

# ADVERTISEMENT DISCLAIMERS

Those making independent expenditures must put notices on mailings and advertisements. Information about who paid for the communication is required on mailers, billboards, and emails, as well as television, radio, and Internet ads. There are specific rules for ensuring that the public can determine the source of a political mail piece or advertisement. Disclaimer requirements vary depending upon the medium.

## A. Advertisement Disclaimers

Advertisements paid for by an independent expenditure which support or oppose either candidates or ballot measures, must identify the committee making the independent expenditure. The disclaimer must be presented in a clear manner to give the reader or listener adequate notice of the identity of the committee. Broadcast information also must be appropriately conveyed to the hearing impaired.

The advertising disclosure rules for independent expenditures supporting or opposing candidates and ballot measure are illustrated in the charts below.

**Quick Tip**

Identify the legal name of the entity or individual who is paying for a mass mailing or other advertisement. For example, if ABC Development Company qualifies as an independent expenditure committee and pays for a mass mailing or other advertisement, ABC Development Company is the name that must be identified.

### Political Advertising Disclaimers – Independent Expenditure Ads on Candidates

Communication	Disclaimer and Manner of Display
<p><b>Print ads designed to be individually distributed including mailings, door hangers, flyers, faxes, posters, newspaper and magazine ads and oversized campaign buttons and bumper stickers</b> (buttons 10 inches in diameter or larger and stickers 60 square inches or larger)</p>	<ul style="list-style-type: none"> <li>• <b>“Paid for by [committee’s name]”</b> (on file with Form 461)</li> <li>• <b>A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate</b></li> <li>• <b>Disclaimer Format:</b> Text must be in Arial equivalent font, in at least 10-point size, in a contrasting color, and located 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                         <ul style="list-style-type: none"> <li>○ <b>“Not authorized by”</b> disclaimer may not appear in all capital letters</li> </ul> </li> </ul>

Communication	Disclaimer and Manner of Display
<p><b>Print ads larger than those designed to be individually distributed, such as billboards and signs (including yard signs)</b></p>	<ul style="list-style-type: none"> <li>• <b>“Paid for by [committee’s name]”</b> (on file with Form 461)</li> <li>• <b>A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate</b></li> <li>• <b>Disclaimer Format:</b> Text must be in Arial equivalent font. The font must be a height of at least five percent of the advertisement, meaning that each line must be at least five percent of the advertisement, on a solid background with sufficient contrast that is easily readable by the average viewer <ul style="list-style-type: none"> <li>○ <b>“Not authorized by”</b> disclaimer may not appear in all capital letters</li> </ul> </li> </ul>
<p><b>Radio ads, telephone calls and audio only electronic media ads</b></p>	<ul style="list-style-type: none"> <li>• <b>“Paid for by [committee’s name]”</b> (on file with Form 461)</li> <li>• <b>A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate</b></li> <li>• <b>Disclaimer Format:</b> Must be spoken clearly for at least three seconds at the beginning or end of the ad or call, in a pitch and tone substantially similar to the rest of the advertisement</li> </ul>

Communication	Disclaimer and Manner of Display
<p><b>Television and video ads (including those disseminated over the Internet)</b></p>	<ul style="list-style-type: none"> <li>• <b>“Paid for by [committee’s name]”</b> (on file with Form 461)</li> <li>• <b>A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate</b></li> <li>• <b>Disclaimer Format:</b> Text must be in a contrasting color and in Arial equivalent type and must be underlined</li> </ul> <p>The size for the smallest letters in the disclaimer must be four percent of the height of the display screen</p> <p>Disclaimer must appear on a solid black background on the entire bottom one-fourth of the display screen</p> <p>Disclaimer must be displayed at the beginning or end of the ad for at least five seconds of a broadcast of 30 seconds or less or for at least 10 seconds of a broadcast longer than 30 seconds</p> <p>The <b>“Not authorized by”</b> disclaimer must appear below all other text in the solid black background in a contrasting color, in Arial equivalent type, and in no less than 2.5 percent of the height of the display screen and is not required to be underlined</p> <p>The <b>“Not authorized by”</b> disclaimer may not appear in all capital letters</p>

Communication	Disclaimer and Manner of Display
<p><b>Electronic media ads not covered below (except video ads, see above), and email</b></p>	<ul style="list-style-type: none"> <li>• <b>“Who funded this ad?”</b> text as a hyperlink in a contrasting color and font size that is easily readable by the average viewer* <ul style="list-style-type: none"> <li>○ Must hyperlink to a website containing the <b>“Paid for by,”</b> and <b>“Not authorized by”</b> disclaimers in a contrasting color and in no less than 8-point font</li> <li>○ <b>“Not authorized by”</b> disclaimer may not appear in all capital letters</li> <li>○ Must remain online until 30 days after the date of election</li> </ul> </li> </ul>
<p><b>Social media ads</b></p>	<ul style="list-style-type: none"> <li>• <b>“Paid for by,”</b> and <b>“Not authorized by”</b> disclaimers in a contrasting color and in no less than 8-point font on the committee’s profile, landing page, or similar location and is not required to include disclaimers on each individual post or comment <ul style="list-style-type: none"> <li>○ <b>“Not authorized by”</b> disclaimer may not appear in all capital letters</li> <li>○ Not required when the only expense or cost of the communication is compensated staff time unless the account was created only for the purpose of ads under the Act</li> </ul> </li> </ul>
<p><b>Website</b></p>	<ul style="list-style-type: none"> <li>• <b>“Paid for by,”</b> and <b>“Not authorized by”</b> disclaimers in a contrasting color and in no less than 8-point font <ul style="list-style-type: none"> <li>○ <b>“Not authorized by”</b> disclaimer may not appear in all capital letters</li> </ul> </li> </ul>
<p><b>Electronic media ads that are audio only</b></p>	<ul style="list-style-type: none"> <li>• See disclaimer requirements for radio ads above</li> </ul> <p>*This text is not required if including it is impracticable. In such circumstances the ad need only include a hyperlink to a website containing the website disclaimers.</p>

## Political Advertising Disclaimers – Independent Expenditure Ads on Ballot Measures

Communication	Disclaimer and Manner of Display
<p><b>Print ads designed to be individually distributed including mailings, door hangers, flyers, faxes, posters, newspaper and magazine ads, and oversized campaign buttons and bumper stickers</b> (buttons 10 inches in diameter or larger and stickers 60 square inches or larger)</p>	<ul style="list-style-type: none"> <li>• <b>“Paid for by [committee’s name]”</b> (on file with Form 461)</li> <li>• <b>Disclaimer Format:</b> Text must be in Arial equivalent font, at least 10-point in size, in a contrasting color, and located 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</li> </ul>
<p><b>Print ads larger than those designed to be individually distributed, such as billboards and signs (including yard signs)</b></p>	<ul style="list-style-type: none"> <li>• <b>“Paid for by [committee’s name]”</b> (on file with Form 461)</li> <li>• <b>Disclaimer Format:</b> Text must be in Arial equivalent font. The font must be a height of at least five percent of the advertisement, meaning that each line must be at least five percent of the advertisement, on a solid background with sufficient contrast that is easily readable by the average viewer</li> </ul>
<p><b>Radio ads, telephone calls and audio only electronic media ads</b></p>	<ul style="list-style-type: none"> <li>• <b>“Paid for by [committee’s name]”</b> (on file with Form 461)</li> <li>• <b>Disclaimer Format:</b> Must be spoken clearly for at least three seconds at the beginning or end of the ad or call, in a pitch and tone substantially similar to the rest of the advertisement</li> </ul>



Communication	Disclaimer and Manner of Display
<p><b>Paid Spokesperson:</b> Payment of \$5,000 or more to an individual for individual’s appearance in a ballot measure ad</p> <p><b>Paid Spokesperson:</b> Payment of <i>any amount</i> to an individual portraying a member of a licensed or certified occupation (e.g., nurse, firefighter, lawyer)</p> <p><i>Exception:</i> If the paid individual is actually a member of the occupation portrayed, the committee may omit this disclaimer. The committee must maintain documentation of the individual’s license or certification.</p>	<ul style="list-style-type: none"> <li>• In addition to the other disclaimers, include: <b>“(spokesperson’s name) is being paid by this campaign or its donors”</b></li> <li>• Printed, televised or video ad: shown continuously in highly visible font except when the disclosure for television and video ads above is being shown</li> <li>• Radio broadcast or phone message: spoken in clearly audible format</li> <li>• In addition to the disclaimer above, include: <b>“Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations”</b></li> <li>• Printed or televised ad: shown continuously in highly visible font</li> <li>• Radio broadcast or phone message: spoken in clearly audible format</li> </ul>

## Not Authorized by Candidate

An advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include a statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate.

## Ballot Measure Ad – Paid Spokesperson

When an independent expenditure committee pays an individual for his or her appearance in a ballot measure advertisement, the committee must include the disclaimer as noted in the chart on the previous page in the following situations:

- **\$5,000 payment to individual in ad:** The committee makes expenditures totaling \$5,000 or more to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage or defeat of a state or local ballot measure.
- **Any payment to individual in ad portraying a professional (nurse, doctor, firefighter, scientist, engineer, lawyer, etc.):** The committee makes expenditures of any amount to an individual for his or her appearance in an advertisement to support or oppose 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. However, if the individual in the ad is actually a member of the occupation portrayed, the committee may omit this disclaimer and shall maintain documentation of the individual's license or certification for the occupation. Upon request from the FPPC, documentation of an individual's occupation must be provided by electronic means within 24 hours.

**Ex 2.1** - "Paid for by ABC Development Company. Jane Miller is being paid by this campaign or its donors."

In addition, the committee must file the Paid Spokesperson Report (Form 511) as described in Chapter 3.

### **Updating a Disclaimer**

In the event an advertisement disclaimer must be revised due to a name change, television, radio, electronic media, or robocalls must be amended within five calendar days. Print media, mass mailings, or other tangible items must be amended every time an order to reproduce is placed.

### **Advertisements in Languages Other than English**

Disclaimers on political advertisements must be written or spoken in the same language used in the advertisement.

### **Advertisement Disclaimer Exceptions**

A disclaimer is not required on regular-size campaign buttons, pins, bumper stickers, or magnets. It is not required on pens, pencils, rulers, mugs, potholders, key tags, golf balls and similar small campaign promotional items where a disclaimer cannot be conveniently printed. The disclaimer is not required on t-shirts, caps, hats, and other articles of clothing; skywriting and airplane banners; or committee checks and receipts.

### **Penalties**

The penalty for failing to comply with the Act's disclaimer requirements is a fine of up to \$5,000 per violation. In addition, any person who violates the disclaimer requirements concerning ballot measure and independent expenditure advertisements may be liable for a fine of up to three times the cost of the advertisement, including placement costs.

## Authority

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

### Government Code Sections

- 82031 Independent Expenditure.
- 82041.5 Mass Mailing.
- 84305 Requirements for Mass Mailing.
- 84310 Identification Requirements for Telephone Calls.
- 84501 Advertisement.
- 84502 Disclaimer; Committee Name.
- 84504 Disclaimer; Radio and Telephone Ads.
- 84504.1 Disclaimer; Television Ads.
- 84504.2 Disclaimer; Print Ads.
- 84504.3 Disclaimer; Electronic Media Ads.
- 84505 Avoidance of Disclosure.
- 84506.5 Disclaimer: Independent Expenditure Ads; Not Authorized by Candidate.
- 84509 Amended Disclaimers.
- 84510 Fines.
- 84511 Ballot Measure Ads; Paid Spokesperson Disclosure.

### Title 2 Regulations

- 18435 Definition of Mass Mailing.
- 18440 Telephone Advocacy.
- 18450.1 Definitions. Advertisement Disclosure.
- 18450.5 Amended Advertisement Disclosure.
- 18450.11 Spokesperson Disclosure.