

ETHICAL PRACTICES BOARD

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

Issued to:

Kenneth E. Stevens

Hennepin County Filing Officer

Department of Property Tax and Public Records

A-607 Government Center

Minneapolis, MN 55487-0067

RE: Hennepin County Disclosure Law

ADVISORY OPINION #136

SUMMARY

136. Candidates for statewide, legislative, and judicial offices as defined in Minn. Stat. Ch. 10A are prohibited from making contributions to and receiving contributions from the principal campaign committees of candidates for political subdivision offices. Minn. Stat. § 10A.27 as amended by Laws of 1993, Ch. 318, Art. 2, Sec. 28.

FACTS

You are the Hennepin County Filing Officer and in that capacity you seek clarification of the scope of Minn. Stat. § 211A.13, specifically whether it prohibits a candidate for political subdivision office from transferring contributions to the principal campaign committee of another candidate for political subdivision office.

You state that the first sentence of Section 211A.13 appears to prohibit candidates for political subdivision office from accepting contributions from Minn. Stat. § 10A.01, subd. 5, candidates. You further state that since "principal campaign committee" is used in Minn. Stat. Chapters 10A, 211A, 211B, and 383B, the meaning of the second sentence is not clear.

You ask the Board to answer the following question:

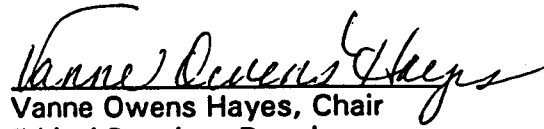
Is Section 211A.13 intended to limit candidates from contributing to all principal campaign committees or only the principal campaign committees of Chapter 10A candidates?

OPINION

The Ethical Practices Board is not authorized to interpret the provisions of Minn. Stat. § 211A.13. You may wish to request an Opinion from the Attorney General's office which is authorized to interpret Minn. Stat. § 211A.13.

A candidate for statewide, legislative, or judicial office as defined in Minn. Stat. § 10A.01, subd. 5, is prohibited from making a contribution from the candidate's principal campaign committee to and receiving a contribution from the principal campaign committee of a candidate for political subdivision office. Minn. Stat. §§ 10A.01, subds. 5 and 27; 10A.27, subd. 9 (c).

Issued: November 23, 1993


Vanne Owens Hayes, Chair
Ethical Practices Board

PERTINENT STATUTES

Minn. Stat. § 10A.01 (1992) provides:

Subd. 5. Candidate. "Candidate" means an individual who seeks nomination or election to any statewide or legislative office for which reporting is not required under federal laws. The term candidate shall also include an individual who seeks nomination or election to supreme court, court of appeals, or district court judgeships of the state. An individual shall be deemed to seek nomination or election if the individual has taken the action necessary under the law of the state to qualify for nomination, has received contributions or made expenditures in excess of \$100, or has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100 for the purpose of bringing about the individual's nomination or election.

Subd. 27. Political subdivision. "Political subdivision" means ... a municipality as defined in section 471.345, subdivision 1... .

Minn. Stat. § 10A.27 (1993 Supplement) provides:

Subd. 9. (c) A candidate or the treasurer of a candidate's principal campaign committee shall not accept a contribution from a candidate for political subdivision office, unless the contribution is from the personal funds of the candidate for political subdivision office. A candidate or the treasurer of a candidate's principal campaign committee shall not make a contribution from the principal campaign committee to a candidate for political subdivision office.

Minn. Stat. § 471.345 (1992) provides:

Subd. 1. Municipality defined. For purposes of this section, "municipality" means a county, town, city, school district or other municipal corporation or political subdivision of the state authorized by law to enter into contracts.