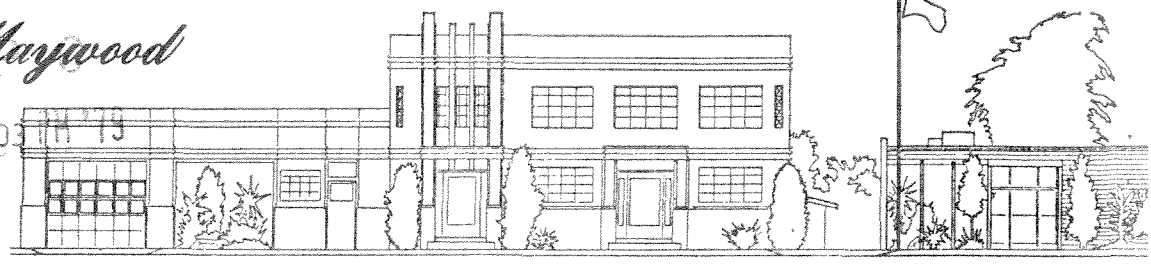


09500

City of Maywood

APR 17 12 03 PM '79



4319 EAST SLAUSON AVENUE • MAYWOOD, CALIFORNIA 90270 • PHONE: 587-7281

April 13, 1979

A-79-083

Fair Political Practices Commission
1100 K Street
Sacramento, Ca. 95814

Technical Assistance and Analysis Division:

I am enclosing and forwarding to you a recent mailing by a local Councilmember opposing a pending recall against said Councilmember.

I wish to inquire if this mailing is in violation of Government Code Section 84305, since this piece of mail does not include the sender's name, but rather the name of an organization. Said GC Section also states that Election Codes Section 29410 shall not apply to any mass mailing which complies with this section.

I further inquire if Election Codes Section 29410 (a) Paragraph 2, has been complied with by the campaign committee, and if it has, would said Councilmember be in compliance with the code?

Thank you for your assistance and response in this matter.

Very truly yours,

CITY OF MAYWOOD

Leonard R. Locher

Leonard R. Locher
City Clerk

LRL/ms

encl: Mass mailing literature
GCS 84305
ECS 29410

Telephone Response

4-30-79:

Mailing appears to be in compliance w/ 84305

Jay Greenwood
of

79083

reception

committee is a contribution unless the
ary course of business or it is clear
at purposes. A loan which is not a
nical purposes, shall be reported in

MS

LOTS

more shall be made in cash. Any
kind contribution shall be made by
e of the payee. The value of all in-
ported in writing by the contributor

§ 2, Stats 1978 ch 650 § 3.

" wherever it appears.

not prohibit corporate contributions to
business with the federal government
tion, a corporation's authority to make

ability of violation of First Amendment
ation rights, are exempt from the
Act (2 USCS § 434(e)) requiring the
or making the contribution to file a
Federal Election Commission. Buckley
45 —, 46 L Ed 2d 659, 96 S Ct —

a name other than the name by

ing as the intermediary or agent
his own full name and street
al place of business if he is self-
e name of employer, if any, or
ipient of the contribution shall
cupation, and the name of the
both the intermediary and the

ing expenses, by an agent or
on behalf of or for the benefit
committee as if the expenditure
dependent contractor files a
contractor shall make known to
section.

§ 84304. Limitation on anonymous contributions

No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling one hundred dollars (\$100) or more in a calendar year. An anonymous contribution of one hundred dollars (\$100) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state.

Added by initiative measure adopted June 4, 1974; Amended Stats 1978 ch 650 § 4.

Amendments:

1978 Amendment: Substituted "one hundred dollars (\$100)" for "fifty dollars (\$50)" wherever it appears. General Fund: § 16300.

Civil liability for violating provisions of this section: § 91005(a).

18 Cal Jur 3d Initiative and Referendum § 7.

§ 84305. Manner of sending mass mailings

No person shall make an expenditure for the purpose of sending a mass mailing unless the sender shows on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of such mailing the sender's name, street address and city in no less than six-point type. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State. Section 29410 of the Elections Code shall not apply to any mass mailing which complies with this section.

Added by initiative measure adopted June 4, 1974; Amended Stats 1975 ch 915 § 5, effective September 20, 1975, operative January 7, 1975; Stats 1976 ch 1106 § 13; Stats 1977 ch 230 § 2, effective July 7, 1977; Stats 1978 ch 1408 § 3, effective October 1, 1978.

Amendments:

1975 Amendment: (1) Amended the first sentence by (a) adding "the cost of which is reportable pursuant to this chapter" after "mailing" the first time it appears; (b) substituting a comma for "or" after "meter"; (c) deleting "first class or third class" before "bulk"; and (d) adding all that part after "mail" the second time it appears; and (2) added "on the same day on which it is mailed to the public generally" after "commission" in the second sentence.

1976 Amendment: (1) Deleted "the cost of which is reportable pursuant to this chapter" after "mass mailing" the first time it appears and "postage is paid by postage meter, the mail is sent by bulk rate mail or the" after "unless the" in the first sentence; (2) substituted the second sentence for the former second sentence which read: "The bulk rate number or meter number shall be stated in a campaign statement, and a copy of every mass mailing in support of or in opposition to a state candidate or state measure shall be sent to the Commission on the same day on which it is mailed to the public generally."; and (3) added the third and fifth sentences.

1977 Amendment: Substituted "29410" for "11707" after "Section" in the last sentence.

1978 Amendment: Deleted the former third and fourth sentences which read: "A copy of every mass mailing in support of or in opposition to a state candidate or state measure shall be sent to the commission on the same day on which it is mailed to the public generally. Such copies sent to the commission shall be public records."

§ 8 Ops Atty Gen 546 (if women's club newsletter which promotes or opposes candidates or ballot measures constitutes mass mailing as defined in § 82041.5, newsletter must be sent by first class or third class bulk rate mail or by postage meter, and bulk rate or meter number must be reported, and copy of such newsletter must be sent to Fair Political Practices Commission provided it relates to state candidate or state measure).

ARTICLE 4

Exemptions

[Added by Stats 1977 ch 403 § 1.]

§ 84400. Commission without authority to grant exemptions

Notwithstanding any other provision of the law, the commission shall have no power to exempt any person, including any candidate or committee, from any of the requirements imposed by the provisions of this chapter.

Added Stats 1977 ch 403 § 1.

Review of Selected 1977 California Legislation. 9 Pacific LJ 513.

CHAPTER 5

Limitations on Expenditures

[Chapter 5, consisting of §§ 85100-85305, was added by initiative measure adopted June 4, 1974, and repealed by Stats 1977 ch 1095 § 4.]

Limitation on expenditures and contributions in district elections: Elec C § 23544.

§§ 85100-85305. [Added by initiative measure adopted June 4, 1974 and repealed by Stats 1977 ch 1095 § 4.]

Pertinent administrative rules and regulations: 2 Cal Adm Code, §§ 18550, 18570.

Expenditure limitations in campaigns for statewide office in California. (1975) 6 Pacific LJ 631.

The California initiative process: A suggestion for reform. (1975) 48 SCLR 922.

29304. Suppression of nomination paper.

Any person who willfully suppresses all or any part of a nomination paper or declaration of candidacy either before or after filing is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the state prison for 16 months or two or three years or by both such fine and imprisonment.

(Added by Stats. 1976, c. 1192, §15.)

29305. Consideration for a person to become or withdraw from becoming a candidate.

A person shall not directly or through any other person advance, pay, solicit, or receive or cause to be advanced, paid, solicited, or received any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office. Violation of this section shall be punishable by imprisonment in the state prison for 16 months or two or three years.

(Amended by Stats. 1977, c. 1112, §1.)

Chapter 4. Election Campaigns**Article 1. Campaign Literature****29410. Literature requirements.**

(a) Every person, other than a public officer in the performance of an official duty, is guilty of a misdemeanor who causes to be reproduced by any mechanical or electrical means including, but not limited to, printing, photocopying, mimeographing, or silkscreening, any circular, pamphlet, letter, poster, bill, or other reproduced matter having reference to an election, to any candidate, or to any measure, or causes such reproduced matter to be posted or distributed, unless there appears on the circular, pamphlet, letter, poster, bill, or other reproduced matter in no less than six-point type not subjected to the halftone process the name and address of the business or residence of a person responsible for it.

If the responsible person is acting on behalf of a campaign committee which has filed a statement of organization with the Secretary of State under the provisions of the Political Reform Act of 1974, as amended, the name and address to appear on the reproduced matter may be the name and address of the campaign committee.

(b) Any circular, pamphlet, letter, poster, bill, or other reproduced matter having reference to an election, candidate, or measure, which contains no more information than the following items which appear on the ballot: the date of the election, the nature of the election (e.g., primary, general, special, runoff), the name of the jurisdiction (e.g., Alhambra City, Los Angeles Community College District), and, in the case of a candidate, the name of the candidate, the title of the office, including district number, if any, and in the case of a partisan office, the candidate's party designation, or, in the case of a measure, the title of the measure and its number or letter designation, and the use of words such as "Oppose," "Reject," "Keep," "Send," "Yes on," "No on," "Vote for," "Elect," "Reelect," "Retain," "Return," "Recall," "remove," and "Support" is exempted from the identification requirements of subdivision (a); provided, however, that a mass mailing as defined in Section 82041.5 of the Government Code shall comply with Section 84305 of the Government Code.

(c) Any circular, pamphlet, letter, poster, bill, or other reproduced matter referring only to candidates for federal office and subject to the requirements of Section 441d of Title 2 of the United States Code is exempt from the identification requirements

Citizens For Continued Good Government

DEAR MAYWOOD CITIZEN:

During the next few weeks you may be approached and asked to sign a recall petition against Councilman James Awalt. For the best interest of Maywood, please **DO NOT** sign the petition.

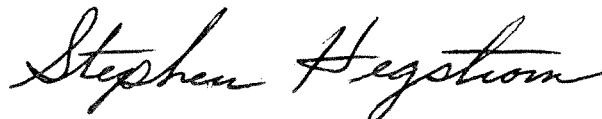
Jim Awalt has always acted in the best interest of Maywood and he has done nothing improper or illegal. This is simply an attempt by a very few people to embarrass him and the city, and to force the City of Maywood to spend several thousands of dollars for a special election only a few short months before a regular city election.

PLEASE EXAMINE THE FACTS:

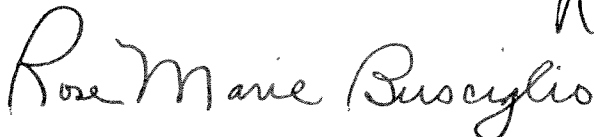
1. There has been a net reduction of **10** positions in the city during the past year. Costs are being cut at no reduction in service to Maywood citizens.
2. The city payroll is being computerized at no cost to us. This will save several hundred dollars a year and is a further step toward professionalization of city operations.
3. Liability Insurance premiums have decreased \$25,000 in the last year and a half. If our current good record continues, we will realize further savings next year.
4. We are involved in a comprehensive Redevelopment Program at the west end of Maywood, and this in connection with our Low Interest Commercial Rehabilitation Loan Program will do much to attract new business to Maywood and upgrade existing businesses.
5. The City Council unanimously adopted a fair and equitable business license fee schedule nearly identical to those in Bell and Cudahy so that the business community now pays its fair share for services in the city.
6. Our Handyman and Beautification Programs combined with our Low Interest Housing Rehabilitation Loan Program are instrumental in upgrading our residential areas.
7. We are in the process of annexing the county strip on the eastern border of Maywood. This will increase our tax base and bring many new businesses into the city.
8. The current city budget is a balanced budget. Maywood is in sound financial condition with a surplus of over \$400,000 in our General Fund and healthy surpluses in our other funds as well.

As a property owner, taxpayer, resident, and self-employed businessman in Maywood, Jim Awalt is in a unique position to observe and analyze all issues from nearly every point of view. He is a valuable asset to the city.

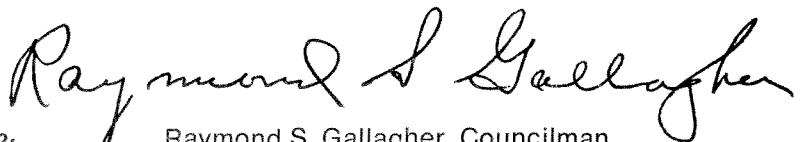
Jim Awalt is part of an action council doing many good things for Maywood. We support him and we ask that you support him also.



Stephen Hegstrom, Mayor



Rose Marie Busciglio, Mayor Pro Temp



Raymond S. Gallagher, Councilman