

ETHICAL PRACTICES BOARD

First Floor South, Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603

Issued to:

Richard Ottman

2335 Blomquist Avenue

St. Paul, MN 55110-4809

RE: First-time Candidate

ADVISORY OPINION #139

SUMMARY

139. An individual who has been a candidate for state representative and who was a candidate for Ramsey County Soil and Water Conservation Board is not a first-time candidate under Minn. Stat. § 10A.25, subd. 2 (c).

FACTS

You state that as a candidate for House District 55A you have registered a principal campaign committee for that office and you have signed and filed a Public Subsidy Agreement. You also indicate the following: 1) that you ran, filed for office, and were listed on the ballot for Ramsey County Soil and Water Conservation Board in 1990; 2) that the vote for the office you sought was county wide; 3) that the portion of House District 55A that is in Ramsey County is less than 20% of the total population of Ramsey County; 4) that at least 70% of House District 55A's population is in Ramsey County with the remainder in Washington County; 5) that you are confused by the meaning of "...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 of the territory of the new office." Minn. Stat. § 10A.25, subd. 2 (c); 6) that you registered a principal campaign committee in December, 1981, to run for the state House of Representatives in an area that is different from the present boundaries of House District 55A; 7) that although you collected some campaign contributions and filed necessary reports with the Board you did not file for office in 1982; and 8) that you did not file for office at any other time except in the 1990 election as a candidate for Ramsey County Soil and Water Conservation Board.

You ask the Board the following questions:

QUESTION ONE

Is Ramsey County Soil and Water Conservation Board one of the "other offices" within the meaning of Minn. Stat. § 10A.25, subd. 2 (c)?

OPINION

Yes. A candidate for election to the Ramsey County Soil and Water Conservation Board is listed on a ballot to be voted upon by all legal voters of Ramsey County at a general election. Minn. Stat. §§ 103C.305, 204D.03.

QUESTION TWO

As a candidate running for election in District 55A in 1994, are you a "first-time candidate" within the meaning of Minn. Stat. § 10A.25, subd. 2 (c)?

OPINION

No. Based on the facts presented to the Board, you ran previously for the office of state representative and you ran for election to the Ramsey County Soil and Water Conservation Board, an office whose territory includes more than one-third of the population of District 55A. The Board concludes that you do not qualify for the increase in expenditure limit provided in Minn. Stat. § 10A.25, subd. 2 (c).

Issued: March 23, 1994


Vanne Owens Hayes, Chair
Ethical Practices Board

PERTINENT STATUTES

Minn. Stat. § 10A.01 DEFINITIONS provides:

Subd. 5. **Candidate.** "Candidate" means an individual who seeks nomination or election to any statewide or legislative office for which reporting is not required under federal laws. The term candidate shall also include an individual who seeks nomination or election to supreme court, court of appeals, or district court judgeships of the state. An individual shall be deemed to seek nomination or election if the individual has taken the action necessary under the law of the state of Minnesota to qualify for nomination or election, has received contributions or made expenditures in excess of \$100, or has

given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about the individual's nomination or election. A candidate remains a candidate until the candidate's principal campaign committee is dissolved as provided in section 10A.24.

Minn. Stat. § 10A.25 LIMITS ON CAMPAIGN EXPENDITURES provides:

Subd. 2. (c) 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.