

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: Definition of Constituent Services

ADVISORY OPINION 307

SUMMARY

Provision of bus transportation by a legislator's principal campaign committee so that the legislator's constituents may attend an educational day at the Capitol is a constituent service. Costs of constituent services are reported as noncampaign disbursements when incurred during a legislative session.

FACTS

As a member of the Minnesota Legislature, you ask the Campaign Finance and Public Disclosure Board for an advisory opinion based on the following facts:

1. As an incumbent legislator, you want to help your constituents to better understand how state government works.
2. You would like to have an "educational day" at the Capitol for residents of your district. The day would occur during the legislative session and would include a meeting with you and others to give an overview of the legislative process and to answer questions. It would also include attendance by the group at a committee meeting, as well as meetings with other legislators or departments as requested by visiting constituents.
3. Your district is over 100 miles from St. Paul. Thus, many of your constituents, especially the elderly, would find it a hardship to make the trip on their own. To make this educational opportunity more easily available, you would like to provide charter bus transportation to the Capitol.

ISSUE

May an incumbent legislator use principal campaign committee funds to pay for bus transportation to the Capitol in St. Paul so that constituents can attend an educational day organized by the legislator? If so, may such costs be reported as noncampaign disbursements?

OPINION

An official may provide charter bus transportation to constituents to permit them to attend an educational day at the legislature.

Minn. Stat. § 10A.01, subd 10c, provides for the use of principal campaign committee funds for certain purposes, including "services for constituents". Minn. Rules, part 4503.0100, subp. 6, limits constituent services by excluding gifts, congratulatory advertisements, charitable contributions, and similar expenditures.


Beyond the limitations described in the Rule cited above, the Board believes that in order to be considered a constituent service under Minnesota Statutes Chapter 10A, the service provided must have some connection to the relationship between the official providing the service and the constituent.

Providing bus transportation to the Capitol so that constituents may attend an educational day organized by the legislator is directly related to the constituent-public servant relationship the official shares with the trip participants. The purpose of the trip is to facilitate each participant's ability to learn about the system in which the constituent-public servant relationship exists. The educational day may enable the constituents to better understand the legislative processes and may even help them better evaluate the performance of their elected officials.

The costs of constituent services during a legislative session are reported as noncampaign disbursements. If the constituent services are provided in an election year after the conclusion of the session, all or part of the cost is a campaign expenditure. See Minn. Stat. § 10A.01, subd. 10c(f).

This opinion does not extend to the provision of meals, refreshments, or side trips that may be associated with an event such as the one described in the facts. The Board also recognizes that the requester has chosen a reasonable means of providing the constituent service. The Board would not necessarily reach the conclusion expressed in this opinion if the requester wanted to charter an airplane or hire limousines to provide the desired transportation.

Issued: 3-19-99



Carolyn D. Rodriguez, Chair
Campaign Finance and Public Disclosure Board

CITED STATUTES

Minn. Stat. § 10A.01 Definitions

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:

.....

(f) services for a constituent by a member of the legislature or a constitutional officer in the executive branch, 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;

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Minn. R. Part 4503.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes, chapter 10A. The definitions in chapter 4501 and Minnesota Statutes, chapter 10A, also apply to this chapter.

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Subp. 6. **Services for a constituent; constituent services.** "Services for a constituent" or "constituent services" means services performed or provided by an incumbent legislator or constitutional officer for the benefit of one or more residents of the official's district, but does not include gifts, congratulatory advertisements, charitable contributions, or similar expenditures.

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