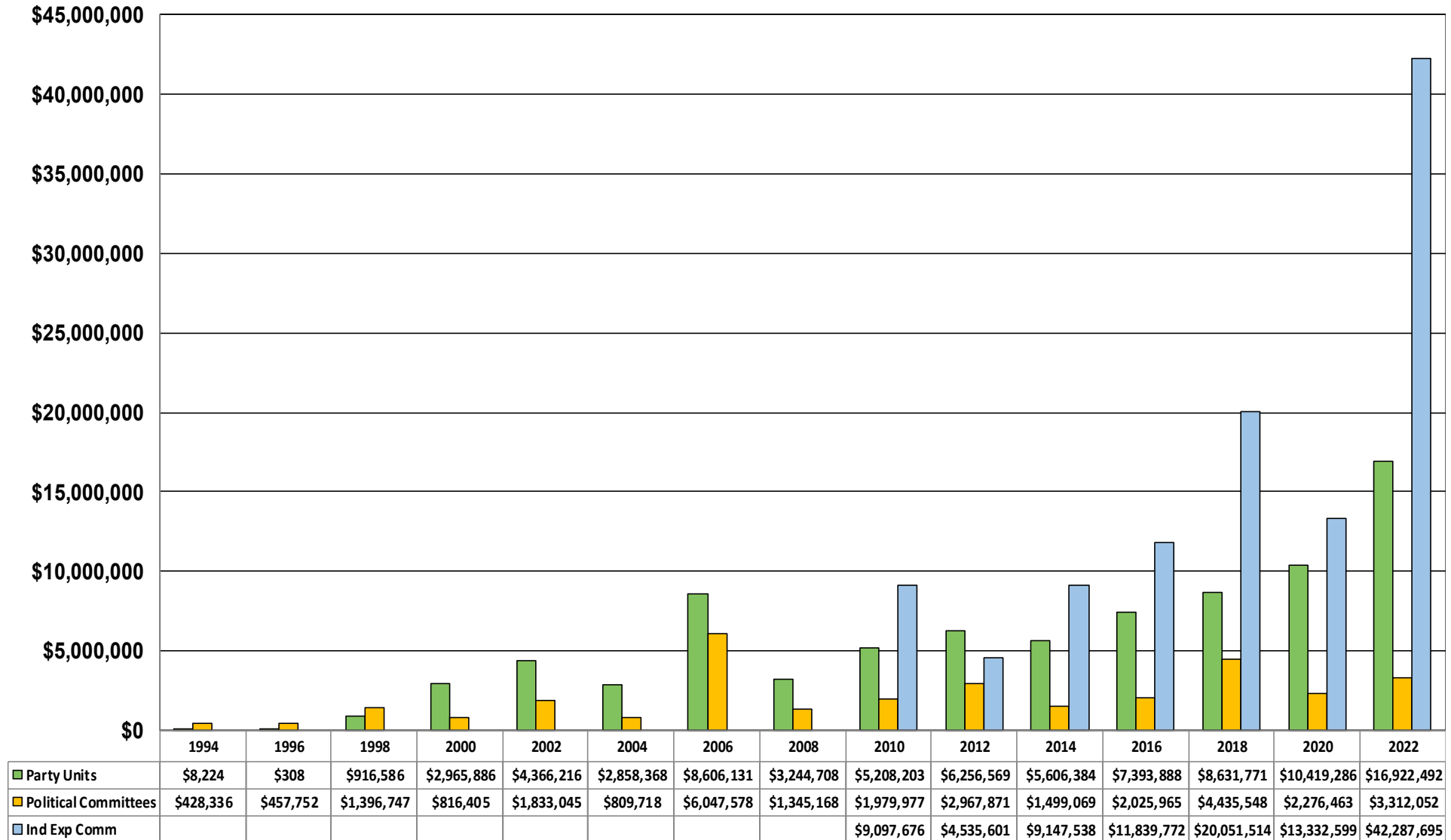# Expressly Advocate Definition Only Relates to Independent Expenditures

- Independent Expenditures must clearly identify a candidate, and must use the "magic words"
    - Vote for or against   Smith for Governor
    - Elect   Defeat
    - Support   Reject
    - Cast your ballot for   Stop

Not required to report as an independent expenditure

- Advertisements that use words that are "functional equivalent" of express advocacy.

- Functional equivalent is a communication that when taken as a whole is susceptible of no reasonable interpretation other than advocating for election or defeat of a clearly identified candidate

Independent Expenditures by Party Units, Political Committees and Funds and Independent Expenditure Committees and Funds

	1994	1996	1998	2000	2002	2004	2006	2008	2010	2012	2014	2016	2018	2020	2022
Party Units	$8,224	$308	$916,586	$2,965,886	$4,366,216	$2,858,368	$8,606,131	$3,244,708	$5,208,203	$6,256,569	$5,606,384	$7,393,888	$8,631,771	$10,419,286	$16,922,492
Political Committees	$428,336	$457,752	$1,396,747	$816,405	$1,833,045	$809,718	$6,047,578	$1,345,168	$1,979,977	$2,967,871	$1,499,069	$2,025,965	$4,435,548	$2,276,463	$3,312,052
Ind Exp Comm									$9,097,676	$4,535,601	$9,147,538	$11,839,772	$20,051,514	$13,332,599	$42,287,695

Problems with Express Advocacy Standard

- Not all expenditures to influence elections are reported to the Board

- May lead independent expenditure committees and funds to opt out of disclosure

- Standard is inconsistent between federal and state campaigns

Not An Independent Expenditure

- Advertisement ran 885 times, at a cost of $1,063,000

May Encourage Less Disclosure in the Future

- Advertisements ran in 2014, total cost $2,395,000
- Can you identify the express advocacy?
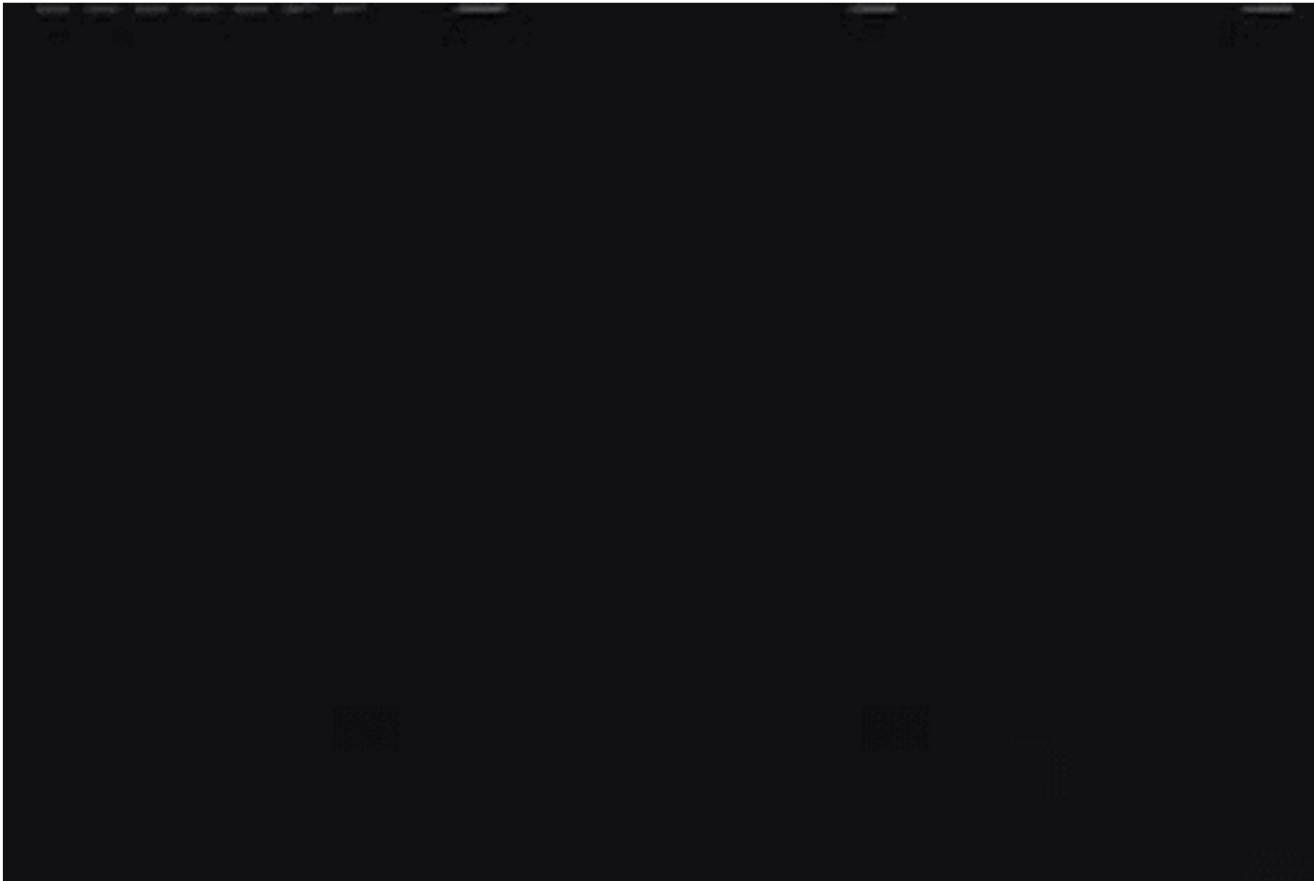
Not an Independent Expenditure

Not an Independent Expenditure

REP. JULIE SANDSTEDE BETRAYED YOU!

BY VOTING TO **PROTECT** GOVERNOR TIM WALZ' EMERGENCY POWERS

Not an Independent Expenditure

Not an Independent Expenditure Under Current Law

Not an Independent Expenditure

One of seven mailers sent out in district during election

Inconsistent Standard

Under Federal Standard this is an Independent Expenditure

Inconsistent Standard

- Not an independent expenditure under expressly advocating standard in Ch 10A