



California Fair Political Practices Commission

June 26, 1992

Mr. Johnnie Morgan
5327 5th Avenue
Los Angeles, CA 90043

Re: Your Request for Advice
Our File No. A-92-322

Dear Mr. Morgan:

You have requested advice concerning the campaign provisions of the Political Reform Act ("Act").^{1/}

QUESTION

Does your status as a member and candidate for re-election to a county central committee prohibit you from forming a slate mailer organization?

CONCLUSION

Yes. A candidate or officeholder cannot form a slate mailer organization.

FACTS

You are an incumbent and a candidate for re-election to a county central committee. You want to form a slate mailer organization. You will not list your name on any slate mailers which may be prepared by your slate mailer organization.

^{1/} 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.

ANALYSIS

Section 82048.4 defines "slate mailer organization" as follows:

(a) "Slate mailer organization" means, except as provided in subdivision (b), any person who, directly or indirectly, does all of the following:

(1) Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in the slate mailers.

(2) Receives or is promised payments totaling five hundred dollars (\$500) or more in a calendar year for the production of one or more slate mailers.

(b) Notwithstanding subdivision (a), a slate mailer organization shall not include any of the following:

(1) A candidate or officeholder or a candidate's or officeholder's controlled committee.

(2) An official committee of any political party.

(3) A legislative caucus committee.

(4) A committee primarily formed to support or oppose a candidate, officeholder, or ballot measure...

(Emphasis Added.)

Because you are a candidate and an officeholder, you cannot form a "slate mailer organization" as defined by Section 82048.4. This advice is consistent with the Commission's determination that slate mailer organizations are formed for non-political purposes. This determination has resulted in different disclosure requirements for slate mailer organizations than for candidates preparing slate mailers. (Propper Advice Letter, No. I-86-268, and Fuhrman Advice Letter, No. I-90-546.)^{2/}

^{2/} Copies of Commission regulations and opinions are available in many law libraries. Alternatively, copies of these materials and Commission advice letters may be obtained from the Commission at a cost of 10¢ per page.

Morgan, Johnnie
A-92-322
Page 3

Please do not hesitate to contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Scott Hallabrin
Acting General Counsel

A handwritten signature in cursive script, appearing to read "Lynda Cassady".

By: Lynda Cassady
Political Reform Consultant