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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
FEB 25 1 07 PM '99

February 25, 1999

VIA FACSIMILE AND U.S. MAIL

Mr. Bradley Litchfield  
Federal Election Commission  
OFFICE OF GENERAL COUNSEL  
999 E Street N.W.  
Washington, DC 20463

AOR 1999-04

Re: Republican Party of Minnesota - Request for Advisory Opinion

Dear Mr. Litchfield:

Pursuant to our telephone conversation, this correspondence is to confirm our discussions that Trimble & Associates, Ltd. and the undersigned represent both the Republican Party of Minnesota ("RPM") and the Senate District 43 committee ("SD 43") with respect to the Request for Advisory Opinion dated February 17, 1999 forwarded to your office.

Additionally, as we discussed with respect to SD 43, please note that it is our understanding that SD 43 does not contemplate making direct candidate contributions in excess of \$1,000. However, as we discussed, SD 43 may very well likely make exempt expenditures and direct contributions totaling more than \$1,000 in the aggregate.

Please feel free to contact the undersigned with any further questions you may have. Thank you.

Very truly yours,



Matthew W. Haapoja  
vnh

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February 17, 1999

## **REQUEST FOR ADVISORY OPINION**

Federal Election Commission  
OFFICE OF GENERAL COUNSEL  
999 E Street N.W.  
Washington, DC 20463

Re: Republican Party of Minnesota – Request for Advisory Opinion

Dear Sir/Madam:

The undersigned serves as general counsel to the Republican Party of Minnesota ("RPM"), a political party (multi-candidate) committee registered with the Federal Election Commission (the "Commission"). This Request for Advisory Opinion ("Request") is submitted to the Commission in accordance with 11 C.F.R. §112.1(a).

### Summary

The RPM is organized as a political party committee under 11 C.F.R. §100.5(e)(5) and is registered with the Commission. The RPM maintains affiliated local political party units at the Congressional District, municipal, county and legislative district level. The RPM desires to know the applicability of the Act's definition of "political committees" within the meaning of 2 U.S.C. §431(4)(C) and 11 CFR §100.5(c) and the impact of such designation on the \$5,000 per election contribution limit to Federal candidates from State party committees under 11 C.F.R. §110.2(b)(1).

### Legal Authorities

2 U.S.C. §431(4)(C) defines a political committee as

any local committee of a political party which receives contributions aggregating in excess of \$5,000 during a calendar...or makes contributions aggregating in excess of \$1,000 during a calendar or makes expenditures aggregating in excess of \$1,000 during a calendar year.

11 C.F.R. §110.3(b)(3) states

**all contributions made by the political committees established, financed, maintained or controlled by a State party committee and by subordinate State party committees shall be presumed to be made by one political committee.**

### Discussion

Pursuant to the RPM's Constitution/Bylaws and Minnesota election law, the RPM is the Minnesota state party committee of the Republican Party. Through its Constitution/Bylaws, the RPM maintains an affiliation with statutorily-defined local party organizations at the Congressional district, municipal, county and legislative district level (the "Local Party Organizations"). Pursuant to policies adopted by its Executive Committee, the RPM currently directs Local Party Organizations that all direct contributions from such organizations to Federal candidates are aggregated for purposes of the \$5,000 per-election contribution limit to that candidate from State party committees under 11 C.F.R. §110.2(b)(1).<sup>1</sup>

Senate District 43 ("SD 43") is a Local Party Organization which is not registered with the Commission. SD 43 currently maintains one (1) bank account (the "Account"), which Account receives contributions from individuals and conducts local party-building activities and makes contributions to statewide, legislative and local candidates for Minnesota public office. Pursuant to Minnesota's Ethics in Government Act, Minnesota Statutes Chapter 10A, SD 43's Account is registered with the Minnesota Campaign Finance and Public Disclosure Board as a political party committee as defined under Minn. Stat. §10A.01, subs. 15 and 17, which Account is subject to certain reporting and disclosure requirements. Pursuant to prohibitions under Minn. Stat. §211B.15, SD 43 does not accept, and the Account does not contain, monies from corporations or labor unions, whether domiciled inside or outside of Minnesota.

SD 43 does not currently maintain a separate Federal bank account. To date, SD 43 has not engaged in any Federal election activity. SD 43 contemplates making Federal election contributions and/or "exempt expenditures" within the meaning of 11 C.F.R. §100.7(b)(9) in an amount not to exceed \$5,000 with respect to Federal elections in the year 2000.

### Request for Advisory Opinion

The RPM and SD 43 desire to know whether the aggregation rules at 11 C.F.R. §110.3(b)(3) and the registration requirements of 2 U.S.C. §433 apply to SD 43's contemplated Federal activities. Specifically, the RPM and SD 43 request the following guidance:

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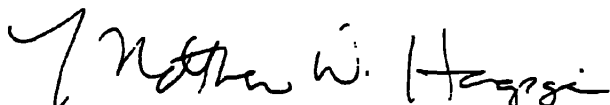
<sup>1</sup>Upon the RPM's understanding of 11 C.F.R. §110.3(b) and AO 1978-9, the RPM has determined that its Local Party Organizations do not currently meet the "independence" test contemplated by such authorities.

1. Assuming SD 43 does not meet the 2 U.S.C. §431(4)(C) contribution/expenditure thresholds, may SD 43 make direct contributions to Federal candidates without such contributions counting against such candidate's \$5,000 aggregate contribution limit from State political party committees such as the RPM, even though SD 43 does not appear to meet the "independence test" contemplated by 11 C.F.R. §110.3(b) and AO 1978-9?
2. Assuming SD 43 does not meet the 2 U.S.C. §431(4)(C) contribution/expenditure thresholds, may SD 43 make direct contributions to Federal candidates and/or conduct "exempt expenditures" without registering with the Commission as a political committee?
3. Must SD 43 maintain a separate Federal account for the purpose of conducting the above-described activities, or under what circumstances will contributions to and expenditures by SD 43's Account be characterized "contributions" or "expenditures" by SD 43 within the meaning of 2 U.S.C. §431(4)(C)?

#### Conclusion

It is our understanding that Advisory Opinions will be issued within sixty (60) days after receipt of the written request. Please direct all correspondence regarding the foregoing Request to the undersigned at the office indicated on the first page of this Request.

Very truly yours,



Tony P. Trimble  
Matthew W. Haapoja  
vmh

cc: Anthony G. Sutton, Executive Director, RPM  
Erick G. Kaardal, Treasurer, SD 43