



MINNESOTA CAMPAIGN FINANCE BOARD

GUIDE TO NONCAMPAIGN DISBURSEMENT CLASSIFICATIONS

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Introduction

Minnesota Statutes section 211B.12 provides that money collected for political purposes cannot be converted to personal use. Candidate committees must use money collected for political purposes either for expenditures reasonably related to the conduct of an election campaign or for noncampaign disbursements. Campaign expenditures include payments, use of in-kind contributions, and debts incurred for the purpose of influencing a candidate's nomination or election.¹

Minnesota Statutes section 10A.01, subdivision 26, and Minnesota Rules 4503.0900, subpart 1, list the categories of permitted noncampaign disbursements. Minnesota Statutes section 10A.173 clarifies specific expenses that may be claimed under four of the statutory noncampaign disbursement categories. Because noncampaign disbursements are not campaign expenditures, they do not count against the spending limits imposed by Minnesota Statutes section 10A.25 if the candidate has signed a public subsidy agreement under Minnesota Statutes section 10A.322. Noncampaign disbursements are considered to be made in the year in which the candidate made the purchase or incurred the obligation in question.

The Campaign Finance and Public Disclosure Board has issued a number of advisory opinions and enforcement decisions regarding noncampaign disbursements over the years. The Board seeks to provide greater guidance to committees regarding the use of the various noncampaign disbursement categories by summarizing those decisions, along with relevant statutes and rules, in this guide.

Noncampaign Disbursement Classifications

The statutes and rules recognize 33 separate categories of noncampaign disbursements. With very few exceptions, a permitted expense that is not a noncampaign disbursement is a campaign expenditure.² The Board has consistently noted that campaign funds are contributions made to a committee, often by individual citizens, to help elect the candidate. For that reason, the Board has concluded that statutes permitting the use of committee funds for purposes not related to getting elected (i.e., noncampaign disbursements) should be applied narrowly.³

The following sections summarize relevant advisory opinions (noted by number) and enforcement actions (noted by name and date), organized by the categories to which they apply. The sections also indicate when a statutory change from 2018 or later has modified or codified a position taken in an advisory opinion or enforcement action and the effective date of that change.

Accounting and legal services

Minn. Stat. § 10A.01, subd. 26 (a) (1)

Under certain circumstances funds from a principal campaign committee may be used to pay for legal services if the services relate to the candidate's chances of election and the candidate does not personally benefit from the services. ([#328](#)).

Costs of legal and accounting services incurred by the principal campaign committee of a newly elected constitutional officer should be reported as noncampaign disbursements under this category. Those costs should be reported separately from legal or accounting expenditures incurred by a transition team

¹ Minnesota Statutes section 10A.01, subdivision 9, defines the term "campaign expenditure."

² Minnesota Statutes section 10A.01, subdivision 9, excludes from the definition of "campaign expenditure" services volunteered by an individual, certain publishing and broadcasting by news media, and an individual volunteer's use of an automobile owned by that individual.

³ See [Findings in the Matter of the Joe Atkins for State Representative Committee](#), May 27, 2016.

preparing for that candidate to take office. Accounting and legal services used in the transition should be reported as noncampaign disbursements and classified as payment of expenses for serving in public office. ([#346, 391](#)).

This category does not include costs of civil litigation not related to a candidate's election or principal campaign committee. ([#314, 318](#)).

Return of a contribution to the source

Minn. Stat. § 10A.01, subd. 26 (a) (2)

A committee's return of a contribution to its source is permitted as a noncampaign disbursement. ([#271](#)).

Repayment of a loan made to the principal campaign committee

Minn. Stat. § 10A.01, subd. 26 (a) (3)

A principal campaign committee's repayment of a loan made to that committee by the candidate is a noncampaign disbursement. ([Findings in the Matter of a Complaint Regarding Representative Ray Cox and the Ray Cox for State Representative Committee](#), Oct. 15, 2004).

Return of a public subsidy

Minn. Stat. § 10A.01, subd. 26 (a) (4)

Candidate committees are allowed to report the return of public subsidy funds as noncampaign disbursements. ([#433](#)).

Food, beverages, and necessary utensils and supplies, entertainment, and facility rental for a fundraising event

Minn. Stat. § 10A.01, subd. 26 (a) (5)

The cost of paying for a candidate's band to play at a fundraising event is classified as a noncampaign disbursement for entertainment at a fundraising event. The cost of paying for a candidate's band to play at a community event that is neither a campaign event nor a campaign fundraiser is not a permissible use of committee funds. ([#362](#)).

This category does not apply to payments related to fundraisers for entities other than the candidate's own principal campaign committee. ([In the matter of the Complaint Against the People for \(Gregory\) Davids Committee](#), Aug. 15, 2006).

Services for a constituent

Minn. Stat. § 10A.01, subd. 26 (a) (6)

This category includes services performed for a constituent by a member of the legislature or a constitutional officer in the executive branch as provided in Minnesota Statutes section 10A.173, subdivision 1. The full cost of the services is classified as a noncampaign disbursement if those services are performed during the time period beginning with the start of the candidate's term of office and ending with the adjournment sine die of the legislature in the election year for the office held. Adjournment sine die is adjournment without a definite date for reconvening, which occurs at the end of the two-year legislative session. Half of the cost of the constituent services is included as a noncampaign disbursement if those services are performed within 60 days after adjournment sine die of the legislature in the election year for the office held. Minn. Stat. § 10A.173, subd. 1 (a). When only half of the cost of services is included as a noncampaign disbursement, the remaining half must be classified as a

campaign expenditure. ([Findings in the Matter of a Complaint Regarding the Friends of Matt Dean Committee](#), Oct. 17, 2006). A constituent service provided more than 60 days after adjournment sine die must be classified totally as a campaign expenditure. ([Findings in the Matter of a Complaint Regarding the Pete Nelson for State Representative Committee](#), Nov. 28, 2006). **These timing requirements apply to all noncampaign disbursements categorized as constituent services.**

Constituent service communications

Postage spent on constituent service communications that neither solicit campaign funds nor ask for votes is properly classified as a noncampaign disbursement. ([Findings Regarding a Complaint Against Representative Greg Davids](#), Oct. 15, 2004).

A constituent services piece may not advocate for the re-election of the legislator or solicit campaign contributions. ([Findings in the Matter of the Joe Atkins for State Representative Committee](#), May 27, 2016).

If a telephone survey does not clearly provide a service to the voters who are called, and the survey provides the candidate who conducts it with information about voters' positions on issues, as well as information by which to gauge the potential for obtaining contributions from those voters, the costs of the survey must be reported as campaign expenditures. (#403).

Committee funds that are used to educate or inform other legislators and candidates about legislative issues in which the candidate is interested do not qualify as noncampaign disbursements for constituent services. Constituent services must actually serve the constituent in some way and not simply enhance the candidate's reputation. Acts which are primarily designed to enhance the giver's reputation (and presumably the chances for re-election) are not services to constituents. (#248).

The cost of signs advertising a legislator's name, telephone number, and status as an official must be reported as campaign expenditures. (#275, 442).

This category includes the cost of printing and distributing a review of legislative action and issues to the office holder's constituents. However, if a portion of the mailing consists of campaign material, the costs for that portion must be allocated as a campaign expenditure. (#313); codified at Minn. Stat. § 10A.173, subd. 1 (b) (6). Costs for a review of legislative action may be fully categorized as noncampaign disbursements if distribution occurs prior to adjournment sine die of the legislature. If distribution occurs after, but within 60 days of, adjournment sine die, both printing and distribution costs must be divided equally between noncampaign disbursements and campaign expenditures, even if the printing costs were incurred prior to adjournment. Minn. Stat. § 10A.173, subd. 1 (b) (6).

Effective for expenses incurred on or after June 1, 2018, this category includes the cost of congratulatory letters sent to constituents if they include information about government services available to constituents or how constituents may register to vote. Minn. Stat. § 10A.173, subd. 1 (b) (3).

A political party unit that contributes time on a local cable TV program to a candidate is making an in-kind contribution to the candidate. The in-kind expenditure is categorized by the candidate as a campaign expenditure, a noncampaign disbursement, or both depending on the status of the candidate, the date(s) on which the program is broadcast, and the purpose of the candidate's appearance on the program. The candidate may report that the in-kind contribution was used as a noncampaign disbursement, either in whole or in part, if the purpose of the candidate appearing on the program was to provide constituents with information on issues facing the state rather than influencing the candidate's nomination or election, the candidate is an incumbent office holder whose district includes at least part of the potential viewing

audience, and the program was broadcast or rebroadcast during a time period in which it qualifies as constituent services. The candidate must distinguish between the value of the program's original broadcast and any rebroadcasts if the rebroadcasts occur during a different time period when they do not qualify, in whole or in part, as constituent services. (#365).

Depending on the content and timing of podcast episodes, an incumbent candidate's principal campaign committee may pay for expenses associated with the podcast and classify those expenses either wholly, or in part, as constituent services. (#453).

Transportation to an educational day held at the State Capitol during a legislative session

The services for a constituent category includes the provision of bus transportation by a legislator's principal campaign committee so that the legislator's constituents may attend an educational day at the Capitol during session. (#307); codified at Minn. Stat. § 10A.173, subd. 1 (b) (1).

Hiring an intern to provide constituent services

This category includes mileage reimbursements paid to an intern, or other costs of hiring an intern, if those costs are directly attributable to the intern's provision of constituent services that qualify as non-campaign disbursements, either in whole or in part. (#378); codified at Minn. Stat. § 10A.173, subd. 1 (b) (2).

Food or beverages consumed by a constituent during a meeting with the office holder

Effective for expenses incurred on or after June 1, 2018, the cost of food or beverages consumed by a constituent during a meeting with the office holder may be claimed as a noncampaign disbursement for constituent services as long as the meal is not provided to induce the constituent to refrain from voting or to vote in a certain way in violation of Minnesota Statutes section 211B.13. Minn. Stat. § 10A.173, subd. 1 (b) (4).

Food or beverages consumed while distributing constituent service communications

Effective for expenses incurred on or after June 1, 2018, this category includes the cost of food and beverages consumed by the candidate or volunteers while distributing communications that qualify as services to a constituent. Minn. Stat. § 10A.173, subd. 1 (b) (5).

Other constituent service expenses

This category includes mileage reimbursements for trips back to the candidate's district to collect and process constituent mail and to meet with constituents. ([In the matter of the Complaint Against the People for \(Gregory\) Davids Committee](#), Aug. 15, 2006).

Costs of establishing a constituent services office in a candidate's district may be considered a noncampaign disbursement. ([Findings Regarding a Complaint Against Representative Greg Davids](#), Oct. 15, 2004).

Office equipment, phone service, rent, utilities and supplies for an office used solely for constituent services, and postage for constituent services, may be considered noncampaign disbursements. ([Findings Regarding a Complaint Against Representative Greg Davids](#), Oct. 15, 2004).

If office space is used, in part, to provide constituent services, the proportional cost of the office space may be classified as a noncampaign disbursement. The proportional cost of the office space must be based on the actual use of the office for constituent services. The committee must keep records that justify any payments for the office space. To avoid conversion of committee funds to personal use, the committee must ensure that the cost classified as a constituent service expense does not exceed the space's fair market value. To avoid a corporate contribution, the committee also must ensure that the cost of the office space is not less than its fair market value. (#442).

The cost of a sign or other advertising marking the location, or containing the contact information, of a member of the legislature is not a constituent service expense. (#442, 275).

Buying pens with the candidate's name, public office or title, and telephone number printed on them is a campaign expenditure, not a constituent service. (In the matter of the Complaint Against the People for (Gregory) Davids Committee, Aug. 15, 2006).

Food and beverages consumed by candidate or volunteers while campaigning

Minn. Stat. § 10A.01, subd. 26 (a) (7)

This category includes meals provided at meetings with individuals who are writing campaign material for use during the upcoming election and with individuals who volunteered for the campaign in prior years to plan activities for the next election. There are no time constraints on this category and planning for an election in a non-election year may reasonably be considered to be a campaign activity. This category, however, does not extend to the cost of meals or beverages provided as a thank you to volunteers and supporters.⁴ A committee treasurer should ensure that the purpose of the meeting qualifies as a campaign activity that supports the election of the candidate. (Findings in the Matter of the Joe Hoppe Volunteer Committee, May 27, 2016).

This category also includes the cost of meals that are a required aspect of membership in local organizations that the candidate joins to raise his or her profile in the community and to promote the campaign. (Findings in the Matter of the Joe Hoppe Volunteer Committee, May 27, 2016).

Effective for expenses incurred on or after June 1, 2018, the cost of food and beverages consumed by the candidate or volunteers while distributing constituent services literature, the cost of which qualifies as a noncampaign disbursement, either in whole or in part, may be claimed as a noncampaign disbursement for constituent services. Minn. Stat. § 10A.173, subd. 1 (b) (5).

This category applies only to food and beverages consumed by volunteers or the candidate while campaigning for the committee's own candidate. If the volunteers or the candidate are campaigning for other state candidates, the costs of any food and beverages provided to them would be in-kind contributions to the other candidates. (Findings in the Matter of the Joe Atkins for State Representative Committee, May 27, 2016). A candidate's committee may not make in-kind contributions to other state candidates unless the candidate intends to terminate the committee within 12 months of the contribution and the candidate gives notice of that intent to the recipient committee. Minn. Stat. § 10A.27, subd. 9.

If a candidate intends to terminate the committee within 12 months, then, effective for expenses incurred on or after June 1, 2018, the cost of food and beverages consumed by the candidate or volunteers while campaigning outside of the candidate's district may be claimed as a noncampaign disbursement if the

⁴ Minnesota Statutes section 10A.01, subdivision 26 (a) (13), permits the cost of one postelection party, and Minnesota Statutes section 10A.01, subdivision 26 (a) (25), permits the cost of one reception in honor of a candidate's retirement from public office, to be classified as noncampaign disbursements.

committee gives written notice of the intent to dissolve to the candidate committee(s) for which the volunteers and/or candidate are campaigning. Minn. Stat. § 10A.173, subd. 2.

Food and beverages consumed at a reception or meeting related to legislative duties

Minn. Stat. § 10A.01, subd. 26 (a) (8)

Effective for expenses incurred on or after June 1, 2018, the cost of food and beverages consumed by other legislators or legislative staff at a reception or meeting directly related to legislative duties may be claimed as a noncampaign disbursement. Minn. Stat. § 10A.173, subd. 3 (a).

This category is limited to organized receptions or meetings and is not available for lunches or dinners with staff or colleagues, even if legislative business is discussed at these meals. ([Findings in the Matter of the Joe Atkins for State Representative Committee](#), May 27, 2016).

Expenses incurred by leaders of a legislative caucus in carrying out their responsibilities

Minn. Stat. § 10A.01, subd. 26 (a) (9)

This category is limited to expenses incurred by legislative caucus leadership and cannot be expanded by the Board to include other office holders. (#354).

A "legislative caucus" is an organization of members of the legislature, which typically is organized along political party lines and is designed to support the legislative goals of the caucus. The term "legislative caucus" does not include political party units organized within each body of the legislature, whose purpose is to influence the nomination and election of candidates. (#450).

A candidate who is the leader of a legislative caucus may use principal campaign committee funds to pay for communications if those communication expenses are incurred in order to promote the legislative agenda of the caucus. A candidate who is a leader of a legislative caucus may also use principal campaign committee funds to pay for legal services in order to facilitate the formation and operation of the caucus. (#450).

Expenses for serving in public office

Minn. Stat. § 10A.01, subd. 26 (a) (10)

Board advisory opinions on the costs of serving in office have been consistent in informing committees that this category does not apply broadly to any and all expenses that may relate to being a legislator. Rather, the Board has recognized that this category is appropriate only for expenditures that would not have been incurred if the individual was not specifically a legislator. ([Findings in the Matter of the Joe Atkins for State Representative Committee](#), May 27, 2016).

Committee funds used for expenses directly related to serving in public office that are incurred after the general election, but before the candidate is actually sworn in, are classified as noncampaign disbursements. (#253).

Meetings and conferences

This category includes the cost of transportation, lodging, meals, and other expenses necessary to attend certain task force meetings and conferences if the reason the candidate attends is to assist the candidate's performance of the duties of the office held, and the candidate would not attend if not a legislator. ([In the matter of the Complaint Against the People for \(Gregory\) Davids Committee](#), Aug. 15, 2006); (#277, 391); codified at Minn. Stat. § 10A.173, subd. 4 (a) (1).

This category includes the cost of attending conferences at which subjects before the legislature are discussed (e.g., National Conference of State Legislatures). ([Findings in the Matter of the Joe Hoppe Volunteer Committee](#), May 27, 2016).

This category includes travel, lodging, and registration costs association with attending task force meetings and conferences if that attendance is directly related to the office holder's service in public office. The reason for attending must be to assist the office holder in performing the duties of office. ([#277](#)).

The costs of attending functions which directly relate to, and assist a legislator in, the performance of official duties are noncampaign disbursements. A primary reason these costs are incurred is to assist in performing as a legislator. ([#255](#)).

This category does not include costs incurred for transportation, lodging, and other expenses for trips taken outside of the office holder's district for the purpose of general fact finding and relationship building (e.g., visiting with congressional delegation in Washington, D.C.). ([Findings in the Matter of the Joe Hoppe Volunteer Committee](#), May 27, 2016); codified at Minn. Stat. § 10A.173, subd. 4 (b) (2).

This category does not include costs incurred for transportation, lodging, and other expenses by an individual accompanying an office holder on a trip unless the office holder is a person with a disability, as defined in Minnesota Statutes section 363A.03, subdivision 12, and the accompanying individual is providing services that are made necessary by that disability. Minn. Stat. § 10A.173, subd. 4 (b) (3).

A committee is not required to allocate a travel expense between the office holder and an individual accompanying the office holder on a trip if the presence of the accompanying individual does not increase the amount of the expense. Minn. Stat. § 10A.173, subd. 4 (b).

Traveling to the State Capitol

Effective for expenses incurred on or after June 1, 2018, mileage reimbursements for the cost of traveling to the State Capitol for scheduled legislative committee meetings and regular and special legislative sessions are permitted as noncampaign disbursements for the expenses of serving in office if those costs are not reimbursed by another source. Minn. Stat. § 10A.173, subd. 4 (a) (2).

If not reimbursed by another source, funds from a principal campaign committee may be used to pay for expenses incurred by a candidate for travel from a location outside of the legislator's district to the capitol necessitated by the candidate's participation in work group and conference committee meetings related to a special session of the legislature. ([#329](#)).

The cost of a speeding ticket cannot be classified as a cost of serving in office even if the candidate was on the way home from a late session when the ticket was issued. These expenses are limited to the ordinary and reasonable costs associated with activities that are expected or required of a public official. A speeding ticket is not an activity expected or required of a public official. ([Revised Findings in the Matter of the Complaint of Steven Timmer Regarding Representative Ernest Leidiger and Steven Nielsen](#), May 1, 2012).

Meals for staff and potential staff

Effective for expenses incurred on or after June 1, 2018, the purchase of meals for legislative staff while the staff member is engaged in performing legislative work for the candidate may be claimed as a

noncampaign disbursement, categorized as an expense for serving in office. Minn. Stat. § 10A.173, subd. 4 (a) (3).

A principal campaign committee may not classify the cost of providing food for staff of an elected official at a social get-together after a training session as a noncampaign disbursement. It is not reasonably required or even expected that an elected official provide dinner for staff attending an after-hours event. (#354).

Providing a meal is not a required part of the interview process for hiring staff to operate a gubernatorial transition office and the meal cannot be classified as a noncampaign disbursement. (#346).

Other expenses of serving in office

This category includes expenses for an elected official's cellphone access if the phone is used for communications related to serving in office. Paying for family cell phone lines is a prohibited conversion to personal use. The cost of a cellphone plan used in support of the campaign is a campaign expenditure. ([Findings in the Matter of the Joe Atkins for State Representative Committee](#), May 27, 2016); ([Findings in the Matter of the Joe Hoppe Volunteer Committee](#), May 27, 2016).

This category includes housing costs associated with travel to the Capitol as part of legislative duties during periods when the legislative per diem reimbursement is not available. ([In the matter of the Complaint Against the People for \(Gregory\) Davids Committee](#), Aug. 15, 2006).

Belonging to a local organization like the Rotary Club can raise the profile of the candidate to voters in the candidate's district and generally serves as an opportunity to promote the campaign. For that reason the Board has accepted reports by campaign committees that disclose membership dues to local organizations as campaign expenditures. However, such membership dues are not a cost of serving in office and cannot be reported as noncampaign disbursements. ([Findings in the Matter of the Joe Hoppe Volunteer Committee](#), May 27, 2016); codified at Minn. Stat. § 10A.173, subd. 4 (b) (1).

This category includes computer training costs needed to enable a legislator to use a state-provided personal computer. (#266).

This category includes the cost of business cards. ([Findings Regarding a Complaint Against Representative Greg Davids](#), Oct. 15, 2004).

Certain expenses related to the operation of a transition office for a constitutional officer-elect may be paid by a principal campaign committee as noncampaign disbursements. The cost of office equipment, including computers, should be reported as a noncampaign disbursement, categorized as an expense for serving in public office, if used solely for purposes of a candidate's post-election transition office. However, any equipment purchased for the transition with principal campaign committee funds becomes the property of the committee, and if classified as a noncampaign disbursement, cannot be later used for campaign purposes. Committees may wish to lease necessary equipment during transition periods to avoid problems associated with tracking its use, and eventual disposal, after the transition period. (#391).

This category does not include costs of litigation if those costs are neither an ordinary expense of serving in office nor something expected or required of an official as a part of public service. (#314).

Costs of providing home health care for a close relative of the candidate, for whom the candidate usually provides home health care, incurred while the candidate is travelling, are not noncampaign disbursements. Every office holder incurs various personal costs as a result of service in office. Such

costs are only indirectly related to the official's public service and are not the ordinary expenses that are required of all officials. (#411).

This category does not include expenses related to home security systems or identity theft monitoring services. (#446). However, see the section titled "[Security expenses for a candidate](#)" discussing a new noncampaign disbursement category created in 2021 to include those types of expenses.

Child care for the candidate's children while campaigning

Minn. Stat. § 10A.01, subd. 26 (a) (11)

Fees to attend a campaign school

Minn. Stat. § 10A.01, subd. 26 (a) (12)

A candidate may pay to attend, or receive an in-kind contribution representing the value of attending, a campaign school. (#404).

Postelection party

Minn. Stat. § 10A.01, subd. 26 (a) (13)

After the close of filing for office, if the candidate has not filed for office and is therefore precluded from appearing on the election ballot, costs paid by the candidate's committee for a party in the election year may be classified as a noncampaign disbursement even if the party is held before the general election. For a postelection party to qualify as a noncampaign disbursement, the party must occur at a time when it is no longer possible to influence voting for the candidate. (#424).

Interest on outstanding loans

Minn. Stat. § 10A.01, subd. 26 (a) (14)

Filing fees

Minn. Stat. § 10A.01, subd. 26 (a) (15)

Post-general election holiday or seasonal cards, thank-you notes, or advertisements

Minn. Stat. § 10A.01, subd. 26 (a) (16)

Replacement campaign material

Minn. Stat. § 10A.01, subd. 26 (a) (17)

The use of insurance proceeds to replace destroyed campaign signs is a noncampaign disbursement. (#239).

The cost of replacing campaign lawn signs which were stolen before they were ever used is a noncampaign disbursement to the extent that it does not exceed the cost of the stolen signs. (#256).

Contributions to party units

Minn. Stat. § 10A.01, subd. 26 (a) (18)

Funeral gifts or memorials

Minn. Stat. § 10A.01, subd. 26 (a) (19)

Magnets with legislator contact information

Minn. Stat. § 10A.01, subd. 26 (a) (20)

The cost of producing an informational magnet that will be distributed to constituents is a noncampaign disbursement. Distribution of the magnet and an explanatory note are constituent services, the costs of which are to be reported as noncampaign disbursements or campaign expenditures depending on the time when distribution is made.⁵ (#388).

Candidate's attendance at a political party's state or national convention in Minnesota

Minn. Stat. § 10A.01, subd. 26 (a) (21)

This category was created in 2008. Prior to 2008, expenses related to a legislator's attendance at the state political convention of the legislator's party were considered to be campaign expenditures rather than noncampaign disbursements. (#383).

Other purchases or payments specified in Board rules or advisory opinions, including bank fees

Minn. Stat. § 10A.01, subd. 26 (a) (22)

Costs required to maintain a bank account that is required by statute, including service fees, the cost of checks, and check processing fees, may be reported as noncampaign disbursements. (#387).

The purchase of computer equipment or a fax machine with committee funds is generally a campaign expenditure rather than a noncampaign disbursement. (#89, 127, 209, 211, 228).

The purchase of a computer with committee funds when the candidate is no longer running for office cannot be a campaign expenditure and may be, instead, a conversion to personal use. ([Investigation of the Timothy Manthey for Senate Committee](#), October 7, 2014).

Payment processing for contributions

Minn. Stat. § 10A.01, subd. 26 (a) (23)

This category was created in 2010. Prior to 2010, credit card transaction fees were required to be reported as campaign expenditures, but the Board permitted bank service fees and check processing fees to be reported as noncampaign disbursements. (#387).

Recount fund

Minn. Stat. § 10A.01, subd. 26 (a) (24)

A contribution to a fund established to support a candidate's participation in a recount of ballots affecting that candidate's election is a noncampaign disbursement. A recount of ballots will ascertain the result of the election, but it will not influence that election. (#415); *restated in* ([Findings in the Matter of the Complaint of Common Cause Minnesota regarding the Republican Party of Minnesota and others](#), July 13, 2012); codified at Minn. Stat. § 10A.01, subd. 26 (a) (24).

⁵ The section titled "[Services for a constituent](#)" and Minnesota Statutes section 10A.173, subdivision 1 (a), explain the time periods during which constituent services expenses qualify as noncampaign disbursements, either in whole or in part. While the cost of magnets is its own category under Minnesota Statutes section 10A.01, subdivision 26 (a) (20), in [Advisory Opinion 388](#) the Board considered the distribution of such magnets to be a constituent service subject to the timing requirements now codified at Minnesota Statutes section 10A.173, subdivision 1.

Reception in honor of the candidate's retirement

Minn. Stat. § 10A.01, subd. 26 (a) (25)

Costs paid by a principal campaign committee for a party upon the retirement from public office of the candidate are noncampaign disbursements. This category may be used for only a single event, which must occur during an election year for the office for which the candidate created the principal campaign committee, after the filing period has closed or the candidate is otherwise precluded from appearing on the ballot. (#285, 424); codified at Minn. Stat. § 10A.01, subd. 26 (a) (25).

Donation from terminating committee to state general fund

Minn. Stat. § 10A.01, subd. 26 (a) (26)

A terminating principal campaign committee may donate its money to the state general fund and report that donation as a noncampaign disbursement. (#433); codified at Minn. Stat. § 10A.01, subd. 26 (a) (26).

Donation to county obligated to incur special election expenses due to candidate's resignation

Minn. Stat. § 10A.01, subd. 26 (a) (27)

A donation of funds by a terminating candidate committee to a county obligated to incur special election expenses due to that candidate's resignation is a noncampaign disbursement. (#433); codified at Minn. Stat. § 10A.01, subd. 26 (a) (27).

Security expenses for a candidate

Minn. Stat. § 10A.01, subd. 26 (a) (28)

Effective for payments made on or after January 1, 2021, security expenses for a candidate totaling up to \$3,000 per two-year election cycle segment are noncampaign disbursements, including the cost of home security hardware, maintenance of home security hardware, identity theft monitoring services, and credit monitoring services. This category was created by legislation enacted in 2021, which supersedes Advisory Opinion 446.

Transportation, meals, and lodging paid to attend a campaign school

Minn. R. 4503.0900, subp. 1 (A)

See the section titled "[Fees to attend a campaign school](#)" for enrollment fees paid to attend, or the value of attending, a campaign school.

Campaigning by a person with a disability

Minn. R. 4503.0900, subp. 1 (B)

The costs of driver services needed to enable a disabled person to campaign for public office should be reported as noncampaign disbursements. (#221).

See the subsection titled "[Meetings and conferences](#)" within the section titled "[Expenses for service in public office](#)" for expenses incurred by an individual accompanying an office holder on a trip in order to provide services necessitated by the office holder's disability.

Services for current or future constituents after, and in the same year as, the general election

Minn. R. 4503.0900, subp. 1 (C)

See the section titled "[Services for a constituent](#)" for constituent services expenses.

Payment of advances of credit after the year the advance was reported as an expenditure

Minn. R. 4503.0900, subp. 1 (D)

Fines assessed by the board

Minn. R. 4503.0900, subp. 1 (E)

The payment of fines assessed by the Board is a noncampaign disbursement if paid for with committee funds. ([Investigation of the Timothy Manthey for Senate Committee](#), October 7, 2014).

Running a transition office of a winning gubernatorial candidate for six months after election

Minn. R. 4503.0900, subp. 1 (F)

Certain expenses related to the operation of a transition office may be paid by the principal campaign committee of a winning gubernatorial candidate and reported as non-campaign disbursements. (#346); codified at Minn. R. 4503.0900, subp. 1 (F).

See the section titled "[Expenses for serving in public office](#)" for expenses incurred by transition offices of other constitutional officers.

Minn. Stat. § 10A.01

Subd. 26. **Noncampaign disbursement.** (a) "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, or a donation in kind received, by a principal campaign committee for any of the following purposes:

- (1) payment for accounting and legal services;
- (2) return of a contribution to the source;
- (3) repayment of a loan made to the principal campaign committee by that committee;
- (4) return of a public subsidy;
- (5) payment for food, beverages, and necessary utensils and supplies, entertainment, and facility rental for a fund-raising event;
- (6) services for a constituent by a member of the legislature or a constitutional officer in the executive branch as provided in section 10A.173, subdivision 1;
- (7) payment for food and beverages consumed by a candidate or volunteers while they are engaged in campaign activities;
- (8) payment for food or a beverage consumed while attending a reception or meeting directly related to legislative duties;
- (9) payment of expenses incurred by elected or appointed leaders of a legislative caucus in carrying out their leadership responsibilities;
- (10) payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses;
- (11) costs of child care for the candidate's children when campaigning;
- (12) fees paid to attend a campaign school;
- (13) costs of a postelection party during the election year when a candidate's name will no longer appear on a ballot or the general election is concluded, whichever occurs first;
- (14) interest on loans paid by a principal campaign committee on outstanding loans;
- (15) filing fees;
- (16) post-general election holiday or seasonal cards, thank-you notes, or advertisements in the news media mailed or published prior to the end of the election cycle;
- (17) the cost of campaign material purchased to replace defective campaign material, if the defective material is destroyed without being used;
- (18) contributions to a party unit;

- (19) payments for funeral gifts or memorials;
 - (20) the cost of a magnet less than six inches in diameter containing legislator contact information and distributed to constituents;
 - (21) costs associated with a candidate attending a political party state or national convention in this state;
 - (22) other purchases or payments specified in board rules or advisory opinions as being for any purpose other than to influence the nomination or election of a candidate or to promote or defeat a ballot question;
 - (23) costs paid to a third party for processing contributions made by a credit card, debit card, or electronic check;
 - (24) a contribution to a fund established to support a candidate's participation in a recount of ballots affecting that candidate's election;
 - (25) costs paid by a candidate's principal campaign committee for a single reception given in honor of the candidate's retirement from public office after the filing period for affidavits of candidacy for that office has closed;
 - (26) a donation from a terminating principal campaign committee to the state general fund;
 - (27) a donation from a terminating principal campaign committee to a county obligated to incur special election expenses due to that candidate's resignation from state office; and
 - (28) during a period starting January 1 in the year following a general election and ending on December 31 of the year of general election, total payments of up to \$3,000 for security expenses for a candidate, including home security hardware, maintenance of home security hardware, identity theft monitoring services, and credit monitoring services.
- (b) The board must determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.
- (c) A noncampaign disbursement is considered to be made in the year in which the candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.

Minn. Stat. § 10A.173 NONCAMPAIGN DISBURSEMENTS

Subdivision 1. **Services for a constituent.** (a) The cost of services for a constituent performed from the beginning of the term of office to adjournment sine die of the legislature in the election year for the office held are noncampaign disbursements. Half of the cost of services for a constituent performed from adjournment sine die to 60 days after adjournment sine die are noncampaign disbursements.

(b) During the periods provided in paragraph (a), a candidate's committee may claim the following expenses as a noncampaign disbursement for services for a constituent under section 10A.01, subdivision 26, clause (6):

- (1) the cost of a charter bus to transport constituents to an educational day held at the State Capitol during a legislative session;

(2) the cost of hiring an intern that is directly attributable to the intern's provision of services for constituents;

(3) the cost of congratulatory letters sent to the office holder's constituents that include information about government services available to the recipient or how the recipient can register to vote;

(4) the cost of food or beverages consumed by a constituent during a meeting with the office holder, in compliance with section 211B.13;

(5) the cost of food and beverages consumed by the candidate or volunteers when the candidate or volunteers are distributing communications that qualify as services to a constituent; and

(6) the cost of printing and distributing a review of legislative action and issues to the office holder's constituents if the distribution occurs prior to the sine die adjournment of the legislature.

If the review of legislative action described in clause (6) is distributed after the legislature adjourns sine die, the printing and distribution costs must be prorated between noncampaign disbursements and campaign expenditures as described in paragraph (a), even if the printing occurred prior to adjournment.

(c) A communication prepared as a service for a constituent must include the disclaimer required by section 211B.04 when the communication is disseminated after adjournment sine die of the legislature in the election year for the office held.

Subd. 2. Food and beverages while campaigning. A candidate's committee may not claim the cost of food and beverages consumed by the candidate and volunteers when the candidate and volunteers are campaigning outside of the candidate's district, unless the committee intends to terminate and complies with section 10A.27, subdivision 9, paragraph (b), as noncampaign disbursements under section 10A.01, subdivision 26, clause (7).

Subd. 3. Food and beverages; legislative duties. (a) A candidate's committee may claim the expense of food and beverages consumed by other legislators or legislative staff at a reception or meeting as a noncampaign disbursement under section 10A.01, subdivision 26, clause (8).

(b) Except as provided by paragraph (a), a candidate's committee may not claim the expense of food and beverages consumed by individuals other than the legislator at a reception or meeting as a noncampaign disbursement under section 10A.01, subdivision 26, clause (8).

Subd. 4. Expenses for serving in public office. (a) A candidate's committee may claim the following expenses as noncampaign disbursements for expenses for serving in public office under section 10A.01, subdivision 26, clause (10):

(1) the cost of transportation, lodging, meals, and other expenses necessary to attend meetings and conferences when the reason that the candidate attends the event is to assist the candidate in performing the duties of the office held and the candidate would not attend the event if the candidate were not an office holder;

(2) the cost of traveling to the State Capitol for scheduled legislative committee meetings and regular and special legislative sessions when those costs are not reimbursed by another source; and

(3) the cost of meals for legislative staff while the staff member is engaged in performing legislative work for the candidate.

(b) A candidate's committee may not claim the following expenses as noncampaign disbursements for expenses for serving in public office under section 10A.01, subdivision 26, clause (10):

(1) the cost of membership fees and dues necessary to belong to organizations located in the office holder's district;

(2) costs incurred for transportation, lodging, and other expenses for trips taken outside of the office holder's district for the purpose of relationship building; and

(3) costs incurred for transportation, lodging, and other expenses by an individual accompanying an office holder on a trip unless the office holder is a person with a disability, as defined in section 363A.03, subdivision 12, and the accompanying individual is providing services that are made necessary by the disability.

Clause (3) does not require a committee to allocate a travel expense between an office holder and an individual accompanying the office holder on a trip when the presence of the accompanying individual does not increase the amount of the expense.

Minn. R. 4503.0900

Subpart 1. **Additional definitions.** In addition to those listed in Minnesota Statutes, section 10A.01, subdivision 26, the following expenses are noncampaign disbursements:

A. transportation, meals, and lodging paid to attend a campaign school;

B. costs of campaigning incurred by a person with a disability, as defined in Minnesota Statutes, section 363A.03, subdivision 12, and which are made necessary by the disability;

C. the cost to an incumbent or a winning candidate of providing services to residents in the district after the general election in an election year for the office held;

D. payment of advances of credit in a year after the year in which the advance was reported as an expenditure;

E. payment of fines assessed by the board; and

F. costs of running a transition office for a winning gubernatorial candidate during the first six months after election.

Subp. 2. [Repealed, 21 SR 1779]

Subp. 3. **Reporting purpose of noncampaign disbursements.** Itemization of an expense which is classified as a noncampaign disbursement must include sufficient information to justify the classification.

Minn. Stat. § 211B.12 LEGAL EXPENDITURES

Use of money collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns, or is a noncampaign disbursement as defined in section 10A.01, subdivision 26. The following are permitted expenditures when made for political purposes:

(1) salaries, wages, and fees;

(2) communications, mailing, transportation, and travel;

(3) campaign advertising;

(4) printing;

(5) office and other space and necessary equipment, furnishings, and incidental supplies;

(6) charitable contributions of not more than \$100 to any charity organized under section 501(c)(3) of the Internal Revenue Code annually, except that the amount contributed is not limited by this clause if the political committee, political fund, party unit, principal campaign committee, or campaign fund of a candidate for political subdivision office that made the contribution dissolves within one year after the contribution is made; and

(7) other expenses, not included in clauses (1) to (6), that are reasonably related to the conduct of election campaigns. In addition, expenditures made for the purpose of providing information to constituents, whether or not related to the conduct of an election, are permitted expenses. Money collected for political purposes and assets of a political committee or political fund may not be converted to personal use.