

ADVERTISEMENT DISCLOSURES

Those making independent expenditures must put notices on mailings and advertisements. Information about who paid for the communication is required on mailers, billboards, emails and other print ads as well as television, radio, and Internet ads. There are specific rules for ensuring that the public can determine the source of a political mail piece or advertisement. Disclosure requirements vary depending upon the medium.

A. Advertisement Disclosures

Advertisements paid for by an independent expenditure which support or oppose either candidates or ballot measures, must identify the committee making the independent expenditure. The disclosure must be presented in a clear manner to give the reader or listener adequate notice of the identity of the committee. Broadcast information also must be appropriately conveyed to the hearing impaired.

The advertising disclosure rules for independent expenditures supporting or opposing candidates and ballot measure are illustrated in the charts below.

Quick Tip

Identify the legal name of the entity or individual who is paying for a mailing or other advertisement. For example, if ABC Development Company qualifies as an independent expenditure committee and pays for a mailing or other advertisement, ABC Development Company is the name that must be identified.

Please note that advertisements that are “online platform disclosed advertisements” have different disclosure requirements than other types of online advertisements. “Online platform disclosed advertisements” are either (1) electronic media advertisements made via an online platform that allows users to engage in discourse and post content, or any other type of social media, for which the committee pays the online platform or (2) electronic media advertisements that are in the form of a graphic, image, animated graphic, or animated image that an online platform hosting the advertisement does not allow to hyperlink to an internet website containing required disclosures for which the committee pays the online platform. An “online platform disclosed advertisement” does not include a video, audio, or email advertisement. For more information on “online platform disclosed advertisements” please refer to the “Online Platform Disclosed Advertisement Requirements” chart later in this chapter.

Electronic media advertisements that are not “online platform disclosed advertisements” shall follow disclosure requirements described in this chapter, other than those listed in the “Online Platform Disclosed Advertisement Requirements” chart.

Not Authorized by Candidate

An advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include a statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate.

Political Advertising Disclosures – Independent Expenditure Ads on Candidates

Communication	Disclosure 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"> • “Ad paid for by [committee’s name]”* (on file with Form 461) (Note: a printed letter ad may use “Paid for by” instead of “Ad paid for by”). • A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate. • Disclosure Format: All text must be in Arial equivalent font, in at least 10-point size, in a contrasting color, centered horizontally and the “not authorized” disclosure underlined. All text must appear 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"> ◦ The “Not authorized by” disclosure may not appear in all capital letters.
<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"> • “Ad paid for by [committee’s name]” (on file with Form 461). • A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate. • Disclosure Format: All text must be in contrasting color and in Arial equivalent font. The font must be a height of at least five percent of the advertisement, meaning that each line must be at least five percent of the advertisement, in a printed or drawn box with a solid white background on the bottom of the advertisement that is set apart from any other printed matter and shall not be condensed to be narrower than a normal non-condensed Arial equivalent type. The text in the disclosure area may be adjusted so it does not appear on separate lines, but top contributors’ names must be separated by commas. <ul style="list-style-type: none"> ◦ The “Not authorized by” disclosure 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"> • “Ad paid for by [committee’s name]” (on file with Form 461). • A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate. • Disclosure 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.

Communication	Disclosure and Manner of Display
<p>Television and video ads (including those disseminated over the Internet)</p>	<ul style="list-style-type: none"> • “Ad paid for by [committee’s name]” (on file with Form 461). • A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate. • Disclosure Format: All text must be centered horizontally in the disclosure area, in a contrasting color, in Arial equivalent type. <p>The size for the smallest letters must be four percent of the height of the display screen and 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. If a video is distributed as an electronic media advertisement and is longer than 30 seconds, the disclosures must be displayed at the beginning of the advertisement. If the television or video ad is shorter than the required disclosure display time, the disclosure may be displayed for the length of the advertisement.</p> <p>Disclosure must appear on a solid black background on the entire bottom one-fourth of the display screen.</p> <p>The “Not authorized by” disclosure must appear below all other text in no less than 2.5 percent of the height of the display screen. If this causes the disclosures to exceed one-third of the display screen then it may be printed immediately above the background with sufficient contrast that is easily readable and is not required to be underlined.</p> <p>The “Not authorized by” disclosure may not appear in all capital letters.</p>

Communication	Disclosure and Manner of Display
<p>Electronic media ads that are a graphic, image, animated graphic, or animated image that an online platform hosting the ad allows to link to an internet website not covered below (except video ads, see above)</p>	<ul style="list-style-type: none"> • “Who funded this ad?” or “Paid for by” or “Ad paid for by” text included or displayed as a hyperlink, icon, button or tab in a contrasting color and font size that is easily readable by the average viewer for the duration of the advertisement.* • Must link to a website containing the “Ad paid for by” and “Not authorized by” disclosures in a contrasting color and in no less than 8-point font. • “Not authorized by” disclosure may not appear in all capital letters. • An internet website that is hyperlinked to the ad shall remain online and available to the public until 30 days after the date of the election. <p>*This text is not required if including it in 8-point font would take up more than one-third of the graphic or image. In such circumstances the ad need only include a hyperlink to a website containing the website disclosures.</p>
<p>Social media ads</p>	<ul style="list-style-type: none"> • “Ad paid for by” and “Not authorized by” disclosures in a contrasting color that is easily readable by the average viewer and in no less than 10-point font on the cover or header photo of the committee’s profile, landing page, or similar location; disclosures are not required on each individual post or comment. • The disclosures must be visible on the cover or header photo when the profile, landing page, or similar location is viewed from any electronic device that is commonly used to view this form of electronic media including, but not limited to, a computer screen, laptop, tablet or smart phone. If this is impracticable only a hyperlink, icon, button, or tab to an internet website containing the required “Ad paid for by” and “Not authorized by” disclosures is permissible. • The “Not authorized by” disclosure 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 ads under the Act.
<p>Website and email</p>	<ul style="list-style-type: none"> • “Paid for by” and “Not authorized by” disclosures printed clearly and legibly in a contrasting color and in no less than 8-point font at the top or bottom of the email and every publicly accessible page of the website. • “Not authorized by” disclosure may not appear in all capital letters.
<p>Electronic media ads that are audio only</p>	<ul style="list-style-type: none"> • See disclosure requirements for radio ads above.

Communication	Disclosure and Manner of Display
<p>Text messages sent using mass distribution technology</p>	<ul style="list-style-type: none"> • “Paid for by” or “With” followed by the name of the committee, or followed by a hyperlink or URL for an internet website containing the following disclosures: <ul style="list-style-type: none"> ◦ “Paid for by” or “With” [committee’s name]” (on file with Form 461). ◦ A statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate. ◦ The text of the disclosures on the internet website shall be in a color that reasonably contrasts with the background on which it appears and in no less than 8-point font. • If “With” is used: <ul style="list-style-type: none"> ◦ The individual sending the text shall identify themselves by including: “(name of the individual) with (name of committee or hyperlink or URL).” ◦ A disclosure using “With” may appear anywhere in the text message, including conversational content, and need not appear as a separate statement apart from the content of the message. • An internet website that is hyperlinked shall remain online and available to the public until 30 days after the election. • For text message exchanges consisting of a sequence of multiple text messages sent on the same day the disclosure is only required on the first text message in the sequence that supports or opposes a candidate. <p>Text required to be included in a text message must be in a color that reasonably contrasts with the background on which it appears and in a font size that is readable by the average viewer.</p>

Political Advertising Disclosures – Independent Expenditure Ads on Ballot Measures

Communication	Disclosure 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"> • “Ad paid for by [committee’s name]” (on file with Form 461) (Note: a printed letter ad may use “Paid for by” instead of “Ad paid for by”). • Disclosure Format: All text must be in Arial equivalent font, in at least 10-point size, in a contrasting color, centered horizontally and the “not authorized” disclosure underlined. All text must appear 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.
<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"> • “Ad paid for by [committee’s name]” (on file with Form 461). • Disclosure Format: All text must be in contrasting color and in Arial equivalent font. The font must be a height of at least five percent of the advertisement, meaning that each line must be at least five percent of the advertisement, in a printed or drawn box with a solid white background on the bottom of the advertisement that is set apart from any other printed matter and shall not be condensed to be narrower than a normal non-condensed Arial equivalent type.
<p>Radio ads, telephone calls and audio only electronic media ads</p>	<ul style="list-style-type: none"> • “Ad paid for by [committee’s name]” (on file with Form 461). • Disclosure 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.
<p>Television and video ads (including those disseminated over the Internet)</p>	<ul style="list-style-type: none"> • “Ad paid for by [committee’s name]” (on file with Form 461). • Disclosure Format: All text must be centered horizontally in the disclosure area, in a contrasting color, in Arial equivalent type. • The size for the smallest letters must be four percent of the height of the display screen and 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. If a video is distributed as an electronic media advertisement and is longer than 30 seconds, the disclosures must be displayed at the beginning of the advertisement. If the television or video ad is shorter than the required disclosure display time, the disclosure may be displayed for the length of the advertisement. • Disclosure must appear on a solid black background on the entire bottom one-fourth of the display screen.

Communication	Disclosure and Manner of Display
<p>Electronic media ads that are a graphic, image, animated graphic, or animated image that an online platform hosting the ad allows to link to an internet website not covered below (except video ads, see above)</p>	<ul style="list-style-type: none"> • “Who funded this ad?” or “Paid for by” or “Ad paid for by” text included or displayed as a hyperlink, icon, button or tab in a contrasting color and font size that is easily readable by the average viewer for the duration of the advertisement.* <ul style="list-style-type: none"> ◦ Must link to a website containing the “Ad paid for by” disclosure in a contrasting color and in no less than 8-point font. ◦ An internet website that is hyperlinked to the ad shall remain online and available to the public until 30 days after the date of the election. <p>* This text is not required if including it in 8-point font would take up more than one-third of the graphic or image. In such circumstances the ad need only include a hyperlink to a website containing the website disclosures.</p>
<p>Social media ads</p>	<ul style="list-style-type: none"> • “Ad paid for by” disclosure in a contrasting color that is easily readable by the average viewer and in no less than 10-point font on the cover or header photo of the committee’s profile, landing page, or similar location; disclosures are not required on each individual post or comment. <ul style="list-style-type: none"> ◦ The disclosure must be visible on the cover or header photo when the profile, landing page, or similar location is viewed from any electronic device that is commonly used to view this form of electronic media including, but not limited to, a computer screen, laptop, tablet or smart phone. If this is impracticable only a hyperlink, icon, button, or tab to an internet website containing the required “Ad paid for by,” disclosure is permissible. ◦ 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.
<p>Website and email</p>	<ul style="list-style-type: none"> • “Paid for by” disclosure printed clearly and legibly in a contrasting color and in no less than 8-point font at the top or bottom of the email and every publicly accessible page of the website.
<p>Electronic media ads that are audio only</p>	<p>See disclosure requirements for radio ads above.</p>

Communication	Disclosure and Manner of Display
<p>Paid Spokesperson: Payment of \$5,000 or more to an individual for individual's appearance in a ballot measure ad</p> <p>Paid Spokesperson: Payment of <i>any amount</i> to an individual portraying a member of a licensed or certified occupation (e.g., nurse, firefighter, lawyer)</p> <p><u>Exception:</u> If the paid individual is actually a member of the occupation portrayed, the committee may omit this disclosure. The committee must maintain documentation of the individual's license or certification.</p>	<ul style="list-style-type: none"> • In addition to other disclosures include: “(spokesperson’s name) is being paid by this campaign or its donors.” • Printed, televised or video ad: shown continuously in highly visible font except when the disclosure for television and video ads above is being shown. • Radio broadcast or phone message: spoken in clearly audible format. <ul style="list-style-type: none"> • In addition to the disclosure above, include: “Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations.” • Printed or televised ad: shown continuously in highly visible font. • Radio broadcast or phone message: spoken in clearly audible format.

Communication	Disclosure and Manner of Display
Text messages sent using mass distribution technology	<ul style="list-style-type: none"> • “Paid for by” or “With” followed by the name of the committee, or a hyperlink or URL for an internet website containing the following disclosures: <ul style="list-style-type: none"> ◦ “Paid for by” or “With” [committee’s name]” (on file with Form 461). ◦ The text of the disclosures on the internet website shall be in a color that reasonably contrasts with the background on which it appears and in no less than 8-point font. • If “With” is used: <ul style="list-style-type: none"> ◦ The individual sending the text shall identify themselves by including: “(name of the individual) with (name of committee or hyperlink or URL).” ◦ A disclosure using “With” may appear anywhere in the text message, including conversational content, and need not appear as a separate statement apart from the content of the message. • An internet website that is hyperlinked shall remain online and available to the public until 30 days after the election. • For text message exchanges consisting of a sequence of multiple text messages sent on the same day the disclosure is only required on the first text message in the sequence that supports or opposes a candidate or measure. • Text required to be included in a text message must be in a color that reasonably contrasts with the background on which it appears and in a font size that is readable by the average viewer.

Online Platform Disclosed Advertisements

"Online platform disclosed advertisements" are either (1) electronic media advertisements made via an online platform that allows users to engage in discourse and post content, or any other type of social media, for which the committee pays the online platform, or (2) electronic media advertisements that are in the form of a graphic, image, animated graphic, or animated image that an online platform hosting the advertisement does not allow to hyperlink to an internet website containing required disclosures, for which the committee pays the online platform. An "online platform disclosed advertisement" does not include a video, audio, or email advertisement.

Electronic media advertisements that are not "online platform disclosed advertisements" shall follow disclosure requirements described previously in this chapter.

Online Platform Disclosed Advertisement Requirements

Communication	Disclosure and Manner of Display
<p>Type of Advertisement Law Applies To:</p>	<p>Either (1) electronic media advertisements made via an online platform that allows users to engage in discourse and post content, or any other type of social media, for which the committee pays the online platform or (2) electronic media advertisements that are in the form of a graphic, image, animated graphic, or animated image that an online platform hosting the advertisement does not allow to hyperlink to an internet website containing required disclosures, for which the committee pays the online platform.</p>
<p>Ad Disclosure that Online Platform is Required to Place on Advertisement:</p>	<p>An Online Platform Must Do One of the Following:</p> <ol style="list-style-type: none"> 1) Display “Paid for by” or “Ad Paid for by” followed by the name of the committee easily readable to the average viewer located adjacent to any statement the communication is an advertisement (or is promoted or sponsored). The online platform may display only one hundred or more characters of the committee’s name if it is followed by a “...” that is clearly clickable and that links to a page that provides the committee’s full name. The ad may instead link to a website that the committee has created pursuant to other provisions of the Act that contains the committee’s name and whether the ad was authorized by a candidate for independent expenditure ads on candidates. 2) Display a hyperlink, icon, button, or tab with the text “Who funded this ad?,” “Paid for by,” or “Ad Paid for by” that is clearly clickable and links to a page that provides the committee’s name. This text must be easily readable to the average viewer, in the same or similar font and in at least the same font size as the online platform’s text stating that the communication is an advertisement (or is promoted or sponsored). The ad may instead link to a website that the committee has created pursuant to other provisions of the Act that contains the committee’s name and whether the ad was authorized by a candidate for independent expenditure ads on candidates. <p>The Online Platform Must Also:</p> <p>Display a prominent button, icon, tab, or hyperlink with the text “View Ads” or similar text. The button, icon, tab, or hyperlink shall link to a page containing the records required to be displayed in the publicly available online database in one of the following locations:</p> <ol style="list-style-type: none"> 1) Near the top of a profile, landing page, or similar location of a committee that paid for an advertisement in a position that the average viewer will readily see it upon viewing that page. 2) On a page that displays the committee’s profile information or biographical information. 3) On a page on which the average viewer would normally navigate to view additional information about a committee.

Communication	Disclosure and Manner of Display
Information Committee Paying for Advertisement is Required to Provide to Online Platform:	<p>Upon requesting the dissemination of the advertisement, committee must do all of the following:</p> <ol style="list-style-type: none"> 1) Expressly notify the online platform that the advertisement is one that falls under the Act. 2) Provide the online platform with committee's top contributors and the committee's name and identification number. 3) Provide the online platform with the name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, or number or letter of the ballot measure and the jurisdiction to which the advertisement refers. 4) Update the online platform with any change in the name of the committee or its top three contributors within 5 business days.
Records Required to be Kept and Provided to the Public in Online Platform's Public Database:	<p>For all committees that purchased online platform disclosed ads and paid for five hundred dollars (\$500) or more in advertisements to the online platform during the preceding 12 months the database must contain:</p> <ol style="list-style-type: none"> 1) A digital copy of the advertisement. 2) The approximate number of views generated from the advertisement and the date and time that the advertisement was first displayed and last displayed. 3) Information regarding the range charged or the total amount spent on the advertisement. 4) The name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, as applicable, or number or letter of the ballot measure and the jurisdiction to which the advertisement refers. 5) The name and identification number of the committee that paid for the advertisement, if the committee is assigned an identification number. <p>These records are required to be made available by the online platform as soon as practicable and must be retained by the online platform for 4 years.</p>

Ballot Measure Ad – Paid Spokesperson

When an independent expenditure committee pays an individual for his or her appearance in a ballot measure advertisement, the committee must include the disclosure as noted in the chart on the previous page in the following situations:

- **\$5,000 payment to individual in ad:** 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.
- **Any payment to individual in ad portraying a professional (e.g., nurse, doctor, firefighter, scientist, engineer, lawyer, etc.):** 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 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. However, if the individual in the ad is actually a member of the occupation portrayed, the committee may omit this disclosure and shall maintain documentation of the individual's license or certification for the occupation. Upon request from the FPPC, documentation of an individual's occupation must be provided by electronic means within 24 hours.

Ex 2.1 - "Paid for by ABC Development Company. Jane Miller is being paid by this campaign or its donors."

In addition, the committee must file the Paid Spokesperson Report (Form 511) as described in Chapter 3.

Updating a Disclosure

In the event an advertisement disclosure must be revised due to a name change, television, radio, electronic media, or robocalls must be amended within five calendar days. Print media, mass mailings, or other tangible items must be amended every time an order to reproduce is placed.

Advertisements in Languages Other than English

Disclosures on political advertisements must be written or spoken in the same language used in the advertisement.

Advertisement Disclosure Exceptions

A disclosure is not required on regular-size campaign buttons, pins, bumper stickers, or magnets. It is not required on pens, pencils, rulers, mugs, potholders, key tags, golf balls and similar small campaign promotional items where a disclosure cannot be conveniently printed. The disclosure is not required on t-shirts, caps, hats, and other articles of clothing; skywriting and airplane banners; or committee checks and receipts.

Penalties

The penalty for failing to comply with the Act's disclosure requirements is a fine of up to \$5,000 per violation. In addition, any person who violates the disclosure requirements concerning ballot measure and independent expenditure advertisements may be liable for a fine of up to three times the cost of the advertisement, including placement costs.

Authority

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

Government Code Sections

- 82031 Independent Expenditure.
- 82041.5 Mass Mailing.
- 84305 Requirements for Mass Mailing.
- 84310 Identification Requirements for Telephone Calls.
- 84501 Advertisement.
- 84502 Disclosure; Committee Name.
- 84504 Disclosure; Radio and Telephone Ads.
- 84504.1 Disclosure; Video and Television Ads.
- 84504.2 Disclosure; Print Ads.
- 84504.3 Disclosure; Electronic Media Ads.
- 84504.6 Disclosure; Online Platform.
- 84504.7 Disclosure; Text Messages.
- 84505 Avoidance of Disclosure.
- 84506.5 Disclosure; Independent Expenditure Ads; Not Authorized by Candidate.
- 84509 Amended Disclosures.
- 84510 Fines.
- 84511 Ballot Measure Ads; Paid Spokesperson Disclosure.

Title 2 Regulations

- 18435 Definition of Mass Mailing.
- 18440 Telephone Advocacy.
- 18450.1 Definitions. Advertisement Disclosure.
- 18450.2 Definitions. Authorized and Paid For.
- 18450.4 Video and Television Advertisement Disclosure.
- 18450.5 Amended Advertisement Disclosure.
- 18450.11 Spokesperson Disclosure.