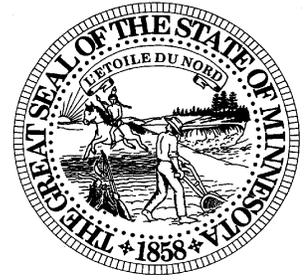


Minnesota

Campaign Finance and Public Disclosure Board



Date: September 18, 2014

To: Interested Persons

From: Gary Goldsmith, Executive Director

Telephone: 651-539-1190

Re: Use of disclaimer on campaign materials including Facebook and web pages.

In August, the Minnesota Office of Administrative Hearings issued a decision in the matter of *Stephen Wunderlich, Complainant, vs. Jan Jude, Respondent*. The OAH determined that respondent's Facebook page constituted campaign material and that because the page failed to include the "prepared and paid for by" form of disclaimer required under Minnesota Statutes section 211B.04, the respondent was in violation of statute. This OAH conclusion is consistent with the advice that Board staff has been giving Chapter 10A clients since the Board assumed jurisdiction over the section 211B.04 disclaimer requirement as applied to state candidates.

Campaign material is any literature, publication, or material that is disseminated for the purpose of influencing voting at a primary or other election, except for news items or editorial comments by the news media. Board staff advises associations that campaign material can include communications that are published or disseminated through internet technologies as well as through other forms of media. Campaign material, thus, could include web pages, Facebook pages, blogs, emails, or similar publications.

The Board also notes that it is possible to publish Facebook pages, blogs, and some websites without actual cash expenditures. When the publication is undertaken by a candidate's principal campaign committee, a political committee or fund, or a party unit committee, the fact that the communication was made without any cash outlay does not relieve the committee or fund from the disclaimer requirement. The disclaimer is for the purpose of telling the public about who is trying to influence their votes and who is responsible for the cost, if any, of the communication. The fact that in some limited situations a registered entity may not incur an actual reportable cost for preparation and dissemination of the communication does not relieve the publisher from the requirement to identify itself as the entity responsible.

Section 211B.04, the statute that establishes the disclaimer requirement, also includes a limited exemption for individuals and associations meeting specific statutory requirements to qualify for the exemption. An individual or association who wishes to operate under the exemption should seek independent legal advice or contact Board staff for further information.

Questions about disclaimers should be directed to Gary Goldsmith, Executive Director at gary.goldsmith@state.mn.us or (651) 539-1190 or to Jeff Sigurdson, Assistant Executive Director at jeff.sigurdson@state.mn.us or (651) 539-1189.