



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

November 22, 2024

Reform California Voter Guide
Carl DeMaio



Via email: [REDACTED]

Warning Letter re: FPPC Case No. 2023-00738; Reform California Voter Guide, and Carl DeMaio

Dear Respondents:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division opened a commission-initiated case related to a slate mailer sent by the slate mailer organization Reform California Voter Guide. The Enforcement Division has completed its review of the matter and found that you failed to include the proper disclaimers on a slate mailer opposing four different ballot measures in the November 8, 2022 General Election.

The Act provides that slate mailers may not be sent without certain disclaimers. This includes the requirement that a slate mailer include a “NOTICE TO VOTERS,” which states the following: “THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.”²

You violated the Act by sending a slate mailer that failed to include the correct “NOTICE TO VOTERS” language. However, there are certain mitigating factors present in this case: the remainder of the disclaimers on the slate mailer were correct, three of the four ballot measures opposed on the slate mailer were successful, you had minimal experience as a slate mailer organization, and you have no prior history of violating this section of the Act. Based on the foregoing, and in accordance with the Enforcement Division Policy Directives formally adopted by the Commission on January 26, 2023, which requires the Enforcement Division to take all

¹ 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 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84305.5.

appropriate actions within their discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.³ Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.⁴ This resolution may not be used as a comparable case for other enforcement matters.⁵

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulations 18360.1 and 18360.2 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the Commission's website ten (10) days from the date of this letter.

Please feel free to contact me at cburton@fppc.ca.gov or (279) 237-3769 with any questions you may have regarding this letter.

Sincerely,

Christopher B. Burton

Christopher B. Burton
Assistant Chief of Enforcement
Fair Political Practices Commission

³ <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

⁴ Regulations 18360.1 and 18360.3.

⁵ See Regulation 18361.5, subd. (e)(3).