ADVERTISEMENT DISCLAIMERS

An advertisement for or against a ballot measure must state the name of the committee that paid for the advertisement. Ballot measure committees must put “paid for by committee name” disclaimers on campaign advertising, including campaign mailers and blast email, radio and television ads, telephone robocalls, and electronic media ads.

The disclaimer ensures that readers of these advertisements can determine who has created and paid for them. With that knowledge, the readers can be informed about the person or group who is speaking and make informed decisions giving the proper weight to different speakers and messages.

A ballot measure committee’s name also informs voters about the measure. All ballot measure committees’ names must include any committee sponsor or controlling candidate’s name. Primarily formed committees’ names must also include the measure number, recall information, economic or special interest of top $50,000 donors, common employers of $50,000, donors and candidates or their committees who are $50,000 donors. Check your ballot measure committee’s name to make sure it contains the required information. (See Chapter 1 for information about naming the committee.)

A primarily formed ballot measure committee must also identify its top two donors of $50,000 or more in its name and on campaign ads. This on-ad disclosure of donors is required of a committee primarily formed for a measure because a contributor to that committee is giving for a specific ballot measure. A general purpose ballot measure committee is not required to list its top two donors in its name or on ads because a contributor to that committee may not be giving for a specific ballot measure. (See Chapter 1 for whether your committee is primarily formed for a measure, or is a general purpose committee.)

Advertisement disclaimers are required during the ballot qualification period.

Quick Tip
Disclaimer Examples

Primarily formed ballot measure committee

The disclaimer must include, unless otherwise noted: “Paid for by committee name” and “major funding by name of top two donors of $50,000 or more (unless the committee does not have $50,000 donors).”

“Paid for by Citizens in Support of Measure B, sponsored by the Taxpayers Alliance, major funding by ABC Corporation and XYZ Partnership”

“Paid for by Californians for Education, a Committee Opposed to Proposition 1, top contributors are Student Political Action Committee and ZZZ Trade Association”

“Paid for by Voters in Support of Measure A” (no sponsors/$50,000 donors)

General purpose ballot measure committee

“This call was paid for by California Association of Health Insurers Issues PAC”

“This ad was paid for by California Grocery Stores Issues PAC”

“Paid for by Association of Los Angeles County Deputy Sheriffs Issues Committee”

“Paid for by SEIU Local 123 Issues and Initiatives”

“Paid for by California Firefighters Ballot Issues Committee”
### Ballot Measure Advertising Disclaimer Chart

The disclaimers that your committee must put on ads for ballot measures are summarized in the chart below and discussed in the rest of this chapter. Primarily formed ballot measure committees list the top two $50,000 donors on ads. General purpose ballot measure committees do not.

<table>
<thead>
<tr>
<th>Communication</th>
<th>Manner of Display</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All mass mailings</strong></td>
<td>• Committee name/address (on file with Forms 410 or 461) on mailer in no less than 10 pt type/contrasting color</td>
</tr>
<tr>
<td>(more than 200) (see note)</td>
<td></td>
</tr>
<tr>
<td><strong>Telephone calls</strong></td>
<td>• Disclaimer must state the call is “paid for by” committee name</td>
</tr>
<tr>
<td>(more than 200) - made by vendors (&quot;robo&quot; calls) or paid individuals</td>
<td>• Must be at least 3 seconds at beginning or end of call</td>
</tr>
<tr>
<td><strong>Radio</strong></td>
<td>• Must be at least 3 seconds either at beginning or end of the ad</td>
</tr>
<tr>
<td></td>
<td>• Ad which is 15 seconds or less requires only highest major contributor*</td>
</tr>
<tr>
<td><strong>Television</strong></td>
<td>• Both written &amp; spoken at the beginning or end of ad</td>
</tr>
<tr>
<td></td>
<td>• Not less than 4 seconds</td>
</tr>
<tr>
<td></td>
<td>• Size &amp; contrasting color must be legible to the average viewer</td>
</tr>
<tr>
<td></td>
<td>• Ad which is 15 seconds or less requires only highest major contributor*</td>
</tr>
<tr>
<td></td>
<td>• <strong>Exception</strong> - no spoken disclosure required if written statement is shown for at least 5 seconds on a 30 second broadcast or 10 seconds on 60 second broadcast</td>
</tr>
</tbody>
</table>

*Note: Ad which is 15 seconds or less requires only highest major contributor.*
### Communication

<table>
<thead>
<tr>
<th>Electronic Media</th>
<th>Manner of Display</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Websites and blast emails</strong></td>
<td>1. Disclaimer statement must be in the same font size as majority of text and displayed conspicuously near the ad</td>
</tr>
<tr>
<td>2. <strong>Ads of limited size</strong> (micro bar, button ad, ads limited to 500 characters or less)</td>
<td>2. Ad must provide disclaimer via rollover, link or other connection to website with the disclaimer</td>
</tr>
<tr>
<td>3. <strong>SMS texts</strong></td>
<td>3. Include the committee ID number and if technically possible link to the committee's campaign statement on Secretary of State's website</td>
</tr>
<tr>
<td>4. <strong>Electronic ads sent in an audio format</strong></td>
<td>4. Same requirements as for radio ads above</td>
</tr>
<tr>
<td>5. <strong>Electronic ads sent in a video format</strong></td>
<td>5. Same requirements as for television ads above</td>
</tr>
</tbody>
</table>

**Paid spokesperson** - $5,000 or more

- Printed or televised ad: shown continuously in highly visible roman font
- Radio broadcast or phone message: spoken in clearly audible format
- Both must also include: "spokesperson’s name is being paid by this campaign or its donors"

**Newspaper ads**

- 10 pt type in contrasting color
- Ad which is 20 sq. in. or less requires only highest contributor*
- Also check the Elections Code

**A billboard and yard signs** (more than 200)

- 5% of height of ad in contrasting color

**Door hangers, flyers, posters, and oversized campaign buttons and bumper stickers** (buttons 10” across or larger and stickers 60 sq. in. or larger) (more than 200)

- 10 pt type in contrasting color
- Ad which is 20 sq. in. or less requires only highest contributor*

* Rules asterisked in the chart apply only to primarily formed ballot measure committees required to list top donors.

Note: Two display rules exist for mass mailings. A mass mailing must have the committee name/address on the outside of an envelope in 6 pt type; while the manner of display for the ad disclaimer requires the committee name in no less than 10 pt type. Often a one-page mailer combines the display rules with both the committee name and address in no less than 10 pt type although the address may be at 6 pt type.
Mass Mailings – Sender Identification on Postal Mailings and E-mails

When a ballot measure committee pays for a mailing of more than 200 substantially similar pieces in a calendar month (“mass mailing”), the committee’s name and address must be on the mailing. Mass mailings include more than 200 substantially similar electronic messages sent to the public within a calendar month.

Postal Mailing

A mass mailing over 200 substantially similar pieces of mail must include on the outside of the envelope: “Paid for by” and the name and address of the committee sending the mailing.

The committee name and top donors, if required, must be printed in at least 10 point type. The committee address must be printed in at least 6 point type. The color or print must contrast with the background so it is easily read.

Paid for by No on 40, Californians Against Higher Taxes, major funding by South Corp. and Pacific West Company
123 Elm Street
Elmton, CA 95523

Chris Smith
7200 Oak St
Oakville, CA 92253

If a mass mailing is paid for by more than one committee, the name and address of the committee that is paying the greatest share of the mass mailing (including costs for designing, postage, and printing) must be placed on the outside of each piece of mail. If two or more committees pay equally for a 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 paying for the mailer must appear on at least one insert.
Emails

When over 200 substantially similar emails are sent by a political committee, the email must include “Paid for by committee name.” The committee’s street address is not required on mass emails sent by a committee, but may be included.

<table>
<thead>
<tr>
<th>From:</th>
<th><a href="mailto:ABCCompany@emailaddress.web">ABCCompany@emailaddress.web</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td><a href="mailto:Voter@emailaddress.web">Voter@emailaddress.web</a></td>
</tr>
<tr>
<td>Cc:</td>
<td></td>
</tr>
<tr>
<td>Subject:</td>
<td>Vote for Smith for Senate</td>
</tr>
</tbody>
</table>

The following message is paid for by No on 40, Californians Against Higher Taxes, major funding by South Corp. and Pacific West Company.

Recordkeeping

For each mass mailing, the committee must retain for four years:

- a sample of the mailing
- the date of the mailing
- the number of pieces sent and
- the method of postage used

Answering Your Questions

A. Must the committee’s identification number appear on a mailing?

No. The committee may include its FPPC ID #, but it is not legally required.

B. If an organization includes a copy of a committee’s flyer in its regularly published newsletter, is the committee required to be identified on the outside of the mailer?

No. The committee’s name and address must be identified on the flyer only.
C. A committee has more than one address. Which address must be used on mass mailings?

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

D. A committee pays for a ballot measure committee’s mailing as a nonmonetary contribution. Which committee must be identified on the outside, the committee paying for the mailing or the ballot measure committee?

Only the committee that pays for the mailing is required to be identified on the outside of the mailing.

E. Where on the outside of the mailing does the committee identification need to be placed?

There is no specific requirement for location of the identification, as long as it appears somewhere on the outside of the mailing.

Advertisement Disclaimers

Ballot measure advertisements, including television, radio, and electronic media advertisements, robocalls, mass mailings, and print ads such as newspaper ads, billboards and yard signs, must have disclaimers.

**Top Donors of $50,000 or more**

Ballot measure ads and independent expenditure ads must include “paid for by committee name” and such ads by primarily formed committees must also list top two donors of $50,000 or more.

**Determining which Contributors to Identify**

If there are more than two persons who have each contributed a cumulative amount of $50,000 or more to the ballot measure...
committee, identify the highest and second highest contributors, in descending order. In the event that more than two contributors meet the $50,000 or more disclosure threshold and have contributed the same amount, identify the most recent of those contributors. The top two $50,000 or more donors must be listed first, before other groups such as “concerned citizens,” “consumers,” “taxpayers,” etc.

If the contributor is a recipient committee, the word “committee” must be included. For example, if the contributor was the PAC of the California Water Rafters Association, the ad would identify the “California Water Rafters Association Committee.”

For example, a noncontrolled ballot measure committee’s four highest contributors are a corporation ($150,000), an individual ($100,000), a state officeholder from personal funds ($85,000) and the same state officeholder’s controlled committee ($50,000). Which two donors must be identified in the committee’s advertisements?

The contributions from the state officeholder’s personal funds and controlled committee funds are cumulated, for a total of $135,000. In this case, the two highest contributors are the corporation and the state officeholder. The officeholder’s name must be in the name of the committee as well as on the committee’s advertisements.

**Disclaimers – Clear and Conspicuous**

Disclaimers on political ads and literature must be clear and conspicuous so as to be understood by the intended public. Written disclaimers must be printed clearly and legibly.

Spoken disclaimers must be clearly audible and intelligible. Specific requirements for color contrast, print font size and time appearing on screen are listed in the disclaimer chart above and FPPC Regulation 18450.4.

For political advertisements in **languages other than English**, disclaimers should be written or spoken in the same language used in the advertisement.
Updating a disclaimer

When a committee's name changes because of new top donors or otherwise, advertisement disclaimers must be revised. 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.

Telephone Calls

When a ballot measure committee pays for more than 200 similar telephone calls supporting or opposing a ballot measure, the name of the committee paying for the call must be disclosed to recipients. The disclosure must include the words “paid for by” or “authorized by.”

Electronic Media Ads

The “paid for by committee name” disclaimer is required on electronic media ads, including emails, websites, Internet and mobile ads. In general the required FPPC disclaimer, in full, must be displayed. For example, a Facebook post must include the FPPC disclaimer in full.

An abbreviated disclaimer may only be used when it is impracticable or extremely difficult to include the full disclaimer information (such as severe size, space, or character-limit constraints) and when other methods of displaying the information (such as a rollover display or click through to a webpage with disclosure information) are not available.

Space or time-limited ads

For certain short audio ads or small-size print ads, the Act permits the full disclaimer to be shortened.

- **TV, radio, print.** On television or radio ads of 15 seconds or less, and small print ads of 20 square inches or less, instead of disclosing the top two donors of $50,000 or more, the disclaimer may list the top single donor of $50,000 or more.

Ex 7.3 – If a committee purchases TV or radio time for ads each 15 seconds or less in duration, the ads must identify the name of the committee and the highest single contributor of $50,000 or more.
• **Banner ad.** If the ad is large enough, include full disclaimer information. If space is limited, an alternative means of displaying the required disclaimer information, such as rollover display or click through to a webpage, is permissible.

• **Twitter ad.** For paid political ads on Twitter, full disclaimer information is required on the sender’s Twitter landing page. Alternatively, the tweet may include a link to a webpage with the full disclaimer information, or the sender’s FPPC #.

• **Text message ads.** Group SMS messages sent by a committee should include the abbreviated disclaimer consisting of the committee’s ID number, e.g., FPPC # 12345XX.

**Disclaimer not required on campaign buttons, bumper stickers, etc.**

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.

**Member Communications**

A disclaimer is required on communications from a political party committee to its members, but not on communications from other organizations to their members.

**Ballot Measure Ad – Paid Spokesperson**

When a ballot measure committee makes an expenditure of $5,000 or more to an individual for his or her appearance in an advertisement to support or oppose a ballot measure, the advertisement must include a statement that the individual is being paid for his or her appearance. For example, “Dr. Jane Miller was paid for her appearance in this advertisement.”
The statement must be in highly visible roman font, shown continuously if the advertisement consists of printed or televised materials, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephone message. In addition, the committee must file the Paid Spokesperson Report, Form 511. (See Chapter 11.)

**Slate Mailer Disclaimer Requirements**

A slate mailer is a mass mailing that supports or opposes four or more candidates or ballot measures. A ballot measure committee may be subject to slate mailer disclaimer and identification requirements if it:

- Is involved in the production of one or more slate mailers and exercises control over the selection of candidates and measures to be supported or opposed in the slate mailers; and
- Receives or is promised payments that total $500 or more in a calendar year for the production of one or more slate mailers.

For more information on slate mailer disclaimers, consult the FPPC and Section 84305.5.

**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

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>82041.5</td>
<td>Mass Mailing.</td>
</tr>
<tr>
<td>84305</td>
<td>Requirements for Mass Mailing.</td>
</tr>
<tr>
<td>84310</td>
<td>Identification Requirements for Telephone Calls.</td>
</tr>
<tr>
<td>84501</td>
<td>Advertisement.</td>
</tr>
<tr>
<td>84505</td>
<td>Avoidance of Disclosure.</td>
</tr>
<tr>
<td>84506</td>
<td>Disclaimers: Independent Expenditure Ads</td>
</tr>
<tr>
<td>84506.5</td>
<td>Disclaimers: Independent Expenditure Ads; Not Authorized by Candidate.</td>
</tr>
<tr>
<td>84507</td>
<td>Disclaimer: Legible and Audible.</td>
</tr>
<tr>
<td>84509</td>
<td>Amended Disclaimers.</td>
</tr>
<tr>
<td>84511</td>
<td>Ballot Measure Ads; Paid Spokesperson Disclosure.</td>
</tr>
</tbody>
</table>

Title 2 Regulations

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>18401</td>
<td>Required Recordkeeping for Chapter 4.</td>
</tr>
<tr>
<td>18435</td>
<td>Definition of Mass Mailing and Sender.</td>
</tr>
<tr>
<td>18440</td>
<td>Telephone Advocacy.</td>
</tr>
<tr>
<td>18450.1</td>
<td>Definitions. Advertisement Disclosure.</td>
</tr>
<tr>
<td>18450.4</td>
<td>Contents of Disclosure Statements. Advertisement Disclosure.</td>
</tr>
<tr>
<td>18450.5</td>
<td>Amended Advertisement Disclosure.</td>
</tr>
<tr>
<td>18450.11</td>
<td>Spokesperson Disclosure.</td>
</tr>
</tbody>
</table>