



(Unapproved and subject to change)  
**CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION**  
**Minutes of Digital Transparency Task Force Meeting**  
**Thursday, April 23, 2020**  
**1:30 p.m.**

Present: Chair Miadich, Commissioner Hayward, Brian Brokaw, Rena Davis, Gale Kaufman, Thad Kousser, James Schwab, Jennifer Waggoner, Abby Wood, and Katie Zoglin

Staff Present: David Bainbridge, General Counsel  
Jay Wierenga, Communications Director  
Sukhi Brar, Supervising Attorney  
Katelyn Greene, Commission Counsel  
Christopher Burton, Commission Counsel  
Paul Rasey, Special Investigator  
Larry Crabtree, Chief Information Officer  
Sasha Linker, Commission Assistant

Presenters: Russell Lehman, Commissioner, Washington Public Disclosure Commission  
Fred Jarrett, Commissioner Washington Public Disclosure Commission  
Sean Flynn, General Counsel, Washington Public Disclosure Commission  
Kim Bradford, Communications, Washington Public Disclosure Commission  
Brendan Fischer, Campaign Legal Center

**A. Call to Order.**

Chair Miadich called the meeting to order at 1:35 p.m.

**B. Public Comment for Items not on Agenda.**

**C. Introductions.**

Chair Miadich discussed the need for the Digital Transparency Task Force, the layout of the current agenda, and introduced the Task Force members and key FPPC staff.

David Banbridge, General Counsel, gave an overview of the Bagley-Keene Act as the Task Force is a Bagley-Keene body.

**D. Introduction to Campaign Advertising in the Digital Realm.**

### **E. Current Legal Landscape for Regulating Digital Political Ads.**

Katie Zoglin, League of Women Voters, asked what code section talks about the disclosure to influencers. Ms. Brar replied that she will email Ms. Zoglin with the code sections after the meeting.

Abby Wood, USC, addressed concern on whether FPPC or the legislature would be enforcing target criteria to be revealed or making the audience of the ad re-targetable in order to be able to counter speak. Thad Kousser, UC San Diego, asked whether there is required disclosure on content paid for by a committee that is not specifically an ad. Gale Kaufman, Kaufman Campaigns, stated she does not agree with sharing target criteria to aid in counter speak as it takes away from campaign strategy.

James Schwab, Chief Deputy Secretary of State, stated the challenges of the expression of opinion and misinformation regarding new digital political advertisements. The Secretary of State actively searches for misinformation on social media and works to get those posts removed.

Russell Lehman, Commissioner, Washington PDC, gave background on the creation of the PDC and their desire to have a digital ad archive in the future. Sean Flynn, General Counsel, Washington PDC, discussed ways the PDC has worked toward an ad archive and the thought process that the PDC has toward the archive they wish to create. Chair Miadich asked Mr. Flynn which information would be required to be disclosed for commercial advertisers. Mr. Flynn responded that demographics would be required to be disclosed, which include, age, gender, race, and location. This information is disclosed within 24 hours by the commercial advertiser. Fred Jarett, Commissioner, Washington PDC, addressed the opportunity of using Facebook for political advertisements in the 2021 election cycle but stated that Facebook would need to follow Washington laws.

#### **F. Enforcement Challenges Presented by Digital Political Advertising.**

Jennifer Waggoner, League of Women Voters, asked how much variety has to be seen before it is considered a new type of ad that requires different disclosure. Mr. Burton responded that any variation is a new type of ad.

#### **G. Digital Ad Archives**

Brendan Fischer, Director at the Federal Reform Program, Campaign Legal Center, presented information on digital ad archives. Different platforms were discussed including social media platforms and other state and local jurisdiction platforms. Mr. Fischer discussed the difficulties of having States or social media platforms maintaining the archives.

#### **H. Public Access to Archive Data**

Tyler Joseph, Director of Policy, City of LA Ethics Commission, and Timothy Grant, IT Director, City of LA Ethics Commission, gave a brief walkthrough of the ad archive the LA Ethics Commission has created, showing how it works and the type of information stored. Thad Kousser, UC San Diego, asked Mr. Grant for the usage statistics for a typical election cycle process.

#### **I. Discussion of Presentations and Next Steps.**

Chair Miadich proposed to adjourn the meeting due to time and to continue with discussion of next steps at the next meeting.

**MOTION:** Adjourn the meeting. Moved by Commissioner Hayward, seconded by Chair Miadich. Motion approved 9-0.

The meeting adjourned at 4:11 p.m.

Respectfully Submitted,  
Sasha Linker  
Commission Assistant  
Approved May 12, 2020

Richard C. Miadich, Chair  
Fair Political Practices Commission