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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE NO. 403

January 29, 2007

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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

February 15, 2007

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to elections; conforming disclaimer requirements for campaign material
1.3 to constitutional requirements; amending Minnesota Statutes 2006, section
1.4 211B.04.

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

1.6 Section 1. Minnesota Statutes 2006, section 211B.04, is amended to read:

1.7 211B.04 CAMPAIGN LITERATURE MUST INCLUDE DISCLAIMER.

1.8 Subdivision 1. Purpose of disclaimer requirement. The legislature finds that
1.9 the disclaimer requirement in subdivision 2 serves several purposes that are vital to the
1.10 preservation of free and fair elections.

1.11 One purpose of the disclaimer requirement is to avoid the appearance of corruption
1.12 in political campaigns by enforcing the requirement that those who spend significant sums
1.13 of money on political campaigns must report their campaign expenditures. If campaign
1.14 material can be disseminated without disclosing who paid for it, enforcement of reporting
1.15 requirements will be difficult.

1.16 A second purpose of the disclaimer requirement is to promote justice and fair play in
1.17 campaigns by permitting a candidate who is accused of misdeeds to confront the accuser.

1.18 A third purpose of the disclaimer requirement is to give voters information about the
1.19 source of statements in campaign material so they may better judge its credibility.

1.20 A fourth purpose of the disclaimer requirement is to make it possible to hold those
1.21 who disseminate false campaign material in violation of section 211B.06 accountable for
1.22 their actions.

1.23 Subd. 2. Requirement. (a) A person who participates in the preparation or
1.24 dissemination of campaign material other than as provided in section 211B.05, subdivision

2.1 1, that does not prominently include the name and address of the person or committee
2.2 causing the material to be prepared or disseminated in a disclaimer substantially in the
2.3 form provided in paragraph (b) or (c) is guilty of a misdemeanor.

2.4 (b) Except in cases covered by paragraph (c), the required form of disclaimer is:
2.5 "Prepared and paid for by the committee,(address)" for material prepared
2.6 and paid for by a principal campaign committee, or "Prepared and paid for by the
2.7 committee,(address), in support of(insert name of candidate or ballot
2.8 question)" for material prepared and paid for by a person or committee other than a
2.9 principal campaign committee.

2.10 (c) In the case of broadcast media, the required form of disclaimer is: "Paid for by
2.11 the committee."

2.12 (d) Campaign material that is not circulated on behalf of a particular candidate
2.13 or ballot question must also include in the disclaimer either that it is "in opposition to
2.14(insert name of candidate or ballot question....)"; or that "this publication is not
2.15 circulated on behalf of any candidate or ballot question."

2.16 (e) This section does not apply to objects stating only the candidate's name and
2.17 the office sought, fund-raising tickets, or personal letters that are clearly being sent by
2.18 the candidate.

2.19 (f) This section does not apply to an individual or association who acts independently
2.20 of any candidate, candidate's committee, political committee, or political fund and spends
2.21 only from the individual's or association's own resources a sum that is less than \$500 in
2.22 the aggregate to produce or distribute campaign material that is distributed at least seven
2.23 days before the election to which the campaign material relates.

2.24 (g) This section does not apply to an individual or association that acts independently
2.25 of any candidate, candidate's committee, political committee, or political fund and spends
2.26 only from the individual's or association's own resources to produce or distribute campaign
2.27 material that does not violate section 211B.06.

2.28 (h) This section does not modify or repeal section 211B.06.

2.29 Sec. 2. **EFFECTIVE DATE.**

2.30 This section is effective the day following final enactment.