



ONLINE CAMPAIGN ADVERTISEMENTS

Trends and Issues

THE ONLINE CAMPAIGN LANDSCAPE

- Rise in paid social media “influencers”
- Distinctions between “blogging,” social media posts, and other forms of electronic media
- Emergence of “community journalism” and “fake news” sites





ONLINE CAMPAIGN ADS: EXAMPLES



Blogger



SELF-IMPOSED BANS ON “POLITICAL ADS”



- Twitter and TikTok both broadly prohibit paid ads by candidates, political parties, elected or appointed officials, as well as legislative/regulatory advocacy.
- TikTok says its policy also prohibits content by “paid influencers,” while Twitter says its policy does not.
- Facebook and Google have imposed and then rescinded temporary bans on political ads at various points.



Carl Candidate for City Council  · [Follow](#)
Anytown, CA



Liked by Anytown Small Business Association and 120 others


Carl Candidate for City Council As an entrepreneur, I'm proud to have the endorsement of Anytown's small and local businesses. 10 days until election day!

[#carlforanytown](#) [#keepanytownweird](#) ... [more](#)

COMMITTEE/CANDIDATE'S POST ON THEIR OWN SOCIAL MEDIA ACCOUNT

- A candidate or committee makes a post on their own social media profile/page.
- Clear who paid for the ad.
- For candidates, "ad paid for by" disclosure or hyperlink required on candidate's profile/landing page.
- Committees must link back to required disclosure on committee's profile or landing page.



Irene Influencer  · [Follow](#)
Anytown, CA



Liked by Carl for City Council and 120 others

Irene Influencer Election day is almost here! I'm proud to support @CarlforCityCouncil, an Anytownner we can all believe in! Join me and vote @CarlforCityCouncil #carlforanytown #election2021 ... [more](#)

PAID INFLUENCER POST ABOUT A CANDIDATE/MEASURE

- A candidate or committee pays a social media “influencer” to post on the influencer’s social media profile/page about the candidate/committee.
- Currently Act does not require disclosure on the influencer’s post/page. FPPC Legal Division has informally advised tagging the committee in the influencer’s post, so that voters can determine who paid for the ad.
- Not clear who paid for the ad; looks like the influencer alone is the source of the post.



A BLOG WITH MULTIPLE POSTS, ONLY ONE OF WHICH MEETS THE DEFINITION OF AN AD

- A blogger publishes posts about a wide array of topics (e.g. travel, crafts, spirituality, parenting).
- A candidate/committee pays them to post about the candidate/committee on their blog.
- The “Blogger Regulation” (18421.5) requires extra reporting on a recipient committee's campaign reports, or if the committee chooses, on the post itself.
- Rules could be clarified as to what disclaimer required under Disclose Act, and where (on individual post? Top/bottom of “website”?)

PAID NEWSPAPER EDITORIAL



- A committee pays a writer to author an editorial that meets the Act's definition of advertisement for an online news site.
- The site itself receives no payment from either party.
- What disclosure, where, and by whom?
- Questions as to what qualifies as news site vs. blog.
- First Amendment questions.