

California Fair Political Practices Commission

Political Advertisement Disclaimers

Under California's Political Reform Act (the "Act"), committees must include "paid for by" disclaimers on campaign advertising, including campaign mailers, radio and television ads, telephone robocalls, and electronic media ads. The questions below relate to disclaimer requirements for committees that purchase advertisements or circulate communications supporting or opposing a state or local candidate or ballot measure in California. This fact sheet is informational only and contains only highlights of selected provisions of the law. It does not carry the weight of the law. For further information, consult the Act and its corresponding regulations, advice letters and opinions.

Who Must Use a Disclaimer?

A candidate's campaign committee, a political action committee, a ballot measure committee, a political party committee, a major donor, and a person or entity making independent expenditures on candidates or ballot measures in California are all types of committees that are subject to disclaimer rules. In general, a person or entity qualifies as a *committee* under the Act if they receive contributions from others for political purposes of \$2,000 or more per year; if they make independent expenditures on California candidates or ballot measures of \$1,000 or more per year; or if they make contributions to California candidates or ballot measures of \$10,000 or more per year.

General Questions

1. Q. What is an advertisement?
 - A. An advertisement is a communication that is made for the purpose of supporting or opposing a candidate or ballot measure. Advertisements include mass mailings (including emails), paid telephone calls, newspaper, radio and television ads, billboards, yard signs, and electronic media ads.
2. Q. What is a disclaimer?
 - A. A "disclaimer" is the portion of a political message that identifies the person or entity who paid for or authorized the communication. "Paid for by *committee name*" is the basic disclaimer required by the Act on most campaign communications sent by a *committee*.
3. Q. Are the Act's disclaimer rules the same for all committees and all ads?
 - A. No. Basic disclaimer rules apply to campaign materials disseminated by a candidate for their own election campaign because it is generally clear to the public that the candidate is sending the communication. Stricter disclaimer rules apply to ballot measure advertisements and independent expenditure advertisements on candidates and ballot measures, because it is less clear to the public who is responsible for these ads.

4. Q. Must a disclaimer appear on ALL printed materials or campaign items?

A. No. A disclaimer is not required on the following items:

- Campaign buttons smaller than 10 inches in diameter, pins, bumper stickers smaller than 60 square inches, and magnets
- Pens, pencils, rulers, mugs, potholders, key tags, golf balls and similar small campaign promotional items where a disclaimer cannot be conveniently printed
- T-shirts, caps, hats, and other articles of clothing
- Skywriting and airplane banners
- Committee checks and receipts
- An electronic media communication for which inclusion of the disclosures required by the Act is impracticable or would severely interfere with the committee's ability to convey the intended message because of the nature of the technology used to make the communication

5. Q. What must the disclaimer state?

A. The basic disclaimer must state: "Paid for by *committee name*." In most cases, any recipient committee except a candidate committee or a political party committee must also list top three contributors of \$50,000 or more. An advertisement supporting or opposing a candidate that is paid for by an independent expenditure shall include a statement that it was not authorized by a candidate or a committee controlled by a candidate. If the advertisement was authorized or paid for by a candidate for another office, the expenditure shall instead include a statement that "This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office."

6. Q. How must the disclaimer appear?

A. Written disclaimers must be printed clearly and legibly. Spoken disclaimers must be clearly audible. **Specific requirements for color contrast, font, print size and time appearing on screen or read during a telephone or radio advertisement are listed in FPPC disclaimer charts.**

7. Q. If a committee's top contributor changes, must advertisement disclaimers be updated?

A. Yes. Television, radio, telephone, electronic billboard, or other electronic media advertisement shall be updated to reflect the new top contributors within five business days. Print media advertisement, including nonelectronic billboards, shall be updated to reflect the new top contributors before placing a new or modified order for additional printing of the advertisement.

8. Q. What are the rules for disclaimers on communications in a language other than English?
- A. Disclaimers on political advertisements must be written or spoken in the same language used in the advertisement, except for the name of the committee and the top contributors to the committee, if any.
9. Q. Must a disclaimer appear on communications from an organization to its members?
- A. For political party communications, yes. For communications from other organizations to their members, a disclaimer is not required.

Mass Mailing Questions

10. Q. On mass mailings, what must the disclaimer state?
- A. A mass mailing – over 200 substantially similar pieces of mail – must include on the outside of the envelope: “Paid for by” and the name and address of the candidate or committee sending the mailing.

If a mass mailing is paid for by more than one candidate or committee, the name and address of the candidate or committee who is paying the greatest share of the mass mailing (including costs for designing, postage, and printing) must be placed on the outside of each piece of mail. If two or more candidates or committees pay equally for the mailer, the name and address of at least one of the candidates or committees must be shown on the outside, and the names and addresses of all candidates or committees paying for the mailer must appear on at least one insert.

11. Q. On emails, what must the disclaimer state?
- A. When over 200 substantially similar emails are sent by a candidate or committee, the email must include “Paid for by and the committee name.” The committee’s street address is not required on mass emails sent by a committee, but may be included.

Advertising Issues Not Under FPPC’s Jurisdiction

12. Q. What are the rules about when and where political signs may be placed?
- A. The Act does not contain rules about when and where signs may be placed. You may visit the [California Department of Transportation website](http://www.cdtd.ca.gov) for information about the State Outdoor Advertising Act and additional restrictions on political sign placement. You should also check with your local jurisdiction as there may be local laws that restrict or prohibit the placement of campaign signs at certain times and in specified places.

13. Q. Where can I get information about the National Do Not Call Registry?

A. For information about the National Do Not Call Registry, administered by the Federal Trade Commission (FTC), go to www.donotcall.gov.