

2012  
JUNE 5

# Candidate Guide

PRESIDENTIAL PRIMARY ELECTION



**Mark Church**  
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Assessor-County Clerk-Recorder

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December 2011

Dear Candidate:

I congratulate you on your decision to run for office and your willingness to serve the people of San Mateo County. The quality of life in our county depends on those that step forward to offer themselves in public service.

As a candidate for office, you are now responsible for legally setting up your campaign, filing for office and submitting all of the necessary forms. It can be confusing even for the most seasoned of candidates.

We have developed this Candidate Guide along with Candidate Seminars and a Voter Data Seminar to help you understand your responsibilities, reporting requirements and deadlines, as well as how to obtain and use voter data for your campaign. I highly recommend that you attend these seminars. Even if you've run for office before and are familiar with the process, laws, forms and reporting requirements change. If you are unable to attend a seminar, I encourage you to read the Candidate Guide carefully.

The Candidate Seminars will be held on February 8 at 2 p.m. and February 16 at 10 a.m. and a Data Seminar will be held on February 24 at 2 p.m. All seminars will be conducted at the Elections Office at 40 Tower Road in San Mateo. You are welcome to bring your key volunteer(s) or campaign staff member(s) to this seminar. Just let us know who will be coming.

In addition to the seminars, our website, [www.shapethefuture.org](http://www.shapethefuture.org), has an abundance of useful information for candidates and campaigns, including an election calendar, information on how to request voter file data, an electronic copy of the Candidates' Guide for this election, the specific requirements and steps for including voter registration and/or Vote by Mail information in your campaign materials, polling place lookups, voting options for voters, and much more.

I also want to encourage you to participate in Smart Voter, a nonpartisan, comprehensive voter education resource provided by the League of Women Voters ([www.smartvoter.org](http://www.smartvoter.org)).

Lastly, it is a privilege and honor to serve you in my capacity as your Chief Elections Officer. My office is ready to answer your questions and provide assistance. I encourage you to direct your questions regarding candidate filings to our Candidate Filing Officer, Meaghan Hassel Shearer at (650) 312-5293 or email her at [mhasselshearer@smcare.org](mailto:mhasselshearer@smcare.org).

Sincerely,

A handwritten signature in black ink that reads "Mark Church".

Mark Church

**The 2012 Candidate Guide is intended to provide general information about the nomination and election of candidates, and does not have the force and effect of law, regulation or rule. It is distributed with the understanding that the Registration-Elections Division is not rendering legal advice and, therefore, the guide is not to be a substitute for legal counsel for the individual, organization or candidate using it. In case of conflict, the law, regulation or rule will apply.**

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# Elections Calendar – June 5, 2012

## Statutory References

- EC: California Elections Code
- ED: California Education Code
- GC: California Government Code

All California Codes cited below may be referenced online - [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)

Days Prior to Election	Date	Election Calendar for June 5, 2012 Presidential and Statewide Primary Election
158	December 30, 2011	By this date the Secretary of State shall issue notice designating the offices, except those of county officers and judges, for which candidates are to be nominated in the direct primary election. EC §12103
158 118	December 30, 2011 February 8, 2012	Between these dates, Signatures In-lieu of Filing Fee Petitions are available to County Judicial candidates. EC §§8061, 8104, 8106
158 103 February	December 30, 2011 February 23, 2012	Between these dates, Signatures In-lieu of Filing Fee Petitions are available for all voter-nominated state and non-partisan countywide offices (excluding central committees). EC §§8061, 8103, 8104, 8106, 8023
154	January 3, 2012	Last day that any person may register to vote and declare intention to affiliate with a particular party in order to qualify that political party to participate in the Presidential Primary Election candidate nominating process. EC §§2187(d)(1), 5100(b)
150 68	January 7, 2012 March 29, 2012	Between these dates, the Secretary of State will announce and distribute the list of the Democratic Party selected candidates that she intends to place on the Presidential Primary Election ballot. EC §§6041-6043
148	January 9, 2012	By this date the Governor shall issue a proclamation calling the election and shall state the time of the election and offices to be filled. EC § 12000
134	January 23, 2012	The county will prepare and send a Report of Registration to the Secretary of State, reflecting total number of voters as of January 3, 2012. (Note: Deadline falls on a Sunday, so it was moved to the next business day per EC §15, GC §6700.) EC §2187
134	January 23, 2012	Last day for a political party to notify the Secretary of State that it has adopted a rule that allows a person who has no party preference to vote on the ballot of that political party for party-nominated offices in the Primary Election. (Note: Deadline falls on a Sunday, so it has been moved to the next business day per EC §15, GC §6700) EC §13102(b)

131	January 26, 2012	Last day for an initiative measure, statewide constitutional amendment, bond measure or other legislative measure to qualify for the Primary Election Ballot. EC §9040; Cal. Const. Art. II §8(c)
130	January 27, 2012	(School or Special District Vacancy) Last day for the governing body of a local jurisdiction to call for an election to fill a vacancy to be on the Presidential Primary Ballot. GC §1780; ED §5091
127  112 February	January 30, 2012  14, 2012	Between these dates, the City Elections Official shall publish a notice of election including time of election and City office(s) to be filled. If a City measure is placed on the ballot before February 14, 2012, the notice of election shall be consolidated to include candidate(s) and measure(s). (Note: This deadline would normally fall on February 12, 2012. February 12th is a Sunday, meaning the deadline would normally move to February 13. However, because February 12, which is usually a holiday, falls on a Sunday, February 13, 2012, is deemed a holiday, and since the deadline then falls on a holiday, it has been moved again to the next business day per EC §15, GC §§6700, 6701). EC §§12101, 12111
127  118	January 30, 2012  February 8, 2012	Between these dates, Declaration of Intention shall be filed by Judicial candidates. If the incumbent of a judicial office fails to file a declaration of intention by the end of this period, persons other than the incumbent may file declarations of intention no later than February 14, 2012. Filing fee must be paid at the time of filing. EC §§8023, 8103, 8105
126	January 31, 2012	Except as provided in EC §84200, elected officers, candidates, and EC §82013(a) committees shall file semiannual statements no later than January 31st for the period ending December 31st. EC §84200
123	February 3, 2012	(School District Vacancy) Last day for the school governing board to deliver a resolution to the County Superintendent and Elections Officer calling for an election of governing board members. ED §5322
120	February 6, 2012	On or before this date the Secretary of State shall announce and distribute a list of the Republican Party, American Independent Party, and Peace and Freedom Party candidates, she intends to place on the ballot for the Presidential Primary Election. EC §§6340-6342, 6520-6522, 6720-6724
120	February 6, 2012	(School District or Community College District Vacancy) Last day for the County Superintendent to deliver an official order and formal notice of election of governing board members to the Elections Official. ED §5325(b)
120  90	February 6, 2012  March 7, 2012	Between these dates, the County shall publish the Notice of Election (date of election, identification of offices to be filled, where nomination papers are available, and deadline for filing required forms, statement regarding appointment, and related information). EC §§12109, 12112; GC §6061; ED §5363
118	February 8, 2012	First Candidate Seminar to be held at 2:00 p.m. at the Elections Office, 40 Tower Road, San Mateo.

113	February 13, 2012	88	March 9, 2012	Between these dates is the candidate filing period. Nomination papers and declarations of candidacy are available during this time. A non-refundable filing fee (if applicable) and optional candidate statement are due at the time of filing. The candidate statement may not change during this period. Candidates may withdraw their statements until 5:00 p.m. of the working day after the nomination period closes. Paperwork must be in by the close of business on March 9, 2012. EC §§8020, 8028, 8040-8041, 8061, 8100, 8105-8106, 10220, 10407, 10510, 10603, 13107, 13307
112	February 14, 2012			(City Vacancy) Last day in relation to the Presidential Primary Election for the remaining Council members to call a special election to fill a vacancy in an elective office. The City shall immediately publish the Notice of Election. (Note: Deadline falls on a holiday so it was moved to the next business day per EC §15, GC §6700.) EC §§ 12101-02; GC §36512
110	February 16, 2012			Second Candidate Seminar to be held at 10:00 a.m. at the Elections Office, 40 Tower Road, San Mateo.
103	February 23, 2012			Last day to file in-lieu-filing-fee petitions with the Elections Officer. EC §8106(b)(3)
102	February 24, 2012			Data Seminar to be held at 2:00 p.m. at the Elections Office, 40 Tower Road, San Mateo.
88	March 9, 2012			(School District Measure) Last day for the school governing board to deliver to the Elections Officer a resolution calling for an election on a measure. ED §§5322, 5325; EC §9400-9401
88	March 9, 2012			For bond issues proposed by a county, city and county, city, district, or other political subdivision, or by any agency, department, or board thereof, the Tax Rate Statement must be filed by this date. EC §§9400-9401
88	March 9, 2012			Last day for a local entity to request election services and consolidation from the San Mateo County Board of Supervisors by filing with the Board of Supervisors and submitting a copy to the Elections Officer a resolution of its governing board requesting the consolidation. EC §§1405, 10002, 10403, 12001
88	March 9, 2012			Last day to submit nomination documents and declaration of candidacy to the Elections Official - due by 5:00 p.m. EC §§8020(b), 10510(a)
88	March 9, 2012			Last day for a candidate who has qualified for the ballot to withdraw their candidacy (until 5:00 p.m.). EC §§10510(a), 10603
88	March 9, 2012	78	March 19, 2012	Public Review Period (10-Calendar day) begins March 9 at 5:00pm and ends March 19 at 5:00 p.m. for all documents filed as of the filing deadline of March 9. Between these dates any registered voter or the Elections Officer may seek a writ of mandate or injunction requiring any or all of the materials to be amended or deleted if found to be misleading or inaccurate. Documents subject to this review include resolutions, ordinances, declarations and candidate statements. EC §§9190, 9295, 9380, 9509, 13313

85	March 12, 2012	County to publish a notice regarding County, School District & Special District measures, the dates for submitting primary arguments and rebuttals, the 10 day public examination period, and the central ballot counting location. EC §§9502, 10242, 12109, 12112; GC §6061; ED §5363
83	March 14, 2012	Candidate Filing Period closes at the close of business for extended offices. Extended filing periods occur when a non-term limited incumbent does not file for re-election, and the extension only applies to non-incumbent candidates for such an office. EC §§8022(b), 8024, 10407
83	March 14, 2012	Last day for an order of election calling for a ballot measure to be amended or withdrawn. A resolution of the legislative body that issued the order of election must be filed with the Elections Official by today in order to amend or withdrawal a ballot measure. EC §9605
82	March 15, 2012	Random Alpha Drawing is conducted to determine the order in which candidate names will appear on the ballot and letters that will be assigned to each ballot measure. EC §§13112, 13116
81	March 16, 2012	Primary Arguments in favor of and against local measures are due by 5:00 p.m. EC §§9162-9163, 9282-9283, 9286, 9315-9316, 9501-03
81 71	March 16, 2012 March 26, 2012	Public Review Period (10-Calendar day) begins March 16 at 5:00p.m. and ends March 26 at 5:00 p.m. for Primary Arguments filed in favor of and against measures. Between these dates any registered voter or the Elections Officer may seek a writ of mandate or injunction requiring any or all of the materials to be amended or deleted if found to be misleading or inaccurate. EC §§9190, 9295, 9380, 9509
78	March 19, 2012	Last day to file a petition indicating that a write-in campaign will be conducted against an unopposed Superior Court Judicial Candidate who has filed nomination papers. The petition must be signed by at least 0.1 percent of the registered voters qualified to vote with respect to the office, provided that the petition shall contain at least 100 signatures but need not contain more than 600 signatures. (Note: This rule just changed per AB 326, effective 1/1/12 per GC §9600) EC §§8203, 8600-8604
75	March 22, 2012	First Pre-election campaign statements (for the period ending March 17, 2012), if applicable, are due. All candidates for elective state office and their controlled committees, committees primarily formed to support or oppose an elected state officer or a state candidate, state or county general purpose committees, a city general purpose committee, and any other entity that must submit periodic reports should consult the Government Code to determine whether a statement is due. GC §§84200.5, 84200.7
71	March 27, 2012	Public Review Period (10-Calendar day) begins March 26 at 5:00p.m. and ends April 5 at 5:00 p.m. for Rebuttal Arguments filed in favor and/or against measures. Between these dates any registered voter or the

61	April 5, 2012	elections official may seek a writ of mandate or injunction requiring any or all of the materials to be amended or deleted if found to be misleading or inaccurate. EC§ 9190, 9295, 9380, 9509
71	March 26, 2012	Rebuttal Arguments are due for measures where a primary argument was filed both in favor and against. Impartial analysis for city measures are also due. EC §§9163, 9167, 9285-86, 9316-17, 9501- 9504
68	March 29, 2012	By this date, the Secretary of State will provide to each county a certified list of Federal and State candidates, including a ballot rotation list. EC §8120-8125
61	April 5, 2012	For consolidated City elections, last day to supply the County elections official with a list of its precincts, or consolidated precincts, as applicable. EC §10002
57 14	April 9, 2012 May 22, 2012	During this time write-in candidates must file a statement of write-in candidacy and other required documentation with the Elections Office. EC §§8600, 8601
50	April 16, 2012	By this date, each County must send to the Secretary of State the report of registration, reflecting the total number of voters as of April 6, 2012. EC §2187
40 21	April 26, 2012 May 15, 2012	Between these dates, the County Sample Ballot and Official Voter Information Pamphlet and the State Voter Information Guide will be mailed to each voter who is registered at least 29 days prior to the election. EC §§9094, 13303-13304, 13306
29 7	May 7, 2012 May 29, 2012	Between these dates, any registered voter may request a Vote by Mail Ballot. EC §3001
16 1	May 20, 2012 June 4, 2012	Contributions received during this period, if \$1,000 or more from one source, must be reported within 24 hours. GC §84203
15	May 21, 2012	Voter Registration closes on this date for the June Presidential Primary Election. Voters must register by this date to be eligible to vote in this election. Postmarked voter registration forms with this date are accepted. EC §§2102, 2107
14 7	May 22, 2012 May 29, 2012	New California residents who established California residency on or after May 22, 2012, can register to vote during this time to receive a "New Resident's" ballot containing options to vote only for the office of President and Vice President, at the Elections Office. EC §§332, 3400
14 0	May 22, 2012 June 5, 2012	Between these dates, persons who become new United States citizens on or after May 22, 2012, are eligible to register and vote at the Elections Office. A new citizen registering during this time must provide proof of citizenship and declare that he or she has established residency in California. EC §§331, 3500, 3501

12	May 24, 2012	Second Pre-election campaign committee statement (for the period ending May 19, 2012) is due. All candidates for elective state office and their controlled committees, committees primarily formed to support or oppose an elected state officer or a state candidate, state or county general purpose committees, a city general purpose committee, and any other entity that must submit periodic reports should consult the Government Code to determine whether a statement is due. GC §84200.7
10	May 26, 2012	Last Day for County to mail Sample Ballot and Official Voter Information Pamphlets to voters registered less than 29 days before the election. EC §13303
7	May 29, 2012	By this date, each County must send to the Secretary of State the report of registration, reflecting the total number of voters as of May 24, 2012. EC §2187
7	May 29, 2012	By this date, the County shall publish a notice listing the polling places for this election and precinct board members appointed for this election by May 21, 2012. EC §§12105, 12105.5, 12106
0	June 5, 2012	<b>Election Day. Polls open at 7 a.m. and close at 8 p.m.</b> Semifinal official canvass commences upon the closing of all polls at 8:00 p.m. At 8:05 p.m. San Mateo County issues first report of election results and continues to issue updates until all precincts have reported. EC §§1000, 1001, 14212, 15150, 15151
28	July 3, 2012	Last day for County to certify election results to the jurisdictions participating in the election. EC §15372
28	July 3, 2012	Last day for County elections official to post an updated list of the precinct board members who actually served on election day. EC §12105.5

# Candidate Filing Procedures Checklist

*Please note:* This can be used as a helpful checklist, but may not be fully inclusive of every requirement for every office.

	Date Issued	Date Filed
<b>1. <u>Personal information provided to Elections Office</u></b>		
a. Residence Address ( <i>verify within district</i> )	N/A	
b. Phone and email address	N/A	
c. Permission to post on Internet		
<b>2. <u>Signatures In-Lieu/Filing Fee (12/30/11 - 2/8/12 or 12/30/11 - 2/23/12)</u></b>		
a. Pay fee (bank check), adjusted by value of validated signatures; verify correct payee (county or state)		
b. Receipt for signatures and/or fee paid		
c. Use as nomination signatures – Written directive	N/A	
<b>3. <u>Declaration of Intention (Judicial Offices) (1/30/12-2/8/12)</u></b>		
a. <b>Must file by February 8, 2012</b>		
b. Filing fee will be collected (see #2 above)		
<b>4. <u>Nomination Papers/Declaration of Candidacy (2/13/12 -3/9/12)</u></b>		
a. Required number of Nomination Signatures (If partisan office, check for party affiliation) (Can substitute Signatures In-Lieu in place of Nomination Signatures)		
b. Declaration of Candidacy (check signer's party affiliation) Name on Ballot (no titles or degrees) Ballot Designation (If <u>no</u> ballot designation, sign box) Oath of Office taken		
c. Documentation establishing qualifications are met		
d. Form 700 - all candidates - except Central Committees		
<b>5. <u>Candidates' Statement (file with Nomination Papers/Declaration)</u></b>		
a. 200 words (local office); 250 words (Legislative offices)		
b. Proper format		
c. Attached to candidate's statement form		
d. Check payable to "San Mateo County Elections"		
<b>6. <u>Campaign Statements</u></b>		
a. Form 410 indicating committee fund-raising (Manual 1 booklet/Addendum, Forms 501 & 410)		
b. Form 470 indicating activity anticipated to remain under \$1,000 (give Forms 501 & 470)		
c. Fair Campaign Practices (optional)		
d. Form 501		

# Offices to be elected at the June 5, 2012 Presidential Primary Election

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Every ten years, the United States Census Bureau conducts a nationwide population count. The census results provide the basis for the decennial redistricting process by federal and state governments, whereby electoral district boundaries are redrawn to include equal populations and other factors. After the 2010 Census, new districts were formed, which reshaped the districts that elected officials previously represented. Please note the new districts listed below the names of the incumbents.

**President/Vice President**  
Barack Obama/Joe Biden (D)

**U.S. Senator in Congress**  
Dianne Feinstein (D)

## **U.S. Representative in Congress**

<u>Currently 12th District</u>	Currently	<u>14th District</u>
Jackie Speier (D)		Anna G. Eshoo (D)

Due to redistricting the offices to be elected are in 14<sup>th</sup> and 18<sup>th</sup> districts respectively.

## **State Assembly**

<u>Currently 12th District</u>	<u>Currently 19th District</u>	<u>Currently 21st District</u>
Fiona Ma (D)	Jerry Hill (D)	Rich Gordon (D)

Due to redistricting the offices to be elected are in 19<sup>th</sup>, 22<sup>nd</sup> and 24<sup>th</sup> districts respectively.

## **State Senate**

<u>Currently 8th District</u>	Currently	<u>11th District</u>
Leland Yee (D)		S. Joseph "Joe" Simitian (D)

Due to redistricting, the offices to be elected are in the 11<sup>th</sup> and 13<sup>th</sup> districts respectively.

## **County Central Committees**

American Independent, Democratic, Green,  
Libertarian, Peace & Freedom, and Republican

## Superior Court Judges

Donald J. Ayoob (Office #1)  
Gerald J. Buchwald (Office #2)  
Clifford V. Cretan (Office #3)  
Leland Davis (Office #4)  
Susan I. Etezadi (Office #5)  
Robert D. Foiles (Office #6)

John L. Grandsaert (Office #7)  
Stephen M. Hall (Office #8)  
Elizabeth K. Lee (Office #9)  
Lisa A. Novak (Office #10)  
V. Raymond Swope (Office #11)

## Board of Supervisors

1st Supervisorial District  
David Pine

4th Supervisorial District  
Rose Jacobs Gibson

5th Supervisorial District  
Adrienne Tissier

**\*Please note that this list is subject to change after publication of this guide.**

# Candidate Qualifications

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# Qualifications by Office

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## **Generally (All Offices):**

“Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person’s appointment.” EC §201

## **Specific to the Office:**

### **United States Senator in Congress**

At least 30 years of age, citizen of the United States for at least nine years, and a resident of California when elected; registered voter at the time nomination papers are issued. There are no district residency requirements for Members of Congress. U.S. Const. Art. I §3 and EC §201  
Term: 6 years, commencing January 3, 2013 (12:00 noon)

### **United States Representative in Congress, Districts 14 and 18**

At least 25 years of age, citizen of the United States for at least 7 years, and a resident of California when elected; registered voter at the time nomination papers are issued. There are no district residency requirements for Members of Congress. U.S. Const. Art. I §2 and EC §201  
Term: 2 years, commencing January 3, 2013 (12:00 noon)

### **State Senator, District 13**

Citizen of the United States, registered voter in the district at the time nomination papers are issued. The California Constitution requires one-year residency in the legislative district and California residency for three years. The candidate cannot have served two terms in the State Senate since November 6, 1990. Cal. Const. Art. IV, §2(c) and EC §201  
Term: 4 years, commencing December 1, 2012

### **Member of the State Assembly, Districts 19, 22, and 24**

Citizen of the United States, registered voter in the district at the time nomination papers are issued. The California Constitution requires one-year residency in the legislative district and California residency for three years. The candidate may not have served three terms in the State Assembly since November 6, 1990. Cal. Const. Art. IV, §2(c) and EC §201  
Term: 2 years, commencing December 1, 2012

### **Superior Court Judge**

Citizen of the United States, registered voter of California. A person is ineligible to be a judge of a court of record unless for 10 years immediately preceding selection, the person has been a member of the State Bar or served as a judge of a court of record in California. Cal. Const. Art. 6 §15  
Term: 6 years, commencing January 5, 2013

### **Member, Board of Supervisors**

A citizen of the United States. Registered voter of the district which he or she represents for at least 30 days immediately preceding the deadline for filing nomination documents and shall reside in the district during his or her incumbency. Supervisors shall not be eligible for election to nor serve more than three consecutive terms in office. San Mateo County Charter Article II, §202; GC §24001; EC §201  
Term: 4 years, commencing January 5, 2013

### **Member, County Central Committee**

Elections Code § 8001 states:

(a) No declaration of candidacy for a partisan office or for membership on a county central committee shall be filed, by a candidate unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he has been eligible to register to vote in the state, the candidate is shown by his affidavit of registration to be affiliated with the political party the nomination of which he seeks, and (2) the candidate has not been registered as affiliated with a qualified political party other than that political party the nomination of which he seeks within 12 months, or, in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, within three months immediately prior to the filing of the declaration.

(b) The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he seeks, and indicating that the candidate has not been affiliated with any other qualified political party for the period specified in subdivision (a) immediately preceding the filing of the declaration. This section shall not apply to declarations of candidacy filed by a candidate of a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to Section 5100.

Elections Code §338 states: “‘Party’ means a political party or organization that has qualified for participation in any primary election.”

The parties qualified to participate in the June 5, 2012 Presidential Primary and Direct Primary Election are: (1) American Independent; (2) Democratic; (3) Green; (4) Libertarian; (5) Peace & Freedom; and (6) Republican.

# Holding Two Offices

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The 1999 San Mateo County Grand Jury recommended that all candidates be made aware that individuals cannot hold incompatible offices. If a candidate is elected to an office that is incompatible with the first office, the first office becomes vacant upon the taking of the second office.

This doctrine precludes public officials from holding two different public offices simultaneously if the offices have overlapping and conflicting public duties. Courts have summarized the doctrine 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.” (*Mott v. Horstmann* (1950) 36 Cal.2d 388; see also, *Chapman v. Rapsey* (1940) 16 Cal.2d 636.)

California Government Code section 1099 provides detailed guidance on incompatible offices and specifies the defining characteristics. Section 1099 states, in part, as follows:

Offices are incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law:

- (1) Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body.
- (2) Based on the powers and jurisdictions of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.
- (3) Public policy considerations make it improper for one person to hold both offices.

A number of legal opinions issued by the Office of the California Attorney General offer additional guidance in determining whether or not certain offices are incompatible. Here are five examples of offices that the Attorney General’s Office has deemed to be incompatible: (1) the offices of city councilman and school district board member where the city and the school district have territory in common; (2) the positions of fire chief of a county fire protection district and member of the board of supervisors of the same county; (3) the offices of trustee of a high school district 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 and (5) a water district director and a school district trustee having territory in common.

# Top Two Candidates Open Primary System

## Proposition 14

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- Introduction and Overview of Top Two Candidates Open Primary System – pg 18
- Chart comparing Old and New Primary Systems – pg 20

# Top Two Candidates Open Primary System

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## **Introduction**

On June 8, 2010, California voters approved Proposition 14, creating a Top Two Candidates Open Primary System. This new method to determine finalists for the General Election will take effect in San Mateo County with the Presidential Primary Election of June 5, 2012. Under the rules of previous primary systems, a political party's primary election ballot for partisan offices could be voted only by voters who had registered their affiliation with that political party, or, under a more recent system, a political party could choose to allow voters who had registered no affiliation ("decline to state") to vote that party's primary election ballot. The Top Two Candidates Open Primary System further expands voter access to partisan primary ballots, by allowing any voter, regardless of the voter's registered political preference, to vote for the primary election candidates of any political party for any partisan office, except for the offices of U.S. President/Vice President and for members of political parties' County Central Committees.

## **Partisan Offices Redefined as "Party-Nominated" or "Voter-Nominated"**

Under the new primary system, offices that were formerly categorized as "partisan" have been redefined into two sub-categories: (1) "party-nominated" (i.e., only party-affiliated voters may vote the primary ballot for that office); and "voter-nominated" (i.e., any voter may vote the primary ballot for that office). Party-nominated offices include the U.S. President/Vice President and members of a party's County Central Committee. Voter-nominated offices include the U.S. Senate and U.S. House of Representatives, and California's state constitutional (executive) and legislative offices (Senate and Assembly). (See the chart on Page 20.)

In the Primary Election, all the candidates for all of the voter-nominated offices will be listed on a single ballot, and that ballot may be voted by any voter, regardless of the voter's registered party preference. Candidates for party-nominated offices will be listed only on partisan primary ballots, available only to voters who have registered that party preference.

The candidates who will advance to the ballot for the November, 2012 General Election will include: (1) for each party-nominated office, the winning candidate from each party; and (2) for each voter-nominated office, the two candidates who received the most votes for each office, regardless of the candidate's party affiliation.

## **Signatures In-lieu of Filing Fee**

A new requirement now applies to the signatures gathered in lieu of filing fees for certain voter-nominated offices (U.S. Senate and House of Representatives, and California Senate and Assembly). Now, when acquiring signatures in-lieu of filing fees, the signers must be registered voters in the district in which the candidate is to be voted on **but** the signers need not be affiliated with the same party as the candidate or have disclosed a preference for any party on their registration affidavits. *EC §8068*

## **Declaration of Candidacy**

A new requirement now applies to the Declaration of Candidacy for a voter-nominated office. Now, a candidate may choose whether or not to indicate on the Declaration the candidate's party preference, or lack of party preference, as disclosed upon the candidate's most recent statement of voter registration. If the candidate indicates this information on the Declaration, it shall appear with the candidate's name on both the Primary and General Election ballots and the candidate is prohibited from changing the designation between elections. *EC §§8002.5, 13105*

A candidate designating a party preference for a voter-nominated office shall not be deemed to be the official nominee of the party designated as preferred by the candidate. The party preference is shown for the information of the voters only. *EC §8002.5*

#### **Candidate's Party Preference History**

Under the Top Two Candidate Open Primary Act (Proposition 14), the Secretary of State is required to provide the political party preference history for the preceding 10 years for candidates for voter-nominated offices. A candidate is responsible for providing his/her party preference history on his/her Declaration of Candidacy. *EC §8121(b)*

#### **Certified List of Candidates and Rotation List**

By March 29, 2012, the Secretary of State will have prepared and sent to the Elections Office a certified list of candidates arranged according to the randomized alphabet drawn on March 15, 2012. This list will show the name of every person eligible to receive votes within the county at the Statewide Direct Primary Election, their addresses, their ballot designations, the offices for which each person is a candidate, and, if the office is partisan, the party each person represents. With respect to candidates for voter-nominated offices, the party preference designation indicated on his/her Declaration of Candidacy shall be listed. *EC §§8120, 8122, 8123, 8124, 8125, 8149*

#### **Write-in Candidates**

A person seeking a voter-nominated office may become a write-in candidate **only** for the Primary Election. In the General Election, no write-in candidates are permitted for voter-nominated offices, and no such write-in votes shall be counted. *EC §8601*

# Chart Comparing the Old Primary System with the New Top Two Candidates Open Primary System

	<b>Old Party Primary System</b>	<b>New Top-Two Open Primary System</b>
In general, who can I vote for?	(1) Any candidate for a non-partisan office; and (2) any candidate on the party ballot for partisan offices, if I have registered my affiliation with that party or, if I have declined to register an affiliation, the party has allowed me to vote its party ballot.	(1) Any candidate for a non-partisan office or any voter-nominated office; and (2) any party-nominated candidates for the offices of U.S. President/Vice President or County Central Committee, if I have registered my preference for that party.
Which offices are voted on by voters of the same party only?	<p><b>Partisan Offices</b></p> <p><u>Federal:</u></p> <ul style="list-style-type: none"> <li>• President/Vice President</li> <li>• House of Representatives; Senate</li> </ul> <p><u>State:</u></p> <ul style="list-style-type: none"> <li>• Assembly; Senate</li> <li>• Governor; Lieutenant Governor; Attorney General; Board of Equalization; Controller; Secretary of State; Treasurer</li> </ul> <p><u>County:</u></p> <ul style="list-style-type: none"> <li>• County Party Central Committee</li> </ul>	<p><b>Party-Nominated Offices</b></p> <ul style="list-style-type: none"> <li>• President/Vice President</li> <li>• County Party Central Committee</li> </ul>
Which offices are voted on by all voters, regardless of party?	<p><b>Non-Partisan Offices</b></p> <p><u>Judicial:</u> Superior Court, California Court of Appeal, California Supreme Court</p> <p><u>Schools:</u> School Districts; Community College District; County Superintendent of Schools; Board of Education; State Superintendent of Public Instruction</p> <p><u>County:</u> Board of Supervisors; Assessor-County Clerk-Recorder; Controller; Coroner; District Attorney; Sheriff; Treasurer-Tax Collector.</p> <p><u>Municipal:</u> Council; Clerk; Treasurer</p> <p><u>Special Districts:</u> Advisory Councils; Fire Protection; Sanitary; Water</p>	<p><b>Voter-Nominated Offices</b></p> <ul style="list-style-type: none"> <li>• U.S. Senator</li> <li>• U.S. House of Representatives</li> <li>• State Senator</li> <li>• State Assemblymember</li> <li>• Governor</li> <li>• Lieutenant Governor</li> <li>• Attorney General</li> <li>• Secretary of State</li> <li>• State Controller</li> <li>• State Treasurer</li> <li>• Member of the Board of Equalization</li> </ul> <p><b>Non-Partisan Offices</b> Judicial, School, Countywide, Municipal</p>

# Nomination Documents & Filing Procedures

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- Guidelines for Gathering Signatures – pg 24
- Declaration of Intention (Judges Only) – pg 27
- Declaration of Candidacy – pg 28
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# Filing Fees and Signatures-In-Lieu of Fees

## **Non-refundable Filing Fees**

For every office, a statutory filing fee applies to the documents required to establish candidacy. However, the dollar value of the fee can be offset by filing a petition containing the valid signatures of eligible voters, and each signature has a dollar value (see tables below). This option is called "signatures in-lieu of filing fee." Filing fees are specified in the Elections Code, generally derived as a percentage of the salary paid in the office. For all candidates required to file declarations of intention to become a candidate (EC 8023), filing fees shall be paid at the time such declarations are filed with the county elections official. The county elections official shall not accept any papers unless the fees are paid at the time required, or unless satisfactory evidence is given that the fee has been paid at the time of the declaration of candidacy in another county. The county elections official shall transmit the appropriate filing fees and the declarations of candidacy to the Secretary of State. All filing fees are nonrefundable. *EC § 8105*

## **Signatures-In-Lieu of Filing Fees**

The dates for the signature period depend on the type of office, as follows:  
 Judicial Offices (12/30/11-2/8/12)  
 All Other Offices (12/30/11-2/12/12)

## **Petition with Signatures In-Lieu of Filing Fee**

When a candidate submits a petition with signatures in-lieu of filing fee, the county elections official shall examine and validate each signature. All validated signatures on a signatures in-lieu petition can be credited toward the number of voter signatures required on a petition supporting the candidate's nomination paper, regardless of each signer's party preference. *EC §8068*. (See more details at page 25.)

## **Voter-Nominated Offices**

<u>Office</u>	<u>Salary</u>	<u>Filing fee</u>	<u>Signatures</u>	<u>Value</u>	<u>Sponsors</u>
U.S. Senator	\$174,000.00	\$3,480.00 (2%)	10,000	\$0.348	65-100
U.S. Representative	\$174,000.00	\$1,740.00 (1%)	3,000	\$0.58	40-60
State Senator	\$95,291.00	\$952.91 (1%)	3,000	\$0.317637	40-60
State Assembly	\$95,291.00	\$952.91 (1%)	1,500	\$0.63527	10-60
County Central Committee					20-40

\* No filing fee for County Central Committee – therefore no signatures in lieu required.

**Non-Partisan Offices**

<u>Office</u>	<u>Salary</u>	<u>Filing Fee</u>	<u>In-Lieu Signatures</u>	<u>Value per Signatures</u>	<u>Sponsors</u>
Superior Court Judge	\$178,789.00	\$1,787.89 (1%)	7,152	\$0.25	20 - 40
Board of Supervisors	\$117,145.60	\$1,171.46 (1%)	4,684	\$0.25	20 -40

Pursuant to Elections Code Section 8106(a), a candidate may submit a petition containing signatures of registered voters in-lieu of paying a filing fee to run for office. “Any registered voter may sign an in-lieu-of-filing-fee petition for any candidate for whom he or she is eligible to vote.” *EC § 8061(b)(1)*. “If a voter signs more candidates’ petitions than there are offices to be filled, the voter’s signatures shall be valid only on those petitions which, taken in the order they were filed, do not exceed the number of offices to be filled.” *EC §8106(b)(2)*.

**Important** – Please note that, under Proposition 14’s new open primary system rules, an eligible registered voter for a voter-nominated office may sign such a petition even if the signer has not registered a preference for the same political party as the candidate or for any other political party. *EC 8068*.

*For complete information on Signatures-In-Lieu of Filing Fees look at Elections Code Section 8106.*

# Guidelines for Gathering Signatures

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With a prudent regard for strict deadlines and eligibility requirements for signers, we strongly encourage candidates to proceed without delay in gathering signatures and submitting them with the required nomination papers to the San Mateo County Elections Office, where they will be examined in advance of being approved for filing or for certification to the Secretary of State, as appropriate. By filing in advance of the deadline, you will allow yourself time to gather additional signatures in the event that our examination leads to the disqualification of any of the signers in your initial submission.

## **Who can circulate a petition?**

Anyone who is circulating a Signatures In-lieu Petition or Nomination Paper must be a registered voter of the jurisdiction in which the candidate is seeking nomination. A circulator may serve only in the jurisdiction and county in which he/she resides. A candidate for any office may serve as a circulator of the candidate's own nomination petition or signatures in-lieu petition, and may do so throughout the jurisdiction regardless of county of residence. Candidates may also sign their own petitions, and the signature will be given the same effect as that of any other qualified signer. *EC §§106, 8065, 8066*

## **Petition must include declaration of circulator**

All circulators must complete, in his/her own hand the following:

- The printed name of the circulator,
- The residential address of the circulator (street and number, but if no street or number exists – adequate designation of residence so that the location may be readily ascertained), and
- The dates between which all the signatures to the petition or paper were obtained.

Each declaration submitted pursuant to this section must also:

- State that the circulator circulated that section of the petition or paper being submitted to the elections official and witnessed the appended signatures being written
- State that to the circulator's best knowledge and belief, each signature is the genuine signature of the person whose name it purports to be
- Certify that the content of the declaration is true and correct, under penalty of perjury under the laws of the State of California, and
- Include the circulator's signature and full name (including given name, middle name or initial, or initial and middle name), the date, and place of execution of the declaration immediately before the signature. *EC §104*

## **Who is a qualified signer to a petition?**

Only a person who is a registered qualified voter at the time he/she signs the nomination petition or signatures in-lieu petition is entitled to sign it. *Each voter shall* at the time of signing the petition or paper *personally affix* his or her signature, printed name and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. All signers of the same section of a petition must be registered in one county. Different sections must be used in each county where the petitions are circulated and filed with the County Clerk in the affected county. *EC §100*

## **ADDITIONALLY**

**Signatures In-lieu Petition** - Any registered voter may sign an In-lieu petition for any candidate for whom he or she is eligible to vote.

**Applying Signatures In-lieu towards Nomination Signature Requirement** - If a candidate submits a petition of signatures in-lieu of filing fee, the county elections official shall count all valid signatures appearing on the petition toward the number of sponsor signatures required for the candidate's nomination paper. All signatures on an in-lieu petition can be counted toward the number of voters required to sign a candidate's nomination paper regardless of party preference. EC §8068. If the petition in-lieu of filing fee contains the requisite number of valid signatures required for the nomination paper, the candidate is not required to circulate and file a nomination paper, but may request the county elections official to accept the petition in-lieu of fee. If the petition of signatures in-lieu of filing fees does not contain the requisite number of valid signatures required for the nomination paper, the candidate shall be entitled to file, within the time period allowed for filing nomination papers, a nomination paper in order to obtain the requisite number of valid signatures required to be submitted to the elections official on a nomination paper. The nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter.

**Circulating Within 100 Feet of Polling Place** - Signatures for any petition shall not be obtained within 100 feet of any election booth or polling place. EC §18370

**Voters May Sign Only One Paper Per Open Position** - No signer shall, at the time of signing the petition, have his or her name signed to any other nomination paper for any other candidate for the same office. However, if there is more than one position to be filled in the same office, a signer may sign no more nomination papers for candidates than the amount of positions to be filled. EC §8069

**Registering Voters at time of Signing Petition** - Candidates may register voters at the same time as the voter signs the candidate's petition. For purposes of verifying signatures on a petition, a properly executed affidavit of registration shall be deemed effective for verification purposes if both (a) the affidavit is signed on the same date or a date prior the signing of the petition, and (b) the affidavit is received by the elections official on or before the date on which the petition is filed. EC §2102(b).

**Validation of Signatures** - The following guidelines will be used when validating signatures on nomination petitions or signature-in-lieu of filing fee petitions. A signature can be challenged for any of the follow reasons. If the signer:

- is not registered to vote;
- provides a signature on the petition that does not compare to the signature on the voter's affidavit of registration;
- does not reside in the appropriate district;
- uses a P.O. Box number for residence;
- residential address is omitted;

- uses a mail drop number for residence address;
- provides an address that is different from the voter's residential address on the affidavit of registration on the voter's record;
- prints his or her name for the signature, unless registered as such;
- lists and signs her name using spouse's name, such as "Mrs. John Jones";
- uses ditto marks for an address previously listed.

# Declaration of Intention – Judges Only

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**(January 30, 2012 – February 8, 2012)**

Candidates for a judicial office are required to file a declaration of intention to become a candidate prior to filing their nomination documents. The candidate must both obtain and file their declaration of intention with the county elections official of the county in which the candidate's nomination papers are required to be filed. No candidate for a judicial office shall be required to state his or her residential address on the declaration of intention provided for in this section. However, in cases where the candidate does not state his or her residential address on the declaration of intention, the elections official shall verify that the address is within the appropriate political subdivision and add the notation "verified" to the residential address line of the form. *EC §8023*

The declaration of intention must be filed during the period January 30, 2012 through February 8, 2012. The nonrefundable filing fee for the office must also be paid at the time the declaration of intention is filed. If a payment is by signature-in-lieu, however, the candidate **MUST** file the required number of in-lieu signatures by February 8, 2012. *EC §8023, 8104 and 8105.*

## **Extension Period (March 10, 2012 – March 14, 2012)**

If the incumbent of the office, who is affiliated with any qualified political party files a declaration of intention, but for any reason fails to qualify for nomination for the office by the last day prescribed for filing of nomination papers, an additional five days shall be allowed for the filing of nomination papers for the office, and any person, other than the incumbent if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he or she has not filed a written and signed declaration of intention to become a candidate for the office as provided.

*EC § 8022(b).*

# Declaration of Candidacy

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(February 13, 2012 – March 9, 2012)

Elections Code §13 states:

(a) No person shall be considered a legally qualified candidate for any office, for party nomination for a partisan office, or for nomination to participate in the general election for any voter-nominated office, under the laws of this state unless that person has filed a declaration of candidacy or statement of write-in candidacy with the proper official for the particular election or primary, or is entitled to have his or her name placed on a general election ballot by reason of having been nominated at a primary election, or having been selected to fill a vacancy on the general election ballot as provided in *[Elections Code §8806]* or having been selected as an independent candidate pursuant to *[EC §8304]*.

(b) Nothing in this section shall be construed as preventing or prohibiting any qualified voter of this state from casting a ballot for any person by writing the name of that person on the ballot, or from having that ballot counted or tabulated, nor shall any provision of this section be construed as preventing or prohibiting any person from standing or campaigning for any elective office by means of a "write-in" campaign. However, nothing in this section shall be construed as an exception to the requirements of *[Elections Code §15341]*.

(c) It is the intent of the Legislature, in enacting this section, to enable the Federal Communications Commission to determine who is a "legally qualified candidate" in this state for the purposes of administering Section 315 of Title 47 of the United States Code.

No candidate's name shall be printed on the ballot unless a declaration of candidacy and nomination papers are delivered for filing with the county elections official. The candidate is to execute the declaration of candidacy in the office of the county elections official unless the candidate has signed and dated a written statement designating a person to receive a declaration of candidacy form from the county elections official for the candidate or, upon request of a candidate, the county elections official shall provide the candidate with a declaration of candidacy and nomination papers. Such statement shall include language explaining that the candidate is aware that the declaration of candidacy must be properly executed and delivered to the county elections official of the county of the candidate's residence by 5 p.m., March 9, 2012.

*EC §§8020, 8028, 8040, 8041, and 8060*

Declaration of Candidacy forms for all district offices shall be obtained from and filed with the office of the county elections official. Candidates seeking elective City office are required to obtain and file all nomination documents with the City Clerk.

## **Candidate's Party Preference History**

Under the Top Two Candidates Open Primary Act, the Secretary of State is required to provide the political party preference history for the preceding 10 years for candidates for voter-nominated offices. A candidate is responsible for providing his/her party preference history on his/her Declaration of Candidacy. *EC §8121(b)*

For voter-nominated offices, a candidate may indicate upon his or her Declaration of Candidacy, his or her party preference, or lack of party preference, as disclosed upon the candidate's most recent registration affidavit. If a candidate indicates his/her party

preference on his/her Declaration of Candidacy, it shall be designated in conjunction with the candidate's name on ballots for the Primary Election and the General Election and the designation shall not be changed between elections. A candidate for voter-nominated office may also choose not to have the party preference, as disclosed upon his/her most recent affidavit of registration, indicated upon the ballot. *EC §§ 8002.5, 13105*

# Ballot Designation – All Candidates

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## **Candidate's Name on Ballot**

The candidate's name will appear on the ballot exactly as it was provided by the candidate on the Declaration of Candidacy or Declaration of Intent. The Declaration cannot be changed after the nomination process is complete.

No title or degree shall appear on the same line as the candidate's name, either before or after the candidate's name, for any elective office.

*EC §13106*

If the candidate's name has changed within one year prior to the election, the new name will not appear on the ballot unless the change was made by marriage or by court order.

*EC §13104*

## **Ballot Designation**

At the option of the candidate, an additional one to three words may be displayed below the candidate's name, to indicate the candidate's current principal profession, vocation, or occupation.

The additional parameters are specified in Elections Code sections 13107 and 13107.5:

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

- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.
- (2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.
- (3) No more than three words designating either, the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- (4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate

may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

(b) Neither the Secretary of State nor any other elections official shall accept a designation of which any of the following would be true:

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

(c) If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, the election 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.

- (1) 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).
- (2) 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.

(d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e). The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.

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

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

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

**A Ballot Designation Worksheet is required by Elections Code Section 13107.3:**

(a) A candidate who submits a ballot designation pursuant to subdivision (a) of Section 13107 shall file a ballot designation worksheet that supports the use of that ballot designation by the candidate, in a format prescribed by the Secretary of State.

(b) The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her declaration of candidacy.

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

**Use of the term "Community Volunteer" as a Ballot Designation**

Pursuant to Elections Code Section 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.

# Nomination Petitions

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## **Signers (Sponsors) of Nomination Papers**

No more signers shall be secured for any candidate than the maximum number required. If, however, through miscalculation or otherwise, more signers are secured than the maximum number, the officer with whom the nomination papers are filed shall, with the written consent of the candidate, withdraw the excess number. *EC §8067*

## **Guidelines for Gathering Signatures**

Candidates should obtain the required number of signatures as soon as possible in order for their nomination papers to be returned to the Filing Officer for examination and filing. It is prudent for the candidate to submit these signatures as early as possible in order to ensure if they need to obtain additional signatures that they have plenty of time.

## **Declaration of Circulator**

Anyone who is circulating a Nomination Petition must be a registered voter of the district or political subdivision in which the candidate is seeking nomination. A circulator may serve only in the jurisdiction and county in which he/she resides. A candidate for any office may obtain signatures to and sign his/her own Nomination Petition. His/her signature will be given the same effect as that of any other qualified signer. The elections official shall not accept for filing any nomination papers unless all blanks in the certificate are filled. *EC §§106, 8065, 8066*

All petition circulators must complete, in his/her own hand:

- The printed name of the circulator.
- The residential address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- The dates between which all the signatures to the petition or paper were obtained. Each declaration submitted pursuant to this section shall also set forth the following:
  - > That the circulator circulated that section and witnessed the appended signatures being written.
  - > That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.

The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature. *EC §104*

## **Qualified Signers**

Only a person who is a registered qualified voter at the time he/she signs the Nomination Petition is entitled to sign it. Each voter shall at the time of signing the petition or paper

personally affix his or her signature, printed name and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. *EC §100*

Signers of nomination petitions shall be voters in the district in which the candidate is to be voted on. *EC §§8068*

#### **Circulating Within 100 Feet of a Polling Place/Voting Center**

Signatures to a Nomination Paper or any other petition shall not be obtained within 100 feet of any election booth or polling place. *EC §18370*

#### **Voters May Sign Only One Paper; Exceptions**

No signer shall, at the time of signing the petition, have his or her name signed to any other Nomination Paper for any other candidate for the same office or, in case there are several places to be filled in the same office, signed to more Nomination Papers for candidates for that office than there are places to be filled. *EC §8069*

#### **Registering Voters at time of signing Petition**

Candidates may register voters at the same time as the voter signs the candidate's petition. For purposes of verifying signatures on a petition, a properly executed affidavit of registration shall be deemed effective for verification purposes if both (a) the affidavit is signed on the same date or a date prior to the signing of the petition, and (b) the affidavit is received by the county elections official on or before the date on which the petition is filed. *EC §2102(b)*

#### **Validation of Signatures**

The county elections official shall verify the signatures of the signers on the nomination paper with the registration affidavits on file in the office of the county elections official. The county elections official shall mark "not sufficient" any signature that does not appear in the same handwriting as appears on the affidavit of registration in his or her office. The county elections official may cease to verify signatures once the minimum requisite number of signatures has been verified. *EC §8081*

No defect in any nomination document presented shall prevent the filing of another nomination document within the period allowed for presenting the nomination document. *EC §8102*

The signer/sponsor must be a registered voter residing at his or her address of registration, at the time of signing any nomination petition.

The following guidelines will be used when validating signatures on nomination petitions or signature-in-lieu of filing fee petitions. A signature can be challenged if the signer:

- is not registered to vote;
- provides a signature on the petition that does not compare to the signature on the voter's affidavit of registration;
- does not reside in the appropriate district;
- uses a P.O. Box number for residence;

- omits his/her residence address;
- uses a mail drop number for residence address;
- provides an address that is different from the voter's residence address on the affidavit of registration on record;
- prints his or her name for the signature, unless registered as such;
- lists and signs *her* name using spouse's name, such as "Mrs. John Jones";
- uses ditto marks for an address previously listed

OFFICIAL FILING FORM

Mark Church  
COUNTY ELECTIONS OFFICIAL

By: \_\_\_\_\_  
Deputy

Date Issued: \_\_\_\_\_

RECEIVED IN COUNTY

Mark Church  
COUNTY ELECTIONS OFFICIAL

By: \_\_\_\_\_  
Deputy

Date Received: \_\_\_\_\_

(OFFICE USE ONLY)

# Declaration of Candidacy

*(Elections Code §§ 200, 8020, 8040, 10704)*

I hereby declare myself a Nonpartisan Office Candidate for nomination/election to the office of «**DistrictName**» «**OfficeTitle**» to be voted for at the «**ElectionDate**» «**ElectionDesc**» and declare the following to be true:

My name is «**CandFullName**».

**I request my name and ballot designation to appear on the ballot as follows:**

<p>_____</p> <p style="text-align: center;">Print Your Name for Use on the Ballot</p> <p>_____</p> <p style="text-align: center;">Print Designation Requested</p>	<p style="text-align: center;">Candidate initials if preferring no designation:</p>
---	---

A ballot designation is optional. If no ballot designation is requested, write in the word "NONE" and initial in box.

This occupational designation is true and in conformance with the requirements of Section 13107 of the Elections Code.

NOTE: The Secretary of State will publish one of the addresses below in the certified list of candidates and on the SOS website. Please check the appropriate box to indicate which address you wish us to use for this purpose. If no box is selected, the first address listed below will be used.

Residence Address: «ResidenceAddr1» \_\_\_\_\_  
 «ResidenceAddr2» \_\_\_\_\_

Business Address: \_\_\_\_\_  
 \_\_\_\_\_  
City State Zip Code

Mailing Address: «MailAddr1» \_\_\_\_\_  
 «MailAddr2» \_\_\_\_\_

Telephone: «Phone» \_\_\_\_\_  
Daytime Evening

FAX and e-mail: «FaxNo» «EmailAddress» \_\_\_\_\_  
FAX e-mail

**IMPORTANT: BACK SIDE OF PAGE MUST BE COMPLETED**



**Oath of Office**

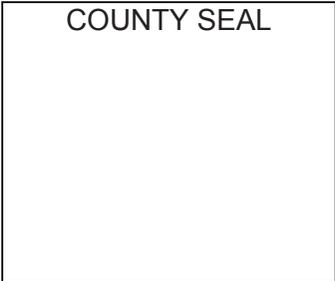
I, «CandFullName», do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Signature \_\_\_\_\_ of Candidate  
State of California ss. \_\_\_\_\_  
County of San Mateo \_\_\_\_\_ }

Subscribed and sworn to before me this \_\_\_\_\_ day of, «CurrentYear»

Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_, «CurrentYear»  
Notary Public (or other official)

Mark Church \_\_\_\_\_ By \_\_\_\_\_  
County Elections Official Deputy



OFFICIAL FILING FORM

Mark Church

---

COUNTY ELECTIONS OFFICIAL

By: \_\_\_\_\_

Deputy

Date Received: \_\_\_\_\_

RECEIVED IN COUNTY

Mark Church

---

COUNTY ELECTIONS OFFICIAL

By: \_\_\_\_\_

Deputy

Date Received: \_\_\_\_\_

(SECRETARY OF STATE USE ONLY)

# Nomination Paper

(Elections Code sections 100, 104, 8041, 8066, 8068, 8069, 10221, 10222, 10226, 10704, Code of Civil Procedure section 2015.5)

I, the undersigned signer for «**CandFullName**» candidate for the nomination to the office of «**OfficeTitle**», «**DistrictName**» to be voted for at the «**ElectionDate**» «**ElectionDesc**» hereby assert as follows:

I am a resident of «**DistrictName**» in San Mateo County and a resident at the address shown on this paper. I am a registered qualified voter. I am not at this time a signer of any other nomination paper of any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more nomination papers than there are places to be filled in the above-named office.

My residence is correctly set forth after my signature hereto:

PRECINCT (To be entered by Elections Official)	NAME	RESIDENCE	VERIFICATION (To be entered by Elections Official )
Print	1..... Sign	Residence Address ONLY ..... City or Town .....	
Print	2..... Sign	Residence Address ONLY ..... City or Town .....	
Print	3..... Sign	Residence Address ONLY ..... City or Town .....	
Print	4..... Sign	Residence Address ONLY ..... City or Town .....	
Print	5..... Sign	Residence Address ONLY ..... City or Town .....	

**Please complete Affidavit of Circulator on reverse side →**

PRECINCT (To be entered by Elections Official)	NAME	RESIDENCE	VERIFICATION (To be entered by Elections Official)
Print	6..... Sign	Residence Address ONLY ..... City or Town .....	
Print	7..... Sign	Residence Address ONLY ..... City or Town .....	
Print	8..... Sign	Residence Address ONLY ..... City or Town .....	
Print	9..... Sign	Residence Address ONLY ..... City or Town .....	
Print	10..... Sign	Residence Address ONLY ..... City or Town .....	

**AFFIDAVIT OF CIRCULATOR**  
(To be completed in circulator's own hand)

I, \_\_\_\_\_, solemnly swear (or affirm) that I secured signatures in the County of San Mateo to the nomination paper of «**CandFullName**» as candidate for the office of «**OfficeTitle**»; that the signatures were obtained between \_\_\_\_\_, «CurrentYear» and \_\_\_\_\_, «CurrentYear»; that I saw all the signatures on this section of the nomination paper being signed and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

My voting residence is \_\_\_\_\_.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_  
Date Place of execution

\_\_\_\_\_  
Signature of Circulator

Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_, «CurrentYear».

(SEAL)

\_\_\_\_\_  
Signature of Elections Official

<p><b>TO BE ENTERED BY ELECTIONS OFFICIAL AFTER VERIFICATION:</b></p> <p><b>Number of Valid Signatures on this Section:</b> _____</p> <p><b>Date:</b> _____</p> <p><b>Deputy:</b> _____</p>
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<p><b>WARNING:</b></p> <p>Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his/her possession which is entitled to be filed under the provisions of the Elections Code. EC 18202</p>
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## Other Forms

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The entire set of official forms relating to becoming a candidate and operating an election campaign will be provided by the County Elections Office at the time of your candidate filing appointment. Candidates for elective City offices must obtain the appropriate forms from the City Clerk.

### **Ballot Designation Worksheet (Required)**

As a supplement to the ballot designation indicated on a candidate's Declaration of Candidacy, a Ballot Designation Worksheet is required of all candidates. The Ballot Designation Worksheet provides verification and supporting information as to the validity of the candidate's proposed designation as well as alternate designations, should the Elections Official find the proposed designation to be invalid.

### **Code of Fair Campaign Practices (Optional)**

The Legislature declares that the purpose of this chapter [Chapter 5, Division 20 of the California Elections Code] to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices. By so doing, it is the ultimate intent that candidates will adhere to the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines for determining fair play and to encourage candidates to discuss issues instead of untruths or distortions. *EC §20400*

At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official, shall give the individual a blank form of the code and a copy of Chapter 5 of the Elections Code. The elections official shall inform each candidate for public office that subscription to the code is voluntary. The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election. Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection. In no event shall a candidate for public office be required to subscribe to or endorse the code. *EC §§20440-20444*

### **Chinese Transliteration Form (Required)**

As of July 2002, all official election information and voting materials that are provided in English about voter registration, elections and voting, including information provided in polling places and the voting booths, must be provided in Chinese and Spanish to the extent needed to allow effective participation of all individuals in the electoral process and all voting related activities. *Section 203 of the Voting Rights Act, 42 U.S.C.1973aa-1a*

The Voting Rights Act applies to all elections conducted by San Mateo County, which includes cities, special districts and school districts. This is a federal mandate that is not funded; therefore the election costs will be divided amongst the jurisdictions holding elections and the candidates submitting candidate statements. As a result of these requirements, costs for printing and handling of candidate statements have increased. Further information can be found through the Department of Justice website at [www.usdoj.gov/crt/voting/sec\\_203/activ\\_203.htm](http://www.usdoj.gov/crt/voting/sec_203/activ_203.htm)

Candidate names are listed in English along with a Chinese transliteration in the Chinese version of the Sample Ballot and Official Ballot. Each candidate must complete a Chinese Transliteration form designating one of three options with respect to how their name appears on the Chinese version of the Sample Ballot and Official Ballot. The three options are as follows: (1) provide his/her own Chinese transliteration; (2) use the transliteration provided by the court-certified translator under contract with San Mateo County Elections Office; or (3) choose to have the name printed only in English.

### **Form 700 – Statement of Economic Interest (Required)**

All Candidates other than **central committee member candidates** are required to file a statement disclosing personal investments and interests in real property. Forms must be filed by the final date for filing the Declaration of Candidacy (March 9, 2012). GC § 87100, 87200, 87302.3

An interactive version of this form is available on the Fair Political Practices Commission web site at [www.fppc.ca.gov](http://www.fppc.ca.gov).

### **Permission for Online Posting of Personal Information(Required)**

- No state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.
- No person shall knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child on the Internet knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual. A violation of this subdivision is a misdemeanor. A violation of this subdivision that leads to the bodily injury of the official, or his or her residing spouse or child, is a misdemeanor or a felony.
- For purposes of this section “**elected or appointed official**” **includes, but is not limited to**, all of the following: (1) State Constitutional Officers; (2) Members of the Legislature;(3) Judges and Court Commissioners; (4) District Attorneys; (5) Public Defenders; (6) Members of a City Council; (7) Members of a Board of Supervisors; (8) Appointees of the Governor; (9) Appointees of the Legislature; (10) Mayors; (11) City Attorneys; (12) Police Chiefs and Sheriffs; (13) A Public Safety Official as defined in Section 6254.24. GC §6254.21

# Extended Filing of Candidacy

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**(March 10, 2012 – March 14, 2012)**

If an eligible incumbent does not file nomination papers by Friday, March 9 at 5 p.m., the filing period is extended for that office for five calendar days until Wednesday March 14 at 5 p.m., for any person other than the incumbent. This section is not applicable where there is no incumbent eligible to be elected.

*EC §§ 10225, 10407, 10516, 10604*

There is no extension for central committee member candidates.

# Candidate Statement Guidelines

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Section 13307 of the Elections Code lists the following requirements regarding the Candidate Statement:

- (a) (1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. Candidates for state office may also complete candidate statements provided they adopt the voluntary spending limits outlined in Proposition 34. The statement may include the name, age, and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.
  - (2) The statement authorized by this subdivision shall be filed in the office of the elections official when the candidate's nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. The statement shall be filed in the office of the elections official no later than the 88<sup>th</sup> day before the election, if it is for an election for which nomination papers are not required to be filed. If a runoff election or general election occurs within 88 days of the primary or first election, the statement shall be filed with the elections official by the third day following the governing body's declaration of the results from the primary or first election.
  - (3) Except as provided in Section 13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.
- (b) The elections official shall send to each voter, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate that is prepared pursuant to this section. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing. The elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation from the list of approved Spanish language translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.
  - (c) The local agency may estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the receipt for the payment shall include a written notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the local agency is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the local agency may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the local agency which, or the elections official who, collected the estimated cost shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

- (d) Nothing in this section shall be deemed to make any statement, or the authors thereof, free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing or contained in the voter's pamphlet.
- (e) Before the nominating period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate's statement sent to each voter. This decision shall not be revoked or modified after the seventh day prior to the opening of the nominating period. A written statement of the regulations with respect to charges for handling, packaging, and mailing shall be provided to each candidate or his or her representative at the time he or she picks up the nomination papers.
- (f) For purposes of this section and Section 13310, the board of supervisors shall be deemed the governing body of judicial elections.

### **GUIDELINES FOR ALL CANDIDATES**

*It is strongly recommended that the statement be filed personally by the candidate. 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.*

**Preparation of Candidate Statement** -In order to ensure uniformity of all candidates' statements, each candidate **must** prepare the statement according to the following guidelines:

#### **Format and Non-Conformity:**

- Type statement exactly as you wish it to appear. Attach printed copy to the form provided to you.
- In addition to hard copy, please provide statement on flash drive, CD or by email (mhasselshearer@smcare.org) in plain text format (\*.txt), if possible.
- One signed hard copy must be filed by the deadline – if there are any discrepancies between the hardcopy and the electronic copy, the hard copy will prevail.
- Do not use words that are underlined, **bolded**, *italicized*, or ALL CAPITALIZED.
- Do not use any unusual spacing, punctuation, indentations, bullets or an outline format.
- Check your statement for errors in spelling, punctuation and grammar. Remember, statements cannot be changed once they are filed and the county elections official is not responsible for correcting these errors.
- Confine the statement to the limitation on the number of words.
- Do not include any party affiliation (applies to non-partisan offices).
- Do not include membership or activity in partisan political organizations (applies to nonpartisan offices).

All statements, therefore, will be formatted to fit within a quarter-page space. If a statement is submitted and found non-compliant in format, the elections official will make the necessary changes to create compliance.

In the case where a candidate submits a statement which is not in conformance with the guidelines provided (i.e. typed in all caps, underscoring, unusual spacing, outline form, or capitalization of some words for emphasis purposes), the Elections Office will instruct the printer to ignore any special emphasis placed on words or phrases, and type-set the statements utilizing a uniform format.

The heading includes the candidate's name (required), age (optional), and occupation (optional). All statements will be formatted to begin with the words: "**Education and Qualifications:**" followed by the text filed by the candidate. These words, as well as the heading, are standardized and included in the space provided. The words "**Education and Qualifications**", however, do not count toward the number of words allowed for the statement.

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 exceeds one line, the candidate may be asked to modify words.

### **Word Counting**

Pursuant to the Secretary of State and the Elections Code, Division 0.5, §9, words will be counted as follows:

- Punctuation is not counted.
- Each word shall be counted as one word except as specified in this section.
- All geographical names shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
- Each abbreviation for a word, phrase, or expression shall be counted as one word.
- Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word. Examples: "mother-in-law", "first-rate", "one-time" will be counted as one word. "one-half", "local-area", "home-page" will be counted as two words.
- Dates consisting of a combination of words and digits (April 22, 2000) shall be counted as two words. Dates consisting only of a combination of digits (4/22/2000 or 1999-2000) shall be counted as one word.
- Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
- Telephone numbers shall be counted as one word.
- Internet web site addresses shall be counted as one word.  
This section shall not apply to counting words for ballot designations under Section 13107.

- Characters used in place of a word or number, such as “&” or “#” shall be counted as one word.
- Name, age, occupation, and punctuation are not counted towards the word limit.
- If the text exceeds the word limit, the author will be asked to rewrite the text in order to bring the total number of words within the required word limit.

### **Withdrawal**

Any candidate may withdraw their statement of qualifications, either in person or by a signed statement of withdrawal, no later than 5:00 p.m. of the next business day following the close of nominations.

### **Confidentiality**

Notwithstanding the California Public Records Act, the statements filed pursuant to Section 13307 of the Elections Code shall remain confidential until expiration of the filing deadline. See *EC §13311*

### **Public Examination of Candidate Statements**

Statements are available for public examination in the county election official’s office during the 10-day calendar review period (commencing at 5:00 p.m.) 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. See *§13313*

### **Specific requirements based on position sought**

- **Judicial Offices**

Any candidate’s statement submitted pursuant to Section 13307 by a candidate for a judicial office shall be limited to a recitation of the candidate’s own personal background and qualifications, and shall not in any way make reference to other candidates for judicial office or to another candidate’s qualifications, character, or activities. The elections official shall not cause to be printed or circulated any statement which the elections official determines is not so limited or which includes any reference prohibited by this section. *EC §13308*.

- **State Legislative Candidates**

Only those who have adopted the voluntary expenditure limits under Proposition 34 are eligible to submit a statement. To file a statement, the candidate must file Form 501 (Candidate Intention Statement) with the Political Reform Division accepting these expenditure limits prior to submitting a statement to the county elections office. The election official in the county of residence shall determine, based on information provided by the Secretary of State’s Office, whether the candidate has adopted (and not exceeded) expenditure limits pursuant to Proposition 34.

**Important** - if a candidate’s district encompasses more than one county – the procedures, requirements, fees, formats and public examination period for their statements may vary from county to county. 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.

- > Text of statements may not exceed 250 words
- > Statements must be submitted on OR attached to, the form provided by the county election official of each county in which the candidate wishes to have his or her statement printed.

- > Statements must be formatted pursuant to the guidelines provided by each county. (if not properly formatted – county election official will reformat).
- > Statements shall not, in any way, reference other candidates for office or other candidate’s qualifications, character or activities.
- > Statements must not contain demonstrably false, slanderous or libelous statements nor obscene or profane language.

- **Central Committee Member**

No candidate statements allowed. *EC §13307*

**Candidate Statement Fee Calculations**

The estimated fee collected for the candidate’s statement of qualifications is based upon the shared cost for printing, required transactions, and handling charges for making statements available to all registered voters in the jurisdiction. Estimates and shared costs are based upon placing three (3) 200-word or 250-word candidate statements per page.

The elections office does its best to provide the most accurate estimated fee, but this estimate can vary according to the number of statements submitted appearing on one page in the Sample Ballot & Voter Information Pamphlet, the number of pages required for a particular office, as well as the number of different pamphlets in which your statement will appear. You will be provided an estimated fee during the nomination period. At that time, fees will be based upon the most current voter registration data. Please make your check payable to, “San Mateo County Elections.”

# Fictitious Samples of Candidate Statements

Fictitious samples of 200 word statements as they would appear in the voter information portion of the sample ballot pamphlet. Statements will appear in the same order as the candidates' names appear on the ballot, except for offices elected throughout the county (rotated on ballot by supervisorial district, but not rotated in sample ballot pamphlet).

<b>CANDIDATES FOR THE OFFICE OF CITY COUNCIL</b>	
<p><b>Name:</b> Joseph W. Candidate <b>Occupation:</b> Businessman/ Community Volunteer</p> <p><b>Education and Qualifications:</b> I have lived here my entire life and I love this community. I would like to get more involved in our community affairs. I believe that I am the best person for this position and I am willing to work very hard to make our lovely little community the best that it can possibly be. If you elect me I promise that I will dedicate all of my spare time to fulfilling the requirements of this position and pushing forward the special projects that are in desperate need of my time and attention. I believe that by improving our community we can provide a safe and secure environment for our children and families to enjoy a quality of life that is no longer available in the big overgrown metropolis to the west of us.</p> <p>I have years of experience in planning and organizing, and I am willing to use all of this experience and all of my training and education to do the best job that I can. I will make myself readily available to the public for all needs.</p> <p>Please support me. Jcandidate@email.com or www.joecandidate.com</p> <p>/s/</p>	<p><b>Name:</b> Jane Campaigner <span style="float: right;"><b>Age:</b> 41</span> <b>Occupation:</b> Educator</p> <p><b>Education and Qualifications:</b> I have lived here my entire life and I love this community. I would like to get more involved in our community affairs. I believe that I am the best person for this position and I am willing to work very hard to make our lovely little community the best that it can possibly be.</p> <p>If you elect me I promise that I will dedicate all of my spare time to fulfilling the requirements of this position and pushing forward the special projects that are in desperate need of my time and attention. I believe that by improving our community we can provide a safe and secure environment for our children and families to enjoy a quality of life that is no longer available in the big overgrown metropolis to the west of us. I have years of experience in planning and organizing, and I am willing to use all of this experience and all of my training and education to do the best job that I can. I will make myself readily available to the public for all needs. Please support me.</p> <p>Jcampaigner@email.com</p> <p>/s/</p>
<p><b>Name:</b> Fred Businessman <span style="float: right;"><b>Age:</b> 38</span> <b>Occupation:</b> Health Director</p> <p><b>Education and Qualifications:</b> I have lived here my entire life and I love this community. I would like to get more involved in our community affairs. I believe that I am the best person for this position and I am willing to work very hard to make our lovely little community the best that it can possibly be. If you elect me I promise that I will dedicate all of my spare time to fulfilling the requirements of this position and pushing forward the special projects that are in desperate need of my time and attention. I believe that by improving our community we can provide a safe and secure environment for our children and families to enjoy a quality of life that is no longer available in the big overgrown metropolis to the west of us. I have years of experience in planning and organizing, and I am willing to use all of this experience and all of my training and education to do the best job that I can. I will make myself readily available to the public for all needs. Please support me. You may find more information about my campaign at www.fredbusinessman.com</p> <p>/s/</p>	<p><b>Name:</b> Margaret "Peg" Voter <span style="float: right;"><b>Age:</b> 45</span> <b>Occupation:</b> Real Estate Agent/Mother</p> <p><b>Education and Qualifications:</b> I have lived here my entire life and I love this community. I would like to get more involved in our community affairs. I believe that I am the best person for this position and I am willing to work very hard to make our lovely little community the best that it can possibly be. If you elect me I promise that I will dedicate all of my spare time to fulfilling the requirements of this position and pushing forward the special projects that are in desperate need of my time and attention.</p> <p>I believe that by improving our community we can provide a safe and secure environment for our children and families to enjoy a quality of life that is no longer available in the big overgrown metropolis to the west of us. I have years of experience in planning and organizing, and I am willing to use all of this experience and all of my training and education to do the best job that I can. I will make myself readily available to the public for all needs. Call me anytime (650.555.5555). Please support me.</p> <p>/s/</p>

**COUNTY COUNCIL OF SAN MATEO COUNTY**

*LWV Central San Mateo County*

*LWV North San Mateo County*



December 2011

Dear Candidate:

The League of Women Voters has a long history of providing voters with nonpartisan and easily accessible information at election time. In that tradition, we invite you to participate in Smart Voter, the League's comprehensive online guide, for the June 5, 2012 election.

All candidates in San Mateo County are offered space on the Smart Voter web site and the service is **free of charge** to both candidates and the public. Smart Voter allows you to submit material about your candidacy to the voters, including a biography, endorsements, and positions on issues, a photo, and a link to your own website. Smart Voter also provides candidate ballot statements, information about ballot measures, polling place locations, events, and links to online news articles and to other web sites. Using Smart Voter will help you reach the increasing number of voters who use the Internet to aid in their decision making at election time.

You may view the site at [www.smartvoter.org](http://www.smartvoter.org). Candidates will be allowed to begin entering information during the first week in April. A letter confirming the date and complete instructions for accessing the secure candidate input area will be sent to you shortly after we receive the certified list of candidates. Please feel free to contact me if you have questions.

We look forward to working with you to make Smart Voter a success for you and for voters in San Mateo County. Feedback from candidates and the public in past elections has been enthusiastic. Don't miss this opportunity to get your message out!

Sincerely,

/s/

Kathee Tyson, San Mateo County Coordinator  
Smart Voter Project – League of Women Voters  
(650) 728-3850  
e-mail: [katheetyson@yahoo.com](mailto:katheetyson@yahoo.com)

# Campaign Disclosure Information

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- General Information – pg 52
- Basic Campaign Filing Guidelines for Candidates – pg 54
- Filing Calendar – pg 55
- San Mateo County Ordinance Affecting Campaign Contributions – pg 57
- Proposition 34 – Campaign Laws for Statewide and Legislative Offices – pg 58
- Important Things to Remember – pg 60

# General Information

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California's Political Reform Act of 1974 (Gov. Code SS 81000-9101) requires candidates to file periodic campaign statements which disclose contributions received and expenditures made. The Act is administered and enforced by Fair Political Practices Commission. You may contact the Commission's Technical Assistance Division at the following: 428 J Street, Suite 620, Sacramento, CA 95814; phone 916.322.5660 (Toll Free 1-866-ASK-FPPC) or visit their website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

## **Form 501 – Candidate Intention**

Form 501 must be filed before you solicit or receive any contributions or before making expenditures of personal funds on behalf of your candidacy. File with the filing officer who will receive your original campaign disclosure statements.

## **Form 410 – Statement of Organization**

Form 410 is used when organizing a committee, and a Statement of Organization must be filed within 10 days of receiving \$1,000 in contributions. The form includes a space to indicate the campaign's bank account information. File the original and one copy with the Secretary of State's Political Reform Division and a copy with the County Clerk. (Note: Form 502 is no longer required.)

## **Form 460 – Form/Consolidated Campaign Statement**

Form 460 is a Recipient Committee Campaign Statement, for use by a candidate or officeholder who has a controlled committee, or who has raised or spent or will raise or spend \$1,000 or more during a calendar year in connection with an election to office, or holding office.

## **Form 465 – Supplemental Independent Expenditure Statement**

Form 465 reports independent expenditures totaling \$1,000 or more in a calendar year to support or oppose a single candidate, a single measure, or the qualification of a single measure. Filers of Form 465 include: officeholders, candidates, recipient committees, major donor committees, and independent expenditure committees. (Note: Proposition 34 prohibits independent expenditures and contributions of funds to another committee for the purpose of supporting or opposing another candidate.)

An "independent expenditure" is an expenditure made in connection with a communication (e.g., a billboard, advertisement, mailing) that expressly advocates the nomination, election, or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a clearly identified measure, or, taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to, or at the behest of, the affected candidate or committee.

## **Form 470 – Candidate and Officeholder Campaign Statement – Short Form**

This form is used by candidates who do not have a controlled committee, and do not anticipate receiving contributions or making expenditures totaling \$1,000 or more in a calendar year. If a Form 470 is filed on or before the filing deadline for the first pre-election campaign statement, no additional campaign statement need be filed in connection with the election so long as total receipts/expenditures remain less than \$1,000.

## **Form 470 Supplement**

A candidate who has filed Form 470 in connection with an election and subsequently receives contributions or makes expenditures totaling \$1,000 or more is required to file notification within 48 hours. Form 470 Supplement may be used, and must be sent by telegram, guaranteed

overnight service, personal delivery or fax to the Secretary of State, the local filing officer, and to each of his or her opponents seeking the same office.

**Form 496 – Late Independent Expenditure Report**

Any committee that makes independent expenditures totaling \$1,000 or more to support or oppose a single candidate or single ballot measure during the 16 days immediately prior to the election in which the candidate or measure is being voted must file a report within 24 hours of the expenditure.

**Form 497 – Late Contribution Report**

Any committee that makes or receives a late contribution totaling \$1,000 or more from a single source during the 16 days immediately prior to the election in which the candidate or measure is to be voted must file a report within 24 hours of the time the contribution was made or received.

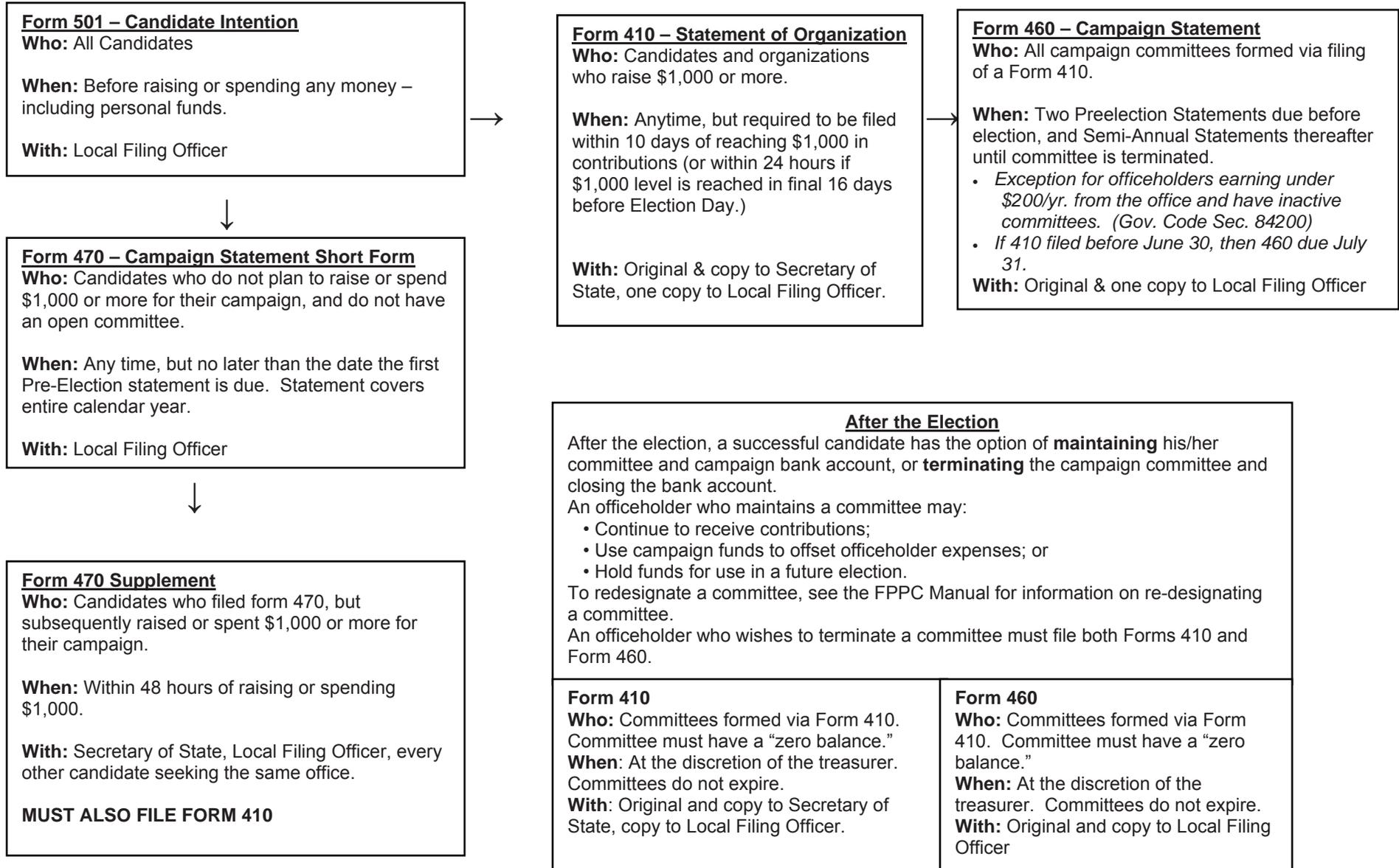
<p style="text-align: center;"><b>CANDIDATES RECEIVING OR SPENDING <u>OVER</u> \$1,000</b></p> <p style="text-align: center;"><b>MUST FILE FORMS 501 + 410 + 460</b></p>
<p style="text-align: center;"><b>CANDIDATES RECEIVING OR SPENDING <u>UNDER</u> \$1,000</b></p> <p style="text-align: center;"><b>MUST FILE FORMS 501 + 470</b></p>

**Campaign Statements**

All candidates with qualified committees are required to file semi-annual campaign statements no later than July 31 and January 31. In addition, all committees that have made or received contributions of \$1,000 or more or made expenditures of \$1,000 or more in connection with an election and during the periods specified in the chart to follow must file campaign statements on the required dates.

# Basic Campaign Filing Guidelines for Candidates

Please review the full instruction for each form and applicable State regulation on the FPPC website, [www.fppc.ca.gov](http://www.fppc.ca.gov).



# Filing Calendar for June 5, 2012

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**Filers:**

- **Candidates for Local Office (Including Superior Court Judges)**
- **Committees Primarily Formed to Support/Oppose Local Candidates**
- **Committees Primarily Formed to Support/Oppose Local Measures**

<i>Filing Deadline</i>	<i>Type of Statement</i>	<i>Period Covered by Statement</i>	<i>Method of Delivery</i>
January 31, 2012	Semi-Annual	Through - 12/31/2011	<ul style="list-style-type: none"> <li>• Personal Delivery</li> <li>• First Class Mail</li> </ul>
March 22, 2012	Preelection	1/1/2012 - 3/17/2012	<ul style="list-style-type: none"> <li>• Personal Delivery</li> <li>• First Class Mail</li> </ul>
May 24, 2012	Preelection	3/8/2012 - 5/19/2012	<ul style="list-style-type: none"> <li>• Postal Delivery</li> <li>• Guaranteed Overnight Service</li> </ul>
Within 24 Hours	Late Contributions and Independent Expenditures of \$1,000 or More	5/20/2012 - 6/4/2012	<ul style="list-style-type: none"> <li>• Personal Delivery Guarantee Overnight Service</li> <li>• Fax</li> </ul>
July 31, 2012	Semi-Annual	5/20/2012 - 6/30/2012	<ul style="list-style-type: none"> <li>• Personal Delivery</li> <li>• First Class Mail</li> </ul>

**Additional Notes:**

- **“Primarily Formed” Ballot Measure Committees:** Prior to the semi-annual period in which the measure(s) supported or opposed is being voted on, committees must file quarterly campaign statements in addition to semi-annual statements. Following the election, quarterly statements may also be required. Contact the FPPC for specific information.
- **Candidates:** Contact the FPPC for revised reporting deadlines in the event of a runoff election. After an election, reporting requirements will depend on whether the candidate is successful and whether a campaign committee is maintained.
- Except for deadlines that fall on a Saturday, Sunday, or an official state holiday, filing deadlines may not be extended. Late statements are subject to a \$10 per day late fine.
- All statements are public documents.
- Local jurisdictions may impose contribution limits and additional filing requirements.
- Refer to the appropriate campaign disclosure manuals for information on where to file statements.
- The period covered by any statement begins on the day after the closing date of the last statement filed, or, if no previous statement has been filed on January 1.

- The recipient of a late in-kind contribution must file a late contribution report within 48 hours from the time the in-kind contribution is received.
- A controlled committee of one candidate may not make an independent contribution to support or oppose another candidate.
- For all related questions, call FPPC's Toll Free Helpline: 1-866-ASK-FPPC

# San Mateo County Ordinance Affecting Campaign Contributions

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## Chapter 2.03 – Campaign Contributions

### 2.03.010 – Definitions

(a) The definitions and other provisions of the applicable provisions of the California Political Reform Act of 1974 (Government Code sections 81000 et seq.) and any amendments thereto and the regulations of the Fair Political Practices Commission shall govern the interpretation and application of this section to the extent practicable.

(b) “County office” means the office of member of the Board of Supervisors, Assessor-County Clerk-Recorder, Controller, Coroner, District Attorney, Sheriff, Treasurer-Tax Collector. (*Ord. 4324, 08/15/06*)

### 2.03.020 – Limitation of campaign contributions to candidates in County elections.

(a) No person or entity shall make to any candidate for County office or the candidate’s controlled committee and no candidate or the candidate’s controlled committee shall accept from any person or entity a contribution or contributions totaling more than one thousand dollars (\$1,000) for each election in which the candidate is attempting to be on the ballot or is a write in candidate.

(b) The provisions of this section do not apply to a candidate’s contributions of his or her personal funds to his or her own campaign. (*Ord. 4324, 08/15/06*).

Note: Other local (city) campaign finance ordinances can be found online at:  
<http://www.fppc.ca.gov/index.php?id=9>

# Proposition 34 – Campaign Laws for Statewide and Legislative Offices

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**Proposition 34** established voluntary spending limits for candidates running for statewide office, the state Senate and the state Assembly. Candidates who choose to accept the spending limits are allowed to purchase space for a 250-word candidate statement in either the state Voter Information Guide or in the voter information portion of the county Sample Ballot.

To accept the spending limits a candidate must file a Candidate Statement of Intention (Form 501) with the Secretary of State’s Political Reform Division indicating the intent to abide by the spending limits prior to submitting a candidate statement.

## Voluntary Spending Limits:

	Position	Primary	General
Senate	\$780,000		\$1,169,000
Assembly	\$520,000		\$909,000

## New Disclosure Requirements

- **24-Hour Reporting:** State candidates and state ballot measure committees must report within 24 hours contributions received of \$1,000 or more and independent expenditures made of \$1,000 or more during the period 90 days before an election.
- **Issue Advocacy Disclosure:** New electronic reporting requirement for anyone spending \$50,000 or more for a communication disseminated within 45 days of an election that clearly identifies a state candidate, but does not expressly advocate the election or defeat of that candidate.
- **Ballot Measure Advertisements:** Spokespersons paid \$5,000 or more to appear in ballot measure ads must be disclosed. In addition, Prop. 34 retains a provision of Prop. 208 requiring ballot measure ads to identify the top two of any donors that have given \$50,000 or more.

## Contribution Limits

- **From Individuals**  
\$3,000 - Legislature
- **Small Contributor Committees**  
\$7,000 – Legislature

The limits are **per election**. A small contributor committee must have been in existence for six (6) months, receive contributions of no more than \$200 from 100 or more persons, and make contributions to five (5) or more candidates.

- **Contributions to PACs:** \$6,000 per calendar year
- **Candidate Contributions:** A candidate’s contributions to his or her own campaign are not limited, except a candidate may have no more than \$100,000 in personal loans to his or her own campaign outstanding at any time.

- **Lobbyist Contributions:** Prohibited if the lobbyist is registered to lobby the state candidate or officeholder’s agency.
- **Contributions to Political Parties:** Limited to \$25,000 per calendar year for the purpose of making contributions for the support or defeat of candidates for state office. Contributions may not be “earmarked” for a particular candidate. No limit on contributions for “get out the vote” activities.
- **Contributions from Political Parties to Candidates:** No limit. In addition, moneys spent by a political party on membership communications do not count as contributions or expenditures.
- **Legal Defense Fund:** No limit on contributions to separate account used solely to fund legal costs incurred in proceedings arising directly out of an election campaign or the performance of the officeholder’s duties.

#### **Other Contribution Requirements**

A committee must return within 60 days any contribution of \$100 or more if the committee does not have the contributor’s name, address, occupation and employer on file. A committee that receives a contribution in violation of the Act’s prohibition on *money laundering* must pay the amount of the contribution to the General Fund.

- State candidates may raise funds for the general election before the date of the primary. Candidates must set aside funds raised for the general election to be used in that election.
- A candidate who loses in the primary or withdraws from the general must refund general election funds to contributors on a pro rata basis, less fundraising expenses. GC §85318.
- State candidates may accept contributions after an election only to the extent the candidate has debts outstanding from that election, and the contribution does not exceed applicable contribution limits. GC §85318
- Definition of when funds become “surplus” is the same as current law.
- Repayment of contributions from surplus funds need not be pro rata. Surplus funds contributed to a political party committee may not be used to support or oppose candidates, but may be used for partisan voter registration, get-out-the-vote activities, and slate mailers.

# Important Reminders about Campaign Management

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(The following is an excerpt from the FPPC website)

**Be informed:** Study FPPC Campaign Disclosure Manuals

- Manual 1: State Candidates, and their Controlled and Primarily Formed Committees
- Manual 2: Local Candidates, Superior Court Judges, and their Controlled and Primarily Formed Committees

**Before Raising or Spending any Money:** File Form 501 (Candidate Intention). Then open a campaign bank account. Once \$1,000 is raised or spent, file Form 410 to obtain an identification number.

**Mark your Calendar:** Know the due dates for campaign statements and file on time.

**Keep Good Records:** Maintain details on contributions and expenditures of \$25 or more. Refer to recordkeeping guidelines in your campaign disclosure manual.

**\$100 or more in Cash:** Never accept or spend \$100 or more in cash.

**Using Personal Funds for Campaign Expenses:** All personal funds of the candidate must first be deposited in the campaign bank account, except for filing fee/ballot statement fee.

**Report Late Contributions:** 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.

**Itemize Contributors:** For contributions of \$100 or more, including loans and in-kind contributions, you must disclose the contributor's name, address, occupation and employer.

**If an Agent or Campaign Consultant Buys Goods or Services for the Campaign:** Itemize expenditures of \$500 or more made by the agent or consultant.

**Identify Candidate/Committee on Mailings:** 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.

**No Personal Use of Campaign Funds:** Use campaign funds only for political, legislative, or governmental purposes.

# Voter Information

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- Voter File Data – pg 62
- Voter Registration Information – pg 64
- Vote by Mail Information – pg 66

# Voter File Data

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Our database of voter registration information is available to qualified purchasers, subject to submission and approval of the required application form, and payment of the required fee. Inquiries and applications should be directed to Hillary O'Connor at 650.312.5294 or [hoconnor@smcare.org](mailto:hoconnor@smcare.org).

## What is Available

You may obtain our current database file of active status voters, encompassing the entire county or limited to the cities, districts or precincts that you specify. This file will contain:

- First name/last name
- Residence and mailing address
- Precinct number/group
- Birth date and birthplace
- Telephone number
- Date of registration
- Vote by Mail voter status
- Political party
- Email address
- Date last voted
- Voting history for last five county-wide elections

## Price and Product List

- \$125
- Additional - \$1.00 for CD-ROM
- Additional - \$2.00 for mailed CD-ROM
- \$0.51/1,000 voter names for printed list of voters; \$0.10 per page of photocopies and printouts

## Maps

Digital maps are available in PDF format on CD-ROM or FTP up/download. Due to megabyte limits, they are not available via email. Printing suggestions are in User's Guide.

## Uses and Limitations

The data files that we provide shall be used solely for election, political, scholarly, journalistic or governmental purposes. Permissible uses of information obtained from San Mateo County shall include, but shall not be limited to, the following:

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

# Voter Registration Information

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- WHERE forms are available
- WHEN the registration deadline is for the election, and
- HOW to register voters

To vote in any election, a citizen must be properly registered **15 days** prior to the election date. San Mateo County Registration-Elections Division encourages all voters to be properly registered well before that 15-day deadline to ensure enough time for postal delivery of correct election materials prior to an election.

For the June 5, 2012 election, *voters must be registered at their current residential address on or before Monday, May 21, 2012.*

## **For Your Information**

In order to remain eligible to vote, voters must re-register when the following occurs:

- Change of residential address
- Change of name (first, middle or last name) and/or signature
- Change of political party affiliation

Postage-paid voter registration forms are available at these locations:

- U.S. Post Offices
- Public libraries and colleges
- City Halls
- Department of Motor Vehicles offices
- County Elections Office in San Mateo
- County Offices in Redwood City

Link to the Secretary of State's interactive online form via our site at [www.shapethefuture.org](http://www.shapethefuture.org).

To be eligible to register to vote in California, a person must be:

- A citizen of the United States and a resident of California
- At least 18 years of age by Election Day
- Not in prison or on parole for the conviction of a felony

If you have any questions about voter registration or wish to launch a voter registration drive during the upcoming election season, please call 650.312.5222. Forms for distribution (at no cost) are available at the Elections Office.

***For voters who may need assistance and information in Spanish and Chinese, you may provide the information below:***

Nuestra oficina esta equipada para proveer ayuda en español. Para más información favor llamar al 650.312.5222, y oprima 2.

如果你需要聖馬刁縣公室的協助，請致電選務處辦公室 650.312.5222, 3。

# Vote by Mail Information

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State law specifies a uniformity in the format and content of an application form for a Vote by Mail Ballot (EC §§3006, 3007, 3007.5). To ensure compliance with current law, it is recommended that any Vote by Mail ballot application intended for mass reproduction be approved by the County Elections Division prior to its distribution. For further Vote by Mail information, you may contact Melinda Dubroff at 650.312.5390 or [mdubroff@smcare.org](mailto:mdubroff@smcare.org).

- Any individual, group, or organization distributing applications for Vote by Mail ballots must use the format for this application which has been approved by the Secretary of State. *EC §§3006, 3007, 3007.5 & 18402*
- Only voter's name, residence address and date of birth are permitted to be preprinted. As well as the name and date of the election for which the application is being made. *EC §3006*
- The portion of the application which asks the address to which the voter wishes the Vote by Mail ballot to be mailed must, if different from the voter's residence address, be completed by the voter. This mailing address may not be the address of any political party, candidate, or political campaign headquarters.
- The application shall provide the voters with information concerning the process for establishing permanent Vote by Mail voter status. *EC §3006*
- An application containing preprinted information must contain a conspicuously placed notice stating that: **"You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside."**
- Only the voter may sign the application.
- If applications are distributed through the mail, they must be non-forwardable. *EC §3008*
- Bar-coded voter identification numbers on applications must meet approval of the Elections Division prior to distribution. To avoid possible problems with affidavit numbers, candidates and committees are advised to obtain voter information directly from the Elections Division.
- Applications for Vote by Mail ballots must be made in writing and be received by the Elections Division through May 29, 2012 (until the 7<sup>th</sup> day before the election). (Note: We can accept Vote by Mail applications from voters prior to May 7, 29 days prior to Election Day).
- Online Vote by Mail applications are also available at <http://www.shapethefuture.org/votingoptions/votemail.asp>

Candidates and committees may receive applications for vote by Mail ballots. Applications must be submitted to the Elections Division within 72 hours of receipt or by May 29, 2012, whichever is sooner. *EC §3008*

Candidates and committees **may not** collect, receive or handle voted-by-mail ballots. Electronic applications are available on the Elections Division website at [www.shapethefuture.org](http://www.shapethefuture.org). Only local elections officials are permitted to provide this application electronically. A person **may not** submit a Vote by Mail ballot application electronically for another registered voter. *EC §§3007.7, 3008*

### **Vote by Mail Ballots**

Voted ballots must be personally mailed or returned by the voter to the San Mateo County Elections Division at 40 Tower Road, San Mateo, the satellite location at 555 County Center, First Floor, any City Hall (during normal business hours) or any active polling place within San Mateo County on Election Day. Ballots must be **received** by the Elections Office by 8:00 p.m. on Election Day, June 5, 2012.

Only if the absent voter is unable to return the ballot personally because of illness or other physical disability, the voted ballot, sealed inside the return envelope, may be delivered by a spouse, child, parent, grandparent, grandchild, brother or sister, or a person residing in the same household. In the space provided on the flaps of the return envelope, the voter must write the name and relationship of the person returning the voted ballot.  
*EC §3017*

No person shall solicit the vote of a Vote by Mail voter, or do any electioneering while in the residence of or immediate presence of the voter during the time the Vote by Mail voter is voting. Violations may result in criminal penalties.  
*EC §18371*

## **Options for Accessing Voter Information Pamphlet**

**The “Go Green! Get your voter pamphlet online!” Program Option.** This new program allows a registered voter to sign up for electronic delivery of the voter's Sample Ballot and Official Voter Information Pamphlet, instead of receiving a paper version by postal delivery. Once a voter signs up, he/she will no longer receive the Sample Ballot and Official Voter Information Pamphlet by mail for all future elections unless he/she opts back in, which can be done at any time.

- Any registered voter can enroll online ([www.shapethefuture.org](http://www.shapethefuture.org)) or mail in the form provided in the Sample Ballot and voter information materials.
- The voter must provide an e-mail address at which to receive a message containing a link to the electronic, printable version of the voter's assigned ballot and pamphlet.
- The voter's e-mail address will be used solely for this program, and will not be included in the database of voter information that is sold, as allowed by state law, to campaigns and other qualified buyers. However, if the voter provided the e-mail address when registering to vote, the address will be included in the database files that we sell.

# Campaigning Information

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- Campaign Signs: A Letter from Mark Church – pg 69
- State Advisory Letter on Outdoor Advertising – pg 70
- City Clerks in San Mateo County – pg 73
- Selected State Laws Governing Campaign Practices – pg 74
- Election Day Observers – pg 78



# Mark Church

Assessor-County Clerk-Recorder & Chief Elections Officer

555 County Center  
Redwood City, CA 94063-1665  
phone 650.363.4988 fax 650.363.1903  
email [mchurch@smcare.org](mailto:mchurch@smcare.org)  
web [www.smcare.org](http://www.smcare.org)

Spring 2012

Dear Candidates:

Every campaign season, our office receives a number of calls from property owners complaining of uninvited campaign signs being placed on private property. This letter serves as a reminder of California Penal Code §556.1, which requires the property owner's prior consent for such advertising activity. Penal Code §556.1 states as follows:

"It is a misdemeanor for any person to place or maintain or cause to be placed or maintained upon any property in which he has no estate or right of possession any sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of advertising, or which advertises or brings to notice any person, article of merchandise, business or profession, or anything that is to be or has been sold, bartered, or given away, without the consent of the owner, lessee, or person in lawful possession of such property before such sign, picture, transparency, advertisement, or mechanical device is placed upon the property."

Also, I am enclosing copies of letters from the Department of Transportation describing current regulations for the placement of political signs. For your convenience, you will also find a listing of City Clerks in San Mateo County, whom you may contact about specific city ordinances.

I request that you review these materials, and that you inform anyone who is posting materials on your behalf of these requirements.

Thank you in advance for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "Mark Church".

Mark Church

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



Dear Candidate or Committee Member:

As a candidate or campaign worker for either an office or a ballot measure, this reminder about state law governing campaign signs should be helpful to you.

Section 5405.3 of the State Outdoor Advertising Act (California Business & Professions Code §§5200) exempts the placing of temporary political signs from normal outdoor advertising display requirements.

A temporary political sign meets the following criteria:

- A. Encourages a particular vote in a scheduled election.
- B. Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- C. Is no larger than 32 square feet.
- D. Has had a Statement of Responsibility filed with the department certifying a person who will be responsible for removing the sign (attached).

A completed Statement of Responsibility must be submitted to the appropriate district office according to the county location of the temporary political sign(s).

Temporary political signs shall not be placed within the right-of-way of any highway, or be visible within 660 feet from the edge of the right-of-way of a classified "landscaped freeway".

State law directs the Department of Transportation to remove unauthorized temporary political signs and bill the responsible party for their removal. We are calling these provisions to your attention to avoid possible embarrassment to you and your supporters. Please pass this information along to those assisting in your campaign.

If you have any questions, feel free to contact us at the Outdoor Advertising Office.

**Department of Transportation, District 4**

Division of Traffic Operations  
Bay Area Outdoor Advertising Program  
P.O. Box 942874, MS-36  
Sacramento, CA 94274-0001  
(916) 654-6230  
(916) 654-4463 FAX

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**OUTDOOR ADVERTISING (ODA) DISPLAY PERMIT APPLICATION**  
 ODA-0002 (REV. 01/2011)

PERSONAL INFORMATION NOTICE:				DO NOT WRITE IN SHADED AREAS					
Pursuant to the Federal Privacy Act (P.L. 93-579) and the Information Practices Act of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification to inspect all personal information in any record maintained on the individual by an identifying particular. ADA NOTICE: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 653-3657 or TDD (916) 654-3880 or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.				DISTRICT	COUNTY	ROUTE	POSTMILE	PERMIT NUMBER	
				ROAD / STREET / ADDRESS					
				CSR NUMBER		DATE GRANTED		APPLICATION NUMBER	
				PERMIT ISSUE DATE			PERMIT EXPIRATION DATE		

COMPLETE ALL SECTIONS. ISSUANCE OF A PERMIT WILL BE DELAYED UNLESS ALL ITEMS ARE FILLED IN AND THE PROPER FEES REMITTED. IF APPROVED, A COPY WILL BE RETURNED FOR YOUR RECORDS. [www.dot.ca.gov/oda](http://www.dot.ca.gov/oda)

**MAIL TO: DEPARTMENT OF TRANSPORTATION, Division of Traffic Operations MS 36, ODA Branch, P.O. Box 942874, Sacramento, CA 94274-0001**

**SECTION 1 - FEES (NO CASH ACCEPTED BY MAIL)**

MAKE CHECK PAYABLE TO: DEPARTMENT OF TRANSPORTATION, OR PROVIDE THE INFORMATION BELOW TO APPLICABLE CREDIT CARD.

APPLICATION (nonrefundable).....	<input type="checkbox"/> \$300	PERMIT FEES:	
PENALTY (required if display was placed prior to obtaining permit).....	<input type="checkbox"/> \$100	2011-2013.....	<input type="checkbox"/> \$210      The Department operates on a 5 year billing cycle: 2009-2013.
PRELIMINARY REVIEW REQUEST (If approved, \$100 will be applied towards the application fee per CA Code of Regulations Section 5486).....	<input type="checkbox"/> \$200	2011**.....	<input type="checkbox"/> \$70      **Companies that have more than 10 permitted displays; known as pro-rata companies, may pay on an annual basis.

**TOTAL FEES PAID (Application + Permit Fees) : \$ \_\_\_\_\_**

METHOD OF PAYMENT:  CHECK NUMBER \_\_\_\_\_  VISA  MASTERCARD  AMERICAN EXPRESS  DISCOVER      Expiration Date: \_\_\_\_\_

CHARGE ACCOUNT NUMBER	TOTAL FEES CHARGED	AUTHORIZED SIGNATURE
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**SECTION 2 - DISPLAY TYPE (CHECK THE APPROPRIATE BOX (ES))**

STATIC DISPLAY     TRI-VISION/MESSAGE CENTER DISPLAY     REDEVELOPMENT DISPLAY     PRIVATE DIRECTIONAL DISPLAY     PUBLIC DIRECTIONAL DISPLAY

**SECTION 3 - APPLICANT**

PERMIT APPLICANT (Please print or type name of firm or individual desiring permit)

		ODALICENSED?	LICENSE NUMBER
		<input type="checkbox"/> YES <input type="checkbox"/> NO	
STREET ADDRESS (CANNOT be a Post Office Box)	CITY	STATE	ZIP CODE
		BUSINESS PHONE NO.	
MAILING ADDRESS, IF DIFFERENT (Street Address or P.O. Box)	CITY	STATE	ZIP CODE

**SECTION 4 - PROPERTY**

PROPERTY OWNER (Person in control of property upon which display is situated)

		ASSESSOR'S PARCEL NO.	ZONING
STREET ADDRESS/P.O. BOX	CITY	STATE	ZIP CODE
		BUSINESS PHONE NO.	

**SECTION 5 - DISPLAY LOCATION INFORMATION**

COUNTY NAME	CITY NAME (if incorporated)	(circle) STATE ROUTE NUMBER OR ROAD / STREET NAME
		ON THE N S E W SIDE OF
FEET / MILES (Circle)	NAME OF NEAREST CROSSROAD, OVER / UNDERPASS	
	N S E W	
IDENTIFY A BUSINESS ACTIVITY BY NAME THAT IS WITHIN 1,000 FEET OF THE DISPLAY LOCATION		STREET ADDRESS OF THE BUSINESS ACTIVITY

**SECTION 6 - DISPLAY CONFIGURATION      SECTION 7 - REQUIRED DOCUMENTS**

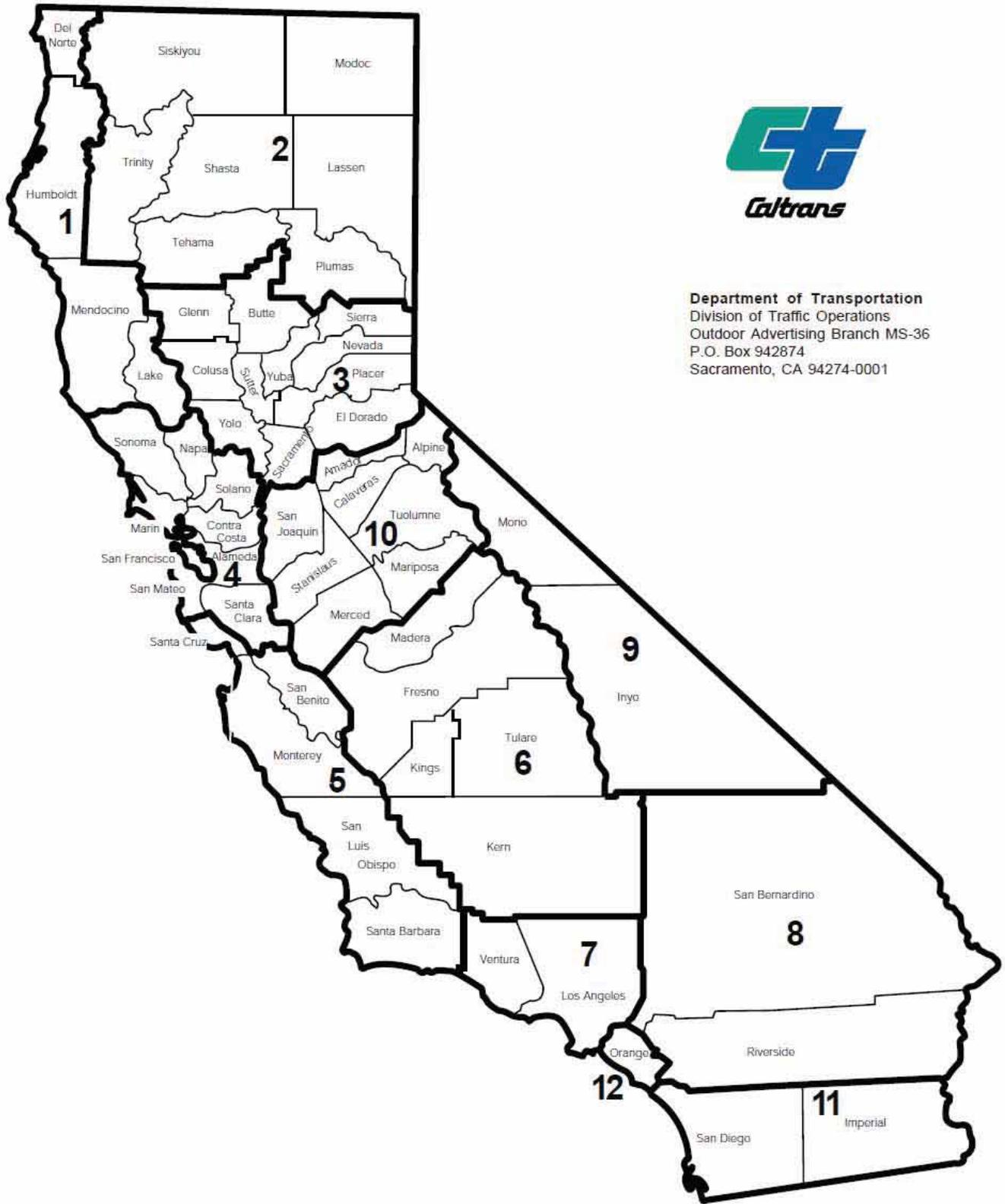
NOTE: V - Shaped structures are separate displays and require two applications COPY <input type="checkbox"/> ONE SIDE <input type="checkbox"/> BOTH SIDES <input type="checkbox"/> 1/2 OF A V-SHAPED DISPLAY HEIGHT    LENGTH    DISPLAY ID NUMBER (optional)	Applications submitted without ALL of the following documents will be returned: <input type="checkbox"/> Building Permit (City or County written permission) ** <input type="checkbox"/> Detailed plot map of the proposed display location <input type="checkbox"/> Evidence of Property Owner's Consent** <input type="checkbox"/> Assessor's Parcel Map <input type="checkbox"/> Assessor's Property Ownership Information <input type="checkbox"/> Consent of Redevelopment Agency (if applicable) ** (NOTE: Not required if submitting a preliminary review)
PANEL:    NUMBER    SIZE    MATERIAL <input type="checkbox"/> METAL <input type="checkbox"/> WOOD <input type="checkbox"/> OTHER	CHECK ONE <input type="checkbox"/> An imprint is placed at the location <input type="checkbox"/> An imprint will be placed by: _____ (Date)
UPRIGHTS:    INDICATE FACING N S E W    DISTANCE FROM BOTTOM PANEL TO GROUND ILLUMINATION? <input type="checkbox"/> YES <input type="checkbox"/> NO	
MESSAGE CENTER: <input type="checkbox"/> ELECTRONIC BOARD <input type="checkbox"/> L.E.D. <input type="checkbox"/> TRI-VISION	

**SECTION 8 - SIGNATURE**

NAME (Please print)	SIGNATURE OF APPLICANT OR AUTHORIZED AGENT	BUSINESS PHONE NO.	DATE
ADDRESS	CITY	STATE	ZIP CODE

The applicant hereby agrees to place and maintain the advertising display described above in accordance with the provisions of the Outdoor Advertising Act, State Regulations, and local zoning ordinances. The applicant certifies that the statements made in this application are true, and understands that an incorrect statement of fact may be grounds for permit denial or for permit revocation.

# OUTDOOR ADVERTISING DISPLAY PERMIT APPLICATION



Department of Transportation  
Division of Traffic Operations  
Outdoor Advertising Branch MS-36  
P.O. Box 942874  
Sacramento, CA 94274-0001

# City Clerks in San Mateo County

**Each city may have its own ordinances regarding posting political signs and conducting campaign activities.** The Elections Division strongly recommends that you consult with the City Clerk to determine rules and regulations that you must follow.

<p>Atherton Ms. Theresa DellaSanta 91 Ashfield Road Atherton, CA 94027 650.752.0529 tdellasanta@ci.atherton.ca.us</p>	<p>Belmont Honorable Terri Cook One Twin Pines Lane, Suite 375 Belmont, CA 94002 650.595.7413 tcook@belmont.gov</p>	<p>Brisbane Ms. Sheri Spediacci 50 Park Place Brisbane, CA 94005 415.508.2113 cityhall@ci.brisbane.ca.us</p>
<p>Burlingame Honorable Mary Ellen Kearney 501 Primrose Road Burlingame, CA 94010 650.558.7203 mkearney@burlingame.org</p>	<p>Colma Ms. Laura Allen 1198 El Camino Real Colma, CA 94014 650.997.8318 laura.allen@colma.ca.gov</p>	<p>Daly City Honorable Annette Hipona 333 90th Street Daly City, CA 94015 650.991.8078 ahipona@dalcycity.org</p>
<p>East Palo Alto Ms. Minnette Warren, Deputy 2415 University Avenue East Palo Alto, CA 94303 650.853.3100 mwarren@cityofepa.com</p>	<p>Foster City Ms. Doris Palmer 610 Foster City Boulevard Foster City, CA 94404 650.286.3250 dpalmer@fostercity.org</p>	<p>Half Moon Bay Ms. Siobhan Smith 501 Main Street Half Moon Bay, CA 94019 650.726.8271 sesmith@ci.half-moon-bay.ca.us</p>
<p>Hillsborough Ms. Miyuki Yokoyama 1600 Floribunda Avenue Hillsborough, CA 94010 650.375.7400 myokoyama@hillsborough.net</p>	<p>Menlo Park Ms. Margaret S. Roberts 701 Laurel Street Menlo Park, CA 94025 650.330.6620 msroberts@menlopark.org</p>	<p>Millbrae Ms. Angela Louis, City Clerk 621 Magnolia Avenue Millbrae, CA 94030 650.259.2333 alouis@ci.millbrae.ca.us</p>
<p>Pacifica Ms. Kathy O'Connell 170 Santa Maria Avenue Pacifica, CA 94044 650.738.7307 o'connellk@ci.pacifica.ca.us</p>	<p>Portola Valley Ms. Sharon Hanlon 765 Portola Road Portola Valley, CA 94028 650.851.1700 shanlon@portolavalley.net</p>	<p>Redwood City Ms. Silvia Vonderlinden 1017 Middlefield Road Redwood City, CA 94063 650.780.7222 svonderlinden@redwoodcity.org</p>
<p>San Bruno Honorable Carol Bonner 567 El Camino Real San Bruno, CA 94066 650.616.7058 cbonner@ci.sanbruno.ca.us</p>	<p>San Carlos Honorable Christine Boland 600 Elm Street San Carlos, CA 94070 650.802.4219 cboland@cityofsancarlos.org</p>	<p>San Mateo Patrice Olds 330 West 20th Avenue San Mateo, CA 94403 650.522.7040 <a href="mailto:polds@cityofsanmateo.org">polds@cityofsanmateo.org</a></p>
<p>South San Francisco Honorable Krista Martinelli 400 Grand Avenue P.O. Box 711 South San Francisco, CA 94083 650.877.8518 krista.martinelli@ssf.net</p>	<p>Woodside Ms. Janet Koelsch 2955 Woodside Road P.O. Box 620005 Woodside, CA 94062 650.851.6790 jkoelsch@woodsidetown.org</p>	

# Selected State Laws Governing Campaign Practices

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The following are selected laws from Divisions 18 and 20 of the California Elections Code, Title 9 of the Government Code (Political Reform Act) and accompanying regulations regarding campaign activities. For a complete listing of restrictions on campaign practices and accompanying regulations, please refer to the Divisions and Titles in their entirety.

## **Campaign Literature and Simulation of the Ballot**

### **Candidate Statement and Qualifications**

Elections Code §18351 states, “Any candidate in an election or incumbent in a recall election who knowingly makes a false statement of a material fact in a candidate’s statement, prepared pursuant to Section 11327 or 13307, with the intent to mislead the voters in connection with his or her campaign for nomination or election to a non-partisan office is punishable by a fine not to exceed one thousand dollars (\$1,000).”

### **Simulated Ballot**

Elections Code §20009 states in relevant part:

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

NOTICE TO VOTERS  
(Required by Law)

This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State.

This is an unofficial, marked ballot prepared by \_\_\_\_\_ (insert name and address of the person or organization responsible for preparation thereof).

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

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

### **Campaign Advertising or Communication**

Elections Code §304 states: “ ‘Campaign advertising or communication’ means a communication authorized by a candidate or a candidate’s controlled committee, ... or by a committee making independent expenditures, ... or by a committee formed primarily to support or oppose a ballot measure, ... for the purpose of advocating the election or defeat of a qualified candidate or ballot measure through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general, public, political advertising.”

### **Mass Mailing**

Government Code §84305 states:

- (a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which

shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.

- (b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
- (c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

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

### **Political Advertising**

Elections Code § 20008 states;

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

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

### **Libel and Slander**

Elections Code §20500 states: "The provisions of Part 2 (commencing with Section 43) of Division 1 of the Civil Code, relating to libel and slander, are applicable to any campaign advertising or communication."

Elections Code §20501 states:

- (a) A candidate or state measure proponent is liable for any slander or libel committed by a committee that is controlled by that candidate or state measure proponent as defined by Section 82016 of the Government Code if the candidate or state measure proponent willfully and knowingly directs or permits the libel or slander.
- (b) A person who is a sponsor of a sponsored committee, as defined by Section 82048.7 of the Government Code, is liable for any slander or libel committed by the sponsored committee if the sponsor willfully and knowingly directs or permits the libel or slander.

### **Electioneering on Election Day**

Elections Code §18370 states:

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 used in this section “100 feet of a polling place or an election 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.

### **Corruption of Voting and Intimidation of Voters**

Elections Code §18540 states:

- (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.

NOTE: Section 18540 will change upon creation and funding of a community corrections grant program pursuant to Assembly Bill No. 109 (2011).

Elections Code §18541 states

- (a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place, do any of the following:
  - (1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
  - (2) Place a sign relating to voters’ qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
  - (3) Photograph, video record, or otherwise record a voter entering or exiting a polling place.
- (b) Any violation of this section is punishable by imprisonment in a 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.

*NOTE: For purposes of EC § 18541 (a)(3), the photographing, videotaping, or recording of a voter must be in order to dissuade the person from voting. This does not apply to situations where newspaper photographers are photographing a polling place for journalistic purposes.*

Elections Code §18543 states:

- (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.

In addition, Elections Code §18403 states:

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 pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that 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.

**Note:** Section 18403 will change upon creation and funding of a community corrections grant program pursuant to Assembly Bill No. 109 (2011).

# Election Day Observers

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## Election Day Observing

The Elections Division has procedures in place for election observers at the polling place. It is important that activities at the polling places are organized, operationally smooth, and hassle-free for both the voters and the Election Officers.

- Observers are welcome to watch all proceedings at the polls, including Election Officers while opening up the polls, citizens preparing to vote, and, more commonly, to observe the closing activities.
- Observers have the right to raise questions to the Inspector or Judge, and may direct their questions about procedures to the Inspector; or, in the Inspector's absence, to the Judge in charge.
- Observers may not go near a voting booth while occupied and may not approach voters during the voting process. Observers may talk to voters outside the polling place, beyond the "no-electioneering zone."
- Observers may not directly challenge a voter – election law maintains it is only the election officer's right to challenge a particular vote.
- Observers may not interfere in any way with the voting process.

## Procedure for Posting Results at the Polling Place

Elections law specifies procedures for posting of the street index of voters at each polling place. This information is provided to you in order to assist you and your campaign on Election Day when seeking information on voters. Candidates and members of their election campaign team should be aware of the following procedures and should not interfere with or request the Election Officers to handle additional tasks on behalf of your campaign:

- **Posting of Two Copies of Street Index of Voters**  
Elections Code §14202 states:  
“(a) Before opening the polls, the precinct board shall post in separate, convenient places at or near the polling place, and of easy access to the voters, not less than two of the copies of the index to the affidavits of registration for that precinct;” and “(b) In any county in which tabulating equipment is used to produce the index of registration, the copies of the index posted pursuant to this section shall be by street addresses in numerical order, unless otherwise provided by Section 2192.”
- **Updating the Index to Reflect Voter Activity**  
Elections Code Section 14294 states:  
“At all elections, a member of the precinct board shall mark, on one of the copies of the index posted at or near the polling place, the name of each person who has voted, by drawing a line through the name of the voter, with a pen or indelible pencil. The board member shall mark off the names at least once each hour, to and including 6 p.m. In all counties not using the index roster, the board member shall draw a line under the last name signed in the roster at 6 p.m. or at the time of discontinuation of this procedure, whichever occurs last.”

For purposes of clarification, the Election Officers are directed to cross off only names of voters who voted on a precinct ballot in the polling place at that precinct. Election Officers shall not track other precincts, Vote by Mail voters, or anything other than the prescribed duties as indicated in the Elections Code, Guide for Election Officers, the Election Officer Digest, and/or the Election Officer training classes.

Therefore, County Election Officers will not comply with requests from campaigns to cross voters' names off the street index who:

- (a) may have dropped off a Vote by Mail Ballot on Election Day,
- (b) have "Ballot Returned by Mail" noted on the Roster-Index, or
- (c) are on a list provided by the campaigner to the Election Officers.

**Elections Code §14298 states:**

- (a) The precinct board shall maintain the copies of the index posted during the whole time of voting. These copies shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294.
- (b) A member of the precinct board shall post a notice on each index which reads as follows: "This index shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294. Any person who removes, tears, marks, or otherwise defaces this 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, is guilty of a misdemeanor."

**Election Results: Semi-Official and Official Canvass**

The semi-official canvass will commence immediately upon the close of the polls at 8:00 p.m., June 5, 2012. EC §15150 Votes are extracted and cumulated at the secure, central counting location within the Elections Office at 40 Tower Road, San Mateo, CA 94402.

It is anticipated that the first report of semi-official results (Vote by Mail ballots only) will be released at 8:05 p.m., with cumulative updates scheduled on the half hour until completion. EC § 15152

Generally, a schedule of election night results is as follows:

Vote by Mail Ballots Only	8:05 p.m.
All-Mail Ballot Precinct Results	8:30 p.m.
Voting Center Results 9:00	p.m.
Live Precinct Results half-hour	every 30 minutes on the until complete

There are two different ways you may obtain Election Night Semi-Official results:

- View the results as they are posted on our website [www.shapethefuture.org](http://www.shapethefuture.org)
- Subscribe to email via subscription form posted on [www.shapethefuture.org](http://www.shapethefuture.org) one week prior to the election.

Upon completion of the regular vote count, we publish a Precinct Turnout Report.

**Final Official Canvass**

The purpose of the Official Canvass is to thoroughly audit, account for, and validate every ballot and vote cast in the election, so that the elections official may derive and certify the final vote counts. This process

tests the accuracy and validity of partial vote counts derived in the Semi-Official Canvass, and goes beyond those preliminary processes to validate and count additional Vote by Mail ballots, provisional ballots and write-in votes, and to account for unused and damaged paper ballots.

EC §15300-15302

During the Official Canvass, any interested person may observe the Elections Office procedures. To observe this process, please contact 650.312.5222 or visit the office during normal business hours, Monday – Friday, from 8:00 a.m. to 5:00 p.m.

A press release detailing the Official Canvass will be available on the Elections website at [www.shapethefuture.org](http://www.shapethefuture.org).

### **Election Certification**

Official results must be certified no later than 28 calendar days following an election. A certified “Statement of the Vote” will be available on the Elections website at [www.shapethefuture.org](http://www.shapethefuture.org) and for purchase or viewing at the Elections Office, located at 40 Tower Road in San Mateo.