

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • 1100 K STREET BUILDING, SACRAMENTO, 95814
107 SOUTH BROADWAY • • • SUITE 7007 • • • LOS ANGELES, 90012

July 29, 1981

Ms. Helen Kawagoe
City Clerk
701 East Carson Street
Carson, California 90745

A-81-173

Dear Ms. Kawagoe:

This letter is to verify my advice to you during our telephone conversation of July 28, 1981 concerning campaign literature which was distributed or mailed during a recent election held in the city of Carson.

After reviewing the material in your office on Monday, June 15, 1981, I indicated to you that I would like to have our Sacramento staff look at the material too since some of the literature appeared unclear in its purpose and did not urge a specific vote for any specific candidate. I have enclosed a copy of my transmittal memorandum for your information.

Our staff in the Technical Assistance & Analysis Division decided to bring the matter of the campaign literature before the next Opinion Request Meeting on the recommendation of Mr. Bob Stern, the Commission's Chief Legal Counsel.

On Thursday, July 16th, the participants of the Opinion Request Meeting, representatives of all the Commission's divisions, including Legal and Enforcement staff, undertook the task of reviewing all of the campaign literature that you had provided this office with.

During our telephone conversation of July 28, 1981, I informed you of the conclusions reached by the staff participants at that Opinion Request Meeting concerning the campaign literature discussed.

I advised you that if any ongoing or established committee or candidate with a filing obligation had issued any piece of

Ms. Helen Kawagoe
Page Two
July 29, 1981

literature relative to the election, that the costs related to the literature are required to be reported as expenditures pursuant to Government Code Section 84211.

The staff also concluded that the campaign literature which was not paid for by an ongoing established committee or candidate; did not urge voters to vote in a specific manner, either for or against any candidate; and only contained information, the costs related to those pieces of campaign literature were not "expenditures" as defined in 2 Cal. Adm. Code Section 18225 and were, therefore, not reportable as expenditures under the Political Reform Act.

Finally, there was some discussion on the piece of literature which was entitled the Carson Digest. The staff was hesitant to draw any conclusion since it was unclear as to whether or not this was an established and regularly published periodical. 2 Cal. Adm. Code Section 18225(4)(A) specifies that the term "expenditure" does not include costs incurred for communications ... by a regularly published newspaper, magazine or other periodical of general circulation which routinely carries news, articles and commentary of general interest.

Please do not hesitate to contact our office again if we can be of any further assistance.

Sincerely,



Helen P. Arriola
Political Reform
Consultant

HPA:jg

Enclosure: