

1.1 moves to amend H.F. No. 4772, in conference committee, as follows:

1.2 On R58, House language, (H4772-2)

1.3 Page 50, delete section 4 and insert:

1.4 "Section ... Minnesota Statutes 2023 Supplement, section 10A.201, subdivision 3, is
1.5 amended to read:

1.6 Subd. 3. ~~Can be received by 10,000 or more individuals~~ Targeted to the relevant
1.7 electorate. (a) ~~"Can be received by 10,000 or more individuals"~~ "Targeted to the relevant
1.8 electorate" means that a communication can be received in the district the candidate seeks
1.9 to represent, in the case of a candidate for representative, senator, or other office represented
1.10 by district; or in the entire state, if the candidate seeks a statewide office, as follows:

1.11 (1) in the case of a communication transmitted by an FM radio broadcast station or
1.12 network, where the district lies entirely within the station's or network's protected or primary
1.13 service contour, that the population of the district is 10,000 or more;

1.14 (2) in the case of a communication transmitted by an FM radio broadcast station or
1.15 network, where a portion of the district lies outside of the protected or primary service
1.16 contour, that the population of the part of the district lying within the station's or network's
1.17 protected or primary service contour is 10,000 or more;

1.18 (3) in the case of a communication transmitted by an AM radio broadcast station or
1.19 network, where the district lies entirely within the station's or network's most outward service
1.20 area, that the population of the district is 10,000 or more;

1.21 (4) in the case of a communication transmitted by an AM radio broadcast station or
1.22 network, where a portion of the district lies outside of the station's or network's most outward
1.23 service area, that the population of the part of the district lying within the station's or
1.24 network's most outward service area is 10,000 or more;

2.1 (5) in the case of a communication appearing on a television broadcast station or network,
2.2 where the district lies entirely within the station's or network's Grade B broadcast contour,
2.3 that the population of the district is 10,000 or more;

2.4 (6) in the case of a communication appearing on a television broadcast station or network,
2.5 where a portion of the district lies outside of the Grade B broadcast contour:

2.6 (i) that the population of the part of the district lying within the station's or network's
2.7 Grade B broadcast contour is 10,000 or more; or

2.8 (ii) that the population of the part of the district lying within the station's or network's
2.9 broadcast contour, when combined with the viewership of that television station or network
2.10 by cable and satellite subscribers within the district lying outside the broadcast contour, is
2.11 10,000 or more;

2.12 (7) in the case of a communication appearing exclusively on a cable or satellite television
2.13 system, but not on a broadcast station or network, that the viewership of the cable system
2.14 or satellite system lying within a district is 10,000 or more; ~~or~~

2.15 (8) in the case of a communication appearing on a cable television network, that the
2.16 total cable and satellite viewership within a district is 10,000 or more; or

2.17 (9) in the case of a communication disseminated by telephone, in a digital format online,
2.18 or by other electronic means that:

2.19 (i) the communication is capable of generating 2,500 or more contacts within a district
2.20 at any time during the electioneering communication period identified in subdivision 6,
2.21 paragraph (a), clause (2), in which it is disseminated; or

2.22 (ii) if multiple communications are disseminated by the same person, the communications:

2.23 (A) refer to the same candidate; and

2.24 (B) are capable of generating 2,500 or more contacts within a district, in aggregate, at
2.25 any time during the electioneering communication period identified in subdivision 6,
2.26 paragraph (a), clause (2) in which they are disseminated.

2.27 (b) Cable or satellite television viewership is determined by multiplying the number of
2.28 subscribers within a district, or a part thereof, as appropriate, by the current average
2.29 household size for Minnesota, as determined by the Bureau of the Census.

2.30 (c) A determination that a communication ~~can be received by 10,000 or more individuals~~
2.31 is targeted to the relevant electorate based on the application of the formula in this section
2.32 shall create a rebuttable presumption that may be overcome by demonstrating that:

3.1 (1) one or more cable or satellite systems did not carry the network on which the
 3.2 communication was publicly distributed at the time the communication was publicly
 3.3 distributed; and

3.4 (2) applying the formula to the remaining cable and satellite systems results in a
 3.5 determination that the cable network or systems upon which the communication was publicly
 3.6 distributed could not be received by 10,000 individuals or more.

3.7 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to
 3.8 communications disseminated on or after that date."

3.9 On R59, House language, (H4772-2)

3.10 Page 52, delete section 5 and insert:

3.11 "Sec. ... Minnesota Statutes 2023 Supplement, section 10A.201, subdivision 4, is amended
 3.12 to read:

3.13 Subd. 4. **Direct costs of producing or airing electioneering communications.** "Direct
 3.14 costs of producing or airing electioneering communications" means:

3.15 (1) costs charged by a vendor, including studio rental time, staff salaries, costs of ~~video~~
 3.16 ~~or audio recording media~~ visual or audio media creation or recording, and talent; ~~and~~

3.17 (2) the cost of airtime on broadcast, cable, or satellite radio and television stations, studio
 3.18 time, material costs, and the charges for a broker to purchase the airtime; and

3.19 (3) the cost to disseminate messages, to access any platform used to disseminate messages,
 3.20 or to promote messages on any platform used to disseminate messages by telephone, in a
 3.21 digital format online, or by other electronic means.

3.22 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to
 3.23 communications disseminated on or after that date."

3.24 On R60, House language, (H4772-2)

3.25 Page 52, delete section 6 and insert:

3.26 "Sec. ... Minnesota Statutes 2023 Supplement, section 10A.201, subdivision 6, is amended
 3.27 to read:

3.28 Subd. 6. **Electioneering communication.** (a) "Electioneering communication" means
 3.29 any broadcast, cable, ~~or~~ satellite, telephone, or digital communication that:

3.30 (1) refers to a clearly identified candidate for state office;

4.1 (2) is publicly distributed within 60 days before a general election for the office sought
4.2 by the candidate; ~~or,~~ within 30 days before a primary election for the office sought by the
4.3 candidate, or within 30 days before a convention or caucus of a political party unit that has
4.4 authority to ~~nominate~~ endorse a candidate; for the office sought by the candidate; ~~and the~~
4.5 ~~candidate referenced is seeking the nomination of that political party; and~~

4.6 (3) is targeted to the relevant electorate.

4.7 (b) A communication is not an electioneering communication if it:

4.8 (1) is publicly disseminated through a means of communication other than a broadcast,
4.9 cable, ~~or~~ satellite television, or radio station, by telephone, in a digital format online, or by
4.10 other electronic means;

4.11 (2) appears in a news story, commentary, or editorial distributed through the facilities
4.12 of any broadcast, cable, or satellite television or radio station, unless such facilities are
4.13 owned or controlled by any political party, political committee, or candidate, provided that
4.14 a news story distributed through a broadcast, cable, or satellite television or radio station
4.15 owned or controlled by any political party, political committee, or candidate is not an
4.16 electioneering communication if the news story meets the requirements described in Code
4.17 of Federal Regulations, title 11, section 100.132 (a) and (b);

4.18 (3) constitutes an expenditure or independent expenditure, provided that the expenditure
4.19 or independent expenditure is required to be reported under this chapter;

4.20 (4) constitutes a candidate debate or forum, or that solely promotes such a debate or
4.21 forum and is made by or on behalf of the person sponsoring the debate or forum; ~~or~~

4.22 (5) is paid for by a candidate;

4.23 (6) is a noncommercial solicitation for the purposes of opinion research, including but
4.24 not limited to opinion research designed for understanding the impact of exposure to political
4.25 messages and content, provided that the solicitation is not designed to influence respondents'
4.26 views by presenting biased or manipulative content under the guise of it being an opinion
4.27 poll, survey, or other form of scientific data collection; or

4.28 (7) is a communication disseminated by telephone, in a digital format online, or by other
4.29 electronic means that the recipient has affirmatively and voluntarily consented to receive
4.30 from the sender.

4.31 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to
4.32 communications disseminated on or after that date."

5.1 On R61, House language, (H4772-2)

5.2 Page 54, delete sections 7 and 8 and insert:

5.3 "Sec. ... Minnesota Statutes 2023 Supplement, section 10A.201, subdivision 9, is amended
5.4 to read:

5.5 Subd. 9. **Publicly distributed.** "Publicly distributed" means aired, broadcast, cablecast,
5.6 or otherwise disseminated through the facilities of a television station, radio station, cable
5.7 television system, or satellite system, or disseminated to a recipient by telephone, in a digital
5.8 format online, or by other electronic means.

5.9 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to
5.10 communications disseminated on or after that date.

5.11 Sec. ... Minnesota Statutes 2023 Supplement, section 10A.202, subdivision 1, is amended
5.12 to read:

5.13 Subdivision 1. **Reports required.** Any person who has made an electioneering
5.14 communication, as defined in section 10A.201, aggregating in excess of \$10,000 during
5.15 any calendar year shall file a statement with the board no later than 11:59 p.m. on the day
5.16 following the disclosure date. The statement shall be filed under penalty of perjury, and
5.17 must contain the information set forth in subdivision 2. Political committees, political funds,
5.18 and political party units that make a communication described in section 10A.201 must
5.19 report the communication as a campaign expenditure or independent expenditure as otherwise
5.20 provided by this chapter and are not required to file a report under this section.

5.21 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to penalties
5.22 assessed on or after that date."

5.23 On R62, House language, (H4772-2)

5.24 Page 55, delete section 10 and insert:

5.25 "Sec. ... **REPEALER.**

5.26 Minnesota Statutes 2023 Supplement, section 10A.201, subdivision 11, is repealed.

5.27 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to
5.28 communications disseminated on or after that date."

5.29 Renumber the sections in sequence and correct the internal references

5.30 Amend the title accordingly