



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3000 • Sacramento, CA 95811

October 11, 2018

David Mitrani  
obo Toskr, Inc.  
1090 Vermont Ave. NW, Suite 750  
Washington, DC 20005

RE: FPPC Opinion Request

Mr. Mitrani,

The Fair Political Practices Commission (FPPC) received your request dated September 27, 2018 on behalf of your client, Toskr, Inc., for an FPPC opinion regarding whether text messages from campaign committees required advertisement disclosures. Specifically, you inquired about a situation where a committee uses your client's services to send text messages, with content pre-determined by the committee but identifying a committee volunteer as the source of the message. If the recipient responds, the volunteer can respond back with additional information.

Under the Political Reform Act (the Act),<sup>1</sup> the FPPC may issue opinions at the request of any person regarding the duties of that person.<sup>2</sup> The Executive Director of the FPPC determines whether to grant or deny an opinion request.<sup>3</sup> The Executive Director may consider in denying an opinion request, amongst other criteria, whether the question raises no substantial question of interpretation and therefore requires only a routine reply by staff.<sup>4</sup>

Your opinion request does not raise a substantial question of interpretation. Text messages sent by a committee for purpose of supporting or opposing a candidate or ballot measure are within the Act's definition of "advertisement."<sup>5</sup> Text message advertisements are subject to the disclosure requirements for electronic media ads in Government Code section 84504.3, subdivision (a). There is nothing in existing law that would exempt text messages sent by committees from the Act's advertisement disclosure requirements.

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to this source.

<sup>2</sup> §83114.

<sup>3</sup> Reg. §18320, subd. (d).

<sup>4</sup> Reg. §18320, subd. (f)(2).

<sup>5</sup> §84501, subd. (a)(1).

For this reason, we are denying your opinion request. You have the right to request a review of this denial by the Commissioners at public meeting pursuant to Regulation §18321.

Sincerely,



Loressa Hon  
Acting Executive Director  
Fair Political Practices Commission