

Memorandum

To : File

Date : December 6, 1985
No. M-85-251

From : **FAIR POLITICAL PRACTICES COMMISSION**
Kathy Donovan *Ked*

Subject: Telephone Advice to Chris Zirkle, Legislative Counsel's Office,
Regarding Legislative Newsletters

Chris Zirkle, of the Legislative Counsel's Office, requested telephone advice concerning Government Code Section 89001, which prohibits an elected state officer from sending any newsletter or other mass mailing at public expense after the elected state officer has filed a declaration of candidacy for any office. In accordance with regulation 2 Cal. Adm. Code Section 18901, information or materials sent in response to a specific request contained in written correspondence, petitions, oral inquiries, or coupons, are not considered a mass mailing subject to the restrictions of Section 89001. Mr. Zirkle asked whether a legislator who sends a newsletter which includes a coupon for constituents to use in requesting specific information or materials, may use the newsletter to inform the constituent that the Political Reform Act prohibits the legislator from sending additional newsletters unless the constituent completes and returns the coupon.

I advised Mr. Zirkle that we think Section 89001 permits a legislator to send a newsletter with that type of message, although I emphasized that the newsletter should provide an accurate explanation of Section 89001. Mr. Zirkle requested that I provide him with an example of an explanation which we would consider sufficient. I suggested the following:

Enclosed is a coupon which you may use to request information or materials on specific legislative matters from this office. After an incumbent legislator has filed a declaration of candidacy for any office, the Political Reform Act prohibits the legislator from sending newsletters or other materials at public expense unless the information or materials are sent in response to specific requests. If you complete and return the enclosed coupon, we will continue to send you information about the legislative matters which interest you.