



# MINNESOTA

## CAMPAIGN FINANCE BOARD

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### **Release from public subsidy agreement spending limits**

Minnesota statutes provide for release of a candidate from the spending limits agreed to in the public subsidy agreement if an opponent has not signed a public subsidy agreement and specified conditions are met. This document explains the timing and conditions for such a release.

### **No release can occur until after July 21, 2020**

Minnesota statutes provide that no release from a public subsidy agreement can occur until after the deadline for filing public subsidy agreements, which is July 21, 2020.

### **Release before the primary election**

#### **Determination of primary election opponents**

An opponent in the primary election is a person whose name will appear on the primary election ballot of the same party for the same office as the candidate seeking release from the public subsidy agreement.

#### **A candidate may choose to be released from the spending limits in a public subsidy agreement before a primary election if all of the following conditions are met:**

1. The candidate wishing to be released has at least one opponent in the primary election;
2. A primary election opponent has not signed a public subsidy agreement;
3. The date is after July 21, 2020; and
4. (a) From January 1, 2019, through July 20, 2020, the non-signing opponent has raised more than 20% of the base election segment expenditure limit or has made campaign expenditures totaling more than 20% of the base election segment expenditure limit for the office sought (see Table 1 for amounts by office);

OR

- (b) At some time after July 20, 2020, through the primary election on August 11, 2020, the non-signing opponent has raised, in total, more than 50% of the base election cycle expenditure limit or has made campaign expenditures totaling more than 50% of the base election cycle expenditure limit for the office sought (see Table 2 for amounts by office).

Any candidate who did not sign a public subsidy agreement and who meets the fundraising or spending thresholds in 4(a) or 4(b) above must notify each opponent and the Board within 24 hours of meeting that threshold.

**Table 1 20% of Base Spending Limits for 2019-2020 Election Segment**

| <b>Office</b> | <b>Election Segment Base Spending Limit*</b> | <b>20% of Spending Limit</b> |
|---------------|--|------------------------------|
| <b>Senate</b> | \$102,800                                    | \$20,560                     |
| <b>House</b>  | \$68,500                                     | \$13,700                     |

**Table 2 50% of Base Spending Limits for 2020 Election Cycle**

| <b>Office</b> | <b>Election Cycle Base Spending Limit*</b> | <b>50% of Spending Limit</b> |
|---------------|--|------------------------------|
| <b>Senate</b> | \$135,600                                  | \$67,800                     |
| <b>House</b>  | \$68,500                                   | \$34,250                     |

**Release after the primary election**

After the primary election, the provisions for pre-primary-election release set forth above are no longer applicable.

**Determination of general election opponents**

A general election opponent is another candidate whose name will be on the general election ballot for the same office as the candidate seeking release from the spending limit.

Unless the preliminary result of the vote in the primary election as reported by the Secretary of State is so close as to require a mandatory recount the Board will apply the statutes governing post-primary-election spending limits release based on the primary election results reported by the Secretary of State.

**A candidate may choose to be released from a public subsidy agreement after the primary election if all of the following conditions are met:**

1. The candidate wishing to be released has at least one opponent in the general election;
2. A general election opponent has not signed a public subsidy agreement;
3. During the election cycle for the office sought the non-signing opponent at the general election has raised more than 50% of the base election cycle expenditure limit or has made campaign expenditures totaling more than 50% of the base election cycle expenditure limit for the office sought (See Table 2 for amounts by office).

After August 11, 2020, a candidate who did not sign a public subsidy agreement and who meets the 50% fundraising or spending thresholds in Table 2 must notify each opponent and the Board within 24 hours of meeting that threshold.

## **How to be released from the spending limits**

1. A candidate who qualifies to be released from the spending limits and who wants to do so must file a statement with the Board saying that the candidate is choosing to be released from the spending limits.
2. When a candidate is qualified to be released from the spending limits due to the actions of an opponent in the primary election, the statement must be filed with the Board no later than one day after the State Canvassing Board has declared the results of the primary election.

## **Effect of decision to be released from spending limits**

1. The candidate who qualifies and elects to be released under the above conditions is no longer bound by the campaign expenditure limits for the office.
2. The electing candidate will still receive any public subsidy payments to which the candidate would otherwise have been entitled.
3. All contribution limits, including the limit on contributions from the candidate to the candidate's own committee, remain in effect.

## **Effect on other candidates in the general election**

If a candidate who signed a public subsidy agreement elects to be released from the spending limits, all other candidates in the general election for that office are also released from the spending limit.

## **Determination of base election segment and election cycle spending limits**

The election cycle for the senate is four years long, and consists of 1) a non-election segment, which includes the first two years of the cycle, and 2) an election segment, which includes the last two years of the cycle and ends on December 31<sup>st</sup> of the year in which the office is on the ballot. Each segment has a separate campaign spending limit. The spending limit for the election cycle is the sum of the two election segment limits.

The election cycle for the office of state representative is only two years long, which means that there is only one election segment in a house election cycle. The spending limit for the house election cycle therefore is equal to the spending limit for the two-year election segment.

The base spending limit is the amount set forth in Minnesota Statutes sections 10A.25, subdivision 2, and 10A.255, subdivision 1, before any adjustments that entitle certain candidates to increases in the base limit.