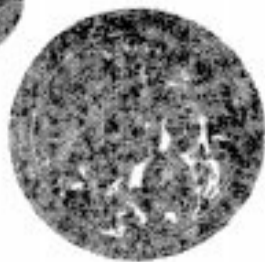


State of California



Fair Political Practices Commission

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

Technical Assistance Administration • • • Executive/Legal • • • Enforcement • • • Conflict of Interest
(916) 322-5660 322-5901 322-6441 322-6444

March 17, 1978

78-274

William T. Rozell, Jr.
Consultant
Senate Subcommittee
on Communications
State Capitol
Sacramento, California 95814

Dear Mr. Rozell:

This is in response to your letter dated March 8, 1978, concerning mass mailings sent by Senators after they have filed their declarations of candidacy. You specifically referred to situations where more than 199 letters are sent by Senators in response to written requests by constituents for information.

Government Code Section 89001^{1/} states "[n]o...mass mailing shall be sent at public expense by...any elected state officer after the elected state officer has filed a declaration of candidacy for any office." The Fair Political Practices Commission has defined mass mailing, as it pertains to Section 89001, by regulation, 2 Cal. Adm. Code Section 18901. A copy of that regulation is enclosed. A mass mailing, for purposes of 89001, is 200 or more identical or nearly identical pieces of mail sent in one calendar month to persons in the district or jurisdiction in which the officer has filed a declaration of candidacy. See 2 Cal. Adm. Code Section 18901(b).

The regulation goes on to exclude certain types of mailings from the definition of "legislative newsletter or other mass mailing." Among those excluded mailings are ones "sent in response to written correspondence, petitions, oral inquiries, or specific requests, including requests contained in coupons." 2 Cal. Adm. Code Section 18901(b)(1). (Emphasis added.) This subsection excludes responses such as those you described from

^{1/} All other statutory references are to the Government Code unless otherwise noted.

William T. Rozell, Jr.
Page two
March 17, 1978

the prohibition contained in Section 89001. However the response cannot include commentary about views or other statements designed to further a Senator's candidacy.

Therefore, a Senator may respond, at public expense, to a written request for information, including a request contained in a coupon, even if the Senator has filed a declaration of candidacy.

I hope this information is helpful. If you have any other questions, please contact me.

Sincerely,



Barbara Campbell
Counsel
Legal Division

BC:jo

Enclosure

CALIFORNIA LEGISLATURE

Senate Subcommittee

on

Communications

STATE CAPITOL
SACRAMENTO, CALIFORNIA 95814
TELEPHONE: 445-1804

JERRY SMITH
CHAIRMAN

March 8, 1978

Daniel H. Lowenstein, Chairman
Fair Political Practices Commission
1100 K Street
Sacramento, CA

Dear Mr. Lowenstein:

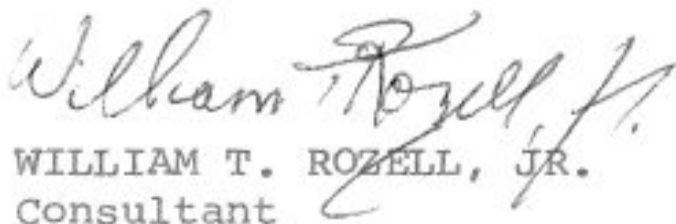
As part of their last district-wide mailing, several Senators included a public information question which asked the reader if he would like to be informed on "new and pending bills" before the Legislature in several subject areas; or that offered to send informational booklets to those readers who indicated an interest by checking one or more boxes. The response is reported to be heavy, and in most cases, several boxes have been checked on each card or list so that there are more than 199 people who wish to receive a response.

Question: When a legislator responds to these requests is he merely carrying out his normal office routine in answering his office mail?

Because this mail is backlogging in such numbers, your expeditious help on this problem would be much appreciated.

I am enclosing a copy of one type of mailing for your information, and if I can help further, please call.

Sincerely,


WILLIAM T. ROZELL, JR.
Consultant

WR:rs
Enclosure

RECEIVED
MAR 8 11 49 AM '78

118274