



California Fair Political Practices Commission

April 26, 1989

Dwight D. Gentry
Western Elections
P.O. Box 8900
Stockton, CA 95208

Re: Your Request for Informal
Assistance
Our File No. I-89-186

Dear Mr. Gentry:

You have requested follow-up assistance regarding the application of the mass mailing provisions of the Political Reform Act (the "Act")¹ to the mailing of various voter materials. Since your request does not refer to a specific governmental decision, we are treating your request as one for informal assistance.²

1. Sample Ballot Booklets: We confirm that an elected official's name may appear in a sample ballot booklet only where it is required by law. (Regulation 18901(f)(6), copy enclosed.) A sample ballot booklet is not a standard form of the agency. (Kurle Advice Letter, No. A-89-099, copy enclosed.)

2. Absentee Ballot Identification and Return Envelopes: We also confirm that an absentee ballot application and self-mailer return envelope are standard forms and envelopes of the agency and may include the name of an elected official once as part of the destination address. (Regulation 18901(e); Gentry Advice Letter, No. A-89-166, copy enclosed.)

¹ 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.

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

3. Mail Precinct Identification and Return Envelopes:

Whether an identification and return envelope for mail precinct voters is a standard form that may include the name of an elected official in the destination address has not been presented to nor determined by the Commission. Since we have not seen an example of the mailer we cannot confirm any conclusions regarding the application of the mass mailing provisions of the Act to these voter materials. If you wish, you may request formal written advice concerning the identification and return envelope for mail precinct voters. Please include a copy of the mailer with your request.

4. Envelopes Used to Mail Absentee Materials to Voters:

We confirm that envelopes used to mail absentee ballot materials to voters may include the name of an elected official as part of the return address, provided they are the standard envelopes of the agency. (Regulation 18901(e); Harlan Advice Letter, No. A-89-081, copy enclosed.)

5. Use of an Appointed Official's Name in a Mass Mailing:

We confirm that the mass mailing prohibitions of Section 89001 and Regulation 18901 apply only to mailings that include the name, photograph, signature or any other references to an elected official or his office. (Regulation 18901(c).) Thus, a mass mailing that includes only the name, signature or other reference to an appointed official is not prohibited.

6. Mailings of 200 or Less Pieces: A newsletter or other mailing is not prohibited by Section 89001 if the total number of pieces sent is 200 or less pieces in any calendar month. (Section 82041.5; Regulation 18901(d).)

7. Unsolicited Specific Requests: A mass mailing is not prohibited by Section 89001 if it contains only information or material sent in response to an unsolicited specific request to the elected officer or an agency with which the officer is affiliated. (Section 82041.5.) An "unsolicited" specific request is defined as a request which is not requested or induced by the recipient elected officeholder or any third person acting at his or her behest.

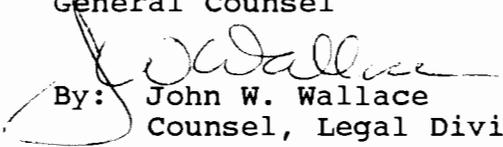
We have said that registering to vote is not considered a specific request for sending continuing information on voting. (Harlan Advice Letter, No. A-89-081.) Moreover, even a request for absentee ballot materials would not be regarded as an unsolicited request when made in response to information in the sample ballot pamphlet provided by the registrar of voters. Therefore, the exception for material sent in response to an unsolicited specific request is not applicable in this context.

Dwight G. Gentry
April 26, 1989
Page 3

If you have any further questions regarding this matter,
please feel free to contact this office at (916) 322-5901.

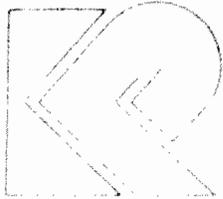
Sincerely,

Kathryn E. Donovan
General Counsel


By: John W. Wallace
Counsel, Legal Division

KED:JWW:plh

Enclosures



K/P GRAPHICS

March 8 5 52 AM '89

WESTERN ELECTIONS

List Office, Box 8000
Stockton, California 95208
209/465-5611

March 27, 1989

California Fair Political Practices Commission
Attention: John Wallace
Post Office Box 807
Sacramento, California 95804-0807

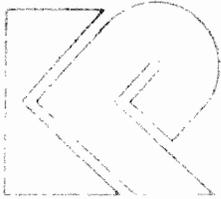
Dear John,

Thank you for your verbal response today to our request of March 13, 1989, relating to Solano County's standard Identification and Return Envelopes for Absentee Voters. We will await the written confirmation of that response, which you expected to reach us later this week.

Following are summaries of advice regarding Proposition 73 and Government Code Sections 82041.5 and 89001, as relating to election officials and commonly distributed printed election materials. We realize these summaries are general in nature but we would appreciate it if you would review them and advise us only if any of our conclusions are significantly incorrect.

- (1) Sample Ballot Booklets: The name of the elected official (usually the county clerk or city clerk) may NOT appear (a) on the front cover (credited with compilation and distribution), (b) on the absent voter ballot application (as part of the return address), (c) on the back cover (as part of the return address), or (d) on other informational pages within the booklet (as a contact person or as part of an address), since such inclusion is not required by any other statute and since these booklets are not specifically requested by the voters.
- (2) Identification and Return Envelopes for Absentee Voters: The name of the elected official (usually the county clerk or city clerk) may appear in the destination address, since these envelopes are standard forms sent in response to a specific request by the voter.
- (3) Identification and Return Envelopes for Mail Precinct Voters: The name of the elected official (usually the county clerk or city clerk) may NOT appear in the destination address, even though these envelopes are standard forms, since these envelopes are not sent in response to a specific request by the voter.

(Continued)



K/P GRAPHICS

WESTERN ELECTIONS

Post Office Box 8900
Stockton, California 95208
(409) 465-5611

March 27, 1989
Fair Political Practices Commission
Page 2

- (4) Outgoing Absent Voter's Ballot Envelope: The name of the elected official (usually the county clerk or city clerk) may appear in the return address, since these envelopes are standard forms sent in response to a specific request by the voter.
- (5) The inclusion of the name of a non-elected official (such as an appointed Registrar of Voters or an appointed City Clerk) is not affected by the above-mentioned regulations.
- (6) Mailings of less than 200 of any of the above items within a one-month period are not affected by the above-mentioned regulations.

The above summaries are derived from the following sources:

FPPC File Number A-88-257
FPPC File Number A-89-082
FPPC File Number A-89-099
FPPC File Number A-89-166

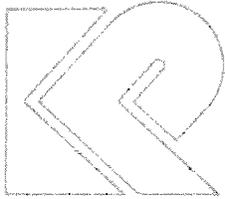
We understand that at least one additional query has been submitted to your office by Russ Harlan of Placer County, regarding absentee ballots, sample ballot booklets, and residency confirmation cards ("purge cards"). We would appreciate a copy of your response to that request, along with any other related advice not included in our source listing above.

Finally, we would like to make a correction to your File Number A-89-099. The City Clerk/City Administrator, Mr. Breninger, is an appointed official, not an elected official as mentioned in your response. At the time our letter on this matter was sent to you, we were attempting to clarify whether all election officials were affected by these regulations, and you must have assumed the Grass Valley City Clerk was an elective office. We probably should have specifically noted that Mr. Breninger is an appointed official.

Thank you for your assistance so far, and we look forward to receiving the additional information mentioned above.

Sincerely,

Dwight D. Gentry



K/P GRAPHICS

FPPC

MAR 23 8 52 AM '89

WESTERN ELECTIONS

Post Office Box 8900
Stockton, California 95208
(209) 465-5614

March 27, 1989

California Fair Political Practices Commission
Attention: John Wallace
Post Office Box 807
Sacramento, California 95804-0807

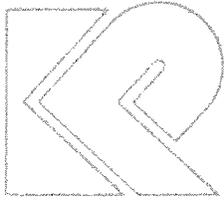
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(Continued)



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WESTERN ELECTIONS

Post Office Box 8900
Stockton, California 95208
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March 27, 1989
Fair Political Practices Commission
Page 2

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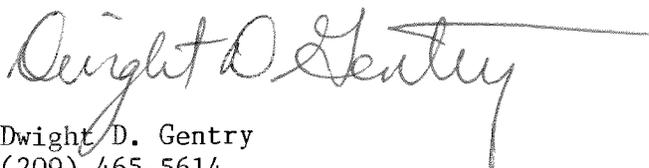
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Thank you for your assistance so far, and we look forward to receiving the additional information mentioned above.

Sincerely,



Dwight D. Gentry
(209) 465-5614



California Fair Political Practices Commission

March 30, 1989

Dwight D. Gentry
K/P Graphics
Western Elections
P.O. Box 8900
Stockton, CA 95208

Re: Letter No. 89-186

Dear Mr. Gentry:

Your letter requesting advice under the Political Reform Act was received on March 29, 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 "Diane M. Griffiths".

Diane M. Griffiths
General Counsel

DMG:plh