



(Unapproved and subject to change)
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
Minutes of Digital Transparency Task Force Meeting
Tuesday, December 8, 2020
12:00 p.m.

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

Staff Present: Erika Boyd, Senior Commission Counsel
Sasha Linker, Commission Assistant

A. Call to Order

Chair Miadich called the meeting to order at 12:03 p.m.

B. Public Comment for items not on the agenda.

C. Approval of May 2020 meeting minutes.

MOTION: Motion to approve May 2020 minutes. Moved by James Schwab, seconded by Thad Kousser. Motion approved 9-0.

D. Updated Timeline.

Chair Miadich discussed the proposed schedule for the Digital Transparency Task Force through June. The next meeting would be set on January 22, 2021 to complete the information gathering on ad archives and will have digital media presentations. The proposal was to adopt this timeline going forward in 2021, with no objections.

E. Presentation of Previous Legislation.

James Schwab, Chief Deputy Secretary of State, discussed SB 1104 (2014) to the task force. The bill would have covered all campaign communications, advertisements, mass mailings, and slate mailers supporting or opposing a candidate for elective state office or a statewide ballot measure that would

be filed with the Secretary of State office.

Thad Kousser, UCSD, asked if the archive would address non-searchable pdfs that users will not be able to find. Mr. Schwab responded that they were working on digitizing state archives. Mr. Kousser stated that he would want to work towards what the elements of the ads that the committee would like to be preserved and what would be useful for the public to know about them such as tags on images.

Abby Wood, USC, suggested the FPPC have a backup audit to ensure accurate data collection. Chair Miadich agreed for the need to strengthen audit records requirements if they were to create a database to house both traditional, digital campaign ad images, and information about where they were sent to ensure to the public that the information submitted is accurate.

Jennifer Waggoner, League of Women Voters, asked if the database would be able to handle an automated posting by a big platform such as Facebook. Mr. Schwab responded that it is similar to the functionality in the new Cal Access with API technology that automatically uploads from vendors. Mr. Kousser mentioned including misinformation ads in the archive. Chair Miadich stated that it would be good to have this to check for patterns. Ms. Wood added that one of the fact checkers can include a misinformation tag that users can search.

F. New York City Ad Archive.

Matthew Sollars, NYC Campaign Finance Board, presented the NYC Campaign Finance Board ad archive. The presentation covered the independent expenditure disclosure and communication archive and showed the search options to find campaign contributions and independent spending for each year.

Ms. Waggoner asked if campaigns are required to provide a link to the ad itself in the archive. Mr. Sollars responded that the link is required for all disclosure and that this link is to view the advertisement. The paid for by notice also improved in 2016-2017 that would require a link to an nyc.gov follow the money link on all paid for by notices.

Ms. Waggoner asked if Mr. Sollars received different feedback from small political groups and how is it different from larger entities or major parties. Mr. Sollars stated that they was an extensive rule making on how to balance the disclosure particularly for small advocacy groups or community-based organizations and there was a concern about the intrusiveness or burden it would put on them. A lot of time was put into building the platform and portal to make it easier for all groups to have disclosure to get it done in an efficient way.

Chair Miadich asked what type of auditable record requirement existed that would double check ad information filed were accurate for the benefit of the voters. Mr. Sollars responded that they have a team to double check if they are getting disclosure for every communication but would get back to the Chair on their specific audit requirements.

G. Presentation from Uneath Campaigns.

Libby Hall, Uneath Campaigns, presented on the future of digital advertising, gaps, and opportunities. Ms. Hall stated what has worked well such as display ads and video ads and pointed out gaps in the current disclosure such as digital ads that needed more clarity in social media in vertical format, inconsistent platform enforcement, p2p texting, and influencer stories.

Mr. Kousser wanted to know more about paid bloggers and if a paid blogger reblogging campaign material would need to be disclosed. Ms. Hall stated that the reading of the current guideline around paid bloggers requires that a disclaimer appears on the material or would use the route of the sub vendor report if not totaling five thousand dollars in ad expenditures.

Chair Miadich asked what other types of disclosures would be both informative to the voters, but also balance that against what is practical or realistic. Ms. Hall stated that when an Instagram influencer paid by a campaign posts on their story, their followers do not know if they have been paid to post information.

Ms. Wood asked if the opposing campaign is one of the main mechanisms for enforcement and if the use of information is used to either retarget or if something misinformative would result in more

engagement in the campaign. Ms. Hall stated that Unearth Campaigns look at what messages opposing campaigns introduce and look at direct messaging only if that individual has been identified as critical for winning the campaign.

H. Follow Up Legal Questions.

Erika Boyd, Senior Commission Counsel, provided answers to previous legal questions on disclosures including paid posts made by social influencers/bloggers, disclosures included on streaming apps, and the ability to require a copy of issues submitted in the database.

I. Adjourn.

MOTION: To adjourn the meeting. Moved by Amber Maltbie, seconded by Chair Miadich. Motion approved 9-0.

The meeting adjourned at 1:54 p.m.

Respectfully Submitted,
Sasha Linker
Commission Assistant
Approved January 12, 2021

Richard C. Miadich, Chair
Fair Political Practices Commission