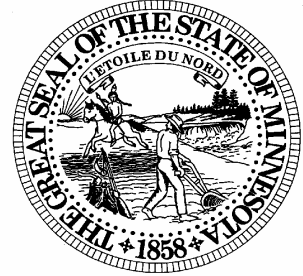


Minnesota

Campaign Finance and Public Disclosure Board



**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: First Time Candidate Spending Limit; Value of Automobile Use

ADVISORY OPINION 374

SUMMARY

The increase in the campaign expenditure limit provided to first time candidates applies to all years of the election cycle. The use of an automobile by a principal campaign committee may be reimbursed at a set mileage rate or for the actual costs of using the automobile during the campaign.

FACTS

As Counsel for a principal campaign committee, (the Committee), registered with the Campaign Finance and Public Disclosure Board, (the Board), you request an advisory opinion based on the following:

1. The candidate has signed the public subsidy agreement, which limits the amount of campaign expenditures the Committee may make.
2. The candidate is a first time candidate as defined in Minn. Stat. §10A.25, subd. 2 (d).
3. The Committee will make use of an automobile during the course of the campaign.

ISSUE ONE

Is the ten percent increase in the campaign expenditure limit provided to first time candidates who sign the public subsidy agreement available for each year of the applicable election cycle?

OPINION ONE

Yes. The ten percent increase in the campaign expenditure limit provided in Minn. Stat. §10A.25, subd. 2 (d) applies to election and non election years of the election cycle.

ISSUE TWO

May the Committee value the use of the automobile at either the lowest rate used by the state to reimburse its employees for automobile use; or alternatively, reimburse for the actual cost of fuel, maintenance, repairs, and insurance directly related to the use of the automobile?

OPINION TWO

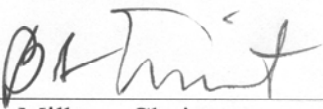
Yes. The rate used by the state to reimburse employees for automobile use is based on the IRS mileage rate. The IRS mileage rate is an overall average of the cost of using an automobile and is provided as a standard rate so that individuals do not have to track the cost of all items related to the use of the automobile. However, because it is an average, the IRS rate may not reflect the actual cost of using either a fuel efficient or inefficient automobile.

If the Committee wishes to reimburse the actual cost of operating the automobile for campaign related travel it may do so with the understanding that it will need to maintain records that document the basis for the reimbursement.

NOTE

If the Board intends to apply the response provided in an advisory opinion more broadly than to the individual or association to whom the opinion was issued then the Board is required under Minn. Stat. §10A.02, subd. 12a, to adopt administrative rules. As of the date of this advisory opinion the Board is in the process of adopting administrative rules that incorporate the responses provided in this advisory opinion into Minnesota Rules Chapter 4503.

Issued January 11, 2006



Bob Milbert, Chair
Campaign Finance and Public Disclosure Board

Cited Statutes and Administrative Rules

10A.02 Board of Campaign Finance and Public Disclosure.

Subd. 12a. **Advisory opinions; rules.** If the board intends to apply principles of law or policy announced in an advisory opinion issued under subdivision 12 more broadly than to the individual or association to whom the opinion was issued, the board must adopt these principles or policies as rules under chapter 14.

10A.25 Spending limits

Subd. 2. **Amounts.** (a) In a year in which an election is held for an office sought by a candidate, the principal campaign committee of the candidate must not make campaign expenditures nor permit approved expenditures to be made on behalf of the candidate that result in aggregate expenditures in excess of the following:

- (1) for governor and lieutenant governor, running together, \$2,188,090;
 - (2) for attorney general, \$364,690;
 - (3) for secretary of state and state auditor, separately, \$182,350;
 - (4) for state senator, \$54,740;
 - (5) for state representative, \$28,400.
- (b) In addition to the amount in paragraph (a), clause (1), a candidate for endorsement for the office of lieutenant governor at the convention of a political party may make campaign expenditures and approved expenditures of five percent of that amount to seek endorsement.
- (c) If a special election cycle occurs during a general election cycle, expenditures by or on behalf of a candidate in the special election do not count as expenditures by or on behalf of the candidate in the general election.
- (d) The expenditure limits in this subdivision for an office are increased by ten percent for a candidate who is running for that office for the first time and who has not run previously for any other office whose territory now includes a population that is more than one-third of the population in the territory of the new office.