

California Fair Political Practices Commission Issues Regulations on Reporting Paid Online Communications

November 2013

On September 19, 2013, the California Fair Political Practices Commission (FPPC) issued new regulations on reporting certain expenditures for paid online communications. The regulations took effect on November 2, 2013. The regulations were intended to inform the public when content that appears to represent an individual's personal views is paid for by a committee.

The new regulations apply to recipient committees, including any individual, group, organization, or other entity that receives contributions as defined under California law totaling \$1,000 or more in a calendar year. These committees must report additional information on expenditures made to:

- Provide content for or post content on a website or blog;
- Provide content for or post content on a social media platform or service; or
- Provide video content for or post video content online.

Under the new regulations, "content" can include writing, pictures, videos, or photographs posted on a website or on social media.

When a political committee makes a payment of this nature, disclosure of the payment must include the following information, regardless of whether the payment was made directly or indirectly:

- The payment amount;
- The payee;

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- The name of the person providing the content;
- The name of the website or the URL on which the content appears; and
- The expenditure code "WEB."

The following types of advertisements are exempt from the new reporting requirements:

- Online advertisements purchased at published rates;
- Payments made by a political committee for content posted only on that political committee's own website or social media accounts; and
- Payments made by a campaign committee for the type of content outlined above, which includes a clear and conspicuous disclaimer stating that the campaign paid for the content.

The FPPC's previous regulations did not require committees to include the name of the person providing the content or the name of the website or URL on which the content appears. By contrast, the Federal Election Commission does not currently require federal committees that provide content regarding federal candidates to disclose this information.