

## ADVISORY OPINION 1975-67

### Use of Name of Campaign Committee Chairman and Treasurer on Billboard Signs

This advisory opinion is rendered under 2 U.S.C. §437f in response to a request for an advisory opinion submitted by Thomas A. Walsh which was published as AOR 1975-67 in the September 22, 1975 Federal Register (40 FR 43,644). Interested parties were given an opportunity to submit written comments relating to the requests. No comments were received.

Mr. Walsh is a candidate seeking nomination for election to the United States House of Representatives. He inquired whether under the Federal Election Campaign Act of 1971, as amended, it is necessary to place the names of the campaign committee chairman and treasurer on billboard signs which would otherwise state: "VOTE DEMOCRATIC THOMAS A. WALSH U.S. CONGRESS". The request states that no solicitation of funds is intended or implied in such advertising.

It is the opinion of the Commission that neither 2 U.S.C. §435(b) nor any other provision within the Commission's purview would require placing the names of the committee chairman and treasurer on such billboard signs. However, the Commission notes that 18 U.S.C. §612 provides in pertinent part as follows:

"Whoever willfully publishes or distributes  
or causes to be published or distributed...,  
or ...knowingly transports or causes to be  
transported in interstate commerce any card,  
pamphlet, circular, poster, dodger, advertisement,  
writing, or other statement relating to  
or concerning any person who has publicly  
declared his intentions to seek the office of...  
Representative in...Congress, in a primary...  
election...which does not contain the names of  
the officers of each such association, committee, or  
corporation, shall be fined not more than  
\$1,000 or imprisoned not more than 1 year, or  
both.

The Federal Election Act of 1971, as amended, does not give the Commission the power to formulate general policy or to render advisory opinions with respect to 18 U.S.C. §612. See 2 U.S.C. §§ 437d(a)(9), and 437f(a). Rather, that statute is administered by the Department of Justice. See United States v. Insko, 365, F. Supp. 1308 (D.C. Fla. 1973). The Commission therefore reaches no conclusion as to whether the billboard signs of a candidate are required by 18 U.S.C. §612 to state the names of the chairman and treasurer of the committee purchasing such advertising.

The Commission further notes that State laws might pertain to such activity. Inquiry as to the application of such laws should be addressed to the appropriate State official.

Date November 6, 1975

(signed) \_\_\_\_\_  
Thomas B. Curtis  
Chairman for the  
Federal Election Commission