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|------|------------------|----------------|--------------|-----------------|------------------|--------------|--|
| Home | Bill Information | California Law | Publications | Other Resources | My Subscriptions | My Favorites | |
|------|------------------|----------------|--------------|-----------------|------------------|--------------|--|

Code: Section:

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TITLE 9. POLITICAL REFORM [81000 - 91014] (Title 9 added June 4, 1974, by initiative Proposition 9.)

CHAPTER 4. Campaign Disclosure [84100 - 84514] (Chapter 4 added June 4, 1974, by initiative Proposition 9.)

ARTICLE 5. Disclosure in Advertisements [84501 - 84514] (Article 5 added November 5, 1996, by initiative Proposition 208, Sec. 37.)

84501. For purposes of this article, the following definitions apply:

(a) (1) "Advertisement" means any general or public communication that is authorized and paid for by a committee for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or ballot measures.

(2) "Advertisement" does not include any of the following:

(A) A communication from an organization, other than a political party, to its members.

(B) An electronic media communication addressed to recipients, such as email messages or text messages, from an organization to persons who have opted in or asked to receive messages from the organization. This subparagraph does not apply to a customer who has opted in to receive communications from a provider of goods or services, unless the customer has provided express approval to receive political messages from that provider of goods or services.

(C) Any communication that was solicited by the recipient, including, but not limited to, acknowledgments for contributions or information that the recipient communicated to the organization, or responses to an electronic message sent by the recipient to the same mobile number or email address.

(D) A campaign button smaller than 10 inches in diameter; a bumper sticker smaller than 60 square inches; or a small tangible promotional item, such as a pen, pin, or key chain, upon which the disclosure required cannot be conveniently printed or displayed.

(E) Wearing apparel.

(F) Sky writing.

(G) Any other type of communication, as determined by regulations of the Commission, for which inclusion of the disclosures required by Sections 84502 to 84509, inclusive, is impracticable or would severely interfere with the committee's ability to convey the intended message due to the nature of the technology used to make the communication.

(b) "Cumulative contributions" means the cumulative amount of contributions received by a committee beginning 12 months before the date of the expenditure and ending seven days before the time the advertisement is sent to the printer or broadcaster.

(c) (1) "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.

(2) A tie between two or more contributors qualifying as top contributors shall be resolved by determining the contributor who made the most recent contribution to the committee, in which case the most recent contributor shall be listed before any other contributor of the same amount.

(3) If a committee primarily formed to support or oppose a state candidate or ballot measure contributes funds to another committee primarily formed to support or oppose the same state candidate or ballot measure and the funds used for the contribution were earmarked to support or oppose that candidate or ballot measure, the committee receiving the earmarked

contribution shall disclose the contributors who earmarked their funds as the top contributor or contributors on the advertisement if the definition of top contributor provided for in paragraph (1) is otherwise met. If the committee receiving the earmarked contribution contributes any portion of the contribution to another committee primarily formed to support or oppose the specifically identified ballot measure or candidate, that committee shall disclose the true source of the contribution to the new committee receiving the earmarked funds. The new committee shall disclose the contributor on the new committee's advertisements if the definition of top contributor provided for in paragraph (1) is otherwise met.

(A) The primarily formed committee making the earmarked contribution shall provide the primarily formed committee receiving the earmarked contribution with the name, address, occupation, and employer, if any, or principal place of business, if self-employed, of the contributor or contributors who earmarked their funds and the amount of the earmarked contribution from each contributor at the time the contribution is made. If the committee making the contribution received earmarked contributions that exceed the amount contributed or received contributions that were not earmarked, the committee making the contribution shall use a reasonable accounting method to determine which top contributors to identify pursuant to this subparagraph, but in no case shall the same contribution be disclosed more than one time to avoid disclosure of additional contributors who earmarked their funds.

(B) The committee receiving the earmarked contribution may rely on the information provided pursuant to subparagraph (A) for purposes of complying with the disclosure required by Section 84503 and shall be considered in compliance with Section 84503 if the information provided pursuant to subparagraph (A) is disclosed as otherwise required.

(C) For purposes of this paragraph, funds are considered "earmarked" if any of the circumstances described in subdivision (b) of Section 85704 apply.

(4) If an advertisement paid for by a committee supports or opposes a candidate, the determination of top contributors pursuant to paragraphs (1) and (2) shall 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 that person's contributions to support or oppose candidates if the committee does not use such contributions to support or oppose candidates.

(Amended by Stats. 2019, Ch. 558, Sec. 2. (AB 864) Effective January 1, 2020. Note: This section was added on Nov. 5, 1996, by initiative Prop. 208.)

84501.1. The Commission shall not, by regulation, policy, opinion, or advice letter, construe or interpret any of Sections 82025, 84305, 84310, 84501 through 84511, inclusive, or Section 85704 as allowing the Commission to establish or maintain any thresholds in quantity or amount that are not specified in those sections. Unless otherwise specified in this title, those sections apply regardless of quantity or amount.

(Added by Stats. 2018, Ch. 777, Sec. 2. (AB 2155) Effective January 1, 2019.)

84502. (a) (1) Any advertisement not described in subdivision (b) of Section 84504.3 that is paid for by a committee pursuant to subdivision (a) of Section 82013, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the words "Ad paid for by" followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101.

(2) Any advertisement not described in subdivision (b) of Section 84504.3 that is paid for by a committee pursuant to subdivision (a) of Section 82013 that is a political party committee or a candidate controlled committee established for an elective office of the controlling candidate shall include the words "Ad paid for by" followed by the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 if the advertisement is any of the following:

(A) Paid for by an independent expenditure.

(B) An advertisement supporting or opposing a ballot measure.

(C) A radio or television advertisement.

(D) A text message advertisement that is required to include a disclosure pursuant to Section 84504.7.

(b) Any advertisement not described in subdivision (b) of Section 84504.3 that is paid for by a committee pursuant to subdivision (b) or (c) of Section 82013 shall include the words "Ad paid for by" followed by the name that the filer is required to use on campaign statements pursuant to subdivision (o) of Section 84211.

(c) Notwithstanding subdivisions (a) and (b), if an advertisement is a printed letter, internet website, or email message, the text described in subdivisions (a) and (b) may include the words "Paid for by" instead of "Ad paid for by."

(d) Notwithstanding subdivisions (a) and (b), if an advertisement is a text message, the text described in subdivisions (a) and (b) may include the words "Paid for by" or "With," instead of "Ad paid for by."

(e) Notwithstanding subdivision (a), if an advertisement is a video advertisement that is disseminated over the internet, is a print advertisement that is larger than those designed to be individually distributed subject to subdivision (b) of Section 84504.2, is an electronic media advertisement subject to subdivision (b) of Section 84504.3, or is a text message advertisement subject to Section 84504.7, then the text for the name of the committee may be shortened by either of the following:

(1) Displaying only enough of the first part of the committee name to uniquely identify the committee. If the committee is a sponsored committee, then the name displayed must include the portion of the committee name that identifies the sponsor or sponsors, unless all of the sponsors are disclosed on the ad as top contributors as required by Section 84503. For example, if ACME Corporation is not listed as a top contributor, then a committee named "Yes on 99, Californians for a Better Tomorrow, a coalition of X, Y, and Z. Sponsored by ACME Corporation" may be disclosed as only "Yes on 99, Californians for a Better Tomorrow. Sponsored by ACME Corporation."

(2) If the advertisement is paid for by a committee that has top contributors and is subject to Section 84503, then the committee name may be replaced by displaying the words "Committee ID" followed by the committee's identification number.

(Amended by Stats. 2022, Ch. 887, Sec. 9. (SB 1360) Effective January 1, 2023.)

84503. (a) Any advertisement not described in subdivision (b) of Section 84504.3 that is paid for by a committee pursuant to subdivision (a) of Section 82013, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the words "Ad Committee's Top Funders" unless only one contributor qualifies as a top contributor, in which case the advertisement shall include the words "Ad Committee's Top Funder." These words shall be followed by the names of the top contributors to the committee paying for the advertisement. If fewer than three contributors qualify as top contributors, only those contributors that qualify shall be disclosed pursuant to this section. If there are no contributors that qualify as top contributors, this disclosure is not required.

(b) The disclosure of a top contributor pursuant to this section shall not include terms such as "incorporated," "committee," "political action committee," or "corporation," or abbreviations of these terms, unless the term is part of the contributor's name in common usage or parlance.

(c) If this article requires the disclosure of the name of a top contributor that is a committee pursuant to subdivision (a) of Section 82013 and is a sponsored committee pursuant to Section 82048.7 with a single sponsor, only the name of the single sponsoring organization shall be disclosed.

(d) This section does not apply to a committee as defined by subdivision (b) or (c) of Section 82013.

(e) Notwithstanding subdivision (a), if an advertisement is a printed letter, internet website, email message, or text message, the text described in subdivision (a) may include the words "Committee Top Funders" or "Committee Top Funder" instead of "Ad Committee's Top Funders" or "Ad Committee's Top Funder."

(Amended by Stats. 2022, Ch. 887, Sec. 10. (SB 1360) Effective January 1, 2023.)

84504. (a) An advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, that is disseminated over the radio or by telephonic means shall include the disclosures required by Sections 84502, 84503, 84506.5, and 84514 at the beginning or end of the advertisement, read in a clearly spoken manner and in a pitch and tone substantially similar to the rest of the advertisement, and shall last no less than three seconds.

(b) Notwithstanding the definition of "top contributors" in paragraph (1) of subdivision (c) of Section 84501, radio and prerecorded telephonic advertisements shall disclose only the top two contributors of fifty thousand dollars (\$50,000) or more unless the advertisement lasts 15 seconds or less or the disclosure statement would last more than eight seconds, in which case only the single top contributor of fifty thousand dollars (\$50,000) or more shall be disclosed.

(Amended by Stats. 2024, Ch. 260, Sec. 1. (AB 2355) Effective January 1, 2025.)

84504.1. (a) An advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, that is disseminated as a video, including advertisements on television and videos disseminated over the Internet, shall include the disclosures required by Sections 84502, 84503, and 84514 at the beginning or end of the advertisement.

(b) The disclosure required by subdivision (a) shall be written and displayed for at least five seconds of a broadcast of 30 seconds or less or for at least 10 seconds of a broadcast that lasts longer than 30 seconds.

(1) The written disclosure required by subdivision (a) shall appear on a solid black background on the entire bottom one-third of the television or video display screen, or bottom one-fourth of the screen if the committee does not have or is otherwise not

required to list top contributors, and shall be in a contrasting color in standard Arial Regular type, and the type size for capital letters in the written disclosure shall be 4 percent of the height or width of the television or video display advertisement, whichever is less.

(2) The disclosure required by Section 84514, if any, shall be white and appear at the top of the disclosure area, and shall be separated from the disclosures required by Sections 84502 and 84503 by a blank horizontal space at least 2 percent of the height of the television or video display screen.

(3) The disclosures required by Section 84502 shall be white and shall follow the disclosure required by Section 84514. The disclosures required by Section 84503, if any, shall be yellow, such as HTML hex value #FFFF00, and shall be separated from the disclosures required by Section 84502 by a blank horizontal space at least 2 percent of the height of the television or video display screen. The top contributors, if any, shall each be disclosed on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions on the first line. All disclosure text shall be centered horizontally in the disclosure area. If there are any top contributors, the written disclosures shall be underlined in a manner clearly visible to the average viewer, except for the names of the top contributors, if any.

(4) The names of the top contributors shall not have their type condensed or have the spacing between characters reduced to be narrower than a normal non-condensed standard Arial Regular type.

(5) If the name of one or more top contributor exceeds the width of the screen and is required to wrap onto a second line, then the names of contributors shall be clearly marked, using a highly visible symbol or minimum vertical separation defined by the Commission, to indicate where one top contributor name ends and the next begins.

(c) An advertisement that is an independent expenditure supporting or opposing a candidate shall include the appropriate statement from Section 84506.5 printed immediately above the background with sufficient contrast that is easily readable by the average viewer.

(d) Any text or image not required in this section shall not appear in the disclosure area, except as provided in Section 84504.8 and as otherwise authorized or required by applicable law.

(Amended by Stats. 2024, Ch. 260, Sec. 2. (AB 2355) Effective January 1, 2025.)

84504.2. (a) A print advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures required by Sections 84502, 84503, 84506.5, and 84514, displayed as follows:

(1) The disclosure area shall have a solid white background and shall be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter. All text in the disclosure area shall be in contrasting color and centered horizontally in the disclosure area.

(2) The text shall be in an Arial equivalent type with a type size of at least 10-point for printed advertisements designed to be individually distributed, including, but not limited to, mailers, flyers, and door hangers.

(3) The disclosure required by Section 84514, if any, shall appear at the top of the disclosure area, and shall be separated from the disclosures required by Sections 84502 and 84503 by a blank line.

(4) The disclosures required by Sections 84502 and 84503 shall follow the disclosure required by Section 84514. The text of the disclosure shall be underlined if there are any top contributors.

(5) The top contributors, if any, shall each be disclosed on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions on the first line. The name of each of the top contributors shall be centered horizontally in the disclosure area and shall not be underlined. The names of the top contributors shall not be printed in a type that is condensed to be narrower than a normal non-condensed Arial equivalent type.

(6) A committee subject to Section 84506.5 shall include the disclosure required by Section 84506.5, which shall be underlined and on a separate line below any of the top contributors.

(7) A committee subject to Section 84223 shall next include the text "Funding Details At [insert Commission Internet Website)," which shall be underlined and printed on a line separate from any other text.

(b) Notwithstanding paragraphs (2) and (5) of subdivision (a), the disclosures required by Sections 84502, 84503, 84506.5, and 84514 on a printed advertisement that is larger than those designed to be individually distributed, including, but not limited to, yard signs or billboards, shall be in Arial equivalent type with a total height of at least 5 percent of the height of the advertisement, and

printed on a solid background with sufficient contrast that is easily readable by the average viewer. The text may be adjusted so it does not appear on separate horizontal lines, with the top contributors separated by a comma.

(c) Notwithstanding the definition of "top contributors" in paragraph (1) of subdivision (c) of Section 84501, newspaper, magazine, or other public print advertisements that are 20 square inches or less shall be required to disclose only the single top contributor of fifty thousand dollars (\$50,000) or more.

(Amended (as amended by Stats. 2018, Ch. 777, Sec. 5) by Stats. 2024, Ch. 260, Sec. 3. (AB 2355) Effective January 1, 2025. Superseded, pursuant to Stats. 2018, Ch. 777, Sec. 8, on date prescribed in Stats. 2018, Ch. 662, Sec. 44 and further amended by Sec. 4 of Stats. 2024, Ch. 260. See later operative version, as amended by Sec. 4 of Stats. 2024, Ch. 260.)

84504.2. (a) A print advertisement designed to be individually distributed, including, but not limited to, a mailer, flyer, or door hanger, that is paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures required by Sections 84502, 84503, 84506.5, and 84514, displayed as follows:

(1) The disclosure area shall have a solid white background and shall be in a printed or drawn box on the bottom of at least one page that is set apart from any other printed matter. All text in the disclosure area shall be in contrasting color and centered horizontally in the disclosure area.

(2) The text shall be in standard Arial Regular type with a type size of at least 10-point.

(3) The disclosure required by Section 84514, if any, shall appear at the top of the disclosure area, and shall be separated from the disclosures required by Sections 84502 and 84503 by a blank line.

(4) The disclosures required by Sections 84502 and 84503 shall follow the disclosure required by Section 84514. The text of the disclosure shall be underlined if there are any top contributors.

(5) The top contributors, if any, shall each be disclosed on a separate horizontal line separate from any other text, in descending order, beginning with the top contributor who made the largest cumulative contributions on the first line. The name of each of the top contributors shall be centered horizontally in the disclosure area and shall not be underlined. The names of the top contributors shall not be printed in a type that is condensed to be narrower than a normal non-condensed standard Arial Regular type.

(6) An advertisement supporting or opposing a candidate that is paid for by an independent expenditure shall include the disclosure required by Section 84506.5, which shall be underlined and on a separate line below any of the top contributors.

(7) A committee subject to Section 84223 shall next include the text "Funding Details At [insert link to Secretary of State internet website page with top 10 contributor lists]," which shall be underlined and printed on a line separate from any other text at the bottom of the disclosure area.

(8) Notwithstanding the definition of "top contributors" in paragraph (1) of subdivision (c) of Section 84501, newspaper, magazine, or other public print advertisements that are 20 square inches or less shall be required to disclose only the largest top contributor of fifty thousand dollars (\$50,000) or more.

(b) A print advertisement that is larger than those designed to be individually distributed, including, but not limited to, a yard sign or billboard, paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall include the disclosures pursuant to Section 84502, 84503, 84506.5, and 84514 in a printed or drawn box with a solid white background on the bottom of the advertisement that is set apart from any other printed matter. Each line of the written disclosures shall be in a contrasting color in standard Arial Regular type no less than 5 percent of the height of the advertisement, and shall not be condensed to be narrower than a normal non-condensed standard Arial Regular type. The text may be adjusted so it does not appear on separate horizontal lines, with the top contributors separated by a comma.

(c) Any text or image not required in this section shall not appear in the disclosure area, except as provided in Section 84504.8 and as otherwise authorized or provided by applicable law.

(Amended (as amended by Stats. 2022, Ch. 887, Sec. 12) by Stats. 2024, Ch. 260, Sec. 4. (AB 2355) Effective January 1, 2025. Conditionally operative on date prescribed by Stats. 2018, Ch. 662, Sec. 44.)

84504.3. (a) This section applies to an electronic media advertisement if either of the following is true:

(1) The advertisement is paid for by a committee other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate.

(2) The advertisement is paid for by a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, and is either of the following:

(A) Paid for by an independent expenditure.

(B) An advertisement supporting or opposing a ballot measure.

(b) An electronic media advertisement that is a graphic, image, animated graphic, or animated image that the online platform hosting the advertisement allows to link to an internet website paid for by a committee shall comply with both of the following:

(1) Unless the disclosure area described in paragraph (2) includes the full disclosure text required by Sections 84502, 84503, 84506.5, and 84514, the advertisement shall contain a hyperlink to an internet website containing the disclosures required by Sections 84502, 84503, 84506.5, and 84514 in a contrasting color and in no less than 11-point font.

(2) The advertisement shall include, for the duration of the advertisement, the disclosures required by Section 84514, if any, followed by the disclosures required by Section 84502, if any, followed by the disclosures required by Section 84503, if any, displayed according to the following:

(A) The disclosure area shall have a solid white or black background and shall be in a box on the bottom of the advertisement. The text in the disclosure area shall be in a contrasting color and in standard Arial Regular type with a type size of at least 11-point and shall not have its type condensed or have the spacing between characters reduced to be narrower than a normal non-condensed standard Arial Regular type.

(B) The disclosure required by Section 84514, if any, shall appear at the top of the disclosure area, and shall be separated from the disclosure required by Section 84502 by a blank line.

(C) Notwithstanding Section 84503, the disclosure area may disclose only the largest top contributor to the committee paying for the advertisement, and the disclosure area may include the words "Top Funder" or "Top Funders" instead of "Ad Committee's Top Funders" or "Ad Committee's Top Funder."

(D) The disclosure required by Section 84506.5 may be displayed at the bottom of the disclosure box, separated from the disclosures required by Section 84503 by a blank horizontal line. This text is not required to be displayed in the disclosure area if the advertisement hyperlinks to a website containing the disclosures as described by paragraph (1).

(3) Notwithstanding paragraph (2), if the image takes up fewer than 65,000 square pixels, i.e., is smaller than a standard 728 by 90 pixel leaderboard image advertisement, then the disclosure area described in paragraph (2) may instead include the text "Who funded this ad?". This text shall be in standard Arial Regular type with a type size of at least 8-point.

(4) Notwithstanding paragraphs (2) and (3), the disclosure area required by paragraph (2) is not required if it would take up more than 10 percent of the graphic or image even using the "Who funded this ad?" option allowed by paragraph (3). In those circumstances, the advertisement need only include a hyperlink to an internet website containing the disclosures required by Sections 84502, 84503, 84506.5, and 84514.

(5) Any text or image not required by this subdivision shall not appear in the disclosure area, except as provided in Section 84504.8 and as otherwise authorized or required by applicable law.

(c) Notwithstanding subdivision (a), an email message or internet website paid for by a committee shall include the disclosures required by Sections 84502, 84503, 84506.5, and 84514 printed clearly and legibly in a contrasting color and in no less than 8-point font at the top or bottom of the email message, or at the top or bottom of every publicly accessible page of the internet website, as applicable.

(d) An internet website that is linked as provided for in paragraphs (1) and (4) of subdivision (b) shall remain online and available to the public until 30 days after the date of the election in which the candidate or ballot measure supported or opposed by the advertisement was voted upon.

(e) An advertisement made via a form of electronic media that is audio only and therefore cannot include either of the disclosures in subdivision (b) shall comply with the disclosure requirements for radio advertisements in Section 84504.

(f) An electronic media advertisement that is disseminated as a video shall comply with the disclosure requirements of Sections 84504.1 and 84504.5, depending on the type of committee that paid for it. If the video is longer than 30 seconds, the disclosures required by Sections 84504.1 and 84504.5 shall be made at the beginning of the advertisement.

(g) An advertisement in the form of a post, comment, or similar communication made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, is not required to include the disclosure provided in subdivision (b) if both of the following apply:

(1) The advertisement was posted directly by the social media page or account of the committee that paid for the advertisement.

(2) (A) The disclosures required by Sections 84502, 84503, 84506.5, and 84514 are included on the cover or header photo of the committee's profile, landing page, or similar location for the committee's page or account from which the post, comment, or similar communication was made in a contrasting color that is easily readable by the average viewer and in no less than 10-point font. The disclosures specified in this subparagraph shall be fully visible on the cover or header photo when the profile, landing page, or similar location is viewed from any electronic device that is commonly used to view this form of electronic media, including, but not limited to, a computer screen, laptop, tablet, or smart phone.

(B) Notwithstanding subparagraph (A), if making the disclosures specified in subparagraph (A) fully visible on a commonly used electronic device would be impracticable, the cover or header photo of the profile, landing page, or similar location need only include a hyperlink, icon, button, or tab to an internet website containing the disclosures specified in subparagraph (A).

(h) The disclosures required by this section do not apply to advertisements made via social media for which the only expense or cost of the communication is compensated staff time unless the social media account where the content is posted was created only for the purpose of advertisements governed by this title.

(Amended by Stats. 2024, Ch. 260, Sec. 5. (AB 2355) Effective January 1, 2025.)

84504.4. (a) A radio or television advertisement that is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate, and that does not support or oppose a ballot measure and is not paid for by an independent expenditure, shall include the disclosure required by Section 84502 and the disclosure required by Section 84514, if any, subject to the following requirements:

(1) In a radio advertisement, the words shall be included at the beginning or end of the advertisement and read in a clearly spoken manner and in a pitch and tone substantially similar to the rest of the advertisement.

(2) In a television advertisement, the words shall appear in writing for at least four seconds with letters in a type size that is greater than or equal to 4 percent of the height of the screen.

(b) An advertisement that is made via a form of electronic media that allows users to engage in discourse and post content, or any other type of social media, that is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate, and that does not support or oppose a ballot measure and is not paid for by an independent expenditure, shall include the disclosure required by Section 84502 in accordance with subdivision (g) of Section 84504.3.

(Amended by Stats. 2024, Ch. 260, Sec. 6. (AB 2355) Effective January 1, 2025.)

84504.5. An advertisement that is an independent expenditure and paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate shall include the disclosures required by Sections 84502, 84506.5, and 84514. An advertisement that supports or opposes a ballot measure and is paid for by a political party or a candidate controlled committee established for an elective office of the controlling candidate shall include the disclosure required by Section 84502. A disclosure that is included in an advertisement pursuant to this section is subject to the following requirements:

(a) A radio or telephone advertisement shall include the required disclosures at the beginning or end of the advertisement and be read in a clearly spoken manner and in a pitch and tone substantially similar to the rest of the advertisement, and shall last no less than three seconds.

(b) A video advertisement, including television and videos disseminated over the internet, shall include the required disclosures in writing at the beginning or end of the advertisement in a text that is of sufficient size to be readily legible to an average viewer and in a color that has a reasonable degree of contrast with the background of the advertisement for at least four seconds. The required disclosure must also be spoken during the advertisement if the written disclosure appears for less than five seconds of a broadcast of 30 seconds or less or for less than 10 seconds of a broadcast that lasts longer than 30 seconds.

(c) (1) A print advertisement shall include the required disclosures in no less than 10-point font and in a color that has a reasonable degree of contrast with the background of the advertisement.

(2) Notwithstanding paragraph (1), each line of the required disclosures on a print advertisement that is larger than those designed to be individually distributed, such as a yard sign or billboard, shall in total constitute no less than 5 percent of the total height of the advertisement and shall appear in a color that has a reasonable degree of contrast with the background of the advertisement.

(d) An electronic media advertisement shall include the disclosures required by Section 84504.3.

(Amended by Stats. 2024, Ch. 260, Sec. 7. (AB 2355) Effective January 1, 2025.)

84504.6. (a) For purposes of this article, the following terms have the following meanings:

(1) "Online platform" means a public-facing internet website, web application, or digital application, including a social network, ad network, or search engine, that sells advertisements directly to advertisers. A public-facing internet website, web application, or

digital application is not an online platform for purposes of this article to the extent that it displays advertisements that are sold directly to advertisers through another online platform.

(2) (A) "Online platform disclosed advertisement" means either of the following:

(i) A paid electronic media advertisement on an online platform made via a form of electronic media 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, unless all advertisements on the platform are video advertisements that can comply with Section 84504.1. Individual posts, comments, or other similar communications are not considered online platform disclosed advertisements if they are posted without payment to the online platform.

(ii) A paid electronic media advertisement on an online platform that is not any of the following:

(I) A graphic, image, animated graphic, or animated image that the online platform hosting the advertisement allows to hyperlink to an internet website containing required disclosures, as described in subdivision (b) of Section 84504.3.

(II) Video, audio, or email.

(B) Electronic media advertisements that are not online platform disclosed advertisements as defined in subparagraph (A) shall follow disclosure requirements for electronic media advertisements under Section 84504.3.

(b) A committee that disseminates an online platform disclosed advertisement shall do all of the following:

(1) Upon requesting the dissemination, expressly notify the online platform through which the advertisement would be disseminated, using the online platform's chosen notification method, that the advertisement is an advertisement as defined in Section 84501.

(2) (A) Provide the online platform with the disclosure name of the committee.

(B) For purposes of this section, "disclosure name" means the text required by Section 84503, followed by a colon, followed by, surrounded in quotation marks, the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 or the name that the filer is required to use on campaign statements pursuant to subdivision (o) of Section 84211. If no disclosure text is required by Section 84503, "disclosure name" means the name of the committee as it appears on the most recent Statement of Organization filed pursuant to Section 84101 or the name that the filer is required to use on campaign statements pursuant to subdivision (o) of Section 84211.

(C) If the disclosure name changes due to a change in the top contributors or the name of the committee, the committee shall provide the online platform with an updated disclosure name within five business days.

(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, as applicable, or number or letter of the ballot measure and the jurisdiction to which the advertisement refers.

(4) Provide the online platform with the name and identification number of the committee that paid for the advertisement.

(c) An online platform that disseminates a committee's online platform disclosed advertisement shall do one of the following:

(1) Display "Paid for by" or "Ad Paid for by" followed by the disclosure name provided by the committee, easily readable to the average viewer, located adjacent to any text stating that the advertisement is an advertisement or is promoted or sponsored. The online platform may display only one hundred or more characters of the disclosure name if it is followed by a "..." that is clearly clickable and that links to a page as described in paragraph (3).

(2) The online platform may instead 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 in the same or similar font and in at least the same font size as the online platform's text, and easily readable to the average viewer, stating that the advertisement is an advertisement or is promoted or sponsored, that links to a page as described in paragraph (3).

(3) Hyperlinks, icons, buttons, or tabs used for the purposes described in paragraphs (1) and (2) shall be linked to the profile or landing page of the committee that paid for the advertisement; to another page to which the average viewer would normally navigate to view additional information about a committee containing the disclosure name in a manner that is easily seen and readable by the average viewer; or to an internet website containing the disclosure required by subdivision (d) of Section 84504.3.

(d) An online platform that disseminates committees' online platform disclosed advertisements shall meet all of the following requirements:

(1) Maintain, and make available for online public inspection in a machine readable format, a record of any advertisement disseminated on the online platform by a committee that purchased five hundred dollars (\$500) or more in advertisements on the online platform during the preceding 12 months. Each record shall contain all of the following:

(A) A digital copy of the advertisement.

(B) The approximate number of views generated from the advertisement and the date and time that the advertisement was first displayed and last displayed.

(C) Information regarding the range charged or the total amount spent on the advertisement.

(D) 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.

(E) The name and identification number of the committee that paid for the advertisement, if the committee is assigned an identification number.

(2) The information required under this subdivision shall be made available as soon as practicable and shall be retained by the online platform for no less than four years.

(3) (A) Display a prominent button, icon, tab, or hyperlink with the text "View Ads" or similar text in one of the following locations: (i) 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; (ii) on a page that displays the committee's profile information or biographical information; (iii) or on a page on which the average viewer would normally navigate to view additional information about a committee.

(B) The button, icon, tab, or hyperlink shall link to a page clearly showing all of the advertisement records required by paragraph (1).

(e) An online platform that creates a mechanism for a committee requesting dissemination of an online platform disclosed advertisement to expressly notify the online platform whether the advertisement is an advertisement as defined in Section 84501 and to provide all information necessary for the online platform to comply with the requirements of this section may rely in good faith on the information provided by the committee to the online platform to satisfy the online platform's obligations under subdivisions (c) and (d).

(Amended by Stats. 2019, Ch. 558, Sec. 10. (AB 864) Effective January 1, 2020.)

84504.7. (a) A candidate or committee shall not authorize or pay for an advertisement that is a text message, unless the disclosures described in subdivision (b) are made, if the text message meets one of the following conditions:

(1) The text message supports or opposes a candidate.

(2) The text message supports or opposes a ballot measure.

(b) (1) A committee, other than a candidate controlled committee established for an elective office of the controlling candidate, subject to subdivision (a) shall include the text "Paid for by" or "With" followed by either the name of the committee, or a hyperlink or Uniform Resource Locator (URL) for an internet website containing the disclosures required by Sections 84502, 84503, and 84506.5. The text of the disclosures on the internet website shall be in a color that reasonably contrasts with the background on which it appears and in no less than eight-point font. If the word "With" is used, the individual sending the text shall identify themselves in the following manner: "(Name of individual) with (name of committee or hyperlink or URL)." A disclosure using the word "With" may appear anywhere in the text message, including in conversational content, and need not appear as a separate statement apart from the other content of the message.

(2) A candidate controlled committee established for an elective office of the controlling candidate subject to subdivision (a) shall include the text "Paid for by" or "With" followed by the name of the candidate, followed by the word "For," and followed by the name of the elective office sought. If the word "With" is used, the individual sending the text shall identify themselves in the following manner: "(Name of individual) with (name of candidate) for (name of elective office)." A disclosure using the word "With" may appear anywhere in the text message, including in conversational content, and need not appear as a separate statement apart from the other content of the message.

(3) A committee subject to subdivision (a) that has top contributors, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, shall comply with the following:

(A) Immediately following the name of the committee or the hyperlink or URL required by paragraph (1), the text message shall also include the text "Top funders:" followed by the names of the top two contributors of fifty thousand dollars (\$50,000) or more to the committee paying for the advertisement, separated by "&" or "and."

(B) The names of the top two contributors may be spelled using acronyms, abbreviations, or other shorthand in common usage or parlance. If a top contributor is an individual, their first and last name shall both be used.

(C) Notwithstanding subparagraph (A), if the disclosures required by paragraph (1) and this paragraph would exceed 35 characters, the text message shall disclose only the single top contributor of fifty thousand dollars (\$50,000) or more to the committee paying for the advertisement.

(D) Notwithstanding subparagraph (A), if the text message includes the name of the committee paying for the advertisement in accordance with paragraph (1), and the committee's name includes the name of one of the top two contributors of fifty thousand dollars (\$50,000) or more to the committee paying for the advertisement, the text message is not required to include the name of that contributor after the text "Top funders:".

(4) The text required to be included in a text message sent pursuant to this subdivision shall be in a color that reasonably contrasts with the background on which it appears and in a font size that is readable by the average viewer.

(c) (1) This section does not apply to a text message that is individually sent without the assistance of mass distribution technology, including a text messaging platform.

(2) If a committee, other than a political party committee or a candidate controlled committee established for an elected office of the controlling candidate, subject to subdivision (a) that has top contributors uses individuals who are unpaid volunteers to send text messages with the assistance of mass distribution technology, including a text message platform, the text messages sent by individuals who are unpaid volunteers are not required to disclose the top two contributors pursuant to paragraph (3) of subdivision (b). Text messages sent by unpaid volunteers shall include a disclosure stating that the text message is being sent by a volunteer. For purposes of this paragraph, receiving payments for food, transportation, or lodging in connection with campaign activity shall not disqualify a person from being classified as an unpaid volunteer.

(d) An internet website that is hyperlinked as provided for in this section shall remain online and available to the public until 30 days after the date of the election in which the candidate or ballot measure supported or opposed by the advertisement was voted on.

(e) (1) If an exchange consists of a sequence of multiple text messages sent on the same day, a candidate or committee shall be deemed in compliance with this section if the candidate or committee sends the disclosures required by subdivision (b) with the first text message in the sequence that meets one of the conditions of subdivision (a).

(2) A committee shall be deemed in compliance with this section if the disclosures required by subdivision (b) are included in the text message in the form the committee intended it to be sent, regardless of the form the carrier relayed it to the recipient.

(3) If a committee includes a hyperlink or URL in the text message sent pursuant to subdivision (b), the committee shall be deemed to be in compliance with subdivision (b) even if the recipient's device is incapable of accessing the corresponding internet website.

(Added by Stats. 2019, Ch. 555, Sec. 3. (AB 201) Effective January 1, 2020.)

84504.8. If a disclosure statement required by a local ordinance is substantially similar to a disclosure statement required pursuant to this article, the two disclosure statements may be merged into a single statement.

(Added by Stats. 2022, Ch. 887, Sec. 14. (SB 1360) Effective January 1, 2023.)

84505. (a) In addition to the requirements of Sections 84502, 84503, and 84506.5, the committee placing the advertisement or persons acting in concert with that committee shall be prohibited from creating or using a noncandidate-controlled committee or a nonsponsored committee to avoid, or that results in the avoidance of, the disclosure of any individual, industry, business entity, controlled committee, or sponsored committee as a top contributor.

(b) Written disclosures required by Sections 84503 and 84506.5 shall not appear in all capital letters, except that capital letters shall be permitted for the beginning of a sentence, the beginning of a proper name or location, part of the contributor's trademark name or part of its name in common usage or parlance, or as otherwise required by conventions of the English language.

(Amended by Stats. 2022, Ch. 887, Sec. 15. (SB 1360) Effective January 1, 2023. Note: This section was added on Nov. 5, 1996, by initiative Prop. 208.)

84506.5. An advertisement supporting or opposing a candidate that is paid for by an independent expenditure shall include a statement that it 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 expenditure shall instead include a statement that "This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office."

(Amended by Stats. 2017, Ch. 546, Sec. 20. (AB 249) Effective October 7, 2017. Operative January 1, 2018, by Stats. 2017, Ch. 546, Sec. 29.)

84509. If the order of top contributors required to be disclosed pursuant to this article changes or a new contributor qualifies as a top contributor, the disclosure in the advertisement shall be updated as follows:

(a) A television, radio, telephone, electronic billboard, or other electronic media advertisement shall be updated to reflect the new top contributors within five business days. A committee shall be deemed to have complied with this subdivision if the amended advertisement is delivered, containing a request that the advertisement immediately be replaced, to all affected broadcast stations or other locations where the advertisement is placed no later than the fifth business day.

(b) A print media advertisement, including nonelectronic billboards, shall be updated to reflect the new top contributors before placing a new or modified order for additional printing of the advertisement.

(Repealed and added by Stats. 2017, Ch. 546, Sec. 24. (AB 249) Effective October 7, 2017. Operative January 1, 2018, by Stats. 2017, Ch. 546, Sec. 29.)

84510. (a) (1) In addition to the remedies provided for in Chapter 11 (commencing with Section 91000), a person who violates Section 84503 or 84506.5 is liable in a civil or administrative action brought by the Commission or any person for a fine up to three times the cost of the advertisement, including placement costs.

(2) Notwithstanding paragraph (1), a person who intentionally violates a provision of Sections 84504 to 84504.3, inclusive, or Section 84504.5 or 84504.6, for the purpose of avoiding disclosure is liable in a civil or administrative action brought by the Commission or any person for a fine up to three times the cost of the advertisement, including placement costs.

(b) The remedies provided in subdivision (a) shall also apply to any person who purposely causes any other person to violate any of the sections described in paragraph (1) or (2) of subdivision (a) or who aids and abets any other person in a violation.

(c) If a judgment is entered against the defendant or defendants in an action brought under this section, the plaintiff shall receive 50 percent of the amount recovered. The remaining 50 percent shall be deposited in the General Fund of the state. In an action brought by a local civil prosecutor, 50 percent shall be deposited in the account of the agency bringing the action and 50 percent shall be paid to the General Fund of the state.

(Amended by Stats. 2018, Ch. 754, Sec. 5. (AB 2188) Effective January 1, 2019. Operative January 1, 2020, by Stats. 2018, Ch. 754, Sec. 7. Note: This section was added on Nov. 5, 1996, by initiative Prop. 208.)

84511. (a) This section applies to a committee that does either of the following:

(1) Makes an expenditure of five thousand dollars (\$5,000) or more to an individual for the individual's appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure.

(2) Makes an expenditure of any amount to an individual for the individual's appearance in an advertisement that supports or opposes the qualification, passage, or defeat of a ballot measure and that states or suggests that the individual is a member of an occupation that requires licensure, certification, or other specialized, documented training as a prerequisite to engage in that occupation.

(b) A committee described in subdivision (a) shall file, within 10 days of the expenditure, a report that includes all of the following:

(1) An identification of the measure that is the subject of the advertisement.

(2) The date of the expenditure.

(3) The amount of the expenditure.

(4) The name of the recipient of the expenditure.

(5) For a committee described in paragraph (2) of subdivision (a), the occupation of the recipient of the expenditure.

(c) An advertisement paid for by a committee described in paragraph (1) of subdivision (a) shall include a disclosure statement stating "(spokesperson's name) is being paid by this campaign or its donors" in highly visible font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephonic message. If the advertisement is a television or video advertisement, the statement shall be shown continuously, except when the disclosure statement required by Section 84504.1 is being shown.

(d) (1) An advertisement paid for by a committee described in paragraph (2) of subdivision (a) shall include a disclosure statement stating "Persons portraying members of an occupation in this advertisement are compensated spokespersons not necessarily employed in those occupations" in highly visible font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephonic message. If the advertisement is a television or video advertisement, the statement shall be shown continuously, except when the disclosure statement required by Section 84504.1 is being shown.

(2) A committee may omit the disclosure statement required by this subdivision if all of the following are satisfied with respect to each individual identified in the report filed pursuant to subdivision (b) for that advertisement:

(A) The occupation identified in the report is substantially similar to the occupation portrayed in the advertisement.

(B) The committee maintains credible documentation of the appropriate license, certification, or other training as evidence that the individual may engage in the occupation identified in the report and portrayed in the advertisement and makes that documentation immediately available to the Commission upon request.

(Amended by Stats. 2019, Ch. 558, Sec. 11. (AB 864) Effective January 1, 2020. Note: Before it was repealed and added by Stats. 2014, Ch. 868, this section was added by Stats. 2000, Ch. 102, and approved in Prop. 34 on Nov. 7, 2000.)

84512. (a) (1) A business entity shall submit a report to the Secretary of State following any calendar year in which the business entity does either of the following:

(A) Uses its products or services to alter the online search results its products or services generate in order to emphasize or deemphasize materials containing express advocacy, as that term is defined in paragraph (2) of subdivision (c) of Section 82025.

(B) Uses its products or services to target online advertisements to individuals or groups, or generally to users or members of the public, without full and adequate consideration and for political purposes, as that term is described in paragraph (1) of subdivision (b) of Section 82025.

(2) The report shall contain information including, but not limited to, all of the following:

(A) The name of each candidate or measure with regard to which the search results were altered as described in subparagraph (A) of paragraph (1) or that was the subject of an advertisement targeted as described in subparagraph (B) of paragraph (1).

(B) For each candidate or measure, whether the search results or advertisements were to support or oppose the nomination or election of the candidate or the qualification or passage of the measure.

(C) The full name, title, and business street address and telephone number of each person with final decision making authority as to which candidates or measures will be supported or opposed by the business entity's search results or advertisements.

(D) The date or range of dates in which the activity described in subparagraph (A) or (B) of paragraph (1) occurred.

(3) A report shall be filed by January 31 for activity occurring during the previous calendar year.

(4) The report shall be filed on paper or by email with the Secretary of State and shall be made publicly available in a conspicuous location on the Secretary of State's website.

(5) The report required by this section may be included in an online filing and disclosure system developed in accordance with subdivision (b) of Section 84602 if the Secretary of State, pursuant to paragraph (7) of that subdivision, certifies that the system is able to incorporate filing of the report.

(b) A business entity subject to this section shall maintain detailed accounts and records necessary to prepare the report required pursuant to subdivision (a), and shall retain those detailed accounts and records for a period of four years following the date that the report is filed.

(c) This section does not apply to either of the following activities:

(1) A business entity's use of its products or services exclusively to carry out its commercial activities, including, but not limited to, delivering user-generated content or a paid advertisement on behalf of another person.

(2) Communications that are internal to a business entity or entities.

(d) This section is not intended to expand or limit the definition of contribution or expenditure under this title.

(e) This section shall become operative on January 1, 2024.

(Added by Stats. 2022, Ch. 876, Sec. 1. (SB 746) Effective January 1, 2023. Operative January 1, 2024, by its own provisions.)

84513. (a) (1) If a committee pays a person to post content on an internet website, web application, or digital application for the purpose of supporting or opposing a candidate for elective office or a ballot measure, the person shall concurrently include a disclaimer with that content stating that the person was paid by the committee in connection with the posting.

(2) The disclaimer required by this subdivision shall be readily legible to an average viewer or, if the content is in audio format, shall be clearly audible. A disclaimer that states, or is substantially similar to, the following satisfies the requirement in this subdivision: "The author was paid by [name of committee and committee identification number] in connection with this posting."

(3) This subdivision does not apply to the following:

(A) Content requiring a disclosure pursuant to Section 84504.3 or subdivision (c) of Section 84511.

(B) Content posted on the committee's own website, profile, or landing page by a person compensated by the committee to post such content.

(C) 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. This exception shall not apply if the compensated employee of the committee's principal duties are to post content on their own social media page or account.

(b) A committee described in subdivision (a) shall notify the person paid to post the content of the requirement to include a disclaimer.

(c) (1) Notwithstanding any other provision of this title, a person in violation of subdivision (a) is not subject to administrative, civil, or criminal penalties under this title.

(2) If a person violates subdivision (a), the Commission may seek injunctive relief to compel compliance pursuant to Section 90009 after the person is notified of the requirement in subdivision (a).

(Added by Stats. 2023, Ch. 156, Sec. 1. (SB 678) Effective January 1, 2024.)

84514. (a) (1) If a committee, as defined in Section 82013, creates, originally publishes, or originally distributes a qualified political advertisement, the qualified political advertisement shall include, in a clear and conspicuous manner, the following disclosure: "Ad generated or substantially altered using artificial intelligence."

(2) The disclosure required by paragraph (1) shall be displayed or spoken in the manner prescribed in Section 84504, 84504.1, 84504.2, 84504.3, 84504.4, or 84504.5, as applicable.

(b) This section does not alter or negate any rights, obligations, or immunities of an interactive service provider under Section 230 of Title 47 of the United States Code.

(c) (1) If a committee does not comply with the requirements of subdivision (a), the Commission may take either of the following actions:

(A) Seek injunctive relief to compel compliance pursuant to Section 90009.

(B) Pursue any administrative or civil remedies available under Chapter 3 (commencing with Section 83100) or Chapter 11 (commencing with Section 91000).

(2) A violation of subdivision (a) shall not constitute a misdemeanor under Chapter 11 (commencing with Section 91000).

(d) For purposes of this section, the following definitions apply:

(1) "Artificial intelligence" means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

(2) (A) Any image, audio, video, or other media is "generated or substantially altered using artificial intelligence" if either of the following conditions are met:

(i) The visual or audio media is entirely created using artificial intelligence and would falsely appear to a reasonable person to be authentic.

(ii) The visual or audio media is materially altered by artificial intelligence such that the alteration would cause a reasonable person to have a fundamentally different understanding of the altered media when comparing it to an unaltered version.

(B) Any image, audio, video, or other media is not “generated or substantially altered using artificial intelligence” if the media is immaterially altered by artificial intelligence, including a cosmetic adjustment, color edit, cropped image, or resized image.

(3) “Qualified political advertisement” means an advertisement that contains any image, audio, or video that is generated or substantially altered using artificial intelligence.

(Added by Stats. 2024, Ch. 260, Sec. 8. (AB 2355) Effective January 1, 2025.)