

ADVERTISEMENT DISCLOSURES

Advertisement disclosures inform the public who is paying for a communication. They are required when general purpose committees distribute political mailings and other advertisements to support or oppose candidates or ballot measures.

Additionally, advertisement disclosures are required for coordinated communications (contributions) to candidates, to ballot measure committees, and for independent expenditures. Political parties must also include disclosures on their communications whether they are coordinated or independent. Charts for all types of advertisement disclosures are available at the end of this chapter and on the FPPC website.

A. Disclosure Facts

What is an Advertisement Disclosure?

“Ad paid for by [committee name]” is the basic disclosure on most campaign communications. The disclosure is required on the following:

- Mailings and emails
- Paid telephone calls
- Radio ads
- Television and video ads
- Faxes
- Oversized campaign buttons and bumper stickers
- Electronic media ads, including audio only ads
- Newspaper ads
- Billboards
- Yard signs
- Door hangers
- Flyers

QUICK TIP: Contact the local elections office for rules on placement of campaign signs in residential or commercial areas.

QUICK TIP: Local rules may require additional disclosures on campaign ads.

Disclosure Exceptions

A disclosure is not required on regular-size campaign buttons, pins, bumper stickers, or magnets. It is not required on pens, pencils, rulers, mugs, potholders, key tags, golf balls and similar small campaign promotional items where a disclosure cannot be conveniently printed. The disclosure is not required on t-shirts, caps, hats, and other articles of clothing; skywriting and airplane banners; or committee checks and receipts.

Online Platform Disclosed Advertisement Requirements

Please note that advertisements that are “online platform disclosed advertisements” have different disclosure requirements than other types of online advertisements. “Online platform disclosed advertisements” are either (1) electronic media advertisements made via an online platform that allows users to engage in discourse and post content, or any other type of social media, for which the committee pays the online platform or (2) electronic media advertisements that are in the form of a graphic, image, animated graphic, or animated image that an online platform hosting the advertisement does not allow to hyperlink to an internet website containing required disclosures. For more information on “online platform disclosed advertisements” please refer to the “Online Platform Disclosed Advertisement Requirements” chart later in this chapter.

Electronic media advertisements that are not “online platform disclosed advertisements” shall follow disclosure requirements described in this chapter, other than those listed in the “Online Platform Disclosed Advertisement Requirements” chart.

Appearance of an Advertisement Disclosure

Disclosures on political ads must be clear so as to be understood by the public. Written disclosures must be printed clearly and legibly. Specific requirements for size, color contrast, and time appearing on screen are discussed later in this chapter. Generally, spoken disclosures on radio or audio only ads must be spoken clearly in pitch and tone substantially similar to the rest of the advertisement. Disclosures must also be written or spoken in the same language used in the advertisement.

Updating a Disclosure

When a committee’s name changes, when there are new top contributors, or when the order of the top contributors change, advertisement disclosures must be revised. Television, radio, electronic media, or robocalls must be amended within five business days. Print media, mailings, or other tangible items must be amended every time an order to reproduce is placed.

B. Mailings – Postal and Email

Postal Communications

A “mass mailing” is a printing of 200 or more substantially similar pieces in a calendar month.

Postal Mass Mailings That Are Not Ads

All mass mailings that are not considered ads under the Act of more than 200 substantially similar pieces sent in a calendar month must contain:

- “Paid for by” immediately adjacent to and either above or in front of the committee’s name and address on the outside of the mailing and on at least one of the inserts;
- in no less than 6-point type; and
- in a color or print that contrasts with the background.

If the sender is a single committee, the identification need only be shown on the outside of each piece of mail.

Postal Mailings That Are Ads

For mailings that are considered ads under the Act please see the disclosure charts at the end of this chapter.

Email Communications

A “mass electronic mailing” means sending more than two hundred substantially similar pieces of electronic mail within a calendar month.

Email Communications That Are Not Ads

All mass electronic mailings (emails) that are not considered ads of more than 200 substantially similar pieces sent in a calendar month must contain the name of the committee preceded by the words “Paid for by” in at least the same size font as a majority of the text in the electronic mailing.

Email Communications That Are Ads

For email communications that are ads under the Act please see the political advertisement disclosure charts available on the [FPPC's website](#).

Mailings Sent by Two or More Committees

If a mass mailing is paid for by more than one committee, the name and address of the committee that is paying the greatest share of the mass mailing, including costs for designing, postage, and printing, must be placed on the outside of each piece of mail as described above. If two or more committees pay equally for the mailer, the name and address of at least one of the committees must be shown on the outside as described above, and the names and addresses of all committees must appear on at least one insert.

Valuing a Mailing

Multiple candidates/measures: If a communication (including email) supports or opposes more than one candidate or measure, the fair market value attributable to each may be calculated by prorating the costs based on the amount of space allotted to each candidate or measure supported or opposed in the mailing.

Political and non-political material: The cost of a mailing containing both express advocacy supporting or opposing a ballot measure or candidate as well as non-political material may be prorated. Costs directly associated with the political message are reportable, including staff time of more than 10 percent in a calendar month.

Required Recordkeeping: For each mass mailing, the following must be retained for a period of four years:

- A sample of the mailing;
- A record of the date;
- The number of pieces sent; and
- The method of postage used.

C. Top Three Contributors of \$50,000 or More

A general purpose committee (excluding a political party committee) is required to list its top contributors on certain advertisements. “Top contributors” means the persons from whom the committee paying for an advertisement has received its three highest cumulative contributions of fifty thousand dollars (\$50,000) or more. If two or more contributors of identical amounts qualify as top contributors, the most recent contributor of that amount must be listed as the top contributor.

If an advertisement paid for by a committee supports or opposes a candidate, the determination of top contributors may not include any nonprofit organization exempt from federal income taxation pursuant to Section 501(c)(3) of the United States Internal Revenue Code or any person who has prohibited in writing the use of their contributions to support or oppose candidates if the committee does not use such contributions to support or oppose candidates.

D. Ballot Measure Ad – Paid Spokesperson

The Act requires specific disclosure when a committee pays an individual for their appearance in a ballot measure advertisement. The advertisements include print, television, and radio ads, as well as telephone messages. The disclosures on the ads must be shown in highly visible font for print or television ads or spoken in a clearly audible manner for radio ads or telephone messages.

When using a paid spokesperson in a ballot measure ad, the committee must:

1. File a paid spokesperson report (Form 511); and
2. Put a disclosure on the ad in the situations below:
 - **\$5,000 payment to individual in a ballot measure ad:** The committee makes expenditures totaling \$5,000 or more to an individual for their appearance in an advertisement to support or oppose the qualification, passage or defeat of a state or local ballot measure.

Disclosure on ad: “(Spokesperson’s name) is being paid by this campaign or its donors.”

- **Any payment to individual in a ballot measure ad portraying a professional (e.g., nurse, doctor, firefighter, scientist, engineer, lawyer, etc.):** The committee makes expenditures of any amount to an individual for their appearance in an advertisement to support or oppose the qualification, passage or defeat of a state or local ballot measure that states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training to engage in that occupation.

Disclosure on ad: “Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations.” However, if the individual in the ad is actually a member of the occupation portrayed, the committee may omit this disclosure, and shall maintain documentation of the individual’s license or certification for the occupation. Upon request from the FPPC, documentation of an individual’s occupation must be provided by electronic means within 24 hours.

E. Penalties

The penalty for failing to comply with the Act’s advertisement disclosure requirements is a fine of up to \$5,000 per violation. In addition, any person who violates the on ad disclosure requirements concerning ballot measure and independent expenditure advertisements may be liable for a fine of up to three times the cost of the advertisement, including placement costs.

F. Independent Expenditure Advertisement Disclosures

The disclosure rules for independent expenditure ads by general purpose committees that support or oppose candidates and ballot measures are summarized in this section. Note that there are different advertisement disclosure rules for independent expenditures made by political parties and non-political parties. If the expenditure is not coordinated with the candidate or ballot measure committee, only the general purpose committee reports the communication as an independent expenditure.

Independent Expenditure Advertisement Disclosures on Candidates by General Purpose Committees

When a non-political party general purpose committee pays for an advertisement that is an independent expenditure on candidates, the advertisement disclosure must include the information contained in the [Independent Expenditure Ads on Candidates \(except ads by candidates and political party committees\) chart #2](#) available on the FPPC's website.

Independent Expenditure Advertisement Disclosures on Ballot Measures by General Purpose Committees

When a non-political party general purpose committee pays for an advertisement that is an independent expenditure on ballot measures, the advertisement disclosure must include the information contained in the [Independent Expenditure Ads on Ballot Measures \(except ads by candidates and political party committees\) chart #3](#) available on the FPPC's website.

G. Independent Expenditure Advertisement Disclosures on Ballot Measures by Political Party Committees

When a political party general purpose committee pays for an advertisement that is an independent expenditure on ballot measures, the advertisement disclosure must include the information contained in the [Independent Expenditure Ads on Ballot Measures by Candidates and Political Party Committees chart #4](#) available on the FPPC's website.

H. Independent Expenditure Advertisement Disclosures on Candidates by Political Party Committees

When a political party general purpose committee pays for an advertisement that is an independent expenditure on candidates, the advertisement disclosure must include the information contained in the [Independent Expenditure Ads on Candidates by Candidates and Political Party Committees chart #5](#) available on the FPPC's website.

I. Advertisement Disclosures for Coordinated Communications by General Purpose Committees

The disclosure rules for communications made by general purpose committees that are coordinated with a candidate or committee are summarized in the sections below. Note that there are different requirements for political parties and non-political parties. Payments for such communications are a reportable contribution to the candidate or committee. Recipient and donor committees must report the non-monetary contribution.

All mass mailings that are not ads totaling more than 200 similar pieces must contain:

- The words “Paid for by” immediately adjacent to and either above or in front of the committee’s name and address on the outside of the mailing and on at least one of the inserts
- In no less than six-point type and in a color or print that contrasts with the background

If the sender is a single committee, the identification need only be shown outside of each piece of mail

All mass emails that are not ads totaling more than 200 similar pieces must contain:

- the name of the committee sending the email preceded by the words “**Paid for by**” in at least the same size font as the majority of the text

Advertisement Disclosures for Coordinated Communications by General Purpose Committees

When a non-political party general purpose committee pays for an advertisement that is a coordinated communication with candidates or ballot measure committees, the advertisement disclosure must include the information contained in the [All Non-Independent Expenditure Ads \(except ads by candidates and political party committees\) chart #6](#) available on the FPPC’s website.

J. Advertisement Disclosures for Coordinated Communications by Political Party Committees

All mass mailings that are not ads of more than 200 similar pieces must contain:

- the words “**Paid for by**” immediately adjacent to and either above or in front of the committee’s name and address on the outside of the mailing and on at least one of the inserts
- in no less than six-point type and in a color or print that contrasts with the background

If the sender is a single committee, the identification need only be shown on the outside of each piece of mail.

All mass emails that are not ads of more than 200 similar pieces must contain:

- the name of the committee sending the email preceded by the words “**Paid for by**” in at least the same size font as the majority of the text

Advertisement Disclosures for Coordinated Communications by Political Party Committees

When a political party general purpose committee pays for an advertisement that is a coordinated communication with candidates or ballot measure committees, the advertisement disclosure must include the information contained in the [All Non-Independent Expenditure Ads by Candidates and Political Party Committees chart #7](#) available on the FPPC’s website.

K. Online Platform Disclosed Advertisements

“Online platform disclosed advertisements” are either (1) electronic media advertisements made via an online platform that allows users to engage in discourse and post content, or any other type of social media, for which the committee pays the online platform, or (2) electronic media advertisements that are in the form of a graphic, image, animated graphic, or animated image that an online platform hosting the advertisement does not allow to hyperlink to an internet website containing required disclosures.

Electronic media advertisements that are not “online platform disclosed advertisements” shall follow disclosure requirements described previously in this chapter.

Online Platform Disclosed Advertisement Requirements

Communication	Disclosure and Manner of Display
Type of Advertisement Law Applies To:	Either (1) electronic media advertisements made via an online platform that allows users to engage in discourse and post content, or any other type of social media, for which the committee pays the online platform or (2) electronic media advertisements that are in the form of a graphic, image, animated graphic, or animated image that an online platform hosting the advertisement does not allow to hyperlink to an internet website containing required disclosures.

Communication	Disclosure and Manner of Display
<p>Ad Disclosure that Online Platform is Required to Place on Advertisement:</p>	<p>An Online Platform Must Do One of the Following:</p> <ol style="list-style-type: none"> 1) Display “Paid for by” or “Ad Paid for by” followed by “Ad Committee’s Top Funder(s)” followed by the committee’s top three contributors of \$50,000 or more, followed by a colon, followed by surrounded in quotation marks, the name of the committee easily readable to the average viewer located adjacent to any statement the communication is an advertisement (or is promoted or sponsored). The online platform may display only one hundred or more characters of the “Ad Committee’s Top Funder(s)” followed by the committee’s top three contributors and name of the committee disclosures if followed by a “...” that is clearly clickable and that links to a page that provides the disclosures. The ad may instead link to a website that the committee has created pursuant to other provisions of the Act that contains the committee’s name, top contributor information, and whether the ad was authorized by a candidate for independent expenditure ads on candidates. 2) Display a hyperlink, icon, button, or tab with the text “Who funded this ad?,” “Paid for by,” or “Ad Paid for by” that is clearly clickable and links to a page that provides the “Ad Committee’s Top Funder(s)” followed by the committee’s top three contributors of \$50,000 or more, followed by a colon, followed by the committee’s name disclosures. This text must be easily readable to the average viewer, in the same or similar font and in at least the same font size as the online platform’s text stating that the communication is an advertisement (or is promoted or sponsored). The ad may instead link to a website that the committee has created pursuant to other provisions of the Act that contains the committee’s name, top contributor information, and whether the ad was authorized by a candidate for independent expenditure ads on candidates. <p>If fewer than three contributors qualify as top contributors, only those contributors that qualify shall be disclosed. If there are no contributors that qualify as top contributors, the top contributor disclosure is not required. Please note that advertisements for a political party committee are not required to display top contributor disclosures.</p> <p>The Online Platform Must Also:</p> <p>Display a prominent button, icon, tab, or hyperlink with the text “View Ads” or similar text. The button, icon, tab, or hyperlink shall link to a page containing the records required to be displayed in the publicly available online database in one of the following locations:</p> <ol style="list-style-type: none"> 1) Near the top of a profile, landing page, or similar location of a committee that paid for an advertisement in a position that the average viewer will readily see it upon viewing that page. 2) On a page that displays the committee’s profile information or biographical information. 3) On a page on which the average viewer would normally navigate to view additional information about a committee.

Communication	Disclosure and Manner of Display
Information Committee Paying for Advertisement is Required to Provide to Online Platform:	<p>Upon requesting the dissemination of the advertisement, committee must do all of the following:</p> <ol style="list-style-type: none"> 1) Expressly notify the online platform that the advertisement is one that falls under the Act. 2) Provide the online platform with committee's top contributors and the committee's name and identification number. 3) Provide the online platform with the name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, or number or letter of the ballot measure and the jurisdiction to which the advertisement refers. 4) Update the online platform with any change in the name of the committee or its top three contributors within 5 business days.
Records Required to be Kept and Provided to the Public in Online Platform's Public Database:	<p>For all committees that purchased online platform disclosed ads and paid for five hundred dollars (\$500) or more in advertisements to the online platform during the preceding 12 months the database must contain:</p> <ol style="list-style-type: none"> 1) A digital copy of the advertisement. 2) The approximate number of views generated from the advertisement and the date and time that the advertisement was first displayed and last displayed. 3) Information regarding the range charged or the total amount spent on the advertisement. 4) The name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, as applicable, or number or letter of the ballot measure and the jurisdiction to which the advertisement refers. 5) The name and identification number of the committee that paid for the advertisement, if the committee is assigned an identification number. <p>These records are required to be made available by the online platform as soon as practicable and must be retained by the online platform for 4 years.</p>

Answering Your Communication Disclosure Questions

A. Must the committee's identification number appear on a mailing?

No. The FPPC recommends that committees include the committee ID number, but it is not legally required.

B. If an organization includes a copy of a candidate's flyer in its newsletter, is the candidate required to be identified on the outside of the mailer?

No. The candidate's name and address must be identified on the flyer only.

C. A committee has more than one address. Which address must be used on mass mailings?

Any address that also appears on the committee's Statement of Organization (Form 410) on file with the Secretary of State may be used.

D. A committee pays for a ballot measure committee's mailing as a nonmonetary contribution. Which committee must be identified on the outside, the committee paying for the mailing or the ballot measure committee?

Only the committee that pays for the mailing is required to be identified on the outside of the mailing.

E. If a committee is sending a post card-type mailing, may the name of the committee appear only once?

Yes.

F. If our general purpose committee pays for a mass mailing that was coordinated with a candidate, must the general purpose committee be identified on the mailing?

Yes. If more than 200 pieces of the same or substantially similar mail are sent in a calendar month, the words “paid for by” and the name and address of the general purpose committee paying for the mailing must appear on the outside of the mailing and on at least one of the inserts in no less than six-point type and in a color that contrasts with the background (e.g., no light brown on brown).

G. If our general purpose committee decides to produce a broadcast expressly asking voters to vote for a candidate without coordinating with the candidate, are there disclosure requirements?

Yes. The advertisement must state “Ad paid for by [name of the general purpose committee]” and contain a statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate. If the advertisement was authorized or paid for by a candidate for another office, the disclosure must read, “This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.” Additionally, the advertisement disclosure must state “Ad Committee’s Top Funder(s)” and the names of the top three contributors of \$50,000 or more to the committee. Refer to Chapter 9 and [the FPPC’s Political Advertisement Disclosure Charts](#) for further information, including formatting requirements.

H. Will our general purpose committee be identified on any campaign ads we are not responsible for producing?

Ads produced by committees that are not candidate controlled committees for their own election or ads by political party committees generally include the names of the top three contributors of \$50,000 or more to the committee. If your general purpose committee contributes \$50,000 or more to these types of committees, your committee's name may be included as a top contributor in on the committee's advertisements if your committee is one of the three highest contributors to the committee.

L. Third-Party Influencer Online Advertisement Posting Rules

The Act requires specific disclosures on campaign advertisements posted by third parties who are paid by a committee to post content, such as a social media “influencer,” instead of the committee posting content itself or paying a traditional vendor (e.g., television or radio) to post the content.

A third-party who is paid by a committee to post content on an internet website, web application, or digital application, including content posted on internet platforms such as social media accounts and blogs, to support or oppose a candidate for elective office or a ballot measure must include a disclaimer with that content stating that the person was paid by the committee in connection with the posted content.

The Act requires a committee to notify the person paid to post the content to include a required disclaimer, which may read: “The author was paid by [name of committee and committee identification number] in connection with this posting” or something substantially similar.

Please note that the third-party influencer advertisement disclaimer requirements do not apply where the electronic media disclosures of Section 84504.3 apply or to content posted on the committee’s own website, profile, or landing page by a person compensated by the committee to post such content, or to content requiring a spokesperson disclosure under Section 84511. (See Section D of this chapter.) Additionally, these disclaimer requirements do not apply to content posted by a compensated employee of a committee on the employee’s own social media page or account where the only expense or cost of the communication is compensated staff time.

If a third-party influencer fails to post the advertisement disclaimer, the Commission is authorized to seek injunctive relief to compel disclosure and may not seek administrative, civil, or criminal penalties against the third-party poster.

For more information on third-party influencer advertisement posting rules, please see Section 84513 and Regulation 18450.10.

Authority

The following Government Code sections and Title 2 Regulations provide authority for the information in this chapter:

Government Code Sections

82041.5	Mass Mailing.
84305	Requirements for Mass Mailing.
84310	Identification Requirements for Telephone Calls.
84501	Advertisement.
84502	Disclosure; Committee Name.
84503	Top Contributor Disclosure.
84504	Disclosure; Radio and Telephone Ads.
84504.1	Disclosure; Video and Television Ads.
84504.2	Disclosure; Print Ads.
84504.3	Disclosure; Electronic Media Ads.
84504.4	Disclosure; Radio and Television Ads; Political Parties and Candidates.
84504.5	Disclosure; Independent Expenditure Ads; Political Parties and Candidates.
84504.6	Disclosure; Online Platform.
84504.7	Disclosure; Text Messages.
84505	Avoidance of Disclosure.
84506.5	Disclosure; Independent Expenditure Ads; Not Authorized by Candidate.
84509	Amended Disclosure.
84511	Ballot Measure Ads; Paid Spokesperson Disclosure.
84513	Third-Party Posts Paid for by Committee Disclosure.

Title 2 Regulations

18435	Definition of Mass Mailing and Sender.
18440	Telephone Advocacy.
18450.1	Definitions. Advertisement Disclosure.
18450.2	Definitions. Authorized and Paid For.
18450.3	Top Contributor Disclosure for Affiliated Entities.
18450.4	Video and Television Advertisement Disclosure.
18450.5	Amended Advertisement Disclosure.
18450.10	Advertisements by a Paid Third-Party Influencer.
18450.11	Spokesperson Disclosure.