

Minnesota

Campaign Finance and Public Disclosure Board



**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: Candidate running for two offices in the same election year

ADVISORY OPINION 386

SUMMARY

An incumbent legislator must pay for the end of the session report with funds from the principal campaign committee for the legislator's office. A candidate with principal campaign committees for two different legislative offices may raise funds separately for each office during an election year. A terminating principal campaign committee may transfer debt to another principal campaign committee of the same candidate. Statutory deadlines may not be extended by the Board.

FACTS

As the treasurer of an incumbent legislator who is a candidate for another Chapter 10 office with principal campaign committees registered with the Campaign Finance and Public Disclosure Board (the Board), you ask for an advisory opinion based on the following facts.

1. The candidate is an incumbent legislator who had been raising and spending money for the 2006 election cycle. The legislator has a valid public subsidy agreement and filed an Affidavit of Contributions for in June as a condition for receiving public subsidy in 2006.
2. The candidate filed an Affidavit of Candidacy for the incumbent's office but withdrew that filing prior to the close of filing. The candidate filed an Affidavit of Candidacy for another Chapter 10 office on the final day of the filing period.
3. The legislator sent a session report to voters in the district. You understand that the expenditure must be reported as 50% campaign expenditures and 50% non-campaign disbursements.
4. The incumbent's committee has existing bills and intends to raise money only to cover remaining expenses of that committee. If unable to raise funds, the committee would transfer the debts to the new committee.

5. The incumbent's committee has an outstanding loan payable to the candidate in the amount of \$1,500.
6. The candidate registered a principal campaign committee and filed a public subsidy agreement for the new office being sought.
7. The new committee will have only approximately six weeks to meet the September 1st deadline to raise necessary funds and file the Affidavit of Contributions to qualify for public subsidy payments.

ISSUE ONE

Should the cost of the 2006 session report which was printed and mailed within 60 days of the close of session be paid with funds from the incumbent's committee or funds from the new committee?

OPINION ONE

The committee that supports the incumbent's office must pay for the costs of activities associated with service in that body. Therefore, the incumbent's committee should pay for the session report and report the disbursements on the committee Report of Receipts and Expenditures due January 31, 2007. Alternatively, the incumbent's committee may terminate its registration and, at that time, transfer all debts to the new committee.

ISSUE TWO

May the existing old committee and the new committee each accept contributions during the same election year?

OPINION TWO

Yes. Minnesota Statutes, section 10A.105, subdivision 1, provides that a candidate must have a principal campaign committee for each office sought. During 2006 the candidate sought two different offices. Each committee is bound separately to the contribution limits and applicable expenditure limits for each office sought. As provided in the facts of this opinion, the incumbent's original committee will raise only those funds necessary to satisfy unpaid debts and loans.

ISSUE THREE

May the incumbent's committee transfer debts to the new committee?

OPINION THREE

Yes. Minnesota Statutes, section 10A.241, provides that debts of a terminating principal campaign committee may be transferred to another principal campaign committee of the same candidate. The committee that assumes the debt must continuously report the unpaid bills or loans until they are paid or forgiven.

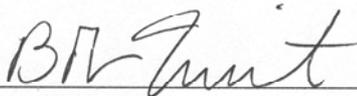
ISSUE FOUR

May the September 1st deadline to raise necessary funds and file the Affidavit of Contributions be extended?

OPINION FOUR

No. The September 1st deadline is statutory and may not be extended due to extenuating circumstances. The fact that the same candidate has raised funds for another committee has no bearing on the requirement of the new committee to raise the required funds and file the Affidavit of Contributions by September 1st.

Issued August 15, 2006



Bob Milbert, Chair
Campaign Finance and Public Disclosure Board

Cited Statutes and Administrative Rules

10A.105 Principal campaign committee.

Subdivision 1. **Single committee.** A candidate must not accept contributions from a source, other than self, in aggregate in excess of \$100 or accept a public subsidy unless the candidate designates and causes to be formed a single principal campaign committee for each office sought. A candidate may not authorize, designate, or cause to be formed any other political committee bearing the candidate's name or title or otherwise operating under the direct or indirect control of the candidate. However, a candidate may be involved in the direct or indirect control of a party unit.

10A.241 Transfer of debts.

Notwithstanding section 10A.24, a candidate may terminate the candidate's principal campaign committee for one state office by transferring any debts of that committee to the candidate's principal campaign committee for another state office if all outstanding unpaid bills or loans from the committee being terminated are assumed and continuously reported by the committee to which the transfer is being made until paid or forgiven. A loan that is forgiven is covered by section 10A.20 and, for purposes of section 10A.324, is a contribution to the principal campaign committee from which the debt was transferred under this section.

10A.323 Affidavit of contributions.

In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy under section 10A.31 a candidate or the candidate's treasurer must file an affidavit with the board stating that during that calendar year the candidate has accumulated contributions from persons eligible to vote in this state in at least the amount indicated for the office sought, counting only the first \$50 received from each contributor:

- (1) candidates for governor and lieutenant governor running together, \$35,000;
- (2) candidates for attorney general, \$15,000;
- (3) candidates for secretary of state and state auditor, separately, \$6,000;
- (4) candidates for the senate, \$3,000; and
- (5) candidates for the house of representatives, \$1,500.

The affidavit must state the total amount of contributions that have been received from persons eligible to vote in this state, disregarding the portion of any contribution in excess of \$50.

The candidate or the candidate's treasurer must submit the affidavit required by this section to the board in writing by September 1 of the general election year.