



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 29, 1977

AO 1977-25

Gilbert E. Matthews
Bear, Stearns and Company
55 Water Street
New York, New York 10041

Dear Mr. Matthews:

This responds to your letter of June 9, 1977, requesting an advisory opinion pursuant to the Federal Election Campaign Act of 1971, as amended ("the Act"). Your request concerns fundraising efforts of the Lowenstein '76 Committee to retire outstanding debts of Allard K. Lowenstein's campaign for New York's Fifth Congressional District.¹

You state that the Committee has scheduled a fundraising concert to be held in Columbus, Ohio, on August 4, 1977. In connection with the concert, you anticipate utilizing a series of short radio advertisements to publicize the concert. You ask whether the radio broadcasts must include the notice specified in 2 U.S.C. 435(b), which requires "[e]ach political committee [to] include on the face or front page of all literature and advertisements soliciting contributions the following notice: `A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D. C.'"

The Commission's regulations implementing 2 U.S.C. 435(b) require, "at the beginning or end of any broadcast solicitation," notice that a committee's report is filed with the Commission. See 102.13 and 110.11(c) of the Commission's regulations. The radio advertisements contemplated by the Lowenstein '76 Committee would evidently urge potential contributors to attend and purchase tickets to a political fundraising event, and the ticket purchases would be political contributions. See 2 U.S.C. 431(e) and 434(b)(2). Consequently, the advertisements would be "broadcast solicitation[s]" under the Act and regulations, and would therefore be required to include the specified notice.²

You should also be aware that separate sponsorship identification requirements may be imposed on broadcast licensees by relevant statutes and regulations within the jurisdiction of the

¹ The Committee's January 31, 1977, Report lists debts outstanding in the amount of \$4,274.00.

² See Advisory opinion 1976-27, pp. 3 and 4 (copy enclosed), which explains the term "solicitation" in an analogous context.

Federal Communications Commission. See 47 U.S.C. 317 and 47 C.F.R. 73.1212(a)(1). Unless the broadcasting station where you expect to run these spots has already done so, you may wish to contact the Broadcast Bureau of the Federal Communications Commission at (202) 632-7586.

In order for the notice to satisfy the requirements of the Federal Election Campaign Act of 1971, as amended, your attention is directed to the most relevant example in FEC Notice 1976-55, Notice of Authorization on Political Communications, issued October 12, 1976, and published October 18, 1976, 41 F.R. 45954. Under the facts set forth in your request, the Commission suggests that an appropriate notice would state: "Paid for by the Lowenstein '76 Committee. A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D. C."

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act, or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)
Thomas E. Harris
Chairman for the
Federal Election Commission

Enclosures