

MASS MAILINGS - FCPC REGULATIONS AND CERTIFICATION

R2.12.325.1 Mass Mailings; Filing

- (a) A 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 as defined in BMC Section 2.12.150 that has been sent within a calendar month.
- (b) Any committee, candidate, officeholder, individual or organization who
 - (1) Has local filing requirements pursuant to the BERA, as it may be amended from time to time, and
 - (2) Makes expenditures supporting or opposing one or more candidates or ballot measures,
 shall file three copies of each mass mailing paid for by expenditures reported therein.

R2.12.325.2 Filing of Mass Mailings - Method of Filing

Three copies of all mailings as defined in BMC Section 2.12.150 shall be filed with the City Clerk’s Office no later than one day of the date the mass mailing was first placed in the U.S. mail. Filing shall be made by hand-delivery to the City Clerk’s Office no later than one day after the mailing or by depositing three originals addressed to the City Clerk’s Office in the U.S. mail on the same day as the first pieces are deposited in the U.S. mail.

If neither of the above conditions can be met, the three copies of the mass mailing and the certification must be sent by guaranteed overnight delivery to comply with the requirement that they be filed with the City Clerk’s Office no later than one day after the date the mass mailing was first placed in the U.S. mail.

Mass mailings may be filed with the City Clerk prior to the date of the actual mailing. Each mass mailing required to be filed with the City Clerk pursuant to BMC § 2.12.325 shall be accompanied by a certification of the date the mass mailing was (or will be) deposited in the U.S. mail. The certification shall include the following information:

- (a) The name of the candidate, committee, officeholder, individual or organization with local filing requirements under the BERA responsible for the mass mailing.
- (b) The campaign filing identification number, if any.
- (c) The date that the mass mailing was (or will be) deposited in the U.S. mail.
- (d) The signature of the candidate, committee, officeholder, individual or organization with local filing requirements under the BERA responsible for the mass mailing. Where a committee or organization is responsible for the filing, the certification shall be signed by the committee or organization treasurer.

The certification may be hand-or type-written by the responsible candidate, committee, officeholder, individual or organization with local filing obligations under the BERA either directly on the mass mailing filed with the City Clerk’s Office, or on a separate piece of paper if the piece of paper is attached to the mass mailing by staple. The certification shall be in a form substantially similar to the following:

(complete and submit certificate below)
MASS MAILING CERTIFICATION

I, _____, hereby certify under penalty of perjury under the laws of the State of California that 200 or more copies of the document entitled or described as follows: _____

were (or will be) mailed on _____

Filing ID Number: _____

Signed: _____ Date: _____

The filing of a mass mailing in accordance with this regulation shall satisfy the requirement in Berkeley Municipal Code Section 2.12.325 that all mass mailings be sent to the Commission.