

1 Amend 2 Cal. Code Regs., Section 18450.1 to read:

2 **§ 18450.1. Definitions. Advertisement Disclosure.**

3 (a) Definition of Advertisement. An advertisement as defined in Section 84501 includes
4 but is not limited to the following:

5 (1) A communication ~~Programming received by a broadcast by~~ television or radio, or
6 disseminated by print media;

7 ~~(2) A communication as described in subdivision (a) of Section 84501 that is placed in~~
8 ~~broadcast, print or electronic media;~~

9 ~~(2)(A)~~ An electronic media communication ~~advertisement means an advertisement~~
10 including a logo, icon, writing, image, recording, video, or other data ~~transmitted, distributed,~~
11 posted, broadcast, or displayed electronically. This includes, but is not limited to advertisements
12 in electronic messages, electronic message attachments, text messages, or advertisements that
13 appear on Internet websites or webpages, social media, blogs, ~~mobile devices~~, or other generally
14 accessible electronic communication systems.

15 ~~(3) A telephone, facsimile, or electronic message that is not solicited by the recipient and~~
16 ~~is intended for delivery in substantially similar form to more than 200 recipients. For purposes of~~
17 ~~this paragraph, when a committee sends a message to 200 or fewer recipients and the message is~~
18 ~~“forwarded” to other persons by a recipient, the message sent by the committee is not an~~
19 ~~advertisement by that committee unless the recipient forwarded the any message at the behest of~~
20 ~~the committee and more than 200 total recipients received the message.~~

21 ~~(4) A direct mailing that is not solicited by the recipient and is intended for delivery in~~
22 ~~substantially similar form to more than 200 recipients.~~

23 ~~(5) Posters, door hangers, and yard signs produced in quantities of more than 200.~~

1 ~~(6) A billboard.~~

2 ~~(7) Campaign buttons 10 inches in diameter or larger, and bumper stickers 60 square~~
3 ~~inches or larger produced in quantities of more than 200.~~

4 (b) Burden of Proof. Electronic Media. A committee that claims the inclusion of a
5 required disclosure in an electronic media communication is impracticable or would severely
6 interfere with the committee's ability to convey the intended message under Section
7 84501(a)(2)(E) has the burden of establishing that this exception has been met.

8 ~~(b) In addition to the exempted communications in subdivision (b) of Section 84501,~~
9 ~~none of the following are an "advertisement":~~

10 ~~(1) A small tangible promotional item (e.g., pen, pin, etc.) upon which the disclosures~~
11 ~~required by Sections 84503, 84506 and 84507 cannot be conveniently printed or displayed,~~
12 ~~wearing apparel, and skywriting.~~

13 ~~(2) A communication from an organization to its members, other than a communication~~
14 ~~from a political party to its members.~~

15 ~~(3) An electronic media advertisement where inclusion of any of the disclosure~~
16 ~~requirements of Sections 84503, 84504, 84506, or 84506.5 or of Regulation 18450.4(b)(3)(G)(iv)~~
17 ~~would be impracticable because:~~

18 ~~(A) The nature of the technology used in conveying the communication makes it~~
19 ~~impossible to incorporate the disclosures, and~~

20 ~~(B) The inclusion of the disclosures would severely interfere with the committee's ability~~
21 ~~to convey the intended message so that it can be understood by the audience. Any committee that~~
22 ~~claims a required disclosure in an electronic media advertisement is impracticable has the burden~~
23 ~~of establishing that a disclaimer could not be included due to the above factors.~~

1 (c) Aggregation of Contributions. The aggregation rules of Regulation 18215.1 shall
2 apply in determining when a contributor has reached the \$50,000 disclosure threshold of
3 Sections 84501, 84504, 84504.2.

4 Note: Authority cited: Section 83112, Government Code. Reference: Sections 84501, 84502,
5 84503, 84504, 84504.1, 84504.2, 84504.3, 84504.4, 84504.5, 84505, 84506, 84507, 84508,
6 84506.5, 84509, 84510 and 84511, Government Code.