

MEMORANDUM

To: Superintendents

From: Daron Korte J.D., Deputy Director of Government Relations

Date: August 30, 2012

Subject: Minnesota Supreme Court decision of Abrahamson, et al., vs. The St. Louis County School District, Independent School District No. 2142

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On August 10, 2012, the Minnesota Supreme Court issued an opinion in the case of Abrahamson, et al., vs. The St. Louis County School District, Independent School District No. 2142.<sup>1</sup>

With Justice Page writing for the majority, the court held that since a school district is a public corporation under Minn. Stat. § 123A.55, a district is also a corporation within the meaning of Minn. Stat. § 211A.<sup>2</sup> Since a district is a corporation, it can qualify as a “committee” under 211A.01 Subd. 4 if the district acts “to promote or defeat a ballot question.”<sup>3</sup> If a district collects or expends disbursements of \$750 or more to promote or defeat a ballot question, they are subject to the reporting requirements of Minn. Stat. § 211A.<sup>4</sup>

The court did not answer the question of whether a district may expend public funds to advocate one side of a voter issue.<sup>5</sup> The court acknowledges there is no statute or case law which authorizes or prohibits a district from advocating one side of a voter issue. “Whether the... expenditures here were required or authorized by law is unclear on this record. Thus, we cannot conclude as a matter of law that these statements and therefore expenditures were required or authorized by law.”<sup>6</sup>

Justice Paul Anderson’s concurrence states, “our statutes implicitly authorize school districts to make reasonable expenditures to explain a proposed ballot question to voters and to assist

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<sup>1</sup> Abrahamson v. St Louis Cty School Dist., No. A10-2152 (Minn. Aug 10, 2012), ([http://www.mncourts.gov/Documents/0/Public/Clerks\\_Office/SC%20Opinions/OPA102162-0810.pdf](http://www.mncourts.gov/Documents/0/Public/Clerks_Office/SC%20Opinions/OPA102162-0810.pdf))

<sup>2</sup> *Id.* at 10.

<sup>3</sup> *Id.* at 11.

<sup>4</sup> Minn. Stat. §211A.01 (2011)

<sup>5</sup> *Abrahamson* at 12.

<sup>6</sup> *Id.* at 13, see case footnote 3.

voters in reaching an informed decision when voting on that question.”<sup>7</sup> Nothing in this opinion alters that implied authority.<sup>8</sup> He acknowledges that nothing in the statutes authorizes a district to, nor prohibits a district from, acting to promote or defeat a ballot question.<sup>9</sup> He simply states that if they do advocate for or against a ballot measure and collect or expend more than \$750 in doing so, they are subject to reporting requirements.

To summarize, a district does not need to comply with campaign finance reporting requirements in Minn. Stat. § 211A.01 if they are only making expenditures to explain the proposed ballot question and assist voters in reaching informed voting decisions. However, if a district chooses to collect or expend more than \$750 to advocate for the passage or defeat of a ballot question, they are subject to the campaign finance reporting requirements.

MDE is always here to assist districts if they have statutory questions. For more information about campaign financing reporting requirements, I encourage you to [contact the Minnesota Campaign Finance and Public Disclosure Board](http://www.cfboard.state.mn.us) (www.cfboard.state.mn.us). For inquiries about whether specific ballot question expenditures are advocacy or informational, please contact your district’s general counsel.

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<sup>7</sup> *Abrahamson* at C-1.

<sup>8</sup> *Id.* at C-3.

<sup>9</sup> *Id.*