



# California Fair Political Practices Commission

March 17, 1989

Dick Pabich  
Political Consulting and  
Communications  
10 United Nations Plaza, Suite 400  
San Francisco, CA 94102

Re: Your Request for Informal Assistance  
Our File No. I-88-394

Dear Mr. Pabich:

You have requested advice regarding the campaign disclosure responsibilities of slate mailer organizations under the campaign disclosure provisions of the Political Reform Act (the "Act").<sup>1/</sup> Because you do not have a filing obligation under the Act, this letter is considered to be informal assistance.<sup>2/</sup>

## QUESTIONS

1. Does a membership organization qualify as a slate mailer organization when it mails a list of four or more candidates or measures it endorses (a "slate mailer") and it receives or is promised payments of \$500 or more by or on behalf of specific candidates or measures for the purpose of producing a slate mailer?

2. If the members of a large organization participate equally in deciding endorsements for a slate mailer, must the full name, street address and telephone number of every member be disclosed as having final decisionmaking authority as to which candidates or measures are included in the slate mailer?

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

<sup>2/</sup>Your letter states only a general question. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed). Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 84113; Regulation 18329(c)(3).)

### CONCLUSIONS

1. When a membership organization receives or is promised payments of \$500 or more in a calendar year from or on behalf of specific candidates or measures for the purpose of producing a slate mailer, the membership organization has qualified as a slate mailer organization and must file appropriate campaign disclosure statements.

2. When the members of a large organization participate equally in making the final decision about which candidates or measures are endorsed in a slate mailer produced by the organization, it is not necessary to disclose on the statement of organization the full name, street address and telephone number of each member as having final decisionmaking authority as to which candidates or measures are included in the slate mailer. However, an explanation of the endorsement process should be provided on the statement of organization and the name, address and telephone number of any person who is responsible for coordinating the selection of candidates and measures endorsed.

### ANALYSIS

One or more membership organizations which you advise as a campaign consultant endorse candidates and measures. The list of endorsements are distributed as a mass mailing for which the endorsed candidates or measures are solicited by the sending organization for voluntary payments for the mailings. Your question is whether membership organizations which mail lists of endorsed candidates and measures are included within the definition of "slate mailer organization." (Section 82048.5.)

In order to determine whether an organization would qualify as slate mailer organization, first determine if the mailed endorsements meet the test of being a slate mailer. A slate mailer is a mass mailing which supports or opposes a total of four or more candidates or ballot measures. (Sections 82048.3 and 82041.5.) Second, does the organization receive or is it promised five hundred dollars or more in a calendar year from or on behalf of candidates or measures to be endorsed for the production of one or more slate mailers? (Section 82048.5(a).) Third, does the organization qualify for an exemption from the filing requirement as a slate mailer organization because it is a candidate's or an officeholder's controlled committee, an official committee of a political party, a legislative caucus committee, or a committee formed primarily to support or oppose a candidate, officeholder or ballot measure? (Section 82048.5(b).)

If an organization meets the tests of sending a slate mailer and of being a slate mailer organization, and does not meet one of the exceptions, then the organization must fulfill the slate mailer disclosure requirements. (Sections 84108, 84218, 84219, 84220, 84221 and 84305.5)

Your letter notes that the organizations you advise are "registered political committees." We assume that these committees are general purpose recipient committees which already have a campaign disclosure requirement. (Sections 82013(a), 84101 and 84200.) Although committees which are formed primarily to support a candidate or measure are not slate mailer organizations (Section 82048.3(b)(4)), general purpose recipient committees, which are not controlled by a candidate or officeholder, may also qualify as a slate mailer organization and be required to file campaign disclosure statements both as a general purpose recipient committee and as a slate mailer organization. (Sections 84219(k) and 82027.5.)

The second question you raised in your letter concerns disclosure of the full name, street address, and telephone number of each person with final decisionmaking authority as to which candidates or measures will be supported or opposed in the organization's slate mailer. (Section 84108(b)(3).) You stated that when endorsements are decided by a vote of a large membership, it would be impractical to list all voting members and you argued that it might be invasion of members' privacy.

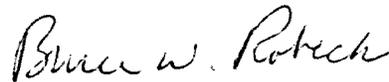
We agree it would be difficult to fulfill the requirements of Section 84108(b)(3) when many members of an organization have equal influence on the endorsement decision. Each time a membership change occurred, the slate mailer organization would have to amend its statement of organization within ten days of the membership change. When the final decisionmaking authority rests with a one-person-one-vote selection made by the members of a large organization, it would not further the purposes of the Act to require disclosure of the names of every member. Therefore, we conclude that when members of a large organization are the final decisionmakers to select which candidates or measures will be supported or opposed in the organization's slate mailer, there is no requirement to disclose the full name, street address, and telephone number of all members on the slate mailer organization's statement of organization pursuant to Section 84108(b)(3). However, an explanation of the endorsement process should be provided on the statement of organization and the name, address and telephone number of any person who is responsible for coordinating the selection of candidates and measures endorsed.

Although the advice that members do not have to be listed is appropriate for large membership organizations under certain circumstances, it should be clearly understood that the same advice would not hold true for membership organizations in which an identifiable individual or individuals exercise disproportionate influence in choosing the options presented for membership vote or in any other way directly or indirectly control the decisions on endorsements.

If your further questions, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths  
General Counsel



By: Bruce W. Robeck  
Political Reform Consultant

FPPC

OCT 13 1 48 PM '88

October 11, 1988

Fair Political Practices Commission  
Attn: Bruce Robeck  
428 J Street  
Sacramento, CA 95814

Dear Commissioners:

I request an advisory opinion regarding slate mailers. As a political consultant, I prepare mailings for various membership organizations which promote their endorsements of candidates and propositions. It appears that such organizations fall outside of those which the law was intended to regulate.

The basic question is whether membership organizations qualify under the definition of "slate mailer organizations" and appropriate regulations apply. These on-going, registered political committees are composed of a large number of members who vote on the organizations' endorsements. The endorsed candidates and proposition committees are then solicited for voluntary contributions towards the cost of mailings but their listing is not contingent upon their contributions.

If such organizations do qualify as "slate mailer organizations", then it is unclear how they should comply with the section of the law requiring the filing of names, addresses and telephone numbers of all persons who decide endorsements. As all members of the organizations can participate in endorsement decisions, this section would seem to require the filing of entire membership lists. This would be impractical and invasive of the members' privacy.

As organizations are now preparing their mailings for the November election, I would appreciate your prompt issuance of an opinion on this matter.

Thank you,



Dick Pabich

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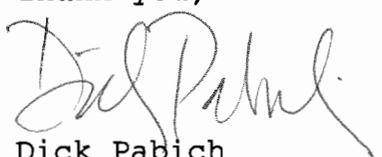
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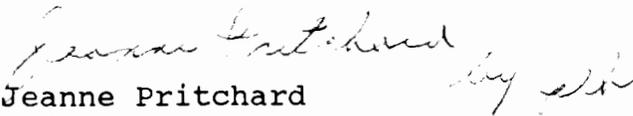
Dear Mr. Pabich:

Your letter requesting advice under the Political Reform Act was received on October 13, 1988 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. Code of Regs. 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  
Chief  
Technical Assistance and Analysis  
Division

JP:plh