

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: Kirk Schneidawind
Executive Director
Minnesota School Boards Association
1900 West Jefferson Avenue
St. Peter, MN 56082

RE: Lobbyist Registration and Reporting

ADVISORY OPINION 460

SUMMARY

A nonelected local official or employee of a political subdivision is not a lobbyist unless the individual receives compensation in excess of \$3,000 for lobbying in any year and spends more than 50 hours in any month on lobbying.

FACTS

On behalf of the Minnesota School Boards Association (the MSBA) you request an advisory opinion from the Campaign Finance and Public Disclosure Board based on the following facts which were provided to the Board in a written request.

1. The MSBA is a voluntary membership organization. Minnesota public school districts, and some charter schools, are members of the organization. The MSBA provides training, guidance, and advocacy for its members. On behalf of its members the MSBA seeks clarification on the actions of school district employees taken in support of their school districts.
2. The MSBA is aware that Minnesota Statutes section 10A.01, subdivision 21, paragraph (a), provides in part that an individual is a lobbyist if the individual is engaged for pay or other consideration of more than \$3,000¹ from all sources in a year for the purpose of attempting to influence legislative action, administrative action, or the official action of a political subdivision (official actions).

¹ The Board notes that Minnesota Statutes section 10A.01, subdivision 21, also provides that an individual who spends more that \$3,000 of personal funds on attempting to influence official actions, not counting travel costs or membership dues, is a lobbyist.

3. The MSBA is also aware that Minnesota Statutes section 10A.01, subdivision 21, paragraph (b), provides a number of exceptions, or exclusions, to the definition of lobbyist for individuals who hold certain positions, or who perform certain activities. Among the exclusions, the statute provides that nonelected local officials and employees of a political subdivision are not lobbyists, unless the official or employee spends more than 50 hours of their time in any month attempting to influence official actions, other than an official action of the political subdivision that employs the official or employee.

Issue One

Is the requirement for a nonelected school district official or employee to register as a lobbyist determined by a two-part test that requires the individual to receive compensation of over \$3,000 for attempting to influence official actions, and also exceed the 50-hour threshold for time used attempting to influence official actions?

Opinion One

Yes, there are two separate conditions that must occur before a nonelected school district official or employee must register as a lobbyist. The compensation threshold used to determine when an individual is a lobbyist is not modified or eliminated by the exclusion of certain individuals and actions from the definition of lobbyist. The exclusions to the definition of lobbyist are only applied if the individual would otherwise be a lobbyist because of compensation received for attempting to influence official actions. The lobbyist registration requirement for a nonelected school district official or employee may be stated as: A nonelected school district official or employee is not a lobbyist unless 1) the individual is compensated over \$3,000 in any year for attempting to influence official actions, and 2) the individual has used over 50 hours of their time in any month to influence official actions.

Issued: January 3, 2024



David Asp, Chair
Campaign Finance and Public Disclosure Board