

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission”), under the authority vested in it under the Political Reform Act (the “Act”)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **December 21, 2017** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **December 19, 2017**

### BACKGROUND/OVERVIEW:

Existing Section 84501 defines the term “advertisement” for the disclosure rules set out in existing Sections 84503-84511.

Interpreting Section 84501, existing Regulation 18450.1 was enacted in 2002 and provides a definition for each category of advertisement under Section 84501. Regulation 18450.1(b) delineates exceptions from the definition of an “advertisement,” as well as providing the standards and burden of proof when a committee claims the inclusion of a disclosure in an electronic media advertisement is impracticable.

At its April 20, 2017 meeting, the Commission directed staff to review and propose amendments to Regulation 18450.1 to more specifically identify and clarify the dimensions for “yard signs” and larger sign advertisements to provide clarity to the public and the regulated community.

Based on industry standards, “yard signs” are typically 18” x 24” (three square feet) or 24” x 36” (six square feet). These measurements are the common size for campaign signs as well as real estate yard signs. The Federal Election Commission also cites 24” x 36” as a common size for signs in the safe harbor provisions of its advertising disclaimer rules. (11 CFR 110.11) These sizes are consistent with informal advice that Commission staff has provided in the past. Accordingly, staff is proposing to amend Regulation 18450.1 to define yard signs as signs no larger than six square feet.

Staff held an Interested Persons meeting on September 22, 2017. No comments were received from the public or the regulated community. Commission staff also presented its proposal to the Commission for pre-notice discussion at the Commission’s October meeting. No

---

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

public comments were received at the hearing. However, the Commission noted that the October 7, 2017 enactment of the Assembly Bill 249 (Stats. 2017, Ch. 546), effective January 1, 2018 (“AB 249”), would require additional nonsubstantive modifications to this Regulation. Additionally, the Commission noted the need for “cleaning up” the definitional language of an “electronic media advertisement.”

REGULATORY ACTION:

Amend 2 Cal. Code Regs. § 18450.1. Definitions. Advertisement Disclosure.

The Commission will consider amendments to Regulation 18450.1 defining the size of a yard sign including, but not limited to, staff’s proposal to limit the size of a yard sign to no larger than six square feet. The Commission may also consider appropriate advertisement rules for other larger signs including, but not limited to, billboards.

The Commission will also consider amendments to Regulation 18450.1 to incorporate changes enacted in AB 249 including, but not limited to:

- Removing duplicative language.
- Adding language regarding social media advertisements.
- Harmonizing existing language.

Lastly, the Commission may consider additional amendments to clarify and streamline the existing provisions of Regulation 18450.1.

SCOPE: The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy. The Commission may make other changes or additions to this regulation related to updating advertising disclosures.

FISCAL IMPACT STATEMENT:

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY: Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE: The purpose of amending existing Regulation 18450.1 is to implement, interpret and make specific the following:

Amend 2 Cal. Code Regs. Section 18450.1. Government Code Sections 84501, 84502, 84503, 84504, 84504.1, 84504.2, 84504.3, 84504.4, 84504.5, 84506.5, 84509, and 84511 as effective January 1, 2018.

CONTACT: Any inquiries should be made to L. Karen Harrison, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; email: [kharrison@fppc.ca.gov](mailto:kharrison@fppc.ca.gov), telephone (916) 322-5660 or 1-866-ASK-FPPC.

The proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>