

ADVERTISEMENT DISCLOSURES

CHAPTER 7

This chapter describes the disclosures 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 disclosure is the portion of a political message that identifies the committee that paid for and authorized the communication. The basic disclosure for a communication made by a candidate’s committee for his or her own election is “paid for by [committee name].” The disclosure 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.

Disclosure Example:

- FIGHTING TO RESTORE PUBLIC SAFETY ●
- WORKING TO EXPAND EARLY EDUCATION ●
- CROSSING PARTY LINES TO GET IT DONE ●

elizabeth lane



Paid for by
Elizabeth Lane for City Council 20XX
P.O. Box 152
Padua, CA 94868

A. Which Communications Require an Ad Disclosure?

Candidate Controlled Committees

Under the Act, a candidate controlled committee must include a disclosure on mass mailings and certain telephone calls advocating the candidate's own election. In addition, radio and television advertisements require a "paid for by" disclosure. The Act does not require a specific disclosure 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. For a complete list of advertisement disclosure requirements see the charts later in this chapter.

Primarily Formed Committees Making Independent Expenditures

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

- Mailings, including emails
- Paid telephone calls
- Radio ads
- Television and video ads
- Electronic media ads, including audio only ads
- Newspaper and magazine 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 local advertisement disclosure 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 Disclosure Exceptions

Generally, a disclosure 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 disclosure cannot be conveniently printed
- T-shirts, caps, hats, and other articles of clothing
- Skywriting and airplane banners
- Committee checks and receipts

Online Platform Disclosed Advertisement Requirements

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.

B. How Must the Disclosure Appear?

Disclosures on political ads must be shown clearly so they may be easily understood by the public. Written disclosures must be printed clearly and legibly. Spoken disclosures must be clearly audible and intelligible. Disclosures 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 disclosure is required to appear on screen.

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

The disclosure 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	Disclosure 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).
Newspaper ads	<ul style="list-style-type: none"> • Refer to the Elections Code for newspaper ad disclosure requirements.
Telephone calls advocating candidate’s own election - 500 or more calls similar in nature and made by: <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: “Ad 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: “Ad 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. If the television ad is shorter than the required disclosure display time, the disclosure may be displayed for the length of the advertisement.

Communication	Disclosure and Manner of Display
<p>Electronic media ads (non-social media) (Websites, blogs, graphics, images, animated graphics, or animated images.)</p> <p>Social media ads</p>	<ul style="list-style-type: none"> • “Paid for by <i>committee name</i>” and committee ID number are recommended but not legally required. • “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. • 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,” 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 ads under the Act.
<p>Billboards, signs (including yard signs), faxes, business cards, door hangers, flyers, and posters</p>	<ul style="list-style-type: none"> • “Paid for by <i>committee name</i>” and committee ID number are recommended but not legally required.
<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 candidate followed by “For” followed by the name of the office sought. • 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 the candidate) for (name of elective office).” ◦ 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. • 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.

D. Advertisement Disclosures 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 disclosure 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.

If an advertisement paid for by a committee supports or opposes a candidate, the determination of top contributors may not include any nonprofit organization exempt from federal income taxation pursuant to Section 501(c)(3) of the United States Internal Revenue Code or any person who has prohibited in writing the use of his or her contributions to support or oppose candidates if the committee does not use such contributions to support or oppose 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 410) (Note: a printed letter ad may use “Paid for by” instead of “Ad paid for by”) followed by: • “Committee major funding from [names of top three contributors of \$50,000 or more]” each listed on a separate horizontal line, in descending order, beginning with the largest contributor. <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. • Below the top contributor information (if any), 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, except for the names of top contributors, underlined. The names of top contributors may not be underlined and the text may not be condensed. If there are no top contributors, the “Ad paid for by” need not be 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"> ◦ “Committee major funding from” and “Not authorized by” disclosures 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 410) followed by: • “Committee major funding from [names of top three contributors of \$50,000 or more]” Top contributors must be displayed either on: (1) separate horizontal lines, centered horizontally or (2) adjusted so it does not appear on separate horizontal lines with top contributors separated by commas. • Below the top contributor information (if any), 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 “Committee major funding from” and “Not authorized by” disclosures may not appear in all capital letters.

Communication	Disclosure and Manner of Display
Radio ads, telephone calls and audio only electronic media ads	<ul style="list-style-type: none"> • “Ad paid for by [committee’s name]” (on file with Form 410). • “Committee major funding from [names of top three contributors of \$50,000 or more]” in descending order, beginning with the largest contributor. • 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. <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 disclosure statement would last more than eight seconds, in which case only the single top contributor must be disclosed.

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 410). • “Committee major funding from [names of top three contributors of \$50,000 or more]” in descending order, beginning with the largest contributor. • 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 and, if there are top contributors, must be underlined except as specified below. <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-third of the display screen, or bottom one-fourth if no top contributors.</p> <p>Each top contributor must be disclosed on a separate horizontal line separate from other text, may not be underlined and may not be condensed or have the spacing between characters reduced to be narrower than a normal non-condensed Arial equivalent type, unless doing so is necessary to keep the name of a contributor from exceeding the width of the 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 “Committee major funding from” and “Not authorized by” disclosures may not appear in all capital letters.</p>
<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,” “Committee major funding from,” and “Not authorized by” disclosures in a contrasting color and in no less than 8-point font. • “Committee major funding from” and “Not authorized by” disclosures 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>

Communication	Disclosure and Manner of Display
Social media ads	<ul style="list-style-type: none"> • “Ad paid for by,” “Committee major funding from,” 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,” “Committee major funding from,” and “Not authorized by” disclosures is permissible. • “Committee major funding from” and “Not authorized by” disclosures may not appear in all capital letters. • Not required when the only expense or cost of the communication is compensated staff time unless the socia media account was created only for the purpose of ads under the Act.
Website and email	<ul style="list-style-type: none"> • “Paid for by,” “Committee major funding from,” 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. • “Committee major funding from” and “Not authorized by” disclosures may not appear in all capital letters.
Electronic media ads that are audio only	<ul style="list-style-type: none"> • See disclosure requirements for radio ads above.

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 followed by a hyperlink or URL for an internet website containing the following disclosures: • “Paid for by” or “With” [committee’s name]” (on file with Form 410). <ul style="list-style-type: none"> ◦ “Committee major funding from [names of top three contributors of \$50,000 or more].” ◦ 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. • Top Contributors: A committee that has top contributors must comply with the following: <ul style="list-style-type: none"> ◦ Immediately following the name of the committee or the hyperlink or URL, the text message shall also include the text “Top funders:” followed by the names of the top two contributors of \$50,000 or more to the committee paying for the advertisement, separated by “&” or “and.” ◦ The names of the top two contributors may be spelled using acronyms, abbreviations, or other shorthand in common usage or parlance. If the contributor is an individual their first and last name shall both be used.

Communication	Disclosure and Manner of Display
	<ul style="list-style-type: none"> ◦ If the disclosure would exceed 35 characters, the text should disclose only the single top contributor of \$50,000 or more to the committee paying for the advertisement. ◦ The text message is not required to include the name of a top contributor after the text “Top funders:” If the text message includes the name of the committee paying for the advertisement and the committee’s name includes the name of that top contributor. ◦ The text shall 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. ◦ For a committee that has top contributors and uses individuals who are unpaid volunteers to send text messages with the assistance of mass distribution technology, the text message sent by these individuals are not required to disclose the top two contributors, but the text message shall include a disclosure stating that the text message is being sent by a volunteer. <ul style="list-style-type: none"> • 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. <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>

Print Advertisement Disclosure Example:

Ruby Vargas
has your back
in VERONA

- ✓ Delivered improvements to I-5
- ✓ Supported art corridor expansion
- ✓ Funded mental health services



Ad paid for by Public Safety Workers and Educators to Re-elect Supervisor Vargas 20XX

Committee major funding from:
International Workers Association
State Safety Workers Association
California Teachers United

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

E. 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
Type of Advertisement Law Applies To:	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.

Communication	Disclosure and Manner of Display
Ad Disclosure that Online Platform is Required to Place on Advertisement:	<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 “committee major funding from” followed by the committee’s top three contributors of \$50,000 or more, followed by a colon, followed by surrounded in quotation marks, 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 major funding from” followed by the committee’s top three contributors and name of the committee disclosures if followed by a “...” that is clearly clickable and that links to a page that provides the disclosures. 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, top contributor information, 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 major funding from” followed by the committee’s top three contributors of \$50,000 or more, followed by a colon, followed by the committee’s name disclosures. 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, top contributor information, and whether the ad was authorized by a candidate for independent expenditure ads on candidates. <p>If fewer than three contributors qualify as top contributors, only those contributors that qualify shall be disclosed. If there are no contributors that qualify as top contributors, the top contributor disclosure is not required. Please note that advertisements for a candidate controlled committee established for an elective office of the controlling candidate are not required to display top contributor disclosures.</p> <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>

F. 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.

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.

Disclosures 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.

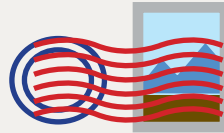
From: Rreynolds@yahoo.com
To: Voter1@gmail.com
Cc:
Subject: Reynolds for City Council 20XX

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

Disclosures 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 in front of or above the name and address of the committee on the outside of each piece of postal mail. The disclosure must be in no less than 6-point type and in a color that contrasts with the background (Example: no light blue disclosures 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.

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



Ahmed 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 in front of or above 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 disclosure 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 disclosure must be in no less than 6-point type and in a color that contrasts with the background (Example: no light blue disclosure 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

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.

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 disclosures below in Arial equivalent font, in at least 10-point size, in a contrasting color, centered horizontally and, except for the names of top contributors, underlined. The names of top contributors may not be underlined and the text may not be condensed. If there are no top contributors, the “Ad paid for by” need not be 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.

- “Ad paid for by [committee’s name]”
- “Committee major funding from [names of top three contributors of \$50,000 or more]” each listed on a separate horizontal line, 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. This text may not appear in all capital letters.
- Below the top contributor information (if any), a statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate. This text must not appear in all capital letters.

Emails. Emails sent by a primarily formed committee supporting or opposing a candidate must include the “Paid for by,” “Committee major funding from,” 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. “Committee major funding from” and “Not authorized by” disclosures must not appear in all capital letters.

Quick Tip

A mass mailing paid for by an independent expenditure must include a statement that the mailing was not authorized by a candidate or a committee controlled by a candidate.

Recordkeeping for Mass Mailings (including Emails)

For each independent expenditure mailing and candidate-controlled mass mailing or email communication, 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.

G. 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 disclosure is not required for telephone calls personally dialed by the candidate, campaign manager, or volunteers. The disclosure can occur anytime during the call.

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 “Ad paid for by.” If the call is an independent expenditure, the disclosure must also include a statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate. The disclosure 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. The disclosure must be spoken clearly for at least three seconds at the beginning or end of the call, in a pitch and tone substantially similar to the rest of the call. 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 disclosure statement would last more than eight seconds, in which case only the single top contributor must be disclosed.

Quick Tip

Anonymous robocalls 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.

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.

Ex 7.1 - City Councilmember Reitz pays a vendor to make calls to 1,500 local voters to encourage them to reelect her to the city council. The disclosure must state that the telephone calls were paid for by the candidate's committee. For example, "[t]his call was paid for by Reelect City Councilmember Reitz 20XX."

Ex 7.2 - At City Councilmember 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 Councilmember Reitz to the city council. The disclosure 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 Councilmember Reitz."

H. Electronic Media Ads

The Act does not require a specific disclosure on some electronic media ads, such as those on non-social media websites 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 "Ad paid for by [committee name]" requirement and additional disclosure requirements as described in the chart earlier in this chapter.

Additionally, as noted at the beginning of this chapter, "online platform disclosed advertisements" have their own separate disclosure requirements. Please refer to the Online Platform Disclosed Advertisements chart in this chapter for those requirements.

I. Newspaper, Radio and Television Ads

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

- **Radio:** "Ad 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:** "Ad 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 disclosure 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 "Ad paid for by [committee name]" disclosure and other requirements as described in the chart earlier in this chapter.

J. 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 disclosure on the ad in the following situations.

\$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.

Disclosure on ad: "(Spokesperson's name) is being paid by this campaign or its contributors."

Any payment to an individual in an 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 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.

Disclosure 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 disclosure, 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.

**Quick
Tip**

If the committee pays for a spokesperson in an advertisement to support or oppose a ballot measure, the committee may also be required to file the Form 511 (Paid Spokesperson Report). See Chapter 10.

The advertisements include print, television, video, and radio ads, as well as telephone messages. The disclosures 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. The disclosure must be shown continuously except when other required disclosures are being shown.

K. Updating a Disclosure

Advertisement disclosures must be revised if a committee's name changes, if the order of the top contributors changes, or if there is a new \$50,000 contributor. 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.

L. Penalties

Failure to comply with the Act's disclosure requirements may result in fines of up to \$5,000 per violation. In addition, any person who violates the disclosure 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 disclosure rules the same for candidate controlled committees and committees primarily formed for candidates that will be making independent expenditures?

No. Stricter disclosure rules apply to independent expenditure advertisements because it is less clear to the public who is responsible for these ads. The Act requires disclosures on a broader range of advertisements when they are paid for by a committee making independent expenditures. See the ad disclosure 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 disclosures are required, if any?

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

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 must 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 in front of or above the committee name and address.

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

Committees making independent expenditures via electronic media ads on Twitter may satisfy the Act's disclosure requirements in one of two ways: (1) providing its full disclosure 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 disclosure 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	Disclosure; Committee Name.
84503	Top Contributor Disclosure.
84504	Disclosure; Radio and Telephone Ads.
84504.1	Disclosure; Video and Television Ads.
84504.2	Disclosure; Print Ads.
84504.3	Disclosure; Electronic Media Ads.
84504.4	Disclosure; Radio and Television Ads; Political Parties and Candidates.
84504.5	Disclosure; Independent Expenditure Ads; Political Parties and Candidates.
84505	Avoidance of Disclosure.
84506.5	Disclosure; Independent Expenditure Ads; Not Authorized by Candidate.
84504.6	Disclosure; Online Platform.
84504.7	Disclosure; Text Messages.
84509	Amended Disclosure.
84511	Ballot Measure Ads; Paid Spokesperson Disclosure.

Title 2 Regulations

18215	Contribution.
18225.7	Made At the Behest of; Independent versus Coordinated Expenditures.
18247.5	Primarily Formed Committees.
18401	Required Recordkeeping for Chapters 4 & 5.
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 Advertising Disclosure.
18450.11	Spokesperson Disclosure.
18523.1	Written Solicitation for Contributions.