

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18421.5. Reporting an Expenditure for Paid Online Communications.

(a) Purpose. This regulation requires additional expenditure reporting to inform the public when a recipient committee under Section 82013(a) pays a person to provide favorable or unfavorable content about a candidate or ballot measure on an Internet site other than the committee's own website.

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

- 1) Providing such content for or posting on a web site or a web log ("blog"), whether one's own or another's;
- 2) Providing such content for or posting on a social media platform or service;
- (3) Providing such video content for posting online.

(c) When reporting these expenditures, whether the payment is made directly or through a third party, committees must list specific details of the payment, including the amount of the payment, the payee, the name of the individual providing content, and the name of the website or the URL on which the communication is published in the first instance. The committee must report the expenditure for online content using the expenditure code "WEB" and the specifics described in this section.

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

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

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

(g) If the fact that a campaign has paid for content as described in this regulation is posted in a clearly conspicuous manner along with the posted content in each instance of the content appearing on the Internet or other digital platform, reporting is not required as described in this regulation. For example, the following type of posting would satisfy this requirement: “The author was paid by the Committee to Re-Elect Mayor Jane Doe in connection with this posting.”

(h) “Content” means that which is offered on a website or other digital platform in writing, picture, video, photograph or other similar format. Content does not include clicking on images to cast a “vote” or opinion, nor does it include a comment added to a discussion on the same webpage that the content is posted.

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

HISTORY

1. New section filed 10-3-2013; operative 11-2-2013. Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013,

No. 40).