

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **June 15, 2023** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **June 13, 2023**.

BACKGROUND/OVERVIEW:

Commission staff has identified a need for amendments to various regulations pertaining to advertisement disclosures as a result of changes made to the Political Reform Act (“the Act”) by SB 1360 (2022), effective January 1, 2023. The proposed amendments will correct cross-references as necessary and make other changes needed as a result of the new legislation. Additionally, proposed amendments define “television” to include programming viewed via streaming TV or connected TV for certain campaign advertisement disclosures. Proposed amendments include amendments to Regulations 18402, 18450.3, 18450.4, 18450.6, 18450.8, and 18450.9.

REGULATORY ACTION:

Amend 2 Cal. Code Regs., Section 18402 – Committee Names

The Commission may consider amending Regulation 18402(c) to add a reference to Section 84502, which now permits a shortened committee name for certain specified advertisements.

Amend 2 Cal. Code Regs., Section 18450.3 – Top Contributor Disclosure for Affiliated Entities

The Commission may consider amending Regulation 18450.3 to specify, that in accordance with amendments to Section 84503(b), specified terms shall not be used in the disclosure of top contributor names except as permitted by statute.

Amend 2 Cal. Code Regs., Section 18450.4 – Video and Television Advertisement Disclosure

The Commission may consider amending Regulation 18450.4(b) to correct a cross-reference to Section 84504.3.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

The Commission may consider amending Regulation 18450.4 to add a new subdivision (c) defining “television” advertisements to include advertisements viewed via over-the top (OTT) or streaming television delivery, as well as those viewed via connected television (CTV).

The Commission may consider amending Regulation 18450.4 to add a new subdivision (d) to specify permissible forms of top contributor delineation in accordance with Section 84504.1(b)(4). Video and television advertisements subject to Section 84504.1 would be permitted to use one or both of the following to delineate between top contributor names that exceed the width of the screen and wrap onto a second line: a common grammatical symbol or sufficient vertical separation.

Amend 2 Cal. Code Regs., Section 18450.6 – Disclosure on Advertisements in Languages Other than English

The Commission may consider amending Regulation 18450.6(b) to add a reference to Section 84502 now permitting a shortened committee name for certain specified advertisements.

Amend 2 Cal. Code Regs., Section 18450.8 – Disclosure for Advertisements on Listening Applications that are Both Audio and Visual

The Commission may consider amending Regulation 18450.8(a) to correct a cross-reference to Section 84504.3.

The Commission may consider amending Regulation 18450.8(b) to remove an unnecessary cross-reference to Section 84504.4.

Amend 2 Cal. Code Regs., Section 18450.9 – Website Advertisements and Third-Party Social Media Advertisements

The Commission may consider amending Regulation 18450.9(a) to correct a cross-reference to Section 84504.3.

The Commission may consider amending Regulation 18450.9(b) to either remove it or update it in accordance with recent amendments made to Section 84504.3 related to social media campaign advertisements.

SCOPE: The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

FISCAL IMPACT STATEMENT:

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on any local entity or program.

AUTHORITY: Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

REFERENCE: The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 82013, 82015.5, 84102, 84501, 84501.1, 84502, 84503, 84504, 84505, 84504.1, 84504.2, 84504.3, 84504.4, 84504.5, 84504.6, 84504.7, 84506.5, 84509, 84510, and 84511.

CONTACT: Any inquiries should be made to Erika M. Boyd, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC, or by email at eboyd@fppc.ca.gov. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.