

RAVI MEHTA  
CHAIRMAN



FAIR POLITICAL PRACTICES COMMISSION

September 4, 1996

Cristie C. McGuire  
Deputy City Attorney  
City of San Diego  
202 "C" Street  
San Diego, CA 92101-3863

Re: Your Request for Informal Assistance  
Our File No. I-96-240

Dear Ms. McGuire:

This is in response to your letter requesting informal assistance pertaining to Section 89001 of the Political Reform Act (the "Act").<sup>1</sup> Since your request does not name a specific public official on whose behalf you make your request, we are treating your request as one for informal assistance.<sup>2</sup>

QUESTION

Does Section 89001 prohibit the mailing of an announcement where one side of the insert will be in the English language, the other side will be in the Spanish language, and the public official wants his name mentioned on both sides of the announcement?

CONCLUSION

Section 89001 of the Act does not prohibit the mailing where exceptions to the "mass mailing" prohibitions apply. For the purposes of the "mass mailing" statute, identical materials announcing community and city-sponsored events in two different languages would be considered two different mailings and the official's name may be mentioned once on each side.

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<sup>1</sup> Government Code Sections 81000-91015. Commission regulations appear at Title 2, Sections 18000-18995 of the California Code of Regulations.

<sup>2</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice.

### FACTS

A San Diego councilman would like to print and distribute with public funds more than 200 flyers announcing community and city-sponsored events in his district. He wants to save paper by printing one side of the flyer in English and the other side in Spanish. Both sides of the flyer will have the same content. The flyers will not be printed on standard letterhead. His concern is whether his name can be mentioned once on the English side and again on the Spanish side.

### ANALYSIS

#### Mass Mailing Prohibition

In June 1988, Proposition 73 amended Section 89001 of the Act to provide: "No newsletter or other mass mailing shall be sent at public expense." The Commission adopted Regulation 18901 to clarify which mass mailings were permissible and which were prohibited under the Act.

You have stated that the councilmember is using the exception that allows mailings announcing community events. He understands that it permits his name to be mentioned only once in the flyer. However, the Commission has ruled that a document that is printed in the English language on one side and in the Spanish language on the other side would be treated as separate items. (Leidigh Advice Letter, No. I-93-406.) Therefore, a single mention of the elected officer's name is permitted on each side of the announcement. Presumably, the translated version is provided solely to reach non-English speaking men and women in a language which enables them to understand the communication being sent.

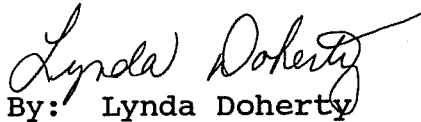
We believe that this interpretation is consistent with the Commission's overall attempt to adhere to the prohibition set forth in Section 89001, while permitting specific mailings consistent with the performance of normal governmental functions which enable officeholders to communicate with all their constituents. (See, for example, the staff memorandum to the Commission, Issues Relating to Regulation 18901 (Mass Mailing), October 26, 1990.) Thus, to exclude a mass mailing in a language not understood by the recipient would seem to lead to an absurd result.

However, please note that in order to be consistent with the scope of Section 89001 and with our prior advice which has narrowly construed exceptions to Regulation 18901, incorporation of any exempted item under this regulation must be determined on a case-by-case basis.

I trust this letter addresses your concerns. If you have any further questions regarding this matter, please feel free to contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell  
General Counsel



By: Lynda Doherty  
Political Reform Consultant  
Legal Division

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