



California Fair Political Practices Commission

November 8, 1990

Edward Moore
712 Adelyn Drive
San Gabriel, CA 91775

RE: Your Request for Assistance
Our File No. G-90-617

Dear Mr. Moore:

Thank you for your letter regarding the mass mailing prohibitions of the Political Reform Act (the "Act"). As you may already know, the mass mailing prohibitions of the Act were enacted by 3.1 million California voters through Proposition 73.

As amended by Proposition 73, the Act now provides the following with respect to mass mailings:

No newsletter or other mass mailing shall be sent at public expense.

(Government Code Section 89001.)

The voters charged the Fair Political Practices Commission with the "impartial, effective administration and implementation" of the law. (Government Code Section 83111.) Because it was not the voters' intent to prohibit necessary mailings such as tax refund checks, sample ballots and college catalogs, the Commission created a clarifying regulation that permitted necessary governmental mailings but was carefully crafted to prevent the creation of loopholes that would permit politicians to use public funds for their own political purposes. A court of appeal upheld the law and regulation in the face of a challenge by a number of state legislators, local officials, and others.

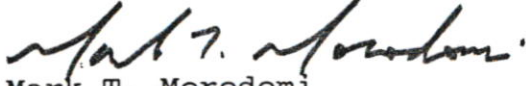
Your senator is not prohibited from sending notices publishing his name paid for with his own campaign money. The problem arises when he attempts to publish his name using public funds.

The people wisely adopted Proposition 73. Whether or not the law adopted by the people should be changed is a matter to be considered with an appropriate legislative program; the Fair Political Practices Commission alone cannot change the law.

We appreciate your interest in this matter.

Sincerely,

Scott Hallabrin
Acting General Counsel


By: Mark T. Morodomi
Counsel, Legal Division

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