

State of Minnesota
Campaign Finance & Public Disclosure Board
Suite 190, 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
REQUESTOR**

Issued to: Daniel Justensen
3536 46th Ave. South
Minneapolis, MN 55406

RE: Use of party account check off funds by the state committee of a political party.

ADVISORY OPINION 352

SUMMARY

The state committee of a political party may use funds from the party check off account to promote precinct caucuses provided the promotion is a multicandidate political party expenditure.

FACTS

As the treasurer of the state committee of the Independence Party of Minnesota you ask the Campaign Finance and Public Disclosure Board (the Board), for an advisory opinion based on the following facts:

1. Minnesota taxpayers may direct \$5 from the general fund of the state to a qualified political party election account by indicating a party choice on either their state income tax form or renter and homeowner property tax refund return.
2. The state committee of a qualified political party receives 10 percent of the payments directed to the party fund by Minnesota taxpayers.
3. Minnesota conducts "precinct caucuses" in the manner and for the purposes provided in Minnesota Statutes Chapter 202A every state general election year.
4. The state committee of the Independence Party of Minnesota wishes to promote attendance at the party caucuses in March.

ISSUE

May the state committee of the Independence Party of Minnesota use its share of the party account to promote the party's precinct caucuses?

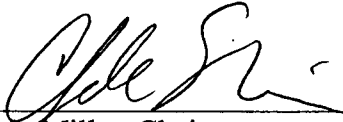
OPINION

Yes, provided that the specific promotions of the precinct caucuses qualify as a multicandidate political party expenditures. The designation, allocation, and use of funds from the tax check off accounts by the state committee of a qualified political party is provided for in Minn. Stat. §10A.31, subd. 5, (b). This statute directs that the money allocated to the state committee of a political party must be kept in a separate account and may only be spent on multicandidate political party expenditures as defined in Minn. Stat. §10A.275.

The precinct caucuses are a means for the political parties to get people involved at a grass roots level with the endorsement of candidates and the drafting of party platforms. It is a reasonable conclusion that people who turn out for a precinct caucus will be likely supporters of that party's candidates at the state primary and general elections. Precinct caucuses are one of the first steps in generating public support for a party's candidates. The Board believes that published, posted, or broadcast advertisements for the precinct caucuses that do not mention specific candidates meet the definition contained in Minn. Stat. §10A.275 subd. 1, (1), as a type of multicandidate political party expenditure that may be paid for with party check off funds.

The Board notes that the check off funds may also be used for those expenditures specified in Minn. Stat. §10A.275 subd. 1, (2),(3),(4) and (5).

Issued November 19, 2003



Clyde Miller, Chair
Campaign Finance and Public Disclosure Board

Cited Statutes and Rules

10A.275 Multicandidate Political Party Expenditures.

Subdivision 1. **Exceptions.** Notwithstanding other provisions of this chapter, the following expenditures by a party unit, or two or more party units acting together, with at least one party unit being either: the state committee or the party organization within a congressional district, county, or legislative district, are not considered contributions to or expenditures on behalf of a candidate for the purposes of section 10A.25 or 10A.27 and must not be allocated to candidates under section 10A.20, subd. 3, paragraph (g):

(1) expenditures on behalf of candidates of that party generally without referring to any of them specifically in a published, posted, or broadcast advertisement;

(2) expenditures for the preparation, display, mailing, or other distribution of an official party sample ballot listing the names of three or more individuals whose names are to appear on the ballot;

(3) expenditures for a telephone conversation including the names of three or more individuals whose names are to appear on the ballot;

(4) expenditures for a political party fund-raising effort on behalf of three or more candidates; or

(5) expenditures for party committee staff services that benefit three or more candidates.

10A.31 Designation of Income Tax Payments.

(b) Party account. In each calendar year the money in each party account must be allocated as follows:

(1) 14 percent for the offices of governor and lieutenant governor together;

(2) 2.8 percent for the office of attorney general;

(3) 1.6 percent each for the offices of secretary of state and state auditor;

(4) in each calendar year during the period in which state senators serve a four-year term, 23-1/3 percent for the office of state senator, and 46-2/3 percent for the office of state representative;

(5) in each calendar year during the period in which state senators serve a two-year term, 35 percent each for the offices of state senator and state representative; and

(6) ten percent for the state committee of a political party.

Money allocated to each state committee under clause (6) must be deposited in a separate account and must be spent for only those items enumerated in section 10A.275. Money allocated to a state committee under clause (6) must be paid to the committee by the board as it is received in the account on a monthly basis, with payment on the 15th day of the calendar month following the month in which the returns were processed by the department of revenue, provided that these distributions would be equal to 90 percent of the amount of money indicated in the department of revenue's weekly unedited reports of income tax returns and property tax refund returns processed in the month, as notified by the department of revenue to the board. The amounts paid to each state committee are subject to biennial adjustment and settlement at the time of each certification required of the commissioner of revenue under subdivisions 7 and 10. If the total amount of payments received by a state committee for the period reflected on a certification by the department of revenue is different from the amount that should have been received during the period according to the certification, each subsequent monthly payment must be increased or decreased to the fullest extent possible until the amount of the overpayment is recovered or the underpayment is distributed.