

1 Repeal 2 Cal. Code Regs., Section 18450.4 to read:

2 **§ 18450.4. Contents of Disclosure Statements. Advertisement Disclosure.**

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

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

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

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

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

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

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

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

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

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

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

19 ~~(G) Electronic Media: The disclosure statement on electronic media advertisements must~~
20 ~~be presented in a clear and conspicuous manner. A disclaimer is not clear and conspicuous if it is~~
21 ~~difficult to read or hear, or if the placement is easily overlooked. An electronic media disclosure~~
22 ~~statement is considered clear and conspicuous if it meets the following, as applicable to that~~
23 ~~advertisement:~~

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

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

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

21 ~~4. Electronic Media Advertisement Disclosure—Exception: In electronic media~~
22 ~~advertisements whose size, space, or character limit constraints (i.e., SMS text message) render it~~
23 ~~impracticable to include the full disclosure information specified in Sections 84503, 84504,~~

1 ~~84506, 84506.5, or subsection (b)(3)(G)(i) of this regulation, the candidate or committee sending~~
2 ~~the mass mailing may provide abbreviated advertisement disclosure containing at least the~~
3 ~~committee's FPPC number (i.e., "FPPC # 185734") and when technologically possible a link to~~
4 ~~the webpage on the Secretary of State's website displaying the committee's campaign finance~~
5 ~~information, if applicable.~~

6 ~~Note: Authority cited: Section 83112, Government Code. Reference: Sections 84503, 84504,~~
7 ~~84506 and 84506.5, Government Code.~~