

1 Amend 2 Cal. Code Regs. Section 18421.5 to read

2 **§ 18421.5. Reporting an Expenditure for Paid Online Communications.**

3 (a) Purpose. This regulation requires additional expenditure reporting to inform the  
4 public when a recipient committee under Section 82013(a) pays a person to provide  
5 favorable or unfavorable content about a candidate or ballot measure on an Internet ~~site~~  
6 website, web application, or digital application other than the committee’s own website,  
7 or profile or landing page.

8 (b) Definitions.

9 (1) A “digital application”—also known as an “application program,” or abbreviated  
10 as “application,” or “app,”—as used in subdivision (a) of this regulation and Section  
11 84504.6, is a computer program that performs a specific task or set of tasks on an  
12 electronic device such as a computer, mobile device or tablet.

13 (2) A “web application”—often abbreviated as “web app”—as used in subdivision (a)  
14 and Section 84504.6, is an application, as defined in subsection (b)(1), in which all or  
15 some parts of the program are downloaded from the Internet or run from an Internet  
16 server each time the program runs.

17 ~~(b)(c)~~ When reporting an itemized expenditure pursuant to Sections 84211(k) or  
18 84303, a committee, pursuant to Section 82013(a), must specifically describe amounts the  
19 committee paid ~~to provide favorable or unfavorable~~ for content ~~on~~ about a candidate or  
20 ballot measure ~~by, including:~~

21 ~~1) Providing content for~~ (1) A posting on a web site or a web log (“blog”), whether  
22 ~~one’s own or another’s;~~

1        ~~2) Providing content for or posting~~ (2) A posting on a social media platform or  
2 service;

3        ~~(3) Providing video content for posting~~ A video posted online.

4        ~~(e)~~(d) When reporting these expenditures, whether the payment is made directly or  
5 through a third party, committees must list specific details of the payment, including, ~~but~~  
6 ~~not limited to~~, the amount of the payment, the payee, the name and public username or  
7 handle of the person providing content, the name of each the website or each the URL ~~on~~  
8 for which the communication is published in the first instance, and, in the case of an  
9 article, op-ed, weblog (“blog”) post, or similar communication, the title of the  
10 communication. The committee must report the expenditure for online content using the  
11 expenditure code “WEB” and the specifics described in this section.

12        ~~(d) Paid advertisements placed on the Internet by a recipient committee that are~~  
13 ~~purchased at regularly published rates are not subject to the additional reporting required~~  
14 ~~by this regulation.~~

15        (e) The reporting in this regulation does not apply to payments that a recipient  
16 committee makes to a person for producing content solely for the committee’s own  
17 websites or social media accounts.

18        (f) The reporting requirements of this regulation are in addition to the reporting  
19 requirements of Sections 84211(k) and 84303.

20        (g) In the case of a communication that does not meet the definition of an  
21 advertisement under Section 84501, if the fact that a campaign has paid for content as  
22 described in this regulation is posted in a clearly conspicuous manner along with the  
23 posted content in each instance of the content appearing on the Internet or other digital

1 platform, reporting is not required as described in this regulation. For example, the  
2 following type of posting would satisfy this requirement: “The author was paid by the  
3 Committee to Re-Elect Mayor Jane Doe in connection with this ~~posting~~. posting.”

4 (h) In the case of a communication that meets the definition of “advertisement” under  
5 Section 84501, any reporting and disclosure requirements in this regulation are in  
6 addition to the applicable advertising disclosure requirements contained in the Act.

7 (h)(i) “Content” means that which is offered on a website or other digital platform in  
8 writing, picture, video, photograph or other similar format. Content does not include  
9 clicking on images to cast a “vote” or opinion, ~~nor does it include a comment added to a~~  
10 ~~discussion on the same webpage that the content is posted~~ commentary posted in  
11 response to another person’s content, or an advertisement created by a committee, or its  
12 agent, and provided to a person to display on an Internet website, web application, or  
13 digital application other than the committee’s own website.

14 Note: Authority cited: Sections 83112 and 84211(k), Government Code. Reference:  
15 Sections 84211, ~~and~~ 84303, 84501, 84502, 84503, 84504, 84504.1, 84504.2, 84504.3,  
16 84504.4, 84504.5, 84504.6, 84504.7, 84506.5, 84509, and 84511 Government Code.