



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

April 29, 2024

No on 30
c/o Rebecca Olson
400 Capital Mall, Suite 1545
Sacramento, CA 95814

Sent via email: Rebecca.olson@millerpoliticallaw.com

Warning Letter: FPPC No. 2023-00073; No on 30

Dear Rebecca Olson,

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 received an anonymous AdWatch complaint regarding No on 30 (“the Committee”) alleging advertisement disclosure violations regarding a text message disseminated in connection with the November 8, 2022 General Election.

The Enforcement Division has completed its investigation of the facts of this case. We’ve determined that the Committee failed to include “Ad Paid for by” with the Committee’s name as it appears on the most recent statement of organization on a text message opposing Prop 30. Specifically, the text of the message read, “Prop 30 is a \$100 billion tax increase written and bankrolled by rideshare company Lyft to funnel CA taxpayer dollars to benefit their multi-billion \$\$ corporation. It provides ZERO dollars for the electric grid so your utility rates could skyrocket when prices are already out of control. Say NO to corporate taxpayer bailouts & vote NO on 30 by Nov. 8.”

The Act requires text message advertisements paid for by a committee to include the words, “Paid for by” or “With” followed by either the name of the committee or a hyperlink for an internet website containing the disclosures required by Sections 84502, 84503, and 84506.5.²

Your client’s actions violated the Act because the text message failed to include the proper committee name as it appears on the most recent statement of organization. The text message disclosure read “Paid for by Yes on 30. Top funders: Newsome for California Governor 2020 and Michael Mortiz.” The disclosure should have read “Paid for by No on 30. Top funders: Newsom for California Governor 2020 and Michael Mortiz.” The Enforcement Division has determined that

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014.

² Section 84504.7.

mitigating circumstances are present here. Therefore, the Enforcement Division is resolving this case with a warning letter for the following reasons: the incorrect text message disclosure was an inadvertent mistake, which was corrected to the proper disclaimer upon discovery of the mistake. Additionally, the Committee timely reported the text message on the appropriate campaign statement.

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. Any future advertisement violations may result in monetary penalties and this warning letter may be considered in any future enforcement actions.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. However, the warning letter resolution does not provide your client with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If your client wishes to avail themselves of these proceedings by requesting that this 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.

If you have any questions regarding this letter, please contact me at (279) 237-5932 or MCorona@fppc.ca.gov

Sincerely,

Marissa Corona

Marissa Corona
Commission Counsel
Enforcement Division