

**NOVEMBER 7, 2006 GENERAL ELECTION**

# **CANDIDATE HANDBOOK**

## **SCHOOL & SPECIAL DISTRICT OFFICES**



**Provided by:**

**Candace J. Grubbs**

**County Clerk-Recorder/Registrar of Voters**

Butte County Elections Office

25 County Center Drive, Suite I, Oroville CA 95965

Phone: (530) 538-7761 Fax: (530) 538-6853

Website: <http://clerk-recorder.buttecounty.net>

*This 2006 Candidate Handbook is intended to provide general information about the nomination and election of candidates and qualification of ballot measures, and does not have the force and effect of law, regulation or rule. It is distributed with the understanding that the County Clerk-Recorder/Registrar of Voters is not rendering legal advice and, therefore, this handbook is not to be a substitute for legal counsel for the individual, organization or candidate using it. In case of conflict, the law or regulation will apply.*

July 12, 2006



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Butte County Elections Office  
Laurie Cassady  
Assistant County Clerk-Registrar of Voters

Dear Candidate:

This candidate handbook has been prepared to summarize major provisions of the California Elections Code and other laws related to candidates and committees involved with the election process. Unless otherwise indicated, all code section references are to the California Elections Code (EC).

Additional information is available on our website (<http://clerk-recorder.buttecounty.net>) to assist you in conducting your campaign. During the candidate filing period we will update the "Contest & Candidate List", as well as list candidates that have qualified for placement on the ballot.

The Butte County Elections Office is dedicated to helping all qualified candidates get their names printed on the ballot and to administer fair and accurate elections.

Staff has made every attempt to be as informative as possible, but law prohibits employees from answering questions of a legal nature. Candidates and others using this handbook must bear full responsibility to make their own determinations as to all legal standards and duties.

Sincerely,

Candace J. Grubbs  
County Clerk-Recorder/Registrar of Voters

**Candace J. Grubbs**  
**County Clerk-Recorder/Registrar of Voters**

**Butte County Elections Office**  
**Mission Statement**

Our mission is to provide efficient service to the public that exemplifies the highest standards of courtesy, cost effectiveness, and ethical performance while maintaining and preserving the public's records in a secure and easily accessible environment and promoting confidence in the administration of fair and impartial elections.

# STANDARDS OF CONDUCT FOR ELECTION/REGISTRATION OFFICIALS

My Personal Pledge to Freedom,  
Democracy and My Profession:

I uphold the Constitution of the United States and the laws, policies and court decisions of federal, state and local jurisdictions;

I commit to excellence and competence by maintaining the highest level of knowledge and expertise in the elections process through continuing education and self evaluation;

I am accountable for maintaining public confidence in honest and impartial elections which I conduct in a fair, efficient and accurate manner;

I dignify voters by providing equal opportunity to participate in the democratic process;

I am responsible for just and equitable treatment of the general public, elected officials and members of my profession;

I manifest a positive role in community relations by being accessible and receptive to both individuals and groups;

I have the courage and stamina to protect the public's interest from manipulation for personal or partisan gain while respecting the rights of all;

I am flexible and innovative within the framework of the law in carrying out my duties on behalf of the public's interest;

I conduct all fiscal responsibilities with wisdom and integrity, and I am accountable for all funds and resources committed to my charge;

I maintain a productive and efficient operation through a well managed elections environment;

I endeavor to maintain the highest level of integrity in performing all duties of my profession.



ELECTION CENTER

*An international service association of election and voter registration officials*  
12543 Westella, Suite 100, Houston, TX 77077

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# LOCAL OFFICES SUBJECT TO ELECTION

## BUTTE COUNTY SCHOOL DISTRICTS:

|   |              |
|---|--------------|
| Biggs Unified School District                   |              |
| 3 Members                                       | 4 year terms |
| Chico Unified School District                   |              |
| 3 Members                                       | 4 year terms |
| Durham Unified School District                  |              |
| 2 Members                                       | 4 year terms |
| Gridley Unified School District                 |              |
| 2 Members, Trustee Area 2                       | 4 year terms |
| 2 Members, Trustee Area 3                       | 4 year terms |
| Paradise Unified School District                |              |
| 2 Members                                       | 4 year terms |
| Oroville Union High School District             |              |
| 3 Members                                       | 4 year terms |
| Bangor Union Elementary School District         |              |
| 3 Members                                       | 4 year terms |
| Feather Falls Union Elementary School District  |              |
| 3 Members                                       | 4 year terms |
| 2 Members                                       | 2 year terms |
| Golden Feather Union Elementary School District |              |
| 3 Members                                       | 4 year terms |
| Manzanita Elementary School District            |              |
| 2 Members                                       | 4 year terms |
| 2 Members                                       | 2 year terms |
| Oroville City Elementary School District        |              |
| 3 Members                                       | 4 year terms |
| Palermo Union School District                   |              |
| 3 Members                                       | 4 year terms |
| Pioneer Union Elementary School District        |              |
| 3 Members                                       | 4 year terms |
| Thermalito Union School District                |              |
| 3 Members                                       | 4 year terms |

## MULTI- COUNTY SCHOOL DISTRICTS:

### **Butte and Glenn Counties:**

|  |             |
|--|-------------|
| Butte-Glenn Community College District |             |
| 1 Member, Trustee Area 4               | 4 year term |
| 1 Member, Trustee Area 5               | 4 year term |
| 1 Member, Trustee Area 6               | 4 year term |

### **Butte and Yuba Counties:**

|  |             |
|--|-------------|
| Yuba Community College District          |             |
| 1 Member, Trustee Area 1                 | 4 year term |
| Marysville Joint Unified School District |             |
| 1 Member, Trustee Area 4                 | 4 year term |

## BUTTE COUNTY SPECIAL DISTRICTS:

|  |              |
|--|--------------|
| El Medio Fire Protection District          |              |
| 2 Directors                                | 4 year terms |
| Durham Irrigation District                 |              |
| 1 Director, Division 1                     | 4 year term  |
| Paradise Irrigation District               |              |
| 1 Director, Division 2                     | 4 year term  |
| 1 Director, Division 3                     | 4 year term  |
| 1 Director, Division 4                     | 4 year term  |
| South Feather Water and Power Agency       |              |
| 1 Director, Division 1                     | 4 year term  |
| 1 Director, Division 3                     | 4 year term  |
| 1 Director, Division 5                     | 4 year term  |
| Thermalito Irrigation District             |              |
| 1 Director, Division 3                     | 4 year term  |
| 1 Director, Division 5                     | 4 year term  |
| Lake Oroville Area Public Utility District |              |
| 3 Directors                                | 4 year terms |
| Chico Area Recreation and Park District    |              |
| 3 Directors                                | 4 year terms |
| Durham Recreation and Park District        |              |
| 3 Directors                                | 4 year terms |
| Feather River Recreation and Park District |              |
| 2 Directors                                | 4 year terms |
| 2 Directors                                | 2 year terms |
| Paradise Recreation and Park District      |              |
| 3 Directors                                | 4 year terms |
| Richvale Recreation and Park District      |              |
| 3 Directors                                | 4 year terms |

## MULTI-COUNTY SPECIAL DISTRICTS:

None at the November 7, 2006 Consolidated General Election

# SCHOOL DISTRICT CONTACT INFORMATION

|   |          |
|---|----------|
| <b>Butte County Superintendent of Schools</b><br>1859 Bird Street, Oroville, 95965                | 532-5650 |
| <b>Butte-Glenn Community College District</b><br>3536 Butte Campus Drive, Oroville, 95965         | 895-2511 |
| <b>Biggs Unified School District</b><br>300 B Street, Biggs, 95914                                | 868-5870 |
| <b>Chico Unified School District</b><br>1163 E. 7 <sup>th</sup> Street, Chico, 95928              | 891-3002 |
| <b>Durham Unified School District</b><br>9420 Putney Drive, P. O. Box 300, Durham, 95938          | 895-4675 |
| <b>Gridley Unified School District</b><br>429 Magnolia Street, Gridley, 95948                     | 846-4721 |
| <b>Paradise Unified School District</b><br>6696 Clark Road, Paradise, 95969                       | 872-6400 |
| <b>Oroville Union High School District</b><br>2211 Washington Ave, Oroville, 95966                | 538-2300 |
| <b>Bangor Union Elementary School District</b><br>7549 Oro Bangor Hwy, P.O. Box 340, Bangor 95914 | 679-2434 |
| <b>Feather Falls Union Elementary School District</b><br>2651 Lumpkin Road, Feather Falls, 95966  | 589-1810 |
| <b>Golden Feather Union Elementary School District</b><br>11679 Nelson Bar Road, Oroville, 95965  | 533-3833 |
| <b>Manzanita Elementary School District</b><br>627 Evans Reimer Road, Gridley, 95948              | 846-5594 |
| <b>Oroville City Elementary School District</b><br>2795 Yard Street, Oroville, 95966              | 532-3000 |
| <b>Palermo Union Elementary School District</b><br>7390 Bulldog Way, Palermo, 95968               | 533-4842 |
| <b>Pioneer Union Elementary School District</b><br>286 Ruckerfeller Road, Berry Creek, 95916      | 589-1633 |
| <b>Thermalito Union School District</b><br>400 Grand Ave, Oroville, 95965                         | 538-2900 |
| <b>Yuba County Superintendent of Schools</b><br>938 14th Street, Marysville, 95901                | 741-6231 |
| <b>Yuba County Board of Education</b><br>938 14th Street, Marysville, 95901                       | 741-6231 |
| <b>Yuba Community College District</b><br>2088 North Beale Road, Marysville, 95901                | 741-6971 |
| <b>Marysville Joint Unified School District</b><br>1919 B Street, Marysville, 95901               | 741-6000 |

# SPECIAL DISTRICT CONTACT INFORMATION

|   |          |
|---|----------|
| <b>El Medio Fire Protection District</b><br>3515 Myers Street, Oroville, 95966                  | 533-4484 |
| <b>Durham Irrigation District</b><br>9381 Midway, PO Box 98, Durham, 95938                      | 343-1594 |
| <b>Paradise Irrigation District</b><br>5325 Black Olive Dr., PO Box 2409, Paradise, 95967       | 877-4971 |
| <b>South Feather Water and Power Agency</b><br>2310 Oro Quincy Hwy, PO Box 581, Oroville, 95965 | 533-4578 |
| <b>Thermalito Irrigation District</b><br>410 Grand Ave, Oroville, 95965                         | 533-0740 |
| <b>Chico Area Recreation and Park District</b><br>545 Vallombrosa Ave, Chico, 95926             | 895-4711 |
| <b>Durham Recreation and Park District</b><br>9447 Midway, P.O Box 364, Durham, 95938           | 345-1921 |
| <b>Feather River Recreation and Park District</b><br>1200 Myers Street, Oroville, 95965         | 533-2011 |
| <b>Paradise Recreation and Park District</b><br>6626 Skyway, Paradise, 95969                    | 872-6393 |
| <b>Richvale Recreation and Park District</b><br>c/o Gerald Mattson, PO Box 44, Richvale, 95974  | 882-4462 |
| <b>Lake Oroville Area Public Utility District</b><br>1960 Elgin Street, Oroville, 95965         | 533-2000 |
| <b>Yuba County Water District</b><br>8691 LaPorte Rd., Brownville, 95919                        | 589-4634 |



## IMPORTANT TELEPHONE NUMBERS

| Office  | Phone Number                                       | Fax Number     | Website Address   |
|---|--|----------------|---|
| <b>Butte County Elections Office</b><br>25 County Center Drive, Suite I<br>Oroville, CA 95965-3375  | (530) 538-7761<br>(800) 894-7761                   | (530) 538-6853 | <a href="http://clerk-recorder.buttecounty.net">http://clerk-recorder.buttecounty.net</a> |
| <b>Butte County District Attorney</b><br>25 County Center Drive<br>Oroville, CA 95965-3375  | 530-538-7411                                       | 530-538-7071   | <a href="http://buttecounty.net/da">http://buttecounty.net/da</a>                         |
| <b>City of Biggs</b><br>3016 Sixth Street / P.O. Box 307<br>Biggs, CA 95917   | (530) 868-5493                                     | (530) 868-5239 | <a href="http://www.biggs-ca.gov">www.biggs-ca.gov</a>                                    |
| <b>City of Chico</b><br>Administrative Offices<br>411 Main Street Chico, CA 95928<br>P.O. Box 3420, Chico, CA 95927   | (530) 895-4811                                     | (530) 895-4825 | <a href="http://www.ci.chico.ca.us">www.ci.chico.ca.us</a>                                |
| <b>City of Gridley</b><br>Administrative Offices – City Hall<br>685 Kentucky Street<br>Gridley, CA 95948  | (530) 846-5695                                     | (530) 846-3229 | <a href="http://www.gridley.ca.us">www.gridley.ca.us</a>                                  |
| <b>City of Oroville</b><br>Administrative Offices – City Hall<br>1735 Montgomery Street<br>Oroville, CA 95965   | (530) 538-2405                                     | (530) 538-2468 | <a href="http://www.cityoforoville.org">www.cityoforoville.org</a>                        |
| <b>Town of Paradise</b><br>Administrative Offices – Town Hall<br>5555 Skyway<br>Paradise, CA 95969  | (530) 872-6291                                     | (530) 877-5059 | <a href="http://www.townofparadise.com">www.townofparadise.com</a>                        |
| <b>Secretary of State's Office</b><br><b>Election Division</b><br>1500 11th Street<br>Sacramento, CA 95814  | (916) 657-2166<br>(800) 345-VOTE<br>(800) 345-8683 | (916) 653-3214 | <a href="http://www.ss.ca.gov">http://www.ss.ca.gov</a>                                   |
| <b>Fraud Investigation Unit</b>   | (916) 657-2166                                     |                | <a href="mailto:politicalreform@ss.ca.gov">politicalreform@ss.ca.gov</a>                  |
| <b>Political Reform Division</b>  | (916) 653-6224                                     |                |   |
| <b>Fair Political Practices Commission</b><br>P.O. Box 807<br>Sacramento, CA 95812-0807   | (916) 322-5660                                     | (916) 322-3711 | <a href="http://www.fppc.ca.gov">http://www.fppc.ca.gov</a>                               |
| <b>State Department of Transportation</b><br>Northern California Districts 1, 2 & 3<br>Division of Traffic Operations<br>Outdoor Advertising Branch<br>P.O. Box 942874, MS-37<br>Sacramento, CA 94274-001 | (916) 654-4094                                     | (916) 654-4956 | <a href="http://www.dot.ca.gov/oda">www.dot.ca.gov/oda</a>                                |
| <b>State Franchise Tax Board</b>  | (800)-338-0505                                     |                | <a href="http://www.ftb.ca.gov">www.ftb.ca.gov</a>  |
| <b>Internal Revenue Service</b>   | (800)-829-1040                                     |                | <a href="http://www.irs.gov">www.irs.gov</a>  |
| <b>Attorney General</b><br>P.O. Box 944255<br>Sacramento, CA 94244-2550   | (800) 952-5225                                     |                | <a href="http://www.caag.state.ca.us">www.caag.state.ca.us</a>                            |
| <b>Federal Elections Commission</b><br>999 E Street, NW<br>Washington, D.C. 20463   | (202) 219-3420                                     | 1-800-424-9530 | <a href="http://www.fec.gov">http://www.fec.gov</a>                                       |

# QUALIFICATIONS FOR OFFICE

## **SPECIAL DISTRICTS**

### **Fire Protection Districts**

(Health and Safety Code §13841)

Candidate shall be a registered voter of the district.

### **Irrigation Districts**

(Water Code §21100)

Candidate shall be a voter and a landowner in the district and a resident of the division that he or she represents at the time of his or her nomination and through his or her entire term. (“Voter” means a registered voter in the district.)

### **Public Utility Districts**

(Public Utilities Code §15952, 15505)

Candidate must be a resident and qualified elector of the district.

### **Recreation and Park Districts**

(Public Resources Code §5784)

Candidate must be a voter of the district. (“Voter” means registered voter in the district.)

### **County Water Districts (Yuba County Water)**

(Water Code §30735)

Per the principle act of the district:

Candidate must be a voter of the division by which he/she is elected. (“Voter” means registered voter in the district.)

## **COUNTY BOARD OF EDUCATION:**

### **Member, County Board of Education**

(Education Code §1006, 1000)

Any registered voter is eligible to be a member of the county board of education except the county superintendent of schools, any member of his or her staff, or any employee of a school district and shall be elector of the trustee area which he or she represents and shall be elected by the electors of the trustee area.

## **SCHOOL DISTRICTS OR COMMUNITY COLLEGE DISTRICTS**

### **Governing Board Member, School Districts & Community College Districts**

(Education Code §35107, 72103, 72104, 5030)

Any person, who is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed a member of a governing board of a school district without further qualifications.

In a school district or community college district having trustee areas, the candidate shall reside within the trustee area he or she is to represent.

An employee of a school district may not be sworn into office as an elected or appointed member of that school district's governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office.

No member of the governing board of a community college district shall, during the term for which he was elected, be eligible to serve on the governing board of a high school district whose boundaries are coterminous with those of the community college district.

# DECLARATION OF CANDIDACY

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

## **SPECIAL DISTRICT CANDIDATES:**

EC §10510. (a) Forms for declarations of candidacy for all district offices shall be obtained from the office of the county elections official. The county elections official may, for convenience or necessity, authorize the district secretary to issue declarations of candidacy. The forms shall first be available on the 113th day prior to the general district election and shall be filed not later than 5 p.m. on the 88th day prior to the general district election in the office of the county elections official during regular office hours or may be filed by certified mail so that the forms reach the office of the county election official no later than the deadline for filing in that office. The county elections official shall record the date of filing upon the first page of each declaration of candidacy filed pursuant to this section. No candidate shall withdraw his or her declaration of candidacy after 5 p.m. on the 88th day prior to the general district election.

(b) On request of the district secretary, the county elections official shall provide the secretary with a copy of each declaration of candidacy filed pursuant to this section.

## **EXAMINATION OF DECLARATION OF CANDIDACY.**

EC §10513. Upon filing each declaration of candidacy, the county elections official shall examine the declaration to determine if it conforms with the provisions of this part and shall certify whether it is sufficient. For this purpose, the elections official shall be entitled to obtain from any officer of an affected county all information necessary to make this determination.

## **QUALIFICATION OF CANDIDATE.**

EC §10514. The qualifications of a candidate for elective office, and of an elective officer, of a district shall be determined by the principal act of that district.

## **CANDIDATE'S NAME PRINTED ON BALLOT; DEATH OF CANDIDATE.**

EC §10529. Whenever a candidate has filed a declaration of candidacy, and the candidate's declaration of candidacy has been certified as sufficient pursuant to Section 10513, the name of the candidate shall be printed upon the ballot unless the candidate has died and that fact has been ascertained by the officer charged with the duty of printing the ballots, at least 68 days before the day of the election.

## **SCHOOL DISTRICT, COMMUNITY COLLEGE DISTRICT OR COUNTY BOARD OF EDUCATION CANDIDATES:**

EC §10603. (a) In any school district or community college district governing board election the name of any person shall be placed on the ballot, subject to Sections 35107 and 72103 of the Education Code, if there is filed with the county elections official having jurisdiction, not more than 113 days nor less than 88 days prior to the election, a declaration of candidacy containing the appropriate information in the blank spaces and signed by the person whose name is thereby to be placed on the ballot.

(b) No candidate whose declaration of candidacy has been filed for any school district or community college district governing board election or county board of education election may withdraw as a candidate after the 88th day prior to the election.

(c) Notwithstanding any other provision of law, except as provided in subdivision (d), no person shall file nomination papers for more than one district office, including a county board of education office, at the same election.

(d) Notwithstanding any other provision of law, if a proposal to form a unified school district is on the same ballot as the election of governing board members of that district, any candidate for a position on the existing governing board may file nomination papers for that position pursuant to subdivision (a) and may, at the same election, also file nomination papers for a position on the governing board of the proposed unified school district.

Education Code 5329. Whenever a candidate has filed a declaration of candidacy the name of the candidate shall be printed upon the ballot unless the candidate has died and that fact has been ascertained by the officer charged with the duty of printing the ballots at least 68 days before the election.

# **EXTENSION PERIOD FOR CANDIDATE FILING**

## **SPECIAL DISTRICTS:**

### **TIME EXTENSION IF INCUMBENT FAILS TO FILE**

EC §10516. (a) Notwithstanding any other provision of law, in any district or agency election, if a declaration of candidacy for an incumbent elective officer of a district is not filed by 5 p.m. on the 88th day before the general district election, any person other than the person who was the incumbent on the 88th day shall have until 5 p.m. on the 83rd day before the election to file a declaration of candidacy for the elective office.

(b) This section is not applicable where there is no incumbent to be elected. If this section is applicable, notwithstanding Section 10510, a candidate may withdraw his or her declaration of candidacy until 5 p.m. on the 83rd day before the general election.

## **SCHOOL DISTRICTS, COMMUNITY COLLEGE DISTRICTS OR COUNTY BOARD OF EDUCATION:**

### **EXTENSION OF FILING PERIOD WHEN INCUMBENT FAILS TO FILE.**

EC §10604. (a) Notwithstanding Section 10603, if a declaration of candidacy for an incumbent member of a school district or community college district governing board or of a county board of education is not filed by 5 p.m. on the 88th day before the election, any person, other than the person who was the incumbent on the 88th day, shall have until 5 p.m. on the 83rd day before an election to file a declaration of candidacy for the elective office.

(b) This section is not applicable where there is no incumbent eligible to be elected. If this section is applicable, notwithstanding Section 10603, a candidate whose declaration of candidacy has been filed for any school district or community college district governing board election or county board of education election may withdraw as a candidate until 5 p.m. on the 83rd day before the election.

# CANDIDATE'S NAME

The ballot name is the way the candidate's name will appear on the ballot and may be designated in any of the following ways:

- ◇ First, middle and last names
- ◇ Initials only and last name
- ◇ A nickname may be included but must be in parentheses or quotation marks
- ◇ A familiar or common short version of the first name such as "Bill" for William or "Becky" for Rebecca, etc.

A candidate may use a nickname in addition to his legal name provided his candidacy has been declared under such name on the declaration of candidacy.

A.G. Ops. 50-87, 5/27/80

## **NO TITLE OR DEGREE.**

EC §13106. 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.

## **CANDIDATE CHANGE OF NAME.**

EC §13104. If a candidate changes his or her name within one year of any election, the new name shall not appear upon the ballot unless the change was made by either of the following:

- (a) Marriage.
- (b) Decree of any court of competent jurisdiction.

## **PRINTING OF CANDIDATE'S NAME.**

EC §13211. The names of the candidates shall be printed on the ballot, without indentation, in roman capital, bold face type not smaller than eight-point, between light lines or rules at least three-eighths of an inch apart but no more than one-half inch apart. However, in the case of candidates for President and Vice President, the lines or rules may be as much as five-eighths of an inch apart.

## **CANDIDATES WITH SAME NAME.**

EC §13118. The following rules apply whenever any person who is a candidate for any office believes that some other person with a name that is so similar that it may be confused with his or her name has filed or will file a nomination paper for the same office:

(a) The candidate may, at the time of filing his or her nomination paper, or within five days after the time for filing nomination papers has expired, file with the county elections official a statement that shall be in substance as follows:

"I \_\_\_\_\_, believe that some other person, whose name is so similar to mine that it may be confused with mine, has filed or will file a nomination paper for the same office for which I have filed a nomination paper, and I therefore request and direct that number \_\_\_\_\_ be printed with my name on the ballot as a distinguishing mark.

\_\_\_\_\_  
Name

Candidate for the office of \_\_\_\_\_"

(b) The distinguishing mark shall be a number and shall be printed in large bold face type at the left of the name on the ballot.

(c) If two or more candidates for the same office designate the same distinguishing number, the first candidate who filed his or her nomination papers shall have the number, and other candidates who designate the same number may file papers designating other distinguishing numbers.

(d) In addition to the designated number or numbers that the county elections official shall place on the ballot when the above conditions are met, he or she shall place on the ballot, immediately following the designation of the office and immediately preceding the names of the candidates to be voted upon, the following warning in bold face type: "Warning! There are two (or applicable number) candidates for this office with identical names." This warning shall also be included, in bold face type and in a prominent manner, on any sample ballot, ballot pamphlet, or other mailing sent by the county elections official, prior to the election, to persons eligible to vote for this office.

# BALLOT DESIGNATIONS

## BALLOT DESIGNATION REQUIREMENTS.

EC §13107 (a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, may appear at the option of the candidate only one of the following designations:

- (1) 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 vote of the people, or to which he or she was appointed, in the case of a superior court judge.
- (2) The word “incumbent” if the candidate is a candidate for the same office which 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) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or 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. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- (4) 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, or, 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 which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

(b) Neither the Secretary of State nor any other elections 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 out standing, leading, expert, virtuous, or eminent.
- (3) It abbreviates the word “retired” or places it following any word or words which 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 prohibited by law.

(c) If, upon checking the nomination documents, the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address appearing on the candidates nomination documents.

- (1) The candidate shall, within three days from the date of receipt of the notice, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide an alternate designation.
- (2) In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidates name.

(d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e).

(e) 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.

(f) In all cases, words so used shall be printed in 8-point roman uppercase and lower case type except that, if the designation selected is so long that it would conflict with the space requirements of Sections 13207 and 13211, the elections official shall use a type size for the designation for each candidate for that office sufficiently smaller to meet these requirements.

(g) When ever a foreign language translation of a candidates designation is required under the Voting Rights Act of 1965 (42 U.S.C. Sec. 1971), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

## **BALLOT DESIGNATIONS CONTINUED**

**No Occupational Designation Desired** – Write the word “None” in the appropriate space on the declaration of candidacy.

**NOTE:** All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. However, any areas that have political boundaries with an elected or appointed board are also considered geographical areas by this office.

**Please see pages 51 through 58 for the complete text of the Secretary of State Ballot Designation Regulations.**

# CANDIDATE STATEMENT OF QUALIFICATIONS

Candidate Statement of Qualifications are optional and, unless otherwise determined by the governing body, are printed at the expense of the candidate. Estimated costs for the Candidate Statement of Qualifications are based on the Printer's Price List for this election. Actual costs may vary from the estimate, depending on the number of candidates in a particular contest. Estimated costs for Candidate Statement of Qualifications must be paid in advance at the time of filing the statement. The advanced payment amounts are listed below by jurisdiction:

| Jurisdiction  | Registration | 1<br>Candidate | 2<br>Candidates | 3<br>Candidates | 4<br>Candidates |
|---|--------------|----------------|-----------------|-----------------|-----------------|
| Bangor Union Elementary                               | 640          | \$328.74       | \$239.37        | \$209.58        | \$194.68        |
| Biggs Unified School District                         | 1728         | \$348.69       | \$249.35        | \$216.23        | \$199.67        |
| Butte-Glenn Community College                         | 114986       | \$2,425.84     | \$1,054.42      | \$908.61        | \$718.96        |
| Chico Area Recreation and Park District               | 53347        | \$1,299.05     | \$724.53        | \$533.02        | \$437.26        |
| Chico Unified School District                         | 55836        | \$1,341.03     | \$745.52        | \$547.01        | \$447.76        |
| Durham Irrigation District                            | 738          | \$330.53       | \$240.27        | \$210.18        | \$195.13        |
| Durham Recreation and Park District                   | 3168         | \$375.01       | \$262.50        | \$225.00        | \$206.25        |
| Durham Unified School District                        | 3163         | \$375.01       | \$262.50        | \$225.00        | \$206.25        |
| El Medio Fire District                                | 2028         | \$354.19       | \$252.10        | \$218.06        | \$201.05        |
| Feather Falls Union Elementary School Dist            | 243          | \$321.46       | \$235.73        | \$207.15        | \$192.86        |
| Feather River Rec. and Park District                  | 24413        | \$764.73       | \$457.37        | \$354.91        | \$303.68        |
| Golden Feather Union School District                  | 1570         | \$345.79       | \$247.90        | \$215.26        | \$198.95        |
| Gridley Unified School District                       | 4599         | \$401.35       | \$275.67        | \$233.78        | \$212.84        |
| Lake Oroville Area Public Utility District            | 4875         | \$406.41       | \$278.20        | \$235.47        | \$214.10        |
| Manzanita Elementary School District                  | 552          | \$327.12       | \$238.56        | \$209.04        | \$194.28        |
| Marysville Joint Unified                              | 333          | \$323.11       | \$236.55        | \$207.70        | \$193.28        |
| Oroville City Elementary School District              | 13586        | \$566.17       | \$358.08        | \$288.72        | \$254.04        |
| Oroville Union High School District                   | 24907        | \$914.16       | \$461.90        | \$357.93        | \$305.95        |
| Palermo Union School District                         | 3512         | \$381.41       | \$265.71        | \$227.14        | \$207.85        |
| Paradise Irrigation District                          | 16461        | \$577.57       | \$384.45        | \$306.30        | \$267.22        |
| Paradise Recreation and Park District                 | 25938        | \$792.70       | \$471.35        | \$364.23        | \$310.68        |
| Paradise Unified School District                      | 24753        | \$770.97       | \$460.49        | \$356.99        | \$305.24        |
| Pioneer Union Elementary School District              | 880          | \$333.14       | \$241.57        | \$211.05        | \$195.78        |
| Richvale Recreation and Park District                 | 275          | \$322.04       | \$236.02        | \$207.36        | \$193.01        |
| South Feather Water & Power Agency                    | 11025        | \$519.20       | \$334.60        | \$273.07        | \$242.30        |
| Thermalito Irrigation District                        | 4118         | \$353.73       | \$271.26        | \$230.84        | \$210.63        |
| Thermalito Union School District                      | 4476         | \$399.09       | \$274.54        | \$233.03        | \$212.27        |
| Yuba Community College                                | 333          | \$323.90       | \$236.55        | \$207.70        | \$193.28        |
| Yuba County Board of Education (Not in 2006 election) | 333          | \$323.11       | \$236.55        | \$207.70        | \$193.28        |
| Yuba County Water District (Not in 2006 election)     | 138          | \$319.53       | \$234.77        | \$206.51        | \$192.38        |



## **CANDIDATE'S STATEMENT OF QUALIFICATIONS CONTINUED**

### **PRINTING COSTS.**

EC §13307. (c) The local agency may estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the receipt for the payment shall include a writ ten notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the elections official is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the elections official may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the elections official shall pro rate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

(e) Before the nominating period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate's statement sent to each voter. This decision shall not be revoked or modified after the seventh day prior to the opening of the nominating period. A written statement of the regulations with respect to charges for handling, packaging, and mailing shall be provided to each candidate or his or her representative at the time he or she picks up the nomination papers.

(f) For purposes of this section and Section 13310, the board of supervisors shall be deemed the governing body of judicial elections.

### **PREPARATION AND FORM OF CANDIDATE STATEMENT.**

EC §13307. (a) (1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.

(2) The statement authorized by this subdivision shall be filed in the office of the elections official when the candidate's nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. The statement shall be filed in the office of the elections official no later than the 88th day before the election, if it is for an election for which nomination papers are not required to be filed. If a runoff election or general election occurs within 88 days of the primary or first election, the statement shall be filed with the elections official by the third day following the governing body's declaration of the results from the primary or first election.

(3) Except as provided in Section 13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

(b) The elections official shall send to each voter, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate that is prepared pursuant to this section. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing. The elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation from the list of approved Spanish language translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

(d) Nothing in this section shall be deemed to make any statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing or contained in the voter's pamphlet.

### **CANDIDATE'S STATEMENT FOR JUDICIAL OFFICES.**

EC §13308. 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 which the elections official determines is not so limited or which includes any reference prohibited by this section.

Candidate's Statement of Qualifications continued next page

## CANDIDATE'S STATEMENT OF QUALIFICATIONS CONTINUED

### CONFIDENTIALITY OF CANDIDATE'S STATEMENT.

EC §13311. Notwithstanding the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), the statements filed pursuant to Section 13307 shall remain confidential until the expiration of the filing deadline.

### CHALLENGE OF CONTENTS

EC13313. (a) The elections official shall make a copy of the material referred to in Section 13307 available for public examination in the elections official's office for a period of 10 calendar days immediately following the filing deadline for submission of those documents. Any person may obtain a copy of the candidate's statements from the elections official for use outside of the elections official's office. The elections official may charge a fee to any person obtaining a copy of the material, and the fee may not exceed the actual cost incurred by the elections official in providing the copy.

(b) (1) During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the material in the candidates statements to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period.

(2) A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

### VOTER'S PAMPHLET STATEMENT.

EC §13312. Each voter's pamphlet prepared pursuant to Section 13307 shall contain a statement in the heading of the first page in heavy-faced gothic type, not smaller than 10-point, that: (a), the pamphlet does not contain a complete list of candidates and that a complete list of candidates appears on the sample ballot (if any candidate is not listed in the pamphlet), and that (b), each candidate's statement in the pamphlet is volunteered by the candidate, and is printed at his or her expense.

### FALSE STATEMENTS IN CANDIDATE STATEMENT; FINE.

EC §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 Section 11327 or 13307, with the intent to mislead the voters in connection with his or her campaign for nomination or election to a nonpartisan office is punishable by a fine not to exceed one thousand dollars (\$1,000).

**FORMAT OF STATEMENT** - All statements must be submitted on, or attached to, the form provided by the County Elections Official. In order to insure uniformity of Candidates' Statement, the candidates must prepare the statement as follows:

- ! **Typed, upper and lower case, and in block paragraph style** with spacing between paragraphs (no indents);
- ! Do not use any unusual spacing, bolding, underscoring, bullets, circles, stars, dots, italics, tables, lists or any other unusual punctuation or signs on the statement;
- ! Proof read the statement thoroughly for errors in spelling, punctuation and grammar. Statements will be printed exactly as submitted. ***Errors will not be corrected;***
- ! The statement must be confined to 200 words or less for non-partisan offices and 250 words or less for state legislative offices;
- ! Do not include any party affiliation;
- ! Do not include membership or activity in partisan political organizations.
- ! No statement shall contain any demonstrably false, slanderous or libelous statements nor any obscene or profane language, statements or insinuations.

## **CANDIDATE’S STATEMENT OF QUALIFICATIONS CONTINUED**

### **GUIDELINES FOR DETERMINING WORD COUNT.**

EC §9. (a) Counting of words, for purposes of this code, shall be as follows:

- (1) Punctuation is not counted.
- (2) Each word shall be counted as one word except as specified in this section.
- (3) All geographical names shall be considered as one word; for example, “City and County of San Francisco” shall be counted as one word.
- (4) Each abbreviation for a word, phrase, or expression shall be counted as one word.
- (5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- (6) Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word.
- (7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as “one,” shall be considered as a separate word or words. “One” shall be counted as one word whereas “one hundred” shall be counted as two words. “100” shall be counted as one word.
- (8) Telephone numbers shall be counted as one word.
- (9) Internet web site addresses shall be counted as one word.

**NOTE** – In the case where a candidate submits a statement which is not in conformance with the guidelines provided, such statements will be reformatted and set in uniform type and format in accordance with the guidelines set forth in this booklet.

All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. However, any areas that have political boundaries with an elected or appointed board are also considered geographical areas by this office.

**See the following page for a properly completed candidate statement of qualifications.**

### **ALLEGED INDIGENCY; PROCEDURES.**

EC §13309.

- (a) Notwithstanding Section 13307, if a candidate alleges to be indigent and unable to pay in advance the requisite fee for submitting a candidate statement, the candidate shall submit to the local agency a statement of financial worth to be used in determining whether or not he or she is eligible to submit a candidate statement without payment of the fee in advance.
- (b) The statement of financial worth required by this section shall be submitted by the candidate together with his or her candidate statement in accordance with the deadline specified in Section 13307. The statement of financial worth form shall be furnished by the local agency, and may include questions relating to the candidate’s employer, income, real estate holdings, tangible personal property, and financial obligations. The candidate shall certify the content of the statement as to its truth and correctness under penalty of perjury. The candidate shall also sign a release form of the candidate’s most recent federal income tax report.
- (c) Upon receipt of a statement of financial worth, a determination shall be made by the local agency of whether or not the candidate is indigent. The local agency shall notify the candidate of its findings.
- (d) If it is determined that the candidate is not indigent, the candidate shall, within three days of the notification, excluding Saturdays, Sundays, and state holidays, withdraw the statement or pay the requisite fee. If the candidate fails to respond within the time prescribed, the local agency shall not be obligated to print and mail the statement.
- (e) If the local agency determines that the candidate is indigent, the local agency shall print and mail the statement.
- (f) Nothing in this section shall prohibit the elections official from billing the candidate his or her actual pro rata share of the cost after the election.

As with all other nomination documents, the “Statement of Financial Worth” is a public record.

# CANDIDATE STATEMENT OF QUALIFICATIONS

(Elections Code § 13307, 13308, 13309)

**Notice to the candidate:** This statement may include your age, occupation and a brief description of not more than 200 words of your education and qualifications. It is important that you check your statement carefully before filing. Spelling, punctuation and grammar will not be corrected. Please refer to the "Candidate Handbook" for further detailed instructions.

I, **ELITA P. SNODGRASS**, candidate for the office of **Governing Board Member, Washington Unified School District**, to be voted for at the Consolidated General Election to be held November 7, 2006, submit the following statement:

Age: \_\_\_\_\_ Occupation \_\_\_\_\_  
(optional) (optional – may be different from Ballot Designation)

Education and Qualifications: *(Statement and word count begin here)*

**I am running for the governing board of the Washington Unified School District because I feel I can bring a balance to the board. I attended local schools, graduating from Washington High School in 1980. I am married and currently have two children attending school in the district.**

**I own and operate my own business, so I am well aware of the need to operate within a budget. With proper distribution of resources and educational materials, I am convinced we can offer quality education to all students within the district.**

**I have been active in the P.T.A., served on the Save Our Youth Committee, and am an active member of the All-Faith Church. I have served as Boy Scout Den Mother and Girl Scout Leader for the past 3 years. I also serve as a volunteer at the Community Recycling Center as time allows.**

**I am looking forward to serving you on the Washington Unified School District Governing Board. Thank you for your vote.**

Initial the appropriate box or boxes.

I DO NOT wish to have a statement printed in the voter pamphlet. However, I understand that if I choose to submit a written statement, I may do so not later than the deadline for filing nomination documents.

I DO wish to have a statement printed in the voter pamphlet and I agree to pay, upon billing, any additional cost involved in the printing and handling of the submitted statement if actual costs exceed the advance payment. I understand that a refund will be made if the advance payment exceeds the cost.

I wish to have my statement translated and printed in Spanish in addition to English, with the understanding that I will pay the actual cost incurred.

I certify under penalty of perjury that the candidate statement submitted is true and correct to the best of my knowledge and belief.

Signature Elita P. Snodgrass

Date July 17, 2006 Place of Signing Oroville, Butte County  
(City and County)

# CODE OF FAIR CAMPAIGN PRACTICES

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

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

### INTENT OF LEGISLATURE.

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

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

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

## Article 2. Definitions

### DEFINITION OF “CODE”.

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

### “CAMPAIGN ADVERTISING OR COMMUNICATION” DEFINITION.

EC §304. “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.

### “CANDIDATE” DEFINITION.

EC §305.(c) “Candidate for public office,” as used in Chapter 5 (commencing with Section 20400) of Division 20, 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.

## Article 3. Code of Fair Campaign Practices

### SUBSCRIPTION TO CODE; FORM.

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

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

Provisions of the Code of Fair Campaign Practices continued next page

# CODE OF FAIR CAMPAIGN PRACTICES CONTINUED

The text of the code shall read, as follows:

## "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."

\_\_\_\_\_Date \_\_\_\_\_Signature

### **SUPPLY OF FORMS.**

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

### **RETENTION OF FORMS; PUBLIC INSPECTION.**

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

### **PUBLIC RECORD.**

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

### **VOLUNTARY.**

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

# STATEMENTS OF ECONOMIC INTERESTS - FORM 700

## WHO MUST FILE

Government Code §87200, et. seq. This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.

Government Code §87201. Every candidate for an office specified in Section 87200 other than a justice of an appellate court or the Supreme Court shall file no later than the final filing date of a declaration of candidacy, a statement disclosing his or her investments, his or her interests in real property, and any income received during the immediately preceding 12 months. This statement shall not be required if the candidate has filed, within 60 days prior to the filing of his or her declaration of candidacy, a statement for the same jurisdiction pursuant to Section 87202 or 87203.

Government Code §87202.

- (a) Every person who is elected to an office specified in Section 87200 shall, within 30 days after assuming the office, file a statement disclosing his or her investments and his or her interests in real property held on the date of assuming office, and income received during the 12 months before assuming office. Every person who is appointed or nominated to an office specified in Section 87200 shall file such a statement not more than 30 days after assuming office, provided, however, that a person appointed or nominated to such an office who is subject to confirmation by the Commission on Judicial Appointments or the State Senate shall file such a statement no more than 10 days after the appointment or nomination. The statement shall not be required if the person has filed, within 60 days prior to assuming office, a statement for the same jurisdiction pursuant to Section 87203.
- (b) Every elected state officer who assumes office during the month of December or January shall file a statement pursuant to Section 87203 instead of this section, except that:
  - (1) The period covered for reporting investments and interests in real property shall begin on the date the person filed his or her declarations of candidacy.
  - (2) The period covered for reporting income shall begin 12 months prior to the date the person assumed office.

## WHAT MUST BE DISCLOSED

Government Code §87203. Every person who holds an office specified in Section 87200 shall, each year at a time specified by commission regulations, file a statement disclosing his investments, his interests in real property and his income during the period since the previous statement filed under this section or Section 87202. The statement shall include any investments and interest in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

Government Code §87300. Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

Government Code §87302. Each Conflict of Interest Code shall contain the following provisions:

- (a) Specific enumeration of the positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.
- (b) Requirements that each designated employee, other than those specified in Section 87200, file statements at times and under circumstances described in this section, disclosing reportable investments, business positions, interests in real property and income. The information disclosed with respect to reportable investments, interests in real property, and income shall be the same as the information required by Sections 87206 and 87207. The first statement filed under a Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, interests in real property, and income. An initial statement shall be filed by each designated employee within 30 days after the effective date of the Conflict of Interest Code, disclosing investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12 months before

## **STATEMENTS OF ECONOMIC INTERESTS - FORM 700 CONTINUED**

the effective date of the Conflict of Interest Code. Thereafter, each new designated employee shall file a statement within 30 days after assuming office, or if subject to State Senate confirmation, 30 days after being appointed or nominated, disclosing investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office or the date of being appointed or nominated, respectively. Each designated employee shall file an annual statement, at the time specified in the Conflict of Interest Code, disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

### **STATEMENTS ARE A PUBLIC RECORD**

Government Code §81008.(a) Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from such persons. Copies shall be provided at a charge not to exceed ten cents (\$0.10) per page. In addition, the filing officer may charge a retrieval fee not to exceed five dollars (\$5) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request.

### **PENALTIES FOR FAILURE TO FILE**

Government Code §91013. (a) If any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within 30 days for a statement of economic interest, other than a candidate's statement filed pursuant to Section 87201, five days for a campaign statement required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement.

(b) If any person files a copy of a statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of ten dollars (\$10) per day, starting 10 days, or five days in the case of a campaign statement required to be filed 12 days before an election, after the officer has sent specific written notice of the filing requirement and until the statement is filed.

(c) The officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he or she is an officer. No liability under this section shall exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater.

### **FORMS AVAILABLE**

Candidates who must file these statements may obtain forms by visiting the Fair Political Practices Commission website at [www.fppc.ca.gov](http://www.fppc.ca.gov). If Internet access is unavailable, forms may also be obtained from the Butte County Elections Office. The Form 700 must be filed with the County Elections Official no later than the last day to file the Declaration of Candidacy.



# WRITE-IN CANDIDATES

## **FILING REQUIREMENTS; STATEMENT AND NOMINATION PAPERS.**

EC §8600. Every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office shall file:

- (a) A statement of write-in candidacy that contains the following information:
  - (1) Candidate's name.
  - (2) Residence address.
  - (3) A declaration stating that he or she is a write-in candidate.
  - (4) The title of the office for which he or she is running.
  - (5) The party nomination which he or she seeks, if running in a primary election.
  - (6) The date of the election.
- (b) The requisite number of signatures on the nomination papers, if any, required pursuant to Sections 8062, 10220, 10510 or, in the case of a special district not subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10), the number of signatures required by the principal act of the district.

## **FILING TIME.**

EC §8601. The statement and nomination papers shall be available on the 57th day prior to the election for which the candidate is filing as a write-in candidate, and shall be delivered to the elections official responsible for the conduct of the election no later than the 14th day prior to the election.

## **FORM OF NOMINATION PAPERS.**

EC §8602. The nomination papers for a write-in candidate shall be substantially in the same form as set forth in Section 8041.

## **SIGNERS OF NOMINATION PAPERS.**

EC §8603. 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.

## **FILING FEES.**

EC §8604. No fee or charge shall be required of a write-in candidate except in the case of a candidate for city office, as provided in Section 10228.

## **NAME ON BALLOT IF WRITE-IN CANDIDATE.**

EC §8605. No person whose name has been written in upon a ballot for an office at the direct primary may have his or her name placed upon the ballot as a candidate for that office for the ensuing general election unless one of the following is applicable:

- (a) At that direct primary he or she received for that office votes equal in number to 1 percent of all votes cast for the office at the last preceding general election at which the office was filled. In the case of an office that has not appeared on the ballot since its creation, the requisite number of votes shall equal 1 percent of the number of all votes cast for the office that had the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office.
- (b) He or she is an independent nominee pursuant to Part 2 (commencing with Section 8300).
- (c) He or she has been designated by a party central committee to fill a vacancy on the ballot for the general election.

# PLACEMENT OF NAMES ON THE BALLOT

Elections Code §13109 specifies the order of precedence of offices on the ballot. The order in which candidates' names shall be placed on the ballot is specified in Elections Code §13111 and 13112.

## **RULES FOR PRINTING CANDIDATES ON BALLOT.**

EC §13111. Candidates for each office shall be printed on the ballot in accordance with the following rules:

### **PRESIDENTIAL CANDIDATES - PRIMARY**

(a) The names of presidential candidates to whom candidates for delegate to the national convention are pledged, and the names of chairpersons of groups of candidates for delegate expressing no preference, shall be arranged on the primary election ballot by the Secretary of State by the names of the candidates in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

### **PRESIDENTIAL CANDIDATES - GENERAL**

(b) The names of the pairs of candidates for President and Vice President shall be arranged on the general election ballot by the Secretary of State by the names of the candidates for President in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the pair appearing first in the last preceding Assembly district shall be placed last, the order of the other pairs remaining unchanged.

### **STATEWIDE OFFICE CANDIDATES**

(c) In the case of all other offices, the candidates for which are to be voted on throughout the state, the Secretary of State shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

### **REPRESENTATIVES IN CONGRESS AND STATE BOARD OF EQUALIZATION CANDIDATES**

(d) If the office is that of Representative in Congress or member of the State Board of Equalization, the Secretary of State shall arrange the names of candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for that Assembly district that has the lowest number of all the Assembly districts in which candidates are to be voted on. Thereafter, for each succeeding Assembly district in which the candidates are to be voted on, the names appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

### **COUNTY SUPERVISOR, CENTRAL COMMITTEES, SCHOOL AND SPECIAL DISTRICT CANDIDATES**

(f) If the office is to be voted upon wholly within, but not throughout, one county, as in the case of municipal, district, county supervisor, and county central committee offices, the official responsible for conducting the election shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112.

### **COUNTYWIDE OFFICE CANDIDATES (ROTATES BY SUPERVISORIAL DISTRICT)**

(g) If the office is to be voted on throughout a single county, and there are not more than four Assembly districts wholly or partly in the county, the county elections official shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112 for the first supervisorial district. Thereafter, for each succeeding supervisorial district, the name appearing first for each office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged.

### **STATE SENATE AND STATE ASSEMBLY CANDIDATES (MULTIPLE COUNTIES)**

(i) Except as provided in subdivision (d) of Section 13112, if the office is that of State Senator or Member of the Assembly, and the district includes more than one county, the county elections official in each county shall conduct a drawing of the letters of the alphabet, pursuant to the same procedures specified in Section 13112. The results of the drawing shall be known as a county randomized ballot and shall be used only to arrange the names of the candidates when the district includes more than one county.

Placement Of Names On The Ballot continued next page

## **PLACEMENT OF NAMES ON THE BALLOT CONTINUED**

### **SUPREME COURT AND ASSOCIATE JUSTICE CANDIDATES**

(j) If the office is that of Justice of the California Supreme Court or a court of appeal, the appropriate elections officials shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112. However, the names of the judicial candidates shall not be rotated among the applicable districts.

### **RANDOM ALPHABET DRAWING**

#### **DRAWING OF RANDOMIZED ALPHABET.**

EC §13112. The Secretary of State shall conduct a drawing of the letters of the alphabet, the result of which shall be known as a randomized alphabet. The procedure shall be as follows:

(a) Each letter of the alphabet shall be written on a separate slip of paper, each of which shall be folded and inserted into a capsule. Each capsule shall be opaque and of uniform weight, color, size, shape, and texture. The capsules shall be placed in a container, which shall be shaken vigorously in order to mix the capsules thoroughly. The container then shall be opened and the capsules removed at random one at a time. As each is removed, it shall be opened and the letter on the slip of paper read aloud and written down. The resulting random order of letters constitutes the randomized alphabet, which is to be used in the same manner as the conventional alphabet in determining the order of all candidates in all elections. For example, if two candidates with the surnames Campbell and Carlson are running for the same office, their order on the ballot will depend on the order in which the letters M and R were drawn in the randomized alphabet drawing.

(b) (1) There shall be five drawings, three in each even-numbered year and two in each odd-numbered year. Each drawing shall be held at 11 a.m. on the date specified in this subdivision. The results of each drawing shall be mailed immediately to each county elections official responsible for conducting an election to which the drawing is applicable, who shall use it in determining the order on the ballot of the names of the candidates for office.

(A) The first drawing under this subdivision shall take place on the 82nd day before the April general law city elections, and shall apply to those elections and any other elections held at the same time.

(B) The second drawing under this subdivision shall take place on the 82nd day before the direct primary of an even-numbered year, and shall apply to all candidates on the ballot in that election.

(C) (i) The third drawing under this subdivision shall take place on the 82nd day before the November general election of an even-numbered year, and shall apply to all candidates on the ballot in the November general election.

(ii) In the case of the primary election and the November general election, the Secretary of State shall certify and transmit to each county elections official the order in which the names of federal and state candidates, with the exception of candidates for State Senate and Assembly, shall appear on the ballot. The elections official shall determine the order on the ballot of all other candidates using the appropriate randomized alphabet for that purpose.

(D) The fourth drawing under this subdivision shall take place on the 82nd day before the first Tuesday after the first Monday in June of each odd-numbered year, and shall apply to all candidates on the ballot in the elections held on that date.

(E) The fifth drawing under this subdivision shall take place on the 82nd day before the first Tuesday after the first Monday in November of the odd-numbered year, and shall apply to all candidates on the ballot in the elections held on that date.

(2) In the event there is to be an election of candidates to a special district, school district, charter city, or other local government body at the same time as one of the five major election dates specified in subparagraphs (A) to (E), inclusive, and the last possible day to file nomination papers for the local election would occur after the date of the drawing for the major election date, the procedure set forth in Section 13113 shall apply.

(c) Each randomized alphabet drawing shall be open to the public. At least 10 days prior to a drawing, the Secretary of State shall notify the news media and other interested parties of the date, time, and place of the drawing. The president of each statewide association of local officials with responsibilities for conducting elections shall be invited by the Secretary of State to attend each drawing or send a representative. The state chairman of each qualified political party shall be invited to attend or send a representative in the case of drawings held to determine the order of candidates on the primary election ballot, the November general election ballot, or a special election ballot as provided for in subdivision (d).

(d) In the case of any special election for State Assembly, State Senate, or Representative in Congress, on the first weekday after the close of filing of nomination papers for the office, the Secretary of State shall conduct a public drawing to produce a randomized alphabet in the same manner as provided for in subdivisions (a) and (c). The resulting randomized alphabet shall be used for determining the order on the ballot of the candidates in both the primary election for the special election and in the special election.

# **INSUFFICIENT NOMINEES AND APPOINTMENTS**

## **SPECIAL DISTRICTS**

### **APPOINTMENT OF CANDIDATES.**

EC §10515. (a) If, by 5 p.m. on the 83rd day prior to the day fixed for the general district election: (1) only one person has filed a declaration of candidacy for any elective office to be filled at that election, (2) no one has filed a declaration of candidacy for such an office, (3) in the case of directors to be elected from the district at large, the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election, or (4) in the case of directors who must reside in a division but be elected at large, the number of candidates for director at large from a division does not exceed the number required to be elected director at large while residing in that division; and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has not been presented to the officer conducting the election, he or she shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments.

(b) If no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for the office.

(c) Where a director must be appointed to represent a division, all or most of which is not within the county governed by the supervising authority, then the board of supervisors of the county within which all or most of that division is located shall be the body to which request for appointment is made and which shall make the appointment.

## **SCHOOL DISTRICTS, COMMUNITY COLLEGE DISTRICTS, COUNTY BOARD OF EDUCATION**

Education Code 5326. If, by 5:00 p.m. on the 83rd day prior to the day fixed for the governing board member election, only one person has been nominated for any elective office to be filled at that election, or no one has been nominated for the office, or in the case of members to be elected from the district at large, the number of candidates for governing board member at large does not exceed the number of offices to be filled at that election, or in the case of members to be nominated by trustee area and elected at large, the number of candidates do not exceed the number required to be elected governing board member at large nominated by that trustee area, or in the case of members to be elected at large in accordance with Sections 5030.5 , 5030.6, and 5030.7, no more than one person has been nominated for each membership position, and a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or trustee area, if elected by trustee area, requesting that a school district election be held for the offices has not been presented to the officer conducting the election, appointment will be made as prescribed by Section 5328. The provisions of this section and Section 5328 shall also apply to elections for membership on a county board of education.

Education Code 5328. If pursuant to Section 5326 a district election is not held, the qualified person or persons nominated shall be seated at the organizational meeting of the board, or if no person has been nominated or if an insufficient number is nominated, the governing board shall appoint a qualified person or persons, as the case may be, at a meeting prior to the day fixed for the election, and such appointee or appointees shall be seated at the organizational meeting of the board as if elected at a district election.

Education Code 5328.5. If no one has been nominated to an office, prior to making an appointment to that office pursuant to Section 5328, the governing board shall cause to be published a notice once in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper having general circulation in the district, stating that the board intends to make an appointment and informing persons of the procedure available for applying for the office.

# DECLARATION OF ELECTED CANDIDATES

## GOVERNING BODY SHALL DECLARE RESULTS.

EC §15400. The governing body shall declare elected or nominated to each office voted on at each election under its jurisdiction the person having the highest number of votes for that office, or who was elected or nominated under the exceptions noted in Section 15452. The governing board shall also declare the results of each election under its jurisdiction as to each measure voted on at the election.

## CERTIFICATE OF ELECTION OR NOMINATION.

EC §15401. The elections official shall make out and deliver to each person elected or nominated, as declared by the governing body, a certificate of election or nomination, signed and authenticated by the elections official.

## SPECIAL DISTRICTS

### DECLARATION OF ELECTED CANDIDATES.

EC §10551. (a) No later than the Monday before the first Friday in December the county elections official shall declare the elected candidate or candidates. If there is but one person to be elected to an elective office, the candidate receiving the highest number of votes cast for the candidates for that office shall be declared elected. If there are two or more persons to be elected to an elective office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected. (b) If a tie vote makes it impossible to determine which of two or more candidates has been elected, the county elections official shall notify the governing body of the district thereof, and the governing body shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by representative at a time and place designated by the governing body. The governing body shall, at that time and place, determine the tie by lot and the results thereof shall be declared by the governing body. The candidate so chosen shall qualify, take office and serve as though elected at the preceding general district election.

EC §10554. Elective officers, elected or appointed pursuant to this part, take office at noon on the first Friday in December next following the general district election. Prior to taking office, each elective officer shall take the official oath and execute any bond required by the principal act.

## SCHOOL DISTRICTS, COMMUNITY COLLEGE DISTRICTS, COUNTY BOARD OF EDUCATION

Education Code 5017. (a) Except as provided by Section 5000.5, each person elected at a regular biennial governing board member election shall hold office for a term of four years commencing on the first Friday in December next succeeding his or her election. Any member of the governing board of any school district or community college district whose term has expired shall continue to discharge the duties of the office until his or her successor has qualified. The term of the successor shall begin upon the expiration of the term of his or her predecessor.

(b) Notwithstanding any provisions of law to the contrary, each person elected at a regular election held pursuant to subdivision (b) of Section 5000 shall hold office for a term of four years commencing on the first day of the calendar month next succeeding his or her election. The term of his or her predecessor shall be deemed to expire on the first day of the calendar month next succeeding that election, regardless of the length of the term as otherwise established by law, provided, however, that the predecessor shall continue to discharge the duties of the office until his or her successor has qualified.

Education Code §5016. (a) If a tie vote makes it impossible to determine either which of two or more candidates has been elected to the governing board or the term of office of a governing board member, the county superintendent of schools having jurisdiction shall so certify to the governing board.

(b) The governing board may either call a runoff election or determine the winner or winners by lot. Prior to conducting any school board election on or after March 1, 1977, the governing board of each school district shall establish which of such procedures is to be employed by the district in the event of a tie vote.

(c) If the governing board decides to determine the winner by lot, the governing board shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by a representative at a time and place designated by the governing board. The governing board shall at that time and place determine the winner or winners by lot.

(d) If the governing board decides to call a runoff election, it shall call a runoff election to be held in the district on the sixth Tuesday following the election at which the tie vote occurred. Only the candidates receiving the tie votes shall appear on the ballots. Any member of the governing board who will be succeeded by a winner of the runoff election and whose term would expire before the winner of the runoff election would be determined shall continue to discharge the duties of his office until his successor has qualified.

The runoff election shall be called and conducted substantially in the manner provided in Chapter 3 (commencing with Section 5300) of this part, provided, that the governing board shall determine the adjustments of the time requirements prescribed therein which would be necessary in order to conduct the runoff election.

# VOTES NEEDED TO PASS MEASURES

## STATE MEASURES

**Reference: California Constitution, Article II, Section 10.** If a measure receives affirmative votes on a majority of all ballots cast for that measure, it is deemed approved by the voters. An initiative measure approved by a majority votes takes effect the day after the election unless the measure provides otherwise. If provisions of two or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote prevail.

The Legislature may amend or repeal initiative statutes by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval.

## COUNTY MEASURES

### REQUIREMENTS FOR ORDINANCE TO BECOME EFFECTIVE.

EC §9122. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the county. The ordinance shall be considered as adopted upon the date the vote is declared by the board of supervisors, and shall go into effect 10 days after that date.

## DISTRICT MEASURES

### VALID IF MAJORITY.

EC §9320. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the district. The ordinance shall be considered as adopted upon the date the vote is declared by the district board, and shall go into effect 10 days after that date.

## SCHOOL BOND MEASURES

Education Code §15124. If it appears from the certificate of election results that two-thirds of the votes cast on the proposition of issuing bonds of the district are in favor of issuing the bonds; or, a majority of the votes cast, if the election is held to repair, reconstruct or replace school buildings in compliance with Section 17367 or 81162 or any other provision of law, the governing board of the school district or community college shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. The county superintendent of schools shall send a copy of the certificate of election results to the board of supervisors of the county.

Education Code §15348. (a) The proposition shall be deemed approved upon approval by two-thirds of the votes cast by voters voting on the proposition of issuing bonds of the school facilities improvement district unless subdivision (b) is applicable.

(b) Alternatively, for a governing board of a school district or community college district that proceeds pursuant to Chapter 1.5 (commencing with Section 15264) and subject to the requirements therein on behalf of a school facilities improvement district that is created by and under the exclusive authority of the school district or community college district, as specified in Section 15359.3, the proposition shall be deemed approved upon approval by 55 percent of the votes cast by voters voting on the proposition of issuing bonds of the school facilities improvement district.

## BOND MEASURES OR IMPOSITION OF SPECIAL TAXES

Reference: California Constitution, Article XIII A, Section 4. Cities, counties and special districts may, by a two-thirds vote of the qualified electors of such district, impose special taxes on such district, except ad valorem taxes on real property or a transaction tax or sales tax on the sale of real property within such city, county or special district.

# CAMPAIGN LITERATURE REQUIREMENTS

## MASS MAILING

Government Code §82041.5. "Mass mailing" means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.

### MASS MAILING REQUIREMENTS:

Government Code §84305.

- (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 the mailing in no less than 6-point type which shall be in a 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 organization's address is a matter of public record with the Secretary of State.
- (b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
- (c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

### MASS MAILING PROHIBITIONS:

Government Code §89001. No newsletter or other mass mailing shall be sent at public expense.

### MASS MAILING PENAL PROVISIONS.

EC §18303. Every person who violates Section 84305 of the Government Code relating to mass mailing is subject to the penal provisions set forth in Chapter 11 (commencing with Section 91000) of Title 9 of the Government Code.

## POLITICAL ADVERTISING REQUIREMENTS - NEWSPAPERS

### POLITICAL ADVERTISEMENT REQUIREMENTS.

EC §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 or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." The words shall be set apart from any other printed matter.

As used in this section "paid political advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office.

### POLITICAL ADVERTISEMENT PENAL SECTION

Penal Code 115.2. (a) 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.

(b) For purposes of this section, "campaign advertisement" means any communication directed to voters by means of a mass mailing as defined in Section 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 Section 84100) of Title 9 of the Government Code.

(c) Any violation of this section is a misdemeanor punishable by imprisonment in the county jail, or by a fine not to exceed fifty thousand dollars (\$50,000), or both.

## SLATE MAILERS

Government Code §82048.3. "Slate mailer" means a mass mailing which supports or opposes a total of four or more candidates or ballot measures.

Government 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 the slate mailers.

(2) Receives or is promised payments totaling five hundred dollars (\$500) or more in a calendar year for the production of one or more slate mailers.

## CAMPAIGN LITERATURE REQUIREMENTS CONTINUED

(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 Section 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 Sections 84218 and 84219, no additional campaign reports shall be required of the slate mailer organization pursuant to Section 84200 or 84200.5.

Government 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 every insert included with each piece of slate mail in no less than 8-point roman type which shall be in a 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 the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division.

(2) At the top of each side or surface of a slate mailer or at the top of each 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 (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. All candidates and ballot measures designated by \$\$\$ have paid for their listing in this mailer. A listing in this mailer does not necessarily imply endorsement of other candidates or measures listed in this mailer.

(3) Any reference to a ballot measure that has paid to be included on the slate mailer shall also comply with the provisions of Section 84503 et seq.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by \* (asterisk). Any candidate or ballot measure that has not paid to appear in the slate mailer 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 in 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 Section 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.

(c) A slate mailer that complies with this section shall be deemed to satisfy the requirements of Sections 20003 and 20004 of the Elections Code.

Campaign Literature Requirements continued next page



## CAMPAIGN LITERATURE REQUIREMENTS CONTINUED

Government Code §84305.6. In addition to the requirements of Section 84305.5, a slate mailer organization or committee primarily formed to support or oppose one or more ballot measures may not send a slate mailer unless any recommendation in the slate mailer to support or oppose a ballot measure or to support a candidate that is different from the official recommendation to support or oppose by the political party that the mailer appears by representation or indicia to represent is accompanied, immediately below the ballot measure or candidate recommendation in the slate mailer, in no less than nine-point roman boldface type in a color or print that contrasts with the background so as to be easily legible, the following notice:

"THIS IS NOT THE OFFICIAL POSITION OF THE (political party that the mailer appears by representation or indicia to represent) PARTY."

### **SIMULATED BALLOT REQUIREMENTS.**

EC §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.

### **PRINTING OF SIMULATED SAMPLE BALLOTS.**

EC §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 that does not contain the statement required by Section 20009 or that uses an official seal or insignia in violation thereof, is guilty of a misdemeanor.

### **TRUTH IN ENDORSEMENTS LAW**

EC §20000 et. seq. provides additional information regarding restrictions on endorsements, representation requirements, etc. A link is available for viewing the Elections Code Book on the Butte County Clerk-Recorder website: <http://clerk-recorder.buttecounty.net>, or a copy of the applicable pages may be purchased in the Butte County Clerk-Elections Office for the standard copy fee.

# CAMPAIGN LITERATURE CONTAINING POLLING PLACE LOCATION

## *Important !!*

Candidates should **not** distribute or mail campaign literature telling the voter where his or her polling place is located. It is confusing and a disservice to the voter if polling place changes occur in the last few weeks prior to an election. In the past, candidates have mailed or distributed campaign literature, inadvertently giving voters misinformation regarding their polling place location. We are sure you can understand the problems this causes for the voters and the Elections Office staff as well as yourself, the candidate.

### **POLLING PLACE INFORMATION SENT TO THE VOTERS:**

Any data files containing polling place locations purchased through the County Elections Official prior to 30 days before the election must be confirmed by that official. At no time should a person use polling place lists that could be outdated.

### **DISTRIBUTION OF PRECINCT POLLING PLACE INFORMATION.**

EC §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.

# POLITICAL SIGNS

## STATE LAWS – OUTDOOR POLITICAL ADVERTISING

### STATE DEPARTMENT OF TRANSPORTATION

Pursuant to 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 For Temporary Political Signs” filed with the State Department of Transportation, Division of Traffic Operations, Northern California, Outdoor Advertising Branch, P.O. Box 942874, MS-37, Sacramento CA 94274-0001, (916)654-4094, Fax-(916) 654-4956, certifying a person who will be responsible for removing the signs. Forms are available at the Butte County Elections Office.

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.

## LOCAL LAWS – OUTDOOR POLITICAL ADVERTISING

### COUNTY OF BUTTE:

There are currently no provisions in the County Code or Charter that regulates outdoor political advertising.

### City/Town Ordinances:

Each city or town in Butte County has rules and regulations regarding outdoor political advertising. Contact the City Clerk or Town Clerk for more information.

### Homeowner Associations:

Some homeowner associations might have rules and regulations regarding political outdoor advertising. The following are “known” homeowner associations along with the contact information.

Butte Creek Country Club, 175 Estates Dr, Chico, CA 95928, 343-7979

Kelly Ridge Estates Owner’s Association, P. O. Box 1893, Oroville CA 95965, 589-2665

Paradise Pines Property Owner’s Association Inc., 14211 Wycliff Way, Magalia, CA 95954, 873-1114

A number of subdivisions are subject to rules and regulations regarding political signs. Hignell and Hignell Property Managers serve as a representative to the various home/land/Property Owner Associations listed below. For further information, please contact Hignell Incorporated, 1750 Humboldt Rd, Chico CA 95928, 894-0404

California Park, Canyon Oaks Country Club, Chico Oaks, Chateau East, Hollybrook, Lucas Ranch, Mission Ranch, Morseman Village, Mountain Oaks, Parque Estates, Pebblewood Pines, Philadelphia Square, Plantation, Plaza West, Ridgeview II, Sierra Lakeside, Sierra Sunrise, Stonebridge, Stoneridge, Tierra Oaks, The Retreat, The Villas, Upper Park, Village Square, Waterford, Windmill Falls, Woodcrest and Woodoak.

### Mobile Home Parks:

Some mobile home parks might have rules regarding outdoor political advertising. As a courtesy, please call the Manager for information.

# ELECTIONEERING

## **ELECTIONEERING WITHIN 100 FEET OF A POLLING PLACE.**

EC §18370. No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place or an elections official's office:

- (a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (c) 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.
- (d) Do any electioneering.

As used in this section, "100 feet of a polling place or an elections official's office" means a distance 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.

## **ELECTIONEERING DURING ABSENTEE VOTING.**

EC §18371. (a) No candidate or representative of a candidate, and no proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, shall solicit the vote of an absentee voter, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time he or she knows the absentee voter is voting.

(b) Any person who knowingly violates this section is guilty of a misdemeanor.

(c) This section shall not be construed to conflict with any provision of the federal Voting Rights Act of 1965, as amended, nor to preclude electioneering by mail or telephone or in public places, except as prohibited by Section 18370, or by any other provision of law.

## **SOLICITATION DISSUADING PERSONS FROM VOTING.**

EC §18541.

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

(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, video tape, or otherwise record a voter entering or exiting a polling place.

(b) Any person who violates 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.

## **EXIT POLLS**

Secretary of State Opinion 1992 – Exit Polls: No pre or post voter contact may be made within a 25-foot perimeter. All exit polling must be done beyond the 25-foot perimeter from the entrance to the polling place. The entrance is deemed to be the room or rooms in which voters are actually signing rosters and casting votes.

## **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: 1) inspect the Roster of Voters. Any such inspection, however, must be done without impeding, interfering or interrupting the normal process of voting and counting; 2) inspect the Public's Alpha Index update regularly by the precinct workers. The index may not be removed from the polling place; 3) observe all activities at the polling place, including activities after the polls close, providing they do not interfere with the normal processing of voters.

# CANDIDATE INTENTION STATEMENT - FORM 501

## **WHO FILES**

A candidate for state or local office must file this form prior to solicitation or receipt of any contribution, or expenditure of any personal funds used for the election.

You must file a separate Form 501 for each election, including reelection to the same office.

Exception: This form is not required if you will not solicit or receive contributions from other persons and the only expenditures will be from your personal funds used for the filing fee and/or statement of qualifications in the sample ballot or ballot pamphlet.

**The Form 501 and all campaign disclosure forms and information manuals are available on the Fair Political Practices Commission website: [www.fppc.ca.gov](http://www.fppc.ca.gov). These forms are also interactive and may be completed online and printed out for your signature and filing.**

# CAMPAIGN DISCLOSURE REQUIREMENTS

The Political Reform Act of 1974 requires all candidates for state and local elective office, all state and local elected officeholders, proponents of state and local ballot measures who control a ballot measure committee, and committees supporting or opposing state and local candidates, and all measure and petition circulation committees, to file campaign disclosure statements disclosing contributions received and expenditures made.

Government Code §91000. (a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.

(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars (\$10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.

(c) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred.

## **Government Code §91013 provides for a late filing fine of \$10 per day for the late filing of any statement or report required by the Political Reform Act starting the day after the filing deadline.**

Government Code §91013. (a) If any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within 30 days for a statement of economic interest, other than a candidate's statement filed pursuant to Section 87201, five days for a campaign statement required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement.

(b) If any person files a copy of a statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of ten dollars (\$10) per day, starting 10 days, or five days in the case of a campaign statement required to be filed 12 days before an election, after the officer has sent specific written notice of the filing requirement and until the statement is filed.

(c) The officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he or she is an officer. No liability under this section shall exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater.

## **IMPORTANT:**

It is the responsibility of the candidate and/or committee to be aware of and to file the required campaign disclosure statements in a correct and timely manner. If a candidate and/or committee with campaign disclosure obligations and requirements fails to file within the specified deadlines, the non-receipt of a reminder notice may not be utilized (or rationalized) as the reason for late or non-filing. ***Filing by the deadline as prescribed by law, is the responsibility of the candidate or committee.***

**Campaign Disclosure Forms** - Campaign disclosure forms and information manuals are available on the Fair Political Practices Commission (F.P.P.C.) website at: [www.fppc.ca.gov](http://www.fppc.ca.gov) or at the Butte County Elections Office. Before accepting any contributions or making expenditures toward a campaign, it is vital that you obtain the correct forms required by law for reporting campaign contributions and expenditures. Failure to file could lead to fines and/or civil or criminal penalties.

**Information Manuals** - It is necessary to review the "Campaign Disclosure Manual" pertaining to the type of office you are seeking. These manuals are provided by the Fair Political Practices Commission and will have important information regarding who is required to file, when you are required to file, where to file and which forms to use. These manuals also cover what information is required to be disclosed and how to report that disclosure on the forms. These manuals are available on the Fair Political Practices Commission website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

## CAMPAIGN DISCLOSURE REQUIREMENTS CONTINUED

All of the following forms and information manuals are available from the County Elections Official or on the Fair Political Practices Commission website: [www.fppc.ca.gov](http://www.fppc.ca.gov).

**Form 501 – Candidate Intention Form** – Only candidates and officeholders are required to file this form. Form 501 must be filed before soliciting or receiving contributions from others or making expenditures from personal funds on behalf of your candidacy.

**Form 410 – Statement of Organization** – This form must be filed within 10 days of receiving contributions or making expenditures of \$1,000. The term “contribution” includes monetary payments, loans and non-monetary goods or services. The original and one copy must be filed with the Secretary of State and one copy with your local filing officer (Butte County Clerk/Elections Office).

**Form 470 – Candidate and Officeholder Campaign Statement - Short Form** – Candidates who anticipate spending less than \$1,000 during the entire calendar year, exclusive of the costs of the filing fee and/or candidate statement (if paid from personal funds), and will not receive contributions totaling more than \$1,000, may reduce their filing obligations by filing a Form 470. No further campaign disclosure statement needs to be filed for this election unless the candidate spends more than \$1,000 or begins accepting contributions. If the candidate reaches that \$1,000 threshold, they should review the information manual immediately for information regarding their further filing responsibilities.

**Form 460 – Recipient Campaign Committee Form** – Candidates and all recipient committees who have filed a Statement of Organization, must use this form for itemizing all contributions received and all expenditures made during the different reporting periods.

**Campaign Expenditures From a Candidate's Personal Funds** - All money intended for use in the campaign, including personal funds, must be deposited into a campaign bank account. All campaign expenditures for the specific office sought must be made from the specified bank account. The funds in the account may not be used in connection with any other office sought.

**Late Contribution and/or Late Independent Expenditure Reports** - Any candidate or committee that receives a late contribution or makes a late independent expenditure of an aggregated total of \$1,000 or more from a single source within the 16 days prior to the election must file Form 496 or Form 497. This report may be filed in person, by fax, telegram, mailgram or guaranteed overnight mail through the U.S. Postal Service but must be filed within 24 hours of receiving the contribution or making the expenditure.

**Additional Information** – For additional detailed information relating to California reporting requirements of the Political Reform Act of 1974, as amended, see Government Code §81000 through §91015 or contact the Fair Political Practices Commission at (916) 322-5662. You may also visit their website at [www.fppc.ca.gov](http://www.fppc.ca.gov). Forms and information manuals are also available on this website.

### FEDERAL OFFICES

Due to the requirements of the Federal Election Campaign Act (as amended), candidates for federal office should contact the Federal Election Commission for additional information at 999 E Street, NW, Washington, D.C. 20463, or by calling the toll-free number 1-800-424-9530 and request a copy of the Act, related regulations and instruction manuals giving filing requirements for reporting campaign contributions and expenditures and the forms on which to file.

**Franchise Tax Board Audits:** Be aware that the Franchise Tax Board is authorized under §90001 of the California Government Code to audit Campaign Disclosure Statements. This can include audits of the accounting records and other such auditing procedures.

**See the following page for the campaign disclosure filing schedule for local offices for the November 7, 2006 General Election.**

**Candidates for Local Office  
Committees Primarily Formed to Support/Oppose Local Candidates or Measures  
Being Voted on November 7, 2006**

| <b>Filing Deadline</b>      | <b>Type of Statement</b>  | <b>Period Covered by Statement<sup>1/</sup></b> | <b>Method of Delivery</b>  |
|-----------------------------|---|---|--|
| July 31, 2006 <sup>2/</sup> | Semi-Annual   | 1/1/2006 - 6/30/2006                            | <ul style="list-style-type: none"> <li>• Personal Delivery</li> <li>• First Class Mail</li> </ul>  |
| October 5, 2006             | Pre-Election  | <sup>1/</sup> - 9/30/2006                       | <ul style="list-style-type: none"> <li>• Personal Delivery</li> <li>• First Class Mail</li> </ul>  |
| October 26, 2006            | Pre-Election  | 10/1/2006 - 10/21/2006                          | <ul style="list-style-type: none"> <li>• Personal Delivery</li> <li>• Guaranteed Overnight Service</li> </ul>                                    |
| Within 24 Hours             | Late Contributions <sup>3/</sup><br>and Independent<br>Expenditures of \$1,000<br>or More <sup>4/</sup> | 10/22/2006 - 11/6/2006                          | <ul style="list-style-type: none"> <li>• Personal Delivery</li> <li>• Telegram</li> <li>• Guaranteed Overnight Service</li> <li>• Fax</li> </ul> |
| January 31, 2007            | Semi-Annual   | 10/22/2006 - 12/31/2006                         | <ul style="list-style-type: none"> <li>• Personal Delivery</li> <li>• First Class Mail</li> </ul>  |

**Footnotes:**

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

2/ Incumbent officeholders being voted on November 7 and their controlled committees must file this report. (Officeholders whose salaries are less than \$200 per month and judges file only if contributions were received or expenditures made during the period.) Non-incumbent candidates and their controlled committees, and committees primarily formed to support or oppose candidates or ballot measures being voted on November 7, must file this report if contributions or expenditures were made during the period January 1 through June 30, 2006.

3/ The recipient of a late in-kind contribution must file a late contribution report within 48 hours from the time the in-kind contribution was received.

4/ A controlled committee of a candidate may not make an independent expenditure to support or oppose another candidate.

**Additional Notes:**

- If independent expenditures of \$1,000 or more are made in connection with the election, call the FPPC for information on filing special reports.
- There is no provision in the law for an extension of a filing deadline. Late statements are subject to a \$10 per day late fine.
- Refer to appropriate campaign disclosure manuals to determine where to file campaign statements.
- All statements are public documents.
- Be sure to check the FPPC website ([www.fppc.ca.gov](http://www.fppc.ca.gov)) for updated information.

**State Candidates must use the filing schedule located on the FPPC website listed above.**



# INFORMATION AVAILABLE TO CANDIDATES

## **VOTER REGISTRATION INFORMATION**

As of January 1, 1995 voter registration information is confidential and no longer available to the general public. However, voter registration information can be accessed or purchased if an application has been completed and approved by the Butte County Elections Office.

## **ACCESSING VOTER REGISTRATION INFORMATION BY COMPUTER AT THE BUTTE COUNTY ELECTIONS OFFICE**

A computer terminal is available for candidates for elective office, proponents of initiative, referendum or recall petitions/measures to conduct research of the voter registration file. Before information can be accessed, an application form must be completed and state the specific information requested and its intended use. Persons working for candidate or measure committees must have a letter of authorization signed by the candidate or proponent authorizing them to view voter registration information. Persons who fail to provide our office with a letter may not be entitled to receive the information they are requesting.

## **DATA PROCESSING ITEMS**

Before any voter registration, absentee voter or other data processing items can be released, candidates for elective office or proponents of an initiative, referendum or recall petition/measure must complete and sign an *“Application To Purchase Data Processing Item”*. Once the application is approved, the item/s can be released. Persons working for candidate or measure committees must have a letter of authorization signed by the candidate or proponent authorizing them to obtain data processing items from the Butte County Elections Office. Persons who fail to provide our office with a letter may not be entitled to receive the information they are requesting.

**Please refer to our website, <http://clerk-recorder.buttecounty.net> for “Specialized Services Reference Guide and Schedule of Fees and Charges and Application to Purchase Data Processing Items”. This reference guide also contains an “Application For Requesting Materials”.**

## **ELECTION MATERIALS**

Any person who wishes to view and purchase information maintained within the Elections Office other than voter registration data processing materials will be asked to complete an “Application for Requesting Materials”.

Candidates for elective office who have established committees must complete and sign the application form in order for the Elections Office to process the request. Additionally, if someone other than the candidate intends to view the information, that person needs to be designated on the appropriate line before the request may be honored and materials gathered.

The applicant is asked to make a clear, concise and detailed request of all materials they wish to view. Once the application form has been submitted in the Elections Office, the materials will be gathered for public inspection. Copies may be made and the appropriate fee will be charged for the copies.

A new application form must be completed each time a request for materials is made to the Butte County Elections Office.

## **MISUSE OF INFORMATION; MISDEMEANOR.**

EC §18109. (a) It is a misdemeanor for any person in possession of information obtained pursuant to Article 5 (commencing with Section 2180) of Chapter 2 of Division 2, or Section 6254.4 of the Government Code, knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law.

(b) It is a misdemeanor for any person knowingly to acquire possession or use of voter registration information referred to in subdivision (a) without first complying with Section 2188.

# ABSENTEE BALLOT APPLICATION INFORMATION

## APPLICATION FOR ABSENT VOTER'S BALLOT.

EC §3001. Except as provided in Chapter 3 (commencing with Section 3200) and Sections 3007.5 and 3007.7, application for an absent voter's ballot shall be made in writing to the elections official having jurisdiction over the election between the 29th and the 7th day prior to the election. The application shall be signed by the applicant and shall show his or her place of residence. Any applications received by the elections official prior to the 29th day shall be kept and processed during the application period.

## FORM OF PRINTED APPLICATION FOR ABSENT VOTER BALLOT.

EC §3006 (a) Any printed application that is to be distributed to voters for requesting absent voter ballots shall contain spaces for the following:

- (1) The printed name and residence address of the voter as it appears on the affidavit of registration.
  - (2) The address to which the ballot is to be mailed.
  - (3) The voter's signature.
  - (4) The name and date of the election for which the request is to be made.
  - (5) The date the application must be received by the elections official.
- (b) (1) The information required by paragraphs (1), (4), and (5) of subdivision (a) may be preprinted on the application. The information required by paragraphs (2) and (3) of subdivision (a) shall be personally affixed by the voter.
- (2) An address, as required by paragraph (2) of subdivision (a), may not be the address of any political party, a political campaign headquarters, or a candidate's residence. However, a candidate, his or her spouse, immediate family members, and any other voter who shares the same residence address as the candidate may request that an absentee ballot be mailed to the candidate's residence address.
- (3) Any application that contains preprinted information shall contain a conspicuously printed statement, as follows: "You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside."
- (c) The application shall inform the voter that if he or she is not affiliated with a political party, the voter may request an absentee ballot for a particular political party for the primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a check-off box with a conspicuously printed statement that reads, as follows:  
"I am not presently affiliated with any political party. However, for this primary election only, I request an absentee ballot for the Party." The name of the political party shall be personally affixed by the voter.
- (d) The application shall provide the voters with information concerning the procedure for establishing permanent absentee voter status, and the basis upon which permanent absentee voter status is claimed.
- (e) The application shall be attested to by the voter as to the truth and correctness of its content, and shall be signed under penalty of perjury.

## TIME PERIOD FOR ORGANIZATIONS TO RETURN ABSENT VOTER BALLOT APPLICATION. APPLICATIONS SHALL BE NONFORWARDABLE.

EC §3008. (a) Any individual, organization, or group that distributes applications for absent voter ballots and receives completed application forms shall return the forms to the appropriate elections official within 72 hours of receiving the completed forms, or before the deadline for application, whichever is sooner. The name, address, and telephone number of any organization that authorizes the distribution of the applications shall be included on the application.

(b) Any application for an absent voter's ballot that is sent by an individual, group, or organization to a voter shall be nonforwardable. Any absent voter's ballot that is returned to an elections official as undeliverable shall not be forwarded by the elections official.

(c) A person may not submit an absentee ballot application electronically for another registered voter.

Absentee Ballot Application Information continued next page

## **ABSENTEE BALLOT APPLICATION INFORMATION CONTINUED**

### **PENAL PROVISIONS**

#### **NON-CONFORMING ABSENT VOTER'S APPLICATION.**

EC §18402. Any individual, group, or organization that knowingly distributes any application for an absent voter's ballot that does not conform to Chapter 1 (commencing with Section 3000) of Division 3 is guilty of a misdemeanor.

#### **WILLFUL INTERFERENCE WITH RETURN OF ABSENT VOTER BALLOT APPLICATION.**

EC §18576. Any person who willfully (a) interferes with the prompt delivery of a completed absent voter ballot application, (b) retains a completed absent voter ballot application, without the voter's authorization, for more than three days excluding weekends and state holidays, or by the deadline for return of absent voters' ballot applications, whichever is earlier, or (c) denies an applicant the right to return his or her own completed absent voter ballot application to the local elections official having jurisdiction over the election, is guilty of a misdemeanor.

**Please see our website, <http://clerk-recorder.buttecounty.net> for the Absentee Ballot Application form.**

# INCOMPATIBLE OFFICES

(As of August 21, 2000)

Under the common law doctrine of incompatible offices, two public offices with conflicting loyalties cannot be held at the same time – abstention on a case-by-case basis is not allowed. If a person takes a second, incompatible office, he or she automatically resigns from the first office upon being sworn into the second office.

This is a common law doctrine, which means that it may be changed by state or local law. In the absence of a specific statute, charter provision, or ordinance authorizing the holding of dual positions, however, the Attorney General may be asked for permission to sue to remove someone from an office which the complaining person thinks is incompatible with another office. There are very few cases, so although these opinions are not binding in a court, they are considered highly persuasive.

The Attorney General looks at two factors in deciding whether two offices are incompatible: whether both positions are “public offices” for purposes of this doctrine, and, if yes, whether the positions have conflicting loyalties. To be a public office in this context, a position need not be an official elected or appointed office, it simply must have enough discretionary authority to meet the Attorney General’s standards. As a result, some types of employment by public agencies (mostly CEO type positions) are considered public offices. The decision as to whether two positions have conflicting loyalties depends on such fact-specific questions as whether the public agencies have overlapping territory, whether they ever do business with each other or could otherwise come into conflict, etc.

A current public officer may run for a second office and then, if elected, resign from the first one by taking the second one. However, a person considering running for election, although not prohibited by law from running, should be alerted to the potential for incompatible offices. Therefore, the following table attempts to show all of the elected offices which might be of interest to a person running for public office, which have been deemed by the Attorney General (since January 1, 1977) to be incompatible with some other position.

| OFFICE                            | INCOMPATIBLE WITH                        | ATTORNEY GENERAL<br>OPINION                                      |
|-----------------------------------|--|--|
| <b>City Council Member</b>        | Community Services District Board Member | 83 Ops Cal Atty Gen 53 (200)                                     |
|                                   | School Board Member                      | 65 Ops Cal Atty Gen 606 (1982)<br>73 Ops Cal Atty Gen 354 (1990) |
|                                   | Fire Chief of Fire Protection District   | 76 Ops Cal Atty Gen 38 (1993)                                    |
|                                   | County Planning Commissioner             | 63 Ops Cal Atty Gen 607 (1980)                                   |
|                                   | Water District Board Member              | 75 Ops Cal Atty Gen 10 (1992)<br>82 Ops Cal Atty Gen 74 (1999)   |
| <b>City Planning Commissioner</b> | Water District Board Member              | 82 Ops Cal Atty Gen 68 (1999)                                    |
| <b>City Treasurer</b>             | Water District Board Member              | 80 Ops Cal Atty Gen 242 (1997)                                   |

Incompatible Offices continued next page

**INCOMPATIBLE OFFICES CONTINUED**

| <b>OFFICE</b>                                   | <b>INCOMPATIBLE WITH</b>                                   | <b>ATTORNEY GENERAL<br/>OPINION</b>                              |
|---|--|--|
| <b>School Board Member</b>                      | City Council Member  | 65 Ops Cal Atty Gen 606 (1982)<br>73 Ops Cal Atty Gen 354 (1990) |
|   | City Manager   | 80 Ops Cal Atty Gen 74 (1997)                                    |
|   | Community Services District Board Member                   | 73 Ops Cal Atty Gen 183 (1990)<br>75 Ops Cal Atty Gen 112 (1992) |
|   | Member, County Committee on School District Organization   | 68 Ops Cal Atty Gen 240 (1985)                                   |
|   | Water District Board Member                                | 73 Ops Cal Atty Gen 268 (1990)                                   |
| <b>High School District Board Member</b>        | Elementary School District Board Member                    | 68 Ops Cal Atty Gen 171 (1985)<br>79 Ops Cal Atty Gen 284 (1996) |
| <b>Elementary School District Board Member</b>  | High School District Board Member                          | 68 Ops Cal Atty Gen 171 (1985)<br>79 Ops Cal Atty Gen 284 (1996) |
| <b>County Board of Education Member</b>         | County Planning Commissioner                               | 79 Ops Cal Atty Gen 155 (1996)                                   |
| <b>County Superintendent of Schools</b>         | Member of State Board of Equalization                      | 74 Ops Cal Atty Gen 116 (1991)                                   |
| <b>County Supervisor</b>                        | Fire Chief of Fire Protection District                     | 66 Ops Cal Atty Gen 176 (1983)                                   |
|   | General Manager of Water District                          | 67 Ops Cal Atty Gen 409 (1984)                                   |
|   | Members of Board of Governors of Calif. Community Colleges | 78 Ops Cal Atty Gen 316 (1995)                                   |
|   | Public Utility District Board Member                       | 64 Ops Cal Atty Gen 137 (1981)                                   |
| <b>Airport District Board Member</b>            | Mayor  | 63 Ops Cal Atty Gen 623 (1980)                                   |
| <b>Community Services District Board Member</b> | City Council   | 83 Ops Cal Atty Gen 623 (1980)                                   |
|   | General Manager/Administrator of Hospital District         | 68 Ops Cal Atty Gen 337 (1985)                                   |
|   | Superintendent of Schools                                  | 68 Ops Cal Atty Gen 337 (1985)                                   |
|   | School Board Member  | 73 Ops Cal Atty Gen 183 (1990)<br>75 Ops Cal Atty Gen 112 (1992) |
| <b>Irrigation District Board Member</b>         | Water District Board Member                                | 76 Ops Cal Atty Gen 81 (1993)                                    |
| <b>Public Utility District Board Member</b>     | County Supervisor  | 64 Ops Cal Atty Gen 137 (1981)                                   |
| <b>Water District Board Member</b>              | City Council Member  | 75 Ops Cal Atty Gen 10 (1992)<br>82 Ops Cal Atty Gen 74 (1999)   |
|   | City Planning Commissioner                                 | 82 Ops Cal Atty Gen 68 (1999)                                    |
|   | City Treasurer   | 80 Ops Cal Atty Gen 288 (1981)                                   |
|   | County Planning Commissioner                               | 63 Ops Cal Atty Gen 288 (1981)                                   |
|   | Irrigation District Board Member                           | 76 Ops Cal Atty Gen 81 (1993)                                    |
|   | School Board Member  | 73 Ops Cal Atty Gen 268 (1990)                                   |

# **RUNNING FOR MULTIPLE OFFICES AT THE SAME ELECTION**

**(Statutes as of January 1, 2000)**

## **INDEPENDENT NOMINATION OF CANDIDATES.**

EC §8003. (a) A candidate whose name has been on the ballot as a candidate of a party at the direct primary and who has been defeated for that party nomination is ineligible for nomination as an independent candidate. He is also ineligible as a candidate named by a party central committee to fill a vacancy on the ballot for a general election.

(b) No person may file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election.

## **APPLICATION OF CHAPTER.**

EC §8000. This chapter does not apply to:

- (a) Recall elections.
- (b) Presidential primary.
- (c) Nomination of officers of cities or counties whose charters provide a system for nominating candidates for those offices.
- (d) Nomination of officers for any district not formed for municipal purposes.
- (e) Nomination of officers for general law cities.
- (f) Nomination of school district officers.

## **CANDIDATES FOR SCHOOL GOVERNING BOARD; CANDIDATES AT UNIFICATION ELECTION.**

EC §10603. (c) Notwithstanding any other provision of law, except as provided in subdivision (d), no person shall file nomination papers for more than one district office, including a county board of education office, at the same election.

(d) Notwithstanding any other provision of law, if a proposal to form a unified school district is on the same ballot as the election of governing board members of that district, any candidate for a position on the existing governing board may file nomination papers for that position pursuant to subdivision (a) and may, at the same election, also file nomination papers for a position on the governing board of the proposed unified school district.

# PENAL PROVISIONS

## NOMINATION OF CANDIDATES

### FICTITIOUS NAME TO NOMINATION PETITION.

EC §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.

EC §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 one thousand dollars (\$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.

EC §18202. Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper or declaration of candidacy in his or her possession that is entitled to be filed under this code.

### FALSE DECLARATION OF CANDIDACY.

EC §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 one thousand dollars (\$1,000) or by imprisonment in the state prison for 16 months or two or three years or by both the fine and imprisonment.

### SUPPRESSION OF NOMINATION PAPER.

EC §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 one thousand dollars (\$1,000) or by imprisonment in the state prison for 16 months or two or three years or by both the fine and imprisonment.

### CONSIDERATION FOR A PERSON TO BECOME OR WITHDRAW FROM BECOMING A CANDIDATE.

EC §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.

## ELECTION CAMPAIGNS

### PRINTING OF SIMULATED SAMPLE BALLOTS.

EC §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 that does not contain the statement required by Section 20009 or that uses an official seal or insignia in violation thereof, is guilty of a misdemeanor.

### DISTRIBUTION OF PRECINCT POLLING PLACE INFORMATION.

EC §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 some time not more than 30 days prior to the mailing or distribution.

### MASS MAILING PENAL PROVISIONS.

EC §18303. Every person who violates Section 84305 of the Government Code relating to mass mailing is subject to the penal provisions set forth in Chapter 11 (commencing with Section 91000) of Title 9 of the Government Code.

### USE OF SEAL IN CAMPAIGN LITERATURE IS MISDEMEANOR.

EC §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.

## **PENAL PROVISIONS CONTINUED**

### **POLITICAL PARTY CAUCUSES**

#### **PAYMENT FOR VOTING.**

EC §18310. A person shall not directly or through any other person pay or receive any money or other valuable consideration before, during, or after an election in order to reward any person or as a reward for voting for or against or agreeing to vote for or against the election or endorsement of any other person as the nominee or candidate of any caucus, convention, organized assemblage of delegates, or other body representing or claiming to represent a political party, candidate, or principle, or any club, society, or association. A violation of this section shall be punishable by imprisonment in the state prison for 16 months or two or three years.

#### **BRIBES OFFERED OR RECEIVED AT POLITICAL GATHERING.**

EC §18311. Every person is punishable by imprisonment in the state prison for 16 months or two or three years who:

- (a) Gives or offers a bribe to any officer or member of any political convention, committee, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit in this state, with intent to influence the person to whom the bribe is given or offered to be more favorable to one candidate than another.
- (b) Being a member of any of the bodies mentioned in this section receives or offers to receive any bribe described in subdivision (a).

### **DECEPTIVE ONLINE ACTIVITIES**

#### **“POLITICAL CYBERFRAUD” DEFINED.**

EC §18320. (a) This act shall be known and may be cited as the “California Political Cyberfraud Abatement Act.”

(b) It is unlawful for a person, with intent to mislead, deceive, or defraud, to commit an act of political cyberfraud.

(c) As used in this section:

- (1) “Political cyberfraud” means a knowing and willful act concerning a political Website that is committed with the intent to deny a person access to a political Website, deny a person the opportunity to register a domain name for a political Website, or cause a person reasonably to believe that a political Website has been posted by a person other than the person who posted the Website, and would cause a reasonable person, after reading the Website, to believe the site actually represents the views of the proponent or opponent of a ballot measure. Political cyberfraud includes, but is not limited to, any of the following acts:
  - (A) Intentionally diverting or redirecting access to a political Website to an other persons Website by the use of a similar domain name, meta-tags, or other electronic measures.
  - (B) Intentionally preventing or denying exit from a political Website by the use of frames, hyperlinks, mousetrapping, popup screens, or other electronic measures.
  - (C) Registering a domain name that is similar to another domain name for a political Website.
  - (D) Intentionally preventing the use of a domain name for a political Website by registering and holding the domain name or by reselling it to another with the intent of preventing its use, or both.
- (2) “Domain name” means any alpha numeric designation that is registered with or assigned by any domain name registrar, domain name registry, or other domain registration authority as part of an electronic address on the Internet.
- (3) “Political Website” means a Website that urges or appears to urge the support or opposition of a ballot measure.

#### **APPLICATION OF ARTICLE.**

EC §18321. This article does not apply to a domain name registrar, registry, or registration authority.

#### **COURT MAY ORDER TRANSFER OF DOMAIN NAME.**

EC §18322. In addition to any other remedies available under law, a court may order the transfer of a domain name as part of the relief awarded for a violation of this article.

#### **JURISDICTION.**

EC §18323. Jurisdiction for actions brought pursuant to this article shall be in accordance with Section 410.10 of the Code of Civil Procedure.

Penal Provisions continued next page



## **PENAL PROVISIONS CONTINUED**

### **MISREPRESENTATION BY CANDIDATES**

#### **MISLEADING OF VOTERS; INCUMBENCY; PUBLIC OFFICER.**

EC §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 of another person for nomination or election to a public office, does 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 is or 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.**

EC §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 Section 11327 or 13307, with the intent to mislead the voters in connection with his or her campaign for nomination or election to a nonpartisan office is punishable by a fine not to exceed one thousand dollars (\$1,000).

### **SOLICITATION OF FUNDS**

#### **SOLICITATION OF FUNDS.**

EC §18360. Any person who violates Section 20201 is guilty of a misdemeanor.

#### **UNAUTHORIZED USE OF CANDIDATE OR COMMITTEE NAME.**

EC §18361. Upon the complaint of the affected candidate or committee, any person who violates Section 20202 or 20203 is guilty of a misdemeanor.

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

#### **FRAUD IN CONNECTION WITH VOTE CAST.**

EC §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.**

EC §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.**

EC §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**

#### **CONSIDERATION FOR VOTING.**

EC §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.

## **PENAL PROVISIONS CONTINUED**

(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.**

EC §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.**

EC §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.**

EC §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.

## **CORRUPTION OF VOTING**

### **WILLFUL INTERFERENCE WITH RETURN OF ABSENT VOTER BALLOT APPLICATION.**

EC §18576. Any person who willfully (a) interferes with the prompt delivery of a completed absent voter ballot application, (b) retains a completed absent voter ballot application, without the voter's authorization, for more than three days excluding weekends and state holidays, or by the deadline for return of absent voters' ballot applications, whichever is earlier, or (c) denies an applicant the right to return his or her own completed absent voter ballot application to the local elections official having jurisdiction over the election, is guilty of a misdemeanor.

### **WILLFUL INTERFERENCE WITH RETURN OF ABSENT VOTER BALLOT.**

EC §18577. Any person having charge of a completed absent voter ballot who willfully interferes or causes interference with its return to the local elections official having jurisdiction over the election is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding ten thousand dollars (\$10,000), or by both.

## **PENAL PROVISIONS CONTINUED**

### **MISUSE OF CAMPAIGN FUNDS**

#### **WRONGFUL APPROPRIATION OF MONEY.**

EC §18680. Every person who is entrusted with money or things of value for the purpose of promoting or defeating any initiative, referendum, or recall petition or any measure that has qualified for the ballot is a trustee of the money or things of value. If a person wrong fully appropriates the money or things of value to any use or purpose not in the due and lawful execution of the trust, the person shall be punishable by a fine not exceeding five thousand dollars (\$5,000), or 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. The following expenses are within the due and lawful execution of the trust:

- (a) Securing signatures to initiative, referendum, or recall petitions.
- (b) Circulating initiative, referendum, or recall petitions.
- (c) Holding and conducting public meetings.
- (d) Printing and circulating prior to an election:
  - (1) Specimen ballots.
  - (2) Hand bills.
  - (3) Cards.
  - (4) Other papers.
- (e) Advertising.
- (f) Postage.
- (g) Expressage.
- (h) Telegraphing.
- (i) Telephoning.
- (j) All salaries and expenses of:
  - (1) Campaign managers.
  - (2) Lecturers.
  - (3) Solicitors.
  - (4) Agents.
  - (5) All persons employed in transacting business at headquarters or branch offices, if the business transacted is related to promoting or defeating an initiative, referendum, or recall petition or any measure which has qualified for the ballot.
- (k) Maintaining headquarters and branch offices.
- (l) Renting of rooms for the transaction of the business of an association.
- (m) Attorney's fees and other costs in connection with litigation where the litigation arises directly out of any of the following:
  - (1) Activities related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.
  - (2) The enactment, by the initiative process, of any ordinance, charter amendment, statute, or constitutional amendment.
  - (3) An election contest or recount.
  - (4) A violation of state or local campaign, disclosure, or election laws.

The amendment of this section by adding subdivision (m) thereto, made at the 1991-92 Regular Session of the Legislature, does not constitute a change in, but is declaratory of, the existing law.

Expenses for food, clothing, shelter and other personal needs of the trustee are not within the due and lawful execution of the trust. However, expenses for travel and necessary accommodations for the trustee are within the due and lawful execution of the trust, if the travel and accommodations are related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.

For additional information see Division 18 of the California Elections Code.

# POLITICAL ACTIVITIES

## COUNTY OF BUTTE STATUTE

Pursuant Article XII, Section 3 of the County Charter, no member of the Board of Supervisors shall directly or indirectly coerce or attempt to coerce the head of any county department or other county officer appointed or confirmed by the Board of Supervisors in the performance of the duties of his office, or attempt to exact promises from any candidate for any such office relative to any appointment or removal of any county officer or employee; and provided further that no county officer shall request or require any employee within his department to assist said officer in any political activities pertaining to the election of such officer nor request or require from any employee within the department of said officer any contribution of money for the election of said officer. (1933, p. 3228; Ord. No. 1113, § 1(a) 18, 9-1-70, ratified 11-3-70)

## UNITED STATES CODE

5 USC Section 1502

Title 5 - Government Organization and Employees

Part II – Civil Service Functions and Responsibilities

Chapter 15 – Political Activity of certain State and Local Employees

Section 1502. Influencing elections; taking part in political campaigns; prohibitions; exceptions.

(a) A State or local officer or employee may not -

- (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- (2) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
- (3) be a candidate for elective office.

(b) A State or local officer or employee retains the right to vote as he chooses and to express his opinions on political subjects and candidates.

(c) Subsection (a) (3) of this section does not apply to –

- (1) the Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;
- (2) the mayor of a City;
- (3) a duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil-service system; or
- (4) an individual holding elective office.

Please note: This code is also known as the “Hatch Act”.

# QUESTIONS FREQUENTLY ASKED BY CANDIDATES

## **Can I use my credit card to pay my filing fee, purchase voter information material, or to pay my candidate statement of qualifications fee?**

NO. Cash, check, money orders or debit cards are the only acceptable forms of payment. For judicial and local offices filing fees, make checks payable to the Butte County Elections Office. To purchase voter information or candidate statement costs, make checks payable to the Butte County Elections Office. However, for state office filing fees, make the check payable to the Secretary of State.

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

The nomination period ends on the 88<sup>th</sup> day prior to the election or the 83<sup>rd</sup> day prior to the election if there is an extension to the nomination filing period. A list of candidates will be prepared within the following days, and should be available for distribution within approximately 1 week. You may come into the Butte County Elections Office or visit our website for a certified list of candidates.

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

YES. The candidate statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. on the next business day after the close of the nomination period. After this period your statement cannot be withdrawn nor a refund given.

## **May my spouse, relative, friend or campaign manager pick up nomination documents for me?**

All forms must be picked up by the candidate in person or by a candidate's representative with specific written authorization, signed by the candidate. However, because there is so much information to be given, it is recommended that the candidate appear in person if at all possible.

## **May my spouse, relative, friend or campaign manager file my nomination documents, or can I mail them to the Butte County Elections Office?**

Election law does not specifically prohibit another person filing nomination documents for a candidate. However, again, the candidate is urged to file in person. The reasons are twofold:

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

If a candidate wishes his or her agent to file for them they must present another letter of authorization. If the candidate wishes to mail the nomination documents, they must be received by the Butte County Elections Office no later than 5:00 p.m. on the deadline to file such papers. Postmarks are not considered.

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

NO. There is no provision in the Political Reform Act that permits any filing officer to extend a filing deadline. Statements that are filed late are subject to a fine of \$10 per day until the statement is filed.

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

YES. You may obtain information regarding polling places and election results by visiting our website which is: <http://clerk-recorder.buttecounty.net> .

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

Election laws specify the documents required, as well as form, format, filing dates, etc. The filing requirements are not discretionary.

# ELECTION NIGHT RESULTS

## Where:

Ballots will be delivered to and tabulated at the central counting center:

**Butte County Elections Office  
25 County Center Drive, Suite I  
Oroville**

See page 49 for a map to our office.

## Contacts:

Candace J. Grubbs,  
County Clerk-Recorder/Registrar of Voters

Laurie Cassady,  
Assistant County Clerk-Registrar of Voters

**538-7761 or 1-800-894-7761**

## Website:

Results will be posted after 8:30 p.m. and continuously updated. For up to date results, log on to:

<http://clerk-recorder.buttecounty.net>

## Absentee Results:

Will be the first results you will see. These will be released after 8:30 p.m. election night.

## Election Night Returns:

For people who wish to phone in for election results, our phones will be staffed until all ballots have been counted.

**Please call 538-7761 or  
within Butte County only  
1-800-894-7761**

## Semi-Final Official Results:

Once the last ballot is counted, a Semi-Official Election Summary Report will be available from the Butte County Elections Office or on our website:

<http://clerk-recorder.buttecounty.net>

## Final Official Results:

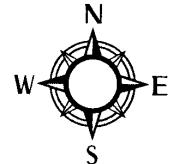
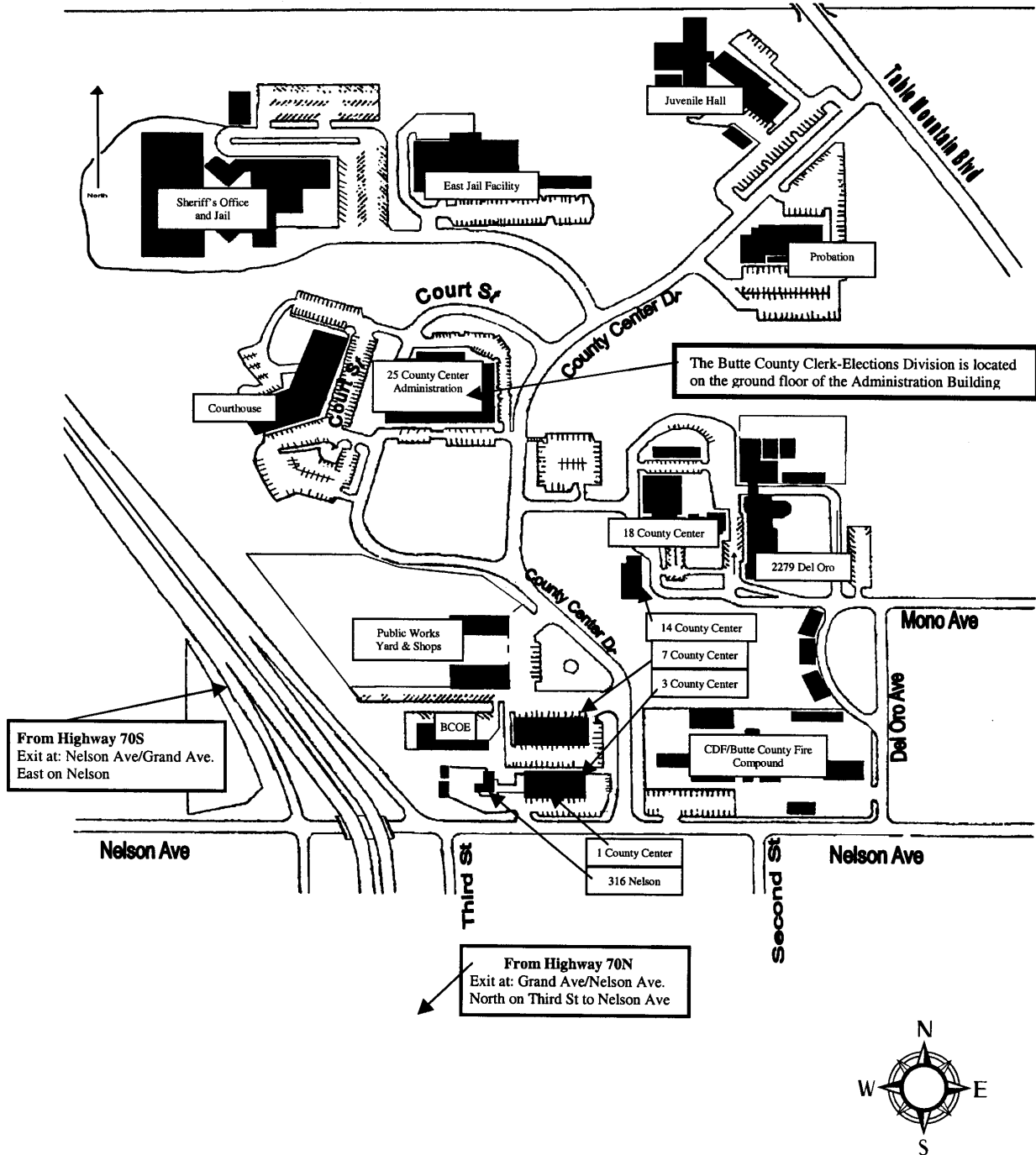
The official canvass of returns will begin no later than the Thursday following Election Day. The official canvass must be completed no later than the 28<sup>th</sup> day following the election.

# Butte County Elections Office

25 County Center Drive, Suite I

Oroville, CA 95965

(530) 538-7761



**VISIT US ON THE WEB**  
**<http://clerk-recorder.buttecounty.net>**

**We have the following department information available:**

**REGISTRAR OF VOTERS  
ELECTIONS DIVISION**

Election Archives  
Voter Registration Stats  
District Maps  
Absentee Voting  
Poll Workers  
Elected Representatives  
Campaign Disclosure  
Other Counties  
Special Services/Fees  
Political Parties  
Government Links  
Kids' Information  
Disabled Voters  
Resources

**ELECTION INFORMATION**

Absentee Information  
Close of Registration Stats  
Consolidated Precinct List  
Polling Place List  
Candidates  
Measures  
Candidate Handbook  
Central Committee Handbook  
Find Your Polling Place

**COUNTY  
CLERK-RECORDER**

Information About:

Marriage Certificates  
Birth Certificates  
Death Certificates  
Official Records  
Fictitious Business Names  
Map Copies  
Map Recording Requirements  
Passports  
Fee Schedule

Order On-Line Documents:

Official Records  
Fictitious Business Names  
Marriage Certificates  
Birth Certificates  
Death Certificates

**Election Night Results Will Be Posted After 8:30 PM**

**Our Web Site Offers Access To:  
Grand Jury Report  
and other  
Government Agencies**



# SECRETARY OF STATE

## BALLOT DESIGNATION REGULATIONS

### California Code of Regulations, Title 2, Division 7, Chapter 7

#### GENERAL PROVISIONS.

§20710. (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 cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

#### HISTORY

1. New chapter 7 (sections 20710-20719) and section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

#### BALLOT DESIGNATION WORKSHEET.

§20711. (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, e-mail address, if available, and fax number;
- (2) A designation of the office for which the candidate is seeking election;
- (3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
- (4) The proposed ballot designation submitted by the candidate;

- (1) 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 cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

**HISTORY**

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

**PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO ELECTIONS CODE §13107, SUBDIVISION (A)(1).**

§20712. 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 which 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 which 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 cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

**HISTORY**

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

**PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO ELECTIONS CODE §13107, SUBDIVISION (A)(2).**

§20713. 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 cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

**HISTORY**

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

**PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO ELECTIONS CODE §13107, SUBDIVISION (A)(3).**

§20714. 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 nomination documents by complying with all applicable requirements of the respective licensure, including the payment of all applicable license fees and (ii) the status of the candidate's license is active at the time he or she filed his or her nomination documents.

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

(c) In order for a ballot designation submitted pursuant to Elections Code §13107, subdivision (a)(3), to be deemed acceptable by the Secretary of State, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (a) and (b) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with Elections Code §13107 and the regulations 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 that 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 cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

**HISTORY**

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

**PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO ELECTIONS CODE §13107, SUBDIVISION (A) (4).**

§20715. (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 cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

**HISTORY**

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

**UNACCEPTABLE BALLOT DESIGNATIONS.**

**§20716.**

(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 which would mislead voters. In making this determination, the Secretary of State shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based upon supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation, pursuant to §§20711 and 20717 of this Chapter.

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

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

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

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

(h) 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 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 which uses the name of any political party, whether or not it has qualified for recognized ballot status.

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

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

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

(k) Pursuant to Elections Code §13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation, which refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.

#### NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

#### HISTORY

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

#### **REQUESTS FOR SUPPORTING DOCUMENTATION.**

§20717. 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 of this Chapter.

#### NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

#### HISTORY

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

#### **COMMUNICATION OF DECISIONS REGARDING BALLOT DESIGNATIONS.**

§20718. (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 decision of the Secretary of State regarding ballot designations are public records and are available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, 1500 11th Street, Fifth Floor, Sacramento, California 95814.

**NOTE**

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

**HISTORY**

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

**SERVICE OF LEGAL PROCESS REGARDING BALLOT DESIGNATIONS.**

§20719. (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 cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

**HISTORY**

Section 11343.4(d) (Register 98, No. 3).