

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

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

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

5 (1) A communication ~~Programming received by a broadcast by~~ television or radio;

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

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

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

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

1 (5) Print advertisements designed to be individually distributed including Posters posters,
2 door hangers, and flyers and yard signs produced in quantities of more than 200.

3 (6) Yard signs no larger than six square feet produced in quantities of more than 200.

4 ~~(7)(6) Large Signs. A billboard. Any sign larger than six square feet such as road signs~~
5 ~~and billboards.~~

6 ~~(8)(7) Campaign buttons 10 inches in diameter or larger, and bumper stickers 60 square~~
7 ~~inches or larger produced in quantities of more than 200.~~

8 (b) A committee that claims the inclusion of a required disclosure in an electronic media
9 communication is impracticable or would severely interfere with the committee's ability to
10 convey the intended message under Section 84501(a)(2)(E) has the burden of establishing that a
11 disclaimer could not be included.

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

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

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

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

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

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

5 Note: Authority cited: Section 83112, Government Code. Reference: Sections 84501, 84502,
6 84503, 84504, 84504.1, 84504.2, 84504.3, 84504.4, 84504.5, 84505, ~~84506, 84507, 84508,~~
7 84506.5, 84509, 84510 and 84511, Government Code.