

ADVISORY OPINION REQUEST 2017-02

Requestor: Sharon Caldwell, CMA Strategies

I would like to officially ask for a formal opinion on the necessity of including the election year in the disclaimer on campaign materials.

Ethics Rule 2.56 requires a candidate committee that makes a communication through printed medium to include an acknowledgement as follows: “Authorized and paid for by NAME OF COMMITTEE”. The committee name is required to include the year of the election for which the committee is formed. Ethics Rule 2. 75.

Many campaigns purchase banners, large signs and other printed communications requiring disclosures. Typically, candidates have used the banners and signs in multiple campaigns rather than having each new candidate committee print its own signs. However, the current rules make this difficult due to the requirement that the year be included as part of the name of the committee and the name of the committee being specifically required to be included as part of the disclosure. I do not believe the Commission's intent is to increase the cost of campaigns but rather to have transparency. Is it permissible within the Rules for a candidate committee to have campaign materials printed which include the name of the committee without the year of the election? For example, could a candidate have the disclosure “Smith for House” instead of “Smith for House 2018”?

Applicable Ethics Rules.

Ethics Rule: Rule 2.56. Candidate Committee Printed Advertisements Disclosure Requirements.

Whenever a candidate committee makes an expenditure for the purpose of a communication through Internet advertising, or direct mail, magazine advertisement, newspaper advertisement or any other printed medium, the communication shall state in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: “Authorized and paid for by NAME OF COMMITTEE”. This provision shall not apply to bumper stickers, campaign buttons, t-shirts, aerial advertising or similar advertisements of such a nature that inclusion of a disclaimer would be impractical.

Rule 2.75 Candidate Committee Statement of Organization Requirements.

The Statement of Organization for a candidate committee shall include, but shall not be limited to, ... (3) **the name of the committee**, which shall include at least the full name, first name, middle name or last name of the candidate **and the year of the general election or special general election for the office being sought;**