



California Fair Political Practices Commission

December 5, 1986

Mr. Peter A. Bagatelos
Bagatelos & Fadem
The International Building
601 California Street, Suite 1801
San Francisco, CA 94108

Re: Your Request for Advice
Our File No. A-86-305

Dear Mr. Bagatelos:

In your letter of October 27, 1986, you requested written confirmation of telephone advice provided to you on October 22, 1986, by Kim Taylor of the Technical Assistance and Analysis Division.

QUESTION

May filers of the second pre-election campaign statement due before the November 4, 1986, general election use an alternative overnight delivery service (e.g., Federal Express) rather than guaranteed overnight delivery service through the U.S. Postal Service or personal delivery?

CONCLUSION

The Commission has advised filers that they may use an alternative guaranteed overnight delivery service in lieu of the U.S. Postal Service and still be in compliance with the provisions of the Political Reform Act.^{1/}

ANALYSIS

Government Code Sections 84200.7(a)(2) and (b)(2), 84200.8(b) and (c), and 84202.5(a) provide that the pre-election statements required by those sections shall be "delivered in person or by guaranteed overnight mail through the United States Postal Service."

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

Mr. Bagatelos
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The Commission has found that the U.S. Postal Service does not guarantee overnight delivery service to every city in California. In addition, the Commission has received complaints from filers that their campaign disclosure statements were not delivered overnight as guaranteed by the U.S. Postal Service.

The Political Reform Act has been amended to provide that, effective January 1, 1987, statements required to be filed pursuant to the sections cited above may be filed by any guaranteed overnight delivery service or by personal delivery.

For these reasons, the Commission has advised filers that they may use any guaranteed overnight delivery service in lieu of the U.S. Postal Service.

Please contact me if I may be of further assistance.

Sincerely,

Diane M. Griffiths
General Counsel


By Mary Ann Kvasager
Political Reform Consultant

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October 27, 1986

Ms. Jeannie Prichard
Fair Political Practices
Technical Assistance Division
428 J Street, Suite 800
Sacramento, California 94814

Re: Use of Overnight Delivery for Campaign Reports

Dear Jeannie:

On October 22, 1986, I spoke with Kim of your office regarding the manner of delivery of the twelve day pre-election statements, as required by the Political Reform Act. The current requirement in the law is that such statements must be sent by guaranteed overnight mail through the U.S. Postal Service or delivered in person no later than midnight on the filing deadline date.

Kim advised me that your office has been advising filers that they may use alternative overnight delivery services, such as Federal Express, in lieu of the U.S. Postal Service guaranteed overnight program. Use of other overnight delivery services would still constitute compliance with the Political Reform Act requirements that such reports must be sent by guaranteed overnight mail, as long as they are deposited with the overnight carrier no later than midnight on the filing deadline date.

We would like to receive written confirmation of this advice so that we may rely on it in the future. Please advise if you require additional information.

Sincerely,



Peter A. Bagatelos

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