



Municipal Elections: From Start to Finish

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Municipal Elections From Start to Finish: The Campaign Period

INTRODUCTION

California law restricts campaign and election activity by municipal governments and their officials, officers, and employees (collectively “Public Servants”). California law also holds Public Servants to a higher standard of conduct than private citizens with regard to such activities. Serious consequences, including personal civil and criminal liability, may arise from improper campaign activities, such as authorizing impermissible expenditures of public funds, improper use of public resources, or failure to act with due care.¹

Questions relating to the City or actions by the Councilmembers in their official capacities should be addressed with the City Attorney. Public Servants who are currently running for election, considering making a campaign contribution, or considering getting involved in a campaign for or against a ballot measure or candidate may need to seek advice from their own independent legal counsel. This is especially true where the issue relates to regulations affecting campaign contributions, filings, and disclosure requirements, which are beyond the scope of this memorandum.

EXECUTIVE SUMMARY

The laws governing the personal activities of Public Servants during elections are intended to strike a balance between the interests of public employees and the voters at-large. On the one hand, Public Servants enjoy political and free speech rights in their individual capacities.² On the other hand, taxpayers who fund local government are entitled to a fair election process free of the undue influence possible when public positions are used as “bully pulpits.”³

Public Servants, including elected officials, may not use taxpayer funded resources to promote political candidates or causes. They may not specifically solicit political contributions from any other public officer or employee in their agency.⁴ And although courts have recognized that municipalities may have a legitimate interest in informing, educating, and even persuading their citizens,⁵ the courts and the Legislature

¹ Cal. Gov. Code §§ 8314, 82031, 83116, 89001, 91000, 91004; 2 Cal. Code Regs. §18901.1; Cal. Penal Code § 424; *Stanson v. Mott*, (1976) 17 Cal.3d 206, 226-27.

² *Fort v. Civil Service Comm’n.*, (1964) 61 Cal.2d 331, 334.

³ *Stanson*, 17 Cal.3d at 209-210; see also *United States Civil Service Com. National Assn. of Letter Carriers* (1973) 413 U.S. 548, and *United Public Workers v. Mitchell*, (1947) 330 U.S. 75.

⁴ Cal. Gov. Code § 3205.

⁵ *Miller v. California Commission on the Status of Women* (1984) 151 Cal.App.3d 693, 700, 701.

have nevertheless prescribed rules prohibiting certain types of municipal and personal involvement and conduct. For example, while it is generally permissible for cities to expend public funds to hold elections, provide unbiased information, and even assist in the preparation of ballot measures, it is not permissible to use public resources to promote a partisan position or otherwise seek to influence voters.⁶

This memorandum provides a number of practical guidelines (the “Guidelines”) for City officials, officers, and employees to follow during local elections. They have been developed based on California statutes and case law. However, the Guidelines are general in application and are not intended to universally address the specific facts of each individual act or occurrence.

THE GUIDELINES

The Guidelines are split into three primary sections:

- A. General Use of Public Funds and Facilities**
- B. What a Public Servant May Do – discussing safe campaign and election conduct.**
- C. What a Public Servant May Not Do – discussing restrictions on personal conduct of the Public Servant.**

GENERAL USE OF PUBLIC FUNDS AND FACILITIES

A1. Use of Public Funds or Resources to Advocate.

Neither the City Council nor the City may use City funds or resources to advocate for or against a local ballot measure or candidate.⁷

Cities have “broad discretion to make public expenditures, subject to the limitations that the expenditure be for a public purpose and not expressly forbidden by law.”⁸ However, local agency officers, employees, and consultants may not expend, or authorize the expenditure of, any local agency funds to support or oppose a local ballot measure, such as initiatives and referenda.⁹ The restriction is based on the “implicit recognition that such expenditures raise potentially serious constitutional questions,” and would interfere with our “nation's democratic electoral process” in which the government cannot take

⁶ Cal. Gov. Code § 54964; *Choice-in-Education League v. Los Angeles Unified School District* (1993) 17 Cal.App.4th 415; *League of Women Voters of California v. County-wide Criminal Justice Coordination Committee* (1988) 203 Cal.App.3d 529; *Stanson*, 17 Cal.3d 206.

⁷ *Stanson* 17 Cal. 3d at 217; *Schroeder v. Irvine City Council* 97 Cal.App. 4th 174 (2004); Government Code § 8314; California Legislative Counsel Opinion No. 154 (09-18-80).

⁸ *Schroeder* 97 Cal.App.4th 174, 184-85.

⁹ Gov. Code § 54694.

sides or give one side an unfair advantage. At the same time, public funds may be expended for the purpose of giving voters relevant facts to aid them in reaching an informed judgment when voting upon a measure.¹⁰ Careful analysis is required to classify whether an expenditure is an impermissible campaign effort or a permissible informational effort.

For example, wearing campaign buttons while on duty or while participating in an event sponsored by the public agency could be viewed as crossing the line, in that the promotion of a particular candidate or measure in a local campaign may appear to be endorsed by the Public Servant in his or her official capacity. **Such an endorsement, while perfectly appropriate in a private setting, is inappropriate in a public setting** because it relates directly to the influence and impact of the Public Servant in his or her official position. Also prohibited is the creation or funding of a non-profit entity or campaign entity to support or oppose a local ballot measure, and the listing of a link on the City's web page to a campaign for or against the measure.

A2. Use of Public Facilities for Campaign Activities.

In limited circumstances, certain public facilities (like libraries and community centers) may be used for private political or campaign purposes.¹¹

As discussed in more detail below, use of City Hall and other public facilities for campaign activities is generally prohibited. However, public facilities such as convention halls, meeting rooms, libraries, community centers, and parks may be used for private political or campaign purposes, provided:

- (i) The facilities are generally made available to the public for private functions;
- (ii) The organizers of the event comply with all standard requirements of the facilities;
- (iii) No public funds or resources are used to support the event;
- (iv) Public Servants attend only in their individual and personal capacities; and
- (v) The facilities are otherwise open and available for the expression of other points of view.

¹⁰ *Vargas*, 46 Cal. 4th at 24.

¹¹ Government Code § 3207.

WHAT PUBLIC SERVANTS MAY DO

B1. Off-Duty Activities

Acting in his or her off-duty individual capacity, a Public Servant may engage in any political activities (like campaigning and fundraisers).¹²

Types of Public Servants.

- a. Hourly Employees. For purposes of this guideline, Public Servants are considered to be “off-duty” at the following times:
 - Before the commencement of, or at the end of, any standard or overtime hours in their shift or hours that they are otherwise required to work;
 - On their approved lunch break;
 - When they are on vacation;
 - When they take an administrative leave day; and
 - During a City holiday.
- b. Salaried Employees. Public servants who are salaried employees and do not have a regular shift or hours are considered to be “off-duty” at the following times:
 - Before the commencement of, and after the end of, the City’s normal business hours;
 - When they are on City approved lunch breaks;
 - When they are on vacation;
 - When they take an administrative day; and
 - During a City holiday.
- c. Elected and Appointed Officials. Public servants who are appointed or elected officials are considered to be “off-duty” at times where they are away from City Hall or when they are not otherwise conducting the business of the City that they have been designated or directed to perform. Whenever they speak or appear at a function in their official

¹²*Fort* (1964) 61 Cal.2d at 334; *Bagley* 65 Cal.2d at 509-510; see also Gov. Code § 3201 & § 3203.

capacities representing the position of the City, they are considered to be “on-duty.”

Political Activities. Political activities include such things as attending a political rally, participating in a campaign committee, sitting on a phone bank, doing campaign-related work, posting campaign signs, registering voters, or advocating that persons contribute or vote for or against a candidate or ballot measure.

B2. Voting

Acting in their personal capacities, Public Servants may exercise their right to vote for or against any particular ballot measure or candidate. In voting for or against ballot measures or candidates, Public Servants may be guided by their own judgment and conscience.¹³

A Public Servant may vote for any candidate of their choice, even if voting against a current incumbent. Public Servants may vote against a ballot measure even if officially supported by the City.

B3. Soliciting Contributions from City Vendors

Public servants may request a list of City vendors and may contact those vendors and solicit campaign contributions for individual candidates and ballot measures.¹⁴

Public Servants, **acting in their individual capacities**, are permitted to solicit City vendors for campaign contributions to support or oppose local ballot measures. Public Servants may also obtain a list of City vendors from the City for such purpose. However, as discussed in more detail below, Public Servants may not perform any of these activities while on-duty or using City resources. Also, **if no list of vendors exists the City cannot create such a list** to facilitate the fundraising efforts of the Public Servant requesting the list.

B4. Endorsements

Public Servants, including elected officials, may give whatever endorsements they choose on a personal level and, according to informal advice from the FPPC, they may include their public official title in such endorsements. Thus, according to the FPPC, the Mayor of a city may endorse particular candidates for other positions on the City Council and may indicate in that endorsement that he or she is the Mayor.¹⁵ The Mayor may not,

¹³ *Fort*, 61 Cal.2d at 334.

¹⁴ Government Code § 82030; *Breakzone Billiards v. City of Torrance*, (2000) 81 Cal.App.4th 1205.

¹⁵ CA FPPC Adv. Letter I-00-216

however, make any statement suggesting that he or she represents the City Council in that endorsement. Please keep in mind that informal advice from the FPPC is not binding, and any individual wishing to rely on prior FPPC informal opinions should consider consulting with the FPPC directly.

WHAT PUBLIC SERVANTS MAY NOT DO

C1. Political Activities During Work Hours

A Public Servant may not engage in political activities during work hours.¹⁶

For purposes of this rule, “during work hours” includes any standard or overtime hours that are part of a shift that a Public Servant is required to work. However, a Public Servant is considered “off-duty” for purposes of this guideline when he or she is on a permitted lunch break, vacation, administrative leave day, or during a City Holiday.

Implementing this rule:

- a. Distribute Materials. A Public Servant may not distribute political pamphlets, flyers, or other materials, or post political signs while on duty.
- b. Campaign Events. A Public Servant may not attend campaign meetings, rallies, or other campaign-related functions while on duty.
- c. Telephone Calls. A Public Servant may not make campaign telephone calls while on duty.
- d. Campaign Activities. Public Servants may not perform any other campaign-related tasks while on duty. This would include making copies, stuffing envelopes, writing campaign statements, or advocating for, or informing fellow workers about, campaign issues. Wearing of campaign buttons or signs is also prohibited.

C2. Use of Public Funds or Resources to Advocate

A Public Servant may not use City funds or resources to advocate a partisan position, or otherwise use City funds or resources to support his or her personal political activities.¹⁷

Implementing this rule:

¹⁶ Government Code § 3207.

¹⁷ Government Code § 54964; *Stanson*, 17 Cal.3d at p. 209-210.

- a. Office Equipment. A Public Servant may not use City copy machines, faxes, computers, printers, or other office equipment to design, make, or distribute political pamphlets, flyers, signs, or other materials in support of his or her own political activity.
- b. Telephones/E-mail. A Public Servant may not use City phones in support of his or her personal political activities. Prohibited activities include: making political cold calls, calling any campaign organizations with which they may be involved, or otherwise using the phone to communicate personal views about candidates or ballot measures. **This would include use of a City provided e-mail address to send or receive messages relating to personal political activities.**
- c. Office Space. A Public Servant may not use a public office or workspace to engage in his or her personal political activities. Prohibited activities include: holding political meetings, organizing political events, and preparing arguments, ballot statements, advertisements, and other such political activities. However, reviewing an official sample ballot for one's own information during an allowed break or lunch is permissible.
- d. Office Supplies. A Public Servant may not use or take away City office supplies in support of personal political activities. For example, a Public Servant may not print off flyers on City printer paper, take pens and paper clips for use at a campaign office, or use City copiers to make oversized copies.
- e. City Website and City Social Media. A Public Servant may not use the City website or City social media accounts for campaign-related purposes. Such campaign-related purposes include, but are not limited to: statements in support of or opposition to any candidate or ballot measure; requests for campaign funds or references to any solicitations of campaign funds; and references to the campaign schedule or activities of a candidate's campaign for elective office. City social media accounts may link directly to the home page of the Office of the City Clerk's election-related pages where general election and candidate information can be found.
- f. Staff Time. As a general rule, a Public Servant should not use staff time differently as a candidate than as the Public Servant would otherwise. Put differently, if a Public Servant would not ask staff to look into a matter if he or she were not running for re-election, it would not be appropriate to ask staff to look into it because the Public Servant *is* running for re-election.

C3. Appearance in Uniform.

Employees who wear a City-provided or required uniform as required by their employment may not participate in any political activity while in uniform.¹⁸

This Guideline is self-explanatory. If a Public Servant wears a uniform that has become associated with a specific position at the City, he or she may not appear at any political function in that uniform **even when off duty**. Examples of uniformed employees would include fire, police, code enforcement, animal control, and public works crews.

C4. Solicitation of Campaign Contributions.

A Public Servant may not knowingly, directly or indirectly, solicit a contribution or donation for a political campaign from any City officer or employee.¹⁹

Implementing this rule:

- a. Address List. A Public Servant may not obtain any list of officers' and employees' names and addresses to be used for personal political purposes. This would include requesting the list, or preparing the list for another person, using the list to solicit contributions, or using the list to send out mailers.
- b. Direct Solicitation. A Public Servant may not ask (whether in person, by writing, or by e-mail) a fellow officer or employee to contribute or donate any money or time to a political cause or campaign.
- c. Mass Mailings. A Public Servant may not intentionally include officers and employees known to them on a list that will be used in the distribution of political mailings. They may, however, participate in a mass mailing to all registered voters in the City or within specific regions within the City that may include City officers and employees. The key is to not intentionally single out employees and officers.
- d. Phone Banks. Although a Public Servant may participate in a political phone bank, he or she may not knowingly call or instruct someone else to call fellow officers or employees.

C5. Use Position to Influence.

¹⁸ Government Code § 3206.

¹⁹ Government Code § 3205(a).

A Public Servant may not use the authority or influence of his or her official position to persuade or induce any officer or employee to take or refrain from taking any type of political action.²⁰

Implementing this rule:

- a. Vote. A Public Servant may not urge, encourage, or threaten a fellow officer or employee to vote or refrain from voting for a candidate or ballot measure.
- b. Contribute. A Public Servant may not urge, encourage, or threaten a fellow officer or employee to contribute to a candidate or ballot measure.
- c. Campaign. A Public Servant may not urge, encourage, or threaten a fellow officer or employee to campaign, or participate in a campaign, for or against, a candidate or ballot measure.

C6. Make Promises.

A Public Servant may not promise to provide any person with a gift, money, promotion, job, or other form of compensation in return for a contribution or vote.²¹

Implementing this rule:

- a. Hiring. A Public Servant may not promise to hire or appoint any person for a City position in return for a contribution or vote for or against any candidate or ballot measure.
- b. Salaries. A Public Servant may not promise to increase the pay rate, salary, or fringe benefits of any officer or employee in return for a contribution or vote for or against any candidate or ballot measure.
- c. Gifts. A Public Servant may not promise to provide any person with money, a loan, or any type of gift in return for a contribution or vote for or against any candidate or ballot measure.
- d. Parties. Based on the prohibition against gifts and money, a Public Servant should not promise to hold a party, dinner, or other celebration in exchange for a person's contribution or vote for or against any candidate or ballot measure. Please note that this is different than sponsoring a celebration party in the event that a candidate wins or a ballot measure is approved, or holding a fundraiser. These events are normally not conditioned upon a person casting a certain vote.

²⁰ Government Code § 3204.

²¹ Government Code §§ 3204 & 3205.5; Elections Code § 18520.

C7. Make Threats.

A Public Servant may not threaten to take any action against any person in order to secure a contribution or influence a vote.²²

Implementing this rule:

- a. Firing. A Public Servant may not threaten to fire, demote, or discipline any officer or employee in order to secure a contribution or vote.
- b. Salaries. A Public Servant may not threaten to decrease the pay rate, salaries, or fringe benefits of any officer or employee to secure a contribution or vote.
- c. Other Action. A Public Servant may not threaten to take any other action (e.g., violence or harassment) or to retaliate against any officer or employee in order to secure a contribution or vote.

C8. Pay Envelopes.

A Public Servant may not enclose any political argument or statement in any Public Servant's pay envelope.²³

A Public Servant may not cause a political statement of any type or nature to be placed in a Public Servant's pay envelope. This would include placement of any political stamps, slogans, or messages on the envelope itself.

C9. Obstructing or Corrupting the Election Process.

A Public Servant may not take actions that obstruct or corrupt the election process.²⁴

Implementing this rule:

- a. A Public Servant may not interfere with any voter lawfully exercising the right to vote. Specifically, a Public Servant may not:
 - (1) Physically bar any voter from entering a polling place.
 - (2) Intentionally, directly or indirectly, delay or hinder any voter from reaching or entering a polling place.

²² Government Code §§ 3204 & 3205.5; Elections Code §§ 18521 & 18522.

²³ Elections Code § 18542.

²⁴ Elections Code §§ 18501, 18502, & 18540.

- (3) Intimidate or threaten any voter in order to bar or hinder them in voting.
- b. A Public Servant may not pay for any person's boarding or accommodations to secure a vote.
- c. A Public Servant must stay at least 100 feet away from any polling place while soliciting votes, distributing materials, posting signs, or engaging in any other advocacy activity.
- d. A Public Servant may not interfere with any of the Election Official's duties, including publishing sample ballots, canvassing the votes, or certifying or reporting the results of the election.
- e. A Public Servant may not engage in any fraudulent election activity. Specifically, a Public Servant may not:
 - (1) Make any false or misleading statement or argument in an attempt to induce any person to make a contribution, cast a particular vote, or refrain from voting.
 - (2) Aid or participate in the illegal casting or counting of votes.



City of Santa Barbara

Candidate's Manual

2017

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NOTICE TO CANDIDATES

This Candidate's Manual is intended to provide general information about the subject matter covered and does not have the force and effect of law, regulation, or rule. It is distributed with the understanding that the City Clerk's Office is not rendering legal advice, and therefore, the Candidate's Manual is not to be a substitute for legal counsel for any individual or candidate. In case of conflict, the law, regulation, or rule will apply.

ABBREVIATED ELECTION CALENDAR OF EVENTS AND DEADLINES

EVENT	DATES
NOMINATION PERIOD: During this time, candidates may obtain and submit candidacy documents for the office of City Councilmember.	Monday, July 17, 2017, through Monday, August 14, 2017.
NOMINATION PERIOD (Extension): If upon the close of the nomination period, an eligible incumbent has not filed, the nomination period for that office will be extended for 5 days for candidates other than the eligible incumbent.	Not Applicable. No Incumbents.
MAILING OF VOTER MATERIALS: Voter information pamphlet, vote by mail ballot and postage paid return envelope will be mailed to every registered voter in the City of Santa Barbara.	Monday, October 9, 2017.
CAMPAIGN FILING (Semiannual): The filing will report any contribution or expenditure activity for the period covering January 1, 2017, through June 30, 2017.	Monday, July 31, 2017.
CAMPAIGN FILING (1st Pre-Election): The filing will report any contribution or expenditure activity for the period covering July 1, 2017, through September 23, 2017.	Thursday, September 28, 2017.
REGISTRATION (CLOSE): Last day to register to vote.	Monday, October 23, 2017.
CAMPAIGN FILING (2nd Pre-Election): The filing will report any contribution or expenditure activity for the period covering September 24, 2017, through October 21, 2017.	Thursday, October 26, 2017.
CAMPAIGN FILING (Additional Pre-Election): The filing will report any contribution or expenditure activity for the period covering October 22, 2017, through November 1, 2017 (Santa Barbara Municipal Code Section 2.03.100 A, Ordinance No. 5423).	Friday, November 3, 2017.
CAMPAIGN FILINGS (Late Contributions and Late Expenditures): The filing will report any contribution or expenditure activity in the amount of \$1,000 or more for the period covering August 9, 2017, through November 7, 2017.	Must be filed within 24 hours of the contribution or expenditure.

EVENT	DATES
CAMPAIGN FILING (Semiannual): The filing will report any contribution or expenditure activity for the period covering October 22, 2017, through December 31, 2017.	Thursday, January 31, 2018.

☆ CANDIDATE'S CHECKLIST

Please note that the following candidacy documents **must be submitted simultaneously** to the City Clerk's Office between July 17, 2017, and August 14, 2017. Please call the City Clerk's Office at (805) 564-5309 to make an appointment to submit candidacy documents. Our office hours are Monday – Thursday, 7:30 a.m. - 5:30 p.m. and alternating Fridays from 8:00 a.m. – 5:00 p.m. City Hall is closed every other Friday. The closure dates during the Nomination Period are July 28 and August 11.

REQUIRED:

- ___ Completed Original Nomination Papers
- ___ Completed Ballot Designation Worksheet
- ___ Completed Candidate's Statement Form
- ___ Completed Candidate Intention Statement, Form 501
- ___ Completed Statement of Economic Interests, Form 700, 2016/2017

OPTIONAL:

- ___ Code of Fair Campaign Practices

☆ GENERAL CANDIDACY INFORMATION

Eligibility

The November 7, 2017 General Municipal Election will be conducted as a general election for the mayoral seat and a by-district election to fill three Councilmember District seats. On June 6, 2017, the City Council adopted Resolution No. 17-040, which specifies that Districts 4, 5 and 6 have been designated as the three districts on this Election's ballot. This Election will also be a Vote-By-Mail Election, and all voters will be receiving a ballot for the mayoral seat; voters who live within districts 4, 5, and 6 will be also be voting for their respective councilmember. Candidates for City Council in Santa Barbara must be residents, electors and registered voters **of their district** at the time their Nomination Papers are returned.

Nomination Period

The nomination period for obtaining and submitting candidacy documents for three Council positions is Monday, July 17, 2017, through Monday, August 14, 2017. Please contact the City Clerk's Office at 564-5309 to **make an appointment** to submit candidacy documents. Our office hours are Monday – Thursday, 7:30 a.m. – 5:30 p.m. and alternating Fridays from 8:00 a.m. – 5:00 p.m. City Hall is closed every other Friday. The closure dates during the Nomination Period are July 28 and August 11. Candidates cannot withdraw their nomination after the close of the Nomination Period.

Nomination Papers

For a candidate for Mayor, Santa Barbara City Charter Section 1304 states that "each candidate for elective City office shall be proposed by the filing of a nomination paper signed by not less than one hundred (100) nor more than two hundred (200) registered voters."

For a candidate for City Council, the Settlement Agreement in *Banales, et al. v. City Of Santa Barbara* states that "A Council candidate will qualify for election upon filing of a nomination paper signed by either i) not less than fifty registered voters from within the electoral district that the candidate seeks to represent, or ii) not less than one hundred registered voters from within any and all districts in entire city." The nomination paper for a candidate for City Council shall be signed by no more than two hundred (200) registered voters.

According to Santa Barbara City Charter Section 1304, only one (1) candidate may be named in any one (1) nomination paper. No voter may sign more than one (1) nomination paper for the same office, and in the event he does so his signature shall count only on the first nomination paper filed which contains his signature. Nomination papers subsequently filed and containing his signature shall be considered as though his signature does not appear thereon."

General Candidacy Information (Cont'd)

Nomination Papers (Cont'd)

Any person who is 18 years of age or older may circulate a nomination paper. Only one circulator may circulate a nomination paper. A person registered to vote within the City of Santa Barbara may sign one (1) nomination paper **per District** of candidates for the City Council. The Declaration of Circulator must be completed before submitting the nomination papers to the City Clerk's Office. The Affidavit of Nominee should also be completed with the exception of the signature. The candidate must sign the Affidavit in the presence of City Clerk's Office staff at the time the nomination papers are returned.

It is recommended that you submit your original nomination papers to the City Clerk's Office well in advance of the deadline in case it is determined that you do not have the required minimum 50 or 100 valid signatures, thus allowing you sufficient time to remedy the situation before the deadline.

Candidate's Statement

The candidate's statement is designed to acquaint voters with a candidate's qualifications for the office he or she is seeking. This statement is incorporated into the voter information pamphlet which will be mailed to all persons registered to vote in the City of Santa Barbara. No candidate will be permitted to include additional materials in the voter information pamphlet.

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, in typewritten form, shall be submitted to the City Clerk's Office at the time the candidate's nomination papers are filed. Candidates are also asked to email a copy of the candidate's statement to the City Clerk's Office. Statements shall remain confidential until the expiration of the nomination period. The statement may be withdrawn, but not changed or resubmitted, during the nomination period and until 5:30 p.m. of the next working day after the close of the nomination period.

There will be no charge to the candidate for the printing, handling, translating, and mailing of the candidate's statement.

If you do not wish to file a candidate's statement, place a check mark in the space provided in the center portion of the candidate's statement information sheet.

Pursuant to Elections Code Section 13313, there is a public examination period of 10 calendar days for the statements following the nomination period.

General Candidacy Information (Cont'd)

Candidate Video Program

The Candidate Video Program was adopted by the City Council on June 12, 2007. All candidates whose name will appear on the ballot will be provided an opportunity to participate. Voters may watch recorded candidate videos on their home televisions and on an Internet-connected personal computer via on-demand video streaming. A copy of the Candidate Video Program will be provided to all potential candidates.

Statement of Economic Interests

Each candidate for City Council shall submit a Statement of Economic Interests, Form 700, 2016/2017, at the time the candidate's nomination papers are submitted to the City Clerk's Office. The Statement of Economic Interests is a public record.

Candidates are required to report investments, interests in real property, and business positions held on the date of filing their declaration of candidacy. In addition, candidates are required to disclose income received during the 12 months prior to the date of filing their candidacy documents. This statement is entirely separate from campaign disclosure statements.

The Technical Assistance Division of the Fair Political Practices Commission (FPPC) is available to answer questions regarding this subject at 1-866-275-3772 or via the Internet at <http://www.fppc.ca.gov>.

Ballot Order of Candidates

The Secretary of State will draw the letters of the alphabet determining the order of candidates' names on the ballot on Thursday, August 17, 2017.

☆ **BALLOT DESIGNATION FOR NOMINATION PAPERS**

For your reference, the relevant provisions of Elections Code sections 13106, 13107 and 13107.5 are reproduced below:

13106. NO TITLE OR DEGREE

No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name.

(Amended by Stats. 1994, c. 920, §2.)

13107. BALLOT DESIGNATION REQUIREMENTS.

(a) With the exception of candidates for Justice of the State Supreme Court or Court of Appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations:

(1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.

(2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.

(3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

(4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified

13107. BALLOT DESIGNATION REQUIREMENTS (Cont'd)

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

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

(1) It would mislead the voter.

(2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

(3) It abbreviates the word "retired" or places it following any word or words which it modifies.

(4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."

(5) It uses the name of any political party, whether or not it has qualified for the ballot.

(6) It uses a word or words referring to a racial, religious, or ethnic group.

(7) It refers to any activity prohibited by law.

(c) If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation worksheet.

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

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

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

13107. BALLOT DESIGNATION REQUIREMENTS (Cont'd)

the county for the same period of time as applied to nomination documents pursuant to Section 17100.

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

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

(g) Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (52 U.S.C. Sec. 10101), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

(Amended by Stats. 2015, Ch. 732, Sec. 29. Effective January 1, 2016.)

13107.5. BALLOT DESIGNATION OF "COMMUNITY VOLUNTEER"

(a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:

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

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

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

(b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

(Added by Stats. 2002, c. 364, §1.)

☆ CANDIDATE'S STATEMENT GUIDELINES

Please **type** your statement in a 10-point or 12-point font. Handwritten statements are not acceptable. Type in **upper** and **lower** case letters and in **block paragraphs**.

The statement of each candidate shall be printed in type of uniform size and darkness and with uniform spacing. Do not use graphics, italics, or extra exclamation points. Do not use leading asterisks (*), dots (.), stars (★), hyphens (-), bullets (●), or numbering of listed items (1, 2, 3, etc.). All CAPITAL LETTERS and underlining may be used to emphasize words/sentences.

Statements will be printed exactly as submitted; therefore, you are advised to carefully check the spelling, punctuation, and grammar of your statement.

The following shall apply to the counting of words:

1. The title and signatures are not counted - only the text is counted.
2. Punctuation is not counted.
3. Each word shall be counted as one word except as specified in this section.
4. All **California geographical names** shall be considered as **one word**; for example, "City of Santa Barbara" shall be counted as one word.
5. Each **abbreviation** for a word, phrase, or expression shall be counted as **one word**; for example, UCSB, PTA, S.B.P.D.
6. 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 current election shall be considered as **one word**. Each part of all other hyphenated words shall be counted as a separate word.
7. Dates consisting of a combination of words and digits shall be counted as two words; for example, **November 7, 2017**, would count as **two words**. Dates consisting only of a combination of digits shall be counted as one word; for example, **11/7/17** would count as **one word**.
8. Any number consisting of a digit or digits shall be considered as one word. "**100**" shall be counted 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**.

☆ CAMPAIGN DISCLOSURE STATEMENTS

Pursuant to the Political Reform Act of 1974, all candidates for public office, as well as any committee formed to support or oppose a candidate, are required to file campaign disclosure statements. Failure to file in a timely manner may result in penalty fines and other civil actions.

Campaign Disclosure Forms and Filing Deadlines

The Fair Political Practices Commission (FPPC) has issued an Information Manual providing information on required disclosure of campaign finances. This manual should be read by all candidates and treasurers to ascertain the specific disclosure requirements of candidacy. The manuals and all forms are available on the FPPC website at <http://www.fppc.ca.gov/> and can also be obtained in the City Clerk's Office. Following is a listing of the Manual and the campaign disclosure forms most commonly used by candidates and by committees supporting or opposing candidates:

- Manual 2 – Campaign Disclosure. Information for Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates. (Revised 4/16)
- Form 410 – Statement of Organization
- Form 460 – Consolidated Campaign Disclosure Form
- Form 470 – Officeholder/Candidate Campaign Statement - Short Form and Supplement
- Form 496 – 24-hour Independent Expenditure Report
- Form 497 – 24-hour Contribution Report

Officeholders and candidates who do not have a controlled committee and who anticipate receiving and spending less than \$2,000 (including personal funds) during the entire calendar year may reduce their filing obligations by filing a Form 470. If, after filing Form 470, an officeholder or candidate receives contributions or makes expenditures totaling \$2000 or more, Forms 470 Supplement, 410, and 460 must be filed. Campaign disclosure statements are public records.

On July 17, 2007, the City Council adopted a Municipal Election Campaign Disclosure Ordinance, effective July 22, 2008. The City Council amended this requirement on April 16, 2013, to state that anyone who files electronically is not required to submit a hard copy to the City Clerk's Office. Candidates and Committees that have received contributions or made expenditures of \$5,000 or more in connection with the City election are required to use the electronic filing and disclosure system. Potential candidates should review the ordinance to ensure compliance with the Code.

CAMPAIGN DISCLOSURE STATEMENTS (Cont'd)

Please visit the City's website at www.SantaBarbaraCA.gov, Government tab, Municipal Code to view the following code section:

SBMC Title 02 Government Organization
Chapter 2.03
Santa Barbara Municipal Election Campaign Disclosure Ordinance

Please refer to the Abbreviated Election Calendar on page 1 for descriptions of campaign disclosure statements and their filing deadlines.

You may contact the FPPC at 1-866-275-3772 or visit their website for assistance regarding reporting obligations or to view the calendar for webinars for candidates and treasurers.

☆ LITERATURE REQUIREMENTS

§ 16, Elections Code

A copy of Section 84305 of the Government Code shall be provided by the elections official to each candidate or his or her agent at the time of filing the declaration of candidacy and to the proponents of a local initiative or referendum at the time of filing the petitions.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

☆ MASS MAILING REQUIREMENTS

§ 84305, Government Code

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

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

(Amended by Stats. 1989, Ch. 764, Sec. 1. Note: This section was added on June 4, 1974, by initiative Prop. 9.)

☆ PENAL PROVISIONS - ELECTION CAMPAIGNS

§ 18303, Election Code

Every person who violates Section 84305 of the Government Code relating to mass mailing is subject to the penal provisions set forth in Chapter 11 (commencing with Section 91000) of Title 9 of the Government Code.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

§ 91000, Government Code

(a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.

(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars (\$10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.

(c) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred. *(Repealed and added by Stats. 2000, Ch. 102, Sec. 73. Approved in Proposition 34 at the November 7, 2000, election. Operative January 1, 2001, by Sec. 83 of Ch. 102.)*

§ 91001(a), Government Code

(a) The Attorney General is responsible for enforcing the criminal provisions of this title with respect to state agencies, lobbyists and state elections. The district attorney of any county in which a violation occurs has concurrent powers and responsibilities with the Attorney General.

(Amended by Stats. 1979, Ch. 357. Note: This section was added on June 4, 1974, by initiative Prop. 9.)

★ DEFINITION OF MASS MAILING AND SENDER

§ 18435, California Code of Regulations

(a) A “mass mailing” has been made when over two hundred substantially similar pieces of mail have been sent within a calendar month.

(b) The sender, as used in Government Code Section 84305, is the candidate or committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing which are reportable under Government Code Sections 84200-84217.

(c) For purposes of this section 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:

(1) To any person for the design, printing, postage, materials or other costs (including salaries, fees, or commissions) of the mailing; or

(2) As a fee or other consideration for an endorsement or, in the case of a ballot measure, support or opposition, in the mailing.

(d) The identification required by Section 84305 shall be preceded by the words “Paid for by.” These words shall be presented in the same size and color as the identification required by Section 84305, and shall be immediately adjacent to and above or immediately adjacent to and in front of the required identification.

(e) The requirements of Section 84305 to identify the name of the candidate or committee sending a mass mailing apply to over 200 substantially similar messages distributed to the public through electronic mail by a candidate or committee within a calendar month.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82041.5 and 84305, Government Code.

§ 18435.5, California Code of Regulations

(a) Section 84305.5 requires a slate mailer to identify the slate mailer organization or committee sending the slate mailer, and to designate by an asterisk (*) each candidate and each ballot measure supported or opposed in a slate mailer for which payment of \$100 or more has been received by the organization or committee (either from the candidate, ballot measure committee, or from any other person “at the behest” of a candidate or ballot measure committee as defined in Regulation 18225.7).

(b) To ensure that it is easily legible, the Notice to Voters required by Section 84305.5 shall appear with a reasonable degree of color contrast between the background and the statement and must appear on a plain background, not superimposed over an illustration or a patterned background. Examples of a reasonable degree of color contrast that would meet the standard required by Section 84305.5 are when the disclaimer is printed in black text on a white background or a similar degree of color contrast between the background and the text of the disclaimer.

(c) Slate Mailers in Multiple Languages. The Notice to Voters in a slate mailer shall appear in English. In addition, if all or a significant portion of the slate mailer appears in a language other than English, the Notice to Voters must also appear in that language.

(d) In addition to applying to slate mailers sent by traditional mail, the slate mailer identification and disclaimer requirements of Section 84305.5 apply to slate mailers distributed electronically.

Note: Authority cited: Section 83112, Government Code. Reference: Section 84305.5, Government Code.

☆ CODE OF FAIR CAMPAIGN PRACTICES

Elections Code, Division 20, Election Campaigns Chapter 5. Fair Campaign Practices

Article 1. General Intent

20400. Intent of legislature.

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.

(Added by Stats. 1994, c. 920, §2)

Article 2. Definitions

20420. Definition of "Code".

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

(Added by Stats. 1994, c. 920, §2)

Article 3. Code of Fair Campaign Practices

20440. Subscription to code; form.

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, as 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) of the Government Code, an initial campaign statement on behalf of the committee.

The text of the Code shall read as follows: (See "CODE OF FAIR CAMPAIGN PRACTICES" in the packet provided).

(Amended by Stats. 2006, c.551, §2)

20441. Supply of forms.

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.

(Added by Stats. 1994, c. 920, §2)

20442. Retention of forms; public inspection.

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.

(Added by Stats. 1994, c. 920, §2)

20443. Public record.

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

(Added by Stats. 1994, c. 920, §2)

20444. Voluntary.

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

(Added by Stats. 1994, c. 920, §2)