



California Fair Political Practices Commission

September 23, 1993

Tony Miller
Chief Deputy
Office of the Secretary of State
Executive Office
1230 J Street
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. G-93-350

Dear Mr. Miller:

This is in response to your letter requesting advice on behalf of the Office of the Secretary of State regarding the provisions of the Political Reform Act (the "Act").¹

In your letter you asked whether there was any legal basis for challenging a committee name that is deemed to be indecent, profane, or otherwise offensive.

This Commission's jurisdiction is limited to the interpretation and enforcement of the provisions of the Act. As you noted, Sections 84101 and 84102 provide that a statement of organization containing the name, street address and telephone number, of each committee that qualifies as a committee pursuant to Section 82013(a) must be filed with the Office of the Secretary of State. Moreover, Regulation 18402 provides that:

(a) A committee shall use only one name on its statement of organization.

(b) The Secretary of State shall not issue an identification number to any committee with the same name as any existing committee which already

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.

has an identification number. The name of one committee will be considered the same as that as another committee if the same words are used in the same order, excluding articles.

(c) Whenever identification of a committee is required by law, the identification shall include the full name of the committee as contained in the statement of organization.

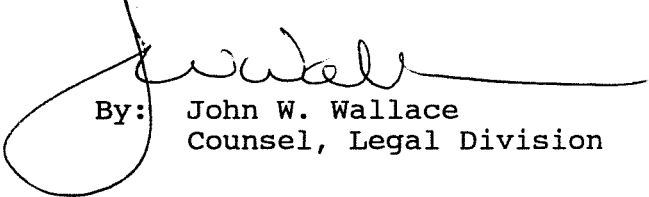
These are the only provisions that regulate committee names at present. Existing laws do not proscribe indecent, profane, or otherwise offensive committee names. It is our opinion that legislation would be needed to address this area. It would, of course, need to be narrowly tailored to avoid First Amendment problems. The license plate statute that you mentioned is a good example of such legislation.

In addition, you may wish to contact the Attorney General's Office with respect to other laws that may apply. As stated above, our jurisdiction is limited to the provisions of the Act.

If you have any further questions regarding this matter, please feel free to contact me at (916) 322-5901.²

Sincerely,

Steven G. Churchwell
General Counsel


By: John W. Wallace
Counsel, Legal Division

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.