

ADVERTISEMENT DISCLOSURES

Those making independent expenditures must put notices on mailings and advertisements. Information about who paid for the communication is required on mailers, billboards, emails and other print ads 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. Disclosure requirements vary depending upon the medium.

A. Advertisement Disclosures

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 disclosure 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 discussed below.

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

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.

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.

Political Advertising Disclosures – Independent Expenditure Ads on Candidates

When an independent expenditure committee pays for an advertisement that is an independent expenditure supporting or opposing candidates, 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.

Political Advertising Disclosures – Independent Expenditure Ads on Ballot Measures

When an independent expenditure committee pays for an advertisement that is an independent expenditure supporting or opposing ballot measures, the advertisement disclosure must include the information contained in the [Independent Expenditure Ads on Ballot Measures \(except ads by candidates and political party committees\) Chart #3](#) available on the FPPC's website.

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
<p>Type of Advertisement Law Applies To:</p>	<p>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.</p>
<p>Ad Disclosure that Online Platform is Required to Place on Advertisement:</p>	<p>An Online Platform Must Do One of the Following:</p> <ol style="list-style-type: none"> 1) Display “Paid for by” or “Ad Paid for by” followed by 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’s name if it is followed by a “...” that is clearly clickable and that links to a page that provides the committee’s full name. 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 and whether the ad was authorized by a candidate for independent expenditure ads on candidates. 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 committee’s name. 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 and whether the ad was authorized by a candidate for independent expenditure ads on candidates. <p>The Online Platform Must Also:</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"> 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. 2) On a page that displays the committee’s profile information or biographical information. 3) On a page on which the average viewer would normally navigate to view additional information about a committee.

Communication	Disclosure and Manner of Display
<p>Information Committee Paying for Advertisement is Required to Provide to Online Platform:</p>	<p>Upon requesting the dissemination of the advertisement, committee must do all of the following:</p> <ol style="list-style-type: none"> 1) Expressly notify the online platform that the advertisement is one that falls under the Act. 2) Provide the online platform with committee's top contributors and the committee's name and identification number. 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. 4) Update the online platform with any change in the name of the committee or its top three contributors within 5 business days.
<p>Records Required to be Kept and Provided to the Public in Online Platform's Public Database:</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"> 1) A digital copy of the advertisement. 2) The approximate number of views generated from the advertisement and the date and time that the advertisement was first displayed and last displayed. 3) Information regarding the range charged or the total amount spent on the advertisement. 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. 5) The name and identification number of the committee that paid for the advertisement, if the committee is assigned an identification number. <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>

Ballot Measure Ad – Paid Spokesperson

When an independent expenditure committee pays an individual for their appearance in a ballot measure advertisement, the committee must include the disclosure 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 their appearance in an advertisement to support or oppose the qualification, passage or defeat of a state or local ballot measure.

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

- **Any payment to individual in 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 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 disclosure 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.

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

Updating a Disclosure

In the event an advertisement disclosure 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

Disclosures on political advertisements must be written or spoken in the same language used in the advertisement, with the exception of the committee name. The committee name must be the same as the name used in the most recent Statement of Organization or the name that a filer is required to use on campaign statements.

Advertisement Disclosure Exceptions

A disclosure 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 disclosure cannot be conveniently printed. The disclosure 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 disclosure requirements is a fine of up to \$5,000 per violation. In addition, any person who violates the disclosure 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	Disclosure; Committee Name.
84504	Disclosure; Radio and Telephone Ads.
84504.1	Disclosure; Video and Television Ads.
84504.2	Disclosure; Print Ads.
84504.3	Disclosure; Electronic Media Ads.
84504.6	Disclosure; Online Platform.
84504.7	Disclosure; Text Messages.
84505	Avoidance of Disclosure.
84506.5	Disclosure; Independent Expenditure Ads; Not Authorized by Candidate.
84509	Amended Disclosures.
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.
18450.2	Definitions. Authorized and Paid For.
18450.4	Video and Television Advertisement Disclosure.
18450.5	Amended Advertisement Disclosure.
18450.11	Spokesperson Disclosure.