



FAIR POLITICAL PRACTICES COMMISSION

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February 23, 1999

Andrew Peterson
Administrative Analyst
County of Lake
Administrative Office
Courthouse - 255 North Forbes Street
Lakeport, California 95453

**Re: Your Request for Advice
Our File No. A-99-013**

Dear Mr. Peterson:

This letter is in response to your request for advice regarding the provisions of the Political Reform Act (the "Act").¹

QUESTION

May the County of Lake include photographs and a short biography for each member of its board of supervisors on its website?

CONCLUSION

Yes. The County of Lake may include photographs and a short biography for each member of its board of supervisors on its website.

FACTS

The County of Lake is in the process of improving and expanding the county's website. The county will include a section for the board of supervisors in which each supervisor will have a page with a photograph and short biography.

¹ Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, of the California Code of Regulations.

ANALYSIS

Mass Mailings

Section 89001 provides that “no newsletter or other mass mailing shall be sent at public expense.” Regulation 18901 interprets this provision.² In pertinent part, Regulation 18901 provides:

“(a)(1) Any item sent is delivered, by any means, to the recipient at his or her residence, place of employment or business, or post office box. For purposes of this subdivision (a)(1), the item delivered to the recipient must be a tangible item, such as a videotape, record, or button, or a written document.” [Emphasis added.]

According to Regulation 18901, a publicly funded mailing is a prohibited mass mailing if, among other things, it is delivered as a tangible item to the recipient at his or her residence, place of employment or business, or post office box. (Regulation 18901(a)(1).) Consistent with subdivision (a)(1), web pages are not considered tangible items and therefore are not subject to Regulation 18901 or Section 89001. (*Footnote* Advice Letter, No. A-98-114.)

Section 85300

Section 85300 sets forth another restriction on the use of public funds. Section 85300 provides:

“No public officer shall expend and no candidate shall accept any public moneys for the purpose of seeking elective office.”

The Commission has recently amended Regulation 18530 to narrowly interpret Section 85300 to prohibit only the payment of public moneys in the form of matching funds or cash subsidies for the public financing of elections. (Regulation 18530.)

In-Kind Contributions

Professional services, including the creation and maintenance of a website for a candidate, could conceivably result in a contribution from the county to the candidate. However,

² Please note that amendments to this regulation will be presented for consideration by the Commission in the near future. One proposed amendment would make electronic mail (e-mail) communications, but not websites, subject to the mass mailing provisions of the Act.

we have reviewed the content of the sample web page that you propose to post on your website. A similar biography, if posted on a website, would not result in a contribution from the county to the candidate.³

Laws outside the Act may be implicated by your website. *Stanson v. Mott* (1976) 17 Cal.3d 206, Government Code Section 8314 and Penal Code Section 424 are among some of the authorities proscribing the use of public moneys for campaign-related activities by a state or local government entity. Since we cannot provide advice regarding areas outside of the Act we can only commend them for your review.

Conclusion

You may include a photograph and a biography of each member of the county's board of supervisors on the county's website.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel



By: Marte Castaños
Staff Counsel, Legal Division

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³ Please see Regulations 18420 and 18423 (copies enclosed) to determine when a local government agency makes a contribution to a candidate.