



(Unapproved and subject to change)
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
Minutes of Digital Transparency Task Force Meeting
Thursday, May 29, 2020
2:00 p.m.

Present: Chair Miadich, Commissioner Hayward, Brian Brokaw, Rena Davis, Thad Kousser, Amber Maltbie, James Schwab, Jennifer Waggoner, Abby Wood, and Katie Zoglin,

Staff Present: Sukhi Brar, Supervising Attorney
Sasha Linker, Commission Assistant

1. Call to Order

Chair Miadich called the meeting to order at 2:03 p.m.

2. Approval of April 2020 meeting minutes.

MOTION: Motion to approve April 2020 minutes. Moved by Chair Miadich, seconded by Commissioner Hayward. Motion approved 9-0.

3. Discussion of Digital Political Advertisement Archive

- A.** Should CA create and maintain a publicly accessible online archive that contains copies of, and information about, paid political advertisements run in CA State elections?

Chair Miadich stated that transparency and the intent of the Political Reform Act, database structure, and assisting with counter speak will be important for creating the database.

Jennifer Waggoner, League of Women Voters, suggested potential speakers for the task force to speak on their experience with political advertisements and to also reach out to small independent campaigns.

The Digital Transparency Task Force Committee agreed that the online archive should contain copies and information about paid political advertisements run in CA State elections.

B. What types of “political advertisements” should be maintained in the archive?
(E.g., direct buy campaign ads, independent expenditure ads, issue ads)

Katie Zoglin, League of Women Voters, suggested having a link between current internet platforms and the future state archive.

Thad Kousser, UC San Diego, interested in issue advertisements and would like more specifics.

Sukhi Brar, Supervising Attorney, defined issue ads as an advertisement that clearly represents a candidate or measure but does not contain expressed advocacy. Chair Miadich asked if there is room to add an additional requirement to have a copy of the issue ad to be sent to the local jurisdiction. Ms. Brar stated that she would do research if this requirement would be permissible under case law.

Chair Miadich stated that there was a consensus on campaign ads, independent expenditure ads, and potentially including issue ads if it would be legally permitted.

James Schwab, Secretary of State, stated that organic, non-paid advertisements are also affecting election activity. Abby Wood, USC, addressed there still is an exchange of money in many of the unpaid advertisements creating polished videos that could trigger jurisdiction. Chair Miadich stated that disclaimers or symbols could be used to determine who is paying for the advertisement.

C. What type of information about the advertisements should be maintained in the archive?

Rena Davis, Google, described that different iterations and variations of advertisements that could be created from AI. Mr. Kousser would like to hear about what typical variations and how many iterations are normally in an ad buy from people who create these advertisements. Amber Maltbie, Nossaman LLP, would also like to look at the burden on small campaigns with low budgets.

Chair Miadich asked if there is a base template that could be disclosed. Ms. Davis stated that the platform would provide a basic template to put into the system for the AI to target the audience and give information back to the campaign. Copies of the different buckets of information are given from the campaign and are available in the transparency report.

Ms. Waggoner stated that it would be complicated to track each different variation of advertisements. Mr. Kousser mentioned that changes in font or color would be insignificant variations, but modifications for words should be addressed.

Chair Miadich asked what types of targeting information taskforce members think is important in terms of disclosure. Ms. Maltbie stated that targeting is more of a resource allocation issue. Ms. Wood believes having audience information in order to reach the same audience is important.

D. Who should be responsible for providing the information maintained in a publicly accessible archive of paid political advertisements?

Chair Miadich stated a campaign should be responsible for providing the information. Ms. Zoglin addressed that online platforms should provide a link between the government and information already present.

Ms. Davis suggested the taskforce discuss at a future meeting how the existing tools provided by companies can be leveraged for government use.

E. What types of search capabilities should the archive have?

Chair Miadich stated that the Washington Public Disclosure Commission discussed different private database experiences that allowed the ability to aggregate information and cross search different elections.

Mr. Kousser suggested a combination of open API and having some resources to create a useful website. Ms. Woods suggested there be communication within groups that would pull straight

from the API.

F. Other issues?

Chair Miadich asked if there are other issues that the taskforce members would be interested to talk about next meeting.

Ms. Waggoner suggested the discussion on the future of apps, larger ad marketplace, and the center for civic design.

Mr. Schwab mentioned the understanding and discussion of deep fake advertisements and will ask his staff on information or a presenter to speak on this issue.

Mr. Kousser suggested a discussion on who would be against an ad archive.

MOTION: Adjourn the meeting. Moved by Commissioner Hayward, seconded by Chair Miadich. Motion approved 9-0.

The meeting adjourned at 3:52 p.m.

Respectfully Submitted,
Sasha Linker
Commission Assistant
Approved November 25, 2020

Richard C. Miadich, Chair
Fair Political Practices Commission