

Court of Appeals tosses out election law

It says a statute requiring the disclosure of the source of campaign material violates free-speech rights.

Pat Doyle, Star Tribune

The Minnesota Court of Appeals said Wednesday that a state elections law violates the First Amendment by restricting political expression.

The court ruled that the law violates constitutional rights in the way it applies a requirement that campaign material include the names and addresses of the people responsible for it.

The decision follows federal court rulings that invalidated earlier versions of the law. In response to those rulings, the Legislature, as recently as 2004, rewrote the law in an effort to have it pass constitutional muster. But the state Appeals Court said the latest version still applied the disclaimer requirement too broadly, impermissibly discouraging free speech.

It was not immediately clear whether the Administrative Hearings Office, which ruled that the law had been violated in a city council race, would appeal the decision.

The case stemmed from an election dispute in Greenfield that involved a mayor and City Council member and their interest in buying land from the city. A challenger for mayor sent out material before the 2004 election criticizing the incumbents' interest in the land.

"Every taxpayer in Greenfield should be outraged at the arrogance of this council," said a flier sent out as part of the mailing. "If reelected, who knows what they will try to get away with next or what it could cost us."

The packet did not contain a disclaimer saying that it was paid for in connection with a political campaign. It was delivered to homes about four days before the election. Challengers for mayor and two City Council seats won.

In response to the federal court challenges to the law, the Legislature amended it in 2004 to exempt individuals from including a disclaimer on material that costs less than \$500 and is distributed at least seven days before an election.

But the Appeals Court said that even the latest version of the law fails to allow for "completely truthful anonymous statements made by individuals acting independently from any candidate and using their own resources."

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