



Disclaimer requirements for independent expenditures

Minnesota Campaign Finance and Public Disclosure Board

Independent expenditures must have a disclaimer. A disclaimer states who is responsible for producing and distributing the independent expenditure and how to contact that entity. Please see the [handout on campaign material disclaimers](#) for more information on the requirements applicable to materials other than independent expenditures.

What is an independent expenditure? Independent expenditures (1) expressly advocate for the election or defeat of a candidate (including a local candidate); **and** (2) are made without consulting with or involving the candidate or the candidate's campaign committee in any way. A communication that clearly identifies a candidate expressly advocates for the election or defeat of that candidate if it uses words or phrases of express advocacy, or could only be interpreted by a reasonable person as containing advocacy of the election or defeat a candidate. Websites, social media pages, emails, and other communications containing independent expenditures must include a disclaimer. Solicitations seeking contributions to a candidate that are produced independently of the candidate must also include an independent expenditure disclaimer regardless of whether they contain express advocacy.

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

- 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, such as social media posts, text messages disseminated by phone, and online advertisements, if the communication links directly to an online page that includes 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 a 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 means a television station, radio station, cable television system, or satellite system.

Paid broadcast 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.

No cost broadcast example: 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.

Example with mailing address: 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.

Example with website address: 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? The disclaimer must be on the front page of all written communications and at the end of all broadcast communications. The disclaimer should be on the homepage of a website or social media page. The disclaimer does not need to be on each page of a website. On a Facebook page, the disclaimer should be in the About section or within the cover photo.

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.