



# California Fair Political Practices Commission

December 26, 1989

Harold E. Nobles, Jr.  
20140 Sahale Road  
Apple Valley, CA 92307

Re: Your Request for Informal Assistance  
Our File No. I-89-589

Dear Mr. Nobles:

You have requested advice regarding provisions of the Political Reform Act (the "Act")<sup>1</sup> dealing with disclosures on campaign flyers. Upon your request, I am writing to confirm our telephone conversation of November 15, 1989. In our telephone conversation, you indicated that your question involved your actions in a recent local election. While we cannot provide advice regarding the propriety of past conduct, we can provide general advice for your future use. We are treating your request as a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed).<sup>2</sup>

## QUESTION

May a candidate publish and distribute campaign flyers which do not have a caption indicating that the flyers are a "paid political advertisement"?

## CONCLUSION

The Political Reform Act does not require that campaign flyers have the "paid political advertisement" caption.

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

ANALYSIS

The Fair Political Practices Commission only administers and enforces the Political Reform Act. None of the provisions of the Act require that campaign flyers contain a provision indicating that they are a "paid political advertisement." However, you should be aware of two provisions of law which bear on this issue

First, the Act contains sender identification requirements for mass mailings. Under the Act, a mass mailing is over 200 substantially similar pieces of mail, which does not include a form letter or other mail which is sent in response to an unsolicited request. (Section 82041.5.) The requirements for campaign mass mailings are set forth in Section 84305:

(a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of such mailing in no less than 6-point type. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

Second, Section 11708 of the Elections Code states:

Any paid political advertisement which refers to an election or to any candidate for state or local elective office and which is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." Such words shall be set apart from any other printed matter.

As used in this section "paid political advertisement" shall mean and shall be limited to, published statements paid for by advertisers for

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Page 3

purposes of supporting or defeating any person who  
has filed for an elective state or local office.

If you have questions on this provision of the Elections Code you  
should contact the Office of the Attorney General.

I trust this answers your question. If you have any further  
questions regarding this matter, please contact me at (916)  
322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel

  
By: Jill R. Stecher  
Counsel, Legal Division

KED:JRS:plh

Enclosure

**VICTOR VALLEY BUDGET PRINTING CENTER INC.**

**18409 HWY. 18, SUITE #4  
APPLE VALLEY, CA 92307  
(619) 242-1300**

**FACSIMILE COVER SHEET**

TO: FPPC

FAX #: 916-327-2026

DATE: 11-15-89

PAGES TO FOLLOW: 6 after cover sheet

FROM: Harold E. Nobles, Jr.

CONTACT: 619-247-4537

OUR FAX# \_\_\_\_\_

IF ALL PAGES DO NOT TRANSMIT, PLEASE CALL  
VICTOR VALLEY BUDGET PRINTING AT (619) 242-1300

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Harold E. Nobles, Jr.  
20140 Sahale Rd.  
Apple Valley, Ca., 92307

November 14, 1989

Fair Political Practices Commission  
428 J Street, Suite 800  
P.O. Box 807  
Sacramento, Ca., 95804-0807

RE: Campaign Bank Account-Form 502  
Your letter, October 25, 1989

Dear Ms. Hughes:

I am requesting a waiver of the \$100.00 fine as indicated in your letter. I am not contesting the fact that the required forms were not submitted on time as required. It was an oversight on my part. I did not realize that there was a specific time frame on submitting them. As you can probably determine, the forms were completed, but were not promptly submitted.

Since I am new in the political arena, and did not have a campaign committee that had any experience with the reporting requirements, or any committee at all for that matter, I had to try and follow the rules as best as possible. I have tried to comply with the requirements as best as possible.

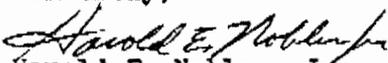
I would like to point out one item in my defense. In trying to comply with the requirements, I contacted your office by FAX on October 11, 1989, requesting some guidance, after my questions could not be answered by the Registrar of Voters office. I also followed that request by letter. In addition, I transmitted another FAX to the Registrar of Voters on October 18, 1989, and provided them with the same request.

As of this date, I have not received an answer to my question. I did receive notification of the receipt of my letter, which indicated that your office would try to provide an answer within 21 days. However, at this date the election is over, and a response would have no bearing at this point.

My point is, If your office and Legal section can not provide a candidate with an answer to a question as I had, how can you expect a candidate, (especially one lack-experience in these matters), to comply 100% with your requirements?

Getting back to your letter, yes, I would like a waiver of the fine. Being different from most candidates, my finances are very limited and have been exhausted already, and would require additional funds. However, being the agency that you are, I believe that you will see my point and make your decision accordingly. Your assistance is certainly appreciated. Thank you.

Sincerely,

  
Harold E. Nobles, Jr.

Enclosures: CFPFC Ltr, Oct. 25, 1989  
FAX, Oct. 18, 1989 and Oct. 17, 1989  
FAX, Oct. 11, 1989



# California Fair Political Practices Commission

October 25, 1989

Harold Nobles, Jr.  
20140 Sahale Road  
Apple Valley, CA 92307

Re: Campaign Bank Account-Form 502  
Date Statement Due: September 13, 1989  
Days Late: 23  
Fine: \$100

Dear Mr. Nobles:

According to our records, your campaign bank account statement (Form 502), which was due on the date indicated above, was filed late.

Government Code Section 91013 imposes a fine of \$10 per day, up to a maximum of \$100, for the late filing of a campaign disclosure statement. However, if you have a good reason for filing late, the Commission can waive all or part of the fine. If you wish to request a waiver, your written explanation must be received in our office within 20 days of the receipt of this letter. If you choose not to request a waiver of the late fine, please remit your check or money order to us made payable to the State of California in the amount of the fine indicated above, within 20 days of receipt of this letter.

If you have any questions, please contact me at (916) 322-5662.

Sincerely,

A handwritten signature in cursive script that reads "Alice Hughes".

Alice Hughes  
Political Reform Consultant  
Technical Assistance and  
Analysis Division

AH:dh



# California Fair Political Practices Commission

October 17, 1989

Harold Nobles  
20140 Sahale Road  
Apple Valley, CA 92307

Re: Letter No. 89-589

Dear Mr. Nobles:

Your letter requesting advice under the Political Reform Act was received on October 11, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jill Stecher 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

**TO:** SB Co. Registrar of Voters FAX NUMBER (714) ~~387-3306~~ 889-6449  
**FROM:** Harold Nobles OUR FAX NO. (619) 245-3277  
**DATE:** October 18, 1989  
**RE:** "Paid Political Advertisement" Caption

Number of pages including this page - 2

*Please call us immediately at the number below if any problems were encountered in receipt of these documents.*

**MESSAGE:**

The attached letter was transmitted via telefax to the Fair Practices Commission in Sacramento on October 1989. We have been unable to obtain an answer to the referred question via direct telephone conversation or the telefax letter. All of our research indicates the "Paid Political Advertisement" caption is not necessary on items not distributed via a newspaper or actual newspaper ads. Please supply us with an answer to this question as soon as possible.

TO:FPFC

FAX NUMBER (916) 327-2026

FROM:Harold Nobles

OUR FAX NO. (619) 245-3277

DATE:October 11, 1989

RE:"Paid Political Advertisement" Caption

Number of pages including this page - 2

*Please call us immediately at the number below if any problems were encountered in receipt of these documents.*

MESSAGE:

Please see attached letter

October 11, 1989

Harold Nobles  
20140 Sahale Road  
Apple Valley, CA 92307

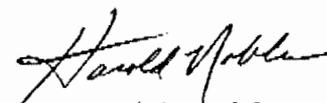
Fair Political Practices Commission  
Sacramento, CA

Re: "Paid Political Advertisement" Caption for  
Non-Newspaper Distributed Campaign Literature

Gentlemen:

The Candidate's Handbook prepared by the San Bernardino County Registrar of Voters indicates that the caption "Paid Political Advertisement" need only be attached to newspaper ads or campaign literature distributed via newspapers. Candidates in the past have and continue to publish campaign flyers and cards for personal distribution (person-to-person) without the "Paid Political Advertisement" caption. Please confirm if this is an acceptable practice. Please reply by fax to the number contained on our cover sheet as soon as possible.

Sincerely,

  
Harold Nobles

October 11, 1989

Harold Nobles  
20140 Sahale Road  
Apple Valley, CA 92307

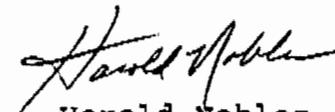
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Harold Nobles



# California Fair Political Practices Commission

October 17, 1989

Harold Nobles  
20140 Sahale Road  
Apple Valley, CA 92307

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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  
General Counsel

KED:plh



# California Fair Political Practices Commission

November 13, 1989

Harold Nobles  
20140 Sahale Road  
Apple Valley, CA 92307

Re: Letter No. 89-589

Dear Mr. Nobles:

On November 1, 1989 our office Faxed a request to you asking you to call this office regarding your letter dated October 11, 1989. To date we have had no response. Please send me a daytime phone number where you can be reached and a convenient time for me to call, or you may reach me at (916) 322-5901. If we do not hear from you by November 21, 1989 your request will be considered to be withdrawn.

Sincerely,

  
Jill Stecher  
Staff Counsel, Legal Division

**BUDGET PRINTING CENTER INC.**

Start: 11:25  
End: 11:25  
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November 14, 1989

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# California Fair Political Practices Commission



**California**  
**Fair Political**  
**Practices Commission**

428 J Street, Suite 800 • P.O. Box 807 • Sacramento CA 95804-0807 • (916) 322-5660





NOV 15 1989