

From: [Katy Duhigg](#)
To: [Lange, Dylan, SOS](#)
Subject: Public Comment as private citizen re Campaign Finance Rule
Date: Wednesday, August 14, 2019 12:56:59 PM

Dear Mr. Lange,

I offer the following comments as a private citizen, and not on behalf of any other person, organization, or municipality.

The proposed rule eliminates the section regarding disclaimers. I suggest that the Secretary consider the language below regarding disclaimers, modeled on similar provisions in force in Washington State. As part of the changes suggested, the following definition would need to be added:

“Sponsor” for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

1.10.13.31 DISCLAIMER NOTICES ON ADVERTISEMENTS:

A. All written political advertising, whether relating to candidates or ballot questions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot questions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.

B. In addition to the information required by subsection A of this section, except as specifically addressed in subsections D and E of this section, all political advertising undertaken as an independent expenditure or an electioneering communication by a person or entity other than a bona fide political party must include as part of the communication:

(1) The statement: “No candidate authorized this ad. It is paid for by (name, address, city, state)”;

(2) If the sponsor is a political committee, the statement: “Top Five Contributors,” followed by a listing of the names of the five persons or entities making the largest contributions to the sponsor as determined by 1.10.13.31 A(2)(a); and if necessary, the statement “Top Three Donors to PAC Contributors,” followed by a listing of the names of the three individuals or entities, other than political committees, as determined by 1.10.13.31A(2)(b), making the largest aggregated contributions;

(a) For any requirement to include the top five contributor the sponsor must

identify the five persons or entities making the largest contributions to the sponsor in excess of the threshold aggregate value to be considered an independent expenditure in an election reportable during the twelve-month period preceding the date on which the advertisement is initially to be published or otherwise presented to the public'

(b) If one or more of the top five contributors identified under subsection (a) of this section is a political committee, the top three contributors to each of those political committees during the same period must then be identified, and so on, until the individuals or entities other than political committees with the largest aggregate contributions to each political committee identified under subsection (a) of this section have also been identified. The sponsor must identify the three individuals or entities, not including political committees, who made the largest aggregate contributions to any political committee identified under subsection (a) of this section in excess of the threshold aggregate value to be considered an independent expenditure in an election reportable during the same period, and the names of those individuals or entities must be displayed in the advertisement alongside the statement "Top Three Donors to PAC Contributors."

(3) If the sponsor is a political committee established, maintained, or controlled directly, or indirectly through the formation of one or more political committees, by an individual, corporation, union, association, or other entity, the full name of that individual or entity.

(C) The information required by subsections (A) and (B) of this section shall:

(1) Appear on the first page or fold of the written advertisement or communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written advertisement or communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(2) Not be subject to the half-tone or screening process; and

(3) Be set apart from any other printed matter. No text may be before, after, or immediately adjacent to the information required by subsections (A) and (B) of this section.

(D) In an independent expenditure or electioneering communication transmitted via television or other medium that includes a visual image, the following statement must either be clearly spoken, or appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height on a solid black background on the entire bottom one-third of the television or visual display screen, or bottom one-fourth of the screen if the sponsor does not have or is otherwise not required to list its top five contributors, and have a reasonable color contrast with the background: "No candidate authorized this ad. Paid for by

(name, city, state).” If the advertisement or communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: “Top Five Contributors” followed by a listing of the names of the five persons making the largest aggregate contributions as determined by 1.10.13.31 A(2)(a); and if necessary, the statement “Top Three Donors to PAC Contributors,” followed by a listing of the names of the three individuals or entities other than political committees making the largest aggregate contributions to political committees as determined by 1.10.13.31 A(2)(b). Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(E) The following statement shall be clearly spoken in an independent expenditure or electioneering communication transmitted by a method that does not include a visual image: “No candidate authorized this ad. Paid for by (name, city, state).” If the independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following statement must also be included: “Top Five Contributors” followed by a listing of the names of the five persons making the largest contributions as determined by 1.10.13.31 A(2)(a); and if necessary, the statement “Top Three Donors to PAC Contributors,” followed by a listing of the names of the three individuals or entities, other than political committees, making the largest aggregate contributions to political committees as determined by 1.10.13.31 A(2)(b). Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(F) Political advertising costing one thousand dollars or more supporting or opposing ballot questions sponsored by a political committee must include the information on the top five contributors and top three contributors, other than political committees, as required by as determined by 1.10.13.31 A(2)(a)-(b). A series of political advertising sponsored by the same political committee, each of which is under one thousand dollars, must include the top five contributors and top three contributors, other than political committees, as required by 1.10.13.31 A(2)(a)-(b) once their cumulative value reaches one thousand dollars or more.

(G) Political yard signs are exempt from the requirements of this section that the sponsor's name and address, and the top five contributors and top three PAC contributors as required by 1.10.13.31 A(2)(a)-(b), be listed on the advertising.

(1) For the purposes of this section, “yard sign” means any outdoor sign with dimensions no greater than eight feet by four feet.

Sincerely,
Katy Duhigg