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

August 25, 2026

City of South Pasadena
South Pasadena City Council
cco@southpassadena.gov

**Advisory Letter re FPPC No. 2024-01204; City of South Pasadena**

Dear South Pasadena City Council:

The Enforcement Division of the Fair Political Practices Commission (the "Commission") enforces the provisions of the Political Reform Act (the "Act").[1] This letter is in response to a complaint regarding whether the City of South Pasadena sent prohibited campaign-related mass mailings at public expense by sending mass mailings regarding Measure SP, a local ballot measure on the November 5, 2024 ballot that would restrict height limits of buildings in South Pasadena. 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.[2] 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.[3] 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;[4] 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.[5]

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[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 18104 through 18998 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.
[2] Section 89001.
[3] Regulation 18901.1, subd. (a).
[4] Regulation 18901.1, subd. (c)(1).
[5] Regulation 18901.1, subd. (c)(2).

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 election is an independent expenditure.[6] 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.[7] 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.[8] 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.[9]

Our review found that the mass mailing sent by the City of South Pasadena regarding Measure SP did not contain express words of advocacy. Further, we found that the mass mailing is not clearly campaign material because its more in line with a newsletter or pamphlet as opposed to a campaign mailer. The mass mailing was generally informational, structured around FAQs, key highlights, and background context regarding local housing element compliance. However, parts of the mass mailing came close to meeting the standard of unambiguously urging a particular result in an election.

The first issue is the stark framing of the consequences of a negative vote in the FAQ section, specifically highlighting that failing to approve the measure "risks losing certification for the Housing Element, which will trigger several negative impacts on the City and community." Framing non-passage almost entirely through the lens of risk and negative impacts goes beyond neutral policy explanation and leans into persuasive messaging.

The second issue is the persistent emphasis throughout the mailer on "retaining local control" versus state intervention, particularly phrases emphasizing that without certification, the City is "at risk of developers having wide latitude to build housing that dramatically exceeds zoning." This repetitive use of loss-of-control scenarios elicits protective feelings and subtle urgency, encouraging voters to secure local authority by supporting Measure SP.

However, the statements in the mass mailing are not sufficiently inflammatory and argumentative to conclude that the mass mailing constituted campaign activity rather than informational material. Thus, the Enforcement Division cannot conclude that the mass mailings in question violated the Act's prohibition against campaign mass mailings at public expense. Therefore, we are closing this matter with this advisory letter.

Although we are closing our file, please be advised of the provisions in the Act and regulations regarding campaign-related communications. If you need additional guidance, you may contact the Commission's Advice team by sending an email to advice@fppc.ca.gov. There is also

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[6] Section 82031; Regulation 18420.1, subd. (a).
[7] Section 82013, subd. (b).
[8] Section 84200, subd. (b).
[9] Section 84204.

information pertaining to campaign-related communications and advertisement disclosure requirements available on the Commission's website, www.fppc.ca.gov and www.fppc.ca.gov/learn/campaign-rules/campaign-related-communications-at-public-expense.html.

Should you have any questions regarding this letter, please feel free to contact me at arose@fppc.ca.gov or (279) 237-3752.

Sincerely,

Alex J Rose

Alex J. Rose
Senior Commission Counsel, Enforcement Division