

Dear Mr. Petersen,

Thank you for the opportunity to comment on the Federal Election Commissions Notice 2016-13. As a law student interested in election law, my comment centers on the question of internet disclaimers utility in empowering voters to evaluate arguments and avoid confusion.

#### Disclaimers Mixed Impact on Voter Information and Evaluation:

In upholding disclosure requirements for electioneering ads, the Supreme Court observed that disclaimers helps voters evaluate the arguments to which they are being subjected, or in the case of independent expenditure ads, clarify for voters that the ads are not funded by a candidate or political party. *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 368 (2010). However, current research does not provide clear answers regarding whether advertisement disclaimers effectively help voters evaluate arguments and avoid confusion.

First, advertisement disclaimers can help foster a well-informed public to the extent that they help voters know that a given corporation [or interest group] supports or opposes a candidate. See Daniel Winik, *Citizens Informed*, Yale L.J. (2010) at 637-38. Yet as one scholar shrewdly observed, disclosure laws are ineffective at informing voters of exactly who is donating, what their goals are, and how their donation actually has an effect on the law in large part because many organizations use positive-sounding names that obfuscate their organizations identity and goals from voters. Justin Sadowsky, *The Transparency Myth: A Conceptual Approach to Corruption and the Impact of Mandatory Disclosure Laws*, Conn. Pub. Int. L.J. (2005) at 334.

Second, regarding voters evaluation of arguments, while disclosure of interest group donors behind an attack ad does not significantly change voters perceptions of any given ads trustworthiness in comparison with non-disclosure, disclosure does make interest group ads less likely to be more persuasive than candidates ads, thereby leveling the playing field. Travis Rodout, *Sponsorship, Disclosure, and Donors*, Political Science Quarterly, (2015) at 162-63; see also Christopher Weber, *Its all in the Name: Source Cue Ambiguity and the Persuasive Appeal of Campaign Ads*, Political Behavior (2012).

#### Conclusion:

Although disclaimers increase transparency, it seems unlikely that they effectively mitigate voter confusion because specific interests behind ads mask their identity behind positive-sounding yet unfamiliar names. While disclaimers implicate voters evaluation of ads, these mixed findings suggest that a compromise of providing disclaimers on the landing page rather than in the character-limited ads themselves could sufficiently yield the desirable outcomes of disclosure without unnecessary inconvenience to advertisers.

Thank you,

Ken Daines

Comments provided by :  
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