

# ADVERTISEMENT DISCLOSURES

This chapter describes the disclosures required by the Political Reform Act ("Act") on mass mailings and other advertisements made by candidate controlled committees and committees primarily formed to support or oppose a candidate. A disclosure is the portion of a political message that identifies the committee that paid for and authorized the communication. The basic disclosure for a communication made by a candidate's committee for their own election is "paid for by [committee name]." The disclosure ensures that the committee paying for the ad is identified. The Act does not regulate the truth or accuracy of political communications given that the First Amendment provides broad protection for political speech.

Paid for by  
Jameela Rahal for State Assembly 20XX  
1022 Lincoln Avenue  
Bristol, CA 93688

**JAMEELA**  
*Jameela*  
**RAHAL**

—  —  
*for State Assembly*

## A. Which Communications Require an Ad Disclosure?

### Candidate Controlled Committees

Under the Act, a candidate controlled committee must include a disclosure on mass mailings and certain telephone calls advocating the candidate's own election. In addition, radio and television advertisements require an "Ad paid for by" disclosure. The Act does not require a specific disclosure on other communications, such as billboards and yard signs, when they are paid for by a candidate controlled committee in support of the candidate's own campaign. However, the FPPC recommends placing "paid for by [committee name]" and the committee's ID number on all public campaign materials.

### Primarily Formed Committees Making Independent Expenditures

Under the Act, committees that are primarily formed to support or oppose a candidate must include a disclosure on the following communications. For a complete list, see the independent expenditure advertisement disclosure charts later in the chapter.

**QUICK TIP:** Check with your local elections office for rules on the placement of campaign signs and any other applicable local rules. Also check the rules on placing temporary political signs in California's Outdoor Advertising Act Sec. 5405.3, on the Department of Transportation's website.

- Individually distributed mailings, including emails
- Paid telephone calls
- Radio ads
- Television ads
- Electronic media ads, including audio only ads
- Newspaper and magazine ads
- Billboards

- Yard signs
- Door hangers
- Flyers
- Posters

## Advertisement Disclosure Exceptions

Generally, a disclosure is not required on the following advertisements:

- Regular-size campaign buttons and bumper stickers, pins, or magnets
- Pens, pencils, rulers, mugs, potholders, key tags, golf balls and similar small campaign promotional items where a disclosure cannot be conveniently printed
- T-shirts, caps, hats, and other articles of clothing
- Skywriting and airplane banners
- Committee checks and receipts

## Online Platform Disclosed Advertisement Requirements

Please note that advertisements that are “online platform disclosed advertisements” have different disclosure requirements than other types of online advertisements. “Online platform disclosed advertisements” are either (1) electronic media advertisements made via an online platform that allows users to engage in discourse and post content, or any other type of social media, for which the committee pays the online platform or (2) electronic media advertisements that are in the form of a graphic, image, animated graphic, or animated image that an online platform hosting the advertisement does not allow to hyperlink to an internet website containing required disclosures. For more information on “online platform disclosed advertisements” please refer to the “Online Platform Disclosed Advertisement Requirements” chart later in this chapter.

Electronic media advertisements that are not “online platform disclosed advertisements” shall follow disclosure requirements described in this chapter, other than those listed in the “Online Platform Disclosed Advertisement Requirements” chart.

## B. How Must the Disclosure Appear?

Disclosures on political ads vary by the type of advertisement. Please review the advertisement disclosure charts available on the FPPC's [website](#) for the specific requirements.

## C. Advertisement Disclosures for Communications by Candidate Committees for their own Election

The disclosure on a communication made by a candidate's committee for their own election must include "paid for by [committee name]," unless otherwise noted in the [Communications by Candidate Committees for their own Election chart #1](#) available on the FPPC's website.

**QUICK TIP:** A candidate's personal Facebook page needs the "Ad paid for by" disclosure on Header Photo if the candidate has a controlled committee and is using their personal Facebook page for campaigning and/or fundraising.

## D. Advertisement Disclosures for Independent Expenditure Ads Made by Committees Primarily Formed to Support or Oppose a Candidate

When a committee primarily formed to support or oppose a candidate pays for an advertisement that is an independent expenditure, the advertisement disclosure must include the information contained in the [Independent Expenditure Ads on Candidates \(except ads by candidates and political party committees\) chart #2](#) available on the FPPC's website, including the names of the committee's top three contributors.

### Top Contributors

“Top contributors” means the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of fifty thousand dollars (\$50,000) or more. If two or more contributors of identical amounts qualify as top contributors, the most recent contributor of that amount must be listed as the top contributor.

If an advertisement paid for by a committee supports or opposes a candidate, the determination of top contributors may not include any nonprofit organization exempt from federal income taxation pursuant to Section 501(c)(3) of the United States Internal Revenue Code or any person who has prohibited in writing the use of their contributions to support or oppose candidates if the committee does not use such contributions to support or oppose candidates.

When a committee primarily formed to support or oppose a state candidate contributes funds to another committee primarily formed to support or oppose the same state candidate and the funds used for the contribution were earmarked to support or oppose that candidate, the committee receiving the earmarked contribution shall disclose the contributor who earmarked their funds as the top contributor if the definition of top contributor is met. If the committee receiving the earmarked contribution contributes any portion of the contribution to another committee primarily formed to support or oppose the specifically identified state candidate, that committee must disclose the true source of the contribution to the new committee receiving the earmarked funds. The new committee must disclose the contributor on its advertisements if the definition of top contributor is met.

Print Advertisement Disclosure Example:



Education - Infrastructure - Sustainability

Ad Paid for by Friends of Leon for Senate 20XX

Ad Committee Top Funder(s)

Firefighters CA United

Teachers CA United

California Nurses' Research Institute

This advertisement was not authorized by a candidate or committee controlled by a candidate.

Katherine Leon  
STATE SENATE

## E. Online Platform Disclosed Advertisements

“Online platform disclosed advertisements” are either (1) electronic media advertisements made via an online platform that allows users to engage in discourse and post content, or any other type of social media, for which the committee pays the online platform or (2) electronic media advertisements that are in the form of a graphic, image, animated graphic, or animated image that an online platform hosting the advertisement does not allow to hyperlink to an internet website containing required disclosures.

Electronic media advertisements that are not “online platform disclosed advertisements” shall follow disclosure requirements described previously in this chapter.

### Online Platform Disclosed Advertisement Requirements

Communication	Disclosure and Manner of Display
<b>Type of Advertisement Law Applies To:</b>	Either (1) electronic media advertisements made via an online platform that allows users to engage in discourse and post content, or any other type of social media, for which the committee pays the online platform or (2) electronic media advertisements that are in the form of a graphic, image, animated graphic, or animated image that an online platform hosting the advertisement does not allow to hyperlink to an internet website containing required disclosures, for which the committee pays the online platform.

Communication	Disclosure and Manner of Display
<p><b>Ad Disclosure that Online Platform is Required to Place on Advertisement:</b></p>	<p><b>An Online Platform Must Do One of the Following:</b></p> <ol style="list-style-type: none"> <li>1) Display “Paid for by” or “Ad Paid for by” followed by “Ad Committee’s Top Funder(s)” followed by the committee’s top three contributors of \$50,000 or more, followed by a colon, followed by surrounded in quotation marks, the name of the committee easily readable to the average viewer located adjacent to any statement the communication is an advertisement (or is promoted or sponsored). The online platform may display only one hundred or more characters of the “committee major funding from” followed by the committee’s top three contributors and name of the committee disclosures if followed by a “...” that is clearly clickable and that links to a page that provides the disclosures. The ad may instead link to a website that the committee has created pursuant to other provisions of the Act that contains the committee’s name, top contributor information, and whether the ad was authorized by a candidate for independent expenditure ads on candidates.</li> <li>2) Display a hyperlink, icon, button, or tab with the text “Who funded this ad?,” “Paid for by,” or “Ad Paid for by” that is clearly clickable and links to a page that provides the “Ad Committee’s Top Funder(s)” followed by the committee’s top three contributors of \$50,000 or more, followed by a colon, followed by the committee’s name disclosures. This text must be easily readable to the average viewer, in the same or similar font and in at least the same font size as the online platform’s text stating that the communication is an advertisement (or is promoted or sponsored). The ad may instead link to a website that the committee has created pursuant to other provisions of the Act that contains the committee’s name, top contributor information, and whether the ad was authorized by a candidate for independent expenditure ads on candidates.</li> </ol> <p>If fewer than three contributors qualify as top contributors, only those contributors that qualify shall be disclosed. If there are no contributors that qualify as top contributors, the top contributor disclosure is not required. Please note that advertisements for a candidate controlled committee established for an elective office of the controlling candidate are not required to display top contributor disclosures.</p> <p><b>The Online Platform Must Also:</b></p> <p>Display a prominent button, icon, tab, or hyperlink with the text “View Ads” or similar text. The button, icon, tab, or hyperlink shall link to a page containing the records required to be displayed in the publicly available online database in one of the following locations:</p> <ol style="list-style-type: none"> <li>1) Near the top of a profile, landing page, or similar location of a committee that paid for an advertisement in a position that the average viewer will readily see it upon viewing that page.</li> <li>2) On a page that displays the committee’s profile information or biographical information.</li> <li>3) On a page on which the average viewer would normally navigate to view additional information about a committee.</li> </ol>

Communication	Disclosure and Manner of Display
<p><b>Information Committee Paying for Advertisement is Required to Provide to Online Platform:</b></p>	<p>Upon requesting the dissemination of the advertisement, committee must do all of the following:</p> <ol style="list-style-type: none"> <li>1) Expressly notify the online platform that the advertisement is one that falls under the Act.</li> <li>2) Provide the online platform with committee’s top contributors and the committee’s name and identification number.</li> <li>3) Provide the online platform with the name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, or number or letter of the ballot measure and the jurisdiction to which the advertisement refers.</li> <li>4) Update the online platform with any change in the name of the committee or its top three contributors within 5 business days.</li> </ol>
<p><b>Records Required to be Kept and Provided to the Public in Online Platform’s Public Database:</b></p>	<p>For all committees that purchased online platform disclosed ads and paid for five hundred dollars (\$500) or more in advertisements to the online platform during the preceding 12 months the database must contain:</p> <ol style="list-style-type: none"> <li>1) A digital copy of the advertisement.</li> <li>2) The approximate number of views generated from the advertisement and the date and time that the advertisement was first displayed and last displayed.</li> <li>3) Information regarding the range charged or the total amount spent on the advertisement.</li> <li>4) The name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, as applicable, or number or letter of the ballot measure and the jurisdiction to which the advertisement refers.</li> <li>5) The name and identification number of the committee that paid for the advertisement, if the committee is assigned an identification number.</li> </ol> <p>These records are required to be made available by the online platform as soon as practicable and must be retained by the online platform for 4 years.</p>

## F. Mass Mailings – Emails and Postal Mailings

A “mass mailing” is made when more than 200 substantially similar pieces of mail have been sent within a calendar month. A mass mailing also includes more than 200 substantially similar messages distributed to the public within a calendar month through electronic mail (“email”). Solicitation letters, notices of fundraising events, newsletters sent by the candidate or committee, and other types of campaign literature are common types of mass mailings.

**QUICK TIP:** The committee ID number is not required to be included on mass mailings, but the FPPC recommends that committees include the committee name and ID number on all public campaign materials.

### Disclosures for Emails Sent by a Candidate for their own Election

Emails must include the committee’s name preceded by the words “Paid for by” in at least the same size font as a majority of the text in the email.

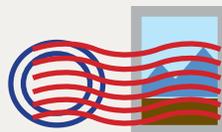
From: Rreynolds@yahoo.com  
To: Voter1@gmail.com  
Cc:  
Subject: Reynolds for Assembly 20XX

Don’t forget to vote for Reynolds on Tuesday! This message was paid for by Reynolds for Assembly 20XX.

### Disclosures for Postal Mailings Sent by a Candidate for their own Election

A mass mailing sent by a candidate controlled committee must include the words “paid for by” immediately in front of or above the name and address of the committee on the outside of each piece of postal mail. The disclosure must be in no less than 6-point type and in a color that contrasts with the background (Example: no light blue disclosures on a blue background). A post office box may be used as the address only if the committee’s street address is on its Statement of Organization (Form 410) on file with the Secretary of State.

Paid For By  
Roxie Reynolds for Senate 20XX  
1615 Skate Street  
Torrance, CA 90503



Ahmed Cooper  
315 S. Fairfield Street  
Torrance, CA 90503

## Mailings Sent by More than One Candidate Controlled Committee

A mass mailing sent by more than one candidate controlled committee must include the words “paid for by” immediately in front of or above the name and address of the committee that is paying the greatest share of the mass mailing including costs for designing, printing, and postage. This disclosure must appear on the outside of each piece of mail. If two or more committees pay equally for the mailer, the name and address of at least one of the committees must be shown on the outside and the names and addresses of all committees must appear on at least one insert. The disclosure must be in no less than 6-point type and in a color that contrasts with the background (Example: no light blue disclosures on a blue background). A post office box may be used as the address only if the committee’s street address is on its Statement of Organization (Form 410) on file with the Secretary of State.

**QUICK TIP:** If two or more candidate controlled committees pay equally for a mass mailing, the names and addresses of each of the committees must appear on at least one insert.

## Mailings (including Emails) Sent by Committees Primarily Formed to Support or Oppose a Candidate

**Postal Mailings.** Any mailing (regardless of the number of pieces sent) paid for by a primarily formed committee as an independent expenditure supporting or opposing a candidate must include the disclosures below in Arial equivalent font, in at least 10-point size, in a contrasting color, centered horizontally and, except for the names of top contributors, underlined. The names of top contributors must not be underlined and the text must not be condensed. If there are no top contributors, the “Ad paid for by” need not be underlined. All text must appear in a printed or drawn box with a solid white background at the bottom of at least one page and set apart from other printed matter.

- “Ad paid for by [committee’s name]”
- “Ad Committee Top Funder(s) [names of top three contributors of \$50,000 or more]” each listed on a separate horizontal line, in descending order, beginning with the largest contributor. Mailings that are 20 square inches or less must only disclose the single top contributor of \$50,000 or more. This text may not appear in all capital letters.
- Below the top contributor information (if any), a statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate. This text may not appear in all capital letters.
- “Funding Details at [www.fppc.ca.gov](http://www.fppc.ca.gov)” must be shown underlined on a separate line at the bottom of the disclosure area immediately below the “not authorized by” text for state primarily formed candidate committees that raise \$1,000,000 (see Section 84223)

**QUICK TIP:** An independent expenditure is a payment for a communication expressly advocating support of or opposition to a candidate, which is not coordinated with or made at the behest of the candidate.

**Emails.** Emails sent by a primarily formed committee supporting or opposing a candidate must include the “Paid for by,” “Committee major funding from,” and “Not authorized by” disclosures printed clearly and legibly in a contrasting color and in no less than 8-point font at the top or bottom of the email. “Committee major funding from” and “Not authorized by” disclosures may not appear in all capital letters.

### **Recordkeeping for Mass Mailings (including Emails)**

For each independent expenditure mailing and candidate-controlled mass mailing or email communication, the following information must be retained in the committee’s records for a period of four years:

- A sample of the mailing;
- A record of the date of the mailing;
- The number of pieces sent; and
- The method of postage used for postal mailings.

## **G. Telephone Calls**

### **Calls Made by Candidate Controlled Committees for their own Election**

If a candidate controlled committee pays for **500 or more** similar telephone calls made by vendors (“robo” calls) or paid individuals advocating the candidate’s own election, the name of the organization that authorized the call must be disclosed to the recipient of the call. If the organization authorizing the call does not have filing obligations under the Act, the name of the candidate that paid for the call must be disclosed to recipients. The disclosure must include the words “paid for by” or “authorized by.” The disclosure is not required for telephone calls personally dialed by the candidate, campaign manager, or volunteers.

**QUICK TIP:** Anonymous “robo” calls are a violation of the Act. Committees are prohibited from contracting with a vendor for political calls that does not disclose who paid for or authorized the calls.

**Ex 8.1** - Senator Reitz pays a vendor to make calls to 1,500 local voters to encourage them to reelect Senator Reitz to the Senate. The disclosure must state that the telephone calls were paid for by the candidate’s committee. For example, “[t]his call was paid for by Reelect Senator Reitz 20XX.”

**Ex 8.2** - At Senator Reitz’s request, Citizens for Better Schools (a general purpose committee) pays a vendor to make calls to 1,500 local voters to encourage them to reelect Senator Reitz. The disclosure must identify the committee paying for the call or the candidate authorizing the call. For example, “[t]his call was paid for by Citizens for Better Schools” or “[t]his call was authorized by Senator Reitz.”

## **Calls Made by Committees Primarily Formed to Support or Oppose a Candidate**

If a primarily formed committee pays for a telephone call that expressly advocates support for or opposition to a candidate, the name of the committee must be disclosed to recipients. The disclosure must include the words “Ad paid for by.” If the call is an independent expenditure, the disclosure must also include a statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate. The disclosure must also include the committee’s top three contributors of \$50,000 or more during the 12-month period prior to the expenditure, if any.

## Recordkeeping for Telephone Calls

A committee must retain for a period of four years the following records for each telephone call:

- If the message was live, a script of the call.
- If the message was recorded, a copy of the recording.

## H. Electronic Media Ads

Please review the advertisement disclosure charts available on the FPPC's [website](#) for the specific disclosure requirements on electronic media ads.

## I. Newspaper, Radio and Television Ads

Radio and television ads paid for by a candidate's committee for their own election must include the following disclosures:

- Radio: "Ad paid for by" followed by name of committee as it appears on most recent Form 410 at the beginning or end of advertisement read in a clearly spoken manner with pitch and tone substantially similar to the rest of advertisement.
- Television: "Ad paid for by" followed by name of committee as it appears on most recent Form 410 shown for at least four seconds. Letters must be in a type size greater than or equal to four percent of the height of the screen.

The Act does not require a specific disclosure on newspaper ads paid for by a candidate's committee for their own election. For newspaper ad requirements, candidates and committees should check the Elections Code.

Committees primarily formed to support or oppose a candidate making independent expenditures for a newspaper, radio, or television ad to support or oppose a candidate are subject to the "Ad paid for by [committee name]" disclosure and other requirements as described in the advertisement disclosure chart available on the FPPC's [website](#).

## J. Paid Spokespersons for Ballot Measure Ads

Generally, candidate controlled committees and primarily formed committees spend campaign funds only in connection with the candidate's election. However, there may be times when a committee wants to pay for an advertisement to support or oppose a ballot measure.

The Act requires specific disclosure when any committee uses a paid spokesperson in an advertisement to support or oppose a ballot measure. The committee must (1) file a Paid Spokesperson Report, Form 511, for an individual's appearance in a ballot measure advertisement and (2) include a disclosure on the ad in the situations below.

**\$5,000 payment to an individual in an ad:** The committee makes expenditures totaling \$5,000 or more for an individual's appearance in an advertisement to support or oppose the qualification, passage or defeat of a state or local ballot measure.

**Disclosure on ad:** "(Spokesperson's name) is being paid by this campaign or its contributors."

**Any payment to an individual in an ad portraying a professional (e.g., nurse, doctor, firefighter, scientist, engineer, lawyer, etc.):**

The committee makes expenditures of any amount to an individual for their appearance in an ad supporting or opposing the qualification, passage or defeat of a state or local ballot measure that states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training to engage in that occupation.

**Disclosure on ad:** "Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations."

**Note:** If the individual in the ad is actually a member of the occupation portrayed, the committee may omit this disclosure, and shall maintain documentation of the individual's license or certification for the occupation. Upon request from the FPPC, the committee must provide documentation of an individual's occupation by electronic means within 24 hours.

The advertisements include print, television, video, and radio ads, as well as telephone messages. The disclosures on the ads must be shown in highly visible font for print, television or video ads, or spoken in a clearly audible manner for radio ads or telephone messages. The disclosure must be shown continuously except when other required disclosures are being shown.

## Paid Spokesperson Report

Type or print in ink. Amounts may be rounded to whole dollars.

NAME OF FILER		ID # (If required)	Date Stamp	<b>CALIFORNIA FORM 511</b> For Official Use Only
Committee to Elect Greer for Senate 20XX		1234567		
AREA CODE/PHONE NUMBER	EMAIL (Optional)		<input type="checkbox"/> Amendment (explain)	
(916) 111-2222	Greer@gmail.com			
STREET ADDRESS				
10 J Street				
CITY	STATE	ZIP CODE		
Sacramento	CA	95814		

### Payments Made *Attach additional information on appropriately labeled continuation sheets.*

DATE	NAME AND ADDRESS OF SPOKESPERSON (OCCUPATION MAY BE REQUIRED - SEE INSTRUCTIONS)	BALLOT MEASURE SUPPORTED OR OPPOSED (INCLUDE BALLOT NUMBER OR LETTER AND JURISDICTION)	AMOUNT
10/XX/20XX	Jerry Nelson, Teacher 34 Rio Circle, Sacramento, CA 95826	Prop 10 - STATE  <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	\$2,500

## K. Form 511 – Paid Spokesperson Report

In addition to the disclosure requirements when a committee pays for a spokesperson to appear in an advertisement to support or oppose a ballot measure, the committee may also be required to file the Form 511 (Paid Spokesperson Report). The Form 511 must be filed in the following situations:

**Payments of \$5,000 or More:** The committee makes expenditures totaling \$5,000 or more to an individual for their appearance in an advertisement to support or oppose the qualification, passage, or defeat of a state or local ballot measure.

**Payments of Any Amount:** The committee makes expenditures of any amount to an individual for their appearance in an advertisement to support or oppose the qualification, passage, or defeat of a state or local ballot measure and the advertisement states or suggests that the individual is a member of an occupation that requires licensure or certification or other specialized documented training as a prerequisite to engage in that occupation (e.g., nurse, doctor, firefighter, scientist, engineer, lawyer, etc.).

## When and Where to File Form 511

File Form 511 with the Secretary of State within 10 days of making or promising payments to the individual that will appear in the ballot measure advertisement(s). Electronic filers must also file a paper copy. Effective, January 1, 2023, filers required to file a report or statement by paper with the Secretary of State may instead file the paper report or statement by email. All statements must be signed using a verified digital signature. Please access the Secretary of State's [website](#) for more information on how to file with a digital signature.

**Ex 8.3** - A candidate's election committee will file Form 511 as it hired a public relations firm to produce a television advertisement opposing a state ballot measure and a teacher was paid \$500 to appear in the ballot measure ad.

## How to Complete Form 511

Complete the address fields and the treasurer or assistant treasurer must sign the verification. Amendments must be filed as soon as possible along with an explanation.

## Payments Made

**Date:** List the date the payments were made or the services were received, whichever is earlier.

## Spokesperson:

- List the name and address of the individual who was paid \$5,000 or more to appear in the ballot measure advertisement; or
- List the name of an individual paid any amount for their appearance in a printed, televised or radio advertisement or in a telephone message that supports or opposes a state or local measure **and** the advertisement states or suggests that the individual is a member of an occupation that requires licensure, certification or other specialized, documented training as a prerequisite to engage in that occupation.

**Ballot Measure:** Identify the measure, jurisdiction and mark support or oppose.

**Amount:** Provide the amount paid to the spokesperson.

## L. Paid Online Communication Disclosure

The Act requires recipient committees to provide additional expenditure reporting under Regulation 18421.5 when the committee pays a person to provide favorable or unfavorable content about a candidate or ballot measure. This rule applies whenever the committee: (1) pays for online communications on an Internet site other than the committee's own website or web log ("blog"), whether one's own or another's; (2) provides content for or posting on a social media platform or service; or (3) provides video content for posting online. Committees must report specific details of the payment, including the amount of the payment, the payee, the name of the individual providing content, and the name of the website or the URL on which the communication is published in the first instance. See Chapter 9 – Committee Reports for specific reporting requirements.

In lieu of the additional reporting requirement, a disclosure may be posted instead so long as it is presented in a clearly conspicuous manner with the paid online content, and included each time the content appears on the Internet or other digital platform. For example, the following disclosure would satisfy this requirement: "The author was paid by the Committee to Re-Elect Senator Santos in connection with this posting."

## M. Updating a Disclosure

Advertisement disclosures must be revised if a committee's name changes, if the order of the top contributors change, or if there is a new \$50,000 contributor. Television, radio, electronic media, or "robo" calls must be amended within five business days. Print media, mass mailings, or other tangible items must be amended every time an order to reproduce is placed.

## N. Penalties

Failure to comply with the Act's disclosure requirements may result in fines of up to \$5,000 per violation. In addition, any person who violates the disclosure requirements for ballot measure and independent expenditure advertisements may be liable for fines of up to three times the cost of the advertisement, including placement costs.

### Answering Your Questions

**A. Are the disclosure rules the same for candidate controlled committees and committees primarily formed for candidates that will be making independent expenditures?**

No. Stricter disclosure rules apply to independent expenditure advertisements because it is less clear to the public who is responsible for these ads. The Act requires disclosures on a broader range of advertisements when they are paid for by a committee making independent expenditures. See the ad disclosure charts in this chapter for additional information.

**B. A committee primarily formed for a candidate has agreed to pay for several types of communications (yard signs, a billboard, door hangers) to advocate support of the candidate. The advertisements are prepared by the candidate's campaign consultant. What disclosures are required, if any?**

The same disclosures are required as those for a primarily formed committee making independent expenditures except for the "not authorized by" disclosure.

**C. If a business entity includes a copy of a candidate's flyer in its regular monthly mailing, is the candidate required to be identified on the outside of the mailer?**

No. The candidate's name and address must be identified on the flyer only.

**D. If a committee has more than one address, can any of the addresses be used on mass mailings?**

Any address that is on the committee's Statement of Organization (Form 410) on file with the Secretary of State may be used.

**E. A committee pays for a candidate's mailing as a nonmonetary contribution. Must the committee paying for the mailing or the candidate's committee be identified on the outside of the mailing?**

The committee that pays for the mailing must be identified on the outside of the mailing.

**F. If a candidate's committee is sending a postcard-type mailing, may the name of the committee appear only once?**

Yes. The name may appear only once. The committee's address must also be included.

**G. Where on the outside of the mailing must the candidate identification be placed?**

There is no specific requirement for the location of the sender identification as long as it appears on the outside of the mailing. The words "paid for by" must be immediately in front of or above the committee name and address.

**H. What type of disclosure is required for a committee that sends independent expenditure ads through Twitter?**

Committees making independent expenditures via electronic media ads on Twitter may satisfy the Act's disclosure requirements in one of two ways: (1) providing its full disclosure statement on its Twitter profile/landing page or (2) including the phrase "Who funded this ad?" on its Twitter profile/landing page immediately followed by a hyperlink to an Internet Web site containing the full disclosure statement.

## Authority

The following Government Code sections and Title 2 regulations provide authority for the information in this chapter:

### Government Code Sections

82025	Expenditure.
82031	Independent Expenditure.
82041.5	Mass Mailing.
82044	Payment.
82047	Person.
84305	Requirements for Mass Mailing.
84310	Identification Requirements for Telephone Calls.
84501	Advertisement.
84502	Disclosure; Committee Name.
84503	Top Contributor Disclosure.
84504	Disclosure; Radio and Telephone Ads.
84504.1	Disclosure; Video and Television Ads.
84504.2	Disclosure; Print Ads.
84504.3	Disclosure; Electronic Media Ads.
84504.4	Disclosure; Radio and Television Ads; Political Parties and Candidates.
84504.5	Disclosure; Independent Expenditure Ads; Political Parties and Candidates.
84504.6	Disclosure; Online Platform.
84504.7	Disclosure; Text Messages.
84505	Avoidance of Disclosure.
84506.5	Disclosure; Independent Expenditure Ads; Not Authorized by Candidate.
84509	Amended Disclosure.
84511	Ballot Measure Ads; Paid Spokesperson Disclosure.

## Title 2 Regulations

- 18215 Contribution.
- 18225.7 Made at the Behest; Independent versus Coordinated Expenditures.
- 18247.5 Primarily Formed Committees.
- 18401 Required Recordkeeping for Chapters 4 & 5.
- 18421.5 Reporting an Expenditure for Paid Online Communications.
- 18435 Definition of Mass Mailing.
- 18440 Telephone Advocacy.
- 18450.1 Definitions. Advertisement Disclosure.
- 18450.2 Definitions. Authorized and Paid For.
- 18450.4 Video and Television Advertisement Disclosure.
- 18450.5 Amended Advertising Disclosure.
- 18450.11 Spokesperson Disclosure.
- 18523.1 Written Solicitation for Contributions.