

**ETHICAL PRACTICES 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) (1994 Minn. Laws, ch. 377, sec. 1)

**RE: Political Party Organization**

**ADVISORY OPINION #199**

**SUMMARY**

199. A political party does not include an association that uses the political party's name, other than substate units as defined in Minn. Stat. § 10A.27, subd. 4.

**FACTS**

As chairman of a nonprofit organization ("NPO") with a name which includes the name of a political party ("Party"), you ask the Ethical Practices Board for an advisory opinion based on the following facts and information provided:

1. The NPO is one of several affiliates officially recognized and created by the IR Party's constitution and bylaws.
2. The NPO maintains its own bank account and operating budget, which relies primarily on annual membership dues, an annual fundraising banquet, and private contributions.
3. Although contributions to the NPO include contributions from the Party from time to time, the Party does not otherwise finance the NPO.
4. The NPO has not contributed money to any principal campaign committees or other political committees.
5. The NPO wishes to register a political committee with the Board that is a political party unit under Minn. Stat. § 10A.14, subd. 2 (f), and receive distribution of official refund receipt forms in accordance with Minn. Stat. § 10A.322, subd. 4.

**QUESTION ONE**

Does an affiliate of a major party qualify as a political party unit for purposes of registration under Minn. Stat. § 10A.14?

**OPINION**

No. An affiliate of a political party is not a category of substate units as defined in Minn. Stat. § 10A.27, subd. 4, namely the party organization within each house of the legislature, within congressional districts, counties, legislative districts, municipalities, and precincts.

## QUESTION TWO

Does an affiliate of a major party qualify for distribution of official refund receipt forms under Minn. Stat. § 10A.322, subd. 4?

### OPINION

No. The Board distributes a supply of official refund receipt forms to a political party upon request; however, an affiliate of a political party is not among the categories of substate units listed in the definition of political party as set out in Minn. Stat. §§ 10A.01, subd. 12, 13, and 17, 10A.27, subd. 4.

## QUESTION THREE

Does an affiliate of a major party qualify as a "subsidiary" and the major political party qualify as a "parent" for purposes of Minn. Stat. § 10A.15, subd. 3c?

### OPINION

Yes. If a political party establishes an affiliate that raises or spends more than \$100 in a calendar year to influence state elections, then the affiliate must register a political committee or political fund as a subsidiary of the parent political party. Any contributions made by the affiliate must be attributed to the parent political party and counted toward the contribution limits in Minn. Stat. § 10A.27 of the parent as well as to the contribution limits of the affiliate. Minn. Stat. § 10A.15, subd. 3c.

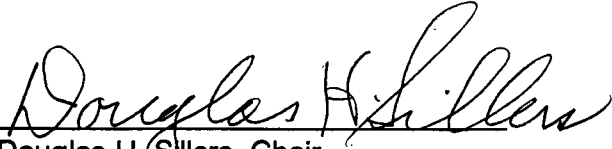
## QUESTION FOUR

If an affiliate of a major party qualifies as a "subsidiary" of the "parent" major political party for purposes of Minn. Stat. § 10A.15, subd. 3c, does this authorize the affiliate to distribute official refund receipts under Minn. Stat. § 10A.322, subd. 4, to individuals who contribute to the affiliate?

### OPINION

No. Please see response to Question Two, above. The Board affirms the provisions of Minn. Rules pt. 4500.1700, which state that the organization of a political party does not include an association that uses a political party name and is not among the categories of substate units listed in Minn. Stat. § 10A.27, subd. 4.

Issued: 3-1-95

  
Douglas H. Sillers, Chair  
Ethical Practices Board

## PERTINENT STATUTES AND RULES

Minn. Stat. § 10A.14 REGISTRATION OF POLITICAL COMMITTEES AND POLITICAL FUNDS provides;

Subdivision 1. The treasurer of a political committee or political fund shall register with the Board by filing a statement of organization no later than 14 days after the date upon which the committee or fund has made a contribution, received contributions or made expenditures in excess of \$100.

Subd. 2. The statement of organization shall include:

...

(f) for political parties only, a list of categories of substate units as defined in section 10A.27, subdivision 4.

Minn. Stat. § 10A.15 CONTRIBUTIONS provides:

...

Subd. 3c. **Related committees.** An individual, association, political committee, or political fund may establish, finance, maintain, or control a political committee or political fund. One who does this is a "parent." The political committee or fund so established, finance, maintained, or controlled is a "subsidiary." If the parent is an association, the association must create a political committee or political fund to serve as the parent for reporting purposes. A subsidiary must report its contribution to a candidate or principal campaign committee as attributable to its parent, and the contribution is counted toward the contribution limits in section 10A.27 of the parent as well as of the subsidiary.

Minn. Stat. § 10A.27 ADDITIONAL LIMITATIONS provides;

Subd. 4. For the purposes of this section, a political party means the aggregate of the party organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts.

Minn. Rules pt. 4500.1700 CONTRIBUTION LIMITS; POLITICAL PARTY DEFINITION provides:

Subpart 1. **List of categories.** The registration and statement of organization of a political party under Minnesota Statutes, section 10A.14, subd. 1, clause (f), must include the list of names of the party units organized in each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts.

Subp. 2. **Aggregate political party contribution limit.** For purposes of determining an aggregate political party contribution limit, the organization of a political party does not include a political party ward organization; a social club of a political party in a congressional district, legislative district, municipality, or precinct; an auxiliary committee of a political party unit defined in Minnesota Statutes, section 10A.27, subdivision 4; or an association as defined in Minnesota Statutes, section 10A.01, subd. 2, that uses a political party name and is not listed in Minnesota Statutes, section 10A.27, subdivision 4.