

ETHICAL PRACTICES BOARD

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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 Fund Registration

ADVISORY OPINION #216

SUMMARY

216. An association whose major purpose is other than to influence elections and that makes contributions to candidates must register its political organization as a political fund.

FACTS

You state that you have been asked by an association and its political organization to request an advisory opinion to clarify the appropriate registration category for the political association. You state that the political organization is currently registered as a political fund. You advise that the political organization receives administrative support from the association using funds derived from dues.

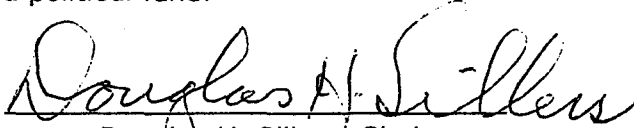
QUESTION

Should the political organization be registered as a political committee or a political fund?

OPINION

The political organization must be registered as a political fund. Minn. Rule 4500.3300, subp. 1, provides that an association whose major purpose is one other than to influence nominations or elections, shall register as a political fund.

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Douglas H. Sillers, Chair
Ethical Practices Board

PERTINENT STATUTES

Minn. Stat. § 10A.01 DEFINITIONS provides, in relevant part:

...

Subd. 16. "Political fund" means any accumulation of dues or voluntary contributions by an association other than a political committee, which accumulation is collected or expended for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question.

Minn. Stat. § 10A.12 provides, in relevant part:

Subd. 1. No association other than a political committee shall transfer more than \$100 in aggregate in any one year to candidates or political committees or make any approved or independent expenditure or expenditure to promote or defeat a ballot question unless the transfer or expenditure is made from a political fund.

Subd. 5. Notwithstanding subdivision 1, any association may, if not prohibited by other law, deposit in its political fund money derived from dues or membership fees.

...

Minn. Rule 4500.3300 provides, in relevant part:

Subpart 1. Any group of two or more person which receives contributions or which makes expenditures, transfers of funds, or independent expenditures in aggregate more than \$100 to influence the nomination or election or one or more candidates for statewide or legislative office or to promote or defeat a ballot question must register as a political committee or political fund. . . If the group is an association whose major purpose is one other than to influence nominations or elections, or to promote or defeat a ballot question, it shall register as a political fund. . .