

Advisory Opinion 2017-02 (Cite as: 2017 OK Ethics 02)

Dear Ms. Caldwell:

We are responding to your advisory opinion request concerning the application of the Oklahoma Ethics Rules to certain campaign committee advertisements. You ask, in effect, the following question:

Do the Ethics Rules allow for large campaign signs and banners to be reused, without modification, by a candidate in a subsequent election for the same office?

A candidate seeking to be elected to state office must register a candidate committee with the Ethics Commission when the candidate has accepted or expended \$1,000 for his or her campaign. Ethics Rule 2.70. The name of the candidate committee must include “at least the full name, first name, middle name or last name of the candidate **and the year of the general election or special general election for the office being sought.**” Ethics Rule 2.75 (emphasis added).

Ethics Rule 2.56 requires printed candidate committee advertisements to include a disclosure of sufficient size and contrast to be clearly readable stating, “Authorized and paid for by NAME of COMMITTEE.” Rule 2.56 states, in full:

Rule 2.56. Candidate Committee Printed Advertisements Disclosure Requirements.

Whenever a candidate committee makes an expenditure for the purpose of a communication through Internet advertising, or direct mail, magazine advertisement, newspaper advertisement or any other printed medium, the communication shall state in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: “Authorized and paid for by NAME OF COMMITTEE”. This provision shall not apply to bumper stickers, campaign buttons, t-shirts, aerial advertising or similar advertisements of such a nature that inclusion of a disclaimer would be impractical.

Id.

The Commission Comment to Rule 2.56 goes on to expressly state:

Commission Comment

This requirement is designed to advise the readers of a candidate’s written political advertising that the candidate’s committee authorized and paid for the advertising, to distinguish it from independent expenditures or electioneering communications. The exception for

“impractical” disclosure must be evaluated and applied on a case-by-case basis. Because the candidate’s committee can be easily identified from Commission records, it is unnecessary to list officers or contact information.

Standard, small campaign yard signs are not required to have a disclosure. **Larger signs, banners, and billboards are required to contain the disclosure required by this Rule.**

Flyers, handbills, push cards, and other similar printed materials designed to be read while held must contain the disclosure required by this rule.

Id. (emphasis added).

Ethics Rule 2.56 clearly requires a candidate committee advertisement on a large sign or banner to contain a disclosure that says it is authorized and paid for by the name of the candidate committee, and Ethics Rule 2.75 requires that candidate committee name to include the year of the election or special election for the office being sought. Consequently, the current rules do not allow for reuse of large signs and banners by a candidate in a subsequent election for the same office without modification. Although the current rules do not allow for the reuse of large signs and banners in a subsequent election without modification, this may be an area for the Commission to consider a rule change in the future to allow such practice.

It is therefore the official opinion of the Ethics Commission that:

The Ethics Rules do not allow for large signs and banners to be reused, without modification, by a candidate in a subsequent election for the same office because the written campaign materials must include a disclosure that states it is “Authorized and paid for by” the name of the candidate committee, which must include in the committee name the year of the election or special election for the office being sought.