



# California Fair Political Practices Commission

December 16, 1985

John Stremple, Superintendent  
Fresno Unified School District  
Tulare and M Streets  
Fresno, CA 93721

Re: Our File No. A-85-237

Dear Mr. Stremple:

This is in response to your letter of November 6, 1985, regarding the campaign disclosure provisions of the Political Reform Act (Government Code Sections 81000-91015). It is my understanding that pursuant to a telephone conversation between Nancy Smith of the County Counsel's office and Robert Leidigh of the Commission's legal staff, your request for a formal opinion has been changed to a request for written advice under FPPC regulation 2 Cal. Adm. Code Section 18329.

Your letter asked whether the Fresno Unified School District had made a "contribution," as defined in Government Code Section 82015, to the Fresno Teachers Association by allowing the union to use the district's internal mail system to distribute material endorsing three school board candidates.

Because the union regularly uses the district's internal mail system to communicate with its members pursuant to a collective bargaining agreement between the union and the district, the union's use of the internal mail system to distribute mail endorsing candidates would not constitute a contribution from the district to the union. This advice would not apply, of course, if some other entity, such as a corporation, allowed the union to use its internal mail system to distribute such materials.

I hope the foregoing has been helpful. Please let me know if I can be of any assistance in the future.

Sincerely,

*Carla Wardlow*

Carla Wardlow  
Political Reform Consultant

BOARD OF EDUCATION

Darlene M. Laval, President  
Ruth M. Gadebusch, Clerk  
Keith Chun  
Dorothy Rohlfing  
William Stegall

SUPERINTENDENT OF SCHOOLS

John L. Stremple, Ed.D.

FRESNO UNIFIED SCHOOL DISTRICT



EDUCATION CENTER  
TULARE AND M STREETS  
FRESNO, CALIFORNIA 93721  
TELEPHONE (209) 441-3000

OFFICE OF THE SUPERINTENDENT

William A. Hansen  
Assistant to the Superintendent  
Management Services

Gordon Graves  
Director  
Employer/Employee Relations

November 6, 1985

FAIR POLITICAL PRACTICES COMMISSION  
428 "J" Street, Suite 700  
Sacramento, CA 95814

Gentlemen:

I am writing to request a formal opinion from your office regarding the use by the Fresno Teachers Association of the union members' mailboxes maintained by the Fresno Unified School District.

QUESTION PRESENTED

The specific question is: does the district's allowing the union to use the internal mail system to distribute the enclosed material constitute a "contribution" for purposes of Government Code Section 82015?

BACKGROUND

Government Code Section 3543.1 Subdivision (b) provides in part that employee organizations shall have the right to use institutional mailboxes and other means of communication. In addition, the collective bargaining agreement currently in effect between Fresno Unified School District and the Fresno Teachers Association/CTA/NEA provides in Article 3 Section 2 in part:

"The association may use the district mail service and teacher mailboxes for communication to teachers."



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The attached material was sent through the district mail service to union members in October, 1985. A number of candidates for the school board have complained to the district regarding the use of the mailboxes by the union to support certain candidates. Their allegation apparently is that the district has made a contribution within the meaning of Government Code Section 82015 to the union and should have the obligation to report that contribution to the Fair Political Practices Commission.

Ms. Nancy Smith, Deputy County Counsel, contacted your office on our behalf on October 24, 1985 and spoke to Ms. Carla Wardlow. Ms. Wardlow informed Ms. Smith, after discussing the matter with the head of your legal department, that there was no contribution from the district to the union that would require reporting since it was the regular policy of the district to let the union use the internal mail system and since the district did not take any different action regarding this union mailing than it had taken with the other distributions of the mail by the union to the union members. This conclusion would be the same, Ms. Wardlow indicated, regardless of whether the political message was contained in the regular union newsletter or whether it was a special distribution just for the purpose of getting out the union's message regarding an election.

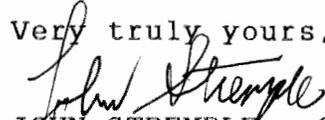
That information was given to the public at the regular board meeting of the Fresno Unified School District Board of Education on October 24, 1985. Apparently not satisfied with that information, a Mr. Paul Winter on behalf of Mr. John Segura, a candidate for the Board of Education, contacted County Counsel, indicating that he had spoken to Ms. Lynn Montgomery of your office and that Ms. Montgomery had informed him that in fact there was a violation of the Political Reform Act. Upon checking with Ms. Montgomery, she indicated that she had not spoken to Mr. Winter and had given no opinion to the effect that there was a violation.

As you can see then, with the conflicting oral reports we have heard it would be most advantageous for us to have a written opinion from your office that we could share with interested candidates and with the public at large and to insure that the district can be certain of the appropriateness of its actions.

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I would appreciate your earliest response to my request. If you require any further information please feel free to contact Ms. Nancy Smith directly at the Fresno County Counsel's Office. Thank you for your attention to my request.

Very truly yours,



JOHN STREMPLE, Superintendent  
FRESNO UNIFIED SCHOOL DISTRICT

JS:NIS:ap  
5422A



# California Fair Political Practices Commission

November 19, 1985

John Stremple, Superintendent  
Fresno Unified School District  
Education Center  
Tulare and M Streets  
Fresno, CA 93721

Re: A-85-237

Dear Mr. Stremple:

Your letter requesting advice under the Political Reform Act has been referred to a consultant in the Technical Assistance and Analysis Division of the Fair Political Practices Commission. If you have any questions about your advice request, you may contact this person directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

A handwritten signature in cursive script that reads "Barbara A. Milman".

Barbara A. Milman  
General Counsel

BAM:plh



CALIFORNIA STATE DEPARTMENT OF EDUCATION

Bill Honig

721 Capitol Mall

Superintendent

Sacramento, CA 95814-4785

of Public Instruction

DEC 18 2 05 PM '85

December 11, 1985

Robert D. Segura  
5716 N. Fourth Street  
Fresno, CA 93710

Dear Mr. Segura:

Superintendent Honig has referred your letter to me for reply. Education Code Sections 7050-7057, enclosed, relate to Political Activities of School Officers and Employees. While these sections do give to the governing board of your district a certain amount of authority to establish rules and regulations regarding the political activities of employees during working hours, Section 7054 specifically prohibits the use of school district funds, services, supplies, or equipment to urge the candidacy of any person for election to the governing board of the district. We are not, however, the legal advisers to your district. Further questions should be addressed to the district's counsel.

The governing board of your school district has the authority to resolve this matter. Your complaints regarding the contents of the teachers' agreement itself may be lodged with the Public Employment Relations Board, 1031 18th Street, Sacramento, CA 95814.

Sincerely,

Joseph R. Symkowitz  
Chief Counsel  
(916) 445-4694

JRS:sca

cc: Fair Political Practices Commission ✓  
Edward W. Hunt, Fresno County District Attorney  
American Civil Liberties Union

Enclosure

FRESNO TEACHERS ASSOCIATION, 5334 N. FRESNO, FRESNO, CA 93710

**NOW...VOTE FROM  
YOUR OWN HOME!**

Anyone Can Do It - Simply,  
and Conveniently, at Home!

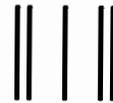
# VOTE BY MAIL

From:

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**PLACE  
STAMP  
HERE**  
The post office  
will not deliver  
mail without  
postage

Before Mailing Complete Application on Reverse

FRESNO COUNTY CLERK  
ELECTIONS DIVISION  
1234 "L" STREET  
FRESNO, CALIFORNIA, USA 93721-1763



# You can do it...



RUTH GADEBUSCH,  
INCUMBENT  
SCHOOL BOARD  
CANDIDATE

Just complete the Ballot Application Form below and give to your faculty representative.

DAN BURNS,  
SCHOOL BOARD  
CANDIDATE



Your Official Ballot will be sent to you by return mail. You can vote by mail in the comfort of your own home.



MARY CURRY,  
SCHOOL BOARD  
CANDIDATE

FUSD needs to retain an intelligent, responsive, and independent school board.

We Can Make The Difference--  
We Must Make The Difference!

**VOTE!**

DATE RECEIVED:	DEPUTY	COMMENTS	DEPUTY	NR CONFIRMED BY
APPLICATION ENTERED: <input type="checkbox"/> LANGUAGE <input type="checkbox"/> PAV <input type="checkbox"/> OTHER	AFFIDAVIT NO	STYLE	PCT	PARTY
DATE:	ISSUANCE CODE	MAIL MESSAGE:	DEPUTY	



## APPLICATION FOR ABSENT VOTER BALLOT

### HANDICAPPED VOTERS:

YOU HAVE THE RIGHT TO REQUEST PERMANENT ABSENT VOTER STATUS.

ALSO IF YOUR POLLING PLACE IS NOT ACCESSIBLE TO THE HANDICAPPED, YOU MAY RECEIVE VOTING ASSISTANCE OUTSIDE YOUR POLLING PLACE.

A. Voter's Name (print): \_\_\_\_\_

B. Residence  
Address : \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP: \_\_\_\_\_

APPLICATIONS MUST BE RECEIVED IN THE ELECTIONS DEPARTMENT NO LATER THAN 5:00 P.M. ON

**OCTOBER 29, 1985.**

LAST DAY TO REGISTER TO VOTE IN THIS ELECTION:

**OCTOBER 7, 1985.**

IF YOU MOVED ON OR BEFORE THAT DAY, AND YOU DID NOT REREGISTER YOU ARE NOT ELIGIBLE TO VOTE IN THIS ELECTION. IF YOU MOVED AFTER THAT DAY, YOU ARE ENTITLED TO VOTE IN THIS ELECTION, BUT YOU MUST REREGISTER TO VOTE IN FUTURE ELECTIONS.

I am the VOTER NAMED ABOVE and request an absent voter ballot for the **NOVEMBER 5, 1985 CONSOLIDATED GOVERNING BOARD AND SPECIAL DISTRICT ELECTION.**

- Since I last registered I changed my address
  - on (Date): .... / .... / ....
  - NEW Residence: ..... City: ..... Zip: 93 .....
  - NEW Mailing : ..... City: ..... State: ..... Zip: .....
- I am a handicapped voter and request permanent absent voter status.
- Your ballot will be mailed to the mailing address shown on your registration, or as changed in item 1 unless you specify a different one here:  
Address: ..... City: ..... State: ..... Zip: .....

SIGNATURE OF VOTER NAMED ABOVE: \_\_\_\_\_

# You can do it...



RUTH GADEBUSCH,  
INCUMBENT  
SCHOOL BOARD  
CANDIDATE

Just complete the Ballot Application Form below and give to your faculty representative.

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SCHOOL BOARD  
CANDIDATE



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We Must Make The Difference!

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