



California Fair Political Practices Commission

February 5, 1988

Anthony D. Gonsalves
925 "L" Street, Suite 205
Sacramento, California 95814

Re: Your Request for Advice
Our File No. A-88-021

Dear Mr. Gonsalves:

You have written on behalf of your client, the City of Bellflower, seeking our advice regarding their city newsletter. You have requested that our response be forwarded to the City Administrator of Bellflower, Mr. Jack Simpson. By copy of this letter, we are doing so.

QUESTION

May the City of Bellflower publish and mail out its newsletter if it omits the names and pictures of incumbent city councilmembers who are candidates for office?

CONCLUSION

The prohibition on sending newsletters at public expense does not prohibit the sending of such newsletters where no reference, including name or photograph, is made to the councilmembers.

ANALYSIS

Government Code Section 89001, as amended effective January 1, 1988, reads as follows:

89001. Newsletter or Mass Mailing. No newsletter or other mass mailing shall be sent at public expense by or on behalf of any elected officer to any person residing within the jurisdiction from which the elected officer was elected, or to which he or she seeks election, after the elected officer has filed either of the following:

(a) The nomination documents, as defined in Section 6489 of the Elections Code, for any local, state, or federal office to be voted upon at an election governed by Chapter 5 (commencing with Section 6400) of Division 6 of the Elections Code.

Anthony D. Gonsalves
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(b) The last document necessary to be listed on the ballot as a candidate for any local, state, or federal office to be voted upon at an election not governed by Chapter 5 (commencing with Section 6400) of Division 6 of the Elections Code.


The Commission has a regulation, 2 California Code of Regulations Section 18901, which implements the former version of Government Code Section 89001, which applied only to state elected officers. Government Code Section 89001 is no longer limited to state elected officers. The Commission is in the process of considering the adoption of one of several versions of a revised regulation. Copies of those are enclosed for your review and comment. The hearing on these will be held on April 5, 1988, in Sacramento.

None of the versions of the regulation under consideration, nor the existing regulation if applied by analogy, would prohibit the City of Bellflower from sending out its newsletter, during the period for which some incumbent council members are seeking elective office, if those council members in no way appear nor are mentioned in the newsletter. Consequently, the newsletter which the city proposes to now distribute would not be prohibited by Government Code Section 89001, even if incumbent councilmembers have filed for election.

I trust that this letter satisfactorily responds to your question. If you or your client have questions regarding the letter or comments on the enclosed regulation proposals, I may be reached at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel


By: Robert E. Leidigh
Counsel, Legal Division

REL:jaj

cc: Jack Simpson, City Administrator



Joe A. Gonsalves & Son

PROFESSIONAL LEGISLATIVE REPRESENTATION
PARK EXECUTIVE BLDG. • SUITE 205 • 925 L ST. • SACRAMENTO, CA 95814-3787 • 916 • 441-0597

JAN 6 12 45 PM '88

January 6, 1987

Carla Wardlow
Fair Political Practices Commission
428 J Street, 7th Floor
Sacramento, CA 95814

Dear Carla:

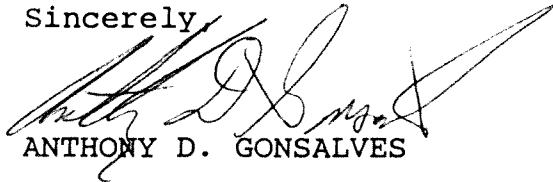
The City of Bellflower has for several years published a quarterly newsletter. In January, around election time, the newsletter leaves out the names and pictures of the incumbent City Council members. The City Attorney has told the City of Bellflower that it may not publish its newsletter at all in January because of the election.

The City of Bellflower has the following question for the FPFC:

May the City of Bellflower publish its newsletter if they leave out the names and pictures of the incumbent City Council members?

I would appreciate a response in writing to Jack Simpson, City Administrator, 16600 Civic Center Drive, Bellflower, California 90706-5494.

Sincerely



ANTHONY D. GONSALVES

ADG/cdw

cc: Jack Simpson, City of Bellflower

PS: Due to deadlines, the City of Bellflower would sincerely appreciate, if possible, your expediting their request.



California Fair Political Practices Commission

January 8, 1988

Anthony D. Gonsalves
Park Executive Bldg.
925 L Street, Suite 205
Riverside, CA 92507

Re: 88-021

Dear Mr. Gonsalves:

Your letter requesting advice under the Political Reform Act was received on January 6, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Robert Leidigh, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

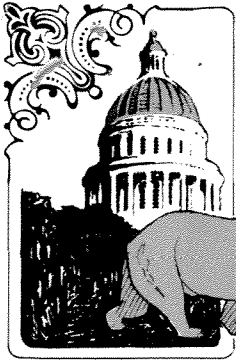
You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script that reads "Diane M. Griffiths".

Diane M. Griffiths
General Counsel

DMG:jaj
Jack Simpson



Joe A. Gonsalves & Son

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F P P C
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January 6, 1987

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Fair Political Practices Commission
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Sacramento, CA 95814

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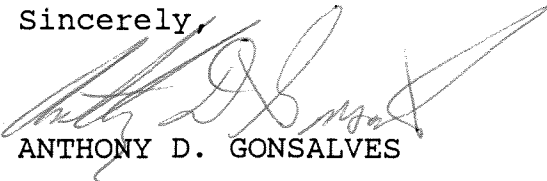
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