



Los Angeles City Ethics Commission

August 16, 2016

The Honorable City Council
c/o Holly Wolcott, City Clerk
200 North Spring Street
City Hall—3rd Floor
Los Angeles, CA 90012

Re: Technical Amendments to Disclaimer Requirements

FOR COUNCIL CONSIDERATION

Dear Councilmembers:

On August 9, 2016, the Ethics Commission voted unanimously to recommend technical amendments to the Campaign Finance Ordinance, to reflect recent changes in state law. The amendments are explained below, and the Ethics Commission urges you to approve them.

A. Background

City law requires specific disclaimer statements to be incorporated into every political communication made in City elections or by elected City officials. *See* Los Angeles Municipal Code (LAMC) § 49.7.33. Generally, the statements are designed to provide immediate information about who is paying for the communication, which helps voters weigh the value of the communication.

In order to ensure that disclaimers are easily seen or heard by the public, certain technical minimums apply. For example, written communications up to 24 inches by 36 inches in size are required to have disclaimers printed in a font that is easily legible to an average reader, is at least 12-point type, and is in a color that contrasts with the background. LAMC § 49.7.33(D)(1).

Similar standards apply at the state level, and the state recently amended those standards. Assembly Bill 990 became effective October 10, 2015, and requires campaign advertisements to include disclaimers that are printed in at least 14-point, bold, sans serif type font. Cal. Gov't Code § 84507.

B. Recommendation

Some political communications distributed in City elections are subject to both City and state law. To eliminate confusion and reduce the likelihood of inadvertent disclaimer violations, we recommend that City law be amended to be consistent with state law. Specifically, we recommend that the pertinent provisions of LAMC § 49.7.33(D) be amended as follows:

- (1) For written communications up to 24 inches by 36 inches, disclaimers shall be printed using a **bold, sans serif** typeface that is easily legible to an average reader and is not less than ~~12~~14-point type in a color that contrasts with the background on which it appears.
- (2) For written communications larger than 24 inches by 36 inches, the total height of the disclaimer shall constitute at least five percent of the total height of the communication, be printed using a **bold, sans serif** typeface that is easily legible to an average reader, and be printed in a color that contrasts with the background on which it appears.
- (3) For video communications, the disclaimer shall be written in a **bold, sans serif** typeface that is easily legible to an average reader, in a color that contrasts with the background on which it appears, and shall appear for at least four seconds at either the beginning or the end of the communication. ...

C. Conclusion

The Ethics Commission has approved the technical amendments identified in Section B, to reflect a recent change in state law, and urges you to adopt them. If you have questions, please feel free to contact me or Policy Director Nathan Hardy at (213) 978-1960. We would be happy to talk with you at any time.

Sincerely,



Heather Holt
Executive Director