

ADVERTISEMENT DISCLAIMERS

This chapter describes the disclaimers required on political mailings and other advertisements made by general purpose committees on candidates or ballot measures. The disclaimers inform the public who is paying for a communication.

The disclaimers required for communications made by a general purpose committee that are *independent expenditures* and those required for coordinated *communications that are contributions* to a candidate or measure are shown in two charts.

A. What is the Disclaimer?

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

- Mailings and emails
- Paid telephone calls
- Radio ads
- Television ads
- Electronic media ads
- Newspaper ads
- Billboards
- Yard signs

On all communications, “paid for by [committee name]” is required. On printed mass mailings “paid for by [committee name]” *and the committee’s address* are required.

Examples:

“This call was paid for by ABC Trade Association.”

“This ad was paid for by Going Green Political Action Committee.”

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 disclaimers on campaign ads.

Not Authorized by Candidate

When a general purpose committee pays for an independent expenditure advertisement supporting or opposing a candidate, the ad must include the following statement: “This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.

Example:

“This advertisement was paid for by ABC Trade Association and was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.”

The Political Reform Act ensures that the committee paying for the ad is identified. The Act does not regulate the truth or accuracy of the content of political communications given the broad First Amendment protection for political speech.

How Must the Disclaimer Appear?

Disclaimers on political ads must be clear and conspicuous so as to be understood by the public. Written disclaimers must be printed clearly and legibly. Spoken disclaimers must be clearly audible and intelligible. Specific requirements for color contrast, print font size, and time appearing on screen are provided on the following chart. Disclaimers must also be written or spoken in the same language used in the advertisement.

If an acronym is used to identify the committee, the name of any sponsoring organization of the committee must be printed on print advertisements or spoken in broadcast advertisements.

Telephone Calls

When a general purpose committee pays for 200 or more similar telephone calls that expressly advocate support for or opposition to a candidate or ballot measure, the name of the committee must be disclosed to recipients. The disclosure must include the words “paid for by” or “authorized by.” This is required for both contributions and independent expenditures. A script of the call must be maintained in the committee’s records.

Ex 9.1 – Denim Manufacturers Committee made two types of independent expenditures. One was for a series of radio spots opposing a proposition and the other was a mass mailing supporting a candidate for mayor in San Francisco. The radio spots audio disclaimer must say “paid for by Denim Manufacturer’s Committee.” The mailing must state “Paid for by Denim Manufacturer’s Committee and not authorized by a candidate or a committee controlled by a candidate.”

B. Advertisement Disclaimers for Independent Expenditure Ads

The disclaimer rules for independent expenditure ads by general purpose committees that support or oppose candidates or measures are summarized in the chart below.

Independent Expenditure Ads on Candidates or Ballot Measures (By General Purpose Recipient Committees)

Communication	Manner of Display
<p>All mass mailings (more than 200) (see note)</p>	<ul style="list-style-type: none"> • Committee name/address (on file with Forms 410) on outside of mailing in no less than 14-point, bold, sans serif type, contrasting print color • “Paid for by” must be in the same color and size as the name/ address and immediately in front of or above the name/address • IE disclaimer in box for candidate ads. The required statement (“[t]his advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office”) must be located one quarter of an inch from the recipient’s name and address in a box. The box’s outline must have a 3.25 line weight. So the statement is clearly readable, contrasting colors must be used for the background of the ad and the box outline, text and background

<p>Telephone calls (more than 200) - made by vendors (“robo” calls) or paid individuals</p>	<ul style="list-style-type: none"> • Disclaimer must state the call is “paid for by” committee name • Must be at least 3 seconds at beginning or end of call
<p>Radio</p>	<ul style="list-style-type: none"> • Must be at least 3 seconds either at beginning or end of the ad
<p>Television</p>	<ul style="list-style-type: none"> • Both written & spoken at the beginning or end of ad • Not less than 4 seconds • Size & contrasting color must be legible to the average viewer • Exception - no spoken disclosure required if written statement is shown for at least 5 seconds on a 30 second broadcast or 10 seconds on 60 second broadcast

<p>Electronic Media</p> <ol style="list-style-type: none"> 1. Websites and blast emails 2. Ads of limited size (micro bar, button ad, ads limited to 500 characters or less) 3. SMS texts 4. Electronic ads sent in an audio format 5. Electronic ads sent in a video format 	<ol style="list-style-type: none"> 1. Disclaimer statement must be in the same font size as majority of text and displayed conspicuously near the ad 2. Ad must provide disclaimer via rollover, link or other connection to website with the disclaimer 3. Include the committee ID number and if technically possible link to the committee's campaign statement on Secretary of State's website 4. Same requirements as for radio ads above 5. Same requirements as for television ads above
<p>Paid spokesperson in ballot measure ad</p> <ul style="list-style-type: none"> • \$5,000 payment to individual in ad • Any payment to individual in ad portraying a member of a licensed occupation (nurse, doctor, firefighter, scientist, engineer, lawyer, etc.) who is not actually a member of that occupation. 	<p>Disclaimer: "(Spokesperson's name) is being paid by this campaign or its donors."</p> <p>Disclaimer: "Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations."</p> <ul style="list-style-type: none"> • Printed or televised ad: shown continuously in highly visible font • Radio broadcast or phone message: spoken in clearly audible format

Newspaper ads	<ul style="list-style-type: none"> • 14-point, bold, sans serif type in contrasting print color • Also check the Elections Code
A billboard	<ul style="list-style-type: none"> • 5% of height of ad in contrasting color
Yard signs (more than 200)	
Door hangers, flyers, posters, and oversized campaign buttons and bumper stickers (more than 200) (buttons 10" across or larger and stickers 60 sq. in. or larger)	<ul style="list-style-type: none"> • 14-point, bold, sans serif type in contrasting print color

Note: Two display rules exist for mass mailings. A mass mailing must have the committee name/address on the outside of an envelope in 6 pt type, while the manner of display for the ad disclaimer requires the committee name in no less than 14-point, bold, sans serif type. Often a one-page mailer combines the display rules with both the committee name and address in no less than 14-point, bold, sans serif type although the address may be at 6 pt type.

Updating a Disclaimer

In the event an advertisement disclaimer must be revised due to a name change, television, radio, electronic media, or robocalls must be amended within five calendar days. Print media, mass mailings, or other tangible items must be amended every time an order to reproduce is placed.

Advertisements in Languages Other than English

Disclaimers on political advertisements should be written or spoken in the same language used in the advertisement. Proper names are not required to be translated.

Advertisement Disclaimer Exceptions

A disclaimer 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 disclaimer cannot be conveniently printed. The disclaimer is not required on t-shirts, caps, hats, and other articles of clothing; skywriting and airplane banners; or committee checks and receipts.

C. Advertisement Disclaimers for Coordinated Communications

The disclaimer rules for communications made by general purpose committees that are coordinated with a candidate or committee are summarized in the chart below. Payments for such communications are a reportable contribution to the candidate or committee.

Communications by General Purpose Recipient Committee that are Contributions to a Candidate or Committee

Communication	Manner of Display
All mass mailings (more than 200) (including emails, faxes, Twitter feeds)	<ul style="list-style-type: none">• Committee name/address, as on file with Form 410. (If no Form 410 on file, use candidate name/address.)• Only committee name required on emails.• No less than 6 pt type/ contrasting print color• Return envelopes (included in solicitation)—committee's name, address and ID number are recommended, but not required

<p>Telephone calls (500 or more) - made by vendors (“robo” calls) or paid individuals</p>	<ul style="list-style-type: none"> • Any time during the message • Must identify the candidate that paid for the call or an organization authorizing the call that files campaign reports • Must state that the call is “paid for by” or “authorized by the identified candidate or organization • Examples: This call was paid for by Senator Jones; This call was authorized by (name of committee) • No ID required on telephone calls personally dialed by candidate, campaign manager or volunteers
<p>The Political Reform Act does not require a specific disclaimer on the following communications, although the FPPC recommends placing “paid for by committee name” and committee ID number on all public campaign materials.</p>	
<p>Newspaper, radio and television ads</p>	<ul style="list-style-type: none"> • Radio and television advertisements require “paid for by” or sponsor identification under Federal Communications Commission rules • Check the Elections Code for newspaper ad requirements
<p>Billboards, yard signs, business cards, door hangers, flyers, posters and websites</p>	<ul style="list-style-type: none"> • “Paid for by committee name” and committee ID number are recommended but not legally required

D. Mass Mailings – Postal Mailings and Emails

When a general purpose committee pays for a mailing of more than 200 substantially similar pieces in a calendar month (“mass mailing”), the committee’s name and address must be on the mailing. Mass mailings include more than 200 substantially similar electronic messages (emails) sent to the public within a calendar month. All mass mailings must include the words “Paid for by” immediately adjacent to or above identification of the name of the committee. The committee’s address is also required on postal mailings.

The committee name must be printed in at least 14-point, bold, sans serif type. The committee address must be printed in at least 6 point type. The color or print must contrast with the background so it is easily read (e.g., no light blue on blue). A post office box may be used as the address only if the committee’s street address is on its Statement of Organization (Form 410) on file with the Secretary of State.

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.

Emails

When over 200 substantially similar emails are sent by a political committee, the email must include “Paid for by [committee name].” The committee’s street address is not required on mass emails sent by a committee, but may be included.

To: Voter@emailaddress.web From: ABCTradeAssociation@emailaddress.web Subject: Vote for Smith for Senate
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The following message is paid for by ABC Trade Association and was not authorized by Candidate Smith.

Valuing a Mailing

Multiple candidates/measures: If a mass mailing (including emails) 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.

E. Ballot Measure Ad – Paid Spokesperson

The Act requires specific disclosure when a committee pays an individual for his or her appearance in a ballot measure advertisement. The committee must (1) file a Paid Spokesperson Report (Form 511) and (2) put a disclaimer on the ad in the situations below.

Quick Tip

See Chapter 8 for additional information about the Form 511.

- **\$5,000 payment to individual in a ballot measure ad:** The committee makes expenditures totaling \$5,000 or more to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage or defeat of a state or local ballot measure.

Disclaimer 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 (nurse, doctor, firefighter, scientist, engineer, lawyer, etc.):** The committee makes expenditures of any amount to an individual for his or her 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.

Disclaimer 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 disclaimer, 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.

Ex 9.2 – ABC Trade Association paid for a television advertisement to oppose a local ballot measure. The association paid Dr. Jane Miller \$5,000 to appear in the ad. Since Jane is actually a doctor and will be clearly identified as a doctor in the ad, the additional disclaimer is not required. The following disclaimer would suffice: “Paid for by ABC Trade Association. Dr. Jane Miller was paid for her appearance in this advertisement.”

The advertisements include print, television, and radio ads, as well as telephone messages. The disclaimers 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.

F. Penalties

The penalty for failing to comply with the Act's disclaimer requirements is a fine of up to \$5,000 per violation. In addition, any person who violates the disclaimer 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.

Answering Your Mass Mailing 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 name and address of the general purpose committee paying for the mailing must appear on the outside of the mailing 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 disclaimer requirements?

Yes. The advertisement must state “paid for by [name of the general purpose committee]” and “This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.”

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

Ballot measure ads include the names of the top two donors of \$50,000 or more to the ballot measure committee. If your general purpose committee contributes \$50,000 or more to a primarily formed ballot measure committee, your committee’s name may be included as a top donor in the primarily formed committee’s advertisements if your committee is one of the two highest contributors to the committee.

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.
- 84505 Avoidance of Disclosure.
- 84506 Disclaimers: Independent Expenditure Ads
- 84506.5 Disclaimers: Independent Expenditure Ads; Not Authorized by Candidate.
- 84507 Disclaimer: Legible and Audible.
- 84509 Amended Disclaimers.
- 84511 Ballot Measure Ads; Paid Spokesperson Disclosure.

Title 2 Regulations

- 18435 Definition of Mass Mailing and Sender.
- 18440 Telephone Advocacy.
- 18450.1 Definitions. Advertisement Disclosure.
- 18450.4 Contents of Disclosure Statements. Advertisement Disclosure.
- 18450.5 Amended Advertisement Disclosure.
- 18450.11 Spokesperson Disclosure.