

Minnesota

Campaign Finance and Public Disclosure Board



**THE FOLLOWING PUBLICATION DOES NOT IDENTIFY THE
REQUESTER OF THE ADVISORY OPINION, WHICH IS NON PUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)**

RE: State Political Party Convention Expenses

ADVISORY OPINION 383

SUMMARY

Expenses for a candidate attending a state political party convention paid for by a principal campaign committee are reported as campaign expenditures.

FACTS

As a State Representative with a principal campaign committee registered with the Campaign Finance and Public Disclosure Board (the Board), you ask for an advisory opinion based on the following facts.

1. State legislators who are members of the Democratic Farmer Labor Party (DFL) are automatically accorded delegate status at the DFL state convention. State legislators who are members of the Republican Party of Minnesota (RPM) do not have automatic status as delegates to the RPM state convention, but are often elected to serve as a state delegate.
2. During a floor session of the Minnesota House of Representatives on May 20, 2006, a discussion occurred about using the funds in a principal campaign committee to pay the costs of a legislator attending a DFL or RPM state convention. Legislators who participated in the discussion indicated that they viewed the cost of attending a state political party convention as either a cost of serving in office or a constituent service, and therefore a noncampaign disbursement.
3. The political party endorsement for a legislative district occurs prior to the state political party convention.

ISSUE ONE

May a principal campaign committee that pays some or all of the registration, travel, meals, and lodging costs incurred by a member of the legislature to attend a political party state convention classify the costs as noncampaign disbursements?

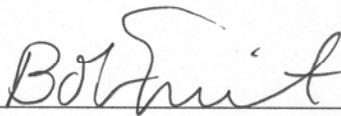
OPINION ONE

No. Minnesota Statutes, section 10A.01, subdivision 26, and Minnesota Rules 4503.0900 provide a list of expenses incurred by a principal campaign committee that may be classified as a noncampaign disbursement. Neither statute nor rule provides a category under which the costs associated with attending a political party state convention may be reasonably included.

The House of Representatives floor discussion included in the facts of this opinion suggested that because DFL legislators are automatically delegates to their party's state convention the cost of attending the DFL state convention were a "cost of serving in office"; a type of noncampaign disbursement under Minnesota Statutes, section 10A.01, subdivision 26 (9). In previous advisory opinions, (see Advisory Opinions 354, 346, and 314) the Board has limited the costs of serving in office that qualify as a noncampaign disbursement to those costs reasonably expected or required of all elected officials. Attending a state political party convention is an act to support a political party and the legislator's reelection campaign; it is not a cost of serving in office.

During the floor discussion it was also contended that the cost of attending a state political party convention was a service to constituents, and therefore a noncampaign disbursement. A state legislator who attends a state political party convention will likely find that some of the delegates are constituents. It does not follow that the cost of attending the convention is therefore "services for a constituent", a type of noncampaign disbursement provided in Minnesota Statutes, section 10A.01, subdivision 26 (6). A constituent service is a service provided to a member of the public because the legislator holds public office. Discussions held between delegates at a state convention occur because of shared political affiliation and goals. The fact that one of the delegates is a legislator does not make the conversation a constituent service.

Issued August 15, 2006



Bob Milbert, Chair
Campaign Finance and Public Disclosure Board

Cited Statutes and Administrative Rules

10A.01 Definitions.

Subd. 26. **Noncampaign disbursement.** "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, or a donation in kind received, by a principal campaign committee for any of the following purposes:

- (1) payment for accounting and legal services;
- (2) return of a contribution to the source;
- (3) repayment of a loan made to the principal campaign committee by that committee;
- (4) return of a public subsidy;
- (5) payment for food, beverages, entertainment, and facility rental for a fund-raising event;
- (6) services for a constituent by a member of the legislature or a constitutional officer in the executive branch, including the costs of preparing and distributing a suggestion or idea solicitation to constituents, 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;
- (7) payment for food and beverages consumed by a candidate or volunteers while they are engaged in campaign activities;
- (8) payment for food or a beverage consumed while attending a reception or meeting directly related to legislative duties;
- (9) payment of expenses incurred by elected or appointed leaders of a legislative caucus in carrying out their leadership responsibilities;
- (10) payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses;
- (11) costs of child care for the candidate's children when campaigning;
- (12) fees paid to attend a campaign school;
- (13) 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;

- (14) interest on loans paid by a principal campaign committee on outstanding loans;
- (15) filing fees;
- (16) post-general election thank-you notes or advertisements in the news media;
- (17) the cost of campaign material purchased to replace defective campaign material, if the defective material is destroyed without being used;
- (18) contributions to a party unit;
- (19) payments for funeral gifts or memorials; and
- (20) other purchases or payments specified in board rules or advisory opinions as being for any purpose other than to influence the nomination or election of a candidate or to promote or defeat a ballot question.

The board must determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.

A noncampaign disbursement is considered made in the year in which the candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.

4503.0900 Noncampaign Disbursements.

Subpart 1. **Additional definitions.** In addition to those listed in Minnesota Statutes, section 10A.01, subdivision 26, the following expenses are noncampaign disbursements:

- A. transportation, meals, and lodging paid to attend a campaign school;
- B. costs of campaigning incurred by a person with a disability, as defined in Minnesota Statutes, section 363.01, subdivision 13, and which are made necessary by the disability;
- C. the cost to an incumbent or a winning candidate of providing services to residents in the district after the general election in an election year for the office held;
- D. payment of advances of credit in a year after the year in which the advance was reported as an expenditure; and
- E. payment of fines assessed by the board.