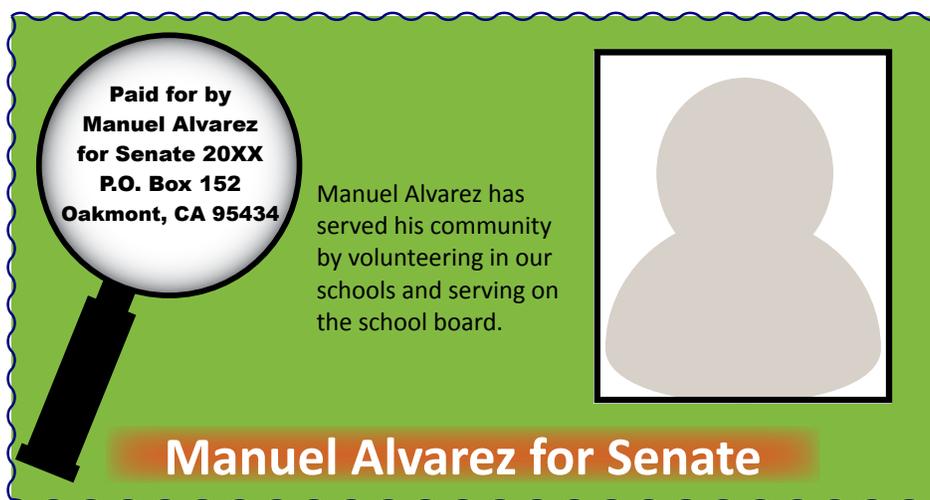


ADVERTISEMENT DISCLAIMERS

This chapter describes the disclaimers required by the Political Reform Act ("Act") on mass mailings and other advertisements made by candidate controlled committees and committees primarily formed to support or oppose a candidate. A disclaimer is the portion of a political message that identifies the committee that paid for and authorized the communication. The basic disclaimer for most communications is "paid for by [committee name]." The disclaimer ensures that the committee paying for the ad is identified. The Act does not regulate the truth or accuracy of political communications given that the First Amendment provides broad protection for political speech.

Disclaimer Example:



A. Which Communications Require an Ad Disclaimer?

Candidate Controlled Committees

Under the Act, a candidate controlled committee must include a disclaimer on mass mailings and certain telephone calls advocating the candidate's own election. In addition, radio and television advertisements require a "paid for by" disclaimer. The Act does not require a specific disclaimer on other communications, such as billboards and yard signs, when they are paid for by a candidate controlled committee in support of the candidate's own campaign. However, the FPPC recommends placing "paid for by [committee

name]” and the committee’s ID number on all public campaign materials.

Primarily Formed Committees Making Independent Expenditures

Under the Act, committees that are primarily formed to support or oppose a candidate must include a disclaimer on the following communications:

- Mailings, including emails
- Paid telephone calls
- Radio ads
- Television ads
- Electronic media ads, including audio only ads
- Newspaper ads
- Billboards
- Yard signs
- Door hangers
- Flyers
- Posters

Quick Tip

Check with your local elections office for rules on the placement of campaign signs and any other applicable local rules. Also check the rules on placing temporary political signs in California’s Outdoor Advertising Act Sec. 5405.3, on the Department of Transportation’s website.

Advertisement Disclaimer Exceptions

Generally, a disclaimer is not required on the following advertisements:

- Regular-size campaign buttons and bumper stickers, pins, or magnets
- Pens, pencils, rulers, mugs, potholders, key tags, golf balls and similar small campaign promotional items where a disclaimer cannot be conveniently printed
- T-shirts, caps, hats, and other articles of clothing
- Skywriting and airplane banners
- Committee checks and receipts

B. How Must the Disclaimer Appear?

Disclaimers on political ads must be shown clearly so they may be easily understood by the public. Written disclaimers must be printed clearly and legibly. Spoken disclaimers must be clearly audible and intelligible. Disclaimers must also be written or spoken in the same language used in the advertisement. The charts on the following pages specify requirements for color contrast, print font size, placement location, and the amount of time the disclaimer is required to appear on screen.

C. Advertisement Disclaimers for Communications by Candidate Committees for their own Election

The disclaimer on a communication made by a candidate's committee for his or her own election must include "paid for by [committee name]," unless otherwise noted in the chart below.

Communication	Disclaimer and Manner of Display
All mass mailings – more than 200 substantially similar pieces of mail sent within a calendar month	<ul style="list-style-type: none">• Candidate's committee name and address (on file with Form 410) on outside of mailing (if no Form 410 on file, use candidate's name and address)• "Paid for by" must be in the same color and font as the committee name and address and immediately in front of or above the name and address• If sent by more than one candidate or committee:<ul style="list-style-type: none">○ Also on at least one insert in the mailing• No less than 6-point type and in a contrasting print or color• Return envelopes (if included in solicitation) – committee's name, address and ID number are recommended but not required
All mass electronic mail – more than 200 substantially similar emails sent within a calendar month	<ul style="list-style-type: none">• "Paid for by [name of candidate or committee]" must be in at least the same size font as a majority of the text (no address is required on mass electronic mailings)

Communication	Disclaimer and Manner of Display
Newspaper ads	<ul style="list-style-type: none"> Refer to the Elections Code for newspaper ad disclaimer requirements
<p>Telephone calls advocating candidate's own election - 500 or more calls similar in nature and made by:</p> <ul style="list-style-type: none"> Vendors ("robo" calls) or Paid individuals other than the candidate, campaign manager or volunteers 	<ul style="list-style-type: none"> Must identify the candidate's committee that authorized or paid for the call or an organization authorizing the call that files campaign reports Must state that the call is "paid for by" or "authorized by" the identified candidate or organization <ul style="list-style-type: none"> <i>Examples: This call was paid for by Senator Jones; This call was authorized by [name of committee]</i> Any time during the call No ID required on telephone calls personally dialed by candidate, campaign manager or volunteers
Radio and television ads	<ul style="list-style-type: none"> Radio: "Paid for by" followed by name of committee as it appears on most recent Form 410 at the beginning or end of advertisement read in a clearly spoken manner with pitch and tone substantially similar to the rest of advertisement Television: "Paid for by" followed by name of committee as it appears on most recent Form 410 shown for at least four seconds. Letters must be in a type size greater than or equal to four percent of the height of the screen
Electronic Media ads (Websites, blogs, Twitter feeds, social media pages – e.g., Facebook)	<ul style="list-style-type: none"> "Paid for by <i>committee name</i>" and committee ID number are recommended but not legally required
Billboards, signs (including yard signs), faxes, business cards, door hangers, flyers, and posters	<ul style="list-style-type: none"> "Paid for by <i>committee name</i>" and committee ID number are recommended but not legally required

D. Advertisement Disclaimers for Independent Expenditure Ads Made by Committees Primarily Formed to Support or Oppose a Candidate

When a committee primarily formed to support or oppose a candidate pays for an advertisement that is an independent expenditure, the advertisement disclaimer must include the information contained in the chart below, including the names of the committee's top three contributors.

Top Contributors

“Top contributors” means the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of fifty thousand dollars (\$50,000) or more. If two or more contributors of identical amounts qualify as top contributors, the most recent contributor of that amount must be listed as the top contributor.

When a committee primarily formed to support or oppose a state candidate contributes funds to another committee primarily formed to support or oppose the same state candidate and the funds used for the contribution were earmarked to support or oppose that candidate, the committee receiving the earmarked contribution shall disclose the contributor who earmarked their funds as the top contributor if the definition of top contributor is met. If the committee receiving the earmarked contribution contributes any portion of the contribution to another committee primarily formed to support or oppose the specifically identified state candidate, that committee must disclose the true source of the contribution to the new committee receiving the earmarked funds. The new committee must disclose the contributor on its advertisements if the definition of top contributor is met.

Communication	Disclaimer and Manner of Display
<p>Print ads designed to be individually distributed including mailings, door hangers, flyers, faxes, posters, newspaper and magazine ads and oversized campaign buttons and bumper stickers (buttons 10 inches in diameter or larger and stickers 60 square inches or larger)</p>	<ul style="list-style-type: none"> • “Paid for by [committee’s name]” (on file with Form 410 or 461) • “Committee major funding from [names of top three donors of \$50,000 or more]” each listed on a separate horizontal line, centered horizontally, in descending order, beginning with the largest contributor (<i>not applicable to non-recipient committees</i>) <ul style="list-style-type: none"> ○ Newspaper, magazine or other print advertisements that are 20 square inches or less must only disclose the single top contributor of \$50,000 or more • “Funding Details at www.fppc.ca.gov” must be shown immediately below the top three donor text for state primarily formed ballot measure and candidate committees that raise \$1,000,000 (see Section 84223) • A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate • Disclaimer Format: Text must be in Arial equivalent font, in at least 10-point size, in a contrasting color, and located in a printed or drawn box with a solid white background at the bottom of at least one page and set apart from other printed matter <ul style="list-style-type: none"> ○ “Committee major funding from” and “Not authorized by” disclaimers may not appear in all capital letters

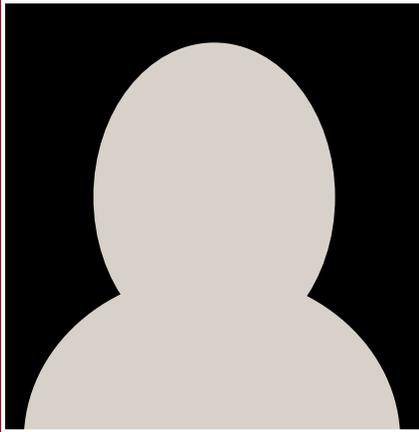
Communication	Disclaimer and Manner of Display
<p>Print ads larger than those designed to be individually distributed, such as billboards and signs (including yard signs)</p>	<ul style="list-style-type: none"> • “Paid for by [committee’s name]” (on file with Form 410 or 461) • “Committee major funding from [names of top three donors of \$50,000 or more]” Top contributors must be displayed from largest to smallest appearing either on: (1) separate horizontal lines, centered horizontally or (2) one line separated by commas (<i>not applicable to non-recipient committees</i>) • A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate • Disclaimer Format: Text must constitute a height of at least five percent of the advertisement, meaning that each line must be at least five percent of the advertisement, and must appear in a color that has a reasonable degree of contrast with the background <ul style="list-style-type: none"> ○ “Committee major funding from” and “Not authorized by” disclaimers may not appear in all capital letters
<p>Radio ads, telephone calls and audio only electronic media ads</p>	<ul style="list-style-type: none"> • “Paid for by [committee’s name]” (on file with Form 410 or 461) • “Committee major funding from [names of top three donors of \$50,000 or more]” in descending order, beginning with the largest contributor (<i>not applicable to non-recipient committees</i>) • A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate • Disclaimer Format: Must be spoken clearly for at least three seconds at the beginning or end of the ad or call, in a pitch and tone substantially similar to the rest of the advertisement <ul style="list-style-type: none"> ○ Radio and prerecorded telephone ads must disclose only the top two contributors of \$50,000 or more unless the ad lasts 15 seconds or less or the disclaimer statement would last more than eight seconds, in which case only the single top contributor must be disclosed

Communication	Disclaimer and Manner of Display
<p>Television and video ads (including those disseminated over the Internet)</p>	<ul style="list-style-type: none"> • “Paid for by [committee’s name]” (on file with Form 410 or 461) • “Committee major funding from [names of top three donors of \$50,000 or more]” in descending order, beginning with the largest contributor (<i>not applicable to non-recipient committees</i>) • A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate • Disclaimer Format: Text must be in a contrasting color and in Arial equivalent type and must be underlined unless specified below <p>The size for the smallest letters in the disclaimer must be four percent of the height of the display screen unless this causes the name of any top contributors to exceed the width of the screen or causes the disclaimers to exceed one-third of the display screen, the type size of the name of the top contributor shall be reduced until the name fits on the width of the screen or the entire disclaimer fits within one-third of the display screen, but in no case shall the type size be smaller than 2.5 percent of the height of the screen.</p> <p>Disclaimer must appear on a solid black background on the entire bottom third of the display screen, or bottom one-fourth of the screen if the committee has no top contributors</p> <p>Disclaimer must be displayed at the beginning or end of the ad for at least five seconds of a broadcast of 30 seconds or less or for at least 10 seconds of a broadcast longer than 30 seconds</p> <p>Each top contributor must be disclosed on a separate horizontal line and centered horizontally and is not required to be underlined</p> <p>The “Not authorized by” disclaimer must appear below all other text in the solid black background in a contrasting color, in Arial equivalent type, and in no less than 2.5 percent of the height of the display screen and is not required to be underlined</p> <ul style="list-style-type: none"> ○ “Committee major funding from” and “Not authorized by” disclaimers may not appear in all capital letters

Communication	Disclaimer and Manner of Display
<p>Electronic media ads not covered below (except video ads, see above), and email</p> <p>Social media ads</p> <p>Website</p> <p>Electronic media ads that are audio only</p>	<ul style="list-style-type: none"> • “Who funded this ad?” text as a hyperlink in a contrasting color and font size that is easily readable by the average viewer* <ul style="list-style-type: none"> ○ Must hyperlink to a website containing the “Paid for by,” “Committee major funding from,” and “Not authorized by” disclaimers in a contrasting color and in no less than 8-point font ○ “Committee major funding from” and “Not authorized by” disclaimers may not appear in all capital letters ○ Must remain online until 30 days after the date of election • “Paid for by,” “Committee major funding from,” and “Not authorized by” disclaimers in a contrasting color and in no less than 8-point font on the committee’s profile, landing page, or similar location and is not required to include disclaimers on each individual post or comment <ul style="list-style-type: none"> ○ “Committee major funding from” and “Not authorized by” disclaimers may not appear in all capital letters ○ Not required when the only expense or cost of the communication is compensated staff time unless the social media account was created only for the purpose of advertisements under the Act • “Paid for by,” “Committee major funding from,” and “Not authorized by” disclaimers in a contrasting color and in no less than 8-point font <ul style="list-style-type: none"> ○ “Committee major funding from” and “Not authorized by” disclaimers may not appear in all capital letters • See disclaimer requirements for radio ads above <p>*This text is not required if including it is impracticable. In such circumstances the ad need only include a hyperlink to a website containing the website disclaimers.</p>

Print Advertisement Disclaimer Example:

Jason Woods has our back in Sacramento



Fighting to Restore Public Safety

**Working to Expand Quality Early
Education Programs**

**Working Across Party Lines to
Achieve Results**



Paid For by Public Safety Workers and Educators to Re-Elect Senator Woods 20XX

**Committee major funding from:
International Workers Association
State Safety Workers Association
Funding Details at www.fppc.ca.gov**

This advertisement was not authorized by a candidate or a committee controlled by a candidate.

E. Mass Mailings – Emails and Postal Mailings

A “mass mailing” is made when more than 200 substantially similar pieces of mail have been sent within a calendar month. A mass mailing also includes more than 200 substantially similar messages distributed to the public within a calendar month through electronic mail (“email”). Solicitation letters, notices of fundraising events, newsletters sent by the candidate or committee, and other types of campaign literature are common types of mass mailings.

Disclaimers for Emails Sent by a Candidate for their own Election

Emails must include the committee’s name preceded by the words “Paid for by” in at least the same size font as a majority of the text in the email.

From: Reynolds@yahoo.com
To: Voter1@gmail.com
Cc:
Subject: Reynolds for Assembly 20XX

Don’t forget to vote for Reynolds on Tuesday! This message was paid for by Reynolds for Assembly 20XX.

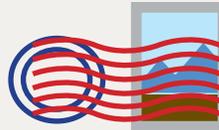
Disclaimers for Postal Mailings Sent by a Candidate for their own Election

A mass mailing sent by a candidate controlled committee must include the words “paid for by” immediately adjacent to and above, or immediately adjacent to and in front of, the name and address of the committee on the outside of each piece of postal mail. The disclaimer must be in no less than 6-point type and in a color that contrasts with the background (Example: no light blue disclaimers on a blue background). A post office box may be used as the address only if the committee’s street address is on its Statement of Organization (Form 410) on file with the Secretary of State.

Quick Tip

The committee ID number is not required to be included on mass mailings, but the FPPC recommends that committees include the committee name and ID number on all public campaign materials.

Paid For By
Roxie Reynolds for Senate 20XX
1615 Skate Street
Torrance, CA 90503



Jordan Cooper
315 S. Fairfield Street
Torrance, CA 90503

Mailings Sent by More than One Candidate Controlled Committee

A mass mailing sent by more than one candidate controlled committee must include the words “paid for by” immediately adjacent to and above, or immediately adjacent to and in front of, the name and address of the committee that is paying the greatest share of the mass mailing including costs for designing, printing, and postage. This disclaimer must appear on the outside of each piece of mail. If two or more committees pay equally for the mailer, the name and address of at least one of the committees must be shown on the outside and the names and addresses of all committees must appear on at least one insert. The disclaimer must be in no less than 6-point type and in a color that contrasts with the background (Example: no light blue disclaimers on a blue background). A post office box may be used as the address only if the committee’s street address is on its Statement of Organization (Form 410) on file with the Secretary of State.

Mailings (including Emails) Sent by Committees Primarily Formed to Support or Oppose a Candidate

Postal Mailings. Any mailing (regardless of the number of pieces sent) paid for by a primarily formed committee as an independent expenditure supporting or opposing a candidate must include the disclaimers below in Arial equivalent font, in at least 10-point size, in a contrasting color and located in a printed or drawn box with a solid white background at the bottom of at least one page and set apart from other printed matter.

- “Paid for by [committee’s name]”
- “Committee major funding from [names of top three donors of \$50,000 or more]” each listed on a separate horizontal line,

Quick Tip

If two or more candidate controlled committees pay equally for a mass mailing, the names and addresses of each of the committees must appear on at least one insert.

centered horizontally, in descending order, beginning with the largest contributor. Mailings that are 20 square inches or less must only disclose the single top contributor of \$50,000 or more.

- “Funding Details at www.fppc.ca.gov” must be shown immediately below the top three donor text for state primarily formed candidate committees that raise \$1,000,000 (see Section 84223)
- A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate

Emails. Emails sent by a primarily formed committee supporting or opposing a candidate must include the text “Who funded this ad?” as a hyperlink in a contrasting color and font size that is easily readable by the average viewer. The text must hyperlink to a website containing the “Paid for by,” “Committee major funding from,” and if an independent expenditure, “Not authorized by” disclaimers provided above in a contrasting color and in no less than 8-point font. The website information must remain online until 30 days after the date of election.

Recordkeeping for Mass Mailings (including Emails)

For each mass mailing and electronic mailing, the following information must be retained in the committee’s records for a period of four years:

- A sample of the mailing;
- A record of the date of the mailing;
- The number of pieces sent; and
- The method of postage used for postal mailings.

Quick Tip

An independent expenditure is a payment for a communication expressly advocating support of or opposition to a candidate, which is not coordinated with or made at the behest of the candidate.

F. Telephone Calls

Calls Made by Candidate Controlled Committees for their own Election

If a candidate controlled committee pays for **500 or more** similar telephone calls made by vendors (“robo” calls) or paid individuals advocating the candidate’s own election, the name of the organization that authorized the call must be disclosed to the recipient of the call. If the organization authorizing the call does not have filing obligations under the Act, the name of the candidate that paid for the call must be disclosed to recipients. The disclosure must include the words “paid for by” or “authorized by.” The disclaimer is not required for telephone calls personally dialed by the candidate, campaign manager, or volunteers.

Quick Tip
Anonymous “robo” calls are a violation of the Act. Committees are prohibited from contracting with a vendor for political calls that does not disclose who paid for or authorized the calls.

Ex 8.1 - Senator Reitz pays a vendor to make calls to 1,500 local voters to encourage them to reelect her to Senate. The disclaimer must state that the telephone calls were paid for by the candidate’s committee. For example, “[t]his call was paid for by Reelect Senator Reitz 20XX.”

Ex 8.2 - At Senator Reitz’s request, Citizens for Better Schools (a general purpose committee) pays a vendor to make calls to 1,500 local voters to encourage them to reelect Senator Reitz. The disclaimer must identify the committee paying for the call or the candidate authorizing the call. For example, “[t]his call was paid for by Citizens for Better Schools” or “[t]his call was authorized by Senator Reitz.”

Calls Made by Committees Primarily Formed to Support or Oppose a Candidate

If a primarily formed committee pays for a telephone call that expressly advocates support for or opposition to a candidate, the name of the committee must be disclosed to recipients. The disclosure must include the words “paid for by.” If the call is an independent expenditure, the disclaimer must also include a statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate. The disclaimer must also include the committee’s top three contributors of \$50,000 or more during the 12-month period prior to the expenditure, if any.

Recordkeeping for Telephone Calls

A committee must retain for a period of four years the following records for each telephone call:

- If the message was live, a script of the call.
- If the message was recorded, a copy of the recording.

G. Electronic Media Ads

The Act does not require a specific disclaimer on electronic media ads, including websites, Internet ads, and mobile ads paid for by a candidate's committee for his or her own election. However, the FPPC recommends placing "paid for by [committee name]" and the committee ID number on all public campaign materials.

Committees primarily formed to support or oppose a candidate making independent expenditures for electronic media ads are subject to the "paid for by [committee name]" requirement and additional disclaimer requirements as described in the chart earlier in this chapter.

H. Newspaper, Radio and Television Ads

Radio and television ads paid for by a candidate's committee for their own election must include the following disclaimers:

- Radio: "Paid for by" followed by name of committee as it appears on most recent Form 410 at the beginning or end of advertisement read in a clearly spoken manner with pitch and tone substantially similar to the rest of advertisement.
- Television: "Paid for by" followed by name of committee as it appears on most recent Form 410 shown for at least four seconds. Letters must be in a type size greater than or equal to four percent of the height of the screen.

The Act does not require a specific disclaimer on newspaper ads paid for by a candidate's committee for their own election. For newspaper ad requirements, candidates and committees should check the Elections Code.

Committees primarily formed to support or oppose a candidate making independent expenditures for a newspaper, radio, or television ad to support or oppose a candidate are subject to the “paid for by [committee name]” disclaimer and other requirements as described in the chart earlier in this chapter.

I. Paid Spokespersons for Ballot Measure Ads

Generally, candidate controlled committees and primarily formed committees spend campaign funds only in connection with the candidate’s election. However, there may be times when a committee wants to pay for an advertisement to support or oppose a ballot measure.

The Act requires specific disclosure when any committee uses a paid spokesperson in an advertisement to support or oppose a ballot measure. The committee must (1) file a Paid Spokesperson Report, Form 511, for an individual’s appearance in a ballot measure advertisement and (2) include a disclaimer on the ad in the situations below.

\$5,000 payment to an individual in an ad: The committee makes expenditures totaling \$5,000 or more for an individual’s appearance in an advertisement to support or oppose the qualification, passage or defeat of a state or local ballot measure.

Disclaimer on ad: “(Spokesperson’s name) is being paid by this campaign or its donors.”

Any payment to an individual in an ad portraying a professional (nurse, doctor, firefighter, scientist, engineer, lawyer, etc.): The committee makes expenditures of any amount to an individual for his or her appearance in an ad supporting or opposing the qualification, passage or defeat of a state or local ballot measure that states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training to engage in that occupation.

Disclaimer on ad: “Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations.”

Note: If the individual in the ad is actually a member of the occupation portrayed, the committee may omit this disclaimer, and shall maintain documentation of the individual’s license or certification for the occupation. Upon request from the FPPC, the committee must provide documentation of an individual’s occupation by electronic means within 24 hours.

The advertisements include print, television, video, and radio ads, as well as telephone messages. The disclaimers on the ads must be shown in highly visible font for print, television or video ads, or spoken in a clearly audible manner for radio ads or telephone messages.

J. Form 511 – Paid Spokesperson Report

In addition to the disclosure requirements when a committee pays for a spokesperson to appear in an advertisement to support or oppose a ballot measure, the committee may also be required to file the Form 511 (Paid Spokesperson Report). The Form 511 must be filed in the following situations:

Payments of \$5,000 or More: The committee makes expenditures totaling \$5,000 or more to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage, or defeat of a state or local ballot measure.

Payments of Any Amount: The committee makes expenditures of any amount to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage, or defeat of a state or local ballot measure and the advertisement states or suggests that the individual is a member of an occupation that requires licensure or certification or other specialized documented training as a prerequisite to engage in that occupation (nurse, doctor, firefighter, scientist, engineer, lawyer, etc.).

Paid Spokesperson Report

Type or print in ink. Amounts may be rounded to whole dollars.

NAME OF FILER Committee to Elect Greer for Senate 20XX		ID # (if required) 1234567	Date Stamp	CALIFORNIA FORM 511 For Official Use Only
AREA CODE/PHONE NUMBER (916) 111-2222	E-MAIL (Optional) Greer@gmail.com			
STREET ADDRESS 10 J Street			<input type="checkbox"/> Amendment (explain)	
CITY Sacramento	STATE CA	ZIP CODE 95814		

Payments Made *Attach additional information on appropriately labeled continuation sheets.*

DATE	NAME AND ADDRESS OF SPOKESPERSON (OCCUPATION MAY BE REQUIRED - SEE INSTRUCTIONS)	BALLOT MEASURE SUPPORTED OR OPPOSED (INCLUDE BALLOT NUMBER OR LETTER AND JURISDICTION)	AMOUNT
10/XX/20XX	Jerry Nelson, Teacher 34 Rio Circle, Sacramento, CA 95826	Prop 10 - STATE <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	\$2,500

When and Where to File Form 511

File Form 511 with the Secretary of State within 10 days of making or promising payments to the individual that will appear in the ballot measure advertisement(s). Electronic filers must also file a paper copy.

How to Complete Form 511

Complete the address fields and the treasurer or assistant treasurer must sign the verification. Amendments must be filed as soon as possible along with an explanation.

Payments Made

Date: List the date the payments were made or the services were received, whichever is earlier.

Spokesperson:

- List the name and address of the individual who was paid \$5,000 or more to appear in the ballot measure advertisement;
- or

- List the name of an individual paid any amount for his or her appearance in a printed, televised or radio advertisement or in a telephone message that supports or opposes a state or local measure **and** the advertisement states or suggests that the individual is a member of an occupation that requires licensure, certification or other specialized, documented training as a prerequisite to engage in that occupation.

Ballot Measure: Identify the measure, jurisdiction and mark support or oppose.

Amount: Provide the amount paid to the spokesperson.

Ex 8.3 - A candidate's election committee will file Form 511 as it hired a public relations firm to produce a television advertisement opposing a state ballot measure and a teacher was paid \$500 to appear in the ballot measure ad.

K. Paid Online Communication Disclosure

The Act requires recipient committees to provide additional expenditure reporting under Regulation 18421.5 when the committee pays a person to provide favorable or unfavorable content about a candidate or ballot measure. This rule applies whenever the committee: (1) pays for online communications on an Internet site other than the committee's own website or web log ("blog"), whether one's own or another's; (2) provides content for or posting on a social media platform or service; or (3) provides video content for posting online. Committees must report 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. See Chapter 9 – Committee Reports for specific reporting requirements.

In lieu of the additional reporting requirement, a disclaimer may be posted instead so long as it is presented in a clearly conspicuous manner with the paid online content, and included each time the content appears on the Internet or other digital platform. For example, the following disclaimer would satisfy this requirement: "The author was paid by the Committee to Re-Elect Senator Santos in connection with this posting."

L. Updating a Disclaimer

Advertisement disclaimers must be revised if a committee's name changes, if the order of the top contributors change, or if there is a new \$50,000 donor. Television, radio, electronic media, or "robo" calls must be amended within five business days. Print media, mass mailings, or other tangible items must be amended every time an order to reproduce is placed.

M. Penalties

Failure to comply with the Act's disclaimer requirements may result in fines of up to \$5,000 per violation. In addition, any person who violates the disclaimer requirements for ballot measure and independent expenditure advertisements may be liable for fines of up to three times the cost of the advertisement, including placement costs.

Answering Your Questions

A. Are the disclaimer rules the same for candidate controlled committees and committees primarily formed for candidates that will be making independent expenditures?

No. Stricter disclaimer rules apply to independent expenditure advertisements because it is less clear to the public who is responsible for these ads. The Act requires disclaimers on a broader range of advertisements when they are paid for by a committee making independent expenditures. See the ad disclaimer charts in this chapter for additional information.

B. A committee primarily formed for a candidate has agreed to pay for several types of communications (yard signs, a billboard, door hangers) to advocate support of the candidate. The advertisements are prepared by the candidate's campaign consultant. What disclaimers are required, if any?

The same disclaimers are required as those for a primarily formed committee making independent expenditures except for the "not authorized by" disclaimer.

C. If a business entity includes a copy of a candidate's flyer in its regular monthly mailing, is the candidate required to be identified on the outside of the mailer?

No. The candidate's name and address must be identified on the flyer only.

D. If a committee has more than one address, can any of the addresses be used on mass mailings?

Any address that is on the committee's Statement of Organization (Form 410) on file with the Secretary of State may be used.

E. A committee pays for a candidate's mailing as a nonmonetary contribution. Must the committee paying for the mailing or the candidate's committee be identified on the outside of the mailing?

The committee that pays for the mailing must be identified on the outside of the mailing.

F. If a candidate's committee is sending a postcard-type mailing, may the name of the committee appear only once?

Yes. The name may appear only once. The committee's address must also be included.

G. Where on the outside of the mailing must the candidate identification be placed?

There is no specific requirement for the location of the sender identification as long as it appears on the outside of the mailing. The words "paid for by" must be immediately adjacent to and above, or immediately adjacent to and in front of, the committee name and address.

H. What type of disclaimer is required for a committee that sends independent expenditure ads through Twitter?

Committees making independent expenditures via electronic media ads on Twitter may satisfy the Act's disclaimer requirements in one of two ways: (1) providing its full disclaimer statement on its Twitter profile/landing page or (2) including the phrase "Who funded this ad?" on its Twitter profile/landing page immediately followed by a hyperlink to an Internet Web site containing the full disclaimer statement.

Authority

The following Government Code sections and Title 2 regulations provide authority for the information in this chapter:

Government Code Sections

- 82025 Expenditure.
- 82031 Independent Expenditure.
- 82041.5 Mass Mailing.
- 82044 Payment.
- 82047 Person.
- 84305 Requirements for Mass Mailing.
- 84310 Identification Requirements for Telephone Calls.
- 84501 Advertisement.
- 84502 Disclaimer; Committee Name.
- 84503 Top Contributor Disclosure.
- 84504 Disclaimer; Radio and Telephone Ads.
- 84504.1 Disclaimer; Television Ads.
- 84504.2 Disclaimer; Print Ads.
- 84504.3 Disclaimer; Electronic Media Ads.
- 84504.4 Disclaimer; Radio and Television Ads; Political Parties and Candidates.
- 84504.5 Disclaimer; Independent Expenditure Ads; Political Parties and Candidates.
- 84505 Avoidance of Disclosure.
- 84506.5 Disclaimer; Independent Expenditure Ads; Not Authorized by Candidate.
- 84509 Amended Disclaimers.
- 84511 Ballot Measure Ads; Paid Spokesperson Disclosure.

Title 2 Regulations

- 18215 Contribution.
- 18225.7 Made at the Behest; Independent versus Coordinated Expenditures.
- 18247.5 Primarily Formed Committees.
- 18401 Required Recordkeeping for Chapters 4 & 5.
- 18421.5 Reporting an Expenditure for Paid Online Communications.

- 18435 Definition of Mass Mailing.
- 18440 Telephone Advocacy.
- 18450.1 Definitions. Advertisement Disclosure.
- 18450.5 Amended Advertising Disclosure.
- 18450.11 Spokesperson Disclosure.
- 18523.1 Written Solicitation for Contributions.