

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 1996

(SENATE AUTHORS: MARTY, Boldon and Port)

DATE	D-PG	OFFICIAL STATUS
02/27/2025	572	Introduction and first reading Referred to Elections

1.1A bill for an act

1.2relating to campaign finance; modifying the definition of expressly advocating;

1.3modifying campaign disclaimer requirements; establishing requirements for digital

1.4campaign advertisement disclaimers; modifying electioneering communications

1.5disclaimer requirements; amending standards for coordinated and noncoordinated

1.6expenditures and disbursements; requiring a report; repealing a proposed rule;

1.7amending Minnesota Statutes 2024, sections 10A.01, subdivisions 16a, 18; 10A.09,

1.8subdivision 1; 10A.175, by adding a subdivision; 10A.176; 10A.177; 10A.20, by

1.9adding a subdivision; 10A.201, subdivision 6; 10A.202, subdivision 4; 211A.02,

1.10subdivisions 1, 2; 211B.04, subdivisions 1, 2, 3, 5, by adding a subdivision;

1.11repealing Minnesota Statutes 2024, section 211B.04, subdivision 4.

1.12BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.13Section 1. Minnesota Statutes 2024, section 10A.01, subdivision 16a, is amended to read:

1.14Subd. 16a. ~~Expressly advocating~~ advocates. "Expressly ~~advocating~~ advocates" means

1.15that a communication:

1.16(1) clearly identifies a candidate or a local candidate and uses words or phrases of express

1.17advocacy; or

1.18(2) when taken as a whole and with limited reference to external events, such as the

1.19proximity to the election, could only be interpreted by a reasonable person as containing

1.20advocacy of the election or defeat of one or more clearly identified candidates because:

1.21(i) the electoral portion of the communication is unmistakable, unambiguous, and

1.22suggestive of only one meaning; and

1.23(ii) reasonable minds could not differ as to whether the communication encourages

1.24actions to elect or defeat one or more clearly identified candidates or encourages some other

1.25kind of action.

Sec. 2. Minnesota Statutes 2024, section 10A.01, subdivision 18, is amended to read:

Subd. 18. **Independent expenditure.** (a) "Independent expenditure" means an expenditure expressly advocating the election or defeat of a clearly identified candidate or local candidate, if the expenditure is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or any candidate's principal campaign committee or agent or any local candidate or local candidate's agent; and:

(1) expressly advocates the election or defeat of a clearly identified candidate or local candidate; or

(2) promotes, supports, attacks, or opposes the nomination, election, or defeat of a clearly identified candidate or local candidate, regardless of whether the expenditure expressly advocates for or against a candidate or local candidate.

(b) An independent expenditure is not a contribution to that candidate or local candidate.

(c) An independent expenditure does not include the act of announcing a formal public endorsement of a candidate or local candidate for public office, unless the act is simultaneously accompanied by an expenditure that would otherwise qualify as an independent expenditure under this subdivision.

Sec. 3. Minnesota Statutes 2024, section 10A.09, subdivision 1, is amended to read:

Subdivision 1. **Time for filing.** An individual must file a statement of economic interest:

(1) within 60 days of accepting employment as a public official or a local official in a metropolitan governmental unit;

(2) within 60 days of assuming office as a district court judge, appeals court judge, supreme court justice, or county commissioner;

(3) ~~within 14 days after filing~~ in the case of an individual who filed an affidavit of candidacy or petition to appear on the ballot for an elective state constitutional or legislative office or an elective local office in a metropolitan governmental unit other than county commissioner, within 14 days of the close of the filing period for that office;

(4) in the case of a public official requiring the advice and consent of the senate, within 14 days after undertaking the duties of office; or

(5) in the case of members of the Minnesota Racing Commission, the director of the Minnesota Racing Commission, chief of security, medical officer, inspector of pari-mutuels,

3.1 and stewards employed or approved by the commission or persons who fulfill those duties
3.2 under contract, within 60 days of accepting or assuming duties.

3.3 Sec. 4. Minnesota Statutes 2024, section 10A.175, is amended by adding a subdivision to
3.4 read:

3.5 Subd. 5a. **Disbursement.** "Disbursement" means a purchase or payment subject to this
3.6 chapter made by any person.

3.7 Sec. 5. Minnesota Statutes 2024, section 10A.176, is amended to read:

3.8 **10A.176 COORDINATED EXPENDITURES.**

3.9 Subdivision 1. **Definition; scope.** ~~An expenditure described in this section that expressly~~
3.10 ~~advocates for the election of the candidate or the defeat of the candidate's opponent is a~~
3.11 ~~coordinated expenditure and is not independent under section 10A.01, subdivision 18. A~~
3.12 disbursement is a coordinated expenditure and is not independent under section 10A.01,
3.13 subdivision 18, where it:

3.14 (1) satisfies at least one of the content standards in subdivision 1a; and

3.15 (2) satisfies at least one of the conduct standards in subdivisions 2 to 7.

3.16 Subd. 1a. **Content standards.** A disbursement for any of the content outlined in this
3.17 subdivision satisfies the content standard of this section if it is:

3.18 (1) a communication expressly advocating for the election or defeat of the candidate, as
3.19 defined under section 10A.01, subdivision 16a;

3.20 (2) a communication that promotes, supports, attacks, or opposes the nomination, election,
3.21 or defeat of the clearly identified candidate; or

3.22 (3) an electioneering communication, as defined under section 10A.201.

3.23 Subd. 2. **Conduct standard; fundraising.** (a) ~~An expenditure is a coordinated~~
3.24 ~~expenditure~~ A disbursement satisfies the conduct standard of this section if the expenditure
3.25 disbursement is made on or after January 1 of the year the office will appear on the ballot
3.26 by a spender for which the candidate, on or after January 1 of the year the office will appear
3.27 on the ballot, has engaged in fundraising of money that is not general treasury money, as
3.28 defined in section 10A.01, subdivision 17c, of the spender.

3.29 (b) For purposes of this subdivision, candidate fundraising includes:

4.1 (1) soliciting or collecting money for or to the spender that is not general treasury money;
4.2 and

4.3 (2) appearing for the spender as a speaker at an event raising money that is not general
4.4 treasury money.

4.5 (c) This subdivision does not apply to a candidate's fundraising on behalf of a party unit.

4.6 Subd. 3. **Conduct standard; relationship with spender.** ~~An expenditure is a coordinated~~
4.7 ~~expenditure~~ A disbursement satisfies the conduct standard of this section if the expenditure
4.8 disbursement is made on or after January 1 of the year the office will appear on the ballot
4.9 by a spender that:

4.10 (1) is not a party unit; and

4.11 (2) is an association, political committee, political fund, independent expenditure political
4.12 committee, or independent expenditure political fund, in which the candidate was a
4.13 chairperson, deputy chairperson, treasurer, or deputy treasurer on or after January 1 of the
4.14 year the office will appear on the ballot.

4.15 Subd. 4. **Conduct standard; consulting services.** (a) ~~An expenditure is a coordinated~~
4.16 ~~expenditure~~ A disbursement satisfies the conduct standard of this section if the expenditure
4.17 disbursement is made during an election segment for consulting services from a consultant
4.18 who has also provided consulting services to the candidate or the candidate's opponent
4.19 during that same election segment.

4.20 (b) This subdivision does not apply when the following conditions are met:

4.21 (1) the consultant assigns separate personnel to the spender and the candidate;

4.22 (2) the consultant has a written policy that describes the measures that the consultant
4.23 has taken to prohibit the flow of information between the personnel providing services to
4.24 the spender and the personnel providing services to the candidate;

4.25 (3) the written policy has been distributed to all personnel and clients covered by the
4.26 policy, including the candidate and the spender;

4.27 (4) the consultant has implemented the measures described in the written policy; and

4.28 (5) no information has been shared between the spender and the personnel that provided
4.29 services to the spender and the candidate and the personnel providing services to the
4.30 candidate.

4.31 Subd. 5. **Conduct standard; receiving information not publicly available.** ~~An~~
4.32 ~~expenditure is a coordinated expenditure~~ A disbursement satisfies the conduct standard of

5.1 this section if the ~~expenditure~~ disbursement is made after the spender receives from the

5.2 candidate information that is not publicly available regarding the candidate's campaign

5.3 plans, strategy, or needs.

5.4 Subd. 6. **Conduct standard; spender-provided information.** ~~An expenditure is a~~

5.5 ~~coordinated expenditure~~ A disbursement satisfies the conduct standard of this section if the

5.6 ~~expenditure~~ disbursement is made when:

5.7 (1) the spender provides information to the candidate regarding the ~~expenditure's~~

5.8 disbursement's contents, intended audience, timing, location or mode, volume, or frequency;

5.9 and

5.10 (2) the information is provided to the candidate before the ~~expenditure~~ disbursement is

5.11 communicated to the public.

5.12 Subd. 7. **Conduct standard; candidate's participation.** ~~An expenditure is a coordinated~~

5.13 ~~expenditure~~ A disbursement satisfies the conduct standard of this section if:

5.14 (1) the ~~expenditure~~ disbursement is made with the candidate's participation in the

5.15 following:

5.16 ~~(1)~~ (i) any of the processes required for the creation and development of the ~~expenditure~~

5.17 disbursement, including budgeting decisions, media design, acquisition of graphics and

5.18 text, production, and distribution of the final product; or

5.19 ~~(2)~~ (ii) any decision regarding the content, timing, location, intended audience, volume

5.20 of distribution, or frequency of the ~~expenditure~~ disbursement; or

5.21 (2) the disbursement is materially consistent with instructions or directions from a

5.22 candidate regarding the making of disbursements, regardless of whether the instructions or

5.23 directions are publicly available. The factors the board must consider in determining whether

5.24 a disbursement is consistent with instructions or directions from a candidate under this

5.25 clause include but are not limited to:

5.26 (i) noticeable placement of instructions or directions on a discrete webpage or portion

5.27 of a webpage containing one or more other factors identified in this paragraph;

5.28 (ii) whether the instructions or directions include language indicating that information

5.29 should be communicated to others or indicates information is intended for voters, including

5.30 but not limited to the phrase "voters need to know";

5.31 (iii) whether the instructions or directions include targeted audience information, such

5.32 as specific demographics or the location of intended or suggested recipients;

(iv) whether the instructions or directions include suggested methods of communication, including indications that recipients need to hear, see, see on the go, or receive information in other similar manners; and

(v) whether there are additional documents linked to the instructions or directions to provide verification that the recommended messaging would be effective.

Sec. 6. Minnesota Statutes 2024, section 10A.177, is amended to read:

10A.177 NONCOORDINATED ~~EXPENDITURES~~ DISBURSEMENTS.

Any of the following actions, taken alone, do not establish that ~~an expenditure~~ a disbursement made by the spender is coordinated with the candidate:

(1) a candidate asks a spender not to make any expenditure to support the candidate or oppose the candidate's opponent or any disbursement for an electioneering communication that references the candidate or the candidate's opponent;

(2) a candidate provides to a spender names of potential donors, as long as the spender does not state or suggest to the candidate that funds received from use of the donor list will be used for independent expenditures to benefit the candidate;

(3) ~~an expenditure~~ a disbursement uses a photograph, video, or audio recording obtained from a publicly available source or public event;

(4) ~~an expenditure~~ a disbursement uses information obtained from a biography, position paper, press release, or similar material about the candidate from a publicly available source or public event, provided that this paragraph does not apply to publicly available information constituting instructions, directions, or suggestions from a candidate regarding the making of expenditures under section 10A.176, subdivision 7, clause (2);

(5) the spender contributes to the candidate, makes an in-kind donation to the candidate, or endorses the candidate;

(6) ~~an expenditure~~ a disbursement includes a hyperlink to the candidate's website or social media page;

(7) ~~an expenditure~~ a disbursement appears in a news story, commentary, or editorial distributed ~~through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication~~ by any broadcasting station, including a cable or streaming television operator, programmer, or producer; website; newspaper; magazine; or other periodical publication, including any Internet or electronic publication. If the facility is owned or controlled by any political party, political committee, or candidate, the news story must:

(i) represent a bona fide news account communicated in a publication of general circulation or on a licensed broadcasting facility; and

(ii) be part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the circulation or listening area;

(8) the spender discusses the candidate's position on a legislative or policy matter with the candidate. This clause includes the sending, completion, and return of a survey conducted by the spender to determine whether to endorse the candidate; or

(9) the spender invites the candidate to appear before the spender's members, employees, or shareholders, including the candidate's participation in the event, unless the event promotes the election of the candidate or the defeat of the candidate's opponent, or the candidate requests or accepts campaign contributions at the event.

Sec. 7. Minnesota Statutes 2024, section 10A.20, is amended by adding a subdivision to read:

Subd. 5a. Report on personal contributions. A candidate for constitutional or legislative office that makes a contribution or loan to the candidate's principal campaign committee that, in aggregate, exceeds the amount permitted by section 10A.27, subdivision 10, must report the contribution or loan to the board by the next business day. A candidate must file a new report each time that the reporting threshold is exceeded during an election cycle segment.

Sec. 8. Minnesota Statutes 2024, section 10A.201, subdivision 6, is amended to read:

Subd. 6. Electioneering communication. (a) "Electioneering communication" means any broadcast, cable, satellite, telephone, or digital communication that:

(1) refers to a clearly identified candidate for state office;

(2) is publicly distributed ~~within 60 days before a general election for the office sought by the candidate, within 30 days before~~ after the start of the absentee voting period prior to a primary election in a year in which the office sought will be on the general election ballot for the office sought by the candidate through the date of the general election for that office, or within 30 days before a convention of a political party unit that has authority to endorse a candidate for the office sought by the candidate; and

(3) is targeted to the relevant electorate.

(b) A communication is not an electioneering communication if it:

(1) is publicly disseminated through a means of communication other than a broadcast, cable, satellite television, or radio station, by telephone, in a digital format online, or by other electronic means;

(2) appears in a news story, commentary, or editorial distributed through the facilities of any broadcast, cable, or satellite television or radio station, unless such facilities are owned or controlled by any political party, political committee, or candidate, provided that a news story distributed through a broadcast, cable, or satellite television or radio station owned or controlled by any political party, political committee, or candidate is not an electioneering communication if the news story meets the requirements described in Code of Federal Regulations, title 11, section 100.132 (a) and (b);

(3) constitutes an expenditure or independent expenditure, provided that the expenditure or independent expenditure is required to be reported under this chapter;

(4) constitutes a candidate debate or forum, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum;

(5) is paid for by a candidate;

(6) is a noncommercial solicitation for the purposes of opinion research, including but not limited to opinion research designed for understanding the impact of exposure to political messages and content, provided that the solicitation is not designed to influence respondents' views by presenting biased or manipulative content under the guise of it being an opinion poll, survey, or other form of scientific data collection; or

(7) is a communication disseminated by telephone, in a digital format online, or by other electronic means that the recipient has affirmatively and voluntarily consented to receive from the sender.

Sec. 9. Minnesota Statutes 2024, section 10A.202, subdivision 4, is amended to read:

Subd. 4. **Disclaimer required.** An electioneering communication must include a disclaimer ~~in the same manner as required for campaign material under~~ as required by section 211B.04, subdivision 1, ~~paragraph (c)~~ 2a.

Sec. 10. Minnesota Statutes 2024, section 211A.02, subdivision 1, is amended to read:

Subdivision 1. **When and where filed by committees or candidates.** (a) A committee or a candidate who receives contributions or makes disbursements of more than \$750 in a calendar year shall submit an initial report to the filing officer within 14 days after the

candidate or committee receives or makes disbursements of more than \$750 and must continue to make the reports required by this subdivision until a final report is filed.

(b) In a year in which ~~a candidate receives contributions or makes disbursements of more than \$750~~ or the candidate's name appears on the ballot, the candidate must file a report:

(1) ten days before the primary or special primary if a primary is held in the jurisdiction, regardless of whether the candidate is on the primary ballot. If a primary is not conducted, the report is due ten days before the primary date specified in section 205.065;

(2) ten days before the general election or special election; and

(3) 30 days after a general or special election.

~~The reporting obligations in this paragraph begin with the first report due after the reporting period in which the candidate reaches the spending threshold specified in paragraph (a).~~ A candidate who did not file for office is not required to file reports required by this paragraph that are due after the end of the filing period. A candidate whose name will not be on the general election ballot is not required to file the reports required by clauses (2) and (3).

(c) Until a final report is filed, a candidate must file a report by January 31 of each year. Notwithstanding subdivision 2, clause (4), the report required by this subdivision must only include the information from the previous calendar year.

Sec. 11. Minnesota Statutes 2024, section 211A.02, subdivision 2, is amended to read:

Subd. 2. **Information required.** The report to be filed by a candidate or committee must include:

(1) the name of the candidate and office sought;

(2) the printed name, address, telephone number, signature, and email address, ~~if available,~~ of the person responsible for filing the report. If the person responsible for filing the report does not have an email address, the person must include an attestation to that effect;

(3) the total cash on hand designated to be used for political purposes;

(4) the total amount of contributions received and the total amount of disbursements for the period from the last previous report to five days before the current report is due;

(5) if disbursements made to the same vendor exceed \$100 in the aggregate during the period covered by the report, the name and address for the vendor and the amount, date, and purpose for each disbursement; and

(6) the name, address, and employer, or occupation if self-employed, of any individual or entity that during the period covered by the report has made one or more contributions that in the aggregate exceed \$100, and the amount and date of each contribution. The filing officer must restrict public access to the address of any individual who has made a contribution that exceeds \$100 and who has filed with the filing officer a written statement signed by the individual that withholding the individual's address from the financial report is required for the safety of the individual or the individual's family.

Sec. 12. Minnesota Statutes 2024, section 211B.04, subdivision 1, is amended to read:

Subdivision 1. **Campaign material.** (a) A person who participates in the preparation or dissemination of campaign material ~~other than as provided in section 211B.05, subdivision 1,~~ that does not prominently include the name and address of the person or committee causing the material to be prepared or disseminated in a disclaimer substantially in the form provided in paragraph (b) or (c) is guilty of a misdemeanor.

(b) Except in cases covered by paragraph (c), the required form of disclaimer is: "Prepared and paid for by the committee, (address)" for material prepared and paid for by a principal campaign committee, or "Prepared and paid for by the committee, (address)" for material prepared and paid for by a person or committee other than a principal campaign committee. The address must be either the committee's mailing address or the committee's website, if the website includes the committee's mailing address. If the material is produced and disseminated without cost, the words "paid for" may be omitted from the disclaimer. Except as required by paragraph (c), in the case of a candidate's or committee's website or social media page, the requirements of this subdivision are satisfied for the entire website or social media page when the disclaimer appears once on the website or social media home page.

(c) In the case of ~~broadcast~~ audio or video media, including audio or video media posted on a candidate or principal campaign committee's website, the required form of disclaimer is: "Paid for by the committee." If the material is produced and broadcast without cost, the required form of the disclaimer is: "The committee is responsible for the content of this message."

Sec. 13. Minnesota Statutes 2024, section 211B.04, subdivision 2, is amended to read:

Subd. 2. **Independent expenditures.** (a) ~~The required form of the disclaimer on a written~~ Except in cases covered by paragraph (b), the required form of disclaimer for an independent expenditure is: "This is an independent expenditure prepared and paid for by (name

of entity participating in the expenditure), (address). It is not coordinated with or approved by any candidate nor is any candidate responsible for it." The address must be either the entity's mailing address or the entity's website, if the website includes the entity's mailing address. When a written independent expenditure is produced and disseminated without cost, the words "and paid for" may be omitted from the disclaimer.

(b) The required form of the disclaimer on ~~a broadcast~~ an audio or video media independent expenditure is: "This independent expenditure is paid for by (name of entity participating in the expenditure). It is not coordinated with or approved by any candidate nor is any candidate responsible for it." When ~~a broadcast~~ an audio or video media independent expenditure is produced and disseminated without cost, the following disclaimer may be used: "..... (name of entity participating in the expenditure) is responsible for the contents of this independent expenditure. It is not coordinated with or approved by any candidate nor is any candidate responsible for it."

Sec. 14. Minnesota Statutes 2024, section 211B.04, is amended by adding a subdivision to read:

Subd. 2a. **Electioneering communication.** (a) Except in cases covered by paragraph (b), the required form of disclaimer for an electioneering communication is: "This is an electioneering communication prepared and paid for by (name of entity participating in the communication), (address). It is not coordinated with or approved by any candidate nor is any candidate responsible for it." The address must be either the entity's mailing address or the entity's website, if the website includes the entity's mailing address. When an electioneering communication is produced and disseminated without cost, the words "and paid for" may be omitted from the disclaimer.

(b) The required form of the disclaimer on an audio or video media electioneering communication is: "This electioneering communication is paid for by (name of entity participating in the communication). It is not coordinated with or approved by any candidate nor is any candidate responsible for it."

Sec. 15. Minnesota Statutes 2024, section 211B.04, subdivision 3, is amended to read:

Subd. 3. **Material that does not need a disclaimer.** (a) This section does not apply to fundraising tickets, business cards, personal letters, or similar items that are clearly being distributed by the candidate.

(b) This section does not apply to an individual or association that is not required to register or report under chapter 10A or 211A.

12.1 (c) This section does not apply to the following:

12.2 (1) bumper stickers, pins, buttons, pens, or similar small items on which the disclaimer
12.3 cannot be conveniently printed;

12.4 (2) skywriting, wearing apparel, or other means of displaying an advertisement of such
12.5 a nature that the inclusion of a disclaimer would be impracticable; and

12.6 (3) ~~online banner ads and similar~~ electronic communications ~~that~~ for which it would be
12.7 technologically infeasible. In this case, the communication must state the name of the person
12.8 who paid for the communication and link directly to an online page that includes only the
12.9 disclaimer. The person who paid for the communication must, at the board's request,
12.10 demonstrate why it was technologically infeasible to comply with this section.

12.11 ~~(d) This section does not modify or repeal section 211B.06.~~

12.12 Sec. 16. Minnesota Statutes 2024, section 211B.04, subdivision 5, is amended to read:

12.13 Subd. 5. **Font size.** For written communications other than an outdoor sign, website, or
12.14 social media page, the disclaimer must be printed in 8-point font or larger. For outdoor
12.15 signs, the disclaimer must be in a font size large enough to be legible from a vehicle moving
12.16 at the speed limit on the nearest road. For websites and social media, the disclaimer must
12.17 be printed large enough to be legible.

12.18 Sec. 17. **REPEALER.**

12.19 The Minnesota Rule adopted by the Campaign Finance and Public Disclosure Board
12.20 related to material linked to a disclaimer numbered as Minnesota Rules, part 4503.2000,
12.21 subpart 2, is repealed retroactively from February 18, 2025.

12.22 Sec. 18. **REPEALER.**

12.23 Minnesota Statutes 2024, section 211B.04, subdivision 4, is repealed.

APPENDIX
Repealed Minnesota Statutes: 25-03790

211B.04 CAMPAIGN MATERIAL MUST INCLUDE DISCLAIMER.

Subd. 4. **Websites.** The requirements of this section are satisfied for an entire website or social media page when the disclaimer required in subdivision 1 or 2 appears once on the home page of the site.