



# CANDIDATE HANDBOOK

## PRESIDENTIAL PRIMARY ELECTION

### JUNE 5, 2012



#### **SAN BENITO COUNTY DEPARTMENT OF ELECTIONS**

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**\*\*\*NOTICE\*\*\***

**No duty is imposed upon the Office of the County Clerk/Registrar of Voters to determine whether a candidate meets the requirements for holding office. The Declaration of Candidacy, which each candidate must sign under penalty of perjury, states that the candidate meets the statutory and/or constitutional qualifications for office (including, but not limited to, citizenship, residency, etc.). This guide is intended to provide general information concerning the nomination and election of candidates, and does not have the force and effect of law, regulation, or rule. It is distributed with the understanding that neither the Secretary of State nor the Office of the Registrar of Voters is rendering legal advice, and, therefore, this information is not to be a substitute for legal counsel for the individual, organization, or candidate using it. In case of conflict, the law, regulation, or rule will apply.**

**Unless otherwise indicated, all code section references are to the California Elections Code.**



## JOE PAUL GONZALEZ

COUNTY OF SAN BENITO

CLERK, AUDITOR, & RECORDER  
REGISTRAR OF VOTERS



### *A Message from* **JOE PAUL GONZALEZ**

This handbook has been prepared to assist candidates in preparing for the upcoming 2012 Presidential Primary Election.

For the uninitiated, the process can be confusing, with resulting errors and misunderstandings. Although this handbook is a guide for candidates, it is for general information only and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation, or rule will apply. Candidates and others using this handbook must bear full responsibility to make their own determinations as to all legal standards and duties.

The best advice I can give to all candidates is **FILE EARLY**. The filing deadlines are rigid and if one waits until the last moment to file a document containing errors or omissions, one's right to appear on the ballot may be lost. Most errors can be corrected given adequate time.

We hope you find this Candidate's Handbook useful. For additional election-related information, feel free to contact the office Monday through Friday 8 a.m. to 5 p.m., except holidays.

Good luck and wishing you the best.

Sincerely,

*Joe Paul Gonzalez*

County Clerk, Auditor & Recorder  
Registrar of Voters

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# SECTION 1:



## GENERAL INFORMATION

# OFFICES ON THE JUNE 5, 2012 BALLOT

## Voter Nominated Offices

Office	Incumbent	Jurisdiction	Term	Begins	Qualifications
U. S. Senate	Diane Feinstein (D)	Statewide	6 years	Jan. 3, 2013 (noon)	At least 30 years old, registered voter, U. S. citizen for at least 9 years, resident of the state when elected. (U. S. Const., Art. I, §3)
U.S. Representative in Congress	Sam Farr (D)	20 <sup>th</sup> District (previously 17 <sup>th</sup> )	2 years	Jan. 3, 2013 (noon)	At least 25 years old, registered voter, U.S. citizen for at least 7 years, resident of the state when term begins (U.S. Const., Art. 1, 2)
State Assembly	Luis A. Alejo	30 <sup>th</sup> District (previously 28 <sup>th</sup> )	2 years	Dec. 3, 2012	U.S. citizen, registered voter in the district at the time Nomination Papers are issued. <sup>1</sup> May not have served 3 terms in the Assembly since 11/6/1990.

<sup>1</sup> Article IV, Section 2 (c), of the California Constitution requires one year residency in the legislative district and California residency for three years. However, it is the legal opinion of the Secretary of State's Office that these provisions violate the U.S. Constitution.

## Non-Partisan Offices

Office	Incumbent	Jurisdiction	Term	Begins	Qualifications
Superior Court Judge	Steve Sanders	Court 1	6 years	Jan. 7, 2013	U.S. citizen, registered voter of the state, member of the State Bar for 10 years or have served as a judge of a California court of record for 10 years immediately preceding the election.  <b>DOCUMENTATION REQUIRED.</b> (Elec. Code §13, 13.5, CA Const., Art. VI, §15 & 16)
Superior Court Judge	Harry J. Tobias	Court 2	6 years	Jan. 7, 2013	
Co. Board of Supervisor	Margie Barrios	1 <sup>st</sup> District	4 years	Jan. 7, 2013	U.S. citizen, registered voter of the district which the candidate seeks to represent for at least 30 days preceding the deadline for filing nomination documents for the office. Must reside in the district during incumbency. (Gov. Code §24001, 24200, 25041)
Co. Board of Supervisor	Anthony Botelho	2 <sup>nd</sup> District	4 years	Jan. 7, 2013	
Co. Board of Supervisor	Jaime De La Cruz	5 <sup>th</sup> District	4 years	Jan. 7, 2013	
Co. Board of Education	Mary Anne Filice	TA #1	4 years	Dec. 3, 2012	Registered voter of the district residing within the trustee area. (Ed. Code §5012, 5030, 35107)
Co. Board of Education	Guadalupe V. Candelaria	TA #2	4 years	Dec. 3, 2012	
Co. Board of Education	Patricia Ward	TA #5	4 years	Dec. 3, 2012	

## CENTRAL COMMITTEES/COUNTY COUNCILS

Office	Incumbents	Jurisdiction	Term	Begins	Qualifications
Central Committees: ♦ Republican ♦ Democratic ♦ American Independent	Names on file at the Elections Department	County – elected by Supervisorial District	2 years	See party code	U.S. citizen, resident eligible to vote in the Supervisorial District the candidate seeks to represent. (Elec. Code §7200, 7209, 7242, 7407, 7420, 7443, 7650, 7654, 7670, 7692,8001)
Central Committees County Councils*: ♦ Libertarian ♦ Peace & Freedom	Names on file at the Elections Department	County – elected at large	2 years	See party code	U.S. citizen, resident eligible to vote in the county. Candidates who qualify for party nomination to partisan public office will automatically appear on the ballot for central committee. (Elec. Code §7750, 7753, 7882, 8001)
County Council ♦ Green	Names on file at the Elections Department	County – elected at large	2 years	See party code	U.S. citizen, resident eligible to vote in the county. (Elec. Code §7750, 7753, 7882, 8001)

### **PARTISAN OFFICE PARTY AFFILIATION REQUIREMENT**

Any candidate for partisan office or for membership on a county central committee or county council shall have been registered with the political party of the nomination for which he or she seeks continuously for not less than three months prior to the time of presentation of his/her Declaration of Candidacy, or, if eligible to register for less than three months, for as long as he or she has been eligible to register to vote in California. The candidate shall not have been registered as affiliated with a political party other than that party for 12 months immediately prior to the filing of the Declaration of Candidacy. This party affiliation requirement is not applicable for candidates of political parties participating in their first direct primary election subsequent to their qualification as political parties. (Elections Code §8001)

### **NO PARTISAN BALLOT PRINTED WHEN THERE ARE NO PARTISAN CANDIDATES**

8004. (a) In the event that no candidate files for a party's nomination for any partisan office that would appear on the ballot in a county or a political subdivision within that county, the elections official shall do both of the following:

(1) Refrain from printing a partisan ballot for that party in that county or a political subdivision within that county in which there are no candidates for that political party's nomination. (2) Send notification to those voters registered as affiliated with that party that there were no qualified candidates for the partisan office for which the voter is eligible to vote, together with a nonpartisan ballot, unless, within 10 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted is filed with the elections official and signed by 10 percent of the registered voters, or 100 registered voters, whichever is less, affiliated with that party within the county or a political subdivision within that county, whichever is applicable.

(b) A separate petition shall be filed for each specific office for which a write-in campaign is to be conducted.

## SUMMARY CHART OF DOCUMENTS BY OFFICE

### JUNE 5, 2012 – PRESIDENTIAL PRIMARY ELECTION

Office	Filing Fee and/or Signatures In-Lieu	Declaration of Intention	Declaration of Candidacy (Including Ballot Designation Worksheet)	Nomination Papers (including Appointment of Circulators)	Candidate Statement & Code of Campaign Practices	Statement of Economic Interest (Form 700)	Campaign Financial Statement (FPPC or FEC)
<b>REFER to PAGES</b> →	32-38 Sec 2	39	40, 44-55	41	42 & Sec 3	43	43 & Sec 4
<b>FEDERAL</b> U.S. Senate U.S. Rep. in Congress (20 <sup>th</sup> )	X	n/a	X	X	Voluntary	(not required to be filed with local Registrar of Voters)	FEC
<b>STATE LEGISLATIVE</b> Assembly (30 <sup>th</sup> )	X	n/a	X	X	Voluntary	X	FPPC
<b>SUPERIOR COURT JUDGE</b> Court #1 Court #2	X	X	X	X	Voluntary	X	FPPC
<b>CO BOARD OF SPVRS.</b> District #1 District #2 District #5	X	n/a	X	X	Voluntary	X	FPPC
<b>CO BOARD OF EDUCATION</b> Trustee Area #1 Trustee Area #2 Trustee Area #5	n/a	n/a	X	X	Voluntary	X	FPPC
<b>CENTRAL COMMITTEES</b> Republican Democratic American Independent Libertarian Peace & Freedom Green	n/a	n/a	X	X	n/a	n/a	FPPC



## PRIMARY CANDIDATE CALENDAR (SUMMARY)

Listed below is a description of the various mandatory and optional forms to be filed for candidacy in the June 5, 2012 Election. It is the obligation of the candidate to ensure that all filing requirements and deadlines have been met. All candidates are urged to file the required documents as early as possible to avoid a last minute rush, confusion or misunderstanding. Additionally, it is recommended that the candidate file all documents personally. Dates marked with an (\*) indicate that it falls on a weekend or holiday so the activity is moved to the next business day.

DOCUMENT	APPLIES TO	FILING PERIOD
Signature-In-Lieu Petition	Judicial Offices Only	Dec. 30 – Feb. 8 (E-158 to E118)
	U.S. Senate, Congressional, Legislative & Board of Supervisors Candidates	Dec. 30 – Feb. 23 (E-158 to E-103)
Declaration of Intention	Judicial Offices Only	Jan. 30 – Feb. 8 (E-127 to E-118)
Declaration of Intent (Extension)	Only Applies if Judicial Incumbent Fails to File	Feb. 9 to Feb. 13 (E-117 to E-113)
Semi-Annual Statement Due for Period 7/1/11-12/31/11 or 1/1/11- 12/31/11 (If committee formed before 12/31/11 and is new committee)	All Offices (except Federal Office refer to FEC requirements)	Jan. 31, 2012 (E-126)
Nomination Documents (Declaration of Candidacy & Nomination Petitions)	All Candidates	*Feb. 13 to Mar. 9 (E-113 to E-88)
Candidate's Statement of Qualifications	Optional for All Candidates (Except Federal Offices)	*File with Nomination Documents
Nomination Document (Extension)	Only Applies to Candidates where the Incumbent Fails to File Nom Docs (excludes Central Committee)	Mar. 10 to Mar. 14 (E-87 to E-83)
Campaign Disclosure Statements	Legislative, Judicial, Board of Supervisor Candidates	See Section 4 of this Handbook
Code of Fair Campaign Practices	Optional for All Candidates	*File with Nomination Documents
Statement of Economic Interests (Form 700)	All candidates EXCEPT candidates for U.S. Senate & Congress	*File with Nomination Documents

## JUNE 5, 2012

### PRIMARY ELECTION CALENDAR (DETAIL)

All code sections are the Elections Code, unless otherwise noted.

Following the filing period dates, the number of days prior to or after the election is provided (E = Election Day, followed by the number of days prior to (-) or after (+) election day.)

If there is an asterisk by the date, the deadline falls on a weekend or holiday and, in most cases, has been moved to the next business day.

<p>Dec. 30, 2011 to Feb. 8, 2012 (E-158 to E-118)</p>	<p><b>Signatures in Lieu of Filing Fees – Judicial Candidates</b> Between these dates judicial candidates may obtain signature-in-lieu forms from the county elections official or the Secretary of State for circulating petitions to secure signatures in-lieu of paying all or part of the filing fee. Signatures may also be applied to the nomination signature requirements for office. §8061, 8105, 8106</p> <p>The In-Lieu Petition must be filed by the last day to file the Declaration of Intention since the filing fee must be satisfied by that day. The Elections Department will notify the candidate of any deficiency within 10 days of filing. The candidate may then submit by March 9, 2012 additional signatures to replace those that were rejected or pay the balance of the fee.</p>
<p>Dec. 30, 2011 to Feb. 23, 2012 (E-158 to E-103)</p>	<p><b>Signatures In Lieu of Filing Fee – All Voter-Nominated Candidates</b> Between these dates, candidates for the offices of State Legislative, U.S. Senate, Congress and County Board of Supervisor may obtain signature-in-lieu forms from the county elections official or the Secretary of State for circulating petitions to secure signatures in-lieu of paying all or part of the filing fee. Signatures may also be applied to the nomination signature requirements for office. §8061, 8105, 8106</p> <p>The In-Lieu Petition must be filed by the last day. The Elections Department will notify the candidate of any deficiency within 10 days of filing. The candidate may then submit by March 9, 2012 additional signatures to replace those that were rejected or pay the balance of the fee.</p>
<p>Dec. 30, 2011 (E-158)</p>	<p><b>Secretary of State to Prepare Notice of Offices on Primary Ballot</b> At least 158 days before the primary, the Secretary of State shall prepare and transmit to each county election’s official a notice designating all the offices, except those of county officers and judges, for which candidates are to be nominated. §12103</p>
<p>January 3, 2012 (E-154)</p>	<p><b>Registration in New Party</b> The last day any person may register to vote and declare intention to affiliate with a particular party in order to qualify that party to participate in the June 5, 2012 primary election candidate nominating process. §2187(d)(1), 5100(b)</p>
<p>Jan. 2, 2012 (E-155)</p>	<p><b>County Holiday – Office Closed</b></p>

<p>Jan. 3, 2012 to *Jan 23, 2012</p> <p>(E-154 to E-135)</p>	<p><b>Report of Registration – 154-day Report</b> During this period, each county elections official shall prepare to send to the Secretary of State a summary statement of the number of persons registered by party affiliation, by county, and by each political subdivision.</p> <p style="text-align: right;">§2187(a)(c)&amp;(d)(1)</p>
<p>Jan. 16, 2012 (E-141)</p>	<p><b>County Holiday – Office Closed</b></p>
<p>*Jan. 23, 2012  (E-135)</p>	<p><b>New Party Qualification</b> The last day for the Secretary of State to determine whether a new political party has qualified either by registration or by filing a petition.</p> <p style="text-align: right;">\$5100</p> <p>Minimum registration required: 103,004 Signatures required for petition: 10,030,040</p>
<p>Jan. 30, 2012 to Feb. 8, 2012</p> <p>(E-127 to E-118)</p>	<p><b>Declaration of Intent – Judicial Candidate (Only)</b> Between these dates judicial candidates file their Declaration of Intent with the Elections Department. Candidates must pay the entire filing fee at this time, represented by money, signatures or any prorated combination of money and signatures. Must state which office they wish to become a candidate. <b>The filing fee is non-refundable.</b></p> <p style="text-align: right;">\$8023</p>
<p>Feb. 9, 2012 to Feb. 13, 2012</p> <p>(E-117 to E-113)</p>	<p><b>Declaration of Intent – Extension Period Judicial Candidates (Excludes the Incumbent)</b> If the incumbent has not filed a Declaration of Intent to succeed to the same office, then any other person, other than the incumbent, may file such a declaration during the extension period.</p> <p style="text-align: right;">\$8023(b)</p>
<p>Jan. 30, 2012 To Feb. 13, 2012</p> <p>(E-127 to E-113)</p>	<p><b>Cities Publish Election Notice</b> Between these dates, any city that is consolidating an election with the June primary will publish a Notice of Election one time in a newspaper of general circulation stating:</p> <ul style="list-style-type: none"> <li>• The date and polling hours of the election</li> <li>• Any offices to be filled and any measure to be voted on, including a synopsis of each measure.</li> </ul> <p>§12101, 12111</p>
<p>Jan.31, 2012</p> <p>(E-126) <i>Suggested Date</i></p>	<p><b>County Central Committees – Republican, Democratic &amp; American Independent parties</b> By this date, the county elections official shall compute the number of members of the Democratic, Republican and American Independent county central committee to be elected in each Supervisorial district. Elections Code states no later than January 31<sup>st</sup>.</p> <p style="text-align: right;">§7226, 7421, 7650</p>
<p>Jan. 31, 2012  (E-126)</p>	<p><b>Semi-annual Campaign Statement</b> Last day to file semiannual campaign statements for all ballot measure committees, all candidates and their controlled committees, and all committees primarily formed to support or oppose such candidates or measures being voted upon in the primary. Gov. Code §84200, 84218</p>

<p>Jan. 31, 2012 (E-126)</p>	<p><b>Supplemental Independent Expenditure Reports</b>  Last day to filed supplemental independent expenditure reports for committees making independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate or measure being voted upon in the primary. Independent expenditure reports are filed at the same time and in the same places as would be required if the filer were primarily formed to support or oppose the candidate, measure, or measure qualification affected by the independent expenditure.  Gov. Code §82031, 84203.5</p>
<p>Feb. 1, 2012 (E-125)</p>	<p><b>Secretary of State to Prepare Notice Designating Qualified Political Parties</b>  At least 125 days before the direct primary election, the Secretary of State shall prepare and transmit to each county election official a notice designating the political parties qualified to participate in the primary. §12103</p>
<p>Feb. 6, 2012 to Mar. 7, 2012 (E-120 to E-90)</p>	<p><b>Notice of Election</b>  Between these dates the County Clerk, as a matter of policy, will publish a Notice of Election containing the date of the election, the offices to be filled, where nomination papers are available, and the deadline for filing Declarations of Candidacy.   Notice of central counting place may be combined with this notice. § 12112, 12109</p>
<p>Feb. 13, 2012 (E-116)</p>	<p><b>County Holiday – Office Closed</b></p>
<p>*Feb. 13, 2012 (E-115)</p>	<p><b>County Central Committees/County Council – Green, Libertarian and Peace &amp; Freedom</b>  The last day for Secretary of State to compute the number of members of the central committees/county council to be elected in each county and to mail certificates to that effect to each county elections official and to the chairpersons of record of each state central committee. §7771</p>
<p>Feb. 13, 2012 to Mar. 9, 2012 (E-113 to E-88)</p>	<p><b>Declarations of Candidacy &amp; Nomination Papers – All Candidates</b>  Between these dates, candidates must file their Declaration of Candidacy and Nomination Papers. All candidates, except those for judicial offices who satisfied their filing fee requirements when they filed their Declaration of Intention, must pay the entire filing fee at the time they pick up their Nomination Papers. The fee may be represented by money, signatures, or any prorated combination of money and signatures. <b>The filing fee is non-refundable.</b>   Candidates may authorize in writing that their in-lieu signatures count toward the number of signatures needed for their Nomination Paper pursuant to Elections Code §8061. §8020, 8041, 8061, 8100 – 8107  Candidates may authorize in writing that their in-lieu signatures count toward the number of signatures needed for their Nomination Paper pursuant to Elections Code §8061. §8020, 8040, 8061, 8100, 8105, 8106</p>

<p>Feb. 13, 2012 to Mar. 9, 2012  (E-113 to E-88)</p>	<p><b>Declarations of Candidacy &amp; Nomination Papers – Deployed on Active Military Service outside of the State</b> Notwithstanding any other law, a person who is deployed on active military service outside of the state and is unable to appear to file a declaration of candidacy, nomination paper, or any other paper necessary to run for office may have that declaration or paper completed and filed by an attorney-in-fact, commissioned and empowered in writing for that purpose through a power of attorney. At the time of filing the declaration or paper, the attorney-in-fact shall present the original power of attorney duly signed by the deployed person. The power of attorney shall state the office that the deployed person is seeking, including the district number, if any, and shall include a declaration that the deployed person meets the statutory and constitutional qualifications for office that he or she is seeking and that if nominated; the deployed person will accept the nomination and will not withdraw. The power of attorney shall further state that the power of attorney is solely for the purpose of authorizing the attorney-in-fact to file a declaration or paper necessary to run for office. The original or a copy of the power of attorney shall be filed with and attached to the declaration or paper.</p> <p style="text-align: right;">§ 202</p>
<p>Feb. 13, 2012 to Mar. 9, 2012  (E-113 to E-88) plus extension period, if any</p>	<p><b>No Candidate May Withdraw</b> No candidate who's Declaration of Candidacy has been filed for any primary election may withdraw as a candidate at that primary election.  §8800</p>
<p>Feb. 13, 2012 To Mar. 9, 2012  (E-113 to E-88)</p>	<p><b>Candidate's Statement of Qualifications –County &amp; State Legislative Candidates</b> Between these dates, candidates for county offices may prepare a statement of qualifications, not to exceed 200 words, to be included in the Voter's Information Pamphlet. State Legislative offices who qualify under Proposition 34 may prepare a statement not to exceed 250 words. The statement shall be filed and paid for at the time the Declaration of Candidacy is filed. The statement may not be changed, but may be withdrawn up until 5 p.m. on March 12<sup>th</sup> if the contest closes on the 9<sup>th</sup> or March 15<sup>th</sup> if the contest closes on 14<sup>th</sup> after the extension period.</p> <p style="text-align: right;">§13307, 13311</p>
<p>Feb. 13, 2012 To Mar. 9, 2012  (E-113 to E-88)</p>	<p><b>Candidate's Statement of Qualifications – Congressional Candidate</b> Between these dates, candidates for U. S. Representative may prepare a statement of qualifications, not to exceed 250 words, to be included in the Voter's Information Pamphlet. The statement shall be filed and paid for at the time the Declaration of Candidacy is filed. The statement may not be changed, but may be withdrawn up until 5 p.m. on March 12<sup>th</sup> if the contest closes on the 9<sup>th</sup> or March 15<sup>th</sup> if the contest closes on 14<sup>th</sup>, after the extension period.</p> <p style="text-align: right;">§ 13307.5</p>
<p>Feb. 13, 2012 to Mar. 9, 2012</p>	<p><b>Statement of Economic Interests – All Candidates EXCEPT U.S. Senate &amp; Congress</b> Between these dates, candidates filing their Declaration of Candidacy for the</p>

(E-113 to E-88)	<p>June primary must also file statements of economic interests disclosing their investments, interests in real property, and any income received during the preceding 12 months. The statement is not required if the candidate has filed such a statement within the past 60 days for the same jurisdiction.</p> <p style="text-align: right;">Gov. Code §87200, 87201, 87500</p>
Feb. 20, 2012 (E-106)	<p><b>County Holiday – Office Closed</b></p>
Feb. 23, 2012 (E-103)	<p><b>Sigs In-Lieu – All Voter-Nominated Candidates</b>  Last day for voter-nominated candidates to turn in their petitions to the county elections official of the county in which the petition signers reside and are registered to vote. Within 10 days after receipt of a petition, the county elections official shall notify the candidate of any deficiency. Such candidates may, before the close of the nomination period either submit a supplemental petition or pay a prorated fee to cover the deficiency. Nomination closes for candidates on March 9, 2012.</p> <p style="text-align: right;">§8105, 8106(b)(3)</p>
*Mar.5, 2012 (E-93)	<p><b>Sigs In-Lieu – All Voter-Nominated Candidates - Last Day to Determine Sufficiency</b>  Last day for the county elections official to determine the sufficiency of in-lieu signatures submitted by candidates for federal and county offices. Within 10 days after receipt of a petition, the county elections official shall notify the candidate of any deficiency. Such candidates may, before the close of the nomination period on March 9 either submit a supplemental petition or pay a prorated fee to cover the deficiency.</p> <p style="text-align: right;">§8105, 8106(b)(3)</p>
Mar.7, 2012 (E-90)	<p><b>Political Signs</b>  First day political signs may be posted. Signs must be removed within 10 days after the election.</p> <p style="text-align: right;">B &amp; P Code §5405.3</p>
Mar. 9, 2012 (E-88)	<p><b>Deadline for Filing Tax Rate Statement for Bond Measures</b>  Last day to file Tax Rate Statement for any bond measure appearing on the June ballot.</p> <p style="text-align: right;">§9401</p>
Mar. 9, 2012 (E-88)	<p><b>Last Day to Submit Resolutions of Consolidation</b>  Final deadline for the governing body of a district, city, school or other political subdivision which requests consolidation of a local election for candidates and/or measures to file the request with the county Elections Department.  <b>Earlier filing dates are encouraged in order to meet printing schedules.</b></p> <p style="text-align: right;">§10401, 10402</p>
Mar. 9, 2012 (E-88)	<p><b>Notification of Mail Ballot Precinct</b>  Last day for the county elections official to determine that there are 250 or fewer persons registered to vote in any precinct. The county elections official may then mail to each voter an vote-by-mail ballot along with a statement that there will be no polling place for the primary election.</p> <p style="text-align: right;">§3005</p>

<p>Mar. 10, 2012 to Mar. 19, 2012  (E-87 to E-78)</p>	<p><b>10-day Public Inspection for Local Measures on the Ballot</b> 10-day public inspection of ballot text and abbreviated ballot statements (ballot questions) will begin the day after the ballot materials are filed and continue for 10 continuous days. Documents will be on public display at the Elections Department, 440 Fifth Street, Room #206, Hollister, CA.</p> <p>During this period, any voter of the jurisdiction or the county elections official may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted.</p> <p style="text-align: right;">§9190, 9380</p>
<p>Mar. 10, 2012 to Mar. 14, 2012  (E-87 to E-83)</p>	<p><b>Extension of Nomination Period</b> Extension period for anyone other than the incumbent to file a Declaration of Candidacy and Nomination Petition if the incumbent did not file by March 9. This provision does not apply if there is no incumbent eligible to be elected.</p> <p style="text-align: right;">§8022, 8024</p> <p><b>For Judicial offices</b>, if the incumbent of the office files a Declaration of Intention, but for any reason fails to qualify for nomination for the office by March 9, 2012, an additional five days shall be allowed for the filing of nomination papers for the office. Any person, other than the incumbent if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he or she has not filed by February 8 a written and signed Declaration of Intention to become a candidate for the office.</p> <p style="text-align: right;">§8204</p> <p><b>NOTE: This extension does NOT apply...</b> 1) when the incumbent for judicial office does not file a Declaration of Intention for that same office (there is an earlier filing extension period from February 9 to February 13); 2) when there is no incumbent eligible to be re-elected; 3) to county central committee and county councils*</p> <p>*County central committees do not have an extension for filing because the code does not specifically allow it as it does for all other offices</p>
<p>Mar. 13, 2012  (E-84)</p>	<p><b>Arguments Due for Measures</b> Deadline to submit arguments for or against ballot measures.</p> <p style="text-align: right;">§9163, 9316</p>
<p>Mar. 14, 2012 to Mar. 23, 2012  (E-83 to E-74)</p>	<p><b>10-day Public Inspection for Arguments</b> 10-day public inspection of arguments file. Documents will be on public Display at the San Benito County Clerk/Elections Department, 440 Fifth Street, Room #206 - Hollister, CA.</p> <p>During this period, any voter of the jurisdiction or the county elections official may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted.</p>

<p>Mar. 15, 2012 11 a.m.  (E-82)</p>	<p><b>Randomized Alphabet Drawing</b> Secretary of State and the county Elections Department shall conduct the randomized alphabet drawing to determine the order in which the candidates will appear on the primary election ballot.</p> <p>On this same day, the County Clerk shall conduct a randomized alphabet drawing for the office of State Senate and Assembly.</p> <p style="text-align: right;">§13112</p>
<p>Mar. 19, 2012  (E-78)</p>	<p><b>Write-In Campaign Against Incumbent Judge Running Unopposed</b> Last day to file a petition indicating that a write-in campaign will be conducted against an unopposed superior court judicial candidate who has filed Nomination Papers. The petition must be signed by at least 0.1% of the registered voters qualified to vote on the office, provided the petition contains at least 100 signatures. Write-in candidates must file between April 9 and May 22.</p> <p style="text-align: right;">§8203, 8600-8606</p>
<p>Mar. 20, 2012  (E-77)</p>	<p><b>Deadline for Filing Rebuttals and Analyses to Measures</b> For those jurisdictions that submitted measure information, on this date Rebuttal Arguments will be due by 5 p.m.</p> <p style="text-align: right;">§9167, 9317</p> <p>County Counsel to submit analysis (§9160, 9313) for county and school/special district measures; City attorney to submit analysis of city measures.</p> <p style="text-align: right;">(§9280)</p> <p>County Auditor, if previously directed by the Board of Supervisors, to submit fiscal analysis of measures.</p> <p style="text-align: right;">(§9160)</p>
<p>Mar. 21, 2012 To *April 2, 2012  (E-76 to E-65)</p>	<p><b>10-day Public Inspection for Rebuttals and Analysis</b> 10-day public inspection of rebuttals and analyses filed. Documents will be on public display at the San Benito County Elections Department, 440 Fifth Street, Room #206, Hollister, Ca.</p> <p style="text-align: right;">(§9190, 9380)</p>
<p>Mar. 22, 2012  (E-75)</p>	<p><b>First Pre-Election Statement</b> Last day to file campaign statements for candidates and committees covering the period ending 3/17/12. (E-80).</p> <p style="text-align: right;">Gov. Code §84200.5, 84200.7(a)</p>
<p>Mar. 22, 2012  (E-75)</p>	<p><b>Supplemental Independent Expenditure Report</b> Last day to file supplemental independent expenditure reports for committees making independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate or measure. Independent expenditure reports are filed at the same time and in the same places as would be required if the filer were primarily formed to support or oppose the candidate, measure, or measure qualification affected by the independent expenditure.</p> <p style="text-align: right;">Gov. Code §84203.5</p>
<p>Mar. 26, 2012  (E-73)</p>	<p><b>Notice to Candidates of Opponents – Voter-Nominated Offices Only</b> On or before this date, but fewer than five days before sending the Certified List of Candidates to county elections officials March 29, the Secretary of State</p>



	shall notify each candidate for partisan office and voter-nominated office of the names, addresses, offices, occupations and party preferences of all other persons who have filed for the same office.	§8121
Mar. 29, 2012 (E-68)	<b>Certified List of Candidates – Federal and State Offices</b> Last day for the Secretary of State to send to each elections official a certified list showing the name, office, political party or party preference, and address of every federal and state candidate entitled to receive votes within the county at the primary.  By this date, the Secretary of State shall also provide to county elections officials a list of candidates arranged according to the randomized alphabet drawn on March 15 <sup>th</sup> .	§8120-8125 §8149
Mar. 30, 2012 (E-67)	<b>County Holiday – Office Closed</b>	
Apr. 6 (E-60)	<b>Special (Military and Overseas) Vote-by-Mail Ballot Applications</b> The first day county elections officials may process applications for special vote-by-mail ballots.	§300(b), 3103
Apr. 6, 2012 to Apr. 16, 2012 (E-60 to E-50)	<b>Report of Registration – 60-day County Report</b> During this period, county elections officials shall send to the Secretary of State a summary statement of the number of persons registered by party in their counties and in each political subdivision thereof as of April 6 <sup>th</sup> .	§2187
April 9, 2012 to May 22, 2012 (E-57 to E-14)	<b>Statement of Write-in Candidacy and Nomination Papers</b> During this period write-in candidates must file their Statement of Write-in Candidacy and Nomination Papers with the county elections official.	§8601
April 12, 2012 (E-54)	<b>54-Day Walking Lists Prepared</b> The County Elections Official will prepare the 54-day voter index that is available for purchase upon written application at a cost of 50 cents per 1,000 names. Lists are available approximately 5 working days after the day the job is run.	§2184, 2185
*April 23, 2012 (E-45)	<b>State Ballot Pamphlets Available</b> By this date, the Secretary of State shall furnish copies of the State Ballot Pamphlet to cities, counties, and members of the Legislature, proponents of statewide ballot measures, public libraries, and educational institutions.	§9094

<p>April 26, 2012 to May 15, 2012</p> <p>(E-40 to E-21)</p>	<p><b>Counties Mail Sample Ballots / State Ballot Pamphlet Mailing</b> Between these dates the county elections official shall mail a Sample Ballot and polling place notice to each registered voter.</p> <p>Between these dates the Secretary of State shall mail state ballot pamphlets to all households in which voters were registered by Friday, Apr. 6<sup>th</sup> (E-60) The county will do a supplemental mailing of state pamphlets to voters who register after Apr. 6<sup>th</sup>.</p> <p style="text-align: right;">§9094,13303, 13304</p>
<p>April 30, 2012</p> <p>(Date Fixed by Law)</p>	<p><b>Quarterly Statements by Ballot Measure Committees</b> All committees that have qualified as recipient committees and are primarily formed to support or oppose the qualification, passage or defeat of any measure must file a quarterly campaign statement for the period from January 1 to March 31, during any semiannual period before the election in which the measure is not being voted upon.</p> <p style="text-align: right;">Gov. Code §84202.3</p>
<p>May 7, 2012</p> <p>(E-29)</p>	<p><b>Establish Precinct Boards and Polling Places</b> Last day for the county Elections Department to appoint board members and polling places and provide a copy to each county central committee and make a copy available to the public.</p> <p style="text-align: right;">§12286, 12318</p>
<p>May 7, 2012</p> <p>(E-29)</p>	<p><b>Last Day to Register to Vote to Ensure Receipt of Sample Ballot</b> Voter registration cards received by this date (postmark <b>NOT ACCEPTABLE</b>) will be added to the rolls and the voters will receive a Sample Ballot booklet prepared by the county elections official. The voters who submit cards after this date will <b>NOT</b> receive a Sample Ballot booklet, only a notice advising the late registrant that he/she will not receive a Sample Ballot and Voter's Information Pamphlet.</p> <p style="text-align: right;">§9094, 13303</p>
<p>May 7, 2012</p> <p>(E-29)</p>	<p><b>29-Day Walking Lists Prepared</b> The County Elections Official will prepare the 29-day voter index available for purchase upon written application at a cost of 50 cents per 1,000 names.</p> <p style="text-align: right;">§2184</p>
<p>May 7, 2012 to May 29, 2012</p> <p>(E-29 to E-7)</p>	<p><b>Vote-by-Mail Ballot Application Period</b> Between these dates voters may apply for a vote-by-mail ballot from the Elections Department. Under certain conditions voters may obtain a vote-by-mail ballot after May 29<sup>th</sup>.</p> <p style="text-align: right;">§3001, 3003</p>
<p>May 20, 2012 to Jun. 4, 2012</p> <p>(E-16 to E-1)</p>	<p><b>Late Contribution/Independent Expenditure Report</b> During this time late contribution/independent expenditure reports must be filed by FAX, telegram, mailgram, guaranteed overnight mail or deliver in person.</p> <p style="text-align: right;">Gov. Code §84203, 84204</p>
<p>May 20, 2012 to Jun. 4, 2012</p> <p>(E-16 to E-1)</p>	<p><b>24-Hour Statement of Organization Filing Requirement – Recipient Committees &amp; Slate Mailer Organizations</b> During the 16 days immediately preceding an election, any person or entity that qualifies as a recipient committee or slate mailer organization must file a Form 410 within 24 hours by telegram or personal delivery.</p> <p style="text-align: right;">Gov. Code §84101, 84108</p>

<p>May 21, 2012 (E-15)</p>	<p><b>15-day Voter Registration</b> The county elections official shall accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the 15<sup>th</sup> day prior to the election, and if any of the following apply:</p> <ol style="list-style-type: none"> <li>1. The affidavit is postmarked on or before the 15<sup>th</sup> day prior to the election and received by mail by the county elections official.</li> <li>2. The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) prior to the election.</li> <li>3. The affidavit is delivered to the county elections official by means other than those described in paragraphs (2) and (3) on or before the 15<sup>th</sup> day prior to the election.</li> </ol> <p style="text-align: right;">§2107</p>
<p>May 22, 2012 (E-14)</p>	<p><b>Bilingual Precinct Board Members</b> By this date, the county elections official shall prepare a list of precincts to which bilingual officials were appointed. A copy of this list shall be made available to the public.</p> <p style="text-align: right;">§12303(d)</p>
<p>May 22, 2012 to May 29, 2012 (E-14 to E-7)</p>	<p><b>New Residents Registration Period</b> Registration for new residents shall begin the 14<sup>th</sup> day prior to an election and end on the seventh day prior to election day. This registration must be executed in the county elections office and the new resident shall vote a new resident's ballot containing the contest of President and Vice President only in the election official's office.</p> <p style="text-align: right;">§332, 3400</p>
<p>May 22, 2012 to June 5, 2012 (E-14 to E)</p>	<p><b>New Citizens Registration Period</b> Registration for new citizens shall begin the 14<sup>th</sup> day prior to an election and ending at the close of polls on election day. A new citizen registering to vote after the close of registration shall provide the county elections official with proof of citizenship prior to voting, and shall declare that he or she has established residency in California. New citizens vote a regular ballot.</p> <p style="text-align: right;">§331, 3500, 3501</p>
<p>May 24 (E-12)</p>	<p><b>Second Pre-Election Statement</b> The last day to file campaign statements for candidates and committees covering the period from 3/18/12 to 5/19/12.</p> <p style="text-align: right;">Gov. Code §84200.5, 84200.7</p>
<p>May 24, 2012 (E-12)</p>	<p><b>Supplemental Independent Expenditure Reports</b> Last day to file supplemental independent expenditure reports for committees making independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate or measure. Independent expenditure reports are filed at the same time and in the same places as would be required if the filer were primarily formed to support or oppose the candidate, measure, or measure qualification affected by the independent expenditure.</p> <p style="text-align: right;">Gov. Code §84203.5, 82031</p>

May 26, 2012 (E-10)	<b>Notice of Central Counting Place</b> Last day for county elections official to publish the notice that the general election ballots will be counted at a specified public place. The notice shall be published one time in a newspaper of general circulation in the county. §12109
May 28, 2012 (E-8)	<b>County Holiday</b> Office Closed
May 29, 2012 (E-7)	<b>Publish Polling Places and Precinct Board Members</b> Not less than one week before the election, the elections official shall publish the list of polling places and precinct board members designated for each election precinct. §12105-12108, Gov. Code §6061
May 30, 2012 to Jun. 5, 2012 (E-6 to E)	<b>Vote-by-Mail Ballots – Late Conditions</b> Voters unable to go to the polls because of illness or disability or because they will be absent from their precinct on election day, may come to the Elections Department and receive a vote-by-mail ballot over the counter. Voters may designate in writing a representative to bring the vote-by-mail ballot to them. The voter may return the ballot to the Elections Department or polling place in the county either personally or through the authorized representative. §3021
Within 24 hours	<b>County Campaign Disclosure Statement – 3<sup>rd</sup> Pre-Election Statement</b> Within 24 hours of receiving an independent contribution of \$1,000 or more or any independent expenditure of \$1,000 or more, county candidates must file their disclosure statement within 24 hours for the period from 5/23/10 to 6/7/10. Gov. Code §84203 (b)
June 5, 2012 (E)	<b>Primary Election Day</b> Polls open at 7 a.m. and close at 8 p.m. §1000, 1421
June 7, 2012 to July 3, 2012 (E+2 to E+28)	<b>Official Canvass</b> The official canvass of precinct returns is to be completed during this time. §15301, 15372
July 3, 2012 (E+28)	<b>Statement of Vote to Board of Supervisors – Certificates of Election Prepared</b> The elections official shall prepare a certified statement of the results of the election and submit it to the Board of Supervisors. The Board of Supervisors shall declare the nominees or winners for each office and the results of each measure under its jurisdiction. The county elections official shall make and deliver to each person elected a certificate of election. §15372, 15400-15401
July 3, 2012 (E+28)	<b>Nonpartisan Candidates Elected if Majority Vote Received</b> Any candidate for a nonpartisan office who at a primary election receives a majority of the votes cast for candidates for that office shall be elected to that office. The office shall not appear on the general election ballot, notwithstanding the death, resignation, or other disqualification of the candidate at a time subsequent to the primary election. §8140

<p>July 3, 2012 (E+28)</p>	<p><b>No Candidate Elected to Nonpartisan Office</b> If no candidate has been elected to a nonpartisan office where only one person may be elected, then the two candidates who received the highest number of votes cast for nomination to that office shall appear on the November ballot. <span style="float: right;">§8141</span></p> <p>In the case of a tie vote, both candidates will appear on the November ballot. In no case shall the candidates determine the tie by lot. <span style="float: right;">§8142</span></p>
<p>5 Days After Canvass</p>	<p><b>Recount May Be Requested</b> Within five (5) days after the completion of the official canvass, any voter may request a recount by filing a written request with the elections official and specifying which candidates and/or measures are to be recounted. The request may specify the order of the precincts for the recount, and the petitioning voter shall, before commencement of each day's recount, deposit such sum as the official requires covering costs (approximately \$500 per day). "Completion of the canvass" shall be presumed to be the time when the elections official signs the certified Statement of Vote. §15620-15634</p>
<p>Varies between 10 days to 6 months following the certification of the vote</p>	<p><b>Contesting Election</b> Any elector of a county, city, or of any political subdivision of either may contest any election held therein for any of the following grounds: That the precinct board or any member thereof was guilty of misconduct. That the person who has been declared elected to an office was not, at the time of the election, eligible to that office. That the defendant has given to any elector or member of a precinct board any bribe or reward, or has offered any bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise defined in Division 18 (commencing with Section 18000). That illegal votes were cast. That eligible voters who attempted to vote in accordance with the laws of the state were denied their right to vote. That the precinct board in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected. That there was an error in the vote-counting programs or summation of ballot counts. §16100 The contestant shall verify the statement of contest, as provided by Section 446 of the Code of Civil Procedure, and shall file it within the following times after the declaration of the result of the election by the body canvassing the returns thereof: a) In cases other than cases of a tie, where the contest is brought on any of the grounds mentioned in subdivision (c) of Section 16100, six months. b) In all cases of tie, 20 days. c) In cases involving presidential electors, 10 days. d) In all other cases, 30 days. <span style="float: right;">§16401</span></p>

<p><b>Period Following Election</b></p>	<p><b>Document Retention</b>  Nomination documents and signatures in-lieu of filing fee petitions (if applicable) shall be held during the term of office for which they were filed and for four years after the expiration of the term. They may be destroyed as soon as practicable thereafter provided no legal action or proceeding is pending.</p> <p>Since the June 2012 Election has federal offices on the ballot, precinct supplies and voted ballots must be preserved for 22 months following the election. If no legal action is pending at the time, the documents may be destroyed or recycled. Unused ballots may be destroyed or recycled after the June 2012 Election.</p> <p>Initiative, referendum and recall petitions must be preserved for eight months following certification of the election for which the petition qualified or eight months after final examination of the petition by the clerk. If no legal action or proceeding is then pending, the petitions may be destroyed as soon as practicable. Elections Code Division 17, commencing with §17000</p>
<p>July 3, 2012 to July 6, 2012 (E+28 to E+31)</p>	<p><b>Statement of Vote to Secretary of State</b>  No later than this date the elections official shall send one copy of the Statement of Vote to the Secretary of State. <span style="float: right;">§15375</span></p>
<p>July 6, 2012 (E+31)</p>	<p><b>Certificates of Election or Nomination to be prepared</b>  The county elections official will prepare certificates of election for each member elected to a central committee or county council as well as certificates of nomination for each candidate nominated for nonpartisan offices voted for wholly within one county. <span style="float: right;">§8145, 8146</span></p> <p>The Secretary of State will prepare certificates of nomination for Congressional and Legislative candidates. <span style="float: right;">§8147</span></p>
<p>July 31, 2012 (E+56)</p>	<p><b>Semiannual Campaign Statement</b>  Last day to file semiannual campaign statements, if required, by all candidates and committees. <span style="float: right;">Gov. Code §84200, 84218</span></p>
<p>July 31, 2012 (E+56)</p>	<p><b>Supplemental Independent Expenditure Reports</b>  Last day to file supplemental independent expenditure reports for committees making independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate or measure. Independent expenditure reports are filed at the same time and in the same places as would be required if the filer were primarily formed to support or oppose the candidate, measure, or measure qualification affected by the independent expenditure. <span style="float: right;">Gov. Code §84203.5, 82031</span></p>

# “VOTER NOMINATED OFFICES”

## GENERAL INFORMATION

On June 8, 2010, California voters approved Proposition 14, which created the “Top-Two Candidates Open Primary Act”.

Prior to the “Top-Two Candidates Open Primary Act”, candidates running for partisan office appeared only on their own party ballot. The top vote-getter from each qualified political party and any candidates who qualified using the independent nomination process would then move on to the General Election.

Now, under the “Top-Two Candidates Open Primary Act”, all candidates running, regardless of their party preference, will appear on a single combined ballot, and voters can vote for any candidate from any political party. The Act would not affect the election of President (except parties that allow cross-over voters) and County Central Committees, which are still party specific contests.

The Act requires that only the two candidates for voter-nominated offices who receive the highest and second-highest number of votes cast at the primary shall appear on the ballot as candidates at the ensuing General Election. §8141.5

Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person’s appointment. §201

A person is disqualified from holding any office upon conviction of designated crimes specified in the Constitution and laws of the State. Gov. Code §1021

A person is not eligible to a county or district office unless he or she is a registered voter of the county or district in which the duties of the office are to be exercised at the time that nomination papers are issued to the person or at the time of the person’s appointment. Gov. Code §1020

**Note:** There are no district residency requirements for Members of Congress.

No candidate whose declaration of candidacy has been filed for any Primary Election may withdraw as a candidate at that Primary Election. §8800

Each candidate for a Voter-Nominated office will be required to list on their Declaration of Candidacy the candidate’s party preference history for the preceding 10 years. §8121

## “NON-PARTISAN OFFICES”

### GENERAL INFORMATION

Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person’s appointment.

§201

A person is disqualified from holding any office upon conviction of designated crimes specified in the Constitution and laws of the State.

Gov. Code §1021

A person is not eligible to a county or district office unless he or she is a registered voter of the county or district in which the duties of the office are to be exercised at the time that nomination papers are issued to the person or at the time of the person’s appointment.

Gov. Code §1020

Note: There are no district residency requirements for the office of Judge of the Superior Court.

**No person may file nomination papers for more than one office at the same election. EXCEPT: A person may file nomination papers for County Central Committee and another public office, as a Central Committee Member is not an “office” within the meaning of §8003; and, if the election for the two different offices were called by two different governing bodies.**

**If a candidate is seeking a nonpartisan office, all reference to party affiliation shall be omitted on all required forms.**

§8002

No candidate whose declaration of candidacy has been filed for any Primary Election may withdraw as a candidate at that Primary Election.

§8800



# COUNTY CENTRAL COMMITTEE

## GENERAL INFORMATION

Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person's appointment.

§201

No declaration of candidacy for membership to a county central committee shall be filed by a candidate unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he (or she) has been eligible to register to vote in the state, the candidate is shown by his or her affidavit of registration to be affiliated with the political party the nomination of which he or she seeks, and (2) the candidate has not been registered as affiliated with a qualified political party other than that political party the nomination of which he or she seeks within twelve months, or, in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, within three months immediately prior to the filing of the declaration.

The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he (or she) seeks and indicating that the candidate has not been affiliated with any other qualified political party for the period specified in subdivision (a) immediately preceding the filing of the declaration. This section shall not apply to declarations of candidacy filed by a candidate of a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to Section 5100.

§8001

A person is disqualified from holding any office upon conviction of designated crimes specified in the Constitution and laws of the State.

Gov. Code §1021

"Party" means a political party, or organization qualified for participation in any primary election.

§338

## DOCUMENTATION INFORMATION

*Please review the “Nomination Documents and Filing Procedures” section of this guide for further information relating to the filing of declarations of candidacy and the circulation of nomination petitions. Please note that central committee candidates do not file a candidate’s statement of qualifications.*

Central committee members may use the word(s) “Incumbent” or “Appointed Incumbent” as a ballot designation on the declaration of candidacy. Members may not use words designating central committee office as a ballot designation, pursuant to Elections Code §13107(a)(1).

SPECIAL NOTE: Peace and Freedom candidates. Up to three candidates for member of central committees in the same contest may have their names listed on a single nomination paper and the signatures obtained shall count towards the sponsor requirement of each candidate listed. The number of candidates’ names on a nomination paper, however, shall not exceed the number of members to be elected in a contest. §7777

SPECIAL NOTE: Green Party candidates. Up to seven candidates for member of county council in the same contest may have their names listed on a single nomination paper and the signatures obtained shall count towards the sponsor requirement of each candidate listed

### **Insufficient number of candidates for Democratic, Republican, American Independent, Green, and Peace and Freedom Central Committees:**

If the number of candidates in any district does not exceed the number of seats to be filled, neither the office nor the names on the candidates will be placed on the ballot unless a petition stating that a write-in campaign will be conducted for the office and signed by 25 voters of the party involved is filed not later than 20 days after the final date for filing nomination papers. In lieu thereof, the Board of Supervisors will declare the nominated candidates elected. §§7228, 7423, 7673, 7772.1

# WRITE - IN CANDIDACY

**FILING DATES:** April 9 through May 22, 2012

Candidates who desire to be a write-in candidate and have his or her name written on the ballot of an election shall fulfill the requirements of Part 3 of Subdivision 8 of the Elections Code, commencing at Section 8600.

## STATEMENT OF WRITE-IN CANDIDACY

Between April 9, 2012 and May 22, 2012, a candidate must file a Statement of Write-In Candidacy. The Statement of Write-In Candidacy shall contain the following information:

- Candidate's name
- Candidate's complete residence address
- A declaration stating that the candidate is a write-in candidate
- The name of the office for which the candidate is running;
- Candidate's 10-year political party preference, if running for a voter-nominated office
- The party nomination which he or she seeks, if running for a partisan office
- The date of the election. §8600

## NOMINATION PAPERS

Between April 9 and May 22, 2012, a candidate must circulate nomination papers for required signatures and file them for examination with the county elections official of the county in which the signers reside. For central committee candidates, petition signers must be of the same political party whose nomination the write-in candidate is seeking in the primary election. §8601

The required numbers of signers to a write-in candidate's nomination paper for the respective offices are as follows:

- United States Senator: 65 - 100 signatures
- House of Representatives and State Legislative offices: 40 - 60 signatures
- County Central Committee: 20 - 40 signatures

For a Voter-Nominated office, in order to have a write-in candidate's name on the ensuing General Election ballot, the write-in candidate must receive the highest number of votes cast for the office or the second highest number of votes cast for the office, unless there is a tie or a vacancy, or unless another candidate has been elected to the office by winning a majority of the votes. §8605

## FILING FEE

No fee or charge shall be required of a write-in candidate. §8604

## JUDICIAL AND CENTRAL COMMITTEE UNOPPOSED CANDIDATE WRITE-IN REQUIREMENTS

There are specific conditions for placing un-opposed judicial and central committee candidates on the ballot with a write-in campaign. Please speak with Office of the Registrar of Voters staff regarding Elections Code §§7228, 7423, 7673, 7772.1 and 8203 for these specific requirements.

# CHANGES & NEWS FOR 2012

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## **REDISTRICTING (2010 CENSUS – REAPPORTIONMENT)**

Every 10 years Cities, Counties, School Boards and States redraw the lines for districts to keep representation equal. In 2011, for the first time, California state legislative lines were drawn by an independent commission.

The Commission has released their final drafts of the Assembly, Senate, Congress, and Board of Equalization.

## **CALIFORNIA'S PRIMARY ELECTION SYSTEM**

### **HISTORY**

In 1996, voters passed Proposition 198 that established a "blanket" primary in California. Under a "blanket" primary, every voter regardless of political party affiliation is eligible to vote on any candidate for federal and state partisan offices. This system replaced California's "closed" primary system where voters had to be registered with a political party in order to vote for candidates from their political party who were seeking nomination to the partisan federal and state.

### **COURT RULING**

The courts ruled that California's "blanket" primary was unconstitutional, so the system returned to a "closed" primary system. However, under current law, SB 28 (Peace) Statutes of 2001, voters who are not registered with a qualified political party, may vote a ballot for a qualified political party if that party has adopted rules allowing nonpartisan voters to vote their ballot. This has become known as a "modified" closed primary.

### **THE JUNE 2012 PRIMARY**

#### **Modified Closed Primary System for Presidential Elections**

California's current "modified" closed primary system for Presidential elections was chaptered on September 29, 2000 and took effect on January 1, 2001. Senate Bill 28 (Ch. 898, Stats. 2000) implemented a "modified" closed primary system that permitted voters who had declined to provide a political party preference (formerly known as "decline to state" voters) to participate in a primary election if authorized by an individual party's rules and duly noticed by the Secretary of State.

#### **Top Two Candidates Open Primary Act and Voter-Nominated Offices**

On June 8, 2010, California voters approved Proposition 14, which created the Top Two Candidates Open Primary Act.

Except for the office of U.S. President and county central committee offices, offices that used to be known as "partisan offices" (e.g., state constitutional offices, U.S. Congress, and state legislative offices) are now known as "voter-nominated" offices.

Under the Top Two Candidates Open Primary Act, all candidates running in a primary election, regardless of their party preference, will appear on a single Primary Election ballot and voters can vote for any candidate. The top two overall vote-getters – not the top vote-getter from each qualified party and anyone using the independent nomination process – will move on to the General Election.

## CHANGES & NEWS FOR 2012

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### **CALIFORNIA'S PRIMARY ELECTION SYSTEM** **THE JUNE 2012 PRIMARY (CONTINUED...)**

Candidates for voter-nominated office can choose whether to list their party preference on the Primary and General Election ballots. Political parties can no longer formally nominate candidates for voter-nominated offices, so a candidate who finishes in the top two at the Primary Election and advances to the General Election is not the official nominee of any party for the office.

Voters who have declined to provide a political party preference (formerly known as a "decline to state" voter), may be able to vote for a Presidential candidate of a specific party in the upcoming June 5, 2012, Presidential Primary Election. Each political party has the option of allowing people who register to vote without stating a political party preference to vote in their primary election.

Political parties have until 135 days prior to an election to notify the Secretary of State whether they will allow voters who have declined to provide a political party preference to vote the ballot of that individual party.

Voters who wish to vote in the primary election of a political party that allows voters who have not stated a political party preference to vote in their primary, ask their county elections office or a poll worker at their polling place for a ballot from that political party. Voters may not request more than one party's ballot.

If voters do not request such a ballot, they will be given a nonpartisan ballot, containing only the names of candidates for local offices and measures if any, to be voted upon at the primary presidential election.

The county elections official shall maintain a record of which political party's ballot was requested by each unaffiliated voter, or whether a nonpartisan ballot was requested, by each person who declined to state a party affiliation. The record shall be made available to any person or committee who is authorized to receive copies of the printed indexes of registration for primary and general elections pursuant to Section 2184. §13102

Call the Elections Department at 831-636-4016 visit our website at [www.sbcvote.us](http://www.sbcvote.us).

**END OF SECTION 1**  
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# SECTION 2:

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## NOMINATION DOCUMENTS AND FILING PROCEDURES

# FILING FEES

## WHEN FILING FEE IS PAID

Candidates for Judicial offices must pay the filing fee at the time they file their Declaration of Intention.

Candidates for all other offices are required to pay the filing fee at the time they pick up their Declaration of Candidacy and Nomination Petition. (Elections Code §8105)

## WHERE FILING FEE IS PAID AND TO WHOM IT IS PAYABLE

STATE SENATE/ASSEMBLY/CONGRESS: Checks or Cashier's Check are made payable to the "Secretary of State." Counties will forward the fee to the Secretary of State. (NOTE: SOS will not accept Cash).

SUPERIOR COURT JUDGE/BOARD OF SUPERVISORS/COUNTY OFFICES: Checks are made payable to the "County Clerk." (Elections Code §8103, 8104)

**THE FILING FEE MAY BE PAID IN CASH FOR LOCAL OFFICE.** Filing fees may be paid in cash if the candidate is using personal funds and will not be reimbursed through the campaign committee. (Gov. Code §85200).

Otherwise, campaign disclosure laws require that expenditures of \$100 or more be made by written instrument containing the names of both the payee and payer. (Gov. Code §84300)

## FILING FEES PAID IN MONEY

**Amount of Filing Fee** - Filing fees are shown in the table on the next page. The filing fee is a percentage of the annual salary for the office. No filing fee is required of offices with no fixed compensation or annual salary of \$2,500 or less. Write-in candidates are not required to pay filing fees. (Elections Code §8103, 8104, 8604)

**The filing fee is not refundable.** If, for any reason, the candidate fails to qualify, the filing fee is forfeited. (Elections Code §8105)

**Returned Checks** – If the filing fee is paid with a personal check that is returned without payment, the county Elections Department will notify the candidate by telephone. The candidate must make payment by money order or cashier's check by 5 p.m. on the next business day. Failure to do so will invalidate the individual's candidacy, and the candidate's name will not appear on the ballot.

## SIGNATURES IN-LIEU OF FILING FEE

**The Petition Alternative** –The law provides an alternative to paying the filing fee in money. Candidates may collect signatures of voters to cover the entire cost of the filing fee or some portion thereof. See the tables on the following pages for the number of signatures and the value of each. In addition, read the "Guidelines to Gathering Signatures," in this manual prior to obtaining a signature.

If the petition is found to contain fewer valid signatures than the face number, the candidate must make up the deficiency before the close of the nomination period by submitting a supplemental Signatures-In-Lieu petition or by paying the balance of the filing fees in money. (Elections Code §8106)

**Obtaining the Petition Form** – A 1-page (2 sided) master petition form will be available from the Elections Department beginning December 30, 2011. The form will be issued directly to the candidate or to someone bearing written authorization from the candidate. There is no charge for the master form; however, the candidate will be responsible for duplicating as many copies as he/she needs. The pages should be duplicated front to back (2 sided) to prohibit the pages from being separated. (Elections Code §8106)

The Elections Department will maintain a list of persons who have applied for Signatures-In-Lieu petitions. **This will be considered public information** in the event of inquiries from the media or others.



## AMOUNT OF FILING FEE AND SIGNATURES REQUIRED

### VOTER NOMINATED AND CENTRAL COMMITTEE OFFICES (EXCEPT WRITE-IN CANDIDATES):

Office	Salary	Filing Fee <sup>a</sup>	Sig-In-Lieu	Value/Sig	Nomination Signatures
U.S. Senate	\$174,000	\$3,480 (2%)	10,000	\$0.35	65-100
U.S. Congress 20th Dist. (Previously 17 <sup>th</sup> )	\$174,000	\$1,740 (1%)	3,000	\$0.58	40-60
State Assembly 30 <sup>th</sup> Dist. (Previously 28 <sup>th</sup> )	\$95,290.56	\$952.91 (1%)	1,500	\$0.64	40-60
Central Committee / County Council	No Filing Fee requirement				20 - 40

<sup>a</sup> Based on 1 or 2 percent of salary as indicated.

### NON-PARTISAN OFFICES:

Pursuant to E. C. § 8106(a)(4): If the number of registered voters in the district in which he/she seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 10 percent of the total of registered voters in the district in which he/she seeks nomination, whichever is less.

Office	Salary	Filing Fee	Sig-In-Lieu	Value/Sig	Nomination Signatures
Superior Court Judge	\$178,789	\$1,788	7,152	\$0.25	20 – 40
County Board of Supervisor	\$44,647*	\$446	1,785	\$0.25	20 – 40
County Board. of Education	No Filing Fee Required				

\*Revised 1/6/12

# GUIDELINES FOR GATHERING SIGNATURES

## (READ BEFORE OBTAINING SIGNATURES)

Circulators (whether the candidate or another person) perform the important duty of obtaining signatures of properly registered voters for the In-Lieu Petition and/or Nomination Paper. If the signatures are not obtained properly and in accordance with the law, the candidate's right to be placed on the ballot could be questioned. All candidates should try to obtain the required number of signatures as soon as possible in order for their nomination papers to be returned to the Elections Department for examination and filing or certification to the Secretary of State, as the case may be.

### PETITION CIRCULATOR INFORMATION

Anyone who is circulating a Signatures-In-Lieu Petition or Nomination Paper must be a registered voter of the jurisdiction in which the candidate is seeking nomination.

Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision. (Elections Code § 8066)

A candidate for any office may obtain signatures to and sign his/her own nomination petition or signatures in-lieu petition. His/her signature will be given the same effect as that of any other qualified signer. The candidate may circulate the petitions throughout the jurisdiction regardless of his/her county of residence. (Elections Code §106)

**AFFIDAVIT OF CIRCULATOR (ELECTIONS CODE §104):** All petition circulators must complete, in his/her own hand:

- 1) The printed name of the circulator.
- 2) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- 3) The dates between which all the signatures to the petition or paper were obtained.

Each declaration submitted pursuant to this section shall also set forth the following:

- 1) That the circulator circulated that section and witnessed the appended signatures being written.
- 2) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.

The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

## QUALIFIED SIGNERS

Only a person who is a registered qualified voter at the time he/she signs the nomination petition or signatures in-lieu petition is entitled to sign it. Each voter shall, at the time of signing the petition or paper, to personally affix his or her signature, printed name and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. (Elections Code §100)

**Nomination Paper:** Signers shall be voters in the district or political subdivision in which the candidate is to be voted on. With respect to any candidacy for partisan office, signers shall be affiliated registered voters who disclosed a preference, pursuant to Section 2151, for the party, if any, in which the nomination is proposed. Signers need not be registered voters who disclosed a preference for any party when signing candidacy papers for a candidate seeking nomination to a voter-nominated office. (Elections Code § 8068)

**Signature-In-Lieu Petition:** Any registered voter may sign an In-Lieu petition for any candidate for whom he or she is eligible to vote.

### So, who is a voter eligible to vote for?

#### ***Presidential Primary Election:***

If you are a voter who has declined to provide a political party preference (formerly known as a "decline to state" voter), you may be able to vote for a Presidential candidate of a specific party in the upcoming June 5, 2012, Presidential Primary Election. Each political party has the option of allowing people who register to vote without stating a political party preference to vote in their primary election.

Political parties have until 135 days prior to an election to notify the Secretary of State whether they will allow voters who have declined to provide a political party preference to vote the ballot of that individual party.

If you wish to vote in the primary election of a political party that allows voters who have not stated a political party preference to vote in their primary, simply ask your county elections office or ask a poll worker at your polling place for a ballot from that political party. You may not request more than one party's ballot.

If you do not request such a ballot, you will be given a nonpartisan ballot, containing only the names of candidates for local offices and measures if any, to be voted upon at the primary presidential election.

#### ***Top Two Candidates Open Primary Act and Voter-Nominated Offices***

On June 8, 2010, California voters approved Proposition 14, which created the Top Two Candidates Open Primary Act.

Except for the office of U.S. President and county central committee offices, offices that used to be known as "partisan offices" (e.g., state constitutional offices, U.S. Congress, and state legislative offices) are now known as "voter-nominated" offices.

Under the Top Two Candidates Open Primary Act, all candidates running in a primary

election, regardless of their party preference, will appear on a single Primary Election ballot and voters can vote for any candidate. The top two overall vote-getters – not the top vote-getter from each qualified party and anyone using the independent nomination process – will move on to the General Election.

Candidates for voter-nominated office can choose whether to list their party preference on the Primary and General Election ballots. Political parties can no longer formally nominate candidates for voter-nominated offices, so a candidate who finishes in the top two at the Primary Election and advances to the General Election is not the official nominee of any party for the office.

### **APPLYING SIGNATURES-IN-LIEU TOWARD NOMINATION SIGNATURE REQUIREMENT**

Candidates may apply their in-lieu signatures toward the number of signatures required on their Nomination Paper in accordance with Section 8061. Candidates are required to file a written request with the elections official to apply any valid signatures-in-lieu toward the nomination signature requirement.

### **CIRCULATING WITHIN 100 FEET OF A POLLING PLACE**

Signatures to a Nomination Paper or any other petition shall not be obtained within 100 feet of any election booth or polling place. (Elections Code §18370)

### **VOTERS MAY SIGN ONLY ONE PAPER; EXCEPTIONS**

No signer shall, at the time of signing the petition, have his or her name signed to any other Nomination Paper for any other candidate for the same office. Or, in case there are several places to be filled in the same office, signed to more Nomination Papers for candidates for that office than there are places to be filled. (Elections Code §8069)

### **VALIDATION OF SIGNATURES**

The following guidelines will be used when validating signatures on nomination petitions or signature-in-lieu of filing fee petitions.

A signature is **INVALID** if the signer:

- ❖ is not registered to vote;
- ❖ provides a signature on the petition that does not compare to the signature on the voter's affidavit of registration;
- ❖ does not reside in the appropriate district
- ❖ uses a P.O. Box number for residence;
- ❖ uses a mail drop number for residence address;
- ❖ provides an address that is different from the voter's residence address on the affidavit of registration on record;
- ❖ prints his or her name for the signature, unless registered as such;
- ❖ lists her name as Mrs. John Jones (signer must use his/her own name);
- ❖ uses ditto marks for an address;
- ❖ authorizes Power of Attorney to sign on his or her behalf.

# CANDIDATE FILING DOCUMENTS

All candidate filing documents are public at the time they are filed, except for Candidate's Statements of Qualifications that become public at 5 p.m. on the first business day following the deadline to file the statements. Dates marked with an (\*) indicate that it falls on a weekend or holiday so the activity is moved to the next business day.

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## Document Signatures In-Lieu of Filing Fee Petition

A candidate may submit a petition containing signatures of registered voters in-lieu of paying the filing fee in order to run for office. The signatures submitted may cover all, or a portion, of the filing fee.

Signers shall be voters in the district or political subdivision in which the candidate is to be voted on. With respect to any candidacy for partisan office, signers shall be affiliated registered voters who disclosed a preference, pursuant to Section

2151, for the party, if any, in which the nomination is proposed. Signers need not be registered voters who disclosed a preference for any party when signing candidacy papers for a candidate seeking nomination to a voter-nominated office.

Signatures in lieu of filing fee petitions may be submitted to the elections official on an on-going basis. (Administrative Code §20533)

The petitions must be filed with the county elections official in the county where circulated:

- no later than 5 p.m. on February 8 (for judicial candidates filing Declarations of Intention) and **prior to filing a Declaration of Intention**, or
- no later than 5 p.m. on February 23 (for all other candidates) and **prior to filing a Declaration of Candidacy** which cannot be done until the nomination signature requirement has been satisfied.

No additional signatures may be filed after either Declaration has been filed; however, supplemental signatures may be filed to replace signatures in the original filings that were found invalid (§8106(b)(3)). The elections official shall notify the candidate of the number of invalid signatures within 10 days of filing. The candidate shall cover the deficiency either by submitting a supplemental petition or by paying the balance due of the filing fee no later than March 9, 2012 for candidates filing a Declaration of Candidacy by that date.

If a petition is submitted containing numerous duplicate signatures in order to file a larger number of signatures-in-lieu, those signatures will be disqualified and credit toward the filing fee will not be given to them. The candidate must either pay the full amount remaining of the filing fee or forfeit the opportunity to be a candidate.

**That portion of the filing fee not covered by the signatures must be paid in full before the Declaration of Intention or Declaration of Candidacy and Nomination Petition may be filed.**

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Document

**Signatures In-Lieu of Filing Fee Petition – (continued)**

If forms are issued as Signatures-In-Lieu Petitions, they must be returned by the deadlines listed above. DO NOT use the Signatures-In-Lieu Petitions for collecting nomination signatures during the Nomination Petition signature gathering period from February 13 to March 9. Candidates must obtain a Nomination petition during that period in order to collect any nomination signatures that may be needed.

The names and addresses of candidates requesting Signature-In-Lieu Petitions is considered public information.

(Elections Code §8105, 8106)

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Document

**Signatures-In-Lieu Toward Nomination Signatures**

If a candidate submits a Signatures-In-Lieu petition, the county elections official shall also count those valid signatures appearing on the petition toward the number of voter signatures required for the candidate's Nomination Paper.

If the Signatures-In-Lieu petition contains the requisite number of valid signatures required for the Nomination Paper, the candidate is NOT required to circulate and file a separate Nomination Paper. Instead, the candidate may submit a written request to the county elections official to count the valid signatures on the Signatures-In-Lieu petition toward the nomination signature requirement. However, the other required documents (i.e. Declaration of Candidacy, etc.) must still be filed during the appropriate time frame.

If the Signatures-In-Lieu petition does not contain the requisite number of valid signatures required for the Nomination Paper, the candidate must circulate and file a separate Nomination petition to be signed by qualified registered voters during the nomination period.

In order for a signature to be considered valid and count toward the nomination signature requirement for partisan offices (President and Central Committee), the voter must be registered with the same political party as the candidate.

The Signatures-In-Lieu Petitions and/or the Nomination Paper must be delivered to the county elections official of the county in which the signers of the petition reside. Therefore, all signers on a petition section must reside in the same county.

(Elections Code §8020, 8022, 8040-8041, 8061-8063, 8105-8106)

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Who files

Optional for All Offices that require a filing fee. (US Senate, Congress, State & County)

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Deadline

- ◆ February 8, 2012 – Judicial Candidates
  - ◆ February 23, 2012 – Legislative office, U.S. Senate, Congressional, Local County and Independent Candidates
-

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Document

**Declaration of Intention**

Candidates for judicial offices are required to file a Declaration of Intention to become a candidate prior to filing their Nomination Documents consisting of a Declaration of Candidacy and a Nomination Paper with the requisite number of signatures.

Candidates are required to pay the NONREFUNDABLE filing fee or submit in-lieu signatures for all or a portion of the filing fee at the time of filing the Declaration of Intention.

The Declaration of Intention must be obtained from and filed with the county elections official of the county in which the candidate is a resident.

(Elections Code §8023)

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Who files

**Judicial Candidates (ONLY)**

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Deadline

- ◆ February 8, 2012
  - ◆ Extended to February 13, 2012 if the incumbent does not file.
-

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Document

**Declaration of Candidacy**

The Declaration of Candidacy is the official nomination document, wherein the candidate indicates how his/her name and ballot designation is to appear on the ballot. Additionally, the candidate declares that he/she meets the statutory and/or constitutional qualifications for the office sought, and that if nominated, the candidate will accept the nomination and not withdraw.

The Oath of Office on the Declaration of Candidacy form must be taken and signed by the candidate before a person authorized to administer oaths. The election officials and notaries public are so authorized.

A candidate for a voter-nominated office may indicate his or her party preference, or lack of party preference, as disclosed upon the candidate's most recent statement of registration, upon his or her declaration of candidacy. If a candidate indicates his or her party preference on his or her declaration of candidacy, it shall appear on the primary and general election ballot in conjunction with his or her name. The candidate's designated party preference on the ballot shall not be changed between the primary and general election. A candidate for voter-nominated office may also choose not to have the party preference disclosed upon the candidate's most recent affidavit of registration indicated upon the ballot.

The candidate is required to execute the Declaration of Candidacy in the office of the elections official, unless a written statement is signed and dated by the candidate designating a person to receive the Declaration of Candidacy form from the elections official and deliver it to the candidate. The written statement from the candidate shall include language indicating that the candidate is aware that the Declaration of Candidacy must be properly executed and delivered to the elections official in the county of the candidate's residence by the 88<sup>th</sup> day prior to the primary election.

(Elections Code §8002.5(a), 8020, 8023, 8028, 8101, 8105, 8121)

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**Who files** *All Candidates*

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**Deadline** March 9, 2012 (With Nomination Documents)  
Extended to March 14, 2012 if the incumbent does not file.



Document

**Nomination Paper (Petition)**

A Nomination Paper must be filed by all candidates up for election on June 5, 2012. The Nomination Paper consists of a petition that must contain anywhere from 20 to 100 valid signatures depending on the office sought. The petition may be obtained and filed prior to filing the Declaration of Candidacy.

The Nomination Paper shall be delivered to the elections official of the county in which the signer resides and is a voter.

No more signers shall be secured for any candidate than the maximum specified on page 33 chart of the "Amount of Filing Fee and Signatures Requires". If, however, through miscalculation or otherwise, more signers are secured than the maximum number, the officer with whom the nomination papers are filed shall, with the written consent of the candidate, withdraw the excess number.

Signers shall be voters in the district or political subdivision in which the candidate is to be voted on. With respect to any candidacy for partisan office, signers shall be affiliated registered voters who disclosed a preference, pursuant to Section 2151, for the party, if any, in which the nomination is proposed. Signers need not be registered voters who disclosed a preference for any party when signing candidacy papers for a candidate seeking nomination to a voter-nominated office.

No signer shall, at the time of signing a certificate, have his or her name signed to any other nomination paper for any other candidate for the same office or, in case there are several places to be filled in the same office, signed to more nomination papers for candidates for that office than there are places to be filled.

The elections official shall transmit to the Secretary of State the nomination document for each candidate for state office, United States Senator, Representative in Congress, and Member of the State Senate or State Assembly.

(Elections Code §8020, 8041, 8062-8070, 8081)

**Who files**

**All Candidates** (unless Sigs-in-Lieu are filed and satisfy this requirement)

**Deadline**

March 9, 2012 (With Nomination Documents)  
Extended to March 14, 2012 if the incumbent does not file

Document	<p><b>Candidate's Statement of Qualifications</b></p> <p>A statement by the candidate describing his or her education and qualifications to be printed in the Voter's Information Pamphlet section of the county Sample Ballot. The statement must be paid for at the time of filing the Declaration of Candidacy unless the district has agreed to pay for the statement. Or, in the case of Legislative candidates filing outside their home county, the deadline is March 9, 2012. The statement may be withdrawn by 5 p.m. on the first business day following the filing deadline. See detailed instructions Section 3.</p> <p style="text-align: right;">(Elections Code §13307)</p>
Who files	<p style="text-align: center;"><b><i>OPTIONAL / VOLUNTARY FOR ALL CANDIDATES NOTED</i></b></p> <p><b>Judicial, Board of Supervisor, Local County and US Representative in Congress candidates.</b> Statement is printed in the <b>County</b> Voter Information Pamphlet.</p> <p><b>State Legislative Candidates</b> who agree to adhere to the spending limitations of Prop. 34 may file a statement for printing in the <b>County</b> Voter Information Pamphlet.</p> <p><b>US Senate Candidates</b> may file a candidate statement with the Elections Division of the <b>Secretary of State's Office</b> in Sacramento.</p>
Deadline	<p>March 9, 2012 (With Nomination Documents)</p> <p>Extended to March 14, 2012 if the incumbent does not file.</p>

Document	<p><b>Code of Fair Campaign Practices</b></p> <p>May be voluntarily subscribed to by candidates for public office.</p> <p>(Elections Code §20400-20444)</p>
Who files	<p>Optional for all candidates.</p>
Deadline	<p>March 9, 2012 (With Nomination Documents)</p> <p>Extended to March 14, 2012 if the incumbent does not file.</p>

<b>Document</b>	<b>Candidate Intention &amp; Campaign Disclosure Forms</b> Periodic statements disclosing contributions made to and expenditures made by the candidate or committee. Must be filed at least once and possibly several times during an election cycle if more than \$1,000 is being raised or spent. (Government Code §84200, 84218)
<b>Who files</b>	Legislative & County Supervisor.
<b>Deadline</b>	See June filing schedule in Section 4 – Campaigning Laws & Regulations

<b>Document</b>	<b>Statement of Economic Interests (Form 700)</b> When candidates file their Declaration of Candidacy for the June primary, they must also file statements of economic interests disclosing their investments, interests in real property, and any income received during the preceding 12 months. The statement is not required if the candidate has filed such a statement within the past 60 days for the same jurisdiction. See Section 4-Campaigning Laws and Regulations. (Gov. Code §87200, 87201, 87500)
<b>Who files</b>	<i>All Candidates EXCEPT U.S. Senate, Congress &amp; Central Committee</i>
<b>Deadline</b>	March 9, 2012 (With Nomination Documents) <i>Extended to March 14, 2012 if the incumbent does not file.</i>

# NAME & BALLOT DESIGNATION

## NAME ON BALLOT

The candidate states on the Declaration of Candidacy how his/her name should appear on the ballot. This should be recognizable as the name under which the candidate is registered, though the two need not be identical. (Example: A candidate registered as "Jonathan William Smith" may use such variations as "John W. Smith," "John Smith," or "J. William (Bud) Smith.")

## BALLOT DESIGNATION - LEGISLATIVE REQUIREMENTS

The ballot designation is the word or group of words that will appear on the ballot under the candidate's name, designating the principal profession, vocation, or occupation of the candidate.

Elections Code Section 13107, 13107.3 (Statutes of 2008) and 13107.5 governs the ballot designation that a candidate may use. All candidates (except candidates for Justice of the State Supreme Court or Court of Appeal) may choose a ballot designation to appear immediately under their name on the ballot. Each candidate who submits a ballot designation shall file, in addition to the nomination documents filed pursuant to §8020, a ballot designation worksheet that supports the use of that ballot designation by the candidate. The ballot designation worksheet is obtained from the Elections Department.

The ballot designation must be chosen from one of the four categories below:

- 1) **Elective Office:** Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by a vote of the people, or to which he or she was appointed, in the case of a superior court judge.
- 2) **Incumbent:** The word "incumbent" may be used if the candidate is a candidate for the same office that he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.
- 3) **3-word Profession/Occupation/Vocation:** No more than three words designating either the current principal professions, vocations, or occupations of the candidate. If there is no current position, the candidate may use the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. If more than one profession, vocation or occupation is listed, it shall be separated by a slash ("/").
- 4) **Appointed Incumbent:** The phrase "appointed incumbent" may be used if:
  - a) the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for the election to the same office, or,
  - b) if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office.

In either instance, the candidate may **not** use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office that he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election.

**Community Volunteer:** A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:

- 1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.
- 2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.
- 3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.

The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

## **TITLES OR DEGREES PROHIBITED**

No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office. (Elections Code §13106)

## **UNACCEPTABLE DESIGNATIONS**

Pursuant to Elections Code §13107(b), neither the Secretary of State nor any other election official shall accept a designation of which any of the following would be true:

- 1) It would mislead the voter.
- 2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
- 3) It abbreviates the word "retired" or places it following any word or words that it modifies.
- 4) It uses a word or prefix, such as "former" or "ex", which means a prior status. The only exception is the use of the word "retired".
- 5) It uses the name of any political party, whether or not it has qualified for the ballot.
- 6) It uses a word or words referring to a racial, religious, or ethnic group.
- 7) It refers to any activity that is prohibited by law.

## **REJECTED BALLOT DESIGNATIONS**

If, upon checking the Declaration of Candidacy, the election official finds the designation to be in violation of any of the restrictions set forth in §13107, the elections official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address appearing on the candidate's nomination documents.

The candidate shall, within three (3) days from the date of receipt of the notice, appear before the election officer or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide an alternate designation.

In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name.

## **BALLOT DESIGNATION MAY NOT BE CHANGED AFTER FILING**

No ballot designation given by a candidate shall be changed by the candidate after the final date for filing nomination papers, except as specifically requested by the election official.

## **BALLOT DESIGNATION IN BOTH PRIMARY AND GENERAL ELECTIONS**

The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request. (EC §13107(e))

## **FORMAT OF BALLOT DESIGNATION**

In all cases, ballot designations shall be printed in 8-point uppercase and lowercase type.

If the designation selected is so long that it would conflict with the space requirements of Elections Code §13207 and 13211, the election official shall use a type size for the designation for each candidate for office sufficiently smaller to meet these requirements.

Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (42 U.S.C.A. 1971), as amended, to appear on the ballot in addition to the English version, it shall be as short as possible, as consistent as is practicable with Section 13107, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

## **NO BALLOT DESIGNATION**

A candidate who does not want a ballot designation should indicate this in the space provided for ballot designation on the Declaration of Candidacy, or the space may be left blank. If no designation is given, it will be assumed that none is desired.

# SECRETARY OF STATE

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## BALLOT DESIGNATION REGULATIONS

The following are regulations proposed by the Secretary of State and approved by the Office of Administrative Law that went into effect in January 1998. The regulations apply only to state and federal candidates. In order to be consistent with the state regulations, however, the San Benito County Elections Department will apply these same regulations to candidates running for county, special district and school district offices.

### CHAPTER 7. BALLOT DESIGNATIONS

The following are regulations proposed by the Secretary of State and approved by the Office of Administrative Law that went into effect in January 1998. The regulations apply only to state and federal candidates. In order to be consistent with the state regulations, however, the San Benito County Elections Department will apply these same regulations to candidates running for county, special district and school district offices.

#### Chapter 7. Ballot Designations

##### §20710. General Provisions.

- (a) The regulatory purpose of this Chapter is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.
- (b) The Secretary of State shall, at all times, apply and interpret the provisions of Elections Code §13107 and the regulations included in this Chapter in a manner consistent with the regulatory purpose of this Chapter.
- (c) Candidates are not required to use a ballot designation pursuant to Elections Code §13107, subdivision (a), and may opt to leave the space for such a designation on the ballot blank. In order to notify the elections official as to whether he or she will use a ballot designation or will opt to leave the ballot designation space blank, the candidate must initial the appropriate box on the Declaration of Candidacy or otherwise so indicate on the Declaration of Candidacy.
- (d) Pursuant to Elections Code §13107, subdivision (a), a candidate may submit a proposed ballot designation pursuant to any one of the four provisions specified in Elections Code §13107, subdivision (a), subparts (1) through (4), applicable to that candidate. The candidate shall be free to select from which of the applicable four subparts he or she is submitting his or her proposed ballot designation.
- (e) The regulations set forth in this Chapter shall apply only to elections held for offices for which elections returns are certified by the Secretary of State of the State of California.
- (f) Whenever, the word "should" is used in this Chapter, it is recommended, not mandatory.

Note: Authority: Section 12172.5, Government Code  
Reference: Section 13107, Elections Code

##### §20711. Ballot Designation Worksheet.

- (a) In order to facilitate review of a candidate's proposed ballot designation by the Secretary of State pursuant to Elections Code § 13107, the candidate shall submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.
- (b) All Ballot Designation Worksheets filed with the Office of the Secretary of State or the county elections officials pursuant to this section shall be public records and shall be available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, Fifth Floor, 1500 11th Street, Sacramento, California 95814, or at the office of the applicable county elections official.

(c) The Secretary of State shall provide a master copy or copies of the Ballot Designation Worksheet to all elections officials responsible for providing and accepting the nomination documents for candidates in elections for offices certified by the Secretary of State. The Ballot Designation Worksheet shall request that the candidate proposing the ballot designation provide the following information:

- 1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;
- (2) A designation of the office for which the candidate is seeking election;
- (3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
- (4) The proposed ballot designation submitted by the candidate;
- (5) The candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;
- (6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:
  - (A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;
  - (B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;
  - (C) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(3), the candidate shall indicate:
    - (i) The title of the position or positions which he or she claims supports the proposed ballot designation;
    - (ii) The dates during which the candidate held such position;
    - (iii) A description of the work he or she performs in the position;
    - (iv) The name of the candidate's business or employer;
    - (v) The name and telephone number of a person or persons who could verify such information; and
    - (vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at § 20714, subdivision (b).
  - (D) If the candidate submits a ballot designation pursuant to Elections Code §13107, subdivision (a)(4), the candidate should indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.

(d) The candidate may attach or append any supporting documents or other exhibits to his or her Ballot Designation Worksheet which he or she believes support his or her proposed ballot designation. Such attached documents or other exhibits shall be deemed to be incorporated by reference as part of the candidate's Ballot Designation Worksheet and shall be considered as such by the Secretary of State.



(e) If a candidate requests a change of his or her ballot designation pursuant to Elections Code § 13107(e), that request shall be accompanied by a Ballot Designation Worksheet.

Note: Authority: Section 12172.5, Government Code  
Reference: Sections 13107, 13107.3 Elections Code

**§20712. Proposed Ballot Designations Submitted Pursuant to Elections Code 13107, Subdivision (a)(1).**

Proposed ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(1), shall be subject to the following provisions:

(a) In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office that the candidate holds at the time of filing the nomination documents.

(b) In the case of judicial officers, the candidate's ballot designation shall be the elective office that the candidate holds at the time of filing the nomination documents.

(c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(1).

d) Proposed ballot designations indicating a position of legislative leadership or leadership in another elected body, such as "Majority Leader of the California Senate," "Minority Leader of the California State Assembly," "Speaker of the California State Assembly," "President Pro Tempore of the California State Senate," "City of Orange Mayor Pro Tem," and the like, are not elective offices described in Elections Code § 13107, subdivision (a)(1). Such ballot designations are improper, pursuant to Elections Code § 13107, subdivision (a)(1). They may, however, subject to the three-word limit, be considered under the provisions of § 13107(a)(3). Examples of acceptable ballot designations under this section include, but are not limited to, "Assembly Minority Leader," "California Assembly Speaker," and "Mayor Pro Tem."

(e) Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective county or state offices as specified in Elections Code §13107, subdivision (a)(1).

Note: Authority: Section 12172.5, Government Code; Reference: §13107, Elections Code

**§20713. Proposed Ballot Designations Submitted Pursuant to Elections Code §13107, Subdivision (a)(2).**

Proposed ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(2), shall be subject to the following provisions:

(a) A proposed ballot designation submitted pursuant to Elections Code §13107, subdivision (a)(2), is limited "incumbent," as that term is defined in Elections Code §13107, subdivision (a)(2).

(b) The term "incumbent" must be used as a noun. It shall not be used in conjunction with any other words, including any accompanying adjectives or modifiers, and must stand alone. A candidate qualified to use this designation pursuant to Elections Code §13107, subdivision (a)(2), shall be entitled to use the ballot designation "Incumbent."

(c) The word "incumbent" is strictly limited for use in ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(2), and may not be used as an adjective in any other ballot designation.

Note: Authority: Section 12172.5, Government Code  
Reference: Section 13107, Elections Code

**§20714. Proposed Ballot Designations Submitted Pursuant to Elections Code §13107, Subdivision (a)(3).**

Proposed ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(3), shall be subject to the following provisions:

(a) The terms "profession," "vocation," or "occupation," as those terms are used in Elections Code §13107, subdivision (a)(3), are defined as follows:

(1) "Profession" means a field of employment requiring special education or skill and requiring knowledge of a particular discipline. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a "profession," as defined in Elections Code §13107, subdivision (a)(3), include, but are not limited to, "attorney," "physician," "accountant," "architect," and "teacher."

(2) "Vocation" means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a "vocation," as defined in Elections Code §13107, subdivision (a)(3), include, but are not limited to, "minister," "priest," "mother," "father," "homemaker," "dependent care provider," "carpenter," "plumber," "electrician," and "cabinetmaker."

(3) "Occupation" means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an "occupation," as defined in Elections Code §13107, subdivision (a)(3), include, but are not limited to, "rancher," "restaurateur," "retail salesperson," "manual laborer," "construction worker," "computer manufacturing executive," "military pilot," "secretary," and "police officer."

(b) "Principal," as that term is used in Elections Code §13107, subdivision (a)(3), means a substantial involvement of time and effort such that the activity is one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term "principal" precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.

(1) If a candidate is licensed by the State of California to engage in a profession, vocation or occupation, the candidate is entitled to consider it one of his or her "principal" professions, vocations or occupations if (i) the candidate has maintained his or her license current as of the date he or she filed his or her nomination documents by complying with all applicable requirements of the respective licensure, including the payment of all applicable license fees and (ii) the status of the candidate's license is active at the time he or she filed his or her nomination documents.

(2) A candidate who holds a professional, vocational or occupational license issued by the State of California may not claim such profession, vocation or occupation as one of his or her "principal" professions, vocations or occupations if (i) the candidate's licensure status is "inactive" at the time the candidate files his or her nomination document, or (ii) the candidate's license has been suspended or revoked by the agency issuing the license at the time the candidate files his or her nomination documents.

(c) In order for a ballot designation submitted pursuant to Elections Code §13107, subdivision (a)(3), to be deemed acceptable by the Secretary of State, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (a) and (b) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with Elections Code §13107 and the regulations in this Chapter.

(d) If the candidate is engaged in a profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate's proposed ballot designation is entitled to consist of the candidate's current principal professions, vocations and occupations. In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate's nomination papers.

(e) A candidate may engage in multiple principal professions, vocations or occupations. Accordingly, the candidate may designate multiple principal professions, vocations or occupations. If a candidate proposes a ballot designation including multiple principal professions, vocations or occupations, the proposed ballot designation must comply with the following provisions:

(1) The proposed ballot designation must comply with the three-word limitation specified in Elections Code §13107, subdivision (a)(3), and as implemented pursuant to subdivision (f) herein.

(2) Each such proposed profession, vocation or occupation shall be separately considered by the Secretary of State and must independently qualify as a "principal" profession, vocation or occupation, as that term is defined pursuant to subdivision (b) herein.

(3) When multiple professions, vocations or occupations are proposed as a ballot designation, they shall be separated by a slash ("/"). An example of an acceptable designation would be "Legislator/Rancher/Physician."

(f) Pursuant to Elections Code §13107, subdivision (a)(3), the candidate's ballot designation shall be limited to not more than three (3) words. The following rules shall govern the application of the three word limitation:

(1) The proposed ballot designation shall be grammatically correct, generic, and all words must be spelled correctly.

(2) Punctuation shall be limited to the use of a comma (e.g., District Attorney, Los Angeles County) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (e) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language, which was published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted.

(3) All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. The names of special districts and political subdivisions are not "geographical names," as the term is used in Elections Code 13107, subdivision (a)(3). If the candidate desires, the geographical name may be used in the form of "City of . . .," "County of . . .," or "City and County of . . ." Examples of geographical names considered to be one word include Tehama County, Los Angeles County and County of Sacramento. Examples of designations containing a special district or political subdivision that are not geographical names include "Butte County Rural Fire District Captain," "Huntington Beach Unified School District President," and "South Bay Irrigation District Director."

(4) An acronym shall be counted as one word.

(g) A candidate who chooses to include the name of his or her elective office with another profession, vocation, or occupation may do so pursuant to Elections Code section 13107(a)(3), but that ballot designation shall be limited to no more than three words. Examples of acceptable designations under this section include "State Senator/Rancher," "California Assemblywoman/Attorney," "County Supervisor/Teacher," and "State Controller/Businessman." Examples of unacceptable designations under this section include "Assemblyman, 57th District/Educator," "California State Senator/Architect," "Placer County Supervisor/Business Owner," and "Member, Board of Equalization/Banker."

Note: Authority: Section 12172.5, Government Code  
Reference: Sections 9 and Section 13107, Elections Code

### § 20714.5. "Community Volunteer."

(a) "Community Volunteer" means a person who engages in an activity or performs a service for or on behalf of, without profiting monetarily, one or more of the following:

(1) A charitable, educational, or religious organization as defined by the United States Internal Revenue Code section 501(c)(3);

(2) A governmental agency; or

(3) An educational institution.

(b) The activity or service must constitute substantial involvement of the candidate's time and effort such that the activity or service is the sole, primary, main or leading professional, vocational or occupational endeavor of the

candidate within the meaning of subdivisions (a) and (b) of section 20714 of this Chapter.

Note: Authority: Section 12172.5, Government Code; Section 13107.5(b), Elections Code

Reference: Section 13107 and 13107.5, Elections Code; Section 501 (c)(3), United States Internal Revenue Code Elections Code

#### **§20715. Proposed Ballot Designations Submitted Pursuant to Elections Code 13107, Subdivision (a)(4).**

(a) Pursuant to Elections Code §13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the phrase "appointed incumbent" if the candidate holds an office, other than a judicial office, by virtue of appointment, and the candidate is a candidate for election to the same office. The candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."

(b) Pursuant to Elections Code §13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the word "appointed" in conjunction with the elective office, if the candidate is a candidate for election to the same office or to some other office. The candidate may not use any words designating the office unmodified by the word "appointed."

(c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(4).

Note: Authority: Section 12172.5, Government Code

Reference: Section 13107, Elections Code

#### **§20716. Unacceptable Ballot Designations.**

(a) The Secretary of State shall reject as unacceptable any proposed ballot designation which fails to comply with Elections Code § 13107, subdivision (a); is prohibited pursuant to Elections Code § 13107, subdivision (b); is misleading; or is otherwise improper pursuant to the regulations set forth in this Chapter.

(b) The following types of activities are distinguished from professions, vocations and occupations and are not acceptable as ballot designations pursuant to Elections Code § 13107, subdivision (a)(3):

(1) *Avocations*: An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work (except as set forth in Section 20714.5 of this Chapter), and matters pursued as an amateur.

(2) *Pro Forma Professions, Vocations and Occupations*: Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated, except as set forth in Section 20714.5 of this Chapter. Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.

(3) *Statuses*: A status is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole. A status is generic in nature and generally fails to identify with any particular specificity the manner by which the candidate earns his or her livelihood or spends the substantial majority of his or her time. Examples of a status include, but are not limited to, veteran, proponent, reformer, scholar, founder, philosopher, philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife, and the like.

(c) Pursuant to Elections Code § 13107, subdivision (b)(1), the Secretary of State shall reject as unacceptable any proposed ballot designation which would mislead voters. In making this determination, the Secretary of State shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation

and the factual accuracy of the proposed ballot designation based upon supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation, pursuant to §§ 20711 and 20717 of this Chapter.

(d) A ballot designation may not comprise or include commercial identification information, such as a trademark, service mark, tradename, or the specific name of a business, partnership, corporation, company, foundation, or organization. Examples of an improper use of commercial identification information include, but are not limited to, "Acme Company President," "Universal Widget Inventor," "Director, Smith Foundation," "UCLA Professor," and the like.

(e) Pursuant to Elections Code § 13107, subdivision (b)(2), the Secretary of State shall reject as unacceptable any proposed ballot designation which would suggest an evaluation of the candidate's qualifications, honesty, integrity, leadership abilities or character. Any laudatory or derogatory adjectives which would suggest an evaluation of the candidate's qualifications shall not be permitted. Such impermissible adjectives include, but are not limited to, "senior," "emeritus," "specialist," "magnate," "outstanding," "leading," "expert," "virtuous," "eminent," "best," "exalted," "prominent," "famous," "respected," "honored," "honest," "dishonest," "corrupt," "lazy," and the like.

(f) Pursuant to Elections Code § 13107, subdivision (b)(3), the Secretary of State shall reject as unacceptable any proposed ballot designation which abbreviates the word "retired" or places it following any word or words which it modifies. Examples of impermissible designations include "Ret. Army General," "Major USAF, Retired" and "City Attorney, Retired."

(g) Pursuant to Elections Code § 13107, subdivision (b)(4), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or prefix to indicate a prior profession, vocation, occupation or elected, appointed or judicial office previously held by the candidate. Such impermissible words or prefixes include, but are not limited to, "Ex-," "former," "past," and "erstwhile." Examples of impermissible designations include "Former Congressman," "Ex-Senator," and "Former Educator."

(h)(1) Subject to the provisions of Elections Code § 13107, subdivision (b)(4), use of the word "retired" in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation.

(2) In evaluating a proposed ballot designation including the word "retired," the Secretary of State will consider the following factors in making a determination as to the propriety of the use of the term "retired":

- (A) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
- (B) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
- (C) The candidate has reached at least the age of 55 years;
- (D) The candidate voluntarily left his or her last professional, vocational or occupational position; and,
- (E) The candidate's retirement benefits are providing him or her with a principal source of income.

(3) If a candidate is requesting a ballot designation that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office. If such a candidate did not voluntarily retire from public office, he or she may not use the word "retired" in his or her ballot designation.

(4) A candidate may not use the word "retired" in his or her ballot designation if that candidate possesses another more recent, intervening principal profession, vocation, or occupation.

(i) Pursuant to Elections Code § 13107, subdivision (b)(5), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses the name of any political party, whether or not it has qualified for recognized ballot status.

(j) Pursuant to Elections Code § 13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or words referring to a racial, religious, or ethnic group.

(1) The Secretary of State shall reject as unacceptable any ballot designation which expressly contains or implies any ethnic or racial slurs or ethnically or racially derogatory language.

(2) If the candidate is a member of the clergy, the candidate may not make reference to his or her specific denomination. However, the candidate may use his or her clerical title as a ballot designation (e.g., "Rabbi," "Pastor," "Minister," "Priest," "Bishop," "Deacon," "Monk," "Nun," "Imam," etc.)

(k) Pursuant to Elections Code § 13107, subdivision (b)(7), the Secretary of State shall reject as unacceptable any proposed ballot designation which refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.

Note: Authority: Section 12172.5, Government Code  
Reference: Section 13107, Elections Code

### **§20717. Requests for Supporting Documentation.**

In addition to the Ballot Designation Worksheet requested to be filed with the Secretary of State pursuant to §13107.3 and §20711 of this Chapter, the Secretary of State may request that a candidate submit additional supporting documentation or other evidence to support the proposed ballot designation.

(a) Time is of the essence regarding all matters pertaining to the review of proposed ballot designations submitted by candidates for public office. Failure to promptly submit requested supporting materials will preclude consideration of such materials and the rendering of a final decision on the candidate's proposed ballot designation.

(b) The Secretary of State will communicate, whenever possible, with the candidate in the most expeditious manner, including, but not limited to, telephone, facsimile transmission and electronic mail at the number or address provided by the candidate. When the candidate does not have reasonable access to a facsimile machine or electronic mail, the Secretary of State will transmit written communication to the candidate by means of overnight express delivery to the address provided by the candidate.

(c) The candidate shall have the burden of establishing that the proposed ballot designation that he or she has submitted is accurate and complies with all provisions of Elections Code §13107 and this Chapter.

Note: Authority: Section 12172.5, Government Code  
Reference: Section 13107 and 13107.3 Elections Code

### **§20718. Communication of Decisions Regarding Ballot Designations.**

(a) If a candidate's proposed ballot designation has been rejected, an official copy of the decision of the Secretary of State will be made in writing and transmitted directly to the candidate by registered or certified mail, return receipt requested, to the address provided by the candidate. The Secretary of State shall also provide a copy to the elections official in the candidate's county of residence and to the elections official of each county within the political subdivision. Copies may also be made available to all other candidates in the race.

(b) At the request of the candidate, the Secretary of State will transmit a copy of the decision of the Secretary of State regarding the candidate's proposed ballot designation by facsimile transmission or e-mail to the facsimile number or e-mail address listed on the candidate's Ballot Designation Worksheet.

(c) All written decision of the Secretary of State regarding ballot designations are public records and are available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, 1500 11th Street, Fifth Floor, Sacramento, California 95814.

Note: Authority: Section 12172.5, Government Code  
Reference: Section 13107, Elections Code

**§20719. Service of Legal Process Regarding Ballot Designations.**

(a) In the event a candidate or other interested party files a petition for the issuance of an extraordinary writ with the court or other legal action pertaining to a candidate's ballot designation, the summons and any other legal process should be served upon the Chief Counsel to the Secretary of State, 1500 11th Street, Sixth Floor, Sacramento, California 95814. The Chief Counsel may designate a Deputy Secretary of State to accept service of process on behalf of the Secretary of State.

(b) Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the Chief Counsel to the Secretary of State at (916) 653-7244. Counsel for all parties to such ex parte matters are admonished that waivers of the Secretary of State's right to timely notice and the right to personally appear at the ex parte hearing will be granted in writing and only in limited instances.

(c) The Secretary of State shall provide a copy of any legal actions in subdivision (a) or (b) above to the elections official in the county of the candidate's residence and any other county in the district.

(d) The Secretary of State shall be named as a respondent in any legal action pertaining to a ballot designation for a candidate described in Elections Code § 15375, except for a candidate for judge of the superior court.

Note: Authority: Section 12172.5, Government Code  
Reference: Section 13107 and 13314 Elections Code

# ADDITIONAL NOMINATION FORMS & INFORMATION

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## **CANDIDATE'S STATEMENT OF QUALIFICATIONS (REQUIRED FORM, STATEMENT OPTIONAL)**

Candidates for congress, state legislative and non-partisan elective offices must file the Candidate's Statement of Qualifications form. The statement is optional, but the form must be filed to indicate whether or not you wish to have a statement appear in the Voter Information portion of the Sample Ballot pamphlet. See the "Candidate's Statement of Qualifications" section of this guide for further information.

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## **CODE OF FAIR CAMPAIGN PRACTICES (OPTIONAL FORM)**

At the time an individual files his or her Declaration of Candidacy, nomination petition, or any other paper evidencing an intention to be a candidate for public office, the elections official shall give the individual a copy of the Code of Fair Campaign Practices and a copy of the provisions of Ch. 5, Div. 20 of the Elections Code. §20440

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## **DEPT. OF TRANSPORTATION STATEMENT OF RESPONSIBILITY (INFORMATIONAL FORM)**

The California Department of Transportation has specific guidelines and responsibilities pertaining to political signs placed within their areas of jurisdiction. Each candidate receives an informational form letter and a sample copy of the Department of Transportation's "Statement of Responsibility" form at the time nomination documents are issued.

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## **POSITION ON THE BALLOT**

### **Randomized Alphabet Drawing**

On March 15, 2012, the Secretary of State will conduct a random drawing of the alphabet, and the Registrars of Voters/County Clerks throughout the state will follow this same alphabet for most offices. However, each county which has state legislative offices overlapping with other counties will draw their own random alphabet and candidates from each county will appear according to each separate county's drawing. Names of candidates will be arranged on the ballot in accordance with the random alphabet.

§13112

## **INSUFFICIENT NUMBER OF CANDIDATES**

If, by 5 p.m. on March 14, 2012, the number of candidates in any district does not exceed that number of seats to be filled, and a petition signed by 10% of the voters of the district, or 50 voters, whichever is less, requesting that the election be held has not been presented to the Registrar of Voters, the election shall not be held.

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# SECTION 3:

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## CANDIDATE'S STATEMENTS OF QUALIFICATIONS

# CANDIDATE STATEMENT OF QUALIFICATIONS

## CANDIDATE STATEMENTS FOR JUDICIAL OFFICES

In addition to the restrictions set forth in Section 13307, any candidate's statement submitted pursuant to Section 13307 shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The elections official shall not cause to be printed or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section. (Elections Code §13308)

## CANDIDATE STATEMENTS FOR LEGISLATIVE CANDIDATES

State Senate and Assembly legislative candidates, who choose to keep their campaign spending under specified dollar limits, may buy space in the voter information portion of the county sample ballot for a 250-word candidate statement (Government Code section 85601(c)). The deadline to file legislative candidate statements for the June 5, 2012, Primary Election is Friday, March 9, 2012 (E-88).

## OVERVIEW

- ❖ Each candidate for nonpartisan elective office in any local agency, including any city, county, or district as well as candidates for state legislative office who qualify under Proposition 34 may prepare a Candidate's Statement of Qualifications.
- ❖ Candidates running for the U.S. House of Representatives may buy space in the county voter information pamphlet for a 250-word statement. (Elections Code § 13307.5)
- ❖ All candidates filing a statement must file a "*Candidate's Statement Agreement*" with the county elections official.
- ❖ The Candidate's Statement is designed to acquaint voters with the candidate's qualifications for the office he or she is seeking.
- ❖ The Statement is incorporated into the Voter's Information Pamphlet pages of the Sample Ballot produced by the San Benito County Elections Department and mailed to all registered voters in the district eligible to vote for that particular candidate.
- ❖ Election materials will only be mailed to those voters who are on the voter rolls 29 days before the election. The voters, who submit voter registration cards after this date but by the 15-day registration deadline, will **NOT** receive a Sample Ballot booklet, only a notice advising the late registrant where to vote and that he/she will not receive a Sample Ballot and Voter's Information Pamphlet. (Elections Code §9094, 13303(c))

# CANDIDATE'S STATEMENTS WHERE AND WHEN TO FILE

<b>PERIOD FOR FILING:</b>	<p><b>February 13 – March 9 by 5 p.m.</b> The statement must be paid for and filed with the Declaration of Candidacy.</p> <p style="text-align: right;">§13307(a)(2)</p>
<b>EXTENDED PERIOD:</b>	<p>If the Nomination filing period is extended, then all persons, other than the incumbent, have until <b>March 14 by 5 p.m.</b> in which to file their Candidate's Statement along with their Declaration of Candidacy</p>
<b>WHERE:</b>	<p>County Clerk/Elections Department, 440 Fifth Street, Room 206, Hollister, CA 95023, 831-636-4016. Regular office hours – 8 a.m. to 5 p.m., Monday through Friday (excluding holidays). Candidate's Statements cannot be filed by FAX pursuant to Secretary of State Guidelines.</p>
<b>CONTENTS:</b>	<p>The statement contains the candidate's:</p> <ol style="list-style-type: none"> <li>1. name</li> <li>2. age (optional)</li> <li>3. occupation (optional), and</li> <li>4. a brief description of no more than 200 words (unless 400 has been authorized by the governing board) of the candidate's education and qualifications expressed by the candidate.</li> </ol> <p style="text-align: right;">§13307(a)(1)</p>
<b>RESTRICTIONS:</b>	<p>The candidate's statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations.</p> <p style="text-align: right;">§13307(a) (1)</p>
<b>CONFIDENTIALITY:</b>	<p>Statements remain confidential until 5 p.m. on the last day to file.</p> <p style="text-align: right;">§13311</p>
<b>WITHDRAWAL:</b>	<p>Statements may not be changed but may be withdrawn no later than 5 p.m. on <b>March 12</b>. If there is an extended filing time, no later than 5 p.m. on <b>March 15</b>.</p> <p style="text-align: right;">§13307(a)(3)</p>
<b>PAYMENT:</b>	<p>Cost for printing a candidate's statement in the Voter's Information Pamphlet shall be paid at the time of filing the statement with the Declaration of Candidacy. Checks are made payable to the County Clerk.</p> <p style="text-align: right;">§13307(c)</p>

# CANDIDATE'S STATEMENT CONTENT, SIZE & FORMAT

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## **C**ONTENT

1. Be accurate. **Documents will be printed as submitted.** SPELLING, PUNCTUATION, AND GRAMMATICAL ERRORS WILL NOT BE CORRECTED BY THE ELECTIONS DEPARTMENT.
2. Please submit a copy of your candidate statement on CD along with a hard paper copy. **DO NOT USE ALL CAPS.** Candidates may type their statement on the form provided by the Elections Department or type it on their own paper
3. If there is a discrepancy between the content of the hard copy and the content in the electronic format, the hard copy content will prevail.
4. Candidates for nonpartisan offices shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations. (§13307(a)(1))
5. Statements for judicial offices may not make reference to other candidates for judicial office or to another candidate's qualifications, character, or activities. (§13308)
6. No statement shall contain any demonstrably false, slanderous or libelous statements (§13307(d)).
7. The heading includes the candidate's name and office sought, followed by a line for the candidate's occupation and age (if provided). These are standardized headings and are included in the quarter page space provided. The words, however, do not count toward the number of words allowed for the statement.
8. The "**Occupation**" field in the Candidate's Statement is NOT governed by the laws and regulations pertaining to the ballot designation that appears underneath the candidate's name on the ballot. Therefore, it may be different from the candidate's ballot designation. However, if its length extends beyond one line, words appearing on the second line will be counted toward the 200-word maximum.

# **S** IZE

1. Candidates for Superior Court Judge, County Offices and County Supervisor are limited to **200 words**.
2. Candidates for State Senate and State Assembly are limited to **250 words**.
3. See guidelines on "How to Count Words" (Section 3).

# **F** ORMAT

1. Statements are printed in the Voter's Information Pamphlet in type of uniform size, darkness and spacing.
2. **Bolding**, CAPITALIZING, underlining, bullets, and centering text are not permitted. If the statement contains any bolding, capitalizing (other than abbreviations or acronyms), underlining, bullets, and centering of text, the text will be converted to normal text without these attributes.

# THE PRINTED CANDIDATE'S STATEMENT

Below is a sample of a Candidate's Statement of Qualifications, as it will appear in the Voter's Information Pamphlet.

Statement of CHRIS CANDIDATE, Candidate for  
County Supervisor, 6<sup>th</sup> District  
County of San Benito

Occupation: Teacher

Age: 42

I can bring to the office a diversity of viewpoints and experience. Born and raised in the Monterey Bay Area, with my family still farming, I can appreciate the concerns of the environmentalist. On the other hand, having been in business since my undergraduate days at UCSC, and with my experience in the rental and real estate fields, I appreciate the practical housing requirements of our community.

My credentials include:

Graduate of local high schools, UCSC graduate with a B.S. and MBA;

US Air Force sergeant;

Married and parent of 2;

Small Business owner;

Homeowner.

In addition, I have either served or am serving in the following clubs and organizations: Rotary; Chamber of Commerce; Sierra Club; PTA; Arts Council; Rock the Vote; and League of Women Voters.

If elected to this office, I will do my best to continue to serve as a leader and role model for our community and children.

[www.voteforChris.com](http://www.voteforChris.com)

**The Spanish translation of their Candidate's Statement would appear here.**

# COST OF PRINTING CANDIDATE'S STATEMENTS

1. Candidates are to submit a CD with ONE copy will be printed upon filing for the candidate's signature for verification of contents, which must be filed by the Deadline; and
2. Format all text flush left.

## **PAYMENT**

The statement may be paid for by check made payable to the County Clerk or cash if the candidate is using personal funds. The fee shall be paid when the statement is submitted if the candidate wants to have a statement printed in the Voter's Information Pamphlet.

If the Candidate's Statement is withdrawn by 5 p.m. on March 12<sup>th</sup> (or by March 15<sup>th</sup> if there is an extension) the fee will be refunded in full.

## **PRINTING IN SPANISH**

San Benito County is required to print statements in Spanish; therefore, all statements will be printed in Spanish in San Benito County's Voter Information Pamphlet. A facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish will be available at each polling place on Election Day and upon request by voters at no additional expense to the candidate. (\$14201)

## **OVERLAPPING DISTRICTS**

*Important notice to candidates in districts that encompass more than one county.* Procedures, requirements, fees, formats and public examination periods for candidates' statements may vary between counties. It is the candidate's responsibility to **FILE** in each county in which he or she wishes to have a statement printed. **San Benito County will no longer accept candidate statement on behalf of another County (refer to Page 103 "Neighboring Counties" contact page for filing locations.)**

Candidates' statements shall be filed in the office of the election official of **each county** within the district in which the candidate wishes a statement to be printed when filing nomination documents, not later than 5:00 p.m. on the 88<sup>th</sup> day prior to the election, or in the event that the nomination period has been extended, until 5:00 p.m. on the 83<sup>rd</sup> day prior to the election.

***It is strongly recommended that the candidate file the statement personally.*** If the statement is filed by someone other than the candidate, that person should have the authority to make corrections or deletions to the statement in the event that errors or an excess number of words are detected prior to filing the statement. Statements may not be changed after filing.

# CANDIDATE STATEMENT COSTS

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## US REPRESENTATIVE IN CONGRESS – PAID TO SECRETARY OF STATE

DISTRICT	WORD LIMIT	COST OF STATEMENT
20 <sup>th</sup> Congressional	250	\$450

## STATE ASSEMBLY OFFICES – PAID TO SECRETARY OF STATE

DISTRICT	WORD LIMIT	COST OF STATEMENT
30 <sup>th</sup> Assembly	250	\$450

## COUNTY OFFICES - PAID TO THE COUNTY CLERK

DISTRICT	WORD LIMIT	COST OF STATEMENT
Superior Court Judge	200	\$450
County Board of Supervisors, 1 <sup>st</sup> District	200	\$350
County Board of Supervisors, 2 <sup>nd</sup> District	200	\$350
County Board of Supervisors, 5 <sup>th</sup> District	200	\$350
San Benito County Board. of Ed. – TA 1	200	\$350
San Benito County Board. of Ed. – TA 2	200	\$350
San Benito County Board. of Ed. – TA 5	200	\$350



# HOW TO COUNT WORDS

(Pursuant to Elections Code Section 9)

This section shall not apply to counting words for ballot designations.

## EACH WORD IS COUNTED AS ONE WORD EXCEPT:

<b>PUNCTUATION:</b>	Punctuation is not counted.
<b>TITLES:</b>	Words used in the title of the document, such as "Argument in Favor of Measure A" are not counted.
<b>CITIES/COUNTIES:</b>	All geographical names shall be counted as one word. Areas that have political boundaries with an elected or appointed board are considered geographic areas by this office. For example, "County of San Benito" and "Hollister Unified School District" shall each be counted as one word.
<b>ABBREVIATIONS:</b>	Each abbreviation for a word, phrase, or expression shall be counted as one word.
<b>HYPHENATIONS:</b>	Hyphenated words that appear in any generally available dictionary shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
<b>DATES:</b>	Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting of only a combination of digits shall be counted as one word. January 1, 2000 shall be counted as two words, whereas 1/1/00 shall be counted as one word.
<b>NUMBERS:</b>	Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled shall be considered as a separate word. "100" shall be counted as one word, whereas "one hundred" shall be counted as two words.
<b>PHONE &amp; INTERNET:</b>	Website addresses and telephone numbers are one word.

# LEGAL EXAMINATION OF CANDIDATE STATEMENTS AND WRITS OF MANDATE

## EXAMINATION PERIOD FOR CANDIDATE STATEMENTS

After the filing deadline for candidate statements, the statements may be reviewed by the public for 10-calendar days. During this 10-calendar day examination period any voter of the jurisdiction in which the election is being held may take legal action to challenge the contents of the statement. The first filing deadline is March 9, 2012 and the 10-calendar day deadline would be March 19, 2012. The extension period filing deadline is March 14, 2012 and the 10-calendar day deadline would be March 26, 2012.

We recommend that anyone wishing to pursue a legal challenge to a candidate statement file a petition for a writ of mandate (along with an ex parte application) early in the 10-calendar day period. Waiting until the end of the examination period leads to the risk that a judge may deny the request due to the fact that any changes will interfere with the printing and distribution of the sample ballots to voters.

Elections Code Section 13313 states:

- (a) The elections official shall make a copy of the material referred to in Section 13307 available for public examination in the elections official's office for a period of 10-calendar days immediately following the filing deadline for submission of those documents. Any person may obtain a copy of the candidate's statements from the elections official for use outside of the elections official's office. The elections official may charge a fee to any person obtaining a copy of the material, and the fee may not exceed the actual cost incurred by the elections official in providing the copy.
- (b)
  - (1) During the 10-calendar day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the material in the candidates statements to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar day public examination period.
  - (2) A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.
  - (3) The elections official shall be named as respondent and the candidate who authored the material in question shall be named as the real party in interest. In the case of the elections official bringing the mandamus or injunctive action pursuant to this subdivision, the board of supervisors of the county shall be named as the respondent and the candidate who authored the material in question shall be named as the real party in interest.

## **PROCEDURE FOR WRITS**

Any person desiring to file an ex parte application for a writ of mandate may wish to consult the California Rules of Court, Rules 3.1200 through 3.1207, in addition to any other relevant rules or statutes, for the proper procedure. The California Rules of Court may be located online at the California Judicial Council's website: <http://www.courtinfo.ca.gov/rules>.

## **INCLUDING IMPROPER MATERIAL IN CANDIDATE STATEMENTS**

Elections Code section 13307, subd. (d) provides that:

Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the Voter Information portion of the Sample Ballot.

Elections Code section 18351 further provides that:

Any candidate in an election or incumbent in a recall election who knowingly makes a false statement of a material fact in a candidate's statement, prepared pursuant to Section 11327 or 13307, with the intent to mislead the voters in connection with his or her campaign for nomination or election to a nonpartisan office is punishable by a fine not to exceed one thousand dollars (\$1,000).

**END OF SECTION 3**  
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# SECTION 4:

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## CAMPAIGNING LAWS AND REGULATIONS

# CALIFORNIA CONTRIBUTION LIMITS

## WHAT YOU NEED TO KNOW BEFORE YOU CONTRIBUTE – FAST FACTS PRINTED FROM THE FAIR POLITICAL PRACTICES COMMISSION’S WEBSITE AT [WWW.FPPC.CA.GOV](http://WWW.FPPC.CA.GOV)

Candidates seeking a state office and committees that make contributions to state candidates are subject to contribution limits from a single source. Contributions from affiliated entities are aggregated for purposes of the limits. (Regulation 18215.1.) The chart below shows the current limits per contributor and type of office sought. The primary, general, special and special run-off elections are considered separate elections.

### PER-ELECTION LIMITS ON CONTRIBUTIONS TO STATE CANDIDATES

(For elections held on or after January 1, 2011)

Contributor	Legislature	Statewide Except Governor	Governor
Person	\$3,900	\$6,500	\$26,000
Small Contributor Committee	\$7,800	\$13,000	\$26,000
Political Party	No Limit	No Limit	No Limit

### CALENDAR YEAR LIMITS ON CONTRIBUTIONS TO OTHER STATE COMMITTEES

(2011 and 2012)

Contributor	Committee (Not Political Party) that Contributes to State Candidates	Political Party for State Candidates	Small Contributor Committee	Committee/Political Party Not for State Candidates
Person	\$6,500	\$32,500	\$200	No Limit*

\*State committees (including political parties) may receive contributions in excess of the limits identified above as long as the contributions are NOT used for state candidate contributions. (Regulation 18534.)

### CALENDAR YEAR LIMITS ON CONTRIBUTIONS TO STATE OFFICEHOLDER COMMITTEES

Elected state officeholders may set up officeholder accounts subject to contribution limits specified below. (Regulation 18531.62.)

Contributor	Legislature/CalPERS/CalSTRS	Statewide Except Governor	Governor
<b>ANY SOURCE</b> Person, Small Contributor or Political Party	\$3,200	\$5,400	\$21,600
	Legislature/CalPERS/CalSTRS	Statewide Except Governor	Governor
Aggregate From ALL Sources	\$53,900	\$107,900	\$215,800

## **LEGAL DEFENSE FUNDS**

Contributions raised for a legal defense fund are not subject to contribution limits or the voluntary expenditure ceiling. However, a candidate or officeholder may raise, in total, no more than is reasonably necessary to cover attorney's fees and other legal costs related to the proceeding for which the fund is created. (Section 85304; Regulation 18530.4.)

## **RECALL ELECTIONS**

A state officeholder who is the subject of a recall may set up a separate committee to oppose the qualification of the recall measure and, if the recall petition qualifies, the recall election. Neither contribution limits nor voluntary expenditure ceilings apply to the committee to oppose the recall that is controlled by the officeholder who is the target of the recall attempt. Candidates running to replace an officeholder who is the target of a recall are subject to the contribution limits and the expenditure limits applicable to the election for that office. (Section 85315; Regulation 18531.5.)

## **BALLOT MEASURE COMMITTEES**

Contributions to ballot measure committees controlled by a candidate for elective state office are not limited, except as explained below.

## **CONTRIBUTIONS FROM STATE CANDIDATES AND OFFICEHOLDERS**

A state candidate or state officeholder may not contribute more than \$3,900 to a committee controlled by another state candidate or state officeholder (including a state or local election committee, legal defense fund, officeholder account, recall committee, or ballot measure committee). This limit applies on a per election basis and includes, in the aggregate, contributions made from the candidate's or officeholder's personal funds and from campaign funds. (Section 85305; Regulation 18535.)

## **COMMUNICATIONS IDENTIFYING STATE CANDIDATES**

Any committee that makes a payment or a promise of payment totaling \$50,000 or more for a communication that:

1. Clearly identifies a state candidate; but
2. Does not expressly advocate the election or defeat of the candidate; and
3. Is disseminated, broadcast, or otherwise published within 45 days of an election, may not receive a contribution from any single source of more than \$32,500 in a calendar year if the communication is made at the behest of the candidate featured in the communication. (Section 85310.)

Note: The Commission amended a regulation to modernize California's treatment of communications containing the "functional equivalent of express advocacy." Regulation 18225(b)(2) defines the term "expressly advocates."

## **CONTRIBUTIONS FROM STATE LOBBYISTS**

A state lobbyist may not contribute to a state officeholder's or candidate's committee if the lobbyist is registered to lobby the agency of the elected officer or the agency to which the candidate is seeking election. The lobbyist also may not contribute to a local committee controlled by any such state candidate. (Section 85702; Regulation 18572.)

## **CONTRIBUTION LIMITS FOR LOCAL CANDIDATES AND COMMITTEES**

Check with the pertinent local jurisdiction for information regarding limits imposed by a local campaign ordinance.

# EXPENDITURE CEILINGS

Printed from the Fair Political Practices Commission's website at [www.fppc.ca.gov](http://www.fppc.ca.gov)

Using the formula specified in regulation 18544, the Commission has established the following voluntary expenditure ceilings for elections held on or after January 1, 2011:

## VOLUNTARY EXPENDITURE CEILINGS FOR CANDIDATES FOR ELECTIVE STATE OFFICES

For elections on or after January 1, 2011

Office	Primary/Special Election	General/Special Runoff Election
Assembly	\$520,000	\$909,000
Senate	\$780,000	\$1,169,000
Governor	\$7,795,000	\$12,992,000
Lt. Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Supt. Of Public Instruction, Treasurer	5,179,000	\$7,795,000
Board of Equalization	\$1,299,000	\$1,949,000



# CAMPAIGN DISCLOSURE REQUIREMENTS

All candidates for state and local office are required to file campaign disclosure statements. Additionally, any committee formed to support or oppose a candidate or ballot measure is required to file campaign disclosure statements.

## CAMPAIGN DISCLOSURE INFORMATION MANUALS

The Fair Political Practices Committee (FPPC) prepares campaign disclosure information manuals that provide information on who must file, when campaign statements must be filed, where statements are to be filed, etc. Current manuals are available at the Elections Department. Candidates or committees must check to be sure they are using the correct manual and addendum, if any.

- ❖ **Manual 1** is for elected officers or candidates for state elective offices and their controlled campaign committees and primarily formed committees.
- ❖ **Manual 2** is for elected officers or candidates for local elective offices, Superior Court Judges and their controlled campaign committee, and primarily formed committees.
- ❖ **Manual 3** information for committees primarily formed to support or oppose a ballot measure
- ❖ **Manual 5** - Information for Major Donor Committees
- ❖ **Manual 6** is for information for Independent Expenditure Committees.
- ❖ **Manual C** is for general purpose committees including political committees and broad based political committees.

## CANDIDATE INTENTION STATEMENT (501)

FPPC Form 501 applies only to candidates who want to raise or spend money. The Form 501 does not apply to Political Action Committees (PACS), Independent Political Committees, or Broad Based Political Committees. The form is available from the County Elections Department. Once filed with the Secretary of State, the Form 501 is public information.

FORM	DESCRIPTION	WHERE TO FILE
<b>501</b>	<p><b>Candidate Intention Statement.</b> A candidate must file this form prior to the solicitation or receipt of any contribution, including the solicitation or receipt of contributions to pay off debts from a previous election, or to pay the current office holder expenses. A form 501 must be filed for each election, including runoff elections.</p> <p>Candidates must file a separate Form 501 for each election, including reelection to the same office.</p> <p>Part 2 of the Form 501 is where candidates for state offices either accept or do not accept expenditure limits pursuant to Proposition 34 (11/00)</p>	<p>Secretary of State</p> <p>Candidates for county offices must also file with the Elections Department within 24 hours of opening the campaign account.</p> <p style="text-align: right;">8.04.060(c)</p>

## CAMPAIGN DISCLOSURE FORMS

Below is a partial list of the most commonly used Fair Political Practices Commission campaign disclosure forms and a brief explanation of the appropriate usage.

FORM	DESCRIPTION	WHO FILES	NUMBER NEEDED & WHERE TO FILE
410	<p><b>Statement of Organization &amp; Termination.</b> For use by all recipient committees which receive contributions of \$1,000 or more – including person funds. Must be filed within 10 days of receiving \$1,000 or more and may be filed prior to receiving \$1,000. Upon receipt, the Secretary of State will issue an identification number that must be included on all campaign disclosure forms.</p> <p>Candidates for county offices must file a Form 410 prior to the acceptance of any campaign contribution totaling \$1000 or more or the making of any expenditure intended to influence the outcome of any election. (County Code § 8.04.070 (b))</p> <p><b>Candidate Controlled Committees.</b> The name for all state and local committees established for an election held after January 1, 2009, must include the <b>candidate’s name, office sought and year of the election</b>. This is required even if the committee was formed before the amendment to Regulation 18402 became effective. The district number or name of the city or county is not required. Examples of committee names are “Jones for Council 2010” and “Smith for Assembly 2010” (See FPPC Regulation 18402)</p>	County Offices, Supervisors, Judges	File original and 1 copy with SOS & 1 copy with Elections.
		State Legislative	File original and 1 copy with SOS;
450	<p><b>Recipient Committee Campaign Disclosure Statement – Short Form.</b> For use by non-controlled recipient committees formed to support or oppose candidates or measures. File if you have not received a contribution of \$100 or more from a single source; have not received any other payment of \$100 or more; have no outstanding loans made or received and have no unpaid bills.</p>	Committees not controlled by a Candidate	File original & 1 copy with Elections; 2 copies with home county if different.
		State Committees	File original and 1 copy with SOS; 2 copies w/LA and SF; and  2 copies w/county of domicile if different.

FORM	DESCRIPTION	WHO FILES	NUMBER NEEDED & WHERE TO FILE
470	<b>Officeholder &amp; Candidate Campaign Statement – Short Form.</b> Officeholders & candidates who do not have a controlled committee and do not anticipate spending or receiving \$1,000 or more (including personal funds).	Candidates for Local Office	File original & 1 copy with Elections; 2 copies w/home county if different.
		State Legislative	File original and 1 copy with SOS; 2 copies w/county w/most voters; 2 copies w/home county if different.
470 Supplement	<b>Officeholder, Candidate &amp; Controlled Committee Campaign Statement – Supplement.</b> An officeholder or candidate who has filed Form 470 in connection with an election and subsequently receives contributions totaling \$1,000 or more is required to send written notification. The Form 470 Supplement may be used or personal written notification following similar format.	Applies to all candidates	Must be filed within 48 hours of reaching \$1,000 limit with: <ul style="list-style-type: none"> <li>❖ the Secretary of State,</li> <li>❖ the local filing officer with whom the candidate is required to file originals of his/her campaign statements, and</li> <li>❖ each candidate seeking the same office.</li> </ul> Must be sent by telegram, guaranteed overnight mail, FAX or personal delivery. <u>Regular mail may not be used.</u>

FORM	DESCRIPTION	WHO FILES	NUMBER NEEDED & WHERE TO FILE
460	<p><b>Recipient Committee Campaign Statement.</b> Form 460 is used by state and local recipient committees, including: candidates, officeholders, and their controlled committees; ballot measure committees; primarily formed candidate/officeholder committees; and general purpose committees who have filed a Form 410 and have raised or spent \$1,000 or more in a calendar year.</p>	Candidate of Local Office	File original & 1 copy with Elections; 2 copies w/home county if different.
		State Legislative	File original and 1 copy with SOS; 2 copies w/county w/most voters; 2 copies w/home county if different.
465	<p><b>Supplemental Independent Expenditure Report.</b> Used to provide supplemental disclosure information in the jurisdiction of an election in which the filer has made "independent expenditures" totaling \$500 or more to support or oppose a single candidate, a single measure, or the qualification of a single measure.</p>	All Candidates	File original and 1 copy with SOS; 2 copies w/county w/most voters; 2 copies w/home county if different.
496	<p><b>Late Independent Expenditure Report (Revised in 1999).</b> Includes any independent expenditure that totals in the aggregate \$1,000 or more, and supports or opposes a single candidate or measure; and is made during the 16 days immediately preceding the election in which the candidate or measure supported or opposed is to be voted upon. Revision adds a requirement that each report include the date and a report number, as well as an amendment identifier.</p> <p><b>File within 24 hours of making expenditure.</b></p>	Candidates for Local Office	File original & 1 copy with Elections; 2 copies w/home county if different.
		State Legislative	File original and 1 copy with SOS; 2 copies w/county w/most voters; 2 copies w/home county if different.

FORM	DESCRIPTION	WHO FILES	NUMBER NEEDED & WHERE TO FILE
497	<p><b>Late Contribution Report (Revised 1999).</b> Includes any contribution, including a loan, which totals in the aggregate from a single source \$1,000 or more and is made for or against any specific candidate or measure involved in an election before the date of the election but after the closing date of the last campaign statement required to be filed prior to the election by the candidate or by a committee primarily formed to support or oppose the measure. Revision adds a requirement that each report include the date and a report number, as well as an amendment identifier.</p> <p>File within 24 hours of making contribution.</p>	<p>County Offices, Supervisors, Judges</p> <hr/> <p>State Legislative</p>	<p>File original &amp; 1 copy with Elections; 2 copies w/home county if different.</p> <hr/> <p>File original and 1 copy with SOS; 2 copies w/county w/most voters; 2 copies w/home county if different.</p>

## Slate Mailer Organizations

The Fair Political Practices Commission also provides the following information Manual:

❖ **Manual F** is for Slate Mailer Organizations

There are additional forms and requirements for these committees and organizations. Please see the Elections Department for more information.

# CAMPAIGN DISCLOSURES FOR FEDERAL CANDIDATES

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Provisions of the Political Reform Act do not apply to elections for federal offices, including U.S. Senate and U.S. Representative in Congress. Candidates for federal offices and committees that participate in federal campaigns are subject to federal disclosure requirements. Assistance for federal candidates and committees may be obtained from the:

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463  
800-424-9530

## FILING IS THE RESPONSIBILITY OF THE CANDIDATE AND/OR COMMITTEE

It is the responsibility of candidates and/or committees to be aware of and to file the required campaign disclosure statements in a correct and timely manner.

### LATE FILINGS

There are no provisions for granting "extensions" of the filing deadlines.

If a candidate, officeholder, or committee is required to file a statement and has failed to do so by the deadline, the San Benito County Elections Department staff will:

1. Telephone the responsible party
2. Provide written notice that statement must be filed within 10 days (5 days for 2<sup>nd</sup> Pre-Election Statement) noting that a fine of \$10 per day beginning the day after the filing deadline until the date the statement is filed will be assessed unless waived by the Elections Official. The **maximum** penalty is \$100 or the total amount of contributions received or the total amount of expenditures made (whichever is greater) during the period covered by the late statement.

Fines may not be waived if statement is not filed within 10 days after specific notice is sent by the elections official (or 5 days for 2<sup>nd</sup> Pre-Election Statements).

Failure to file a statement after appropriate notice will be referred to an enforcement official and can result in substantial criminal, civil and administrative penalties.

### MULTIPLE COMMITTEE FILING REQUIREMENTS

Whenever a candidate or officeholder has more than one committee, whether the committees are formed for the same office, or a different office in the same jurisdiction, all committees must file statements each time a committee statement is due.

Whenever an elected officeholder in one jurisdiction runs for an elected office in another jurisdiction, the officeholder and all committees he/she controls must file campaign disclosure statements with the filing officer in the jurisdiction in which the officeholder holds office **AND** in which the officeholder is seeking office.

# CAMPAIGN FILING SCHEDULE FOR JUNE 5, 2012

**CANDIDATES FOR LOCAL OFFICE (INCLUDING SUPERIOR COURT JUDGES)  
COMMITTEES PRIMARILY FORMED TO SUPPORT/OPOSE LOCAL CANDIDATES  
COMMITTEES PRIMARILY FORMED TO SUPPORT/OPOSE LOCAL MEASURES**

Filing Deadline	Type of Statement	Period Covered <sup>1</sup>	Method of Delivery
January 31, 2012	Semi-Annual	1/ - 12/31/11	<ul style="list-style-type: none"> <li>❖ Personal Delivery</li> <li>❖ First Class Mail</li> </ul>
March 22, 2012	Pre-Election	1/1/12 – 3/17/12	<ul style="list-style-type: none"> <li>❖ Personal Delivery</li> <li>❖ First Class Mail</li> </ul>
May 24, 2012	Pre-Election	3/18/08 – 5/19/12	<ul style="list-style-type: none"> <li>❖ Personal Delivery</li> <li>❖ Guaranteed Overnight Service</li> </ul>
June 1, 2012	3rd Pre-Election Statement for County Candidates ONLY	5/20/12 – 5/31/12	<ul style="list-style-type: none"> <li>❖ Personal Delivery</li> <li>❖ Guaranteed Overnight Service</li> </ul>
Within 24 Hours	Late Contributions <sup>2/</sup> and Independent Expenditures of \$1000 or More <sup>3/</sup>	5/20/08 – 6/04/12	<ul style="list-style-type: none"> <li>❖ Personal Delivery</li> <li>❖ Guaranteed Overnight Service</li> <li>❖ Fax</li> </ul>
July 31, 2012	Semi-Annual	1/ - 6/30/12	<ul style="list-style-type: none"> <li>❖ Personal Delivery</li> <li>❖ First Class Mail</li> </ul>

**Footnotes:**

<sup>1/</sup> The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.

<sup>2/</sup> The recipient of a late in-kind contribution must file a late contribution report within 48 hours from the time the in-kind contribution is received.

<sup>3/</sup> A controlled committee of a candidate may not make an independent expenditure to support or oppose another candidate.

**Additional Notes:**

- **Primarily Formed Ballot Measure Committees:** Prior to the semi-annual period in which the measure(s) supported or opposed is being voted on, committees must file quarterly campaign statements in addition to semi-annual statements. Following the election, quarterly statements may also be required. Contact the FPPC for specific information.
- **Candidates:** Contact the FPPC for revised reporting deadlines in the event of a runoff election. After an election, reporting requirements will depend on whether the candidate is successful and whether a campaign committee is maintained.

- Except for deadlines that fall on a Saturday, Sunday, or an official state holiday, filing deadlines may not be extended. Late statements are subject to a \$10 per day late fine.
- All statements are public documents.
- Local jurisdictions may impose contribution limits and additional filing requirements. San Benito County filers should obtain our late filing policy
- Refer to the appropriate campaign disclosure manuals for information on where to file statements.

As of the date of this publication (10/11), the FPPC Campaign Disclosure Manuals for local candidates (Manual 2) and for committees primarily formed to support or oppose a ballot measure (Manual 3) contain the most recent information on campaign disclosure requirements. Be sure to check the FPPC web site ([www.fppc.ca.gov](http://www.fppc.ca.gov)) for updated information.



# CAMPAIGN FILING SCHEDULE FOR JUNE 5, 2012

## CANDIDATES FOR STATE OFFICE COMMITTEES PRIMARILY FORMED TO SUPPORT/OPPOSE CANDIDATES FOR STATE OFFICE COMMITTEES PRIMARILY FORMED TO SUPPORT/OPPOSE STATE MEASURES

Filing Deadline	Type of Statement	Period Covered <sup>1</sup>	Method of Delivery
Within 10 Business Days	\$5,000 Report <sup>3/</sup>	Any time other than 90-day election cycle (see below)	❖ Online with Secretary of State
Within 24 Hours	90-Day Election Cycle Report <sup>4/, 5/</sup>	3/7/12 – 6/5/12	❖ Online or Electronically with Secretary of State
March 22, 2012	Pre-Election	<sup>1/</sup> - 3/17/08	❖ Online w/SOS ❖ Personal Delivery ❖ First Class Mail
Within 48 Hours	Issue Advocacy Report <sup>6/</sup>	4/21/12 – 6/5/12	❖ Online or Electronically with Secretary of State
May 24, 2012	Pre-Election	3/18/12 – 5/19/12	❖ Online w/SOS ❖ Personal Delivery ❖ Guaranteed Overnight Service
Within 24 Hours	Late Contributions <sup>7/</sup> and Independent Expenditures of \$1000 or More <sup>8/</sup>	5/20/12 – 6/5/12	❖ Personal Delivery ❖ Guaranteed Overnight Service ❖ Fax
July 31, 2012	Semi-Annual	<sup>1/</sup> - 6/30/12	❖ Personal Delivery ❖ First Class Mail

### State Ballot Measure Expenditures

Within 10 Business Days	\$5,000 496/497 Report <sup>9/</sup>	<sup>1/</sup> - date of expenditure	❖ Online or Electronically with Secretary of State
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**Footnotes:**

<sup>1/</sup> **Period Covered:** The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.

<sup>2/</sup> **Online Filing:** Effective January 1, 2011, a committee that has received contributions or has made expenditures totaling \$25,000 or more since January 1, 2000, must file electronically as well as on paper. For more information, visit the Secretary of State's website at [www.sos.ca.gov](http://www.sos.ca.gov).

<sup>3/</sup> **\$5,000 Reports:** Candidates and committees required to file electronically must file this report if they receive a contribution of \$5,000 or more from a single source at any time other than the 90-day election cycle (see footnote 4), including after the election. No paper copies are required, and no copies are required to be filed with other filing officers. The \$5,000 report is not required for committees primarily formed to support or oppose state candidates.

<sup>4/</sup> **90 –Day Election Cycle Reports:** “Election cycle” is defined as 90 days prior to an election and ending on the date of election.

Candidates and committees required to file electronically must file this report if they receive a contribution of \$1,000 or more from a single source during the period. No paper copies are required, and no copies are required to be filed with other filing officers. The 90-day Election Cycle report is not required for committees primarily formed to support or oppose state candidates.

<sup>5/</sup> **90-Day Election Cycle Reports:** Candidates and committees required to file electronically must file this report if a contribution of \$1,000 or more are made during the period, in connection with a state candidate or state ballot measure being voted on June 5, 2012. No paper copies are required, and no copies are required to be filed with other filing officers, including during the late period. (Also see footnote 9.)

<sup>6/</sup> **Issue Advocacy Reports:** A committee must file this report if a payment or promise of payment of \$50,000 or more is made during the 45 days prior to an election for a communication that identifies a state candidate being voted on in the election but does not expressly advocate the election or defeat of the candidate. No paper copy is required and no copies are required to be filed with other filing officers.

<sup>7/</sup> **Late Non-Monetary Contributions:** The recipient of a late in-kind contribution must file a late contribution report within 48 hours from the time the in-kind contribution is received.

<sup>8/</sup> **Prohibition on Candidate Independent Expenditures:** A controlled committee may not make independent expenditures to support or oppose candidates and may not contribute to another committee for the purpose of making independent expenditures to support or oppose other candidates.

<sup>9/</sup> **State Ballot Measure Expenditures:** Candidates and committees required to file electronically must file this report each time they make contributions or independent expenditures totaling \$5,000 or more to support or oppose the qualification or passage of a single state ballot measure. No paper copies are required, and no copies are required to be filed with other filings officers. Independent expenditures of \$1,000 or more made within 90 days before a state election are required to be reported within 24 hours. (See footnote 5.)

#### **Additional Notes:**

- **Primarily Formed Ballot Measure Committees:** Prior to the semi-annual period in which the measure(s) supported or opposed is being voted on, committees must file quarterly campaign statements in addition to semi-annual statements. Following the election, quarterly statements may also be required. Contact the FPPC for specific information.
- **Candidates:** After an election, reporting requirements will depend on whether the candidate is successful.
- **Late Statements:** Except for deadlines that fall on a Saturday, Sunday, or an official state holiday, filing deadlines may not be extended. Late statements are subject to a \$10 per day late fine.
- All statements are public documents.
- **Contribution Limits:** Contributions to state candidates and to committees that make contributions to state candidates are subject to contribution limits. Some committees that feature state candidates in advertisements are also subject to contribution limits.
- **Paid Spokespersons:** A committee that makes an expenditure totaling \$5,000 or more to an individual to appear in an advertisement to support or oppose a ballot measure must report the expenditure within 10 days on FPPC Form 511.

As of the date of this publication (10/11), the Campaign Disclosure Manual for State candidates (Manual 1) contains the most recent information on campaign disclosure requirements. Be sure to check the FPPC website ([www.fppc.ca.gov](http://www.fppc.ca.gov)) for updated information.

# FAIR POLITICAL PRACTICES COMMISSION

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## IMPORTANT INFORMATION TO NOTE

- ❖ If independent expenditures of \$1,000 or more are made in connection with the election, call the FPPC for guidance on filing special reports.
- ❖ There is no provision in the law for an extension of the filing deadline. Late statements are subject to a \$10 per day late fine.
- ❖ Campaign statements of 30 pages or fewer may be faxed provided that the exact original and the required copies are sent to the filing officer(s) by first-class mail or by guaranteed overnight delivery service within 24 hours of the filing deadline.
- ❖ Refer to appropriate campaign disclosure manuals to determine where to file campaign statements.
- ❖ All statements are public documents.
- ❖ State Assembly and Senate candidates are subject to contribution limits effective January 1, 2001. (Gov. Code §§85301 and 85302.) In addition, new disclosure requirements are in effect for state and local candidates and committees. For more information, visit the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

# HOW TO GET HELP FROM THE FPPC

<b>Assistance by Telephone</b>	<b>Assistance by Mail</b>
Call Toll-Free <b>1-866-ASK-FPPC</b> (1-866-275-3772) or 1-916-322-5660	<b>Fair Political Practices Commission</b> 428 J Street, Suite 620 Sacramento, CA 95814 or P. O. Box 807 Sacramento, CA 95812-0807
<b>Enforcement Complaints</b>	<b>Assistance by Fax</b>
1-800-561-1861	1-916-322-0886

The FPPC staff is available by telephone Monday through Friday to provide assistance to anyone who has reporting or other requirements under the Political Reform Act (the "Act").

During the hours of 9:00 a.m. to 11:30 a.m., and from 1:30 to 4:00 p.m., call **1-866-ASK-FPPC** (this is a toll-free number) or 1-916-322-5660 and press 2 to speak to a political reform consultant in the Technical Assistance Division. Political reform consultants field questions in all areas covered by the Act. In addition, voicemail is special prompt that allows you to order forms, manuals and other materials any time.

## Written Advice

The FPPC also provides written advice to persons and organizations regulated by the Act. Requests for written assistance can be sent to the address listed at the top of the page or faxed to 1-916-327-2026. Requests for written advice must state the name, title or position, and mailing address of the person whose duties are in question and must provide all of the material facts in a clear and concise manner. The Act requires the FPPC to respond to requests for written advice within 21 business days. The period may be extended if the request poses a particularly complex legal question.

## Important Notes Regarding Telephone and Written Advice:

- ❖ The FPPC provides telephone and written assistance only to persons and organizations that have duties under or are regulated by the Act (or their authorized representatives), and does not provide "third party" advice. If you believe that someone has violated the Act and you wish to report it, contact the Enforcement Division at 1-800-561-1861.
- ❖ The FPPC does not provide written confirmation of telephone advice. Requests for written advice may be made, but must follow the format outlined above.
- ❖ The FPPC cannot provide assistance concerning laws other than the Political Reform Act (e.g., the Elections Code, the Brown Act, Federal or local laws).

# CAMPAIGN FINANCE PROHIBITIONS

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State law provides for the following prohibitions regarding campaign funds:

- ❖ No contribution of one hundred dollars (\$100) or more shall be made or received in cash. If a cash contribution is made, it shall not be deemed received if it is refunded within 72 hours of receipt or in the case of a late contribution, within 48 hours of receipt.

No expenditure of one hundred dollars (\$100) or more shall be made in cash.

The value of all in-kind contributions of one hundred dollars (\$100) or more shall be reported in writing to the recipient upon the request in writing of the recipient. (Govt. Code §84300)

- ❖ No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes. (Govt. Code §84301)
- ❖ No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling one hundred dollars (\$100) or more in a calendar year. An anonymous contribution of one hundred dollars (\$100) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state. (Govt. Code §84304)
- ❖ No contribution shall be commingled with personal funds of the recipient or any other person. (Govt. Code §84307)
- ❖ Contributions made by a husband and wife may not be aggregated. A contribution made by a child under 18 years of age is presumed to be a contribution from the parent or guardian of the child. (Gov. Code §85308)
- ❖ No newsletter or other mass mailing shall be sent at public expense. (Govt. Code §89001)
- ❖ Every person who contrives, prepares, sets up, proposes, or draws any lottery or raffle, is guilty of a misdemeanor. (Penal Code §319, 320)

# CAMPAIGN DISCLOSURE REQUIREMENTS

## OFTEN OVERLOOKED

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**BEWARE** – *The Franchise Tax Board is authorized under Section 90001 of the California Government Code to audit Campaign Disclosure Statements. The audit can include tests of the accounting records and other such auditing procedures.*

*The purpose of campaign disclosure is to provide the public with the identity of contributors and the amounts they give, as well as the amount officeholders, candidates and committees spend. The laws passed to enforce that purpose can be challenging for the unwary, therefore some often overlooked requirements, some identified in audit reports, are provided here:*

- ❖ Even unopposed candidates are subject to the campaign disclosure provisions of the Political Reform Act. (Gov. Code §82007)
- ❖ Prior to soliciting or receiving any contribution (including a loan), all elected officeholders and all candidates must file Form 501 (candidate intention).
- ❖ Contributions include **PERSONAL FUNDS** and are subject to the same disclosure requirements.
- ❖ A Statement of Organization (Form 410) must be filed within 10 days by any person who receives contributions totaling \$1,000 or more during a calendar year. Candidates for county offices (excludes judges, school boards and special district boards) must file a Form 410 prior to the acceptance of any campaign contribution totaling \$50 or more or the making of any expenditure intended to influence the outcome of any election.
- ❖ Officeholders and candidates who receive contributions or make expenditures must establish a campaign checking account in California and report it on a Form 410 (previously reported on a Form 502, which has been eliminated)
- ❖ Loans to a candidate are considered contributions unless the loan is from a financial institution. The Federal Election Campaign Act (2 U.S.C. §442b & e) prohibits contributions from national banks, national corporations, and foreign nationals in connection with any local, state, or federal election to political office.
- ❖ Filing fees and candidate statement fees may be paid in cash if the candidate is using personal funds and will not be reimbursed through the committee. (Gov. Code §85200) Otherwise, campaign disclosure laws require that expenditures of \$100 or more be made by written instrument containing the names of both the payee and payer. (Gov. Code §84300)
- ❖ Never accept or spend \$100 or more in cash.
- ❖ For contributions of \$100 or more, including loans, and in-kind contributions, you must disclose the contributor's name, address, occupation and employer. Contributions of \$100 or more may not be made in the form of a money order or cashier's check. Contributions may continue to be made with a credit card. (Gov. Code §84300)
- ❖ Maintain details on contributions and expenditures of \$25 or more, even if you are spending less than \$1,000. Refer to recordkeeping guidelines in Manual A.
- ❖ Make copies of all contributor checks.
- ❖ Itemize expenditures of \$500 or more made by an agent or campaign consultant.

- ❖ Include your name and campaign address in at least 6-point type on the outside of all mass mailings (more than 200 pieces). Your committee's name may be used if it includes your name. If your name is not part of the committee's name, you may use just your name, or both your name and the name of the committee.
- ❖ Candidates must disclose employer information for all contributors and keep all records of occupation and employer information.
- ❖ **NO PERSONAL USE OF CAMPAIGN FUNDS.** Use campaign funds only for political, legislative, or governmental purposes.
- ❖ The source for each loan must be disclosed.
- ❖ All expenditures of \$100 or more must be itemized on the campaign statements, and then summarized on the Campaign Disclosure Statement Summary Page.
- ❖ As long as a committee is in existence, a Semi-Annual Campaign Statement must be filed. If the candidate has filed a long form (460) previously in the calendar year, a 460 must be filed as the Semi-Annual Statement even if there is no activity. If a 470 has been filed previously in the year, another 470 must be filed as the Semi-Annual Statement.
- ❖ Payee addresses must be disclosed on the campaign statements for expenditures made.
- ❖ If the committee changes its treasurer, an amendment to the Form 410 Statement of Organization must be filed.
- ❖ If \$1,000 or more is received from one contributor during the last 16 days before the election, disclose receipt within 24 hours, even if the contribution is from your personal funds.

# STATEMENT OF ECONOMIC INTEREST

## (FORM 700)

### WHO MUST FILE

State law (the Political Reform Act of 1974) requires candidates for federal, state and county offices to disclose their interests in real property and income within the past 12 months in a Statement of Economic Interests (Form 700) to be filed with the Declaration of Candidacy. (Gov. Code §87200, et. seq.)

**EXCEPTION:** This statement is not required of a candidate who has filed a statement for the same jurisdiction as an officeholder within sixty (60) days prior to assuming office or filing the Declaration of Candidacy. (Gov. Code §87201, 87202)

Candidates for federal offices file under federal rather than state disclosure laws. For information, candidates for U.S. Representatives should write to: Office of the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington D.C., 202-225-1300.

### WHAT MUST BE DISCLOSED

Under state law, persons filing economic interests statements as candidates are required to disclose investments and interests in real property and income within the past 12 months. (Gov. Code §87201, 87203)

### WHEN AND WHERE TO FILE

Candidates who must file may obtain forms from the San Benito County Elections Department. The Form 700 must be filed with the Elections Department with the Declaration of Candidacy.

**If the statement is filed after the deadline, candidates may be penalized up to \$10 per day up to a maximum of \$100.** Late filing penalties can be reduced or waived under certain circumstances. (Gov. Code §87201, 87500)

### STATEMENTS ARE A PUBLIC RECORD

Statements of Economic Interests are public record. They may be inspected by anyone and copies may be purchased from the filing officer for 10 cents per page. (Gov. Code §81008)



# CODE OF FAIR CAMPAIGN PRACTICES

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## (ELECTION CODE SECTIONS 20400-20444)

### **BACKGROUND INFORMATION**

In 1982, legislation was passed which established a "Code of Fair Campaign Practices" in California which could be voluntarily subscribed to by candidates for public office. Amendments in 1987 expanded the provisions of the code so as to apply to committees formed primarily to support/oppose a ballot measure, and also reaffirmed civil liability provisions pertaining to libel and slander in campaign advertising and communications.

The text of the provisions of the Code of Fair Campaign Practices is listed on the following pages.

### **REGISTRAR OF VOTERS REQUIREMENT**

The Office of the Registrar of Voters is required, at the time an individual is issued his/her Declaration of Candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, to provide the candidate a blank form on which to subscribe to the "Code of Fair Campaign Practices" and a copy of the Elections Code provisions.

### **VOLUNTARY SUBSCRIPTION**

Subscription to the Code is voluntary. Completed forms are to be filed with the Office of the Registrar of Voters and shall be retained for public inspection until 30 days after the election.

# PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES AS FOUND IN CHAPTER 5 OF DIVISION 20 OF THE CALIFORNIA ELECTIONS CODE

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## CHAPTER 5. FAIR CAMPAIGN PRACTICES ARTICLE 1. GENERAL INTENT

20400. The Legislature declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

## ARTICLE 2. DEFINITIONS

20420. As used in this chapter, "Code" means the Code of Fair Campaign Practices.

## ARTICLE 3. CODE OF FAIR CAMPAIGN PRACTICES

20440. At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee. The text of the code shall read, as follows:

20441. The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

20442. The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

20443. Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

20444. In no event shall a candidate for public office be required to subscribe to or endorse the code.

# CODE OF FAIR CAMPAIGN PRACTICES

## § 20440

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

- (1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties that merit this criticism.
- (2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.
- (3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on a candidate's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sexual orientation, sex, including gender identity, or any other characteristic set forth in Section 12940 of the Government Code, or association with another person who has any of the actual or perceived characteristics set forth in Section 12940 of the Government Code.
- (4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections, or that hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.
- (5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.
- (6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.
- (7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices."

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

\_\_\_\_\_

Date of Election

\_\_\_\_\_

Print Name

Office/Jurisdiction: \_\_\_\_\_

# LAWS GOVERNING CAMPAIGN PRACTICES

## *POLITICAL ADVERTISING*

Any paid political advertisement that refers to an election or to any candidate for state or local elective office and that is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement". The words shall be set apart from any other printed matter. As used in this section "Paid Political Advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office. §20008

## *SIMULATION OF THE BALLOT*

Every simulated ballot or simulated sample ballot shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

"NOTICE TO VOTERS  
"(Required by Law)

"This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State.

"This is an unofficial, marked ballot prepared by  
\_\_\_\_\_ (insert name and address of the person or  
organization responsible for preparation thereof)."

Violations will result in a court injunction. Our office is available to review proposed ballot simulations. §20009

## *CAMPAIGN LITERATURE CONTAINING POLLING PLACE OF VOTER*

No person shall distribute, or cause to be distributed, literature to voters which includes the designation of a voter's polling place other than the precinct polling place listed for that voter in the latest official precinct polling place list prepared within 30 days prior to such distribution. (§18302). Violations may result in criminal penalties.

Candidates are requested not to distribute or mail campaign literature telling a voter where his/her polling place is located. It is not only confusing to voters, but invariably some polling place changes occur in the last few days before an election. In the past, candidates have mailed or had distributed campaign literature telling voters to go to the wrong polling place. We are sure you can understand the problems this causes for voters and our staff, as well as for the candidate.

## MASS MAILING/CAMPAIGN LITERATURE

The definition of "Mass Mailing" is two hundred (200) 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 unsolicited request, letter or other inquiry. Government Code §82041.5

## MASS MAILING REQUIREMENTS

Effective April 6, 2011, all campaign committees, including candidate, ballot measure, general purpose, major donor and independent expenditure committees, must provide the words "**Paid for by**" when the committee sends a mass mailing. This identification must be presented in the same size and color as the committee name-no less than 6 point type and in a color or print that contrasts with the background and is easily legible. The words "**Paid for by**" shall be immediately adjacent to and above or immediately adjacent to and in front of the committee name and address. (FPPC Regulation 18435)

Example:

Paid for by Committee to Elect Doe to City Council 2012, 1234 Main Street, Sacramento, CA 95555

Section 84305 of the Government Code provides as follows:

- (a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of such mailing in no less than 6-point type. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.
- (b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
- (c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

## MASS MAILING PROHIBITIONS

**NO** newsletter or other mass mailing shall be sent at public expense.

## FALSE OR MISLEADING INFORMATION TO VOTERS

No candidate shall submit any nomination paper or declaration of candidacy knowing that any part of it has been made falsely. (§18203) Violations may result in criminal penalties. No candidate shall attempt to mislead the public by pretending or implying by his statements or conduct that he is an incumbent of a public office or that he has acted in the capacity of a public officer when this is not the case. (§18350) Violations may result in civil penalties. In the occupational designation on the ballot, no candidate shall assume a designation which would mislead the voters. §13107

# ELECTIONEERING ON ELECTION DAY

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## *100 FEET RULE*

Pursuant to Elections Code Section 18370 no person on Election Day shall, within 100 feet of a polling place:

1. Circulate an initiative, referendum, recall or nomination petition or any other petition.
2. Solicit a vote or speak to a voter on the subject of marking his or her ballot.
3. Place a sign relating to voters' qualifications or speak to a voter on the subject of his/her qualifications except as provided in §14240.
4. Do any electioneering. This includes wearing buttons, T-shirts, stickers, etc. that promote a candidate or issue on the ballot.

As used in this section, "100 feet from a polling place or an elections official's office" shall mean a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

Any person who violates any of the provisions of this section is guilty of a misdemeanor.

## *POLL WATCHERS*

Poll watchers are allowed at the polling place as long as they obey the law and election procedures. Persons observing the polls may:

- ❖ Inspect the Roster of Voters. Any such inspection, however, must be done without impeding, interfering or interrupting the normal process of voting and counting.
- ❖ Inspect the Public's Alpha Index updated regularly by the precinct workers. The index may not be removed from the polling place.
- ❖ Observe all activities at the polling place, including activities after the polls close, providing they do not interfere with the normal processing of voters.

## *EXIT POLLING*

The Secretary of State and Attorney General have reviewed the Electioneering provisions and have determined that these provisions do not apply to the Press and Media conducting "Exit Polls." However, no one may interfere with the conduct of the election. Therefore, news media have been advised to remain at least 25 feet from the entrance to the polls. The media may take pictures or run a television camera inside the polling place providing they respect the voters' privacy and do not interfere with voting. They may not speak to voters regarding how they are voting within 25 feet of the entrance to the polling place.

# POLITICAL SIGNS

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## OUTDOOR POLITICAL ADVERTISING – STATE LAW

Section 5405.3 of the State Outdoor Advertising Act (Business & Professions Code) authorizes the placing of "temporary political signs" separate and apart from the normal outdoor advertising controls. No political sign may be placed within the right-of-way of any highway or within 660 feet of the edge of and visible from the right-of-way of a landscaped freeway.

Temporary political signs are those that meet the following criteria:

- ❖ Encourages a particular vote in a scheduled election;
- ❖ Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after the election;
- ❖ Is no larger than 32 square feet;
- ❖ Has had a "Statement of Responsibility" filed with the State Department of Transportation, Division of Traffic Operations, Outdoor Advertising Program, P.O. Box 94287, MS-36, Sacramento, 94274-0001, certifying a person who will be responsible for removing the signs. Forms are available at the San Benito County Elections Department. Call (916) 654-5327 for more information.

The law directs the Department of Transportation to remove signs that do not comply with the regulations before an election and to bill the responsible party for removal costs after the election.

Penal Code Sections 556, 556.1 and 556.3 provide that it is a misdemeanor for any person to place a sign to advertise on public or private property (without consent); and that it shall be considered a public nuisance.

Pursuant to a County Counsel opinion dated April 18, 1994, utility poles are the property of the private utility company and the posting of political signs on them may be prosecuted as a misdemeanor. Furthermore, the Public Utility Commission may impose a fine for such unauthorized posting.

## REMOVAL OF POLITICAL SIGNS

If the political signs are not removed within 10 days after the election, an enforcement action could be pursued in accordance with the enforcement provisions of Chapter 13.10 of the San Benito County Code (County Counsel opinion dated April 18, 1994)

# POLLING PLACE INFORMATION

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## CAMPAIGN LITERATURE CONTAINING POLLING PLACE (ELECTIONS CODE §18302)

Every person is guilty of a misdemeanor who knowingly causes to be mailed or distributed, or knowingly mails or distributes, literature to any voter that includes a designation of the voter's precinct polling place other than a precinct polling place listed for that voter in an official precinct polling list that constituted the latest official precinct polling list at sometime not more than 30 days prior to the mailing or distribution.

**END OF SECTION 4**  
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# SECTION 5:

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## SERVICES AND ADDED INFORMATION FOR CANDIDATES

# REGISTRATION AND ELECTION DATA

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## CONFIDENTIAL VOTER FILE

Pursuant to Elections Code Sections 2187(g), 2188 and 2194, voter registration information is available to persons or groups for election, scholarly, journalistic or political purposes, or governmental purposes, as determined by the Secretary of State. Each written request to view, purchase, or use voter registration information must be submitted in person and with identification on an application available at the San Benito County Elections Department.

## PERMISSIBLE USAGE

The California Code of Regulations, Division 7, Article 1, Section 19003, specifies permissible uses for any data obtained from voter registration files.

Permissible usage includes, but is not limited to:

1. Using registration information for purposes of communicating with others in connection with any election;
2. Sending communications, including but not limited to, mailings which campaign for or against any candidate or ballot measure in any election;
3. Sending communications, including but not limited to, mailings by or in behalf of any political party; provided however, that the content of such communications shall be devoted to news and opinions of candidates, elections, political party developments and related matters;
4. Sending communications, including but not limited to, mailings, incidental to the circulation or support of, or opposition to any recall, initiative, or referendum petition;
5. Sending of newsletters or bulletins by any elected public official, political party or candidate for public office;
6. Conducting any survey of voters in connection with any election campaign;
7. Conducting any survey of opinions of voters by any government agency, political party, elected official or political candidate for election or governmental purposes;
8. Soliciting contributions or services as part of any election campaign on behalf of any candidate for public office or any political party or in support of or opposition to any ballot measure;
9. Any official use by any local, state, or federal governmental agency.

## PROHIBITED USAGE

Prohibited usage includes:

1. Any communication or other use solely or partially for any commercial purpose;
2. Solicitation of contributions or services for any purpose other than on behalf of a candidate or political party or in support or opposition of a ballot measure;
3. Conducting any survey of opinions of voters other than those permitted by Section 19003.

California Elections Code §18109 states:

- "(a) It is a misdemeanor for any person in possession of information obtained pursuant to Article 5 (commencing with Section 2180) of Chapter 2 of Division 2, or Section 6254.4 of the Government Code, knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law.
- (b) It is a misdemeanor for any person knowingly to acquire possession or use of voter registration information referred to in subdivision (a) without first complying with Section 2188."

# ELECTION DATA FOR SALE

## FROM SAN BENITO COUNTY

### YOU WANT IT WHEN?

Orders will be completed within 2 working days except for vote-by-mail voter information if previously requested to be received on a daily basis.

### **\$\$\$PAYMENT MUST BE MADE IN ADVANCE OF ANY PURCHASE.**

#### **WALKING LISTS**

These lists are available by consolidated voting precinct, in alphabetical order by street.

#### **PRINTED VOTER INDEXES BY STREET OR ALPHA**

Indexes can be sorted by street or alphabetical by voter's name.

#### **VOTER LISTS ON CD / MAILING LABELS OF VOTERS OR HOUSEHOLDS**

#### **LIST OF POLLING PLACES / LIST OF CANDIDATES ON THE BALLOT**

- A list of the polling places in an election and a list of candidates' names and addresses is available.

#### **MAPS**

- Precinct Maps will be available upon completion of the redistricting process. Please contact our office for an update of when they will be available.

#### **DAILY VOTE-BY-MAIL VOTER PRINTOUT**

A daily list of who has requested, issued and then returned a vote-by-mail ballot may be purchased.

#### **PHOTOCOPYING**

Copies of candidate's campaign reporting documents (Forms 410, 460, etc.) are available.

***PLEASE CHECK WITH THE ELECTIONS DEPARTMENT FOR PRICING.***

#### **SECRETARY OF STATE'S CALVOTER**

The Secretary of State also has voter file information available for purchase. The file is distributed on a CD in a plain text-file format (tab-delimited). The first record contains field headings to interpret the data.

It can be ordered for voters statewide or by specific counties or districts.

Please be advised that each county is actually responsible for maintaining its own voter registration data. The currency of the data in the statewide CALVOTER database varies from county to county as not all counties update us on a regular basis. Therefore, the counties are always your best source for the most current data.

For more information, please contact SOS CalVoter Administrator at (916) 657-2166.

# VOTER REGISTRATION, PROVISIONAL VOTING AND VOTE-BY-MAIL DRIVES

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## VOTER REGISTRATION DRIVES:

Candidates and/or committees wishing to distribute voter registration cards may obtain cards in English/Spanish from the Elections Department during regular office hours.

For any quantity of 10 or more, the individual requesting the cards must fill out an application. For quantities of 2,000 or more, the distribution form is transmitted to the Secretary of State's Office. (California Administrative Code §20001g)

Citizens or organizations which distribute voter registration cards shall give a voter registration card to any person requesting it.

**Completed cards must be returned to the Elections Department within 3 business days or by the close of registration. Failure to do so is a misdemeanor.**

## PROVISIONAL VOTING & THE HELP AMERICA VOTE ACT:

**HISTORY:** A process for voting provisionally was added to the California Elections Code by Chapter 629 in 1983. (Elections Code §14310). The process provided that any voter claiming to be properly registered was entitled to vote even though the voter's qualification or entitlement to vote could not be immediately established. An additional code section (Elections Code §14311) was added by Chapter 919 in 1995 in response to provisions of the National Voter Registration Act of 1993 (NVRA/ "Motor Voter") Section 8 (e)(2)(A)(ii)(II) known as "Fail Safe."

In 2003, the federal Help America Vote Act (HAVA) was enacted to ensure voters be given the right to vote, and the Elections Code §14311 was amended to reflect mandates of this act.

This section allows a voter who is registered in San Benito County at one address, but has moved to another address, and did not re-register to vote by 15 days prior to the election, to vote a provisional ballot.

"A voter who has moved from one address to another within the same county and who has not reregistered to vote at that new address may, at his or her option, vote on the day of the election at the polling place at which he or she is entitled to vote based on his or her current residence address, or at the office of the county elections official. The voter shall be reregistered at the place of voting for future elections."

HAVA further requires that all first time federal voters who have not provided on their voter's registration card a driver's license nor last 4-digits of their social security number to show ID at the polls or provide a copy of their driver's license if voting by mail. If the voter does not have appropriate ID, he or she may vote a provisional ballot.

**"OTHER" PROVISIONAL VOTING:** Provisional ballots are issued to voters whose voting eligibility cannot be established quickly and easily. Please be advised that poll workers in San Benito County are directed to "ALWAYS LET THE VOTER VOTE." If eligibility cannot be determined, the voter must vote provisionally. Provisional voters must vote their ballot in person at the Elections Department, or polling place. Provisional ballots cannot be mailed.

## EXAMPLES OF VOTERS WHO WILL VOTE PROVISIONALLY:

- ❖ Voter applied for a vote-by-mail ballot and now, for whatever reason, wants to vote in person and does not have his/her ballot to surrender.
- ❖ Voter cannot be found in the voter file, but claims to have properly registered to vote.
- ❖ Any other reason where the voter's eligibility cannot be determined instantly.

Provisional ballots are distinguished from regular ballots because they are placed in a pink envelope for election officials to research and resolve during the official canvass.

Provisional ballots will count if either:

1. The Elections Official establishes from the records in their office the voter's right to vote prior to the completion of the official canvass; or
2. By order of the Superior Court in the county of the voter's residence.

## VOTE-BY-MAIL BALLOT DRIVES:

All registered voters may apply and Vote by mail.

Any person, including candidates and members of campaign organizations, can distribute applications for Vote by Mail ballots as long as the application meets the requirements of California Elections Code Section 3007 as to its contents. The name of any organization, which authorizes the distribution of Vote by Mail applications, shall be included on the application.

Upon request a Vote by Mail application form will be provided. The application form contains all information required by law.

Any individual, organization or group which distributes applications for Vote by Mail ballots and receives completed application forms back from voters, shall deliver the forms to the appropriate elections official within 72 hours of receiving the completed forms. Elections Code Section 18576 makes it a misdemeanor to delay the proper return of a Vote by Mail application.

<b>Important Vote by Mail Dates*</b> <b>Presidential Primary Election – June 5, 2012</b>	
February 13	Vote by Mail application form is available for reproduction and distribution.
<b><i>April 30</i></b>	First day for campaigns to purchase election specific Vote by Mail information.
<b>May 7</b>	First day Vote by Mail ballots can be issued.
<b>May 7 – June 4</b> Mon. – Fri., 8 a.m. – 5 p.m.	Dates and times for voting at the Department of Elections: 440 5 <sup>th</sup> Street, Room 206 Hollister, California
<b>June 5</b> Election Day, 7 a.m. – 8 p.m.	
<b>May 29</b>	<b>DEADLINE FOR ROV OFFICE TO RECEIVE VOTE BY MAIL APPLICATIONS</b> If the Vote by Mail ballot is being <u>mailed</u> to the voter, the application must be received by 5:00 p.m. at the Department of Elections.
<b>June 5</b> Election Day	All voted ballots must be received at the Department of Elections, or at any polling place in Santa Benito County, no later than 8:00 p.m.

\*All dates are for 2012.

# ELECTION NIGHT RESULTS

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## **WHERE:**

Ballots are counted at the Courthouse:

**440 Fifth Street, Room 204**

**Hollister, California**

## **VOTE-BY-MAIL RESULTS:**

Released soon after 8 p.m.

## **ELECTION RESULTS:**

Telephones will be staffed until all the ballots are counted election night for callers to phone in and obtain results. Updates will be posted on our website at [www.sbcvote.us](http://www.sbcvote.us) during the entire night.

**CALL 831-636-4016.**

Results will also be posted on our web site at [www.sbcvote.us](http://www.sbcvote.us)

Election results by contest are simple to provide over the phone. However, if you are interested in obtaining more specific voting result information, we encourage you to be present.

## **SEMI-OFFICIAL RESULTS:**

Once the last ballot is counted, a Semi-Official Election Summary Report will be available from the Elections Department. It will also be posted on our web site.

## **FINAL RESULTS:**

The official canvass of ballots will begin no later than Thursday, June 7. It typically takes three to four weeks to complete the canvass. Please call to verify when the final count will occur.

# Important Telephone Numbers

## SAN BENITO COUNTY

### DEPARTMENT OF ELECTIONS

440 5<sup>th</sup> Street, Room 206  
Hollister, CA 95023  
831-636-4016 / FAX: 831-636-2939

#### Joe Paul Gonzalez

County Clerk (Registrar of Voters)  
[jpgonzalez@cosb.us](mailto:jpgonzalez@cosb.us)

Angela Curro

Asst. County Clerk (Asst. Reg. of Voters)  
[acurro@cosb.us](mailto:acurro@cosb.us)

Francisco Diaz

Bilingual Sr. Deputy Clerk-Recorder-  
Elections  
[fdiaz@cosb.us](mailto:fdiaz@cosb.us)

Jenn Schultz

Sr. Deputy Clerk-Recorder-Elections  
[jschultz@cosb.us](mailto:jschultz@cosb.us)

## NEIGHBORING COUNTIES

*Below is a list of counties that are adjacent to San Benito County or with whom we share a Congressional, State Senate or State Assembly district.*

### MONTEREY

Linda Tulett, Registrar of Voters  
1370 B South Main Street  
Salinas, CA 93901  
P O Box 4400  
Salinas, CA 93912  
(831) 796-1499  
(831) 755-5485 Fax  
Hours 8:00am - 5:00pm  
<http://www.co.monterey.ca.us>

### SANTA CRUZ

Gail Pellerin, County Clerk  
701 Ocean Street, Room 210  
Santa Cruz, CA 95060-4076  
(831) 454-2060  
(831) 454-2445 Fax  
Hours 8:00am - 5:00pm  
[www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)

### MERCED

Kent Christensen  
Assessor-Recorder-Registrar of Voters  
2222 "M" Street  
Merced, CA 95340  
(209) 385-7631  
(209) 725-3905 Fax  
Hours 8:00am - 5:00pm  
<http://www.co.merced.ca.us>

### SANTA CLARA

Barry Garner, Registrar of Voters  
1555 Berger Drive, Bldg. 2  
San Jose, CA 95112  
P O Box 611360  
San Jose, CA 95161-1360  
(408) 299-8639  
(408) 998-7314 Fax  
Hours 8:00am - 5:00pm  
[www.sccgov.org](http://www.sccgov.org)

### FRESNO

Victor E. Salazar  
County Clerk-Registrar of Voters  
2221 Kern Street  
Fresno, CA 93721  
(559) 600-1730  
(559) 488-3279 Fax  
Hours 8:00am - 5:00pm  
<http://www.co.fresno.ca.us>

# IMPORTANT TELEPHONE NUMBERS

## STATE AND FEDERAL OFFICES

### **FAIR POLITICAL PRACTICES COMMISSION**

P.O. Box 807 (95812-0807)  
428 J Street, Suite 620  
Sacramento, CA 95814  
916-322-5660 / FAX: 916-322-0886  
Toll Free: 1-866-275-3772 (1-866-ASK-FPPC)  
Enforcement Violations: 800-561-1861  
Website: [www.fppc.ca.gov](http://www.fppc.ca.gov)

The Fair Political Practices Commission (FPPC) was created by the Political Reform Act of 1974, a ballot initiative passed by California voters as Proposition 9.

The FPPC educates the public and public officials on the requirements of the Act. It provides written and oral advice to public agencies and officials; conducts seminars and training sessions; develops forms, manuals and instructions; and receives and files statements of economic interests from many state and local officials.

The FPPC investigates alleged violations of the Political Reform Act, imposes penalties when appropriate, and assists state and local agencies in developing and enforcing conflict-of-interest codes.

The FPPC regulates:

- campaign financing and spending;
- financial conflicts of interest;
- lobbyist registration and reporting;
- post-governmental employment;
- mass mailings at public expense; and
- gifts and honoraria given to public officials and candidates.

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### **SECRETARY OF STATE**

1500 11<sup>th</sup> Street, 5<sup>th</sup> Floor  
Sacramento, CA 95814  
Website: [www.sos.ca.gov](http://www.sos.ca.gov)

### **POLITICAL REFORM DIVISION**

916-653-6224 / FAX: 916-653-5045  
E-Mail: [PoliticalReform@sos.ca.gov](mailto:PoliticalReform@sos.ca.gov)

The Secretary of State's Political Reform Division administers provisions of California's Political Reform Act of 1974 that requires the disclosure of financial activities related to political campaigns and lobbying.

Specific activities of the Political Reform Division include:

- Register and issue identification numbers for all state and local campaign committees that raise funds in connection with elections (non-federal) throughout California.
- Receive notices from all state and local candidates of their intentions to raise campaign funds and establish separate bank accounts for these funds.



## **SECRETARY OF STATE**

### **POLITICAL REFORM DIVISION (CONT...)**

- Receive campaign disclosure statements (itemizing contributions received and expenditures made) filed by individuals and committees raising or spending campaign funds to support or oppose state candidates or ballot measures. (Local campaign committees file their itemized disclosure statements with local filing officers. For California federal campaigns, the Political Reform Division receives copies of itemized disclosure statements filed with the [Federal Election Commission](#) in Washington, D.C.)
- Provide technical assistance regarding campaign disclosure provisions of the Political Reform Act to state and local candidates and elected officials, treasurers of campaign committees, and the general public.
- Review campaign documents to ensure compliance with reporting requirements.
- Provide public access to all campaign disclosure documents.
- Publish campaign financing reports that summarize and analyze the extensive information contained in campaign documents filed with the Political Reform Division.
- Determine if campaign documents have been filed on time and impose and collect fines for late filings.

### **ELECTIONS DIVISION**

916-657-2166 / FAX: (916) 653-3214

TDD: 1-800-833-8683

1-800-345-VOTE or 1-800-345-8683

E-Mail: [Elections@sos.ca.gov](mailto:Elections@sos.ca.gov)

Responsible for:

- certifying the official lists of candidates;
- determining which types of voting systems are acceptable for use in California;
- advising candidates and local elections officials on the qualifications and requirements for running for office, providing guidance on choosing acceptable candidate ballot designations, and determining the order of the candidates on the ballot;
- tracking and certifying ballot initiatives;
- coordinating the tabulation of the votes from each county on election night;
- producing the official Statements of Vote after each election;
- printing registration forms, encouraging registration and voter turnout, and producing several voter information publications;
- investigating voter fraud

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### **CAMPAIGN FILING OFFICES**

Statewide candidates and officeholders, Supreme Court justices, state ballot measure committees, and other committees that support or oppose state candidates and ballot measures, or that support or oppose candidates and ballot measures in more than one county, file campaign reports with:

- the Secretary of State and
- the election officials for the counties in which they are domiciled.

State committees are no longer required to file their forms with San Francisco or Los Angeles.

## **FEDERAL ELECTION COMMISSION**

999 E Street, NW

Washington, DC 20463

800-424-9530

For the hearing impaired, TTY 202-219-3336

Website: [www.fec.gov](http://www.fec.gov)

- Federal Campaign Disclosure
  - Contributions from National Banks, National Corporations, and Foreign Nationals
- 

## **STATE FRANCHISE TAX BOARD**

800-338-0505

Website: [www.ftb.ca.gov](http://www.ftb.ca.gov)

- Committee Tax Status
  - Tax Deductible Contributions
  - Charitable Non-Profit Groups
  - Audit of Campaign Disclosure Statements
- 

## **INTERNAL REVENUE SERVICE**

800-829-1040

Website: [www.irs.gov](http://www.irs.gov)

- Federal Taxpayer I.D. Numbers
  - Any other Tax-related questions
- 

## **ATTORNEY GENERAL**

P.O. Box 944255

Sacramento, CA 94244-2550

800-952-5225

Website: [www.oag.ca.gov](http://www.oag.ca.gov)

- Legal Opinions
- Incompatibility of office
- Quo Warranto actions
- Brown Act requirements

# IMPORTANT TELEPHONE NUMBERS

## WHO SHOULD YOU CALL?

In response to the many inquiries we receive regarding possible election violations or fraud, we have the following list of resources regarding whom to contact for the various types of violations. The San Benito County Clerk/Elections Department is **NOT** an enforcement agency and is therefore unable to investigate any violations. When our office receives reports of violations, we refer them to the agencies listed below:

- False or misleading campaign materials (No agency enforcement. These issues are dealt with in court)
- Violations of the Political Reform Act (Title 9 of the California Government Code at Sections 81000 through 91015), i.e. mass mailing requirements; slate mailers; campaign disclosure; proper use of campaign funds; disclosure of economic interests: contact the Fair Political Practices Commission at [www.fppc.ca.gov](http://www.fppc.ca.gov), 800-561-1861
- Election fraud: contact your local district attorney, 831-636-4120, or the California Secretary of State at [www.sos.ca.gov](http://www.sos.ca.gov), 916-657-2166
- Unlawful use of public funds, violations of the Elections Code, the Penal Code, or any laws other than the Political Reform Act: contact your local district attorney, 831-636-4120, or the California State Attorney General at [www.oag.ca.us](http://www.oag.ca.us), 800-952-5225
- Federal campaigns, Congress, U.S. Senate, President of the United States, etc.: contact the Federal Election Commission at [www.fec.gov](http://www.fec.gov), 800-424-9530
- Open meeting laws (Brown Act): contact your local district attorney, 831-636-4120, or the California State Attorney General at [www.oag.ca.us](http://www.oag.ca.us), 800-952-5225

## FREQUENTLY ASKED QUESTIONS

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### **Can anyone circulate petitions-in-lieu or nomination papers?**

No, each circulator of any petition must be a registered voter of the district or political subdivision in which the candidate is to be voted on. The circulator shall only collect signatures within the county in which he or she resides. Any number of qualified people may circulate petitions for a candidate. A candidate may also circulate his or her own petition. A candidate is the only person whom may circulate petitions in a county besides the one they reside in.

What happens if some of the signatures I obtain on my petitions-in-lieu or nomination papers are not registered voters or do not live within the jurisdiction I seek to represent?

File your petitions-in-lieu or nomination papers early to avoid the consequences of a problem of this type. **The Elections Department must certify that the signatures on petitions-in-lieu or nomination papers are of registered voters residing within the jurisdiction.** Any signatures submitted of voters who do NOT reside within the jurisdiction will be marked invalid and will not count towards your signature requirements. If you wait until the last day to file and your sponsors' signatures, for any reason, are insufficient, you will not qualify to be a candidate. If you file early, there will be time to check the signatures and notify you of any insufficiencies. You may then have an opportunity to submit supplemental signatures.

### **Can I use the valid signatures-in-lieu that I collect towards my number of required nomination signatures?**

Yes, a candidate can request in writing that valid signatures-in-lieu be used towards the required number of nomination signatures. (Form available during nomination period)

### **For Voter-Nominated offices, do petition-in-lieu signers or nomination petition signers need to be registered with the same political party I am registered with?**

No, signers on any type of petition for a Voter-Nominated office do not have to be registered in the same party as the candidate. Any registered voter of any party may sign a petition for a candidate for a Voter-Nominated office.

### **I am a candidate for Judge of the Superior Court, must I file a Declaration of Intention and when is the filing period?**

Yes, every candidate for Judge of the Superior Court, incumbent or not, must file a Declaration of Intention. The Declaration of Intention filing period is January 30, 2012 – February 8, 2012. All incumbents must file by February 8, 2012. For any seat in which the incumbent does not file for by February 8, 2012, there will be a five calendar day extension period for anyone but the incumbent to file.

### **When and where can I pick up and file my nomination documents?**

The candidate filing period is February 13, 2012 - March 9, 2012. Nomination documents may be picked up at the Office of the Registrar of Voters. Nomination documents **may only be filed at** the Office of the Registrar of Voters.

**When is the candidate nomination extension period and can an incumbent file nomination documents during an extension period?**

NO, the candidate nomination extension period is March 10, 2012 - March 14, 2012 (or Declaration of Intention period for Judicial Candidates February 9 – February 13). An incumbent **cannot** file during an extension period as it is only for any candidate other than the incumbent to pick up or file their nomination documents (or Declaration of Intention for Judicial Candidates).

**May I change or correct the wording or spelling on my candidate statement after submission?**

No, you may not. Statements cannot be changed for any reason after they have been filed.

**If I submit a voluntary candidate statement and I change my mind, may I withdraw the statement and receive a refund?**

Yes, with certain conditions. The candidate statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period. If you withdraw your statement within this time frame, you will receive a refund. After this time frame, your statement cannot be withdrawn, nor a refund given. If you withdraw your candidate statement, you will not be allowed to file another one.

**Can I choose what languages my candidate statement will be printed in?**

No, our office is federally mandated to print our Sample Ballots/Voter Information Pamphlets in English and Spanish.

**May my spouse, relative, friend or campaign manager pick up and/or file nomination documents for me or can I mail them to you?**

Yes, all forms may be picked up or filed by a candidate or a representative of the candidate. However, if someone other than the candidate is **picking up** nomination papers, they must have specific written authorization to do so. However, candidates are urged to file in person. The reasons are twofold:

- A. The oath of office on the Declaration of Candidacy must be administered by a member of the Department of Election's Deputy, an authorized public official, or a notary public. It is much easier for a candidate to file the nomination papers in person and have the oath administered at the time he or she files; and
- B. The signature of the candidate, as well as other data, is required on many documents involved in the nomination process. If through an oversight the nomination papers are incomplete, the problem can easily be rectified when a candidate files in person.

If the candidate wishes to mail the nomination papers, they must be sent by certified mail and arrive in our office by the close of the nomination period, regardless of the postmark.

### **Am I required to file financial documents related to my campaign?**

Yes, every candidate must file some type of financial documents at specified deadlines. Refer to the “Campaign Finance Disclosure Information” section of this guide for more information.

### **I am unable to complete and file any of my FPPC campaign disclosure statements by the filing deadline. May I obtain an extension and will I be fined?**

No, there is no provision in the Political Reform Act that permits any filing officer to extend a filing deadline. Statements that are filed late are subject to a fine of \$10.00 per day until the statement is filed. You may be fined for filing your statements late.

### **Can I place campaign signs anywhere I want?**

No, there are city, county and state regulations concerning placement of campaign signs. Please refer to the “Outdoor Political Advertising Guidelines” section of this guide.

### **Can I charge with a credit card to pay my filing fee, purchase voter material, or to pay my candidate statement fee?**

No. Cash, checks, or money orders are acceptable forms of payment.

### **How soon will a list of qualified candidates be available after the close of nomination?**

The nomination period ends at 5:00 p.m. on March 9, 2012, but if an incumbent does not file, the nomination period is extended until March 14, 2012. A list of local candidates will be prepared in the following days, and should be available for distribution by noon on March 19, 2012. The certified list of State candidates is not available to us until March 29, 2012. Therefore, our State candidate list should be available for distribution on April 2, 2012. You may come into the office and view the candidate list at no charge or purchase a copy of it.

### **Can I come into the Office of the Registrar of Voters on election night and view the tabulation of the votes?**

Yes, you can come into our office on election night and view the entire process of the vote tabulation. All election night visitors must be escorted in our office so please call us ahead of time to inform us that you will be coming to our office. Calling ahead helps us plan our staffing needs.

### **Can I obtain election night results on the Internet?**

Yes, you may obtain the most up-to-date election night results on our website at [www.sbcvote.us](http://www.sbcvote.us)

### **Why is there so much paperwork involved in being a candidate?**

Election law specifies documents required, as well as format, filing dates, etc. The filing requirements are not discretionary.