

Disclaimers for Printed Matter

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The FEC has new requirements regarding disclaimers on communications to the general public by candidates, PACs, and other entities. One section of the new regulations specifically applies to printed communications, which are described in more detail below.

As an initial matter, it is important to note that the new FEC regulations do *not* affect PAC or corporate communications to, or websites available only to, the restricted class of a corporation or of a trade association. Therefore, for corporate and trade association PACs, the new disclaimer rules only apply to independent communications and to coordinated communications (which constitute contributions).

Other than the exception for corporate and trade association PACs highlighted above, the disclaimers apply to all communications by political committees (including candidate committees and non-connected PACs) to the general public and to all communications paid for by the committees including websites accessible by the general public. The disclaimers need only be included in mailings or emails if they are part of a mass mailing of 500 substantially similar communications. For persons other than political committees, the disclaimers apply to public communications that expressly advocate the election or defeat of a clearly identified candidate, to electioneering communications and to solicitations for contributions.

For All Printed Disclaimers

- The disclaimer must appear in a printed box set apart from the other contents of a communication
- The disclaimer must be of a type size that is readable (12 point font is a safe harbor for letters, newspapers, and magazines)

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- The disclaimer need not appear on the front or cover page of the communication as long as it appears within the communication. However, each communication that would require a disclaimer if distributed separately, but is included in a package of materials, must contain the required disclaimer

Corporate and Nonconnected PAC Disclaimers

- If the public communication is authorized by a candidate, his or her authorized committee or an agent thereof but is paid for by any other person, the disclaimer must clearly state that the communication is paid for by such other person and is authorized by the candidate, committee or agent. An example of this disclaimer, which must be in the printed box, is as follows:

"Paid for by [name of PAC] and authorized by [name of candidate or candidate's committee]."

- If the communication is not authorized by a candidate, his or her committee or an agent thereof, the disclaimer must state the full name and permanent street address, telephone number or World Wide Web address of the person who paid for the communication, and that the communication is not authorized by any candidate or candidate's committee. An example of this disclaimer, which must be in the printed box, is as follows:

"Paid for by [name of PAC] and not authorized by any candidate or candidate's committee. [Street address of PAC] [or] [Telephone number of PAC] [or] [World Wide Web address of PAC]."

Candidate Committee Disclaimers

- The general disclaimer, which must be in the printed box, is as follows:

"Paid for by [name of authorized committee]."

"Best Efforts" Disclaimers

- If the communication is a solicitation, then the communication should also include the following disclaimer:

"Federal Election Law requires [name of committee] to report the name, mailing address, occupation, and employer for each individual whose contributions aggregate in excess of \$200 in a calendar year."

This additional disclaimer does not need to be in the printed box, but must be on any response material included in the solicitation.

IRS Disclaimers

- The following language must be included on any solicitation and on the message side of any card or tear off section that a contributor returns with a contribution:

"Contributions or gifts to [name of committee] are not tax deductible."

This disclaimer must be the first sentence in a paragraph or itself constitute a paragraph.

Television and Radio

There are special rules for television and radio advertisements, which will be discussed in detail in future editions of *Election Law News*.