

FEDERAL ELECTION COMMISSION



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FEC CHANGES REGULATIONS REGARDING USE OF CANDIDATE NAMES

WASHINGTON -- The Federal Election Commission's final rule concerning 'Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committees' was published in the Federal Register on April 12, 1994. The FEC will announce an effective date for the rule after 30 legislative days have passed.

In November 1992, the Commission revised its regulations to prohibit the use of a candidate's name in the title of any fundraising project or other communication unless the activity was conducted by a committee authorized by the candidate. In 1993, the Commission received a Petition for Rulemaking from Citizens Against David Duke ("CADD"), a proposed project of the American Ideas Foundation. CADD requested that the Commission reconsider and repeal the new rules, emphasizing that some projects have titles which indicate opposition to, rather than support for, a named candidate.

After receiving comments and studying the issue, the Commission issued the new rule. A primary concern addressed by the original ban was the possibility that contributors might not realize that a communication or request for funds came from an unauthorized committee. Since this is not a concern in the case of "negative" titles, those titles that clearly indicate opposition to a named candidate have been exempted from the ban.

The new rule is narrowly designed to further the legitimate governmental interest in minimizing the possibility of fraud and abuse while allowing committees to establish specially designated projects. Committees may freely discuss any number of candidates by name in the body of a communication and may choose any project title they desire, as long as it does not include the name of the federal candidate.

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