



# California Fair Political Practices Commission

The *Nasarenko* Advice Letter, No. 14-015, supersedes this *Nolan* Advice letter, No. I-88-188, in part, to the extent that it discusses with approval the conclusion in the *Brown* Letter.

June 17, 1988

Honorable Patrick Nolan  
Member of the Assembly  
State Capitol, Room 2114  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. I-88-188

Dear Assemblyman Nolan:

You have requested written advice regarding certain provisions of the Political Reform Act (the "Act")<sup>1/</sup>. This will confirm telephone advice rendered to your staff on June 1, 1988.

### QUESTION

May you send out birth announcements, paid for by your campaign committee, Friends of Nolan, without complying with the requirements for sender identification of mass mailings sent by committees?

### CONCLUSION

You should consult with the Attorney General to determine whether such an expenditure by your committee would be permitted under the "personal use" statute, Elections Code Section 12400, et seq.

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

FACTS

You are an elected state officer and, therefore, a candidate within the meaning of the Act. (See Section 82007.) You wish to send out announcements of the birth of your child. The announcements will total more than 200 pieces of mail. Your staff has advised that you wish to have the cost of printing and mailing borne by your campaign committee, Friends of Nolan.

ANALYSIS

The Act requires a mass mailing of 200 or more pieces of substantially similar mail sent by a candidate or committee to be identified with the name and address of the candidate or committee. (Sections 82041.5 and 84305.)


As you have indicated in your letter, in the Brown Advice Letter, No. A-83-296, the Commission exempted holiday greeting cards from this requirement, provided that the cards make no reference to the candidate's nomination or election matters. This exemption was based on the fact that the mailings would be identified as being sent by the candidate, not the committee. We assume that the birth announcement would clearly identify it as coming from you, the candidate. However, it is also clearly of a personal nature as opposed to a political nature.

This latter point raises a different issue, which was not addressed in our previous advice letter. Elections Code Section 12400, et seq., set forth the proper uses for campaign funds. Under those provisions, "personal use" of campaign funds is prohibited. This agency does not administer or interpret the provisions of the Elections Code. We suggest that you contact the Attorney General for an interpretation of these sections as applied to campaign expenditures for sending out birth announcements.

Once you have received advice from the Attorney General regarding the permissibility of having your campaign committee pay for such a mailing, please feel free to contact this agency again regarding the sender identification issue. Should you have questions regarding this letter, I may be reached at (916) 322-5901.

Sincerely,

Diane M. Griffiths  
General Counsel

  
By: Robert E. Leidigh  
Counsel, Legal Division

Enclosure