Angela J. Campbell
Director
Andrew Jay Schwartzman
Benton Senior Counselor
James T. Graves
Chris M. Laughlin
Staff Attorneys

600 New Jersey Avenue, NW, Suite 312
Washington, DC 20001-2075
Telephone: 202-662-9535
Fax: 202-662-9634

GEORGETOWN LAW
INSTITUTE FOR PUBLIC REPRESENTATION

Wednesday, July 18

Neven F. Stipanovic
Acting Assistant General Counsel
Federal Election Commission
1050 First Street, N.E.
Washington, DC 20463

Submitted via email

Re: *Internet Communication Disclaimers and Definition of "Public Communication,"* NPRM 2018-06, REG 2011-02

Dear Ms. Stipanovic:

Asian Americans Advancing Justice | AAJC, Color Of Change, and the National Hispanic Media Coalition (collectively, "Civil Rights Organizations"), by their counsel, the Institute for Public Representation, write to provide the Federal Election Commission ("FEC" or "Commission") with additional information to address issues and questions raised during the FEC's July 27-28, 2018 hearing on disclosures for digital public communications. Specifically, Civil Rights Organizations (1) address whether the FEC's existing rules apply to all digital political ads, (2) elaborate on the meaning of the proposed "promoted for a fee" language, (3) provide a clearer trigger for adapted disclosures, (4) clarify how the Stand By Your Ad Requirements ("SBYA") should be extended to digital political ads, and (5) urge the Commission to ensure that disclosures are clear and conspicuous for individuals with disabilities. In Appendix A, Civil Rights Organizations provide the complete text of their final proposed rules reflecting all the changes proposed in their initial comment and below. Appendix B lists the disclosures required for each type of digital public communication under these rules.

Civil Rights Organizations offer this additional information because they have a vested interest in the Commission creating rules that are effective, easy to apply, and enforceable. Persons of color are substantially more likely than their counterparts to engage with digital political communications using mobile devices and are the most active users of social media for accessing political information.[1] It is imperative that FEC rules ensure that the public can view or access disclosures on all digital political ads regardless of the website, application, online service, or device being used. Unreadable and nonexistent disclosures on digital political ads

[1] Comment of Civil Rights Organizations at 3.

have a disproportionate impact on persons of color because these ads have been used to depress voter turnout by persons of color and to promote divisive racial, religious, and political themes.[2] At the same time, digital political ad spending is sharply on the rise.[3] The Commission should act swiftly to establish effective disclosure rules for the entire internet ecosystem so that persons of color and the rest of the electorate will have the ability to understand who is paying to influence their engagement in the electoral process. Civil Rights Organizations hope this additional information will help the Commission achieve this goal.

A. Existing FEC Rules for Online Advertising

During the June 28 session of the Commission's hearing, Carmen Scurato of the National Hispanic Media Coalition said that existing FEC rules "don't cover all forms of ads across the internet ecosystem." In response, Chair Hunter expressed the view that the Commission has "a disclaimer requirement for all internet ads." Ms. Scurato did not have an opportunity to address this statement because Chair Hunter and Vice Chair Weintraub then engaged in a colloquy.

Civil Rights Organizations welcome Chair Hunter's statement as an indication that she believes all digital political ads should be subject to the Commission's disclosures rules. However, her statement is inaccurate; current rules apply ***only*** to advertisements placed for a fee on websites. Websites are only one type of digital communication that use the internet, and they are carrying a decreasing proportion of internet traffic. Indeed, many, and perhaps most, political communications are not on websites. There is ***no*** current requirement that such paid communications contain disclosures.

Current FEC regulations defining "public communications" specify that they "***shall not*** include communications over the Internet, ***except*** for communications placed for a fee on another person's Web site."[4] This language thus expressly excludes communications that are not on another person's website such as communications using smartphone and tablet apps, media sharing services, streaming applications (like Hulu), or in augmented and virtual reality. Nor does the term include the rapidly expanding applications and devices employing the so-called "Internet of Things," including wearables like smart watches, home devices like Alexa, and smart TVs, among many other things.

It is imperative that the Commission update its rules to ensure that disclosure requirements apply to all digital political ads across the internet ecosystem. Civil Rights Organizations applaud the sophisticated actors who expressed that they interpret the existing rules to apply to all digital political ads. It should not be controversial then for the Commission to codify this requirement.

Moreover, a correct interpretation of the *Shays* decision requires that the Commission ensure its rules apply to all ads on the internet. In *Shays*, the court concluded that "Congress, by the plain terms of [the Bipartisan Campaign Reform Act], clearly intended for the term 'public communication' to capture all forms of 'general public political advertising,'" including advertising on the internet.[5] While the FEC has discretion to determine "what constitutes

---

[2] *Id.* at 4.
[3] *Id.* at 5.
[4] 11 CFR § 100.26. (emphasis added)
[5] *Shays v. FEC*, 337 F. Supp. 2d 28, 68-69 (D.D.C. 2004).

'general public political advertising' in the world of the Internet,"[6] it would be arbitrary and capricious if the Commission declined to modify the definition of "public communication" to ensure that the disclosure requirements apply to all political ads in the internet ecosystem.

That is why Civil Rights Organizations, along with the vast majority of other commenters, support the proposal shared by both Alternatives A and B for the Commission to modify the definition of "public communication" to include "internet-enabled device or application." That is also why Civil Rights Organizations proposed that the Commission include the term "services" in the definition, which ensures that the FEC's regulations capture future internet-based advertising media and methods.

B. Meaning of "Promoted for a Fee"

At the hearing, during a discussion about adding "promoted for a fee" to the definition of "public communication," Commissioner Petersen expressed that he is "aware of promoted tweets and promoted posts" and that he "would have just assumed that there's a payment made to Twitter, made to Facebook, and that [he] understand[s] that it can be as inexpensive as a dollar."

Civil Rights Organizations wish to clarify that the "promoted for a fee" language they proposed does ***not*** involve payments to platforms such as Facebook or Twitter. Rather, this language is intended to cover an entirely different circumstance. As Ms. Scurato explained later during the session, the "promoted for a fee" language is for "payments that ***are not*** made directly to the platforms." Specifically, the language covers circumstances when individuals or groups are paid to post, share, tweet, retweet, or otherwise utilize social media to promote a candidate in a way that does not require them to pay the platform. It is important to emphasize that the "placed for a fee" language in the existing rules already requires disclosures when a group or individual pays a website to promote political content, regardless of the dollar amount.

Campaigns pay individuals and groups to promote digital content in at least three ways:

1. Campaigns can pay for "influencers"—individuals with many followers on social media—to express support for a candidate or post or share content that supports the candidate. Campaigns can directly engage influencers, or work with agencies that match up advertisers with influencers. For example, influencer marketing agency Fourstarzz is urging candidates to use influencers,[7] and another influencer platform, Influencer.co, allows campaigns to connect with political influencers[8] and run an influencer marketing campaign.[9]

2. Campaigns can pay groups of individuals to post, share, tweet, retweet, like, or otherwise promote content for a candidate. For example, during the 2016 presidential

[6] *Id.* at 70.
[7] Comment of Civil Rights Organizations at 11.
[8] *Top Politics Influencers*, influencer.co, https://influence.co/category/politics (last visited July, 7, 2018).
[9] *Run A Complete Influencer Marketing Campaign*, influencer.co, https://influence.co/go/businesses (last visited July 18, 2018). *See also* Paige Occeñola, *Online influencer culture and politics: What happens when the two meet?*, Rappler (Feb. 13, 2018), https://www.rappler.com/newsbreak/in-depth/195809-digital-influencer-culture-politics-social-media (discussing the use of influencer marketing by political campaigns in the Philippines).

campaign, Hillary Clinton hired "grass-roots tweeters" "to post specific messages and graphics at coordinated, strategic times."[10]

3. Campaigns can pay third parties to create or direct "bot armies" to amplify online content supporting a candidate.[11]

In enforcing this provision, the Commission can draw from the experience of the Federal Trade Commission ("FTC"). As Civil Rights Organizations pointed out in their comment, the FTC has well-established policies for endorsements that can be used as a template.[12]

C. Adapted Disclosure Trigger

At the hearing, the Commission sought insight on what should trigger when an adapted disclosure may be used. In their comment, Civil Rights Organizations stated that the Commission should first make clear that adapted disclosures may only be used as a last resort. They further stated that adapted disclosures should only be allowed where a full disclosure on the face of an ad is not possible. To trigger the adapted disclosure, Civil Rights Organizations proposed a modified version of the language in Alternative A, which was designed to remove the ambiguity of Alternative A's "cannot fit" language and the uncertainty and opportunity for abuse that would result from Alternative B's 10% trigger. After reviewing other comments and observing the hearing, Civil Rights Organizations propose further revisions to the adapted disclosure rule and to the type font portion of the text and graphic ad disclosure rule. These changes provide a clearer, bright-line trigger for when adapted disclosures may be used.

Civil Rights Organizations propose the following changes to the adapted disclosure rule they proposed in their initial comment:

> A digital public communication with text or graphic components ~~but without any video or audio components~~ that, due to ~~the~~ character or space constraints intrinsic to the technological medium, cannot include ~~a required~~ **the full** disclaimer **on the face of the communication in accordance with paragraphs (b), (c)(1), and *[insert citation for paragraph with the text and graphic ad disclosure rule]* of this section**, must include an adapted disclaimer.

[10] Caitlin Dewey, *The three types of political astroturfing you'll see in 2016*, Washington Post (Sep. 26, 2016), https://www.washingtonpost.com/news/the-intersect/wp/2016/09/26/the-three-types-of-political-astroturfing-youll-see-in-2016/?utm_term=.7cde45205599. *See also Political Advertising Embraces the Influencers: People-Driven Content*, MediaPost (Jan. 25, 2018), https://www.mediapost.com/publications/article/313161/political-advertising-embraces-the-influencers-pe.html (highlighting a video where a campaign digital director discusses investing money in grassroots, "people-driven" content).

[11] Renee DiResta *et al.*, *The Bots That Are Changing Politics*, MotherBoard (Nov. 2, 2017), https://motherboard.vice.com/en_us/article/mb37k4/twitter-facebook-google-bots-misinformation-changing-politics. *See also* Philip Bump, *Welcome to the era of the 'bot' as political boogeyman*, Washington Post (June 12, 2017), https://www.washingtonpost.com/news/politics/wp/2017/06/12/welcome-to-the-era-of-the-bot-as-political-boogeyman/?utm_term=.20e0d685f21a.

[12] Comment of Civil Rights Organizations at 14.

Civil Rights Organizations propose the following changes to Alternative A's text and graphic ad disclosure rule:

> A **digital** public communication ~~distributed over the internet~~ with text or graphic components but without any video component must contain a **full** disclaimer **on the face of the communication.** ~~that is of sufficient type size to be clearly readable by the recipient of the communication. A~~ **The** disclaimer ~~that~~ **must** appear~~s~~ in letters at least as large as the majority of the other text in the communication, ~~satisfies the size requirement of this paragraph. A disclaimer under this paragraph~~ **be in a font at least as clear as the majority of the other text in the communication, and** ~~must~~ be displayed with a reasonable degree of color contrast between the background and the text of the disclaimer. A disclaimer satisfies the color contrast requirement of this paragraph if it is displayed in black text on a white background or if the degree of color contrast between the background and the text of the disclaimer is no less than the color contrast between the background and the largest text used in the communication.

These revisions

(1) make clear that the adapted disclosure is triggered if the technological medium prevents political advertisers from placing the full disclosure in a clear and conspicuous manner on the face of an ad ***in compliance with the type font requirements in the new rule*** and

(2) ensure that, regardless of the size of the ad or the size of the screen being used to view the ad, if individuals can read the political message in an ad, they will either be able to read the full disclosure or be able to access the full disclosure through the adapted disclosure.[13]

Under these rules, for example, a graphic ad on Instagram would require the full disclosure on the face of the ad because there is nothing intrinsic to the technological medium—the Instagram platform—that prevents the full disclosure in accordance with the type font requirements of the rules. This would hold true regardless of whether the Instagram post were being viewed on a computer monitor or a smartwatch, because even if the disclosure were not readable on the smartwatch, neither would the political message, so the disclosure is not essential. However, if a graphic ad were developed to be delivered directly to the face of a smart watch, it would qualify for an adapted disclosure. In that case, the smartwatch is the technological medium and the size of the ad would be too small to include both a political message and the full disclosure. Conversely, if a text ad were delivered directly to the face of a smartwatch, it would not qualify for the adapted disclosure because the recipient could scroll

[13] The changes to the adapted disclosure trigger rule also removes the reference to audio and video components. The "audio" reference is not necessary to distinguish between the types of ads covered by the rule. Removing the video reference is necessary to avoid conflict with the change to the SBYA requirements that Civil Rights Organizations propose in Part D of this comment. Other revisions to the rules are simply for clarity.

through the ad and reach the disclosure. If the same text ad were delivered via Twitter, that technological medium has a limit of 280 characters, so the ad might qualify for an adapted disclosure. It would be easy for political advertisers to comply with these differences because they already must take steps to adjust their ads for different media.

In any event, the Commission should not require ***only*** an adapted disclosure for digital political ads, because there is no evidence that the technological mechanism of an adapted disclosure can function on all media. For example, users viewing an advertisement with an adapted disclosure indicator in a virtual reality environment or video game may not be able to click, rollover, hover over, or otherwise access the indicator to view the full disclosure. Thus, these ads should have the full disclosure. In fact, if the rules required only an adapted disclosure, but an adapted disclosure were not technically feasible, the rules would be ambiguous as to whether any disclosure is required at all, perhaps necessitating an advisory opinion. Requiring a full disclosure, but allowing an adapted disclosure when a full disclosure is not technologically possible, provides the right balance between flexibility and ensuring that all digital political ads have a disclosure.

D. Stand By Your Ad Requirements

In their comment, Civil Rights Organizations asserted that the Commission should extend the SBYA requirements for radio and television ads to digital video and audio communications. Other commenters effectively explained how the Commission currently has authority to do so.[14] Civil Rights Organizations take this opportunity to clarify their position concerning SBYA requirements and provide one revision regarding the text statement of the SBYA requirements.

The SBYA rules have three primary components:

1. **Audio Statement Requirement** – Radio and television ads must include a spoken audio statement expressing approval of the ad by the candidate or representative of the committee.[15]
2. **Visual Requirement** – Television ads must show the candidate or committee representative saying the audio statement or show a visual of such person while the audio statement is being made.[16]
3. **Text Statement Requirement** – Television ads must display a text statement with similar language to the audio statement at some point during the ad. The rules specify that to be readable, the text statement must (1) appear in letters equal to or greater than four percent of the vertical picture height; (2) be visible for a period of at least four seconds; and (3) have a reasonable degree of color contrast between the background and the text of the statement.[17]

Civil Rights Organizations maintain that digital video and audio communications should comply with the visual and audio statement requirements. Extending these requirements to digital video and audio ads, regardless ad length, is consistent with the FEC's prior practice.[18]

---

[14] Comment of Campaign Legal Center at 7-8; Comment of Public Knowledge at 7.
[15] 11 CFR §§ 110.11(c)(3)(i)–(ii) and (iv); 11 CFR 110.11(c)(4)(i)–(ii).
[16] 11 CFR §§ 110.11(c)(3)(ii); 11 CFR 110.11(c)(4)(ii).
[17] 11 CFR §§ 110.11(c)(3)(iii); 11 CFR 110.11(c)(4)(iii).
[18] Comment of Civil Rights Organizations at 17.

Some commenters said that because digital video and audio ads can be very short, they should not require the SBYA statement. However, if short video ads only have a text statement or adapted disclosure, those receiving the ads would not have sufficient time to observe both the content of the ad and the disclosure. Additionally, if the Commission does not extend the audio statement requirements to audio-only digital ads, these ads will have no disclosure whatsoever. These issues are exacerbated by the inability of users to replay these ads or otherwise access disclosures after ads are complete. Thus, the visual and audio statement requirements are even more imperative for digital video and audio ads.

Instead of extending the SBYA text statement requirements to video ads, the Commission should require that video ads have an adapted disclosure throughout the entirety of the ad. The existing text statement requirements would not ensure that the statement is readable on all devices that may be used to view digital video ads. For example, under the existing text size rule, a disclosure viewed on a smartphone screen may be too small to be readable. Moreover, because the text statement must only appear for four seconds, it does not appear on the face of the ad for its entirety and thus may not be seen if a recipient does not watch the part of the ad with the statement. Requiring the adapted disclosure for the entirety of the ad would address these shortcomings[19] and the indicator is also small enough that it would not be burdensome to have on the ad for its entirety.

The Commission should also decline to extend the visual and audio statement requirements to digital graphic ads with a video component but no audio component (*e.g.*, GIFs). Civil Rights Organizations believe that such ads are more akin to graphic ads than video ads because they do not include an audio component. Requiring an audio statement would obligate advertisers to add an audio component when one does not already exist. The full text disclosure with the possibility of an adapted disclosure should be sufficient for these ads.

To capture the changes discussed above, Civil Rights Organizations propose that Alternative A's provision extending the SBYA requirements to digital video and audio ads be split into two provisions and revised as follows:

> A **digital** public communication ~~distributed over the internet~~ with an audio component but without video, graphic, or text components must include the statement described in paragraphs (c)(3)(i) and (iv) of this section if authorized by a candidate~~,~~ or the statement described in paragraph (c)(4)**(i)** of this section if not authorized by a candidate.↵
>
> A **digital** public communication ~~distributed over the internet~~ with ~~a~~ video **and audio** component**s** must include the statement described in paragraphs (c)(3)(ii)**–** **and** (iv) of this section if authorized by a candidate~~,~~ or the statement described in paragraph**s** (c)(4)**(i)–(ii)** of this section if not authorized by a candidate **and must also include**

[19] The Commission should not extend the readability requirements in the proposed rule for digital text and graphic ads to digital video ads. That rule requires the disclosures to appear in letters at least as large as the majority of the other text in the communication. However, video ads can be made without text—could just have video and audio components—meaning there would be no comparable text to determine the appropriate size of the disclosure.

an adapted disclaimer, as described in paragraphs *[insert citations for paragraphs describing adapted disclaimer requirements]* of this section, on the face of the communication for the entirety of the communication.

Adding "and audio" to the provision for digital video ads ensures it only covers ads that have ***both*** a video and an audio component. Since GIFs and similar ads do not have an audio component, they would not be covered by this rule and would instead fall under the disclosure rule for text and graphic ads. Changing the language from "public communication distributed over the internet" to "digital public communication" focuses on the "digital" nature of the advertisement, not the technology used to deliver the ad.[20]

E. Accessible Disclosures

As other individuals and organizations noted in their comment and at the hearing, the Commission should ensure that disclosures are accessible to individuals with disabilities. According to the most recent U.S. Census Bureau statistics, nearly 20% of Americans live with a disability.[21] For many of them, accessing digital communications networks is a challenge. Aspects of websites, applications, and online services that many take for granted are inaccessible to those who rely on assistive technology. For example, without detailed metadata and alternative text for images, multimedia content cannot be communicated to some individuals with disabilities through assistive technologies, such as screen readers and switches.[22]

It is generally understood that websites, applications, and online services must already be accessible under Titles II (state and local governments) and III (public accommodations) of the Americans with Disabilities Act (ADA).[23] The Department of Justice (DOJ), which enforces the ADA, has published a toolkit for state and local governments on how to provide accessible websites,[24] but these guidelines are not exhaustive and the DOJ has yet to promulgate additional regulations.[25]

---

[20] Comment of Civil Rights Organizations at 20. As technology advances, the term "internet" may fall out of common usage. Similarly, the phrase "distributed over the internet" may come to apply to only a narrow class of ads or may not be a common way to refer to digital advertising.
[21] *Nearly 1 in 5 People Have a Disability in the U.S., Census Bureau Reports*, U.S. Census Bureau (July 25, 2012), https://www.census.gov/newsroom/releases/archives/miscellaneous/cb12-134.html.
[22] Kyle Harper, *An Accessible Internet: How Web Users with Sensory Impairments Experience Digital Content*, Skyword (Nov. 20, 2017), https://www.skyword.com/contentstandard/marketing/an-accessible-internet-how-web-users-with-sensory-impairments-experience-digital-content/. *See also* Hilary Cotter, *7 Things You Can Do Right Now for a More Accessible Website*, Siteimprove (Sep. 15, 2017), https://siteimprove.com/en-us/blog/7-things-you-can-do-right-now-for-a-more-accessible-website/.
[23] *ADA Guidelines for Web Accessibility: Everything You Need to Know*, Essential Accessibility (July 21, 2017), https://www.essentialaccessibility.com/blog/ada-guidelines/.
[24] *ADA Best Practices Tool Kit for State and Local Governments*, Department of Justice, https://www.ada.gov/pcatoolkit/toolkitmain.htm (last updated Mar. 9, 2017).
[25] *ADA Guidelines for Web Accessibility: Everything You Need to Know*.

The FEC should specify that for disclosures to be clear and conspicuous, they must be accessible to individuals with disabilities. To achieve this, the FEC should refer political advertisers to the standards outlined in the Web Content Accessibility Guidelines[26] developed by the World Wide Web Consortium (W3C), an international community dedicated to ensuring the internet is accessible for all.[27]

Conclusion

Civil Rights Organizations appreciate the opportunity to provide additional information to aid the Commission in revising its disclosure rules so that the rules are effective and applicable to all forms of digital political communications across the internet ecosystem.

Respectfully Submitted,

/s/ Chris M. Laughlin
Chris M. Laughlin
Andrew Jay Schwartzman
Angela J. Campbell
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Ave NW, Suite 312
Washington, DC 20001
(202) 662-9535

Counsel for Asian Americans Advancing Justice | AAJC, Color Of Change, and National Hispanic Media Coalition

[26] *Web Content Accessibility Guidelines (WCAG) 2.1*, W3C (June 5, 2018), https://www.w3.org/TR/WCAG21/. *See also* *Web Content Accessibility Guidelines – What is WCAG?*, Essential Accessibility (Dec. 21, 2016), https://www.essentialaccessibility.com/blog/web-content-accessibility-guidelines-wcag/; Carol Lumpkin & Stephanie Moot, *Is your website ADA-compliant? Avoid becoming a litigation target*, Miami Herald (June 25, 2018), https://www.miamiherald.com/latest-news/article213639784.html.

[27] *Mission*, W3C, https://www.w3.org/Consortium/mission (last visited July 10, 2018).

Appendix A
Final Proposed Rules

§ 100.26 Public communication (52 U.S.C. 30101(22)).

Public communication means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, telephone bank to the general public, or communications placed or promoted for a fee on another person's website or internet-enabled devices, applications, or services, or any other form of general public political advertising.

§ 110.11 Communications; advertising; disclaimers (52 U.S.C. 30120).

* * * * *

(c) * * *

(5) *Specific requirements for internet communications.* In addition to the general requirements of paragraphs (b) and (c)(1) of this section, a disclaimer required by paragraph (a) of this section that appears on a digital public communication must comply with the following:

(i) A digital public communication with text or graphic components but without any video component must contain a full disclaimer on the face of the communication. The disclaimer must appear in letters at least as large as the majority of the other text in the communication, be in a font at least as clear as the majority of the other text in the communication, and be displayed with a reasonable degree of color contrast between the background and the text of the disclaimer. A disclaimer satisfies the color contrast requirement of this paragraph if it is displayed in black text on a white background or if the degree of color contrast between the background and the text of the disclaimer is no less than the color contrast between the background and the largest text used in the communication.

(ii) A digital public communication with video and audio components must include the statement described in paragraphs (c)(3)(ii) and (iv) of this section if authorized by a candidate or the statement described in paragraphs (c)(4)(i)–(ii) of this section if not authorized by a candidate and must also include an adapted disclaimer, as described in paragraphs (c)(5)(iv)(A)–(C) of this section, on the face of the communication for the entirety of the communication.

(iii) A digital public communication with an audio component but without video, graphic, or text components must include the statement described in paragraphs (c)(3)(i) and (iv) of this section if authorized by a candidate or the statement described in paragraph (c)(4)(i) of this section if not authorized by a candidate.

(iv) A digital public communication with text or graphic components that, due to character or space constraints intrinsic to the technological medium, cannot include the full disclaimer on the face of the communication in accordance with paragraphs (b), (c)(1), and (c)(5)(i) of this section, must include an adapted disclaimer.

(A) An adapted disclaimer means a visible indicator that gives notice to persons reading or observing the digital public communication that they may read or observe a full disclaimer satisfying the general requirements of paragraphs (b) and (c)(1) of this section through a technological mechanism.

(B) The same indicator must be used for all digital public communications that necessitate an adapted disclaimer. It may include a symbol or icon and must state "Paid Political Ad." The technological mechanism must allow recipients to view the disclaimer satisfying the general requirements of paragraphs (b) and (c)(1) of this section in no more than one step. The full disclaimer must not be accompanied by any other information, including other information about the candidate.

(C) The indicator must be presented on the face of the communication in a clear and conspicuous manner. An indicator is not clear and conspicuous if it is difficult to see or read, or if the placement is easily overlooked. The adapted disclaimer must be of sufficient size and color contrast to be clearly readable by a recipient of the communication.

* * * * *

Appendix B
Disclosures Required for Each Type of
Digital Public Communication Under the Final Proposed Rule

If the Commission adopts Civil Rights Organizations' Final Proposed Rules in Appendix B, the rules would have the following effect:

- **Digital Text Ads –** Full text disclosure, with possibility of adapted disclosure.
- **Digital Graphic Ads –** Full text disclosure, with possibility of adapted disclosure.
- **Digital Video Ads –** SBYA disclosure and adapted disclosure.
- **Digital Audio Ads –** SBYA disclosure.
- **Digital Graphic Ads with a Video Component but No Audio Component (e.g., GIFs) –** Full text disclosure, with possibility of adapted disclosure.

Civil Rights Organizations believe that the Final Proposed Rules provide clear guidance to political advertisers on the type of disclosures required for each type of digital political ad, but the Commission could state these effects in the order or follow-up guidance if it believes that would be helpful for political advertisers.