



# CANDIDATE'S GUIDE

PRESIDENTIAL GENERAL ELECTION  
NOVEMBER 8, 2016



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NOVEMBER 8, 2016  
**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>Jul 4* – Jul 18 (E-127 to E-113)</p>	<p><b>Cities Publish Election Notice</b>  Between these dates, any city that is consolidating an election with the November General will publish a Notice of Election one time in a newspaper of general circulation stating:</p> <ul style="list-style-type: none"> <li>• The date and polling hours of the election</li> <li>• Any offices to be filled and any measure to be voted on, including a synopsis of each measure.</li> </ul> <p>§12101, 12111</p>
<p>July 6 (E-125)</p>	<p><b>Special Districts &amp; Cities Deliver Notice of Election to County Clerk</b>  Last day for district secretaries and City Clerks to deliver Notice of Election listing the elective offices to be filled and any measure (if known at the time) to be voted on and to deliver a map of the District or City to the Elections Department. Cities and special districts should include the notice how a tie vote will be resolved.</p> <p>§10509, 10522, 10524, 15651</p>
<p>July 8 (E-123)</p>	<p><b>Schools to Deliver Specifications of the Election Order</b>  Last day for a school board to deliver a resolution known as the “Specifications of the Election Order” and file it with the county superintendent of Schools and county elections official, stating the date and purpose of the election.</p> <p>Ed. Code §5322  A clause to determine a tie vote is included in the “Specifications of the Elections Order”.  Ed. Code §5016</p>
<p>July 11 – Aug 10 (E-120 to E-90)</p>	<p><b>Notice of Election</b>  Between these dates the County Clerk, as a matter of policy, will publish a Notice of Election containing the date of the election, the offices to be filled, where nomination papers are available, and the deadline for filing Declarations of Candidacy.</p> <p>Notice of central counting place may be combined with this notice.  §12109</p>
<p>July 18 – Aug. 12 (E-113 to E-88)</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.</p> <p>§10510, 13307, 13311</p>
<p>Jul 18 – Aug. 12 (E-113 to E-88)</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 11th if the contest closes on the 8th or August 14th if the contest closes on the 13th after the extension period.</p> <p>§13307</p>
<p>Jul 18 – Aug. 12 (E-113 to E-88)</p>	<p><b>Semiannual Campaign Statement</b>  Last day to file semiannual campaign statements, if required, by all candidates and committees.</p> <ul style="list-style-type: none"> <li>• All committees must file Form 460</li> <li>• The July 31 deadline falls on a Sunday, so the deadline is extended to the</li> </ul>

	<p>next business day. Gov. Code §84200, 84218</p>
Aug 1 (E-99)	<p><b>Change of Candidate's Ballot Designation</b> Last day for candidates to request in writing to both 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>
Aug 2 (E-98)	<p><b>Supplemental Independent Expenditure Reports</b> Candidates or committees making independent expenditures of \$500 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. Gov. Code §84203.5</p>
Aug 4 (E-96)	<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. §3005</p>
Aug. 12 (E-88)	<p><b>Randomized Alphabet Drawing</b> Secretary of State and the county Elections Department shall conduct the randomized alphabet drawing to determine the order in which the candidates will appear on the general election ballot. On this same day, the County Clerk shall conduct a randomized alphabet drawing for the office of State Senate and Assembly. §13112</p>
Aug. 18, 11 a.m. (E-82)	<p><b>Ballot Arguments – Last Day</b> Last day for submission of arguments for or against a local measure consolidated with the General Election to the election office. Arguments are limited to 300 words, must be signed and have a verification statement.</p>
Aug. 19, 5 p.m. (E-81)	<p><b>Provision if no one or only candidate files; appointment to office.</b> If by the close of the Candidate Filing period, no one or only one person has been nominated for any office that is elected on a citywide basis or to be elected from or by a legislative district, or in the case of any office or offices to be elected at large, the number of persons who have been nominated for those offices does not exceed the number of people to be filled at that election, the city elections official shall submit a certificate of these facts to the governing board of the city so that it may adopt one of the following courses of action:  <ol style="list-style-type: none"> <li>(1) Appoint to the office the person who has been nominated.</li> <li>(2) Appoint to the office an eligible elector if no one has been nominated.</li> <li>(3) Hold the election, if either no one or only one person has been nominated.</li> </ol> The city elections official shall publish a notice of the facts described in this section and the courses of action available under this subdivision. §10229</p>
Aug. 25 (E-75)	<p><b>Rebuttal Arguments – Last Day</b> If arguments for and against a local measure are filed by August 17, 2016, the authors have until this date to file rebuttals to the arguments. Rebuttals are limited to 250 words, must be signed and have a verification statement. (E. C. §9167, 9600)</p>
Aug. 29 (E-71)	<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, 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. §8148</p>

Sep 1 (E-68)	<b>County Holiday – Office Closed</b> (Labor Day)
Sept. 5* (E-64)	<b>Military or Overseas Voters - Vote-by-Mail Ballot Applications</b> The first day county election officials may process applications for special vote-by-mail ballots. This will happen if there are military or other contingencies that preclude normal mail delivery. §300(b), 3103 2187d (2)
Sept. 9 (E-60)	<b>Statement of Write-in Candidacy and Nomination Papers</b> During this period write-in candidates must file their Statement of Write-in Candidacy and Nomination Papers with the county elections official. §8601
Sept. 12 – Oct. 25 (E-57 to E-14)	<b>60 Day Report of Registration and electronic voter registration file</b> Last day for the county to forward to the Secretary of State voter registration figures, and a copy of the voter registration file to facilitate the mailing of state ballot pamphlets containing state propositions. §2187d(2)
Sept. 19 (E-50)	<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. 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). §9094,13303, 13304
Sept. 29 – Oct. 18 (E-40 to E-21)	<b>First Pre-Election Statement</b> Last day to file campaign statements for candidates and committees covering the period 7/1/2016 to 9/24/2016. (E-40). Gov. Code §84200.5, 84200.7b
Sept. 29 (E-40)	<b>Supplemental Independent Expenditure Reports</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. Gov. Code §84203.5, 82031
Oct. 9* (E-30)	<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. §12286, 12318
Oct. 10 (E-29)	<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. §3001, 3003
Oct. 10 - Nov 1 (E-29 to E-7)	<b>29-Day Walking Lists Prepared</b> The County Elections Official will prepare the 29-day voter index available for purchase upon written application at a cost of \$18 plus 50 cents per 1,000 names. §2184
Oct. 10 (E-29)	<b>Late Contribution/Independent Expenditure Report</b> During this time late contribution/independent expenditure reports must be filed by FAX, telegram, mailgram, guaranteed overnight mail or deliver in person. Gov. Code §84203, 84204
Oct. 23* – Nov. 7 (E-16 to E-1)	<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

	<p>within 24 hours by telegram or personal delivery. Gov. Code §84101, 84108</p>
<p>Oct. 23* – Nov. 7 (E-16 to E-1)</p>	<p><b>15-day Close of 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: 1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official. 2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) prior to the election. 3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (2) and (3) on or before the 15<sup>th</sup> day prior to the election. §2107</p>
<p>October 24 (E-15)</p>	<p><b>New Citizens Registration Period</b> Registration for new citizens shall begin the 14th day prior to an election and end on the seventh day prior to 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. §331, 3500, 3501</p>
<p>Oct. 25 – Nov 1 (E-14 to E-7)</p>	<p><b>Second Pre-Election Statement</b> The last day to file campaign statements for candidates and committees covering the period from 9/25/2016 to 10/22/ 2016.  <ul style="list-style-type: none"> <li>• All Committees must file this report.</li> <li>• Paper copies must be filed by personal delivery or guaranteed overnight service only.</li> </ul> Gov. Code §84200.5, 84200.7</p>
<p>Oct. 27 (E-12)</p>	<p><b>Supplemental Independent Expenditure Reports</b> Candidates or committees making independent expenditures of \$500 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. Gov. Code §84203.5, 82031</p>
<p>Oct. 27 (E-12)</p>	<p><b>Notice of Central Counting Place</b> Last day for county elections official to publish the notice that the general election ballots will be counted at a specified public place. The notice shall be published one time in a newspaper of general circulation in the county. §12109</p>
<p>Oct. 29* (E-10)</p>	<p><b>Publish Polling Places and Precinct Board Members</b> Not less than one week before the election, the elections official shall publish the list of polling places and precinct board members. §12105-12108, Gov. Code §6061</p>
<p>No later than Nov 1 (E-7)</p>	<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. §3021</p>
<p>Nov 2 – Nov. 8 (E-6 to E)</p>	<p><b>Quarterly Statements by Ballot Measure Committees</b> All committees primarily formed to support or oppose the qualification, passage or</p>

	<p>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>Gov. Code §84202.3</p>
Nov. 4 (E-4)	<p><b>General Election Day</b> Polls open at 7 a.m. and close at 8 p.m. §1000, 14212</p>
Nov. 8 (E)	<p><b>Unopposed Judge: Superior Court</b> On this date, the County Clerk declares elected any incumbent superior or municipal 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. §8203</p>
Nov. 8 (E)	<p><b>Official Canvass</b> The official canvass of precinct returns is to be completed during this time. §15301, 15372</p>
Nov. 10 – Dec. 6 (E+2 to E+28)	<p><b>County Holiday – Office Closed</b> (Thanksgiving)</p>
Nov. 24 – 25 (E+16 to +17)	<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. The Board of Supervisors shall declare the winners for each office and the results of each measure under its jurisdiction. The county elections official shall make and deliver to each person elected a certificate of election. §15372, 15400-15401</p>
Dec. 6 (E+28)	<p><b>Semi-Annual Campaign Statement</b> Last day to file semiannual campaign statements, if required, by all candidates and committees. 10/23/2016 to 12/31/2016</p> <ul style="list-style-type: none"> <li>All committees must file unless the committee filed termination Forms 410 and 460 before December 31, 2016.</li> </ul> <p>Gov. Code §84200, 84218</p>
Jan. 31, 2017 (E+84)	<p><b>Supplemental Independent Expenditure Reports</b> Candidates or committees making independent expenditures of \$500 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. Gov. Code §84203.5, 82031</p>
Jan. 31, 2017 (E+84)	

## Residence and Domicile

In order to qualify for most offices, a candidate must be a registered voter of the district or division thereof. The following code sections will assist in determining residence.

### Elections Code §349. Residence and Domicile

“Residence” for voting purposes means a person’s domicile. The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile. The residence of a person is that place in which the person’s habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining. At a given time, a person may have more than one residence.

Added by Stats. 1994)

### Elections Code §2020. Term of domicile

The term of domicile is computed by including the day on which the person's domicile commenced and by excluding the day of the election. (Added by Stats. 1994)

### Elections Code §2021. Person away for temporary purposes

A person who leaves his or her home to go into another state or precinct in this state for temporary purposes merely, with the intention of returning, does not lose his or her domicile. A person does not gain a domicile in any precinct into which he or she comes for temporary purposes merely, without the intention of making that precinct his or her home. (Added by Stats. 1994)

### Elections Code §2022. Move to another state

If a person moves to another state with the intention of making it his or her domicile, the voter loses his or her domicile in this state. (Added by Stats. 1994)

### Elections Code §2023. Move to another state

If a person moves to another state as a place of permanent residence, with the intention of remaining there for an indefinite time, he or she loses his or her domicile in this state, notwithstanding that he or she intends to return at some future time. (Added by Stats. 1994)

### Elections Code §2024. Intention and fact or removal

The mere intention to acquire a new domicile, without the fact of removal avails nothing; neither does the fact of removal without the intention. (Added by Stats. 1994)

### Elections Code §2025. Employment in the service of the United States; Navigation; Institution

A person does not gain or lose a domicile solely by reason of his or her presence or absence from a place while employed in the service of the United States or of this state, nor while engaged in navigation, nor while a student of any institution of learning, nor while kept in an almshouse, asylum or prison. This section shall not be construed to prevent a student at an institution of learning from qualifying as an elector in the locality where he or she domiciles while attending that institution, when in fact the student has abandoned his or her former domicile. (Added by Stats. 1994)

### Elections Code §2026. Domicile of Legislative Member or Congressional Representative

The domicile of a Member of the Legislature or a Representative in the Congress of the United States shall be conclusively presumed to be at the residence address indicated on that person's currently filed affidavit of registration. (Added by Stats. 1994)

### Elections Code §2027. Domicile of family; residence in trailer

The place where a person's family is domiciled is his or her domicile unless it is a place for temporary establishment for his or her family or for transient objects. Residence in a trailer or vehicle or at any public camp or camping ground may constitute a domicile for voting purposes if the registrant complies with the other requirements of this article. (Added by Stats. 1994)

### Residence and Domicile (Cont'd)

### Elections Code §2028. Place of family and business

If a person has a family fixed in one place, and he or she does business in another, the former is his or her place of domicile, but any person having a family, who has taken up an abode with the intention of remaining and whose family does not so reside with him or her, is a domiciliary where he or she has so taken up the abode. (Added by Stats. 1994)

### Elections Code §2029. Domicile of spouse

The domicile of one spouse shall not be presumed to be that of the other, but shall be determined independently in accordance with this article. (Added by Stats. 1994)

Elections Code §2030. Marriage to a person employed in the service of the United States

A domiciliary of this state who marries a person employed temporarily in this state in the service of the United States government, may elect to retain his or her domicile for the purpose of qualifying as an elector only, except that his or her domicile in this state shall terminate if the domiciliary qualifies as an elector in any other state or any territory. (Added by Stats. 1994)

Elections Code §2031. Homeowner's property tax exemption; renter's tax credit; driver's license

If a person has more than one residence and that person maintains a homeowner's property tax exemption on the dwelling of one of the residences pursuant to Section 218 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the homeowner's property tax exemption is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card or vehicle registration issued to that person by, and on file with, the Department of Motor Vehicles.

If a person has more than one residence and that person claims a renter's tax credit for one of the residences pursuant to Section 17053.5 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the renter's tax credit is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card, or vehicle registration issued to that person by, and on file with, the Department of Motor Vehicles. This section shall not be applicable to state or federal elected officials. (Added by Stats. 1994)

Elections Code §2032. More than one residence

Except as provided in this article, if a person has more than one residence and that person has not physically resided at any one of the residences within the immediate preceding year, there shall be a rebuttable presumption that those residences in which he or she has not so resided within the immediate preceding year are merely residences as defined in subdivision (c) of Section 349 and not his or her domicile. (Added by Stats. 1994)

Elections Code §2033. Change of house number

Whenever the house number or the mailing address of a voter has been changed and the voter's domicile is the same, the public agency authorizing the change shall notify the county elections official in writing of the change and the county elections official shall make the change on the voter's affidavit of registration and a new affidavit shall not be required. (Added by Stats. 1994)

Elections Code §2034. Domicile in more than one precinct

A person domiciled in a house or apartment lying in more than one precinct shall be registered as domiciled in the precinct designated by the county elections official on the basis of the street address or other precinct the county elections official considers appropriate unless the person requests, either by letter or in person at the office of the county elections official, that he or she wishes to be domiciled for registration purposes in another precinct in which his or her house or apartment lies. In order to fulfill the requirements of this section, the letter of request shall include the name, signature, and residence address of the requester. (Added by Stats. 1994)

Elections Code §2035. Voter residence change 14 days prior to an election

A person duly registered as a voter in any precinct in California who removes therefrom within 14 days prior to an election shall, for the purpose of that election, be entitled to vote in the precinct from which the person so removed until the close of the polls on the date of that election. (Amended by Stats. 2000)

#### COURT CASES

Voter Registration and Establishment of Domicile. *Walters v. Weed* (1988)

AKA "UCSC Student Voting Case." 45 Cal.3d.1

In this California Supreme Court decision, the court held that voters who have moved, but have not established a new domicile, may vote in the precinct of their former domicile even though they have no intention of returning to live there.

Homeless Person's Right to Register to Vote. *Collier v. Menzel* (1985). AKA "Fig Tree Case."

Cal. App.3d 24

In this Court of Appeal decision, the court held that a homeless person may register at a location deemed by the voter to be a dwelling place or place of habitation for that voter. A mailing address needs to be provided in order for the voter to receive election materials.

## **INCOMPATIBILITY OF OFFICES**

The Political Reform Act does not prohibit any office holder from holding multiple public offices or seeking more than one elective office. For example, a deputy district attorney can hold the office of city council member, or a water board director may also be elected to a park and recreation district. There are, however, instances of holding more than one office that are considered incompatible.

There is no single statute that defines “incompatibility of offices”. The common law doctrine of incompatibility of offices, however, prevents an elected official from holding two offices simultaneously if the offices have overlapping and conflicting public duties. The courts have defined this concept as follows: “One individual may not simultaneously hold two public offices where the functions of the offices concerned are inherently inconsistent, as where there are conflicting interests, or where the nature of the duties of the two offices is such as to render it improper due to considerations of public policy for one person to retain both.” The State of California Attorney General’s Office has issued many opinions of particular compatibility questions. Here are six examples of incompatible offices:

1. The offices of city councilman and school district board member where the city and the school district have territory in common;
2. Fire chief of a county fire protection district and member of the board of supervisors of the same county;
3. High school district trustee and trustee of an elementary school district which is wholly within the geographic boundaries of the high school district;
4. Water district director and a city council member,
5. Water district director and a school district trustee having territory in common; and
6. Deputy Sheriff and County Supervisor.

If you have a question about whether two public offices which you hold or seek to hold would be considered incompatible, contact the Attorney General’s office at (916) 324-5437 or visit their website, [www.caag.state.ca.us](http://www.caag.state.ca.us). For further information about conflict of interest or incompatibility of offices, contact the Fair Political Practices Commission’s website at [www.fppc.ca.gov](http://www.fppc.ca.gov), or phone toll free 1-866-275-3772.

## **NAME & BALLOT DESIGNATION**

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 2016) 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.

5) 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:

- a) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.
  - b) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.
  - c) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.
- The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

#### Titles or Degrees Prohibited

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

#### Unacceptable Designations

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

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

#### Rejected Ballot Designations

If, upon checking the Declaration of Candidacy, the election official finds the designation to be in violation of any of the restrictions set forth in §13107, the elections official shall notify the candidate by registered or

certified mail return receipt requested, addressed to the mailing address appearing on the candidate's nomination documents.

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

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

#### Ballot Designation May Not be Changed After Filing

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

#### Ballot Designation in Both Primary and General Elections

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

### **Format of Ballot Designation**

In all cases, ballot designations shall be printed in 8-point uppercase and lowercase type. If the designation selected is so long that it would conflict with the space requirements of Elections Code §13207 and 13211, the election official shall use a type size for the designation for each candidate for office sufficiently smaller to meet these requirements.

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

#### No Ballot Designation

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

## **SECRETARY OF STATE 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 Kings 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 may submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.

(b) All Ballot Designation Worksheets filed with the Office of the Secretary of State or the county elections officials pursuant to this section shall be public records and shall be available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, Fifth Floor, 1500 11th Street, Sacramento, California 95814, or at the office of the applicable county elections official.

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

(1) The candidate's name, home, business and mailing addresses, telephone numbers, email 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) At the option of the candidate, 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 should 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 should 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 should 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.

Note: Authority: Section 12172.5, Government Code

Reference: Section 13107, 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, 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," 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, be considered under the provisions of §13107(a)(3).

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

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

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

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

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

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

Note: Authority: Section 12172.5, Government Code

Reference: Section 13107, Elections Code

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

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

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

(1) "Profession" means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. 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

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

(b) 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 included in this Chapter.

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

(e) A candidate may engage in multiple principal professions, vocations or occupations. Accordingly, the candidate may designate multiple principal professions, vocations or occupations. If a candidate proposes a ballot designation

including multiple principal professions, vocations or occupations, the proposed ballot designation must comply with the following provisions:

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

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

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

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

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

(2) Punctuation shall be limited to the use of a comma (e.g., District Attorney, Los Angeles County) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (e) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language.

(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.

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

Note: Authority: Section 12172.5, Government Code

Reference: Section 13107, 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, or is otherwise inappropriate pursuant to, 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, 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. Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, volunteer

firefighter, 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, 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 that 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, trade name, 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 that 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, "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 that abbreviates the word "retired" or places it following any word or words that 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) 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. 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":

(1) 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;

(2) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;

(3) The candidate has reached at least the age of 55 years;

(4) The candidate voluntarily left his or her last professional, vocational or occupational position;

(5) If the candidate is requesting a ballot designation indicating 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;

(6) The candidate has not had another more recent, intervening principal profession, vocation or occupation; and,

(7) The candidate's retirement benefits are providing him or her with a principal source of income.

(i) Pursuant to Elections Code §13107, subdivision (b)(5), the Secretary of State shall reject as unacceptable any proposed ballot designation that 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 that 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)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation that 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 §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 summary, final decision on the candidate’s proposed ballot designation.

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

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

Note: Authority: Section 12172.5, Government Code

Reference: Section 13107, Elections Code

§20718. Communication of Decisions Regarding Ballot Designations.

(a) An official copy of the decision of the Secretary of State regarding a candidate’s ballot designation 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 an unofficial copy of the decision of the Secretary of State regarding the candidate’s proposed ballot designation by facsimile transmission sent to the facsimile number listed on the candidate’s Ballot Designation Worksheet. When the candidate does not have reasonable access to a facsimile machine, the Secretary of State will transmit to the candidate, at the candidate’s request, an unofficial copy of the decision by means of overnight express delivery to the address listed on the candidate’s Ballot Designation Worksheet provided. If the candidate has not submitted a Ballot Designation Worksheet, the Secretary of State will transmit an official copy to the facsimile number provided by the candidate or, if the candidate does not have reasonable access to a facsimile machine, by overnight express mail to the address provided by the candidate.

(c) All written decisions 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, Legal Affairs Unit, Executive Office of the Secretary, 1500 11th Street, Sixth Floor, Sacramento, California 95814. The Chief Counsel may designate a Deputy Secretary of State in the Legal Affairs Unit 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.

Note: Authority: Section 12172.5, Government Code

Reference: Section 13107, Elections Code

## **WRITE-IN CANDIDACY**

November General Election: Sept. 8 – Oct. 21

### **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.

B "Nomination Paper" with the requisite number of sponsor signatures required for the office sought. Signers of nomination papers for write-in candidates shall be voters in the district or political subdivision in which the candidate is to be voted on. In addition, if the candidate is seeking a party nomination for an office, the signers shall also be affiliated with the party whose nomination is sought. No filing fee or charge shall be required of a write-in candidate. (Elections Code §8600-8605)

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)

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

## **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 following offices will be omitted from the ballot if the number of persons qualifying for the ballot does not exceed the number of places to be filled: Superior Court Judges (if only the incumbent files) and County Central Committees. There is provision in the law, however, to require that the offices be placed on the ballot by means of a petition procedure. (Elections Code §7228, 7423, 7673, 8203; Ed. Code §5326)

## **Additional Requirements for Partisan Offices**

A write-in candidate who wins a party Primary will have his/her name placed on the ballot at the November General Election only if the number of write-in votes received equals or exceeds 1 percent of all votes cast for the office at the last preceding General Election at which the office was filled. There are also minimum vote requirements for the election of write-in candidates to County

## **CANDIDATE STATEMENT OF QUALIFICATIONS**

In addition to the restrictions set forth in Section 13307, any candidate's statement submitted pursuant to Section 13307 by a candidate for judicial office 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 judicial 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)

### **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.
- All candidates eligible to file a statement must file a "Candidate's Statement Agreement" indicating if a statement will be filed or not.
- 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 Kings 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)

### **WHERE AND WHEN TO FILE**

**PERIOD FOR FILING:** July 18 – August 12 by 5 p.m. The statement must be paid for and filed with the Declaration of Candidacy.  
§13307(a)(2)

**EXTENDED PERIOD:** If the Nomination filing period is extended, then all persons, other than the incumbent, have until August 17 by 5 p.m. in which to file their Candidate's Statement along with their Declaration of Candidacy.

**WHERE:** Kings County Elections Department, 1400 W. Lacey Blvd., Hanford, CA 93230 559-582-3211 Ext. 4401 Regular office hours – 8 a.m. to 5 p.m., Monday through Friday. Candidate's Statements cannot be filed by FAX pursuant to Secretary of State Guidelines.

**CONTENTS:** The statement contains the candidate's:

- name
- age (optional)
- occupation (optional), and
- a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate. §13307(a)(1)

**RESTRICTIONS:** The candidate's statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations.  
§13307(a) (1)

CONFIDENTIALITY: Statements remain confidential until 5 p.m. on the last day to file.  
§13311

WITHDRAWAL: Statements may not be changed but may be withdrawn no later than 5 p.m. on March 12. If there is an extended filing time, no later than 5 p.m. on March 15.  
§13307(a)(3)

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 Kings County Elections Department.  
§13307(c)

## CONTENT

- Be accurate. SPELLING, PUNCTUATION, AND GRAMMATICAL ERRORS WILL NOT BE CORRECTED BY THE ELECTIONS DEPARTMENT.
- Please TYPE your candidate statement. DO NOT USE ALL CAPS. Statements will be rejected if they are typed in all capital letters or if the statement is not readable. Candidates may type their statement on the form provided by the Elections Department or type it on their own paper.
- In addition to filing hard copy, statements should also be submitted in a readable electronic format. 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.
- Candidates for nonpartisan offices shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations. (§13307(a)(1))
- Statements for judicial offices may not make reference to other candidates for judicial office or to another candidate's qualifications, character, or activities. (§13308)
- No statement shall contain any demonstrably false, slanderous or libelous statements (§13307(d)).
- 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.
- Subheadings and deviations from the standardized heading will not be accepted.
- The "Occupation" field in the Candidate's Statement is NOT governed by the laws and regulations pertaining to the ballot designation that appears underneath the candidate's name on the ballot. Therefore, it may be different from the candidate's ballot designation. However, if its length extends beyond one line, words appearing on the second line will be counted toward the 200-word maximum.

## SIZE

- Candidates for Superior Court Judge, County Offices and County Supervisor are limited to 200 words.
- Candidates for State Senate and State Assembly are limited to 250 words.

## FORMAT

- All text will be formatted flush left – no indents will be allowed.
- Statements are printed in the Voter's Information Pamphlet in type of uniform size, darkness and spacing.
- 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.
- Limited use of italics is permitted.

## COST OF PRINTING CANDIDATE'S STATEMENTS

### PAYMENT

The statement may be paid for by check made payable to the Kings County Elections or cash if the candidate is using personal funds and will not be reimbursed through the committee. The fee shall be paid at the time candidates file their Declarations of Candidacy if the candidate wants to have a statement printed in the Voter's Information Pamphlet.

If the Candidate's Statement is withdrawn by 5 p.m. on August 12 (or by August 17 if there is an extension) the fee will be refunded in full.

## 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 contact each county (in which he or she wishes to have a statement printed) within the district to obtain the appropriate information from each county. Failure to do so may jeopardize the printing of the candidate's statement.

County Offices – When a county, school or special district overlaps into another county, the candidate's statement shall be printed in each and every county in which the district lies. The candidate must write a separate check made payable to the appropriate county in the amount provided to cover the cost of printing, handling and mailing the statement within the respective counties. The check and candidate's statement will be forwarded by the Kings County Elections Department staff to our neighboring county for printing in its Voter's Information Pamphlet.

State Legislative Offices – 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, not later than 5:00 p.m. on the 88th day prior to the election, or in the event that the nomination period has been extended, until 5:00 p.m. on the 83rd 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 received by mail prior to the deadline will be filed provided that they meet the statutory requirements and county policies regarding candidates' statements. Statements may not be changed after filing.

### COST

State Legislature	\$800.00
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The difference between the estimated costs and the actual costs will either be refunded or billed to the candidate following the election.

## PUBLIC EXAMINATION

Candidates' statements are available for public examination in the county election official's office 10 days prior to submission for printing. During this period any voter of the jurisdiction in which the election is to be held, or the county election official, may seek a writ of mandate or an injunction requiring any or all of the material in the statement to be amended or deleted. Venue for such a proceeding shall be the county in which the statement is filed. If the statement is filed in more than one county, the writ or injunction must be sought in each county in which amendments or deletions to the statement are sought. (§13313)

## CAMPAIGN PRACTICES USE OF PUBLIC RESOURCES

(Gov. Code §8314 (a))

It is unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes which are not authorized by law.

(b) For purposes of this section:

(1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business. "Personal purpose" does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes, including a occasional telephone call.

(2) "Campaign activity" means an activity constituting a contribution as defined in Section 82016 or an expenditure as defined in Section 82025. "Campaign activity" does not include the incidental and minimal

use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.

(3) "Public resources" means any property or asset owned by the state or any local agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and state-compensated time.

(4) "Use" means a use of public resources which is substantial enough to result in a gain or advantage to the user or a loss to the state or any local agency for which a monetary value may be estimated.

(c) (1) Any person who intentionally or negligently violates this section is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of public resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.

(2) If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasurer of that city.

(3) No civil action alleging a violation of this section may be commenced more than four years after the date the alleged violation occurred.

(d) Nothing in this section shall prohibit the use of public resources for providing information to the public about the possible effects of any bond issue or other ballot measure on state activities, operations, or policies, provided that (1) the informational activities are otherwise authorized by the constitution or laws of this state, and (2) the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(e) The incidental and minimal use of public resources by an elected state or local officer, including any state or local appointee, employee, or consultant, pursuant to this section shall not be subject to prosecution under Section 424 of the Penal Code.

## **MASS MAILING**

Mass mailing; requirements (Gov. Code §84305)

Each candidate filing a Declaration of Candidacy is to be apprised of Government Code §84305, which is produced here for your information:

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 which shall be in a color or print which contrasts with the background as to be easily legible. 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 definition (Gov. Code §82041.5)

"Mass Mailing" means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail that is sent in response to an unsolicited request, letter or other inquiry.

Mass mailing by incumbents (Gov. Code §89001)

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

## **SLATE MAILERS**

Slate mailer definition (Gov. Code §82048.3)

"Slate Mailer" means a mass mailing that supports or opposes a total of four or more candidates or ballot measures.

Slate mailer organization (Gov. Code §82048.4)

a) "Slate mailer organization" means, except as provided in subdivision (b), any person who, directly or indirectly, does all of the following:

- 1) Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in slate mailers.
- 2) Receives or is promised payments totaling \$500 or more in a calendar year for the production of one or more slate mailers.

b) Notwithstanding subdivision (a), a slate mailer organization shall not include any of the following:

- 1) A candidate or officeholder or a candidate's or officeholder's controlled committee.
  - 2) An official committee of any political party.
  - 3) A legislative caucus committee.
  - 4) A committee primarily formed to support or oppose a candidate, officeholder, or ballot measure.
- c) The production and distribution of slate mailers by a slate mailer organization shall not be considered making contributions or expenditures for purposes of subdivision (b) or (c) of §82013. If a slate mailer organization makes contributions or expenditures other than by producing or distributing slate mailers, and it reports those contributions and expenditures pursuant to §84218 and 84219, no additional campaign reports shall be required of the slate mailer organization pursuant to §84200 or 84200.5.

Slate mailer requirements (Gov. Code §84305.5)

a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on at least one of the inserts included with each piece of slate mail in no less than 8-point Roman type which shall be in color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures is a matter of public record with the Secretary of State's Political Reform Division.

2) At the top or bottom of the front side or surface of at least one insert or at the top or bottom of one side or surface of a postcard or other self-mailer, there is a notice in at least 8-point Roman, boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of the following statement:

**NOTICE TO VOTERS**

This document was prepared by (insert name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth with this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an \*.

3) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of an insert.

4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by \*. Any candidate or ballot measure that has not paid to appear in the slate mail is not designated by \*. The \* required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the \* designation applies except that in no case shall the \* be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied,

immediately below the name, by the party designation of the candidate, in no less than 9-point Roman type which shall be a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of §84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the \* designation. The payment shall also be deemed to constitute authorization to appear in the mailer. A slate mailer that complies with this section shall be deemed to satisfy the requirements of §20003 and 20004 of the Elections Code. [Sections were repealed in Ch. 1189, 1994](See Manual issued by FPPC for reporting requirements for slate mailers)

## **NOMINATIONS**

Fictitious name to nomination petition (Elections Code §18200)

Every person who subscribes to any nomination petition a fictitious name, or who intentionally subscribes thereto the name of another, or who causes another to subscribe a fictitious name to a nomination petition, is guilty of a felony and is punishable by imprisonment in the state prison for 16 months or two or three years.

Defacing or destroying a nomination paper (Elections Code §18201)

Any person who falsely makes or fraudulently defaces or destroys all or any part of a nomination paper, is punishable by a fine not exceeding \$1,000 or by imprisonment in the state prison for 16 months or two or three years or by both the fine and imprisonment.

Deliberate failure to file nomination paper (Elections Code §18202)

Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and the proper place any nomination paper or declaration of candidacy in his or her possession that is entitled to be filed under the provisions of this code.

False declaration of candidacy (Elections Code §18203)

Any person who files or submits for filing a nomination paper or declaration of candidacy knowing that it or any part of it has been made falsely is punishable by a fine not exceeding \$1,000 or by imprisonment in the state prison for 16 months or two or three years or by both such fine and imprisonment.

Suppression of nomination paper (Elections Code §18204)

Any person who willfully suppresses all or any part of a nomination paper or declaration of candidacy either before or after filing is punishable by a fine not exceeding \$1,000 or by imprisonment in the state prison for 16 months or two or three years or by both the fine and imprisonment.

Paying candidates to withdraw (Elections Code §18205)

A person shall not directly or through any other person advance, pay, solicit, or receive or cause to be advanced, paid, solicited, or received any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office. Violation of this section shall be punishable by imprisonment in the state prison for 16 months or two or three years.

## **CODE OF FAIR CAMPAIGN PRACTICES**

Chapter 855, Statutes of 1982, established a Code of Fair Campaign Practices that could be voluntarily subscribed to by candidates for public office. The County Clerk is required to provide each individual who files nomination papers or other papers evidencing intentions to become a candidate for public office with a copy of the provisions of the Chapter and a form on which to subscribe to the code.

Subscription to the code is voluntary. Completed forms are to be filed with the Kings County Elections Department and shall be retained for public inspection until 30 days after the election. (Elections Code §20400 - 20444)

# PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES

As found in Chapter 5 of Division 20 of the  
California Elections Code

## Chapter 5. Fair Campaign Practices Article 1. General Intent

**20400. Intent of Legislature.** 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<sup>1</sup>

**20420. Definition of “Code.”** As used in this chapter, “Code” means the Code of Fair Campaign Practices.

## Article 3. Code of Fair Campaign Practices

**20440. Subscription to code; form.** 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.

**20441. Supply of forms.** 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. Retention of forms; public inspection.** 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. Public record.** Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

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

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<sup>1</sup> **304. Definition of “campaign advertising” or “communication.”** “Campaign advertising or communication” means a communication authorized by a candidate or a candidate’s controlled committee, as defined in Section 82016 of the Government Code, or by a committee making independent expenditures, as defined in Section 82031 of the Government Code, or by a committee formed primarily to support or oppose a ballot measure, as defined in Section 82047.5 of the Government Code, for the purpose of advocating the election or defeat of a qualified candidate or ballot measure through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general, public, political advertising.

**305. “Candidate” definition.** “Candidate for public office,” means an individual who has qualified to have his or her name listed on the ballot of any election, or who has qualified to have written votes on his or her behalf counted by election officials, for nomination for, or election to, any state, regional, county, municipal, or district office which is filled at an election. The provisions of this chapter do not apply to candidates for federal office.

# CODE OF FAIR CAMPAIGN PRACTICES

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 which merit such 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 race, sex, religion, national origin, physical health status, or age.

(4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which 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 which 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.

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE SIGNED

\_\_\_\_\_  
PRINT OFFICE SOUGHT

\_\_\_\_\_  
DATE OF ELECTION

## **MISREPRESENTATION BY CANDIDATES**

Misleading of voters; incumbency; public officer (Elections Code §18350)

Every person is guilty of a misdemeanor who, with intent to mislead the voters in connection with his or her campaign for nomination or election to a public office or in connection with the campaign or another person for nomination or election to a public office, shall do either of the following acts:

- a) Assume, pretend, or imply, by his or her statements or conduct, that he or she is the incumbent of a public office when that is not the case.
- b) Assume, pretend, or imply, by his or her statements or conduct, that he or she has been acting in the capacity of a public officer when that is not the case. Any violation of this section may be enjoined in a civil action brought by any candidate for the public office involved.

False statements in candidate statement; fine (Elections Code §18351)

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 §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 \$1,000.

Representation requirements (Elections Code §20007)

No candidate or committee in his or her behalf shall represent in connection with an election campaign either orally or in campaign material, that the candidate has the support of a committee or organization that includes as part of its name the name or any variation upon the name of a qualified political party with which the candidate is not affiliated, together with the words "county committee," "central committee," "county," or any other term that might tend to mislead the voters into believing that the candidate has the support of that party's county central committee or state central committee, when that is not the case. This section shall not be construed to prevent a candidate or committee from representing that the candidate has the support of a committee or group of voters affiliated with another political party, which committee or group is identified by the name of that party, where the name of the committee or group also includes the name of the candidate. Any member of a central committee or state central committee may commence an action in the superior court to enjoin misrepresentation by a candidate or committee in his or her behalf, in the manner prohibited by this section, to the effect that the candidate has the support of the state or county central committee involved.

## **POLITICAL ADVERTISING**

Political advertisement requirements (Elections Code §20008)

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 of lettering of the advertisement or in 10-point Roman type, whichever is larger, the words "Paid Political Advertisement." Such 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.

False or forged campaign materials (Penal Code §115.2)

No person shall publish or cause to be published, with actual knowledge, and intent to deceive, any campaign advertisement containing false or fraudulent depictions, or false or fraudulent representations, of official public documents or purported official public documents. For purposes of this section, "campaign advertisement" means any communication directed to voters by means of a mass mailing as defined in §82041.5 of the Government Code, a paid newspaper advertisement, an outdoor advertisement, or any other printed matter, if the expenditures for that communication are required to be reported by Chapter 4 (commencing with §84100) of Title 9 of the Government Code. Any violation of this section is a misdemeanor punishable by imprisonment in the county jail, or by a fine not to exceed \$50,000, or both.

# **SIMULATED BALLOTS**

## **Printing of Simulated Sample Ballots (Elections Code §18301)**

In addition to any other penalty, any person who prints or otherwise duplicates, or causes to be printed or duplicated, a simulated ballot or simulated sample ballot which does not contain the statement required by Section 20009 or which uses an official seal or insignia in violation thereof is guilty of a misdemeanor.

## **Simulated ballot requirements (Elections Code §20009)**

a) 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). Nothing in this section shall be construed to require this notice in any editorial or other statement appearing in a regularly published newspaper or magazine other than a paid political advertisement.

b) No simulated ballot or simulated sample ballot referred to in subdivision (a) shall bear any official seal or the insignia of any public entity, nor shall that seal or insignia appear upon the envelope in which it is mailed or otherwise delivered.

c) The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of this section, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

### **CAMPAIGN LITERATURE**

#### **Use of Seal in Campaign Literature (Elections Code §18304)**

(a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the county or the seal of a local government agency in any campaign literature or mass mailing, as defined in Section 82041.5 of the Government Code, with intent to deceive the voters, is guilty of a misdemeanor.

(b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

(c) For purposes of this section, the term "local government agency" means a school district, special or other district, or any other board, commission, or agency of local jurisdiction.

### **CORRUPTION OF THE VOTING PROCESS**

#### **Fraud in Connection with Vote Cast (Elections Code §18500)**

Any person who commits fraud or attempts to commit fraud, and any person who aids or abets fraud or attempts to aid or abet fraud, in connection with any vote cast, to be cast, or attempted to be cast, is guilty of a felony, punishable by imprisonment for 16 months or two or three years.

#### **Public Official who Knowingly Allows Fraud Shall Forever be Disqualified**

##### **From Holding Office (Elections Code §18501)**

Any public official who knowingly violates any of the provisions of this chapter, and thereby aids in any way the illegal casting or attempting to cast a vote, or who connives to nullify any of the provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in this state and upon conviction shall be sentenced to a state prison for 16 months or two or three years.

##### **Interference with Election Officers (Elections Code §18502)**

Any person who in any manner interferes with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted, is punishable by imprisonment in the state prison for 16 months or two or three years.

# CORRUPTION OF VOTERS

## Fine for Solicitation Requesting Voter Disclosure of His or Her Ballot (Elections Code §18403)

Any person other than an elections official or a member of the precinct board who receives a voted ballot from a voter or who examines or solicits the voter to show his or her voted ballot is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. This section shall not apply to persons returning a vote-by-mail ballot pursuant to Sections 3017 and 3021 or persons assisting a voter pursuant to Section 14282.

## Promise of Employment (Elections Code §18520)

A person shall not directly or through another person give, offer, or promise any office, place, or employment, or promise to procure or endeavor to procure any office, place, or employment to or for any voter, or to or for any other person, in order to induce that voter at any election to:

- a) Refrain from voting.
- b) Vote for any particular person.
- c) Refrain from voting for any particular person. A violation of any of the provisions of this section shall be punishable by imprisonment in the state prison for 16 months or two or three years.

## Consideration for Voting (Elections Code §18521)

A person shall not directly or through any other person receive, agree, or contract for, before, during or after an election, any money, gift, loan, or other valuable consideration, office, place, or employment for himself or any other person because he or any other person:

- a) Voted, agreed to vote, refrained from voting, or agreed to refrain from voting for any particular person or measure.
- b) Remained away from the polls.
- c) Refrained or agreed to refrain from voting.
- d) Induced any other person to:
  - 1) Remain away from the polls.
  - 2) Refrain from voting.
  - 3) Vote or refrain from voting for any particular person or measure.

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

## Consideration for Voting (Elections Code §18522)

Neither a person nor a controlled committee shall directly or through any other person or controlled committee pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter or to or for any other person to:

- a) Induce any voter to:
  - 1) Refrain from voting at any election.
  - 2) Vote or refrain from voting at an election for any particular person or measure.
  - 3) Remain away from the polls at an election.
- b) Reward any voter for having:
  - 1) Refrained from voting.
  - 2) Voted for any particular person or measure.
  - 3) Refrained from voting for any particular person or measure.
  - 4) Remained away from the polls at an election.

Any person or candidate violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

## Bribery at Election (Elections Code §18523)

A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, shall be used in bribery at any election, or knowingly pay or cause to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

#### Payment for Securing Vote (Elections Code §18524)

A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, will be used for boarding, lodging, or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of that person or to induce that person to vote for any particular person or measure. Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

## **INTIMIDATION OF VOTERS**

#### Compelling Another in Voting (Elections Code §18540)

a) Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years.

b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years.

#### Solicitation Dissuading Persons from Voting (Elections Code §18541)

a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place, do any of the following:

- 1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- 2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
- 3) Photograph, videotape, or otherwise record a voter entering or exiting a polling place.

b) Any violation of this section is punishable by imprisonment in the county jail for not more than 12 months, or in the state prison. Any person who conspires to violate this section is guilty of a felony.

c) For purposes of this section, 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

#### Pay Envelopes May Not Contain Political Material (Elections Code §18542)

Every employer, whether a corporation or natural person, or any other person who employs, is guilty of a misdemeanor if, in paying his or her employees the salary or wages due them, encloses their pay in pay envelopes upon which or in which there is written or printed the name of any candidate or any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of the employees.

#### Challenge Without Probable Cause (Elections Code §18543)

a) Every person who knowingly challenges a person's right to vote without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or who fraudulently advises any person that he or she is not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, or who violates Section 14240, is punishable by imprisonment in the county jail for not more than 12 months or in the state prison.

b) Every person who conspires to violate subdivision (a) is guilty of a felony.

Fine for Person in Possession of Firearm or Unauthorized Uniformed Personnel  
(Elections Code §18544)

a) Any person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.

b) This section shall not apply to any of the following:

- 1) An unarmed uniformed guard or security personnel who are at the polling place to cast his or her vote.
- 2) A peace officer who is conducting official business in the course of his or her public employment or who is at the polling place to cast his or her vote.
- 3) A private guard or security personnel hired or arranged for by a city or county elections official.
- 4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held.

Fine for Hiring of Person in Possession of Firearm or Uniformed Personnel  
(Elections Code §18545)

Any person who hires or arranges for any other person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. This section shall not apply to the owner or manager of the facility or property in which the polling place is located if the private guard or security personnel is not hired or arranged solely for the day on which the election is held.

Definition of Elections Official and Immediate Vicinity (Elections Code §18546)

As used in this article:

- a) "Elections official" means county election official, registrar of voters, or city clerk.
- b) "Immediate vicinity" means the area within a distance of 100 feet from the room or rooms in which the voters are signing the roster and casting ballots.

## **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 Right of Way, Outdoor Advertising, 2208 N. Hayston, Fresno, CA 93703-2623, certifying a person who will be responsible for removing the signs. Forms are available at the Kings County Elections Department, 1400 W. Lacey Blvd., Hanford, CA 93230. 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.

There have been County Counsel opinions in California that state, utility poles are the property of the private utility company and the posting of political signs on them may be prosecuted as a misdemeanor. Furthermore, the Public Utility Commission may impose a fine for such unauthorized posting.

#### 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.



**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF TRAFFIC OPERATIONS  
OUTDOOR ADVERTISING PROGRAM



**STATEMENT OF RESPONSIBILITY FOR TEMPORARY  
POLITICAL SIGNS**

Election Date: \_\_\_\_\_ June \_\_\_\_\_ November Other: \_\_\_\_\_

Candidate's Name: \_\_\_\_\_

Office sought or Proposition Number: \_\_\_\_\_

County where sign(s) will be placed: \_\_\_\_\_

Number of signs to be placed: \_\_\_\_\_

RESPONSIBLE PARTY'S:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number (Include Area Code) \_\_\_\_\_

The undersigned hereby accepts responsibility for the removal of Temporary Political Signs placed pursuant to Section 5405.3 of the Outdoor Advertising Act for the above candidate or proposition.

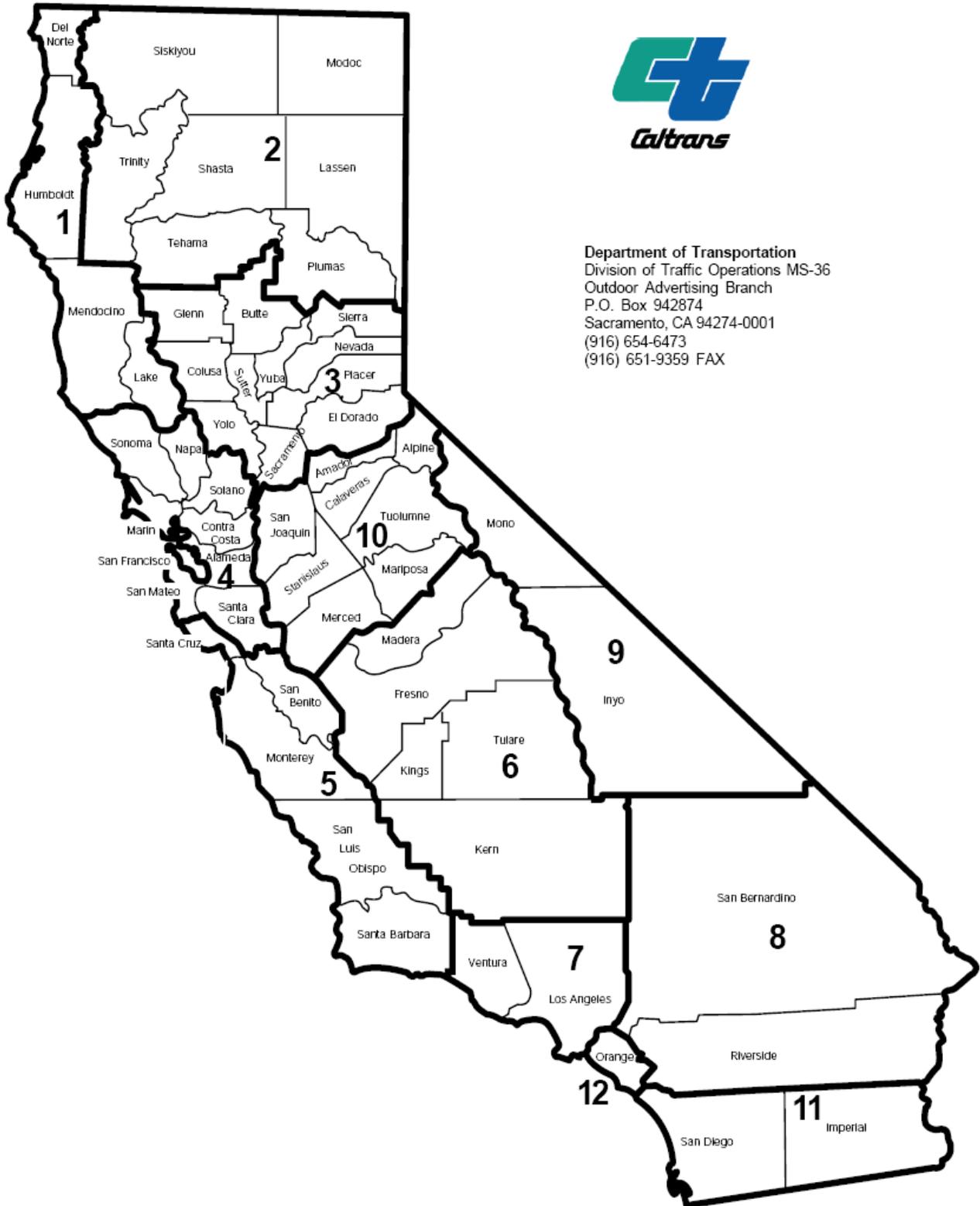
It is understood and agreed that any Temporary Political Signs placed sooner than ninety (90) days prior to the election and/or not removed within ten (10) days after the election, may be removed by the Department and the responsible party will be billed for any associated removal costs.

\_\_\_\_\_  
SIGNATURE OF RESPONSIBLE PARTY

\_\_\_\_\_  
DATE

Mail Statement of Responsibility to the Appropriate District Office according to the **COUNTY LOCATION** of the Temporary Political Sign(s) (See attached map).

**OUTDOOR ADVERTISING DISPLAY PERMIT APPLICATION**



File with: State Department of Transportation, Division of Right of Way, Outdoor Advertising, 2208 N. Hayston, Fresno, CA 93703-2623

**California**  
**Fair Political Practices Commission**  
**California Contribution Limits**  
Fast Facts

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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/CalPERS/CalSTRS	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 Committee or Political Party	\$3,200	\$5,400	\$21,600
<b>Aggregate From all Sources</b>			
	\$53,900	\$107,900	\$215,800

**Legal Defense Funds**

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

**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.)

### Ballot Measure Committees

Contributions to ballot measure committees controlled by a candidate for elective state office are not limited. However, contributions to a state candidate controlled ballot measure committee from another state candidate controlled committee are subject to a limit of \$3,600. (Section 85305.)

### 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)

### 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 \$30,200 in a calendar year if the communication is made at the behest of the candidate featured in the communication.

(Section 85310.)

### 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.)

### Contribution Limits for Local Candidates and Committees

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

## STATE CONTRIBUTION LIMITS

Candidates seeking a state office and general purpose recipient committees that make contributions to state candidates are subject to contribution limits from a single source. The charts below show the current limits of \$7,000 per calendar year (effective January 1, 2015 through December 31, 2016) for general purpose committees making contributions to state candidates. Contribution limits may increase or decrease every two years based on changes in the Consumer Price Index.

**Election Period:** Contribution limits to candidates apply per election. The primary, general, special, and special run-off elections are considered separate elections. After an election, contributions may be made to candidate committees only if the committee has net debt.

**Calendar Year:** Contribution limits to officeholder committees and committees that make contributions to state candidates apply on a calendar year basis.

### Local Contribution Limits

This chapter does not apply to local committees. City and county general purpose recipient committees must contact the local jurisdiction to determine if local contribution limits or other restrictions apply. Copies of local campaign finance ordinances are also posted on the FPPC's website.

#### Quick Tip

Because the primary and general elections are considered separate elections, committees may contribute \$7,000 (2015-2016 limit) to a candidate for each election, for a total of \$14,000.

## California Fair Political Practices Commission

### California State Contribution Limits

(Effective January 1, 2015 - December 31, 2016)

Candidates seeking a state office and committees that make contributions to state candidates are subject to contribution limits from a single source. (Sections 85301 - 85303.) Contributions from affiliated entities are aggregated for purposes of the limits. (Regulation 18215.1.) The chart below shows the current limits per contributor for state offices. The primary, general, special, and special run-off elections are considered separate elections. Contribution limits to candidates apply to each election. Contribution limits to officeholder and other committees apply on a calendar year basis. Contact your city or county about contribution limits for local offices.

#### Contribution Limits to State Candidates Per Election

Candidate or Officeholder	Contributor Sources		
	Person (individual, business entity, committee/PAC)	Small Contributor Committee (see definition on page 2)	Political Party
Senate and Assembly	\$4,200	\$8,500	No Limit
CalPERS/CalSTRS	\$4,200	\$8,500	No Limit
Lt. Governor, Secretary of State, Attorney General, Treasurer, Controller, Supt. of Public Instruction, Insurance Commissioner, and Board of Equalization	\$7,000	\$14,100	No Limit
Governor	\$28,200	\$28,200	No Limit

#### Contributions to Other State Committees Per Calendar Year

Committee	Contributor Sources
	Person (individual, business entity, committee/PAC)
Committee (Not Political Party) that Contributes to State Candidates (PAC)	\$7,000
Political Party Account for State Candidates	\$35,200
Small Contributor Committee	\$200
Committee Account NOT for State Candidates (Ballot Measure, PAC, Political Party)	No Limit*

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

#### Contributions to State Officeholder Committees Per Calendar Year

Committee	Contributor Sources	
	Any Source (Person, Small Contributor Committee or Political Party)	Aggregate From All Sources
Senate and Assembly	\$3,500	\$58,500
CalPERS/CalSTRS	\$3,500	\$58,500
Lt. Governor, Secretary of State, Attorney General, Treasurer, Controller, Supt. of Public Instruction, Insurance Commissioner, and Board of Equalization	\$5,900	\$117,100
Governor	\$23,400	\$234,200

## Notes:

- See Chapter 1 for the “small contributor committee” definition and requirements.
- “Person” includes an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.
- Contributions from affiliated entities are aggregated for purposes of the limits. See Chapter 4 for information on aggregation.
- Loans are considered contributions subject to limits, but if a loan has been repaid in full or in part, the lender may make additional contributions to the same committee up to the limit.

## A. Receiving Contributions

A general purpose committee, including a small contributor committee and a political party committee, that makes contributions to state candidates and state officeholders, has a limit on how much it may accept from a single source in a calendar year.

A general purpose committee that pays for certain communications that identify state candidates may also be subject to the contribution limits even if it does not make contributions to state candidates. (See “Communications Identifying State Candidates” below.)

### “All Purpose” and “Restricted Use” Bank Accounts

**All Purpose Account.** A committee that receives contributions for the purpose of making contributions to state candidates must establish a bank account for its state candidate contributions and designate the account as an “all purpose” account. The “all purpose” account is subject to a calendar year limit per contributor. For example, in 2015 and 2016 the maximum amount a person may contribute to an “all purpose” account is \$7,000 for the entire calendar year. Checks drawn on this account must include the words “all purpose” in the title

#### Quick Tip

Since a federal PAC may not accept contributions totaling more than \$5,000 in its separate segregated account under federal rules, it is not required to open a separate “all purpose” account under the Act. It may use its separate segregated account to make contributions to candidates for elective state office in California. “All purpose” must be included in the memo line of the check.

of the account appearing on the checks. **No amounts in excess of the applicable contribution limit may be deposited in or transferred to the “all purpose” account.**

**Restricted Use Account.** Funds in this account may include contributions received in excess of the contribution limits and may not be used for the purpose of making contributions to state candidates or to other committees for the purpose of making contributions to state candidates. These funds may be used for any other legitimate purpose, such as independent expenditures, contributions to local candidates, contributions to state and local ballot measure committees, voter registration, administrative costs, etc.

Checks drawn on the accounts must include “all purpose account” or “restricted use account” in the title of the account appearing on the checks. The funds may be used as described below:

Purpose	Bank Account
Contributions to State Candidates	All Purpose Only
Contributions to Local Candidates	All Purpose or Restricted Use
Contributions to Ballot Measures	All Purpose or Restricted Use
Independent Expenditures	All Purpose or Restricted Use
Voter Registration	All Purpose or Restricted Use
Member Communications)	All Purpose or Restricted Use
Mailers, Phone Banks, TV and Radio Ads, Emails (Contributions to Candidates)	State – All Purpose Only Local – All Purpose or Restricted Use
Employee Time for State Candidate Polling/ Canvassing	All Purpose Only
Renting Office Space	All Purpose or Restricted Use

**Quick Tip**

It is not necessary to open a separate account if the committee never receives contributions in excess of the applicable limits or if the committee does not make contributions to state candidates or other committees that are subject to state limits. However, if the committee makes contributions to state candidates, the term “all purpose account” must appear in the title of the account appearing on the check.

When making contributions, the committee must notify the recipient whether the contribution is from the “all purpose” or “restricted use” account, or from some other account (e.g., administrative account).

**Ex 5.1** – The Committee for Californians United makes contributions to state candidates and has only one bank account. It received a contribution of \$3,000 on March 5 from Starr Lu. On April 10 of the same year, Starr contributed a second contribution of \$4,000. Since her total contributions during the calendar year to the committee equal \$7,000 (2015-2016 contribution limit), Starr may not make additional contributions, including loans, to the committee until the following calendar year, unless the committee opens a separate “restricted use” bank account.

**Ex 5.2** – The California Council for Solar Energy established three separate PACs; a committee that will make contributions to state candidates, a small contributor committee (“SCC”), and a ballot measure committee. In a calendar year, a single contributor may contribute \$200 to the SCC, \$7,000 (2015-2016 contribution limit), to the state candidate committee, and an unlimited amount to the ballot measure committee.

**Ex 5.3** – The California Landscape Employees’ Association transmits \$35 per month from each of its members to its political action committee. Because the committee does not receive contributions totaling more than \$7,000 (2015-2016 contribution limit) per calendar year from a single source, it is not required to have more than one bank account. Contributions to state candidates and all other expenditures made by the committee may be paid from the account. When contributions are made to state candidates, the committee must include the term “all purpose account” on its checks.

**Quick Tip**

Local and out-of-state committees (e.g., federal PACs) that make contributions to state candidates must do so from a bank account that does not receive contributions totaling more than \$7,000 (2015-2016 contribution limit) from a single contributor in a calendar year. Instead of opening separate bank accounts (all purpose and restricted use), an entity may choose to establish a separate committee to receive contributions in excess of the limits, such as an “issues” PAC for ballot measures.

## B. Contributions that Exceed the Limits

A general purpose committee that makes contributions to state candidates may not accept and deposit contributions in excess of the limits into its “all purpose” account. Contributions that exceed the limits are not considered accepted if they are not deposited into the receiving committee’s bank account and are returned within 14 days of receipt. For nonmonetary contributions, the item itself, its monetary value, or the monetary amount by which the value of the nonmonetary contribution exceeds the limits must be returned within 14 days of receipt.

However, a general purpose committee that makes contributions to state candidates (other than a small contributor committee) may receive contributions in excess of the per calendar year limit (\$7,000 for 2015-2016) if the contributions are placed in the committee’s

**Quick Tip**

A small contributor committee is prohibited from receiving more than \$200 per calendar year from any contributor.

“restricted use” account. The committee may then transfer the allowable amount to be used for state candidate contributions to the “all purpose” account. The transfer must be made within 14 days of receiving the contribution.

Alternatively, some financial institutions may allow the committee to divide the contribution between accounts at the time of deposit. **No amounts in excess of the applicable contribution limit may be deposited in or transferred to the “all purpose” account.**

### C. Communications Identifying State Candidates (Also known as “electioneering communications” or “issue ads”)

Some general purpose committees are subject to contribution limits even if they do not make contributions to state candidates. A committee may not receive a contribution of more than \$35,200 (2015-2016 contribution limit) from a single source if the committee makes a payment or a promise of payment totaling \$50,000 or more for a communication that:

- Clearly identifies a state candidate;
- But does not expressly advocate the election or defeat of the candidate; and
- Is disseminated, broadcast, or published within 45 days of the candidate’s election; and
- Is made at the behest of the candidate featured in the communication. (Section 85310.)

Once a committee receives a contribution over the limit, it may not make or promise to make a payment for a communication identifying a state candidate, as described above.

**Ex 5.4** – The Bay City Chamber of Commerce Political Action Committee has two bank accounts, one that it uses for making contributions to state candidates (“all purpose”) and a separate account for other expenditures that are not subject to contribution limits (“restricted use”). The committee receives a contribution check for \$20,000. The committee must deposit the check in its “restricted use” account and, within 14 days, it may transfer \$7,000 (2015-2016 contribution limit) to the “all purpose” account.

**Ex 5.5** – The California Solar Energy “Issues” Committee pays \$300,000 for a television advertisement to oppose a state ballot measure. The ad includes a photograph of the State Controller who also opposes the measure, but the ad does not expressly advocate support of or opposition to the Controller’s election. The ad is broadcast during the 45-day period before the Controller’s election. If the ad was coordinated with or made at the behest of the Controller, the committee is subject to contribution limits and must file an E-530 report. (See Chapter 8 for additional information about the E-530 report.)

## D. Making Contributions to State Candidates

For purposes of the contribution limits, the primary, general, special, and special runoff elections are considered separate elections. General purpose committees may contribute to a state candidate's general or special general election prior to a primary or special primary election for the same office. If the candidate is defeated in the primary or special primary election, contributions received for the general or special general election must be returned to the contributors on a pro rata basis, less the cost of raising and administering the funds.

**Ex 5.6** – The California Council for Solar Energy's state candidate PAC wants to make contributions to a candidate seeking an Assembly office in 2016. The PAC may make a contribution of \$8,400 (\$4,200 designated for the primary election and \$4,200 for the general election). If the candidate is defeated in the primary election, the contribution for the general election must be returned to the PAC on a pro rata basis, less the cost of raising and administering the funds. The returned contribution will be reported by the PAC on Schedule I as a miscellaneous increase to cash.

**Intermediary for Contributions.** An organization may act as an intermediary for contributions to state candidates and must identify to the candidate that it is acting as an intermediary. The contributions received and made as an intermediary are not assigned to the organization.

**Ex 5.7** –The Committee for Californians United collected contributions for Sharon Winston, a candidate for the State Senate. Contributors wrote checks of \$4,200 payable to the general purpose committee. The committee deposited the checks and then wrote one check to Ms. Winston's campaign, providing her with the name, address, occupation, and employer of each contributor. The committee itself may also contribute \$4,200 (2015-2016 limit) to Ms. Winston's campaign.

**Transferred Contributions.** If a general purpose committee makes a contribution to a state candidate's campaign committee and the candidate subsequently transfers the contribution, in whole or in part, to another committee to run for a *different* state office, future contributions made by the general purpose committee directly to the candidate's subsequent committee are aggregated with the funds transferred by the candidate for purposes of the contribution limits.

**Ex 5.8** – Tom Davies has a committee to run for Assembly in 2016. A general purpose committee makes a contribution of \$4,200 (2015-2016 limit) to his committee for the general election. After the election, Mr. Davies decides to transfer \$2,500 of the general purpose committee’s funds to his committee to run for State Senate in 2018. The \$2,500 transfer will count toward the amount the general purpose committee may contribute to Mr. Davies’ Senate committee for the 2018 primary election.

**Carryover Contributions.** If a general purpose committee makes a contribution to a state candidate’s campaign committee and the candidate carries over the contribution to a committee for the *same* state office (e.g., from the primary to the general election for the same office or to the next election for the same office), those “carryover funds” are not required to be aggregated with future contributions made by the general purpose committee.

**Ex 5.9** – A general purpose committee made a contribution of \$4,100 (2013-2014 limit) to an Assembly member’s committee for the 2014 election. The Assembly member established a committee to run for the Assembly in 2016 and carried over \$100,000 from the 2014 Assembly committee to the 2016 Assembly committee. Although the general purpose committee’s contribution was included in the “carryover” funds, the general purpose committee may still make contributions of up to \$8,400 to the 2016 Assembly committee (\$4,200 for the primary and \$4,200 for the general election).

### **Affiliated Committees Making Contributions to State Candidates**

If an organization has both a regular general purpose committee (PAC) and a small contributor committee (SCC), and the contributions made are controlled by a majority of the same persons, the contributions from the two committees must be aggregated for the purpose of contribution limits.

**Ex 5.10** – A chamber of commerce has a regular PAC and a SCC. The SCC made a contribution of \$8,500 to a 2016 Senate candidate’s committee. Assuming the committees’ contributions are controlled by a majority of the same persons, the regular PAC may not make a contribution to the same candidate for the same election as the contributions must be aggregated and the SCC already contributed the maximum amount allowed per election for 2015-2016.

**Ex 5.11** – If the chamber’s regular PAC made a contribution of \$4,200 to a legislative candidate, the SCC may only make a contribution of \$4,300 to the same candidate for the same election because the contributions must be aggregated and the SCC limit for a legislative candidate is \$8,500 per election (2015-2016 limits).

## **E. After the Election – Contributions to State Candidates are Restricted**

After the election, committees controlled by a state candidate for election purposes are prohibited from accepting contributions unless they have net debts outstanding from the election. The primary and general elections are separate elections for purposes of calculating net debt. The applicable contribution limits apply to contributions to pay net debt. See Campaign Disclosure Manual 1 (for State Candidates) for additional information about net debts outstanding.

## **F. Making Contributions to State Officeholder Accounts**

An elected state officer may establish a separate committee to receive contributions after the date of the election for the purpose of paying expenses associated with holding office. The committee name must include the name of the officeholder, the office held, the year of the election, and the words “officeholder account.” For example, “Garcia Assembly 2016 Officeholder Account.” The chart on page 5-2 shows the limits on contributions to officeholder committees.

Officeholder account contributions are subject to calendar year limits on both the amount a donor may give and the aggregate total the officeholder may raise. In addition, officeholder contributions must be cumulated (in full) with any other contributions from the same contributor(s) for any other future elective state office for which the officeholder maintains a controlled committee.

**Ex 5.12** – Jordan Michaels was elected to the Senate in 2014 and his committee ended up with net debt outstanding after the election. A general purpose committee made a contribution of \$1,000 to his committee for the 2014 general election. The committee may make an additional contribution of up to \$3,100 (the limit in 2014 was \$4,100) toward Mr. Michaels’ Senate committee’s debt.

Contributions made to an officeholder account are counted toward and may not exceed the limits on contributions to a campaign committee the officeholder establishes for reelection or election to another state office. In order to determine the applicable contribution limit to an elected state officer's officeholder account, use the lower of the following:

- The calendar year contribution limits applicable to the officeholder committee on the chart, or
- The lowest per election contribution limit (the aggregate of the primary and general election limits) applicable to any future state office for which the officeholder maintains a controlled committee at any time during his or her term of office. When an officeholder files a statement of intent to run for a future state office, he or she must notify donors who have made contributions to the officeholder account.

Contributions to a state officeholder account must be made from a general purpose committee's "all purpose" bank account. A state officeholder may not receive new contributions to an officeholder account once the officeholder's term of office ends, or the officeholder leaves office, whichever is earlier.

**Ex 5.13** – In February 2015, the CA Medical Technicians' PAC contributed \$3,500 from its "all purpose" account to Assemblymember Brenda Yee's officeholder committee. In June 2015, the PAC received a notice from Assemblymember Yee that she had filed a statement of intent to run for State Senate in 2016. The \$3,500 contribution to the officeholder committee will count toward the maximum amount the PAC may contribute to Ms. Yee's 2016 Senate committee.

## G. When State Contribution Limits Do Not Apply

### Ballot Measure Committees

A state or local ballot measure committee is not subject to contribution limits. A state candidate's controlled ballot measure committee may not make a contribution to a state candidate's election committee.

**Exception:** State candidates and officeholders may not make contributions to any committees controlled by other state candidates in excess of \$4,200 (2015-2016 limit), including a state candidate's 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.

## Legal Defense Committees

Candidates and officeholders may establish a legal defense fund to defray attorneys' fees and other related legal costs incurred for the candidate's or officeholder's legal defense arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officeholder's official duties. Such committees must have "legal defense" and the name of the candidate or officeholder in the name of the committee. Contributions to a state candidate's legal defense fund are not subject to contribution limits.

**Exception:** State candidates and officeholders may not make contributions to any committees controlled by other state candidates in excess of \$4,200 (2015-2016 limit), including a state candidate's legal defense 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.

## Recall Committees – State Elected Officer Who is the Target of a State Recall

An elected state officer who is the target of a state recall may establish a committee to oppose the qualification of the recall measure or the recall election. Such committees must have the word "recall" and the name of the target officer in the name of the committee. Contributions to a state target officer's recall committee are not subject to limits. However, contributions to a *replacement* state candidate's committee are subject to the applicable limits. See Campaign Disclosure Manual 3 (for ballot measure committees) for additional information about recall elections.

**Exception:** State candidates and officeholders may not make contributions to any committees controlled by other state candidates in excess of \$4,200 (2015-2016 limit), including a state candidate's controlled committee opposing a recall. 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.

## H. Sponsored Committees – Administrative Payments

Payments for the establishment and administration of a committee made by the sponsor of the committee (see Chapter 1 for the definition of “sponsored committee”) are not contributions to the committee, and therefore not subject to contribution limits; however, the committee must report the payments. See Chapter 4 for additional information about payments for the establishment and administration of a sponsored committee, including how to report the payments. A sponsor’s payments for fundraising activities are not considered administrative payments.

### Answering Your Questions

- A. If a labor union has both a small contributor committee and a committee that makes contributions to state candidates, may the small contributor committee contribute \$8,500 (2015-2016 SCC limit) to an Assembly candidate’s primary election and the other committee contribute \$4,200 (2015-2016 limit) to the same candidate’s primary election?**

No. Assuming both committees are sponsored by the same organization and a majority of the same persons control the contributions and expenditures made by both committees, they would be treated as one entity when determining the contribution limits. Thus, if the small contributor committee contributed \$8,500 (2015-2016 SCC limit) to the candidate’s primary election, the other sponsored committee would be prohibited from making any additional contributions.

- B. If a sponsor has two committees, a ballot measure committee and a small contributor committee, can the sponsor receive one check for \$7,000 and deposit \$200 into the small contributor committee’s bank account?**

The committee should deposit the check into the ballot measure committee’s bank account. The committee may then transfer up to \$200 to the small contributor committee. The transfer must be made within 14 days.

**C. If a federal PAC that is subject to the federal limit of \$5,000 per calendar year per source makes contributions to a California state candidate, does it need a separate “all purpose” account?**

No. If all contributions to the federal PAC are under the \$5,000 federal limit, they are under the contribution limit for California state candidates, so a separate account is not required. The PAC should include “all purpose account” on its check to the California state candidate. The notation also helps state candidates ensure that they may deposit the funds.

### **Authority**

The following Government Code sections and Title 2 Regulations provide authority for the information in this chapter:

#### **Government Code Sections**

82015	Contribution.
82025	Expenditure.
82027.5	General Purpose Committee.
82031	Independent Expenditure.
82043	Measure.
82047	Person.
82048.7	Sponsored Committee.
82050	State Candidate.
82051	State Measure.
84302	Contributions by Intermediary or Agent.
85203	Small Contributor Committee.
85204.5	Special Election Cycle and Special Runoff Election Cycle.
85205	Political Party Committee.
85301	Limits on Contributions from Persons.
85302	Limits on Contributions from Small Contributor Committees.
85303	Limits on Contributions to Committees and Political Parties.
85304	Legal Defense Fund.

- 85304.5 Legal Defense Fund; Local Candidates and Elected Officers.
- 85305 Restrictions on Contributions by Candidates.
- 85307 Loans.
- 85310 Communications Identifying State Candidates.
- 85311 Affiliated Entities; Aggregation of Contributions to State Candidates.
- 85314 Special Elections and Special Runoff Elections as Separate Elections.
- 85315 Elected State Officer Recall Committees.
- 85316 Post-Election Fundraising.
- 85318 Contributions Received for Primary and General Elections.
- 85319 Returning Contributions.

## Title 2 Regulations

- 18215 Contribution.
- 18215.1 Contributions; When Aggregated.
- 18225 Expenditure.
- 18419 Sponsored Committees.
- 18428 Reporting of Contributions and Independent Expenditures Required to be Aggregated.
- 18432.5 Intermediary.
- 18503 Small Contributor Committees.
- 18530.4 Legal Defense Funds – State Candidates and Officers.
- 18530.45 Legal Defense Funds—Local Candidates and Officers.
- 18531 Return of Excessive Contributions.
- 18531.2 Refunding General Election Contributions.
- 18531.5 Recall Elections.
- 18531.10 Communications Identifying State Candidates.
- 18531.62 Elected State Officeholder Bank Accounts.
- 18534 Required Committee Bank Accounts.
- 18535 Restrictions on Contributions Between State Candidates.
- 18536 Transfer and Attribution of Contributions.
- 18537 Contribution Limits and Application to Repaid Loans.
- 18544 Campaign Contribution and Voluntary Expenditure COLA Formula.
- 18545 Contribution Limits and Voluntary Expenditure Ceiling Amounts.

# 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 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 or on the internet at [www.votescount.com](http://www.votescount.com). Once filed with the Secretary of State, the Form 501 is public information.

FORM	DESCRIPTION	WHERE TO FILE
501	<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 \$2,000 or more – including person funds. Must be filed within 10 days of receiving \$2,000 or more and may be filed prior to receiving \$2,000. Upon receipt, the Secretary of State will issue an identification number that must be included on all campaign disclosure forms.</p> <p>Bank account information previously reported on the 502, is now reported on the 410.</p> <p>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. (County Code § 8.04.070 (b))</p>	<p>County Offices, Supervisors, Judges</p> <p>State Legislative</p>	<p>File original and 1 copy with SOS &amp; 1 copy with Elections.</p> <p>File original and 1 copy with SOS;</p>
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>	<p>County Offices, Supervisors, Judges</p> <p>State Legislative</p>	<p>File original &amp; 1 copy with Elections; 2 copies with home county if different.</p> <p>File original and 1 copy with SOS; 2 copies w/county w/most voters; and 2 copies with home county if different.</p>

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

CAMPAIGN DISCLOSURE FORMS  
(CONTINUED)

FORM	DESCRIPTION	WHO FILES	NUMBER NEEDED & WHERE TO FILE
460	<p><b>New California Long Form.</b> The three former "long form" campaign reports (Form 419 for ballot measure committees, Form 420 for general recipient committees, and Form 490 for candidates and their controlled committees) have been combined into one form for use by all candidates and committees. An amendment box is provided to identify amended filings.</p> <p>Form 460 is used by state and local recipient committees that have filed a Form 410 and have raised or spent \$1,000 or more in a calendar year.</p>	<p>County Offices, Supervisors, Judges</p> <p>State Legislative</p>	<p>File original &amp; 1 copy with Elections; 2 copies w/home county if different.</p> <p>File original and 1 copy with SOS; 2 copies w/county w/most voters; 2 copies w/home county if different.</p>
465	<p><b>Supplemental Independent Expenditure Report.</b> Used to provide supplemental disclosure information in the jurisdiction of an election in which the filer has made "independent expenditures" totaling \$500 or more to support or oppose a single candidate, a single measure, or the qualification of a single measure.</p>	All	<p>File original and 1 copy with SOS; 2 copies w/county w/most voters; 2 copies w/home county if different.</p>
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>	<p>County Offices, Supervisors, Judges</p> <p>State Legislative</p>	<p>File original &amp; 1 copy with Elections; 2 copies w/home county if different.</p> <p>File original and 1 copy with SOS; 2 copies w/county w/most voters; 2 copies w/home county if different.</p>

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><b>File within 24 hours of making contribution.</b></p>	<p>County Offices, Supervisors, Judges</p> <p>State Legislative</p>	<p>File original &amp; 1 copy with Elections; 2 copies w/home county if different.</p> <p>File original and 1 copy with SOS; 2 copies w/county w/most voters; 2 copies w/home county if different.</p>

### Major Donors / Independent Expenditure Committees / Slate Mailer Organizations

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

- ❖ **Manual E** is for Major Donor Committees and Independent Expenditure Committees
- ❖ **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

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 Candidates 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 filing deadlines.

If a candidate, officeholder, or committee is required to file a statement and has failed to do so by the deadline, the Kings 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. The maximum penalty is \$100 or the total amount of contributions received or the 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 8, 2016

Filing Deadline	Type of Statement	Period Covered	Method of Delivery
August 1, 2016	Semi-Annual	Date of last statement filed to 6/30/16	<input type="checkbox"/> Personal Delivery. <input type="checkbox"/> First Class Mail
Within 24 hours Contribution Reports		8/10/16 -11/8/16	
Sept 29, 2016	1 <sup>st</sup> Pre-Election	7/1/16 – 9/24/16	<input type="checkbox"/> Personal Delivery. <input type="checkbox"/> First Class Mail
October 27, 2016	2 <sup>nd</sup> Pre-Election	9/25/16– 10/22/16	<input type="checkbox"/> Personal Delivery. <input type="checkbox"/> First Class Mail
January 31, 2017	Semi-Annual	10/23/16 - 12/31/16	<input type="checkbox"/> Personal Delivery. <input type="checkbox"/> First Class Mail

Method of Delivery	Considered Received
Personal Delivery	On date delivered
Guaranteed Overnight Delivery	On date delivery service receives materials
First Class Mail	On date of postmark. If not received, sender must possess post office receipt with date of deposit and filing officer's name and address.

# FAIR POLITICAL PRACTICES COMMISSION

## IMPORTANT INFORMATION TO NOTE

- If independent expenditures of \$2,000 or more are made in connection with the election, call the FPPC for guidance on filing special reports.
- There is no provision in the law for an extension of the filing deadline. Late statements are subject to a \$10 per day late fine.
- Campaign statements of 30 pages or fewer may be faxed provided that the exact original and the required copies are sent to the filing officer(s) by first-class mail or by guaranteed overnight delivery service within 24 hours of the filing deadline.
- Refer to appropriate campaign disclosure manuals to determine where to file campaign statements.
- All statements are public documents.
- State Assembly and Senate candidates are subject to contribution limits effective January 1, 2001. (Gov. Code §§85301 and 85302.) In addition, new disclosure requirements are in effect for state and local candidates and committees. For more information, visit the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

### HOW TO GET HELP FROM THE FPPC

<b>ASSISSTANCE BY TELEPHONE</b> Call Toll-Free 1-866-ASK-FPPC (1-866-275-3772) Or (916) 322-5660	<b>ASSISTANCE BY MAIL</b> Fair Political Practices Commission 428 J Street, Suite 620 Sacramento, CA 95814 Or P.O BOX 807 Sacramento, CA 95812-0807
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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"

#### HOW TO GET HELP FROM THE FPPC (CONT'D)

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

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 less than 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

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 \$2,000 or more during a calendar year. Candidates for county offices (excludes judges, school boards and special district boards) must file a Form 410 prior to the acceptance of any campaign contribution totaling \$50 or more or the making of any expenditure intended to influence the outcome of any election.
- Officeholders and candidates who receive contributions or make expenditures must establish a campaign checking account in California and report it on a Form 410 (previously reported on a Form 502, which has been eliminated)
- Loans to a candidate are considered contributions unless the loan is from a financial institution. The Federal Election Campaign Act (2 U.S.C. §442b & e) prohibits contributions from national banks, national corporations, and foreign nationals in connection with any local, state, or federal election to political office.
- Filing fees and candidate statement fees may be paid in cash if the candidate is using personal funds and will not be reimbursed through the committee. (Gov. Code §85200) Otherwise, campaign disclosure laws require that expenditures of \$100 or more be made by written instrument containing the names of both the payee and payer. (Gov. Code §84300)
- Never accept or spend \$100 or more in cash.
- For contributions of \$100 or more, including loans, and in-kind contributions, you must disclose the contributor's name, address, occupation and employer. Contributions of \$100 or more may not be made in the form of a money order or cashier's check. Contributions may continue to be made with a credit card. (Gov. Code §84300)
- Maintain details on contributions and expenditures of \$25 or more, even if you are spending less than \$2,000. Refer to recordkeeping guidelines in Manual A.
- Make copies of all contributor checks.
- Itemize expenditures of \$500 or more made by an agent or campaign consultant.
- Include your name and campaign address in at least 6-point type on the outside of all mass mailings (more than 200 pieces). Your committee's name may be used if it includes your name. If your name is not part of the committee's name, you may use just your name, or both your name and the name of the committee.
- Candidates must disclose employer information for all contributors and keep all records of occupation and employer information.
- NO PERSONAL USE OF CAMPAIGN FUNDS. Use campaign funds only for political, legislative, or governmental purposes.
- The source for each loan must be disclosed.
- All expenditures of \$100 or more must be itemized on the campaign statements, and then summarized on the Campaign Disclosure Statement Summary Page.
- As long as a committee is in existence, a Semi-Annual Campaign Statement must be filed. If the candidate has filed a long form (460) previously in the calendar year, a 460 must be filed as the Semi-Annual Statement even if there is no activity. If a 470 has been filed previously in the year, another 470 must be filed as the Semi-Annual Statement.
- Payee addresses must be disclosed on the campaign statements for expenditures made.

- If the committee changes its treasurer, an amendment to the Form 410 Statement of Organization must be filed.
- If \$1,000 or more is received from one contributor during the last 16 days before the election, disclose receipt within 24 hours, even if the contribution is from your personal funds.

## DISCLOSURE OF ECONOMIC INTERESTS 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 and instructions from the Kings County Elections Department. The Form 700 must be filed with the Elections Department with the Declaration of Candidacy. Declarations of Candidacy are filed between February 13 and March 9.

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)

## **ELECTIONEERING ON ELECTION DAY**

### 100 Feet Rule

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

- Circulate an initiative, referendum, recall or nomination petition or any other petition.
- Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- Place a sign relating to voters' qualifications or speak to a voter on the subject of his/her qualifications except as provided in §14240.
- 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.



# KINGS COUNTY ELECTIONS

## ELECTIONS VIOLATIONS OR FRAUD WHO YOU GONNA CALL?

In response to the many inquiries we receive regarding possible election violations or fraud, we have the following list of resources regarding who to contact for the various type of violations.

The Kings County Elections Department is NOT an enforcement agency and is therefore unable to investigate any violations. When our office receives reports of violations, we simply refer them to the agencies listed below:

- False or misleading campaign materials (No agency enforcement). These issues are dealt with in the 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), or phone 1-800-561-1861)
- Election fraud (Contact your local District Attorney (559) 582-0326, or the California Secretary of State at [www.sos.ca.gov](http://www.sos.ca.gov), or phone 1 (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, (559) 582-0326, or the California State Attorney General at [www.caag.state.ca.us](http://www.caag.state.ca.us), or phone 1-800-952-5225)
- Federal campaigns, Congress, U.S. Senate, President of the United States, etc. (Contact the Federal Elections Commission at [www.fec.gov](http://www.fec.gov), or phone 1-800-424-9530).
- Open meeting laws (Brown Act) (contact your local district attorney, (559) 582-0326, or the California State Attorney General at [www.caag.state.ca.us](http://www.caag.state.ca.us) or phone 1-800-952-5225.
- Local ordinances (Contact your local city attorney or district attorney (559) 582-0326)
- Vandalism or requirements concerning campaign signs (contact local city attorney or district attorney, (559) 582-0326)