

DIGITAL AD DISCLOSURE LAWS WITH DIGITAL AD ARCHIVE REQUIREMENT*

(ENACTED LAWS)

	Who hosts the archive?	What information must be in public archive?	Which online platforms are covered?	Who identifies which ads must be included?	Which ads are covered?	For how long must ad be archived?	Are there any exemptions?
California AB-2188 (Effective Jan. 1, 2020)	Online Platform	<ul style="list-style-type: none"> • copy of ad • ad purchaser info • ad cost • view count • dates distributed • referenced candidate or ballot measure 	Website or app that sells political ads directly to advertisers	Political committee purchasing ad must notify platform that ad is political and provide: <ul style="list-style-type: none"> • committee info • candidate or ballot measure info 	Candidates or ballot measure ads purchased by political committee that bought ≥ \$500 of ads on platform in past 12 months	4 years	<ul style="list-style-type: none"> • graphic, image, or animated ad that hyperlinks to a website • video, audio, or email
New York 9 CRR-NY § 6200.11	State Board of Elections ¹	copy of ad ²	<ul style="list-style-type: none"> • Website or app that had ≥ 70M monthly U.S. users for most of past 12 months • Third-party ad vendor with ≥ 30M monthly U.S. visitors on any ad space it sold or bought for most of past 12 months 	Independent expenditure committee must file copies of political ads with state election board	Paid ad that advocates for or against a candidate or ballot measure and is targeted to ≥ 50 people	5 years	Ads on newspaper websites and apps ³
Maryland Md. Code Ann. Elec. Law § 13-405⁴	Online Platform	<ul style="list-style-type: none"> • ad purchaser info • ad cost⁵ 	Website or app that had ≥100K monthly U.S. users for most of past 12 months	Ad purchaser must notify platform that ad is political and provide info platform is required to disclose and maintain	Paid or promoted ad related to candidate or ballot issue and disseminated to ≥ 500 people	1 year after next general election	Commercial ads

*The descriptions of campaign finance laws in this document are intended to provide a general summary. They do not capture all of the nuance and exceptions in the law. They should not be relied upon as legal advice for particular circumstances or situations. If you have specific questions, please contact the Campaign Legal Center at (202) 736-2200.

(PROPOSED LEGISLATION)

Who hosts the archive?	What information must be in public archive?	Which online platforms are covered?	Who identifies which ads must be included?	Which ads are covered?	For how long must ad be archived?	Are there any exemptions?
<p>Honest Ads Act S. 1356, 116th Cong. (2019)</p>	<ul style="list-style-type: none"> • copy of ad • targeted audience • view count • dates distributed • ad cost • referenced candidate, office, election, and/or legislative issue • ad purchaser info • board members of non-candidate ad purchaser 	<p>Website or app that had ≥ 50M monthly U.S. users for most of past 12 months</p>	<p>Ad purchaser must notify platform that ad is political and provide info platform is required to disclose</p>	<p>Paid ad relating to a:</p> <ul style="list-style-type: none"> • candidate • federal election or • important national legislative issue <p>and</p> <p>purchased by person who bought ≥ \$500 of ads on platform during calendar year</p>	<p>4 years</p>	<p>None</p>
<p>Connecticut Raised Bill No. 7329 (Jan. 2019)</p>	<ul style="list-style-type: none"> • copy of ad • targeted audience • view count • dates distributed • ad cost • referenced candidate, office, and election or referendum question • ad purchaser info 	<p>Website or app that has:</p> <ul style="list-style-type: none"> • ≥ 400K monthly U.S. users for most of past 12 months or • > \$1K in ad revenue per year 	<p>Ad purchaser must notify platform that ad is political and provide info platform is required to disclose</p>	<p>Paid ad that:</p> <ul style="list-style-type: none"> • references a candidate or • promotes success or defeat of a candidate, referendum question, or political party <p>and</p> <ul style="list-style-type: none"> • is purchased by person who bought > \$200 of ads on platform during calendar year. 	<p>4 years</p>	<p>None</p>

¹ Under New York’s rules, an online platform “that interacts directly with [an] Independent Expenditure Committee” that purchases an independent expenditure communication must require the committee to provide the platform a copy of the committee’s registration form filed with the state board. [9 CRR-NY 6200.10\(i\)](#); see [N.Y. Elec. Law, 14-107-B](#).

² Other information disclosed in committees’ registration and financial disclosure statements is also available through the New York Board of Elections [website](#).

³ New York’s regulatory exemption for newspapers’ websites and apps is promulgated at [Part 9 NYCRR § 6200.11 \(12\)](#).

⁴ On December 6, 2019, the U.S. Court of Appeals for the Fourth Circuit [upheld](#) an injunction that prohibits Maryland from enforcing its requirements for online platforms against a group of Maryland-area newspapers whose websites are subject to the law. The decision is narrow, focused on unique aspects of Maryland’s law, and it is not controlling authority outside the Fourth Circuit.

⁵ Maryland requires online platforms to collect and maintain certain additional information, which must be provided to the State Board of Elections upon request, but which is exempt from public inspection. That information includes a copy of the ad, the candidate or ballot issue to which the ad relates and whether it supports or opposes the candidate or ballot issue; dates the ad was first and last disseminated; approximate descriptions of the locations where the ad was disseminated and the audience that received or was targeted to receive it; and the total view count. [Md. Code Ann. Elec. Law § 13-405\(c\)](#).