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Memo

To: PDC Commissioners
From: Sean Flynn, General Counsel
Date: August 20, 2026
Re: APA Rulemaking Petition (Kunzler) re Sponsor ID on Online Advertising

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The petitioner submitted a rulemaking petition on July 19, 2026. The petition requests that the Commission amend current rules to require that sponsor identification be included for political advertising published in social media posts.

Under the Administrative Procedure Act (APA), a person may petition an agency requesting the adoption, repeal, or amendment of a rule. Within 60 days of the submission of a petition, the agency must either deny the petition or adopt the petition by initiating the rulemaking process. If the Commission denies the petition, it must state its reasons for the denial, addressing the concerns raised and alternative means of addressing the concerns, where appropriate.

Current law requires any political advertisement to include sponsor identification. PDC rules specify how sponsor identification should appear on different types of media. The rules also set forth exemptions where sponsor identification is impracticable. WAC 390-18-030(2). In particular, the rules include alternative methods for providing sponsor identification for small online advertisements, including an automatic display within the ad that directly links to the required disclosure. WAC 390-18-030(3). Such a display or link must only involve "one click" from the ad to the required disclosure. In recognition of evolving technology, the rule remains flexible to allow for compliance with the requirements "in a manner that is compatible with the device and technology used to display the advertising." WAC 390-18-030(3)(b).

The one-click alternative often applies to online social media advertising in the form of sponsored posts published on platforms like Facebook or X (formerly Twitter). The limited space available for posts can make it difficult to include full sponsor identification within the post itself. However, where the advertisement post is linked to the sponsor's homepage on the platform, sponsor identification can be provided on the sponsor's homepage and reached within one click. Another acceptable method is to embed a link within the post itself that connects directly to the sponsor's own webpage where sponsor identification is located.

The petition here proposes a rule specific to providing sponsor identification on social media advertising. The proposal would replace the existing one-click requirement as applied to social media with a requirement that sponsor identification be either embedded in each post or put in

the header of each "media platform/forum." While defining the specific method(s) to provide sponsor identification on social media may help with instruction, it also works against the flexibility built into the existing rules by excluding compliance otherwise "in a manner compatible with the device and technology used." Such flexibility anticipates the continued development of online advertising and allows campaigns the ability to use new technologies for compliance with the law.

As an alternative to the petition's proposal, the Commission may wish to consider whether there is a need for updating the current rules (or guidance) regarding sponsor identification generally to address the newer technology and methods campaigns use to advertise online, including but not limited to social media. The petition highlights the fact that sponsor identification on social media and other forms of online advertising is a relatively common issue that PDC staff address in customer service and compliance. Furthermore, the latest Commission interpretation regarding online advertising was published in 2013, and the rules for the online sponsor identification were adopted in 2017. See PDC Interpretation No. 07-04 ("Online Campaign Activities") & WAC 390-18-030. A review of these rules and guidance could consider the need for additional references to social media and other newer forms of advertising, additional examples of how to provide sponsor identification with these new methods, as well as more substantive provisions to ensure compliance with sponsor identification requirements.