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FEDERAL ELECTION COMMISSION
OCTOBER 14, 2020 8:00 AM
OFFICE OF GENERAL COUNSEL

October 13, 2020

MUR 7818

Willie Wilson
345 E. Wacker Drive #4601
Chicago, IL 60601

Willie Wilson 2020 and Nicole Janes, Treasurer
345 E. Wacker Drive #4601
Chicago, IL 60601

WGN Television
2501 West Bradley Place
Chicago, Illinois 60618-4718

WFLD Television
205 N. Michigan Avenue
Chicago, Illinois 60601

Comcast
1255 W. North Avenue
Chicago, Illinois 60642

Spectrum
12405 Powerscourt Dr.
Saint Louis, MO 63131-3674

Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: Willie Wilson 2020 Television Advertisements

Dear Sir or Madam:

I write to alert you to the fact that Willie Wilson and his authorized campaign committee, Willie Wilson 2020 ("WW2020"), are running at least two (and possibly more) television advertisements that violate the Federal Election Campaign Act of 1971, as amended ("FECA"). In particular, the advertisements in question clearly lack the "Stand By Your Ad" disclaimer required by the FECA and applicable Federal Election Commission ("FEC" or "the Commission") regulations.

Through this letter, I ask the FEC to initiate an immediate investigation of Mr. Wilson and WW2020 and their failure to comply with the Commission's regulations and applicable

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law.¹ Separately, I note that continuing to broadcast advertisements that lack required disclaimers after being notified as to their clear deficiencies may result in an in-kind contribution to Mr. Wilson's campaign.² As such, I hereby ask television stations to cease airing non-compliant advertisements by Mr. Wilson, and to deny WW2020 access to the lowest unit charge for non-compliant advertisements.

DISCUSSION

Under the FECA, television advertisements paid for by a candidate or a candidate's authorized committee are subject to a number of clear and unalterable disclaimer requirements.

If the communication is paid for and authorized by a candidate, an authorized committee of a candidate, or an agent of either, the disclaimer must clearly state that the communication has been paid for by the authorized political committee.³ Such a disclaimer must be presented in a clear and conspicuous manner to give the reader or observer adequate notice of the identity of the person or political committee that paid for the advertisement.

The Bipartisan Campaign Reform Act of 2002, P.L. 107-155, 116 Stat. 81 (March 27, 2002) ("BCRA") amended the FECA to require that any television advertisement paid for by a candidate or an authorized committee include an additional "Stand By Your Ad" disclaimer. Specifically, a television advertisement must include an audio statement by the candidate that identifies the candidate **and** states that he or she has approved the communication, *or* a statement that identifies the candidate **and** states that he or she has approved the communication.⁴ FEC regulations provide two examples of statements that satisfy this spoken requirement: (i) "I am [insert name of candidate], a candidate for [insert Federal office sought], and I approved this advertisement" and (ii) "My name is [insert name of candidate]. I am running for [insert Federal office sought], and I approved this message."⁵

The "Stand By Your Ad" disclaimer was intended by Congress to address concerns about negative advertising and its effects on the public perception of the political process. In the words of sponsor Senator John McCain:

"Every time there is a message, the candidate says, I am so and so and I approve of this ad. They would not approve a lot of the trash put in and negative attacks."⁶

¹ This letter is submitted to the FEC as a complaint pursuant to 52 U.S.C. § 30109(a)(1).

² See generally FEC Advisory Opinion 2004-43 (Missouri Broadcasters).

³ 52 U.S.C. § 30120(a)(1); 11 C.F.R. § 110.11(b)(1).

⁴ 11 C.F.R. § 110.11(c)(3)(i)-(ii).

⁵ 11 C.F.R. § 110.11(c)(3)(iv).

⁶ "Elections": *Effects of the Stand by Your Ad Provision on Attitudes about Candidates and Campaigns*, Kristina Gale, Betsey Gimbel Hawkins, Richard Hawkins, David B. Magleby, J. Quin Monson and Kelly D. Patterson, *Presidential Studies Quarterly* Vol. 35, No. 4 (Dec., 2005), pp. 771-783.

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Mr. Wilson's advertisements fail to meet these clear requirements. In at least two television advertisements, one of which aired on June 24, 2020,⁷ and the other on October 5, 2020,⁸ Mr. Wilson failed to comply with the FECA's Stand By Your Ad rules.

Wilson does not state that he has approved the communication in **either** the June 24, 2020 television advertisement or the October 5, 2020 advertisement. Nor is there any form of voice over that states that Wilson has approved of such communication.

Accordingly, I request that stations cease and desist from running Wilson's advertisements unless and until they are brought into compliance with the FECA's Stand By Your Ad requirements. I further ask that any such stations deny WW2020 access to the lowest unit charge for non-compliant advertisements. Finally, I hereby ask the FEC to investigate his violations of the FECA's disclaimer requirements, enjoin him and his campaign from future violations, and fine them the maximum amount permitted by law.

Sincerely,



Kristina Zahorik
President
Illinois Democratic County Chairs Association

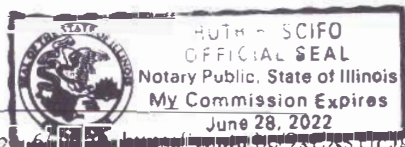
P.O. Box 3445, Springfield, IL 62708-3445
217-753-3380 | info@ildcca.org

SUBSCRIBED AND SWORN TO to before me this 13th day of October, 2020.


Notary Public

My Commission Expires:

June 28, 2022



⁷ YouTube, <https://youtu.be/69EXSTj35U>

⁸ YouTube, 10/5/20, <https://youtu.be/14wT-ElacAl>