

1 Amend 2 Cal. Code Regs. Section 18421.5 to read

2 **§ 18421.5. Reporting an Expenditure for Paid Online Communications.**

3 (a) Purpose. This regulation requires additional expenditure reporting to inform the
4 public when a recipient committee under Section 82013(a) pays a person to provide
5 favorable or unfavorable content about a candidate or ballot measure on an Internet
6 website, web application, or digital application other than the committee’s own website,
7 or profile or landing page.

8 (b) When reporting an itemized expenditure pursuant to Sections 84211(k) or 84303,
9 a committee, pursuant to Section 82013(a), must specifically describe amounts the
10 committee paid ~~to provide favorable or unfavorable~~ for content ~~on~~ about a candidate or
11 ballot measure ~~by~~, including:

12 1) ~~Providing content for~~ A posting on a web site or a web log (“blog”), ~~whether~~
13 ~~one’s own or another’s~~;

14 2) ~~Providing content for or posting~~ A posting on a social media platform or
15 service;

16 3) ~~Providing video content for posting~~ A video posted online.

17 (c) When reporting these expenditures, whether the payment is made directly or
18 through a third party, committees must list specific details of the payment, including, ~~but~~
19 ~~not limited to~~, the amount of the payment, the payee, the name and public username or
20 handle of the person providing content, the name of ~~each~~ each the website or ~~each~~ each the URL ~~on~~
21 for which the communication is published in the first instance, and, in the case of an
22 article, op-ed, weblog (“blog”) post, or similar communication, the title of the

1 communication. The committee must report the expenditure for online content using the
2 expenditure code “WEB” and the specifics described in this section.

3 (d) When reporting expenditures in connection with amplification measures designed
4 to increase the audience size for an online communication or create the appearance of
5 support or opposition for a candidate or measure through an online communication, in
6 addition to the details required under this subdivision, the committee must provide details
7 regarding the mechanism of amplification used.

8 (1) For an expenditure made to purchase likes, retweets or followers, include a
9 notation indicating the number of likes, retweets, or followers purchased.

10 (2) For an expenditure to boost or increase the presence of a communication online
11 through sharing or other means include the audiences targeted and the number of
12 increased views sought or purchased.

13 (e) Paid advertisements placed on the Internet by a recipient committee that are
14 purchased at regularly published rates are not subject to the additional reporting required
15 by this regulation.

16 (f) The reporting in this regulation does not apply to payments that a recipient
17 committee makes to a person for producing content solely for the committee’s own
18 websites or social media accounts.

19 (g) The reporting requirements of this regulation are in addition to the reporting
20 requirements of Sections 84211(k) and 84303.

21 (h) In the case of a communication that does not meet the definition of an
22 advertisement under Section 84501, ~~if~~ if the fact that a campaign has paid for content as
23 described in this regulation is posted in a clearly conspicuous manner along with the

1 posted content in each instance of the content appearing on the Internet or other digital
2 platform, reporting is not required as described in this regulation. For example, the
3 following type of posting would satisfy this requirement: “The author was paid by the
4 Committee to Re-Elect Mayor Jane Doe in connection with this ~~posting~~. posting.”

5 (i) In the case of a communication that meets the definition of “advertisement” under
6 Section 84501, any reporting and disclosure requirements in this regulation are in
7 addition to the applicable advertising disclosure requirements contained in the Act.

8 (hj) “Content” means that which is offered on a website or other digital platform in
9 writing, picture, video, photograph or other similar format. Content does not include
10 clicking on images to cast a “vote” or opinion, nor does it include commentary posted in
11 response to another person’s content.

12 Note: Authority cited: Sections 83112 and 84211(k), Government Code. Reference:
13 Sections 84211, 84303 and 84501 Government Code.