



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5432
Stephanie Summers-O'Neal,)
Stephanie Summers-O'Neal for U.S. Congress, and)
Deborah J. Thornton, as Treasurer.)

25044111959

Statement for the Record
Vice Chairman Michael E. Toner
Commissioner Danny L. McDonald
Commissioner Ellen L. Weintraub

On February 8, 2005, the Commission found reason to believe that Respondents Stephanie Summers-O'Neal for U.S. Congress and Deborah J. Thornton, in her official capacity as treasurer, violated 2 U.S.C. § 441d. Specifically, the Commission found that Respondents' radio and television advertisements failed to include proper "stand by your ad" disclaimers as required by 2 U.S.C. § 441d(d)(1). However, the Commission rejected, by a 3-2 vote, the Office of General Counsel's recommendation to find reason to believe that candidate Stephanie Summers-O'Neal, in her personal capacity, violated the "stand by your ad" provision.¹ We voted in support of the General Counsel's recommendation because we believe the stand by your ad provision places an affirmative obligation on candidates to comply personally with its requirements.

The "stand by your ad" provision requires that radio and television communications paid for or authorized by a candidate's principal campaign committee include, *inter alia*, a statement by the candidate that identifies the candidate and states that the candidate has approved the communication. 2 U.S.C. § 441d(d)(1) and 11 C.F.R. § 110.11(c)(3). Ms. Summers-O'Neal admitted she was featured in radio and television advertisements that did not include the required stand by your ad disclaimers. See First General Counsel's Report at 3.

The stand by your ad provision was introduced by Senators Ron Wyden and Susan Collins as an amendment to the Bipartisan Campaign Reform Act of 2002, Pub. L. 107-155, 116 Stat. 81 (March 27, 2002). Senator Wyden's comments on the U.S. Senate floor make clear that this provision was intended to hold candidates personally responsible and accountable for their advertisements:

¹ Vice Chairman Toner, Commissioner Weintraub, and Commissioner McDonald voted in favor of the motion. Chairman Thomas and Commissioner Mason opposed. Commissioner Smith did not vote.

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"I offered this proposal with our friend and colleague, Senator Susan Collins of Maine. It is called the stand by your ad requirement. *It is a significant step forward in promoting accountability in the political process.* It will provide a meaningful step to slow the corrosion of the political process and essentially the corrosion that springs from *a lack of Federal responsibility when Federal candidates take to the airwaves to win elections but do not want to be held accountable.* ...

Candidates can say anything they please. *They just have to personally stand by their remarks to get the discount.* They can say anything they want, however farfetched and however extreme. As long as it is allowed under Federal law, they can still say it. To get the discount, if they are going to attack their opponent— of course, that is almost invariably what happens when you mention an opponent in an ad—*they have to stand by that ad and personally be held accountable.* ...

I believe the stand-by-your-ad proposal, *which holds candidates accountable,* and which I was honored to have a chance to work with Senator Collins of Maine, is going to help clean up campaigns. It is going to help *make candidates more accountable* and make the politics and political discourse in this country more positive and more open."

- *Congressional Record, S2174 March 20, 2002 (emphasis added).*

We believe the stand by your ad provision was intended to hold candidates personally responsible for their advertisements. Accordingly, we supported the Office of General Counsel's recommendation to find Stephanie Summers-O'Neal personally responsible for violating this provision.

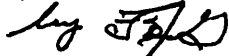


Michael E. Toner, Vice Chairman

4/7/05

Date


Danny L. McDonald, Commissioner



4/07/05
Date


Ellen L. Weintraub, Commissioner

4/7/05
Date