

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

April 22, 1976

A-76-273

Senator David A. Roberti
State Capitol
Sacramento CA 95814

Re: Request for Opinion
No. 76-053

Dear Senator Roberti:

Thank you for your letter of April 6, 1976, requesting an opinion concerning whether, consistent with Government Code Section 89001, you can forward the results of a questionnaire and a "short explanatory form letter" to persons who requested that they be sent the results of the questionnaire. Because your request does not raise a substantial question of interpretation under the Political Reform Act, no formal opinion will be issued. However, I hope the following informal comments will be helpful.

The definition of "mass mailing" states that a mass mailing "does not include a form letter or other mail which is sent in response to a request, letter or other inquiry." Government Code Section 82041.5. Accordingly, in responding to a request for the results of the questionnaire, you are not sending a mass mailing within the meaning of Government Code Section 89001. Moreover, a short form letter which contains nothing more than an explanation of the results also is permissible. I would caution you, however, that the explanatory letter cannot include commentary about your views relative to the results or other statements which would be designed to further your candidacy.

If you wish to appeal the denial of your request, you may do so pursuant to 2 Cal. Adm. Code Section 18321. If you have any further questions, please contact Kenneth Finney, Chief of the Commission's Legal Division.

Sincerely,

Daniel H. Lowenstein
Chairman

DHL:pvp

SACRAMENTO ADDRESS
STATE CAPITOL
SACRAMENTO, CA 95814
(916) 448-0000

DISTRICT ADDRESS
6940 SUNSET BOULEVARD, SUITE 202
HOLLYWOOD, CA 90028
(310) 464-1175

STATE SENATOR
DAVID A. ROBERTI
MAJORITY FLOOR LEADER

Date Received: 4-13-76
Response Due: 4-27-76

COMMITTEES
BUSINESS AND PROFESSIONS
(VICE CHAIRMAN)
FINANCE
JUDICIARY

REPLY TO:
 DISTRICT OFFICE
 SACRAMENTO OFFICE

California Legislature
LOS ANGELES COUNTY



763-13

April 6, 1976

Mr. Daniel Lowenstein, Chairman
Fair Political Practices Commission
Post Office Box 807
Sacramento, CA 95804

Dear Mr. Lowenstein:

REQUEST FOR OPINION

In January of 1976, a questionnaire was sent to the residents of the 23rd Senatorial District where I am now a candidate for reelection to the State Senate. On the questionnaire, a box was provided asking the respondents to check it if they would like to have the results of the questionnaire sent to them.

My District Office informed me that questionnaires will soon be tallied. I would like to send the results to those who so desire them. There are 5,896 involved.

I would like to know whether I can do this with a short explanatory form letter and a form tally sheet and not be in violation of the Fair Political Practices Act.

Enclosed is a copy of the questionnaire.

Sincerely,

DAVID A. ROBERTI

DAR:mbg

Encl

SENATOR

ROBERTI

Your response to this questionnaire will assist me in representing your views. Please fill in the enclosed questionnaire, fold, place in the return envelope, stamp and mail to my district office.

Senator Roberti
Requests Your Opinion

	HIS		HERS	
1) Would you favor raising the gas tax two cents to fund mass transit systems in California?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Do you believe that nuclear power is safe?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Should the development of nuclear power be hastened to meet our energy needs?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) Would you favor a solution to the medical malpractice crisis that puts limits on the amount of money you could recover in court for pain and suffering due to malpractice?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5) Would you favor the government acting as an insurer to doctors to deal with the malpractice situation even if this means your taxes would be increased a small amount?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6) Would you support state controls on insurance company rates as a solution to the malpractice problem?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7) If it takes a simple majority vote of the Legislature to raise taxes on Californians but a two-thirds vote to increase them on corporations, would you favor reducing the two-thirds requirement on corporations to a simple majority?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8) Would you support raising the tax on a six pack of beer or a bottle of wine two cents to fund programs treating alcoholism?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9) Would you support a program of financial assistance to elderly renters on fixed incomes even if it meant a small tax increase for others?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10) Do you feel inflation is a greater problem than unemployment?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11) Should the State provide public jobs to deal with unemployment?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12) If the death penalty were used to punish those who commit serious crimes, do you believe that the number of crimes committed would decrease?	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MIC

WOMEN

- 13) Should high school girls be allowed to compete in minimal contact sports with boys such as baseball, soccer or basketball? Yes No
 Yes No
- 14) Do you believe that high school girls should be able to participate in heavier contact sports with boys such as football, water polo, and wrestling? Yes No
 Yes No
- 15) Do you favor busing school children for purposes of integration away from their neighborhoods without their parents' consent? Yes No
 Yes No
- 16) If there is a possibility that aerosol sprays harm our atmosphere with the possibility of increased risk of skin cancer and noted experts disagree on the theory, would you favor banning the use of these aerosols in California? Yes No
 Yes No
- 17) California's Primary Election is currently in June and the General Election is in November. Would you favor shortening the election time by moving the Primary back to September? Yes No
 Yes No
- 18) Would you want election day on a Saturday rather than Tuesday? Yes No
 Yes No
- 19) Should the government provide health insurance for every citizen for major illnesses? Yes No
 Yes No
- 20) Would you favor elimination of all property taxes by increasing income taxes by the proportional amount? Yes No
 Yes No

If you want the results of this questionnaire sent to you, please check this box.

Some of the best ideas for new laws come directly from my constituents. If you believe that we need a new law or should change an existing one, please explain below.

Please answer the following questions only if you choose to.

Name _____

Street _____ Zip Code _____

Age _____ Occupation _____