

1 Amend 2 Cal. Code Regs., Section 18450.1 to read:

2 **§ 18450.1. Definitions. Advertisement Disclosure.**

3 (a) Definition of Advertisement. An advertisement as defined in Section 84501 includes
4 but is not limited to the following:

5 (1) A communication ~~Programming received by a broadcast by~~ television or radio, or
6 disseminated by print media;

7 ~~(2) A communication as described in subdivision (a) of Section 84501 that is placed in~~
8 ~~broadcast, print or electronic media;~~

9 ~~(2)(A) An electronic media~~ communication ~~advertisement means an advertisement~~
10 including a logo, icon, writing, image, recording, video, or other data ~~transmitted, distributed,~~
11 ~~posted, broadcast, or displayed electronically. This includes, but is not limited to advertisements~~
12 ~~in electronic messages, electronic message attachments, text messages, or advertisements that~~
13 ~~appear on Internet~~ websites or webpages, social media, blogs, mobile devices, or other generally
14 accessible electronic communication systems.

15 (3) A telephone, facsimile, or electronic ~~message~~ media communication ~~addressed to~~
16 recipients, such as electronic messages and text messages, ~~that is not solicited by the recipient~~
17 ~~and is intended for delivery in substantially similar form to more than 200 recipients. For~~
18 ~~purposes of this paragraph, this includes when a committee sends a message to 200 or fewer~~
19 ~~recipients and the message is “forwarded” to other persons by a recipient, the message sent by~~
20 ~~the committee is not an advertisement by that committee unless the recipient forwarded the any~~
21 message forwarded at the behest of the committee ~~and~~ where more than 200 total recipients
22 ~~received~~ receive the message.

1 (4) A direct mailing ~~that is not solicited by the recipient and is intended for delivery in~~
2 substantially similar form to more than 200 recipients.

3 [Option 1]:

4 (5) Print advertisements designed to be individually distributed including Posters posters,
5 door hangers, and flyers and yard signs produced in quantities of more than 200.

6 (6) Yard signs no larger than six square feet produced in quantities of more than 200.

7 ~~(7)(6) Large Signs. A billboard. Any sign larger than six square feet such as road signs~~
8 and billboards.

9 [Option 2]:

10 (5) Print advertisements designed to be individually distributed including Posters posters,
11 door hangers, and flyers and yard signs produced in quantities of more than 200.

12 ~~(6) A billboard. Print advertisements larger than those designed to be individually~~
13 distributed, including yard signs, road signs, and billboards.

14 ~~(8)(7)[Option 1] or (7)[Option 2] Campaign buttons 10 inches in diameter or larger, and~~
15 bumper stickers 60 square inches or larger produced in quantities of more than 200.

16 (b) Burden of Proof. Electronic Media. A committee that claims the inclusion of a
17 required disclosure in an electronic media communication is impracticable or would severely
18 interfere with the committee's ability to convey the intended message under Section
19 84501(a)(2)(E) has the burden of establishing that this exception has been met.

20 ~~(b) In addition to the exempted communications in subdivision (b) of Section 84501,~~
21 ~~none of the following are an "advertisement":~~

22 ~~(1) A small tangible promotional item (e.g., pen, pin, etc.) upon which the disclosures~~
23 ~~required by Sections 84503, 84506 and 84507 cannot be conveniently printed or displayed,~~
24 ~~wearing apparel, and skywriting.~~

1 ~~(2) A communication from an organization to its members, other than a communication~~
2 ~~from a political party to its members.~~

3 ~~(3) An electronic media advertisement where inclusion of any of the disclosure~~
4 ~~requirements of Sections 84503, 84504, 84506, or 84506.5 or of Regulation 18450.4(b)(3)(G)(iv)~~
5 ~~would be impracticable because:~~

6 ~~(A) The nature of the technology used in conveying the communication makes it~~
7 ~~impossible to incorporate the disclosures, and~~

8 ~~(B) The inclusion of the disclosures would severely interfere with the committee's ability~~
9 ~~to convey the intended message so that it can be understood by the audience. Any committee that~~
10 ~~claims a required disclosure in an electronic media advertisement is impracticable has the burden~~
11 ~~of establishing that a disclaimer could not be included due to the above factors.~~

12 ~~(c) Aggregation of Contributions. The aggregation rules of Regulation 18215.1 shall~~
13 ~~apply in determining when a contributor has reached the \$50,000 disclosure threshold of~~
14 ~~Sections 84501, 84504, 84504.2.~~

15 Note: Authority cited: Section 83112, Government Code. Reference: Sections 84501, 84502,
16 84503, 84504, 84504.1, 84504.2, 84504.3, 84504.4, 84504.5, 84505, 84506, 84507, 84508,
17 84506.5, 84509, 84510 and 84511, Government Code.