



November 30, 2021

Washington State Public Disclosure Commision
P.O. Box 40908
Olympia, WA 98504

Re: Proposed Amendments to Regulations Regarding Digital Political Advertising Disclosure & Possible Agency Request Legislation

Dear PDC Commissioners,

On behalf of Google, we write to thank you for contemplating changes to the Washington State Public Disclosure Commissions (PDC) regulatory language that governs online digital political advertising in state and local campaigns and elections.

We are particularly supportive of your intent to propose legislation that would require political advertisers to truthfully follow an advertising platforms' policies requiring the advertiser to identify their intent to run Washington political ads prior to placing their ads online.

We believe that it's important for all participants in political advertising to share responsibility, and that advertisers are best placed to know whether their own ads are in scope of Washington state law.

Unfortunately, we have seen that malicious actors exist who choose to ignore or try to circumvent our policies and purposely place state and local political ads on our platform without declaring these ads as political. While some of these ads are clearly political in nature, others are much more subtle, leaving them very difficult, if not impossible, to identify, especially at scale. Because advertisers are not required by state and local law to identify their political ads to platforms, we have prohibited Washington state and local political ads from our advertising services.

As you know from our previous comments, Google is hoping to return to providing a platform for state and local online political ads in Washington state by utilizing our global political [transparency report](#). Part of the challenge for us is ensuring every single Washingtonian political ad is placed in the transparency report, in order for the report to be comprehensive and accurate. Additionally, we believe that it's necessary for the transparency report to be a reliable source of *verified* political advertisers. The data from malicious actors is inherently untrustworthy, and therefore when those advertisers do not get verified, we are not able to add their ads directly to the transparency report.

For us to return to the field and catalog state and local political ads in our transparency report, we need to ensure that the responsibility to provide data on the ad attaches to our platform only

once the advertiser has identified to us that they will be running Washington political ads, or when we are given enough information to find ads where the advertiser has failed to identify themselves. Otherwise we will be caught in an impossible situation, subject to one or more individuals who look for the one ad we miss in our report, leading to a request we cannot honor in the time period allowed, leading yet again to an enforcement action for noncompliance we did not intend. This is why it's critical that requests for ads data include enough information for us to identify the ads in question. We suggest a request process by which the PDC or other authorized body notifies platforms according to a standard procedure, which in turn will allow us to locate a noncompliant ad quickly, allowing efficiency in identifying ads and providing responsive data.

Once an in-scope ad is flagged with sufficient identifiable information, the first step should be for the platform to pull the ad down and request that the advertiser complete the verification process, after which their ads will be automatically placed in our transparency report. Including this step is beneficial to Washington citizens, as any good faith advertisers should be able to complete verification, and information about their ads will then be verified and available to the public (going both backward and forward in time). Without this step, transparency would be reduced, leaving us able to provide only limited, backward-looking, and potentially inaccurate information to the data requestor.

If an advertiser refuses to get verified the platform would then take the next step of manually pulling data on the individual ads that have been identified. This process requires significant effort from individual employees, who need to be given enough time to pull the responsive data and prepare a response. Therefore, any regulations must give platforms enough time to 1) request that the advertiser get verified, and wait a reasonable amount of time for them to do so, and 2) if they do not within a set period of time, manually pull data and put together a response to the requestor. During this entire time period the ad in question will already have been pulled from the platform.

The current draft only allows 3 days total, which is not enough for either part of this process to work—given the need to allow the advertiser enough time to get verified, and then to laboriously pull manual data. We believe three or four weeks is a more reasonable time frame. This solution appropriately encourages advertisers to get verified and include their ads in a public transparency report, while also providing for transparency in cases where a rogue advertiser refuses to declare their ads.

Similarly, 24 hours is not enough time to guarantee that an ad, once run, will appear in a platform's transparency report. Information takes time to flow through technical systems, and pipelines can break or suffer delays. With that in mind, we suggest that the time given for an ad to be included in a transparency report after the advertiser has properly self-identified their ads is extended to 3 business days (rather than 24 hours).

Finally, the expansion in scope of the required information is unduly burdensome. The proposed changes require online platforms to provide information on the age, gender, race, ethnicity, religion, language, location, marital status, education, occupation, and income of each ad viewer if they collect it. We understand that if we do not collect a certain category, we are not

obligated to disclose it. We do not for example collect data on race or ethnicity. However, we do have some information in the eleven categories that is clearly proprietary information of either the advertiser or the platform or both. Should one campaign be allowed to request this proprietary information for the ads of their opponent to determine their ad strategy? We believe that should not happen with proprietary information.

Moreover, providing this information does not match up with the responsibilities on other non-digital platforms, which have no obligation to provide any information at all on targeting or reach of their ads even though we know that it is occurring. We simply want the same rules to apply to all platforms.

Thank you again for the opportunity to provide feedback. We look forward to the opportunity to work together on a solution that will allow us to reenter the Washington political advertising market while also providing Washington citizens the political ad transparency they deserve.

Sincerely,

Ian M. Goodhew

Ian M. Goodhew
Head of Government & External Relations, PNW Region
Google