

Written Comments Submitted re Digital Advertising Rules
Prepared for PDC Meeting – August 26, 2021

Comment #1 - Victoria Holic

I appreciate the PDC's decision to include members of the public in this discussion. My recommendation is as follows:

Ask a different question, namely "What should the PDC do differently so that:

1. Members of the public can sort and filter the information the PDC collects PRIOR to an election - and use it to determine who to vote for;
2. Voters, journalists, lawyers, regulators, and academics can easily run reports against the data the PDC collects in order to identify non compliance (and patterns of non compliance) by digital advertising services, campaigns and elected officials;
3. People who create PDC audit reports can use a PDC webform to describe their audit methodology (reports) - and use another form to propose corrective laws, regulations, fines and audits; AND
4. People who create PDC audit reports (or propose corrective laws, regulations, fines, and audits can track when their work was viewed and by whom?"

Answer:

1. Empower the public to view, sort, and filter the data the PDC collects (i.e., audit it) using a filterable web-based report which members of the public can run using a computer and broadband internet.
2. Empower members of the public to create an account, then save and document the reports they create (so that their reports can be re-run as new data becomes available).
3. Empower members of the public to share their reports (and graphs) with members of the PDC, other regulators, journalists, campaigns, candidates, elected officials, and other members of the public.
4. If members of the public share their reports and graphs, empower them to track whether their work was VIEWED by members of the PDC, other regulators, journalists, campaigns, candidates, elected officials, and other members of the public.

Best Regards,
Victoria Holic

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Comment #2 - Kathy Lambert

Thank you for requesting input on digital ads. I believe that digital ads are by definition of the expenditure intended to be made public. So the recording of that expenditure should be as simple as possible. I think it should be 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.

It also would open more potential for political advertising on various media platforms if the regulations were not cumbersome to the vendor or platform. A campaign is a busy time; and the simpler it is to comply with the regulations, the better.

2. 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.

3. 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.

If the campaign is paying for the ad then it 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. Again this is not necessary for transparency to the general public.

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.

Kathy Lambert
King County Councilmember / candidate

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Comment #3 - David LeDuc

Thank you for providing this notice. This is a very important issue to members of the Network Advertising Initiative (NAI). On their behalf, and the industry more broadly, I would like to provide input. Depending on the logistics of the meeting, participating is a possibility. Could you please advise as to the time and location of the meeting, that is, if it's in-person rather than virtual? We will need to closely review the rules and specific question, and talk with our partner organizations, but thank you in advance for the opportunity to engage.

Best regards,
David LeDuc
Vice President, Public Policy
Network Advertising Initiative

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Comment #4 - Sandeep Kaushik

I am a political and public affairs consultant in Seattle and have consulted on numerous candidate and ballot measure campaigns over the last 15 years. In a recent email the PDC indicated commissioners would like public input on the following question (among others):

1. What particular details about digital political advertising are important for the public to know? The rule currently requires digital platforms to provide a copy of the ad, the name and address of the person actually paying for the advertising, the total cost of the ad, date and method of payment, demographic targeting, and number of impressions, among other details.

I would submit that requiring social media and online platforms to be transparent about purchases of paid political ads on their sites is obviously in the public interest. Asking for a copy of the ad, the name and address of the purchaser, the date and method of payment, and the number of impressions purchased all makes sense and 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. What does not make sense is requiring those platforms to reveal sensitive, strategic information about the targeting decisions the campaigns purchasing the ads have made. The latter 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.

With the purchase of tv or radio ads, the PDC requires that campaigns disclose the station and the size of the buy. Our state also requires the stations to keep a record of those buys for public viewing if someone wants to come by and see those records. By looking at what shows at what times of day are being purchased, a rival campaign may be able make general guesses about what demographics and constituencies the campaign is targeting, but that's only a ballpark guess.

When you buy broadcast tv, you can buy specific shows that may skew towards one demographic or another, but that's as precise as you can get with your targeting. With cable tv, you can buy specific shows in specific regions ("Oprah" in North Seattle, for example) rather than the entire cable audience, but that's again pretty general, and revealing that information doesn't compromise the strategic integrity of a campaign.

But digital ad buys are more akin to direct mail advertising, because of the precision of the targeting involved. With direct mail, the PDC requires campaigns to reveal the vendor, the amount spent on that advertising, and the number of households targeted. It does not require campaigns to reveal sensitive information about exactly which households they are mailing. That is the right approach, because that targeting information is the most sensitive strategic decision a campaign makes.

Forcing a campaign to reveal their central paid media communications strategy to its rivals goes too far. It's the strategic equivalent of requiring all internal campaign communications be subject to public disclosure, which of course would be overly intrusive to the point of being absurd. But

that's exactly what the PDC is demanding of digital ad platforms — that they publicly reveal not just that the campaign is advertising, and how much it is advertising, and what it is saying in its advertising -- which the public should be able to know -- but to whom exactly the campaign is prioritizing for its paid communications. That creates a vastly more intrusive standard than is required of direct mail communications. By requiring this highly sensitive strategic information be disclosed, the PDC is basically saying, “sure, you can buy an ad on Facebook, but only if Facebook tells your opponents your most sensitive paid media strategic decisions and communications and resource allocation decisions.” That goes too far, and creates a seriously unbalanced standard, since the PDC (rightly) does not require you to cough up this highly sensitive information if you send targeted mail.

Thank you for your consideration.
Sandeep Kaushik
Sound View Strategies

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Comment #5 - Steve Finley

Question #1

I believe campaigns should be required to notify that an order is political advertising and the PDC should have a very easy to find requirements the commercial advertisers must meet. If this is required, companies such as Facebook and Google and their subsidiaries YouTube, Instagram, etc. should be better able to stop advertising they have agreed not to accept. At a minimum 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.

Question #2

When I have placed digital ad the vendor has been able to report data the next day.

Question #3

Why would demographic targeting be required for digital ads when it 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.

Steve Finley

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Comment #6 - David F. W. Robison

Dear Commissioners,

Thank you for your service, which I imagine is difficult, complex, and mostly thankless. I thank you!

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. To that end, I strongly encourage the follow responses:

1. Yes!, campaigns should 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. This brings clear direction and requirements to light.
2. Commerical advertisers should only be allow a short time extension if notification had not been made. 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.
3. The current details required should be maintained and NOT watered down.

Thank you,
David F. W. Robison, MLIS

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Comment #7 -

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. We need to know if an ad is an ad--and who paid for it. In instances where ads are purchased illegally, a zero-tolerance attitude, as opposed to fines, ought to be taken.

Based on the companies I've worked for, apologizing as opposed to asking permission is the rule of action.

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.

Unsigned (Nicole Harvey)

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Comment #8 – Rick Harlan

I'm send you courage because it looks like you're going to need it if you want to do the right things for everyday people like me.

I'm from the rotary dial era, but I have a lot of friends who are younger and they like me don't like being subjected to online ads that are manipulative and micro-targeted AND in the dark. I have a lot to say about this, but think these points say it better:

- **“Facebook Cares About Privacy—But Only If You’re an Advertiser”** — Facebook recently shut down some New York University researchers who were running something they called an “Ad Observatory.” As *The Atlantic* explained, one goal of this NYU research project was “learning targeting patterns for political ads, information that Facebook does not make available through its Ad Library.” Why? Because, *The Atlantic* continued, “This information is crucial for understanding how political candidates deliver different messages to different voters, a technique that could allow a candidate to try to suppress turnout of one voting group while encouraging the turnout of a different group.” (**Worth noting:** One of Facebook’s major complaints about the current political ad disclosure rules in Washington State is—you guessed it—a requirement that ad targeting data be revealed.)

- **Elections have consequences** — When Facebook tried to claim it had to shut down those NYU researches because of a privacy agreement the company had previously reached with the Federal Trade Commission, the Biden-era FTC swiftly called out Facebook’s claim out as “inaccurate,” adding: “The FTC is committed to protecting the privacy of *people*, and efforts to shield targeted advertising practices from scrutiny run counter to that mission.” [[Link](#) to letter from FTC Bureau of Consumer Protection to Mark Zuckerberg]

Rick Harlan

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Comment #9 - Adrian Spidle

I am a resident of Olympia WA and I have strong feelings about regulating paid ads online in WA.

- 1) Yes, campaigns should notify advertisers that ads are political.
- 2) 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.
- 3) 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. I believe the source of the money used by the payor should also be disclosed.

Thanks,
Adrian Spidle

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Comment #10 - Connor Edwards, Tom Perry, Jason Michaud

(Comments attached) Appendix A

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Comment #11 - Michael A. O'Connell

I don't have much technical expertise on this subject, but I do think it is important for Washington State voters to know who is funding what political ads.

Michael A. O'Connell, Ph.D., MSW

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Comment #12 – Austin Graham, Patrick Llewellyn

(Comments attached) Appendix B