



California Fair Political Practices Commission

August 29, 1988

Judith Harper
Kronick, Moskovitz, Tiedemann & Girard
770 L Street, Suite 1200
Sacramento, CA 95814-3363

Re: Your Request for Advice
Our File No. 88-333

Dear Ms. Harper:

Your letter requesting advice concerning the recently enacted campaign finance reform initiatives (Government Code Section 85100, et seq.) was received on August 29, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John McLean, an attorney in the Legal Division, directly at (916) 322-5901.

Because of the delayed operative date of most of the provisions of these initiatives, and the numerous inquiries we are receiving relative to implementation, we are attempting to respond to questions regarding interpretation in an organized and efficient fashion. Due to the volume of requests and complexity of the issues involved, we will answer your question in a timely manner, but not within the usual twenty-one working days. (Government Code Section 83114(b).)

If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. 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,


Gregory W. Baugher
Executive Director

GWB:plh:2173LTR

Memorandum

To : File

Date : October 26, 1988

From : Fair Political Practices Commission

John G. McLean

Subject :

T-88-333

Spoke today with Judy Harper. Informed her that we had written a letter to the Southern California Association of Governments (SCAG) which I felt would answer her questions: Specifically, they can send mass mailings to other government agencies in the normal course of business without encountering the mass mailing prohibition. The prohibition applies to mass mailings which include references to members of JPAs who are elected officials in some other capacity.

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August 25, 1988

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ANN SIPRELLE FINAN

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E. KENDELL DAVIS (1908-1987)
LEONARD M. FRIEDMAN
WILLIAM E. BYRNE

Legal Division
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento 95814

RE: JPA Mass Mailings under Proposition 73

Dear Friends:

A question has arisen with one of our clients over the mass mailing provisions of Proposition 73. Looking at the emergency regulations you adopted in July, the answer seems relatively clear. However, since the whole subject area is somewhat murky, I would ask for a more formal opinion from FPPC.

The California Association of Joint Powers Authorities (CAJPA) is a statewide association of more than 50 joint powers authorities that consist of several thousand various local governments, school districts, water districts, fire districts and other special districts. Most of these JPAs pool their resources for insurance purposes.

The question that they have raised is whether communication with members of a joint powers authority (JPA) would constitute a mass mailing, since their governing boards may conceivably contain elected officials.

An example is the Schools Excess Liability Fund (SELF), with 993 member agencies. While they are not a political entity in any way, some of their governing board members are school board members from various jurisdictions around the state, and thus are elected officials.

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August 25, 1988
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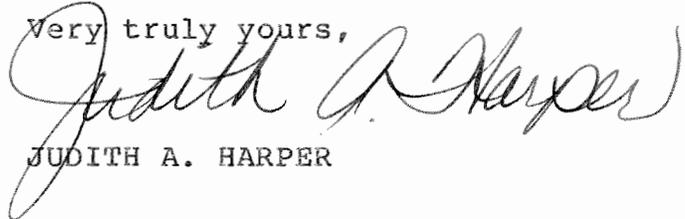
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My reading of the situation is that the mailings of JPAs such as SELF to their members fit under the exception (c)(2), "mailings sent in the normal course of business from one governmental entity or officer to another. . ." But what about mailings sent to suppliers, or to professional or business contacts for example?

An additional factor that I think would be considered is that the elected officials in this instance were not elected to the JPA board, but to some member agency within the JPA. Would that make a difference?

If you have further questions, please don't hesitate to contact me directly. Thank you for your attention.

Very truly yours,



JUDITH A. HARPER

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cc: John Wilson



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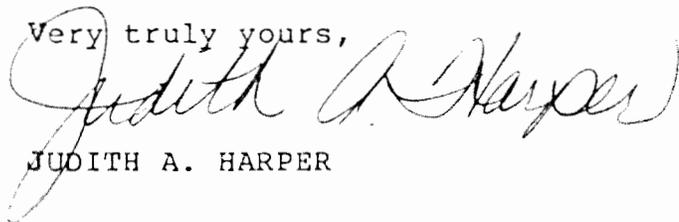
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