

MINNESOTA STATE ETHICAL PRACTICES BOARD

41 STATE OFFICE BUILDING

SAINT PAUL, MINNESOTA 55155

612-296-5148

ADVISORY OPINIONS

JULY 1, 1978 — JUNE 30, 1979

NUMBERS 53-57



JULY 1, 1979

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Issued to:

Mr. William L. Lucas
Assistant Director, Administration
Crime Control Planning Board
3124 East Minnehaha Parkway
Minneapolis, MN 55406

Approved:

July 18, 1978

ADVISORY OPINION #53**SUMMARY**

53. The Assistant Directors, Crime Control Planning Board, are not required to file Statements of Economic Interest.

FACTS

You are a state employee and Assistant Executive Director of the Crime Control Planning Board. Pertinent Statutory citations: Minn. Stat. 10A.01, subd. 18(c); Minn. Stat. 15.06, subd. 7.

You ask the following question:

QUESTION

Are you considered a public official, as defined in Minn. Stat. 10A.01, subd. 18(c), and therefore subject to Economic Interest disclosure?

OPINION

In the opinion of the Board, based on delegated responsibility as demonstrated in the job description in conjunction with Minn. Stat. 10A.01, subd. 18(c) and Minn. Stat. 15.06, subd. 7, the Board does not consider you an individual who is a public official as set forth in Minn. Stat. 10A.01, subd. 18(c), therefore you are not required to file a Statement of Economic Interest.

Issued to:

Mr. Donald J. Moll
Assistant Treasurer
UAW-V-CAP
8000 East Jefferson Avenue
Detroit, Michigan 48214

Approved:

July 18, 1978

ADVISORY OPINION #54**SUMMARY**

54. A federally registered political committee is not required to register in Minnesota, however, the committee is required to provide the treasurer of a Minnesota registered political committee or political fund all the same information required by a registered political committee or political fund as set forth in Minn. Stat. 10A.20.

TEXT

You have requested an advisory opinion from the Ethical Practices Board based upon the following:

FACTS

You are the Assistant Treasurer, United Automobile Workers Voluntary Civic Action Program, Detroit, Michigan, which is a federally registered political committee. In 1976, you contributed \$5,000 to the Minnesota Dollars For Democrats, then a registered political committee in Minnesota.

Your committee is not registered in Minnesota, however, you file a copy of your federal report with the Minnesota Secretary of State.

QUESTION

Does the filing of a federal report with the Minnesota Secretary of State, in lieu of registration and reporting as set forth in Minn. Stat. 10A, satisfy Minnesota Law?

OPINION

In the opinion of the Board, the filing of a federal campaign report with the Minnesota Secretary of State does not satisfy the registration and reporting requirements of Minn. Stat. 10A, however, in lieu of your registration and reporting to the Ethical Practices Board, Minn Stat. 10A.22, subd. 7 allows a treasurer of a Minnesota registered political committee or political fund to accept a contribution of more than \$100 from a political committee or political fund not registered in Minnesota provided the contribution is accompanied by a written statement which meets all reporting and disclosure requirements required of a registered political committee or political fund as set forth in Minn. Stat. 10A.20.

Issued to:
Rep. Gaylin Den Ouden
State House of Representatives
385 State Office Building
St. Paul, Minnesota 55155

Approved:
September 27, 1978

ADVISORY OPINION #55

SUMMARY

55. The costs of thank you notes, newspaper advertisements, radio spots, questionnaires, and mailings to constituents from the general election to the beginning of the term of office in an election year are non-campaign disbursements.

TEXT

You have requested an advisory opinion from the Ethical Practices Board based upon the following:

FACTS

You are a candidate for the State House of Representatives in the 1978 election and a member of the Minnesota House of Representatives. You ask the following question.

QUESTION

Are monies spent after the general election by my principal campaign committee for the following purposes, campaign expenditures:

1. Thank you notes mailed out to individuals who helped in the campaign.
2. Thank you ads put into the newspaper thanking people for their vote.
3. Thank you radio spots.
4. Questionnaires developed after the election, seeking the opinions of people, and the mailing of such.
5. Mailings to different groups to get their suggestions for the 1979 Legislative Session.

OPINION

In the opinion of the Board, payments of money for the above listed items are non-campaign disbursements within the meaning of Minn. Stat. 10A.01, subd. 10, since the activity described herein from a general election to the opening of the legislature may only remotely be considered influencing the nomination or election of a candidate.

PERTINENT STATUTORY AUTHORITY

Minn. Stat. 10A.01, subd. 10.

Issued to:
Representative Arne Carlson
Minnesota House of Representatives
319 State Office Building
St. Paul, Minnesota 55155

Approved:
October 16, 1978

Re: Mileage Expense Reimbursement To A Candidate

ADVISORY OPINION #56

SUMMARY

A candidate who is reimbursed for gasoline expenses by his principal campaign committee must report those as campaign expenses; however, a candidate who pays for gasoline expenses from personal funds is giving donations in kind which, if valued at \$20 or less, is neither reported nor recorded. Commencing after the 1978 election year candidates shall utilize the lowest rate that the State of Minnesota reimburses employees for use of their personal vehicles.

TEXT

You have asked the Ethical Practices Board for an opinion, based on the following hypothetical situation:

FACTS

Candidate A drives 600 miles per day for five straight days and reports this on his campaign expense sheet as a campaign expense at the rate of 16c a mile.

Candidate B drives 600 miles per day for five straight days but pays for the gasoline and automobile expense out of his own pocket. He does not report this as a campaign expense and therefore does not believe it goes towards his campaign spending limits.

Because the mileage is only 600 miles per day, the actual gasoline expenses are less than \$20 per day.

You ask the following question:

QUESTION

What I would like to know from the Board is whether or not Candidate B is violating the law or not?

OPINION

The Board answers your question in the negative. In the opinion of the Board, reimbursements for automobile expenses to a candidate by the candidate's principal campaign committee are campaign expenditures. A candidate who uses his or her own vehicle is making a donation in kind and an expenditure in kind to the campaign, those in kind donations of \$20 or less are not required to be reported or recorded. Commencing after the 1978 election year, a candidate who uses his or her own vehicle or seeks reimbursement from a principal campaign committee for such expenses shall seek such reimbursement or report such donations in kind at the rate of 11 cents per mile or at the lowest rate that the State of Minnesota reimburses employees for use of their personal vehicle.

PERTINENT STATUTORY AUTHORITY

Minn. Stat. 10A.13, subd. 1, 10A.20, subd. 3(b); 10A.27, subd. 6.

Issued to:
Senator Robert O. Ashbach
State Office Building
St. Paul, Minnesota 55155

Approved:
January 19, 1979

ADVISORY OPINION #57

SUMMARY

57. A signature by a candidate or an officeholder on a tax subsidy agreement in 1978 requires the signatory to adhere to campaign expenditure limits through the opening of filing for office in 1980 or the dissolution of the candidate or officeholder's principal campaign committee, whichever occurs first.

You have requested an advisory opinion from the Minnesota Ethical Practices Board based upon the following:

FACTS

Senator Robert O. Ashbach is a state senator from District 48. Minn. Stat. 10A.32, subd. 3b provides that a candidate shall sign a tax subsidy agreement if the candidate desires his contributor to receive a credit against tax due on his income tax. Prior to signing the tax subsidy agreement Senator Ashbach desires a clarification on the length of time such restrictions on expenditures are applicable.

Minn. Stat. 10A.32, subd. 3b provides for signing a tax credit subsidy agreement. In part the law provides "the agreement shall remain effective until the dissolution of the principal campaign committee of the candidate or the opening of filing for the next succeeding election for the office held or sought at the time of agreement whichever occurs first."

QUESTION

Does succeeding election to the office held mean the impending election (1980) or the following election (1982)?

OPINION

Based on Minn. Stat. 10A.32, subd. 3b, the board interprets "succeeding election" to mean impending election.

If you decide to sign a 1978 tax credit agreement, which you have delayed pending the response to your request for this opinion, your campaign committee would be subject to campaign expenditure limits in 1979 and 1980 until the dissolution of your principal campaign committee or the opening of filing for office for the next general or special election. Such an interpretation is consistent with the statutory manner in which an individual is permitted voluntarily to participate in the tax check-off public financing system. For example, the statute permits a candidate to raise money in the first half of 1980, with the use of the tax credit agreement while deciding not to sign an agreement for the 1980 general election.

PERTINENT STATUTORY AUTHORITY

Minn. Stat. 10A.32, subd. 3b.

STATE ETHICAL PRACTICES BOARD
41 State Office Building, St. Paul, MN. 55155

The Ethical Practices Board has answered by letter rather than by advisory opinion the request for an advisory opinion from the Minnesota State Bar Association published in Vol. 3, #14 of the State Register October 9, 1978, concerning Campaign Finance Registration.

November 13, 1978

Mr. David R. Brink
President
Minnesota State Bar Association
100 Minnesota Federal Building
Minneapolis, MN 55402

Dear Mr. Brink,

At the October 30, 1978, Board meeting on a motion to require the Minnesota Bar Association to register as a political fund, the four members participating in the decision voted 3-1 to require the Minnesota Bar Association to register and report as a political fund. Since Minn. Stat. 10A.02, subd. 3 requires a concurring vote of four members of the Board to decide any matter before it, the motion failed. In 1978, therefore, the Minnesota Bar Association will not be required to register and report as a political fund, nor can the Board answer your request for an advisory opinion because of the Board's inability to obtain four votes to provide such guidance.

If you have any questions, you may contact me.

Sincerely yours,

B. Allen Clutter, Executive Director