

# November 2, 2010



## CANDIDATE'S HANDBOOK

### CONSOLIDATED

### GUBERNATORIAL GENERAL ELECTION



Prepared by:  
Santa Cruz County Clerk/Elections Department  
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[www.votescount.com](http://www.votescount.com)  
May, 2010



# County of Santa Cruz

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## 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

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GAIL L. PELLERIN, COUNTY CLERK

Welcome to the November 2, 2010 electoral process! Regardless of who wins, it is hoped 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](http://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](mailto:gail.pellerin@co.santa-cruz.ca.us)

Good luck, and may the best person win.

*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](http://www.votescount.com) Thank you.*



# TABLE OF CONTENTS

COUNTY CLERK/ELECTIONS DEPARTMENT .....	1
STATE AND FEDERAL OFFICES .....	2
IMPORTANT TELEPHONE NUMBERS.....	2
WHO YOU GONNA CALL? .....	4
NEIGHBORING COUNTIES.....	5
WEBSITE: WWW.VOTESCOUNT.COM .....	6
CANDIDATE CHECKLIST .....	7
CANDIDATE FILING DOCUMENTS .....	8
NOVEMBER 2, 2010 GENERAL ELECTION CALENDAR.....	10
OFFICES ON THE NOVEMBER BALLOT.....	24
THE COURTS .....	25
BOARDS OF EDUCATION & COMMUNITY COLLEGES .....	26
UNIFIED/HIGH SCHOOL DISTRICTS .....	27
ELEMENTARY SCHOOL DISTRICTS .....	28
FIRE PROTECTION DISTRICTS.....	29
WATER DISTRICTS .....	29
PORT DISTRICT .....	30
RECREATION DISTRICTS .....	30
MISCELLANEOUS DISTRICTS .....	30
CITIES.....	31
RESIDENCE AND DOMICILE.....	32
INCOMPATIBILITY OF OFFICES .....	35
NAME & BALLOT DESIGNATION .....	36
BALLOT DESIGNATION - LEGISLATIVE REQUIREMENTS .....	36
UNACCEPTABLE DESIGNATIONS .....	37
REJECTED BALLOT DESIGNATIONS.....	38
SECRETARY OF STATE BALLOT DESIGNATION REGULATIONS.....	39
WRITE-IN CANDIDACY .....	51
INDEPENDENT CANDIDATES.....	53
CANDIDATE STATEMENT OF QUALIFICATIONS.....	56
WHERE AND WHEN TO FILE .....	57
CANDIDATE'S STATEMENT .....	58
CONTENT, SIZE & FORMAT.....	58

<b>THE PRINTED CANDIDATE’S STATEMENT</b> .....	<b>60</b>
<b>COST OF PRINTING CANDIDATE'S STATEMENTS</b> .....	<b>61</b>
CONGRESSIONAL OFFICES.....	63
STATE LEGISLATIVE OFFICES .....	63
COUNTY OFFICES.....	63
BOARD OF EDUCATION & COMMUNITY COLLEGES.....	65
UNIFIED/HIGH SCHOOL DISTRICTS .....	66
ELEMENTARY SCHOOL DISTRICTS.....	67
FIRE PROTECTION DISTRICTS.....	68
WATER DISTRICTS .....	69
MISCELLANEOUS DISTRICTS .....	69
CITIES.....	70
<b>HOW TO COUNT WORDS</b> .....	<b>71</b>
<b>VOTER FILE INFORMATION</b> .....	<b>72</b>
<b>ELECTION DATA FOR SALE</b> .....	<b>74</b>
<b>VOTER REGISTRATION DRIVES</b> .....	<b>77</b>
<b>PROVISIONAL VOTING</b> .....	<b>78</b>
VOTING A PROVISIONAL BALLOT; HANDLING OF BALLOT. §14310. ....	79
PROVISIONAL VOTING FOR VOTERS WHO MOVED WITHIN THE SAME COUNTY §14311 ...	80
LIBERAL CONSTRUCTIONS §14312 .....	80
<b>VOTE-BY-MAIL BALLOT DRIVES</b> .....	<b>81</b>
<b>HELP AMERICA VOTE ACT (HAVA)</b> .....	<b>82</b>
STATEWIDE DATABASE .....	82
VOTING SYSTEM REQUIREMENTS .....	82
NEW VOTER REGISTRATION RULES.....	82
<b>CAMPAIGN PRACTICES</b> .....	<b>83</b>
MASS MAILING .....	84
SLATE MAILERS .....	84
NOMINATIONS .....	86
CAMPAIGN LITERATURE .....	87
USE OF SEAL IN CAMPAIGN LITERATURE (ELECTIONS CODE §18304) .....	87
CODE OF FAIR CAMPAIGN PRACTICES .....	87
MISREPRESENTATION BY CANDIDATES .....	87
DECEPTIVE ONLINE ACTIVITIES (ELECTIONS CODE §18320) .....	88
POLITICAL ADVERTISING.....	89
SIMULATED BALLOTS.....	89

PICTURES IN CAMPAIGN MATERIALS (ELECTIONS CODE §20010) .....	90
CORRUPTION OF THE VOTING PROCESS .....	91
VANDALISM AT POLLING PLACES (ELECTIONS CODE §18380).....	91
CORRUPTION OF VOTERS.....	91
INTIMIDATION OF VOTERS .....	93
POLITICAL SIGNS.....	95
POLLING PLACE INFORMATION .....	96
<b>CAMPAIGN DISCLOSURE REQUIREMENTS .....</b>	<b>99</b>
CAMPAIGN DISCLOSURES FOR FEDERAL CANDIDATES.....	104
LATE FILINGS .....	104
MULTIPLE COMMITTEE FILING REQUIREMENTS .....	104
HOW TO GET HELP FROM THE FPPC.....	107
<b>CAMPAIGN FINANCE PROHIBITIONS.....</b>	<b>108</b>
<b>CAMPAIGN DISCLOSURE REQUIREMENTS OFTEN OVERLOOKED.....</b>	<b>109</b>
<b>DISCLOSURE OF ECONOMIC INTERESTS FORM 700 .....</b>	<b>111</b>
WHO MUST FILE.....	111
WHAT MUST BE DISCLOSED .....	111
WHEN AND WHERE TO FILE .....	111
<b>ELECTIONEERING .....</b>	<b>112</b>
<b>ELECTION NIGHT RESULTS.....</b>	<b>114</b>
<b>THE CANVASS .....</b>	<b>115</b>
<b>QUESTIONS FREQUENTLY ASKED BY CANDIDATES.....</b>	<b>119</b>

# Santa Cruz County Clerk/Elections Department Candidate Information Nights

Candidate filing season has arrived and the County Clerk/Elections Department in conjunction with the Cities of Santa Cruz County have arranged the following information nights to answer any questions potential candidates may have.

<b>Monday, June 28, 2010</b> <b>Santa Cruz City Council Chambers</b> <b>809 Center St., Santa Cruz</b> <b>5:30 p.m. to 7:00 p.m.</b>	<b>Tuesday, June 29, 2010</b> <b>Capitola Council Chambers</b> <b>420 Capitola Ave., Capitola</b> <b>6:00 p.m. to 7:30 p.m.</b>
<b>Wednesday, June 30, 2010</b> <b>Scotts Valley Council Chambers</b> <b>1 Civic Center Dr., Scotts Valley</b> <b>6:00 p.m. to 7:30 p.m.</b>	<b>Thursday, July 1, 2010</b> <b>Watsonville Community Room</b> <b>275 Main St., 4<sup>th</sup> Floor</b> <b>6:00 p.m. to 7:30 p.m.</b>

Frequently asked questions by prospective candidates are:

- ▶ how and when to file papers
- ▶ what qualifications are required
- ▶ how to prepare a Candidate's Statement of Qualifications
- ▶ what election data is available
- ▶ how to raise money for campaigns
- ▶ how to prepare for a "vote by mail" drive

All of these questions and any others will be answered at these candidate information nights. We will have Candidate's handbooks available for all interested parties as well. More information concerning the November election is available on our website at [www.votescount.com](http://www.votescount.com)

If you have any question concerning any of these meeting please call Crystal Bertheau at 831-454-2408.

# 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](http://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 <a href="mailto:gail.pellerin@co.santa-cruz.ca.us">gail.pellerin@co.santa-cruz.ca.us</a> 454-2419
Candidate Filings; Campaign Reporting; Conflict of Interest Reports Central Committees/County Councils	Crystal Bertheau <a href="mailto:crystal.bertheau@co.santa-cruz.ca.us">crystal.bertheau@co.santa-cruz.ca.us</a> 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	Call main office number 831-454-2060
Election Data for Sale; Precinct Boundaries & Consolidations; Street Index Maintenance Computer Programming; Initiatives & Petitions	Margaret Morrison <a href="mailto:margaret.morrison@co.santa-cruz.ca.us">margaret.morrison@co.santa-cruz.ca.us</a> 454-2415
Poll workers recruitment and training; Training manuals	Tricia Webber <a href="mailto:Tricia.webber@co.santa-cruz.ca.us">Tricia.webber@co.santa-cruz.ca.us</a> 454-2409
Department Information Services Manager Website Manager Ballot Counting	Martin Peaden <a href="mailto:martin.peaden@co.santa-cruz.ca.us">martin.peaden@co.santa-cruz.ca.us</a> 454-3456
Polling place recruitment; Compliance with ADA & Title 24; polling place mitigations	Jaime Young <a href="mailto:jaime.young@co.santa-cruz.ca.us">jaime.young@co.santa-cruz.ca.us</a> 420-3594
Voter Registration & Outreach Help America Vote Act	Inger Christenson <a href="mailto:Inger.christenson@co.santa-cruz.ca.us">Inger.christenson@co.santa-cruz.ca.us</a> 454-3384
Department Information Systems Analyst Voting System Warehouse Management	Call main warehouse number 831-420-3591
Accounting	Mark Leonardich <a href="mailto:mark.leonardich@co.santa-cruz.ca.us">mark.leonardich@co.santa-cruz.ca.us</a> 454-2418

# STATE AND FEDERAL OFFICES

## IMPORTANT TELEPHONE NUMBERS

### Fair Political Practices Commission

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: 916-322-5660  
Website: [www.fppc.ca.gov](http://www.fppc.ca.gov)

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

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

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

The FPPC regulates:

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

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### Secretary of State

1500 11<sup>th</sup> Street, Room 495  
Sacramento, CA 95814  
Website: [www.sos.ca.gov](http://www.sos.ca.gov)

### Political Reform Division

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

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

- Register and issue identification numbers for all state and local campaign committees that raise funds in connection with elections (non-federal) throughout California.
- Receive notices from all state and local candidates of their intentions to raise campaign funds and establish separate bank accounts for these funds.
- Receive campaign disclosure statements (itemizing contributions received and expenditures made) filed by individuals and committees raising or spending campaign funds to support or oppose state candidates or ballot measures. (Local campaign committees file their itemized disclosure statements with local filing officers. For California federal campaigns, the Political Reform Division receives copies of itemized disclosure statements filed with the [Federal Election Commission](http://www.fec.gov) 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.

## 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@ss.ca.gov](mailto:Elections@ss.ca.gov)

Responsible for:

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

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### Campaign Filing Offices

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

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

They also file with:

### Registrar-Recorder of Los Angeles County

Campaign Reporting Unit

12400 Imperial Highway

Norwalk, CA 90650

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

Website: [www.co.la.ca.us/regrec/main.htm](http://www.co.la.ca.us/regrec/main.htm)

### Department of Elections City and County of San Francisco

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](http://www.ci.sf.ca.us/election)

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### Federal Election Commission

999 E Street, NW

Washington, DC 20463

800-424-9530

For the hearing impaired, TTY 202-219-3336

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

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

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### State Franchise Tax Board

800-338-0505

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

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

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### Internal Revenue Service

800-829-1040

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

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

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### Attorney General

P.O. Box 944255

Sacramento, CA 94244-2550

800-952-5225

Website: [www.caag.state.ca.us](http://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 refer them to the agencies listed below:

- False or misleading campaign materials (No agency enforcement. These issues are dealt with in court)
- Violations of the Political Reform Act (Title 9 of the California Government Code at Sections 81000 through 91015), i.e. mass mailing requirements; slate mailers; campaign disclosure; proper use of campaign funds; disclosure of economic interests: contact the Fair Political Practices Commission at [www.fppc.ca.gov](http://www.fppc.ca.gov), 800-561-1861
- Election fraud: contact your local district attorney, 454-2400, or the California Secretary of State at [www.sos.ca.gov](http://www.sos.ca.gov), 916-657-2166
- Unlawful use of public funds, violations of the Elections Code, the Penal Code, or any laws other than the Political Reform Act: contact your local district attorney, 454-2400, or the California State Attorney General at [www.caag.state.ca.us](http://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](http://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](http://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

1430 Freedom Blvd.

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 1848

Salinas, CA 93902

(831) 755-5085

(831) 755-5485 Fax

Hours 8:00 am - 5:00 pm

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

## **San Benito**

Joe Paul Gonzalez, County Clerk-Auditor-Recorder

Courthouse, Room 206

440 Fifth Street

Hollister, CA 95023-3843

(831) 636-4029

(831) 636-2939 Fax

Hours 8:00 am - 5:00 pm

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

## **San Luis Obispo**

Julie Rodewald, County Clerk-Recorder

1144 Monterey Street, Suite A

San Luis Obispo, CA 93408-3237

(805) 781-5228

(805) 781-1111 Fax

Hours 8:00 am - 5:00 pm

[www.slocounty.ca.gov/clerk.htm](http://www.slocounty.ca.gov/clerk.htm)

## **San Mateo**

Warren Slocum, Assessor-County Clerk-Recorder

40 Tower Road

San Mateo, CA 94402

(650) 312-5222

(650) 312-5348 Fax

Hours 8:00 am - 5:00 pm

[www.shapethefuture.org](http://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 8:00 am - 5:00 pm

[www.sccvote.org](http://www.sccvote.org)

## **Santa Barbara**

Joseph E. Holland, Assessor-County Clerk-Recorder

1100 Anacapa Street, 2<sup>nd</sup> Floor

Santa Barbara, CA 93101

P O Box 159

Santa Barbara, CA 93102-0159

(805) 568-2200

(805) 568-3247 Fax

Hours 8:00 am - 5:00 pm

[www.sb-democracy.com](http://www.sb-democracy.com)

# WEBSITE: [www.votescount.com](http://www.votescount.com)

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

## Some highlights are:

- **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 2, 2010 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 FPPC**
- **Application for a vote-by-mail ballot for voters to download and mail or FAX in.** 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.
- **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 Registering Voters;" "Guide to Recall for County, School District, Special District and Local Judicial Offices;" "How to Fill a Vacancy;" and more.
- **Poll Worker Applications and Information**
- **Results 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 candidates running for school or special districts in the November 2, 2010 Election. It is the obligation of the candidate, incumbents and challengers, 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.

Nominees for any county offices appearing on the November 2010 run-off ballot and nominees for State Assembly district who have accepted the campaign expenditure limits under Proposition 34 have the option of filing a Candidate’s Statement of Qualifications and paying for its printing and distribution by 5 p.m. on August 6.

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

DOCUMENT	APPLIES TO	FILING PERIOD	FILED
Declaration of Candidacy	All Candidates – incumbents and challengers	July 12 – Aug. 6 (E113 to E-88)	
Candidate’s Statement of Qualifications	Optional for all candidates plus Candidates for county offices in run-offs and nominees for State Assembly who have accepted the Prop. 34 campaign expenditure limits	Must be filed & paid for with Dec. of Candidacy  Or For nominees by 5 p.m. on Aug. 6	
Nomination Document extension	Anyone other than the incumbent who did not file	Aug. 7 – Aug. 11 (E-87 to E-83)	
Campaign Disclosure Statements	All candidates & nominees	See filing schedule in green section.	
Code of Fair Campaign Practices	Optional for all candidates	File with Dec. of Candidacy	
Statement of Economic Interests (Form 700)	Candidates elected to office	File with Dec. of Candidacy	

# CANDIDATE FILING DOCUMENTS

<b>Document</b>	<p><b>Declaration of Candidacy</b></p> <p>The Declaration of Candidacy is the official nomination document, wherein the candidate indicates how his/her name and ballot designation is to appear on the ballot. Additionally, the candidate declares that he/she meets the statutory and/or constitutional qualifications for the office sought, and that if nominated, the candidate will accept the nomination and not withdraw. 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 88<sup>th</sup> day prior to the general election.</p> <p style="text-align: right;">(Elections Code §8020, 8028, 8101, 8105)</p>
<b>Who files</b>	All Candidates running for school or special district
<b>Deadline</b>	<ul style="list-style-type: none"> <li>◆ July 12– August 6</li> <li>◆ Extended to 5 p.m. August 11 if the incumbent does not file.</li> </ul>

<b>Document</b>	<p><b>Candidate's Statement of Qualifications</b></p> <p>A statement by the candidate or nominee 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 in this handbook.</p> <p style="text-align: right;">(Elections Code §13307; Government Code §85601)</p>
<b>Who files</b>	Optional for city, school & special district candidates, nominees for local offices in a run-off election, and nominees for State Legislative offices who have accepted the Prop. 34 campaign expenditure limits.
<b>Deadline</b>	<ul style="list-style-type: none"> <li>◆ August 6 at 5 p.m.</li> <li>◆ Extended to 5 p.m., August 11 if the incumbent does not file</li> </ul>

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

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

<b>Document</b>	<p><b>Statement of Economic Interests (Form 700)</b></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, 87500)</p>
<b>Who files</b>	<p>Candidates elected to school and special districts file with the county elections official.</p> <p>Candidates seeking election to city council file with their respective City Clerk.</p>
<b>Deadline</b>	File with Declaration of Candidacy for all candidates

# NOVEMBER 2, 2010 GENERAL ELECTION CALENDAR

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

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

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

<p><b>April 23 – July 22 2010</b> <b>(E-193 to E-103)</b></p>	<p><b>Signatures In Lieu of Filing Fee – Independent Candidates for U.S. Senate and Congress</b></p> <p>Between these dates, independent candidates may obtain signature-in-lieu forms from the county elections official or the Secretary of State for circulating petitions to secure signatures in-lieu of paying all or part of the filing fee. Signatures may also be applied to the nomination signature requirements for office.</p> <p style="text-align: right;">§8106, 8302, 8403, 8405</p> <p>The In-Lieu Petition must be filed by the last day. The Elections Department has until Aug. 1* to determine the sufficiency of the in-lieu signatures submitted by independent candidates.</p>
<p><b>June 7 – Aug. 6</b> <b>(E-148 to E-88)</b></p>	<p><b>Nomination Papers – Independent Candidates</b></p> <p>Between these dates, independent candidates for partisan office shall circulate their Nomination petitions to obtain signatures and submit them to the Elections Department for examination. If the district falls within two or more counties, the Elections Department shall report within two working days to the Secretary of State the total number of signatures submitted.</p> <p style="text-align: right;">§8106, 8403, 8454</p> <p>Independent candidates must pay the nonrefundable-filing fee or present a sufficient number of valid in-lieu signatures at the time they receive their Nomination Paper from the county Elections Department.</p> <p>Supplemental signatures-in-lieu or the balance due on the filing fee must be paid before Nomination Papers can be filed. <span style="float: right;">§8403, 8454</span></p> <p>The Elections Department shall forward the nomination papers to the Secretary of State between June 17 – August 6.</p>

<p><b>June 7 – Aug. 6 (E-148 to E-88)</b></p>	<p><b>Statement of Economic Interests</b>  Between these dates, specified non incumbent candidates in an election shall file Statements of Economic Interests (Form 700) disclosing their investments, interests in real property, and any income received during the preceding 12 months. Such statement shall not be required if the candidate has filed such a statement within the past 60 days for the same jurisdiction.  Gov. Code §87200, 87201, 87500</p>
<p><b>June 24 (E-131)</b></p>	<p><b>Initiative &amp; Legislative Measure Qualification Deadline</b>  Last day for an initiative measure to qualify for the general election ballot.  Cal. Const. Art. II §8(c); Elec. Code §9013  Last day for the Legislature to adopt a constitutional amendment, bond measure or other legislative measure in order for the proposed measure to appear on the general election ballot.  §9040</p>
<p><b>June 28 – July 12 (E-127 to E-113)</b></p>	<p><b>Cities Publish Election Notice</b>  Between these dates, any city that is consolidating an election with the November general will publish a Notice of Election one time in a newspaper of general circulation stating:</p> <ul style="list-style-type: none"> <li>• The date and polling hours of the election</li> <li>• Any offices to be filled and any measure to be voted on, including a synopsis of each measure.</li> </ul> <p>§12101, 12111</p>
<p><b>June 30 (E-125)</b></p>	<p><b>Special Districts &amp; Cities Deliver Notice of Election to County Clerk</b>  Last day for district secretaries and City Clerks to deliver Notice of Election listing the elective offices to be filled and any measure (if known at the time) to be voted on and to deliver a map of the District or City to the Elections Department. Cities and special districts should include in the notice how a tie vote will be resolved.  §10509, 10522, 10524, 10551, 15651</p>
<p><b>July 2 (E-123)</b></p>	<p><b>Schools to Deliver Specifications of the Election Order</b>  Last day for a school board conducting a governing board election to deliver a resolution known as “Specifications of the Election Order” listing the elective offices to be filled and any measure (if known at the time) to be voted on and file it with the county Superintendent of Schools and county elections official, stating the date and purpose of the election as well as provide a map of the district.  Ed. Code §5322  A clause to determine a tie vote is included in the “Specifications of the Elections Order”.  Ed. Code §5016</p>
<p><b>July 5 (E-120)</b></p>	<p><b>County Holiday – Office Closed</b></p>

<p><b>July 6* – Aug 4 (E-120 to E-90)</b></p>	<p><b>Notice of Election</b>  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.  §10515, 12112; Ed. Code §5326, 5328, 5328.5</p> <p>The County Clerk is responsible for publishing information pertaining only to special districts; however, if authorized to do so by City Clerks and the Superintendent of Schools, the county may publish on behalf of all jurisdictions holding elections in November.</p> <p>Notice of central counting place may be combined with this notice.  §12109</p> <p>The county elections official will forward copies of all published notices to each school and special district.  §12113</p>
<p><b>July 12 – Aug. 6 (E-113 to E-88)</b></p>	<p><b>Candidate Nomination Period</b>  Candidates for school and 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.  §10510, 13307, 13311</p> <p>Candidates for city office must be nominated by not less than 20 nor more than 30 voters in cities with 1,000 or more registered voters. The nomination papers shall be accompanied by an affidavit of the nominee that he or she will accept the office if elected. Nomination documents shall be obtained from and filed with the City Clerk.  §10220-10224, 10227; Gov. Code §36503.7</p>
<p><b>Jul 12 – Aug. 6 (E-113 to E-88)</b></p>	<p><b>Candidate’s Statement of Qualifications – School/City/Special District</b>  Between these dates, candidates may prepare a statement of qualifications, not to exceed 200 words, to be included in the Voter’s Information Pamphlet. The statement shall be filed and paid for at the time the Declaration of Candidacy is filed. The statement may not be changed, but may be withdrawn up until 5 p.m. on Aug. 9 if the contest closes on Aug. 6 or Aug. 12 if the contest closes on Aug.11 after the extension period.  §13307</p>

<p><b>Jul 12 – Aug. 6 (E-113 to E-88)</b></p>	<p><b>Candidate’s Statement of Qualifications – November Run-Off Candidates and June Primary Nominees</b></p> <p>Between these dates, candidates in November run-off elections and nominees from the June Primary may prepare a statement of qualifications, not to exceed 200 words, to be included in the Voter’s Information Pamphlet. The statement shall be filed and paid for at the time it is filed. Obtain cost information from the Elections Department.</p> <p style="text-align: right;">§13307</p>
<p><b>July 14 (E-111) Date set by SOS</b></p>	<p><b>Statewide Candidate Statements Due</b></p> <p>Last day for statewide and U.S. Senate candidates to submit candidate’s 250 word statement for publication in the State Ballot Pamphlet.</p> <p style="text-align: right;">Gov. Code §85601(a); Elec. Code §9084(i)</p>
<p><b>July 20 to Aug. 9 (E-105 to E-85)</b></p>	<p><b>State Ballot Pamphlet Available for Public Inspection</b></p> <p>During this period, the ballot pamphlet for the general election will be available for public examination.</p> <p style="text-align: right;">Govt. Code §88006; Elec. Code §9054, 9092, 13282</p>
<p><b>July 22 (E-103)</b></p>	<p><b>Signatures in Lieu of Filing fees – Independent Candidates</b></p> <p>The last day for independent candidates to turn in their petitions to county elections officials.</p> <p style="text-align: right;">§ 8105, 8106, 8302, 8405</p>
<p><b>Jul. 27 (E-98)</b></p>	<p><b>Change of Candidate’s Ballot Designation</b></p> <p>Last day for candidates to request in writing to <b>both</b> the Secretary of State and County Clerk/Elections Department that a different ballot designation be used for the November election than the designation used at the June primary election.</p> <p style="text-align: right;">§13107(e)</p>
<p><b>Aug. 2* (E-92)</b></p>	<p><b>Semiannual Campaign Statement</b></p> <p>Last day to file semiannual campaign statements, if required, by all candidates and committees.</p> <p style="text-align: right;">Govt. Code §84200; 84128</p>
<p><b>Aug. 2* (E-92)</b></p>	<p><b>Supplemental Independent Expenditure Reports</b></p> <p>Candidates or committees making independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure.</p> <p style="text-align: right;">Gov. Code §84203.5</p>
<p><b>Aug. 2 (E-93)</b></p>	<p><b>Signatures-In-Lieu Sufficiency – Independent Candidates</b></p> <p>Last day for the county elections official to determine the sufficiency of the in-lieu signatures submitted by independent candidates. Within 10 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. Such candidates shall before the close of nominations on August 6 either submit a supplemental petition or pay a prorated fee to cover the deficiency.</p> <p style="text-align: right;">§8106(b)(3)</p>

<p><b>By Aug. 6 (E-88)</b></p>	<p><b>Candidate's Statement – County Candidates and State Legislative Nominees</b>          By this date, county candidates in run-off elections may file and pay for a statement of qualifications, not to exceed 200 words and state legislative nominees who have agreed to the Pro. 34 expenditure limits may file and pay for a statement not to exceed 250 words to be included in the Voter's Information Pamphlet. U. S. Representative nominees may file a statement. The statement shall be paid for at the time it is filed.  <span style="float: right;">§13307</span></p>
<p><b>Aug. 6 (E-88)</b></p>	<p><b>Last day for Candidates to File to Run for Office</b>          Deadline for candidates for school board or special district boards to obtain and file their Declaration of Candidacy. Forms are obtained from and filed with the county Elections Department.          If the candidate wants to file a Candidate's Statement of Qualifications, it must be filed and paid for (unless the district has agreed to pay) at the same time that the Declaration of Candidacy is being filed. <b>The two documents may not be filed independent of one another.</b>          This is also the deadline for candidates for city office to submit nomination papers and their Declaration of Candidacy. Nomination documents are obtained from and filed with their respective City Clerk.  <span style="float: right;">§10220-10224, 10227, 10510; Gov. Code §36503</span>          Any candidate who has filed a Declaration of Candidacy may withdraw that declaration up until 5 p.m. on Aug. 6. Candidates may not withdraw after that time.  <span style="float: right;">§ 10510(a)</span>          If the incumbent does not file, there will be a five-day extension for anyone other than the incumbent to file.</p>
<p><b>Aug. 6 (E-88)</b></p>	<p><b>Last Day to Submit Resolutions of Consolidation</b>          Final deadline for the governing body of a district, city, school or other political subdivision which requests consolidation of a local election for candidates and/or measures to file the request with the county Elections Department.  <b>Earlier filing dates are encouraged in order to meet printing schedules.</b>  <span style="float: right;">§10401, 10402</span></p>
<p><b>Aug. 6 (E-88)</b></p>	<p><b>Notification of Mail Ballot Precinct</b>          Last day for the county elections official to determine that there are 250 or fewer persons registered to vote in any precinct. The county elections official may then mail to each voter a vote-by-mail ballot along with a statement that there will be no polling place for the general election.  <span style="float: right;">§3005</span></p>

<p><b>Aug. 6, 7 p.m.</b> <b>(E-88)</b></p>	<p><b>Independent Candidates – Nomination Paper – Verification Method</b> The Secretary of State must receive actual notice of the total number of signatures submitted in each county and of the method of verification to be used by the county within either 2 working days of the final deposit of petition sections or by the close of the circulation period, but in no event later than 7 p.m. on this date. If notice is given by telephone, written confirmation must be transmitted to the Secretary of State on the same day that the telephone notice is given.</p> <p style="text-align: right;">Cal. Code Reg. Title 2 §20087; §8403(c)</p>
<p><b>Aug. 11</b> <b>(E-83)</b></p>	<p><b>Insufficient Number of Nominees</b></p> <p><b><u>Special Districts:</u></b> If by 5 p.m. on this day, no one has filed candidacy papers or an insufficient number of persons has filed candidacy papers to fill an office or offices, and a petition signed by 10% or 50 voters (whichever is the smaller number) has not been submitted, the elections official shall certify this fact to the Board of Supervisors. A person who has filed a Declaration of Candidacy shall be appointed by the Board of Supervisors at a regular or special meeting held prior to the Monday before the first Friday in December. If no one filed, another qualified person shall be appointed by the Board of Supervisors on or before November 2, 2010 and shall take office and serve as if elected.</p> <p style="text-align: right;">§10515</p> <p><b><u>Schools/County Boards of Education:</u></b> If by 5 p.m. on this day, only one person has filed or there are no filers for the office(s) to be filed or in the case of members elected at large or by trustee areas, there are fewer than the number to be elected, and no petition is signed by 10% or 50 voters (whichever is the smaller number) an appointment will be made. The qualified person nominated shall be seated at the organizational meeting of the board, or, if an insufficient number is nominated, the governing board shall appoint as necessary at a meeting held prior to Election Day. Persons so appointed shall be seated at the organizational meeting and serve as if they had been elected.</p> <p>In the event no one is nominated, the governing board shall publish a notice one time in a newspaper of general circulation in the district stating the board intends to make an appointment and informing the public how to apply for the office.</p> <p style="text-align: right;">Ed. Code §5326, 5328, 5328.5</p>
<p><b>Aug. 12, 11 a.m.</b> <b>(E-82)</b></p>	<p><b>Randomized Alphabet Drawing</b> Secretary of State shall conduct the randomized alphabet drawing to determine the order in which the candidates will appear on the general election ballot.</p> <p>On this same day, the County Clerk shall conduct a randomized alphabet drawing for the offices of State Assembly.</p> <p style="text-align: right;">§13112</p>

<p><b>Aug. 26 (E-68)</b></p>	<p><b>Certified List of Candidates – Federal and State Offices</b>  Last day for the Secretary of State to send to each elections official a list showing the name, party affiliation, and ballot designation of every person who has been nominated as a candidate for public office and is entitled to receive votes within the county at the general election.</p> <p style="text-align: right;">§8148</p>
<p><b>Sept. 3 (E-60)</b></p>	<p><b>Special Vote-by-Mail Voters' Ballot Applications</b>  The first day county election officials may process applications for special vote-by-mail voters' 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 4 to October 26, 2010 because of military or other contingencies that preclude normal mail delivery.</p> <p style="text-align: right;">§300(b), 3103</p>
<p><b>Sept. 3 – 13 (E-60 to E-50)</b></p>	<p><b>Report of Registration – 60-day County Report</b>  During this period, county elections officials shall send to the Secretary of State a summary statement of the number of persons registered by party in their counties and in each political subdivision thereof as of Sept. 3, 2010.</p> <p style="text-align: right;">§2187</p>
<p><b>Sept. 6 (E-57)</b></p>	<p><b>County Holiday – Office Closed</b></p>
<p><b>Sept. 7* – Oct. 19 (E-57 to E-14)</b></p>	<p><b>Statement of Write-in Candidacy and Nomination Papers</b>  During this period write-in candidates must file their Statement of Write-in Candidacy and Nomination Papers with the county elections official.</p> <p style="text-align: right;">§8601</p>
<p><b>Sept. 9 (E-54)</b></p>	<p><b>54-Day Walking Lists Prepared</b>  The County Elections Official will prepare the 54-day voter index that is available for purchase upon written application at a cost of 50 cents per 1,000 names.</p> <p style="text-align: right;">§2184</p>
<p><b>Sept. 20* (E-45)</b></p>	<p><b>State Ballot Pamphlets Available</b>  By this date, the Secretary of State shall furnish copies of the State Ballot Pamphlet to cities, counties, members of the Legislature, proponents of statewide ballot measures, public libraries, and educational institutions.</p> <p style="text-align: right;">§9094(b)&amp;(c)</p>
<p><b>Sept. 23 – Oct. 12 (E-40 to E-21)</b></p>	<p><b>Counties Mail Sample Ballots / State Ballot Pamphlet Mailing</b>  Between these dates the county elections official shall mail a Sample Ballot and polling place notice to each registered voter.</p> <p>Between these dates the Secretary of State shall mail state ballot pamphlets to all households in which voters were registered by Friday, Sept. 3 (E-60) The county will do a supplemental mailing of state pamphlets to voters who register after Sept. 3.</p> <p style="text-align: right;">§9094, 13303, 13304</p>

<p><b>Oct. 5</b> <b>Date fixed by law</b></p>	<p><b>First Pre-Election Statement</b> Last day to file campaign statements for candidates and committees covering the period ending Sept. 30, 2010 (E-33).  Gov. Code §84200.5, 84200.7b</p>
<p><b>Oct. 5</b> <b>Date fixed by law</b></p>	<p><b>Supplemental Independent Expenditure Reports</b> Candidates or committees making independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure.  Gov. Code §84203.5</p>
<p><b>Oct. 4</b> <b>(E-29)</b></p>	<p><b>Establish Precinct Boards and Polling Places</b> Last day for the county Elections Department to appoint board members and polling places and provide a copy to each county central committee and make a copy available to the public.  §12286, 12318</p>
<p><b>Oct. 4</b> <b>(E-29)</b></p>	<p><b>Last Day to Register to Vote to Ensure Receipt of Sample Ballot</b> Voter registration cards received by this date (postmark <b>NOT ACCEPTABLE</b>) will be added to the rolls and the voters will receive a Sample Ballot booklet prepared by the county elections official. The voters who submit cards after this date will <b>NOT</b> receive a Sample Ballot booklet, only a notice verifying their registration and advising them of their polling place.  §9094, 13303</p>
<p><b>Oct. 4 - Oct. 26</b> <b>(E-29 to E-7)</b></p>	<p><b>Vote-by-Mail Ballot Application Period</b> Between these dates, voters may apply for a vote-by-mail ballot from the Elections Department. Under certain conditions voters may obtain a vote-by-mail ballot after Oct. 26.  §3001, 3003</p>
<p><b>Oct. 4 – Nov. 2</b> <b>(E-29 to E)</b></p>	<p><b>Early Voting at Elections Department and Watsonville City Clerk’s Office</b> Beginning 29 days before the election, both the Santa Cruz County Elections Department and Watsonville City Clerk’s Office will operate as a polling place providing voters with ballots, assisting voters, and serving as a ballot drop location. Offices will be open during regular business hours with extended hours on the weekend prior to Election Day and on Election Day.</p>
<p><b>Oct. 4</b> <b>(E-29)</b></p>	<p><b>29-Day Walking Lists Prepared</b> The County Elections Official will prepare the 29-day voter index available for purchase within a week after this date upon written application at a cost of 50 cents per 1,000 names.  §2184</p>
<p><b>Oct. 11</b> <b>(E-22)</b></p>	<p><b>County Holiday – Office Closed</b></p>

<p><b>Oct. 17 – Nov. 1 (E-16 to E-1)</b></p>	<p><b>Late Contribution/Independent Expenditure Report</b>  During this time late contribution/independent expenditure reports must be filed by FAX, telegram, mailgram, guaranteed overnight mail or deliver in person.</p> <p style="text-align: right;">Gov. Code §84203, 84204</p>
<p><b>Oct. 17 – Nov. 1 (E-16 to E-1)</b></p>	<p><b>24-Hour Statement of Organization Filing Requirement – Recipient Committees &amp; Slate Mailer Organizations</b>  During the 16 days immediately preceding an election, any person or entity that qualifies as a recipient committee or slate mailer organization must file a Form 410 within 24 hours by telegram or personal delivery.</p> <p style="text-align: right;">Gov. Code §84101, 84108</p>
<p><b>Oct. 18 (E-15)</b></p>	<p><b>15-day Voter Registration</b>  The county elections official shall accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the 15th day prior to the election, and if any of the following apply:</p> <ol style="list-style-type: none"> <li>1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.</li> <li>2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) prior to the election.</li> <li>3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (2) and (3) on or before the 15th day prior to the election.</li> </ol> <p style="text-align: right;">§2107</p>
<p><b>Oct. 19 – Oct. 26 (E-14 to E-7)</b></p>	<p><b>New Citizens Voter Registration Period</b>  A new citizen registering to vote after the close of registration shall provide the county elections official with proof of citizenship prior to voting, and shall declare that he or she has established residency in California. New citizens vote a regular ballot 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><b>Oct. 21 (E-12)</b></p>	<p><b>Second Pre-Election Statement</b>  The last day to file campaign statements for candidates and committees covering the period from October 1 to October 16, 2010.</p> <p style="text-align: right;">Gov. Code §84200.5, 84200.7</p>
<p><b>Oct. 21 (E-12)</b></p>	<p><b>Supplemental Independent Expenditure Reports</b>  Candidates or committees making independent expenditures of \$1,000 or more in a calendar year to support or oppose a candidate or measure shall file independent expenditure reports as if it were formed or existing primarily to support or oppose the candidate or measure.</p> <p style="text-align: right;">Gov. Code §84203.5, 82031</p>

<p><b>Oct. 25*</b> <b>(E-10)</b></p>	<p><b>Notice of Central Counting Place</b> Last day for county elections official to publish the notice that the general election ballots will be counted at a specified public place. The notice shall be published one time in a newspaper of general circulation in the county and may have already been published with the Notice of Election.</p> <p style="text-align: right;">§12109</p>
<p><b>No later than Oct. 26</b> <b>(E-7)</b></p>	<p><b>Publish Polling Places and Precinct Board Members</b> Not less than one week before the election, the elections official shall publish the list of polling places and precinct board members.</p> <p style="text-align: right;">§12105-12108, Gov. Code §6061</p>
<p><b>Oct. 31</b> <b>(date fixed by law)</b></p>	<p><b>Quarterly Statements by Ballot Measure Committees</b> All committees primarily formed to support or oppose the qualification, passage or defeat of a ballot measure must file quarterly campaign statements for the period July 1 through Sept. 30 during any semiannual period in which the measure is not being voted upon. Following the election, such committees are only required to file semiannual statements unless they make contributions or expenditures to qualify, support or oppose other measures, in which case they would have an ongoing duty to file quarterly statements.</p> <p style="text-align: right;">Gov. Code §84202.3</p>
<p><b>Oct. 27 – Nov. 2</b> <b>(E-6 to E)</b></p>	<p><b>Vote-by-Mail Ballots – Late Conditions</b> Voters unable to go to the polls because of illness or disability or because they will be absent from their precinct on election day, may come to the Elections Department and receive a vote-by-mail ballot over the counter. Voters may designate in writing a representative to bring the vote-by-mail ballot to them. The voter may 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><b>Oct. 29</b> <b>(E-4)</b></p>	<p><b>County Campaign Disclosure Statement – 3rd Pre-Election Statement</b> The last day for county candidates to file their disclosure statement for the period from October 17 to October 28, 2010.</p> <p style="text-align: right;">Santa Cruz County Code §8.04.080(B)(2)c</p>
<p><b>Oct. 30 – Oct. 31</b> <b>(E-3 to E-2)</b></p>	<p><b>Weekend Voting</b> The Santa Cruz County Clerk/Elections Department and Watsonville City Hall will be open from 9 a.m. to 5 p.m. for weekend voting.</p>
<p><b>Nov. 2</b> <b>(E)</b></p>	<p><b>General Election Day</b> Polls open at 7 a.m. and close at 8 p.m.</p> <p style="text-align: right;">§1000, 14212</p>
<p><b>Nov. 2</b> <b>(E)</b></p>	<p><b>Unopposed Judge: Superior Court</b> On this date, the County Clerk declares elected any incumbent superior court judge who has filed for office but whose name did not appear on either the primary or general election ballots because he or she was unopposed.</p> <p style="text-align: right;">§8203</p>

<p><b>Nov. 4 – Nov. 30</b> <b>(E+2 to E+28)</b></p>	<p><b>Official Canvass</b> The official canvass of precinct returns is to be completed during this time. §15301, 15372</p>
<p><b>Nov. 16</b> <b>(E+14)</b></p>	<p><b>Board of Supervisors to Appoint Candidates In-Lieu of Election</b> 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. §10515</p>
<p><b>Nov. 22</b> <b>(E+20)</b></p>	<p><b>Declaration of Elected Candidates</b> No later than the Monday before the first Friday in December, the county elections official shall declare the elected candidate or candidates to all school and special district holding elections in November. As soon as the canvass is completed, the elections official shall prepare a Statement of Vote and send it to the secretary of each participating district. The elections official shall immediately make and deliver to each person elected a certificate of election. §10551, 10553</p>
<p><b>Nov. 25 – Nov. 26</b> <b>(E+23 to E+24)</b></p>	<p><b>County Holiday – Office Closed</b></p>
<p><b>Nov. 30</b> <b>(E+28)</b></p>	<p><b>Statement of Vote to Board of Supervisors – Certificates of Election Prepared</b> The elections official shall prepare a certified statement of the results of the election and submit it to the Board of Supervisors.  The Board of Supervisors shall declare the nominees or winners for each office and the results of each measure under its jurisdiction. The county elections official shall make and deliver to each person elected a certificate of election.  §15372, 15400-15401</p>
<p><b>Dec. 3</b> <b>(E+31)</b></p>	<p><b>Assuming Office</b>  <b><u>Special Districts:</u></b> Candidates declared elected or appointed (i.e. as provided in §10515) take office this date at noon after having taken the oath or posted any bond required by the principal act.  §10554  <b><u>School and Community College Districts:</u></b> Candidates elected to school board take office this date pursuant to Ed. Code §5017, though no reference is made to “noon” as is the case in Elec. Code §10554.</p>
<p><b>Dec. 6</b> <b>(E + 34)</b></p>	<p><b>Candidates Elected to State Assembly &amp; Senate Assume Office</b> Terms begin the first Monday in December next following their election. CA. Const. Art. IV, §2</p>
<p><b>Dec. 7</b> <b>(E+35)</b></p>	<p><b>Statement of Vote to Secretary of State</b> No later than this date the elections official shall send one copy of the Statement of Vote to the Secretary of State.  §15375</p>

<p><b>5 days after canvass</b></p>	<p><b>Recount May Be Requested</b></p> <p>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 that 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><b>Varies between 10 days to 6 months following the certification of the vote</b></p>	<p><b>Contesting Election</b></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> <ol style="list-style-type: none"> <li>a) That the precinct board or any member thereof was guilty of malconduct.</li> <li>b) That the person who has been declared elected to an office was not, at the time of the election, eligible to that office.</li> <li>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 Section 18000).</li> <li>d) That illegal votes were cast.</li> <li>e) That eligible voters who attempted to vote in accordance with the laws of the state were denied their right to vote.</li> <li>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.</li> <li>g) That there was an error in the vote-counting programs or summation of ballot counts.</li> </ol> <p style="text-align: right;">§16100</p> <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> <ol style="list-style-type: none"> <li>a) In cases other than cases of a tie, where the contest is brought on any of the grounds mentioned in subdivision (c) of Section 16100, six months.</li> <li>b) In all cases of tie, 20 days.</li> <li>c) In cases involving presidential electors, 10 days.</li> <li>d) In all other cases, 30 days.</li> </ol> <p style="text-align: right;">§16401</p>

<p><b>Dec. 10 (E+38)</b></p>	<p><b>Certificates of Election</b> The Secretary of State shall issue certificates of election to persons elected to U.S. Senate, U. S. Representative, and legislative offices. §15503-15504</p>
<p><b>Jan. 3, 2011 (E+62)</b></p>	<p><b>Candidates Elected to Congress Assume Office</b> Terms begin at noon on January 3. U.S. Const. Amendment XX, §1</p>
<p><b>Jan. 3, 2011 (E+62)</b></p>	<p><b>Candidates Elected to State Constitutional Offices, County Offices, and Judicial Offices Assume Office</b> Terms begin at noon on the first Monday after January 1 succeeding their election for county offices and supervisors. Superior Court Judges and Statewide Constitutional Offices also begin on this date; although, there is no mention of the noon hour. Gov. Code §24200; CA Const. Art. VI, §16 &amp; Art. V</p>
<p><b>Period Following Election</b></p>	<p><b>Document Retention</b> Nomination documents and signatures in-lieu of filing fee petitions (if applicable) shall be held during the term of office for which they were filed and for four years after the expiration of the term. They may be destroyed as soon as practicable thereafter provided no legal action or proceeding is pending.  Since the November 2010 election has federal offices on the ballot, precinct supplies and voted ballots must be preserved for 22 months following the election. If no legal action is pending at the time, the documents may be destroyed or recycled. Unused ballots may be destroyed or recycled after the November 2010 election.  Initiative, referendum and recall petitions must be preserved for eight months following certification of the election for which the petition qualified or eight months after final examination of the petition by the clerk. If no legal action or proceeding is then pending, the petitions may be destroyed as soon as practicable.  Elections Code Division 17, commencing with §17000</p>
<p><b>Jan. 31, 2011</b></p>	<p><b>Semiannual Campaign Statement</b> Last day to file semiannual campaign statements, if required, by all candidates and committees. Gov. Code §84200, 84218</p>
<p><b>Jan. 31, 2011</b></p>	<p><b>Supplemental Independent Expenditure Reports</b> Candidates or committees making independent expenditures of \$1,000 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 NOVEMBER 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](http://www.votescount.com))

## Candidates nominated in the June 8, 2010 primary:

<b>PARTISAN</b>		
<b>Office</b>	<b>Jurisdiction</b>	<b>Term</b>
U. S. Senator	State	6 years, commencing Jan. 3, 2011
Governor	State	4 years, commencing Jan. 3, 2011
Lieutenant Governor	State	4 years, commencing Jan. 3, 2011
Secretary of State	State	4 years, commencing Jan. 3, 2011
Controller	State	4 years, commencing Jan. 3, 2011
Treasurer	State	4 years, commencing Jan. 3, 2011
Attorney General	State	4 years, commencing Jan. 3, 2011
Insurance Commissioner	State	4 years, commencing Jan. 3, 2011
State Board of Equalization	District 1	4 years, commencing Jan. 3, 2011
U.S. Representative in Congress	14 <sup>th</sup> & 17 <sup>th</sup> Dist.	2 years, commencing Jan. 3, 2011 (noon)
Member of the Assembly	27 <sup>th</sup> & 28 <sup>th</sup> Dist.	2 years, commencing Dec. 6, 2010
<b>NONPARTISAN</b>		
County Supervisor – 4 <sup>th</sup> District <sup>1</sup>	County	4 years, commencing Jan. 3, 2011

<sup>1</sup> Will appear on the November run-off ballot if no candidate receives 50% + 1 of the vote in the June Primary.

## Candidates to be elected from the following jurisdictions:

Justices of the California Supreme Court and Court of Appeals file a Declaration of Candidacy to succeed themselves in their present office. Justices then stand for confirmation in the November 2, 2010 election. There are no opponents.

<b>THE COURTS</b>		
Supreme & Appellate Court Justices to be elected pursuant to Article VI, §16(a) of the Constitution of the State of California. The justices stand for election to a full term of 12 years beginning 01/03/2011.		
<b>Court</b>	<b>Position</b>	<b>Incumbent</b>
Supreme	Chief Justice	Ronald M. George
Supreme	Associate Justice	Ming William Chin
Supreme	Associate Justice	Carlos R. Moreno
Appellate, 6 <sup>th</sup> District	Presiding Justice	Conrad Rushing

(The names of incumbents for the following offices are on file at the County Clerk/Elections Department or on the website at [www.votescount.com](http://www.votescount.com))

<b>BOARDS OF EDUCATION &amp; COMMUNITY COLLEGES</b>			
<b>DISTRICT</b>	<b>OFFICES UP FOR ELECTION</b>	<b>HOW ELECTED</b>	<b>QUALIFICATIONS</b>
Santa Cruz County Board of Education	3 Governing Board Members <ul style="list-style-type: none"> <li>Trustee Areas: 1, 2, 7<sup>2</sup></li> </ul>	By trustee area	Registered voter of the district residing within the trustee area (Ed. Code §5012, 5030, 35107)
Santa Clara County Board of Education	3 Governing Board Members <ul style="list-style-type: none"> <li>Trustee Areas: 2<sup>3</sup>, 6, 7</li> </ul>	By trustee area	Registered voter of the district residing within the trustee area (Ed. Code §5012, 5030, 35107)
Cabrillo Community College District	3 Governing Board Members <ul style="list-style-type: none"> <li>Trustee Areas: 1, 2, 6</li> </ul>	By trustee area	Registered voter of the district residing within the trustee area (Ed. Code §5012, 5030, 72103)
West Valley-Mission Community College District	4 Governing Board Members <ul style="list-style-type: none"> <li>2 in Trustee Area 1<sup>4</sup> - 4 year terms</li> <li>1 in Trustee Area 2 – 4 year Term</li> <li>1 in Trustee Area 3 – 2 year term</li> </ul>	File by TA Elected at large	Registered voter of the district residing within the trustee area (Ed. Code §5012, 5030, 72103)

<sup>2</sup> TA 7 includes voters in Monterey County.

<sup>3</sup> TA 2 includes Santa Cruz county voters in the Los Gatos-Saratoga Joint Union High School District.

<sup>4</sup> TA 1 includes Santa Cruz County voters in the Los Gatos-Saratoga Joint Union High School District; TA 2 includes Santa Cruz County voters in the Campbell Union High School District.

## UNIFIED/HIGH SCHOOL DISTRICTS

DISTRICT	OFFICES UP FOR ELECTION	HOW ELECTED	QUALIFICATIONS
Aromas-San Juan Unified School District	2 Governing Board Members <sup>5</sup>	At large	Registered voter of the district (Ed. Code §5012, 5030, 35107)
Los Gatos-Saratoga Joint Union High School District	3 Governing Board Members <sup>6</sup>	At large	Registered voter of the district (Ed. Code §5012, 5030, 35107)
Pajaro Valley Unified School District	4 Governing Board Members Trustee Areas: 1, 4, 5, 7	By trustee area	Registered voter of the district residing within the trustee area (Ed. Code §5012, 5030, 35107)
San Lorenzo Valley Unified School District	3 Governing Board Members • Trustee Areas: 1, 2, 4	By TA Elected at large	Registered voter of the district residing within the trustee area (Ed. Code §5012, 5030, 35107)
Santa Cruz City School District	4 Governing Board Members • 2 in Trustee Area 1 (inside city) • 1 in Trustee Area 2 (outside city) • 1 in Trustee Area 3 (at large)	By TA Elected at large	Registered voter of the district residing within the trustee area (Ed. Code §5012, 5030, 35107)
Scotts Valley Unified School District	2 Governing Board Members	Elected at large	Registered voter of the district (Ed. Code §5012, 5030, 35107)

<sup>5</sup> Includes San Benito and Monterey counties.

<sup>6</sup> Includes Santa Clara County.

## ELEMENTARY SCHOOL DISTRICTS

DISTRICT	OFFICES UP FOR ELECTION	HOW ELECTED	QUALIFICATIONS
Bonny Doon Union Elementary School District	4 Governing Board Members <ul style="list-style-type: none"> <li>• 3 – 4 year terms</li> <li>• 1 – 2 year term</li> </ul>	At large	Registered voter of the district (Ed. Code §5012, 5030, 35107)
Happy Valley Elementary School District	4 Governing Board Members <ul style="list-style-type: none"> <li>• 3 – 4 year terms</li> <li>• 1 – 2 year term</li> </ul>		
Lakeside Joint Elementary District	3 Governing Board Members <sup>7</sup>		
Live Oak School District	3 Governing Board Members		
Loma Prieta Joint Union Elementary School District	3 Governing Board Members <sup>8</sup>		
Mountain Elementary School District	2 Governing Board Members		
Pacific School District	2 Governing Board Members		
Soquel Union Elementary School District	2 Governing Board Members		

<sup>7</sup> Includes Santa Clara County.

<sup>8</sup> Includes Santa Clara County.

## FIRE PROTECTION DISTRICTS

DISTRICT	OFFICES UP FOR ELECTION	HOW ELECTED	QUALIFICATIONS
Aromas Tri-County Fire	3 Directors	At large	Registered voter of the district. (Health & Safety Code §13841)
Aptos/La Selva Fire	2 Directors		
Ben Lomond Fire	2 Directors		
Boulder Creek Fire	2 Director		
Branciforte Fire	2 Directors		
Central Fire	3 Directors		
Felton Fire	2 Directors		
Pajaro Valley Fire	2 Directors		
Scotts Valley Fire	2 Directors		
Zayante Fire	2 Directors		

## WATER DISTRICTS

DISTRICT	OFFICES UP FOR ELECTION	HOW ELECTED	QUALIFICATIONS
Central Water	3 Directors	At large	Registered voter of the District. (Water Code §30500)
Lompico County Water	2 Directors	At large	
Pajaro Valley Water Management Agency	2 Directors • Divisions A, C	By Division	Registered voter of the Division. (Water Code §30735)
San Lorenzo Valley Water	3 Directors	At large	Registered voter of the District. (Water Code §30500)
Scotts Valley Water	3 Directors	At large	
Soquel Creek Water	3 Directors	At large	

## PORT DISTRICT

DISTRICT	OFFICES UP FOR ELECTION	HOW ELECTED	QUALIFICATIONS
Santa Cruz Port District	2 Commissioners	At large	Registered voter of the district. (Harbors & Navigations Code §6240.5)

## RECREATION DISTRICTS

DISTRICT	OFFICES UP FOR ELECTION	HOW ELECTED	QUALIFICATIONS
Boulder Creek Recreation & Park District	3 Directors <ul style="list-style-type: none"> <li>• 2 – 4 year terms</li> <li>• 1 – 2 year term</li> </ul>	At large	Registered voter of the district or a registered voter of the state who owns property in the district. (Public Resources Code §5783.3)
La Selva Beach Recreation District	2 Directors	At large	

## MISCELLANEOUS DISTRICTS

DISTRICT	OFFICES UP FOR ELECTION	HOW ELECTED	QUALIFICATIONS
Midpeninsula Regional Open Space District	1 Commissioner <ul style="list-style-type: none"> <li>• Ward 2<sup>9</sup></li> </ul>	File and Elected by Ward	Registered voter of the district residing in the ward.
Pajaro Dunes Geologic Hazard Abatement	3 Directors	At large by property owners	Owner of real property in district. Public Resources Code §5783.3
Santa Cruz County Resource Conservation District	3 Directors	Appointed by Board of Supervisors. Resolution No. 96-05-01	Registered voter of the state and 1) reside in the district and either own real property or have served two years or more as an associate director providing advisory assistance to the board, or 2) be a designated agent of a resident landowner within the district. Public Resources Code §9352

<sup>9</sup> This is the only Ward out of seven in the district that includes a few voters in Santa Cruz County. The remainder and most of the district is in Santa Clara and San Mateo counties.

## CITIES

CITY	OFFICE	INCUMBENT	TERM	HOW ELECTED	QUALIFICATIONS
Capitola (General Law)	3 Council Members	Robert "Bob" Begun	4 year	At large	Registered voter of the city.
		Sam Storey			
		Ronald Graves			
Santa Cruz (Charter)	3 Council Members	Cynthia Mathews	4 year	At large	Registered voter of the city, and shall have been for at least thirty (30) days next preceding nomination or appointment, a resident of the City of Santa Cruz.
		Mike Rotkin			
		Lynn Robinson			
Scotts Valley (General Law)	2 Council Members	Jim Reed	4 year	At large	Registered voter of the city.
		Stephany Aguilar			
Watsonville (Charter)	Council Member – Dist. 3	Antonio R. Rivas	4 year	File & elected by district	Registered voter of the city residing within the council district 30 days preceding the opening date for the filing of nomination papers.
	Council Member – Dist. 4	Kimberly K. Petersen			
	Council Member – Dist. 5	Greg Caput			
	Council Member – Dist. 7	Nancy Bilicich			

# 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) 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.
- (b) 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.3<sup>rd</sup>.1**

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

### **Homeless Person's Right to Register to Vote. Collier v. Menzel (1985). AKA "Fig Tree Case." 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. county board of supervisors member and community college board member;
6. water district director and a school district trustee having territory in common;
7. deputy sheriff and county supervisor; and
8. county planning commissioner and county water district director.

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

E. C. 8003. This chapter does not prohibit the independent nomination of candidates under Part 2 (commencing with Section 8300), subject to the following limitations:

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

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

# NAME & BALLOT DESIGNATION

## Name on Ballot

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

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. (Elections Code §13104)

**The ballot layout system used in Santa Cruz County accommodates up to a total of 39 characters (letters, spaces, punctuation) to fit in the space provided for a ballot designation. Therefore, candidates are encouraged to comply with that length. If the ballot designation selected by the candidate does not fit within the space provided, it will be abbreviated or the font size will be reduced in order to fit.**

## 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 2010) 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.

- 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” if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.
- 3) **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 which 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.

## **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 days, excluding Saturday, Sunday, and state holidays, from the date he or she receives notice by registered or certified mail, or from the date the candidate receives actual notice of the violation, whichever occurs first, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide a designation that complies with subdivision (a).

In the event the candidate fails to provide a designation that complies with subdivision (a) within the three-day period specified in paragraph (1), no designation shall appear after the candidate's name.

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

No ballot designation given by a candidate shall be changed by the candidate after the final date for filing nomination papers, except as specifically requested by the election official. EC §13107(d)

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

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

## **Format of Ballot Designation**

The ballot system used in Santa Cruz County has the following space limits (letters, spaces, punctuation) for names and ballot designations:

- Names = 39 characters
- Ballot Designations = 39 characters

Candidates are encouraged to comply with the ballot spacing limits. On the paper ballot, names are printed in 9-point Helvetica uppercase bold and ballot designations are printed in 9 point Helvetica Narrow uppercase and lowercase regular font. (EC §13107(f)). Touchscreen ballots are displayed in a larger font and the system allows voters to increase the font size if needed.

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.

# 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 December 2009. 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 shall submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.

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

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

(1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;

(2) A designation of the office for which the candidate is seeking election;

(3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;

(4) The proposed ballot designation submitted by the candidate;

(5) The candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;

(6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:

(A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;

(B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;

(C) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(3), the candidate shall indicate:

(i) The title of the position or positions which he or she claims supports the proposed ballot designation;

(ii) The dates during which the candidate held such position;

(iii) A description of the work he or she performs in the position;

(iv) The name of the candidate's business or employer;

(v) The name and telephone number of a person or persons who could verify such information; and

(vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of

the candidate, in accordance with the definition of the term "principal" as set forth at § 20714, subdivision (b).

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

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

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

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

### **§ 20712. Proposed Ballot Designations Submitted Pursuant to Elections Code, Section 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 which the candidate holds at the time of filing the nomination documents.

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

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

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

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

Note: Authority: Section 12172.5, Government Code  
Reference: 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 Cited: Section 12172.5, Government Code

Reference: Section 13107, Elections Code

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

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

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

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

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

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

(b) "Principal," as that term is used in Elections Code § 13107, subdivision (a)(3), means a substantial involvement of time and effort such that the activity is one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term "principal"

precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**§ 20714.5. “Community Volunteer.”**

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

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

(2) A governmental agency; or

(3) An educational institution.

(b) The activity or service must constitute substantial involvement of the candidate’s time and effort such that the activity or service is the sole, primary, main or leading professional, vocational or occupational endeavor of the candidate within the meaning of subdivisions (a) and (b) of section 20714 of this Chapter.

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

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

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

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

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

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

Note: Authority cited: Section 12172.5, Government Code

Reference: Section 13107, Elections Code

**§ 20716. Unacceptable Ballot Designations.**

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

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

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

work (except as set forth in Section 20714.5 of this Chapter), and matters pursued as an amateur.

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

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

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

(d) A ballot designation may not comprise or include commercial identification information, such as a trademark, service mark, 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 which would suggest an evaluation of the candidate's qualifications, honesty, integrity, leadership abilities or character. Any laudatory or derogatory adjectives which would suggest an evaluation of the candidate's qualifications shall not be permitted. Such impermissible adjectives include, but are not limited to, "senior," "emeritus," "specialist," "magnate," "outstanding," "leading," "expert," "virtuous," "eminent," "best," "exalted," "prominent," "famous," "respected," "honored," "honest," "dishonest," "corrupt," "lazy," and the like.

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

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

"former," "past," and "erstwhile." Examples of impermissible designations include "Former Congressman," "Ex-Senator," and "Former Educator."

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

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

(A) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;

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

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

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

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

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

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

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

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

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

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

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

Note: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code

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

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

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

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

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

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

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

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

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

(c) All written 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, 1500 11th Street, Sixth Floor, Sacramento, California 95814. The Chief Counsel may designate a Deputy Secretary of State to accept service of process on behalf of the Secretary of State.

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

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

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

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



# WRITE-IN CANDIDACY

(Elections Code § 8600 – 8605)

**Filing Period— November General Election: Sept. 7\* – Oct. 19**

## Write-In Procedure

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

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

To qualify as a write-in candidate, a person must file with the County Clerk/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.
- A “**Nomination Paper**” with the requisite number of sponsor signatures required for the office sought.

The candidate does not have to be registered with any qualified political party. He or she must be registered to vote in California.

Signers of nomination papers for write-in candidates shall be voters in the district or political subdivision in which the candidate is to be voted on. There is no party affiliation requirement for signers in the general election. **No filing fee or charge shall be required of a write-in candidate.**

(Elections Code §8601-8605)

Circulators shall be voters in the district in which the candidate is seeking election, if running for a district office; circulators shall be registered voters in California if the candidate is seeking statewide office. (Elections Code § 8066)

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)

There is no party affiliation requirement for signers of write-in nomination petitions in the general election.

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

- Statewide constitutional officers and Insurance Commissioner: not fewer than 65 or more than 100.
- United States Senator: not fewer than 65 or more than 100.
- Member of the State Board of Equalization, Member of House of Representatives, and state legislative office: not fewer than 40 or more than 60.

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

## **Offices Omitted From Ballot**

Prospective write-in candidates should note that write-in candidacy is possible only if the office appears on the ballot. The following offices will be omitted from the ballot if the number of persons qualifying for the ballot does not exceed the number of places to be filled: County Board of Education, school districts, special districts and city councils under certain circumstances. There is provision in the law, however, to require that the offices be placed on the ballot by means of a petition procedure.

(Elections Code § 8203, 10515; Ed. Code §5326)

## **Additional Requirements for Partisan Offices**

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

(Elections Code §5005, 8605, 15460, 15470, 15490)

# INDEPENDENT CANDIDATES

The June primary includes partisan contests where voters will nominate a candidate from the six qualified political parties to appear on the November General Election run-off ballot.

The Independent Nomination provisions of Part 2 of Division 8 of the Elections Code, beginning at Section 8300, provide a method for the nomination of non-partisan candidates to partisan public offices. There is no limitation to the number of independent candidates who can be nominated and placed on the ballot at the general election, provided each meets the legal requirements.

## General Information

To be eligible as an independent candidate at the general election, the candidate:

1. Cannot have filed as a partisan candidate at the primary election and have been defeated for the party's nomination at that primary election; and (§ 8301)
2. Cannot have been registered to vote in California since October 1, 2009, as being affiliated with a qualified political party (i.e. Democratic, Republican, American Independent, Green, Libertarian, or Peace and Freedom)

The number of signatures of qualified registered voters that must appear on the Nomination Papers of persons seeking an independent candidacy is based on the previous general election's registration figures. Depending on the office sought, Nomination Papers require either one or three percent of the number of registered voters in the election jurisdiction as of October, 2008. (§8400)

### Filing periods for independent candidates running for office are:

April 23 – July 22, 2010 (E- 193 to E-103)	Signatures-in-lieu (see following page)
August 2, 2010* (E-93)	Last day for county Elections official to determine the sufficiency of the in-lieu signatures submitted by candidates. (§ 8106(b)(3))
June 7 to August 6, 2010 (E-148 to E-88)	Declaration of Candidacy and Nomination Papers. Candidates who filed signatures-in-lieu and are eligible to file supplemental signatures to cover the deficiency must do so before the close of the nomination period. Candidates may either submit signatures or pay a prorated fee to cover the deficiency. (§ 333, 8403)

**Number of Nomination Signatures Required to Place Independent Candidate on the November 2, 2010 General Election Ballot**

<b>Office</b>	<b>Oct. 2008 Voter Registration</b>	<b>Required Signatures (% of previous general election registration total)</b>
Governor	17,304,091	173,041 (1%)
Lieutenant Governor	17,304,091	173,041 (1%)
Secretary of State	17,304,091	173,041 (1%)
Controller	17,304,091	173,041 (1%)
Treasurer	17,304,091	173,041 (1%)
Attorney General	17,304,091	173,041 (1%)
Insurance Commissioner	17,304,091	173,041 (1%)
Board of Equalization, 1 <sup>st</sup> District	4,556,841	136,706 (3%)
U.S. Senate	17,304,091	173,041 (1%)
14 <sup>th</sup> Congressional	347,644	10,430 (3%)
17 <sup>th</sup> Congressional	286,790	8,604(3%)
27 <sup>th</sup> Assembly	244,777	7,344 (3%)
28 <sup>th</sup> Assembly	155,895	4,677 (3%)

**Filing Fee or Number of Signatures-In-Lieu of Paying the Filing Fee  
Required to Place Independent Candidate on the  
November 2, 2010 General Election Ballot**

Office	Salary <sup>1</sup>	Filing Fee (% of salary)	In-Lieu Signatures	Value of each Signature	Nomination Signatures
Governor	\$173,987	\$3,480 (2%)	10,000	.35	65-100
Lieutenant Governor	\$130,490	\$2,610 (2%)	10,000	.26	65-100
Secretary of State	\$130,490	\$2,610 (2%)	10,000	.26	65-100
Controller	\$139,190	\$2,784 (2%)	10,000	.28	65-100
Treasurer	\$139,190	\$2,784 (2%)	10,000	.28	65-100
Attorney General	\$151,127	\$3,023 (2%)	10,000	.30	65-100
Insurance Commissioner	\$139,190	\$2,784 (2%)	10,000	.28	65-100
United States Senator	\$174,000	\$3,480 (2%)	10,000	.35	65-100
State Board of Equalization	\$130,490	\$1,305 (1%)	5,220	.25	40-60
Representative in Congress	\$174,000	\$1,740 (1%)	3,000	.58	40-60
Member of Assembly	\$95,291	\$953 (1%)	1,500	.64	40-60

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<sup>1</sup> Salaries and filing fees are based on salaries which will be in effect in December of 2009.

# CANDIDATE STATEMENT OF QUALIFICATIONS

## CANDIDATE STATEMENTS FOR LEGISLATIVE CANDIDATES

State Senate and Assembly legislative candidates, who choose to keep their campaign spending under specified dollar limits, may buy space in the voter information portion of the county sample ballot for a 250-word candidate statement (Government Code section 85601(c)). The deadline to file legislative candidate statements for the June 8, 2010, Primary Election is Friday, March 12, 2010 (E-88).

### OVERVIEW

- Each candidate for nonpartisan elective office in any local agency, including any city, county, or district as well as candidates for state legislative office who qualify under Proposition 34 may prepare a Candidate's Statement of Qualifications.
- Candidates running for the U.S. House of Representatives may buy space in the county voter information pamphlet for a 250-word candidate statement. (§ 13307.5)
- All candidates eligible to file a statement must file a "*Candidate's Statement Agreement*" indicating if a statement will be filed or not.
- The Candidate's Statement is designed to acquaint voters with the candidate's qualifications for the office he or she is seeking.
- The Statement is incorporated into the Voter's Information Pamphlet pages of the Sample Ballot produced by the 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. (§ 9094, 13303)

# CANDIDATE'S STATEMENTS

## WHERE AND WHEN TO FILE

<b>PERIOD FOR FILING:</b>	<p><b>July 12 – August 6 by 5 p.m.</b> The statement must be paid for and filed with the Declaration of Candidacy.</p> <p style="text-align: right;">§13307(a)(2)</p>
<b>EXTENDED PERIOD:</b>	<p>If the Nomination filing period is extended, then all persons, other than the incumbent, have until <b>Aug. 11 by 5 p.m.</b> in which to file their Candidate's Statement along with their Declaration of Candidacy.</p>
<b>WHERE:</b>	<p>County Clerk/Elections Department, 701 Ocean Street, Room 210, Santa Cruz, CA 95060-4076, 831-454-2060. Regular office hours are 8 a.m. to 5 p.m., Monday through Friday.</p>
<b>CONTENTS:</b>	<p>The statement contains the candidate's:</p> <ul style="list-style-type: none"> <li>• name</li> <li>• age (optional)</li> <li>• occupation (optional), and</li> <li>• 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. 250 words for State Legislative and U. S. Representative candidates.</li> </ul> <p style="text-align: right;">§13307(a)(1)</p>
<b>RESTRICTIONS:</b>	<p>The candidate's statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations.</p> <p style="text-align: right;">§13307(a) (1)</p>
<b>CONFIDENTIALITY:</b>	<p>Statements remain confidential until 5 p.m. on the last day to file.</p> <p style="text-align: right;">§13311</p>
<b>WITHDRAWAL:</b>	<p>Statements may not be changed but may be withdrawn no later than 5 p.m. on <b>Aug. 9</b>. If there is an extended filing time, no later than 5 p.m. on <b>Aug. 12</b>.</p> <p style="text-align: right;">§13307(a)(3)</p>
<b>PAYMENT:</b>	<p>Cost for printing a candidate's statement in the Voter's Information Pamphlet shall be paid at the time of filing the statement with the Declaration of Candidacy. Checks are made payable to the County Clerk.</p> <p style="text-align: right;">§13307(c)</p>

# CANDIDATE'S STATEMENT

## CONTENT, SIZE & FORMAT

### **C**ONTENT

- 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 or own their own paper.
- 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. (§13308)
- No statement shall contain any demonstrably false, slanderous or libelous statements. (§13307(d))
- The heading includes the candidate's name and office sought, followed by a line for the candidate's occupation and age (if provided). These are standardized headings and are included in the quarter page space provided. The words, however, do not count toward the number of words allowed for the statement.
- Subheadings and deviations from the standardized heading will not be accepted.
- The "**Occupation**" field in the Candidate's Statement is NOT governed by the laws and regulations pertaining to the ballot designation that appears underneath the candidate's name on the ballot. Therefore, it may be different from the candidate's ballot designation. However, if its length extends beyond one line, words appearing on the second line will be counted toward the 200/250-word maximum.

# **S**IZE

- Candidates for Superior Court Judge, County Offices, County Supervisor, Special Districts and School Districts are limited to **200 words**.
- Candidates for U. S. Representative, State Senate and State Assembly are limited to **250 words**.
- See guidelines on "How to Count Words" on page 71.
- 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 or 250-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. Please see sample on page 60.

# **F**ORMAT

- 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, and centering of text, the text will be converted to normal text without these attributes.
- Limited use of *italics* is permitted.

# 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>Statement of <b>CHRIS CANDIDATE</b>, Candidate for County Supervisor, 6<sup>th</sup> District County of Santa Cruz</p> <p><b>Occupation:</b> Teacher <b>Age:</b> 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><a href="http://www.voteForChris.com">www.voteForChris.com</a></p>	<p><b>The Spanish translation would appear here for candidates who request and purchase a Spanish translation of their Candidate's Statement.</b></p> <p><b>Or, this space would be used for other candidates running for the same office.</b></p> <p><b>Candidate statements will appear in the same order as the candidates' names appear on the ballot.</b></p>
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**NOTE:** If your candidate's statement exceeds the 3.75" wide by 4.5" tall quarter page provided for each statement, paragraphs will be run together in order to make the statement fit on the quarter page.

Or, the elections official will reformat the statement to fit in the space allotted.

# 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 send via e-mail to [gail.pellerin@co.santa-cruz.ca.us](mailto: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.

**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 9, 2010 (or by August 12, 2010, 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 additional expense to the candidate. (§14201)

### OVERLAPPING DISTRICTS

***Important notice to candidates in districts that encompass more than one county.*** Procedures, requirements, fees, formats and public examination periods for candidates' statements may vary between counties. It is the candidate's responsibility to 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.

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

***It is strongly recommended that the candidate file the statement personally.*** If the statement is filed by someone other than the candidate, that person should have the authority to make corrections or deletions to the statement in the event that errors or an excess number of words are detected prior to filing the statement. Statements received by mail prior to the deadline will be filed provided that they meet the statutory requirements and county policies regarding candidates' statements. Statements may not be changed after filing.

**COST 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 May 2010 registration report. 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. (Elections Code § 13313)

## CONGRESSIONAL OFFICES

DISTRICT	REGISTERED VOTERS (5/10)	COST OF STATEMENT (250 words – ¼ page)
U. S. Representative in Congress, 14 <sup>th</sup> District (Includes Santa Clara & San Mateo counties)	44,906	\$884 = Santa Cruz \$ _____ = San Mateo \$6,000 = Santa Clara
U. S. Representative in Congress, 17 <sup>th</sup> District (Includes Monterey & San Benito counties)	101,611	\$1,791 = Santa Cruz \$6,800.49 = Monterey \$ _____ = San Benito

## STATE LEGISLATIVE OFFICES

DISTRICT	REGISTERED VOTERS (5/10)	COST OF STATEMENT (250 words – ¼ page)
State Assembly, 27 <sup>th</sup> District (Includes Monterey & Santa Clara counties)	126,512	\$2,190 = Santa Cruz \$3,705.47 = Monterey \$3,100 = Santa Clara
State Assembly, 28 <sup>th</sup> District (Includes Monterey, San Benito & Santa Clara counties)	20,005	\$485 = Santa Cruz \$3135.71 = Monterey \$3,300 = Santa Clara \$ _____ = San Benito

## COUNTY OFFICES

DISTRICT	REGISTERED VOTERS (5/10)	COST OF STATEMENT (200 words – ¼ page)
County Board of Supervisors, 4 <sup>th</sup> District	17,386	\$443



## BOARD OF EDUCATION & COMMUNITY COLLEGES

DISTRICT	REGISTERED VOTERS (4/06)	COST OF STATEMENT (200 words – ¼ page)
Santa Cruz County Board of Ed., TA 1	24,135	\$551
Santa Cruz County Board of Ed., TA 2	23,464	\$540
Santa Cruz County Board of Ed., TA 7	10,447	\$332 = Santa Cruz \$162.81 = Monterey
Santa Clara County Board of Ed., TA 2	3,383	\$219 = Santa Cruz \$3,800 = Santa Clara
Cabrillo Community College, TA 1	25,019	\$565
Cabrillo Community College, TA 2	23,267	\$537
Cabrillo Community College, TA 6	26,628	\$591
West Valley-Mission Community College, 2 seats in TA 1; 1 seat in TA 2	3,345	\$219 = Santa Cruz \$5,100 = Santa Clara

## UNIFIED/HIGH SCHOOL DISTRICTS

DISTRICT	REGISTERED VOTERS (5/10)	COST OF STATEMENT (200 words – ¼ page)
Aromas-San Juan Unified School <sup>1</sup>	46	\$166 = Santa Cruz \$231.19 = Monterey \$ _____ = San Benito
Los Gatos-Saratoga Joint Union High School <sup>2</sup>	3,383	\$219 = Santa Cruz \$2,100 = Santa Clara
Pajaro Valley Unified School –TA 1	10,008	\$325
Pajaro Valley Unified School –TA 4	3,404	\$220
Pajaro Valley Unified School –TA 5	5,047	\$246
Pajaro Valley Unified School –TA 7	9,869	\$323
San Lorenzo Valley Unified School– TA 1	16,584	\$430
San Lorenzo Valley Unified School– TA 2	16,584	\$430
San Lorenzo Valley Unified School – TA 4	16,584	\$430
Santa Cruz City School – 2 seats in TA 1	73,261	\$1,337
Santa Cruz City School – 1 seats in TA 2	73,261	\$1,337
Santa Cruz City School – 1 seats in TA 3	73,261	\$1,337
Scotts Valley Unified School	11,536	\$350

<sup>1</sup> Includes San Benito and Monterey counties

<sup>2</sup> Includes Santa Clara County

## ELEMENTARY SCHOOL DISTRICTS

DISTRICT	REGISTERED VOTERS (5/10)	COST OF STATEMENT (200 words – ¼ page)
Bonny Doon Union Elementary School	2,135	\$200
Happy Valley Elementary School	1,068	\$182
Lakeside Joint Elementary	836	\$178 = Santa Cruz \$1,500 = Santa Clara
Live Oak School	12,796	\$370
Loma Prieta Joint Union Elementary School	2,547	\$206 = Santa Cruz \$1,500 = Santa Clara
Mountain Elementary School	972	\$181
Pacific School	473	\$173
Soquel Union Elementary School	16,826	\$434

## FIRE PROTECTION DISTRICTS

DISTRICT	REGISTERED VOTERS (5/10)	COST OF STATEMENT (200 words – ¼ page)
Aromas Tri-County Fire <sup>3</sup>	46	\$166 = Santa Cruz \$105.47= Monterey \$_____ = San Benito
Aptos/La Selva Fire	16,394	\$427
Ben Lomond Fire	3,558	\$222
Boulder Creek Fire	6,226	\$265
Branciforte Fire	1,356	\$187
Central Fire	30,385	\$651
Felton Fire	4,126	\$231
Pajaro Valley Fire	6,414	\$268
Scotts Valley Fire	12,060	\$358
Zayante Fire	2,259	\$201

<sup>3</sup> Includes Monterey and San Benito counties

## WATER DISTRICTS

DISTRICT	REGISTERED VOTERS (5/10)	COST OF STATEMENT (200 words – ¼ page)
Central Water	2,072	\$198
Lompico County Water	746	\$177
Pajaro Valley Water Management Agency – Division A	9,100	\$311
Pajaro Valley Water Management Agency – Division C	6,603	\$271
San Lorenzo Valley Water	15,235	\$409
Scotts Valley Water	6,031	\$262
Soquel Creek Water	25,104	\$567

## MISCELLANEOUS DISTRICTS

DISTRICT	REGISTERED VOTERS (5/10)	COST OF STATEMENT (200 words – ¼ page)
Santa Cruz Port District	59,001	\$1,109
Boulder Creek Recreation & Park District	6,207	\$264
La Selva Beach Recreation District	1,182	\$184
Midpeninsula Regional Open Space District	1 Commissioner Ward 2 <sup>4</sup>	\$166 = Santa Cruz \$2,400 = Santa Clara
Pajaro Dunes Geologic Hazard Abatement	247 Property Owners	\$144
Santa Cruz County Resource Conservation District	Appointed by Board of Supervisors. Res. No. 96-05-01	N/A

<sup>4</sup> This is the only Ward out of seven in the district that includes a few voters in Santa Cruz County. The remainder and most of the district is in Santa Clara and San Mateo Counties.

# CITIES

DISTRICT	REGISTERED VOTERS (5/10)	COST OF STATEMENT (200 words – ¼ page)
Capitola	6,069	\$262
Santa Cruz	37,343	\$763
Scotts Valley	7,273	\$281
Watsonville – District 3	2,280	\$202
Watsonville – District 4	2,959	\$212
Watsonville – District 5	1,698	\$192
Watsonville – District 7	3,300	\$218

# HOW TO COUNT WORDS

(Pursuant to Elections Code § 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 by the Elections Department as part of a standardized heading, 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, 2010 shall be counted as two words, whereas 1/1/10 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.

# VOTER FILE INFORMATION

## 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:

- (a) Using registration information for purposes of communicating with voters in connection with any election.
- (b) Sending communications, including but not limited to, mailings which campaign for or against any candidate or ballot measure in any election.
- (c) 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.
- (d) Sending communications, including but not limited to, mailings, incidental to the circulation or support of, or opposition to any recall, initiative, or referendum petition.
- (e) Sending of newsletters or bulletins by any elected public official, political party or candidate for public office.
- (f) Conducting any survey of voters in connection with any election campaign.
- (g) Conducting any survey of opinions of voters by any government agency, political party, elected official or political candidate for election or governmental purposes.
- (h) Conducting an audit of voter registration lists for the purpose of detecting voter registration fraud.
- (i) 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.
- (j) 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. The check will be deposited the next business day. Purchases will then be subtracted from that amount until the cap is reached. If total purchases are less than the amount of the original check, candidates will be reimbursed for the difference. Or candidates have the option of paying for their data on an ongoing basis.

### **Walking Lists**

These lists are by consolidated voting precinct, in alphabetical order by street, and are available sometime after the 54th day prior to the election and after the 29th day prior to the election. (Elections Code §2184)

- Per thousand names ..... 50¢

### **Printed Voter Indexes by Street or Alpha**

Special order computer jobs (other than the 54 or 29-day indexes) can be requested at any time. Indexes can be sorted by street or alphabetical by voter’s name.

- First 15,000 names..... \$40
- Each additional 1,000 names ..... \$2

### **Voter Lists on CD**

The voter lists described above may be purchased on CD.

- Under 50,000 records..... \$75
- 50,000 to 100,000 records ..... \$100
- 100,000 records or more ..... \$150

### **List of Polling Places / List of Candidates on the Ballot**

A list of the polling places in an election (ranges from 157 to 170 for countywide elections) and a list of candidates’ names and addresses is available for purchase.

- Each list..... \$15

## Maps

The county GIS Department produces computer-generated maps. Maps are available for purchase or viewing in the Elections Department during regular office hours. For precinct and district maps, please visit our website at [www.votescount.com](http://www.votescount.com)

Individual precinct maps: These maps are 8 1/2" x 11" with one general registration precinct per page. Maps cost \$.75 each and 390 maps comprise Santa Cruz County.

- Each map..... 75¢

Supervisory maps: 11" x 17" map of each Supervisorial district.

- Each map..... \$5

Countywide and district maps: Various other wall-size maps of districts and the county are also available. Maps measure approximately 33" x 43".

- Each map..... \$47.50

If the map you want is not available, contact GIS at 831-454-3125.

## Daily Vote-by-mail Voter Printout

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

- First page ..... \$8
- Each additional page..... \$1
- Voters on disk, 1 CD per day for 5 consecutive days .....\$250

## Photocopying

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

- Each page ..... 10¢

An additional \$5 retrieval fee is charged if the item requested is more than five (5) years old. (Gov. Code §81008)

Photocopying of all other items:

- Each of the first five (5) pages..... 50¢
- Each additional page..... 10¢

## Research Fee

- Per Hour..... \$30

## Faxing

- Each Page ..... 50¢

## Secretary of State's CALVOTER

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

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

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

For more information, please contact Steven Carda, Calvoter Administrator, at (916) 657-2166 or by email at [scarda@sos.ca.gov](mailto:scarda@sos.ca.gov)

# VOTER REGISTRATION DRIVES

## Voter Registration Drives:

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

For any quantity of 50 or more, the individual requesting the cards must fill out an application for distribution and obtain a "Guide to Registering Voters" from elections staff in the Elections Department. For quantities of 2,000 or more, the application for 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 15<sup>th</sup> day before the election – October 18, 2010. Voters who submit their voter registration cards by the 29<sup>th</sup> day before the election, **October 4, 2010**, (postmark **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 4, 2010.**

# PROVISIONAL VOTING

Provisional ballots are issued to voters whose voting eligibility cannot be established quickly and easily at the time the voter has shown up to vote.

Please be advised that poll workers in Santa Cruz County are directed to **“ALWAYS LET THE VOTER VOTE.”** If eligibility cannot be determined, the voter must vote provisionally.

Provisional voters must vote their ballot in person at the Elections Department, 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 situations where a voter will vote provisionally:

1. 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.
2. 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.
3. Voter moved and did not re-register to vote.
4. Voter is required to show photo identification because the voter registered to vote by mail and did not provide a driver's license or last 4 digits of his/her social security number so elections officials could validate the voter through the statewide system. If the voter has identification, he/she will vote a regular ballot. If the voter does not have photo identification, the voter is required to vote provisionally.
5. 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. The federal Help America Vote Act (HAVA) of 2002 requires elections officials to give voters who vote provisionally a receipt that advises the voter that:

1. The voter has the Right to Cast a Provisional Ballot
2. The voter has the right to find out whether your provisional ballot was counted, and, if not, why not.

In Santa Cruz County, voters may do one of the following after Election Day to find out the status of their provisional vote.

1. Call Toll-Free: 1-866-282-5900
2. Call the regular office line: 831-454-2060
3. Call TDD: 831-454-2123
4. Or send an e-mail to: [pink@votescount.com](mailto:pink@votescount.com)

Typically, provisional ballots are processed between 14 - 28 days following the election. Elections Code Section 14310(c) says provisional ballots are counted during the official canvass only if (1) the elections official establishes the voter's right to vote the ballot, or (2) a superior court orders the ballot to be counted. A voter may seek a court order to require his or her ballot to be counted but must do so before the official canvass period ends. Judicial action involving provisional ballots has priority over other civil matters.

## **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.

## **Provisional Voting Laws**

### **Voting a Provisional Ballot; Handling of ballot. §14310.**

(a) At all elections, a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows:

(1) An elections official shall advise the voter of the voter's right to cast a provisional ballot.

(2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the provisional ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (c) and (d).

(3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.

(b) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelopes specified in this subdivision shall be a color different than the color of, but printed substantially similar to, the envelopes used for vote by mail ballots, and shall be completed in the same manner as vote by mail envelopes.

(c) (1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on vote by mail ballots, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration. If the signatures do not compare or the provisional ballot envelope is not signed, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot.

(2) Provisional ballots shall not be included in any semiofficial or official canvass, except upon: (A) the elections official's establishing prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote; or (B) the order of a superior court in the county of the voter's residence. A voter may seek the court order specified in this paragraph regarding his or her own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters. No fee shall be charged to the claimant by the clerk of the court for services rendered in an action under this section.

(3) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official.

(A) If the ballot cast by the voter contains the same candidates and measures on which the voter

would have been entitled to vote in his or her assigned precinct, the elections official shall count the votes for the entire ballot.

(B) If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.

(d) The Secretary of State shall establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

(e) The Secretary of State may adopt appropriate regulations for purposes of ensuring the uniform application of this section.

(f) This section shall apply to any vote by mail voter described by Section 3015 who is unable to surrender his or her unvoted vote by mail voter's ballot.

(g) Any existing supply of envelopes marked "special challenged ballot" may be used until the supply is exhausted. (Amended by Statutes of 2009)

### **Provisional Voting for Voters who Moved within the Same County §14311**

(a) 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.

(b) Voters casting ballots under this section shall be required to vote by provisional ballot, as provided in Section 14310. (Amended by Statutes of 2003)

### **Liberal Constructions §14312**

This article shall be liberally construed in favor of the provisional voter. (Amended by Statutes of 2003)

# VOTE-BY-MAIL BALLOT DRIVES

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 72 hours of receiving the completed form, or before the deadline for application, whichever is sooner. (Elections Code §3008)

**October 4, 2010** is the first day absent voter ballots may be issued for the November 2, 2010 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 absent voter ballot must be received by the Elections Department by 5 p.m. on **October 26, 2010**. Ballots are available at the Elections Department from October 4<sup>th</sup> to October 26<sup>th</sup> upon filing a Late Vote-by-mail Ballot application.

**Applications for vote-by-mail ballots received in the mail after October 26 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.

# HELP AMERICA VOTE ACT (HAVA)

The Help America Vote Act (HAVA) was passed by Congress in 2002 to provide assistance with the administration of and establish minimum election administration standards for federal elections. HAVA embodies the most sweeping overhaul of elections laws since the Voting Rights Act of 1965. California had already implemented many of the HAVA requirements, including provisional voting, permanent vote-by-mail voting for military and overseas voters, and the establishment of voting systems standards defining a valid vote.

Some of the most visible HAVA mandates include:

## Statewide Database

HAVA requires the Secretary of State to create a single statewide list of all registered voters in California. The Secretary of State established the VoteCal Registration Database Project to develop and implement this federally mandated statewide voter registration list. The next major step in this project is the procurement of a vendor to develop this system. For more information go to <http://www.sos.ca.gov/elections/votecal/>

## Voting System Requirements

HAVA requires every polling place in the nation to provide a voting unit to enable every voter, regardless of disability to vote independently and privately. In Santa Cruz County, most voters continue to vote on a paper ballots, but each polling place has one touch screen unit that provides large font size, audio ballots, Spanish ballots, and more accessible features. The voting system used in Santa Cruz County is the Sequoia Voting System that is federally qualified and state certified. For more information go to [http://www.sos.ca.gov/elections/elections\\_vs.htm](http://www.sos.ca.gov/elections/elections_vs.htm)

## Voter Registration Must Include Driver's License or Last 4 Digits of Social Security Number

Under HAVA, every person who registers or re-registers to vote is required to include on their voter registration affidavit their California driver's license number, if they have a current and valid driver's license, or their California identification card number, if they have one, or, if they have neither a driver's license nor a California ID, the last four digits of their Social Security number, if they have a Social Security card. If a person does not possess a driver's license, state-issued identification card or a Social Security card, he or she will still become a registered voter. But, if they do have this information, they must provide it. Any person voting for the first time who registers by mail who does not provide this information will be asked to show a form of identification when he or she goes to the polls, or to provide a copy of that identification with his or her vote-by-mail ballot. There are 30 forms of identification that can be used for this purpose under HAVA, including a government issued check or a utility bill that includes the person's name and address.

# 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 an 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 the 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 an \*. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by \*. The \* required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the \* designation applies except that in no case shall the \* be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.
- 5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the \* designation. The payment shall also be deemed to constitute authorization to appear in the mailer.

(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)**

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

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

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

## **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)**

### **“Political cyberfraud” defined (Elections Code §18320)**

(a) This act shall be known and may be cited as the "California Political Cyberfraud Abatement Act."

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

(c) As used in this section:

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

## **PICTURES IN CAMPAIGN MATERIALS (Elections Code §20010)**

### **No Pictures of Candidates in Campaign Material**

(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 a vote-by-mail ballot pursuant to Sections 3017 and 3021 or persons assisting a voter pursuant to Section 14282.

## **Promise of Employment (Elections Code §18520)**

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

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

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

## **Consideration for Voting (Elections Code §18521)**

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

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

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

## **Consideration for Voting (Elections Code §18522)**

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

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

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

## **Bribery at Election (Elections Code §18523)**

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

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

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

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

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

## **INTIMIDATION OF VOTERS**

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

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

### **Solicitation Dissuading Persons From Voting (Elections Code §18541)**

- a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place:
  - 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 the county elections official, registrar of voters, or city clerk.
- b) "Immediate vicinity" means the area within a distance of 100 feet from the room or rooms in which the voters are signing the roster and casting ballots.

# **POLITICAL SIGNS**

## **Outdoor Political Advertising – State Law**

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

Temporary political signs are those that meet the following criteria:

- Encourages a particular vote in a scheduled election;
- Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after the election;
- Is no larger than 32 square feet;
- Has had a "Statement of Responsibility" filed with the State Department of Transportation, Division of 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.

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 that constitutes a traffic hazard or an encroachment that 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 that 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 (768-3040) 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 (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.

# California Contribution Limits

## What You Need to Know Before You Contribute – Fast Facts

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

### Per-election Limits on Contributions to State Candidates

(For elections held on or after January 1, 2009)

Contributor	Legislature	Statewide Except Governor	Governor
Person	\$3,900	\$6,500	\$25,900
Small Contributor Committee	\$7,800	\$12,900	\$25,900
Political Party	NO LIMIT	NO LIMIT	NO LIMIT

### Calendar Year Limits on Contributions to Other State Committees

(2009 and 2010)

Contributor	Committee (Not Political Party) that Contributes to State Candidates	Political Party for State Candidates	Small Contributor Committee	Committee/Political Party Not for State Candidates
Person	\$6,500	\$32,400	\$200	NO LIMIT*

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

### Calendar Year Limits on Contributions to State Officeholder Committees

Elected state officeholders may set up officeholder accounts subject to contribution limits specified below.

Contributor	Legislature	Statewide Except Governor	Governor
<b>Any Source</b> Person, Small Contributor Committee or Political Party	\$3,200	\$5,400	\$21,500
	Legislature	Statewide Except Governor	Governor
<b>Aggregate From all Sources</b>	\$53,800	\$107,500	\$215,000

#### • Legal Defense Funds

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

**• Recall Elections**

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

**• Ballot Measure Committees**

Contributions to ballot measure committees controlled by a candidate for elective state office are not limited. For additional information, see Contributions from State Candidates and Officeholders.

**• Contributions from State Candidates and Officeholders**

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

**• Communications Identifying State Candidates**

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

1. Clearly identifies a state candidate; but
2. Does not expressly advocate the election or defeat of the candidate; and
3. Is disseminated, broadcast, or otherwise published within 45 days of an election, may not receive a contribution from any single source of more than \$32,400 in a calendar year if the communication is made at the behest of the candidate featured in the communication. (Section 85310.)

**• Contributions from State Lobbyists**

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

**• Contribution Limits for Local Candidates and Committees**

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

**Expenditure Ceilings**

Using the formula specified in Regulation 18544, the Commission has established the following voluntary expenditure ceilings for elections held on or after January 1, 2009:

**Voluntary Expenditure Ceilings for Candidates for Elective State Offices**

(For elections held on or after January 1, 2009)

Office	Primary/Special Election	General/Special Runoff Election
Assembly	\$518,000	\$906,000
Senate	\$777,000	\$1,165,000
Governor	\$7,768,000	\$12,946,000
Lt. Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Supt. Of Public Instruction, Treasurer	\$5,178,000	\$7,768,000
Board of Equalization	\$1,295,000	\$1,942,000

# CAMPAIGN DISCLOSURE REQUIREMENTS

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

## Campaign Disclosure Information Manuals

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

- **Manual 1** is for elected officers or candidates for **State** elective offices and their controlled campaign committees.
- **Manual 2** is for elected officers or candidates for **local** elective offices (including judges) and their controlled campaign committees.
- **Manual 3** is for information for committees primarily formed to support or oppose a ballot measure.
- **Manual 5** is for information for Major Donor Committees.
- **Manual 6** is for information for Independent Expenditure Committees.
- **Manual C** is for general purpose committees including political committees and broad based political committees.

## Candidate Intention Statement (501)

FPPC Form 501 applies only to **candidates** who want to raise or spend money. The Form 501 does not apply to Political Action Committees (PACS), Independent Political Committees, or Broad Based Political Committees. The form is available from the County Elections Department or on the internet at [www.votescount.com](http://www.votescount.com) Once filed with the Secretary of State, the Form 501 is public information.

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

# CAMPAIGN DISCLOSURE FORMS

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

FORM	DESCRIPTION	WHO FILES	NUMBER NEEDED & WHERE TO FILE
410	<p><b>Statement of Organization &amp; Termination.</b> For use by all recipient committees which receive contributions of \$1,000 or more – including personal funds – during a calendar year. Must be filed within 10 days of receiving \$1,000 or more and may be filed prior to receiving \$1,000. Upon receipt, the Secretary of State will issue an identification number that must be included on all campaign disclosure forms.</p> <p>Candidates for county offices must file a Form 410 with the County Clerk within 10 days after the formation of committee or when more than \$1000 has been received or expended. (County Code § 8.04.070)</p> <p><b>Candidate Controlled Committees.</b> The name for all state and local committees established for an election held after January 1, 2009, must include the <b>candidate’s name, office sought and year of the election.</b> This is required even if the committee was formed before the amendment to Regulation 18402 became effective. The district number or name of the city or county is not required. Examples of committee names are “Jones for Council 2010” and “Smith for Assembly 2010” (See FPPC Regulation 18402)</p>	<p>Candidates for County Offices, Supervisors, Judges, School Districts and Special Districts</p> <p>State Legislative</p>	<p><u>File original and 1 copy with SOS &amp; 1 copy with local filing officer who will receive the original disclosure statements.</u></p> <p>File original and 1 copy with SOS</p>

FORM	DESCRIPTION	WHO FILES	NUMBER NEEDED & WHERE TO FILE
450	<p><b>Recipient Committee Campaign Disclosure Statement – Short Form.</b> For use by non-controlled recipient committees formed to support or oppose candidates or measures. File if you have not received a contribution of \$100 or more from a single source; have not received any other payment of \$100 or more; have no outstanding loans made or received and have no unpaid bills.</p>	Committees not controlled by a candidate	File original & 1 copy with Elections; 2 copies with home county if different.
		State Committees	File original and 1 copy with SOS; 2 copies w/LA and SF; and 2 copies w/county of domicile if different.
470	<p><b>Officeholder &amp; Candidate Campaign Statement – Short Form.</b> Officeholders &amp; candidates who do not have a controlled committee and do not anticipate spending or receiving \$1,000 or more (including personal funds).</p>	Candidates for local office	File original & 1 copy with Elections; 2 copies w/home county if different.
		State Legislative	File original and 1 copy with SOS; 2 copies w/county w/most voters; 2 copies w/home county if different.
470 Supplement	<p><b>Officeholder, Candidate &amp; Controlled Committee Campaign Statement – Supplement.</b> An officeholder or candidate who has filed Form 470 in connection with an election and subsequently receives contributions totaling \$1,000 or more is required to send written notification. The Form 470 Supplement may be used or personal written notification following similar format.</p>	Applies to all candidates	<p>Must be filed within 48 hours of reaching \$1,000 limit with:</p> <ul style="list-style-type: none"> <li>❖ the Secretary of State,</li> <li>❖ the local filing officer with whom the candidate is required to file originals of his/her campaign statements, and</li> <li>❖ each candidate seeking the same office.</li> </ul> <p>Must be sent by telegram, guaranteed overnight mail, FAX or personal delivery. <b><u>Regular mail may not be used.</u></b></p>

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

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

### Independent Expenditure Committees / Slate Mailer Organizations

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

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

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

## Campaign Disclosures for Federal Candidates

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

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

## Filing is the Responsibility of the Candidate and/or Committee

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

## Late Filings

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

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

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

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

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

## Multiple Committee Filing Requirements

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

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

# CAMPAIGN FILING SCHEDULE FOR NOVEMBER 2, 2010

Filing Deadline	Type of Statement	Period Covered by Statement <sup>1/</sup>	Method of Delivery
<b>WITHIN 10 BUSINESS DAYS</b>	\$5,000 Report	Any time other than 90-day election cycle (see below)	Online with Secretary of State
<b>August 2, 2010</b>	Semi-Annual	See Below – 6/30/10	Personal Delivery First Class Mail
<b>Within 24 Hours</b>	90-Day Election Cycle Report	8/4/10 – 11/02/10	Online only with Secretary of State
<b>October 5, 2010</b>	Pre-Election	7/1/10 – 9/30/10	Personal Delivery First Class Mail
<b>October 21, 2010</b>	Pre-Election	10/1/10 – 10/16/10	Personal Delivery Guaranteed Overnight Service
<b>October 29, 2010</b>	3 <sup>rd</sup> Pre-Election Statement for <b><u>County Candidates ONLY</u></b>	10/17/10 to 10/28/10	Personal Delivery
<b>Within 24 Hours</b>	Late Reports	10/17/10 – 11/01/10	Personal Delivery Guaranteed Overnight Service Fax
<b>January 31, 2011</b>	Semi-Annual	10/17/10 – 12/31/10	Personal Delivery First Class Mail

## Footnotes:

**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.

Local jurisdictions may impose contribution limits and additional filing requirements.

**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.

**Form 470:** Candidates that do not have a committee or raise/spend \$1,000 in 2010, may file Form 470 on October 5, 2010. Form 470 can not be filed for other deadlines if the candidate has a committee or has raised/spent \$1,000 or more in 2010. After filing a Form 470, if the candidate raises/spends \$1,000 or more in 2010, see Manual 2, Chapter 4 for additional required filings.

**Candidates:** After an election, reporting requirements will depend on whether the candidate is successful and whether a campaign committee is maintained. For termination rules, see Manual 2, Chapter 8.

**Late Statements:** Except for deadlines that fall on a Saturday, Sunday, or an official state holiday, filing deadlines may not be extended. Late statements are subject to a \$10 per day late fine.

**Paid Spokespersons:** A committee that makes an expenditure totaling \$5,000 or more to an individual to appear in an advertisement to support or oppose a ballot measure must report the expenditure within 10 days on Form 511.

**Issue Advocacy Report:** File this report if a payment or promise of payment of \$50,000 or more is made during the 45 days prior to an election for a communication that identifies a state candidate being voted on in the election but does not expressly advocate the election or defeat of the candidate. Use Form E-530 and file online only during the period 9/18/10 - 11/1/10.

**90-Day Election Cycle Reports:** "Election cycle" is defined as 90 days prior to an election and ending on the date of election.

**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.

**Contribution Limits:** Contributions to state candidates and to committees that make contributions to state candidates are subject to contribution limits. Some committees that feature state candidates in advertisements are also subject to contribution limits. See the contribution limit chart on FPPC's website.

**Candidates:** After an election, reporting requirements will continue until the committee terminates. For termination rules, See Manual 2, Chapter 8.

All statements are public documents. Paper reports may be mailed by first class mail unless otherwise noted.

For more important information refer to [www.fppc.ca.gov](http://www.fppc.ca.gov) and click on the Candidates and Committees section. Use *Campaign Manual 1* and *Campaign Manual 2*.

# HOW TO GET HELP FROM THE FPPC

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

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

## Written Advice

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

## Important Notes Regarding Telephone and Written Advice:

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

# CAMPAIGN FINANCE PROHIBITIONS

State law provides for the following prohibitions regarding campaign funds:

- ❖ No contribution of one hundred dollars (\$100) or more shall be made or received in cash. If a cash contribution is made, it shall not be deemed received if it is refunded within 72 hours of receipt or in the case of a late contribution, within 48 hours of receipt.
- ❖ No expenditure of one hundred dollars (\$100) or more shall be made in cash.
- ❖ The value of all in-kind contributions of one hundred dollars (\$100) or more shall be reported in writing to the recipient upon the request in writing of the recipient. (Govt. Code §84300)
- ❖ No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes. (Govt. Code §84301)
- ❖ No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling one hundred dollars (\$100) or more in a calendar year. An anonymous contribution of one hundred dollars (\$100) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state. (Govt. Code §84304)
- ❖ No contribution shall be commingled with personal funds of the recipient or any other person. (Govt. Code §84307)
- ❖ Contributions made by a husband and wife may not be aggregated. A contribution made by a child under 18 years of age is presumed to be a contribution from the parent or guardian of the child. (Gov. Code §85308)
- ❖ No newsletter or other mass mailing shall be sent at public expense. (Govt. Code §89001)
- ❖ Every person who contrives, prepares, sets up, proposes, or draws any lottery or raffle, is guilty of a misdemeanor. (Penal Code §319, 320)

# CAMPAIGN DISCLOSURE REQUIREMENTS OFTEN OVERLOOKED

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

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

- ❖ Even unopposed candidates are subject to the campaign disclosure provisions of the Political Reform Act. (Gov. Code §82007)
- ❖ Prior to soliciting or receiving any contribution (including a loan), all elected officeholders and all candidates must file Form 501 (candidate intention).
- ❖ Contributions include **PERSONAL FUNDS** and are subject to the same disclosure requirements.
- ❖ A Statement of Organization (Form 410) must be filed within 10 days by any person who receives contributions totaling \$1,000 or more during a calendar year. Candidates for county offices (excludes judges, school boards and special district boards) must file a Form 410 prior to the acceptance of any campaign contribution totaling \$50 or more or the making of any expenditure intended to influence the outcome of any election. (Co. Code 8.04.070)
- ❖ Officeholders and candidates who receive contributions or make expenditures must establish a campaign checking account in California and report it on a Form 410.
- ❖ Loans to a candidate are considered contributions unless the loan is from a financial institution. The Federal Election Campaign Act (2 U.S.C. §442b & e) prohibits contributions from national banks, national corporations, and foreign nationals in connection with any local, state, or federal election to political office.
- ❖ Filing fees and candidate statement fees may be paid in cash if the candidate is using personal funds and will not be reimbursed through the committee. (Gov. Code §85200) Otherwise, campaign disclosure laws require that expenditures of \$100 or more be made by written instrument containing the names of both the payee and payer. (Gov. Code §84300)
- ❖ Candidates for County Offices are prohibited from receiving contributions from business entities or labor unions. However, if the business or labor committee is created for or sponsored by a corporation, partnership or labor union or other business entity for the sole purpose of using voluntary donations of its individual members or employees for political purposes may make contributions up to \$1000 in support of or in opposition to a candidate or recall. (Co. Code Section 8.04.050)
- ❖ Never accept or spend \$100 or more in cash.

- ❖ For contributions of \$100 or more, including loans, and in-kind contributions, you must disclose the contributor's name, address, occupation and employer. Contributions of \$100 or more may not be made in the form of a money order or cashier's check. Contributions may continue to be made with a credit card. (Gov. Code §84300)
- ❖ Maintain details on contributions and expenditures of \$25 or more, even if you are spending less than \$1,000. Refer to recordkeeping guidelines in Manuals 1 and 2.
- ❖ Make copies of all contributor checks.
- ❖ Itemize expenditures of \$500 or more made by an agent or campaign consultant.
- ❖ Include your name and campaign address in at least 6-point type on the outside of all mass mailings (more than 200 pieces). Your committee's name may be used if it includes your name. If your name is not part of the committee's name, you may use just your name, or both your name and the name of the committee. (Govt. Code § 84305)
- ❖ Candidates must disclose employer information for all contributors and keep all records of occupation and employer information.
- ❖ **NO PERSONAL USE OF CAMPAIGN FUNDS.** Use campaign funds only for political, legislative, or governmental purposes.
- ❖ The source for each loan must be disclosed.
- ❖ All expenditures of \$100 or more must be itemized on the campaign statements, and then summarized on the Campaign Disclosure Statement Summary Page.
- ❖ As long as a committee is in existence, a Semi-Annual Campaign Statement must be filed. If the candidate has filed a long form (460) previously in the calendar year, a 460 must be filed as the Semi-Annual Statement even if there is no activity. If a 470 has been filed previously in the year, another 470 must be filed as the Semi-Annual Statement.
- ❖ Payee addresses must be disclosed on the campaign statements for expenditures made.
- ❖ If the committee changes its treasurer, an amendment to the Form 410 Statement of Organization must be filed.
- ❖ If \$1,000 or more is received from one contributor during the last 16 days before the election, disclose receipt within 24 hours, even if the contribution is from your personal funds.

# DISCLOSURE OF ECONOMIC INTERESTS FORM 700

## Who Must File

State law (the Political Reform Act of 1974) requires candidates for 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 the Declaration of Candidacy and candidates appointed to an office file 10 days after assuming office. (Gov. Code §87200, et. seq.)

Candidates for city council are required to file with the City Clerk a Statement of Economic Interests (Form 700) with their Declaration of Candidacy.

**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)

Persons elected to school and special districts who must file a Statement of Economic Interests with their Declaration of Candidacy will be required to file a second statement for their annual statement due on April 1, 2011.

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

## What Must be Disclosed

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

## When and Where to File

Candidates who must file may obtain forms and instructions from the Santa Cruz County Elections Department. The Form 700 must be filed with the Elections Department with their Declaration of Candidacy. **If the statement is filed after the deadline, candidates may be penalized up to \$10 per day up to a maximum of \$100.**

Late filing penalties can be reduced or waived under certain circumstances. 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**

No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place, a satellite location under Section 3018, or an elections official's office:

- (a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
- (d) Do any electioneering as defined by Section 319.5.

As used in this section, "100 feet of a polling place, a satellite location under Section 3018, or an elections official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

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

## **Electioneering During 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

## **WEB PAGE:**

Please visit our web site at [www.votescount.com](http://www.votescount.com) for information on the November General 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](http://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 County Clerk/Elections Department.

## **SEMI-OFFICIAL RESULTS:**

Once the last ballot is counted, a Semi-Official Election Summary Report will be available from the 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 Election Night will be posted on our website Wednesday, November 3.

## **FINAL RESULTS:**

The official canvass of ballots will begin no later than Thursday, November 4. 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 2, 2010 primary election may begin no later than Thursday, November 4, 2010 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 a week to 5 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.***

### 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](http://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 88<sup>th</sup> 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.