

***Banning Microtargeted Political Ads Act***  
**Section by Section Summary**

**SEC. 1. SHORT TITLE.** This Act may be cited as the “Banning Microtargeted Political Ads Act”.

**SEC. 2. RESTRICTIONS ON DISSEMINATION OF TARGETED POLITICAL ADVERTISEMENTS BY ONLINE PLATFORMS.**

(a) Adds section 325 to the Federal Election Campaign Act of 1971 (FECA), effective 3 months after enactment:

(a) **PROHIBITION.**—A covered online platform or an agent, affiliate, vendor, or other person acting on behalf of such a platform may not target the dissemination of a political ad on any basis. Targeting includes performing any computational process designed to transmit an ad to a subset of the users based on personal information, allowing another person to instruct the platform to target, and providing a list of individuals to target (i.e., Custom Audiences).

(b) **EXCEPTIONS.**—The prohibition in (a) does not apply to targeting users or devices in a recognized place. The prohibition also does not apply if a sponsor of an ad attests that it received freely given, specific, informed, and unambiguous consent to show an ad to an individual and to share that individual’s information. Such consent must be revocable.

(c) **RULES OF CONSTRUCTION.**—The prohibition in (a) shall not be construed to prohibit targeting an ad to a random subset of users. The exceptions in (b) shall not be construed to require showing an ad to a user who has opted out of receiving communications from the sponsor of the ad or the platform.

(d) **PRIVATE RIGHT OF ACTION.**—In addition to violations of this section being enforceable as violations of FECA by the Federal Elections Commission, any person alleging a violation may bring a civil action. A court may award \$100-\$1,000 per negligent violation; \$500-\$5,000 per reckless, willful, or intentional violation; reasonable attorney’s fees; and any other relief, including equitable or declaratory relief. Pre-dispute arbitration agreements and pre-dispute joint action waivers are not valid.

(e) **DEFINITIONS.**—Summaries of key definitions:

- **COVERED ONLINE PLATFORM** – Any website, web application, mobile application, smart device application, digital application (including a social network, or search engine), or advertising network that receives payment to disseminate political advertisements. The term excludes a website, application, or network (in combination with its subsidiaries and affiliates) that, in the last 12 months collected or processed personal information of fewer than 50 million individuals.

- **PERSONAL INFORMATION** – Any information linked or reasonably linkable to an individual or device, including de-identified information.
- **POLITICAL ADVERTISEMENT** – Electioneering communication; independent expenditure; or public communication that refers to a clearly identified candidate for federal office and promotes or supports the candidate, or attacks or opposes the candidate.
- **RECOGNIZED PLACE** – A state, territory, or Indian land; an incorporated county, municipality, city, town, township, village, borough, or similar unit of general government; a census designated place; or a congressional district.

(b) Expands the definitions of ‘electioneering communication’ and ‘public communication’ and expands a ‘news exemption’ in FECA to ensure online communications are covered in such provisions, effective 3 months after enactment. These provisions effectuate changes in (a) and are similar to provisions included in the House-passed H.R. 1.