

State of California



Fair Political Practices Commission

P.O. BOX 307 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95

Technical Assistance Administration • • • Executive Legal • • • Enforcement • • • Conflict of Interest
916-322-5661 322-5901 322-6447 322-6444

October 20, 1977

Anthony L. Miller
Chief Counsel
Office of the Secretary
of State
111 Capitol Mall
Sacramento, Ca. 95814

A-77-278

Re: Opinion Request
No. 77-032

Dear Mr. Miller:

Thank you for your letter of October 5, 1977, requesting an opinion from the Commission. You ask, first, whether the ballot pamphlet disseminated by the Secretary of State is a "mass mailing" within the meaning of the Act and, therefore, whether Government Code Section 89001 prohibits an elected state officer who has filed a declaration of candidacy from authoring pro and con arguments for inclusion in the pamphlet. Your second question asks whether Section 89001 prohibits the Secretary of State from including certain material in the ballot pamphlet when he or she is a candidate.

This is to advise you that the Commission will issue an opinion in response to your questions. We hope to schedule the opinion for a hearing at the Commission's December meeting. The staff reserves the right to seek additional information relevant to your request and will send you a copy of a draft opinion prior to the December meeting.

If you have any questions please contact Michael Baker, Chief of the Commission's Legal Division.

Sincerely,

A handwritten signature in cursive script that reads "Michael Bennett".

Michael Bennett
Executive Director

MB:MJB:jp