

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: Cost of mailing informational magnet and note to constituents**

## **ADVISORY OPINION 388**

### **SUMMARY**

Minnesota Statutes Section 10A.01, subd. 26(20), provides that the cost of producing an informational magnet that will be distributed to constituents is a noncampaign disbursement. Distribution of the magnet and an explanatory note are constituent services, the costs of which are to be reported as noncampaign disbursements or campaign expenditures depending on the time the distribution is made.

### **FACTS**

As an incumbent legislator, you ask the Campaign Finance and Public Disclosure Board (the "Board") for an advisory opinion based on the following facts:

1. You have produced business-card sized magnets that are printed with your name and office designation, your state capitol telephone number, your e-mail address, and a statement that the magnets were prepared and printed by your committee, including the committee name and mailing address. The committee address is your home address, which is the address you use for constituent mail during the interim.
2. You plan to mail these magnets to constituents with a brief note explaining that the magnet contains your contact information which should be used if constituents need assistance with state issues. The mailing will take place in late September or early October, more than 60 days after adjournment of the legislature in a year that is an election year for you.
3. You ask the Board whether the costs of producing the magnet, printing the note, and purchasing envelopes and postage for the mailing are noncampaign disbursements under Minnesota Statutes Chapter 10A.

## ISSUE ONE

Are the costs of producing an informational business card sized magnet intended to be distributed to constituents noncampaign disbursements?

### OPINION

In 2006 the legislature created a specific exemption for the cost of producing a magnet containing a legislator's contact information.

Minnesota Statutes, Section 10A.01, subd. 26(20) specifically states that the cost of a magnet of less than 6" diameter may be reported as a noncampaign disbursement as long as the purpose of the magnet is for distribution to constituents. A standard business card sized magnet fits within the size definition of the statute. Under the facts of this request, the magnet will be distributed to constituents, so the cost of producing it is a noncampaign disbursement.

## ISSUE TWO

Are the costs of preparing an explanatory note and the costs of distributing the note with an informational business card sized magnet to constituents campaign expenditures or noncampaign disbursements?

### OPINION

Unless covered by a specific statutory exemption, the cost of distributing any item with a candidate's name and address and telephone number on it is generally considered to be a campaign expenditure. The statutory exemption for manufacture of the magnet does not extend to notes or letters explaining use of the magnet, or to costs of the magnet's distribution should a committee decide to distribute it by mail rather than using a free distribution method.

However, under the limited facts of this request, the Board concludes that the costs of producing the note and distributing the note and the magnet are noncampaign disbursements for constituent services. Because the constituent services are provided on the date of the mailing, which is more than 60 days after adjournment of the legislative session, the costs must be reported as campaign expenditures on the committee's Reports of Receipts and Expenditures.

Issued September 15, 2006



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Bob Milbert, Chair  
Campaign Finance and Public Disclosure Board

## CITED STATUTES AND ADMINISTRATIVE RULES

### 10A.01 Definitions.

Subdivision 1. **Application.** For the purposes of this chapter, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.

. . .

Subd. 9. **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 . . .

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:

. . .

(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;

. . .

(20) the cost of a magnet less than six inches in diameter containing legislator contact information and distributed to constituents