



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

January 16, 2024

Our Voice Latino Voter Guide  
c/o David Gould, Treasurer



The Council of Concerned Women Voters Legislative Guide  
c/o David Gould, Treasurer



Progressive Voter Guide  
c/o David Gould, Treasurer



**Warning Letter Re: FPPC No. 2020-00853; Our Voice Latino Voter Guide, The Council of Concerned Women Voters Legislative Guide, Progressive Voter Guide**

Dear All:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).<sup>1</sup> This letter concerns a commission-initiated case regarding whether the Slate Mailer Organizations (“SMOs”), Our Voice Latino Voter Guide (“Our Voice”), The Council of Concerned Women Voters Legislative Guide (“Council of Concerned Women”), and Progressive Voter Guide (“Progressive Voter”) violated the Act’s slate mailer disclaimer requirements. The Enforcement Division has completed its review of the facts in this case and has found that the SMOs, Our Voice, Council of Concerned Women, and Progressive Voter, failed to include all aspects of the required slate mailer advertisement disclosures.

A slate mailer is a mass mailing (of more than 200 substantially similar pieces of mail) that supports or opposes a total of four or more candidates or ballot measures.<sup>2</sup> A slate mailer organization (“SMO”) includes any organization that: (a) is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be

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<sup>1</sup> 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.

<sup>2</sup> Section 82048.3.

supported or opposed in the slate mailers; and (b) received or is promised payments totaling \$500 or more in a calendar year for the production of one or more slate mailers.<sup>3</sup> The Act requires that slate mailers sent by an SMO include the name, street address, and city of the SMO as well as a “notice to voters” that includes the following language:<sup>4</sup>

**NOTICE TO VOTERS. —**

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 \*.

No slate mailer may be sent unless each candidate and ballot measure that paid to appear in the slate mailer is designated by an asterisk and any candidate or ballot measure that has not paid to appear in the slate mailer must not be designated by an asterisk.<sup>5</sup> Further, the Act requires that the above-referenced notice be placed at the top or bottom of the front side or surface of at least one insert or at the top or bottom of one side or surface of a postcard or other self-mailer, in at least 8-point roman boldface type, in a color or print which contrasts with the background, and in a printed or drawn box set apart from any other printed matter.<sup>6</sup>

Our Voice’s, Council of Concerned Women’s, and Progressive Voter’s actions violated the Act because the SMOs distributed slate mailers that failed to include the portion of the notice stating, “nor does it imply endorsement of, or opposition to, any issues set forth in this mailer” and failed to place the notice within a printed or drawn box. Additionally, the slate mailer distributed by Progressive Voter Guide appears to violate the SMO sender identification requirements because it identifies the SMO using the incorrect name, “Feel the Bern, Progressive Voter Guide,” which is not listed on the SMO’s Form 401. For the following reasons, the Enforcement Division has decided to close this case with a warning letter rather than a fine: the SMOs included the majority of the “notice to voters” required language for slate mailers; the slate mailer disclaimer was readily identifiable even though it was not placed within a printed or drawn box; it was clear that the pertinent candidates did not send the slate mailers; there was no evidence of an intent to violate the Act; and, the SMOs have no prior enforcement history involving the same violations. 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

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<sup>3</sup> Sections 82048.4 and 82047.

<sup>4</sup> Section 84305.5(a)(2).

<sup>5</sup> Section 84305.5(a)(4).

<sup>6</sup> Section 84305.5(a)(2).

Division to take all appropriate actions within their discretion to decrease the Division's annual carryover caseload, the Enforcement Division is closing this case with this warning letter.<sup>7</sup> Discretion was used based upon mitigating or aggravating circumstances and the totality of the circumstances.<sup>8</sup> This resolution may not be used as a comparable case for other enforcement matters.<sup>9</sup>

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 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 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 by e-mail at [vjimmy@fppc.ca.gov](mailto:vjimmy@fppc.ca.gov) or at (279) 237-5971 with any questions you may have regarding this letter.

Sincerely,

*Vanessa Jimmy*

Vanessa Jimmy, Commission Counsel  
Enforcement Division

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<sup>7</sup> <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/AgendaDocuments/General%20Items/2023/january/15.0-Enforcement-directives.pdf>

<sup>8</sup> Regulation 18360.1.

<sup>9</sup> Regulation 18361.5(e)(3).