



**(Unapproved and subject to change)**  
**CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION**  
**Minutes of Digital Transparency Task Force Meeting**  
**Friday, April 16, 2021**  
**10:00 a.m.**

Present: Chair Miadich, Brian Brokaw, Rena Davis, Dagny Starn (for Gale Kaufman), Thad Kousser, Amber Maltbie, Jennifer Waggoner, Abby Wood, Katie Zoglin

Staff Present: Sasha Linker, Commission Assistant

**Call to Order**

Chair Miadich called the meeting to order at 10:03 a.m.

**2. Public Comment for items not on the agenda.**

**3. Approval of March 2021 meeting minutes.**

**MOTION:** Motion to approve March 2021 minutes. Moved by Commissioner Wood, seconded by Amber Maltbie. Motion approved 7-0, with Rena Davis not yet in attendance.

**4. Discussion of Proposed Task Force Recommendations.**

Out of an abundance of caution, Commissioner Wood disclosed that her husband owns Facebook stock.

Katie Zoglin asked about a previous speaker being rescheduled. Chair Miadich stated that they were unable to move forward due to scheduling conflicts.

Chair Miadich discussed the first recommendation of creating a State-run digital archive and asked the Task Force to discuss any disagreement with that recommendation. With no discussion, the Task Force will recommend a State-run archive.

Chair Miadich then discussed the type of information that should be contained in the archive,

specifically, whether variations should be captured. Ms. Waggoner stated that she felt it was essential for the variations of an advertisement to be contained in the archive and the input given to a system is also very important. Ms. Waggoner discussed the potential of API linking the content between the archive and platforms or whether individuals would be uploading the ads.

Thad Kousser stated that this is a key goal to capture the different ways people advertise stating that variations lead to very specific messaging and that should be transparent.

Amber Maltbie questioned if there was a practical compromise to create a distribution threshold, specifically mentioning the 200-distribution threshold used by the City of Los Angeles.

Chair Miadich asked how the variations for ads are created, by the committee or by the platform.

Brian Brokaw said, in his experience, it is through the committee.

Commissioner Wood asked about the minimum number of ads practitioners send out for testing.

Chair Miadich asked if the concern was setting the threshold too high to inadvertently miss pertinent information. Mr. Kousser discussed factorial or conjoint experiments and described the variations that get tested.

Ms. Waggoner added that when AI is being utilized for ads the campaign's ability to know what was shown and to whom is low due to technological abilities. Commissioner Wood stated that there might need to be disclosure of what was submitted to Google or the ad agency to capture as much information about the variation as possible. Chair Miadich stated that it tiptoes into proprietary strategic information and strategic proprietary considerations and questioned whether the archive really needs the basic information from the Committee and then the images and iterations placed by the platforms.

Ms. Maltbie asked if the recommendations are constrained by the Political Reform Act and asked what the extent the Task Force are authorized under the act.

Chair Miadich asked how they can effectively capture the various iterations of an ad in an effective way for disclosure. Chair Miadich asked Ms. Davis when the different iterations are created, are they only in the control of the platform or if the committee also receives copies.

Ms. Maltbie asked if the archive would reach over into other types voter contact that are meant to test and refine messaging. Commissioner Wood stated that making the distinction between strategy and distribution is important to ensure we have analytically clear information about what the public is being exposed to.

Chair Miadich stated advertisements are defined in the Act as communications that are paid for or authorized by a committee and discussed how that definition could help narrow the variation questions.

Chair Miadich asked Ms. Davis how they could get all the variations of an ad that are being generated by the platform into the archive. Rena Davis stated that is not possible and would be extremely difficult based on the way things are structured within Google. Ms. Davis did discuss the information disclosed in the transparency report which includes the information given by the campaign. Ms. Zoglin asked about how the content is produced if Google does not have records of what content was produced. Ms. Davis stated that the presentation given by Google in February 2021 is very informative on how the platform produces ads.

Chair Miadich stated, based on the discussion, the Task Force is interested in the archive including a copy of the advertisement as seen by the end user.

Chair Miadich further stated that who paid for each ad and on what platforms an ad appears are not controversial topic points for the Task Force. Ms. Waggoner stated that the expectation that a committee knows what platform the ad is placed is not necessarily a complete answer and that the answer should be about what platform the committee paid to place an ad.

Mr. Brokaw answered an earlier question that a committee will test up to seven to ten variations of an individual ad before settling on a final, so archiving all the variations would be cumbersome.

Chair Miadich stated that the information concerning the audience that the committee intended to reach should include the length the ad ran and geographic region the ad intended to reach and asked what other information the Task Force believes to be important.

Mr. Kousser asked what the current disclosure requirements were for radio and television. Chair Miadich stated that it is the region, time, and station. Commissioner Wood stated that the link is through the political file at the FCC, and is where the station is, the program it was running during, and the viewer demographics of the show.

Ms. Zoglin asked if the Task Force would look at additional criteria given the unique qualities of digital advertising, such as the qualities or parameters that advertisers look for beyond geography. Ms. Zoglin stated that micro targeting can lead to hate-speech, and maybe they should start off broad to parallel other systems to begin with before finetuning through the years.

Ms. Maltbie stated that she was unsure the Political Reform Act allows for requiring disclosure to the detail the Task Force was discussing and would want to look further into it. Chair Miadich responded that the Task Force would be recommending legislation to set up, pay for, and define parameters for the archive.

Chair Miadich asked Mr. Brokaw how he effectively engages in counter speech. Mr. Brokaw stated it's difficult and they have to do their best with guesswork since there is a lack of solid evidence.

Ms. Davis stated that targeting criteria on Google is limited to age, gender, and geographical location and it can't be a radius around a certain location.

Mr. Kousser gave an example of saying, I advertised on Facebook, as being too broad and discussed needing to know the inputs that create the targeting in order to get the same demographic information that you would get from a radio or television ad placement.

Commissioner Wood talked about Washington State's approach of asking for 'receipts' of ad placements. Ms. Davis stated Google ads are not currently offered in Washington because of some difficulties with the regulations and the Google product model. Chair Miadich asked whether the targeting data that Washington is currently requiring an obligation that is placed on the committee or on the platform. Chair Miadich stated, at a minimum, the Task Force wants the audience information that is analogous to what is disclosed for television and radio and discussed the unique part of disclosing the input information to the platform.

Chair Miadich discussed the need to include impressions in the archive and asked how Google measures impressions that were generated from ads. Ms. Davis stated she isn't sure how that is currently captured but would follow up with her colleagues to get the answer. Mr. Kousser believes it is more important to get the impression information rather than click through information to better align with radio and television structure. Ms. Davis asked if there were any measurement tools that are used in radio and television to gauge audience interaction or if it is something unique to social media. Commissioner Wood stated that there are no measurement tools.

Chair Miadich started the discussion on what types of advertisements should be included in the archive. He further stated state level candidates and ballot measures should be included but that local races would not be realistic immediately. Issue advertisements are not something that the Task Force would recommend including into the archive now, but the archive should be built in a way that they could house those in the future. Digital advertisements are the main concern, but

the archive should be constructed to be able to allow for non-digital advertisements in the future.

Ms. Maltbie declared support of including non-digital advertisements to help with efficiency and transparency in the future. Commissioner Wood was surprised with not including local elections and feels local candidates and ballot initiatives might be the most important to capture.

In respect to discussion point three, Chair Miadich stated that he believes the committee should be responsible for providing the information to the State for inclusion in the archive. Ms.

Waggoner asked how influencers would be handled and if special language should be added.

Chair Miadich stated that it would be the committee's obligation to obtain the ad from the influencer for submission. Ms. Davis gave a note that Google includes options embedded for influencers to disclose their paid services. Commissioner Wood discussed the use of amplification and how the issue of bots should be included in the discussion.

Chair Miadich offered to have Commission Staff give an update on digital advertising rules and the direction the Commission is currently moving.

Chair Miadich stated that the searchability functions of the archive should be easily accessible and wants to include the "bite, snack, meal" idea discussed at the March 2021 meeting. Ms.

Zoglin asked about parallel disclosures such as the top three donors to committees and what the Chair thought. Chair Miadich stated that they should have the committee name, FPPC ID number, and a link to the committees landing page where they have that information to avoid duplicating information.

Mr. Kousser stated that they should include all possible separate fields as searchable categories to allow public transparency and have open API to allow any secondary user to download the data to use it in any format they want or to create a relational database. Ms. Waggoner stated that she would ask staff about the performance and affordability trade-offs.

When asked about additional elements of the archive, Ms. Waggoner recommended three elements: offering training and customer service; complaints, enforcements, and audits; and the possible insignia for the State-run archive. She further described how the public will file complaints, what the staffing will look like, what the standards will be, and what burden is the State taking on to ensure the archive is complete and accurate.

Ms. Zoglin asked how long they want to maintain the database and whether cost would impact the Commission's decision.

Commissioner Wood asked if the data would interact with public records act requests and impact staff workload.

Chair Miadich suggested using an organization to examine disclaimers and recommending improvements to make them more useable and effective for end users. Ms. Davis stated that it might be useful to add some recommendations around the technical feasibility and how the archive might function.

The meeting adjourned at 11:49 a.m.

Respectfully Submitted,  
Sasha Linker  
Commission Assistant  
Approved May 11, 2021

Richard C. Miadich, Chair  
Fair Political Practices Commission