

ETHICAL PRACTICES BOARD

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

**THE FOLLOWING PUBLICATION DOES NOT IDENTIFY
THE REQUESTER OF THE ADVISORY OPINION, WHICH IS NONPUBLIC DATA**

under Minn. Stat. § 10A.02, subd. 12(b) (1994 Minn. Laws, ch. 377, sec. 1)

RE: Loan Limit

ADVISORY OPINION #207

SUMMARY

207. A candidate who accepts a public subsidy must not contribute or loan to the candidate's principal campaign committee amounts which in aggregate exceed the contribution limits set out in Minn. Stat. § 10A.27, subd. 10. Minn. Stat. § 10A.27, subs. 1, 8, and 10.

FACTS

As a candidate who has a valid public subsidy agreement, you have requested an interpretation of Minn. Stat. § 10A.27, subd. 10, which limits the amount of contributions which a candidate who accepts a public subsidy may make to his or her campaign. You ask the Board to answer the following question:

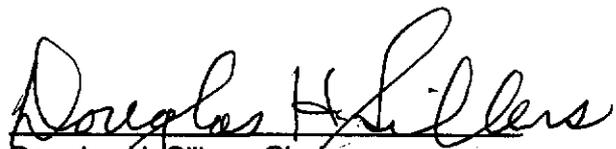
QUESTION

Is there a difference between the candidate who accepts a public subsidy and who contributes to his or her campaign as opposed to the candidate who accepts a public subsidy and who loans money to the campaign?

OPINION

No. A candidate who accepts a public subsidy must not contribute or loan to the candidate's principal campaign committee amounts which in aggregate exceed the contribution limits set out in Minn. Stat. § 10A.27, subd. 10. It is the opinion of the Board that the loan limits expressed in Minn. Stat. § 10A.27, subd. 8, must be read together with any applicable contribution limits imposed by Minn. Stat. § 10A.27.

Issued: 3-1-95


Douglas H. Sillers, Chair
Ethical Practices Board

PERTINENT STATUTES

Minn. Stat. § 10A.27 ADDITIONAL LIMITATIONS provides:

Subdivision 1. **Contribution limits.** Except as provided in subdivisions 2 and 6, no candidate shall permit the candidate's principal campaign committee to accept aggregate contributions made or delivered by any individual, political committee, or political fund in excess of the following:

(a) to candidates for governor and lieutenant governor running together, \$2,000 in an election year for the office sought and \$200 in other years;

(b) to a candidate for attorney general, \$1,000 in an election year for the office sought and \$200 in other years;

(c) to a candidate for the office of secretary of state, state treasurer or state auditor, \$500 in an election year for the office sought and \$100 in other years;

(d) to a candidate for state senator, \$500 in an election year for the office sought and \$100 in other years; and

(e) to a candidate for state representative, \$500 in an election year for the office sought and \$100 in the other year.

The following deliveries are not subject to the bundling limitation in this subdivision:

(1) delivery of contributions collected by a member of the candidate's principal campaign committee, such as a block worker or a volunteer who hosts a fund raising event, to the committee's treasurer; and

(2) a delivery made by an individual on behalf of the individual's spouse.

Subd. 2. No candidate shall permit the candidate's principal campaign committee to accept contributions from any political party units in aggregate in excess of ten times the amount that may be contributed to that candidate as set forth in subdivision 1.

...
Subd. 6. [Repealed, 1993 c 318 art 2 s 51]

...
Subd. 8. No candidate shall permit the candidate's principal campaign committee to accept a loan from other than a financial institution for an amount in excess of the contribution limits imposed by this section. No candidate shall permit the candidate's principal campaign committee to accept any loan from a financial institution for which that financial institution may hold any endorser of that loan liable to pay any amount in excess of the amount that the endorser may contribute to that candidate.

...
Subd. 10. **Prohibited contributions.** A candidate who accepts a public subsidy may not contribute to the candidate's own campaign more than ten times the candidate's election year contribution limit under subdivision 1.

...