

State of Minnesota  
**Campaign Finance & Public Disclosure 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)

**RE:** Application of noncampaign disbursement definitions to costs of a party upon candidate's retirement from public office

**ADVISORY OPINION 285**

**SUMMARY**

Costs paid by a principal campaign committee for a party given in an election year, after the general election, upon the retirement from public office of the principal campaign committee's candidate are noncampaign disbursements.

**FACTS**

You ask the Campaign Finance and Public Disclosure Board (Board) for an advisory opinion based on the following facts:

1. You are an elected public official, as such, are a candidate with a principal campaign committee registered with the Board.
2. The office you hold is up for election in 1998. However, you have announced that you will retire at the end of your current term and will not be a candidate for election in 1998.
3. You would like to use some of the money remaining in your principal campaign committee to give a party to thank the staff of the office you hold for their services and to thank the many people who have participated over the years in the activities and initiatives your office.
4. The party would be given at the end of the year after the general election.
5. You ask the Board whether the costs of such a party would be a noncampaign disbursement under Minnesota Statutes, chapter 10A, so that you may use principal campaign committee funds to pay those costs.

## ISSUE

May the costs of a party at the end of a candidate's service in public office, given to thank staff and others who have assisted in the official's public service, be paid for with campaign funds as a noncampaign disbursement?

## OPINION

The candidate's principal campaign committee may use its funds to pay for a single party, in an election year, after the general election, when the candidate will no longer seek election to the office held.

In reaching this conclusion, the Board first considered whether the request fell within an existing noncampaign disbursement category and concluded that it did not.

The party you describe does not fit the noncampaign disbursement for expenses of the candidate for serving in office provided in Minn. Stat. § 10A.01, subd. 10c(j). The Board has generally limited use of this noncampaign disbursement to costs that directly assist the official in the continuing performance of public service, that enhance the official's ability to serve, and that would not be incurred if the official were not serving in office.

The party under consideration is not a party given in a general election year when a candidate's name will no longer appear on a ballot or the general election is concluded, as provided for in Minn. Stat. § 10A.01, subd. 10c(m). Use of this noncampaign disbursement is limited to candidates whose names appeared on the primary and/or general election ballots in the election year during which the party is given.

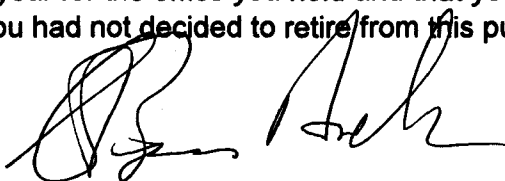
The Board notes that the party you propose is related in some ways to your service in office, although it does not have the direct relation to continued and improved service that the Board has recognized as sufficient for application of Minn. Stat. § 10A.02, subd. 10c(j). The party also bears many similarities to the post election party authorized by Minn. Stat. § 10A.01, subd. 10c(m), although it does not completely fall within the 10c(m) definition.

The Board has authority under Minn. Stat. § 10A.01, subd. 10c(s), to recognize payments not specifically listed in the statute as valid noncampaign disbursements and does so in this matter.

Your principal campaign committee may use its funds to pay for the party you describe. This opinion is based on the Board's understanding that principal campaign committee funds will be used for a single party, to be given in 1998, after the general election. This opinion is further based on the fact that 1998 is an election year for the office you hold and that your name would be on the ballot for that election if you had not decided to retire from this public office at the end of your current term.

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

2/05/98



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G. Barry Anderson, Chair  
Campaign Finance and Public Disclosure Board

## CITED STATUTES

### 10A.01 DEFINITIONS

Subd. 10. **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.

Subd. 10c. **Noncampaign disbursement.** "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, by a political committee, political fund, or principal campaign committee for any of the following purposes:

(j) payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses;

(m) 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;