

Minnesota

# *Campaign Finance and Public Disclosure Board*



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REQUESTER OF THE ADVISORY OPINION, WHICH IS NON PUBLIC DATA  
under Minn. Stat. § 10A.02, subd. 12(b)**

**RE: Campaign Expenditures and Non Campaign Disbursements**

## **ADVISORY OPINION 379**

### **SUMMARY**

A principal campaign committee may not pay compensation to its candidate for running for office.

### **FACTS**

As an individual interested in recruiting candidates who will run for state office and register with the Campaign Finance and Public Disclosure Board (the Board) you request an advisory opinion based on the following:

1. The time commitment needed for a candidate to campaign for a state office is so substantial that desirable people may be discouraged from presenting themselves as candidates on an unpaid basis. You state that this is problem for legislative candidates and candidates for constitutional office.
2. You anticipate candidates will campaign at public meetings and other events so that the candidates are available to meet with voters.
3. You propose that candidates would document the time they spend campaigning by keeping a log of the meetings and events they attend along with the number of hours spent at each event.
4. You are aware of the provisions of Minnesota Statutes section 211B.12 which lists permitted expenditures that may be made with funds collected for political purposes.

## ISSUE ONE

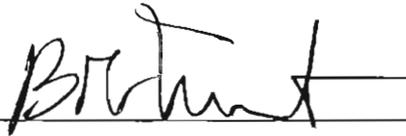
May a principal campaign committee pay its candidate for running for office?

## OPINION ONE

No. All funds available to a principal campaign committee are donated to it for the purpose of influencing the nomination or election of a candidate. The funds in a principal campaign committee may be used for "campaign expenditures" as defined by Minnesota Statutes, section 10A.01, subdivision 9, or for any of the "noncampaign disbursements" defined by section 10A.01, subdivision 26 and Minnesota Rules, 4503.0900. Neither of the cited subdivisions or rule or other provisions of Chapter 10A or related administrative rules allow for the described type of expenditure by a principal campaign committee.

The requestor notes that Minnesota Statutes, section 211B.12, provides a list of legal expenditures of money collected for political purposes and allows, by clause (1), money to be used for "...salaries, wages, and fees..." Although the Board is not charged with providing opinions to interpret chapter 211B, it notes that section 211B.12 does not define the appropriate recipients of "...salaries, wages, and fees..." The Board also notes that clause (7) of section 211B.12 provides that money collected for political purposes "...may not be converted to personal use." A principal campaign committee that intends to pay wages to a candidate to run for office may wish to consider the implications of this provision and seek the advice of counsel.

Issued April 12, 2006



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Bob Milbert, Chair  
Campaign Finance and Public Disclosure Board

## Cited Statutes and Administrative Rules

### 10A.01 Definitions.

Subd. 9. **Campaign expenditure.** "Campaign expenditure" or "expenditure" means a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question.

An expenditure is considered to be made in the year in which the candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.

An expenditure made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate.

Except as provided in clause (1), "expenditure" includes the dollar value of a donation in kind.

"Expenditure" does not include:

- (1) noncampaign disbursements as defined in subdivision 26;
- (2) services provided without compensation by an individual volunteering personal time on behalf of a candidate, ballot question, political committee, political fund, principal campaign committee, or party unit; or
- (3) the publishing or broadcasting of news items or editorial comments by the news media.

Subd. 26. **Noncampaign disbursement.** "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, or a donation in kind received, by a principal campaign committee for any of the following purposes:

- (1) payment for accounting and legal services;
- (2) return of a contribution to the source;
- (3) repayment of a loan made to the principal campaign committee by that committee;
- (4) return of a public subsidy;
- (5) payment for food, beverages, entertainment, and facility rental for a fund-raising event;
- (6) services for a constituent by a member of the legislature or a constitutional officer in the executive branch, including the costs of preparing and distributing a suggestion or idea solicitation to constituents, performed from the beginning of the

term of office to adjournment sine die of the legislature in the election year for the office held, and half the cost of services for a constituent by a member of the legislature or a constitutional officer in the executive branch performed from adjournment sine die to 60 days after adjournment sine die;

- (7) payment for food and beverages consumed by a candidate or volunteers while they are engaged in campaign activities;
- (8) payment for food or a beverage consumed while attending a reception or meeting directly related to legislative duties;
- (9) payment of expenses incurred by elected or appointed leaders of a legislative caucus in carrying out their leadership responsibilities;
- (10) payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses;
- (11) costs of child care for the candidate's children when campaigning;
- (12) fees paid to attend a campaign school;
- (13) costs of a postelection party during the election year when a candidate's name will no longer appear on a ballot or the general election is concluded, whichever occurs first;
- (14) interest on loans paid by a principal campaign committee on outstanding loans;
- (15) filing fees;
- (16) post-general election thank-you notes or advertisements in the news media;
- (17) the cost of campaign material purchased to replace defective campaign material, if the defective material is destroyed without being used;
- (18) contributions to a party unit;
- (19) payments for funeral gifts or memorials; and
- (20) other purchases or payments specified in board rules or advisory opinions as being for any purpose other than to influence the nomination or election of a candidate or to promote or defeat a ballot question.

The board must determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.

A noncampaign disbursement is considered made in the year in which the candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.

## **211B.12 Legal Expenditures.**

Use of money collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns, or is a noncampaign disbursement as defined in section 10A.01, subdivision 26. The following are permitted expenditures when made for political purposes:

- (1) salaries, wages, and fees;
- (2) communications, mailing, transportation, and travel;
- (3) campaign advertising;
- (4) printing;
- (5) office and other space and necessary equipment, furnishings, and incidental supplies;
- (6) charitable contributions of not more than \$50 to any charity annually; and
- (7) other expenses, not included in clauses (1) to (6), that are reasonably related to the conduct of election campaigns. In addition, expenditures made for the purpose of providing information to constituents, whether or not related to the conduct of an election, are permitted expenses. Money collected for political purposes and assets of a political committee or political fund may not be converted to personal use.

## **4503.0900 NONCAMPAIGN DISBURSEMENTS.**

Subpart 1. **Additional definitions.** In addition to those listed in Minnesota Statutes, section 10A.01, subdivision 26, the following expenses are noncampaign disbursements:

- A. transportation, meals, and lodging paid to attend a campaign school;
- B. costs of campaigning incurred by a person with a disability, as defined in Minnesota Statutes, section 363.01, subdivision 13, and which are made necessary by the disability;
- C. the cost to an incumbent or a winning candidate of providing services to residents in the district after the general election in an election year for the office held;
- D. payment of advances of credit in a year after the year in which the advance was reported as an expenditure; and
- E. payment of fines assessed by the board.