



Disclaimer requirements for independent expenditures

Minnesota Campaign Finance and Public Disclosure Board

All independent expenditures must have a disclaimer. A disclaimer is a statement that tells who is responsible for producing and distributing the independent expenditure and where to contact that entity.

What is an independent expenditure? Independent expenditures are expenditures (1) that expressly advocate for the election of defeat of a candidate **and** (2) that are made without consulting with or involving the candidate or the candidate's campaign committee in any way. A communication expressly advocates for the election or defeat of a candidate if it uses the phrases "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject," or other similar words. When websites, Facebook pages, or emails meet the independent expenditure criteria, these electronic communications must include the independent expenditure disclaimer.

Campaign material, such as invitations to a fundraiser, also must have a disclaimer. Please see the handout on campaign material disclaimers for more information on those requirements.

Are there any exceptions? The following things do not need a disclaimer:

- fund-raising tickets;
- bumper stickers, pins, buttons, pens, or similar small items on which the disclaimer cannot be conveniently printed;
- skywriting, wearing apparel, or similar items where it would be impracticable to include a disclaimer; and
- online banner ads and similar electronic communications that link directly to another online page that has the disclaimer.

What language must be used in the disclaimer? For an independent expenditure that is distributed through broadcast media, the disclaimer must state, "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." If the broadcast independent expenditure is produced and broadcast without cost, the disclaimer must state, ". . . (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."

Broadcast media example: This independent expenditure is paid for by Friends of Minnesota. It is not coordinated with or approved by any candidate nor is any candidate responsible for it.

Broadcast media example – no cost: Friends of Minnesota is responsible for the content of this independent expenditure. It is not coordinated with or approved by any candidate nor is any candidate responsible for it.

For all other independent expenditures, the disclaimer must state, "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." If the independent expenditure is produced and distributed without cost, the words "and paid for" may be omitted. The address in the disclaimer must be either (1) the entity's mailing address or (2) the entity's website address if the website includes the entity's mailing address.

Examples: This is an independent expenditure prepared and paid for by Friends of Minnesota, 1234 Main St, St Paul, MN 55155. It is not coordinated with or approved by any candidate nor is any candidate responsible for it.

This is an independent expenditure prepared and paid for by Friends of Minnesota, www.FriendsofMinn.org. It is not coordinated with or approved by any candidate nor is any candidate responsible for it.

What if more than one entity is involved? If more than one entity is involved with the creation and distribution of the independent expenditure, the disclaimer must list the names and addresses of all the participating entities.

Where should you put the disclaimer on a website or social media page? The disclaimer should be on the homepage of the website or social media page. The disclaimer does not need to be on each page of the website. On a Facebook page, the disclaimer should be in the banner picture for the site or in the About section.

What are size requirements for the disclaimer? For written communications other than outdoor signs, websites, or social media pages, the disclaimer must be printed in 8-point font or larger.