

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18450.1. Definitions. Advertisement Disclosure.

(a) An advertisement as defined in Section 84501 includes but is not limited to the following:

(1) Programming received by a television or radio;

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

(A) An electronic media advertisement means an advertisement, logo, icon, writing, image, recording, or other data transmitted, distributed, posted, broadcast, or displayed electronically. This includes, but is not limited to advertisements in electronic messages, electronic message attachments, text messages, or advertisements that appear on Internet webpages, blogs, mobile devices, or other electronic communication systems.

(3) A telephone, facsimile, or electronic message that is not solicited by the recipient and is intended for delivery in substantially similar form to more than 200 recipients. For purposes of this paragraph, when a committee sends a message to 200 or fewer recipients and the message is “forwarded” to other persons by a recipient, the message sent by the committee is not an advertisement by that committee unless the recipient forwarded the message at the behest of the committee and more than 200 total recipients received the message.

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

(5) Posters, door hangers, flyers, and yard signs no larger than six square feet produced in quantities of more than 200.

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

(7) Campaign buttons 10 inches in diameter or larger, and bumper stickers 60 square inches or larger produced in quantities of more than 200.

(b) In addition to the exempted communications in subdivision (b) of Section 84501, none of the following are an “advertisement”:

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

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

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

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

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

Note: Authority cited: Section 83112, Government Code. Reference: Sections 84501, 84502, 84503, 84504, 84505, 84506, 84507, 84508, 84509, 84510 and 84511, Government Code.

HISTORY

1. New section filed 7-31-2002; operative 7-31-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 31).
2. Amendment filed 12-20-2010; operative 1-19-2011. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 52).