FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

November 9, 2009

Mr. John Pritchett

REDACTED

Re: FPPC No. 060023; John Pritchett

Dear Mr. Pritchett:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"), found in Government Code Section 81000, and following. The FPPC has completed its investigation into the matter involving a mailer you sent out in connection with an election of the Crescent Fire Protection District. During the investigation, it was discovered that the election was conducted pursuant to Proposition 218, so this matter falls outside the scope of the Act.

Proposition 218 sets forth a procedure whereby ballots are mailed to all property owners in an assessment district to determine if there is a majority protest to an assessment. Property owners may vote only by mail-in ballot. At a public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. (Proposition 218, Section 4(c).)

The Act defines "election" as any primary, general, special or recall election held in this state. (Government Code Section 82022.) Based upon the definitions and current interpretation of the Act, a Proposition 218 mail-in election is not considered an election under the Act. Therefore, neither the mass mailing provisions nor the campaign reporting requirements of the Act apply. As a result, this case is being closed without violation.

If you have any questions regarding this matter, you may contact me directly at (916) 322-8218.

Sincerely,

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Mellonie S. Yang
Assistant Chief of Enforcement

MSY:fp