

**CAMPAIGN FINANCE & PUBLIC DISCLOSURE 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: Definition of constituent services**

**ADVISORY OPINION 275**

**SUMMARY**

The cost of signs advertising a legislator's status as an official, name, and telephone number must be reported as campaign expenditures.

**FACTS**

You are a member of the House of Representatives and ask the Campaign Finance and Public Disclosure Board (Board) for an advisory opinion based on the following facts:

1. You are considering putting up signs in your district to advertise your office number.
2. You expect the text of the signs to read: "Legislative Questions? Contact State Representative ----", followed by your name and telephone number.
3. You may also advertise the availability of Capitol tours. Those signs would also include your designation as a state representative along with your name and telephone number.

**ISSUE**

May the cost of the described signs be reported on your Report of Receipts and Expenditures as noncampaign disbursements for constituent services?

**OPINION**

No. The cost of the described signs must be reported as campaign expenditures.

Payments made by a candidate's principal campaign committee are generally reported as campaign expenditures. Minn. Stat. § 10A.01, subd. 10. Noncampaign disbursements, defined in Minn. Stat. § 10A.01, subd. 10c, are exceptions to this rule.

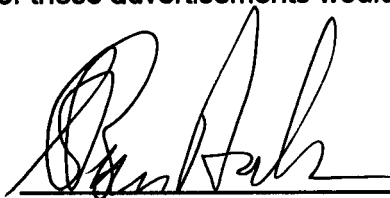
Constituent services, one of the noncampaign disbursements, are defined as follows:

**Services for a constituent; constituent services.** "Services for a constituent" or "constituent services" means services performed or provided by an incumbent legislator or constitutional officer for the benefit of one or more residents of the official's district, but does not include gifts, congratulatory advertisements, charitable contributions, or similar expenditures. Minn. Rules 4503.0100, subp. 6.

Based on this definition and on the fact that an exception to the general principle is to be interpreted narrowly, the Board concludes that advertising your availability to answer questions is not the provision of a constituent service. However, it is possible that actual costs of assisting constituents who call as a result of these advertisements would be noncampaign disbursements for constituent services.

Issued: \_\_\_\_\_

9/26/97



\_\_\_\_\_  
G. Barry Anderson, Chair  
Campaign Finance and Public Disclosure Board

## CITED STATUTES

### 10A.01 DEFINITIONS.

Subdivision 1. **Scope.** 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. 10. **Campaign expenditure.** "Campaign expenditure" or "expenditure" means a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question.

. . . .

Expenditure does not include:

(a) Noncampaign disbursements as defined in subdivision 10c;

. . . .

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:

. . . .

(f) *services for a constituent by a member of the legislature or a constitutional officer in the executive branch, performed from the beginning of the term of office to adjournment sine die of the legislature in the election year for the office held, and half the cost of services for a constituent by a member of the legislature or a constitutional officer in the executive branch performed from adjournment sine die to 60 days after adjournment sine die;*

. . . .

### 4503.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter and Minnesota Statutes, chapter 10A. The definitions in chapter 4501 and Minnesota Statutes, chapter 10A, also apply to this chapter.

. . . .

Subp. 6. **Services for a constituent; constituent services.** "Services for a constituent" or "constituent services" means services performed or provided by an incumbent legislator or constitutional officer for the benefit of one or more residents of the official's district, but does not include gifts, congratulatory advertisements, charitable contributions, or similar expenditures.