

Briefing on Laws Related to Campaign Advertising Disclaimers in Other States  
For the State Administration and Veterans' Affairs Interim Committee

Prepared by Megan Moore, Legislative Services  
April 10, 2012

This briefing is a part of the State Administration and Veterans' Affairs Interim Committee study of anonymous election material and the authority of the Commissioner of Political Practices. Below is a summary of the laws related to campaign advertising in other states and penalties for not complying with disclaimer requirements.<sup>1</sup>

In general, states require a disclosure stating who paid for campaign advertising. Some states also require disclosure of the address of the candidate or committee and the name and title of the person approving the advertisement or the chief executive of a corporation, labor union, or other organization. Many states also required independent expenditures to include a statement that there was no coordination with a candidate or the candidate's campaign.

The type of advertising usually covered is printed material such as newspaper or magazine advertisements, fliers, mailings and signs, as well as advertisements broadcast over the radio or television. States differ as to whether they require disclosure for Internet advertising: Florida specifically exempts Internet advertising while Nevada requires Internet disclaimers. Many other states do not specifically address Internet campaign material. Exemptions from disclosure requirements for small items or apparel, such as buttons, pins, pencils, pens, t-shirts, and hats, are also fairly common.

Some states outline specific fines for violation of the disclaimer requirements while others include the penalties under a broader penalty section that also applies to other sections of law, usually related to campaign finance disclosure. The fines range from \$1,000 to \$10,000. If jail time is specified, the common time frame is up to one year. Many states simply identify a violation as a misdemeanor without specifying a fine or jail sentence.

#### Alabama

The Alabama Fair Campaign Practices Act requires political advertising or electioneering communications that appears in print or broadcast in any electronic media to clearly identify the entity responsible for paying for the advertisement or electioneering communication.<sup>2</sup> There is no specific language or format required but the advertising should be identified as paid advertising and must contain the identification of the person, candidate, principal campaign committee, nonprofit corporation, or other entity placing the ad or distributing the communication. Identification requires the full name and complete address of the entity.

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<sup>1</sup>Information for some states was not readily available and is not included here due to time limitations.

<sup>2</sup>An electioneering communication is any communication disseminated through any federally regulated broadcast media, any mailing, or other distribution, electronic communication, phone bank, or publication that contains the name or image of a candidate, is made within 120 days of an election in which the candidate will appear on the ballot, the only reasonable conclusion to be drawn from the presentation and content is that it is intends to influence the outcome of the election, and entails an expenditure of more than \$1,000.

Violations may be prosecuted by the attorney general or a district attorney and the penalty is a fine of not more than \$2,000 and/or imprisonment of not more than one year.<sup>3</sup>

### Alaska

Campaign communications must contain a "paid for by" statement that includes the words "paid for by" and the name and address of the candidate, group, or individual paying for the advertising. If the communication is an independent expenditure, it must also include the following: "This NOTICE TO VOTERS is required by Alaska law. (I/We) certify that this (mailing/literature/advertisement) is not authorized, paid for, or approved by the candidate." Noncompliance may result in a civil penalty of up to \$50 per day.<sup>4</sup>

### Arkansas

All communications appearing in a newspaper, circulated in the state, or appearing on the radio, television, or another electronic medium and intended to influence the vote must contain the words "paid political advertisement," "paid political ad," "paid for by," "sponsored by" or "furnished by" and the name of the candidate, committee, or person who paid for the message. The person placing the advertising and the publisher are responsible for including the disclaimer. A violation is considered a Class A misdemeanor and is punishable as such. A person convicted under the section of law containing this requirement is ineligible to hold any office or for employment in the state. A person convicted under this section who is employed by the state must be removed from employment and a public officeholder convicted under this section is subject to impeachment.<sup>5</sup>

### California

California's Political Reform Act requires "paid for by" disclaimers on campaign advertising by committees.<sup>6</sup> Specific requirements are as follows:

- Mass mailings must include the identification of the sender;
- Paid telephone calls must identify the candidate or committee who paid for or authorized the call;
- Radio and television ads must include a "paid for by" disclaimer under Federal Communications Commission law;
- Ballot measure and independent expenditure advertising require additional major funding disclaimers as follows:
- Broadcast ads (television, radio, and electronic media) must include "paid for by" and the committee name and list the top two donors of \$50,000 or more;
- Newspaper ads, billboards, yard signs and other print advertisements for ballot measures must include "paid for by" and list the top two donors of \$50,000 or more.

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<sup>3</sup>Office of the Secretary of State, "Campaign Advertising Guidelines," Election 2012.

<sup>4</sup>Alaska Public Offices Commission, "About Campaign Disclosure Law," available from <http://doa.alaska.gov/apoc/FAQs/faq297.html>.

<sup>5</sup>Arkansas Code Annotated, Section 7-1-103(a)(7) and (b).

<sup>6</sup>California Fair Political Practices Commission, "Political Advertising Disclaimers," available from [http://www.fppc.ca.gov/IPmeetings/2012/PoliticalAdvertisingDisclaimersFactSheet.pdf#search="disclaimer"](http://www.fppc.ca.gov/IPmeetings/2012/PoliticalAdvertisingDisclaimersFactSheet.pdf#search=).

Additionally, independent expenditure advertising for or against a candidate must state that the ad was "not authorized by a candidate or committee controlled by a candidate."

Disclaimers are not required on small campaign promotional items such as buttons, pins, bumper stickers, magnets, pencils, pens, rulers, mugs, potholders, key tags, or golf balls. The disclaimer also is not required on t-shirts, caps, hats, other articles of clothing, skywriting, or committee checks or receipts.

The disclaimers for ballot measures and independent expenditures must be updated if the top donors change. Television, radio, and electronic media must be updated within five calendar days. Print media must be amended when an order to reproduce is placed.

The penalty for failure to comply is fine of up to \$5,000 per violation. For ballot measure and independent expenditure advertisements, a violation may be subject to a fine of up to three times the cost of the advertisement.

### Delaware

The answer to a "Frequently Asked Question" on the Delaware Commission of Elections website indicates that the state's Attorney General has ruled that disclosing the purchaser on campaign materials is not required as a result of court cases involving political speech. The website does advise that the Federal Communications Commission regulates radio ads.<sup>7</sup>

### Florida

The disclaimer required on campaign advertising in Florida varies by who pays for the advertising. Political advertising paid for by a candidate should say "Political advertisement paid for and approved by (name of candidate)(party affiliation) for (office sought)." A political advertisement not paid for by a candidate must contain a statement that it is a "paid political advertisement" along with the name and address of the person sponsoring the advertisement.

An electioneering communication must have a disclaimer that reads "Paid electioneering communication paid for by (name and address of person paying for the communication)." An electioneering communication is any communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail or telephone that:

- refers to a clearly identified candidate without expressly advocating the election or defeat of the candidate but for which there is no reasonable interpretation other than an appeal to vote for or against the candidate;
- is made within 30 days of a primary or special election or within 60 days of any other election for the office sought by the candidate; and
- is targeted to the electorate in the geographical area that the candidate would represent if

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<sup>7</sup>Commissioner of Elections, "FAQS," available from <http://elections.delaware.gov/faqs.shtml#campaign>.

elected.<sup>8</sup>

The disclaimer requirements do not apply to:

- novelty items with a retail value of \$10 or less and that support (but do not oppose) a candidate;
- a campaign message or political advertisement that is designed to be worn by a person;
- an advertisement
- an advertisement placed as a paid link on an Internet website, if the message is no more than 200 characters and the link directs the user to another website that complies with disclaimer requirements;
- an advertisement placed as a graphic or picture link, if compliance is not practical due to the size of the graphic or picture link and the link directs the user to another website that complies with the disclaimer requirements;
- advertisements placed at no cost on an Internet website for which there is no cost to post content for public users;
- information placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement; and
- a text message, provided that the message is 200 characters or less, or requires the recipient to opt in to receive it.<sup>9</sup>

The Florida Commission on Ethics can impose a fine of up to \$1,000 per count for a willful violation.<sup>10</sup>

### Hawaii

Hawaii law requires all political advertisements to contain the name and address of the candidate, committee, party, or person paying for the advertising. Advertisements authorized by the candidate, except those paid for by the candidate or candidate's committee, must also contain a prominent notice that the candidate approves the advertisement. Advertisements not authorized by the candidate must contain a prominent notice that the advertisement is published or broadcast without the approval of the candidate.

The State Ethics Commission can assess a fine of up to \$25 for each advertisement that lacks the required information but the total fine may not exceed \$5,000.<sup>11</sup>

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<sup>8</sup>Florida Division of Elections, "Frequently Asked Questions," available from <http://election.dos.state.fl.us/gen-faq.shtml#link6>.

<sup>9</sup>Florida Statute, Section 106.143.

<sup>10</sup>Florida Statute, Section 106.265.

<sup>11</sup>Hawaii Revised Statutes, Section 11-391.

## Illinois

A committee making an expenditure for a political communication directed at voters and mentioning the name of a candidate running in the next election must clearly identify the committee paying for the communication, including any committee paying for any part of the communication. Disclosure is not required on items too small to contain the information.

There is no specific penalty listed for violation of this law but the State Board of Elections has the authority to review complaints, require action, and charge penalties.<sup>12</sup>

## Indiana

Indiana law requires disclaimers for political messages concerning candidates for state, local or school board offices. An advertisement paid for by the candidate or candidate's committee should include the following statement, "Paid for by (candidate committee)." If authorized by the candidate but paid for by someone other than the candidate, the statement should read, "Paid for by (committee, person, party), and authorized by (candidate committee)." Advertising not authorized or paid for by the candidate must say, "Paid for by (committee or person), and not authorized by any candidate or candidate's committee."

The disclaimer is not required on small items but must be included on newspaper advertisements, billboards, signs, posters, yard signs, brochures, leaflets, circulars, letterheads, and direct mail pieces sent to more than 100 people.

Violation of the disclaimer law is a Class A misdemeanor, punishable by a fine of up to \$5,000, not more than one year in prison, or both.<sup>13</sup>

## Iowa

An attribution statement disclosing who is responsible for campaign material is required to appear on printed general public political advertising in Iowa. Generally, the words "paid for by" and the name and address of the person or committee are required. If more than one person pays for the material, a statement indicating the addresses of the individuals are on file with the Iowa Ethics and Campaign Disclosure Board is sufficient. If an organization is responsible for the material, the name of one officer of the organization must also appear in the attribution statement. For a corporation, the name and title of the corporation's chief executive officer must appear in addition to the corporation's name and address. In the case of an independent expenditure, the statement should also include language that the material was not authorized by any candidate, candidate's committee, or ballot issue committee.

The attribution requirement does not apply to editorials or news articles, small items, articles of clothing, published material subject to federal regulations, or any individual acting

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<sup>12</sup>Illinois Compiled Statutes, Title 10, Article 9.

<sup>13</sup>Indiana Elections Division, "Political Signs and 'Disclaimer' Requirements For Political Literature and Advertisements, revised Nov. 2007."

independently who spends less than \$100 to advocate for or against a ballot measure.<sup>14</sup>

A person convicted of a willful violation of the attribution statement requirements is guilty of a serious misdemeanor.<sup>15</sup>

### Maryland

Campaign material must include an authority line stating the name and address of the person responsible for the production and distribution of campaign material. Campaign material includes signs, buttons, letters, tickets, solicitations, radio and television advertisements, websites, bumper stickers, pencils, hats and t-shirts. The Maryland Attorney General has stated that almost no material is too small to include the authority line.

Campaign material produced by a political committee must also contain the name of the committee treasurer and the campaign finance entity. An independent expenditure not authorized by a candidate should include the following statement, "This message has been authorized and paid for by (name). This message has not been authorized or approved by any candidate." The authority line must also include the name and address of the entity, and the name and title of the president, treasurer, or person responsible for the material.

The penalty for violating the attribution requirements is a fine of up to \$1,000, imprisonment of up to one year, or both.<sup>16</sup>

### Massachusetts

An electioneering communication or independent expenditure must include a statement clearly disclosing the identity of the individual, corporation, group, or association paying for the advertisement. A radio or television advertisement must include a statement by the individual indicating that the individual paid for the advertisement and the individual's city of residence. A radio or television advertisement paid for by a corporation, group, association, or labor union must contain a statement by the chief executive officer, the chairman or principal officer of the group, or the chief executive or business manager of the labor union.

A violation is punishable by imprisonment for not more than 1 year or by a fine of not more than \$10,000 or both.<sup>17</sup>

### Minnesota

Minnesota statute requires a disclaimer on campaign literature but the Minnesota Court of

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<sup>14</sup>Iowa Code, 68A.405.

<sup>15</sup>Iowa Code, 68A.701.

<sup>16</sup>Maryland State Board of Elections, "Summary Guide to Candidacy and Campaign Finance Laws," available from [http://elections.state.md.us/summary\\_guide/index.html](http://elections.state.md.us/summary_guide/index.html).

<sup>17</sup>General Laws of Massachusetts, Chapter 55:18G.

Appeals found the section of law unconstitutional in two cases, *Riley v. Jankowski* (2006) and *Minnesota Citizens Concerned for Life, Inc. v. Kelley* (2003). Section 211B.04 relates to other printed material and states that the material must include the name and address of the person or committee that prepared and disseminated the material. Exceptions include objects stating only the candidate's name and office sought, fundraising tickets, and personal letters from the candidate. There is also an exception for individuals or an association acting independently and spending less than \$2,000 for materials distributed at least seven days before the election. The 2010 Minnesota Legislature amended this section of law to add an effective date of June 1, 2010 and clarify that the law applies to campaign material disseminated after that date.<sup>18</sup>

A separate section of law requires every advertisement in a newspaper, periodical, or magazine to include the words "paid advertisement." The advertisement also must include the name of the candidate and committee that paid for the advertisement.<sup>19</sup>

Violation of either statute is a misdemeanor.<sup>20</sup>

### Missouri

The Missouri requirements for campaign advertisement disclosures vary depending on who paid for the advertising. The disclosure is required on printed material including pamphlets, circulars, handbills, sample ballots, signs, and newspaper or other periodical advertisements. A candidate paying for advertising from personal funds must disclose the first name and last name by which the candidate is known. A committee advertisement disclosure should include the committee name registered pursuant to Missouri campaign finance law and the committee treasurer's name and title. A corporation, labor organization, or other committee that is not organized for influencing elections must disclose the entity's principal officer's name, title, and mailing address. An individual or individuals must provide their name(s) and mailing address(es). If more than five individuals paid for the advertising, there may be a statement such as "for a list of sponsors contact (name, address of one individual responsible for material)."

Exceptions to the disclosure requirements include personal items such as buttons, pins, pens, matches, clothing, or water bottles, that are paid for by a candidate or committee supporting a candidate or ballot issue and obviously identified with the candidate or ballot issue as long as the cost is reported as required by campaign disclosure law.<sup>21</sup>

The penalty for violation of this section of law is a fine equal to the expenditure for the

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<sup>18</sup>2011 Minnesota Statutes, Section 211B.04.

<sup>19</sup>2011 Minnesota Statutes, Section 211B.05.

<sup>20</sup>2011 Minnesota Statutes, Section 211B.19.

<sup>21</sup>Missouri Ethics Commission, "[Campaign Finance Frequently Asked Questions](#)," p. 23-24.

advertisement that was not properly disclosed.<sup>22</sup> A person who "purposely violates" the provisions is guilty of a class A misdemeanor.<sup>23</sup>

### Nebraska

Nebraska law requires printed political material such as billboards, placards, posters, or pamphlets, related to a candidate or a ballot measure to include a disclaimer with the name and street address of the person paying for the material. A radio or television advertisement also must contain a disclaimer with the name of the payee. Additionally, the radio or television station must keep on file, for at least six months, the street address of the person paying for the advertisement and divulge that information upon request. A violation of these provisions is a Class IV misdemeanor.<sup>24</sup>

### Nevada

Per Nevada state law, a person or committee that pays more than \$100 for a communication through a television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising that advocates for or against a candidate or group of candidates or solicits contributions must disclose the name of the person or committee that paid for the communication. If the communication is approved by a candidate, the communication must include a statement to that effect and disclose the street address, telephone number and Internet address of the person or committee that paid for the communication. In addition, a person or committee that has an Internet website for general viewing or that sends e-mail to more than 500 people and that advocates for a candidate or group of candidates and solicits contributions, must disclose the name of the person or committee on the website or e-mail.<sup>25</sup>

The Secretary of State may conduct investigations concerning alleged violations.<sup>26</sup> A violation is subject to a civil penalty of up to \$5,000 for each violation and payment of court costs and attorney fees. The civil penalty must be recovered in a civil action by the Secretary of State.<sup>27</sup>

### New Jersey

New Jersey law requires a candidate or other committee paying for communications promoting the election or defeat of a candidate or ballot issue to include the name and address of the committee financing the communication. A communications includes a press release, pamphlet,

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<sup>22</sup>Missouri Revised Statutes, Section 130.072.

<sup>23</sup>Missouri Revised Statutes, Section 130.081.

<sup>24</sup>Nebraska Revised Statutes, Section 49-1474.01.

<sup>25</sup>Nevada Revised Statutes, Section 294A.348.

<sup>26</sup>Nevada Revised Statutes, Section 294A.410.

<sup>27</sup>Nevada Revised Statutes, Section 294A.420.



flyer, form letter, sign, billboard, paid advertisement printed in any newspaper or other publication or broadcast on radio or television, or telephone call featuring a recorded message.

A communication financed by a person not coordinating with a candidate or the candidate's committee must contain a statement that the expenditure was not made with the cooperation or prior consent of the candidate.

The penalty for a violation is a fine of up to \$6,000 for the first offense and up to \$12,000 for the second and subsequent offenses.<sup>28</sup>

#### New Mexico

New Mexico law related to campaign advertising separates publishing and printing the material from distribution of the material. In both cases, a person, organization, or political committee is required to include the name of the sponsor and the material covered by the disclosure requirement includes handbills, petitions, circulars, and similar written material. Not including the name of the sponsor when publishing or printing such material is a fourth degree felony. Distribution or circulation of material without the name of the sponsor, however, is a misdemeanor.<sup>29</sup>

#### North Carolina

North Carolina prohibits the sponsor of advertisement in the print media or on the radio or television unless it includes a paid for by statement with the name of the candidate, candidate campaign committee, political party, political action committee, individual, or other sponsor. In the case of a ballot measure, the advertisement must include whether the sponsor is for or against the ballot measure. For advertisements supporting or opposing candidates, the sponsor must state whether the advertisement is authorized by the candidate. For an advertisement that identifies a candidate the sponsor is opposing and that the sponsor coordinated with an opponent, the sponsor must disclose in the advertisement the name of the candidate who is intended to benefit from the advertisement.

Print media advertising that is an independent expenditure or an electioneering communication must include a disclosure from the sponsor of the names of the persons making the five largest donations to the sponsor within a six-month period before the advertisement.

A person guilty of violating this section of law is guilty of a Class 1 misdemeanor.<sup>30</sup>

#### North Dakota

North Dakota law requires every political advertisement by newspaper, pamphlet, display card,

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<sup>28</sup>New Jersey Permanent Statutes, Section 19:44A-22 and 19:44A-22.3.

<sup>29</sup>New Mexico Statutes Annotated 1978, Sections 1-19-16 and 1-19-17.

<sup>30</sup>North Carolina General Statutes, Section 163-278.39.

sign, poster, billboard, or website on behalf of or in opposition to any candidate for public office or ballot measure to contain a disclosure statement with the name of the person, political committee, political party, corporation, or other organization that paid for the advertisement. If the name of a political party, association or partnership is used, the disclaimer must also contain the name of the chairman or responsible individual.<sup>31</sup>

A violation of this section of law is considered a class A misdemeanor.<sup>32</sup>

### Pennsylvania

A person making an expenditure to finance communications advocating the election or defeat of a candidate or ballot question through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising must clearly state whether the communication was authorized by the candidate or the candidate's political committee. If the candidate or the candidate's political committee did not authorize the advertising, the name of the person making the expenditure should be clearly stated.

A person guilty of violating this section is guilty of a misdemeanor and subject to a fine of up to \$1,000, imprisonment of at least one month and up to two years, or both.<sup>33</sup>

### Rhode Island

Paid campaign advertising in periodicals for or against a candidate or ballot question must contain a disclosure including the name of the chairperson or secretary or the names of two officers of the organization or the name and address of the responsible person.<sup>34</sup> In addition, a person publishing or distributing a circular, flier, or poster for or against a candidate or ballot question must include a statement with the name of the author and either the names of the chairperson and secretary or two officers of the organization issuing the poster, flier, or circular. If an individual is responsible, the individual's name and address must be included.<sup>35</sup>

Violation of these sections of law is a misdemeanor.<sup>36</sup>

### South Carolina

South Carolina law requires a candidate, committee, or person making an expenditure for the distribution, posting, or broadcast of a communication to voters, supporting or opposing a

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<sup>31</sup>North Dakota Century Code, Section 16.1-10-04.1.

<sup>32</sup>North Dakota Century Code, Section 16.1-10-08.

<sup>33</sup>Pennsylvania Statutes, Title 25, chapter 3258, section 1638.

<sup>34</sup>Rhode Island General Laws, Section 17-23-1.

<sup>35</sup>Rhode Island General Laws, Section 17-23-2.

<sup>36</sup>Rhode Island General Laws, Section 17-23-3.

candidate, official, or ballot measure to place the entity's name and address on printed matter or have the name and address spoken clearly on a broadcast. Exemptions include buttons, balloons, and yard signs.<sup>37</sup>

A violation of this section is considered a misdemeanor carrying a fine of up to \$5,000, imprisonment for up to one year, or both.<sup>38</sup>

### Tennessee

The Tennessee disclaimer law requires any person making an expenditure for the purposes of financing a communication that advocates for or against a candidate or solicits a contribution through a broadcasting station, newspaper, magazine, outdoor advertising facility, poster, yard sign, direct mailing, or other general public political advertising to give notice of who paid for and authorized the communication. This includes a statement indicating whether or not a candidate authorized the communication. For a political committee that is not a candidate committee, a solicitation must clearly state the name of the person who paid for the communication. Disclaimers are not required on bumper stickers, pins, buttons, novelties, and similar small items.

A violation of these provisions is a Class C misdemeanor.<sup>39</sup>

### Texas

Texas law requires political advertising containing "express advocacy"<sup>40</sup> to indicate that it is political advertising and to contain the full name of the person who paid for the advertising, the political committee authorizing the advertising, or, if the political advertising is authorized by the candidate, the candidate or committee supporting the candidate. The law does not apply to tickets or invitations to political fundraisers, campaign buttons, pins, hats, or similar campaign materials, or circulars or flyers that cost less than \$500 to publish and distribute.

The disclosure statement must include the words "political advertising" or a recognizable abbreviation and the full name of the person who paid for the political advertising, the political committee authorizing the political advertising, or the candidate or committee supporting the candidate if the political advertising is authorized by the candidate. The penalty for violating the section of law related to political advertising disclosure is a civil penalty determined by the Texas Ethics Commission not to exceed \$4,000.

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<sup>37</sup>South Carolina Code of Laws, Section 8-13-1354.

<sup>38</sup>South Carolina Code of Laws, Section 8-13-1520.

<sup>39</sup>Tennessee Code Annotated, Section 2-19-120.

<sup>40</sup>Political advertising authorized by a candidate, an agent of a candidate, or a political committee filing campaign finance reports is considered express advocacy.

## Utah

A person making an expenditure for the purposes of financing an advertisement advocating the election or defeat of a candidate or soliciting contributions through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other general public political advertising must include a statement indicating who paid for the advertisement and whether or not the candidate authorized the advertisement. Exceptions include lawn signs four by eight feet or smaller, bumper stickers, campaign pins, buttons, pens, and similar small items.<sup>41</sup>

There does not appear to be a penalty in Utah law for violation of these provisions.

## Washington

Washington law requires written advertising such as newspaper advertisements, billboards, signs, brochures, articles, tabloids, flyers and letters to identify the sponsor's name and address. Yard signs, bumper stickers, and other small items are exempt from this requirement. Advertisements broadcast on the radio or television must include the sponsor's full name but not the address.

An independent expenditure is advertising that supports or opposes a candidate, is paid for by someone other than the candidate, is not coordinated with the candidate, and costs at least \$900 or combined with earlier advertising totals \$900 or more. Independent expenditures must contain a statement indicating that no candidate authorized the advertising. Written ads must include the sponsor's name and address, including the city and state. Broadcast and telephone ads only have to include the sponsor's name and city and state. In both cases, if the advertisement is sponsored by a committee required to file with the Public Disclosure Commission, the sponsor must include information on the top five contributors.<sup>42</sup>

The Public Disclosure Commission enforces these provisions and can assess a penalty of up to \$10,000.<sup>43</sup>

## West Virginia

West Virginia law prohibits publishing or circulation of an anonymous letter, circular, placard, radio, or television advertisement supporting the election or defeat of a clearly identified candidate. A violation is a misdemeanor carrying a fine of up to \$1,000, jail time of up to one year, or both.<sup>44</sup>

## Wisconsin

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<sup>41</sup>Utah Code, Section 20A-11-901.

<sup>42</sup>Public Disclosure Commission, "Political Advertising," available from <http://www.pdc.wa.gov/archive/guide/brochures/pdf/2012/2012.Bro.Adv.pdf>, March 2012.

<sup>43</sup>Revised Code of Washington, Section 42.17A.755.

<sup>44</sup>West Virginia Code, Section 3-8-12.

Wisconsin law requires printed advertisements, handbills, sample ballots, television or radio advertisement, and other communication to include a "paid for by" statement with the name of the committee or group and the name of the treasurer or other authorized agent. A communication paid for by an individual (including a candidate without a campaign committee) must include a "paid for by" statement with the individual's name. Independent expenditures must also contain the words, "Not authorized by any candidate or candidate's agent or committee."<sup>45</sup>

This section of law is enforceable by the Government Accountability Board or the district attorney for the county where the defendant resides. A person violating these provision is subject to a fine of up to \$500 for each violation.<sup>46</sup> A violation of the prohibition on anonymous election advertising is a Class I felony.<sup>47</sup>

### Wyoming

Wyoming law requires a candidate or committee to include in campaign literature or campaign advertising the name of the candidate or committee sponsoring the literature or advertising. Small campaign items such as tickets, bumper stickers, pens, pencils, buttons, ruler, nail files, balloons, and yard signs displaying the name of the candidate or office sought are exempt from the requirement.<sup>48</sup>

Violation of this section of law is a misdemeanor punishable by up to six months in jail, a fine of up to \$1,000, or both.<sup>49</sup>

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<sup>45</sup>Wisconsin Statutes, Section 11.30.

<sup>46</sup>Wisconsin Statutes, Section 11.60.

<sup>47</sup>Wisconsin Statutes, Section 11.61.

<sup>48</sup>Wyoming Statutes, Section 22-25-110.

<sup>49</sup>Wyoming Statutes, Section 22-26-112.