



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3050 • Sacramento, CA 95811

August 29, 2024

City of Sonora  
Douglas White  
Via email: [doug@whitebrennerllp.com](mailto:doug@whitebrennerllp.com)

**No Action Closure Letter Re: FPPC No. 2022-00745; In the Matter of City of Sonora**

Dear City of Sonora:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).<sup>1</sup> This letter is in response to an AdWatch complaint submitted regarding whether the City of Sonora sent prohibited campaign-related mass mailings and engaged in other campaign activity at public expense regarding Measure Y, a local ballot measure on the November 2022 ballot. The Enforcement Division completed its review of the case and will close its file on this matter without prosecution.

The Act prohibits sending a newsletter or other mass mailing at public expense.<sup>2</sup> Specifically, a mass mailing is prohibited if (1) the item is a tangible item; (2) the item expressly advocates the qualification, passage, or defeat of a clearly identified measure, or unambiguously urges a particular result in an election; (3) public moneys are paid to distribute the item, or to prepare the item, for more than \$50, with the intent of sending the item; and (4) more than 200 substantially similar items are sent during the course of an election.<sup>3</sup> This prohibition limits the public subsidy of political campaigns, which would grant an unfair advantage to governmental bodies that desire to use public resources in pursuit of favorable election results.

An item unambiguously urges a particular result in an election in one of two ways: (1) when it clearly is campaign material or campaign activity because it is related to an election and it is an item such as bumper stickers, billboards, door-to-door canvassing, posters, advertising “floats,” or mass media advertising;<sup>4</sup> or (2) when the style, tenor, and timing of the communication can be reasonably characterized as campaign material and not a fair presentation of facts serving only an informational purpose.<sup>5</sup>

A payment of public moneys by a local governmental agency made in connection with a communication, whether it is a mass mailing or not, that expressly advocates passage of a ballot measure, or that taken as a whole and in context, unambiguously urges a particular result in an

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

<sup>2</sup> Section 89001.

<sup>3</sup> Regulation 18901.1, subd. (a).

<sup>4</sup> Regulation 18901.1, subd. (c)(1).

<sup>5</sup> Regulation 18901.1, subd. (c)(2).

election is an independent expenditure.<sup>6</sup> Any person or combination of persons who, in a calendar year, makes independent expenditures totaling \$1,000 or more qualifies as an independent expenditure committee.<sup>7</sup> An independent expenditure committee must file semi-annual campaign statements each year for the period ending June 30 and December 31 if it made independent expenditures during the 6-month period prior to those dates.<sup>8</sup> Further, an independent expenditure committee must report its late independent expenditures within 24 hours of the time they are made to the appropriate filing officers.<sup>9</sup>

Our review found that the City of Sonora prepared a PowerPoint presentation and a “Fact Sheet” about Measure Y.<sup>10</sup> The PowerPoint presentation was originally prepared by staff for the City Council and was made available on the City’s website. The “Fact Sheet” was a printed informational sheet that was available on the City’s website and was also printed. Approximately 500 copies were printed. These flyers were made available for residents to take at City Council meetings and other community gatherings but were not mailed or otherwise disseminated to residents. There was insufficient evidence that the City had caused a mass mailing to be produced and disseminated. Further, there was insufficient evidence that even if these communications met the standard of unambiguously urging a particular result in the election, the cost to produce these materials did not rise to the level where the City of Sonora could have qualified as an independent expenditure committee. Therefore, we are closing this matter with this no action closure letter.

Should you have any questions regarding this letter, please feel free to contact me at [tgilbertson@fppc.ca.gov](mailto:tgilbertson@fppc.ca.gov) or (279) 237-5960.

Sincerely,



Theresa Gilbertson  
Senior Commission Counsel  
Enforcement Division

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<sup>6</sup> Section 82031; Regulation 18420.1, subdivision (a).

<sup>7</sup> Section 82013, subdivision (b).

<sup>8</sup> Section 84200, subdivision (b).

<sup>9</sup> Section 84204.

<sup>10</sup> The anonymous complaint also submitted excerpts from the ballot pamphlet, including the Arguments in Favor of Measure Y signed by the Mayor and a City Councilmember and the Impartial Analysis signed by the City Attorney. These materials were not considered in this analysis because these communications were lawful and/or required under the Elections Code. See Elections Code Sections 9280 and 9282, subdivision (b).