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[Home](#) > Independent Expenditure Ads & Electioneering Communications

Independent Expenditure Ads & Electioneering Communications

Supplement to Political Advertising Guide

Definitions:

Political Advertising

Advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or TV presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in an election campaign. "Mass communication" is a message intended to reach a large audience through any of the methods described above as well as periodicals, sample ballots, websites, emails, text messages, social media, and other online or electronic formats enabling the exchange of communication. Sending 100 or more identical or substantially similar letters, emails or text messages to specific recipients within a 30-day period is an example of mass communication.

This brochure contains information specific to sponsor identification and disclosure requirements for independent expenditures and electioneering communications. See the PDC's [Political Advertising Guide](#) for general requirements pertaining to all political advertisements. The information contained in online instructions has been distilled from the requirements set out in [RCW 42.17A](#) and [Title 390 WAC](#), as well as the Public Disclosure Commission's declaratory orders and interpretations. Care has been taken to make the instructions accurate and concise. Nevertheless, the instructions cannot be substituted for the applicable laws and rules.

Ads involving candidates

Independent Expenditure (IE) involving candidates

1. the ad supports or opposes a candidate for state, local, or judicial office;
2. the ad is paid for by someone other than a candidate, a candidate's committee or agent;
3. the sponsor does the advertising completely independently of any candidate support in the ad (or the opponent of the candidate opposed), or a candidate's committee or agent;

4. the sponsor did not receive the candidate's encouragement or approval to produce the ad; and
5. the ad costs at least \$1,000, or the cost of the latest ad when combined with the cost of earlier ads supporting or opposing the candidate, totals \$1,000 or more.

Electioneering Communication (EC)

- A. clearly identifies at least one candidate for state, local, or judicial office;
- B. appears within 60 days of an election in the candidate's jurisdiction;
- C. is produced through radio, TV, postal mailing, billboard, newspaper, or periodical; and
- D. either alone, or in combination with other communications by the sponsor identifying the candidate, has a fair market value of \$1,000 or more.

A sponsor of an independent political ad regarding a ballot measure and a candidate must prorate the cost of the ad to determine if the candidate portion meets either 1-5 or A-D above. If so, the sponsor must comply with the disclosure requirements explained in this [brochure](#).

Sponsor Identification Requirements:

The statement "No candidate authorized this ad. It is paid for by (name, address, city, state)" must be part of the ad. A political committee that is not a bona fide party committee must also include:

- "Top 5 Contributors" followed by a list of the names of the five contributors who made the largest contributions in excess of \$1,000* to the committee during the 12 months before the ad appears; AND
- If the Top 5 includes any political committees, the sponsor must also list the Top 3 donors to the political committees. The Top 3 donors to PAC contributors must be three individuals or entities other than political committees. If the Top 3 list includes a political committee, the sponsor must continue "drilling down" to determine other top contributing individuals or entities (more explanation [here](#)); AND
- The full name of the individual or entity that established or directly maintains or controls the sponsoring committee (or indirectly maintains or controls the sponsoring committee through the formation of one or more political committees).

In the case of a tie among the top contributors meaning multiple contributors have given the same amount resulting in more than five "top" contributors, the political committee sponsor may choose which will be named. A committee that tracks contributions according to the use intended by the contributor may identify the top contributors giving for that purpose when making independent expenditures or electioneering communications supporting or opposing a candidate, as opposed to identifying the overall top contributors to the committee.

Recommended format: No candidate authorized this ad. It is paid for by the Committee for Good Government (Gotham City Merchants Assn.) Top 5 Contributors...

Size & Placement Requirements for:

Written Ads & Websites :

Candidate party preference and sponsor requirements must:

- appear on the first page of the communication in at least 10 point type, or
- for billboards or posters, appear in type at least 10% of the largest size type used in the ad, and
- be set apart from any other ad text. Do not screen or half-tone the text.

Exceptions: **Small online ads** with limited characters may display the required elements in an automatic display such as a mouse tip/rollover or nonblockable pop-up that remains visible for at least 4 seconds OR on a webpage that is conspicuously linked to the small ad and reached by one click of the mouse. **Yard signs** no bigger than 8' x 4' and bumper stickers no bigger than 4" x 15" are exempt from the sponsor requirements. The PDC's Political Advertising Guide has a more complete list of exempt items.

Broadcast ads, videos, telephone and online audio ads:

Candidate party preference and required disclosures must be clearly identified. An abbreviation may be used when naming a Top 5 contributor, provided the full name of the contributor has already been clearly spoken in the ad. Exception: Bona fide political party committees are required to include the "no candidate authorized this ad" statement in broadcast ads, but not the Top 5 contributors or controlling entity.

Alternate Option for TV and Other Mediums with a Visual Image:

The "paid for by" statement and political committee disclosures may appear in print, so long as they are visible for at least 4 seconds, appear in letters greater than 4% of the visual screen height on a solid black background on the entire bottom one-third of the television or visual display screen or bottom one-fourth of the screen if the sponsor does not have or is otherwise not required to list its top five contributors, and have a reasonable color contrast with the background.

Candidate's Party Preference

Always include the party preference of a candidate running for partisan office. The party preference must be clearly identified in broadcast ads.

Ads involving ballot measures

Independent Expenditure (IE) involving ballot measures

1. the ad supports or opposes a state or local ballot measure;
2. the ad is paid for by someone other than a committee supporting or opposing a ballot measure ;
3. the sponsor does the advertising completely independently of any committee supporting or opposing the ballot measure;
4. the sponsor did not receive the ballot measure committee's encouragement or approval to produce the ad; and
5. the ad costs at least \$1,000, or the cost of the latest ad when combined with the cost of earlier ads supporting or opposing the ballot measure, totals \$1,000 or more.

Sponsor Identification Requirements:

The statement "Paid for by (name, address, city, state)" must be part of the ad. A political committee that is not a bona fide party committee must also include:

- "Top 5 Contributors" followed by a list of the names of the five contributors who made the largest contributions in excess of \$1,000* to the committee during the 12 months before the ad appears; AND
- If the Top 5 includes any political committees, the sponsor must also list the Top 3 donors to the political committees. The Top 3 donors to PAC contributors must be three individuals or entities other than political committees. If the Top 3 list includes a political committee, the sponsor must continue "drilling down" to determine other top contributing individuals or entities (more explanation [here](#)); AND
- The full name of the individual or entity that established or directly maintains or controls the sponsoring committee (or indirectly maintains or controls the sponsoring committee through the formation of one or more political committees).
- In the case of a tie among the top contributors meaning multiple contributors have given the same amount resulting in more than five "top" contributors, the political committee sponsor may choose which will be named. A committee that tracks contributions according to the use intended by the contributor may identify the top contributors giving for that purpose when

making independent expenditures or electioneering communications supporting or opposing a candidate, as opposed to identifying the overall top contributors to the committee.

Recommended format: Paid for by the Committee for Good Government (Gotham City Merchants Assn.) Top 5 Contributors...

Size & Placement Requirements for:

Written Ads & Websites :

Sponsor requirements must:

- appear on the first page of the communication in at least 10 point type, or
- for billboards or posters, appear in type at least 10% of the largest size type used in the ad, and
- be set apart from any other ad text. Do not screen or half-tone the text.

Exceptions: **Small online ads** with limited characters may display the required elements in an automatic display such as a mouse tip/rollover or nonblockable pop-up that remains visible for at least 4 seconds OR on a webpage that is conspicuously linked to the small ad and reached by one click of the mouse. **Yard signs** no bigger than 8' x 4' and bumper stickers no bigger than 4" x 15" are exempt from the sponsor requirements. The PDC's [Political Advertising Guide](#) has a more complete list of exempt items.

Broadcast ads, videos, telephone and online audio ads:

Required disclosures must be clearly identified. An abbreviation may be used when naming a Top 5 contributor, provided the full name of the contributor has already been clearly spoken in the ad. Exception: Bona fide political party committees are not required to include the Top 5 contributors or controlling entity.

Alternate Option for TV and Other Mediums with a Visual Image:

The "paid for by" statement and political committee disclosures may appear in print, so long as they are visible for at least 4 seconds, appear in letters greater than 4% of the visual screen height on a solid black background on the entire bottom one-third of the television or visual display screen or bottom one-fourth of the screen if the sponsor does not have or is otherwise not required to list its top five contributors, and have a reasonable color contrast with the background.

Political advertising sponsored by one or more PACs

New sponsor identification requirements for certain political advertising and electioneering communications take effect July 28, 2019

Political committees that buy political advertising will have to provide more disclosure beginning July 28.

House Bill 1379, passed by the 2019 Legislature, expands sponsor disclosure requirements to include more information about the sources of money for ads.

Political committees currently must identify their Top 5 contributors when running political advertising for a ballot measure with a cost of at least \$1,000 in the aggregate, or when making an independent expenditure for or against a candidate.

Come July 28, there will have to be additional sponsor identification if the Top 5 list includes political committees. In those cases, the sponsor must determine the Top 3 donors to the political committees listed among the initial top 5.

The Top 3 donors to PAC contributors must be three individuals or entities other than political committees. If the Top 3 list includes a political committee, the sponsor must continue "drilling down" to determine other top contributing individuals or entities.

Here's what that might look like:

PAC #1 sponsors an independent expenditure mailer supporting a candidate. Its Top 5 contributors are John Doe, PAC #2, PAC #3, Jane Smith and PAC #4. All of these names are included in the Top 5 contributor list.

The PAC sponsoring the ad then must decide who to include in the expanded sponsor ID through the following process:

1. *The sponsor must determine the Top 3 donors to each of PAC #2, PAC #3 and PAC #4. For example:*
 - *If PAC #2's and PAC #4's Top 3 donors are all individuals, all six will go on the list to be considered for the final Top 3.*
 - *If PAC #3's Top donors are two businesses and a new political committee, PAC #5, the sponsor must determine the Top 3 donors to PAC #5. All five contributors — the two businesses and the Top three donors to PAC #5 — will be added to the list.*
2. *Once the list contains only individuals or entities other than political committees, it is sorted by size of contribution. Here, the list would include the Top six contributors to PACs #2 and #4, and the five contributors to PAC #3.*
3. *The Top 3 contributors from that list will be included on the Top 3 donors to PACs list, even if all three gave to a single PAC.*

The full sponsor identification message would say: "No candidate authorized this ad. It is paid for by PAC #1, 123 Market St., Olympia, WA. Top 5 Contributors: John Doe, PAC #2, PAC #3, Jane Smith, PAC #4. Top 3 Donors to PAC Contributors: Bob Johnson, Acme Plumbing, XYZ Corporation."

PDC staff recommends that any donor that gave more than \$1,000 during 12-month period preceding the date on which the advertisement is published or presented to the public be considered for the Top 3. If more than three contributors to a "Top 5" political committee tie for the top donation, the sponsor may select which three of those contributors to identify.

Other sponsor identification rules still apply (click on the link for more info):

- For print ads and websites, the sponsor ID must be provided on the first page and in an area set apart from the ad text, using at least 10-point type.
- When necessary in TV or video ads, a political committee has the option of displaying its Top 5 and Top 3 contributor names on the screen for visible for at least 4 seconds, appear in letters greater than 4% of the visual screen height on a solid black background on the entire bottom one-third of the television or visual display screen or bottom one-fourth of the screen if the sponsor does not have or is otherwise not required to list its top five contributors, and have a reasonable color contrast with the background. An abbreviation may be used when naming a Top 5 or Top 3 contributor, if the full name of the contributor is clearly spoken in the ad.

The Commission is writing rules to assist compliance with the new law. The rules will become effective after the general election, as required by state law. Anyone with suggestions or comments about the rule-making process can email pdcc@pdcc.wa.gov.

Disclosure

Disclosure

Electioneering Communication:

Electronically file [PDC Form C-6](#) within 24 hours of when the EC appears to the public.

These sponsors of ECs will likely be required to file the [C-6](#) and additional reports:

In-state political committee: [C-1pc](#), [C-3](#), [C-4](#)

Out-of-state political committee: [C-5](#)

Lobbyist: [L-1](#), [L-2](#), and

Grass Roots Lobbying Campaign: [L-6](#)

[Examples and illustrations explaining how to disclose electioneering communications.](#)

Independent Expenditure:

When ad appears within 21 days of an election and costs at least \$1,000, regardless of who is the sponsor:

electronically file or otherwise deliver [C-6](#) to the PDC within 24 hours of when the ad appears to the public.

For all other independent expenditures, unless sponsored by a political committee:*

electronically file or otherwise deliver **C-6** to the PDC within 5 days of spending \$100 or more.

*Political committees report expenditures for these independent expenditures only on the C-4 report.

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