

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18450.4. Contents of Disclosure Statements. Advertisement Disclosure.

(a) The disclosure requirements of Sections 84503 and 84506(a)(2) shall not apply to general purpose committees, as defined by Section 82027.5.

(b) Where a “disclosure statement” or “disclosure” is required for an advertisement under Sections 84503, 84504, 84506, or 84506.5, the following shall apply to the committee that authorized and paid for the advertisement:

(1) Disclosures shall include “paid for by” in the same manner as, and immediately adjacent to and above, or immediately adjacent to and in front of, the required identification. In addition, disclosure required by Sections 84503 and 84506 shall include the name, pursuant to Regulation 18450.3, of the \$50,000 contributor or contributors. The disclosure shall explicitly indicate that the contributor or contributors were major donors to the committee by stating, for example, “major funding by” “committee contributors:” or “top contributors:” In the case of a contributor that is a committee pursuant to Section 82013(a), the word “committee” shall be included in the disclosure. The aggregation rules of Regulation 18215.1 shall apply in determining when a contributor has reached the \$50,000 disclosure threshold of Sections 84503 and 84506.

(2) Where two or more contributors of identical amounts meet the threshold for the top two contributors, the order of disclosure shall be made beginning with the most recent contributor of that amount.

(3) The disclosures shall be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of the person(s) or committee(s) that paid for the communication, as specified below.

(A) Video: The information shall be both written and spoken either at the beginning or at the end of the communication, except that if the disclosure statement is written for at least five seconds of a broadcast of thirty seconds or less or ten seconds of a sixty second broadcast, a spoken disclosure statement is not required. The written disclosure statement shall appear with a reasonable degree of color contrast between the background and text of the statement, must be of sufficient size to be readily legible to an average viewer and air for not less than four seconds.

(B) Audio: The information shall be spoken in a clearly audible and intelligible manner at the beginning or end of the communication and shall last at least three seconds.

(C) Print Media: All disclosure statements on printed materials designed to be distributed personally or through the mail shall be printed in type no less than 14 point, bold, sans serif type font and printed in a contrasting color to the background on which it appears.

(D) Over Size Print Media: All disclosure statements on printed materials that are larger than those designed to be individually distributed (e.g., yard signs or billboards) shall constitute at least five percent (5%) of the height of the advertisement and printed in a contrasting color.

(E) If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this Regulation applies only to one page, fold, or face.

(F) Each communication that would require a disclosure if distributed separately, and that is included in a package of materials, must contain the required disclosure.

(G) Electronic Media: The disclosure statement on electronic media advertisements must be presented in a clear and conspicuous manner. A disclaimer is not clear and conspicuous if it is

difficult to read or hear, or if the placement is easily overlooked. An electronic media disclosure statement is considered clear and conspicuous if it meets the following, as applicable to that advertisement:

1. Text or Graphic Electronic Media Advertisement: The disclosure information in a text or graphic electronic media advertisement must appear in letters at least as large as the majority of the text in the advertisement, or alternatively, if the advertisement is limited in size (e.g. a micro bar, a button ad, a paid text advertisement that is limited to 500 characters or less in length, or a small paid graphic or picture link) the disclosure is displayed via rollover display, link to a webpage with disclosure information, or other technological means that provide the user with disclosure information. In addition, the disclosure information must be visible for a period of at least four seconds and appear with a reasonable degree of color contrast between the background and text of the statement as to be legible.

2. Audio Electronic Media Advertisement: In an audio format electronic media advertisement, the disclosure information must be spoken in a clearly audible and intelligible manner at the beginning or end of the communication and shall last at least three seconds.

3. Video Electronic Media Advertisement: In a video electronic media advertisement which also includes audio, the disclosure information shall be both written and spoken either at the beginning or at the end of the communication, except that if the disclosure statement is written for at least five seconds of a broadcast of thirty seconds or less or ten seconds of a sixty second broadcast, a spoken disclosure statement is not required. The written disclosure statement shall appear with a reasonable degree of color contrast between the background and text of the statement, must be of sufficient size to be readily legible to an average viewer and air for not less than four seconds.

4. Electronic Media Advertisement Disclosure - Exception: In electronic media advertisements whose size, space, or character limit constraints (i.e., SMS text message) render it impracticable to include the full disclosure information specified in Sections 84503, 84504, 84506, 84506.5, or subsection (b)(3)(G)(i) of this regulation, the candidate or committee sending the mass mailing may provide abbreviated advertisement disclosure containing at least the committee's FPPC number (i.e., "FPPC # 185734") and when technologically possible a link to the webpage on the Secretary of State's website displaying the committee's campaign finance information, if applicable.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 84503, 84504, 84506 and 84506.5, Government Code.

HISTORY

1. New section filed 1-24-2002 as an emergency; operative 1-24-2002 (Register 2002, No. 4). A Certificate of Compliance must be transmitted to OAL by 5-24-2002 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-24-2002 order, including amendment of subsections (a) and (b)(1)-(3), transmitted to OAL 5-15-2002 and filed 6-27-2002 (Register 2002, No. 26).
3. Editorial correction of History 2 and repealer of erroneous former History 3 (Register 2002, No. 45).
4. New subsection (b) and subsection relettering filed 10-26-2004; operative 11-25-2004 (Register 2004, No. 44).
5. New subsection (a), subsection relettering and amendment of newly designated subsections (d) and (e) filed 10-11-2005; operative 10-11-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 41).

6. Amendment of section and Note filed 7-7-2009; operative 8-6-2009. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2009, No. 28).
7. Amendment of subsections (b)(3)(A)-(B) and new subsections (b)(3)(G)-(b)(3)(G)4. filed 12-20-2010; operative 1-19-2011. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 52).
8. Amendment of subsections (b)(1) and (b)(3) filed 3-7-2011; operative 4-6-2011. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2011, No. 10).
9. Change without regulatory effect amending subsection (b)(3)(C) filed 3-22-2016; operative 4-21-2016 pursuant to 2 CCR 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only

subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 13).