



DISCLOSE ACT

REGULATORY ADOPTION

JULY 2021

ELECTRONIC SLATE MAILER REGULATION 18435.5 AMENDMENTS FOR COMMISSION ADOPTION

“SLATE MAILER” MEANS A MASS MAILING WHICH SUPPORTS OR OPPOSES A TOTAL OF FOUR OR MORE CANDIDATES OR BALLOT MEASURES.

(SECTION 82048.3)

AMEND REGULATION 18435.5 SLATE MAILER REQUIREMENTS

- Regulation 18435.5 interprets Section 84305.5 of the Act, which addresses the identification and disclosure requirements for slate mailers.
- Section 84305.5 sub. (a)(1) provides that the name, street address, and city of the slate mailer organization (SMO) or a committee primarily formed to support or oppose one or more ballot measures must be on the “outside” of the slate mailer (e.g., the envelope of a mailer sent via traditional mail).
- Amend regulation to codify prior advice:
 - A clickable image leading to a full slate mailer image may be considered the “outside” of the electronic slate mailer.
 - The body of an email or text may be considered akin to the “outside” of the attached piece of slate mail.
 - An electronic slate mailer in the form of a series of electronic images displayed consecutively or a video containing a sequence of images may comply with the slate mailer disclosure requirements by including the disclosures in a frame preceding or following the video or sequence of images, but each candidate or ballot measure that has paid to appear on the slate mailer must be identified with the required asterisk (*) when mentioned.

(*Mainardi* Advice Letter, No. I-19-197; *Woocher* Advice Letter, No. A-15-004.)

Body of email/ "outside" of mailer.

**AMEND REGULATION 18435.5
SLATE MAILER REQUIREMENTS
EXAMPLE NO. 1: EMAIL**

From: Slate Mailer Organization
Sent: Thursday, October 1, 2020 10:00 AM
To: Orange County Residents
Subject: ~~Non-Partisan Voter Guide—Orange County Edition~~
Attachments: Non-Partisan Voter Guide Mailer.pdf

Residents,

Please find attached the latest edition of the Non-Partisan Voter Guide in preparation for the November 6, 2020 election that is just around the corner!

Sincerely,
Slate Mailer Organization Name

**PAID FOR BY SLATE MAILER ORGANIZATION NAME
1102 Q STREET, SACRAMENTO, CA 95811**

Electronic Slate Mailer PDF Attachment:

All disclosures required by Section 84305.5 are required to be included on the attached PDF.

Amendments require the name, street address and city of the SMO to be included in the body of the email/"outside" of mailer.

AMEND
REGULATION
18435.5
SLATE MAILER
REQUIREMENTS

EXAMPLE NO. 2:
TEXT MESSAGE +
ONLINE SLATE
MAILER

000-00

Hi residents, Slate Mailer Organization (1102 Q Street, Sacramento) studied the candidates that understand earthquake safety in your district & have provided a voter guide to assist at the ballot. Read about the candidates at EarthquakeSafetyVoterGuide.org

Reply STOP to opt out

Link to website where all Section 84305.5 identification and disclosure requirements must appear (see next slide).

Amendments require text message to include the name, street address and city of SMO.

AMEND REGULATION 18435.5 SLATE MAILER REQUIREMENTS EXAMPLE NO. 2: TEXT MESSAGE + ONLINE SLATE MAILER (cont.)

Earthquake Safety Modifications Act CA Voting Guide Ballot Measures About [Take Action](#)

Earthquake Safety on the Ballot

"Remember: When disaster strikes, the time to prepare has passed."
- Steven Cyrus

Proposition 127 authorized the California State Legislature to exclude earthquake safety modifications made to any type of existing building in the state from property tax assessments. The exclusion is effective until the improved property is sold.

District Supervisors

District Supervisors are like city councilmembers. They write legislation for the city, approve our budget, and have wide power over what housing is built in our neighborhood.

We researched the candidates' platforms and public statements to assess construction or installation of earthquake safety improvements in existing buildings. We looked at where they stand on issues such as:

- Authorizes Legislature to define improvements eligible for the exclusion.
- Existing 15 year exclusion applicable to earthquake safety reconstruction or improvements for specified existing unreinforced masonry buildings not affected by this amendment.

Recommendations

- [District 1 - James Brandman* →](#)
- [District 3 - Darleen Teal* →](#)
- [District 5 - Paulette Marshall* →](#)
- [District 7 - Travis O-Neil →](#)

NOTICE TO VOTERS
THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.

Slate Mailer Organization
1102 Q Street, Sacramento, CA 95811

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AMEND REGULATION 18435.5
SLATE MAILER REQUIREMENTS
EXAMPLE NO. 3: STATIC IMAGES OR VIDEO



ADVERTISEMENT DISCLOSURE REGULATIONS FOR COMMISSION ADOPTION

ADOPT

- Regulation 18450.6 Disclosure on Advertisements in Languages Other than English

ADOPT

- Regulation 18450.7 Disclosure for Advertisements in Formats Not Specifically Addressed

ADOPT

- Regulation 18450.8 Disclosure for Advertisements on Listening Applications that are Both Audio and Visual

AMEND

- Regulation 18450.11 Spokesperson Disclosure

ADOPT REGULATION 18450.6

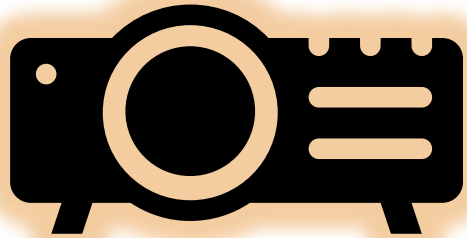
DISCLOSURE ON ADVERTISEMENTS IN LANGUAGES OTHER THAN ENGLISH



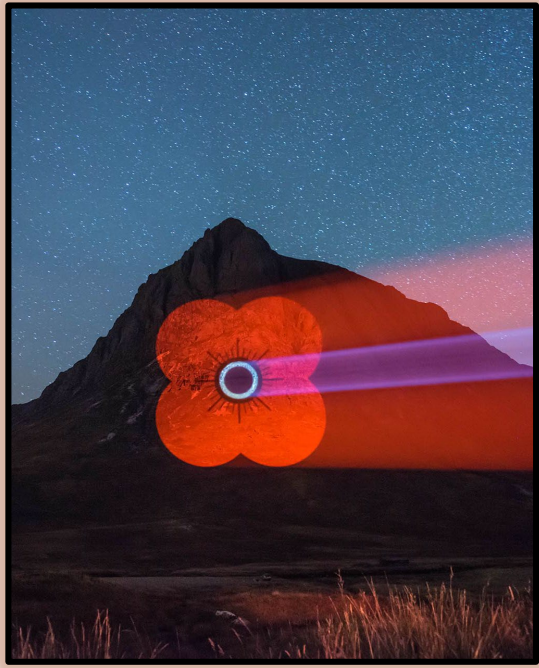
- Adopt regulation to codify prior advice:
 - “The advertisement disclosures on political advertisements should be written or spoken in the *same language* used in the advertisement.” (*Mintzer Advice Letter*, No. I-17-017.)
 - Committee name must remain the same as the committee’s name used on campaign filings.
- Proposed Regulation 18450.6 requires the advertisement disclosure appear in the same language in which the advertisement primarily appears.

ADOPT REGULATION 18450.7

DISCLOSURE FOR ADVERTISEMENTS IN FORMATS NOT SPECIFICALLY ADDRESSED



- The adoption of this regulation is recommended due to staff coming across ads that require disclosures, but how those disclosures appear is currently unclear under the Act. For example, ads appearing with lasers, on a large tent, or on a projection screen, etc.
- Proposed Regulation 18450.7 would provide guidance on disclosure requirements for advertisements displayed in a format not specifically addressed when including the “paid for by” disclosure, the top contributor disclosure, and the disclosure for independent expenditure advertisements not authorized by a candidate.
- Two separate regulatory drafts provided for Commission consideration.



ADOPT REGULATION 18450.7
ADVERTISEMENTS IN FORMATS NOT SPECIFICALLY ADDRESSED
EXAMPLES

ADOPT REGULATION 18450.8

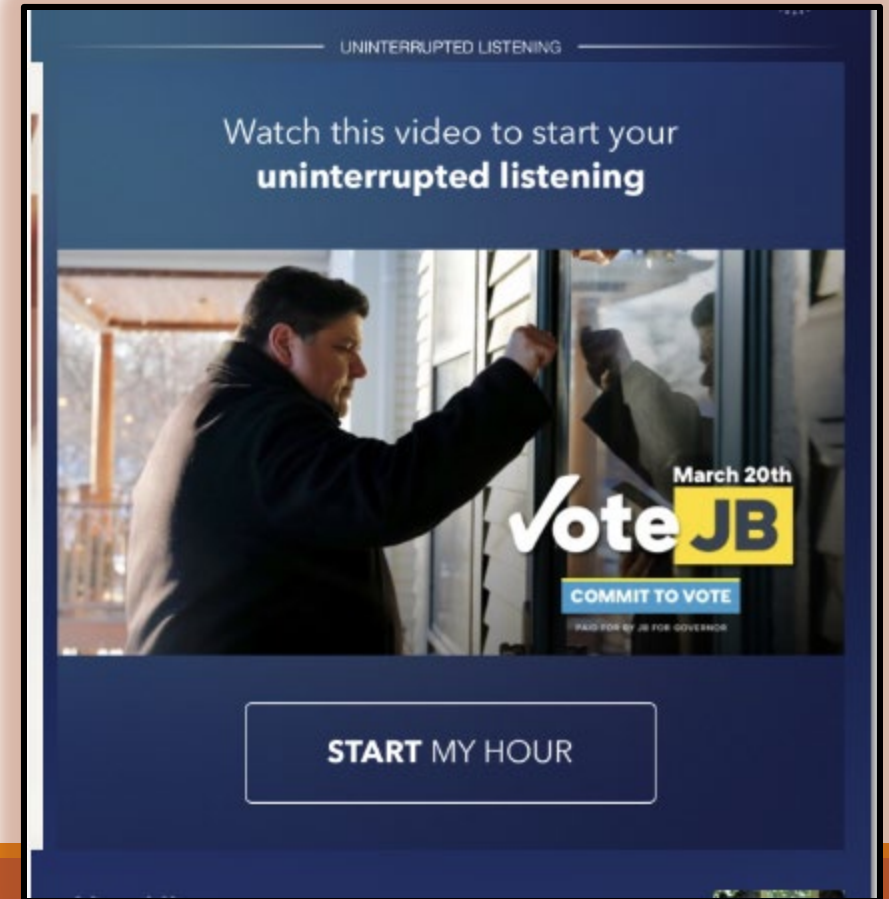
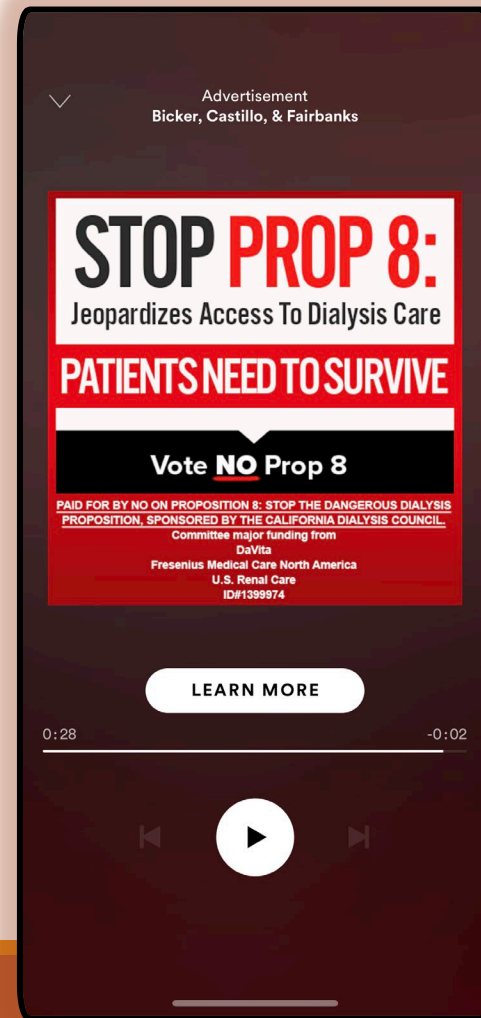
DISCLOSURE FOR ADVERTISEMENTS ON LISTENING APPLICATIONS THAT ARE BOTH AUDIO AND VISUAL



- Proposed Regulation 18450.8 addresses a current gap in guidance on advertisement disclosures where the advertisement appears both in a visual and an audio format on applications intended mostly for listening, such as the listening applications Pandora or Spotify.
- The adoption of this regulation stems from advice provided by staff stating that these type of ads should comply with the electronic media advertisement disclosures under Section 84504.3. Therefore, the disclosure was only required on the visual portion of the ad, since under the electronic media ad disclosures the radio ad disclosures only applied if the ad was “audio only.”

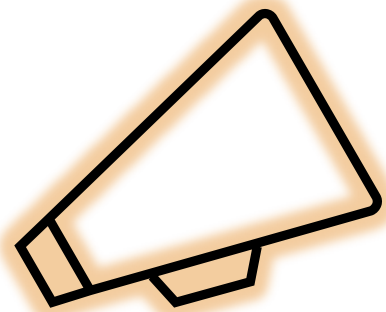
ADOPT REGULATION 18450.8

ADVERTISEMENTS ON LISTENING APPLICATIONS THAT ARE BOTH AUDIO AND VISUAL EXAMPLES



AMEND REGULATION 18450.11

SPOKESPERSON DISCLOSURE



- Proposed amendments to Regulation 18450.11 would require a committee to include the paid spokesperson disclosure and file the report required under Section 84511 ([Form 511](#)) if the committee coordinated with a person that paid for the appearance of an individual in an advertisement, but that person does not qualify as a committee.
- This amendment comes as a result of an advertisement submitted to the FPPC Enforcement Division as part of the AdWatch program.

“(spokesperson’s name) is being paid by this campaign or its donors”

PUBLIC OUTREACH

- THE REGULATORY UPDATES WILL BE POSTED TO THE FPPC WEBSITE (WWW.FPPC.CA.GOV) ON THE “NEWLY ADOPTED, AMENDED, OR REPEALED REGULATIONS” PAGE. THIS CAN BE FOUND BY SELECTING “THE LAW” TAB ON THE HOME PAGE AND THEN “FPPC REGULATIONS.”
- NOTICE WILL GO OUT VIA THE ELECTRONIC MAILING LIST SHORTLY AFTER BEING POSTED ON THE FPPC WEBSITE.