



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

To: Chair Remke, Commissioners Audero, Cardenas, Hatch and Hayward

From: Jack C. Woodside, General Counsel
Ryan P. O'Connor, Commission Counsel

Subject: Regulation 18901 – Mass Mailings Sent at Public Expense

Date: February 5, 2018

Requested Action

Repeal Regulation 18901 – Mass Mailings Sent at Public Expense.

Discussion

Section 82041.5 defines the term “mass mailing” to mean over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter, or other inquiry. Additionally, Section 89001 states that “no newsletter or mass mailing shall be sent at public expense.”

Existing Regulation 18901 implements the mass mailing prohibition in Section 89001 as applied to mailings that feature or reference an elected official affiliated with the agency sending the mailer. The regulation provides multiple exceptions to the mass mailing prohibitions including exceptions for letterhead, certain public meetings and events, and business cards.

Recently enacted Senate Bill 45 (Stats. 2017, ch. 827) prohibits an official who will appear on a ballot from sending a mailing, otherwise meeting the exceptions provided for letterhead, certain public meetings, and business cards, in the 60 days prior to the election. (New Section 89003.) In establishing the 60-day ban on otherwise permitted mass mailings, Senate Bill 45 incorporated the full text of existing Regulation 18901 into Section 89002. Accordingly, Regulation 18901 is no longer necessary.

Attachment:

1- Proposed Repeal of Regulation 18901 – Mass Mailings Sent at Public Expense.