

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

In the Matter of:)	
)	
Opinion requested by)	No. 75-167
Joyce Valdez, Director)	February 3, 1976
Golden Circle of California)	
)	

BY THE COMMISSION: We have been asked the following question by Joyce Valdez, Director of the Golden Circle of California, an organization administered by the Republican State Central Committee of California:

Does Government Code Section 84305 require that a copy of a letter and an invitation soliciting membership dues or campaign contributions be sent to the Fair Political Practices Commission?

CONCLUSION

A copy of any mass mailing which solicits money to be used in support of state candidates must be sent to the Commission.

ANALYSIS

The Republican State Central Committee has requested an opinion with respect to its obligation to provide the Commission with copies of two pieces of mail which appeal for campaign contributions. A letter was sent to individuals and corporations, along with an invitation to join "The Golden Circle of California." The letter described the benefits of membership in "The Golden Circle" and stressed the need for membership dues or other contributions. Both the letter and the invitation stated that the money raised would be used to support Republican candidates in key legislative elections. However, neither item identified any specific candidates or legislative districts by name.

Both the invitation and the letter are mass mailings because more than 200 identical or nearly identical copies of

each were mailed by the Committee. Government Code Section 82041.5.^{1/} Section 84305 requires that "a copy of every mass mailing in support of or in opposition to a state candidate or state measure" be sent to the Commission.^{2/} Therefore, a copy of both the invitation and the fundraising letter must be sent to the Commission if they are deemed to be "in support of ... a state candidate" despite their failure to name any specific candidate.

An examination of a statute's purpose is a proper means by which to analyze its scope. Moyer v. Workmen's Compensation Appeals Board, 10 Cal.3d 222, 232 (1973). We believe the primary purpose for the requirement that certain mass mailings be forwarded to the Commission is to make all forms of political advertising available for public view. While most political advertisements, such as billboards, television spots and bumper stickers, are designed to catch the public's eye, and therefore are, by their nature, public, mass mailings are directed at individual voters usually in the privacy of their own homes. In order to achieve the goal of

^{1/}All statutory references are to the Government Code unless otherwise noted.

Section 82041.5 states:

"Mass mailing" means two hundred or more identical or nearly identical pieces of mail, but does not include a form letter or other mail which is sent in response to a request, letter or other inquiry.

^{2/}Section 84305 states:

No person shall make an expenditure for the purpose of sending a mass mailing the cost of which is reportable pursuant to this chapter unless the postage is paid by postage meter, the mail is sent by bulk rate mail or the sender shows on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of such mailing the sender's name, street address and city in no less than 6-point type. The bulk rate number or meter number shall be stated in a campaign statement, and a copy of every mass mailing in support of or in opposition to a state candidate or state measure shall be sent to the commission on the same day on which it is mailed to the public generally. Such copies sent to the commission shall be public records.

providing complete information to the voting public, it is necessary to reveal this form of political advertising through the mechanism of disclosure.^{3/}

An additional reason for making mass mailings available for public scrutiny is that because mailings usually are viewed by individual voters in private, candidates sometimes have used them as a platform for dishonest or malicious allegations. Government cannot and should not censor political mailings. See Wilson v. Superior Court, 13 Cal.3d 652 (1975). However, public disclosure may discourage unethical mailings which could prove politically embarrassing.

Although in the present case the invitation and letter solicit funds in support of Republican state candidates generally and do not mention any specific state candidate, we think that, in light of the purposes of Section 84305, the disclosure requirement is applicable.^{4/} Public disclosure of political advertising and discouragement of potentially unethical mailings are no less important goals in the case of a party fundraising letter where the candidates who eventually will receive the benefit of the contributions raised are unnamed and possibly unknown than they are in the case of a mass mailing sent by a particular candidate.

Accordingly, we conclude that Section 84305 requires that a copy of any mass mailing which supports a party's state candidates be sent to the Commission, whether or not the names

^{3/}A great deal of useful information can be gleaned by the public as a result of such disclosure. For example, it may be of interest to voters to know if a candidate is sending different mail to voters of different ethnic background, race or economic status.

^{4/}We note that Section 13 of the Government Code states "The singular number includes the plural and the plural the singular." Thus, the reference in Section 84305 to "a state candidate" does not bar application of the section to mass mailings which support more than one state candidate.

of any specific candidates are mentioned. A copy of the letter and the invitation at issue in the present case, therefore, must be forwarded to the Commission.

Approved by the Commission on February 3, 1976.
Concurring: Brosnahan, Carpenter, Lowenstein, Miller and Waters.



Daniel H. Lowenstein
Chairman