

State of Minnesota
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 294

SUMMARY

Publication of a candidate's message at Christmas time is not a constituent service. Use of principal campaign committee funds for the publication must be reported as campaign expenditures.

FACTS

As the treasurer of a candidate's principal campaign committee, you ask the Campaign Finance and Public Disclosure Board (the "Board") for an advisory opinion based on the following facts:

1. The committee for which you are treasurer (the "Committee") publishes an annual message from the candidate in various newspapers in the district at Christmas time.
2. On its 1997 Report of Receipts and Expenditures, the Committee reported the expenses of publishing this message as noncampaign disbursements.
3. In a routine inquiry, Board staff advised you that Christmas greetings are generally considered campaign expenditures and requested your response.
4. The Committee then reviewed its advertising expenses and proposes to reclassify the Christmas message expenses as 25% campaign expenditures and 75% noncampaign disbursements.
5. The Committee has provided the Board with a copy of the 1997 message. The publication includes a general Christmas message, commentary on the flood of 1997 and the efforts of Minnesotans in overcoming that disaster, and a discussion of the candidate's views on a number of national issues and on how the state budget surplus should be used.

ISSUE

May the costs of publishing the candidate's message described in the facts properly be reported as 25% campaign expenditures and 75% as noncampaign disbursements?

OPINION

No. The use of principal campaign committee funds to publish the described message must be reported as campaign expenditures.

The only noncampaign disbursement under which the message might be considered is that for costs of services to constituents. However, a constituent service must be an actual service provided by the official for the benefit of district residents. Board rules specifically exclude from constituent services "congratulatory advertisements . . . or similar expenditures". Minn. Rules part 4503.0100, subp. 6.

Christmas messages, whether conveyed through advertisement or other distribution means, are not a service and thus may not be reported as noncampaign disbursements. Your message includes more than a Christmas greeting. However, the additional material, consisting of the candidate's positions on issues, does not change the character of the publication to make it a constituent service rather than a campaign expenditure.

The general use of funds collected for political purposes is governed by Minnesota Statutes, Chapter 211B, which is not within the Board's jurisdiction. The Board assumes that you have made your own determination that the use of principal campaign committee funds for your Christmas message is appropriate under Chapter 211B. The Board expresses no opinion on that question.

Issued: 7/8/98



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

CITED STATUTES

Minnesota Rules, Chapter 4503

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.