



# CANDIDATE HANDBOOK

CONSOLIDATED

# PRESIDENTIAL GENERAL ELECTION

NOVEMBER 6, 2012



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

County Clerk / Recorder's Office  
440 Fifth Street, Room #206  
Hollister, CA 95023  
(831) 636-4016  
FAX (831) 636-2939

Website: [www.sbcvote.us](http://www.sbcvote.us)  
E-mail: [jgonzalez@cosb.us](mailto:jgonzalez@cosb.us)

## **\*\*\*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 County Clerk/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 General Election. This handbook is not intended to be all encompassing, but merely summarizes major provisions related to candidates and committees involved in elections in the County of San Benito and the State of California.

Regardless of who wins, it is hoped that this is a positive experience for you. The Elections Department is dedicated to helping all qualified candidates get their names printed on the ballot and to ensuring that the election is fair and accurate.

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 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*

Joe Paul Gonzalez  
County Clerk, Auditor & Recorder  
Registrar of Voters

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# Important Telephone Numbers

## SAN BENITO COUNTY

### DEPARTMENT OF ELECTIONS

County Clerk / Recorder's Office  
440 5<sup>th</sup> Street, Room 206  
Hollister, CA 95023  
Toll Free: 877-777-4017  
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 & CITY CONTACTS

*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>

### 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>

### 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>

### 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)

### 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)

### CITY CLERK OFFICES – CITY HALL:

City of Hollister  
831-636-4300, ext. 16  
831-636-4310 Fax  
[cityclerk@hollister.ca.gov](mailto:cityclerk@hollister.ca.gov)

City of San Juan Bautista  
831-623-4661 X13  
831-623-4093 Fax  
[deputycityclerk@san-juan-bautista.ca.us](mailto:deputycityclerk@san-juan-bautista.ca.us)



## Important Telephone Numbers (cont...)

### 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.

# Important Telephone Numbers (cont...)

## STATE AND FEDERAL OFFICES

### 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.
- 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



# Important Telephone Numbers (cont...)

## STATE AND FEDERAL OFFICES

### 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.

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### 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

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### 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

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### INTERNAL REVENUE SERVICE

800-829-1040

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

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

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### 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 (cont...)

### 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

# CANDIDATE CHECKLIST – NOVEMBER 6, 2012

Listed below is a description of the various mandatory and optional forms to be filed for candidacy in the General 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.

Nominees for any State Offices who have accepted the campaign expenditure limits under Proposition 34 have the option of filing a Candidate's Statement of Qualifications and paying for its printing and distribution by 5:00 p.m. on August 10, 2012.

Candidates for City seats must contact their respective City Clerk for candidate filing requirements.

DOCUMENT	APPLIES TO	FILING PERIOD	<input checked="" type="checkbox"/> FILED
Declaration of Candidacy	All Candidates	July 16 – Aug. 10 (E-113 to E-88)	<input type="checkbox"/>
Ballot Designation Worksheet	All Candidates	July 16 – Aug. 10 (E-113 to E-88)	<input type="checkbox"/>
Candidate's Statement of Qualifications Form	All Candidates plus <ul style="list-style-type: none"> <li>● Nominees for Legislative offices who have accepted the Prop. 34 campaign expenditure limits</li> <li>● Nominees for US Rep. in Congress</li> </ul> <i>(Form Mandatory/Stmt Optional)</i>	(Must be filed & paid for with Dec. of Candidacy) or For nominees from the June Election by 5 pm on Aug. 10	<input type="checkbox"/>
Nomination Documents (extension 5 calendar days)	Any qualified candidate other than the incumbent that failed to file by Aug. 10 <sup>th</sup>	Aug. 11 – Aug. 15 (E-87 to E-83)	<input type="checkbox"/>
Campaign Disclosure Statements (FPPC Forms)	All Candidates	Per filing schedule (Refer to Pages 50-66)	<input type="checkbox"/>
Code of Fair Campaign Practices	Optional for All Candidates	File with Dec. of Candidacy	<input type="checkbox"/>
Statement of Economic Interests (Form 700)	All Candidates - EXCEPT candidates for US Senate & Congress	File with Dec. of Candidacy	<input type="checkbox"/>

# 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.

<b>Document</b>	<p><b>Declaration of Candidacy</b></p> <p>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.</p> <p>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.</p> <p>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 general election.</p> <p>(Elections Code §8020, , 8028, 8101, 8105)</p>
<b>Who files</b>	All Candidates running for school or special district.
<b>Deadline</b>	<p>July 16 – August 10, 2012</p> <p><i>(NOTE: Extended for 5 calendar days for anyone except the incumbent, only if the incumbent fails to file.)</i></p>

<b>Document</b>	<p><b>Candidate's Statement of Qualifications (Stmt Optional / Form Mandatory)</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 candidate is a nominee from the June Primary, then the deadline is August 10<sup>th</sup> at 5 pm. The statement may be withdrawn by 5 pm on the first business day following the filing deadline. See detailed instructions pages 39 – 49.</p> <p>(Elections Code §13307; Government Code §85601)</p>
<b>Who files</b>	All candidates including <b>city, school, special district candidates and nominees for US Representative in Congress</b> . Also, <b>nominees for Legislative Office</b> who agree to adhere to the spending limitations of Prop. 34. Statements are printed in the San Benito County's Voter Information Pamphlet portion of the Sample Ballot.
<b>Deadline</b>	<p>Filed with Declaration of Candidacy (no later than August 10, 2012)</p> <p><i>(NOTE: Extended for 5 calendar days for anyone except the incumbent, only if the incumbent fails to file.)</i></p>

## CANDIDATE FILING DOCUMENTS (CONT...)

<b>Document</b>	<p><b>Candidate Intention &amp; Campaign Disclosure Forms (FPPC)</b></p> <p>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 (pages 50-66):</p> <ul style="list-style-type: none"> <li>• Under \$1,000 (Forms 501 &amp; 470)</li> <li>• Over \$1,000 (Form 501, 410 &amp; 460)</li> <li>• Other forms may be required depending on your specific campaign</li> </ul> <p>(Government Code §84200, 84218)</p>
<b>Who files</b>	All candidates must file either a short form or a long form depending on how much money will be raised or spent.
<b>Deadline</b>	Refer to Page 59 "Campaign Filing Schedule for November 6, 2012"
<hr style="border: 2px solid #8B4513;"/>	
<b>Document</b>	<p><b>Code of Fair Campaign Practices (optional)</b></p> <p>May be voluntarily subscribed to by candidates for public office.</p> <p>(Elections Code §20400-20444)</p>
<b>Who files</b>	Optional for all candidates (refer to pages 67 – 69)
<b>Deadline</b>	<p>Filed with Declaration of Candidacy (no later than August 10, 2012)</p> <p><i>(NOTE: Extended for 5 calendar days for anyone except the incumbent, only if the incumbent fails to file.)</i></p>
<hr style="border: 2px solid #8B4513;"/>	
<b>Document</b>	<p><b>Statement of Economic Interests (Form 700)</b></p> <p>When candidates file their Declaration of Candidacy for the November General Election, they must also file statements of economic interests disclosing their investments, interests in real property, and any income received during the preceding 12 months.</p> <p>The statement is not required if the candidate has filed such a statement within the past 60 days for the same jurisdiction.</p> <p>(Gov. Code §87200, 87201, 87500)</p>
<b>Who files</b>	All Candidates, EXCEPT Nominees for U.S. Senate & Representative US Congress (refer to page 66)
<b>Deadline</b>	<p>August 10, 2012</p> <p><i>(NOTE: Extended for 5 calendar days for anyone except the incumbent, only if the incumbent fails to file.)</i></p>

# NOVEMBER 6, 2012 GENERAL ELECTION CALENDAR

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><b>July 16 – Aug. 10 (E-113 to E-88)</b></p>	<p><b>Candidate Nomination Period – School/Special Districts</b> Candidate filing period for candidates running for special and school district offices. Forms are obtained from and filed with the county Elections Department. §10510</p>
<p><b>Jul 16 – Aug. 10 (E-113 to E-88)</b></p>	<p><b>Candidate’s Statement of Qualifications – School/Special Districts</b> Between these dates, candidates may prepare a statement of qualifications, not to exceed 200 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 August 13<sup>th</sup> if the contest closes on the 10<sup>th</sup> or August 16<sup>th</sup> if the contest closes on the 15<sup>th</sup> after the extension period. §13307, 13311</p>
<p><b>Jul 16 – Aug. 10 (E-113 to E-88)</b></p>	<p><b>Candidate’s Statement –Top Two Candidates for Congressional, State Senate, Assembly; County Supervisors (if there is a run-off)</b> Between these dates, candidates in November run-off elections may prepare a statement of qualifications, not to exceed 200 words, 250 words for Congressional and State Legislative candidates, to be included in the Voter’s Information Pamphlet. The statement shall be filed and paid for at the time is filed. Obtain cost information from the Elections Department. §13307</p>
<p><b>Jul 24 – Aug. 13 (E-105 to E-85)</b></p>	<p><b>State Ballot Pamphlet Available for Public Inspection</b> During this period, the ballot pamphlet for the general election will be available for public examination. Govt. Code §88006; Elec. Code §§9054, 9092, 13282</p>
<p><b>Deadline date Aug.10 (Previous 12 months to E-88)</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p><b>FPPC*</b></p> </div>	<p><b>Statement of Economic Interests (Form 700)</b> Between these dates, specified non incumbent candidates in an election shall file Statements of Economic Interests (Form 700) disclosing their investments, interests in real property, and any income received during the preceding 12 months. Such statement shall not be required if the candidate has filed such a statement within the past 60 days for the same jurisdiction. Gov. Code §87200, 87201, 87500</p>
<p><b>July 31 (E-98)</b></p>	<p><b>Change of Candidate’s Ballot Designation</b> Last day for candidates to request in writing to <b>both</b> the Secretary of State and Elections Department that a different ballot designation be used for the November election than the designation used at the June primary election. §13107(e)</p>



<p><b>July 31 (E-98)</b></p> <p><b>FPPC*</b></p>	<p><b>Semiannual Campaign Statement (Form 460)</b> Last day to file semiannual campaign statements, if required, by all candidates and committees.</p> <p style="text-align: right;">Gov. Code §84200, 84218</p>
<p><b>July 31 (E-98)</b></p> <p><b>FPPC*</b></p>	<p><b>Supplemental Independent Expenditure Reports (Form 465)</b> Candidates or committees making independent expenditures of \$1000 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure.</p> <p style="text-align: right;">Gov. Code §84203.5</p>
<p><b>July 31 (E-98)</b></p>	<p><b>Arguments and Impartial Analysis Due for Measures</b> Deadline to submit arguments for or against ballots.</p> <p style="text-align: right;">§9163, 9316</p>
<p><b>Aug. 10 (E-88)</b></p>	<p><b>Candidate’s Statement – County Candidates, Congressional and State Legislative Nominees</b> By this date, candidates in November run-off elections and nominees from the June Primary may prepare a statement of qualifications, not to exceed 200 words, 250 words for Congressional and State Legislative candidates, to be included in the Voter Information Pamphlet. The statement shall be filled and paid for at the time it is filed. Obtain cost information from the Elections Department.</p> <p style="text-align: right;">§13307</p>
<p><b>Aug. 10 (E-88)</b></p>	<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 a vote-by-mail ballot along with a statement that there will be no polling place for the general election.</p> <p style="text-align: right;">§3005</p>
<p><b>Aug. 10 (E-88)</b></p>	<p><b>Last day for Candidates to File to Run for Office</b> Deadline for candidates for school board or special district boards to obtain and file their Declaration of Candidacy. Forms are obtained from and filed with the county Elections Department.</p> <p>If the candidate wants to file a Candidate’s Statement of Qualifications, it must be filed and paid for (unless the district has agreed to pay) at the same time that the Declaration of Candidacy is being filed. <b>The two documents may not be filed independent of one another.</b></p> <p>This also the deadline for candidates for city office to submit nomination papers. Nomination documents are obtained from and filed with their respective City Clerk.</p> <p style="text-align: right;">§10220-10224, 10227, 10510; Gov. Code §36503</p> <p>Any candidate who has filed a Declaration of Candidacy may withdraw that declaration up until 5 p.m. on August 10. Candidates <b>may not</b> withdraw after that time.</p> <p style="text-align: right;">§10510</p> <p>If the incumbent does not file, there will be a five-day extension for anyone other than the incumbent to file.</p>

<p><b>Aug. 10 (E-88)</b></p>	<p><b>Last Day to Submit Resolutions for 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. Earlier filing dates are encouraged in order to meet printing schedules.</p> <p style="text-align: right;">§10401, 10402</p>
<p><b>Aug. 10 (E-88)</b></p>	<p><b>Deadline for Filing Rebuttals 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><b>Aug. 15 (E-83)</b></p>	<p><b>Insufficient Number of Nominees Special Districts:</b> If by 5 p.m. on this day, no one has filed candidacy papers or an insufficient number of persons has filed candidacy papers to fill an office or offices, and a petition signed by 10% or 50 voters (whichever is the smaller number) has not been submitted, the elections official shall certify this fact to the Board of Supervisors. A person who has filed a Declaration of Candidacy shall be appointed by the Board of Supervisors at a regular or special meeting held prior to the first Monday before the first Friday in December. If no one filed, another qualified person shall be appointed by the Board of Supervisors on or before November 6, 2012 and shall take office and serve as if elected.</p> <p style="text-align: right;">§10515</p> <p><b>Schools/County Boards of Education:</b> If by 5 p.m. on this day, only one person has filed or there are no filers for the office(s) to be filed or in the case of members elected at large or by trustee areas, there are fewer than the number to be elected, and no petition is signed by 10% or 50 voters (whichever is the smaller number) an appointment will be made. The qualified person nominated shall be seated at the organizational meeting of the board, or, if an insufficient number is nominated, the governing board shall appoint as necessary at a meeting held prior to Election Day. Persons so appointed shall be seated at the organizational meeting and serve as if they had been elected.</p> <p>In the event no one is nominated, the governing board shall publish a notice one time in a newspaper of general circulation in the district stating the board intends to make an appointment and informing the public how to apply for the office.</p> <p style="text-align: right;">Ed. Code §5326, 5328, 5328.5</p>
<p><b>Aug. 16, 11 a.m. (E-82)</b></p>	<p><b>Randomized Alphabet Drawing</b> Secretary of State shall conduct the randomized alphabet drawing to determine the order in which the candidates will appear on the general election ballot.</p> <p>On this same day, the County Clerk/Elections Department shall conduct a randomized alphabet drawing for the offices of State Senate and Assembly.</p> <p style="text-align: right;">§13112</p>
<p><b>Aug. 30 (E-68)</b></p>	<p><b>Certified List of Candidates – Federal and State Offices</b> Last day for the Secretary of State to send to each elections official a list showing the name, party affiliation for partisan offices, party preference or lack of party preference for voter-nominated offices, and ballot designation of every person who has been nominated as a candidate for public office and is entitled to receive votes within the county at the general election.</p> <p style="text-align: right;">§8148</p>
<p><b>Sept. 3</b></p>	<p style="text-align: center;"><b>COUNTY HOLIDAY- Office Closed</b></p>

<p><b>Sept. 7 (E-60)</b></p>	<p><b>Special Vote-by-Mail Ballot Applications</b>  The first day county election officials may process applications for special vote-by-mail ballots. The application must include the statement that the voter cannot vote a vote-by-mail ballot during the normal vote-by-mail voting period of October 9* to October 30, 2012 because of military or other contingencies that preclude normal mail delivery.</p> <p style="text-align: right;">§300(b), 3103</p>
<p><b>Sept. 7 – Sept. 17 (E-60 to E-50)</b></p>	<p><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 Sept. 7, 2012.</p> <p style="text-align: right;">§2187</p>
<p><b>Sept. 10 – Oct. 23 (E-57 to E-14)</b></p>	<p><b>Statement of Write-in Candidacy and Nomination Papers</b>  During this period partisan write-in candidates must file their Statement of Write-in Candidacy and Nomination Papers with the county elections official.</p> <p style="text-align: right;">§8601</p>
<p><b>Sept. 22* (E-45)</b></p>	<p><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.</p> <p style="text-align: right;">§9096</p>
<p><b>Sept. 27 – Oct. 16 (E-40 to E-21)</b></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, Sept. 7 (E-60) The county will do a supplemental mailing of state pamphlets to voters who register after Sept. 7.</p> <p style="text-align: right;">§9094, 13303, 13304</p>
<p><b>Oct. 5* Date Set by Law (E-32)</b></p>	<p><b>First Pre-Election Statement (Form 460)</b>  Last day to file campaign statements for candidates and committees covering the period ending Sept. 30 (E-37).</p> <p style="text-align: right;">Gov. Code §84200.5, 84200.7(b)</p>
<p><b>FPPC*</b></p> <p><b>Oct. 5* (E-32)</b></p> <p><b>FPPC*</b></p>	<p><b>Supplemental Independent Expenditure Reports (Form 465)</b>  Candidates or committees making independent expenditures of \$1000 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure.</p> <p style="text-align: right;">Gov. Code §84203.5, 82031</p>
<p><b>Oct. 9* (E-29)</b></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><b>Oct. 9* (E-29)</b></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;">§ 2101, 9094, 13303</p>

<p><b>Oct. 9* - Oct. 30 (E-29 to E-7)</b></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 October 30.</p> <p style="text-align: right;">§3001, 3003</p>
<p><b>Oct. 22 – Nov. 5 (E-16 to E-1)</b></p>	<p><b>Late Contribution/Independent Expenditure Report</b> During this time late contribution/independent expenditure reports must be filed by FAX, guaranteed overnight delivery or personal delivery.</p> <p style="text-align: right;">Gov. Code §84203, 84204</p>
<p><b>Oct. 22 – Nov. 5 (E-16 to E-1)</b></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 which qualifies as a recipient committee or slate mailer organization must file a Form 410 within 24 hours by FAX, guaranteed overnight delivery or personal delivery.</p> <p style="text-align: right;">Gov. Code §84101, 84108</p>
<p><b>October 22 (E-15)</b></p>	<p><b>Deadline to Register to Vote / 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 15th day prior to the election, and if any of the following apply:</p> <p style="padding-left: 40px;">The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.</p> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">The affidavit is delivered to the county elections official by means other than those described in paragraphs (2) and (3) on or before the 15th day prior to the election.</p> <p style="text-align: right;">§2107</p>
<p><b>Oct. 23 – Oct. 30 (E-14 to E-7)</b></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><b>Oct. 23 – Nov. 6 (E-14 to E-Day)</b></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 end 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><b>Oct. 25 (E-12)</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-top: 10px;"> <p><b>FPPC*</b></p> </div>	<p><b>Second Pre-Election Statement (Form 460)</b> The last day to file campaign statements for candidates and committees covering the period from October 1 to October 20, 2012.</p> <p style="text-align: right;">Gov. Code §84200.5, 84200.7</p>

<p><b>Oct. 25</b> <b>(E-12)</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"><b>FPPC*</b></div>	<p><b>Supplemental Independent Expenditure Reports (Form 465)</b> Candidates or committees making independent expenditures of \$1000 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure.</p> <p style="text-align: right;">Gov. Code §84203.5, 82031</p>
<p><b>Oct. 31 – Nov. 6</b> <b>(E-6 to E)</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"><b>County Form*</b></div>	<p><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.</p> <p style="text-align: right;">§3021</p>
<p><b>October 31</b> <b>(E-6)</b></p>	<p><b>Quarterly Statements by Ballot Measure Committees</b> All committees primarily formed to support or oppose the qualification, passage or defeat of a ballot measure must file quarterly campaign statements for the period July 1 through Sept. 30 during any semiannual period in which the measure is not being voted upon. Following the election, such committees are only required to file semiannual statements unless they make contributions or expenditures to qualify, support or oppose other measures, in which case they would have an ongoing duty to file quarterly statements.</p> <p style="text-align: right;">Gov. Code §84202.3</p>
<p><b>Nov. 3 – Nov. 4</b> <b>(E-3 – E-2)</b></p>	<p><b>Weekend Voting</b> Voters have the option to vote the weekend before the election from 9 A.M. to 3 P.M. at the Elections Department, 440 Fifth Street, Room 206, Hollister, CA 95023.</p>
<p><b>Nov. 6</b> <b>(E)</b></p>	<p><b>Unopposed Judge: Superior Court</b> On this date, the County Clerk declares elected any incumbent superior court judge who has filed for office but whose name did not appear on either the primary or general election ballots because he or she was unopposed.</p> <p style="text-align: right;">§8203</p>
<p><b>Nov. 6</b> <b>(E)</b></p>	<p><b>General Election Day</b> Polls open at 7 a.m. and close at 8 p.m.</p> <p style="text-align: right;">§1000, 14212</p>
<p><b>Nov. 8 – Dec. 4</b> <b>(E+2 - E+28)</b></p>	<p><b>Official Canvass</b> The official canvass of precinct returns is to be completed during this time.</p> <p style="text-align: right;">§15301, 15372</p>
<p><b>Nov. 12</b></p>	<p><b>COUNTY HOLIDAY- Office Closed</b></p>
<p><b>Nov. 22 - 23</b></p>	
<p><b>Dec. 3</b> <b>(E+27)</b></p>	<p><b>Candidates Elected to State Assembly &amp; Senate Assume Office</b> Terms begin in the first Monday in December next following their election.</p> <p style="text-align: right;">CA. Const. Art. IV, §2</p>
<p><b>Dec. 4</b> <b>(BoS Meeting Date)</b></p>	<p><b>Board of Supervisor to Appoint Candidates In-Lieu of Election</b> Candidates who filed a Declaration of Candidacy shall be appointed by the Board of Supervisor at a regular or special meeting held prior to the first Monday before the first Friday in December. This is the last regularly scheduled board meeting before this statutory deadline.</p> <p style="text-align: right;">§10515</p>

<p><b>Dec. 4 (E+28)</b></p>	<p><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.</p> <p>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.</p> <p style="text-align: right;">§15372, 15400-15401</p>
<p><b>Dec. 7 (E+31)</b></p>	<p><b>Candidates Elected to Special Districts and School Districts Assume Office</b> <b>SPECIAL DISTRICTS:</b> officers declared elected or appointed (i.e. as provided in §10515) take office this date at noon after having taken the oath or posted any bond required by the principal act.</p> <p style="text-align: right;">§10554</p> <p><b>SCHOOL AND COMMUNITY COLLEGE DISTRICTS:</b> Officers elected to school office take office this date pursuant to Ed. Code §5017, though no reference is made to “noon” as is the case in Elec. Code §10554.</p>
<p><b>Dec. 7 (E+31)</b></p>	<p><b>Assuming Office</b> <b>SPECIAL DISTRICTS:</b> Candidates declared elected or appointed (i.e. as provided in §10515) take office this date at noon after having taken the oath or posted any bond required by the principal act.</p> <p style="text-align: right;">§10554</p> <p><b>SCHOOL AND COMMUNITY COLLEGE DISTRICTS:</b> Candidates elected to school board take office this date pursuant to Ed. Code §5017, though no reference is made to “noon” as is the case in Elec. Code §10554.</p>
<p><b>Dec. 15* (E+38)</b></p>	<p><b>Certificates of Election</b> The Secretary of State shall issue certificates of election to persons elected to U.S. Senate, Congress, and legislative offices.</p> <p style="text-align: right;">§15503-15504</p>
<p><b>Dec. 25</b></p>	<p style="text-align: center;"><b>COUNTY HOLIDAY - Office Closed</b></p>
<p><b>Jan. 3, 2012 (E+58)</b></p>	<p><b>Candidates Elected to Congress Assume Office</b> Terms begin at noon on January 3.</p> <p style="text-align: right;">U.S. Const. Amendment XX, §1</p>
<p><b>Jan. 31, 2013* (E+86)</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p><b>FPPC*</b></p> </div>	<p><b>Semiannual Campaign Statement (Form 460)</b> Last day to file semiannual campaign statements, if required, by all candidates and committees.</p> <p style="text-align: right;">Gov. Code §84200, 84218</p>
<p><b>Jan. 31, 2013* (E+86)</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p><b>FPPC*</b></p> </div>	<p><b>Supplemental Independent Expenditure Reports (Form 465)</b> Candidates or committees making independent expenditures of \$1000 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure.</p> <p style="text-align: right;">Gov. Code §84203.5, 82031</p>



# OFFICES ON THE NOVEMBER 6, 2012 BALLOT

Offices with candidates nominated in the June 6, 2012 Primary, which will appear on the ballot in November 6, 2012, Consolidated Presidential General Election:

## PARTISAN OFFICES

Office	Jurisdiction	Term
President of the United States	Federal	4 years, commencing Jan. 20, 2013

## VOTER-NOMINATED OFFICES (TOP-2 PRIMARY CANDIDATES)

Office	Jurisdiction	Term
U.S. Senate	Federal	6 years, commencing Jan. 3, 2013
U. S. Representative in Congress	20 <sup>th</sup> District	2 years, commencing Jan. 3, 2013
State Assembly	30 <sup>th</sup> District	2 years, commencing Dec. 3, 2012

Offices to nominate candidates for the November 6, 2012, Consolidated General Election:

## NON-PARTISAN OFFICES CITIES

Office	Jurisdiction	Term	How Elected	Qualifications
Hollister	Council Member – Dist 1 Council Member – Dist 4	4 years	By District #	Registered voter within the council district for the filing of nomination papers.
	Mayor	2 years	At Large by City	Registered voter residing within the city limits.
San Juan Bautista	2 Council Members City Clerk City Treasurer	4 years	At Large by City	Registered voter residing within the city limits

**NOTE:** Candidates **MUST file** with the appropriate **City Clerk's Office** for any City Office.

# SCHOOL DISTRICTS

School District	Offices Up For Election	How Elected	Qualifications		
Aromas-San Juan Unified	Governing Board Members <ul style="list-style-type: none"> <li>• Three – 4 year terms</li> </ul>	At Large by District	Registered Voter of the District (Ed. Code §5012, 5030, 35107)		
Bitterwater-Tully Union	Governing Board Members <ul style="list-style-type: none"> <li>• Two – 4 year terms</li> <li>• One - 2 year term</li> </ul>				
Cienega Union	Governing Board Members <ul style="list-style-type: none"> <li>• Two – 4 year terms</li> <li>• One - 2 year term</li> </ul>				
Coalinga-Huran Unified – TA #2	Governing Board Members <ul style="list-style-type: none"> <li>• Two – 4 year terms</li> </ul>	By Trustee Area	Registered Voter of the district residing within the Trustee Area (Ed. Code §5013, 5030, 72103)		
Hollister	Governing Board Members <ul style="list-style-type: none"> <li>• Two – 4 year terms</li> <li>• Two - 2 year terms</li> </ul>	At Large by District	Registered Voter of the District (Ed. Code §5012, 5030, 35107)		
Jefferson	Governing Board Members <ul style="list-style-type: none"> <li>• Two – 4 year terms</li> </ul>				
North County Joint Union	Governing Board Members <ul style="list-style-type: none"> <li>• Three – 4 year terms</li> </ul>				
Panoche	Governing Board Member <ul style="list-style-type: none"> <li>• One – 4 year term</li> </ul>				
Southside	Governing Board Members <ul style="list-style-type: none"> <li>• Two – 4 year terms</li> </ul>				
Tres Pinos Union	Governing Board Members <ul style="list-style-type: none"> <li>• Two – 4 year terms</li> </ul>				
Willow Grove Union	Governing Board Members <ul style="list-style-type: none"> <li>• Three – 4 year terms</li> </ul>				
San Benito Joint Union High	Governing Board Members <ul style="list-style-type: none"> <li>• Two – 4 year terms</li> <li>• One – 2 year term</li> </ul>				
Gavilan Community College – Trustee Area #3	Governing Board Members <ul style="list-style-type: none"> <li>• One – 4 year Term</li> </ul>			File by TA- Elected at Large	Registered Voter of the district residing within the Trustee Area (Ed. Code §5013, 5030, 72103)
Cabrillo Community College – Trustee Area #7	Governing Board Members <ul style="list-style-type: none"> <li>• One – 4 year Term</li> </ul>			By Trustee Area	

# WATER DISTRICTS

Water District	Offices Up For Election	How Elected	Qualifications
Aromas County	Board of Directors <ul style="list-style-type: none"> <li>• Two – 4 year terms</li> </ul>	At Large	Registered voter of the District (Water Code §30500)
Pacheco Pass	Board of Directors <ul style="list-style-type: none"> <li>• Three – 4 year terms</li> <li>• Two – 2 year terms</li> </ul>		
Pajaro Valley Water Management Division D	Board of Directors <ul style="list-style-type: none"> <li>• One – 4 year terms</li> </ul>	By Division	Registered voter of the Division (Water Code 30735)
San Benito County District 2 District 3 District 5	Board of Directors <ul style="list-style-type: none"> <li>• Three – 4 year terms</li> </ul>	By District #	Registered voter of the District (Water Code §30735)
Sunnyslope County	Board of Directors <ul style="list-style-type: none"> <li>• Two – 4 year terms</li> <li>• One – 2 year term</li> </ul>	At Large	Registered voter of the District (Water Code §30500)
Tres Pinos County	Board of Directors <ul style="list-style-type: none"> <li>• Three – 4 year terms</li> </ul>		

# FIRE PROTECTION DISTRICTS

Fire District	Offices Up For Election	How Elected	Qualifications
Aromas Tri-County Fire District	Board of Directors <ul style="list-style-type: none"> <li>• Two – 4 year terms</li> <li>• One – 2 year term</li> </ul>	At Large	Registered voter of the District (Health & Safety Code §13841, 32100)

# HOSPITAL DISTRICT

Hospital District	Offices Up For Election	How Elected	Qualifications
San Benito Health Care District	Board of Directors <ul style="list-style-type: none"> <li>• Three – 4 year terms</li> </ul>	At Large	Registered voter of the District (Health & Safety Code §13841, 32100)

# 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.

## NAME & BALLOT DESIGNATION (CONT...)

**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.

## **NAME & BALLOT DESIGNATION (CONT...)**

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### **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

## SECRETARY OF STATE (CONT...)

### BALLOT DESIGNATION REGULATIONS

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.

**SECRETARY OF STATE (CONT...)**  
**BALLOT DESIGNATION REGULATIONS**

(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).**

**SECRETARY OF STATE (CONT...)**  
**BALLOT DESIGNATION REGULATIONS**

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.

**SECRETARY OF STATE (CONT...)**  
**BALLOT DESIGNATION REGULATIONS**

(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."



**SECRETARY OF STATE (CONT...)**  
**BALLOT DESIGNATION REGULATIONS**

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

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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":



**SECRETARY OF STATE (CONT...)**  
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- (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

**SECRETARY OF STATE (CONT...)**  
**BALLOT DESIGNATION REGULATIONS**

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 August 16, 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

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## **INSUFFICIENT NUMBER OF CANDIDATES**

If, by 5 p.m. on August 15, 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.

# WRITE - IN CANDIDACY

(Elections Code § 8600- 8605)

**Filing Period: November General Election: Sept 10 - Oct 23**

## WRITE-IN PROCEDURE

Persons who did not file a Declaration of Candidacy and fulfill their nomination requirements to place their name on the ballot may run for office as a write-in candidate. Write-in votes will be counted and certified in the Statement of Vote only for **qualified write-in candidates** who file the required forms with the Elections Department no later than 14 days prior to Election Day. The Elections Department will forward the forms to the Secretary of State in the case of offices that must be certified by the Secretary of State.

Voters may write-in any person they wish for any office regardless of whether the person has qualified or not. However, the votes will only be tabulated for qualified write-in candidates.

To qualify as a write-in candidate, a person must file with the Elections Department the following documents:

- ❖ A **“Statement of Write-in Candidacy”** which shall contain the candidate's name, residence address, a declaration stating that he or she is a write-in candidate, the title of the office for which he or she is running and the date of the election.

Write-in candidates are subject to the same requirements as other candidates with regard to disclosure of economic interests and campaign disclosure. (Gov. Code 82007; Elections Code §305)

## OFFICES OMITTED FROM BALLOT

Prospective write-in candidates should note that write-in candidacy is possible only if the office appears on the ballot.

The Elections Department will provide polling places with a list of **qualified write-in candidates**.

# CANDIDATE STATEMENT OF QUALIFICATIONS

## CANDIDATE STATEMENTS MAY MAKE NO REFERENCE TO ANOTHER CANDIDATE

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 November 6, 2012, Consolidated General Election is Friday, August 10, 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 of Qualifications*" 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))

# WHERE AND WHEN TO FILE

## CANDIDATE'S STATEMENTS

PERIOD FOR FILING:	<b>July 16 – August 10 by 5 p.m.</b> The statement must be paid for and filed with the Declaration of Candidacy. <p style="text-align: right;">§13307(a)(2)</p>
EXTENDED PERIOD:	If the Nomination filing period for the office is extended, then all persons, other than the incumbent, have until August 15 by 5 p.m. in which to file their Candidate's Statement along with their Declaration of Candidacy
WHERE:	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.
CONTENTS:	The statement contains the candidate's: <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 the number of words allowed by office/district of the candidate's education and qualifications expressed by the candidate.</li></ol> <p style="text-align: right;">§13307(a)(1)</p>
RESTRICTIONS:	The candidate's statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations. <p style="text-align: right;">§13307(a) (1)</p>
CONFIDENTIALITY:	Statements remain confidential until 5 p.m. on the last day to file. <p style="text-align: right;">§13311</p>
WITHDRAWAL:	Statements may not be changed but may be withdrawn no later than 5 p.m. on <b>August 13</b> . If there is an extended filing time, no later than 5 p.m. on <b>August 16</b> . <p style="text-align: right;">§13307(a)(3)</p>
PAYMENT:	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 style="text-align: right;">§13307(c)</p>

## CONTENT, SIZE & FORMAT

### CANDIDATE'S STATEMENTS

# 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 may not make reference to other candidates 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 word maximum limit.



## CONTENT, SIZE & FORMAT (CONT...)

### CANDIDATE'S STATEMENTS

## **S**IZE

1. Candidates for County, City, School and Special District Offices are limited to **200 words**.
2. Candidates for US Congress, State Senate and State Assembly are limited to **250 words**.
3. See guidelines on "How to Count Words".

## **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 FORMAT

## 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 CANDIDATE FOR  
County Supervisor, 6<sup>th</sup> District  
County of San Benito

### CHRIS CANDIDATE

Occupation: Teacher

Age: 42

### Education & Qualifications:

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.**

# SUBMISSION AND PAYMENT

## CANDIDATE'S STATEMENT

1. Candidates should bring a hard copy and are requested to submit an electronic, Word Format, on CD. A copy will be printed during the 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. by August 13<sup>th</sup> (or by August 16<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 "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.

# COST AND WORD LIMIT BY OFFICE



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

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

CITY OFFICES – FILE WITH THE CITY CLERK’S OFFICE		
DISTRICT	WORD LIMIT	COST OF STATEMENT
Mayor – City of Hollister	200	\$450
City Council – City of Hollister	200	\$350
City Treasurer – City of San Juan Bautista		
City Clerk – City of San Juan Bautista		
City Council – City of San Juan Bautista		

SCHOOL DISTRICT OFFICES		
DISTRICT	WORD LIMIT	COST OF STATEMENT
Aromas-San Juan School District	200	\$350
Bitterwater-Tully School District		
Cienega School District		
Coalinga-Huron School District – TA#2		
Hollister School District		
Jefferson School		

**SCHOOL DISTRICT OFFICES (CONTINUED...)**

North County Jt. Union School District	200	\$350
Panoche School District		
Southside School District		
Tres Pinos School District		
Willow Grove School District		
San Benito Joint Union High School District		
Gavilan Comm. College District TA #3	200	\$450
Cabrillo Comm. College District – TA #7	200	\$350

**WATER DISTRICT OFFICES**

Aromas Water District	200	\$350
Pacheco Pass Water District		
Pajaro Valley Water Mgmt. District (Div. D)		
San Benito County Water District District 2 District 3 District 5		
Sunnyslope Water District		
Tres Pinos Water District		

**FIRE DISTRICT OFFICES**

Aromas Tri-County Fire District	200	\$350
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**HOSPITAL DISTRICT OFFICES**

San Benito Health Care District	200	\$450
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# HOW TO COUNT WORDS

(Pursuant to Elections Code Chapter 1, 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 August 10, 2012 and the 10-calendar day deadline would be August 20, 2012. The extension period filing deadline is August 15, 2012 and the 10-calendar day deadline would be August 25, 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.



# ***LEGAL EXAMINATION OF CANDIDATE STATEMENTS AND WRITS OF MANDATE (CONT...)***

## **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).

# 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
<b>Aggregate From ALL Sources</b>	<b>Legislature/CalPERS/CalSTRS</b> \$53,900	<b>Statewide Except Governor</b> \$107,900	<b>Governor</b> \$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>	Candidates for Local Office	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: <ol style="list-style-type: none"> <li>1. the Secretary of State,</li> <li>2. the local filing officer with whom the candidate is required to file originals of his/her campaign statements, and</li> <li>3. each candidate seeking the same office.</li> </ol> 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 \$1,000 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>	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.

## 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 NOVEMBER 6, 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
July 31, 2012	Semi-Annual (460)	<sup>1/</sup> - 6/30/12	<ul style="list-style-type: none"> <li>❖ Personal Delivery</li> <li>❖ First Class Mail</li> </ul>
August 10, 2012	Statement of Economic Interest (700)	Previous 12 Months	<ul style="list-style-type: none"> <li>❖ Filed with Declaration of Candidacy</li> </ul>
October 5, 2012	1 <sup>st</sup> Pre-Election (460)	7/1/12 – 9/30/12	<ul style="list-style-type: none"> <li>❖ Personal Delivery</li> <li>❖ First Class Mail</li> </ul>
October 25, 2012	2 <sup>nd</sup> Pre-Election (460)	10/1/12 – 10/20/12	<ul style="list-style-type: none"> <li>❖ Personal Delivery</li> <li>❖ Guaranteed Overnight Service</li> </ul>
Within 24 Hours 16 days report	Late Contributions <sup>2/</sup> and Independent Expenditures of \$1000 or More <sup>3/</sup> (450, 460 or 465)	10/21/12 – 11/5/12	<ul style="list-style-type: none"> <li>❖ Personal Delivery</li> <li>❖ Guaranteed Overnight Service</li> <li>❖ Fax</li> </ul>
January 31, 2012	Semi-Annual (460)	<sup>1/</sup> - 12/31/12	<ul style="list-style-type: none"> <li>❖ Personal Delivery</li> <li>❖ First Class Mail</li> </ul>

# CAMPAIGN FILING SCHEDULE FOR NOVEMBER 6, 2012 (CONT...)

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

### 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 (07/12), 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.

# FAIR POLITICAL PRACTICES COMMISSION

## 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).
- ❖ A monetary contribution is received on the date that the candidate or committee, or an agent of the candidate or committee, obtains possession or control of the cash, check or other form of contribution, not the date it is deposited in the bank account. Contributions received by electronic methods such as a wire transfer, credit card or debit account transactions are also received on the date the candidate or committee obtains possession or control of the funds.

# 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.

# CAMPAIGN DISCLOSURE REQUIREMENTS

## OFTEN OVERLOOKED (CONT...)

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- ❖ 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 1 and 2.
- ❖ 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

◆  
**(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."

SAMPLE



# 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

## 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.

## POLLING PLACE INFORMATION

### 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.

# 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 at a cost of 10 cents per page.

#### **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 50 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>Consolidated Presidential General Election – November 6, 2012</b>	
July 16, 2012	Vote by Mail application form is available for reproduction and distribution.
October 1, 2012	First day for campaigns to purchase election specific Vote by Mail information.
October 8, 2012	First day Vote by Mail ballots can be issued.
October 30, 2012	<b>DEADLINE FOR THE ELECTION'S 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>October 9* – November 5</b> Mon. – Fri., 8 a.m. – 5 p.m. <b>November 3 &amp; 4</b> Sat. & Sun. 9 a.m. 3 p.m. <b>November 6</b> <b>Tuesday Election Day, 7 a.m. – 8 p.m.</b>	Dates and times for voting at the: Department of Elections 440 5 <sup>th</sup> Street, Room 206 Hollister, California
<b>June 5, 2012</b> Tuesday - 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.

# 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, November 8. It typically takes three to four weeks to complete the canvass. Please call to verify when the final count will occur.

## FREQUENTLY ASKED QUESTIONS

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

The candidate filing period is July 16, 2012 – August 10, 2012. Nomination documents may be picked up at the Department of Elections (Registrar of Voters) Office. Nomination documents **may only be filed at** the Department of Elections; unless it is a City Office then the filing is at the Office of the City Clerk.

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

The candidate nomination extension period is August 13\*, 2012 – August 15, only if the incumbent fails to file by the August 10<sup>th</sup> regular nomination period deadline. No, an incumbent **cannot** file during an extension period as it is extended only for candidates other than the incumbent to pick up or file their nomination documents.

### **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, unless a court order (writ of mandate) is 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.

### **As a Candidate/Campaign member can I gather voted Vote-by-Mail ballots and return them to the Department of Elections?**

No! Voted Vote-by-Mail ballots can only be returned by the voter. Election Code section 3017 specifically states that and Election Official cannot count a vote by mail ballot unless it is returned in the manner required by law. If you have specific questions or concerns about a Vote-by-Mail campaign please visit our office or contact us for additional information.

## FREQUENTLY ASKED QUESTIONS (CONT...)

### **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.

## FREQUENTLY ASKED QUESTIONS (CONT...)

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### **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 August 10, 2012, but if an incumbent does not file, the nomination period is extended until August 15, 2012. A list of local candidates will be prepared in the following days, and should be available for distribution by noon on August 20, 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 Department of Election's Office 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.