

State of Minnesota
Campaign Finance & Public Disclosure Board
First Floor South, Centennial Building. 658 Cedar Street. St. Paul, MN 55155-1603

THIS ADVISORY OPINION IS PUBLIC DATA PURSUANT TO A
CONSENT FOR RELEASE OF INFORMATION SIGNED BY THE REQUESTER

Issued to: The Honorable Irv Anderson
 909 13th Street
 International Falls, MN 56649

RE: Use of principal committee campaign funds on behalf of a federal candidate.

ADVISORY OPINION 323

SUMMARY

A principal campaign committee may not use its funds to make approved or independent expenditures on behalf of a candidate for federal office.

FACTS

As a candidate for the office of state representative, you ask the Campaign Finance and Public Disclosure Board (the Board) for an advisory opinion based on the following facts:

1. You have a principal campaign committee registered with the Board for an office covered by the provisions of Minnesota Statutes Chapter 10A.
2. You would like to use funds from your principal campaign committee to make either approved or independent expenditures on behalf of a candidate for federal office.
3. If allowed, you plan to report any expenditure by your committee on behalf of a federal candidate as a campaign expenditure.

ISSUE 1

May a principal campaign committee make an independent expenditure on behalf of a candidate for federal office?

OPINION

No, independent expenditures may only be made for candidates running for state level office.

For the purposes of Chapter 10A "candidate" is defined by Minn. Stat. § 10A.01 subd. 10 as an individual who seeks nomination or election as a state constitutional officer, legislator, or judge. Federal offices are not a part of this definition, and therefore would not be included in any reference to "candidate" in Chapter 10A. Therefore, the statutory authority for principal campaign committees to make independent expenditures contained in Minn. Stat. § 10A.01 subd. 18, extends only to candidates for state level office.

ISSUE 2

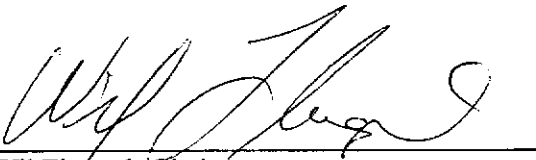
Can a principal campaign committee make a contribution to a candidate for federal office?

OPINION

No, a principal campaign committee is prohibited from making a direct contribution to a federal candidate by Minn. Stat. § 10A.27 subd. 9 (b). The prohibition in this statute applies to all contribution types, including approved expenditures.

Issued

Oct. 17, 2000



Wil Flugel, Chair
Campaign Finance and Public Disclosure Board

Cited Statutes and Rules

Minn. Stat. §10A.01 Subd. 10. Candidate. "Candidate" means an individual who seeks nomination or election as a state constitutional officer, legislator, or judge. An individual is deemed to seek nomination or election if the individual has taken the action necessary under the law of this state to qualify for nomination or election, has received contributions or made expenditures in excess of \$100, or has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about the individual's nomination or election. A candidate remains a candidate until the candidate's principal campaign committee is dissolved as provided in section 10A.24.

Minn. Stat. §10A.01 Subd. 18. Independent expenditure. "Independent expenditure" means an expenditure expressly advocating the election or defeat of a clearly identified candidate, if the expenditure is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or any candidate's principal campaign committee or agent. An independent expenditure is not a contribution to that candidate. An expenditure by a political party or political party unit in a race where the political party has a candidate on the ballot is not an independent expenditure.

Minn. Stat. §10A.27 Subd. 9(b). Contributions to and from other candidates.

(b) A candidate's principal campaign committee must not accept a contribution from, or make a contribution to, a committee associated with a person who seeks nomination or election to the office of President, Senator, or Representative in Congress of the United States.