

State of Minnesota
Campaign Finance & Public Disclosure Board
Suite 190, Centennial Building, 658 Cedar Street. St. Paul, MN 55155-1603

**THE FOLLOWING PUBLICATION DOES NOT IDENTIFY THE
REQUESTER OF THE ADVISORY OPINION, WHICH IS NON-PUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)**

RE: Solicitation of Funds During a Regular Legislative Session

ADVISORY OPINION 363

SUMMARY

A principal campaign committee that solicits contributions during a regular legislative session should diligently work to ensure that registered lobbyists are not on the mailing list and include language in a fundraising letter that makes it clear that registered lobbyists may not contribute during a regular legislative session.

FACTS

As a State Representative with a principal campaign committee registered with the Campaign Finance and Public Disclosure Board (the Board), you ask for an advisory opinion based on the following facts:

1. Your committee would like to send a fundraising letter to individuals who have contributed to your committee in the past, and to constituents who have allowed your committee to place yards signs on their property.
2. You would like to send the fundraising letter during the 2005 regular legislative session.
3. You are aware that Minn. Stat. §10A.273, subd. 1, in part prohibits a candidate for the legislature or the candidate's principal campaign committee from soliciting or accepting a contribution from a registered lobbyist during a regular session of the legislature.
4. Your campaign staff has carefully examined the mailing list for the fundraising letter and you believe that all registered lobbyist have been deleted from the mailing list.

5. You state that you will include the following provision in your fundraising letter:
“If you are a registered lobbyist and you have inadvertently received this letter, by law I cannot accept contributions from lobbyists during the session.”

ISSUE ONE

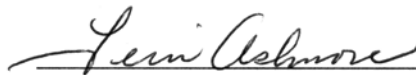
Will the fundraising letter as described in the facts of this advisory opinion violate the prohibition on soliciting contributions from lobbyists if it is inadvertently sent to a registered lobbyist?

OPINION

No. As provided in the facts of this advisory request your committee has taken reasonable and prudent steps to prevent the mailing of the fundraiser letter to a registered lobbyist. Further, by including language that informs registered lobbyists that they may not contribute to your campaign during the legislative session, the letter makes it clear that registered lobbyists are not being asked to contribute.

Your committee is encouraged to compare contributions received during the legislative session with the list of registered lobbyists, as updated daily, on the Board’s website. Regardless of the intent of the fundraising letter, a contribution from a registered lobbyist that is not returned to the donor within 60 days of receipt of the contribution is in violation of Minn. Stat. §10A.273, subs. 1 and 2.

Issued January 25, 2005



Terri Ashmore, Chair
Campaign Finance and Public Disclosure Board

Cited Statutes and Administrative Rules

10A.273 Contributions and Solicitations During Legislative Session.

Subdivision 1. **Contributions during legislative session.** (a) A candidate for the legislature or for constitutional office, the candidate's principal campaign committee, or a political committee or party unit established by all or a part of the party organization within a house of the legislature, must not solicit or accept a contribution from a registered lobbyist, political committee, political fund, or dissolving principal campaign committee, or from a party unit established by the party organization within a house of the legislature, during a regular session of the legislature.

(b) A registered lobbyist, political committee, political fund, or dissolving principal campaign committee, or a party unit established by the party organization within a house of the legislature, must not make a contribution to a candidate for the legislature or for constitutional office, the candidate's principal campaign committee, or a political committee or party unit established by all or a part of the party organization within a house of the legislature during a regular session of the legislature.