUE FOUR

When may an Affidavit of Contributions be filed with the Board?

OPINION

An Affidavit of Contributions must be filed with the Board no later than November 1st of a general election year. The Affidavit states that the required contributions were received during the calendar year in which the public subsidy is paid. Minn. Stat. § 10A.323. Therefore, contributions received in previous years do not count towards the required contribution level for an office.

Issued Dec 12, 2000



Wil Fluegel, Chair
Campaign Finance and Public Disclosure Board

Relevant Statutes

Relevant Statutes

Minn. Stat. § 10A.27 Subd. 1(a). Contribution limits.

(a) Except as provided in subdivision 2, a candidate must not permit the candidate's principal campaign committee to accept aggregate contributions made or delivered by any individual, political committee, or political fund in excess of the following:

(1) to candidates for governor and lieutenant governor running together, \$2,000 in an election year for the office sought and \$500 in other years;

(2) to a candidate for attorney general, \$1,000 in an election year for the office sought and \$200 in other years;

(3) to a candidate for the office of secretary of state or state auditor, \$500 in an election year for the office sought and \$100 in other years;

(4) to a candidate for state senator, \$500 in an election year for the office sought and \$100 in other years; and

(5) to a candidate for state representative, \$500 in an election year for the office sought and \$100 in the other year.

Minn. Stat. §10A.322 Spending limit agreements.

Subdivision 1. Agreement by candidate.

(a) As a condition of receiving a public subsidy, a candidate must sign and file with the board a written agreement in which the candidate agrees that the candidate will comply with sections 10A.25; 10A.27, subdivision 10; and 10A.324.

(b) Before the first day of filing for office, the board must forward agreement forms to all filing officers. The board must also provide agreement forms to candidates on request at any time. The candidate must file the agreement with the board by September 1 preceding the candidate's general election or a special election held at the general election. An agreement may not be filed after that date. An agreement once filed may not be rescinded.

(c) The board must notify the commissioner of revenue of any agreement signed under this subdivision.

(d) Notwithstanding paragraph (b), if a vacancy occurs that will be filled by means of a special election and the filing period does not coincide with the filing period for the general election, a candidate may sign and submit a spending limit agreement not later than the day after the candidate files the affidavit of candidacy or nominating petition for the office.

Subd. 2. How long agreement is effective. The agreement, insofar as it relates to the expenditure limits in section 10A.25, as adjusted by section 10A.255, and the contribution limit in section 10A.27, subdivision 10, remains effective for candidates until the dissolution of the principal campaign committee of the candidate or the end of the first election cycle completed after the agreement was filed, whichever occurs first.

Subd. 4. Refund receipt forms; penalty. The board must make available to a political party on request and to any candidate for whom an agreement under this section is effective, a supply of official refund receipt forms that state in boldface type that (1) a contributor who is given a receipt form is eligible to claim a refund as provided in section 290.06, subdivision 23, and (2) if the contribution is to a candidate, that the candidate has signed an agreement to limit campaign expenditures as provided in this section. The forms must provide duplicate copies of the receipt to be attached to the contributor's claim. A candidate who does not sign an agreement under this section and who willfully issues an official refund receipt form or a facsimile of one to any of the candidate's contributors is guilty of a misdemeanor.

Minn. Stat. §10A.323 Affidavit of contributions.

In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy under section 10A.31 a candidate or the candidate's treasurer must file an affidavit with the board stating that during that calendar year the candidate has accumulated contributions from persons eligible to vote in this state in at least the amount indicated for the office sought, counting only the first \$50 received from each contributor:

- (1) candidates for governor and lieutenant governor running together, \$35,000;
- (2) candidates for attorney general, \$15,000;
- (3) candidates for secretary of state and state auditor, separately, \$6,000;
- (4) candidates for the senate, \$3,000; and
- (5) candidates for the house of representatives, \$1,500.

The affidavit must state the total amount of contributions that have been received from persons eligible to vote in this state, disregarding the portion of any contribution in excess of \$50.

The candidate or the candidate's treasurer must submit the affidavit required by this section to the board in writing by September 1 of the general election year to receive the payment made following the primary election and by November 1 to receive the payment made following the general election.

A candidate for a vacancy to be filled at a special election for which the filing period does not coincide with the filing period for the general election must submit the affidavit

required by this section to the board within five days after filing the affidavit of candidacy.

Minn. Stat. § 645.44 Particular words and phrases.

Subd. 13. Time; month; year. "Month" means a calendar month and "year" means a calendar year, unless otherwise expressed; and "year" is equivalent to the expression "year of our Lord."