



Disclose Act

Regulation Prenotice
Discussion

May 2021

Electronic Slate Mailer Regulation Amendment

Amend Regulation
18435.5 Slate Mailer
Requirements

“Slate mailer” means a mass mailing which supports or opposes a total of four or more candidates or ballot measures. (Section 82048.3).

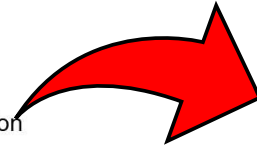
Amend Regulation 18435.5 Slate Mailer Requirements

- Regulation 18435.5 interprets Section 84305.5 of the Act, which addresses the identification and disclosure requirements for slate mailers.
- Section 84305.5(a)(1) provides that the name, street address, and city of the slate mailer organization 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.)

Amend Regulation 18435.5 Example

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 lasted 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



Body of email/ "outside" of mailer.



Amendments to Regulation 18435.5 will require the name, street address and city of the slate mailer organization to be included in the body of the email/"outside" of mailer.

Electronic Slate Mailer PDF Attachment:

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

Advertisement Disclosure Regulation Updates

Adopt

Regulation 18450.6 Advertisements in Other Languages

Adopt

Regulation 18450.7 Advertisement Disclosure for Advertisements in Formats Not Specifically Addressed

Adopt

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

Amend

Regulation 18450.11 Spokesperson Disclosure

Adopt Regulation 18450.6 Advertisements in Other Languages



- 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
18450.6
Example

Ad appears primarily in a
language other than English.

LA OPORTUNIDAD DE VOTAR

Este es un LLAMADO A LA ACCIÓN

para cambiar solo cuando la gente se presenta a la pelea. ¡Los que estamos tras las rejas también podemos generar cambios! ¡Habla con tu gente! Para aquellos que tienen familiares y amigos que se preocupan y viven en California, por favor infórmeles sobre la Proposición 17 y animélos a votar Sí a la Prop 17 en Noviembre. Para obtener más información sobre la Proposición 17, comparte este enlace: <https://freethavote2020.org/>

Los familiares o amigos pueden verificar su estado de votante aquí: voterstatus.sos.ca.gov/

DERECHOS DE VOTO a 150,000 californianos elegibles en libertad condicional!

Pagado por Servicios Legales para Prisioneros con Niños



¡Sí a la Prop 17

Disclosure must be in same
language ad primarily
appears in. Except, the
committee's name must
match the name on
campaign filings.

Adopt Regulation 18450.7 Advertisement 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.

Adopt Regulation 18450.7 Examples



Adopt Regulation 18450.8

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 an application intended mostly for listening, such as the music applications Pandora or Spotify.
- The adoption of this regulation stems from conservative advice provided by staff stating that these type of ads were subject to the electronic media advertisements 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 Examples

Advertisement
Bicker, Castillo, & Fairbanks

STOP PROP 8:
Jeopardizes Access To Dialysis Care

PATIENTS NEED TO SURVIVE

Vote **NO** Prop 8

PAID FOR BY NO ON PROPOSITION 8: STOP THE DANGEROUS DIALYSIS PROPOSITION, SPONSORED BY THE CALIFORNIA DIALYSIS COUNCIL.
Committee major funding from
DaVita
Fresenius Medical Care North America
U.S. Renal Care
ID#1399974

LEARN MORE

0:28 -0:02

AT&T 3G 8:13 AM 70% BATTERY

Red Hot Chili Peppers
By The Way
By The Way

Chili

OBAMA BIDEN
REGISTER to VOTE ONLINE
SUPPORT PRESIDENT OBAMA AND DEMOCRATS

GET STARTED

PAID FOR BY THE DEMOCRATIC NATIONAL COMMITTEE AND OBAMA FOR AMERICA

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 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 the FPPC Enforcement Division encountering an advertisement through the AdWatch program.