

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: Use of campaign funds for costs of serving in public office.

ADVISORY OPINION # 255

SUMMARY

Costs of attending functions which directly relate to and assist a legislator in the performance of official duties may be paid with principal campaign committee funds and reported as noncampaign disbursements.

FACTS

As a state legislator with a principal campaign committee registered with the Ethical Practices Board, you request an advisory opinion based on the following facts:

1. In your capacity as a legislator, you receive a variety of invitations to various functions and dinners. You do not feel that you need to attend all of these events, but there are some which you feel are important for you to attend in your official capacity.
2. Attendance at some of these functions permits you to meet with constituents and/or to learn about constituent concerns.
3. Many functions are set up by associations for their members and these often include a meal, for which there may be a charge of \$25 or more.
4. Because these events are centered around the meal, you do not feel that it would be appropriate for you to attend the event free of charge and not eat.

5. As an example of the type of event you are describing, you cite a recent invitation you received to the Minnesota Chamber of Commerce's "Session Priorities" event. Chamber of Commerce members from your district will be attending the event and you feel that it is your responsibility to attend also.
6. You would not be attending these events except for the fact that you believe you need to do so in your capacity as a legislator.

ISSUE

Is a legislator's cost of attending the described functions in an official capacity a cost of serving in public office which may be paid with principal campaign committee funds?

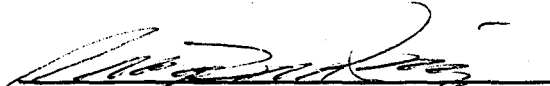
OPINION

Yes, the cost for a legislator to attend functions such as those described is a cost of serving in public office which may be paid for with principal campaign committee funds. These costs must be reported by the principal campaign committee as noncampaign disbursements.

Minn. Stat. § 10A.01, subd. 10c(j) provides that "payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses" is a noncampaign disbursement.

The costs you describe are directly related to your service in public office. A primary reason you wish to incur these costs is to assist you in performing as a legislator. You would not incur these costs if you were not a legislator. Thus, the described costs are for expenses of serving in public office and are not for personal use within the meaning of the controlling statute.

Issued: 1-24-97


Carolyn D. Rodriguez, Chair
Ethical Practices Board