

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18435.5. Slate Mailer Requirements.

(a) Section 84305.5 requires a slate mailer to identify the slate mailer organization or committee sending the slate mailer, and to designate by an asterisk (*) each candidate and each ballot measure supported or opposed in a slate mailer for which payment of \$100 or more has been received by the organization or committee (either from the candidate, ballot measure committee, or from any other person “at the behest” of a candidate or ballot measure committee as defined in Regulation 18225.7).

(b) To ensure that it is easily legible, the Notice to Voters required by Section 84305.5 shall appear with a reasonable degree of color contrast between the background and the statement and must appear on a plain background, not superimposed over an illustration or a patterned background. Examples of a reasonable degree of color contrast that would meet the standard required by Section 84305.5 are when the disclosure is printed in black text on a white background or a similar degree of color contrast between the background and the text of the disclosure.

(c) **Slate Mailers in Multiple Languages.** The Notice to Voters in a slate mailer shall appear in English. In addition, if all or a significant portion of the slate mailer appears in a language other than English, the Notice to Voters must also appear in that language.

(d) **Electronic Slate Mailers.** In addition to applying to slate mailers sent by traditional mail, the slate mailer identification and disclosure requirements of Section 84305.5 apply to slate mailers distributed electronically.

(1) The “outside” of an electronic slate mailer where the name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures is to be shown pursuant to Section 84305.5(a)(1) includes:

(i) A clickable image or frame of an electronic slate mailer that leads to the slate mailer.

(ii) The body of an email or text message that contains a clickable link or attachment to the slate mailer.

(2) The electronic slate mailer to which a clickable image, clickable frame, clickable link or attachment in the body of an email, and clickable link or attachment in the body of a text message, leads must include the disclosures required by Section 84305.5(a)(1)-(5).

(3) For an electronic slate mailer that is a series of static images or a video that is a sequence of images, all disclosures required by Section 84305.5 may appear on the frame preceding or following the video or series of static images, except each candidate or ballot measure that has paid to appear on the slate mailer must be designated with the asterisk (*) required by Section 84305.5(a)(4) immediately following the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate listing of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

Note: Authority cited: Section 83112, Government Code. Reference: Section 84305.5, Government Code.

HISTORY

1. New section filed 2-17-2011; operative 3-19-2011. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2011, No. 7).
2. Amendment of subsections (b) and (d) and new subsections (d)(1)-(3) filed 8-16-2021; operative 9-15-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 34).