



California Fair Political Practices Commission

January 14, 1994

Robert E. Leidigh
Olson, Hagel, Fong, Leidigh,
Waters, and Fishburn
Capitol Bank Center
300 Capitol Mall, Suite 350
Sacramento, CA 95814

Re: Your Request for Informal Assistance
Our File Nos. I-93-348a and
I-93-406a

Dear Mr. Leidigh:

This is in response to your letter seeking follow-up advice pertaining to your requests for advice, Leidigh Advice Letter No. I-93-348 and Leidigh Advice Letter, No. I-93-406. You made the requests on behalf of the Senate Rules Committee pertaining to Section 89001 of the Political Reform Act (the "Act").¹ Since your request for follow-up advice also does not name a specific public official on whose behalf you make your request, we are treating your request as one for informal assistance.²

You ask for clarification as to whether it is permissible under Section 89001 of the Act for separate items, which independently meet an exception under Regulation 18901(b), to be included in the same mailing.

In the Leidigh Advice Letter No. I-93-406, our conclusion stated that Section 89001 does not prohibit a mailing where an exception to the "mass mailing" prohibitions applies independently to each item under Regulation 18901(b). However, the summary of the facts in the letter indicate the mailing in question would

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, Sections 18000-18954. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Government Code Section 83114; 2 Cal. Code of Regs. Section 18329(c)(3).)

contain no other mention of the Senator's name inside the envelope other than the two-sided insert discussed in the letter. Thus, you seek clarification regarding the independent application of an exception under Regulation 18901(b) to separate items.

Our conclusion in the Leidigh Advice Letter, No. I-93-406, correctly summarizes our advice with respect to the mailing of separate items, and is consistent with our advice in the Leidigh Advice Letter, No. I-93-348. There we concluded that Section 89001 does not prohibit a mailing of three separate items in the same envelope where an exception to the "mass mailing" prohibitions applies to each item included in the mailing.

Thus, as correctly summarized in your letter, a letterhead memorandum sent by a State Senator which meets one of the exceptions of Regulation 18901(b) may be included as a separate item in the same envelope as an item which is independently excluded from the prohibitions of Section 89001.

I apologize for any confusion caused by restatement of the facts in the Leidigh Advice Letter, No. I-93-406. I trust this letter addresses your concerns. If you have any further questions regarding this matter, please feel free to contact me at (916) 322-5901.³

Sincerely,

Steven G. Churchwell
General Counsel



By: Luisa Menchaca
Counsel, Legal Division

³ 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.