

May 27, 2020

Via Email

To:

Digital Transparency Task Force
Fair Political Practices Commission
1102 Q Street, Suite 3800
Sacramento, CA 95811

From:

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Re: Discussion of Digital Political Advertisement Archive

The lack of transparency for online advertising allows for manipulative and divisive messaging to voters without adequate mechanisms for counterspeech and accountability. MapLight has worked on these issues since the 2016 election via our Digital Deception project, which is led by Ann Ravel (who previously served as chair of the Federal Election Commission and the FPPC).

We are writing today to offer comments on the creation of a statewide online archive of political advertising in California elections. While some social media platforms have created their own ad repositories, these are inconsistent and have glaring gaps in terms of the information needed to safeguard the public interest. MapLight supports the creation of a uniform archive to provide the public with adequate information to make informed decisions. Such an archive would provide the transparency that is so crucial for government watchdogs and civil society to hold political actors accountable for the messages they disseminate. This is an opportunity for California to lead the nation in protecting healthy democratic debate in the digital environment.

Regarding the types of political advertisements that should be included, we recommend incorporating all direct-buy and programmatic campaign ads (including those placed by consultants), independent expenditure ads, and issue ads placed for a fee on major social media platforms and intermediaries such as ad exchanges. We also recommend including “sponsored content” that campaigns may pay social media influencers to place, as the Bloomberg presidential campaign did in 2020. The language used in H.R. 7012 introduced this week in the House of Representatives by Rep. David Cicilline (D-R.I.) may offer a useful set of definitions that can be adapted for state purposes.

The archive should be designed to provide consistent information across the wide variety of advertising formats available to political advertisers online, including search ads, display ads, video, native advertising, and more. Each record should consist of:

- Unique ID number for advertiser (such as IDs assigned to filers by the FPPC)
- Unique ID number for the ad content and for each ad instance
- A copy of the ad
- Subject of the ad (including specific candidate name, office/ballot measure/issue, and jurisdiction as applicable)
- Amount paid to create and run the ad
- Who paid for the ad (to the level required by the DISCLOSE Act and Social Media DISCLOSE Act)
- Date range and times that the advertisement was run
- Description of audience targeting criteria as provided by advertisers and data sources for that targeting
- Description of any algorithmically predicted audience
- Broad demographics of audience reached, to the extent that such data is available
- Number of views

At minimum, the archive should be easily searchable and filterable by election year, advertiser name or ID, ad subject, and advertising platform or intermediary. It should also be accessible via an API and bulk data download for analysis. Data should be maintained for at least 10 years.

We suggest that there be dual responsibility for political advertisers and advertising platforms/intermediaries to provide the information described above. This could be achieved in one of two ways:

1. Social media platforms, search engines, and advertising intermediaries that exceed a certain usage threshold may be in the best position to efficiently provide information to the FPPC. Advertisers who spend beyond a certain threshold (ex. \$1,000 in a calendar year in aggregate) on political ads could be required to provide the requisite information that platforms need to meet the requirements.
2. A dual reporting system could be deployed, requiring both the advertiser (anyone who spends beyond a set threshold) and ad buying platform (any that meet specified usage requirements) to report to the FPPC using the same unique ad ID number, as is done with donors and recipients for campaign contributions.

Without dual responsibility, it will be too easy for advertisements to be excluded from the public database, either by error or by deliberate omission.

We commend this task force for tackling this complex and important issue. MapLight is available to discuss and answer questions as needed.