



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 28, 1980

CERTIFIED MAIL
RETURN RECEIPTED REQUESTED

ADVISORY OPINION 1980-36

Edgar H. Boles
Calfee, Halter & Griswold
1800 Central National Bank Building
Cleveland, Ohio 44114

Dear Mr. Boles:

This responds to your letter of April 4, 1980, requesting an advisory opinion on behalf of the Ruth Miller for Congress Committee ("the Committee") concerning preemption by the Federal Election Campaign Act of 1971, as amended ("the Act"), of a provision of an Ohio statute relating to political communications.

Your letter refers to 3599.09 of the Ohio Revised Code which provides, in part, that a political communication in any form of publication which is designed to promote the nomination or election or defeat of a candidate must contain the name and residence address of the chairman or secretary of the organization issuing the communication, or the person who issues, makes, or is responsible for the communication. You ask if the Committee's campaign communications publications, that is, those paid for or authorized by the candidate or paid for by the Committee, need include the information required by the Ohio Statute or whether the appropriate provisions of the Act and Commission regulations preempt the aforementioned Ohio requirement. If preempted, you suggest that the statement "Paid for by Ruth Miller for Congress Committee" would satisfy all disclosure requirements.

2 U.S.C. 441d and Commission regulations at 11 CFR 110.11 set forth the information required to be placed on political advertising and communications which pertain to any Federal election. In the instance of a campaign communication which is paid for and authorized by the candidate or paid for by the candidate's authorized committee(s), 2 U.S.C. 441d(1) requires that a statement be included that the communication has been paid for by such authorized political committee. Neither the Act nor Commission regulations, require the addition of the name and residence address of the chairman or secretary of the committee.

In Advisory Opinion 1978-24, copy enclosed, the Commission addressed the relationship of 2 U.S.C. 441d to a state statute requiring party designation on all campaign advertising. The Commission considered 2 U.S.C. 453 which provides that the Act and regulations prescribed thereunder "supersede and preempt any provision of state law with respect to election for Federal office" and applicable legislative history to conclude that relevant provisions of the Act, specifically 2 U.S.C. 441d and applicable regulations supersede and preempt the state statute requirement. In view of this prior decision that the Act preempts State law as to required disclosure in conducting political campaigns for Federal office, the Commission concludes that 2 U.S.C. 441d and 11 CFR 110.11 supersede and preempt the cited Ohio statute requiring the name and residence of organization chairman or secretary. Moreover, the Commission agrees that the statement "Paid for by Ruth Miller for Congress Committee" would satisfy all disclosure requirements under 2 U.S.C. 441d(1).

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Robert O. Tiernan
Chairman for the
Federal Election Commission

Enclosure (AO 1978-24)