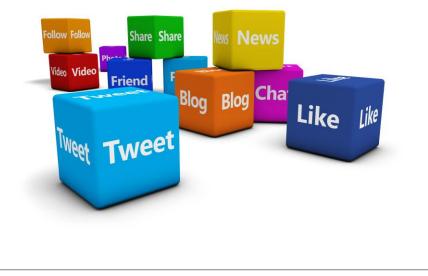
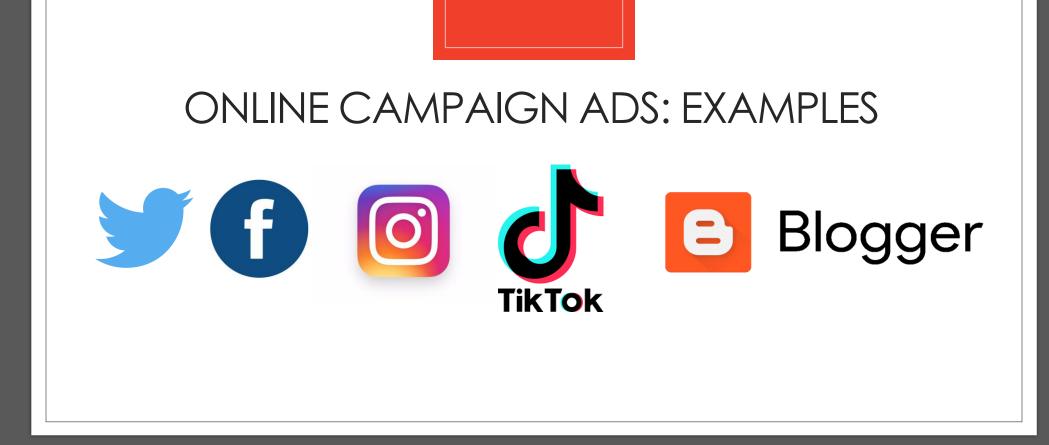
# ONLINE CAMPAIGN ADVERTISEMENTS

Trends and Issues

## THE ONLINE CAMPAIGN LANDSCAPE

- Rise in paid social media "influencers"
- Distinctions between "blogging," social media posts, and other forms of electronic media
- Emergence of "community journalism" and "fake news" sites





### SELF-IMPOSED BANS ON "POLITICAL ADS"



- Twitter and TikTok both broadly prohibit paid ads by candidates, political parties, elected or appointed officials, as well as legislative/regulatory advocacy.
- TikTok says its policy also prohibits content by "paid influencers," while Twitter says its policy does not.
- Facebook and Google have imposed and then rescinded temporary bans on political ads at various points.



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Carl Candidate for City Council As an entrepreneur, I'm proud to have the endorsement of Anytown's small and local businesses. 10 days until election day! #carlforanytown #keepanytownweird ... more

#### COMMITTEE/CANDIDATE'S POST ON THEIR OWN SOCIAL MEDIA ACCOUNT

- A candidate or committee makes a post on their own social media profile/page.
- Clear who paid for the ad.
- For candidates, "ad paid for by" disclosure or hyperlink required on candidate's profile/landing page.
- Committees must link back to required disclosure on committee's profile or landing page.





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Liked by Carl for City Council and 120 others Irene Influencer Election day is almost here! I'm proud to support @CarlforCityCouncil, an Anytowner we can all believe in! Join me and vote @CarlforCityCouncil #carlforanytown #election2021 ... more

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### PAID INFLUENCER POST ABOUT A CANDIDATE/MEASURE

- A candidate or committee pays a social media "influencer" to post on the influencer's social media profile/page about the candidate/committee.
- Currently Act does not require disclosure on the influencer's post/page. FPPC Legal Division has informally advised tagging the committee in the influencer's post, so that voters can determine who paid for the ad.
- Not clear who paid for the ad; looks like the influencer alone is the source of the post.



#### A BLOG WITH MULTIPLE POSTS, ONLY ONE OF WHICH MEETS THE DEFINITION OF AN AD

- A blogger publishes posts about a wide array of topics (e.g. travel, crafts, spirituality, parenting).
- A candidate/committee pays them to post about the candidate/committee on their blog.
- The "Blogger Regulation" (18421.5) requires extra reporting on a recipient committee's campaign reports, or if the committee choses, on the post itself.
- Rules could be clarified as to what disclaimer required under Disclose Act, and where (on individual <u>post</u>? Top/bottom of "website"?)

## PAID NEWSPAPER EDITORIAL



- A committee pays a writer to author an editorial that meets the Act's definition of advertisement for an online news site.
- The site itself receives no payment from either party.
- What disclosure, where, and by whom?
- Questions as to what qualifies as news site vs. blog.
- First Amendment questions.