

An Overview of Political Advertising Policies for Google, Twitter, and Snapchat

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Late last year, many social media and internet giants announced plans to overhaul their advertising policies for political content. *Entities that actively sponsor election-related advertising should make themselves aware of these new changes.* Although questions remain about some specifics, and there may be more changes to the policies in the near future, here is what we know so far:

1. Google

a. New ID Verification and Disclosure Requirements for Election Ads

- Starting this summer, [Google will require](#) any individual or organization that wants to purchase an election ad on Google in the U.S. to provide a government-issued ID and “other key information,” including a social security number or Employer Identification Number, to confirm they are a U.S. citizen or lawful permanent resident. The exact application will not be published until May 31, 2018.
- Google will also require all election ads to display a disclosure that identifies who has paid for the ad. Google will automatically generate a “Paid for by” disclosure, using the organization or individual name provided by the ad buyer during the verification process.
- These requirements will apply to all Google platforms, including YouTube. On YouTube, the disclosure will be available to the watcher by clicking on the information icon or 3-dot icon. On Google Search and the Search Partner network, the disclosure will show in ads directly.
- Applications for verification will be open starting May 31, 2018, and the policy will be fully enforced starting July 10, 2018. Be aware that the application process may require two steps and can take up to 3-5 business days.

b. Not All Political Ads are Subject to Google’s Verification and Disclosure Requirements

- Google draws a distinction between “political content” and “election advertising.” For now, ads targeting only the United States with “political content,” featuring “political organizations, political parties, political issue advocacy or fundraising, and individual candidates and politicians,” do not require verification—they are only subject to Google’s general advertising policies.

- The verification and disclosure requirements only apply to “election advertising,” which is [defined](#) as ads “that feature a federal candidate or current elected federal officeholder in the United States.” Google further defines “elected federal offices” to only include “the President and Vice President of the United States, and members of the United States House of Representatives and United States Senate.”
- This definition appears to exclude all issue-based ads, ads for candidates in state elections, and ads for non-elected federal officeholders that nonetheless require some form of democratic confirmation, such as nominees for the Supreme Court or Secretary of State.
- However, in a recent [blog post](#) Google noted that “as we learn from these changes . . . we’ll work to improve transparency of political issue ads and expand our coverage to a wider range of elections.” The team at Caplin & Drysdale will keep you updated as Google fine tunes its disclosure requirements moving forward.

c. Transparency Report for Election Ads

- Google will release a [Transparency Report](#) this summer focused on election ads. The Report will show who is buying election-related ads across all Google platforms and how much money is being spent. In addition, the company is also building a searchable library for election ads that will allow anyone to find election ads purchased on Google and who paid for them.

2. Twitter

a. Regulations for Electioneering Ads

- Details are still lacking, but [Twitter plans](#) to have “stricter requirements” for electioneering ads, including limits to ad targeting options, self-identification for advertisers, and “stronger penalties” for those who violate the electioneering policies.
- Twitter will base its definition of “electioneering ads” on the FEC’s existing definition: ads that “refer to a clearly identified candidate (or party associated with that candidate) for any elected office.”
- In addition, the company plans to change the “look and feel” of such ads by including a visual political ad indicator and clearly identifying who has paid for the ad.

b. Issue-Based Ad Regulations

- Twitter intends to expand the above policy to issue-based ads, but it will need to coordinate with “peer companies, other industry leaders, policy makers, and ad partners” before doing so.

c. Transparency Center for All Ads

- This summer, Twitter will launch a “Transparency Center” that will allow anyone to see all ads that are currently running on Twitter (including Promoted-Only ads), how long ads have been running, who created those ads, and which ads are targeted at you. The Transparency Center will also have a special section for electioneering ads detailing historical data about all electioneering ad spending by advertisers, among other things.
- Twitter will also allow users to report ads, and give negative feedback, for every ad running on Twitter. Twitter plans to use this feature to more quickly remove ads that do not conform with Twitter’s rules from the site.

3. Snapchat

a. Comply With Existing Laws

- Unlike Facebook, Google, and Twitter, Snapchat is not implementing any kind of verification system for political ads. Instead, [the company policy](#) leaves the duty with advertisers to comply with “all applicable laws, including all federal election laws, Federal Election Commission regulations, copyright law, defamation law, and (where applicable) other state or local laws and regulations.” On a case-by-case basis, Snapchat will review, and potentially remove, ads that it feels are inappropriate.

[Caplin & Drysdale's Political Law Group](#) is available to assist with any questions that may arise as a result of this important development. If you have questions concerning this alert or for more information, please contact:

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