

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: Noncampaign Disbursements

ADVISORY OPINION # 253

SUMMARY

Principal campaign committee may use campaign funds to pay newly elected candidate's expenses directly related to serving in the new office even if those expenses are incurred before the candidate is sworn in. Such payments must be reported as noncampaign disbursements.

FACTS

As a non-incumbent elected to the state legislature in the last general election, you request an advisory opinion from the Ethical Practices Board based on the following facts:

- 1. You are a candidate with a principal campaign committee registered with the Ethical Practices Board. You won a seat in the legislature in the last election, but will not be sworn in to your new office until 1997.**
- 2. It is necessary at this time for you to incur certain expenses directly related to serving in the office to which you were elected.**
- 3. Your principal campaign committee has funds available which might be used for these expenses if such use is permitted under Minnesota Statutes, chapter 10A.**

ISSUE

May a candidate's principal campaign committee use campaign funds for expenses of the candidate directly related to serving in office, but incurred before the candidate actually begins the term of service?

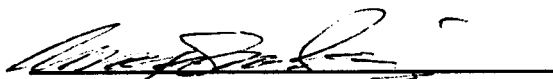
OPINION

Yes, your principal campaign committee may use campaign funds for your expenses directly related to serving in public office after you have won the general election.

Noncampaign disbursements include ". . . the candidate's expenses for serving in public office, other than for personal uses. . . ." (Minn. Stat. § 10A.01, subd. 10c(j)).

A winning candidate's expenses directly related to the office to which a candidate was elected are considered expenses for serving in the new office, even if those expenses are incurred before the candidate is actually sworn in. Such expenses are allowable as noncampaign disbursements under Minn. Stat. § 10A.01, subd. 10c(j) to the same extent, and with the same restrictions, that they would be allowed if the candidate had already begin the term of public service.

Issued: 11-22-96


Carolyn D. Rodriguez, Chair
Ethical Practices Board

CITED STATUTES

10A.01 DEFINITIONS.

Subdivision 1. For the purposes of sections 10A.01 to 10A.34, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.

Subd. 10c. **Noncampaign disbursement.** "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, by a political committee, political fund, or principal campaign committee for any of the following purposes:

- (j) payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses;