



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

To: Chair Germond, Commissioners Cardenas, Hatch, and Hayward

From: Brian Lau, Acting General Counsel
Zachary W. Norton, Senior Counsel

Subject: *Alvarez* Advice Letter, No. I-18-080, Combined Disclosure Statement.

Date: July 9, 2018

Issue Presented

At the June 2018 Commission meeting, the Commission asked for further discussion of the *Alvarez* Advice letter, No. I-18-080, where a law firm requested advice on whether it be permissible for a political committee putting out a mailer supporting or opposing a city candidate in the City of San Jose, a jurisdiction that required “paid for by” and “not authorized by” disclosure language in addition to the disclosures required under the Act, to merge the language into one comprehensive disclosure statement. The letter advised that, as to state law, this would be permissible.

Analysis

“Paid for by” Disclaimer Language

Section 84502 of the Act requires that any advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, must include the words “paid for by” followed by the name of the committee as it appears on the most recent Statement of Organization.

The Act and the City of San Jose both require independent expenditure advertisements to indicate who paid for them. While State law requires mailers to say “Paid for by,” the City of San Jose requires mailers to say more explicitly “It is paid for by.” These two “paid for by” requirements are essentially identical and clearly have the same purpose: informing readers of the name of the political committee, business, labor union, etc. which paid for the mailer. The merged disclaimer includes all words required under both the State and City law, and clearly conveys the message to voters that the mailer was not distributed by the candidate’s campaign or an elected official. The mere addition of the words “it is” does not render the disclaimer statement insufficient under the Act.

“Not authorized by” Disclaimer Language

Section 84506.5 of the Act requires a “not authorized by” disclaimer on independent expenditure advertisements supporting a candidate. While this section requires a disclosure

statement, the statute itself does not require any specific language that must be copied and included on a mailer, it merely requires that advertisement include “a statement that it was not authorized by a candidate or a committee controlled by a candidate.”

The City of San Jose requires political committees to print a similar but slightly different “not authorized by” statement on independent expenditure mailers supporting or opposing City candidates: “This electioneering communication is not authorized or approved by any candidate for city office or by any election official.” City law also seeks to inform voters that the mailer was not authorized by an “election official.”

Given that the purpose of these disclaimers is the same, the Legal Division advised that it would be permissible for a political committee putting out a mailer supporting or opposing a City candidate to merge the two statements into one. Moreover, as the advertisement was for a city election, the disclaimer that it was “not authorized or approved by any candidate for city office, a committee controlled by a candidate for City office, or an election official” appears to fully comply Section 84506.5, which merely states that the advertisement must include a statement that it was not authorized by a candidate or committee controlled by a candidate.

It is a well-established rule of statutory construction that the provisions should be read “with reference to the entire scheme of law of which it is part so that the whole may be harmonized and retain effectiveness.” [Citations.]” (*People v. Skiles* (2011) 51 Cal.4th 1178, 1185.) Moreover, a literal interpretation will not be followed where it would cause an absurd result. (*Metcalf v. County of San Joaquin* (2008) 42 Cal.4th 1121, 1131.) Here, requiring two separate, yet nearly identical disclosure statements on a single mailer in order to comply with both the State and City disclosure requirements would lead to an absurd and burdensome result.

Finally, we note that this advice is consistent with prior formal advice where the Legal Division approved a single disclaimer merging the prior versions of the “not authorized by” and “paid for by” requirements of state law and comparable requirements under Oakland law. (*Alvarez* Advice Letter A-16-166).

Conclusion

Staff recommends not withdrawing the *Alvarez* Advice letter, No. I-18-080. The advice issued is a relatively straightforward matter of statutory construction and consistent with past advice. Moreover, the issue presented is one best analyzed on a case by case basis, and not an issue that could be resolved easily through a generally applicable regulation. A regulation would not have the flexibility to broadly address combining disclosure statements in relationship to the different requirements of multiple local jurisdictions or proposed variations by different committees.

THE SUTTON LAW FIRM

18-080

April 12, 2018

VIA E-MAIL & U.S. MAIL

Jack Woodside, Esq.
General Counsel
Fair Political Practices Commission
1102 Q St., Ste. 3000
Sacramento, CA 95811

Ms. Toni Taber
City Clerk
San Jose City Hall
200 E. Santa Clara St.
San José, CA 95113

RE: Request for Advice

Dear Mr. Woodside and Ms. Taber:

We represent several political committees which seek to make independent expenditures supporting or opposing candidates for City of San Jose office in the June 2018 and November 2018 election and therefore need to determine the disclaimer requirements for mailers and other communications.

As you know, the provisions in state law requiring independent expenditure communications supporting a candidate for state or local office to include various disclaimers were amended significantly this year. (The "Disclose Act"; see e.g., Cal. Govt. Code sections 84305 ["paid for by" requirement on mailers], new 84503 ["top 3 \$50,000+ contributors" requirement] & amended 84506.5 ["not authorized by" requirement].) San Jose law requires an additional disclaimer on independent expenditure mail pieces (S.J. Muni. Code section 12.06.1010(B) ["Notice to Voters" requirement]) and repeats the "paid for by" requirements as well as substantially similar language noting the ad was not authorized by the candidate, as required by state law. (S.J. Muni. Code section 12.06.1010(c).) This advice request relates to the relationship between these disclaimer requirements of state and City law.

More specifically, the "not authorized by" requirement under state law requires political committees to indicate on independent expenditure mailers that the mailer "was not authorized by a candidate or a committee controlled by a candidate." (Cal. Govt. Code section 84506.5.) The "Notice to Voters" requirement under City law requires political committees to print a similar but slightly different "not authorized by" statement on independent expenditure mailers supporting or opposing City candidates: "This electioneering communication is not authorized or approved by any candidate for city office or by any election official." (S.J. Muni. Code section 12.06.1010(B).)

The underlying purpose of both of these disclaimer requirements is presumably to inform voters that the mailer was distributed an independent group not affiliated with the candidate's campaign – i.e., that the mailer was not “authorized by” or “approved by” a “candidate” or “a committee controlled by a candidate.” City law also seeks to inform voters that the mailer was not authorized by an “election official.” We could not locate any information in the legislative history of either provisions which reveals a different intent for the disclaimer requirements. Although state and City law have chosen slightly different words to convey this message, the purpose of the disclaimers is identical.

State and City law also both require independent expenditure ads to indicate who paid for them. State law requires mailers to say “Paid for by” the name of the payor (Cal. Govt. Code sections 84305 & 84502), and City law requires mailers to say more explicitly “It is paid for by” payor (S.J. Muni. Code section 12.06.1010(B)). These two “paid for by” are essentially identical and clearly have the same purpose: informing readers of the name of the political committee, business, labor union, etc. which paid for the mailer.

Our question is whether political committees can modify the language in the “not authorized by” requirement under state law and/or the “Notice to Voters” requirement under City law so that political committees do not have to print both full “not authorized” statements on their independent expenditure mailers or both “paid for by” lines. Specifically, given that the purpose of these disclaimers is identical, would it be legally permissible for a political committee putting out a mailer supporting or opposing a City of San Jose candidate to merge the two statements into one, with the merged sentence printed within the “Notice of Voters” as follows:

Notice to Voters
(Required by the City of San Jose)
This electioneering communication is not authorized or approved by a candidate for City office, a committee controlled by a candidate for City office, or an election official.
It is paid for by NAME OF PAC
123 Santa Clara St., San Jose, CA 92123; FPPC ID No. 987654
Total cost of this mailing is: \$ ____.

Jack Woodside, Esq. & Ms. Toni Taber
April 12, 2018
Page 3

This merged disclaimer basically uses all of the words in both the state and City law and clearly conveys the message to voters that the mailer was not distributed by the candidate's campaign or an election official, even though it does not use the precise wording of either law.

We note that the FPPC and Oakland Ethics Commission approved a single disclaimer merging the prior versions of the "not authorized by" and "paid for by" requirements of state law and comparable requirements under Oakland law. (See FPPC Advice Letter to Matthew C. Alvarez (9/2/16) A-16-166 citation & Oakland Ethics Commission letter to Matthew C. Alvarez, (10/6/16); copies attached). The FPPC and Oakland Ethics Commission both reached this conclusion because a merged statement meets the underlying purpose of the requirements and intrudes less on the First Amendment rights of the political committees. Although courts have upheld disclaimer requirements on independent expenditures as a general matter (see, e.g., Citizens United v FEC (2010) 558 U.S. 310), the government must justify its requirements with a government interest (which in the case of disclaimers is the information it provides to voters). To be sure, the government has a legitimate interest in requiring "not authorized by" and "paid for by" statements because of the important information they provide to voters. However, the government has no justifiable interest in requiring two "not authorized by" or two "paid for by" statements because the second statements provide no additional information to voters. We therefore do not believe that requiring political committees to print both statements, when they are effectively the same, would survive constitutional scrutiny. (See, e.g., A.C.L.U. v. Heller (2004) 378 F.3d 979; McIntyre v. Ohio Elections Com'n (1995) 514 U.S. 334.)

Thank you very much for your consideration of this request for advice. We would appreciate receiving a response at your earliest convenience so that political committees will know what disclaimers to print on mail pieces supporting or opposing candidates running for San Jose office in the upcoming June 2018 election, and will follow up this request for advice with a telephone call.

Sincerely,



Matthew C. Alvarez

Attachments
JRS/jaa
#1220.05

12.06.1010 - Disclosure of electioneering communications.

A.

Except as otherwise provided in this section, disclaimers of electioneering communication shall be made pursuant to the Political Reform Act, California Government Code Section 81000 et seq., as amended.

B.

Every electioneering communication in printed form paid for by an independent committee must place the following statement on the communication in typeface that is easily legible, contrasts with the background, and is no smaller than twelve-point font for communication no larger than eleven inches by seventeen inches (or equivalent area for non-rectangular dimensions) or is no smaller than five percent of the printable height for communication larger than eleven inches by seventeen inches (or equivalent area for non-rectangular dimensions):

Notice to Voters

(Required by the City of San José)

This electioneering communication is not authorized or approved by any candidate for city office or by any election official. It is paid for by (committee name and committee identification number).

(Address, city, state).

Total cost of this mailing is (amount).

If an acronym is used to specify a committee name, the full name of any sponsoring person of the committee must be included in the notice disclosure required by this section.

C.

Every electioneering communication in spoken form must include the words "paid for by" immediately followed by the name of the candidate, controlled committee or independent committee that paid for the communication in a manner that is clearly audible and at the same general volume and speed as the rest of the communication.

D.

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • ELEVENTH FLOOR • OAKLAND, CALIFORNIA 94612

Public Ethics Commission

October 6, 2016

(510) 238-3593
FAX (510) 238-3315
TDD (510) 238-3254

Matthew C. Alvarez, Esq.
The Sutton Law Firm
150 Post Street, Suite 405
San Francisco, CA 94108

Re: OCRA Sec. 3.12.230 – Merging of IE mailer disclosure language with state-required disclosure (PEC AL 16-01)

Dear Mr. Alvarez:

This letter responds to your request for written advice regarding the Oakland Campaign Reform Act (OCRA), which is contained in Oakland Municipal Code Chapter 3.12. You have submitted a joint request for advice to both the Fair Political Practices Commission (FPPC) and the City of Oakland (City) Public Ethics Commission (PEC). The FPPC has advised you on state law (see FPPC Advice Letter No. A-16-166) and the PEC is advising you as to OCRA only.

I. QUESTION

Can political committees modify the language in the “not authorized by” requirement under state law and/or the “Notice to Voters” requirement under Oakland law so that political committees do not have to print both full statements on their independent expenditure mailers. Specifically, would it be legally permissible for a political committee putting out a mailer supporting or opposing an Oakland candidate to merge the two statements into one as follows:

“This mailing was not authorized, approved or paid for by a candidate for City office, a committee controlled by a candidate for City office, or an election official.”

This merged sentence would be printed with the “Notice to Voters” as follows:

Notice to Voters

(Required by the City of Oakland)

This mailing was not authorized, approved or paid for by a candidate for City office, a committee controlled by a candidate for City office, or an election official

It is paid for by NAME OF PAC

123 Street, Oakland, CA 99999

Total cost of this mailing is: \$ _____.

II. SHORT ANSWER

Yes, the proposed language is in compliance with OCRA section 3.12.230.

III. FACTS

You represent several political committees which seek to make independent expenditures supporting or opposing candidates for City office in the November 2016 election, and which therefore need to determine what disclaimers are required on their mailers and other communications. You note that state law contains several provisions requiring independent expenditure communications to include various disclaimers.

You note that the underlying purpose of both of these disclaimer requirements is presumably to inform voters that the mailer was put out by an independent group not affiliated with the candidate's campaign - i.e., that the mailer was not "authorized by," "approved by," or "paid for by" a "candidate" or "a committee controlled by a candidate." City law also seeks to inform voters that the mailer was not authorized by an "election official." You could not locate any information in the legislative history of either provision which reveals a different intent for the disclaimer. Although state and City law have chosen slightly different words to convey this message, the purpose of the disclaimers is the same.

IV. LAW

City law requires an additional disclaimer on all advertisements paid for by independent expenditures. (Oakland Municipal Code section 3.12.230 - the "Notice to Voters" requirement.) This advice request relates to the relationship between these disclaimer requirements of the state and City law.

More specifically, the "not authorized by" requirement under the state law requires political committees to print the following statement on independent expenditure mailers:

This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.

The "Notice to Voters" requirement under City law requires political committees to print a similar but different statement on independent expenditure mailers supporting or opposing candidates for City office:

Notice to Voters

(Required by the City of Oakland)

This mailing is not authorized or approved by any City candidate or election official.

It is paid for by (name) _____

_____ (address, city, state)

Total cost of this mailing is: (amount)

V. ANALYSIS

One of the purposes of the disclosure requirements of OCRA section 3.12.230 is to inform voters that the campaign material is paid for by an independent group and that the campaign material was not authorized or approved by a candidate for the office or an election official. The California Political Reform Act (CPRA) requires a similar disclaimer on all independent expenditure advertisements. Both of the disclaimers are required to be printed in 14 point font.

The CPRA's required disclaimer for all independent expenditure advertisements is the following:

(a) An advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include the following statement: This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.

You ask whether it would be legally permissible for a political committee putting out a mailer supporting or opposing a candidate for City office to merge the two statements into one as follows:

Notice to Voters

(Required by the City of Oakland)

This mailing was not authorized, approved or paid for by a candidate for City office, a committee controlled by a candidate for City office, or an election official

It is paid for by NAME OF PAC

123 Street, Oakland, CA 99999

Total cost of this mailing is: \$_____.

Because your suggested merged statement includes almost all of the exact words of the OCRA-required notice in a manner that embeds them within the more comprehensive statement required by the CPRA, and because the merged language still meets the purpose of the OCRA-required language, the merged language you propose satisfies the requirements of OCRA section 3.12.230.

VI. CONCLUSION

The language you propose in this situation satisfies the disclosure requirements of OCRA section 3.12.230.

Thank you for your inquiry. If need further assistance, please contact the PEC at (510) 283-3593.

Sincerely,



Whitney Barazoto
Executive Director

CA FPPC Adv. A-16-166 (Cal.Fair.Pol.Prac.Com.), 2016 WL 5195830

California Fair Political Practices Commission

MATTHEW C. ALVAREZ, ESQ.

Our File No. A-16-166
September 2, 2016

*1 Matthew C. Alvarez, Esq.
The Sutton Law Firm
150 Post Street, Suite 405
San Francisco, CA 94108

Re: Your Request for Advice

Dear Mr. Alvarez:

This letter responds to your request for advice regarding the campaign provisions of the Political Reform Act (the "Act").¹ You have submitted a joint request for advice to both the Fair Political Practices Commission ("FPPC") and the City of Oakland Public Ethics Commission. The FPPC is advising on state law and the Oakland Public Ethics Commission will advise as to the Oakland City law.

QUESTION

Can political committees modify the language in the "not authorized by" requirement under state law and/or the "Notice to Voters" requirement under Oakland law so that political committees do not have to print both full statements on their independent expenditure mailers. Specifically, would it be legally permissible for a political committee putting out a mailer supporting or opposing an Oakland candidate to merge the two statements into one as follows:

"This mailing was not authorized, approved or paid for by a candidate for City office, a committee controlled by a candidate for City office, or an election official."

CONCLUSION

As to state law, the merged language you propose satisfies the "not authorized by" disclaimer for mailers paid for by independent expenditures required by Section 84506.5 of the Act, with regards to Oakland City mailers.

FACTS

You represent several political committees which seek to make independent expenditures supporting or opposing candidates for Oakland office in the November 2016 election, and which therefore need to determine what disclaimers are required on their mailers and other communications. You note that state law contains several provisions requiring independent expenditure communications to include various disclaimers, whether the communication supports a candidate for state or local office. For example, Sections 84305 (the "paid for by" requirement on mail pieces), 84506 (the "top two contributors of \$50,000 or more" requirement) and 84506.5 (the "not authorized by" requirement).

Oakland City law requires an additional disclaimer on independent expenditure mail pieces. (Oakland Muni.Code section 3.12.230 - the "Notice to Voters" requirement.) This advice request relates to the relationship between these disclaimer requirements of state and City law.

More specifically, the "not authorized by" requirement under state law requires political committees to print the following statement on independent expenditure mailers:

This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.

This "not authorized by" requirement was changed slightly last year. Whereas the prior version of the law required political committees to include a statement that the mailer was not authorized or paid for by a candidate or candidate-controlled committee (former Section 84506.5), the law was amended in November 2015 to require the statement listed above (new Section 84506.5).

*2 The "Notice to Voters" requirement under City law requires political committees to print a similar but different statement on independent expenditure mailers supporting or opposing City candidates:

This mailing is not authorized or approved by any City candidate or election official.

You note that the underlying purpose of both of these disclaimer requirements is presumably to inform voters that the mailer was put out by an independent group not affiliated with the candidate's campaign - i.e., that the mailer was not "authorized by," "approved by," or "paid for by" a "candidate" or "a committee controlled by a candidate." City law also seeks to inform voters that the mailer was not authorized by an "election official." You could not locate any information in the legislative history of either provisions which reveals a different intent for the disclaimer. Although state and City law have chosen slightly different words to convey this message, the purpose of the disclaimers is the same.

ANALYSIS

Section 84506.5 of the Act requires a "not authorized by" disclaimer on independent expenditure advertisements as follows:

“(a) An advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include the following statement: This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.”

This language informs voters that the advertisement is paid for by an independent group and was not authorized or paid for by a candidate for the office or a committee controlled by a candidate for the office. The Oakland City ordinance requires a similar "not authorized by" disclaimer for independent expenditures. Both of the disclaimers are required to be printed in 14 point font.

Given that the purpose of these disclaimers is the same, you ask whether it would be legally permissible for a political committee putting out a mailer supporting or opposing an Oakland candidate to merge the two statements into one as follows:

"This mailing was not authorized, approved or paid for by a candidate for City office, a committee controlled by a candidate for City office, or an election official."

As to state law, we agree that the merged language you propose in this situation satisfies the disclaimer requirement of Section 84506.5 of the Political Reform Act, with regards to Oakland City mailers. Combining the similar disclaimers is reasonable and is more informative to voters than putting two duplicative disclaimers on advertisements paid for by independent expenditures.

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

Sincerely,

Hyla P. Wagner
General Counsel

Footnotes

- 1 The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.
CA FPPC Adv. A-16-166 (Cal.Fair.Pol.Prac.Com.), 2016 WL 5195830



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

May 17, 2018

Matthew C. Alvarez
The Sutton Law Firm
150 Post Street, Suite 405
San Francisco, CA 94108

Re: Your Request for Informal Assistance
Our File No. I-18-080

Dear Mr. Alvarez:

This letter responds to your request for advice regarding the campaign provisions of the Political Reform Act (the "Act").¹ You have submitted a joint request for advice to both the Fair Political Practices Commission ("FPPC") and the City of San Jose. The FPPC is advising on state law and the City of San Jose will advise as to the San Jose City law. However, since your questions at this time are general in nature, we are providing informal assistance. Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

QUESTION

May political committees required to provide disclosure statements under Sections 84502 and 84506.5 and the City of San Jose's local ordinance modify the statements required under state law so that the committees do not have to print separate "paid for by" disclosure statements and separate "not authorized" disclosure statements on their independent expenditure mailers? Specifically, given that the purpose of these disclaimers is identical, would it be legally permissible for a political committee putting out a mailer supporting or opposing a City of San Jose candidate to merge the two statements into one, with the merged sentence printed within the "Notice of Voters" as follows:

Notice to Voters

(Required by the City of San Jose)

This electioneering communication is not authorized or approved by a candidate for City office, a committee controlled by a candidate for City office, or an election official.

It is paid for by Name OF PAC

123 Santa Clara St., San Jose, CA 92123; FPPC ID No. 987654

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Total cost of this mailing is: \$ _____.

CONCLUSION

As to state law, the merged language you propose satisfies the “paid for by” and “not authorized by” disclaimers for mailers paid for by independent expenditures required by Sections 84502 and 84506.5 of the Act, with regards to San Jose City mailers.²

FACTS AS PROVIDE BY REQUESTOR

You represent several political committees which seek to make independent expenditures supporting or opposing candidates for City of San Jose office in the June 2018 and November 2018 election and therefore need to determine the disclaimer requirements for mailers and other communications. You note that the provisions in state law requiring independent expenditure communications supporting a candidate for state or local office to include various disclaimers were amended significantly this year. In particular Section 84305 requires a “paid for by” disclosure statement on mailers and Section 84506.5 requires a “not authorized by” disclosure statement on mailers.

San Jose law requires an additional disclaimer on independent expenditure mail pieces. Specifically, the ordinance requires a disclaimer stating “It is paid for by” requirements. The ordinance also requires a “not authorized by” statement on independent expenditure mailers supporting or opposing City candidates: “This electioneering communication is not authorized or approved by any candidate for city office or by any election official.” (S.J. Muni. Code section 12.06.1010(B).)

ANALYSIS

Section 84502 of the Act requires that any advertisement paid for by a committee, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, must include the words “paid for by” followed by the name of the committee as it appears on the most recent Statement of Organization. Section 84506.5 of the Act requires a “not authorized by” disclaimer on independent expenditure advertisements as follows:

“An advertisement supporting or opposing a candidate that is paid for by an independent expenditure shall include a statement that it was not authorized by a candidate or a committee controlled by a candidate. If the advertisement was authorized or paid for by a candidate for another office, the expenditure shall instead include a statement that ‘This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.’”

This language informs voters that the advertisement is paid for by an independent group and was not authorized or paid for by a candidate for the office or a committee controlled by a candidate for the office. The San Jose City ordinance requires similar “it is paid for by” and “not authorized by” disclaimers for independent expenditures.

² We express no opinion as to whether the merged language complies with San Jose City law.

Given that the purpose of these disclaimers is the same, you ask whether it would be legally permissible for a political committee putting out a mailer supporting or opposing a San Jose candidate to merge the two statements into one as referenced above.

As to state law, we agree that the merged language you propose in this situation satisfies the disclaimer requirements of Sections 84502 and 84506.5 of the Act, with regards to San Jose City mailers. Combining the similar disclaimers is reasonable and is more informative to voters than putting two duplicative disclaimers on advertisements paid for by independent expenditures.

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

Sincerely,

Brian G. Lau
Assistant General Counsel

A handwritten signature in blue ink, appearing to read "Z. Norton", with a horizontal line extending to the right.

By: Zachary W. Norton
Senior Counsel, Legal Division

ZWN:jgl