

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: Registration of Political Fund**

**ADVISORY OPINION 301**

**SUMMARY**

An association which is not a political committee under Minnesota Statutes, Chapter 10A, must establish and register a political fund with the Board within 14 days after it raises or spends more than \$100 to influence the nomination or election of candidates.

**FACTS**

As members of an association (the Association), you ask the Campaign Finance & Public Disclosure Board (Board) for an advisory opinion based on the following facts:

1. The Association is a non-partisan coalition of citizens who are committed to the eliminate from Minnesota electoral campaigns conduct and materials the Association believes are inappropriate.
2. The intention of the Association is not to influence the election or defeat of candidates for office, but to educate candidates and hold them accountable with regard to the conduct of their campaigns and the content of their campaign materials.
3. The Association will act as an educational resource for candidates and also plans to distribute a code of conduct for candidates to follow. The code would encourage candidates to commit to a principled, truthful, and consistent with the principles of the Association.
4. The Association will not make any contributions to candidates, party units, or other political committees or political funds. It will not make independent expenditures advocating the election or defeat of a candidate. It will not endorse any candidate and will not urge its members or others to vote for or against any candidate.

5. If the Association believes that a candidate has engaged in unacceptable tactics, it may work with the candidate's principal campaign committee to eliminate those tactics. If that is deemed futile or is unsuccessful, the Association will bring the tactics to the attention of the public through use of the free media.
6. The Association will not take any action to publicly identify candidates who do not use unacceptable tactics, so as to influence their nominations or elections. If requested, the Association would answer questions or serve as an educational resource for these candidates.
7. The Association wants to influence the overall election process in Minnesota rather than individual elections. However, the Association recognizes that if it publicly identifies what it believes to be unacceptable conduct or materials in a particular campaign, its public statements in that regard may have the effect of influencing that election.

#### **ISSUE**

Is the Association required to register with the Board as a political committee or political fund based on the activities described in the facts?

#### **OPINION**

If the Association raises or spends more than \$100 for the purpose of influence the nomination or election of candidates, it must establish and register a political fund with the Board within 14 days.

The Association's stated purpose is to affect the conduct of the election process in Minnesota as a whole, not the outcome of any particular election. Many of the Association's activities, such as providing education or drafting a code of conduct, are not for the purpose of affecting the nomination or election of specific candidates. The Association's major purpose is not to influence the nomination or election of candidates, thus it is not a political committee. Minn. Stat. § 10A.01, subs. 15 and 16.

Even though the Association does not exist specifically to influence the nomination or election of candidates, it may still engage in activities which have that effect. If the ordinary and necessary consequence of an activity would be to influence the nomination or election of a candidate, then any costs incurred for the activity are expenditures within the meaning of Minn. Stat. § 10A.01, subd. 10.

Publication of information identifying specific candidates as using unacceptable tactics or materials in their activities or materials is considered to be for the purpose of influencing the nomination or election of those candidates and costs associated with the publication are expenditures.

The Association states that it intends to use the free media for its publicity activities. However, if the Association does raise or spend more than \$100 for these public announcements, it must establish and register a political fund with the Board and conduct its political fundraising and spending through that fund. Minn. Stat. § 10A.4.

Media access that is given to the Association, but is usually sold to others, may constitute a contribution to the Association which would be included when determining whether more than \$100 has been raised or spent.

The Association is advised to consult with Board staff if it begins to incur costs for publicity concerning individual candidates or their principal campaign committees.

Issued: 8-28-98



Carolyn Rodriguez, Chair  
Campaign Finance and Public Disclosure Board

## RELEVANT STATUTES

### **Minn. Stat. § 10A.01 Definitions**

. . . .

**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.

. . . .

**Subd. 15. Political committee.** "Political committee" means any association as defined in subdivision 3 whose major purpose is to influence the nomination or election of a candidate or to promote or defeat a ballot question.

. . . .

**Subd. 16. Political fund.** "Political fund" means any accumulation of dues or voluntary contributions by an association other than a political committee, which accumulation is collected or expended for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question.

. . . .

### **10A.14 Registration of political committees and political funds.**

**Subdivision 1.** The treasurer of a political committee or political fund shall register with the board by filing a statement of organization no later than 14 days after the date upon which the committee or fund has made a contribution, received contributions or made expenditures in excess of \$100.

. . . .