

Illinois Election Law

The Illinois Supreme Court has held that state campaign literature that does NOT solicit campaign contributions is NOT required to contain the name and address of the individual or group wishing to publish or distribute an ad. The Illinois Press Association, however, urges members to adopt an advertising policy that requires the name and address of the individual or group wishing to publish an ad for all election advertising.

The Illinois Election Code, which regulates campaign financing, DOES require the following disclaimer provision for any election related advertising that solicits campaign contributions:

(10 ILCS 5/9 - 8) Sec. 9 - 8. Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published and following all commercials broadcast, in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

All literature and promotional pieces soliciting contributions for political committees must contain a notice of availability of filed reports. State committees must state that its report is filed the Illinois State Board of Elections. Prescribed text of the statement:

"A copy of our report filed with the State Board of Elections is (or will be) available on the Board's official website (www.elections.il.gov) or for purchase from the State Board of Elections, Springfield, Illinois."

Illinois' law is silent on rates that may be charged to political candidates running for state office.

Federal Election Law

The Federal Campaign Act applies to candidates and campaigns for federal office:

President and Vice - President of the United States, senator and representatives to the U.S. Congress. Federal law no longer requires a statement advising that a report be on file with the Federal Election Commission for committees soliciting contributions.

However, federal law does require that disclaimers appear in all ads for political candidates. Whenever an ad appears in a newspaper, it must contain a "clear and conspicuous" attribution of responsibility. Federal law requires that all ads for candidates must state who or what organization paid for the advertisement, and whether or not the candidate authorized the ad.

United State Code Annotated Section 441D : Publication or distribution of political statements:

(a) Identification of funding and authorizing sources. Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting

station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever any person makes a disbursement for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising or makes a disbursement for an electioneering communication (as defined in section 434(f)(3) of this title), such communication –

(1) if paid for and authorized by a candidate, an authorized political committee of candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or;

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

An example of a disclaimer that would meet this requirement is as follows:

“Paid political advertising. Approved by and paid for the Committee to Elect John/Jane Doe.”

Federal Election Ad Rates Federal law places limits on the rates newspapers may charge for political advertising. The rate charged for political advertising space must not exceed that “charged for comparable use of such space for other purposes.”

(b) Charge for newspaper or magazine space

No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.