

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

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Issued to: Nancy Hylden
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Minneapolis, MN 55415

RE: Amendment of a Principal Campaign Committee registered under Chapter 383B

ADVISORY OPINION 443

SUMMARY

A principal campaign committee registered under the provisions of Minnesota Statutes Chapter 383B may amend its registration to reflect the office to which the candidate currently seeks election.

FACTS

As the legal representative of Jacob Frey, a candidate for elective office in Minneapolis, you requested an advisory opinion from the Campaign Finance and Public Disclosure Board based on the following facts that were provided in the letter requesting the advisory opinion and in discussions with Board staff.

1. Jacob Frey currently represents Ward 3 on the Minneapolis City Council. Mr. Frey registered the principal campaign committee Jacob Frey for Our City in October of 2012. The committee is currently registered with Hennepin County for the office of council member.
2. Mr. Frey has announced that he is a candidate for the office of Mayor of Minneapolis. Mr. Frey does not intend to seek reelection to his city council seat, which would be on the same ballot as the mayoral race.
3. Mr. Frey wishes to amend the existing Jacob Frey for Our City committee so that it will be the principal campaign committee for his candidacy for Mayor of Minneapolis. The amendment will change the office of record for the committee from city council to mayor.
4. If Mr. Frey may amend the committee registration, the funds currently in the Jacob Frey for Our City bank account will be used to support his mayoral campaign.

INTRODUCTION

Typically, the Board does not issue advisory opinions for municipal office candidates. However, the Board is authorized to issue an advisory opinion on the facts listed above by Minnesota Statutes section 383B.055, subdivision 1, which provides, in part:

The state Campaign Finance and Public Disclosure Board shall:

(1) issue and publish advisory opinions concerning the requirements of sections 383B.041 to 383B.057 upon application in writing by the county filing officer of Hennepin County or any individual or association who wishes to use the opinion to guide the applicant's own conduct.

Sections 383B.041 to 383B.057 apply to county elections in Hennepin County; for city elections in home rule charter cities and statutory cities located wholly within Hennepin County, having a population of 75,000 or more; and for school board elections in Minneapolis School District No. 1. Elections to offices in the City of Minneapolis fall within the scope of these sections.

The Board's authority to provide an advisory opinion under Minnesota Statutes section 383B.055, subdivision 1, parallels the Board's authority under Minnesota Statutes section 10A.02, subdivision 12.

When the Board issues an advisory opinion on the provisions of Chapter 10A it applies a statutory rule that requires meaning be given to each word or phrase used in a statute. Further, the Board will not place a restriction on a candidate's ability to seek election to an office unless it is clear that the legislature intended for some regulation to exist. The Board will apply the same principals when asked for an advisory opinion on chapter 383B.

ISSUE

May the candidate amend his principal campaign committee's registration from the office of city council to the office of mayor?

OPINION

There are two provisions in chapter 383B relevant to this question. Minnesota Statutes, section 383B.042, subdivision 16, defines a candidate's committee when it provides, in part:

"Principal campaign committee" means *the single political committee designated by a candidate for election for any city office in...the city of Minneapolis;...* [Emphasis added]

The registration of a principal campaign committee is provided in Minnesota Statutes, section 383B.045:

Every candidate who receives contributions or makes expenditures in excess of \$100 *shall designate and cause to be formed a single political committee* which shall be known as the candidate's principal campaign committee...[Emphasis added]

The statutes do not require a candidate to establish a separate principal campaign committee for each office sought or held.¹ Instead, both statutes give the candidate authority to establish and register a single committee for any office in the city of Minneapolis as designated by the candidate. Further, neither statute indicates a requirement or provides a procedure for a candidate to terminate

¹ In contrast, Minn. Stat. §10A.105, states that a candidate for state level office must not raise more than \$750 "unless the candidate designates and causes to be formed a single principal campaign committee *for each office sought. . .*" [Emphasis added.] The legislature provided specific and clear language when it wanted to require a candidate to register a separate principal campaign committee for each office sought. No similar language exists in chapter 383B.

an existing committee and organize a new committee if the candidate decides to run for a different office.

The Board concludes that the candidate may designate the existing Jacob Frey for Our City committee as the principal campaign committee for the office of mayor of Minneapolis and may amend the registration of the committee to reflect that designation.²

Addendum

The Board notes that Chapter 10A specifically allows the transfer of funds from one principal campaign committee to another principal campaign committee for the same candidate without limit as long as two conditions occur³. First, the committee that is the source of the funds must terminate. Second, the contribution limits for the office of the committee that receives the funds must be the same or higher than the office of the committee that raised the funds.

A similar provision does not exist in Minnesota Statutes section 211A.12, which sets the contribution limits for municipal level offices. During a year when the office of mayor of Minneapolis is on the ballot, a candidate for that office may receive up to \$1,000 per contribution. This is a higher limit than is available for a city council candidate.

Amending the registration for a principal campaign committee from mayor to city council could allow a candidate to collect contributions while running for the office of mayor that exceed the limit for city council, and then move those contributions into the campaign for city council. Whether this would result in a violation of the contribution limits in section 211A.12 is an issue not raised by the facts in this advisory opinion and, in any event, is outside of the Board's jurisdiction. The legislature may wish to provide clarification as to how the contribution limits in section 211A.12 would apply in these circumstances.

Issued: January 31, 2017

/s/ Daniel N. Rosen

Daniel N. Rosen, Chair
Campaign Finance and Public Disclosure Board

² This opinion does not address the question of whether a candidate is precluded from having more than one committee for a City of Minneapolis office; that question not being before the Board.

³ Minnesota Statutes section 10A.27, subdivision 2.