



California Fair Political Practices Commission

February 7, 1989

Vincent F. Biondo, Jr.
City Attorney
City of Carlsbad
1200 Elm Street
Carlsbad, CA 92008-1989

Re: Your Request for Advice
Our File No. A-89-022

Dear Mr. Biondo:

This is in response to your request for advice regarding application of the mass mailing provisions of the Political Reform Act (the "Act").^{1/}

QUESTION

Does the roster listing printed on the arts office fact sheet, which includes the members of the city council and arts commission, comply with the mass mailing restriction of Proposition 73?

CONCLUSION

The roster listing printed on the arts office fact sheet, which includes the members of the city council and arts commission, complies with the mass mailing provisions of Proposition 73.

FACTS

As the city attorney for the City of Carlsbad, you want to ensure that your city's arts office fact sheet is in compliance with the new mass mailing provisions amended into the Act by Proposition 73. Proposition 73 is the campaign

^{1/} Government Code Section 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.

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finance reform initiative adopted by the voters in the June 1988 primary election.

Attached to your letter requesting advice was a copy of the arts office fact sheet. On one side of the fact sheet is a description of the history of the arts office and arts commission in Carlsbad and the services provided to the public.

On the other side of the mailing is a listing of the members of the city council and the members of the arts commission. Each officeholder's name is in the same size typeface and type size and all are located together on the left side of the fact sheet. Also printed with this listing is the address of the arts office and the city seal of Carlsbad.

ANALYSIS

A mass mailing is defined in Section 82041.5 as two hundred or more substantially similar pieces of mail. Government Code Section 89001 provides that no newsletter or other mass mailing shall be sent at public expense. Read together and taken literally, these two sections could be construed to ban all mailings of 200 or more substantially similar documents if the mailings are done at public expense. (Commission Memoranda on Regulation 18901, copy enclosed)

Regulation 18901.^{2/} (copy enclosed), which implements Section 89001, provides that where a mass mailing includes the name of an elected officer in the letterhead of the standard stationary, form and envelopes of the agency, it is not prohibited under Section 89001, provided that the listing of agency or committee officials or members all appear in the same typeface, typesize and location in the mass mailing. In addition, where the mass mailing does not use the agency's standard stationary letterhead, a roster listing containing the names of all elected officers in the agency may be used in place of the agency's standard stationary letterhead. (Regulation 18901(e).)

In applying the Commission's regulation to the mailing you submitted with your letter, it appears that your roster complies with the regulation. The roster contains all of the names of the members of the city council and the arts commission in the same typeface, size and location in the layout.

^{2/} This regulation although adopted by the Commission at its December 6, 1988 meeting is under review with the office of Administrative Law. We anticipate that it will be in effect on approximately April 1, 1989. We are advising that the regulation be followed while it is undergoing that review.

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If I can be of any further assistance to you, please
feel free to contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel

A handwritten signature in cursive script, appearing to read "John W. Wallace". The signature is written in dark ink and is positioned above the typed name.

By: John W. Wallace
Counsel, Legal Division

DMG:JWW:aa

Enclosure

FPFC

CITY OF CARLSBAD

JAN 10 8 32 AM '89

1200 ELM AVENUE
CARLSBAD, CALIFORNIA 92008-1989
(619) 434-2891



VINCENT F. BIONDO, JR.
CITY ATTORNEY

RONALD R. BALL
ASSISTANT CITY ATTORNEY

January 6, 1989

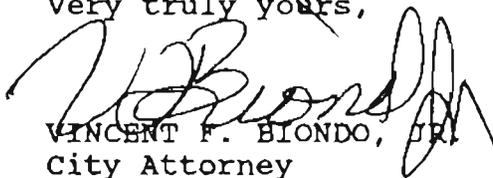
Fair Political Practices Commission
P. O. Box 807
Sacramento, California 95804

RE: MASS MAILINGS

My city management is experiencing significant difficulty in understanding the rules for mass mailing. Any help you can give in that regard would be very much appreciated.

In particular, this letter is to ask whether or not the enclosed "fact sheet" can be used by our Arts Commission. Approximately 3,000 of these cards were printed last year and remain on hand. They are not bulk mailed but are available in quantity at meetings, are enclosed when the office applies for grants, any individual requesting information about the Arts Commission receives one, and they are placed in racks and are available to the public at the library at City Hall. Our Arts Director wants to know if she can continue to use these fact sheets with the City Council listed. Any advice you can give in that regard would be appreciated.

Very truly yours,


VINCENT F. BIONDO, JR.
City Attorney

rmh
enclosure

c: Arts Director



California Fair Political Practices Commission

January 13, 1989

Vincent F. Biondo, Jr.
City Attorney
1200 Elm Avenue
Carlsbad, CA 92008-1989

Re: 89-022

Dear Mr. Biondo:

Your letter requesting advice under the Political Reform Act was received on January 10, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John Wallace an attorney 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 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 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,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan
Acting General Counsel

KED:plh

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CITY OF CARLSBAD

JAN 10 8 51 AM '89

1200 ELM AVENUE
CARLSBAD, CALIFORNIA 92008-1989
(619) 434-2891VINCENT F. BIONDO, JR.
CITY ATTORNEYRONALD R. BALL
ASSISTANT CITY ATTORNEY

January 6, 1989

Fair Political Practices Commission
P. O. Box 807
Sacramento, California 95804

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Very truly yours,

VINCENT F. BIONDO, JR.
City Attorney

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c: Arts Director