



California Fair Political Practices Commission

September 15, 1989

Joseph R. Symkowick
General Counsel
Department of Education
721 Capitol Mall
Sacramento, CA 94244-2720

Re: Your Request for Advice
Our File No. A-89-492

Dear Mr. Symkowick:

This is in response to your letter requesting additional advice on behalf of the California Department of Education concerning the application of the mass mailing provisions of the Political Reform Act (the "Act") to the mailings produced and distributed by your agency.^{1/}

Please note that the Commission is in the process of revising Regulation 18901, which implements the statutory mass mailing restrictions. We anticipate noticing amendments to the regulation in October 1989, and adopting those amendments at the December 13, 1989 Commission meeting. A draft of the proposed amendments is enclosed.

QUESTIONS

1. What is the definition of "logotype" as used in the mass mailing provisions of the Act?

2. May the name of the Superintendent of Public Instruction appear on the cover of reports prepared by the Department of Education without violating the mass mailing provisions of the Act?

^{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.

CONCLUSIONS

1. "Logotype" is interpreted, for the purposes of the mass mailing provisions, to be essentially synonymous with "letterhead," and also to include a trademark or nameplate such as a city or state seal.

2. Since a report by the Department of Education is not standard stationery, forms or envelopes of the department, it does not fall within the letterhead/logotype exception to the Act's mass mailing provisions. The Department of Education may, however, mail the reports if there is no reference to any elected officials and may include at the beginning or elsewhere in the report a document on the superintendent's letterhead provided it independently meets the requirements of one of the exceptions to the mass mailing prohibition.

DISCUSSION

Section 89001 provides that no newsletter or other mass mailing shall be sent at public expense. Section 82041.5 defines a "mass mailing" as more than 200 substantially similar pieces of mail sent in a calendar month. Regulation 18901(c) (copy enclosed) provides that a newsletter or other mass mailing may not be sent within the meaning of Section 89001 if:

(1) The name of the elected officer or his or her photograph appears on the document; and

(A) The elected officer exercises direction or control over the content, production, or distribution of the document, or

(B) The document is sent at the request or suggestion of the elected officer or his or her agent; or

(C) The document is signed by, or is designated as being from, the elected officer or his or her office; or

(2) (A) The elected officer is affiliated with the agency which produces or distributes the document; and

(i) The elected officer is featured in the document; or

(ii) The name, office or other reference to the elected officer or his or her photograph appears on the document and the document is prepared or sent in cooperation,

consultation, coordination or
concert with the elected officer.

Thus, where the elected officer initiates the mailing, exercises direction or control over the content, production, or distribution of the document, or signs or takes credit for the document, the name or photograph of the elected officer may not appear in the document. Moreover, where an elected official is affiliated with an agency that produces or distributes the mass mailing, the restrictions of Section 89001 may still apply in some circumstances.

An elected official is affiliated with an agency that produces and distributes a mass mailing if the elected official is a member, officer or employee of the agency or a subunit (such as a committee) of that agency; has supervisory control over the agency; or, appoints any of the members of the agency. (Riddle Advice Letter, No. A-89-096, copy enclosed.) Clearly, the Superintendent of Public Instruction is "affiliated" with the Department of Education, which produces or distributes the reports.

However, affiliation alone does not make the use of an elected official's name in a mass mailing prohibited. The second question is whether the mailing is prepared or sent in cooperation, consultation, coordination or concert with the elected officer. Where the mailing has been prepared or sent in cooperation, consultation, coordination or concert with the elected officer, any use of the elected officer's name, photograph or office, or any reference to the officer is prohibited. (Regulation 18901(b)(2)(A)(ii).)

If the mailing has not been prepared or sent in cooperation, consultation, coordination or concert with the elected officer, use of the elected officer's name is permitted provided the official is not featured in the mailing. (Regulation 18901(b)(2)(A)(i).) An elected officer is "featured" in a mass mailing if he or she is singled out for attention of the reader by use of his or her signature, inclusion in any photograph, or the manner of display of his or her name or office in the layout of the document such as by headlines, type size, or typeface. (Regulation 18901(b)(2)(B).)

Therefore, if the mailing is prepared or sent in cooperation, consultation, coordination or concert with the Superintendent of Public Instruction, use of the superintendent's name, photograph, office, or any references to the superintendent generally are prohibited. If the superintendent did not participate in the preparation or distribution of the mailing, then use of the superintendent's name is permitted provided the superintendent is not featured in the mailing. Crediting the production of a document to the superintendent is clearly featuring him for purposes of Regulation 18901(b)(2)(B).

However, Regulation 18901(e) sets out a specific exception to the mass mailing prohibition.

A newsletter or other mass mailing is not prohibited by Government Code Section 89001 if it meets all of the following criteria:

(1) The stationery, forms and envelopes used for the mailing are the standard stationery, forms and envelopes of the agency or committee of the agency; and

(2) The name of an elected officer who is affiliated with the agency or committee appears in the standard letterhead or logotype of the stationery, forms or envelopes of the agency, a committee of the agency, or the elected official and the newsletter or mass mailing is not otherwise prohibited under subdivision (c) because of additional references to the elected officer.

As used in this subdivision, the term "letterhead or logotype" includes a listing of agency or committee officials or members, in which all who are listed appear in the same typeface and type size and location in the layout of the newsletter or other mass mailing.

As used in this subdivision, the term "standard letterhead or logotype" refers to any regularly used by the agency, subunit or the elected officer. Provided, however, that where a newsletter does not use the agency's standard stationery letterhead, a roster listing containing the names of all elected officers in the agency may be used in the newsletter in place of the agency's standard stationery letterhead.

Regulation 18901(e) (emphasis added).

You have asked specifically for the definition of "logotype." Regulation 18901(e) does not define "logotype." However, Webster's New World Dictionary provides some guidance. It defines "logotype" as: "1. a single type body or matrix containing a short, often-used set of letters, or word ... 2. a distinctive company signature, trademark, colophon, newspaper nameplate, etc." (1974, Second College Edition.) On this basis we interpret "logotype" as being essentially synonymous with "letterhead," and also to include items such as a state or city seal.

However, the definition of "logotype" means very little out of the context of the regulation. Regulation 18901(e) provides

that an elected official's name may be used in a logotype of a mass mailing only if all of the following apply:

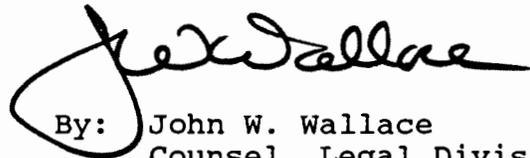
1. The name of an elected officer who is affiliated with the agency or committee appears in the standard letterhead or logotype of the agency; and,
2. The standard letterhead or logotype of the agency appears on the standard stationery, forms and envelopes of the agency; and
3. The newsletter or mass mailing is not otherwise prohibited under subdivision (c) because of additional references to the elected officer.

Consequently, since a report by the Department of Education is not standard stationery, forms or envelopes of the department, it is not within the exception provided by Regulation 18901(e). Thus, absent some other exception to the mass mailing prohibition, the name of elected officials may not appear on the reports. However, a document on the elected officer's letterhead could be included at the beginning or elsewhere in the reports so long as it independently meets the requirements of Regulation 18901(e).

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

Sincerely,

Kathryn E. Donovan
General Counsel



By: John W. Wallace
Counsel, Legal Division

KED:JWW:plh

Enclosures



CALIFORNIA STATE DEPARTMENT OF EDUCATION

Bill Honig

721 Capitol Mall; P.O. Box 944272

FPFC

Superintendent

Sacramento, CA 94244-2720

AUG 17 9 01 AM '89

of Public Instruction

August 14, 1989

John G. McLean
Counsel, Legal Division
California Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95804-0807

RE: My Request for Advice; Your File No. I-88-339

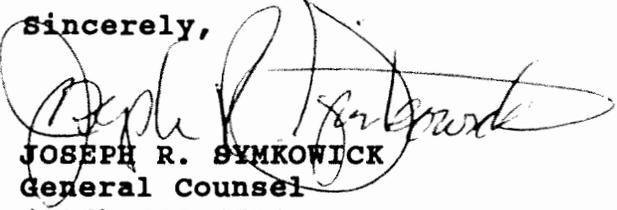
Dear Mr. McLean:

I have recently had the opportunity to review my files relating to Proposition 73. In reviewing your March 21, 1989 letter to me, I am unable to ascertain whether or not that letter constitutes formal written assistance of the Fair Political Practices Commission in accordance with Section 18329 of Title 2 of the California Code of Regulations. Also, your response reformulates my question in such a way as to lose its meaning. The answer to your rephrased question is obvious; however, the meaning of "logotype" which is an exception to the prohibition is not obvious.

My original request to Diane Griffiths specifically requested formal written assistance pursuant to 2 CRC 18329 (b). I have attached a copy of that request for your reference. It is important to us that the official response of the Fair Political Practices Commission constitute formal written assistance within the meaning of this section. Accordingly, please consider this a renewal of our previous request and a request to address our specific question as phrased. I have also attached a copy of the advice memorandum which I issued to Deputy Superintendents and Division Directors on August 4, 1988.

If you have any questions, please give me a call.

Sincerely,



JOSEPH R. SYMKOWICK
General Counsel
(916) 445-4694

JRS:jm
Attachments



CALIFORNIA STATE DEPARTMENT OF EDUCATION

721 Capitol Mall; P.O. Box 944272

Sacramento, CA 94244-2720

File

Bill Honig

Superintendent

of Public Instruction

August 26, 1988

Diane M. Griffiths
General Counsel,
Fair Political Practices Commission
428 J Street
Suite 800
Sacramento, CA. 95814

Re: Request for Formal Advice Regarding the Mass Mailing
Prohibition In Government Code section 89001, As Amended by
Proposition 73, Adopted by the Voters on June 7, 1988.

Dear Diane:

As the General Counsel for the California Department of Education, my office is charged with advising employees of the Department about their duties and actions under the Political Reform Act. Many questions have arisen regarding the duties of our employees under Government Code section 89001, as amended by Proposition 73 adopted by the voters on June 7, 1988. Although the recent FPPC emergency regulation, 2 CRC 18901, and the two opinions of Robert E. Leidigh of your staff dated June 19 and July 1, 1988 have been helpful, there are still a number of unanswered questions. Accordingly, I would like to request your formal written assistance pursuant to 2 CRC 18329 (b).

For your information, I have recently issued an advice memorandum to our Deputy Superintendents and Division Directors. I have attached a copy of that memorandum and would appreciate your review as soon as possible. Please let us know if the memorandum is in accordance with your instructions.

In addition to your review of our advice memorandum, please give us your formal advice on the following specific question:

What does the FPPC consider a "logotype" as that word is used in 2 CRC 18901(b)(3)?

State agencies and elected officials issue many types of informational publications that are often "mass mailed" as that term is defined in 2 CRC 18901(a). For your reference, we have attached the following eight publications:

- o From Vision to Reality, California State Department of Education Annual Report for 1988.
- o Here They Come: Ready or Not, Report of the School Readiness Task Force, California State Department of Education, 1988.
- o Mathematics Framework, California State Department of Education, 1985.
- o New California Schools, Superintendent Honig's Report to the State on Current Issues in California Education, Winter, 1987-88.
- o Schools and Drugs, Crime Prevention Center, Office of the Attorney General, 1987.
- o School/Law Enforcement Partnership Conference, John K. Van de Kamp, Attorney General, Bill Honig, Superintendent of Public Instruction, 1988.
- o Report to the Governor, California Commission on Educational Quality, 1988.
- o Accountability Over K-12 Educational Funding, Office of the State Controller, 1988.

Each of these publications names the responsible elected official and the agency on the cover. For example:

- o CALIFORNIA STATE
DEPARTMENT OF EDUCATION

Bill Honig -- Superintendent
of Public Instruction
Sacramento, 1988
(From Vision to Reality)
- o John Van de Kamp Bill Honig
Attorney General Superintendent of
Public Instruction
(School/Law Enforcement
Partnership Conference)

DIANE M. GRIFFITHS
Proposition 73 Questions
August 26, 1988
Page 3

- o Crime Prevention Center o Office of the
Attorney General
John K. Van de Kamp o Attorney General
(Schools and Drugs)

- o GOVERNOR
George Deukmejian

June, 1988
(Report to the Governor,
California Commission on
Educational Quality)

- o GRAY DAVIS State of California
State Controller
(Accountability Over K-12
Educational Funding)

Please review each of the foregoing eight publications and let us know which ones, if any, contain valid "logotypes" pursuant to 2 CRC 18901 (b)(3).

During your review, please consider the attached Memorandum to me from Ted Smith, our Department's Editor-in-Chief of the Bureau of Publications. It is dated August 11, 1988 and discusses Mr. Smith's understanding of the word "logotype" based upon his 26-year tenure in the Bureau of Publications. Mr. Smith states that during the past 35 years, every publication issued by the Bureau has contained a logotype consisting of four elements: (1) the State Department of Education as the publishing agent; (2) the name of the Superintendent as the legally responsible publisher; (3) Sacramento, the city in which the publishing took place; and (4) the year in which the document was published. As examples, he has attached copies of logotypes on publications from the Superintendencies of Roy E. Simpson (1962), Max Rafferty (1970), Wilson Riles (1976), and Bill Honig (1985). Mr. Smith also has included definitions of "logotype" from four dictionaries which, in his opinion, support the Bureau's position on the meaning of "logotype."

In addition, Mr. Smith argues:

"As final point in this matter, the FPPC is accepting the name of the 'elected officer's name...on the standard letterhead or logotype of the stationery, forms or envelopes' as long as 'there are not other

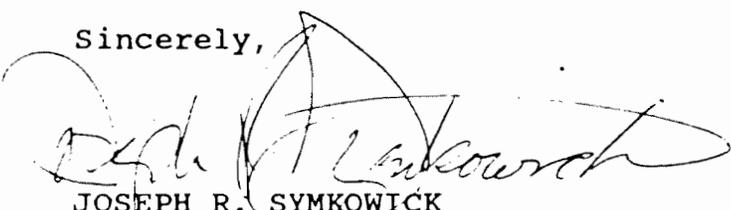
DIANE M. GRIFFITHS
Proposition 73 Questions
August 26, 1988
Page 4

references to the officer, including his or her photograph or signature, in the mailing.' Since the elements in the logotype on the covers of our publications are the same as those that appear on our stationery and since they are also acceptable, according to the FPPC, on the forms we produce, it seems most inconsistent that the FPPC would forbid our including our logotype on the covers of our publications as we have been doing for over 35 years."

Please respond specifically to the argument that the elements in the Department's letterhead and forms and those located on the covers of our Department's publications for the past 35 years are identical.

Thank you in advance for your assistance. We know that questions similar to ours have kept you extremely busy. Because of our own need to advise our employees, however, we would appreciate it if you could get back to us as soon as possible. If you have any questions or would like to review any of the matters set forth in this memorandum, please give me a call. I would be more than happy to discuss anything with you.

Sincerely,

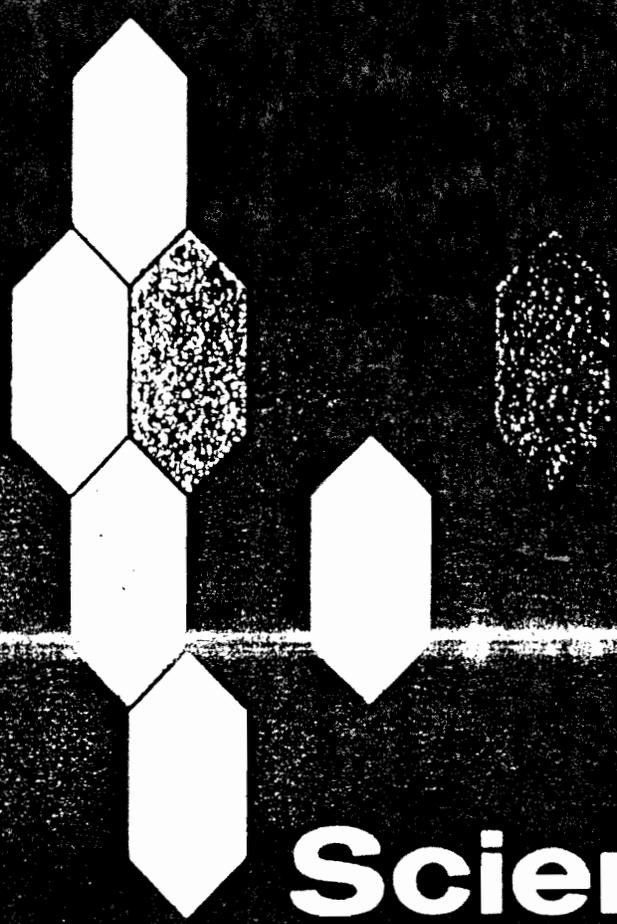


JOSEPH R. SYMKOWICK
General Counsel
445-4694

Attachments

cc: Bill Honig
William D. Dawson
Susan Lange
Ted Smith
Deputies

As final point in this matter, the FPPC is accepting the name of the "elected officer's name . . . on the standard letterhead or logotype of the stationery, forms or envelopes" as long as "there are not other references to the officer, including his or her photograph or signature, in the mailing." Since the elements in the logotype on the covers of our publications are the same as those that appear on our stationery and since they are also acceptable, according to the FPPC, on the forms we produce, it seems most inconsistent that the FPPC would forbid our including our logotype on the covers of our publications as we have been doing for over 35 years.



**Science
Framework**
FOR CALIFORNIA PUBLIC SCHOOLS
KINDERGARTEN - GRADES ONE THROUGH TWELVE

CALIFORNIA STATE DEPARTMENT OF EDUCATION
Max Rafferty - Superintendent of Public Instruction
Sacramento, 1970

Bureau of Publications
State Department of Education
701 Capitol Mall
Sacramento, California 95814

**Bibliography of Proceedings and Publications
of Regional Deaf-Blind Centers
1970-1975**



**Southwestern Region Deaf-Blind Center
Spring, 1976**

**CALIFORNIA STATE DEPARTMENT OF EDUCATION
Wilson Riles—Superintendent of Public Instruction
Sacramento, 1976**

1984-85

**Characteristics
of Professional Staff
in California Public Schools**

Data compiled by:

CBEDS

*The California Basic
Educational Data System*

**CALIFORNIA STATE DEPARTMENT OF EDUCATION
Bill Honig, Superintendent of Public Instruction
Sacramento, 1985**

Deputy Superintendents
Division Directors

-3-

August 4, 1988

equally here.

5. Mailings required by statute, ordinance or court order. Public meeting and regulations notices would be examples of this exception.

In addition to the above there is one other exception of limited applicability. Materials printed prior to the passage of Proposition 73 may be distributed only if (a) any costs of distribution are paid for by other than public funds; and (b) the costs of production and printing are reimbursed to the Department.

This memorandum is based on two legal opinions issued by the Fair Political Practices Commission and the attached emergency regulation.

Because criminal and civil penalties attach to violations of the mass mailing restrictions, you are urged to contact either Joseph Symkowick or Roger Wolfertz of the Legal Office (5-4694) should you have any questions concerning these guidelines, either in general or as applied to any proposed mass ~~mailing~~.

JRS:pm

89-492



CALIFORNIA STATE DEPARTMENT OF EDUCATION

Bill Honig

721 Capitol Mall; P.O. Box 944272

FPPC

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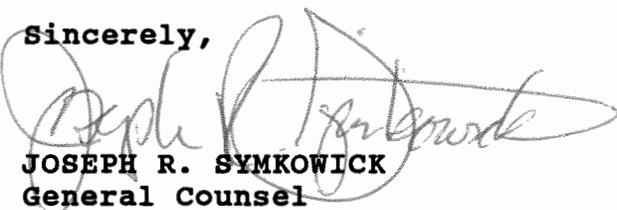
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DIANE M. GRIFFITHS
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JOSEPH R. SYMKOWICK
General Counsel
445-4694

Attachments

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Deputies

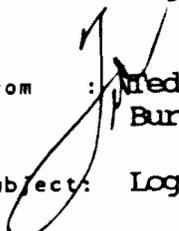
M e m o r a n d u m

To : Joe Symkowick, General Counsel

Date : August 11, 1988

and Allan Keown, Staff Counsel
Legal Office

File No.: F87-541

From :  Fred Smith, Editor in Chief
Bureau of Publications

Subject: Logotype

In the 26 years that I have been in the Bureau of Publications, we have included on the cover of every publication the following elements, which constitute our logotype: the name of our Department, as the publishing agent; the name of the Superintendent of Public Instruction, as the legally responsible publisher; Sacramento, as the city in which the publishing took place; and the year in which the document was published. I have attached copies of the covers of publications from the prior administrations as illustrations.

I recognize that you will find differences in the definitions given for logotype, and some confuse ligature and logo with logotype. However, I believe the following definitions from highly reputable sources support my position:

- Webster's Third New International Dictionary: "(2b) a single piece of type or a single plate faced with a term (as the name of a newspaper, an advertiser's trademark, a company name and address)"
- Printing and Promotion Handbook: "A piece of type that carries, not just a letter, but one or more words, such as the name of a firm or a product."
- The Chicago Manual of Style: "Familiarly, "logo"; one or more words, or other combinations of letters, made available as one SORT. Often used for company names, trademarks, etc."
- Funk & Wagnalls Standard College Dictionary: "(1) Printing. A piece of type bearing a syllable, word, or words; (2) a distinctive commercial design or style of type used to represent a company name, trademark, etc."

August 11, 1988

Page 2

As final point in this matter, the FFPC is accepting the name of the "elected officer's name . . . on the standard letterhead or logotype of the stationery, forms or envelopes" as long as "there are not other references to the officer, including his or her photograph or signature, in the mailing." Since the elements in the logotype on the covers of our publications are the same as those that appear on our stationery and since they are also acceptable, according to the FFPC, on the forms we produce, it seems most inconsistent that the FFPC would forbid our including our logotype on the covers of our publications as we have been doing for over 35 years.

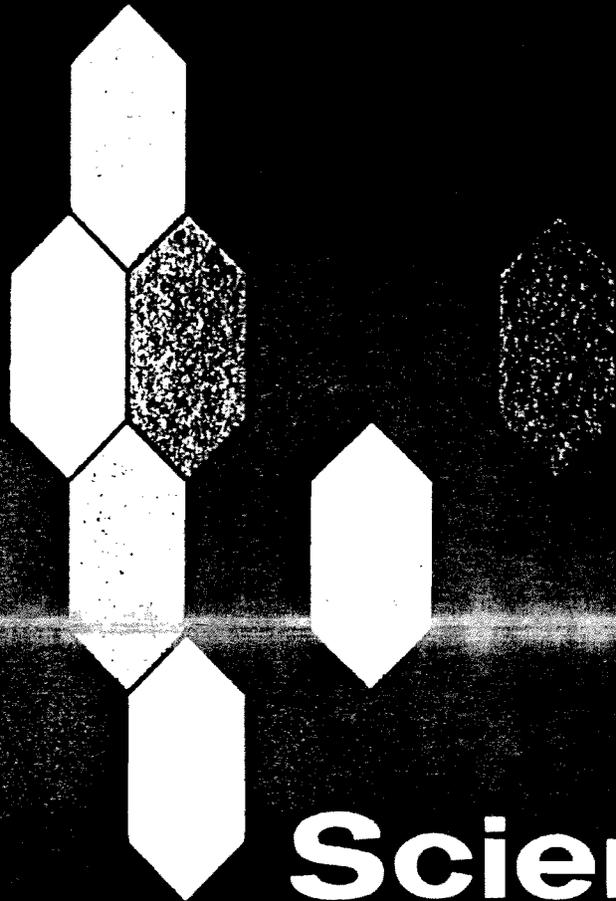
Report of the
**TWENTY-FOURTH
ANNUAL CONFERENCE
ON INDUSTRIAL EDUCATION**

**San Diego, California
March 6-9, 1962**

CALIFORNIA STATE DEPARTMENT OF EDUCATION

**ROY E. SIMPSON
Superintendent of Public Instruction**

SACRAMENTO, 1962



Science Framework

FOR CALIFORNIA PUBLIC SCHOOLS
KINDERGARTEN - GRADES ONE THROUGH TWELVE

CALIFORNIA STATE DEPARTMENT OF EDUCATION
Max Rafferty — Superintendent of Public Instruction
Sacramento, 1970

Bureau of Publications
State Department of Education
701 Capitol Mall
Sacramento, California 95814

Bibliography of Proceedings and Publications of Regional Deaf-Blind Centers 1970-1975



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Spring, 1976**

**CALIFORNIA STATE DEPARTMENT OF EDUCATION
Wilson Riles—Superintendent of Public Instruction
Sacramento, 1976**

LIBRARY COPY

1984-85

**Characteristics
of Professional Staff
in California Public Schools**

Data compiled by:

CBEDS

*The California Basic
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CALIFORNIA STATE DEPARTMENT OF EDUCATION
Bill Honig, Superintendent of Public Instruction
Sacramento, 1985

Memorandum

To : DEPUTY SUPERINTENDENTS
DIVISION DIRECTORS

Date : August 4, 1988

File No.: REVISED

From : 
JOSEPH R. SYMKOWICK, General Counsel
Legal and Audits Branch (5-4694)

Subject : Proposition 73 - Prohibition Against Mass Mailings Containing
Superintendent's Name, Photograph, or Signature Other Than in
Letterhead or Logotype

On June 7, 1988 the voters adopted Proposition 73 which, among other things, unequivocally prohibits the sending of newsletters or other "mass mailings" at public expense. As amended by Proposition 73, Government Code Section 89001 now reads:

No newsletter or other mass mailing shall be sent at public expense.

Proposition 73 amended the definition of the term "mass mailing" found in Government Code Section 82041.5 to read:

"Mass mailing" means two hundred or more substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter, or other inquiry.

Because Proposition 73 was, among other things, intended to stop the advantage of elected incumbents and because the Department of Education is headed by an elected statewide constitutional officer, this new prohibition has possible application to all communications and publications of the Department.

The Fair Political Practices Commission (FPPC) is charged with enforcing Proposition 73. Even though the above prohibition appears absolute, FPPC has indicated that mailings by an elected officer's agency are not prohibited if the elected officer's name "appears, if at all, only on the standard letterhead or logotype of the [official] stationary, forms or envelopes [of the agency]." The FPPC has recently issued an emergency regulation (see attached) interpreting and clarifying the prohibition in Proposition 73. It has also issued two legal opinions. A few guidelines can be derived from the FPPC's regulation and opinions.

First, "mass mailing" is considered to be more than 200 unsolicited substantially similar pieces of mail sent in one

calendar month. Second, "mailing" for purposes of the prohibition means mail by U.S. Postal service or any other "means which results in expenditure of public moneys." This, for example, would include UPS, Federal Express, electronic mail, messenger, etc.. Third, mass mailings can only mention Superintendent Honig's name on the standard letterhead or logotype of the official stationary, forms or envelopes of the Department. They cannot mention his name or contain his photograph or signature anywhere else in the document. The following, according to the FPPC emergency regulation, are exceptions (i.e. these items may mention the Superintendent by name or contain his photograph or signature other than in the standard letterhead or logotype):

1. Press releases sent only to the media.
2. Materials sent in the normal course of business from one governmental entity or officer to another governmental entity or officers. Unfortunately there is no definition of "normal course of business."

It should be noted that this exception relates only to communications between governmental entities and their officers. Thus, letters and memoranda to school districts, boards of education, board members and superintendents would not be governed by the prohibition. On the other hand, letters to "business leaders" or "concerned educators" would be governed by the prohibition. Also in our opinion, letters or other communications to "all teachers" or "all classified employees" would be governed by the prohibition because these classifications extend beyond what could reasonably be considered as "officers" of the school districts or county offices of education.

3. Materials, correspondence, memoranda, forms or other communications sent in connection with the payment or collection of funds. Examples would be apportionment materials or materials related to child development contracts.
4. Materials which are essential to the functioning of a program sent to non-governmental persons or entities subject to a program administered by the Department. Examples would be essential materials sent to private postsecondary institutions or child development contractors. "Essential" is not defined although it would seem to be more restrictive in application when contrasted with "normal course of business." Also, the same prohibition against unsolicited distributions as set forth in No. 2 above would apply

equally here.

5. Mailings required by statute, ordinance or court order. Public meeting and regulations notices would be examples of this exception.

In addition to the above there is one other exception of limited applicability. Materials printed prior to the passage of Proposition 73 may be distributed only if (a) any costs of distribution are paid for by other than public funds; and (b) the costs of production and printing are reimbursed to the Department.

This memorandum is based on two legal opinions issued by the Fair Political Practices Commission and the attached emergency regulation.

Because criminal and civil penalties attach to violations of the mass mailing restrictions, you are urged to contact either Joseph Symkowick or Roger Wolfertz of the Legal Office (5-4694) should you have any questions concerning these guidelines, either in general or as applied to any proposed mass ~~mailings~~.

JRS:pm



California Fair Political Practices Commission

August 21, 1989

Joseph R. Symkowick
General Counsel
Department of Education
P.O. Box 944272
Sacramento, CA 94244-2720

Re: Letter No. 89-492

Dear Mr. Symkowick:

Your letter requesting advice under the Political Reform Act was received on August 17, 1989 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.

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,

Kathryn E. Donovan
General Counsel

KED:plh