

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

THIS ADVISORY OPINION IS PUBLIC DATA

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

RE: Use of principal campaign committee funds to pay for the cost of home security systems and protection against identity theft.

ADVISORY OPINION 446

SUMMARY

Principal campaign committee funds may not be used to pay for the cost of a home security system or for a subscription to an identity theft monitoring service.

FACTS

As a member of the Minnesota legislature, you ask the Campaign Finance and Public Disclosure Board for an advisory opinion. Your request is based on the following facts:

1. You state that in the present political climate candidates and elected officials face heightened risks to physical security. You note that there have been occasions when protests occurred outside of the homes of elected officials.
2. You also state that there is a heightened risk to digital security, and note that news stories on identity theft are common.

Question

May principal campaign committee funds be used to pay for equipment such as security cameras, monthly home security subscription fees, and identity theft monitoring subscription services?

Opinion

Minnesota Statutes section 211B.12 limits the use of money collected by a candidate's principal campaign committee to activities that are for "political purposes," which means to influence the voting at an election. An exception to this requirement is that principal campaign committee funds may also be used for the noncampaign disbursements defined in Minnesota Statutes section 10A.01, subdivision 26.

The Board does not believe that expenditures related to home and identity security as stated in the request would qualify as a political purpose. This opinion therefore will focus on whether the expenditures may be paid for as a noncampaign disbursement.

One of the defined noncampaign disbursements is Minnesota Statutes, section 10A.01, subdivision 26 (10), which provides that committee funds may be used for the following expense:

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

On previous occasions when the Board has reviewed expenditures for approval as an expense of serving in public office, it has required a direct connection between serving in office and the requested expenditure. Advisory Opinion 255. The Board has also found that the disbursements must be for "...reasonable expenses of those activities that are expected or required of a public official or that enhance the official's ability to serve." Advisory Opinion 314. Service in office does not include activities or expenditures that are only indirectly related to holding office, and which provide a personal benefit to the office holder. Advisory Opinions 314, 411.

The widespread availability of commercial services for home security and identity theft monitoring shows that there is broad general demand for these services. Providing additional security for one's residence, or for one's own identity, clearly provides personal benefits to the purchaser. It is speculative to conclude that an elected official has a greater need for home security services and identity theft monitoring than the general population, or that the need is directly related to service in office. Further, the Board cannot determine that the need for the services would cease to exist if the requester were not in office.

The Board therefore concludes that principal campaign committee funds may not be used to pay for home security systems or identity theft monitoring as an expense of serving in office.

Dated: May 2, 2018

/s/ Carolyn Flynn
Carolyn Flynn, Chair
Campaign Finance and Public Disclosure Board