



CANDIDATE'S HANDBOOK

NOVEMBER 3, 2009

Special Districts Election

Uniform District Election Law



Prepared by:

Santa Cruz County Clerk/Elections Department

701 Ocean St., Room 210

Santa Cruz, CA 95060

831-454-2060 / FAX: 831-454-2445

WEB Page: www.votescount.com

E-Mail: gail.pellerin@co.santa-cruz.ca.us

County of Santa Cruz

COUNTY CLERK / ELECTIONS

701 OCEAN STREET, ROOM 210, SANTA CRUZ, CA 95060-4076
831-454-2060 TOLL-FREE: 866-282-5900 FAX: 831 454-2445 TDD: 831-454-2123
E-MAIL: gail.pellerin@co.santa-cruz.ca.us
Web Sites: www.sccoclerk.com & www.votescount.com

GAIL L. PELLERIN, COUNTY CLERK

February 2009

Welcome to the November 3, 2009 electoral process! Regardless of who wins, we hope that this is a positive experience for you.

The County Clerk/Elections Department is dedicated to helping all qualified candidates get their names printed on the ballot and to ensuring that the election is fair and accurate.

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

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

We hope you find this Candidate's Handbook useful. We have also added many services and resources to our website at www.votescount.com

Each day we will update "Candidate Watch" on our website listing who has filed for which offices. You can also find this manual on our website, as well as other tools to assist you in conducting your campaign.

Should you have any suggestions for improving the manual or website, or have identified corrections to be made, please call me, County Clerk Gail Pellerin at 831-454-2419 or e-mail me at gail.pellerin@co.santa-cruz.ca.us

Good luck!

The materials contained in this handbook represent the research and opinions of the staff at the Santa Cruz County Clerk/Elections Department. The contents of this handbook and any legal interpretations contained herein are not to be relied upon as being correct either factually or as legal opinion. Reliance on the content without prior submission to and approval of your appropriate public counsel is at the reader's risk. Please call 831-454-2060 if you have any questions or comments or visit our website at www.votescount.com Thank you.

TABLE OF CONTENTS

COUNTY CLERK/ELECTIONS DEPARTMENT	5
STATE AND FEDERAL OFFICES	6
ELECTIONS DIVISION	7
WHO YOU GONNA CALL?	8
NEIGHBORING COUNTIES	9
MONTEREY	9
SANTA BARBARA	9
WEBSITE: WWW.VOTESCOUNT.COM	10
CANDIDATE CHECKLIST	11
CANDIDATE FILING DOCUMENTS	12
DECLARATION OF CANDIDACY	12
CANDIDATE'S STATEMENT OF QUALIFICATIONS	12
CANDIDATE INTENTION, BANK ACCOUNT, & CAMPAIGN DISCLOSURE FORMS	13
CODE OF FAIR CAMPAIGN PRACTICES	13
STATEMENT OF ECONOMIC INTERESTS (FORM 700)	13
NOVEMBER ELECTION CALENDAR	14
SPECIAL DISTRICTS DELIVER NOTICE OF ELECTION TO COUNTY CLERK	14
CANDIDATE NOMINATION PERIOD	15
NOTIFICATION OF MAIL BALLOT PRECINCT	15
EXTENSION OF NOMINATION PERIOD	16
INSUFFICIENT NUMBER OF NOMINEES	16
RANDOMIZED ALPHABET DRAWING	17
COUNTIES MAIL SAMPLE BALLOTS	17
FIRST PRE-ELECTION STATEMENT	17
LAST DAY TO REGISTER TO VOTE TO ENSURE RECEIPT OF SAMPLE BALLOT	18
VOTE-BY-MAIL BALLOT APPLICATION PERIOD	18
15-DAY VOTER REGISTRATION	19
SECOND PRE-ELECTION STATEMENT	19
VOTE-BY-MAIL BALLOTS – LATE CONDITIONS	20
ELECTION DAY	20
BOARD OF SUPERVISORS TO APPOINT CANDIDATES IN-LIEU OF ELECTION	20
CERTIFY RESULTS DECLARATION OF ELECTED CANDIDATES	21
ASSUMING OFFICE	21
STATEMENT FILED WITH SECRETARY OF STATE	21
RECOUNT MAY BE REQUESTED	21
CONTESTING ELECTION	22
OFFICES ON THE BALLOT	24
RESIDENCE AND DOMICILE	25
INCOMPATIBILITY OF OFFICES	28
NAME & BALLOT DESIGNATION	29
NAME ON BALLOT	29
BALLOT DESIGNATION - LEGISLATIVE REQUIREMENTS	29
UNACCEPTABLE DESIGNATIONS	30
SECRETARY OF STATE BALLOT DESIGNATION REGULATIONS	32
WRITE-IN CANDIDACY	42
WRITE-IN PROCEDURE	42

CANDIDATE STATEMENT OF QUALIFICATIONS	43
WHERE AND WHEN TO FILE	44
CANDIDATE'S STATEMENT	45
CONTENT, SIZE & FORMAT	45
THE PRINTED CANDIDATE'S STATEMENT	47
COST OF PRINTING CANDIDATE'S STATEMENTS	48
HOW TO COUNT WORDS	50
REGISTRATION AND ELECTION DATA.....	51
CONFIDENTIAL VOTER FILE.....	51
PERMISSIBLE USAGE	51
ELECTION DATA FOR SALE	53
VOTER REGISTRATION AND VOTE-BY-MAIL DRIVES	54
*****REGISTERING AT 29 DAYS VS. 15 DAYS*****	54
CAMPAIGN PRACTICES	57
USE OF PUBLIC RESOURCES.....	57
MASS MAILING.....	58
SLATE MAILERS.....	58
NOMINATIONS.....	60
CAMPAIGN LITERATURE	61
USE OF SEAL IN CAMPAIGN LITERATURE (ELECTIONS CODE §18304).....	61
CODE OF FAIR CAMPAIGN PRACTICES	61
MISREPRESENTATION BY CANDIDATES	61
DECEPTIVE ONLINE ACTIVITIES (ELECTIONS CODE §18320)	62
POLITICAL ADVERTISING	63
SIMULATED BALLOTS	63
PICTURES IN CAMPAIGN MATERIALS (ELECTIONS CODE §20010)	64
CORRUPTION OF THE VOTING PROCESS	65
VANDALISM AT POLLING PLACES (ELECTIONS CODE §18380)	65
CORRUPTION OF VOTERS	66
INTIMIDATION OF VOTERS.....	67
POLITICAL SIGNS	69
OUTDOOR POLITICAL ADVERTISING - CITY ORDINANCES	70
REMOVAL OF POLITICAL SIGNS.....	70
POLLING PLACE INFORMATION	71
CAMPAIGN FILING REQUIREMENTS	72
DISCLOSURE OF ECONOMIC INTERESTS FORM 700.....	74
WHO MUST FILE	74
WHAT MUST BE DISCLOSED	74
WHEN AND WHERE TO FILE	74
ELECTIONEERING.....	75
100 FEET RULE	75
ELECTIONEERING DURING VOTE-BY-MAIL VOTING.....	75
POLL WATCHERS	75
EXIT POLLING	76
ELECTION NIGHT RESULTS.....	77
THE CANVASS.....	78
QUESTIONS FREQUENTLY ASKED BY CANDIDATES	84

COUNTY CLERK/ELECTIONS DEPARTMENT

COUNTY CLERK GAIL L. PELLERIN

701 Ocean St., Room 210

Santa Cruz, CA 95060

831-454-2060

FAX: 831-454-2445

WEB Page: www.votescount.com

CONTACT PERSONS

Please feel free to contact us at the Elections Department should you have any questions, comments, or concerns. Direct telephone numbers, with voice mail availability, are listed under each person's name.

County Clerk	Gail Pellerin gail.pellerin@co.santa-cruz.ca.us 454-2419
Candidate Filings; Campaign Reporting; Conflict of Interests Reports; Central Committees/County Councils	Crystal Bertheau crystal.bertheau@co.santa-cruz.ca.us 454-2408
Vote-by-Mail Ballot Coordinator; Statistical Reports; Permanent Vote-by-Mail; Vote-by-Mail Ballot Application Distribution; Overseas & Military Voters; Voter File Purge	Karla Haack karla.haack@co.santa-cruz.ca.us 454-2416
Election Data for Sale; Precinct Boundaries & Consolidations; Street Index Maintenance Computer Programming; Initiatives & Petitions	Margaret Morrison margaret.morrison@co.santa-cruz.ca.us 454-2415
Poll workers recruitment and training; training manuals	Tricia Webber Tricia.webber@co.santa-cruz.ca.us 454-2409
Polling place recruitment; Compliance with ADA & Title 24; polling place mitigations	Jaime Young Jaime.young@co.santa-cruz.ca.us 831-420-3594
Voter Registration & Outreach Help America Vote Act	Inger Christenson Inger.christenson@co.santa-cruz.ca.us 454-3384
Department Information Services Manager Website Manager Ballot Counting	Martin Peaden martin.peaden@co.santa-cruz.ca.us 454-3456
Department Information Systems Analyst Voting Voting system manager Warehouse Management	Beth Minford warehouse@votescount.com 420-3595
Accounting	Mark Leonardich mark.leonardich@co.santa-cruz.ca.us 454-2418

STATE AND FEDERAL OFFICES

IMPORTANT TELEPHONE NUMBERS

Fair Political Practices Commission

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

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

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

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

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

Secretary of State

1500 11th Street, Room 495
Sacramento, CA 95814
Website: www.sos.ca.gov

Political Reform Division

916-653-6224 / FAX: 916-653-5045
E-Mail: PoliticalReform@sos.ca.gov

Act of 1974 that requires the disclosure of financial activities related to political campaigns and lobbying.

Specific activities of the Political Reform Division include:

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

The Secretary of State's Political Reform Division administers provisions of California's Political Reform

Secretary of State's Office (cont.)

Elections Division

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

TDD: 1-800-833-8683

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

E-Mail: Elections@sos.ca.gov

Responsible for:

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

Campaign Filing Offices

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

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

They also file with:

Registrar-Recorder of Los Angeles County

Campaign Finance Disclosure Section

12400 Imperial Highways

Norwalk, CA 90650

562-462-2339 / FAX: 562-651-2548

Website: <http://lavote.net/>

Campaign Statements

1 Dr. Carlton B. Goodlett Place

City Hall - Room 48

San Francisco, CA 94102

Phone (415) 554-4375

FAX (415) 554-7344

www.ci.sf.ca.us/election

Federal Election Commission

999 E Street, NW

Washington, DC 20463

800-424-9530

For the hearing impaired, TTY 202-219-3336

Website: www.fec.gov

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

State Franchise Tax Board

800-338-0505

Website: www.ftb.ca.gov

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

Internal Revenue Service

800-829-1040

Website: www.irs.gov

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

Attorney General

P.O. Box 944255

Sacramento, CA 94244-2550

800-952-5225

Website: www.caag.state.ca.us

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

WHO YOU GONNA CALL?

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

- False or misleading campaign materials (No agency enforcement. These issues are dealt with in court)
- Violations of the Political Reform Act (Title 9 of the California Government Code at Sections 81000 through 91015), i.e. mass mailing requirements; slate mailers; campaign disclosure; proper use of campaign funds; disclosure of economic interests: contact the Fair Political Practices Commission at www.fppc.ca.gov, 800-561-1861
- Election fraud: contact your local district attorney, 454-2400, or the California Secretary of State at www.sos.ca.gov, 916-657-2166
- Unlawful use of public funds, violations of the Elections Code, the Penal Code, or any laws other than the Political Reform Act: contact your local district attorney, 454-2400, or the California State Attorney General at www.caag.state.ca.us, 800-952-5225
- Federal campaigns, Congress, U.S. Senate, President of the United States, etc.: contact the Federal Election Commission at www.fec.gov, 800-424-9530
- Open meeting laws (Brown Act): contact your local district attorney, 454-2400, or the California State Attorney General at www.caag.state.ca.us, 800-952-5225
- Local ordinances: contact your local city attorney or district attorney, 454-2400
- Vandalism or requirements concerning campaign signs: contact local city attorney or district attorney, 454-2400

See prior pages for additional agency contact information. See below for information on contacting the county District Attorney.

Santa Cruz County District Attorney's Office

701 Ocean St., Room 200

Santa Cruz, CA 95060

831-454-2400 | FAX: 831-4554-2227 | TDD: 831-454-2123

or

275 Main St., Suite 202

Second Floor

Watsonville, CA 95076

831-763-8120 | FAX: 831-763-8029

NEIGHBORING COUNTIES

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

Monterey

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

San Benito

Joe Paul Gonzalez, County Clerk-Auditor-Recorder
Courthouse, Room 206
440 Fifth Street
Hollister, CA 95023-3843
(831) 636-4016
(831) 636-2939 Fax
Hours 8:00am - 5:00pm
www.sbcvote.us

San Luis Obispo

Julie Rodewald, County Clerk-Recorder
1055 Monterey St., Rm. D120
San Luis Obispo, CA 93408-3237
(805) 781-5080
(805) 781-1111 Fax
Hours 8:00am - 5:00pm
www.sloclerkrecorder.org/elections/electionsmain.htm

San Mateo

Warren Slocum, Assessor-County Clerk-Recorder
40 Tower Road
San Mateo, CA 94402
(650) 312-5222
(650) 312-5348 Fax
Hours 8:00am - 5:00pm
www.shapethefuture.org

Santa Clara

Jesse Durazo, Registrar of Voters
1555 Berger Drive, Bldg. 2
San Jose, CA 95112
P O Box 1147
San Jose, CA 95108-1147
(408) 299-VOTE
(408) 998-7314 Fax
Hours 8:00am - 5:00pm
www.sccvote.org

Santa Barbara

Joseph E. Holland, County Clerk, Recorder & Assessor
130 E. Victoria St., Suite 200 2nd Floor
Santa Barbara, CA 93101
P O Box 159
Santa Barbara, CA 93102-0159
(805) 568-2200
(805) 560-1015 Fax
Hours 8:00am - 5:00pm
www.sbcvote.com

Website: www.votescount.com

The Santa Cruz County Clerk/Elections Department's website contains valuable information to assist candidates and voters.

Some highlights are:

Click on November 3, 2009 Election, and you will find:

- ❖ **Candidate Watch** – a daily update of who has filed.
- ❖ **Contact Candidate** – for those candidates who have authorized our department to do so, we will post contact information for candidates with links to websites and e-mail for easy voter and media access.
- ❖ **Candidate's Statements of Qualifications** – once they are made public, we will post the Candidate's Statement of Qualifications for those candidates who have filed one.
- ❖ **Voter's Information Pamphlet** – contains information on local measures as well as a list of State Legislative candidates who have accepted the Proposition 34 expenditure limits.
- ❖ **November 3, 2009 Candidate's Handbook** – if one copy is not enough, you can find all of the valuable information contained in this handbook online.
- ❖ **Important Voter Information** – polling place lookup, sample ballot lookup, information on early voting, weekend voting, voting by mail, provisional voting, overseas voting, and voting at the polls.
- ❖ **Campaign Forms from the FPCC**
- ❖ **Application for a vote-by-mail ballot for voters to download and mail or FAX in or apply online.** Campaigns conducting vote-by-mail drives are still required to obtain the uniform application from our office.
- ❖ **Voter Registration Forms** – voters can go online and complete a voter registration form that will be printed with the information and mailed to the voter for a signature to then be returned to the county elections official.

Other items on the web:

- ❖ **District maps**
- ❖ **Lists of Elected Officials**
- ❖ **Information on Political Parties**
- ❖ **Election Guidebooks** – “Information for Jurisdictions Consolidating Elections;” “How to Place a Measure on the Ballot;” “Voting Guide for Senior Citizens and Persons with Disabilities;” “How to Do a County Initiative;” “Guide to Writing Arguments, Rebuttals, and Analyses;” “Guide to Recall for County, School District, Special District and Local Judicial Offices.”
- ❖ **Poll Worker Applications and Information**
- ❖ **Information from Past Elections**
- ❖ **Voter Registration and Turnout History**

CANDIDATE CHECKLIST

Listed below is a description of the various mandatory and optional forms to be filed for candidacy in the November 3, 2009 Election. **Candidates include incumbents who want to run for re-election or challengers.**

It is the obligation of the candidate to ensure that filing requirements and deadlines have been met. All candidates are urged to file the required documents as early as possible to avoid a last minute rush, confusion or misunderstanding. Additionally, it is recommended that the candidate file all documents personally.

DOCUMENT	APPLIES TO	FILING PERIOD	FILED
Declaration of Candidacy	All candidates	July 13 – Aug. 7 (E-113 to E-88)	
Candidate's Statement of Qualifications	Optional for all candidates.	Must be filed & paid for with Dec. of Candidacy by 5 p.m. Aug. 7	
Declaration of Candidacy Extension	Anyone OTHER THAN THE INCUMBENT.	Aug 8 – Aug. 12 (E-87 to E-83)	
Campaign Disclosure Statements (Form 410, 470)	All candidates	Obtain filing schedule from County Clerk	
Code of Fair Campaign Practices	Optional for All Candidates	File with Dec. of Candidacy	
Statement of Economic Interests (Form 700)	All Candidates	File with Dec. of Candidacy	

CANDIDATE FILING DOCUMENTS

Document	<p>Declaration of Candidacy</p> <p>The Declaration of Candidacy is the official nomination document, wherein the candidate indicates how his/her name and ballot designation is to appear on the ballot. Additionally, the candidate declares that he/she meets the statutory and/or constitutional qualifications for the office sought, and that if nominated, the candidate will accept the nomination and not withdraw. Once filed, the Declaration of Candidacy is a public document.</p> <p>The Oath of Office on the Declaration of Candidacy form must be taken and signed by the candidate before a person authorized to administer oaths. The election officials and notaries public are so authorized.</p> <p>The candidate is required to execute the Declaration of Candidacy in the office of the elections official, unless a written statement is signed and dated by the candidate designating a person to receive the Declaration of Candidacy form from the elections official and deliver it to the candidate. The written statement from the candidate shall include language indicating that the candidate is aware that the Declaration of Candidacy must be properly executed and delivered to the elections official in the county of the candidate's residence by the 88th day prior to the general election. (Elections Code §10510, 10511, 10512)</p>
Who files	All Candidates
Deadline	<ul style="list-style-type: none"> ◆ July 13 to August 7 ◆ Extended to August 12 if the incumbent does not file.

Document	<p>Candidate's Statement of Qualifications</p> <p>A statement by the candidate describing his or her education and qualifications to be printed in the Voter Pamphlet section of the county Sample Ballot. The statement must be paid for at the time of filing unless the district has agreed to pay for the statement. The statement may be withdrawn by 5 p.m. on the day following the filing deadline. See pink section of handbook. (Elections Code §13307)</p>
Who files	Optional for special district candidates
Deadline	<ul style="list-style-type: none"> ◆ August 7 at 5:00 p.m. ◆ Extended to 5:00 p.m. , August 12 if the incumbent does not file

Document	<p>Candidate Intention, Bank Account, & Campaign Disclosure Forms</p> <p>Periodic statements disclosing contributions made to and expenditures made by the candidate or committee. Must be filed at least once and possibly several times during an election cycle if more than \$1,000 is being raised or spent including personal funds.</p> <p style="text-align: right;">(Government Code §84200, 84218)</p>
Who files	All candidates must file either a short form or a long form depending on how much money will be raised or spent.
Deadline	♦ See filing schedule in green section of handbook.

Document	<p>Code of Fair Campaign Practices</p> <p>May be voluntarily subscribed to by candidates for public office.</p> <p style="text-align: right;">(Elections Code §20400-20444)</p>
Who files	Optional for all candidates
Deadline	<p>The Election 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.</p> <p style="text-align: right;">(Elections Code §20442)</p>

Document	<p>Statement of Economic Interests (Form 700)</p> <p>Candidates for school and special district must disclose their interests in real property and income within the past 12 months in a Form 700 to be filed with their Declaration of Candidacy. Candidates appointed to an office must file 10 days after assuming office.</p> <p>Candidates for city council are required to file a Form 700 with their Declaration of Candidacy.</p> <p>The statement is not required if the candidate has filed such a statement within the past 60 days for the same jurisdiction.</p> <p style="text-align: right;">(Gov. Code §87200, 87201, 87302.3, 87500)</p>
Who files	All Candidates
Deadline	File by January 4 , 2010

NOVEMBER ELECTION CALENDAR

Calendar Notes: All Code Sections are Elections Code unless otherwise noted.
 Below the dates, “E” stands for Election,
 followed by the number of days prior to (-) or after (+) the election.

<p>June 26 (E-130)</p>	<p>Boundary Changes Last day for districts holding their elections in November to make boundary changes to be filed with the County Clerk by July 1. §10522, 12262</p>
<p>July 1 (E-125)</p>	<p>Special Districts Deliver Notice of Election to County Clerk Last day for district secretaries to deliver a Notice of Election to the Elections Department listing the elective offices to be filled, who will pay for any candidate's statement of qualifications, and any measure to be voted on in November. A map of the district must accompany the Notice. Special districts should include in the notice how a tie vote will be resolved. §10509, 10522, 10524, 10551, 15651</p>
<p>July 6 – Aug. 5 (E-120 to E-90)</p>	<p>Notice of Election Between these dates the County Clerk will publish a Notice of Election containing the date of the election, the offices to be filled, qualifications for candidacy required by the principal act, where nomination papers are available, deadline for filing Declarations of Candidacy, and a notice that appointment will be made in lieu of election in accordance with state law. §12112, 10515; Ed. Code §5326, 5328, 5328.5 Notice of central counting place may be combined with this notice. §12109 The county elections official will forward copies of all published notices to each special district. §12113</p>

<p>July 13 – Aug. 7 (E-113 to E-88)</p>	<p>Candidate Nomination Period Candidates for special district boards obtain and file their Declarations of Candidacy along with their Candidate’s Statement of Qualifications if they choose to submit one. Forms are obtained from and filed with the county Elections Department.</p> <p style="text-align: right;">§10510, 13307, 13311</p>
<p>July 31 (E-95)</p>	<p>Semiannual Campaign Statement Last day to file semiannual campaign statements, if required, by all candidates and committees.</p> <p style="text-align: right;">Gov. Code §84200, 84218</p>
<p>July 31 (E-95)</p>	<p>Supplemental Independent Expenditure Reports Last day to filed supplemental independent expenditure reports for committees making independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate or measure. Independent expenditure reports are filed at the same time and in the same places as would be required if the filer were primarily formed to support or oppose the candidate, measure, or measure qualification affected by the independent expenditure.</p> <p style="text-align: right;">Gov. Code §84203.5</p>
<p>Aug. 70 (E-88)</p>	<p>Notification of Mail Ballot Precinct Last day for the county elections official to determine that there are 250 or fewer persons registered to vote in any precinct. The county elections official may then mail to each voter a vote-by-mail ballot along with a statement that there will be no polling place for the general election.</p> <p style="text-align: right;">§3005</p>
<p>Aug. 7 (E-88)</p>	<p>Last day for Candidates to File to Run for Office Deadline for candidates for special district boards to obtain and file their Declaration of Candidacy. Forms are obtained from and filed with the county Elections Department.</p> <p>If the candidate wants to file a Candidate’s Statement of Qualifications, it must be filed and paid for at the same time that the Declaration of Candidacy is being filed. The two documents may not be filed independent of one another.</p> <p>Any candidate who has filed a Declaration of Candidacy may withdraw that declaration up until 5 p.m. on Aug. 7. Candidates may not withdraw after that time.</p> <p>If the incumbent does not file, there will be a five-day extension for anyone other than the incumbent to file.</p> <p style="text-align: right;">§10510, 10516, 13307, 13311</p>

<p>Aug. 7 (E-88)</p>	<p>Last Day to Submit Resolutions of Consolidation Final deadline for the governing body of a district, city, school or other political subdivision which requests consolidation of a local election for candidates or measures to file the request with the county Elections Department.</p> <p style="text-align: right;">§10401, 10402</p> <p>Earlier filing dates are encouraged in order to meet printing schedules.</p>
<p>Aug. 8 – Aug. 12 (E-87 to E-83)</p>	<p>Extension of Nomination Period If an incumbent member of a special district board does not file a Declaration of Candidacy by 5 p.m. on Aug. 7, any person other than the incumbent may file a Declaration of Candidacy by 5 p.m. on Aug. 12. This provision does not apply if there is no incumbent eligible to be elected. Any candidate who has filed may withdraw his or her Declaration of Candidacy up until 5 p.m. on the last day to file.</p> <p style="text-align: right;">§10225, 10407, 10516(b), 10603</p>
<p>Aug. 12 (E-83)</p>	<p>Insufficient Number of Nominees <u>Special Districts:</u> If by 5 p.m. on this day, no one has filed candidacy papers or an insufficient number of persons filed candidacy papers to fill an office or offices, and a petition signed by 10% or 50 voters (whichever is the smaller number) has not been submitted, the elections official shall certify this fact to the Board of Supervisors. A person who has filed a Declaration of Candidacy shall be appointed by the Board of Supervisors at a regular or special meeting held prior to the first Monday before the first Friday in December.</p> <p>If no one filed, another qualified person shall be appointed by the Board of Supervisors on or before November 3, 2009 and shall take office and serve as if elected.</p> <p style="text-align: right;">§10515</p> <p>Districts must take action to make applications available to persons interested in serving on the board. Applications must be delivered to the Board of Supervisors by October 7 in order to allow sufficient time for the applications to be reviewed and the appointment to be made at the October 20 Board of Supervisor's meeting.</p>

<p>Aug. 12 (cont.) (E-83)</p>	<p>If a district fails to submit applications to fill the vacancy, a vacancy will exist when the term begins on December 4. The Special District Board then has 60 days to either fill the vacancy or call a special election. Any person appointed to fill the vacancy shall hold the seat until the next regularly scheduled election, November 2011, at which time the 2-year term would be up for election.</p> <p>If the district fails to fill the vacancy or call an election within the 60 days, the Board of Supervisors has an additional 30 days to fill the vacancy.</p> <p>If within 90 days of the vacancy it remains unfilled, the special district must call a special election to fill the vacancy at the next available election date.</p> <p style="text-align: right;">Govt. Code §1780</p>
<p>Aug. 13, 11 a.m. (E-82)</p>	<p>Randomized Alphabet Drawing Secretary of State shall conduct the randomized alphabet drawing to determine the order in which the candidates will appear on the ballot. §13112</p>
<p>Sept. 4 (E-60)</p>	<p>Special Vote-by-Mail Ballot Applications The first day county election officials may process applications for special vote-by-mail ballots. The application must include the statement that the voter cannot vote a vote-by-mail ballot during the normal vote-by-mail voting period of October 5 to October 27, 2009 because of military or other contingencies that preclude normal mail delivery. §300(b), 3103</p>
<p>Sept. 7 – Oct. 20 (E-57 to E-14)</p>	<p>Statement of Write-in Candidacy and Nomination Papers During this period write-in candidates must file their Statement of Write-in Candidacy and Nomination Papers with the county elections official. §8601</p>
<p>Sept. 10 (E-54)</p>	<p>54-Day Walking Lists Prepared The County Elections Official will prepare the 54-day voter index that is available for purchase upon written application at a cost of 50 cents per 1,000 names. §2184</p>
<p>Sept. 24 – Oct. 13 (E-40 to E-21)</p>	<p>Counties Mail Sample Ballots Between these dates the county elections official shall mail a Sample Ballot and polling place notice to each registered voter. §13303, 13304</p>
<p>Sept. 24 (E-40)</p>	<p>First Pre-Election Statement Last day to file campaign statements for candidates and committees covering the period ending Sept. 19. (E-45). Gov. Code §84200.5, 84200.7b</p>

<p>Sept. 24 (E-40)</p>	<p>Supplemental Independent Expenditure Reports Last day to filed supplemental independent expenditure reports for committees making independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate or measure. Independent expenditure reports are filed at the same time and in the same places as would be required if the filer were primarily formed to support or oppose the candidate, measure, or measure qualification affected by the independent expenditure. Gov. Code §84203.5, 82031</p>
<p>Oct. 5 (E-29)</p>	<p>Establish Precinct Boards and Polling Places Last day for the county Elections Department to appoint board members and polling places and provide a copy to each county central committee and make a copy available to the public. §12286, 12318</p>
<p>Oct. 5 (E-29)</p>	<p>Last Day to Register to Vote to Ensure Receipt of Sample Ballot Voter registration cards received by this date (postmark NOT ACCEPTABLE) will be added to the rolls and the voters will receive a Sample Ballot booklet prepared by the county elections official. The voters who submit cards after this date will NOT receive a Sample Ballot booklet, only a notice advising the late registrant that he/she will not receive a Sample Ballot and Voter's Information Pamphlet. §2102, 2107, 9094, 13303</p>
<p>Oct. 5 – Oct. 27 (E-29 to E-7)</p>	<p>Vote-by-Mail Ballot Application Period Between these dates voters may apply for a vote-by-mail ballot from the Elections Department. Under certain conditions voters may obtain a vote-by-mail ballot after Oct. 27. §3001, 3003</p>
<p>Oct. 5 (E-29)</p>	<p>29-Day Walking Lists Prepared The County Elections Official will prepare the 29-day voter index available for purchase upon written application at a cost of 50 cents per 1,000 names. §2184</p>
<p>Oct. 18 – Nov. 2 (E-16 to E-1)</p>	<p>Late Contribution/Independent Expenditure Report During this time late contribution/independent expenditure reports must be filed by FAX, telegram, mailgram, guaranteed overnight mail or deliver in person. Gov. Code §84203, 84204</p>
<p>Oct. 18 – Nov. 2 (E-16 to E-1)</p>	<p>24-Hour Statement of Organization Filing Requirement – Recipient Committees & Slate Mailer Organizations During the 16 days immediately preceding an election, any person or entity which qualifies as a recipient committee or slate mailer organization must file a Form 410 within 24 hours by telegram or personal delivery. Gov. Code §84101, 84108</p>

<p>Oct. 19 (E-15)</p>	<p>15-day Voter Registration The county elections official shall accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the 15th day prior to the election, and if any of the following apply:</p> <ol style="list-style-type: none"> 1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official. 2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) prior to the election. 3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (2) and (3) on or before the 15th day prior to the election. <p style="text-align: right;">§2107</p>
<p>Oct. 20 – Oct. 27 (E-14 to E-7)</p>	<p>New Citizens Registration Period Registration for new citizens shall begin the 14th day prior to an election and end on the seventh day prior to election day. A new citizen registering to vote after the close of registration shall provide the county elections official with proof of citizenship prior to voting, and shall declare that he or she has established residence in California. New citizens vote a regular ballot and county elections officials shall keep a public list of new citizen voters.</p> <p style="text-align: right;">§331, 3500-3503, 3501</p>
<p>Oct. 22 (E-12)</p>	<p>Second Pre-Election Statement The last day to file campaign statements for candidates and committees covering the period from 9-20-09 to 10-17-09.</p> <p style="text-align: right;">Gov. Code §84200.5, 84200.8</p>
<p>Oct. 22 (E-12)</p>	<p>Supplemental Independent Expenditure Reports Candidates or committees making independent expenditures of \$1000 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure.</p> <p style="text-align: right;">Gov. Code §84203.5, 82031</p>
<p>Oct. 26* (E-10)</p>	<p>Notice of Central Counting Place Last day for county elections official to publish the notice that the general election ballots will be counted at a specified public place. The notice shall be published one time in a newspaper of general circulation in the county.</p> <p style="text-align: right;">§12109</p>
<p>No later than Oct. 27 (E-7)</p>	<p>Publish Polling Places and Precinct Board Members Not less than one week before the election, the elections official shall publish the list of polling places and precinct board members.</p> <p style="text-align: right;">§12105-12108, Gov. Code §6061</p>

<p>Oct. 27 (E-7)</p>	<p>Special District Appointments to Vacancies The Board of Supervisors shall appoint any qualified person to fill vacancies on special district boards where no one filed during the Declaration of Candidacy period, July 13 to August 7. Appointees shall take office and serve as if elected.</p> <p style="text-align: right;">§10515</p>
<p>Oct. 31 (Date fixed by law)</p>	<p>Quarterly Statements by Ballot Measure Committees All committees primarily formed to support or oppose the qualification, passage or defeat of a ballot measure must file quarterly campaign statements for the period July 1 through Sept. 30 during any semiannual period in which the measure is not being voted upon. Following the election, such committees are only required to file semiannual statements unless they make contributions or expenditures to qualify, support or oppose other measures, in which case they would have an ongoing duty to file quarterly statements.</p> <p style="text-align: right;">Gov. Code §84202.3</p>
<p>Oct. 28 – Nov. 3 (E-6 to E)</p>	<p>Vote-by-Mail Ballots – Late Conditions Voters unable to go to the polls because of illness or disability or because they will be absent from their precinct on election day, may come to the Elections Department and receive a vote-by-mail ballot over the counter. Voters may designate in writing a representative to bring the vote-by-mail ballot to them. The voter may either personally or through the authorized representative return the ballot to the Elections Department or polling place in the county.</p> <p style="text-align: right;">§3021</p>
<p>Nov. 3 (E)</p>	<p>Election Day Polls open at 7 a.m. and close at 8 p.m.</p> <p style="text-align: right;">§1000, 14212</p>
<p>Nov. 5 – Nov. 30 (E+2 to E+27)</p>	<p>Official Canvass The official canvass of precinct returns is to be completed during this time.</p> <p style="text-align: right;">§15301</p>
<p>Nov. 24 (E+21)</p>	<p>Board of Supervisors to Appoint Candidates In-Lieu of Election Candidates who filed a Declaration of Candidacy shall be appointed by the Board of Supervisors at a regular or special meeting held prior to the first Monday before the first Friday in December. This is the last regularly scheduled board meeting before this statutory deadline.</p> <p style="text-align: right;">§10515</p>

<p>Nov. 30 (E+27)</p>	<p>Certify Results Declaration of Elected Candidates The county elections official shall prepare a statement of the results and submit it to the governing bodies holding elections.</p> <p>The county elections official shall declare the elected candidate or candidates to all school and special districts holding elections in November. The elections official shall immediately make and deliver to each person elected a certificate of election.</p> <p style="text-align: right;">§10551 – 10553, 15372</p>
<p>Dec. 4 (Date fixed by law)</p>	<p>Assuming Office <u>Special Districts</u> – Candidates declared elected or appointed (i.e. as provided in §10515) take office this date at noon after having taken the oath and posted any bond required by the principal act.</p> <p style="text-align: right;">§10554</p>
<p>Dec. 31 (Date fixed by law)</p>	<p>Statement Filed with Secretary of State The elections official shall file with the Secretary of State a statement containing a list offices up for election; the name and ballot designation of each candidate; the name of each successful candidate; the number of voter eligible to vote in the district; the number of votes for each candidate; the list of offices for which appointments have been made in lieu of election.</p> <p style="text-align: right;">§10552</p>
<p>5 days after canvass</p>	<p>Recount May Be Requested Within five (5) days after the completion of the official canvass, any voter may request a recount by filing a written request with the Elections official and specifying which candidates and/or measures are to be recounted.</p> <p>The request may specify the order of the precincts for the recount, and the petitioning voter shall, before commencement of each day's recount, deposit such sum as the official requires to cover costs (approximately \$565 to \$1400 per day).</p> <p>"Completion of the canvass" shall be presumed to be the time when the elections official signs the certified Statement of Vote.</p> <p style="text-align: right;">§15620 – 15634</p>

<p>Varies between 10 days to 6 months following the certification of the vote</p>	<p>Contesting Election</p> <p>Any elector of a county, city, or of any political subdivision of either may contest any election held therein for any of the following grounds:</p> <ul style="list-style-type: none"> a) That the precinct board or any member thereof was guilty of malconduct. b) That the person who has been declared elected to an office was not, at the time of the election, eligible to that office. c) That the defendant has given to any elector or member of a precinct board any bribe or reward, or has offered any bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise defined in Division 18 (commencing with §18000). d) That illegal votes were cast. e) That eligible voters who attempted to vote in accordance with the laws of the state were denied their right to vote. f) That the precinct board in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected. g) That there was an error in the vote-counting programs or summation of ballot counts. §16100 <p>The contestant shall verify the statement of contest, as provided by Section 446 of the Code of Civil Procedure, and shall file it within the following times after the declaration of the result of the election by the body canvassing the returns thereof:</p> <ul style="list-style-type: none"> a) In cases other than cases of a tie, where the contest is brought on any of the grounds mentioned in subdivision (c) of §16100, six months. b) In all cases of tie, 20 days. c) In cases involving presidential electors, 10 days. d) In all other cases, 30 days. §16401
<p>Period Following Election</p>	<p>Document Retention</p> <p>Nomination documents and signatures in-lieu of filing fee petitions (if applicable) shall be held during the term of office for which they were filed and for four years after the expiration of the term. They may be destroyed as soon as practicable thereafter provided no legal action or proceeding is pending.</p> <p>Since the November 2009 is conducted under the Uniform District Election Law, precinct supplies and voted ballots must be preserved for 6 months following the election. If no legal action is pending at the time, the documents may be destroyed or recycled. Unused ballots may be destroyed or recycled after the November 2009 election.</p> <p>Initiative, referendum and recall petitions must be preserved for eight months following certification of the election for which the petition qualified or eight months after final examination of the petition by the clerk. If no legal action or proceeding is then pending, the petitions may be destroyed as soon as practicable.</p> <p style="text-align: right;">Elections Code Division 17, commencing with §17000</p>

<p>Feb. 1, 2010</p>	<p>Semiannual Campaign Statement Last day to file semiannual campaign statements, if required, by all candidates and committees. Gov. Code §84200, 84218</p>
<p>Feb. 1, 2010</p>	<p>Supplemental Independent Expenditure Reports Candidates or committees making independent expenditures of \$1000 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure. Gov. Code §84203.5, 82031</p>

OFFICES ON THE BALLOT

Candidates to be elected from the following jurisdictions:

(The names of incumbents are on file at the County Elections Department or on the website at www.votescount.com)

SPECIAL DISTRICTS – 4-year terms			
DISTRICT	INCUMBENTS UP FOR ELECTION	HOW ELECTED	QUALIFICATIONS
Alba Park, Parkway and Recreation	Maggi Ghaffari Timothy Walsh Steven Young	At large by registered voters of the district	Registered voter of the district or a registered voter of the state who owns property in the district. (Public Resources Code §5783.3)
Opal Cliffs Recreation	Michael Carlton Robert Weaver		
Salsipuedes Sanitary	Darryl Welty – short term Robert D. Roberts Shahe Moutafian	At large by registered voters of the district	Registered voter of the district (Health & Safety Code §6464)
Depot Hill Geologic Hazard Abatement	Joan Corsiglia John Hart Bob Tomaselli Gary Wetsel – short term	At large by property owners	Owner of real property in district. (Public Resources Code §26567)
Place de Mer Geologic Hazard Abatement	William Sharpe Thomas J. Armes Vincent Toolan		

RESIDENCE AND DOMICILE

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

Elections Code §349. Residence and Domicile

“Residence” for voting purposes means a person’s domicile. The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile. The residence of a person is that place in which the person’s habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining. At a given time, a person may have more than one residence. (Added by Stats. 1994)

Elections Code §2020. Term of domicile

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

Elections Code §2021. Person away for temporary purposes

A person who leaves his or her home to go into another state or precinct in this state for temporary purposes merely, with the intention of returning, does not lose his or her domicile.

A person does not gain a domicile in any precinct into which he or she comes for temporary purposes merely, without the intention of making that precinct his or her home. (Added by Stats. 1994)

Elections Code §2022. Move to another state

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

Elections Code §2023. Move to another state

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

Elections Code §2024. Intention and fact or removal

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

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

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

Elections Code §2026. Domicile of Legislative Member or Congressional Representative
The domicile of a Member of the Legislature or a Representative in the Congress of the United States shall be conclusively presumed to be at the residence address indicated on that person's currently filed affidavit of registration. (Added by Stats. 1994)

Elections Code §2027. Domicile of family; residence in trailer
The place where a person's family is domiciled is his or her domicile unless it is a place for temporary establishment for his or her family or for transient objects. Residence in a trailer or vehicle or at any public camp or camping ground may constitute a domicile for voting purposes if the registrant complies with the other requirements of this article. (Added by Stats. 1994)

Elections Code §2028. Place of family and business
If a person has a family fixed in one place, and he or she does business in another, the former is his or her place of domicile, but any person having a family, who has taken up an abode with the intention of remaining and whose family does not so reside with him or her, is a domiciliary where he or she has so taken up the abode. (Added by Stats. 1994)

Elections Code §2029. Domicile of spouse
The domicile of one spouse shall not be presumed to be that of the other, but shall be determined independently in accordance with this article. (Added by Stats. 1994)

Elections Code §2030. Marriage to a person employed in the service of the United States
A domiciliary of this state who marries a person employed temporarily in this state in the service of the United States government, may elect to retain his or her domicile for the purpose of qualifying as an elector only, except that his or her domicile in this state shall terminate if the domiciliary qualifies as an elector in any other state or any territory. (Added by Stats. 1994)

Elections Code §2031. Homeowner's property tax exemption; renter's tax credit; driver's license
If a person has more than one residence and that person maintains a homeowner's property tax exemption on the dwelling of one of the residences pursuant to Section 218 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the homeowner's property tax exemption is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card or vehicle registration issued to that person by, and on file with, the Department of Motor Vehicles.

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

Elections Code §2032. More than one residence
Except as provided in this article, if a person has more than one residence and that person has not physically resided at any one of the residences within the immediate preceding year, there shall be a rebuttable presumption that those residences in which he or she has not so resided within the immediate preceding year are merely residences as defined in subdivision (c) of Section 349 and not his or her domicile. (Added by Stats. 1994)

Elections Code §2033. Change of house number

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

Elections Code §2034. Domicile in more than one precinct

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

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

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

COURT CASES

Voter Registration and Establishment of Domicile. Walters v. Weed (1988) AKA "UCSC Student Voting Case." 45 Cal.3rd.1

In this California Supreme Court decision, the court held that voters who have moved, but have not established a new domicile, may vote in the precinct of their former domicile even though they have not intention of returning to live there.

Homeless Person's Right to Register to Vote. Collier v. Menzel (1985). AKA "Fig Tree Case." 176 Cal. App.3d 24

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

INCOMPATIBILITY OF OFFICES

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

There is no single statute that defines “incompatibility of offices”. The common law doctrine of incompatibility of offices, however, prevents an elected official from holding two offices simultaneously ***if the offices have overlapping and conflicting public duties***.

The courts have defined this concept as follows: “One individual may not simultaneously hold two public offices where the functions of the offices concerned are inherently inconsistent, as where there are conflicting interests, or where the nature of the duties of the two offices is such as to render it improper due to considerations of public policy for one person to retain both.”

The State of California Attorney General’s Office has issued many opinions of particular compatibility questions. Here are six examples of incompatible offices:

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

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

NAME & BALLOT DESIGNATION

Name on Ballot

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

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; or (b) Decree of any court of competent jurisdiction. (EC § 13104)

Ballot Designation - Legislative Requirements

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

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

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

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

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

Community Volunteer ballot designation. Pursuant to Elections Code §13107.5.

- (a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:
 - 1. A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.
 - 2. A candidate is not engaged concurrently in another principal profession, vocation, or occupation.
 - 3. A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.
- (b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section. (Added by Stats. 2002)

Titles or Degrees Prohibited

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

Unacceptable Designations

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

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

Rejected Ballot Designations

If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, 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 provided on the candidate's ballot designation worksheet.

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

In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name. The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.

Ballot Designation May Not be Changed After Filing

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

Format of Ballot Designation

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

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

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

No Ballot Designation

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

In the event that a candidate fails to file a ballot designation worksheet in accordance with subdivision (a), no designation shall appear under the candidate's name on the ballot.

SECRETARY OF STATE

Ballot Designation Regulations

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

Chapter 7. Ballot Designations

§20710. General Provisions.

(a) The regulatory purpose of this Chapter is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.

(b) The Secretary of State shall, at all times, apply and interpret the provisions of Elections Code §13107 and the regulations included in this Chapter in a manner consistent with the regulatory purpose of this Chapter.

(c) Candidates are not required to use a ballot designation pursuant to Elections Code § 13107, subdivision (a), and may opt to leave the space for such a designation on the ballot blank. In order to notify the elections official as to whether he or she will use a ballot designation or will opt to leave the ballot designation space blank, the candidate must initial the appropriate box on the Declaration of Candidacy or otherwise so indicate on the Declaration of Candidacy.

(d) Pursuant to Elections Code §13107, subdivision (a), a candidate may submit a proposed ballot designation pursuant to any one of the four provisions specified in Elections Code §13107, subdivision (a), subparts (1) through (4), applicable to that candidate. The candidate shall be free to select from which of the applicable four subparts he or she is submitting his or her proposed ballot designation.

(e) The regulations set forth in this Chapter shall apply only to elections held for offices for which elections returns are certified by the Secretary of State of the State of California.

(f) Whenever, the word "should" is used in this Chapter, it is recommended, not mandatory.

Note: Authority: Section 12172.5, Government Code

Reference: Section 13107, Elections Code

§20711. Ballot Designation Worksheet

(a) In order to facilitate review of a candidate's proposed ballot designation by the Secretary of State pursuant to Elections Code §13107, the candidate may submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.

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

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

- (1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;
- (2) A designation of the office for which the candidate is seeking election;
- (3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
- (4) The proposed ballot designation submitted by the candidate;
- (5) At the option of the candidate, the candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;
- (6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:
 - (A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code §13107, subdivisions (a)(1) or (a)(2), the candidate should indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;
 - (B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code §13107, subdivisions (a)(1) or (a)(2), the candidate should indicate the elective office he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;
 - (C) If the candidate submits a ballot designation pursuant to Elections Code §13107, subdivision (a)(3), the candidate should indicate:

- (i) The title of the position or positions which he or she claims supports the proposed ballot designation;
- (ii) The dates during which the candidate held such position;
- (iii) A description of the work he or she performs in the position;
- (iv) The name of the candidate's business or employer;
- (v) The name and telephone number of a person or persons who could verify such information; and
- (vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at §20714, subdivision (b).

(D) If the candidate submits a ballot designation pursuant to Elections Code §13107, subdivision (a)(4), the candidate should indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.

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

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

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

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

- (a) In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office that the candidate holds at the time of filing the nomination documents.
- (b) In the case of judicial officers, the candidate's ballot designation shall be the elective office that the candidate holds at the time of filing the nomination documents.
- (c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(1).
- (d) Proposed ballot designations indicating a position of legislative leadership, such as "Majority Leader of the California Senate," "Minority Leader of the California State Assembly," "Speaker of the California State Assembly," "President Pro Tempore of the California State Senate," and the like, are not elective offices described in Elections Code §13107, subdivision (a)(1). Such ballot designations are improper, pursuant to Elections Code §13107, subdivision (a)(1). They may, however, be considered under the provisions of §13107(a)(3).
- (e) Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective county or state offices as specified in Elections Code §13107, subdivision (a)(1).

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

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

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

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

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

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

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

- (a) The terms "profession," "vocation," or "occupation," as those terms are used in Elections Code §13107, subdivision (a) (3), are defined as follows:
 - (1) "Profession" means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a "profession," as defined in Elections Code §13107, subdivision (a)(3), include, but are not limited to, "attorney," "physician," "accountant," "architect," and "teacher."
 - (2) "Vocation" means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a "vocation," as defined in Elections Code §13107, subdivision (a)(3), include, but are not limited to, "minister," "priest," "mother," "father," "homemaker," "dependent care provider," "carpenter," "plumber," "electrician," and "cabinetmaker."
 - (3) "Occupation" means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an "occupation," as defined in Elections Code §13107, subdivision (a)(3), include, but are not limited to, "rancher," "restaurateur," "retail salesperson," "manual laborer," "construction worker," "computer manufacturing executive," "military pilot," "secretary," and "police officer."

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

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

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

(c) In order for a ballot designation submitted pursuant to Elections Code §13107, subdivision (a)(3), to be deemed acceptable by the Secretary of State, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (a) and (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 the term is used in Elections Code 13107, subdivision (a)(3). If the candidate desires, the geographical name may be used in the form of “City of . . . ,” “County of . . . ,” or “City and County of” Examples of geographical names considered to be one word include Tehama County, Los Angeles County and County of Sacramento.

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

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

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

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

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

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

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

§20716. Unacceptable Ballot Designations.

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

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

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

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

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

(c) Pursuant to Elections Code §13107, subdivision (b)(1), the Secretary of State shall reject as unacceptable any proposed ballot designation that would mislead voters. In making this determination, the Secretary of State shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based upon supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation, pursuant to §20711 and 20717 of this Chapter.

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

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

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

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

(h) Subject to the provisions of Elections Code §13107, subdivision (b)(4), use of the word “retired” in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation. In evaluating a proposed ballot designation including the word “retired,” the Secretary of State will consider the following factors in making a determination as to the propriety of the use of the term “retired”:

- (1) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
- (2) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
- (3) The candidate has reached at least the age of 55 years;
- (4) The candidate voluntarily left his or her last professional, vocational or occupational position;
- (5) If the candidate is requesting a ballot designation indicating that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office;
- (6) The candidate has not had another more recent, intervening principal profession, vocation or occupation; and,
- (7) The candidate's retirement benefits are providing him or her with a principal source of income.

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

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

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

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

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

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

§20717. Requests for Supporting Documentation.

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

(a) Time is of the essence regarding all matters pertaining to the review of proposed ballot

designations submitted by candidates for public office. Failure to promptly submit requested supporting materials will preclude consideration of such materials and the rendering of a summary, final decision on the candidate's proposed ballot designation.

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

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

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

§20718. Communication of Decisions Regarding Ballot Designations.

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

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

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

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

§20719. Service of Legal Process Regarding Ballot Designations.

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

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

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

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

WRITE-IN CANDIDACY

Filing Period - September 7 – October 20, 2009

Write-In Procedure

Persons who did not file a Declaration of Candidacy and fulfill their nomination requirements to place their name on the ballot may run for an office on the ballot as a write-in candidate.

If there was an insufficient number of nominees who filed for a special district office, that office does not appear on the ballot unless a petition with 10 percent of the voters or 50 voters, whichever is smaller, is submitted requesting that the general district election be held. (§10515)

Write-in votes will be counted and certified in the Statement of Vote only for **qualified write-in candidates** who file the required forms with the Elections Department no later than 14 days prior to Election Day. The Elections Department will forward the forms to the Secretary of State in the case of offices that must be certified by the Secretary of State.

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

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

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

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

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

CANDIDATE STATEMENT OF QUALIFICATIONS

OVERVIEW (Elections Code §13307)

- ❖ Each candidate for nonpartisan elective office in any local agency, including any city, county, or district may prepare a Candidate's Statement.
- ❖ All candidates eligible to file a statement must file a "Candidate Statement Agreement" indicating if a statement will be filed or not.
- ❖ The Candidate's Statement is designed to acquaint voters with candidates' qualifications for the office they are seeking.
- ❖ The Statement is incorporated into the Voter's Information Pamphlet pages of the Sample Ballot produced by the Santa Cruz County Elections Department and mailed to all registered voters in the district eligible to vote for that particular candidate.
- ❖ Election materials will only be mailed to those voters who are on the voter rolls 29 days before the election. The voters who submit voter registration cards after this date but by the 15-day registration deadline, will **NOT** receive a Sample Ballot booklet, only a notice advising the late registrant where to vote and that he/she will not receive a Sample Ballot and Voter's Information Pamphlet. (Elections Code §9094, 13303)

CANDIDATE'S STATEMENT

WHERE AND WHEN TO FILE

PERIOD FOR FILING:	<p>July 13 to August 7 by 5 p.m. The statement must be paid for and filed with the Declaration of Candidacy.</p> <p style="text-align: right;">(§13307(a)(2))</p>
EXTENDED PERIOD:	<p>If the Nomination filing period is extended, then all persons, other than the incumbent, have until August 12, 5 p.m. in which to file their Candidate's Statement along with their Declaration of Candidacy.</p>
WHERE TO FILE:	<p>County Clerk/Elections Department, 701 Ocean Street, Room 210, Santa Cruz, CA 95060-4076, 831-454-2060. Office hours - 8 a.m. to 5 p.m., Monday - Friday. Candidate's Statements cannot be filed by FAX pursuant to Secretary of State Guidelines.</p>
CONTENTS:	<p>The statement contains the candidate's:</p> <ul style="list-style-type: none"> ◆ name ◆ age (optional) ◆ occupation (optional), and ◆ a brief description of no more than 200 words (unless 400 has been authorized by the governing board) of the candidate's education and qualifications expressed by the candidate. <p style="text-align: right;">(§13307(a)(1))</p>
RESTRICTIONS:	<p>The candidate's statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations.</p> <p style="text-align: right;">(§13307(a)(1))</p>
CONFIDENTIALITY:	<p>Statements are confidential until 5 p.m. on the last day to file.</p> <p style="text-align: right;">(§13311)</p>
WITHDRAWAL:	<p>Statements may not be changed but may be withdrawn no later than 5 p.m. on August 10. If there is an extended filing time, no later than 5 p.m. on August 13.</p> <p style="text-align: right;">(§13307(a)(3))</p>
PAYMENT:	<p>Cost for printing a candidate's statement in the Voter's Information Pamphlet shall be paid at the time of filing the statement with the Declaration of Candidacy. Checks are made payable to the County Clerk.</p> <p style="text-align: right;">(§13307(c))</p>

CANDIDATE'S STATEMENT CONTENT, SIZE & FORMAT

CONTENT

- ◆ Be accurate. **Documents will be printed as submitted.** SPELLING, PUNCTUATION, AND GRAMMATICAL ERRORS WILL NOT BE CORRECTED BY THE ELECTIONS DEPARTMENT.
- ◆ Please **TYPE** your candidate statement . **DO NOT USE ALL CAPS.** Statements will be rejected if they are typed in all capital letters or if the statement is not readable. Candidates may type their statement on the form provided by the Elections Department; type it on their own paper, double-spaced only.
- ◆ In addition to filing hard copy, statements also submitted in a readable electronic format will receive a \$50 discount. If there is a discrepancy between the content of the hard copy and the content in the electronic format, **the hard copy content will prevail.**
- ◆ Candidates for nonpartisan offices shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations. (§13307(a)(1))
- ◆ Statements for judicial offices may not make reference to other candidates for judicial office or to another candidate's qualifications, character, or activities. (Elections Code §13308)
- ◆ No statement shall contain any demonstrably false, slanderous or libelous statements (§13307d).
- ◆ The heading includes the candidate's name and office sought, followed by a line for the candidate's occupation and age (if provided). These are standardized headings and are included in the quarter page space provided. The words, however, do not count toward the number of words allowed for the statement.
- ◆ Subheadings and deviations from the standardized heading will not be accepted.
- ◆ The "**Occupation**" field in the Candidate's Statement is NOT governed by the laws and regulations pertaining to the ballot designation that appears underneath the candidate's name on the ballot. Therefore, it may be different from the candidate's ballot designation. However, if its length extends beyond one line, words appearing on the second line will be counted toward the 200-word maximum.

SIZE

- ◆ Confine statement to 200 words unless otherwise authorized. See guidelines on “How to Count Words” on page 50.
- ◆ The candidate’s statement must fit inside a quarter page square of the Voter’s Information Pamphlet measuring 3.75" wide by 4.5" tall. All 200-word candidate statements must fit in the quarter page space provided. If the statement does not fit as filed, paragraphs will be run together in order to make the statement fit. If the jurisdiction authorizes candidates to file 400-word statements, they will be printed on a half page, vertical column, and the candidate will be charged double.

FORMAT

- ◆ All text will be formatted flush left – no indents will be allowed.
- ◆ Statements are printed in the Voter’s Information Pamphlet in type of uniform size, darkness and spacing. Santa Cruz County uses 9 point Arial Narrow type - no exceptions.
- ◆ **Bolding**, CAPITALIZING, underlining, bullets and centering text are not permitted. If the statement contains any bolding, capitalizing (other than abbreviations or acronyms), underlining, bullets and centering of text, the text will be converted to normal text without these attributes.
- ◆ Limited use of *italics* is permitted.
- ◆ Notwithstanding the above guidelines, nothing shall be deemed to make any statement or author of the statement free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing.

THE PRINTED CANDIDATE'S STATEMENT

Below is a sample of a 200-word Candidate's Statement of Qualifications, as it will appear in the Voter's Information Pamphlet.

<p style="text-align: center;">Statement of CHRIS CANDIDATE, Candidate for County Supervisor, 6th District County of Santa Cruz</p> <p>Occupation: Teacher Age: 42</p> <p>I can bring to the office a diversity of viewpoints and experience. Born and raised in the Monterey Bay Area, with my family still farming, I can appreciate the concerns of the environmentalist. On the other hand, having been in business since my undergraduate days at UCSC, and with my experience in the rental and real estate fields, I appreciate the practical housing requirements of our community.</p> <p>My credentials include: Graduate of local high schools, UCSC graduate with a B.S. and MBA; US Air Force sergeant; Married and parent of 2; Small Business owner; Homeowner.</p> <p>In addition, I have either served or am serving in the following clubs and organizations: Rotary; Chamber of Commerce; Sierra Club; PTA; Arts Council; Rock the Vote; and League of Women Voters.</p> <p>If elected to this office, I will do my best to continue to serve as a leader and role model for our community and children.</p>	<p>The Spanish translation would appear here for candidates who request and purchase a Spanish translation of their Candidate's Statement.</p> <p>Or, this space would be used for other candidates running for the same office.</p> <p>Candidate statements will appear in the same order as the candidates' names appear on the ballot.</p>
--	--

NOTE: If your candidate's statement exceeds the 3.75" wide by 4.5" tall quarter page provided for each statement, you will be charged double for the additional space. Or the elections official will reformat to fit in the space allotted.

Candidate's who submit 400-word statements (if authorized by the jurisdiction) will be charged double for statements that exceed the quarter page spacing allotment.

COST OF PRINTING CANDIDATE'S STATEMENTS

SUBMIT CANDIDATE'S STATEMENT IN AN ELECTRONIC FORMAT AND RECEIVE A \$50 DISCOUNT!!

The Elections Department encourages candidates to submit their statements on a CD or sent via e-mail to gail.pellerin@co.santa-cruz.ca.us

- ONE signed hard copy must be filed by the deadline.
- Format all text flush left and execute and save italics within the file.
- Discounts will only be provided to those candidates whose files can be read by the Elections Department's computers. If elections staff have to type the statement, the discount will not apply.

**If there are discrepancies between the hard copy and the electronic copy,
the hard copy will prevail.**

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

If the Candidate's Statement is withdrawn by 5 p.m. on August 10 (or by August 13, if there is an extension) the fee will be refunded in full.

PRINTING IN SPANISH: Santa Cruz County is not required to print statements in Spanish; therefore, any candidate wishing their statement be printed in Spanish in Santa Cruz County's Voter Information Pamphlet will be required to pay double the amount listed. A facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish will be available at each polling place on Election Day and upon request by voters at no expense to the candidate. (§14201)

OVERLAPPING DISTRICTS:

Important notice to candidates in districts that encompass more than one county.

Procedures, requirements, fees, formats and public examination periods for candidates' statements may vary between counties. It is the candidate's responsibility to contact each county (in which he or she wishes to have a statement printed) within the district to obtain the appropriate information from each county. Failure to do so may jeopardize the printing of the candidate's statement.

COST FORMULA: The cost of the Candidate's Statement is based on a quarter page measuring 3.75" wide by 4.5" tall in the Voter's Information Pamphlet. The cost includes a flat fee of \$165 for typesetting and page setup, plus \$.008 per voter in the district for printing and \$.008 per voter in the district for postage. Registration figures are based on the February 2009 report of registration. If candidates are authorized by the jurisdiction to submit statements containing 400 words, the cost will be double.

Candidates who submit their statement in a readable electronic format will receive a \$50 discount.

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

DISTRICT	Registered Voters or Property Owners (2/09)	Cost of Statement (200 Words)
Alba Park, Parkway and Recreation	65	\$166
Opal Cliffs Recreation	518	\$174
Salsipuedes Sanitary	734	\$177
Depot Hill Geologic Hazard Abatement	30	\$166
Place de Mer Geologic Hazard Abatement	58	\$166

HOW TO COUNT WORDS

(Pursuant to Elections Code Section 9)

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

Each word is counted as one word except:

- PUNCTUATION:** Punctuation is not counted.
- TITLES:** Words used in the title of the document, such as "Argument in Favor of Measure A" are not counted.
- CITIES/COUNTIES:** All geographical names shall be counted as one word. Areas that have political boundaries with an elected or appointed board are considered geographic areas by this office. For example, "County of Santa Cruz" and "Pajaro Valley Unified School District" shall each be counted as one word.
- ABBREVIATIONS:** Each abbreviation for a word, phrase, or expression shall be counted as one word.
- HYPHENATIONS:** Hyphenated words that appear in any generally available dictionary shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- DATES:** Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting of only a combination of digits shall be counted as one word. January 1, 2009 shall be counted as two words, whereas 1/1/09 shall be counted as one word.
- NUMBERS:** Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled, shall be considered as a separate word. "100" shall be counted as one word, whereas "one hundred" shall be counted as two words.
- PHONE & INTERNET:** Website addresses and telephone numbers are one word.
- PERCENT, ETC.:** It is department policy to count numbers consisting of a digit or digits used with a dollar sign (\$), cent sign (¢), percentage sign (%), or number sign (#) as one word.

REGISTRATION AND ELECTION DATA

Confidential Voter File

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

Permissible Usage

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

Permissible usage includes, but is not limited to:

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

Prohibited Usage

Prohibited usage includes:

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

California Elections Code §18109 states:

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

ELECTION DATA FOR SALE

From Santa Cruz County



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

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

Candidates may set up an account with the Elections Department by writing a check "Not to Exceed" a certain dollar amount. Purchases will then be subtracted from that amount until the cap is reached. At that time the check will be cashed. If total purchases are less than the amount of the original check, candidates will be asked to write a check for the specific amount due and the original check will be returned.

Election data fees will be increased in Fiscal Year 2009/10. Please obtain a price list from the office after July 1, 2009.

Secretary of State's CALVOTER

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

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

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

For more information, please contact Steven Carda, Calvoter Administrator, at 916-657-2305 or by email at steven.carda@sos.ca.gov .

VOTER REGISTRATION AND VOTE-BY-MAIL DRIVES

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

For any quantity of 50 or more, the individual requesting the cards must fill out an application and obtain a "Guide to Registering Voters" from elections staff in the Elections Department. For quantities of 2,000 or more, the distribution form is transmitted to the Secretary of State's Office. (California Administrative Code §20001g)

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

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

*******Registering at 29 days vs. 15 days*******

The law allows voters to register up until the 15th day before the election – October 19, 2009. Voters who submit their voter registration cards by the 29th day before the election, **October 5, 2009**, (postmark is **NOT ACCEPTABLE**) will be added to the rolls, and the voters will receive a Sample Ballot and Voter's Information Pamphlet prepared by the county elections official.

Voters who submit cards after this date will **NOT** receive a Sample Ballot booklet, only a notice advising the late registrant that he/she will not receive a Sample Ballot and Voter's Information Pamphlet. The notice will also inform the voter of where he or she is assigned to vote on Election Day. §2102, 2107, 13303

The problem with this new law is that voter registration cards mailed 15 days prior to an election may not be received in time to send the new voter a notice or could be received after Election Day.

IN ORDER TO ENSURE VOTER'S ELIGIBILITY STATUS ON ELECTION DAY, ELECTIONS OFFICIALS URGE VOTERS TO REGISTER TO VOTE BY E-29 – OCTOBER 5, 2009.

Provisional Voting & the Help America Vote Act:

HISTORY: A process for voting provisionally was added to the California Elections Code by Chapter 629 in 1983. (Elections Code §14310). The process provided that any voter claiming to be properly registered was entitled to vote even though the voter's qualification or entitlement to vote could not be immediately established.

An additional code section (Elections Code §14311) was added by Chapter 919 in 1995 in response to provisions of the National Voter Registration Act of 1993 (NVRA/ "Motor Voter") Section 8 (e)(2)(A)(ii)(II) known as "Fail Safe."

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

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

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

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

“Other” Provisional Voting: Provisional ballots are also issued to voters whose voting eligibility cannot be established quickly and easily. Please be advised that poll workers in Santa Cruz County are directed to “Never tell voters that they cannot vote.”

Provisional voters must vote their ballot in person at the Elections Department, satellite office, or polling place. Provisional ballots cannot be mailed. As time allows, election officials will hand deliver provisional ballots to homebound voters.

Examples of voters who will vote provisionally:

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

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

Provisional ballots are not counted unless:

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

Court Ordered Registrations and Provisional Voting

If a voter claims to have registered to vote through DMV or another National Voter Registration Act mandated agency, the Santa Cruz County Elections Department has established a simple procedure to allow a voter to complete a new voter’s registration card, complete court documents and vote a provisional ballot.

The county elections officials will process the documents through the court and if they are signed by the judge, the ballot will be counted. The voter’s new voter registration card will be processed for future elections.

Vote-by-Mail Ballots:

Any organization or citizen wishing to distribute vote-by-mail ballot applications may obtain camera-ready copy of a state-approved, uniform application and have the application printed in any quantity.

Camera-ready forms are available in English and Spanish. The Elections Department also provides a guide on how to duplicate the form. It is extremely important that candidates and/or committees adhere to the format and to include the committee's name, address and telephone number at the bottom of the vote-by-mail application. (Elections Code §3006 and 3007)

Any individual, organization, or group that distributes vote-by-mail voter applications shall return the forms to the appropriate elections official within three days (72 hours) of receiving the completed form, or before the deadline for application, whichever is sooner. (Elections Code §3008)

October 5, 2009 is the first day vote-by-mail voter ballots may be issued for the November 3, 2009 election. Any application received prior to that date will be kept on file and processed during the application period.

A written request/application sent by mail for an vote-by-mail voter ballot must be received by the Elections Department by 5 p.m. on **October 27, 2009**. Ballots are available at the Elections Department from October 28 to November 3 upon filing a Late Vote-by-mail Ballot application.

Applications for vote-by-mail ballots received in the mail after October 27 will not be processed. A letter of explanation will be sent to the applicant advising the voter that the application was received after the deadline.

CAMPAIGN PRACTICES

USE OF PUBLIC RESOURCES

(Gov. Code §8314 (a))

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

(b) For purposes of this section:

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

(2) "Campaign activity" means an activity constituting a contribution as defined in Section 82015 or an expenditure as defined in Section 82025. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.

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

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

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

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

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

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

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

MASS MAILING

Mass mailing; requirements (Gov. Code §84305)

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

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

Mass mailing definition (Gov. Code §82041.5)

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

Mass mailing by incumbents (Gov. Code §89001)

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

SLATE MAILERS

Slate mailer definition (Gov. Code §82048.3)

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

Slate mailer organization (Gov. Code §82048.4)

- a) "Slate mailer organization" means, except as provided in subdivision (b), any person who, directly or indirectly, does all of the following:
 - 1) Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in slate mailers.
 - 2) Receives or is promised payments totaling \$500 or more in a calendar year for the production of one or more slate mailers.
- b) Notwithstanding subdivision (a), a slate mailer organization shall not include any of the following:
 - 1) A candidate or officeholder or a candidate's or officeholder's controlled committee.
 - 2) An official committee of any political party.
 - 3) A legislative caucus committee.
 - 4) A committee primarily formed to support or oppose a candidate, officeholder, or ballot measure.

- c) The production and distribution of slate mailers by a slate mailer organization shall not be considered making contributions or expenditures for purposes of subdivision (b) or (c) of §82013. If a slate mailer organization makes contributions or expenditures other than by producing or distributing slate mailers, and it reports those contributions and expenditures pursuant to §84218 and 84219, no additional campaign reports shall be required of the slate mailer organization pursuant to §84200 or 84200.5.

Slate mailer requirements (Gov. Code §84305.5)

- a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:
- 1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on at least one of the inserts included with each piece of slate mail in no less than 8-point Roman type which shall be in color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures is a matter of public record with the Secretary of State's Political Reform Division.
 - 2) At the top or bottom of the front side or surface of at least one insert or at the top or bottom of one side or surface of a postcard or other self-mailer, there is a notice in at least 8-point Roman, boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of the following statement:

NOTICE TO VOTERS

THIS DOCUMENT WAS PREPARED BY (insert name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), **not an official political party organization**. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.

- 3) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of an insert.
- 4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by *. Any candidate or ballot measure that has not paid to appear in the slate mail is not designated by *.
The * required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the * designation applies except that in no case shall the * be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

- 5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point Roman type which shall be a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.
- b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of §84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the * designation. The payment shall also be deemed to constitute authorization to appear in the mailer.
- c) A slate mailer that complies with this section shall be deemed to satisfy the requirements of §20003 and 20004 of the Elections Code. [Sections were repealed in Ch. 1189, 1994) (See the Information Manual issued by the Fair Political Practices Commission for campaign disclosure reporting requirements in connection with slate mailers.)

NOMINATIONS

Fictitious name to nomination petition (Elections Code §18200)

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

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

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

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

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

False declaration of candidacy (Elections Code §18203)

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

Suppression of nomination paper (Elections Code §18204)

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

Paying candidates to withdraw (Elections Code §18205)

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

CAMPAIGN LITERATURE

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

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.

CODE OF FAIR CAMPAIGN PRACTICES

Chapter 855, Statutes of 1982, established a Code of Fair Campaign Practices that could be voluntarily subscribed to by candidates for public office.

The County Clerk is required to provide each individual who files nomination papers or other papers evidencing intentions to become a candidate for public office with a copy of the provisions of the Chapter and a form on which to subscribe to the code.

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

MISREPRESENTATION BY CANDIDATES

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

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

- a) Assume, pretend, or imply, by his or her statements or conduct, that he or she is the incumbent of a public office when that is not the case.
- b) Assume, pretend, or imply, by his or her statements or conduct, that he or she has been acting in the capacity of a public officer when that is not the case.

Any violation of this section may be enjoined in a civil action brought by any candidate for the public office involved.

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

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

Representation requirements (Elections Code §20007)

No candidate or committee in his or her behalf shall represent in connection with an election campaign either orally or in campaign material, that the candidate has the support of a committee or organization that includes as part of its name the name or any variation upon the name of a qualified political party with which the candidate is not affiliated, together with the words "county committee," "central committee," "county," or any other term that might tend to mislead the voters into believing that the candidate has the support of that party's county central committee or state central committee, when that is not the case.

This section shall not be construed to prevent a candidate or committee from representing that the candidate has the support of a committee or group of voters affiliated with another political party, which committee or group is identified by the name of that party, where the name of the committee or group also includes the name of the candidate.

Any member of a central committee or state central committee may commence an action in the superior court to enjoin misrepresentation by a candidate or committee in his or her behalf, in the manner prohibited by this section, to the effect that the candidate has the support of the state or county central committee involved.

DECEPTIVE ONLINE ACTIVITIES (Elections Code §18320)

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 Web site that is committed with the intent to deny a person access to a political Web site, deny a person the opportunity to register a domain name for a political Web site, or cause a person reasonably to believe that a political Web site 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 Web site to another person's Web site by the use of a similar domain name, meta-tags, or other electronic measures.

(B) Intentionally preventing or denying exit from a political Web site 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 Web site.

(D) Intentionally preventing the use of a domain name for a political Web site 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 alphanumeric 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 Web site" means a Web site that urges or appears to urge the support or opposition of a ballot measure.

POLITICAL ADVERTISING

Political advertisement requirements (Elections Code §20008)

Any paid political advertisement that refers to an election or to any candidate for state or local elective office and that is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type of lettering of the advertisement or in 10-point Roman type, whichever is larger, the words "Paid Political Advertisement." Such words shall be set apart from any other printed matter.

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

False or forged campaign materials (Penal Code §115.2)

No person shall publish or cause to be published, with actual knowledge, and intent to deceive, any campaign advertisement containing false or fraudulent depictions, or false or fraudulent representations, of official public documents or purported official public documents.

For purposes of this section, "campaign advertisement" means any communication directed to voters by means of a mass mailing as defined in §82041.5 of the Government Code, a paid newspaper advertisement, an outdoor advertisement, or any other printed matter, if the expenditures for that communication are required to be reported by Chapter 4 (commencing with §84100) of Title 9 of the Government Code.

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

SIMULATED BALLOTS

Printing of Simulated Sample Ballots (Elections Code §18301)

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

Simulated ballot requirements (Elections Code §20009)

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

NOTICE TO VOTERS

(Required by Law)

This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State. This is an unofficial, marked ballot prepared by (insert name and address of the person or organization responsible for preparation thereof).

Nothing in this section shall be construed to require any such 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.

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.

PICTURES IN CAMPAIGN MATERIALS (Elections Code §20010)

(a) Except as provided in subdivision (b), no person, firm, association, corporation, campaign committee, or organization may, with actual malice, produce, distribute, publish, or broadcast campaign material that contains (1) a picture or photograph of a person or persons into which the image of a candidate for public office is superimposed or (2) a picture or photograph of a candidate for public office into which the image of another person or persons is superimposed. "Campaign material" includes, but is not limited to, any printed matter, advertisement in a newspaper or other periodical, television commercial, or computer image. For purposes of this section, "actual malice" means the knowledge that the image of a person has been superimposed on a picture or photograph to create a false representation, or a reckless disregard of whether or not the image of a person has been superimposed on a picture or photograph to create a false representation.

(b) A person, firm, association, corporation, campaign committee, or organization may produce, distribute, publish, or broadcast campaign material that contains a picture or photograph prohibited by subdivision (a) only if each picture or photograph in the campaign material includes the following statement in the same point size type as the largest point size type used elsewhere in the campaign material: "This picture is not an accurate representation of fact." The statement shall be immediately adjacent to each picture or photograph prohibited by subdivision (a).

(c) (1) Any registered voter may seek a temporary restraining order and an injunction prohibiting the publication, distribution, or broadcasting of any campaign material in violation of this section. Upon filing a petition under this section, the plaintiff may obtain a temporary restraining order in accordance with Section 527 of the Code of Civil Procedure.

(2) A candidate for public office whose likeness appears in a picture or photograph prohibited by subdivision (a) may bring a civil action against any person, firm, association, corporation, campaign committee, or organization that produced, distributed, published, or broadcast the picture or photograph prohibited by subdivision (a).

The court may award damages in an amount equal to the cost of producing, distributing, publishing, or broadcasting the campaign material that violated this section, in addition to reasonable attorney's fees and costs.

(d) (1) This act shall not apply to a holder of a license granted pursuant to the federal Communications Act of 1934 (47 U.S.C. Sec. 151 et seq.) in the performance of the functions for which the license is granted.

(2) This act shall not apply to the publisher or an employee of a newspaper, magazine, or other periodical that is published on a regular basis for any material published in that newspaper, magazine, or other periodical. For purposes of this subdivision, a "newspaper, magazine, or other periodical that is published on a regular basis" shall not include any newspaper, magazine, or other periodical that has as its primary purpose the publication of campaign advertising or communication, as defined by Section 304.

CORRUPTION OF THE VOTING PROCESS

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

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

Public Official who Knowingly Allows Fraud Shall Forever be Disqualified From Holding Office (Elections Code §18501)

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

Interference with Election Officers (Elections Code §18502)

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

VANDALISM AT POLLING PLACES (Elections Code §18380)

No person, during any election, shall do any of the following:

(1) Remove or destroy any of the supplies or other conveniences placed in the voting booths or compartments for the purpose of enabling the voter to prepare his or her ballot.

(2) Remove, tear down, or deface the cards printed for the instruction of voters.

(3) Remove, tear, mark or otherwise deface any voter index with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted.

(4) Remove, tear down, or deface the signs identifying the location of a polling place or identifying areas within 100 feet of a polling place.

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

CORRUPTION OF VOTERS

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

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

Promise of Employment (Elections Code §18520)

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

- a) Refrain from voting.
- b) Vote for any particular person.
- c) Refrain from voting for any particular person.

A violation of any of the provisions of this section shall be punishable by imprisonment in the state prison for 16 months or two or three years.

Consideration for Voting (Elections Code §18521)

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

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

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

Consideration for Voting (Elections Code §18522)

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

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

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

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

Bribery at Election (Elections Code §18523)

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

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

Payment for Securing Vote (Elections Code §18524)

A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, will be used for boarding, lodging, or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of that person or to induce that person to vote for any particular person or measure.

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

INTIMIDATION OF VOTERS

Compelling Another in Voting (Elections Code §18540)

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

Solicitation Dissuading Persons From Voting (Elections Code §18541)

- a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place:
 - 1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
 - 2) Place a sign relating to voters' qualifications or speak to a voter on the subject of

his or her qualifications except as provided in Section 14240.

- 3) Photograph, videotape, or otherwise record a voter entering or exiting a polling place.
- b) Any 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.

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

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

Challenge Without Probable Cause (Elections Code §18543)

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

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

- a) Any person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.
- b) This section shall not apply to any of the following:
 - 1) An unarmed uniformed guard or security personnel who is at the polling place to cast his or her vote.
 - 2) A peace officer who is conducting official business in the course of his or her public employment or who is at the polling place to cast his or her vote.
 - 3) A private guard or security personnel hired or arranged for by a city or county elections official.
 - 4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held.

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

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

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

As used in this article:

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

POLITICAL SIGNS

Outdoor Political Advertising – State Law

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

Temporary political signs are those that meet the following criteria:

- Encourages a particular vote in a scheduled election;
- Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after the election;
- Is no larger than 32 square feet;
- Has had a "Statement of Responsibility" filed with the State Department of Transportation, Division of Traffic Operations, Outdoor Advertising Program, P.O. Box 942874, MS-36, Sacramento, CA 94274-0001, certifying a person who will be responsible for removing the signs. Forms are available at the Santa Cruz County Elections Department. Call (916) 654-6473 for more information.

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

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

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

Outdoor Political Advertising -- Santa Cruz County Code

Santa Cruz County Code, Section 13.10.583 states that temporary or political signs shall not be placed so as to constitute a traffic hazard. On January 12, 1993, the Board of Supervisors approved the following Public Works criteria for removal of signs as they might affect roadside safety:

Signs may be removed by authorized Public Works staff if they:

1. Block the sight distance on county roads at intersections of county roads, private roads or driveways.
2. Restrict the use of the highway or otherwise clearly cause problems for the traveling public.
3. Obscure fire hydrants, traffic signs, traffic signals or other traffic control devices.
4. Are attached to or distract the attention of drivers from any traffic control device.
5. Interfere with normal maintenance efforts.
6. Are identified as other traffic hazards by the Director of Public Works consistent with the content of this policy.

Action to remove signs under categories 1 through 4 above, generally requires immediate attention. For those matters covered under categories 5 and 6, Public Works staff will make reasonable effort to contact the responsible party, to relocate or remove the signs within 24 hours.

Pursuant to Section 1480.5 of the Streets and Highways Code, the Director of Public Works may immediately remove an encroachment which constitutes a traffic hazard or an encroachment which is an advertising sign or device of any description. In keeping with the provisions of Section 1480.5(d) any such sign removed by the Public Works Department which is of more than nominal value shall be held at a County maintenance yard for a reasonable period of time to allow the owner of the sign to retrieve it. The return of the sign may be conditioned upon payment of an amount sufficient to reimburse the Public Works Department for the expense of removal.

Outdoor Political Advertising - City Ordinances

Each city in Santa Cruz County has rules and regulations regarding outdoor political advertising. Contact the city clerk in Santa Cruz (420-5030), Capitola (475-7300), Scotts Valley (440-5602) or Watsonville (768-3042) for more information.

Removal of Political Signs

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

POLLING PLACE INFORMATION

Campaign Literature Containing Polling Place Location (Elections Code §18302)

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

CAMPAIGN FILING REQUIREMENTS

All candidates for office are required to file at least a Form 470 – Officeholder & Candidate Campaign Statement 470 Short Form. This form is for officeholders & candidates who do not have a controlled committee and do not anticipate spending or receiving \$1,000 or more (including personal funds). The 470 Short Form must be filed with the Santa Cruz County Clerk/Elections Department by the deadline for filing the first pre-election statement. (See below)

If candidates plan on raising or spending more than \$1,000, please see the Santa Cruz County Clerk/Elections Department staff for a complete set of required campaign filing forms and manuals to assist you.

Candidates for Local Office

Committees Primarily Formed to Support/Oppose Local Candidates

Committees Primarily Formed to Support/Oppose Local Measures

November 3, 2009 Election Filing Schedule

<i>Filing Deadline</i>	<i>Type of Statement</i>	<i>Period Covered by Statement^{1/}</i>	<i>Method of Delivery</i>
July 31, 2009	Semi-Annual	^{1/} - 6/30/09	<ul style="list-style-type: none"> • Personal Delivery • First Class Mail
September 24, 2009	Pre-Election	^{1/} - 9/19/09	<ul style="list-style-type: none"> • Personal Delivery • First Class Mail
October 22, 2009	Pre-Election	9/20/09 - 10/17/09	<ul style="list-style-type: none"> • Personal Delivery • Guaranteed Overnight Service
Within 24 Hours	Late Contributions ^{2/} and Independent Expenditures of \$1,000 or More ^{3/}	10/18/09 - 11/2/09	<ul style="list-style-type: none"> • Personal Delivery • Guaranteed Overnight Service • Fax
February 1, 2010 ^{4/}	Semi-Annual	10/18/09 - 12/31/09	<ul style="list-style-type: none"> • Personal Delivery • First Class Mail

Footnotes:

- 1/ **Period Covered:** The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.
- 2/ **Late Non-Monetary Contributions:** The recipient of a late in-kind contribution must file a late contribution report within 48 hours from the time the in-kind contribution is received.
- 3/ **Prohibition on Candidate Independent Expenditures:** A controlled committee may not make independent expenditures to support or oppose candidates and may not contribute to another committee for the purpose of making independent expenditures to support or oppose other candidates.
- 4/ **Extended Deadlines:** Because the January 31 filing deadline falls on Sunday, this filing deadline is extended to February 1.

Additional Notes:

- **Primarily Formed Ballot Measure Committees:** Prior to the semi-annual period in which the measure(s) supported or opposed is being voted on, committees must file

quarterly campaign statements in addition to semi-annual statements. Following the election, quarterly statements may also be required. Contact the FPPC for specific information.

- **Candidates:** Contact the FPPC for revised reporting deadlines in the event of a runoff election. After an election, reporting requirements will depend on whether the candidate is successful and whether a campaign committee is maintained.
- **Late Statements:** Except for deadlines that fall on a Saturday, Sunday, or an official state holiday, there is no provision in the law for extending a filing deadline. Late statements are subject to a \$10 per day late fine.
- All statements are public documents.
- Local jurisdictions may impose contribution limits and additional filing requirements.
- State committees making contributions or independent expenditures in connection with local elections should contact the FPPC for reporting requirements.

Disclosure manuals and other information on campaign reporting can be found on the FPPC website (www.fppc.ca.gov). Be sure to check the website for up-to-date information.

DISCLOSURE OF ECONOMIC INTERESTS FORM 700

Who Must File

State law (the Political Reform Act of 1974) requires candidates for school and special districts to disclose their interests in real property and income within the past 12 months in a Statement of Economic Interests (Form 700) to be filed with their Declaration of Candidacy and candidates appointed to an office file 10 days after assuming office. (Gov. Code §87200, et. seq.)

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

What Must be Disclosed

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

When and Where to File

Candidates who must file may obtain forms and instructions from the Santa Cruz County Elections Department. The Form 700 must be filed with the Elections department when the candidate files their declaration of Candidacy between the dates of July 13th and August 7th.

If the statement is filed after the deadline, candidates may be penalized up to \$10 per day up to a maximum of \$100.

Late filing penalties can be reduced or waived under certain circumstances. Santa Cruz County filers should obtain a copy of the "Late Filing Policy" from the County Elections Department. (Gov. Code §87201, 87500)

Statements Are a Public Record

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

ELECTIONEERING

100 Feet Rule

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

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

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

Elections Code Section 18541 provides that any person who violates the above provisions is punishable by imprisonment in county jail for not more than 12 months or state prison. Any person who conspires to violate this section is guilty of a felony.

Electioneering During Vote-by-mail Voting

Pursuant to Elections Code §18371 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 a vote-by-mail 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 vote-by-mail voter is voting.

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

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.

Poll Watchers

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

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

Exit Polling

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

ELECTION NIGHT RESULTS

WHERE:

Ballots are counted at the Elections Department:

**701 Ocean St., Room 210
Santa Cruz, CA**

CONTACTS:

Gail L. Pellerin, County Clerk

WEBSITE:

Please visit our web site at www.votescount.com for information on the November election.

VOTE-BY-MAIL RESULTS:

Released soon after 8 p.m.

ELECTION RETURNS:

Telephones will be staffed until all the ballots are counted election night for callers to phone in and obtain results.

CALL 831-454-2060.

Results will also be posted on our web site at www.votescount.com

Election results by contest are simple to provide over the phone. However, if you are interested in obtaining more specific voting result information, we encourage you to be present at the Santa Cruz County Clerk/Elections Department.

SEMI-OFFICIAL RESULTS:

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

PRECINCT-BY-PRECINCT:

In addition to posting precinct results at each voting precinct, a report showing votes by precinct based on ballots counted Elections Night will be posted on our website Wednesday, November 4.

FINAL RESULTS:

The official canvass of ballots will begin no later than Thursday, November 5. The law provides 28 days to complete the canvass and certify the votes. Please call to verify when the final count will occur.

THE CANVASS

The official canvass of votes cast at the November 3, 2009 election may begin no later than Thursday, November 5, 2009 pursuant to Elections Code §15301, 15372. The Canvass procedures will comply with the October 25, 2007 Secretary of State "...Conditional Re-Approval of the Sequoia Voting Systems, Inc..."

All post-election manual tally requirements must be completed within the canvass period established by Elections Code §10262 and §15372.

PERIODIC UPDATES OF RESULTS BEFORE FINAL CERTIFICATION: In some cases the Elections Department will do periodic updates of the vote count. Once all provisional ballots and vote-by-mail ballots are processed and precinct supplies are sorted through to ensure all ballots are accounted for, a final count of ballots will take place. The time and date of any update and the final count will be provided to interested persons.

VOTE-BY-MAIL BALLOT NUMBERS PROVIDED BY DISTRICT: Vote-by-Mail ballots may be dropped off at any polling place on Election Day. In addition, numerous vote-by-mail ballots are received in the mail or our drop box in front of the county building in the final days before the election and are stored in trays until after Election Day when there is adequate time to process these ballots. Therefore, on election night, the Elections Department will **NOT** be able to provide the total number of vote-by-mail ballots that remain to be counted during the canvass.

Once all of the vote-by-mail ballots are keyed into the computer system and flagged as returned, we will be able to provide a count of vote-by-mail ballots left to be processed. A report can be run that will show how many remain in each ballot type.

Usually, this report is available within 5 working days after the election.

CANVASS PROCESS INCLUDES:

VOTE-BY-MAIL BALLOT PROCESSING: On election night all the vote-by-mail ballots that have been received and processed prior to Election Day are counted. The law allows elections officials to begin to process vote-by-mail ballots 7 working days prior to the election. For a vote-by-mail ballot to be ready to be counted, the following has to occur:

- a) flag returned vote-by-mail ballots on computer system;
- b) compare signature of voter on vote-by-mail ballot envelope to the signature on computer from the voter's registration affidavit, if there is a discrepancy, the ballot is separated for review by a supervisor;
- c) sort vote-by-mail ballots by consolidated voting precinct;
- d) open vote-by-mail ballot identification envelopes within each sorted group. Identification envelopes are placed signature side down and the voted ballot is removed. Envelopes returned empty without a ballot is noted. Empty identification envelopes are removed from the table. The number of opened vote-by-mail ballot identification envelopes are counted and the number of voted ballots are counted. If numbers do not match, research is done until the numbers are reconciled;
- e) voted ballots are then inspected for damage or marks that would affect the accuracy of counting the ballot. Ballots are corrected pursuant to Elections Code §15210 or duplicated if necessary by the canvassing board.

f) vote-by-mail ballots issued on the day before or the day of the election are verified against the precinct rosters prior to processing to ensure against voting twice. Lists of vote-by-mail voters who are issued ballots prior to the day before the election are delivered to the precinct inspectors who mark the names in the Alpha Index as having already received a ballot.

g) ballots are then prepared for tallying final election results.

It typically takes approximately 10 days to process the outstanding Vote-by-Mail ballots.

PROVISIONAL BALLOT NUMBERS & PROCESSING: The number of provisional ballots voted at each precinct is available election night. However, the number of provisional ballots voted at the Elections office or central location are not tallied. Therefore, an official number of provisional ballots to be processed will not be available until the ballot envelopes are researched and keyed into the computer.

The Elections Department does not provide a breakdown of the numbers of provisional ballots by district, but can provide the list of those turned in by precinct and a list of precincts in each district.

Provisional voters include:

- ❖ registered voters who move within the same county but fail to re-register to vote, who vote at their new polling place, the Elections Department or central location;
- ❖ voters who are not listed on the Alpha Index at the polling place;
- ❖ voters who have been issued a vote-by-mail ballot, show up at the polling place to vote, but fail to surrender their vote-by-mail ballot;
- ❖ any other voter whose eligibility to vote was questioned by the precinct officer.

Provisional ballots are investigated by the Canvass Board once all of the vote-by-mail ballots have been keyed in as returned. Where there is a question of the voter's right to vote, the supervisor investigates. All valid provisional ballots are then prepared for the official count.

The provisional ballot process takes 5 to 10 days following completion of the Vote-by-mail ballot processing.

RECONCILIATION - PRECINCT BALLOTS: The Canvass Board reviews Ballot Statements for accuracy and compares numbers of ballots counted by the computer to the number recorded by the Precinct Board. The Canvass Board verifies the number of Vote-by-Mail and Provisional ballots reported turned in by the Precinct Board with the number received by the Receiving Board on Election night. Differences are computed and discrepancies are investigated. Ballots which were not tallied election night because they were damaged or rejected by the scanners are remade for the final ballot count. The Canvass Board also examines each roster for completion of all Certificates, Oaths and Declarations. Irregularities are noted and investigated. Payroll forms are forwarded to the Precinct Recruitment Officer who enters in the appropriate information on the computer data base and forwards the payroll data to the Auditor.

This procedure takes 3 to 5 days.

WRITE-IN VOTES: Votes for qualified write-in candidates are manually counted by precinct. A summary of the votes cast for qualified write-in candidates is printed in the certified statement of vote. A copy is available upon the final tally of the votes cast. Votes are not tallied for write-in candidates that did not file as a qualified write-in candidate.

This procedure takes 3 to 5 days depending on the number of write-in candidates.

1% MANUAL RECOUNT (§15360): (a) During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballots tabulated by those devices, including absent voters' ballots, cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official.

In addition to the 1 percent manual tally, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.

Additional precincts for the manual tally may be selected at the discretion of the elections official.

(b) If vote-by-mail ballots are cast on a direct recording electronic voting system at the office of an elections official or at a satellite location of the office of an elections official pursuant to Section 3018, the official conducting the election shall either include those ballots in the manual tally conducted pursuant to subdivision (a) or conduct a public manual tally of those ballots cast on no fewer than 1 percent of all the direct recording electronic voting machines used in that election chosen at random by the elections official.

(c) The elections official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to randomly choose the initial precincts or direct recording electronic voting machines subject to the public manual tally.

(d) The manual tally shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts to be tallied prior to conducting the tally and selection.

(e) The official conducting the election shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of these discrepancies was resolved. In resolving any discrepancy involving a vote recorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.

The 1 percent tally procedure takes approximately 5 to 10 days.

EXPANDED AUDIT FOR CLOSE CONTESTS: Elections officials shall conduct a manual tally of 10% of randomly selected precincts for any contest where the margin of victory is less than one half of one percent (0.5%). The 10% manual tally must only be conducted for the contest in question, not the entire ballot. All precincts already randomly selected for the manual tally conducted under Elections Code §15360 may be included in the 10% manual tally. The margin of victory shall be based on the semifinal official canvass results, as defined in Elections Code §353.5.

In contests that include more than one jurisdiction, individual jurisdictions shall look to the overall margin of victory in the contest, based on the semifinal official canvass results, instead of the margin of victory only within the jurisdiction. For example, in a contest that spans two counties, if the margin of victory within one county is less than 0.5%, but the overall margin of victory in the contest according to the semifinal official canvass results is more than 0.5%, then a 10% manual tally is not required in either county. Conversely, however, if the margin of victory within a given jurisdiction is more than 0.5%, but the overall margin according to the semifinal official canvass results is less than 0.5%, then each jurisdiction involved in the contest shall conduct a manual tally of 10% of the precincts in which voters cast ballots for that contest in the jurisdiction.

Alternatively, elections officials may, at their discretion, conduct a 100% manual tally of the ballots in a given contest if the margin of victory is less than one half of one percent (0.5%). This alternative may be useful for very small contests in which fewer than 1,000 votes are cast and may allow for more efficient planning of the manual tally process established in Elections Code §15360.

Escalation Requirements for Variances

When variances between the semifinal official canvass results and the manual tally results are discovered, elections officials must document and disclose those variances and take the following steps to resolve the variances:

- Variances found in the manual tally sample for a given contest must be presumed to exist in at least the same proportion in the remaining ballots cast in the contest.
- To calculate the variance percentage for each contest, compare the total number of variances found in the manual tally sample for the contest to the total ballots cast for that contest in the manual tally sample. If the variance percentage represents at least 10% (one-tenth) of the margin of victory for that contest based on the semifinal official canvass results, then additional precincts must be manually tallied for that contest. This requirement is designed to guard against the possibility that the percentage of variances in the remaining ballots is higher than that found in the manual tally sample.
- Additional precincts must be tallied in randomly selected blocks of 5% until the total number of variances presumed to exist – re-calculated using the method above – is smaller than 10% of the overall margin of victory in that contest, based on the semifinal official canvass results, or until all ballots have been manually tallied, whichever comes first.
- If any variance is found between manually tallied VVPAT records and corresponding electronic vote results that cannot be accounted for by some obvious mechanical problem, then the VVPAT records, memory cards and devices, and DRE machines must be preserved and the Secretary of State must be notified in order to allow for an investigation to determine the cause of the problem. The Secretary of State shall conduct the investigation in such a manner as to minimize adverse impact on the conclusion of the canvass and certification of the election, as well as preparation for any upcoming elections.
- For multi-winner elections, the margin of victory is the difference between the candidate who had just enough votes to win a seat and next candidate below. For example, for a contest with three open seats, the margin of victory would be the difference between the third and fourth place candidates. The margin of victory shall be measured using the semifinal official canvass results.

Transparency Requirements

Elections officials must ensure implementation of the following procedures to make the post-election manual tally process more transparent and effective:

- Precinct tally results must be made available to the public before the manual tally of those results begins.
- Elections officials must begin the manual tally as soon as practicable after the random selection of precincts for the manual tally.
- The manual tally must be conducted in public view by hand without the use of electronic scanning equipment.
- Elections officials shall comply with the notice requirements established in Elections Code §15360 when conducting any post-election manual tallying required by this recertification. However, elections officials may accomplish this by providing one notice containing the times and places of: 1) the initial selection of precincts for the 1% manual tally and any 10% manual tally required; 2) the beginning of the manual tally process; and 3) any additional selection of precincts which may become necessary to comply with escalation requirements.
- Observers must not be permitted to touch ballots or interfere in any way with the tallying, but observers must be permitted to watch the process in a manner that allows them to verify the tally.
- Elections officials shall keep a log to record the manual tally process, including the results of each round of manual tallying for each precinct included in the sample, how variances were resolved, and details of any actions taken that are contrary to written protocols. The log must be made available to the public.
- Undervotes and overvotes must be tracked and reported as part of the manual tally process. Elections officials must take measures to ensure that cancelled DRE ballots are not inadvertently tallied as valid ballots in the manual tally process. (Damaged ballots are not included, because they are not valid ballots and therefore not electronically tallied.)
- People conducting the manual tally should not be told the corresponding electronic vote results in case a repeat tally is necessary. Poll workers involved in the manual tally may not be assigned to tally the results from a precinct where they worked on Election Day.

The elections officials will provide a timeline for conducting the expanded audit tally procedure, if required.

100 PERCENT MANUAL TALLY OF TOUCHSCREENS: Elections officials are required to conduct a 100% manual tally, by the process described in Elections Code section 15360, of the electronic results tabulated on each DRE machine in use on Election Day. Notice to the public of this manual tally may be combined with the notice required by any other manual tally required in this order or by Elections Code section 15360.

The 100 percent tally procedure is estimated to take approximately 15 days.

FINAL OFFICIAL COUNT: The Logic and Accuracy Test is run, reviewed and approved to ensure the card readers are operating correctly. The vote-by-mail, provisional and any remade ballots are then counted by the 400C ballot counter. A final computer print-out summarizing the votes in all races is then made available. Any irregularities and/or discrepancies are investigated and reconciled.

A Statement of the Votes cast includes:

- ❖ The total number of ballots cast;
- ❖ The number of votes cast at each precinct for each candidate and for and against each measure;
- ❖ The total number of votes cast for each candidate and for and against each measure;
- ❖ The total number of votes cast in each city, Assembly district, Congressional district, Senatorial district, State Board of Equalization district, supervisorial district for each candidate for the offices of presidential elector and all statewide offices and on each statewide ballot proposition.

A certified copy of the Statement of Vote is available for purchase within 7 days of the final count and will be available online at www.votescount.com

QUESTIONS FREQUENTLY ASKED BY CANDIDATES

Candidates running for public office must satisfy many requirements set forth in law and regulation. Over the years, certain aspects of the nomination process have been identified as areas where prospective candidates seem to encounter problems. In order to assist candidates in avoiding these "pitfalls" the following questions and answers have been prepared.

Is your office open during the lunch hour?

Yes. Office hours are 8 a.m. to 5 p.m., Monday through Friday, excluding holidays, and we do remain open between the hours of noon to 1 p.m. On election day we are open from 6:00 a.m. until the last ballot is counted.

What if I change my mind about being a candidate after filing a Declaration of Candidacy?

Candidates may withdraw their Declaration of Candidacy prior to the final date for filing. According to Elections Code §10510, "No candidate shall withdraw his or her declaration of candidacy after 5 p.m. on the 88th day prior to the general election."

May a second party pick up my Declaration of Candidacy for me?

All forms must be either picked up in person by the candidate or a letter of specific authorization, signed by the candidate, must be presented by the candidate's representative.

May a second party file my Declaration of Candidacy or mail them to you?

Election law does not specifically prohibit another person filing a Declaration of Candidacy for a candidate. However, candidates are urged to file in person. The reasons are twofold:

The oath or affirmation must be administered by a member of the Elections Department or a notary. It is easier for a candidate to file the Declaration of Candidacy in person and have the oath administered at the time the candidate files; and

The signature of the candidate, as well as other data, is required on the Declaration of Candidacy. If through an oversight the candidate's papers are incomplete, the problem can be easily rectified when a candidate files in person.