

OPINION
56-93

April 27, 1956 (OPINION)

POLITICAL ADVERTISING

RE: Generally

We are in receipt of your letter of April 23, 1956, with reference to chapter 16-20 of the 1943 Revised Code. You raise a question relative to section 16-20171 of the 1953 Supplement which requires political advertisements to disclose the name of the sponsor and the name of the person paying for the advertisement. This section reads as follows:

"From and after the passage of this Act (section), each and every political advertisement whether on behalf of or in opposition to any candidate for public office, initiated measure or constitutional amendment, and whether such advertisement shall be by newspaper, pamphlet or folder, display cards, signs, posters or billboard advertisements, or by any other public means, shall disclose at the bottom of same the name or names of the sponsors of such advertisement, and the name or names of the person, persons, associations, partnerships or corporations paying for such advertisement, and at the close of every radio broadcast containing any advertising announcements or talk for or against any initiated measure or constitutional amendment to be voted on by the people there shall be announced at the close of said broadcast the name or names of the person, persons, associations, partnerships or corporations paying for such radio broadcast."

(1) It is our opinion that the word "sponsor" refers to the sponsor or sponsors of the advertisement. The candidate himself may be sponsoring the advertising and is thus required by this section to disclose his name if he is paying for the advertisement. Of course, the advertisement may relate to initiated or referred measures or constitutional amendments, and in that case naturally the sponsors would not be candidates for any public office, but some association or group bent upon the success or defeat of the measure.

(2) It is our opinion that the term "political advertisement" used in the above section includes paper book-matches, and also includes reflector-tape to be pasted on automobile bumpers. In support of our view, we refer to the words in the section "or by any other public means." It seems to us that political advertising with paper book-matches, as well as placing reflector-tape on automobile bumpers, is an appeal to the public for political support. In our judgment, such advertising must make the same disclosure as any other, namely, the name or names of the persons paying for such advertisement.

(3) Referring now to chapter 16-20 of the 1943 Code, we can find no requirement therein which would compel a candidate to disclose the names of contributors and the amounts contributed to individuals in

support of the candidate's campaign for office. In our opinion it is not necessary for a candidate to file a list of contributions made to the candidate personally in furtherance of his campaign or for use in payment of campaign expenses.

We trust that this opinion adequately covers the questions raised in your letter, but if there are any matters which are not entirely clear, we will be glad to hear from you again.

LESLIE R. BURGUM

Attorney General