

*city of*  
YUCAIPA

CITY HALL

34272

# ELECTION 2020 Candidate Filing Guide

Member of City Council:  
Districts 3, 4, and 5

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## FOREWORD



July 13, 2020

Dear Potential Candidates:

Thank you for your interest in the City of Yucaipa and in becoming a candidate for the office of City Council. Your candidacy provides voters in the City of Yucaipa a choice and it is important to the democratic process.

The Guide has been prepared to provide an overview of the major provisions related to the election process and is intended to serve as a supplemental guide to understand the requirements of candidacy and the accurate completion and filing of nomination papers. Although the law precludes our office from responding to legal questions, we are confident that this resource will assist in explaining the various rules and regulations as you conduct your campaign.

Candidates are responsible for familiarizing themselves and adhering to all applicable provisions of the Yucaipa Municipal Code, the Elections Code, and the Political Reform Act of 1974, as amended. Candidates must adhere to all requirements of the nomination process to ensure a successful nomination effort.

The City Clerk's office is open Monday through Thursday, 7:30 am to 6:00 pm, excluding holidays. In order to allow us to provide quality service to each prospective candidate, please plan on setting aside approximately 30 minutes when scheduling an appointment with the City Clerk's office to return your nomination documents. To schedule your appointment, please call 909-797-2489, ext. 221.

As a reminder, the documents that must be submitted together prior to the filing deadline (10:00 am, August 7, 2020) are:

1. Completed Nomination Paper
2. Ballot Designation Worksheet
3. Candidates Statement (along with the fee) or Candidate Decline Statement
4. Form 700: Statement of Economic Interest
5. Code of Fair Campaign Practices (optional)

Our office extends a courteous, cooperative, and strictly non-partisan attitude toward all candidates at all times. Whether this is your first election experience or you have participated in previous elections, we hope we can provide you with assistance that will make your candidate filing a positive experience. We welcome your comments and suggestions for improving this process. Best wishes to you in your campaign.

Respectfully,

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Jennifer Crawford  
Assistant City Manager/City Clerk  
[jcrawford@yucaipa.org](mailto:jcrawford@yucaipa.org)  
909-797-2489, ext. 236

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909-797-2489, ext. 230

## IMPORTANT ELECTION DATES

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This information is for general information only and does not have the force and effect of law, regulations, or rule. In case of conflict, the law, regulation, or rule will apply. Because of possible changes in law or procedure since the publication of this information, the Candidate should obtain the most up-to-date information available

Monday, July 13 – 7:30 AM	First day to procure nomination papers from the City Clerk.
Friday, August 7 – 10:00 AM	Deadline for filing nomination papers with the City Clerk. All relevant documents must be filed at one time. Last day to withdraw nomination papers.
Monday, August 10 – 5:00 PM	Last day to withdraw candidate statement (unless there is an extension of the nomination period). Candidate may withdraw but not change statement.
Wednesday, August 12 - 5:00 PM	Candidate filing extension deadline. The filing period will be extended only for non-incumbents and only if an incumbent eligible to file does not file by August 7 <sup>th</sup> .
Thursday, August 13 - 5:00 PM	Last day to withdraw Candidate Statement if candidate filing period is extended.
Thursday, August 13	Secretary of State to draw randomized alphabet. This determines the order of candidate's names on the ballot.
Monday, September 7 - 7:30 AM	Any qualifying person wishing to file as a write-in-candidate may pick up nomination papers beginning on this date.
Tuesday, October 20 - 5:00 PM	Deadline for write-in-candidate to file Nomination Papers.
Tuesday, November 3	ELECTION DAY - Polls open 7:00 AM to 8:00 PM

## **ELECTED OFFICE INFORMATION**

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The Yucaipa City Council is comprised of five Councilmembers with each sharing voting powers on all items coming before the Council. Councilmembers are elected by-district to four-year terms, with elections held in November of even-numbered years. The Council meets annually to choose one of its members as Mayor and another of its members as Mayor Pro Tem. The City Council appoints the City Manager and City Attorney and members of all advisory boards, commissions, and committees. The City Council also serves as the Board of Directors for the Yucaipa Successor Agency and as Commissioners of the Yucaipa Housing Authority.

### **Offices Up for Election**

The following offices are scheduled for election on Tuesday, November 3, 2020:

- One (1) Member of the City Council for Council District 3 for the full term of four (4) years
- One (1) Member of the City Council for Council District 4 for the full term of four (4) years
- One (1) Member of the City Council for Council District 5 for the full term of four (4) years

### **District Boundaries**

Beginning with the Presidential General Election in November 2016, Members of the City Council were elected in the electoral districts established by Yucaipa Municipal Code Section 1.08. Elections shall take place “by-district,” meaning one Member of the City Council shall be elected from each district, by the voters of that district alone. Each Member of the City Council shall serve a four-year term until his or her successor is qualified.

### **Find My District**

The five single-member districts are reflected on the District Map, which is located at the end of this Section or available on the [City of Yucaipa GIS portal](#).

### **Qualifications**

To qualify for candidacy, the candidate for City Council must:

- Be a United States citizen
- Be 18 years of age or older on or before election day
- Reside in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued
- Reside in the district during their incumbency

### **Compensation**

Each Councilmember is currently compensated at the rate of \$500 per month for Council meetings (Ord. No. 270). Mileage and/or travel expenses and other direct expenses incurred while on City business may be reimbursed upon receipt of claim for reimbursement.

### **Notice to Candidates Regarding Incompatible Offices**

The Political Reform Act does not prohibit any officeholder from holding multiple public offices or seeking more than one elective office, but there are instances in which holding more than one office is considered incompatible. There is no single statute that defines “incompatibility of offices.” The common law doctrine of incompatibility of offices, however, prevents an elected official from holding two offices simultaneously if the offices have overlapping and conflicting public duties. The courts have defined this concept as follows: “One individual may not simultaneously hold two public offices where the functions of the offices concerned are inherently inconsistent, as where there are conflicting interests, or where the nature of the duties of the two offices is such as to render it improper due to considerations of public policy for one

person to retain both.” The State of California Attorney General’s Office has issued many opinions of particular compatibility questions.

Below are six examples of incompatible offices:

1. The offices of city council person and school district board member where the city and the school district have territory in common;
2. Fire chief of a county fire protection district and member of the board of supervisors of the `same county;
3. High school district trustee and trustee of an elementary school district which is wholly within the geographic boundaries of the high school district;
4. Water district director and a city councilmember;
5. Water district director and a school district trustee having territory in common;
6. Deputy Sheriff and County Supervisor.

If you have a question about whether two public offices which you hold or seek to hold would be considered incompatible, contact the California State Attorney General’s office at 916-445-555 or visit their website, <https://oag.ca.gov/>. For further information regarding conflict of interest or incompatibility of offices, visit the Fair Political Practices Commission’s website at [www.fppc.ca.gov](http://www.fppc.ca.gov), or call 866-275-3772.

### **Council Meetings and Agenda Packets**

City Council meetings are held at 6:00 p.m. on the 2nd and 4th Monday of each month in the City Hall Council Chambers. City Council Agenda Packets, Minutes, live streaming audio and on-demand audio of the meetings may be accessed on the City’s web site at <http://yucaipa.org/government/meeting-agendas/>.

### **City of Yucaipa Budget**

The City Council adopted Budget for Fiscal Year 2020-20 is available on the City’s website at <http://yucaipa.org/government/departmentservices/city-managers-office/budgetcip/>.

### **City of Yucaipa Municipal/Development Code**

The Municipal/Development Code may be accessed online at <http://qcode.us/codes/yucaipa/>.

### **Oath of Office for Elected Candidates**

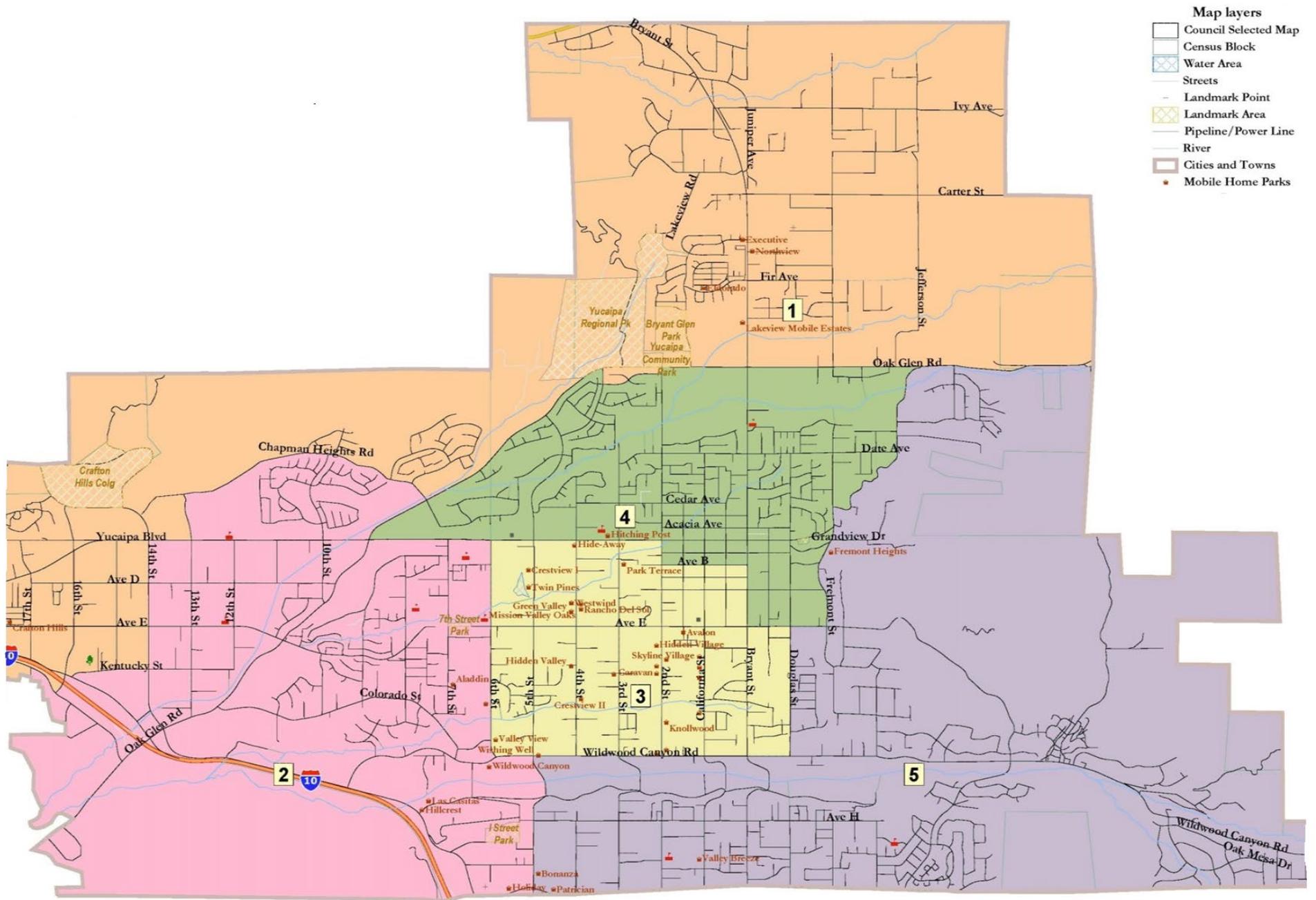
The elected candidates will be seated at the next regularly scheduled meeting following receipt by the City Clerk of the results of the election from the County of San Bernardino Registrar of Voters. It is anticipated this will be at the first meeting in December, at which time a swearing-in ceremony will be held.

### **Mandatory Ethics Training (AB 1234) Requirement**

Public officials—elected and appointed—wield the power of government and serve as stewards of both the public’s resources and trust. For this reason, the public holds public officials to high standards of ethical conduct. The role of public perception makes public service ethics unique. A public official’s own analysis of what constitutes the “ethical” course of conduct is only the first step of the analysis. The second is whether the public will perceive a particular course of action as being ethical. Perception is particularly important in the area of public service ethics.<sup>1</sup> Because of the complexity of the public service ethics laws and the importance of understanding public service ethics principles, state law (AB 1234) requires elected officials to complete two hours of training in ethics principles and laws within one year of taking office. Thereafter, elected officials are required to complete the training every two years. The Fair Political Practices Commission (FPPC) offers an opportunity for all public officials to comply with this obligation via an online training. The training may be accessed at <http://localethics.fppc.ca.gov/login.aspx>.

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<sup>1</sup> Adapted from Institute for Local Government, “Ethics Law Reference for Local Officials”



- Map layers**
- Council Selected Map
  - Census Block
  - Water Area
  - Streets
  - Landmark Point
  - Landmark Area
  - Pipeline/Power Line
  - River
  - Cities and Towns
  - Mobile Home Parks

National Demographics Corporation, June 1, 2016

## CANDIDATE FILING PROCESS

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In order to become a candidate for office, candidates must file various documents with the City Clerk's Office. The required documents are located in the "Official Filing Forms" section of this guide. The Candidate filing forms are available for pick-up at the City Clerk's office beginning July 13, 2020 and must be **received** in the City Clerk's office prior to the filing deadline of **10:00 AM on August 7, 2020.**

### Filing Fees

The office of City Councilmember does not require a filing fee.

### Declaration of Candidacy

The Declaration of Candidacy is a required form that all candidates must file in order to officially become a candidate. The Declaration of Candidacy includes the required Oath of Affirmation of Candidate and requires that candidates declare which office they are running for, how their name shall appear on the ballot, and whether or not they request a ballot designation. If a candidate requests a ballot designation, they must complete a Ballot Designation Worksheet. Once filed with the Elections Office, the Declaration of Candidacy becomes a public record and is available for viewing by the public upon request.

### Nomination Petition

A Nomination Petition is a form that contains signatures of registered voters within a particular district. The Nomination Petition includes the required Affidavit of Circulator. Each candidate must obtain **at least 20** but no more than 30 signatures of registered voters that reside within the district in which the candidate intends to run. Only the voters of that district are entitled to vote to decide who their representative will be.

Twenty valid signatures are required to qualify as a candidate. Candidates are encouraged to obtain the maximum number of signatures as frequently signers are not "legally registered." Each signer of a Nomination Petition can sign only as many petitions as there are places to be filled for such office. (Each Council seat is considered an office). A candidate and circulator may also sign the Nomination Petition. Filing on time is the candidate's responsibility. The withdrawal of candidates is permitted only up to the close of the nomination period (includes the extension, if applicable).

### Affidavit of Circulator

The Nomination Petition may be circulated by the candidate himself/herself or by any other qualified voter in the City of Yucaipa. Whoever circulates the petition must witness all signatures and then complete and sign the Affidavit of Circulator (under penalty of perjury). This form is on the back of the Nomination Petition.

### Ballot Designation

Candidates may elect to have a ballot designation appear under their name on the ballot. A ballot designation describes the candidate's principal profession, vocation or occupation. Candidates who choose to have a ballot designation must declare on the Declaration of Candidacy that they request to have a ballot designation.

### Selecting/Submitting a Ballot Designation

Candidates who choose to have a ballot designation must complete the Ballot Designation Worksheet. The Ballot Designation Worksheet is a form that a candidate uses to propose and justify the use of that ballot designation. The Ballot Designation Worksheet is located in the "Official Filing Forms" section of this guide. Pursuant to EC §13107.3, all candidates are required to submit a Ballot Designation Worksheet at the same time as the filing of the Nomination Papers.

For your reference, relevant provisions of California Code of Regulations, Title 2 Division 7, Chapter 7, Ballot Designations, are included in the Ballot Designation Worksheet. Once filed with the Elections Office, the Ballot Designation Worksheet becomes a public record and is available for viewing by the public upon request.

### **Ballot Designation Rules and Regulations**

There are specific laws and regulations that govern whether or not a ballot designation is acceptable or unacceptable for printing on the ballot. These rules are outlined in California Elections Code sections §13107, §13107.3, §13107.5 and California Administrative Code sections §20710-20719. Ballot Designations are restricted to the following:

1. No more than three words.
2. Limited to space allotted on the ballot, approximately 48 characters including spaces and punctuation.
3. Must appear on the Nomination Petition at the time it is filed.
4. Become public record once the information is filed.
5. Cannot be changed after the final date to file nomination documents.

The listing of a designation on the ballot is OPTIONAL. Only one of the following categories is allowed:

#### **Elective Office Title**

Candidates who were elected by a vote of the people and hold office at the time of filing candidacy documents may choose to use one of the following:

- their full elective office title (Cal. Elec. Code §13107(a)(1)), or
- the unmodified word “Incumbent” if the candidate is filing for the same office they currently hold (Cal. Elec. Code §13107(a)(2) and Cal. Admin. Code §20713(b)), or
- no more than three words designating their elective office title and their principal profession, vocation, or occupation (Cal. Admin. Code §20712(d)).

#### **Appointed Office Title**

Candidates who were appointed to fill a vacant office and hold office at the time of filing candidacy documents may choose to use one of the following:

- the word “Appointed” and their full elective office title (Cal. Elec. Code §13107(a)(4) and Cal. Admin. Code §20715(b)), or
- the unmodified words “Appointed Incumbent” if the candidate is filing for the same office they currently hold (Cal. Elec. Code §13107(a)(4) and Cal. Admin. Code §20715(a)).

#### **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.

## **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
- Example C: Board Member, XYZ School District, Appointed
- Exception: Candidates appointed to office in lieu of an election do not have to use the word “appointed.”

## **Principal Professions, Vocations, or Occupations**

No more than three words to either describe the current principal profession, vocation, or occupation of the candidate or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents. Geographical names are considered one word.

### **Definition for “Principal”**

California Administrative Code §20714(b) defines the word “principal” as substantial involvement of time and effort such that the activity is one of the primary, main, or leading professional, vocational, or occupational endeavors of the candidate. The term “principal” precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement, which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.

If a candidate is licensed by the State of California to engage in a profession, vocation, or occupation, the candidate is entitled to consider it one of their “principal” professions, vocations, or occupations if:

- the candidate’s license is current at the time they file candidacy documents, and
- the candidate’s license is active at the time they file candidacy documents.

### **Using the word “Community Volunteer”**

California Elections Code §13107.5 dictates that using “Community Volunteer” shall constitute a valid principal vocation or occupation only if:

- the activities/service constitutes their principal profession, vocation, or occupation, and
- the candidate is not engaged concurrently in another principal profession, vocation, or occupation, and
- the words “Community Volunteer” are not used in combination with any other principal profession, vocation, or occupation designation.

### **Definition for “Profession”**

California Administrative Code §20714(a)(1) defines “profession” as a field of employment requiring special education or skill and requiring knowledge of a particular discipline. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual.

### **Definition for “Vocation”**

California Administrative Code §20714(a)(2) defines “vocation” as a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time.

### **Definition for “Occupation”**

California Administrative Code §20714(a)(3) defines “occupation” as the employment in which one regularly engages or follows as the means of making a livelihood.

California Administrative Code §20714.5 defines “Community Volunteer” as a person who engages in an activity or performs a service for or on behalf of, without profiting monetarily, one or more of the following:

- A charitable, educational, or religious organization as defined by the United States Internal Revenue Code section 501(c)(3);
- A governmental agency; or
- An educational institution.

If a candidate is requesting to use “Community Volunteer” as their proposed ballot designation, they must demonstrate that the activity/service constitutes substantial involvement of time and effort such that the activity/service is the sole, primary, main, or leading professional, vocational, or occupational endeavor of the candidate.

### **No Occupation Desired**

If no Ballot Designation is requested, leave blank and place your initials in the space provided for Ballot Designation on the Nomination Papers form.

### **Using the word “Retired”**

California Administrative Code §20716(h) dictates that the word “retired” is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation, or occupation. In evaluating use of the word “retired,” the elections official will consider the following factors in making a determination:

- Prior to retiring from their principal profession, vocation, or occupation, the candidate worked in the profession, vocation, or occupation for more than 5 years.
- The candidate is collecting, or eligible to collect, retirement benefits or other types of vested pension.
- The candidate has reached at least the age of 55 years.
- The candidate voluntarily left his or her last professional, vocational, or occupational position.
- The candidate's retirement benefits are providing him or her with a principal source of income.

If a candidate is requesting a ballot designation that they are a “Retired Public Official,” the candidate:

- must have previously voluntarily retired from public office,
- not have been involuntarily removed from office,
- not have been recalled by voters, and
- not have surrendered the office to seek another office or failed to win reelection to the office.

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

### **Acceptable Ballot Designations**

California Administrative Code §20714(c) dictates that the candidate’s ballot designation must be factually accurate, must be neither confusing nor misleading, and must be in full and complete compliance with the Elections Code and California Administrative Code.

California Administrative Code §20714(f) dictates that ballot designations shall be grammatically correct, generic, and all words must be spelled correctly. Punctuation shall be limited to the use of a comma and a slash; however, a hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language, which

was published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted.

### **Unacceptable Ballot Designations**

California Elections Code §13107(d) dictates that the elections official shall not accept any ballot designation that:

- would mislead the voter,
- suggests an evaluation of a candidate,
- abbreviates the word “retired,”
- places the word “retired” following any word,
- uses a word or prefix, other than “retired,” that refers to prior status,
- uses the name of any political party, whether or not it has qualified for the ballot,
- refers to a racial, religious, or ethnic group, or
- refers to any activity prohibited by law.

California Administrative Code §20716(c) dictates that the elections official shall reject any proposed ballot designation which would mislead voters. In making this determination, the elections official shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled. The determination shall take into account the plain meaning of the words and the factual accuracy based upon supporting documents submitted by the candidate.

California Elections Code §13107(f) dictates that, if the elections official finds the designation to be in violation of any of the rules, the elections official shall notify the candidate, and the candidate has three days from receiving notification to provide the elections official with a ballot designation that complies with the rules. If a candidate fails to provide a designation that complies with the rules within the specified timeframe, no ballot designation shall appear after the candidate's name.

### **Supporting Documentation Justifying Proposed Ballot Designations**

California Administrative Code §20717(c) dictates that the candidate shall have the burden of establishing that the proposed ballot designation is accurate and complies with all provisions of the Elections Code and California Administrative Code.

California Administrative Code §20717(a) dictates that time is of the essence regarding all matters pertaining to the review of ballot designations submitted by candidates. Failure to promptly submit requested supporting documentation will preclude consideration of such materials in the rendering of a final decision on the candidate’s proposed ballot designation.

The Elections Office requires candidates to provide documentation to support their principal professions, vocations, or occupations. Candidates are encouraged to provide supporting documentation at the time they file the Ballot Designation Worksheet. If a candidate is not able to provide documentation at the time of filing, the Elections Office allows candidates to provide supporting documentation within three business days from filing the Ballot Designation Worksheet. If a candidate fails to provide supporting documentation, the Elections Office may not approve the candidate’s designation for printing on the ballot.

### **Ballot Designation Size and Format**

California Elections Code §13107(h) dictates that ballot designations are printed in uppercase and lowercase type on the ballot, and that if a candidate’s ballot designation is so long that it would conflict

with the space limitations of the ballot, the elections official may use a type size that is sufficiently smaller to meet space limitations on the ballot.

California Elections Code §13107(j) dictates that, for the purpose of foreign language translations of ballot designations, the elections official may employ abbreviations and/or initials wherever possible in order to meet space limitations on the ballot.

Due to space limitations, the ballot designation is limited to approximately 48 characters including spaces and punctuation. Candidates are encouraged to comply with the character limits.

### **San Bernardino County Elections Office Policy on Endorsements**

It is the policy of the San Bernardino County Elections Office that any named individual or specific organization listed as an endorsement in a candidate statement (see Example A below) must be verified as endorsing the candidate prior to printing in the Voter Information Guide and Sample Ballot. Verification of the endorsement must be in the form of a copy of a letter of endorsement, or in a direct communication from the endorser to the Elections Office in the form of an email or facsimile correspondence. All endorsements or verification of endorsements from an individual or organization of a candidate must be submitted no later than five days after the end of the filing period.

Example A: "...I am endorsed by County Supervisor John Doe, Senator Jane Smith, and the San Bernardino League of Women Voters."

In Example A, the Elections Office would require an email, facsimile, or copy of the letter of endorsement from Supervisor Doe, Senator Smith, and the San Bernardino League of Women Voters to allow these endorsements to be printed.

Example B: "...I am endorsed by police, firefighters, nurses, and teachers throughout San Bernardino County."

In Example B, the Elections Office would not require verification of the endorsement because the statement does not identify a specific individual or organization

### **Review of Ballot Designation**

Candidates may review their own ballot designation, as well as that of other candidates, at the Elections Office during working hours in the 10 days immediately following the close of the filing period.

### **Candidate Statement**

The law permits nonpartisan candidates to file a candidate statement to be mailed with the sample ballot. Filing of a statement is not mandatory but is permissive if the candidate desires to file and pay the appropriate fee. Candidates who elect to have a statement printed in the Voter Information Guide are required to pay the estimated costs of including their candidate statement in the Voter Information Guide at the time of filing. The actual costs of inclusion will be determined after the election, and participating candidates will either receive a refund or be responsible for paying additional costs at that time. Payments are accepted in the form of cash, personal check, cashier's check and money order, or credit card.

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. The statement is 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 that office or to another candidate's qualifications, character, or activities. The statement shall not include the party affiliation of

the candidate nor membership or activity in partisan political organizations. (E.C. §13307(a)(1) & EC §13308)

This section shall not be deemed to make any statement, or the authors of any statement, 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 Guide. (E.C. §13307)

Any candidate in an election who knowingly makes a false statement of a material fact in a candidate statement, prepared pursuant to E.C. 13307, with the intent to mislead the voters in connection with his or her campaign for nomination or election to a nonpartisan office, is punishable by a fine not to exceed one thousand dollars (\$1,000). (E.C. §18351)

No changes of any kind are allowed AFTER the statement is filed. Statements may be withdrawn (in writing) during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period. (E.C. 13307 (a)(3)) Candidate statements shall remain confidential until the expiration of the filing deadline. (E.C. 13311)

### **Candidate Statement Form**

All candidates, regardless of whether or not they choose to publish a candidate statement, are required to complete and file either a Candidate Statement Form or a Candidate Statement Decline Form. The candidate's choice regarding whether or not a candidate's statement will be printed in the sample ballot must be indicated on this form.

### **Candidate Statement Guidelines**

In order to ensure uniformity of statements, below are key requirements for use in preparing your statement:

- Statements shall be prepared on a form provided by the City (located in the "Official Filing Forms" section of this guide). A paper copy must be filed with the Nomination Papers. Our office greatly appreciates receiving an electronic copy of the statement whenever possible.
  - The California Elections Code intends uniformity of appearance. Each statement is allowed the same amount of space in the sample ballot. All statements will be printed in uniform style and size of type, in block paragraph form. Outline form is not acceptable.
  - Do not use any unusual spacing, stars, exclamation points, and highlights on the statement.
  - Candidate statements shall be typed in upper- and lower-case letters when appropriate, and not all capital letters.
- Additionally, candidate statements shall not contain any *italicized* or **bolded** letters.
- Statements will be typeset exactly as submitted – the Registrar is not permitted to edit any material contained in the statement. Candidates are therefore advised to carefully check their statements for errors in spelling, punctuation, and grammar.
  - Confine the statement to **200** words. (Word Count Standard is provided below for use in determining how words, numbers, and dates are counted)
  - The statement shall not include any party affiliation, membership, or activity in partisan political organizations.
  - Must be written in first person.
  - Candidates cannot make reference to other candidates.

## Candidate Statement Requirements

- Be accurate. **Statements will be printed as submitted.** Spelling, punctuation, and grammatical errors *will not* be corrected by the Elections Office.
- Elections Code §13308 restricts any candidate statement to a recitation of the candidate's own personal background and qualifications and prohibits any reference to other candidates for the office sought or to another candidate's qualifications, character, or activities.
- Only a cursory review of the candidate's statement will be done at the time of filing to ensure that the statement is acceptable in word content and formatting.
- Elections Code §13313 allows for a 10-day public examination period of all candidate statements prior to submittal for printing in the Voter Information Guide and Sample Ballot. During this period, the Elections Official, or 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 the candidate statements to be amended or deleted.
- The "OCCUPATION" field in the candidate statement is not restricted in the same manner as the ballot designation that appears underneath the candidate's name on the Official Ballot. Therefore, it may be different from the candidate's ballot designation.
- The "AGE" and "OCCUPATION" fields in the candidate statement are optional. If a candidate does not place an age and/or occupation on the candidate statement document, it will appear blank when printed.

## Size and Format

- Candidate statements are limited to 200 words.
- Regardless of the word count limitation, statements must fit inside a half page square in the Voter Information Guide measuring 4.75" wide by 3.25" tall. The template on the next page is the actual size allowed for each statement.
- Statements will be printed in type of uniform size and darkness, and with uniform spacing.
- Candidate statements will be printed in 8 point Arial font.

## Submittal

- At the time of filing, an electronic copy of the fillable template can be provided to the City Clerk's Office on USB or via email.
- Once the statement has been filed, it may not be changed by the candidate.

## Word Count Standards for Candidate Statements

The following guidelines are for computing the word count for candidate statements. The title, occupation, and age **are not included** in the word count, only the statement of text. The Office of the Registrar of Voters will make the final determination. (E.C. §9)

As stated in Section 9 of the Elections Code, counting of words, for purposes of this code, shall be as follows:

1. Punctuation is not counted.
2. Each word shall be counted as one word except as specified in this section.
3. All geographical names shall be considered as one word: for example, "City and County of San Francisco" shall be counted as one word.

4. Each abbreviation for a word, phrase, or expression shall be counted as one word. E.G. UCLA, PTA, L.A.P.D.
5. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
6. Dates consisting of a combination of words and digits shall be counted as two words. E.G. April 10, 1990. Dates consisting only of a combination of digits shall be counted as one word. E.G. 4/10/90.
7. Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as “one,” shall be considered as a separate word or words. “One” shall be counted as one word whereas “one hundred” shall be counted as two words. “100” shall be counted as one word.
8. Telephone numbers shall be counted as one word.
9. Internet web sites and email addresses shall be counted as one word.

This section shall not apply to counting words for ballot designations under Election Code Sections 13107 and 13107.5. ***If the text exceeds the word limit, the candidate must delete or change a sufficient number of words, or a sentence, to put the statement within the required word limit before the statement is filed.***

### Example of Format Used for Candidate Statements

The following examples are provided to demonstrate the difference between an acceptable and unacceptable candidate statement:

#### Example of an Acceptable Candidate Statement

<b>NAME:</b> THOMAS GARRISON	<b>AGE:</b> 50
<b>OCCUPATION:</b> Businessman/Parent	
<p>I believe all residents deserve a high quality of water, and excellent service at an affordable cost.</p> <p>As your next elected member of the Board of Directors of the High Plains Water District, my legal education will enable me to advocate effectively on your behalf. My years of experience of having served on several boards has prepared me for working well with other board members – by supporting good policy and ensuring all important issues are discussed when tough decisions need to be made.</p> <p>My family has lived in this community for over thirty years and we’ve been blessed to be able to give back to our community through many years of community volunteerism – my wife volunteers at our local senior center and boy’s and girl’s club, and our daughters have been known to sing and dance at or participate at various local community events.</p> <p>Qualifications – Community Volunteer</p> <ul style="list-style-type: none"> <li>• Board of Directors – Neighborhood Housing Services: 1985 – 2000.</li> <li>• Commissioner – Community Action Commission: 2005 – Present</li> <li>• Board of Directors – Douglasville Hospital: 2004-2006</li> <li>• President – Occupational Health Committee 2010 – Present</li> </ul> <p>Thank you for your support!</p> <p>Vote for Thomas Garrison! Thank you for your support!</p>	

**Example of an Unacceptable Candidate Statement**

The highlighted portions are examples of what is not allowed in the candidate statement, including making reference to another candidate and improper formatting, such as using italics, bolding, improper capitalization, non-uniform spacing, and using various sized fonts.

<b>NAME: THOMAS GARRISON</b>	<b>AGE: 50</b>
<b>OCCUPATION: Businessman/Parent</b>	
I believe all residents deserve a high quality of water, and excellent service at an affordable cost. <b>The current director, Tom Smith, hasn't been doing his job and is cheating the taxpayers.</b>	
As your next elected member of the Board of Directors of the High Plains Water District, <b>my legal education</b> will enable me to advocate effectively on your behalf. My years of experience of having served on several boards has prepared me for working well with other board members – by supporting good policy and ensuring all important issues are discussed when <b>tough decisions</b> need to be made.	
My family has lived in this community for over Thirty Years and we've been blessed to be able to give back to our community through many years of <b>COMMUNITY VOLUNTEERISM</b> . My wife volunteers at our local senior center and boy's and girl's club, and our daughters have been known to sing and dance at or participate at various local community events.	
Qualifications – Community Volunteer Board of Directors – Neighborhood Housing Services: 1985 – 2000. Commissioner – Community Action Commission: 2005 – Present Board of Directors – Douglasville Hospital: 2004-2006 President – Occupational Health Committee 2010 – Present	
Thank you for your support! <b>* * * * *</b> Vote for Thomas Garrison! <b>* * * * *</b>	

**RESOLUTION NO. 2020-33**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUCAIPA CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020 FOR THE PURPOSE OF ELECTING ONE PERSON EACH FROM COUNCIL DISTRICTS THREE, FOUR AND FIVE TO THE CITY COUNCIL OF THE CITY OF YUCAIPA FOR FULL FOUR-YEAR TERMS, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE RELATING TO GENERAL LAW CITIES, AND ESTABLISHING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS FOR SAID ELECTION

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WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 3, 2020, for the election of Municipal Officers; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City, the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of San Bernardino canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Yucaipa, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of the following:

To elect one person each from Council Districts 3, 4, and 5 to the City Council of the City of Yucaipa for the full term of four (4) years.

SECTION 2. The ballots to be used at the election shall be in the form and content as required by law.

SECTION 3. The City Clerk is authorized, instructed and directed to coordinate with the County Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. The polls for the election shall be open at seven o'clock a.m. the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code §10242, except as provided in §14401 of the Elections Code of the State of California.

SECTION 5. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. Pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of San Bernardino is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 3, 2020, for the purpose of electing one person each from Council Districts 3, 4, and 5 to the City Council of the City of Yucaipa for the full term of four (4) years. The consolidated election shall be held and conducted in the manner prescribed in §10418 of the Elections Code.

SECTION 7. The San Bernardino County Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

SECTION 8. The Board of Supervisors of the County of San Bernardino is requested to issue instructions to the County Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 9. The City of Yucaipa recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 10. GENERAL PROVISIONS. Pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an election to be held in the City of Yucaipa on November 3, 2020, may prepare a candidate's statement on an appropriate form provided by the City Clerk. 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. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed (in typewritten form) in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

#### SECTION 11. FOREIGN LANGUAGE POLICY.

A. Pursuant to the Federal Voting Rights Act, candidate's statements will be translated into all languages required by the County of San Bernardino. The County is required to translate candidate's statements into the following language: Spanish.

B. The County will print and mail sample ballots and candidate's statements to all voters in English and Spanish. The County will make the sample ballots and candidate's statements in the required languages available at all polling places and in the Election Official's office.

#### SECTION 12. PAYMENT.

A. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in Section 11 (A) above.

B. The candidate shall be required to pay for the cost of printing the candidate's statement in English and Spanish.

C. The County Registrar of Voters shall provide the City Clerk with an estimate of the total cost of printing, handling, translating, and mailing the candidates statement filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency for 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 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 clerk is not bound by the estimate and may, on a pro rate 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 clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 13. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 14. The City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

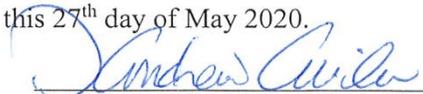
SECTION 15. All previous resolutions establishing council policy on payment for candidates' statements are repealed.

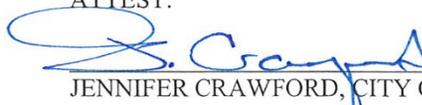
SECTION 16. This Resolution shall apply only to the election to be held on November 3, 2020 and shall then be repealed.

SECTION 17. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law. Notwithstanding the generality of the foregoing, the City Clerk is hereby instructed to act in conformance with California Elections Code §10403 and to file a certified copy of this Resolution with the Board of Supervisors of San Bernardino County and to transmit a copy of the same to the San Bernardino County Elections Official.

SECTION 18. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27<sup>th</sup> day of May 2020.

  
\_\_\_\_\_  
DAVID AVILA, MAYOR

ATTEST:  
  
\_\_\_\_\_  
JENNIFER CRAWFORD, CITY CLERK

## FAIR POLITICAL PRACTICES COMMISSION FILINGS

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The Fair Political Practices Commission (FPPC) is an independent regulatory agency that enforces campaign finance laws. The City of Yucaipa is one of many filing agents for the FPPC and is responsible for working with candidates who are required to submit financial disclosure statements. However, it is the responsibility of the candidates and committees to be aware of filing deadlines and to file the required forms in a timely manner.

### Campaign-Related FPPC Filings

All committees must file reports by the filing deadline for the specific period set by the FPPC. These dates are set by law and cannot be changed. You will be required to amend your statement if your report does not list the correct reporting period. All committees should file by the appropriate method of delivery.

Electronic write-in enabled PDF versions of all FPPC forms relating to campaign reporting obligations under the Act may be obtained from the FPPC via their website at [www.fppc.ca.gov](http://www.fppc.ca.gov). A copy of the most common election-related forms are included in Appendix “A” of this guide (Forms 501, 410, 460, and 470). Please contact the FPPC at 1-866-ASK-FPPC (1-866-275-3772) or visit the FPPC web site at [www.fppc.ca.gov](http://www.fppc.ca.gov) for assistance and information on completing campaign statements.

### Statement of Economic Interest Form 700

All candidates for public office are required to file a Statement of Economic Interests Form 700 with the City Clerk. This form is due at the time the candidate files the nomination papers. The original Form 700 is forwarded to the FPPC in Sacramento and the City maintains a copy of the Form 700 with the candidate’s file.

The Political Reform Act is intended to prevent conflicts of interest by requiring public officials to disclose certain personal financial interests that could cause conflicts. The Form 700 provides transparency and ensures accountability in two ways:

- It provides necessary information to the public about an official’s personal financial interests to ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances.
- It serves as a reminder to the public official of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest.

All of the information required by this form is mandatory and is required by the provisions of the Political Reform Act, Government Code Sections 8100, et seq.

### Resources

- [Form 700](#) (Use through Dec. 31, 2020)
- Conflict of Interest Rules <http://www.fppc.ca.gov/learn/conflicts-of-interest-rules.html>
- [Reference Pamphlet](#) (Explains reporting requirements)

(Sample Form 700 Cover Page on Next Page) 

700 Cover Page (Sample Form)



STATEMENT OF ECONOMIC INTERESTS COVER PAGE

Date Received Official Use Only

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE) Last Name First Name Middle Name

1. Office, Agency, or Court

Agency Name (Do not use acronyms) City of Yucaipa Division, Board, Department, District, if applicable City Council Member Your Position Candidate

2. Jurisdiction of Office (Check at least one box)

State Multi-County City of Yucaipa Judge or Court Commissioner (Statewide Jurisdiction) County of Other

3. Type or Statement (Check at least one box)

Annual: The period covered is January 1, 2013, through December 31, 2013. Leaving Office: Date Left / / (Check one) The period covered is January 1, 2013, through the date of leaving office. Assuming Office: Date assumed / / Candidate: Election year 2020 and office sought, if different than Part 1:

4. Schedule Summary

Check applicable schedules or "None." Total number of pages including this cover page: Schedule A-1 - Investments - schedule attached Schedule C - Income, Loans, & Business Positions - schedule attached Schedule A-2 - Investments - schedule attached Schedule D - Income - Gifts - schedule attached Schedule B - Real Property - schedule attached Schedule E - Income - Gifts - Travel Payments - schedule attached None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS (OPTIONAL) I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date Signed Signature

Clear Page

Print Form

FPPC Form 700 (2013/2014) FPPC Advice Email: advice@fppc.ca.gov FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov

## **Additional Fair Political Practices Commission Filing Forms**

The following list of financial disclosure forms may be required for candidates running for office. Please refer to the instructions for filing, which is included with the form for requirements and filing locations.

- Form 501 - Candidate Statement of Intention and Campaign Contributions: Candidates must file this form prior to accepting any campaign contributions or making any campaign expenditures.
- Form 410 - Statement of Organization: Candidates that plan to spend or receive campaign contributions of \$2,000 or more must file this form.
- Form 460 - Recipient Committee Campaign Statement: Candidates who file a Form 410 are required to file Form 460.
- Form 470 - Officeholder and Candidate Campaign Statement-Short Form: Candidates that do not plan to spend or receive campaign contributions of \$2,000 or more must file this form.
- Form 470 - Supplement: If a candidate subsequently spends or receives campaign contributions of \$2,000 or more, after filing an initial Form 470, a Supplement Form 470 must be filed. This form must be filed within 48 hours of reaching the \$2,000 limit.

## **FPPC Campaign Disclosure Manual 2 and Campaign Resources**

Please refer to the Fair Political Practices Commission (FPPC) Campaign Disclosure Manual 2, “Information for Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates” for further details on filing requirements. This manual may be accessed via the FPPC’s website at: <http://www.fppc.ca.gov/learn/campaign-rules/campaign-disclosure-manuals.html#title2>.

Click on the links below to find out what your responsibilities are before, during, and after the election.

- Getting Started: <http://www.fppc.ca.gov/learn/campaign-rules/candidate-toolkit-getting-started/getting-started.html>
- Campaign Reports: <http://www.fppc.ca.gov/learn/campaign-rules/candidate-toolkit-getting-started/fundraising.html>
- Campaign Communications: <http://www.fppc.ca.gov/learn/campaign-rules/candidate-toolkit-getting-started/campaign-advertisements.html>
- After the Election: <http://www.fppc.ca.gov/learn/campaign-rules/candidate-toolkit-getting-started/after-the-election.html>

## CAMPAIGN LAWS AND REGULATIONS

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There are several laws and regulations relating to the conduct of candidates and campaign organizations. The codes below may be of interest to candidates and campaign managers. The following information is intended to be used as reference only. Refer to the appropriate statutes, including Election and Government Codes, for more information.

### Political Advertising

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. (E.C. §20008)

### Political Sign Regulations

The City of Yucaipa Temporary Political Sign permit application is located in the "Official Filing Forms" section of this guide. Temporary political signs shall not be posted more than **45 days** before an election. All such signs shall be removed **within seven days after the same election**. A temporary political sign is defined as any temporary sign that indicates any one or a combination of the following:

1. The name and/or picture of an individual seeking election or appointment to a public office; or
2. Relates to a forthcoming public election, initiative, or referendum.

A permit is **required** prior to the placement of any temporary political advertising signs. The Development Code (§87.0725, Primary Signs) makes several general provisions with which each candidate must comply:

1. Signs shall have a maximum area of eight (8) square feet in residential land use districts and thirty-two (32) square feet in all other land use districts.
2. Signs posted on private property must have the property owner's consent. Signs posted on vacant properties must have written consent of the property owner.
3. All signs shall be removed within seven (7) days after the election.
4. Signs shall not be erected within any street intersection, clear sight triangle, or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
5. Signs shall not be nailed or affixed to any tree, fence post, or public utility pole and shall not be located in the public right-of-way, parkway, or on publicly owned or publicly leased property.
6. Signs, which have adhesive backing, shall not be affixed directly to any structure. Such a sign with adhesive backing shall first be affixed to a temporary backing of wood, paper, or plastic for support which can be easily removed from its posted location.

7. If, at any time, a sign is deemed in violation of the City Code, the sign shall be removed and the permit holder may be assessed a minimum fine of twenty dollars (\$20.00) in addition to the following:

<u>SIZE OF SIGN</u>	<u>FINE PER SIGN</u>
1-8 Square Feet	\$1.00
9-32 Square Feet	\$5.00

### **State Law Governing Campaign Signs (Statement of Responsibility Form)**

Each candidate will be provided with the Department of Transportation's Statement of Responsibility Form.

The Statement of Responsibility Form is located in the "Official Filing Forms" section of this guide. This form provides candidates with the outdoor advertising display requirements for the placement of temporary political signs. When applicable, a completed Statement of Responsibility must be submitted to the Division of Traffic Operations. If a candidate requires additional information about state regulations, candidates are advised to contact the Department of Transportation office at 464 West 4th Street, San Bernardino, CA 92401, or by phone at (909) 383-4631.

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 or inconvenience to you and your supporters. Please share this information with those assisting in your campaign.

### **Mass Mailing**

The complete text of Government Code §84305 is required by law to be issued to each candidate at the time that candidate files the Declaration of Candidacy.

#### **Government Code §84305**

(a)(1) Except as provided in subdivision (b), a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not 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 that is in a color or print that 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 candidate's, candidate-controlled committee established for an elective office for the controlling candidate's, or political party committee's address is a matter of public record with the Secretary of State.

(2) Except as provided in subdivision (b), a committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass mailing that is not required to include a disclosure pursuant to Section 84502 unless the name, street address, and city of the committee is 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 that is in a color or print that 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 committee'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)(1) A candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass electronic mailing unless the name of the candidate or committee is shown in the electronic mailing preceded by the words “Paid for by” in at least the same size font as a majority of the text in the electronic mailing.

(2) A committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass electronic mailing that is not required to include a disclosure pursuant to Section 84502 or 84504.3 unless the name of the committee is shown in the electronic mailing preceded by the words “Paid for by” in at least the same size font as a majority of the text in the electronic mailing.

(d) 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).

(e) For purposes of this section, the following terms have the following meaning:

(1) “Mass electronic mailing” means sending more than two hundred substantially similar pieces of electronic mail within a calendar month.

(2) “Sender” means the candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing which are reportable pursuant to Sections 84200 to 84217, inclusive.

(3) To “pay for” a share of the cost of a mass mailing means to make, to promise to make, or to incur an obligation to make, any payment: (A) to any person for the design, printing, postage, materials, or other costs of the mailing, including salaries, fees, or commissions, or (B) as a fee or other consideration for an endorsement or, in the case of a ballot measure, support or opposition, in the mailing.

(f) This section does not apply to a mass mailing or mass electronic mailing that is paid for by an independent expenditure.

*(Amended by Stats. 2017, Ch. 546, Sec. 4. (AB 249) Effective October 7, 2017. Operative January 1, 2020, by Stats. 2017, Ch. 546, Sec. 29. Note: This section was added on June 4, 1974, by initiative Prop. 9.)*

### **Mass Mailing Prohibitions**

No newsletter or other mass mailing shall be sent at public expense. For further information contact the Fair Political Practices Commission. (Government Code §89001)

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

### **Campaign Literature**

The statute number following the (§) symbol references the corresponding Elections Code.

- § 18301 – Printing of simulated sample ballots – It is a misdemeanor to print or duplicate a ballot or sample ballot that uses an official seal or insignia.
- § 18302 – Distribution of precinct polling place information – It is illegal to mail literature to any voter that intentionally misrepresents that voter’s official polling place.
- § 18303 – Mass mailing penal provisions – There are regulations for sending mass mailings and there are legal consequences to not complying with these rules.

- § 18304 – Use of seal in campaign literature is a misdemeanor – It is illegal to use the seal of the county or local government agency in any campaign literature or mass mailing.

### **Political Meetings**

- § 18340 – Threats, intimidations or violence – Every person who, by threats, intimidations, or unlawful violence, willfully hinders or prevents electors from assembling in public meetings for the consideration of public questions is guilty of a misdemeanor.

### **Misrepresentation of Candidates**

- § 18350 – Misleading voters – It is illegal for every person who attempts to mislead voters in connection with a campaign by pretending that he or she is the incumbent of a public office or has been acting in the capacity of a public office, when neither is the case.
- § 18351 – False statements in candidate statement – Any candidate may be fined up to \$1,000 for knowingly making a false statement in a candidate’s statement with the intent to mislead voters.

### **Electioneering on Election Day**

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 EC 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 ballot.
- (c) Place a sign relating to voters’ qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
- (d) Do any electioneering as defined by Section 319.5.

As used in this Section, “100 feet of a polling place, a satellite location under Section 3018, or an 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. (E.C. §18370)

§ 18371 – Electioneering during vote by mail period – Electioneering is not allowed while in the home or presence of a vote by mail voter while that voter is voting.

### **Truth in Endorsement Laws**

- § 20001 – Legislature’s findings – The voting public is entitled to protection by law from deception in political campaigns in the same manner and for the same reasons that it is entitled to protection from deception by advertisers of commercial products.
- § 20006 – Restraining order or injunction – 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, broadcasting, or telecasting of any matter in violation relating to election campaigns.
- § 20007 – Representation requirements – No candidate or committee shall use the name of a qualified political party with which the candidate is not affiliated that might mislead voters into believing that the candidate has the support of that party’s county central committee or state central committee, when that is not the case.

- § 20008 – Political advertisement requirements – Any paid political advertisement shall contain the words “Paid Political Advertisement.” 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.

### **Fair Campaign Practices**

- § 20400 – Intent of legislature – Encouragement to subscribe to the Code of Fair Campaign Practices, which follows the basic principles of decency, honesty, and fair play.
- § 20420 – Definition of “Code” – Information on what the Code of Fair Campaign Practices means.