

Minnesota

# *Campaign Finance and Public Disclosure Board*



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**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: Constituent Services; Non Campaign Disbursement**

## **ADVISORY OPINION 378**

### **SUMMARY**

Mileage reimbursement paid to an intern who provided constituent services for a member of the legislature may be classified as a noncampaign disbursement.

### **FACTS**

As a candidate registered with the Campaign Finance and Public Disclosure Board (the Board) you request an advisory opinion based on the following:

1. You are a member of the Minnesota House of Representatives. During the 2005 legislative session your office engaged a college intern to assist with office functions. The intern responded to constituent requests.
2. The intern was reimbursed for mileage that occurred in driving between the State Office Building and school. The reimbursement was made from the funds of your principal campaign committee (the Committee).

### **ISSUE ONE**

May the Committee reimburse mileage for a legislative intern who provides constituent services and classify the reimbursement as a noncampaign disbursement?

## OPINION ONE

Yes. Minnesota Statutes, section 10A.01, subdivision 26, provides the purposes for purchases made by a principal campaign committee that may be classified as a noncampaign disbursement. In clause (6) this statute provides in part that “services for a constituent by a member of the legislature or a constitutional officer in the executive branch...” As a member of the legislature you may use the Committee’s funds to pay for constituent services, including costs incurred to acquire staff to provide constituent services.

The Board notes that in a year in which the legislature adjourns sine die the cost of constituent services paid for with Committee funds are fully noncampaign disbursements while the legislature is in session, fifty percent noncampaign disbursements during the sixty days after adjournment, and are campaign expenditures beyond sixty days after adjournment.

Issued March 13, 2006



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Bob Milbert, Chair  
Campaign Finance and Public Disclosure Board

## Cited Statutes and Administrative Rules

### 10A.01 Definitions.

Subd. 26. **Noncampaign disbursement.** "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, or a donation in kind received, by a principal campaign committee for any of the following purposes:

- (1) payment for accounting and legal services;
- (2) return of a contribution to the source;
- (3) repayment of a loan made to the principal campaign committee by that committee;
- (4) return of a public subsidy;
- (5) payment for food, beverages, entertainment, and facility rental for a fund-raising event;
- (6) services for a constituent by a member of the legislature or a constitutional officer in the executive branch, including the costs of preparing and distributing a suggestion or idea solicitation to constituents, performed from the beginning of the term of office to adjournment sine die of the legislature in the election year for the office held, and half the cost of services for a constituent by a member of the legislature or a constitutional officer in the executive branch performed from adjournment sine die to 60 days after adjournment sine die;
- (7) payment for food and beverages consumed by a candidate or volunteers while they are engaged in campaign activities;
- (8) payment for food or a beverage consumed while attending a reception or meeting directly related to legislative duties;
- (9) payment of expenses incurred by elected or appointed leaders of a legislative caucus in carrying out their leadership responsibilities;
- (10) payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses;
- (11) costs of child care for the candidate's children when campaigning;
- (12) fees paid to attend a campaign school;
- (13) costs of a postelection party during the election year when a candidate's name will no longer appear on a ballot or the general election is concluded, whichever occurs first;

- (14) interest on loans paid by a principal campaign committee on outstanding loans;
- (15) filing fees;
- (16) post-general election thank-you notes or advertisements in the news media;
- (17) the cost of campaign material purchased to replace defective campaign material, if the defective material is destroyed without being used;
- (18) contributions to a party unit;
- (19) payments for funeral gifts or memorials; and
- (20) other purchases or payments specified in board rules or advisory opinions as being for any purpose other than to influence the nomination or election of a candidate or to promote or defeat a ballot question.

The board must determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.

A noncampaign disbursement is considered made in the year in which the candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.