



We have witnessed the growth of politics online for the past twenty years. As new and disruptive technologies change the way we interact with technology and consume media, we are sometimes unable to anticipate the format of political advertising. In some cases, the lines between television, radio and internet are blurring with new hardware and software integrations. We hope to provide insight from an advertising agency's perspective to help establish the next round of guidelines while continually looking to the future to prepare for new technologies that have yet to emerge. **We believe overly-specific rules or reactionary changes driven by the 2016 election will quickly become obsolete and burdensome.** Therefore, potential rules Changes must not damage damage free speech.

In general, disclaimers are practical and exist to provide information sufficient to clearly identify the source of a communication to the average voter. However, if/once disclaimer requirements encroach upon speech by reducing the advertiser's opportunity to substantially communicate their message, they become harmful and counter-productive.

One area we believe should be left open to interpretation is where the inclusion of a disclaimer would be impracticable due to any number of reasons, including space within the ad unit and the actual size of the ad (such as on a mobile device screen). This broad concept provides room for prudent analysis by the Federal Elections Commission and accommodates the ever-changing marketplace of ad products.

As the Commission has recognized in the past, excessive disclaimer requirements can cannibalize the space available for messaging, which in turn reduces the amount of speech that can be communicated. We fear that retreating from a flexible disclaimer approach may limit the types of ad units available to political advertisers as well as discourage advertisers from developing new types of ads simply because those new types of ads may not readily accommodate a lengthy disclaimer. Furthermore, updated disclaimer requirements must not limit, in any way, the amount or type of advertising that political advertisers can choose from. These outcomes are completely unacceptable and place unnecessary limitations on ads

We support continued flexibility in applying disclaimer rules in situations where the advertising unit itself is descriptive of the source of the ad. For example, an ad on Twitter must be associated with a certain Twitter handle. This clearly identifies the sponsor of the ad with great specificity. As a general matter, further disclaimers on such an ad would be redundant.

We support the continued application of the FEC's disclaimer regulations where it is reasonable to do so, such as on websites and credit card contribution pages. These applications conform with the current norms and expectations as experienced today.

We support the flexible use of abbreviated disclaimers where including a full disclaimer is impracticable, but where a shortened identification is possible. In these cases,

- We support: "Paid for by Campaign Solutions" but

- We do not support: “Paid for by Campaign Solutions, Not by any candidate or candidates’ committee, www.campaignsolutions.com”.

Facebook, for example, intentionally limits the distribution of an ad if the text-to-image space ratio exceeds a certain percentage of the ad based on its size. In this real-world scenario, the required inclusion of a complete disclaimer severely limits the space available for a reasonable communication. Technology and requirements such as these may also contribute to changes in the tone and tenor of political communications resulting in lasting and unknown impacts. Serious limitations in space, whether caused by disclaimers or not, may incentivize messages that are as direct and to-the-point as possible, but which discourage moderation or nuance of any kind. In other words, the FEC must be aware that its disclaimer requirements do impact messaging content, and this, in turn, produces lasting effects on our political system.

We support a future where advertising networks provide enhanced tools for advertising transparency and the burden for identification is, in part, shifted from the advertiser and ad creative to the advertising provider. This is one way of addressing the space constraints faced by advertisers. There are already excessive burdens placed on advertisers exercising free-speech. Technology already exists and is in use for providing greater transparency in advertising without requiring a loss of political communication by candidates’ committees or individuals. A real-world example of this is the Ad Choices technology already in use on banner ads.

In conclusion, it is our hope that any future rules allow for significant flexibility to accommodate innovation in ad technology that is driven by ad consumers, rather than by government. Losing the message of political advertising ads in an excessive sea of legal disclaimers like pharmaceutical or car commercials would be devastating. We do not believe in creating a climate of excessive identification when technology can offer smarter solutions.

The expansive use of digital political communication only strengthens our democracy. The Internet must remain a place for innovative, effective and expanding political communication. We do not support any efforts that would make digital political communication more restrictive or less frequent.