



STATE OF CALIFORNIA
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Campaign Advertisements by Government Agencies – a new guide to understanding the rules and requirements

The Fair Political Practices Commission (FPPC), California’s governmental ethics and campaign disclosure agency, today released a new guide to make it easier for public entities to understand and follow the rules involved with spending taxpayer money to inform the public on issues involving political campaigns. Communications containing express advocacy by government agencies paid for with public funds are prohibited under state laws outside of the Political Reform Act. Jurisdiction for enforcement is with local District Attorney’s or the Attorney General’s Office. However, the Act requires disclosure of the expenditures. Failure to do so prevents the public from knowing if a public entity is and how much taxpayer money is being spent political activity.

To assist both the public and the government agencies, the FPPC has enhanced its webpage dedicated to providing information about the rules in the Political Reform Act that apply when a public agency communicates to voters about election-related matters. Among other things, the revised webpage contains real world examples from recent cases and Advice letters to provide a clearer guide for officials at public agencies to follow to avoid violating the Political Reform Act.

In recent years the FPPC has seen a noticeable increase in campaign activity by public agencies. The most common scenario is where a city, county, or special district uses public monies to produce communications - letters, flyers, radio, or television spots - intended to *persuade* voters to support or oppose ballot measures instead of simply providing voters with *impartial* information. When government officials, or the consultants they hire to run these types of campaigns, fail to disclose this type of spending before an election, they violate the Act by denying voters legally required information about who is trying to influence their votes.

A growing number of public entities violated this law in recent years, with the FPPC imposing increasingly large penalties. In fact, the FPPC’s largest penalty ever imposed involved Los Angeles County paying a \$1.35 million settlement for violating the Act.

“Public trust is violated when their leaders willfully ignore the law to use taxpayer money in a political way,” said FPPC Chair Richard C. Miadich. “So along with a pledge to continue taking strong action to penalize and deter such activity, we also want to be as pro-active as possible in our efforts to educate public officials so they can follow the rules and help restore public trust. This new guide will be of great help in doing so.”

The new guide outlines when informing the voters crosses into campaigning the voters. For example, merely labeling a communication as “informational” is not determinative as to whether a communication is informational, or campaign related.



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In addition, the new web page also provides numerous hypothetical examples based on actual, recent cases, providing real world examples to give guidance to public officials and other users with examples including everything from mailers to bumper stickers to television.

The new guide also encourages public officials to reach out to the FPPC (and/or their local agency attorney) for advice on issues before they become a potential or actual violation.

“While we will continue to prioritize enforcement on illegal activity by local governments, we also recognize the need and value of having the public well-informed on decisions they will be asked to make by their local officials in these local elections,” said Miadich. “We encourage everyone to take advantage of this new guide with the latest, updated information to help follow the law and make sure taxpayer money spent is transparent to the public and government officials are accountable.”

A link to the fact sheet can be found here: [Campaign Advertisements by Government Agencies](#)

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