Slate Mailer Organizations

Campaign Disclosure Manual 7

California Fair Political Practices Commission
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Introduction

This manual provides important information for slate mailer organizations.

California's Political Reform Act ("Act") was adopted by voter initiative in 1974 and has been periodically amended by legislation and initiatives. The Act requires that campaign disclosure reports, as described in this manual, provide the public with the identity of slate mailer organizations and the amounts they spend and receive to produce slate mailers.

Provisions of the Act do not apply to elections for federal office, including the Office of the President and Vice President, or to seats in the U.S. House of Representatives or U.S. Senate. Candidates for federal office and committees that participate in federal campaigns are subject to federal disclosure requirements. Assistance for federal candidates and committees may be obtained from the Federal Election Commission (FEC).

Terminology

It may be helpful to review the definitions contained in Chapter 1 first to become familiar with the different terms used throughout this manual.

How to Use this Manual

The Act requires receipts and expenditures in election campaigns to be fully and truthfully disclosed. This manual has been prepared to assist slate mailer organizations to comply with the Act's numerous and often detailed rules. The manual is written in a "user friendly" format to promote a functional resource guide. It is organized by subject matter and addresses the most common issues of disclosure for slate mailer organizations.

In addition, federal and state tax laws and other rules are applicable to California campaign committees. Telephone numbers and website addresses for the Federal Election Commission, Internal Revenue Service, California Franchise Tax Board, and the Federal Communications Commission are listed in the Appendix.

Controlling Law

This manual summarizes key campaign disclosure laws and regulations and draws from years of FPPC staff advice on complying with the provisions of the Act's campaign disclosure laws. Each slate mailer organization's activity is different, however, and may raise issues not discussed in this manual. If there are any discrepancies between the manual and the Act or its corresponding regulations, the Act and its regulations will control.

Need Help?

If you need assistance, the Fair Political Practices Commission (FPPC) provides advice by email and by a toll-free telephone advice line. The FPPC does not provide third party advice or advice on past conduct. In addition, the FPPC website (www.fppc.ca.gov) contains forms, manuals, and a wealth of other helpful information.

Email Advice	Telephone Advice
advice@fppc.ca.gov	1-866-ASK FPPC (1-866-275-3772)

What is a Slate Mailer Organization?

A. Overview

The Political Reform Act (Act) requires organizations that receive payments for the purpose of producing one or more slate mailers supporting or opposing state and local candidates and ballot measures to file periodic campaign statements that disclose:

- All payments received in connection with producing slate mailers;
- All payments made in connection with producing slate mailers; and
- The identity of each candidate or measure supported or opposed by each slate mailer.

This chapter defines key terms and concepts that relate to campaign disclosure.

Payment

"Payment" means a payment, distribution, transfer, loan, advance, deposit, gift, or other rendering of money, property, services or anything else of value, whether tangible or intangible.

Slate Mailer

A slate mailer is a mass mailing (more than 200 substantially similar pieces of mail sent in a calendar month) that supports or opposes a total of four or more candidates or ballot measures.

Note: For a mass mailing supporting a candidate, any opponents of the candidate listed on the same slate are not counted toward the total required to qualify as a slate mailer.

Quick Tip

The slate mailer identification and disclaimer requirements also apply to slate mailers distributed electronically.

Slate Mailer Organization

A slate mailer organization is any person who directly or indirectly:

- Is involved in the production of one or more slate mailers and exercises control over the selection of candidates and measures to be supported or opposed in the slate mailers; and
- Receives or is promised payments totaling $500 or more in a calendar year for the production of one or more slate mailers.

A slate mailer organization does not include:

- An officeholder or candidate or an officeholder's or candidate's controlled committee;
- An official committee of a political party;
- A legislative caucus committee; or
- A committee primarily formed to support or oppose an officeholder, candidate, or ballot measure.

Ex 1.1 – A business entity prepares a pamphlet called "Voter Guide 20XX" that lists 10 candidates and expressly advocates that the reader vote for the identified candidates. The entity received $400 each from eight of the candidates. The entity qualifies as a slate mailer organization and must file registration and disclosure statements.

Ex 1.2 – The Youth Resources Group is an organization that meets regularly for luncheons and collects dues to help pay for the luncheon expenses. The group does not make contributions or independent expenditures to support or oppose specific candidates. However, in the upcoming state election, the group prepares a mailer expressly advocating a "yes vote" for a slate of 20 candidates. The group collected $4,000 for the mailer; $800 each from five of the listed candidates. The group qualifies as a slate mailer organization and must register and file reports.

B. When Does a Slate Mailer Organization also Qualify as a Campaign Committee?

A slate mailer organization may also qualify as a general purpose recipient committee if it receives "contributions" of $2,000 or more in a calendar year. Some important factors to keep in mind when determining whether a slate mailer organization has received contributions and therefore qualified as a general purpose recipient committee are listed below.

- Payments *received* by the organization from candidates or committees who wish to appear on a slate mailer, or from a third party who is paying to have a specific candidate or measure included on a slate mailer, are not considered contributions to the slate mailer organization. Although such payments count toward the qualification as a slate mailer organization, they do not count toward qualification as a recipient committee.

Quick Tip

If a slate mailer organization also qualifies as a recipient committee, additional reporting obligations will apply.

Third party payments would be considered contributions or independent expenditures made by the third party to or on behalf of the specific candidate or measure supported or opposed.

- Payments received by a slate mailer organization for the *general* production or distribution of slate mailers, or for the purpose of making contributions or independent expenditures, are considered contributions to the slate mailer organization. If the organization receives contributions totaling $2,000 or more in a calendar year, it will also qualify as a recipient committee.

- Payments *made* by a slate mailer organization for the production and distribution of slate mailers are not considered contributions or independent expenditures to or on behalf of the candidates or measures supported or opposed in the slate mailers. Therefore, such payments do not count toward qualification as a recipient committee.

Ex 1.3 – Citizens for Energy Resources is a general purpose recipient committee that receives contributions for the purpose of supporting candidates and ballot measures. The committee will produce a slate mailer in connection with the upcoming election and has received $750 from four candidates who wish to appear on the slate mailer. The $750 received from the candidates will qualify Citizens as a slate mailer organization.

Ex 1.4 – The Independent Natural Food Coalition is an organization that monitors legislation and produces educational materials concerning chemical free foods. Before an election, the Coalition receives $2,000 from more than four candidates who wish to appear in a mailer. In addition, the Coalition receives $4,200 from various other sources who wish to donate toward the cost of the slate mailer, but did not know at the time who the specific candidates were. The Coalition will qualify as a slate mailer organization by virtue of receiving *payments totaling* $500 or more from candidates who wish to appear on the mailer, and as a general purpose recipient committee by virtue of receiving *contributions totaling* $2,000 or more.

Authority

The following Government Code sections provide authority for the information in this chapter:

Government Code Sections

82048.3	Slate Mailer.
82048.4	Slate Mailer Organization.
82013	Committee.
82015	Contribution.

Disclaimer Requirements

The Act requires a slate mailer organization that sends a slate mailer, as defined in Chapter 1, to include specific disclaimers as part of the mailer. This chapter describes the information that must be provided in a slate mailer.

A. Notice to Voters

A slate mailer organization that produces a slate mailer must include the following Notice to Voters at the top or bottom of the front side or surface of at least one insert contained in the slate mailer, or at the top or bottom of one side or surface of a postcard or other type of mailer:

NOTICE TO VOTERS

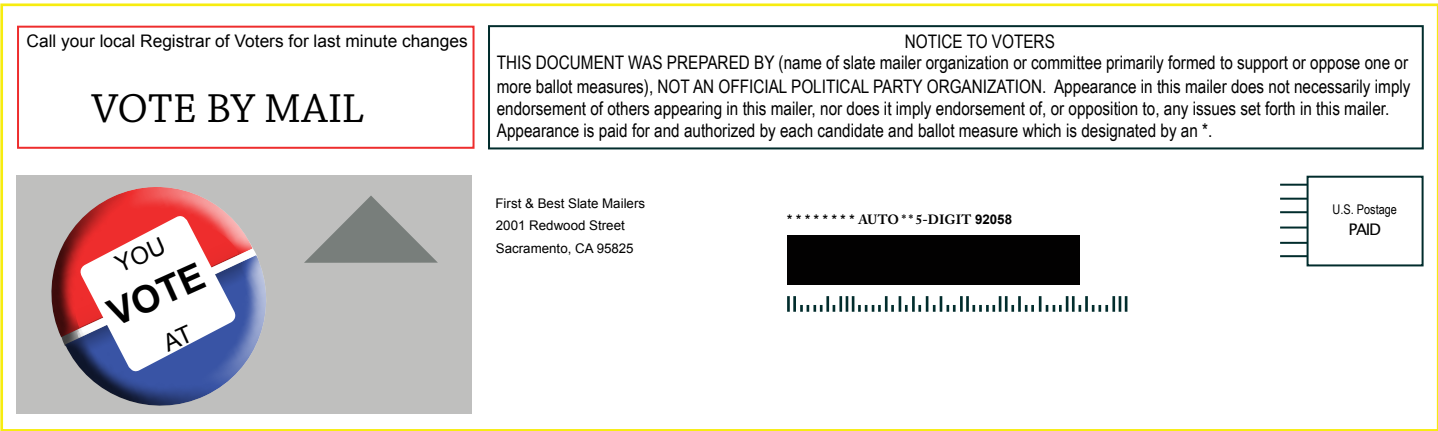
THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does 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 *.

The notice must be printed in at least 8-point roman boldface type, which must be in a color or print that contrasts with the background. The notice also must be contained in a printed or drawn box which is set apart from any other printed matter.

If the slate mailer appears 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.

Quick Tip

The slate mailer identification and disclaimer requirements also apply to slate mailers distributed electronically.



B. Sender Identification Requirements

Slate mailers that are sent by a slate mailer organization must contain the name, street address, and city of the slate mailer organization. A post office box may be used in lieu of a street address if the organization's street address is listed on its Statement of Organization, Form 400, on file with the Secretary of State.

The identification must be shown on the outside of each piece of slate mail and on at least one of the inserts included with each piece of slate mail. It must be printed in no less than 8-point roman type in a color or print that contrasts with the background.

C. Identification of Candidates and Committees for Which Payments Have Been Received

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 (either from the candidate or committee, or from any other person at the behest of the candidate or committee) must be designated in the slate mailer by an asterisk (*).

The asterisk must be of the same type size, type style, color or contrast, and legibility that is used for the name of the candidate or the name or number of the ballot measure supported or opposed on the slate mailer, except that it need not be larger than 10-point boldface type.

The asterisk must immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure, if the candidates and measures supported or opposed appear in a list. If the mailer consists of a narrative text rather than a slate listing, the asterisk must 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.

Quick Tip

If a slate mailer organization receives a payment from a third party for the purpose of including a candidate or ballot measure in a slate mailer, inclusion of the asterisk will depend upon whether the third party's payment is an in-kind contribution or an independent expenditure. An asterisk is required if the payment is an in-kind contribution. As asterisk is not required if the payment is an independent expenditure.

Quick Tip

An asterisk should not appear next to any candidate or ballot measure listed on a slate mailer for free. This is true even if authorization has been received from the candidate or ballot measure committee or the candidate or ballot measure committee has paid to appear on other slate mailers prepared by the slate mailer organization.

The "A" Team

A Guide To Take To The Polls

Jim Johnson
Mayor

John Lim *
City Council

Juanita Ruiz *
City Council

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 *.

☑ **Yes**
on
Measure A
Support Our Libraries

If the name of a candidate appears in a slate mailer sent by a slate mailer organization and the candidate is a member of a political party which is different than the political party represented by the mailer, the party designation of the candidate must appear immediately below the candidate's name in no less than 9-point roman type in a color or print that contrasts with the background so as to be easily legible. The designation is not required for nonpartisan office.

Quick Tip

The asterisk requirement is not applicable to candidates and committees from whom payments totaling less than $100 have been received by the slate mailer organization.

D. Use of Logos or Public Safety Names

Governmental Agency Logos

Slate mailer organizations must obtain express written consent from a governmental agency prior to using the logo, insignia, emblem, or trademark of the agency, or a substantially similar logo, insignia, emblem, or trademark, in a slate mailer or other mass mailing, if its use would reasonably be understood to imply the participation or endorsement of that agency.

Nongovernmental Agency Logos and Public Safety Names

Slate mailer organizations must obtain express written consent from a nongovernmental organization that represents law enforcement, firefighting, emergency medical, or other public safety personnel, prior to using the logo, insignia, emblem, or trademark of the organization, or a substantially similar logo, insignia, emblem, or trademark, in a slate mailer or other mass mailing, if its use would reasonably be understood to imply the participation or endorsement of that organization.

Slate mailer organizations that send a slate mailer or other mass mailing that identifies itself or its source material as representing a nongovernmental organization with a name that includes the term "peace officer," "reserve officer," "deputy," "deputy sheriff," "sheriff," "police," "highway patrol," "California Highway Patrol," "law enforcement," "firefighter," "fire marshal," "paramedic," "emergency medical technician," "public safety," or any other term that would reasonably be understood to imply that the organization is composed of, or affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, must disclose the total number of members in the organization identified. This disclosure must be included on the outside of each piece of mail and on at least one of the inserts included with each piece of mail in no less than 12-point roman type in a color or print that contrasts with the background so as to be easily legible.

Answering Your Questions

A. May a slate mailer organization include additional information in the "Notice to Voters" so long as the original requirements have been met?

No. The "Notice to Voters" language required by the Act must be kept separate from any other information.

B. If a slate mailer organization receives a payment from a third party for the purpose of supporting or opposing a specific candidate or measure on a slate mailer, should an asterisk be included next to the name of the candidate or measure?

Whether an asterisk should appear next to the name of the candidate or measure depends upon whether the payments to the slate mailer organization are in-kind contributions to the candidate or ballot measure committee or are independent expenditures. Generally, if a payment is coordinated with the candidate or ballot measure committee, it would be considered an in-kind contribution. An asterisk is required for in-kind contributions, but is not required for independent expenditures.

Authority

The following Government Code sections and Title 2 regulations provide authority for the information in this chapter:

Government Code Sections

82041.5	Mass Mailing.
82043	Measure.
82048.3	Slate Mailer.
82048.4	Slate Mailer Organization.
84305.5	Slate Mailer Identification and Disclaimer Requirements.
84305.7	Slate Mailer Requirements; Use of Logos or “Public Safety” Names.

Title 2 Regulations

18435	Definition of Mass Mailing and Sender.
18435.5	Slate Mailer Requirements.

Reporting Requirements

A. Overview

The Act requires slate mailer organizations to file periodic campaign statements that disclose:

- All payments received in connection with producing slate mailers;
- All payments made in connection with producing slate mailers; and
- The identity of each candidate or measure supported or opposed by each slate mailer.

Slate mailer organizations must file campaign statements at specified intervals. This chapter describes the purpose of each campaign statement, identifies the information each statement requires, and indicates when and where each statement must be filed. This chapter also reviews how to file and, when necessary, amend the four campaign disclosure reports filed by slate mailer organizations. A responsible officer of the slate mailer organization must always sign the verification section of each form. A form is not considered filed if it is not signed.

Campaign statements containing 30 pages or less may be faxed provided that the required original (a statement containing an original signature of the responsible officer) and the required copies are sent by first-class mail or by guaranteed overnight delivery service within 24 hours of the filing deadline.

Substantial civil and criminal penalties may result if campaign statements are not filed in compliance with the Act. In addition, late filing penalties of up to $10 per day may be assessed if forms are not filed on time. Provisions do not exist for the extension of due dates.

B. Forms Filed by Slate Mailer Organizations

The following campaign forms are used by slate mailer organizations. Information about how to complete the forms and when and where to file the forms is provided below.

Form	Purpose
400 Statement of Organization (Slate Mailer Organization)	Used by individuals or entities that received or who are promised $500 or more in a calendar year for the production of one or more slate mailers
401 Slate Mailer Organization Campaign Statement	Used to report payments made and received to produce slate mailers
402 Statement of Termination (Slate Mailer Organization)	Used by slate mailer organizations that are eligible to terminate their filing obligations
498 Slate Mailer Late Payment Report	Used to report a payment totaling $2,500 or more received by the slate mailer organization in the 90 days immediately preceding the election for which the mailer was designed

Summary of Where to File Campaign Forms

Level of Activity	Form Number	Filling Location
State	400, 402	**Secretary of State:** original & one copy
	401, 498	**Secretary of State:** original & one copy; County of Domicile: two copies
County	400, 402	**Secretary of State:** original & one copy; County Elections: one copy
	401, 498	**County Elections:** original & one copy; County of Domicile, if different: two copies
City	400, 402	**Secretary of State:** original & one copy; City Clerk: one copy
	401, 498	**City Clerk:** original & one copy

C. When and Where to File Form 400

An individual or entity that qualifies as a slate mailer organization must file an original and one copy of the Form 400 (Statement of Organization) with the Secretary of State within 10 days. A copy of Form 400 must be filed with the local filing officer, if any, with whom the slate mailer organization will be required to file its original campaign statements.

Form 400 may be filed prior to receiving or being promised payments totaling $500 or more. Enter "not yet qualified" in the "Date Qualified as a Slate Mailer Organization" box. When $500 has been received, file an amended Form 400 indicating the date qualified.

The Secretary of State's office will issue an identification number to the slate mailer organization upon receipt of the Form 400. This identification number must be included on all slate mailer campaign disclosure forms.

A slate mailer organization must file campaign disclosure statements until it no longer receives payments or makes disbursements in connection with the production of slate mailers. To terminate, the organization must file a Statement of Termination (Form 402). Form 402 is reviewed at the end of this chapter.

24-Hour Filing: If an entity qualifies as a slate mailer organization during the 16 days immediately preceding an election for which it would be required to file pre-election campaign statements, the slate mailer organization must file the Statement of Organization by fax, guaranteed overnight delivery, or personal delivery within 24 hours of qualification. The 24-hour statement must be sent to the Secretary of State and a copy to the local filing officer who will receive the organization's original campaign statements.

D. Amending Form 400

If any information on a Statement of Organization changes, the committee must file an amendment within 10 days of the change. The amended Form 400 must be sent to the Secretary of State and the local filing officer, if any, with whom the slate mailer organization is required to file the originals of its campaign statements and must include:

- The slate mailer organization's name and identification number in the spaces provided;
- The "Amendment" box checked at the top of the form; and
- The amended information.

24-Hour Amendment: If, during the 16 days prior to an election in connection with which a slate mailer organization is required to file pre-election statements, there is a change in:

- The name of the slate mailer organization;
- The organization's treasurer or other principal officers; or
- The name of any person who authorizes the content of a slate mailer.

An amendment must be filed by fax, guaranteed overnight delivery, or personal delivery within 24 hours to report these changes. The amendment must be filed with the filing officer with whom the organization files the originals of its campaign statements.

Ex 3.1 –First & Best Slate Mailers changed two of its principal officers. The slate mailer organization must provide the required information about the new officers on an amended Form 400 within 10 days of the change.

STATEMENT OF ORGANIZATION

Statement of Organization (Slate Mailer Organization)

(Government Code Sections 84100, 84101, 84103, 84104, 84108)

Type or Print in Ink

Amendment
☐ Check box if an Amendment and enter I.D. number:
#

Date Stamp

CALIFORNIA FORM 400

For Official Use Only

1 **Please check one box to indicate the organization's level of activity:**
☐ CITY
☑ STATE
☐ COUNTY

File original and one copy of this form with:
Secretary of State
Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814

And, if applicable, file one copy of this form with:
The city or county officer, if any, with whom the organization must file its original campaign disclosure statements.

Date qualified as a Slate Mailer Organization:
(Month, Day, Year)
1/10/XX

2 **Slate Mailer Organization Information**

FULL NAME OF SLATE MAILER ORGANIZATION:
First & Best Slate Mailers

STREET ADDRESS OF SLATE MAILER ORGANIZATION: (NO AND STREET)
2001 Redwood Street

AREA CODE: 916
PHONE NUMBER: 222-1111

CITY: Sacramento
STATE: CA
ZIP CODE: 95825
COUNTY: Sacramento

OPTIONAL: FAX / E-MAIL ADDRESS

MAILING ADDRESS OF FILER (IF DIFFERENT THAN ABOVE):
P.O. Box 1996, Sacramento, CA 95899

A OFFICIAL USE ONLY

B OFFICIAL USE ONLY

3 **Treasurer And Other Principal Officers**

POSITION	NAME AND PERMANENT ADDRESS	(AREA CODE) DAYTIME PHONE NO.
TREASURER	Sam Periwinkle, 100 B Street, Sacramento, CA 95815	916-222-1010
President	Ginger First, 999 Viceroy Avenue, Sacramento, CA 95835	916-222-4444
Vice-President	Colleen Best, 608 Southland Street, Sacramento, CA 95817	916-222-8888

FPPC Form 402 (January/05)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

E. Completing Form 400

1 Level of Activity

State

If the organization produces one or more slate mailers supporting or opposing candidates or measures being voted upon in a state election, or in more than one county, check the “state” box.

County

If slate mailers are produced which support or oppose candidates or measures being voted upon in one county, or more than one city within one county, check the “county” box.

City

If slate mailers are produced which support or oppose candidates or measures being voted upon in one city, check the “city” box.

Date Qualified as a Slate Mailer Organization

The date qualified is the date the organization received or was promised payments totaling $500 or more in a calendar year for the production of one or more slate mailers.

2 Slate Mailer Organization Information

Provide the organization's full name and street address. A post office box may be used as a mailing address. The organization may have more than one mailing address.

When an individual or business entity qualifies as a slate mailer organization, the name must include the name by which the individual or entity is identified for legal purposes.

3 Treasurer and Other Principal Officers

A slate mailer organization must have a treasurer. The treasurer's name, home or business address, and a phone number where the treasurer can be reached during business hours must be listed. In addition, the Form 400 must identify any other individual who has final decision making authority as to which candidates or measures will be supported or opposed. If the organization has principal officers other than the treasurer, such as a president, secretary, or chairperson, they must also be identified.

4 Individuals Who Authorize Contents of Slate Mailers

List the full name, street address, and business telephone number of each individual with final decision making authority as to which candidates or measures will be supported or opposed in the organization's slate mailers.

5 Is This Organization a "Committee" Pursuant to Government Code Section 82013?

If the slate mailer organization is also a committee, check "yes." Provide the name and identification number, if any, of the committee.

6 Verification

The statement must be signed and verified by a responsible officer of the slate mailer organization.

Statement of Organization
(Slate Mailer Organization)
(Government Code Sections 84100, 84101, 84103, 84104, 84108)

Type or Print in Ink

STATEMENT OF ORGANIZATION
CALIFORNIA FORM **400**
Page 2

FULL NAME OF SLATE MAILER ORGANIZATION:
First & Best Slate Mailers

4 **Individuals Who Authorize Contents Of Slate Mailers** *(See instructions on reverse)*

FULL NAME	ADDRESS (NO. AND STREET, CITY, STATE, ZIP CODE)	(AREA CODE) DAYTIME PHONE NO.
Ginger First	999 Viceroy Avenue, Sacramento, CA 95835	916-222-4444

Attach additional information on appropriately labeled continuation sheets.

5 **V Is This Organization A "Committee" Pursuant To Government Code Section 82013?**

☐ YES (PROVIDE THE NAME AND, IF RECIPIENT COMMITTEE, THE IDENTIFICATION NUMBER OF THE COMMITTEE.) ☑ NO

NAME _____ ID NO. _____

6 **V Verification**

I have used all reasonable diligence in preparing this statement. I have reviewed the statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on X/XX/XX (DATE) At Sacramento, CA (CITY AND STATE) By [Signature Required] (SIGNATURE OF RESPONSIBLE OFFICER)

Name of Responsible Officer Ginger First (TYPE OR PRINT) Title President

FPPC Form 400 (January/05)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

F. Form 401 – Campaign Statement

Form 401 is used to report payments received and made by a slate mailer organization. Form 401 must be filed if the organization produces one or more slate mailers and:

- Receives or is promised $500 or more in a calendar year; or
- Makes payments of $500 or more in a calendar year.

G. When to File Form 401

Semi-Annual Statements

Slate mailer organizations must file a semi-annual statement for each half of the year. Semi-annual statements are due on July 31 and January 31, with closing dates of June 30 and December 31 respectively. The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed. These statements are required even if the organization has no activity.

Pre-Election Statements

In addition to semi-annual statements, slate mailer organizations must file pre-election statements in connection with a specific election if the organization:

- Produces one or more slate mailers supporting or opposing candidates or measures being voted upon in an election, and
- Receives payments totaling $500 or more or makes payments totaling $500 or more during the period covered by the pre-election statement for the purpose of producing slate mailers.

Refer to the FPPC's website for filing deadlines.

If the slate mailer organization receives payments in connection with a local election, use the filing schedule for that particular election to determine the deadlines for filing pre-election statements.

If a state special election is held during the year, review the filing schedule for that election to determine the deadlines for additional statements that are required.

H. Where to File Form 401

"State" Slate Mailer Organizations

Slate mailer organizations which produce one or more slate mailers supporting or opposing candidates or measures being voted upon in a state election, or in more than one county must file:

- The original and one copy of the Form 401 with the Secretary of State; and
- Two copies of the Form 401 with the clerk of the county in which the slate mailer organization is domiciled.

These reports must be filed on paper by personal delivery or first class mail. An organization that is required to file electronically (see "Electronic Filing" below) must also file an electronic report.

"County" Slate Mailer Organizations

Slate mailer organizations which produce one or more slate mailers supporting or opposing candidates or measures voted on in a single county, or in more than one jurisdiction within a single county, must file:

- The original and one copy of the Form 401 with the clerk of the county in which the candidates or measures are being voted upon; and
- Two copies of the Form 401 with the clerk of the county in which the organization is domiciled, if different than the county in which the election is being held.

"City" Slate Mailer Organizations

Slate mailer organizations which produce one or more slate mailers supporting or opposing candidates or measures voted on in only one city must file:

- The original and one copy of the Form 401 with the clerk of the city in which the candidates or measures are being voted upon.

Quick Tip

A state slate mailer organization that also produces slate mailers in connection with city or county elections is not required to file additional reports as a county or city slate mailer organization. However, if a slate mailer organization is initially required to file as a county or city slate mailer organization and later during the calendar year it qualifies as another type of slate mailer organization, it must continue to file copies of its campaign statements in the original city or county (in addition to the other locations in which it is required to file) until the end of the calendar year.

Electronic Filing

Organizations that are required to file reports with the Secretary of State must file electronically if they have received or made payments totaling $25,000 or more for the purpose of producing slate mailers. Paper reports are also required, except for Form 498. Some local jurisdictions require reports to be filed electronically. Check with the local elections office.

COVER PAGE

Slate Mailer Organization Campaign Statement
(Government Code Sections 84218 - 84219)

Type or print in ink.

Date Stamp

CALIFORNIA FORM 401

Page 1 **of** 6

For Official Use Only

SEE INSTRUCTIONS ON REVERSE

☐ **Amendment** (explain): _____

Statement covers period
from X/XX/XX
through X/XX/XX

1 **Slate Mailer Organization Information**

FULL NAME OF SLATE MAILER ORGANIZATION: First & Best Slate Mailers
ID NUMBER: 59064XX
ADDRESS: 2001 Redwood Street
NO. AND STREET
CITY: Sacramento STATE: CA ZIP CODE: 95825 PHONE NUMBER: (916) 222-1111
NAME OF TREASURER: Sam Periwinkle
ADDRESS: 100 B Street
NO. AND STREET
CITY: Sacramento STATE: CA ZIP CODE: 95815 DAYTIME PHONE NUMBER: (916) 222-1010

2 **II Is This A General Purpose Committee?**

If this Slate Mailer Organization is also a "general purpose committee" as defined in Government Code Section 82027.5, check box and attach the committee's campaign disclosure report to this statement.

N/A Committee Report Attached

ID Number if Recipient Committee

3 **Summary of Payments**

	(A) Total This Period	(B) Cumulative to Date (Since January 1 of calendar year covered)
1. TOTAL PAYMENTS RECEIVED	$ 55,500 (Sch. A, Line 3)	$ 235,068
2. TOTAL PAYMENTS MADE	$ 14,000 (Sch. B, Line 3)	$ 198,757

4 **Verification**

I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on X/XX/XX (DATE) At Sacramento, CA (CITY AND STATE) By [Signature Required] (SIGNATURE OF RESPONSIBLE OFFICER)

Name of Responsible Officer Ginger First (TYPE OR PRINT) Title President

FPPC Form 402 (January/05)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

I. Completing Form 401 Cover Page

Amendments

To amend a previously filed statement, check the Amendment box, give a brief explanation of the amendment, and list the schedules being amended. Complete Part 3, if applicable. Be sure to enter the period covered by the statement being amended.

Period Covered

The period a campaign statement covers – whether a pre-election or a semi-annual – begins on the closing date of the most recently filed campaign statement. The period for the first statement filed begins on January 1 of the year for which the statement is filed. Refer to the filing schedules on the FPPC's website for specific dates.

1 Slate Mailer Organization Information

The information disclosed in Part I must correspond to the information disclosed on the slate mailer organization's Statement of Organization, Form 400.

2 Committee Campaign Statements

If the slate mailer organization is also a recipient committee, independent expenditure committee, or major donor committee, attach the most recently filed committee campaign statement (Form 450, 460 or 461). If the organization is a recipient committee, enter the committee's ID Number.

3 Summary of Payments

Report total payments received and total payments made in connection with producing slate mailers for both the period covered by the statement and since January 1 of the calendar year covered.

Total Payments Received (Line 1)

In Column A, enter the total payments received during the period covered by the statement for the production and distribution of slate mailers. This should be the same as the amount on Line 3 of the Summary section of Schedule A. In Column B, enter the cumulative amount of payments received since January 1 of the calendar year covered by the statement for the production and distribution of slate mailers.

Total Payments Made (Line 2)

In Column A, enter the total amount of payments made during the period covered by the statement for the production and distribution of slate mailers. This should be the same as the amount on Line 3 of the Summary section of Schedule B. In Column B, enter the cumulative amount of payments made since January 1 of the calendar year covered by the statement for the production and distribution of slate mailers.

4 Verification

If the filer is an individual, he or she must sign the statement. If the filer is an entity or other organization, a responsible officer of the entity or organization, or an attorney or certified public accountant acting as the entity's or organization's agent, must sign the statement.

Schedule A
Payments Received

SCHEDULE A

Statement covers period
from X/XX/XX
through X/XX/XX

CALIFORNIA FORM **401**

Page 2 of 6

SEE INSTRUCTIONS ON REVERSE

NAME OF SLATE MAILER ORGANIZATION
First & Best Slate Mailers

I.D. NUMBER
59064XX

(1)	(2)	(3)			(4)	(5)
		(a)	(b)			
DATE RECEIVED	IDENTIFICATION OF PERSONS FROM WHOM $100 OR MORE HAS BEEN RECEIVED THIS PERIOD (SEE IMPORTANT INSTRUCTIONS ON REVERSE)	NAME, OFFICE SOUGHT, AND JURISDICTION OF CANDIDATE/ NAME, JURISDICTION, AND NUMBER OR LETTER OF BALLOT MEASURE SUPPORTED OR OPPOSED (IF DIFFERENT THAN COLUMN 2)	CHECK BOX TO INDICATE IF PAYMENT WAS RECEIVED TO SUPPORT OR OPPOSE CANDIDATE OR MEASURE INCLUDED IN SLATE MAILER		AMOUNT RECEIVED THIS PERIOD	CUMULATIVE AMOUNT RECEIVED SINCE JANUARY 1 PER CANDIDATE OR MEASURE
			SUPPORT	OPPOSE		
5/25/XX	Loren Chu for Governor 2018 428 Front St., Sac, CA 95814 ID 13447XX		✓		50,000	50,000
6/1/XX	ABC Trade Association 22 Main Street Sacramento, CA 95814	Jane Smith, Assembly District 2, State	✓		5,000	5,000
6/30/XX	Gallagher for Judge 1200 8th St., L.A., CA 90010 ID 12223XX		✓		500	500
				SUBTOTAL	$ 55,500	

Summary

1. Amount Received – Itemized payments (include all Schedule A subtotals) ..... $ 55,500
2. Amount Received – Payments of less than $100 (not itemized) ..... $ 0
3. Total Payments Received (Line 1 + Line 2). Enter here and in Column A, Line 1, of the Summary of Payments section on Page 1 ..... $ 55,500

FPPC Form 402 (January/05)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

J. Completing Form 401 Schedule A – Payments Received

Report on Schedule A all payments received in connection with producing slate mailers. Payments of $100 or more received during the period from a single source must be itemized.

If payments received from a single source during the period covered by the statement total $100 or more, provide the following information:

- The date received.
- If payments of $100 or more were received during the period from candidates and committees, include:

- The name and street address of the candidate or committee.
- The committee's identification number if the payment was received from a committee.
- The jurisdiction and office sought or held by the candidate or officeholder making the payment, or
- The jurisdiction and ballot letter or number if paid by a committee formed to support or oppose a ballot measure.

- If payments of $100 or more were received during the period from persons other than a candidate or committee, Column (2) must include the full name and street address of the payor. If the payor is an individual, also report the name of the individual's employer or, if self-employed, the name of the business.

- If payments of $100 or more were received during the period from persons other than the candidate supported or opposed in a slate mailer, or other than the committee primarily formed to support or oppose a ballot measure, Column (3) must include:
  - The name, office sought, and jurisdiction of the candidate supported or opposed, or the name, jurisdiction, and number or letter of the ballot measure supported or opposed (Column (a)); and
  - An indication whether the payment received was in support of or opposition to the candidate or measure (Column (b)).

- The amount received during the period covered by the report from each payor.

- The cumulative amount of payments received from each payor on behalf of or in opposition to each candidate or measure included in a slate mailer since January 1 of the calendar year covered by the statement.

Summarize at the bottom of Schedule A all payments received during the period for production and distribution of slate mailers. Payments of less than $100 need only be reported as a lump sum amount.

Quick Tip

If a slate mailer organization receives a payment which totals $2,500 or more from a single source for the purpose of supporting or opposing any candidate or ballot measure in a slate mailer during the 90 days prior to an election, the Form 498 must be filed within 24 hours.

SCHEDULE B

Schedule B
Payments Made

SEE INSTRUCTIONS ON REVERSE

Statement covers period
from X/XX/XX
through X/XX/XX

CALIFORNIA FORM **401**

Page 3 of 6

NAME OF SLATE MAILER ORGANIZATION
First & Best Slate Mailers

I.D. NUMBER
59064XX

NAME AND STREET ADDRESS OF PAYEE	DESCRIPTION OF PAYMENT	AMOUNT PAID
ABC Communications 44 - 9th Street Sacramento, CA 95814	Consulting Services	10,000
Westly Research 10 Second Street Los Angeles, CA 91300	Survey Material	4,000
	SUBTOTAL $	14,000

Summary

1. Payments of $100 or more (include all Schedule B subtotals) ..... $ 14,000
2. Payments under $100 this period (not itemized) ..... $ 0
3. Total payments this period (Line 1 + Line 2). Enter here and in Column A, Line 2, of the Summary of Payments section on Page 1 ..... $ 14,000

FPPC Form 402 (January/05)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

K. Completing Form 401 Schedule B – Payments Made

Report on Schedule B all payments made in connection with producing and distributing slate mailers. Each payment of $100 or more made during the period covered by the statement must be itemized, including the name and street address of the payee, a description of the payment, and the amount paid.

In the Summary section, report all payments made to persons in connection with the slate mailers; a lump sum amount is reported for payments of less than $100 during the period.

Schedule B-1
Payments Made By An Agent or Independent Contractor on Behalf of A Slate Mailer Organization

SCHEDULE B-1

Statement covers period	CALIFORNIA FORM 401
from X/XX/XX	
through X/XX/XX	Page 4 of 6

NAME OF SLATE MAILER ORGANIZATION: First & Best Slate Mailers

I.D. NUMBER: 59064XX

NAME OF AGENT OR INDEPENDENT CONTRACTOR: ABC Communications

NAME AND STREET ADDRESS OF PAYEE	DESCRIPTION OF PAYMENT	AMOUNT PAID
Mary Ann's Color Photography 600 Broadway Sacramento, CA 95819	Photography	$2,000
Campaign Plus 22 - 21st Street Sacramento, CA 95814	Accounting/Campaign Filing	$1,200
	TOTAL*	$3,200

***Do not transfer to any other schedule or to the Summary.** This total may not equal the amount paid to the agent or independent contractor as reported on Schedule B by the Slate Mailer Organization.

FPPC Form 402 (January/05)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

L. Completing Form 401 Schedule B-1 – Payments Made by Agents or Independent Contractors

When an agent or independent contractor makes expenditures of $500 or more on behalf of a slate mailer organization, report the expenditures in the same detail as if made directly by the organization.

Payments of $500 or more made by the agent or independent contractor may be reported on either Schedule B or Schedule B-1. Information required to be disclosed includes:

- The full name and street address of each vendor who was paid $500 or more;
- The amount paid to each vendor during the period; and
- A brief description of the product(s) or service(s) received.

When reporting a payment by an agent or independent contractor on Schedule B-1, also report on Schedule B the amount paid to the agent or independent contractor.

Quick Tip

Payments made by the agent or independent contractor for his/her own overhead and operating expenses are not required to be reported by the organization.

Schedule C
Persons Receiving
$1000 or More

SEE INSTRUCTIONS ON REVERSE

SCHEDULE C

Statement covers period	CALIFORNIA FORM 401
from X/XX/XX	
through X/XX/XX	Page 5 of 6

NAME OF SLATE MAILER ORGANIZATION: First & Best Slate Mailers

I.D. NUMBER: 59064XX

You must identify each individual listed on your Statement of Organization (Form 400) who received, directly or indirectly, $1,000 or more from the organization during the period. (See instructions on reverse regarding "indirect" payments.)

NAMES OF INDIVIDUALS RECEIVING $1,000 OR MORE	AMOUNT THIS PERIOD	CUMULATIVE SINCE JANUARY 1
Ginger First	0	4,260

FPPC Form 402 (January/05)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

M. Completing Form 401 Schedule C – Persons Receiving $1,000 or More

All payments of $1,000 or more received directly or indirectly by individuals who are listed on the slate mailer organization's Statement of Organization, including the treasurer, other principal officers, and individuals who have final decision making authority as to which candidates or measures will be supported or opposed in the organization's slate mailers, must be reported on Schedule C. Only individuals who are listed on the Statement of Organization are reported on Schedule C.

A payment is made "indirectly" to an individual if it is intended for the benefit of or use by that individual or a member of his or her immediate family. In addition, a payment is made "indirectly" to an individual if it is made to a business entity in which the individual or a member of his or her immediate family is a partner, shareholder, owner, director, trustee, officer, employee or consultant, or holds any position of management. A payment is also made "indirectly" if the payment is made to a business entity in which the individual or a member of his or her immediate family has an investment of $1,000 or more, excluding a business entity whose securities are publicly traded.

"Indirect" payments also include rebates or refunds paid to an individual listed on the Form 400 from vendors or other subcontractors who received payments from the organization.

Payments of $1,000 or more must be itemized, including the individual's full name, the amount of direct and indirect payments made during the period covered by the statement, and the cumulative amount of direct and indirect payments made to the individual since January 1 of the calendar year covered by the statement.

Schedule D
Candidates and Measures
Not Listed on Schedule A

SEE INSTRUCTIONS ON REVERSE

SCHEDULE D

Statement covers period
from X/XX/XX
through X/XX/XX

CALIFORNIA FORM 401

Page 6 **of** 6

NAME OF SLATE MAILER ORGANIZATION
First & Best Slate Mailers

I.D. NUMBER
59064XX

You must identify each candidate and measure supported or opposed in a slate mailer sent by you during the period for which you did not receive a payment of $100 or more (either from the candidate or ballot measure committee or from any other person).

NAME OF CANDIDATE OR MEASURE	CHECK ONE		JURISDICTION AND OFFICE SOUGHT BY CANDIDATE; OR JURISDICTION AND BALLOT MEASURE LETTER OR NUMBER
	SUPPORT	OPPOSE	
CA Clean Air For All, Yes on Prop. 60	✓		State/Proposition 60
Barry Herringbone	✓		State Assembly, AD 86
Susan Bean		✓	City Council, City of Turlock
Jerry Goldbar		✓	Supervisor, Alpine County

FPPC Form 402 (January/05)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

N. Completing Form 401 Schedule D – Candidates and Measures Not Listed on Schedule A

Schedule D is used to disclose candidates and measures supported or opposed in the organization's slate mailer for which the organization did not receive a payment from the candidate or a committee formed to support or oppose the candidate or measure, or from any other person.

For each such candidate or measure, provide the following information:

- The name of the candidate or measure;
- An indication whether the candidate or measure was supported in a slate mailer or was opposed in a slate mailer; and
- The jurisdiction and office sought by the candidate, or the jurisdiction and ballot measure letter or number.

O. Form 498 – Late Payment Report

Form 498, Late Payment Report, is required when a slate mailer organization receives any payment that totals $2,500 or more from a single source for the purpose of supporting or opposing any candidate or ballot measure in a slate mailer, and the payment is received during the 90 days prior to an election in which the candidate or measure supported or opposed by the slate mailer is being voted upon.

Form 498 must be filed by fax, email, guaranteed overnight delivery service, or personal delivery within 24 hours of receiving the payment. Regular mail may not be used. The report must be filed with each filing officer with whom the organization files its regular campaign statements.

Quick Tip

Deadlines are extended when they fall on a Saturday, Sunday, or an official state holiday. This extension does not apply to a Form 498 that is due the weekend before the election. Such reports must be filed within 24 hours regardless of the day of the week. Statements filed after the deadline are subject to a $10 per day late fine.

SLATE MAILER LATE PAYMENT REPORT

Slate Mailer
Late Payment Report

Type or print in ink.
Amounts may be rounded to whole dollars.

Date Stamp

CALIFORNIA FORM 498

For Official Use Only

☐ **Amendment No.** _____

Report No. 1

1

NAME OF SLATE MAILER ORGANIZATION: First & Best Slate Mailers

STREET ADDRESS: 2001 Redwood Street

AREA CODE/PHONE NUMBER: (916) 222-1111 | OPTIONAL: FAX/E-MAIL | I.D. NUMBER: 59064XX

CITY: Sacramento | STATE: CA | ZIP CODE: 95825

2

Late Payment(s) Received From:

NAME: Jose Lopez for Assembly 20XX

I.D. NUMBER *(if applicable)*: 14455XX

ADDRESS: 1 Hollywood Street | CITY: Los Angeles | STATE: CA | ZIP CODE: 90048

OCCUPATION/EMPLOYER OR NAME OF BUSINESS IF SELF-EMPLOYED *(if applicable)*

DATE RECEIVED: X / XX / XX

AMOUNT: $ 6,066

NAME OF CANDIDATE OR BALLOT MEASURE: Jose Lopez

■ **SUPPORT** ☐ **OPPOSE**

OFFICE SOUGHT AND JURISDICTION OF THE CANDIDATE/BALLOT MEASURE'S JURISDICTION: Assembly District 10

AMOUNT ATTRIBUTED: $ 6,066

NAME OF CANDIDATE OR BALLOT MEASURE:

☐ **SUPPORT** ☐ **OPPOSE**

OFFICE SOUGHT AND JURISDICTION OF THE CANDIDATE/BALLOT MEASURE'S JURISDICTION

AMOUNT ATTRIBUTED: $

FPPC Form 402 (January/05)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

P. Completing Form 498

1 Filer Information

Provide the full name, street address, and telephone number of the slate mailer organization. Enter the organization's identification number.

2 Late Payment Received From

Report the following for each late payment received:

- The payor's full name and street address. If the payor is an individual, report the payor's occupation and employer, or, if self-employed, report the name of the payor's business;
- The date the payment was received;
- The amount of the payment;
- The name of the candidate or ballot measure being supported or opposed by the late payment;
- The office sought and jurisdiction of each candidate being supported or opposed;
- The jurisdiction of each ballot measure being supported or opposed; and
- The amount attributed to each candidate or ballot measure.

Quick Tip

Late payments must also be reported on the next regular Slate Mailer Organization Campaign Statement (Form 401) filed.

Statement of Termination
(Slate Mailer Organization)
(Government Code Section 84221)

Type or Print in Ink

STATEMENT OF TERMINATION

Date Stamp

CALIFORNIA FORM 402

For Official Use Only

File an original and one copy of this form with:
Secretary of State
Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814

And, if applicable, file one copy of this form with:
The city or county filing officer, if any, with whom the organization must file its original campaign disclosure statements.

FULL NAME OF SLATE MAILER ORGANIZATION:	ID NUMBER	NAME OF TREASURER:
First & Best Slate Mailers	59064XX	Sam Periwinkle

STREET ADDRESS: (NOT P.O. BOX) NO. AND STREET	PERMANENT ADDRESS OF TREASURER: (NOT P.O. BOX) NO. AND STREET
2001 Redwood Street	100 B Street

CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE
Sacramento	CA	95825	Sacramento	CA	95815

AREA CODE PHONE NO.	AREA CODE DAYTIME PHONE NO.
(916) 222-1111	(916) 222-1010

Verification

I have used all reasonable diligence in preparing this Statement. This Slate Mailer Organization has ceased to receive payments and make disbursements in connection with producing "slate mailers," does not anticipate receiving payments or making disbursements in the future, and has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on X/XX/XX (DATE) At Sacramento, CA (CITY AND STATE) By [Signature Required] (SIGNATURE OF RESPONSIBLE OFFICER)

Name of Responsible Officer Ginger First (TYPE OR PRINT) Title President

NOTE: Additional filing obligations will be incurred if a Slate Mailer Organization receives payments or makes disbursements after this Statement of Termination has been filed.

FPPC Form 402 (January/05)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

Q. Form 402 – Statement of Termination

Form 402 is used by all slate mailer organizations that are eligible to terminate their filing obligations. Slate mailer organizations do not automatically terminate.

File Form 402, Statement of Termination, to discontinue campaign filing obligations. The one-page form is signed by a responsible officer who verifies that the organization has met the termination requirements.

A slate mailer organization may terminate if all of the following criteria are met:

- The organization has ceased to receive payments or make disbursements for the purpose of producing and distributing slate mailers;

- The organization does not anticipate receiving payments or making disbursements for the purpose of producing and distributing slate mailers in the future; and

- All required campaign statements disclosing all reportable transactions have been filed.

The Form 402 has no deadline for filing. However, until Form 402 is filed, a slate mailer organization must continue filing campaign statements.

Additional filing obligations will be incurred if a slate mailer organization receives payments or make disbursements in connection with a slate mailer after a Form 402 has been filed.

File Form 402 with the Secretary of State and, if applicable, a copy with the local filing officer with whom the organization files its original disclosure statements.

Answering Your Questions

A. What are the reporting obligations if a slate mailer organization receives funds and makes expenditures for communications that are not considered "slate mail" under the Act?

Reporting obligations will depend on the specific facts. Contact the FPPC for advice.

B. If a political club's slate mailers support candidates for the State Legislature, does the Act require the club to file its campaign statements as though it is a state committee?

Yes. Slate mailer organizations that produce slate mailers supporting or opposing state candidates must file in the same manner as state general purpose committees.

C. May a political consulting firm, which is a sole proprietorship and whose owner serves as a member of the slate mailer organization's endorsement committee, be paid by the organization for management services? If so, how is this reported?

The Act does not prohibit a slate mailer organization from paying a consultant for management services. Such payments would be disclosed on Schedule B and, if applicable, Schedule C of Form 401.

D. Which individuals must be listed as officers for the slate mailer organization?

Individuals who have decision making authority as to which candidates or measures will be supported or opposed in the organization's slate mailers must be listed in Part III of the organization's Statement of Organization, Form 400.

E. If a slate mailer organization receives $500 or more for producing a slate mailer during the first pre-election period, but it does not produce or contract for production of the slate mailer prior to the closing date of the period, is the organization required to file the first pre-election statement?

Yes, the slate mailer organization must file the first pre-election statement.

Authority

The following Government Code sections and Title 2 regulations provide authority for the information in this chapter:

Government Code Sections

81004	Reports and Statements; Perjury; Verification.
81004.5	Reports and Statements; Amendments.
81007	Mailing of Report or Statement.
82027.5	General Purpose Committee.
82031	Independent Expenditure.
82036	Late Contribution.
82044	Payment.
82046	Period Covered.
82048.3	Slate Mailer.
82048.4	Slate Mailer Organization.
84108	Slate Mailer Organization; Statement of Organization.
84215	Campaign Reports and Statements; Where to File.
84218	Slate Mailer Organization; Campaign Statements.
84219	Slate Mailer Organization; Semi-Annual Statements; Contents.
84220	Slate Mailer Organization; Late Payments.
84221	Slate Mailer Organization; Termination.
84605	Who Shall File Online.
84615	Campaign Reports and Statements - Electronic Filing for Local Agencies.

Title 2 Regulations

18116	Reports and Statements; Filing Dates.
18215	Contribution.
18225	Expenditure.
18227.5	General Purpose Committees.
18402.1	Principal Officers.
18465.1	Verification of Online Filers.

Recordkeeping Requirements

A. Records

The Political Reform Act requires accurate and organized records to be kept of all slate mailer organization payments received and made. All individuals who handle receipts and make payments must be aware of and practice the recordkeeping procedures required by the Act and FPPC regulations that are outlined in this manual. While others may be involved, the treasurer and responsible officer, as listed on the committee's Statement of Organization (Form 400), remain legally responsible for the accuracy of the records.

Four year retention: Slate mailer organizations have a duty to maintain detailed accounts, records, bills, and receipts as necessary to prepare campaign statements, including original source documentation, for a period of four years from the date the statement relating to the records was filed.

Documentation: All bank and credit card records for payments must be kept. Records include cancelled checks, or copies of cancelled checks containing legible images of the front and back of the checks obtained from a financial institution, wire transfers, credit card charge slips, bills, receipts, invoices, statements, vouchers, and any other documents reflecting the receipt of payments or obligations incurred by the organization relating to state mailers.

State Mailers

The organization must, for each distinct slate mailer, maintain the following:

- An original sample of the mailer, an electronic copy of the mailer, or a copy of the database from which the mailer was produced so that the mailer may be printed;
- The date of each mailing;

- The number of pieces mailed; and
- The method of postage or delivery used.

B. Audits

The Act authorizes audits of slate mailer organizations by the Franchise Tax Board and the Fair Political Practices Commission.

C. Treasurer Duties

Every slate mailer organization must have a treasurer. There are no restrictions on who may be treasurer; however, no individual should accept the position as a mere figurehead. If the treasurer is unavailable to carry out his or her duties for an extended time, a new treasurer should be designated and the Statement of Organization (Form 400) amended.

A treasurer is required to: Establish a system of recordkeeping sufficient to ensure that receipts and payments are recorded promptly and accurately in compliance with the Act's recordkeeping and disclosure requirements. Following the recordkeeping guidelines in this manual ordinarily constitutes compliance with this requirement. In addition, the treasurer is required to:

- Maintain records personally or monitor records kept by others.
- Take steps to ensure all of the Act's requirements are met regarding receipts, payments, and reporting.
- Prepare statements personally or carefully review statements and underlying records prepared by others.
- Correct any inaccuracies or omissions, and inquire about any information that would cause a reasonable person to question the accuracy of the statements.

Answering Your Questions

A. If a slate mailer organization is fined by the FPPC for violations of the organization's duties under the Act regarding a particular slate mailer, are candidates who paid the organization for inclusion in the slate mailer potentially liable for payment of all or part of the fine?

So long as a candidate who paid the slate mailer organization for inclusion in the slate mailer does not own or act on behalf of the slate mailer organization, the candidate is not liable or potentially liable in any way for the slate mailer organization's violations of the Act in relation to the mailer.

B. Are there any specific accounting qualifications for someone to be able to serve as treasurer, or any conditions which would disqualify someone from being able to serve as treasurer?

No. However, treasurers must comply with all statutory and regulatory requirements.

C. Are records and source documentation required to be kept on paper, or may the slate mailer organization use an electronic recordkeeping system?

Electronic records are permitted, provided that all of the required information is collected and recorded in a timely and uniform manner that ensures the accuracy and reliability of the information. Slate mailer organizations are responsible for ensuring that electronic records can be read and/or printed for auditing purposes during the applicable retention period.

D. The owners of a slate mailer organization advance their own funds to pay the operational costs of preparing, producing, promoting, and ultimately distributing a slate mailer. They also advance funds to cover overhead costs and attorney and accountant fees. Are these payments reportable by the organization as "receipts" since they are advanced by the owner?

Payments, when made by owners and promoters of a slate mailer organization whose only business is production and distribution of slate mailers, are reportable "receipts." However, when a slate mailer organization engages in business activities unrelated to slate mail, payments for administrative and overhead costs not attributable to slate mail will not be reportable as "receipts." Organizations are advised to use the FPPC advice email service for questions on reportable expenses.

Authority

The following Government Code sections and Title 2 regulations provide authority for the information in this chapter:

Government Code Sections

82041.5	Mass Mailing.
84100	Treasurer.
84104	Recordkeeping.
90000	Responsibility.
90001	Mandatory Audits and Investigations.
90002	Audits and Investigations; Time.
90003	Discretionary Audits.
90006	Audit and Investigation by Commission.
90007	Auditing Guidelines and Standards.

Title 2 Regulations

18401.1	Required Recordkeeping for Slate Mailer Organizations.
18994	Auditing and Investigations.
18995	Standards and Guidelines for Auditing Statements and Reports.

APPENDIX- ABOUT THE POLITICAL REFORM ACT/ HOW TO GET HELP

The Political Reform Act of 1974

The Political Reform Act (the "Act") was a voter-approved initiative on the 1974 primary election ballot. One of the major provisions of the Act requires the truthful and accurate disclosure of campaign contributions and expenditures during elections.

The Fair Political Practices Commission

The Fair Political Practices Commission (FPPC) is the independent, nonpartisan state agency authorized to implement, interpret, and enforce the provisions of the Political Reform Act. A full-time chair appointed by the Governor, and four part-time commissioners, one each appointed by the Controller, the Attorney General, the Secretary of State, and the Governor comprise the Commission. Each member serves a four-year term and no more than three members may be from the same political party. FPPC staff is comprised of five divisions: Executive, Administration, Enforcement, Legal, and Technical Assistance.

Governing Statutes

The Political Reform Act is contained in Government Code sections 81000-91014.

Regulations

Regulations interpreting the Political Reform Act are located at Title 2, Division 6 of the California Code of Regulations, beginning at Section 18109.

Opinions and Advice Letters

The FPPC periodically issues opinions interpreting provisions of the Political Reform Act. The opinions are adopted at a public meeting, with opportunity for input from interested persons.

In addition, FPPC staff issues written advice letters as to the applicability of the Political Reform Act and regulations to a particular factual situation. Refer to the information on requesting written advice from the FPPC available on the FPPC website.

Obtaining Information From the FPPC

Visit the FPPC website to get copies of specific advice letters, sign up for RSS feeds, or to be added to mailing lists.

Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
(916) 322-5660 – Toll-free (866) 275-3772
advice@fppc.ca.gov

Twitter: @CA_FPPC
Facebook: CA FPPC

Website

The FPPC website (www.fppc.ca.gov) contains a wealth of helpful information, including:

- The Political Reform Act and its corresponding regulations
- Commission opinions
- Advice letters
- Notices of Commission meeting dates and agendas, supporting documentation for agenda items, and meeting summaries
- Forms required by the Act (also available at the FPPC office, the Secretary of State's Office, and many local clerks' offices)

- Manuals, fact sheets, and useful summaries of the law
- Campaign filing schedules
- Enforcement closure letters

Obtaining Information Elsewhere

A subscription for regulations is available from:

Barclay's Law Publishing
P.O. Box 2006
South San Francisco, CA 94126
(800) 888-3600

Opinions and advice letters are available from these subscription services:

Westlaw (800) 328-9352
Database: "CA-ETH"
(Advice letters from 1986 to present)

Lexis-Nexis (800) 227-9597
Database: "CA Fair Political Practices Commission"
(Advice letters from 1990 to present)

Other Resources

The Secretary of State, city clerks, and county clerks or registrars of voters are the filing officers for campaign disclosure statements. Committee statements will be filed with the Secretary of State or a local clerk or registrar depending on whether the filer is a state or local committee.

Secretary of State

The Secretary of State is also responsible for issuing campaign committee identification numbers.

(916) 653-6224

(916) 653-5045 (Fax)

www.sos.ca.gov

Federal Election Commission

The Federal Election Commission answers questions regarding federal elections and contributions to all candidates from national banks, national corporations, and foreign nationals.

Federal Election Commission

999 E Street, NW

Washington, DC 20463

(800) 424-9530

www.fec.gov

Franchise Tax Board

The Franchise Tax Board is responsible for responding to questions regarding 501(c)(3) and 501(c)(4) tax status, tax-deductibility of political contributions, audits, or any tax related questions.

(800) 852-5711 or (800) 338-0505

www.ftb.ca.gov

Internal Revenue Service

The Internal Revenue Service provides assistance regarding federal tax laws and obtaining a taxpayer identification number.

(877) 829-5500 (located in Washington, D.C.)

(800) 829-4933 (taxpayer ID number)

www.irs.gov

Federal Communications Commission

The Federal Communications Commission can answer questions regarding rates for purchasing broadcast time and equal access to broadcast media.

(888) 225-5322 (located in Washington, D.C.)

www.fcc.gov

email: fccinfo@fcc.gov

Local Ordinances

A city or county committee may be subject to additional reporting or other requirements such as the requirement to file campaign reports electronically. There may be contribution limits, lower itemization thresholds, or an additional pre-election statement, just to mention a few. A city or county campaign ordinance may never preempt state law.

Privacy Information Notice

Information required on all FPPC forms is used by the FPPC to administer and enforce the Political Reform Act (Government Code sections 81000-91014 and California Code of Regulations sections 18109-18997). All information required by these forms is mandated by the Political Reform Act. Failure to provide all of the information required by the Act is a violation subject to administrative, criminal, or civil prosecution. All reports and statements provided are public records open for public inspection and reproduction.

If you have any questions regarding this Privacy Notice, please contact the FPPC at:

General Counsel
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
(916) 322-5660

Enforcement

The Fair Political Practices Commission, the Attorney General, county district attorneys, and elected city attorneys of charter cities have enforcement authority under the Act. Failure to provide all or any part of the information required by the Political Reform Act is a violation subject to:

- An administrative enforcement proceeding before the Fair Political Practices Commission;
- A criminal misdemeanor proceeding;
- A civil action; and
- Levying of late penalties by filing officers.

Penalties of up to $5,000 per violation may be imposed for violating the Act, including not filing campaign statements.