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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 4540

05/19/2018 Authored by Lee
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to campaign finance; modifying definition of express advocacy; requiring
1.3 certain disclosures in campaign advertisements; providing disclosures of
1.4 electioneering communications; providing penalties; amending Minnesota Statutes
1.5 2016, sections 10A.01, subdivision 16a; 10A.022, subdivision 3; 10A.121,
1.6 subdivision 1; 10A.17, subdivision 4; 10A.20, subdivision 5; 10A.244; 10A.34,
1.7 subdivision 4; 211B.01, subdivisions 1, 2, by adding subdivisions; 211B.02;
1.8 211B.04, as amended; 211B.06, subdivision 1; 211B.20, subdivision 1; 211B.32,
1.9 subdivision 4; 211B.35, subdivision 2; Minnesota Statutes 2017 Supplement,
1.10 sections 10A.20, subdivision 3, as amended; 211B.11, subdivision 1; proposing
1.11 coding for new law in Minnesota Statutes, chapters 10A; 211B.

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

1.13 Section 1. Minnesota Statutes 2016, section 10A.01, subdivision 16a, is amended to read:

1.14 Subd. 16a. **Expressly advocating.** (a) "Expressly advocating" means:

1.15 (1) that a communication clearly identifies a candidate and uses words or phrases of
1.16 express advocacy; or

1.17 (2) that a communication when taken as a whole and with limited reference to external
1.18 events, such as the proximity to the election, is susceptible of no reasonable interpretation
1.19 other than as an appeal advocating the election or defeat of one or more clearly identified
1.20 candidates.

1.21 (b) For purposes of this subdivision, "words or phrases of express advocacy" includes,
1.22 but is not limited to, "vote for," "vote against," "cast your ballot for," "elect," "support,"
1.23 "defeat," "reject," or any variation of these words or phrases.

1.24 (c) For purposes of this subdivision, "clearly identified" or "clearly identifies" means:

2.1 (1) a communication states a candidate's name, makes unambiguous reference to a
 2.2 candidate's office or status as a candidate, or unambiguously describes a candidate in any
 2.3 way; or

2.4 (2) a communication makes unambiguous reference to some well-defined characteristic
 2.5 of a group of candidates, even if the communication does not name each candidate.

2.6 (d) For purposes of this subdivision, an "appeal advocating the election or defeat" means
 2.7 that the communication satisfies both of the following:

2.8 (1) the communication is unmistakable, unambiguous, and suggestive of only one
 2.9 meaning; and

2.10 (2) reasonable minds could not differ as to whether the communication encourages a
 2.11 vote for or against a clearly identified candidate, or encourages some other type of action
 2.12 on a legislative, executive, or judicial matter or issue.

2.13 Sec. 2. Minnesota Statutes 2016, section 10A.022, subdivision 3, is amended to read:

2.14 Subd. 3. **Investigation authority; complaint process.** The board may investigate any
 2.15 alleged violation of this chapter. The board may also investigate an alleged violation of
 2.16 ~~section~~ sections 211B.04; to 211B.0445, 211B.12, or and 211B.15 by or related to a
 2.17 candidate, treasurer, principal campaign committee, political committee, political fund, or
 2.18 party unit, as those terms are defined in this chapter.

2.19 (1) Upon receipt of a written complaint filed with the board, the board chair or another
 2.20 board member designated by the chair shall promptly make a determination as to whether
 2.21 the complaint alleges a prima facie violation. If a determination is made that the complaint
 2.22 does not allege a prima facie violation, the complaint shall be dismissed without prejudice
 2.23 and the complainant and the subject of the complaint must be promptly notified of the
 2.24 reasons the complaint did not allege a prima facie violation. The notice to the subject of the
 2.25 complaint must include a copy of the complaint. If the complainant files a revised complaint
 2.26 regarding the same facts and the same subject, the prima facie determination must be
 2.27 completed by a board member other than the member who made the initial determination
 2.28 and who does not support the same political party as the member who made the initial
 2.29 determination. The chair may order that the prima facie determination for any complaint
 2.30 be made by the full board and must order that the prima facie determination for a complaint
 2.31 being submitted for the third time be made by the full board.

2.32 (2) If a determination is made that the complaint alleges a prima facie violation, the
 2.33 board shall, within 45 days of the prima facie determination, make findings and conclusions

3.1 as to whether probable cause exists to believe the alleged violation that warrants a formal
 3.2 investigation has occurred. Any party filing a complaint and any party against whom a
 3.3 complaint is filed must be given an opportunity to be heard by the board prior to the board's
 3.4 determination as to whether probable cause exists to believe a violation that warrants a
 3.5 formal investigation has occurred.

3.6 (3) Upon a determination by the board that probable cause exists to believe a violation
 3.7 that warrants a formal investigation has occurred, the board must undertake an investigation
 3.8 under subdivision 2 and must issue an order at the conclusion of the investigation, except
 3.9 that if the complaint alleges a violation of section 10A.25 or 10A.27, the board must either
 3.10 enter a conciliation agreement or make public findings and conclusions as to whether a
 3.11 violation has occurred and must issue an order within 60 days after the probable cause
 3.12 determination has been made. Prior to making findings and conclusions in an investigation,
 3.13 the board must offer the subject of the complaint an opportunity to answer the allegations
 3.14 of the complaint in writing and to appear before the board to address the matter. The deadline
 3.15 for action on a written complaint may be extended by majority vote of the board.

3.16 Sec. 3. Minnesota Statutes 2016, section 10A.121, subdivision 1, is amended to read:

3.17 Subdivision 1. **Permitted disbursements.** An independent expenditure political
 3.18 committee or fund, or a ballot question political committee or fund, may:

3.19 (1) pay costs associated with its fund-raising and general operations;

3.20 (2) pay for communications that do not constitute contributions or approved expenditures;

3.21 (3) make contributions to independent expenditure or ballot question political committees
 3.22 or funds;

3.23 (4) make independent expenditures;

3.24 (5) make expenditures to promote or defeat ballot questions;

3.25 (6) return a contribution to its source;

3.26 (7) for a political fund, record bookkeeping entries transferring the association's general
 3.27 treasury money allocated for political purposes back to the general treasury of the association;
 3.28 ~~and~~

3.29 (8) for a political fund, return general treasury money transferred to a separate depository
 3.30 to the general depository of the association; and

3.31 (9) make disbursements for electioneering communications.

4.1 Sec. 4. Minnesota Statutes 2016, section 10A.17, subdivision 4, is amended to read:

4.2 Subd. 4. **Independent expenditures.** (a) Except as provided in paragraphs (b) and (c),
4.3 an individual, political committee, political fund, principal campaign committee, or party
4.4 unit that independently solicits or accepts contributions or makes independent expenditures
4.5 on behalf of a candidate must publicly disclose that the expenditure is an independent
4.6 expenditure, as required by this subdivision and sections 211B.04 to 211B.0445. All written
4.7 communications with those from whom contributions are independently solicited or accepted
4.8 or to whom independent expenditures are made on behalf of a candidate must contain a
4.9 statement in conspicuous type that the activity is an independent expenditure and is not
4.10 approved by the candidate nor is the candidate responsible for it. Similar language must be
4.11 included in all oral communications, in conspicuous type on the front page of all literature
4.12 and advertisements published or posted, and at the end of all broadcast advertisements made
4.13 by that individual, political committee, political fund, principal campaign committee, or
4.14 party unit on the candidate's behalf.

4.15 (b) Paragraph (a) does not apply to individuals or associations that are not required to
4.16 register or report under this chapter.

4.17 (c) Paragraph (a) does not apply to the following:

4.18 (1) bumper stickers, pins, buttons, pens, or similar small items on which the independent
4.19 expenditure statement cannot be conveniently printed;

4.20 (2) skywriting, wearing apparel, or other means of displaying an advertisement of such
4.21 a nature that the inclusion of the independent expenditure statement would be impracticable;
4.22 and

4.23 (3) online banner ads and similar electronic communications that link directly to an
4.24 online page that includes the independent expenditure statement.

4.25 Sec. 5. Minnesota Statutes 2017 Supplement, section 10A.20, subdivision 3, as amended
4.26 by Laws 2018, chapter 119, section 26, is amended to read:

4.27 Subd. 3. **Contents of report.** (a) The report required by this section must include each
4.28 of the items listed in paragraphs (b) to ~~(e)~~ (s) that are applicable to the filer. The board shall
4.29 prescribe forms based on filer type indicating which of those items must be included on the
4.30 filer's report.

4.31 (b) The report must disclose the amount of liquid assets on hand at the beginning of the
4.32 reporting period.

5.1 (c) The report must disclose the name, address, employer, or occupation if self-employed,
5.2 and registration number if registered with the board, of each individual or association that
5.3 has made one or more contributions to the reporting entity, including the purchase of tickets
5.4 for a fund-raising effort, that in aggregate within the year exceed \$200 for legislative or
5.5 statewide candidates or more than \$500 for ballot questions, together with the amount and
5.6 date of each contribution, and the aggregate amount of contributions within the year from
5.7 each source so disclosed. A donation in kind must be disclosed at its fair market value. An
5.8 approved expenditure must be listed as a donation in kind. A donation in kind is considered
5.9 consumed in the reporting period in which it is received. The names of contributors must
5.10 be listed in alphabetical order. Contributions from the same contributor must be listed under
5.11 the same name. When a contribution received from a contributor in a reporting period is
5.12 added to previously reported unitemized contributions from the same contributor and the
5.13 aggregate exceeds the disclosure threshold of this paragraph, the name, address, and
5.14 employer, or occupation if self-employed, of the contributor must then be listed on the
5.15 report.

5.16 (d) The report must disclose the sum of contributions to the reporting entity during the
5.17 reporting period.

5.18 (e) The report must disclose each loan made or received by the reporting entity within
5.19 the year in aggregate in excess of \$200, continuously reported until repaid or forgiven,
5.20 together with the name, address, occupation, principal place of business, if any, and
5.21 registration number if registered with the board of the lender and any endorser and the date
5.22 and amount of the loan. If a loan made to the principal campaign committee of a candidate
5.23 is forgiven or is repaid by an entity other than that principal campaign committee, it must
5.24 be reported as a contribution for the year in which the loan was made.

5.25 (f) The report must disclose each receipt over \$200 during the reporting period not
5.26 otherwise listed under paragraphs (c) to (e).

5.27 (g) The report must disclose the sum of all receipts of the reporting entity during the
5.28 reporting period.

5.29 (h) The report must disclose the following:

5.30 (1) the name, address, and registration number if registered with the board of each
5.31 individual or association to whom aggregate expenditures, approved expenditures,
5.32 independent expenditures, and ballot question expenditures, and disbursements for
5.33 electioneering communications have been made by or on behalf of the reporting entity
5.34 within the year in excess of \$200, ~~together with;~~

6.1 (2) the amount, date, and purpose of each expenditure, including an explanation of how
6.2 the expenditures was used, ~~and~~;

6.3 (3) the name and address of, and office sought by, each candidate on whose behalf the
6.4 expenditure was made or, in the case of electioneering communications, each candidate
6.5 identified positively in the communication;

6.6 (4) identification of the ballot question that the expenditure was intended to promote or
6.7 defeat and an indication of whether the expenditure was to promote or to defeat the ballot
6.8 question; and

6.9 (5) in the case of independent expenditures made in opposition to a candidate or
6.10 electioneering communications in which a candidate is identified negatively, the candidate's
6.11 name, address, and office sought.

6.12 A reporting entity making an expenditure on behalf of more than one candidate for state
6.13 or legislative office must allocate the expenditure among the candidates on a reasonable
6.14 cost basis and report the allocation for each candidate.

6.15 (i) The report must disclose the sum of all expenditures made by or on behalf of the
6.16 reporting entity during the reporting period.

6.17 (j) The report must disclose the amount and nature of an advance of credit incurred by
6.18 the reporting entity, continuously reported until paid or forgiven. If an advance of credit
6.19 incurred by the principal campaign committee of a candidate is forgiven by the creditor or
6.20 paid by an entity other than that principal campaign committee, it must be reported as a
6.21 donation in kind for the year in which the advance of credit was made.

6.22 (k) The report must disclose the name, address, and registration number if registered
6.23 with the board of each political committee, political fund, principal campaign committee,
6.24 or party unit to which contributions have been made that aggregate in excess of \$200 within
6.25 the year and the amount and date of each contribution.

6.26 (l) The report must disclose the sum of all contributions made by the reporting entity
6.27 during the reporting period.

6.28 (m) The report must disclose the name, address, and registration number if registered
6.29 with the board of each individual or association to whom noncampaign disbursements have
6.30 been made that aggregate in excess of \$200 within the year by or on behalf of the reporting
6.31 entity and the amount, date, and purpose of each noncampaign disbursement, including an
6.32 explanation of how the expenditure was used.

7.1 (n) The report must disclose the sum of all noncampaign disbursements made within
7.2 the year by or on behalf of the reporting entity.

7.3 (o) The report must disclose the name and address of a nonprofit corporation that provides
7.4 administrative assistance to a political committee or political fund as authorized by section
7.5 211B.15, subdivision 17, the type of administrative assistance provided, and the aggregate
7.6 fair market value of each type of assistance provided to the political committee or political
7.7 fund during the reporting period.

7.8 (p) Legislative, statewide, and judicial candidates, party units, and political committees
7.9 and funds must itemize contributions that in aggregate within the year exceed \$200 for
7.10 legislative or statewide candidates or more than \$500 for ballot questions on reports submitted
7.11 to the board. The itemization must include the date on which the contribution was received,
7.12 the individual or association that provided the contribution, and the address of the contributor.
7.13 Additionally, the itemization for a donation in kind must provide a description of the item
7.14 or service received. Contributions that are less than the itemization amount must be reported
7.15 as an aggregate total.

7.16 (q) Legislative, statewide, and judicial candidates, party units, political committees and
7.17 funds, and committees to promote or defeat a ballot question must itemize expenditures and
7.18 noncampaign disbursements that in aggregate exceed \$200 in a calendar year on reports
7.19 submitted to the board. The itemization must include the date on which the committee made
7.20 or became obligated to make the expenditure or disbursement, the name and address of the
7.21 vendor that provided the service or item purchased, and a description of the service or item
7.22 purchased, including an explanation of how the expenditure was used. Expenditures and
7.23 noncampaign disbursements must be listed on the report alphabetically by vendor.

7.24 (r) Notwithstanding any dollar limits in this subdivision, the report must individually
7.25 list the amount of a contribution in any amount received from a lobbyist, principal, political
7.26 committee, or political fund. The list must include the name and address of each lobbyist,
7.27 principal, or political committee.

7.28 (s) Notwithstanding any dollar limits in this subdivision, the report must individually
7.29 list the amount of a contribution in any amount made by a political committee or a political
7.30 fund. The list must include the name and address of the recipient of each contribution.

7.31 Sec. 6. Minnesota Statutes 2016, section 10A.20, subdivision 5, is amended to read:

7.32 Subd. 5. **Pre-election reports.** (a) Any loan, contribution, or contributions:

8.1 (1) to a political committee or political fund from any one source totaling more than
8.2 \$1,000;

8.3 (2) to the principal campaign committee of a candidate for an appellate court judicial
8.4 office totaling more than \$2,000;

8.5 (3) to the principal campaign committee of a candidate for district court judge totaling
8.6 more than \$400; ~~or~~

8.7 (4) to the principal campaign committee of a candidate for constitutional office or for
8.8 the legislature totaling more than 50 percent of the election segment contribution limit for
8.9 the office; or

8.10 (5) received from a lobbyist, principal, or political committee in any amount,
8.11 notwithstanding any dollar limit in this subdivision,

8.12 received between the last day covered in the last report before an election and the election
8.13 must be reported to the board in the manner provided in paragraph (b).

8.14 (b) A loan, contribution, or contributions required to be reported to the board under
8.15 paragraph (a) must be reported to the board either:

8.16 (1) in person by the end of the next business day after its receipt; or

8.17 (2) by electronic means sent within 24 hours after its receipt.

8.18 (c) These loans and contributions must also be reported in the next required report.

8.19 (d) This notice requirement does not apply in a primary election to a candidate who is
8.20 unopposed in the primary, in a primary election to a ballot question political committee or
8.21 fund, or in a general election to a candidate whose name is not on the general election ballot.
8.22 The board must post the report on its Web site by the end of the next business day after it
8.23 is received.

8.24 (e) This subdivision does not apply to a ballot question or independent expenditure
8.25 political committee or fund that has not met the registration threshold of section 10A.14,
8.26 subdivision 1a. However, if a contribution that would be subject to this section triggers the
8.27 registration requirement in section 10A.14, subdivision 1a, then both registration under that
8.28 section and reporting under this section are required.

8.29 **Sec. 7. [10A.201] ELECTIONEERING COMMUNICATIONS.**

8.30 **Subdivision 1. Electioneering communication.** (a) "Electioneering communication"
8.31 **means a communication distributed by television, radio, satellite, or cable broadcasting**

9.1 system; by means of printed material, signs, or billboards; through the use of telephone
9.2 communications; or by Internet communications, electronic mail, or electronic text messaging
9.3 that:

9.4 (1) refers to a clearly identified candidate;

9.5 (2) is made within:

9.6 (i) 30 days before a primary election or special primary election for the office sought
9.7 by the candidate; or

9.8 (ii) 60 days before a general election or special election for the office sought by the
9.9 candidate;

9.10 (3) is targeted to the relevant electorate; and

9.11 (4) is made without the express or implied consent, authorization, or cooperation of, and
9.12 not in concert with or at the request or suggestion of, a candidate or a candidate's principal
9.13 campaign committee or agent.

9.14 (b) Electioneering communication does not include:

9.15 (1) the publishing or broadcasting of news items or editorial comments by the news
9.16 media;

9.17 (2) a communication that constitutes an approved expenditure or an independent
9.18 expenditure;

9.19 (3) a voter guide, which is a pamphlet or similar printed material, intended to help voters
9.20 compare candidates' positions on a set of issues, as long as each of the following is true:

9.21 (i) the guide does not focus on a single issue or a narrow range of issues, but includes
9.22 questions and subjects sufficient to encompass major issues of interest to the entire electorate;

9.23 (ii) the questions and any other description of the issues are clear and unbiased in both
9.24 their structure and content;

9.25 (iii) the questions posed and provided to the candidates are identical to those included
9.26 in the guide;

9.27 (iv) each candidate included in the guide is given a reasonable amount of time and the
9.28 same opportunity as other candidates to respond to the questions;

9.29 (v) if the candidate is given limited choices for an answer to a question, for example:
9.30 "support," "oppose," "yes," or "no," the candidate is also given an opportunity, subject to
9.31 reasonable limits, to explain the candidate's position in the candidate's own words; the fact

10.1 that a candidate provided an explanation is clearly indicated in the guide; and the guide
10.2 clearly indicates that the explanations will be made available for public inspection, subject
10.3 to reasonable conditions;

10.4 (vi) answers included in the guide are those provided by the candidates in response to
10.5 questions, the candidate's answers are unedited, and the answers appear in close proximity
10.6 to the question to which they respond;

10.7 (vii) if the guide includes candidates' positions based on information other than responses
10.8 provided directly by the candidate, the positions are based on recorded votes or public
10.9 statements of the candidates and are presented in an unedited and unbiased manner; and

10.10 (viii) the guide includes all major party candidates for each office listed in the guide;

10.11 (4) any other communication specified in board rules or advisory opinions as being
10.12 excluded from the definition of electioneering communication; or

10.13 (5) a communication that:

10.14 (i) refers to a clearly identified candidate who is an incumbent member of the legislature
10.15 or a constitutional officer;

10.16 (ii) refers to a clearly identified issue that is or was before the legislature in the form of
10.17 an introduced bill; and

10.18 (iii) is made when the legislature is in session or within ten days after the last day of a
10.19 regular session of the legislature.

10.20 (c) A communication that meets the requirements of paragraph (a) but is made with the
10.21 authorization or express or implied consent of, or in cooperation or in concert with, or at
10.22 the request or suggestion of a candidate, a candidate's principal campaign committee, or a
10.23 candidate's agent is an approved expenditure.

10.24 (d) Distributing a voter guide questionnaire, survey, or similar document to candidates
10.25 and communications with candidates limited to obtaining their responses, without more, do
10.26 not constitute communications that would result in the voter guide being an approved
10.27 expenditure on behalf of the candidate.

10.28 Subd. 2. Targeted to relevant electorate. (a) For purposes of this section, a
10.29 communication that refers to a clearly identified candidate is targeted to the relevant electorate
10.30 if the communication is distributed to or can be received by more than 1,500 persons in the
10.31 district the candidate seeks to represent, in the case of a candidate for the house of
10.32 representatives, senate, or a district court judicial office or by more than 6,000 persons in

11.1 the state, in the case of a candidate for constitutional office or appellate court judicial office.
 11.2 When determining the number of persons to whom a communication in the form of printed
 11.3 material, electronic mail, or electronic text messaging is distributed, an association may
 11.4 exclude communications distributed to its own members.

11.5 (b) A communication consisting of printed materials, other than signs, billboards, or
 11.6 advertisements published in the print media, is targeted to the relevant electorate if it meets
 11.7 the requirements of paragraph (a) and is distributed to voters by means of United States
 11.8 mail or through direct delivery to a resident's home or business.

11.9 **Subd. 3. Disclosure of electioneering communications.** (a) Electioneering
 11.10 communications made by a political committee, a party unit, or a principal campaign
 11.11 committee must be disclosed on the periodic reports of receipts and expenditures filed by
 11.12 the association on the schedule and in accordance with the terms of section 10A.20.

11.13 (b) An association other than a political committee, party unit, or principal campaign
 11.14 committee may register a political fund with the board and disclose its electioneering
 11.15 communications on the reports of receipts and expenditures filed by the political fund. If it
 11.16 does so, it must disclose its disbursements for electioneering communication on the schedule
 11.17 and in accordance with the terms of section 10A.20.

11.18 (c) An association that does not disclose its disbursements for electioneering
 11.19 communications under paragraph (a) or (b) must disclose its electioneering communications
 11.20 according to the requirements of subdivision 4.

11.21 **Subd. 4. Statement required for electioneering communications.** (a) Except for
 11.22 associations providing disclosure as specified in subdivision 3, paragraph (a) or (b), every
 11.23 person who makes a disbursement for the costs of producing or distributing electioneering
 11.24 communications that aggregate more than \$1,500 in a calendar year must, within 24 hours
 11.25 of each disclosure date, file with the board a disclosure statement containing the information
 11.26 described in this subdivision.

11.27 (b) Each statement required to be filed under this section must contain the following
 11.28 information:

11.29 (1) the names of: (i) the association making the disbursement; (ii) any person exercising
 11.30 direction or control over the activities of the association with respect to the disbursement;
 11.31 and (iii) the custodian of the financial records of the association making the disbursement;

11.32 (2) the address of the association making the disbursement;

12.1 (3) the amount of each disbursement of more than \$200 during the period covered by
12.2 the statement, a description of the purpose of the disbursement, and the identification of the
12.3 person to whom the disbursement was made;

12.4 (4) the names of the candidates identified or to be identified in the communication;

12.5 (5) if the disbursements were paid out of a segregated bank account that consists of funds
12.6 donated specifically for electioneering communications, the name and address of each
12.7 person who gave the association more than \$200 in aggregate to that account during the
12.8 period beginning on the first day of the preceding calendar year and ending on the disclosure
12.9 date; and

12.10 (6) if the disbursements for electioneering communications were made using general
12.11 treasury money of the association, an association that has paid more than \$5,000 in aggregate
12.12 for electioneering communications during the calendar year must file with its disclosure
12.13 statement a written statement that includes the name, address, and amount attributable to
12.14 each person that paid the association membership dues or fees, or made donations to the
12.15 association that, in total, aggregate more than \$5,000 of the money used by the association
12.16 for electioneering communications. The statement must also include the total amount of the
12.17 disbursements for electioneering communications attributable to persons not subject to
12.18 itemization under this clause. The statement must be certified as true by an officer of the
12.19 association that made the disbursements for the electioneering communications.

12.20 (c) To determine the amount of the membership dues or fees, or donations made by a
12.21 person to an association and attributable to the association's disbursements for electioneering
12.22 communications, the association must separately prorate the total disbursements made for
12.23 electioneering communications during the calendar year over all general treasury money
12.24 received during the calendar year.

12.25 (d) If the amount spent for electioneering communications exceeds the amount of general
12.26 treasury money received by the association during that year:

12.27 (1) the electioneering communications must be attributed first to all receipts of general
12.28 treasury money received during the calendar year in which the electioneering communications
12.29 were made;

12.30 (2) any amount of current year electioneering communications that exceeds the total of
12.31 all receipts of general treasury money during the current calendar year must be prorated
12.32 over all general treasury money received in the preceding calendar year; and

13.1 (3) if the allocation made in clauses (1) and (2) is insufficient to cover the subject
13.2 electioneering communications, no further allocation is required.

13.3 (e) After a portion of the general treasury money received by an association from a
13.4 person has been designated as the source of a disbursement for electioneering
13.5 communications, that portion of the association's general treasury money received from that
13.6 person may not be designated as the source of any other disbursement for electioneering
13.7 communications or as the source for any contribution to an independent expenditure political
13.8 committee or fund.

13.9 Subd. 5. **Disclosure date.** For purposes of this section, the term "disclosure date" means
13.10 the earlier of:

13.11 (1) the first date on which an electioneering communication is publicly distributed,
13.12 provided that the person making the electioneering communication has made disbursements
13.13 for the direct costs of producing or distributing one or more electioneering communication
13.14 aggregating in excess of \$1,500; or

13.15 (2) any other date during the same calendar year on which an electioneering
13.16 communication is publicly distributed, provided that the person making the electioneering
13.17 communication has made disbursements for the direct costs of distributing one or more
13.18 electioneering communication aggregating in excess of \$1,500 since the most recent
13.19 disclosure date.

13.20 Subd. 6. **Contracts to disburse.** For purposes of this section, a person shall be treated
13.21 as having made a disbursement if the person has entered into an obligation to make the
13.22 disbursement.

13.23 Subd. 7. **Disclosure statement.** An electioneering communication must include the
13.24 applicable disclosures required by sections 211B.04 and 211B.041.

13.25 Subd. 8. **Failure to file; penalty.** (a) If a person fails to file a statement required by this
13.26 section by the date the statement is due, the board may impose a late filing fee of \$50 per
13.27 day, not to exceed \$1,000, commencing the day after the statement was due.

13.28 (b) The board must send notice by certified mail to a person who fails to file a statement
13.29 within ten business days after the statement was due that the person may be subject to a
13.30 civil penalty for failure to file the statement. A person who fails to file the statement within
13.31 seven days after the certified mail notice was sent by the board is subject to a civil penalty
13.32 imposed by the board of up to \$1,000.

14.1 (c) An association that provides disclosure under section 10A.20 rather than under this
 14.2 section is subject to the late filing fee and civil penalty provisions of section 10A.20 and is
 14.3 not subject to the penalties provided in this subdivision.

14.4 (d) An association that makes electioneering communications under this section and
 14.5 willfully fails to provide the statement required by subdivision 4, paragraph (b), clause (6),
 14.6 within the time specified is subject to an additional civil penalty of up to four times the
 14.7 amount of the electioneering communications disbursements that should have been included
 14.8 on the statement.

14.9 Sec. 8. Minnesota Statutes 2016, section 10A.244, is amended to read:

14.10 **10A.244 VOLUNTARY INACTIVE STATUS; POLITICAL FUNDS.**

14.11 Subdivision 1. **Election of voluntary inactive status.** An association that has a political
 14.12 fund registered under this chapter may elect to have the fund placed on voluntary inactive
 14.13 status if the following conditions are met:

14.14 (1) the association makes a written request for inactive status;

14.15 (2) the association has filed all periodic reports required by this chapter and has received
 14.16 no contributions into its political fund and made no expenditures or disbursements, including
 14.17 disbursements for electioneering communications, through its political fund since the last
 14.18 date included on the association's most recent report; and

14.19 (3) the association has satisfied all obligations to the state for late filing fees and civil
 14.20 penalties imposed by the board or the board has waived this requirement.

14.21 Subd. 2. **Effect of voluntary inactive status.** After an association has complied with
 14.22 the requirements of subdivision 1:

14.23 (1) the board must notify the association that its political fund has been placed in
 14.24 voluntary inactive status and of the terms of this section;

14.25 (2) the board must stop sending the association reports, forms, and notices of report due
 14.26 dates that are periodically sent to entities registered with the board;

14.27 (3) the association is not required to file periodic disclosure reports for its political fund
 14.28 as otherwise required under this chapter;

14.29 (4) the association may not accept contributions into its political fund and may not make
 14.30 expenditures, contributions, or disbursements, including disbursements for electioneering
 14.31 communications, through its political fund; and

15.1 (5) if the association maintains a separate depository account for its political fund, it
 15.2 may continue to pay bank service charges and receive interest paid on that account while
 15.3 its political fund is in inactive status.

15.4 Subd. 3. **Resumption of active status or termination.** (a) An association that has placed
 15.5 its political fund in voluntary inactive status may resume active status upon written notice
 15.6 to the board.

15.7 (b) A political fund placed in voluntary inactive status must resume active status within
 15.8 14 days of the date that it has accepted contributions or made expenditures, contributions,
 15.9 or disbursements, including disbursements for electioneering communications, that aggregate
 15.10 more than \$750 since the political fund was placed on inactive status. If, after meeting this
 15.11 threshold, the association does not notify the board that its fund has resumed active status,
 15.12 the board may place the association's political fund in active status and notify the association
 15.13 of the change in status.

15.14 (c) An association that has placed its political fund in voluntary inactive status may
 15.15 terminate the registration of the fund without returning it to active status.

15.16 Subd. 4. **Penalty for financial activity while in voluntary inactive status.** If an
 15.17 association fails to notify the board of its political fund's resumption of active status under
 15.18 subdivision 3, the board may impose a civil penalty of \$50 per day, not to exceed \$1,000
 15.19 commencing on the 15th calendar day after the fund resumed active status.

15.20 Sec. 9. Minnesota Statutes 2016, section 10A.34, subdivision 4, is amended to read:

15.21 Subd. 4. **Penalty for violations of chapter 211B under board's jurisdiction.** (a) If a
 15.22 civil penalty is not specified in a section of chapter 211B brought under the board's
 15.23 jurisdiction by section 10A.022, subdivision 3, the board may impose a civil penalty of up
 15.24 to \$3,000.

15.25 (b) The board may impose a civil penalty for a violation of sections 211B.04 to 211B.0445
 15.26 of up to three times the cost of the campaign advertisement, as defined in section 211B.01,
 15.27 subdivision 2, including placement costs.

15.28 Sec. 10. Minnesota Statutes 2016, section 211B.01, subdivision 1, is amended to read:

15.29 Subdivision 1. **Application.** The definitions in ~~chapter~~ chapters 10A and 200 and this
 15.30 section apply to this chapter.

16.1 Sec. 11. Minnesota Statutes 2016, section 211B.01, subdivision 2, is amended to read:

16.2 Subd. 2. **Campaign-material advertisement.** (a) "Campaign-material advertisement"
16.3 means any general or public communication including, but not limited to, any literature,
16.4 publication, broadcast media, video disseminated over the Internet, or any other material
16.5 that is authorized, paid for, or disseminated by a person or committee for the purpose of
16.6 influencing voting at a primary or other election or to promote or defeat a ballot question,
16.7 except for news items or editorial comments by the news media.

16.8 (b) "Campaign advertisement" does not include the following:

16.9 (1) a communication by an association distributed only to the association's own members
16.10 in a newsletter or similar publication in a form that is routinely sent to the association's
16.11 members;

16.12 (2) bumper stickers, pins, buttons, pens, or similar small items on which the disclaimer
16.13 cannot be conveniently printed;

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

16.16 (4) online banner ads and similar electronic communications that link directly to an
16.17 online page that includes the disclaimer.

16.18 Sec. 12. Minnesota Statutes 2016, section 211B.01, is amended by adding a subdivision
16.19 to read:

16.20 Subd. 2a. **Cumulative contributions.** "Cumulative contributions" means the cumulative
16.21 amount of contributions received by a committee from a person beginning 12 months before
16.22 a campaign expenditure for a campaign advertisement and ending seven days before the
16.23 time the campaign advertisement is printed, broadcasted, or made available online.

16.24 Sec. 13. Minnesota Statutes 2016, section 211B.01, is amended by adding a subdivision
16.25 to read:

16.26 Subd. 7. **Top contributor.** "Top contributor" means the original source from whom a
16.27 committee paying for a campaign advertisement has received one of its three highest
16.28 cumulative contributions of \$10,000 or more.

17.1 Sec. 14. Minnesota Statutes 2016, section 211B.01, is amended by adding a subdivision
17.2 to read:

17.3 Subd. 8. **Original source.** "Original source" means a person whose contribution is funded
17.4 entirely from a source that is not a contribution, including but not limited to wages,
17.5 investment income, and revenue generated from the sale of goods or services.

17.6 Sec. 15. Minnesota Statutes 2016, section 211B.02, is amended to read:

17.7 **211B.02 FALSE CLAIM OF SUPPORT.**

17.8 A person or candidate may not knowingly make, directly or indirectly, a false claim
17.9 stating or implying that a candidate or ballot question has the support or endorsement of a
17.10 major political party or party unit or of an organization. A person or candidate may not state
17.11 in written campaign ~~material~~ advertisement that the candidate or ballot question has the
17.12 support or endorsement of an individual without first getting written permission from the
17.13 individual to do so.

17.14 Sec. 16. Minnesota Statutes 2016, section 211B.04, as amended by Laws 2018, chapter
17.15 119, section 33, is amended to read:

17.16 **211B.04 CAMPAIGN ~~MATERIAL~~ ADVERTISEMENT MUST INCLUDE**
17.17 **DISCLAIMER DISCLOSURES.**

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

17.24 (b) Except in cases covered by paragraph (c), the required form of ~~disclaimer~~ the
17.25 disclosure is: "Prepared and paid for by ~~the~~ (committee name),(address)" for
17.26 ~~material~~ a campaign advertisement prepared and paid for by a ~~principal campaign committee,~~
17.27 ~~or "Prepared and paid for by the committee,(address)" for material prepared~~
17.28 ~~and paid for by a~~ any person or committee other than a principal campaign committee. The
17.29 address must be either the committee's mailing address or the committee's Web site, if the
17.30 Web site includes the committee's mailing address. If the material ~~campaign~~ advertisement
17.31 is produced and disseminated without cost, the words "paid for" may be omitted from the
17.32 ~~disclaimer~~ disclosure.

18.1 (c) In the case of broadcast media, telephonic communications, and videos disseminated
 18.2 over the Internet, the required form of ~~disclaimer~~ the disclosure is: "Paid for by ~~the~~
 18.3 (committee name)." If the ~~material~~ campaign advertisement is produced and ~~broadcast~~
 18.4 broadcasted or disseminated without cost, the required form of the ~~disclaimer~~ disclosure is:
 18.5 "~~The~~ (committee name) is responsible for the content of this message."

18.6 Subd. 2. **Independent expenditures.** (a) The required form of the ~~disclaimer~~ disclosure
 18.7 on a campaign advertisement that is a written independent expenditure is: "This is an
 18.8 independent expenditure prepared and paid for by (name of entity participating in the
 18.9 expenditure), (address). It is not coordinated with or approved by any candidate nor is
 18.10 any candidate responsible for it." The address must be either the entity's mailing address or
 18.11 the entity's Web site, if the Web site includes the entity's mailing address. When a written
 18.12 independent expenditure is produced and disseminated without cost, the words "and paid
 18.13 for" may be omitted from the ~~disclaimer~~ disclosure.

18.14 (b) The required form of the ~~disclaimer~~ disclosure on a campaign advertisement that is
 18.15 a broadcast independent expenditure is: "This independent expenditure is paid for by
 18.16 (name of entity participating in the expenditure). It is not coordinated with or approved by
 18.17 any candidate nor is any candidate responsible for it." When a broadcast independent
 18.18 expenditure is produced and disseminated without cost, the following ~~disclaimer~~ disclosure
 18.19 may be used: "..... (name of entity participating in the expenditure) is responsible for the
 18.20 contents of this independent expenditure. It is not coordinated with or approved by any
 18.21 candidate nor is any candidate responsible for it."

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

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

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

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

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

18.32 ~~(3) online banner ads and similar electronic communications that link directly to an~~
 18.33 ~~online page that includes the disclaimer.~~

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

19.2 ~~Subd. 4. **Web sites.** The requirements of this section are satisfied for an entire Web site~~
 19.3 ~~or social media page when the disclaimer required in subdivision 1 or 2 appears once on~~
 19.4 ~~the homepage of the site.~~

19.5 ~~Subd. 5. **Font size.** For written communications other than an outdoor sign, Web site,~~
 19.6 ~~or social media page, the disclaimer must be printed in 8-point font or larger.~~

19.7 **Sec. 17. [211B.041] TOP CONTRIBUTOR DISCLOSURES.**

19.8 (a) Any campaign advertisement paid for by a committee, except for a political party
 19.9 unit or a principal campaign committee, must include the words "committee major funding
 19.10 from" followed by the names of the committee's three top contributors.

19.11 (b) If fewer than three persons qualify as top contributors, the committee must only
 19.12 disclose those persons that qualify as top contributors pursuant to this section. If there are
 19.13 no persons that qualify as top contributors, the committee is not required to provide the
 19.14 disclosure under this section.

19.15 (c) The disclosure of a top contributor required under this section does not need to include
 19.16 terms such as "incorporated," "committee," "political action committee," or "corporation,"
 19.17 or abbreviations of these terms, unless the term is part of the top contributor's name in
 19.18 common usage or parlance.

19.19 (d) If two or more persons make contributions of identical amounts and qualify as top
 19.20 contributors, the person with the most recent contribution is required to be listed as a top
 19.21 contributor.

19.22 **Sec. 18. [211B.042] RADIO AND TELEPHONE CAMPAIGN ADVERTISEMENT**
 19.23 **DISCLOSURES.**

19.24 (a) Any campaign advertisement paid for by a committee, except for a political party
 19.25 unit or a principal campaign committee, that is disseminated over the radio or by prerecorded
 19.26 telephonic means must:

19.27 (1) include the disclosure required by sections 211B.04 and 211B.041 at the beginning
 19.28 or end of the radio broadcast or telephonic communication;

19.29 (2) be read in a clearly spoken manner and in a pitch substantially similar to the rest of
 19.30 the broadcast or communication; and

19.31 (3) last no less than three seconds.

20.1 (b) Radio broadcasts and prerecorded telephonic communications must disclose only
20.2 the two top contributors unless the campaign material lasts 15 seconds or less or the
20.3 disclosure statement would last more than eight seconds, in which case only the single top
20.4 contributor is required to be disclosed.

20.5 Sec. 19. **[211B.043] VIDEO CAMPAIGN ADVERTISEMENT DISCLOSURES.**

20.6 (a) A campaign advertisement paid for by a committee, except for a political party unit
20.7 or a principal campaign committee, that is disseminated as a video, including campaign
20.8 advertisements on television and videos disseminated over the Internet, must include the
20.9 disclosures required by sections 211B.04 and 211B.041 in writing at the beginning or end
20.10 of the video.

20.11 (b) The disclosure required by paragraph (a) must be written and displayed for at least
20.12 five seconds of a broadcast of 30 seconds or less or for at least ten seconds of a broadcast
20.13 that lasts longer than 30 seconds.

20.14 (c) The written disclosure required by paragraph (a) must appear as follows:

20.15 (1) be on a solid black background on the entire bottom one-third of the television or
20.16 video display screen, or bottom one-fourth of the screen if the committee does not have or
20.17 is otherwise not required to list top contributors;

20.18 (2) be in a contrasting color in Arial font or an equivalent font, and the font size for the
20.19 smallest letters in the written disclosure must be four percent of the height of the television
20.20 or video display screen;

20.21 (3) the top contributors, if any, must each be disclosed on a separate horizontal line, in
20.22 descending order, beginning with the top contributor who made the largest cumulative
20.23 contributions on the first line;

20.24 (4) the name of each top contributor, if any, must be centered horizontally; and

20.25 (5) all written disclosures must be underlined, except for the names of the top contributors,
20.26 if any.

20.27 (d) If using a font size of four percent of the height of the television or video display
20.28 screen causes the name of any of the top contributors to exceed the width of the screen or
20.29 causes the disclosures to exceed one-third of the television or video display screen, the font
20.30 size of the name of the top contributor shall be reduced until the top contributor's name fits
20.31 on the width of the screen or the entire disclosure fits within one-third of the television or

21.1 video display screen, but in no case shall the font size be smaller than 2.5 percent of the
21.2 height of the screen.

21.3 (e) A video campaign advertisement that is an independent expenditure supporting or
21.4 opposing a candidate must include the appropriate statement from section 211B.04,
21.5 subdivision 2, in the solid black background described in paragraph (c), clause (1), below
21.6 all other text required to appear in that area in a contrasting color and in Arial font or an
21.7 equivalent font no less than 2.5 percent of the height of the television or video display
21.8 screen.

21.9 **Sec. 20. [211B.044] PRINT CAMPAIGN ADVERTISEMENT DISCLOSURES.**

21.10 (a) A print campaign advertisement paid for by a committee, except for a political party
21.11 unit or a principal campaign committee, must include the disclosures required by sections
21.12 211B.04 and 211B.041 displayed as follows:

21.13 (1) The disclosure area must have a solid white background and be in a printed or drawn
21.14 box on the bottom of at least one page that is set apart from any other printed matter. All
21.15 text in the disclosure area shall be in contrasting color;

21.16 (2) The text shall be in Arial font or an equivalent font with a font size of at least ten
21.17 point for printed campaign advertisements designed to be individually distributed, including,
21.18 but not limited to, mailers, flyers, and door hangers; and

21.19 (3) The top contributors, if any, must each be disclosed on a separate horizontal line, in
21.20 descending order, beginning with the top contributor who made the largest cumulative
21.21 contributions on the first line. The name of each of the top contributors must be centered
21.22 horizontally in the disclosure area.

21.23 (b) Notwithstanding paragraph (a), the disclosures required by sections 211B.04 and
21.24 211B.041 for display on a printed campaign advertisement that is larger than those designed
21.25 to be individually distributed, including, but not limited to, yard signs or billboards, must
21.26 be in Arial font or an equivalent font with a total height of at least five percent of the height
21.27 of the campaign advertisement, and printed on a solid background with sufficient contrast
21.28 that is easily readable by the average viewer. The text on the campaign advertisement may
21.29 be adjusted so it does not appear on separate horizontal lines, with the top contributors
21.30 separated by a comma.

21.31 (c) Newspaper, magazine, or other public print campaign advertisements that are 20
21.32 square inches or smaller are only required to disclose the single top contributor of \$10,000
21.33 or more.

22.1 Sec. 21. [211B.0441] ELECTRONIC MEDIA AND INTERNET CAMPAIGN
22.2 ADVERTISEMENT DISCLOSURES.

22.3 (a) An electronic media campaign advertisement, other than a Web site, paid for by a
22.4 committee, except for a political party unit or a principal campaign committee, must comply
22.5 with both of the following:

22.6 (1) Include the text "Who funded this ad?" in a contrasting color and a font size that is
22.7 easily readable by the average viewer; and

22.8 (2) The text required under clause (1) must be a hyperlink to a Web site containing the
22.9 disclosures required by sections 211B.04 and 211B.041 in a contrasting color and in no
22.10 smaller than eight-point font.

22.11 (b) The text required under paragraph (a), clause (1), is not required if including the
22.12 language would be impracticable. In such circumstances, the campaign advertisement needs
22.13 only to include a hyperlink to a Web site containing the disclosures required by sections
22.14 211B.04 and 211B.041.

22.15 (c) A Web site paid for by a committee, except for a political party unit or a principal
22.16 campaign committee, must include the disclosures required by sections 211B.04 and
22.17 211B.041 in a contrasting color and in no smaller than eight-point font.

22.18 (d) A Web site that is hyperlinked to as provided for in paragraph (a), clause (2), must
22.19 remain online and available to the public until 30 days after the date of the election in which
22.20 the candidate or ballot question supported or opposed by the campaign advertisement was
22.21 voted upon.

22.22 (e) A campaign advertisement made by a form of electronic media that is audio only
22.23 and therefore cannot include either of the disclosures in paragraph (a) must comply with
22.24 the disclosure requirements for radio advertisements in section 211B.042.

22.25 (f) A campaign advertisement made by a form of electronic media that allows users to
22.26 engage in discourse and post content, or any other type of social media, is required to include
22.27 the disclosures required by sections 211B.04 and 211B.041 in a contrasting color and in no
22.28 smaller than eight-point font on the committee's profile, landing page, or similar location
22.29 and on each campaign advertisement posting, but is not required to include the disclosure
22.30 required by paragraph (a) on a response to a user-generated comment or other similar
22.31 communication.

22.32 (g) The disclosure required by this section does not apply to a campaign advertisement
22.33 made by social media for which the only expense or cost of the communication is

23.1 compensated staff time unless the social media account where the content is posted was
23.2 created only for the purpose of campaign advertisements governed by this chapter.

23.3 Sec. 22. [211B.0442] RADIO OR TELEVISION DISCLOSURES; POLITICAL
23.4 PARTIES AND PRINCIPAL CAMPAIGN COMMITTEES.

23.5 (a) The disclosures required under section 211B.04 for a campaign advertisement that
23.6 is paid for by a political party unit or a principal campaign committee are subject to the
23.7 following requirements:

23.8 (1) For a radio or telephonic prerecorded communication campaign advertisement, the
23.9 disclosure statement must be: (i) included at the beginning or the end of the campaign
23.10 advertisement; (ii) read in a clearly spoken manner and in a pitch and tone substantially
23.11 similar to the rest of the advertisement; and (iii) last no less than three seconds.

23.12 (2) For a video campaign advertisement, including a video campaign advertisement on
23.13 television or disseminated over the Internet, the disclosure statement must appear in writing
23.14 for at least four seconds with letters in a type size that is greater than or equal to four percent
23.15 of the height of the screen and in a color that has a reasonable degree of contrast with the
23.16 background of the video. The required disclosure must also be spoken during the video if
23.17 the written disclosure appears for less than five seconds of a broadcast of 30 seconds or less
23.18 or for less than ten seconds of a broadcast of 60 seconds or more.

23.19 (3) For a print campaign advertisement, the disclosures must be written in no smaller
23.20 than ten-point font and in a color that has a reasonable degree of contrast with the background
23.21 of the print campaign advertisement.

23.22 (b) Notwithstanding paragraph (a), clause (3), the required disclosures for a print
23.23 campaign advertisement that is larger than those designed to be individually distributed,
23.24 such as a yard sign or billboard, must in total constitute no less than five percent of the total
23.25 height of the campaign advertisement and must appear in a color that has a reasonable degree
23.26 of contrast with the background of the print campaign advertisement.

23.27 (c) An electronic media campaign advertisement that is paid for by a political party unit
23.28 or a principal campaign committee, must include the disclosures required by section
23.29 211B.0441, except for the disclosures related to top contributors.

24.1 Sec. 23. **[211B.0443] MASS MAILINGS; POLITICAL PARTIES AND PRINCIPAL**
 24.2 **CAMPAIGN COMMITTEES.**

24.3 To comply with the campaign advertisement disclosure requirements under section
 24.4 211B.04 for mass mailings, a political party unit or principal campaign committee candidate
 24.5 must:

24.6 (1) print the required disclosures on the outside of each piece of mail in the mass mailing
 24.7 and on at least one of the inserts included within each piece of mail of the mailing in no
 24.8 smaller than six-point font that is in a color or print that contrasts with the background so
 24.9 as to be easily legible; and

24.10 (2) for mass electronic mailings, the political party unit or principal campaign committee
 24.11 must show the required disclosure in the electronic mailing in at least the same size font as
 24.12 a majority of the text in the electronic mailing.

24.13 Sec. 24. **[211B.0444] A CHANGE IN TOP CONTRIBUTORS.**

24.14 If the order of top contributors required to be disclosed by this chapter changes or a new
 24.15 contributor qualifies as a top contributor, a committee must update the disclosures required
 24.16 by this chapter in the campaign advertisement affected by the change as follows:

24.17 (1) A television, radio, telephone, electronic billboard, or other electronic media campaign
 24.18 advertisement must be updated to reflect the new top contributors within five business days.
 24.19 A committee is deemed to have complied with this section if the amended campaign
 24.20 advertisement is delivered, containing a request that the campaign advertisement immediately
 24.21 be replaced, to all affected broadcast stations or other locations where the campaign
 24.22 advertisement is placed no later than the fifth business day.

24.23 (2) A print media campaign advertisement, including nonelectronic billboards, must be
 24.24 updated to reflect the new top contributors before the committee places a new or modified
 24.25 order for additional printing of the campaign advertisement.

24.26 Sec. 25. **[211B.0445] DISCLOSURE CIRCUMVENTION PROHIBITION.**

24.27 A committee placing a campaign advertisement or persons acting in concert with that
 24.28 committee is prohibited from creating or using another committee to avoid, or that results
 24.29 in the avoidance of, the disclosure of any individual, industry, business entity, or another
 24.30 committee as a top contributor.

25.1 Sec. 26. Minnesota Statutes 2016, section 211B.06, subdivision 1, is amended to read:

25.2 Subdivision 1. **Gross misdemeanor.** (a) A person is guilty of a gross misdemeanor who
25.3 intentionally participates in the preparation, dissemination, or broadcast of paid political
25.4 advertising or campaign ~~material~~ advertisement with respect to the personal or political
25.5 character or acts of a candidate, or with respect to the effect of a ballot question, that is
25.6 designed or tends to elect, injure, promote, or defeat a candidate for nomination or election
25.7 to a public office or to promote or defeat a ballot question, that is false, and that the person
25.8 knows is false or communicates to others with reckless disregard of whether it is false.

25.9 (b) A person is guilty of a misdemeanor who intentionally participates in the drafting
25.10 of a letter to the editor with respect to the personal or political character or acts of a candidate,
25.11 or with respect to the effect of a ballot question, that is designed or tends to elect, injure,
25.12 promote, or defeat any candidate for nomination or election to a public office or to promote
25.13 or defeat a ballot question, that is false, and that the person knows is false or communicates
25.14 to others with reckless disregard of whether it is false.

25.15 Sec. 27. Minnesota Statutes 2017 Supplement, section 211B.11, subdivision 1, is amended
25.16 to read:

25.17 Subdivision 1. **Soliciting near polling places.** A person may not display a campaign
25.18 ~~material~~ advertisement, post signs, ask, solicit, or in any manner try to induce or persuade
25.19 a voter within a polling place or within 100 feet of the building in which a polling place is
25.20 situated, or anywhere on the public property on which a polling place is situated, on primary
25.21 or election day to vote for or refrain from voting for a candidate or ballot question. A person
25.22 may not provide political badges, political buttons, or other political insignia to be worn at
25.23 or about the polling place on the day of a primary or election. A political badge, political
25.24 button, or other political insignia may not be worn at or about the polling place on primary
25.25 or election day. This section applies to areas established by the county auditor or municipal
25.26 clerk for absentee voting as provided in chapter 203B.

25.27 Nothing in this subdivision prohibits the distribution of "I VOTED" stickers as provided
25.28 in section 204B.49.

25.29 Sec. 28. Minnesota Statutes 2016, section 211B.20, subdivision 1, is amended to read:

25.30 Subdivision 1. **Prohibition.** (a) It is unlawful for a person, either directly or indirectly,
25.31 to deny access to an apartment house, dormitory, nursing home, manufactured home park,
25.32 other multiple unit facility used as a residence, or an area in which two or more single-family
25.33 dwellings are located on private roadways to a candidate who has:

26.1 (1) organized a campaign committee under applicable federal or state law;

26.2 (2) filed a financial report as required by section 211A.02; or

26.3 (3) filed an affidavit of candidacy for elected office.

26.4 A candidate granted access under this section must be allowed to be accompanied by
26.5 campaign volunteers.

26.6 (b) Access to a facility or area is only required if it is located within the district or territory
26.7 that will be represented by the office to which the candidate seeks election, and the candidate
26.8 and any accompanying campaign volunteers seek access exclusively for the purpose of
26.9 campaigning for a candidate or registering voters. The candidate must be seeking election
26.10 to office at the next general or special election to be held for that office.

26.11 (c) A candidate and any accompanying campaign volunteers granted access under this
26.12 section must be permitted to leave campaign ~~materials~~ advertisements for residents at their
26.13 doors, except that the manager of a nursing home may direct that the campaign ~~materials~~
26.14 advertisements be left at a central location within the facility. The campaign ~~materials~~
26.15 advertisements must be left in an orderly manner.

26.16 (d) If a facility or area contains multiple buildings, a candidate and accompanying
26.17 volunteers must be permitted to access more than one building on a single visit, but access
26.18 is limited to only one building at a time. If multiple candidates are traveling together, each
26.19 candidate and that candidate's accompanying volunteers is limited to one building at a time,
26.20 but all of the candidates and accompanying volunteers traveling together must not be
26.21 restricted to accessing the same building at the same time.

26.22 (e) A violation of this section is a petty misdemeanor.

26.23 Sec. 29. Minnesota Statutes 2016, section 211B.32, subdivision 4, is amended to read:

26.24 Subd. 4. **Proof of claim.** The burden of proving the allegations in the complaint is on
26.25 the complainant. The standard of proof of a violation of section 211B.06, relating to false
26.26 statements in a paid political advertising or campaign ~~material~~ advertisement, is clear and
26.27 convincing evidence. The standard of proof of any other violation of chapter 211A or 211B
26.28 is a preponderance of the evidence.

26.29 Sec. 30. Minnesota Statutes 2016, section 211B.35, subdivision 2, is amended to read:

26.30 Subd. 2. **Disposition of complaint.** The panel must determine whether the violation
26.31 alleged in the complaint occurred and must make at least one of the following dispositions:

- 27.1 (a) The panel may dismiss the complaint.
- 27.2 (b) The panel may issue a reprimand.
- 27.3 (c) The panel may find that a statement made in a paid advertisement or campaign
- 27.4 ~~material~~ advertisement violated section 211B.06.
- 27.5 (d) The panel may impose a civil penalty of up to \$5,000 for any violation of chapter
- 27.6 211A or 211B.
- 27.7 (e) The panel may refer the complaint to the appropriate county attorney.