

**ETHICAL PRACTICES BOARD**

First Floor So., Centennial Building, 658 Cedar St. . St. Paul, MN 55155

Issued to:

Alan W. Weinblatt, Esq.

Weinblatt and Davis

336 Robert Street

St. Paul, MN 55101

**RE: Campaign Finance Disclosure**

**ADVISORY OPINION #127**

**SUMMARY**

127. The cost of a principal campaign committee's purchase of a facsimile machine is reportable as a campaign expenditure for the purposes of the expenditure limits in Minn. Stat. § 10A.25.

**FACTS**

You state that you represent Minnesota State Representative Douglas Peterson and the Friends of Doug Peterson Committee (the "committee".) You state that on February 8, 1992, the committee purchased a facsimile machine at a cost of \$580. You further state that February 8, 1992, until June 15, 1992 (60 days after the Legislature adjourned sine die in 1992), the machine was used in the course of Representative Peterson's constituent communications and constituent services work. You state that from June 16, 1992, to date the machine has been used for both campaign and noncampaign purposes and that the committee reported the purchase as a noncampaign disbursement on its September 8, 1992, pre-primary report of receipts and expenditures. You state than on or about October 24, 1992, the committee received a notice from Ethical Practices Board staff changing the designation from a noncampaign disbursement to a campaign expenditure.

You ask the Board's opinion on the following issues:

**QUESTION ONE**

Since the committee's primary purpose in February, 1992, for purchasing the facsimile machine was for constituent services, should not the expenditure be considered a noncampaign disbursement, in whole, because the transaction was a noncampaign disbursement at the time of purchase?

**OPINION**

No. The Ethical Practices Board is authorized to determine whether an activity involving a principal campaign committee's payment of committee funds involves a noncampaign disbursement within the meaning of Minn. Stat. § 10A.01, subd. 10c. Payments by the committee from contributions to influence the nomination or election of a candidate and deposited in the committee depository to purchase a facsimile machine or other capital good must be reported as campaign

expenditures in the year in which the equipment was purchased. Minn. Stat. §§ 10A.01, subds. 7, 7a, 8, 10 and 10A.19.

#### QUESTION TWO

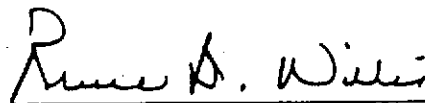
In the alternative, since the equipment has been used primarily for constituent services and not to influence Representative Peterson's election, should not its cost be divided between noncampaign disbursements for the period February 8 through June 15, 1992, and campaign expenditures for the period June 16, 1992, through January 6, 1993, (the commencement of the next legislative session) in roughly equal proportions?

#### OPINION

No. A campaign expenditure must be reported in the year in which the good was purchased or the obligation to pay for the good was incurred. Minn. Stat. § 10A.01, subd. 10. The reports of receipts and expenditures in accordance with Minn. Stat. § 10A.20 require disclosure of the entire cost of the good and provide no basis for dividing the cost between campaign expenditure and noncampaign disbursement.

Issued: \_\_\_\_\_

11/12/92



Bruce D. Willis, Chair  
Ethical Practices Board