



FAIR POLITICAL PRACTICES COMMISSION

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October 12, 2010

Stephen D. Cummings
155 Bucknell Avenue
Ventura, CA 93003

**RE: Your Request for Advice
Our File No. A-10-113**

Dear Mr. Cummings:

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

QUESTION

What are the reporting obligations if the Central Coast Democratic Coalition, a slate mailer organization, ("Coalition")² receives funds and makes expenditures for communications that are not considered "slate mail" under the Act?

CONCLUSION

The Coalition would qualify as a recipient committee with separate reporting obligations in addition to those of slate mailer organizations. See analysis for sender identification requirements.

FACTS

Last year, your group formed the Working Blue Democratic Club ("Club") as a state general purpose recipient committee. This year, you decided to file as a generic Democratic

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.

² Under Gov. Code Sec. 82048.4, a "Slate mailer organization" must be involved in the production of one or more slate mailers and receive payments or promises of payments totaling five hundred dollars (\$500) or more in a calendar year for the production of one or more slate mailers.

slate mailer organization under the name of the Central Coast Democratic Coalition (I.D. No. 1327083). The Coalition was formed for the purpose of having a Democratic slate mailer organization that various Democratic groups could use for items that could not, for various reasons, be run through party committees. You believed that the organization would be closely-allied with the Club, but still independent from the Club.

On April 29, 2010, the Coalition received \$1,100 from the Club and made payments totaling \$66.75, which were reported on the Coalition's Form 401. You have not provided any facts indicating that the Coalition has qualified as a slate mailer organization under Section 82048.4.

You would also like to know if the Coalition receives funds and makes expenditures that are not slate mailers, such as irregular slate cards that display fewer than four candidates or ballot measures, or cards that are dropped rather than mailed, if the Coalition may use the committee designation of the Club. If the answer is no, you ask what the identification requirements are for mailings that do not qualify as slate mail.

ANALYSIS

A "slate mailer" is "a mass mailing which supports or opposes a total of four or more candidates or ballot measures." (Section 82048.3.) A "mass mailing" is defined in pertinent part by Section 82041.5 as "over two hundred substantially similar pieces of mail." We have advised that "a slate card which is not distributed by mail does not meet the Act's definition of a slate mailer." (*Dudum* Advice Letter, No. I-90-506.)

Although the communications under discussion here may not be "slate mail," so long as the Coalition qualifies as a slate mailer organization, it remains subject to the reporting requirements governing such organizations (Sections 84218 – 84221), if and when it receives payments of \$500 or more during any reporting period for the production of slate mail (properly so-called).

If the Coalition *receives contributions for purposes other than producing slate mail*, the Coalition will also qualify as a recipient committee. A recipient committee has different registration requirements and reporting obligations.

You asked for clarification on the exemption in Section 82048.4(c). This exemption does not apply when a slate mailer organization receives funds for purposes other than producing slate mailers. The 82048.4(c) exemption only applies when a slate mailer organization receives money for slate mail but expends those funds on other communications. (*Lacy* Advice letter, No. A-06-017.)

You ask, rather than form another recipient committee, if the Coalition can use the Club as its affiliated recipient committee. There is nothing in the Act that prohibits the Club from acting as an affiliated recipient committee for the Coalition. However, all payments received for

non-slate mailings must be deposited into the Club's bank account in order to avoid the qualification of the Coalition as a recipient committee. In regards to sender identification requirements, communications paid from the Club's bank account must include the Club's name and address as required in Section 84305. The Act does not prohibit the communications from also including the Coalition's name on mass mailings.

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

Sincerely,

Scott Hallabrin
General Counsel

A handwritten signature in cursive script, appearing to read "Olson", written in black ink.

By: Sarah Olson
Political Reform Consultant,
Technical Assistance Division

SO:jl