



California Fair Political Practices Commission

February 4, 1987

D. B. Langman
Campaign Pathways
1121 Kansas Avenue
Modesto, CA 95351

Re: Your Request for Advice
Our Advice No. I-87-022

Dear Mr. Langman:

This is in response to your request for advice under the Political Reform Act.^{1/} Since you do not seek specific advice on your duties under the Act, we will consider your letter to be a request for informal assistance.^{2/}

QUESTION

You have asked if the allocation and use of bus benches for political candidates is subject to some form of "equal" availability ruling.

CONCLUSION

The question you have presented is not covered by the provisions of the Political Reform Act.

ANALYSIS

The general provisions of the Political Reform Act require the disclosure of sources of campaign contributions received by candidates and elected officials, the disclosure of their assets

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice (Section 83114; Regulation 18329(c)(3).)

D. B. Langman
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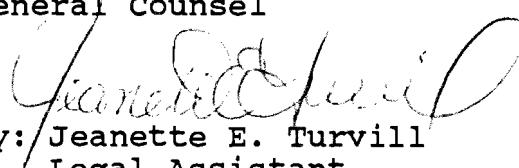
and income and, in appropriate circumstances, their disqualification from acting in their official capacities to avoid conflicts of interest. In addition, the Act regulates the activities of lobbyists in order that improper influences will not be directed at public officials.

The question you have presented is not of the type covered by the Act. We are not aware of any laws which govern the use of bus benches for political advertisement. You might wish to contact the Federal Communications Commission for possible leads on this subject.

Should you in the future have any questions concerning the application of the Political Reform Act, please feel free to contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel


By: Jeanette E. Turvill
Legal Assistant

DMG:JET:km



CAMPAIGN PATHWAYS

1121 Kansas Avenue
Modesto, CA 95351

Telephone:
(209) 577-2989

1/12/87

State of California Fair
Political Practices Commission
PO Box 807
Sacramento, CA 95804

Dear Sir/Madam:

I would like to find out if the allocation and use of Bus Bench's for political candidates is subject to some form of "equal" availability ruling. Example: 100 available bus bench's that can be rented to display candidate information. Candidate "A" requests 60 leaving only 40 for other candidates who later request bench's to rent.

Question: 1) Must the bus bench renting agent equally allocate those 100?
2) May a candidate basically "tie up" a majority?
3) Should/must the renting agent go ahead and sell/rent as much/many as a candidate is willing to pay for?

Our feeling is that the use of bus bench's is not like radio/TV and thus not subject to "equal" time restrictions. It would be like establishing an "equal" number of pieces of printing a print shop could do for any one candidate, or "equal" number of yard signs a candidate could erect.

One more consideration: Assuming our feelings are correct, then would the strict "equal allocation" by the renting agent be an infringement and illegal limitation on a candidates opportunity to advertise?

Your earliest possible response will be appreciated.

Very Truly Yours

DB Langman



California Fair Political Practices Commission

January 15, 1987

D. B. Langman
1121 Kansas Avenue
Modesto, CA 95351

Re: 87-022

Dear Mr. Langman:

Your letter requesting advice under the Political Reform Act was received on January 13, 1987, by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jeanette E. Turvill in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days. You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script that reads "Diane M. Griffiths".

Diane M. Griffiths
General Counsel

DMG:plh