

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)

RE: Chapter 10A regulation of federal campaign committees

ADVISORY OPINION # 223

SUMMARY

A Minnesota official is not subject to the provisions of Minnesota Statutes Chap. 10A with regard to fundraising for federal office.

FACTS

You request an advisory opinion from the Ethical Practices Board based on the following facts:

1. You are an official who also has a federal campaign committee.
2. Your federal committee has outstanding debt and may wish to accept a donation from a lobbyist to help pay the debt.

ISSUES

Do the provisions of Minnesota Statutes Chap. 10A restrict the rights of a Minnesota official to accept a contribution from a lobbyist or to employ other means to retire the debt of the official's federal campaign committee?

OPINION

A Minnesota official is not subject to the provisions of Minnesota Statutes Chap. 10A with regard to campaign fundraising for federal office.

In light of court decisions such as Weber v. Heaney, 995 F.2d 872 (8th Cir. 1993), concluding that federal law preempts state laws governing fundraising by candidates for federal office, the Board concludes that Minnesota Statutes Chap. 10A applies to the activities of a candidate's principal campaign committee registered with the Board, but not to the candidate's committee for election to federal office.

Issued: 12/18/95


Douglas H. Sillers, Chair
Ethical Practices Board