



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

September 29, 2026

County of Santa Clara
Office of the County Executive & Office of the County Counsel
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Advisory Letter re FPPC No. 2026-00268; Santa Clara County

Dear Tony LoPresti, James R. Williams, and County of Santa Clara:

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 sworn complaint and amended complaint alleging that the County of Santa Clara (the “County”) and County Executive James R. Williams made prohibited public expenditures for campaign-related communications, failed to include required advertisement disclaimers, and failed to timely file independent expenditure reports in connection with Measure A on the November 4, 2025 Special Election ballot. The Enforcement Division has completed its review of this matter and is closing its file with this advisory letter.

The Act prohibits sending a newsletter or other mass mailing at public expense. 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 or 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 (Regulation 18901.1).

Under the Act and Commission regulations, a payment of public moneys made by a state or local governmental agency for a communication that expressly advocates the passage or defeat of a clearly identified ballot measure, or that taken as a whole and in context, unambiguously urges a particular result in an election, is considered an independent expenditure (Regulation 18420.1). 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 such as bumper stickers, billboards, posters, or mass media advertising; 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 (Regulations 18420.1(b) and 18901.1(e)). Any person or entity that makes independent expenditures totaling \$1,000 or more in a calendar year qualifies as an independent expenditure committee and must timely file campaign statements and 24-hour late independent

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.

expenditure reports pursuant to Sections 84200 and 84204, and include mandatory committee disclaimers under Section 84506.

Our review examined the countywide mass mailers sent to approximately 700,000 households in October 2025 regarding federal budget cuts (H.R. 1) and Santa Clara Valley Healthcare services. The review also evaluated the County's digital resources, web pages (scc.info/federalfunding), and an informational presentation delivered before the Santa Clara Valley Water District Board of Directors on September 23, 2025 (Item 3.4). We found that the mass mailers did not contain express words of advocacy, did not identify Measure A by name or proposition letter, did not cite the proposed 0.625% sales tax rate, and did not instruct recipients on how to vote. While the mailers used urgent language regarding the potential closure of emergency rooms and the loss of hospital services, this framing addressed the operational realities of an annual \$1 billion reduction in federal Medicaid revenues rather than expressly advocating for a local ballot measure. Additionally, our review found that Slide 13 of the 15-slide presentation and certain municipal web pages made factual reference to the Board of Supervisors placing a five-year sales tax on the ballot to generate \$330 million annually, and these references were embedded within broader staff briefings regarding the fiscal impacts of federal legislation. However, the statements in the mailers and digital resources are not sufficiently inflammatory and argumentative to conclude that they constituted campaign activity rather than informational material. Thus, the Enforcement Division cannot conclude that the mailers or the digital resources in question violated the Act's prohibition against campaign activity at public expense. Therefore, we are closing this matter with this advisory letter.

Although we are closing our file without formal administrative action, this letter serves as an advisory to the County of Santa Clara and its officials. Public agencies must exercise significant caution when preparing and distributing communications that touch upon the subject matter of an upcoming ballot measure during an election period. Public agencies should remain mindful that communications utilizing argumentative framing, detailing negative service consequences, or specifically referencing pending ballot proposals can approach the threshold of unambiguously urging an electoral outcome under Regulation 18420.1. The County is advised to implement enhanced administrative review to ensure that future informational materials avoid crossing into campaign-related activity.

If you need additional guidance regarding compliance with the Act, you may contact the Commission's Advice team by sending an email to advice@fppc.ca.gov. Further information pertaining to campaign-related communications at public expense is also available on the Commission's website at www.fppc.ca.gov.

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