

CALIFORNIA CODE OF REGULATIONS, TITLE 2

**18901. Mass Mailings Sent At Public Expense**

(a) Except as provided in subdivision (b), a mailing is prohibited by Section 89001 if all of the following criteria are met:

(1) Any item sent is delivered, by any means, to the recipient at his/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.

(2) The item sent either:

(A) Features an elected officer affiliated with the agency which produces or sends the mailing, or

(B) Includes the name, office, photograph or other reference to an elected officer affiliated with the agency which produces or sends the mailing, and is prepared or sent in cooperation, consultation, coordination, or concern with the elected officer;

(3) (A) Any of the costs of distribution is paid for with public moneys; or

(B) Costs of design, production and printing exceeding \$50 are paid with public moneys, and the design, production or printing is done with the intent of sending the item other than as permitted by this regulation.

(4) More than 200 substantially similar items are sent, in a single calendar month, excluding any item sent in response to an unsolicited request and any item described in subdivision (b);

(b) Notwithstanding subdivision (a), mass mailing of the following items is not prohibited by Section 89001:

(1) Any item in which the elected officer's name appears only in the letterhead or logotype of the stationery, forms (including "For Your Information" or "Compliments of" cards), and envelopes of the agency sending the mailing, or a committee of the agency, or of the elected officer, or in a roster listing containing the names of all elected officers of the agency. In any such item, the names of all elected officers must appear in the same type size, typeface, type color, and location. Such item may not include the elected officer's photograph, signature or any other reference to the elected officer, except as specifically permitted in this subdivision (b)(1) or elsewhere in this regulation.

- (2) A press release sent to members of the media;
- (3) Any item sent in the normal course of business from one governmental entity or officer to another governmental entity or officer;
- (4) Any intra-agency communication sent in the normal course of business to employees, officers, deputies and other staff;
- (5) Any item sent in connection with the payment or collection of funds by the agency sending the mailing, including tax bills, checks and similar documents, in any instance where use of the elected officer's name, office, title or signature is necessary to the payment or collection of the funds. Such item may not include the elected officer's photograph, signature or any other reference to the elected officer except as specifically permitted in this subdivision (b)(5) or elsewhere in this regulation.
- (6) Any item sent by an agency responsible for administering a government program, to persons subject to that program, in any instance where the mailing of such item is essential to the functioning of the program where the item does not include the elected officer's photograph; and where use of the elected officer's name, office, title or signature is necessary to the functioning of the program.
- (7) Any legal notice or other item sent as required by law, court order, or order adopted by an administrative agency pursuant to the Administrative Procedure Act, and in which use of the elected officer's name, office, title or signature is necessary in the notice or other mailing. For purposes of this subdivision (b)(7), inclusion of an elected officer's name on a ballot as a candidate for elective office, and inclusion of an elected officer's name and signature on a ballot argument, shall be considered necessary to such a notice or other item.
- (8) A telephone directory, organization chart, or similar listing or roster which includes the names of elected officers as well as other individuals in the agency sending the mailing, where the name of each elected officer and individual listed appears in the same type size, typeface, and type color. Such item may not include an elected officer's photograph, name, signature, or any other reference to an elected officer, except as specifically permitted in this subdivision (b)(8) or elsewhere in this regulation.
- (9) (A) An announcement of any meeting or event of the type listed in paragraphs (i) or (ii).





- (C) A previously unsolicited request to receive an agency newsletter or mass mailing on an ongoing basis shall not be deemed to have become solicited by the sole fact that the requestor responds to an agency notice indicating that, in the absence of a response, his/her name will be purged from the mailing list for that newsletter or mass mailing. A notice in the following language shall be deemed to meet this standard:

"The law does not permit this office to use public funds to keep you updated on items of interest unless you specifically request that it do so."

Inclusion of a similar notice in other items shall not constitute a solicitation under this regulation.

- (D) A communication sent in response to an elected officer's participation at a public forum or press conference, or to his/her issuance of a press release, shall be considered an unsolicited request.
- (E) A person who subscribes to newspapers or other periodicals published by persons other than elected officers shall be deemed to have made unsolicited requests for materials published in those subscription publications.

*AUTHORITY: Government Code 83112*

*REFERENCE: Government Code 82041.5 and 89001*