

Memorandum

To : Members of the Commission

Date : March 12, 1976

From : FAIR POLITICAL PRACTICES COMMISSION
Natalie West

76-484

Subject: Section 89001

Section 89001 provides:

No legislative newsletter or other mass mailing shall be sent at public expense by or on behalf of any elected state officer after the elected state officer has filed a declaration of candidacy for any office.

The term "mass mailing" is defined in Section 82041.5 to mean two hundred or more identical or nearly identical pieces of mail, but does not include a form letter or other mail which is sent in response to a request, letter or other inquiry. Members of the Legislature have asked questions concerning the applicability of Section 89001 to proposed mailings, including those described below. Each question refers to a mailing of 200 or more pieces, which a legislator would like to send after filing his declaration of candidacy.

1. Information regarding pending legislation.
 - a. May a legislator mail information concerning committee hearing dates on proposed legislation?
 - b. May a legislator mail information about pending legislation to special interest groups?
 - 1) Is the conclusion the same whether the recipient groups are all in the legislator's district or are located throughout the state?
 - 2) Is the conclusion the same if the legislator mails information about legislation that he has introduced?
2. Information regarding enacted legislation.
 - a. May a legislator send a newsletter to members of a profession describing recently enacted legislation that affects the members of that profession?
 - b. May a legislator send a description of legislation he's supported to a "VIP" mailing list consisting of 400 names?

MEMORANDUM

TO : [Illegible]

FROM : [Illegible]

SUBJECT : [Illegible]

DATE : [Illegible]

1. [Illegible text]

2. [Illegible text]

3. [Illegible text]

4. [Illegible text]

5. [Illegible text]

6. [Illegible text]

7. [Illegible text]

8. [Illegible text]

9. [Illegible text]

10. [Illegible text]

- c. May a legislator send out a newsletter with a coupon that can be mailed in to obtain additional information on specific topics? If such a newsletter is mailed before filing the declaration of candidacy, may he fill the coupon requests?
3. Press releases.
 - a. May a legislator send press releases to the media?
 - b. May a legislator send copies of his press releases to interested constituents?
 4. Questionnaires.
 - a. May a legislator send a questionnaire to his constituents?
 - b. May a legislator distribute the results of a questionnaire to his constituents, if the questionnaire was distributed before filing the declaration of candidacy?
 5. Miscellaneous.
 - a. May the legislator mail notices of a meeting at which he will speak?
 - b. May the legislator mail congratulatory letters to new citizens, high school graduates, etc.?

The Commission must determine which, if any, of the above mailings may be sent at public expense after a legislator has filed a declaration of candidacy. In doing so, the Commission should interpret Section 89001 to further the purpose set forth in Section 81002(f), which states that:

laws and practices unfairly favoring incumbents should be abolished in order that elections may be conducted more fairly.

On the other hand the Commission may wish to acknowledge certain countervailing considerations such as maintaining a well informed electorate.

The problem is a thorny one and there is some disagreement among the staff concerning the issues raised by Section 89001. We have developed the following criteria to answer the questions posed above:

1. A press release sent only to the press is not prohibited.
2. A mailing concerning the activities of a particular legislative committee may be sent by the committee; not by the chairman or member.

2. May a legislator send out a newsletter with a coupon that can be mailed in to obtain additional information on specific topics? If such a newsletter is mailed before filing the declaration of candidacy, may he fill the coupon requests?

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These three criteria are tentative, at best, but may provide a starting place for discussion.

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(CORRASABLE)

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