

Candidate Handbook & Resource Guide



Presidential General Election
November 6, 2012

Kent B. Christensen
Registrar of Voters





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NOTICE

This Candidate Handbook & Resource Guide is provided to assist you in your candidacy. It includes a calendar of events and summary of provisions and filing requirements. It is not intended to provide legal advice and is for general guidance only.

Please note that it is not within the purview of this office to determine whether a candidate meets the requirements for holding office. Individuals with questions concerning their own or other candidate's qualifications, or other related matters should seek legal counsel.

Candidates and others using this Handbook & Resource Guide must bear full responsibility to make their own determinations as to all legal standards.

CONTACT INFORMATION FOR CANDIDATES AND COMMITTEES

FILING OFFICER FOR DISCLOSURES:

MERCED COUNTY
REGISTRAR OF VOTERS
2222 M ST, ROOM 14
MERCED, CA 95340
209-385-7541
209-385-7387-FAX
www.mercedelections.org

FILING OFFICER FOR DISCLOSURES FOR CITY CANDIDATES:

CITY OF ATWATER
750 BELLEVUE RD
ATWATER, CA 95301
209-357-6300
209-357-6302-FAX
www.atwater.org

CITY OF DOS PALOS
2174 BLOSSOM ST
DOS PALOS, CA 93620
209-392-2174
209-392-2801- FAX

CITY OF GUSTINE
352 5TH ST
GUSTINE, CA 95322
209-854-6471
209-854-2840-FAX
www.cityofgustine.com

CITY OF LIVINGSTON
1416 C ST
LIVINGSTON, CA 95334
209-394-8041
209-394-4190-FAX
www.livingstoncity.com

CITY OF LOS BANOS
520 J ST
LOS BANOS, CA 93635
209-827-7000
209-827-7006-FAX
www.losbanos.org

OTHER RESOURCES:

SECRETARY OF STATE
1500 11TH ST, 5TH FLOOR
SACRAMENTO, CA 95814
916-657-2166
916-653-3214-FAX
916-651-6460 CANDIDATES & ELECTIONS FAX
www.sos.ca.gov

FAIR POLITICAL PRACTICES COMMISSION
428 J ST, SUITE 620
SACRAMENTO, CA 95814
866-275-3772
916-322-6440-FAX
www.fppc.ca.gov

LINK TO CALIFORNIA CODES [http:// www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)

QUALIFICATIONS FOR ELECTED OFFICIALS

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. Election Code §201

SCHOOL DISTRICT GOVERNING BOARD MEMBER: Any person, regardless of sex, who is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed as a member of a governing board of a school district without further qualifications. An employee of a school district may not be sworn into office as an elected or appointed member of that school district's governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. Education code §§35107

COUNTY BOARD OF EDUCATION GOVERNING MEMBERS: Any registered voter is eligible to be a member of the county board of education except the county superintendent of schools, any member of his staff, or any employee of a school district. Each member of the board shall be an elector of the trustee area which he represents and shall be elected by the electors of the trustee area. Education Code: §§1000.1006

SPECIAL DISTRICT BOARD MEMBER: A candidate must be a resident and qualified elector of the district. For additional requirements consult the specific code or enabling legislation that regulates the district. California Codes can be accessed at www.leginfo.ca.gov/calaw.html.

CITY OFFICES: "A person is not eligible to hold office as councilmember, mayor, city clerk or city treasurer unless he or she is at the time of assuming the office an elector of the city and was a registered voter of the city at the time nomination papers are issued to the candidate as proved for in Section 10227 of the Election Code." Government Code §36502 (a)

HOLDING TWO OFFICES – ALL OFFICES

See Government Code Section 1099 which contains the provisions prohibiting the holding of incompatible, multiple offices.

NOMINATION DOCUMENTS & FILING PROCEDURES

WHEN AND WHERE FORMS ARE AVAILABLE

“Any qualified voter in the city or district may sign as many nomination papers as there are positions to be elected. Candidates shall file their nomination papers with the county elections official of the county, not more than 113 nor less than 88 days before the day of election.”

All forms required for nomination and election to all congressional, state, and county offices, shall be furnished by the county elections official.

The forms shall be distributed to all candidates applying for them. The county elections official shall not require a candidate to sign, file or sign and file a declaration of candidacy as a condition of receiving nomination papers.

[Elections Code § 8020, 8041, 8069 and 8101](#)

Notwithstanding Elections Code § 8020 or any other provision of the law, if nomination documents for an incumbent officer of a county are not delivered by 5 p.m. on the 88th day before the election, any person other than the person who was the incumbent on the 88th day shall have until 5 p.m. on the 83rd day before the election to file nomination documents for the elective office.

Filing Fees and Signatures-In-Lieu of Filing Fees §8104 (b) A filing fee of one percent of the annual salary of the office shall be paid to the elections official by each candidate for a judicial office or a county office. The filing fee shall be calculated on the basis of the annual salary for the office on the first day to circulate petitions to gather signatures in lieu of filing fees.

§8105 (a) The filing fees for all candidates shall be paid at the time the candidates obtain their nomination forms from the county elections official. The elections official shall not accept any papers unless the fees are paid at the time, or unless satisfactory evidence is given that the fee has been paid in another county. The elections official transmits the fees to the Secretary of State along with the declarations of candidacy for filing. All filing fees received by the Secretary of State and county elections officials are nonrefundable. (b) The filing fees for candidates required to file declarations of intention pursuant to Section 8023 shall be paid at the time the declarations are filed with the county elections official.

§8106. (a) Notwithstanding any other provision of this article, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee as follows:

1. For the office of California State Assembly, 1,500 signatures.
2. For the office of California State Senate and the United States House of Representatives, 3,000 signatures.
3. For candidates running for statewide office, 10,000 signatures.
4. For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 10 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

Note: Signatures-In-Lieu of filing fees may be used as nomination signatures. Nomination signatures may not be used as Signatures-in-Lieu signatures.

BALLOT DESIGNATION GUIDELINES E.C. 13107

SELECTING YOUR BALLOT DESIGNATION -The ballot designation describes the current profession, vocation, occupation or incumbency status of the candidate that will appear on the ballot under the candidate's name.

Ballot designations:

- 1) The listing of a designation on the ballot is OPTIONAL
- 2) Becomes public record once the information is filed on the Declaration of Candidacy.
- 3) Ballot designations **cannot be changed after the final date to file nomination documents**. E.C. 13107 (d)

Only one of the following categories is allowed:

- 1) **Elective Office Title:** Words describing an elective office title may be used **IF** the candidate holds the office at the time nomination documents are filed and the office was filled by a vote of the people.

Example A: Governing Board Member

Example B: Board member, XYZ School District

- 2) **Incumbent:** The word **Incumbent** may be used **IF** the candidate is seeking re-election to the same office and was elected to that office by a vote of the people or was appointed as a nominated candidate in lieu of an election.

- 3) **Appointed Incumbent:** The words **Appointed Incumbent** must be used **IF** the candidate was appointed to the office and is seeking election to that office. The word Appointed may also be used with the office title.

Example A: Appointed Incumbent

Example B: Appointed Board member, XYZ School District

Exception: Candidates appointed to office in lieu of an election **do not** have to use the word appointed.

- 4) **Principal Occupation:** No more than **three words** to either describe the current principal profession, vocation, or occupation of the candidate **or** the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.

E.C. 13107 (3)

Example A: High School Teacher

Example B: Attorney/Educator/Rancher

Example C: CEO/Councilmember

- 5) **Community Volunteer:** A Community Volunteer shall constitute a valid principal vocation or occupation subject to the following conditions:

a) A candidate's community volunteer activities constitute his or her principal profession, vocation or occupation.

b) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation or occupation.

c) A candidate is not engaged concurrently in another principal profession, vocation or occupation.

- 6) **No Occupation Desired:** If no ballot designation is requested, write the word "NONE" and place your initials in the space provided for ballot designation on the Declaration of Candidacy form. The space provided for your ballot designation on the official ballot, will be blank.

FORMAT OF BALLOT DESIGNATION – Ballot designations selected which exceed space allotted on the ballot (approximately 60 characters) are printed in a smaller typeface pursuant to E.C. 13107 (f)

Restrictions: The rules governing ballot designations can be the subject of confusion. The California Secretary of State’s ballot designation regulations are available upon request.

BALLOT DESIGNATION WORKSHEET – A Ballot Designation Worksheet that supports the use of that ballot designation **is required to be filed** with the Election Official at the same time as the Declaration of Candidacy. If a candidate fails to file a Ballot Designation Worksheet, no designation will appear on the ballot. E.C.13107.3

REJECTION OF BALLOT DESIGNATION – If the designation is in violation of any of the restrictions set forth in California Elections Code, the candidate will be notified by phone or by registered or certified mail with a return receipt addressed to mailing address appearing on the candidates ballot designation worksheet. If an alternative designation is not provided within the time allowed, no designation will appear on the ballot. E.C.13107(c)

UNACCEPTABLE DESIGNATIONS - Pursuant to Elections Code 13107(b), the elections official shall not accept a ballot designation if:

- a. It would mislead the voter.
- b. It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
- c. It abbreviates the word “retired” or places it following any word(s) that it modifies.

Unacceptable:

Ret. Policeman
Policeman, Retired

It uses a word or prefix, such as “former” or “ex-,” which means a prior status.

Unacceptable:

Former Policeman
Ex Policeman

The only exception is the use of the word “retired.”

Acceptable:

Retired Policeman

- d. It includes the name of any political party, whether or not it has qualified for the ballot.
- e. It uses a word(s) referring to a racial, religious or ethnic group.
- f. It refers to any activity that is prohibited by law.

FALSE OR MISLEADING INFORMATION TO VOTERS

No candidate shall, in his occupational designation on the ballot, assume a designation that would mislead the voters. E.C. 13107

Every candidate is guilty of a misdemeanor who pretends or implies that he/she is an incumbent of a public office or that he/she has acted in the capacity of a public officer when this is not the case. E.C. 18350

Any candidate who knowingly makes a false statement of material fact in a candidate’s statement, with the intent to mislead the voters, is punishable by a fine not to exceed \$1,000. E.C. 18351

Every simulated ballot shall bear a printed notice (see E.C. 20009 for details) stating that this is not an

official ballot but rather an unofficial marked ballot prepared by (name and address of person or organization responsible); no official seal or insignia may appear on the envelope in which it is contained.

Every person is guilty of a misdemeanor who distributes, or causes to be distributed, literature to voters that includes a designation of a voter's polling place other than the precinct-polling place listed for the voter in the latest official precinct-polling list at sometime not more than 30 days prior to such distribution.
E.C. 18302

GUIDELINES FOR ACCEPTABLE BALLOT DESIGNATIONS (BASIC TEST):

- a. Is it true?
- b. Is it accurate?
- c. Does it mislead?
- d. Is it generic? (This means "IBM" is unacceptable, "Computer Company" is acceptable.)
- e. Is it neutral? (This means not for or against)
- f. Is it how this person makes a living?

Candidates may review their own ballot designation, as well as that of other candidates, in this office during working hours. **(Excluding Saturdays, Sundays and Holidays).**
If you have any questions regarding the nomination procedures, please call the Election Division at 209-385-7541.

Fair Campaign Practices

Article 1. General Intent

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

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

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

Article 2. Definitions

20420 As used in this chapter, "Code" means the Code of Fair Campaign Practices.

Article 3. Code of Fair Campaign Practices

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

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

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

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

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

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

CANDIDATE STATEMENT OF QUALIFICATIONS GUIDELINES FOR BOTH VOTER NOMINATED & NON PARTISAN OFFICES

E.C. 13307, 13308, 13312, 18351

The candidate's statement is a **voluntary statement** for candidates seeking Voter Nominated and local Non Partisan elective offices when applicable.

The Board of Supervisors determines the word limit and who will bear the prorated share of the cost of printing and handling of the candidate's statement for county offices.

1. CONTENTS

The statement may contain the name, age and occupation of the candidate and a description of the candidate's education, personal background and qualifications.

The name, age and occupation at the top of the candidate statement form are not included in the word count.

Each statement shall be accompanied by a declaration executed under penalty of perjury, declaring that the information contained therein is true and correct.

2. FORMAT AND WORD COUNT

In order to insure uniformity of candidates' statements, the candidate must prepare the statement as follows:

- a. Submit typed or word processed copy only.
This may be prepared on a separate sheet of paper, cut and taped onto the candidate statement form. Hand written statements are not acceptable.
- b. Submit statement in **paragraph block form**.
Outline form is not acceptable. The statement will be set with **both left and right justified margins**.
- c. Lists and enumerations will be wrapped as a single paragraph.
Multiple single sentence paragraphs that do not fit in the space will be wrapped.
Indented text, if submitted, will be run together as a sentence.
- d. Confine the statement to the word limit assigned.
- e. *It is important to use the "word count standard" provided by the Election Division. Using the "word count standard" as a guide will ensure the candidate stays within the assigned word count.*
- f. Statements shall be written in the first person (e.g. "I am running..." not "She is running..." or "Jane Doe is running...")
- g. *Italics, bold Print, underlining, bullets, stars and asterisks are not allowed.*
- h. Only standard use of capital letters will be accepted. No statement will be printed in "ALL CAPS".
- i. All regularly hyphenated words that appear in any generally available dictionary will be accepted as one word.
- j. Check the statement for errors in spelling, punctuation, and grammar. No corrections **on the candidate statement** will be allowed after the candidate has filed his nomination documents. E.C. 13307 (3)
- k. Statements will be printed in the random alphabet order used for placement of candidates' names on the official ballot. Statements do not rotate.

3. EMAIL CANDIDATE STATEMENT

- a. The Merced County Election Division will accept candidate statements by email at Elections@co.merced.ca.us
- b. The candidate statement will be prepared for the voter pamphlet upon confirmation that the candidate statement has been paid & filed, based upon the provisions established for the applicable contest.
- c. Absolutely no corrections or changes are allowed after the candidate statement has been officially filed. E.C. 13307 (3)

4. **PROVISION**

In the case where a candidate submits a statement that is not in conformance with Guidelines provided, such statement will be reformatted and set in uniform type by the elections official.

5. **RESTRICTIONS**

The candidate's statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement may not make reference to any opponent of the candidate. E.C. 13307, 13308

6. **LIABILITY**

Nothing in this section shall be deemed to make any such 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 Information Pamphlet. Any candidate who knowingly makes a false statement of material fact in a candidate's statement prepared pursuant to Elections Code Section 13307, with the intent to mislead the voters in connection with his or her campaign for nomination of election to a nonpartisan office is punishable by a fine not to exceed \$1,000.00.

7. **CONFIDENTIALITY**

The candidates' statements shall remain confidential until after the close of the filing period for the office sought. E.C. 13311

8. **WITHDRAWAL**

The candidate statement may be withdrawn, **but NOT changed**, until 5:00 p.m. on the next business day after the close of the nomination period for the office sought.

9. **EXAMINATION PERIOD**

After the deadline for filing nomination papers, anyone may examine any candidate's Statement and may purchase copies thereof.

During a 10-calendar day period commencing the day after the close of nomination, any Voter of the jurisdiction in which the election is being held may seek a writ of mandate or an injunction requiring any or all of the material in a candidate's statement to be amended or deleted.

11. **ESTIMATED COST**

The estimates quoted are based on one statement per candidate in English and Spanish. Candidates are required to prepay the estimated cost will be either billed for the additional cost or refunded any overpayment following the election.

Actual costs may vary substantially, depending on the number of candidates in a particular contest.

12. **FILING INFORMATION**

Candidates' must email their candidate statements PRIOR TO FILING their nomination papers.

**WORD COUNT STANDARD
FOR CANDIDATE STATEMENT AND MEASURE ARGUMENTS
(Elections Code 9)**

The following are the guidelines for computing the word count for measures and candidate statements.

Dictionary words	one word
Words like: "a", "the", "and", "an"	one word
Abbreviations – UCMERCED , PTA	one word
Abbreviations - U.C.M., P.T.A.	separate words
<p>California Geographical names: For purposes of determining whether a geographical name should be counted as one word under Elections Code section 9, a "geographical name" is the name of a governmental entity that consists of fixed boundaries, is vested with its own governmental functions and powers by the Legislature, and is governed by an elected or appointed board.</p> <p>Examples:</p> <p>County of Merced, Merced Community College District, Merced Unified School District, Bay Regional Park District, Bay Area Rapid Transit District.</p> <p>Merced County Fire Protection District</p> <p>Yosemite National Park</p> <p>Merced High School</p> <p>School Facilities Improvement District No.1 (This is a financing district created by a school district that is not vested with its own governmental powers)</p> <p>Bay Area</p>	<p>one word</p> <p>one word</p> <p>three words</p> <p>three words</p> <p>six words</p> <p>two words</p>
<p>Whole Numbers - Digits (1 - 10 - 100, etc.) Spelled out numbers - One Hundred, Ten Thousand</p>	<p>one word one for each word</p>
Number combinations (1990, 1990-1991, 100%)	one word
<p>Dates - all digits (11/5/96) Word and digits (June 2, 1998)</p>	<p>one word two words</p>
<p>Monetary amounts: If the dollar sign is used with figures - \$1,000 Spelled out (one thousand dollars)</p>	<p>one word three words</p>
<p>Regularly 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. Online dictionaries do not apply. (Grammar rules do not apply)</p>	one word
Normal punctuation	not counted
Telephone Numbers	one word
Website Addresses (i.e. www.com.etc)	one word
If measure designation (example: Measure "A") is used in the text	one word

NOTE: It is the administrative policy of this office that *italics*, **bold print**, underlining, bullets, stars and asterisks **will not be permitted on candidate statements.**

Only standard use of capital letters will be accepted.



General Election Calendar
Tuesday, November 6, 2012

(All code references are to Election Code unless otherwise stated)

<p align="center">Prior to a Candidate Soliciting or Accepting Contributions for Campaign Purposes</p>	<p>All candidates must file a FPPC Form 501 - Candidate Intention Statement Form 501 must be filed with the appropriate filing officer before soliciting or accepting contributions to their campaign. Gov Code 85200</p>
<p align="center">July 2 – July 16 (E-127 to E-113)</p>	<p>Notice of Election Cities consolidating with the November General Election will publish the Notice of Election stating the date of the election, polling hours and any offices to be filled and / or measures to be voted on. EC 12101 & 12111</p>
<p align="center">July 6 (E-123)</p>	<p>Specifications of the Election Order School boards to deliver this document to the County Superintendent of Schools and the county election official. ED Code 5322</p>
<p align="center">July 4*</p>	<p>County Holiday – Fourth of July</p>
<p align="center">July 9 – August 8 (E-120 to E-90)</p>	<p>Notice of Election This notice shall be published between these dates and shall contain the date of the general district election, name of the offices for which candidates may file, state the qualifications required for each office, location where declaration of candidacy forms will be available, where the forms are to be filed and the deadline for filing these forms. EC 12112</p>
<p align="center">July 16 – August 10 – 5 p.m. (E-113 to E-88)</p>	<p>Candidate Nomination Period Candidates (including incumbents seeking re-election to the same office) must file nomination documents with the county election official during this period. If applicable, the Nonrefundable filing fee (money, signatures or any prorated combination of both) shall be paid at the time the candidate obtains their nominations forms. Candidate Statements of Qualifications are due during this period. EC 10220 & 10510</p>
<p align="center">July 31 (E-98)</p>	<p>Ballot Designation Change Deadline Last day that a candidate can submit a written request to change their ballot designation as used in the primary election. EC 13107(e)</p>
<p align="center">July 31 (E-98)</p>	<p>FPPC Semi-Annual Campaign Statement Due For period covering 1/1/12 – 6/30/12. Gov Code 84200 & 84218</p>
<p align="center">August 10 – 5 p.m. (E-88)</p>	<p>Close of Regular Candidate Nomination Period Candidate nomination documents are due. Incumbents who wish to file as a candidate for their own office must file by this date. Last day to withdraw declaration of candidacy papers except when there is an extension to that office. Form 700 Statements of Economic Interest are due. EC 8020 & GC 87200</p>

<p>August 10 – 5 p.m. (E-88)</p>	<p>Last Day for Governing Bodies to Submit a Measure Resolution Measures are to be submitted to the Board of Supervisors requesting consolidation with this election. EC 9401 & 10403</p>
<p>August 10 - 5 p.m. (E-88)</p>	<p>Deadlines for Filing Arguments Deadlines will be determined by the election official when the resolution is submitted and filing deadlines will be published in a newspaper of general circulation (city measures will be handled by the city clerk). EC 10400, 10510, 13307 & ED Code 5322</p>
<p>August 10 – October 30 (E-88 through E-7)</p>	<p>Publication of Nominees City Election Official shall publish a list of nominees, in a newspaper of general circulation of the city. EC 12110</p>
<p>August 11 – August 15 - 5 p.m. (E-87 to E-83)</p>	<p>Extension of Candidate Nomination Period Extension period for anyone other than the incumbent if the incumbent did not file by August 10. This provision does not apply if there is no incumbent to be re-elected. EC 10225, 10407, 10516 & 10603</p>
<p>August 16 11 a.m. (E-82)</p>	<p>Randomized Alphabet Drawing Conducted by the Secretary of State to determine candidate name order as it will appear on the ballot. The county election official will also hold a drawing at 11:00 a.m. for multi-county legislative offices. EC 13112</p>
<p>September 3</p>	<p>County Holiday – Labor Day</p>
<p>September 7 (E-60)</p>	<p>Special Vote By Mail Ballot Requests First day the county elections official may process applications for special vote by mail ballot requests. (Military, Overseas and 60-day voters) EC 300(b), 3103</p>
<p>September 27 – October 16 (E-40 to E-21)</p>	<p>Sample Ballot Pamphlets Pamphlets are mailed to each registered voter during this time. EC 13300</p>
<p>October 5 (E-28)</p>	<p>1st FPPC Pre-election Campaign Statement Due For the period covering 7/1/12 – 9/30/12. Gov Code 84200.7(b)(1)</p>
<p>October 8*</p>	<p>County Holiday – Columbus Day</p>
<p>October 8 – October 30 (E-29 to E-7)</p>	<p>Regular Vote by Mail Ballot Mailing and processing period for Vote by Mail ballots. Ballots will be available at the county elections office. EC 3001</p>
<p>October 21 – November 5 (E-16 to E-1)</p>	<p>Late Contributions and Independent Expenditures of \$1000 or More Within 24 hours of the transaction, FPPC Form 496 or 497 must be filed with the appropriate filing officer. Gov Code 84200.7(b)(1)</p>

<p>October 22 (E-15)</p>	<p>15-Day Close Last day to register for this election. Postmarks, DMV and personal delivery to the election office are acceptable. EC 2107</p>
<p>October 25 (E-12)</p>	<p>2nd FPPC Pre-election Campaign Statement Due For the period covering 10/01/12 – 10/20/12. Gov Code 84200.7(b)(2)</p>
<p>October 31 – November 6 (E-6 to E-0)</p>	<p>Special 7- day Ballots Available Available at the county election official's office for those voters unable to vote at the polls on election day. EC 3021</p>
<p>November 6 (E-0)</p>	<p>ELECTION DAY Polls are open from 7:00 a.m. until 8:00 p.m. EC 1000, 14212</p>
<p>November 8 –December 4 (E+2 to E+28)</p>	<p>Canvass of the Vote The official canvass of precinct returns shall commence and be completed during this time. The county election official shall prepare a certified statement of the results and submit it to the governing bodies involved with this election. EC 15301 & 15372</p>

*E-date falls on a weekend or holiday; moved to next business day. EC 15

FREQUENTLY ASKED QUESTIONS (CANDIDATES & COMMITTEES)

Q: Is a candidate who ran in a primary election required to file another Form 501 and open a separate bank account for the general (or run-off) election?

A: No, the Form 501 filed and bank account opened for the primary election cover both elections.

Q: Must an incumbent file a Form 501 if he or she is running for re-election to the same position?

A: Yes, the incumbent must file an initial Form 501. The Form 410 (Statement of Organization) must also be amended to indicate whether the incumbent is re-designating an existing bank account or establishing a new bank account.

Q: If a person buys a ticket to a campaign fundraiser, is the entire amount reported as a contribution?

A: Yes, typically the face value of the ticket is reported as a contribution. The benefit the attendee receives at the event (i.e. food, entertainment) is not subtracted from the amount of the ticket price.

Q: How are donated items for an auction or garage sale, as well as the proceeds of the sale, reported?

A: The fair market value of items donated for sale at an auction or garage sale must be reported as non-monetary contributions on Schedule C. Non-monetary contributions of \$100 or more received during the calendar year must be itemized.

If the person who purchases the item pays fair market value, the proceeds are not "contributions" because the purchaser has received full and adequate consideration for the payment. These amounts should be reported as "Miscellaneous Increases to Cash" on Schedule I. If the purchaser pays more than the fair market value, the amount over the fair market value is a contribution that must be reported on Schedule A.

Q: May a candidate be reimbursed for the use of a personal vehicle?

A: An officeholder, candidate, a member of his/her immediate family, the staff of a committee, or the staff of an elected officer's governmental agency may be reimbursed for use of a personal vehicle only if vehicle use directly relates to a political, legislative, or governmental purpose. The purpose and mileage must be documented in a manner approved by the Internal Revenue Service in connection with deductible mileage expenses. In addition, reimbursement cannot be made at a rate higher than allowed under Internal Revenue Code Section 162.

Q: If a candidate uses his/her personal telephone for campaign purposes, how should the telephone bills be paid?

A: Candidates that use personal telephones for campaign calls must pay the campaign portion of the bill with campaign funds. The other portion must be paid with personal funds.

Campaign Disclosure Information

The Political Reform Act requires candidate to file campaign statements disclosing contributions received and expenditures made. The statutory requirements of the Political Reform Act are contained in Sections 81000-91015 of the California Government Code and enforced by the Fair Political Practices Commission (FPPC).

You may contact the Technical Assistance Division of the Fair Political Practices Commission at the following: 428 J Street, Suite 450, Sacramento, CA 95814; (916)322-5660, 1(800)ASK-FPPC; www.fppc.ca.gov

Summary of Disclosure Forms

Form Name	Description
Form 501 Candidate Intention	Basic form that must be filed prior to soliciting or receiving any contributions.
Form 410 Statement of Organization	To organize a committee and obtain a Committee ID Number from the state. Form 410 must be filed within 10 days of receiving \$1,000 in contributions.
Form 460 Recipient Committee Campaign Statement	For use by candidate or officeholder who has formed 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	Officeholders, candidates, and committees that make 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 must file Form 465. (See FPPC web site for Proposition 34 prohibitions on independent expenditures and contributions to others committees.)
Form 470 Candidate and Office Holder Campaign Statement Short Form	This form is used by candidates who do not have controlled committee , and do not anticipate raising or spending \$1,000 or more in a calendar year. If Form 470 is filed on or before the 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 filed Form 470 in connection with an election and subsequently receives contributions or makes expenditures totaling \$1,000 or more is required to file this form.
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 filed a report within 24 hours of the time the contribution was made or received.

Filing Requirements

In addition to the election-specific filing listed, all candidates with qualified committees are required to file semi-annual campaign statements no later than July 31st and January 31st.

Tax ID Numbers

Some banks may require a committee to obtain a Tax ID Number before opening an account. Please contact the Internal Revenue Service for further detail. You may apply for ID number using IRS Form SS-4.

Please note that the Committee ID Numbers issued to you by the Secretary of State is separate and distinct from the Tax ID Number you may obtain from the IRS. The two numbers are not interchangeable.

VOTE BY MAIL INFORMATION

Uniform Application for Vote by Mail Ballot [Elections Code §3306, 3307, and 3007.5](#)

It is recommended that any vote by mail ballot application intended for mass reproduction be approved by the Registrar of Voters prior to its distribution to ensure compliance with current law.

- 1) Election Code §3007 requires that any individual, group, or organization distributing applications for vote by ballots must use the format for this application which has been approved by the Secretary of State. [Elections Code §3006, 3007, 3007.5, and 18402](#)
- 2) Election Code §3006 specifically permits preprinting only the voter's name, residence address, date of birth, and the name and date of the election for which the application is being made.
- 3) 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. The mailing address may not be the address of any political party, candidate, or political campaign headquarters.
- 4) The application shall provide the voters with information concerning the process for establishing permanent vote by mail voter status. [Elections Code §3006](#)
- 5) 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."
- 6) Only the voter may sign the application.
- 7) If applications are distributed through the mail, they must not be forwarded.
- 8) Bar-coded affidavit or voter identification numbers on applications must meet approval of the Elections Department prior to distribution. To avoid possible problems, candidates and committees are advised to obtain voter information directly from the Elections Department.
- 9) Applications for vote by mail ballots must be made in writing and be received by the Elections Department no later than the 7th day before the election.

Candidates and committees may receive applications for vote by mail ballots. Applications must be submitted to the Elections Department within 72 hours of receipt. Candidates and committees may not collect, receive or handle voted vote by mail ballots.

Applications for vote by mail ballots are available on the Merced County's web site www.mercedelections.org

DEFINITION OF “MASS MAILING”

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

[Government Code §820410.5](#)

MASS MAILING

The sender of a mass mailing is the candidate or committee who pays for the largest portion of the mailing. The sender must be identified by name, address, and city on the outside of the mailing and on at least on insert. If the sender of the mass mailing is a single officeholder, candidate, or committee, the identification need only be shown on the outside of each piece of mail. If the sender is a controlled committee, the name of the person controlling the committee must also be included. A committee may use a post office box if its street address is a matter of record with the Secretary of State. It is not necessary to include the committee’s identification number or the name of a committee treasurer or printer on the mailing.

Type size must be at least six points, printed in a color or typeface that contrasts with the background.

If two or more officeholders, candidates, or committees pay an equal share of the costs of the mailing, at least one of them must be identified on the outside of the mailing and all of them must be identified on the inside.

In the case of a mass mailing paid for by one officeholder, candidate or committee on behalf of another candidate or committee (i.e. mass mailings that are in-kind contributions), the office holder, candidate or committee that pays for the mailing must be identified as the sender of the mailing. For each mass mailing sent by or on behalf of the committee, the following records must be retained:

- 1) The date of the mailing
- 2) The number of pieces mailed
- 3) The method of postage used

An original sample of each mass mailing must also be retained.

IDENTIFICATION OF SENDERS OF A “SLATE MAILER”

A “slate mailer” is a mass mailing (more than 200 substantially similar pieces of mail sent in a calendar month) which supports or opposes a total of four or more candidates or ballot measures. Identification may be made either in the manner provided for mass mailings with more than one sender, or by identifying the person who is responsible for the mailing on the outside, and by indicating all candidates and committees who have paid for the mailer on the inside, whether by an asterisk or by listing their names.

POLITICAL ADVERTISEMENT REQUIREMENTS

Newspapers

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. Elections Code § 20008

SIMULATED BALLOT REQUIREMENTS

(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 Merced County Registrar of Voters or the Secretary of State."

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

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

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

(c) The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of this section, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof. Elections Code § 20009

PRINTING OF SIMULATED SAMPLE BALLOTS

In addition to any other penalty, any person who prints or otherwise duplicates, or causes to be printed or duplicated, a simulated ballot or simulated sample ballot that does not contain the statement required by Section 20009 or that uses an official seal or insignia in violation thereof, is guilty of a misdemeanor. Elections Code § 18301

OUTDOOR ADVERTISING: POLITICAL SIGNS (INCLUDING PLACARDS AND POSTERS)

Outdoor Political Advertising – State Law

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

Temporary political signs are those that meet the following criteria:

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

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

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

The State agency responsible for administering outdoor advertising laws including those for political signs is:

STATE OFFICE

Department of Transportation

Division of Traffic Operations
Outdoor Advertising Program
P.O. Box 942874, MS-36
Sacramento, CA 94274-0001
(916) 654-6473 Public
(916) 651-9359 FAX

DISTRICT COORDINATOR

Department of Transportation

Division of Traffic Operations
Central California
Outdoor Advertising Program
P.O. Box 942874, MS-36
Sacramento, CA 94274-0001
James Arbis
(916) 654-6413
(916) 651-9359 FAX

ELECTIONEERING

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 Elections Code §14240.
- d) Do any electioneering.

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

ELECTIONEERING DURING VOTE BY MAIL VOTING

- a) No candidate or representative of a candidate, and no proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, shall solicit the vote of an vote by mail voter, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time he or she knows the absentee voter is voting.
- b) Any person who knowingly violates this section is guilty of a misdemeanor.
- c) This section shall not be construed to conflict with any provision of the federal Voting Rights Act of 1965, as amended, nor to preclude electioneering by mail or telephone or in public places, except as prohibited by Election Code §18370, or by any other provision of law.