



California Fair Political Practices Commission

December 24, 1987

Jack E. Clayton
Councilmember, City of Stockton
2439 East Oak Street
Stockton, California 95205

RE: Your Request for Advice
Our File No. A-87-293

Dear Mr. Clayton:

You have requested advice regarding the campaign disclosure provisions of the Political Reform Act.^{1/} This letter will confirm the telephone advice that I provided to you on November 12, 1987.

QUESTION

Is it permissible for a candidate to use facsimile copies of the City of Stockton's stationery and envelopes for campaign mailings?

CONCLUSION

There is nothing in the Act that prohibits a candidate or officeholder from sending a letter containing a copy of the city seal.

FACTS

In our telephone conversation, you indicated that you will be running for re-election in the June 1988 election. Your letterhead and envelopes include your name, address, and the City of Stockton's name, address and seal. In addition, you will include the statement "Paid For by Committee to Elect Jack Clayton I.D. #871541." The Committee to Elect Jack Clayton will pay for the printing and mailings.

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

Jack E. Clayton
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ANALYSIS

The Political Reform Act does not prohibit a candidate or officeholder from sending a letter containing a copy of a city's seal. (Worden Advice Letter, A-82-190, Dec. 16, 1982. Copy enclosed.)

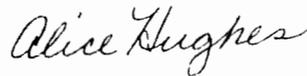
However, the Act requires that the name and address of the sender of a mass mailing (200 or more identical or nearly identical pieces sent within a calendar month) be identified on the envelope and on at least one insert in no less than 6-point type. The "sender" is the candidate or committee which pays the largest portion of the costs of the mailing. (Regulation 18435.) If the sender is a single candidate or committee, the identification only has to be shown on the outside of the envelope. In addition, the name of the candidate or committee controlling the committee must be included. (Section 84305; Regulation 18435.)

In addition, the Act prohibits the sending of a mass mailing at public expense when sent by an incumbent elected official after declaration of that official's candidacy. (Section 89001.) You may wish to also contact the Attorney General's office regarding the use of a facsimile of the city seal and stationery.

If you have any questions, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel



BY: Alice Hughes
Staff Services Analyst

DMG:AH:aah
Enclosures

NOV 15 0 33 14 '87

Councilman Jack E. Clayton
2439 East Oak Street
Stockton, CA 95205
Telephone: 465-6197

November 15, 1987

Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804-0807

Attn: Alice Hughes

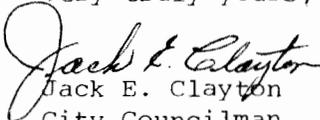
Dear Ms. Hughes:

Pursuant to our telephone conversation of November 12, 1987, I have enclosed copies of City of Stockton stationery with the addition of the "Paid for by" clause in the intended location on both the letterhead and envelope.

As indicated, the final printing would be in six-point type.

If my reproduction and use of facsimile copies is acceptable, please respond by return mail. I have enclosed a self-addressed postage paid envelope for your reply.

Very truly yours,


Jack E. Clayton
City Councilman

JEC:FJ:kgw
Enclosures.

87-293

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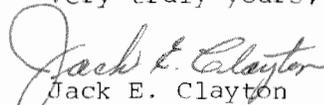
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Very truly yours,


Jack E. Clayton
City Councilman

JEC:FJ:kgw
Enclosures.



California Fair Political Practices Commission

November 24, 1987

Jack E. Clayton
Councilmember
2439 East Oak Street
Stockton, CA 95205

Re: 87-293

Dear Mr. Clayton:

Your letter requesting advice under the Political Reform Act was received on November 19, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

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 if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

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,

Jeanne Pritchard
Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh



CITY OF STOCKTON

COUNCILMAN JACK E. CLAYTON
2439 EAST OAK STREET
STOCKTON, CALIFORNIA 95205
465-6197

OFFICE
OF THE CITY COUNCIL
STOCKTON, CA 95202

"Stockton... Someplace Special!"
Paid For by Campaign Committee for Jack Clayton, ID#871541