

Summary of Written Comments on Digital Advertising Regulation

Prepared for PDC Meeting on August 26, 2021

General Comments

- Overall, simplicity is best. The general public just wants general information and it to be presented in a clear fashion. The rules have gotten too complicated and cumbersome and mostly used by opposition campaigns which was not the purpose of the legislation.
 - Requiring social media and online platforms to be transparent about purchases of paid political ads on their sites is obviously in the public interest.
 - Washington State is known as a good government state, but I believe we need to push further and require the modern tech industry to comply with the ethical framework we avow.
 - In no way should we be weakening the existing laws that regulate online political ads--if anything, the past several years has shown they should be *more* regulated. Social media companies--like most companies--have shown themselves to be terrible at self-regulation. This is fine if it doesn't have knock-on effects for our democratic institutions...but it very much does.
 - Revisions to the PDC's commercial advertiser rule should focus on making more information about digital political ads available to the public and enabling easier access to that information.
 - The public's interest in transparency is best served by a publicly accessible, government-hosted archive of digital political ads.
1. *Should campaigns be required to notify commercial advertisers that an order is political advertising, and what should campaigns be required to report to the PDC about the ads they purchase?*
- The recording of that expenditure should be as simple as possible; like any expenditure such as yard signs – date of purchase, where you bought it and dollar amount. Anything beyond that, in my opinion, is not necessary for transparency and only complicates the process.
 - Campaigns should be required to notify that an order is political advertising and allow advertisers to stop selling advertising they have agreed not to accept.
 - It does not make sense to reveal sensitive, strategic information about the targeting decisions the campaigns purchasing the ads have made; which goes directly to the heart of campaign strategy, and creates a disclosure standard that is too intrusive, veers into the forced disclosure of proprietary campaign information, and is far out of line with the disclosure requirements imposed on other forms of political advertising.
 - digital ad buys are akin to direct mail advertising. With direct mail, the PDC does not require campaigns to reveal sensitive information about exactly which households they are mailing. Targeting information is the most sensitive strategic decision a campaign makes.
 - Campaigns should report the dates the impressions run and the total number of impressions and where they will run if the campaign has that information.

- For example, if a campaign buys digital ads to appear on one specific website (Seattle Times, KING5, KOMO, etc.) then where the impressions run should be reported. However, if the campaign hires a company that bids on many websites and it is impossible to predict where and when the ads run, then the campaigns should just report the number of ads and the duration.
- Campaigns should be required to notify commercial advertisers that an order is political advertising. This brings clear direction and requirements to light.
- Campaigns should already be set up to keep good records of what they're paying for, and the markets they're targeting. This information should be made available to both commercial advertisers and the public, in as much detail as possible.
- Campaigns should notify advertisers that ads are political.
- Leave the existing rules in place regarding what campaigns are required to report to the public about digital advertisements. The burden of disclosing additional details is more appropriately placed on the commercial advertisers who profit from the sale of political advertisement.
- A notice requirement would spur compliance with Washington's disclosure system, as commercial advertisers, upon receiving notice, could begin compiling the necessary information and records in anticipation of a future public inspection request.

2. *Should commercial advertisers be allowed more time to respond to disclosure requests in instances where the sponsor has not told indicated that the order was political advertising?*

- Yes they should have extended time and potentially moving to not being required to report anything beyond what the candidate records on their PDC forms. It would open more potential for political advertising on various media platforms if the regulations were not cumbersome to the vendor or platform.
- Data on ads is available to the buyer within a day.
- If this extension is too long, it will be abused as a way around the rules, especially given the fast nature of advertising in the modern era.
- Commercial advertisers should not need additional time to respond to disclosure requests because sorting digital info is what they do, so no meaningful extra time should be required.
- The failure of a political ad purchaser to provide notice, on its own, should not absolve a commercial advertiser of its general duties.

3. *What particular details about digital political advertising are important for the public to know?*
- What is the date of purchase, vendor and amount. The ad itself will be shown when it is uploaded. So there is no need for that to be shown early as it will be shown at the time the campaign desires.
 - The commercial advertiser should be required only to have the campaign name which if it was on the PDC form would already be known.
 - The address of the person purchasing is not necessary,
 - method of payment is not requested for any other expenditure so that is not necessary,
 - the demographic targeted is a campaign plan item and should not have to be disclosed (like “battle plans”).
 - Number of impressions can generally be figured out by the amount of payment.
 - If someone is that curious they can ask general going prices from the company.
 - Copy of the ad, the name and address of the purchaser, the date and method of payment, and the number of impressions purchased is a reasonable request to make of platforms to further the obvious public interest in knowing what paid political activity is taking place, and who is behind it.
 - Demographic targeting is not required for mailings delivered by the U.S. Postal Service? If a campaign does a mailing to people between 18 and 25, over 65, etc. that is not reported.
 - The current details required should be maintained and NOT watered down.
 - The ad content, the name and address of the person paying for the ad, the date and method of payment used, the total cost of the ad, the demographic targeting mechanism of the ad, and the number of hits are also important. The source of the money used by the payor should also be disclosed.
 - Require that commercial advertisers provide contact information for at least one individual who is authorized to act on behalf of a purchaser of political advertising.
 - Require digital commercial advertisers to disclose the name and URL of the online platform or application where a political advertisement was ultimately displayed to the public, if the ad did not appear on the commercial advertiser’s own site.