

News from the FPPC



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FPPC Sues the US Postal Service for Failing to Cooperate with State Investigation

The FPPC today filed suit in federal court to compel the United States Postal Service (USPS) to produce records demonstrating a violation of the California Political Reform Act (PRA). USPS is improperly withholding records concerning a negative campaign “hit piece” sent without disclosing its source by a candidate in a California local election. Without this information, the Commission is unable to enforce campaign ethics regulations that compel disclosure of the identity of the sender of campaign mailings.

“We have placed an emphasis on targeting offenders of serious campaign ethics violations. In order to accomplish this objective, we need cooperative partners,” said Commission Chair Ann Ravel. “Despite our efforts to request this information, the USPS has not been forthcoming and has effectively shut down enforcement of these important State laws.”

The PRA requires that mass mailings related to a campaign contain the name of the candidate, street address and city of the candidate or committee that sent the mailer. In order to prove a violation, the FPPC must prove that more than 200 pieces of mail were sent. In the past, the USPS has voluntarily provided this information. In a recent case, the USPS improperly asserted a Freedom of Information Act (FOIA) privilege and denied the request, stating that informing the FPPC of whether a mailing using a bulk permit contained more or less than 200 pieces of mail would give out business “secrets” to their competitors and harm their business practices. The FPPC appealed this denial through every level of the USPS and was denied, which led to the necessity of filing suit in federal court to compel disclosure.

“The Post Office’s unreasonable refusal to provide the information and bizarre use of FOIA to prevent the release of basic information prohibits the Commission from executing its mission,” said Commission Chair Ann Ravel. “The Commission is left with no other choice but to bring a cause of action against the Post Office to compel disclosure. Their refusal to provide this simple information will result in shutting down the enforcement of all similar laws in every State so we feel compelled to take action.”

A Complaint for Declarative and Injunctive Relief has been filed against the United States Postal Service by the Commission in the United States District Court for the Eastern District of California.

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