

DISCLAIMER REQUIREMENTS

The Act requires a slate mailer organization that sends a slate mailer, as defined in Chapter 1, to include specific disclaimers as part of the mailer. This chapter describes the information that must be provided in a slate mailer.

A. Notice to Voters

A slate mailer organization that produces a slate mailer must include the following Notice to Voters at the top or bottom of the front side or surface of at least one insert contained in the slate mailer, or at the top or bottom of one side or surface of a postcard or other type of mailer:

NOTICE TO VOTERS

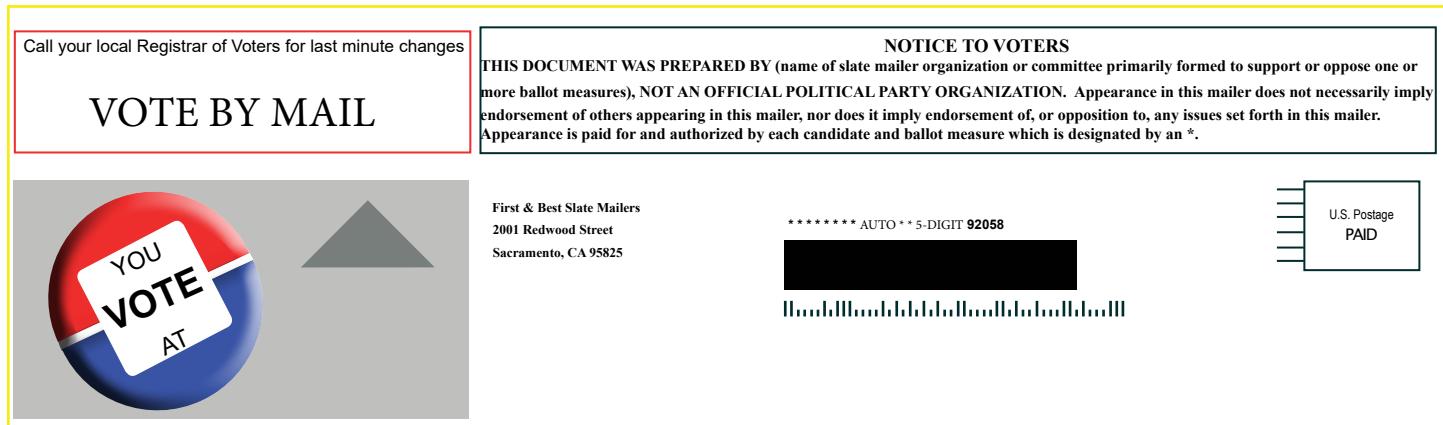
THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), **NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION**. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.

The notice must be printed in at least 8-point roman boldface type, which must be in a color or print that contrasts with the background. The notice also must be contained in a printed or drawn box which is set apart from any other printed matter.

QUICK TIP: If a slate mailer organization receives a payment from a third party for the purpose of including a candidate or ballot measure in a slate mailer, inclusion of the asterisk will depend upon whether the third party's payment is an in-kind contribution or an independent expenditure. An asterisk is required if the payment is an in-kind contribution. As asterisk is not required if the payment is an independent expenditure.

QUICK TIP: The slate mailer identification and disclaimer requirements also apply to slate mailers distributed electronically.

If the slate mailer appears in multiple languages, the Notice to Voters in a slate mailer shall appear in English. In addition, if all or a significant portion of the slate mailer appears in a language other than English, the Notice to Voters must also appear in that language.



B. Sender Identification Requirements

Slate mailers that are sent by a slate mailer organization must contain the name, street address, and city of the slate mailer organization. A post office box may be used in lieu of a street address if the organization's street address is listed on its Statement of Organization, Form 400, on file with the Secretary of State.

The identification must be shown on the outside of each piece of slate mail and on at least one of the inserts included with each piece of slate mail. It must be printed in no less than 8-point roman type in a color or print that contrasts with the background.

C. Identification of Candidates and Committees for Which Payments Have Been Received

Each candidate and each ballot measure supported or opposed in a slate mailer for which payment of \$100 or more has been received by the organization (either from the candidate or committee, or from any other person at the behest of the candidate or committee) must be designated in the slate mailer by an asterisk (*).

The asterisk must be of the same type size, type style, color or contrast, and legibility that is used for the name of the candidate or the name or number of the ballot measure supported or opposed on the slate mailer, except that it need not be larger than 10-point boldface type.

The asterisk must immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure, if the candidates and measures supported or opposed appear in a list. If the mailer consists of a narrative text rather than a slate listing, the asterisk must appear at least once, in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

QUICK TIP: An asterisk should not appear next to any candidate or ballot measure listed on a slate mailer for free. This is true even if authorization has been received from the candidate or ballot measure committee or the candidate or ballot measure committee has paid to appear on other slate mailers prepared by the slate mailer organization.

The “A” Team

A guide to take to the polls



Jameela Rahal
Mayor



Pat O'Doul*
City Council



Tiffany Ruiz*
City Council

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If the name of a candidate appears in a slate mailer sent by a slate mailer organization and the candidate is a member of a political party which is different than the political party represented by the mailer, the party designation of the candidate must appear immediately below the candidate's name in no less than 9-point roman type in a color or print that contrasts with the background so as to be easily legible. The designation is not required for nonpartisan office.

QUICK TIP: The asterisk requirement is not applicable to candidates and committees from whom payments totaling less than \$100 have been received by the slate mailer organization.

D. Use of Logos or Public Safety Names

Governmental Agency Logos

Slate mailer organizations must obtain express written consent from a governmental agency prior to using the logo, insignia, emblem, or trademark of the agency, or a substantially similar logo, insignia, emblem, or trademark, in a slate mailer or other mass mailing, if its use would reasonably be understood to imply the participation or endorsement of that agency.

Nongovernmental Organization Logos and Public Safety Names

Slate mailer organizations must obtain express written consent from a nongovernmental organization that represents law enforcement, firefighting, emergency medical, or other public safety personnel, prior to using the logo, insignia, emblem, or trademark of the organization, or a substantially similar logo, insignia, emblem, or trademark, in a slate mailer or other mass mailing, if its use would reasonably be understood to imply the participation or endorsement of that organization.

Slate mailer organizations that send a slate mailer or other mass mailing that identifies itself or its source material as representing a nongovernmental organization with a name that includes the term “peace officer,” “reserve officer,” “deputy,” “deputy sheriff,” “sheriff,” “police,” “highway patrol,” “California Highway Patrol,” “law enforcement,” “firefighter,” “fire marshal,” “paramedic,” “emergency medical technician,” “public safety,” or any other term that would reasonably be understood to imply that the non-governmental organization is composed of, represents, or is affiliated with, law enforcement, firefighting, emergency medical, or other public safety personnel, must disclose the total number of law enforcement, firefighting, emergency medical or other public safety members in the non-governmental organization identified in the slate mailer or mass mailing in the following disclaimer: “This organization represents XX public safety personnel.”

If the slate mailer organization is not composed of or does not represent any members who are law enforcement, firefighting, emergency medical or other public safety personnel, the slate mailer or mass mailing must include the following disclaimer: “This organization does not represent any public safety personnel.”

A “member” means any of the following:

- A person who, pursuant to a specific provision of an organization’s articles or bylaws, may vote directly or indirectly for the election of a director or officer or for the disposition of all or substantially all of the assets of the organization in a merger or dissolution.

- A person designated as a member in the articles or bylaws of an organization that is tax exempt under Section 501(c) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)) and who has the right to vote to change the organization's articles or bylaws or has paid dues to the organization.

Members of a local union are considered to be members of any national or international union of which the local union is a part and of any federation with which the local, national, or international union is affiliated.

Disclosure Requirements

These disclosures must be printed in roman type that is no less than 14-point font and must be located on the outside of the slate mailer or mass mailing within one-half inch of the recipient's name or address, and contained in a box with an outline that has a line weight of at least 3.25 pt. The background color of the box must be in a contrasting color to the background of the slate mailer or mass mailing and the color of the text of the disclosure must be in a contrasting color to the background color of the box. The outline of the box must be in a contrasting color to both the background color of the mailing and the background color of the box.

Answering Your Questions

- A. May a slate mailer organization include additional information in the “Notice to Voters” so long as the original requirements have been met?**

No. The “Notice to Voters” language required by the Act must be kept separate from any other information.

- B. If a slate mailer organization receives a payment from a third party for the purpose of supporting or opposing a specific candidate or measure on a slate mailer, should an asterisk be included next to the name of the candidate or measure?**

Whether an asterisk should appear next to the name of the candidate or measure depends upon whether the payments to the slate mailer organization are in-kind contributions to the candidate or ballot measure committee or are independent expenditures. Generally, if a payment is coordinated with the candidate or ballot measure committee, it would be considered an in-kind contribution. An asterisk is required for in-kind contributions, but is not required for independent expenditures.

Authority

The following Government Code sections and Title 2 regulations provide authority for the information in this chapter:

Government Code Sections

- 82015 Contribution.
- 82031 Independent Expenditure.
- 82041.5 Mass Mailing.
- 82043 Measure.
- 82048.3 Slate Mailer.
- 82048.4 Slate Mailer Organization.
- 84305.5 Slate Mailer Identification and Disclaimer Requirements.
- 84305.7 Slate Mailer Requirements; Use of Logos or “Public Safety” Names.

Title 2 Regulations

- 18435 Definition of Mass Mailing.
- 18435.5 Slate Mailer Requirements.