



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 29, 1976

Re: AOR 1976-46

Honorable John M. Ashbrook
House of Representatives
Washington, D.C. 20515

Dear Mr. Ashbrook:

This responds to your letter of June 23, 1976, regarding requirements under the Federal Election Campaign Act of 1971, as amended, relating to campaign advertising, 2 U.S.C. §441d and relevant portions of the Commission's published Notice of Proposed Rulemaking, Federal Register, May 26, 1971 (41 FR 21572).

You ask whether printing a candidate's name with "for Congress," on bumper stickers, buttons, cocktail napkins, or clothing apparel, without indicating they are authorized by the candidate or his or her campaign committee would be in violation of the Commission's Notice. Section 110.11(a)(1), as recently modified in Commission deliberations, now states:

"(a)(1) Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, but not on bumper strips, a pin, button, pen and similar small items upon which the disclaimer cannot be conveniently printed, the communication –

(i) if authorized by a candidate his or her authorized political committees or their agents, shall clearly and conspicuously state that the communication has been authorized on behalf of that candidate . . ."
(Emphasis added.)

Under the proposed regulation you would not be required to print the disclaimer authorization on bumper stickers, buttons, cocktail napkins, or clothing apparel if that apparel is not the type of item on which the disclaimer may be conveniently printed. The addition of the words "vote" or "elect" would not change the views stated above.

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved by either the House or the Senate within 30 legislative days from the date received by them 2 U.S.C. §438(c). It is the Commission's view that no enforcement or compliance action should be initiated in this matter if your actions conform to the conclusions and views stated in this letter.

Sincerely yours,

(signed)
Vernon W. Thomson
Chairman for the
Federal Election Commission