

Campaign Finance *and* Public Disclosure Board

Captioning Requirements for Candidates Who Sign a Public Subsidy Agreement

The following information is intended to assist candidates in complying with captioning requirements for campaign advertisements. Contact the Campaign Finance and Public Disclosure Board office if you have specific questions.

<p>Background</p>	<ul style="list-style-type: none"> Enacted in 2008, Minnesota Statutes, section 10A.38 (click for statute text) requires captioning of certain campaign material so that it may be used by deaf and hard-of-hearing voters. The full text of the new statute is available on the Board's web site at: http://www.cfboard.state.mn.us/newlaws/HF3172.pdf
<p>What Committees are required to provide captioning on campaign advertisements?</p>	<ul style="list-style-type: none"> State Legislative and Constitutional Candidates who sign a public subsidy agreement are required to caption certain types of campaign advertisements. Judicial candidates and candidates for local government office are not required to caption their advertisements. Political party units and political committees and funds are not required to caption their advertisements.
<p>What types of campaign advertisements must be captioned?</p>	<p>Captioning is required if the visual or audio advertisement is all of the following:</p> <ul style="list-style-type: none"> Professionally produced. (The term "professionally produced" is not defined but would include any material produced at the request of the committee for a fee and may also include an in-kind contribution from an individual whose career is related to the production of audio or visual recordings.) Is two minutes or less in length. The purpose of the advertisement is to influence the nomination or election of a candidate.
<p>What type of captioning is required?</p>	<ul style="list-style-type: none"> Closed captioning, which is captioning that is only seen if the viewer chooses to decode or activate it, is required for a campaign advertisement shown on broadcast or cable television. Either closed captioning or a transcript of the campaign advertisement is required if the advertisement is available on the candidate's web site. A transcript of any radio campaign advertisement must be available on the candidate's web site.

<p>What if the candidate does not have a web site, or for some other reason is not able to caption the advertisements?</p>	<p>A candidate who does not have a web site for posting transcripts of radio advertisements or for other reasons does not provide captioning for campaign advertisements may file a letter with the Campaign Finance and Public Disclosure Board setting forth the reasons the candidate cannot or chooses not to provide captioning. Filing a letter with the Board stating the candidate's reasons for not captioning campaign advertisements is an alternative means to meet the statutory requirement. It is important to note that a letter stating the reasons for not providing captioning must be filed prior to the broadcast or other dissemination of the campaign advertisement. Filing a letter with the Board after the campaign advertisement has been released to the public would not meet the requirements of the law.</p>
<p>What are the penalties for not complying with the captioning requirements?</p>	<p>If a complaint is filed against a candidate for failing to caption campaign advertisements the Board will start a formal investigation. Upon completion of the investigation the Board would issue public Findings as to whether a violation of Minnesota Statutes Chapter 10A occurred. The candidate's eligibility for a public subsidy payment is not affected by failure to meet the captioning requirement. There is no civil penalty for failure to provide captioning for campaign advertisements.</p>
<p>Additional Information</p>	<p>For additional information on captioning including information on vendors who can provide captioning services, contact the Commission of Deaf, Deafblind & Hard of Hearing Minnesotans.</p> <ul style="list-style-type: none"> • Web site: www.mncdhh.org • E-mail: mncdhh.info@state.mn.us • Telephone: (651) 297-7305 V or TTY

This document is available in alternative formats to individuals with disabilities by calling 651/296-5148; 800/657-3889; or for TTY/TDD communications contact us through the Minnesota Relay Service at 800/627-3529.