

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: Use of principal campaign committee funds**

### ADVISORY OPINION 314

#### SUMMARY

Costs of civil litigation which is not related to a candidate's election or to the candidate's principal campaign committee are not the type of legal fees that may be paid as a noncampaign disbursement. Costs of litigation are not expenses of serving in office that may be paid as a noncampaign disbursement.

#### FACTS

As an elected official, you ask the Campaign Finance and Public Disclosure Board (the Board) for an advisory opinion based on the following facts:

1. You are a state legislator with a principal campaign committee registered with the Board.
2. You commenced a civil lawsuit generally relating to the business of the state and to your rights as a legislator to participate in state decision making. Your legal action was dismissed and you have appealed.
3. You have incurred significant expenses in connection with this civil action, including filing fees, attorneys' fees, staff expenses, transcript and printing fees, and civil sanctions.
4. You suggest that the subject expenses were incurred solely in an effort to exercise your rights as a legislator. Therefore, you believe that you should be able to pay these expenses with funds from your principal campaign committee and that you should report the expenses as noncampaign disbursements.

#### ISSUE

Does Minn. Stat. § 10A.01, subd. 10c, which provides for payment of certain costs as noncampaign disbursements, permit use of principal campaign committee funds to pay the described legal expenses and sanctions?

## OPINION

The expenses described are not noncampaign disbursements under Minn. Stat. § 10A.01, subd. 10c. Uses of principal campaign committee funds other than for noncampaign disbursements is controlled by Minnesota Statutes Chapter 211B, which is not within the Board's jurisdiction to interpret.

Use of principal campaign committee funds for noncampaign disbursements is narrowly tailored since such uses may divert to another purpose money donated to promote the nomination or election of a candidate. The Board notes that among your political committee funds are contributions for which the donors have been reimbursed by the state under the political contribution refund program.

Only two noncampaign disbursements appear on their face to have possible application to the expenses you describe. They are Minn. Stat. § 10A.01, subd. 10c(a), which covers payment for legal fees and subd. 10c(j), which covers payment of a candidate's expenses of serving in office, other than for personal services. The Board has examined each noncampaign disbursement and concludes that neither applies in this matter.

It is the Board's opinion that use of principal campaign committee funds for legal fees under Minn. Stat. § 10A.01, subd. 10c(a) must be related to the operation of the principal campaign committee or to the election of the candidate. The costs described in this request do not meet this relationship test.

The noncampaign disbursement for expenses of serving in office include ordinary and reasonable expenses of those activities that are expected or required of a public official, or that enhance the official's ability to serve. Service in office does not include personal activities of the official that are not expected or required as a part of public service. In the present matter, the subject litigation is not an ordinary expense of serving in office, nor is it something expected or required of an official as a part of public service. Thus, the noncampaign disbursement is not applicable to the costs of this litigation.

Issued: 10/13/99

Sidney Pauly

Sidney Pauly, Chair  
Campaign Finance and Public Disclosure Board

## CITED STATUTES

Minn. Stat. § 10A.01 Definitions

. . . .

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:

(a) payment for accounting and legal services;

. . . .

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