

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

THIS ADVISORY OPINION IS PUBLIC DATA
pursuant to a consent for release of information
provided by the requester

Issued to: Dr. Kathryn Pearson
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Minneapolis, MN 55455

RE: Gift of meal to public officials

ADVISORY OPINION 451

SUMMARY

Providing meals to public officials is not a prohibited gift as long as the funding for the meals is from an association that is not a principal in Minnesota, and the meals were not provided to the public officials at the request of a lobbyist or principal.

FACTS

As a professor at the University of Minnesota, Department of Political Science, you request an advisory opinion from the Campaign Finance and Public Disclosure Board based on the following facts which were provided to the Board in a written request and through conversations with Board staff.

1. You and other political scientists are preparing to conduct a research study entitled, "Can Breaking Bread Build Bipartisanship? Social Interactions and Cosponsorship Behavior?" All Minnesota state legislators will be invited to participate in the study. Participation in the study is voluntary.
2. The political scientists who are conducting the study will select legislators to pair with one or more legislators from the opposing party. The paired legislators will be asked to have lunch together three times during the first month of the legislative session. The study will pay for the cost of the meals.
3. The research records generated from the study will be stored securely, and any report that results from the study will not identify legislators who participated. A legislator's decision to participate, or not to participate, in the study will not affect a legislator's relationship with the University of Minnesota.
4. The study is currently funded by a research grant from the University of California, San Diego. Additional funding has been applied for from other universities and a charitable foundation. The current and potential sources of funding for the study are not lobbyist principals in Minnesota.

ISSUE ONE

May the study provide meals to Minnesota legislators without violating the gift prohibition in Minnesota Statutes section 10A.071?

OPINION ONE

Minnesota Statutes section 10A.071 generally prohibits a principal or lobbyist from giving a gift to a public official. A meal is included within the definition of a prohibited gift.¹ However, the prohibition is limited to situations where the gift is provided by a principal or a lobbyist, or at the request of a principal or a lobbyist.

The current source of funding for the study, and the additional potential sources of funding, are not represented by any registered lobbyists in Minnesota, and do not otherwise meet the definition of “principal” as provided in Minnesota Statutes section 10A.01, subdivision 33. Further, the meals are not being provided at the request of any lobbyist or principal. Therefore, providing meals to legislators as a part of the study described in this opinion is not a prohibited gift under Minnesota Statutes section 10A.071.

The Board notes that the University of Minnesota is not listed as a current or potential source of funding for the study. If circumstances change, and the University of Minnesota does provide funding for the study, the meal provided in the study is still not a prohibited gift because the University of Minnesota, as a public higher education system, is not a principal even though it is represented by registered lobbyists.²

Issued: January 3, 2020

/s/ Robert Moilanen
Robert Moilanen, Chair
Campaign Finance and Public Disclosure Board

¹ Minnesota Rules 4512.0100, subpart 3.

² Advisory Opinion 224 (January 26, 1996). https://cfb.mn.gov/pdf/advisory_opinions/AO224.pdf