

CANDIDATE HANDBOOK



CITY OF YORBA LINDA

NOVEMBER 8, 2016

GENERAL ELECTION



CITY OF YORBA LINDA

P.O. BOX 87014

CALIFORNIA 92885-8714

(714) 961-7150
FAX (714) 524-7261

OFFICE OF THE CITY CLERK

Dear Candidate:

This informational guide has been prepared to assist you with important election information. While I have attempted to be as informative as possible in compiling this information, I recognize that it may not answer all of your questions. I look forward to assisting you, should you need additional information.

The law prohibits public employees from providing legal advice and this guide is not intended to be a substitute for legal counsel. For your protection, you may want to consider consulting an attorney.

You are encouraged to file your nomination papers early to correct any possible errors or insufficiencies in the forms. Appointments are highly recommended to insure ample time to thoroughly review the filing requirements and answer any questions. Please contact me at 961-7150 to schedule your filing meeting.

Sincerely,

Marcia Brown, CMC
City Clerk

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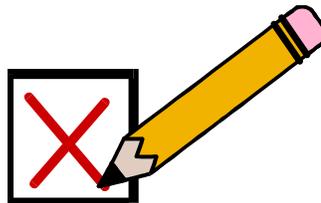
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SECTION 1

City of Yorba Linda

GENERAL MUNICIPAL ELECTION

TUESDAY, NOVEMBER 8, 2016



ELECTION CALENDAR

**July 18 - August 12 @
5:00 p.m.**

Nomination Papers

(Elections Code 10220-10225, 104-106, 10407)

Each candidate shall be proposed by not less than 20 nor more than 30 voters in a city of 1,000 registered voters or more, but only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office, and in the event the voter does so, that voter's signature shall count only on the first nomination paper filed which contains the voter's signature.

Nomination papers subsequently filed and containing that signature shall be considered as though his signature does not appear thereon. Each seat on the governing body is a separate office.

Note: *Three seats are open in the 2016 election, therefore, three nomination papers may be signed by the same registered voter.*

Any registered voter of the City, including the candidate and/or the circulator, may sign a nomination paper. The signatures to each nomination paper shall be appended on the same sheet of paper and each signer shall print his or her name and place of residence, giving the street and number, if any; otherwise, such designation of his or her place of residence as will enable its location to be readily ascertained.

For purposes of verifying signatures on any nomination paper, the City Clerk shall determine that the residence address on the paper is the same as the residence address on the affidavit of registration. If the addresses are different, or if the nomination paper does not specify the residence address, the affected signature shall not be counted as valid. Any signature invalidated pursuant to this section shall not affect the validity of other valid signatures on the particular paper.

Every nomination paper shall have annexed a declaration of the person who circulated it to the effect that the circulator witnessed the appended signatures being written and knows that they are the signatures of the persons whose names they purport to be and the dates between which all signatures to the paper were obtained. Only one circulator may circulate a nomination paper.

Each nomination paper shall be accompanied by verified statement of the candidate that he or she will accept the nomination and also accept the office in the event of his or her election.

Until 5:00 p.m. on Friday, August 12, 2016 (or Wednesday, August 17, 2016 if the nomination period is extended) a candidate may withdraw his or her nomination paper after it is filed with the City Clerk.

Statement of Economic Interests

(Government Code §§87200, 87201, 87500f)

Each candidate for Member of the City Council, shall file a statement disclosing investments and interests in real property with the City Clerk (Fair Political Practices Commission Form 700).

Candidate's Statement

(Elections Code §§13307, 13311)

Each candidate may prepare a candidate's statement according to guidelines provided by the City Clerk. Such statement may include the name, age and occupation, and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. Such statement shall be filed at the time nomination papers are filed. It may be withdrawn but not changed during the period for filing nomination papers and until 5:00 p.m. on the day following the close of nomination. Candidate's statements shall remain confidential until the expiration of the filing deadline.

Note: *Candidates who elect to file a Candidate's Statement must pay the estimated costs of printing and handling in the amount of \$869.00 as a condition of having the Candidate's Statement included in the voter's pamphlet (Sample Ballot). The costs shall be paid in advance to the City of Yorba Linda; and excess payment shall be refunded within 30 days of the election.*

August 12 - 5:00 p.m.

FILING NOMINATION PAPERS

(Elections Code §§10220, 10224)

Last day and hour for nomination papers to be filed with the City Clerk if the incumbents, eligible for re-election, have filed.

August 17 - 5:30 p.m.

FILING NOMINATION PAPERS – EXTENSION

(Elections Code §10225)

Last day and hour for nomination papers to be filed with the City Clerk if **incumbent fails to file**. No incumbent may file during the extended filing period.

August 18

ORDER OF NAMES ON BALLOT

(Elections Code §13112)

The Secretary of State conducts a drawing of the letters of the alphabet constituting a randomized alphabet to be used in determining the order of all candidates on the ballot. The random alphabet can be accessed on the Secretary of State's website at www.ss.ca.gov. The City Clerk will inform all candidates of the ballot order according to the randomized alphabet.

September 29

FILING DEADLINE FOR FIRST PRE-ELECTION CAMPAIGN EXPENDITURE STATEMENTS

(Government Code §§84200.4, 84200.7, 84200.8, 84215e)

Last day for each candidate and each committee supporting or opposing a candidate or candidates or supporting or opposing a ballot measure or ballot measures to file campaign statements with the City Clerk. Period covered is July 1, 2016 through September 24, 2016.

October 24

VOTER REGISTRATION CLOSURES

(Elections Code §2107)

Last day to register to vote in the November 8, 2016 Election.

October 10 – November 1

VOTE-BY-MAIL BALLOT APPLICATIONS

(Elections Code §3001)

Between these days (both days included), any voter entitled to vote by vote-by-mail ballot may file a written or electronic application for a vote-by-mail ballot with the County Election Department. The written application shall be signed by the applicant and shall show his/her place of residence. The electronic application does not need a signature. Applications received prior to the first day of the period shall be held and processed during the application period.

Any individual, organization or group that distributes applications for vote-by-mail ballots and receives completed application forms shall return the forms to the Orange County Registrar of Voters within 72 hours of receiving the completed forms, or before the deadline for application, whichever is sooner. The name, address, and telephone number of any organization that authorizes the distribution of the applications shall be included on the application.

October 27

FILING DEADLINE FOR SECOND PRE-ELECTION CAMPAIGN STATEMENTS

(Government Code §§ 84200.8, 84215e)

Last day for each candidate and each committee supporting or opposing a candidate or candidates or supporting or opposing a ballot measure or ballot measures to file campaign statements with the City Clerk. Period covered is September 25, 2016 through October 22, 2016.

October 24 - November 7

LATE CONTRIBUTION REPORT (FORM 497)

(Government Code §§ 84203)

File report with City Clerk within 24 hours of making or receiving late contributions during the 90-day election cycle in which the candidate or measure is being voted on.

Form 497 is used to report when a monetary or nonmonetary contribution of \$1,000 or more is made to or received by a candidate, a controlled committee, or a committee primarily formed to support or oppose a candidate or ballot measure.

November 8

ELECTION DAY

(Elections Code §10242)

Polls open between 7:00 a.m. and 8:00 p.m.

December 8

OFFICIAL CANVASS OF RETURNS

(Elections Code §15372)

No later than this date, the Registrar of Voters office must complete the canvass, certify its results, and submit it to the Board of supervisors.

January 31, 2017

CAMPAIGN EXPENDITURE STATEMENTS

(Government Code §§84200, 84215e)

Last day for each candidate and each committee supporting or opposing a candidate or candidates or supporting or opposing a ballot measure or ballot measures to file campaign statements with the Clerk. The period covered is October 23, 2016 through December 31, 2016.

CHECKLIST OF REQUIREMENTS AT TIME OF FILING

1. Nomination Paper, completed as required
 2. Candidate's Statement Form (electronic copy also requested)
 3. \$869.00 deposit for Candidate's Statement (if provided)
 4. Receipt for Candidate's Statement and Deposit (if provided)
 5. Ballot Designation Worksheet
 6. Code of Fair Campaign Practices (Voluntary)
 7. Form 700 - Statement of Economic Interests, reporting investments, interests in real property, and business positions held on the date of filing your declaration of candidacy. Disclose income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing.
 8. Form 410 - Statement of Organization – Effective January 1, 2013: All committees must now disclose the financial institution and bank account number used by the committee.
 9. Form 460 - Recipient Committee Campaign Statement - Long Form
 10. Form 470 - Candidate's Campaign Statement - Short Form
- Please file this form with your nomination papers if you intend to raise or spend less than \$2,000 in connection with your candidacy. If Form 470 is filed with the declaration of candidacy, or on or before the filing deadline for the first pre election campaign statement, no additional campaign statement needs to be filed in connection with the election so long as total receipts or expenditures remain less than \$2,000.
11. Form 501 - Candidate Intention Statement

RESOLUTION NO. 2016-5394

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

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 8, 2016, for the election of Municipal Officers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yorba Linda, 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 Yorba Linda, California, on Tuesday, November 8, 2016, a General Municipal Election for the purpose of electing three Members of the City Council for the full term of four years.

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

SECTION 3. The City Clerk is authorized, instructed and directed 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.

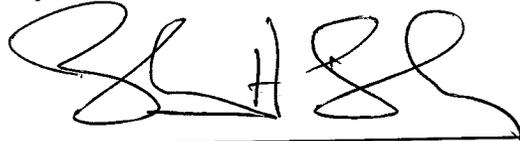
SECTION 4. The polls for the election shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to Elections Code §10242, except as provided in Section 14401 of the Elections Code of 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. 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.

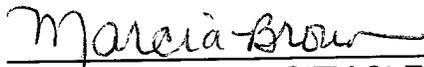
SECTION 7. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 5th day of July, 2016.



TOM LINDSEY, MAYOR
CITY OF YORBA LINDA

ATTEST:



MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER, LLP

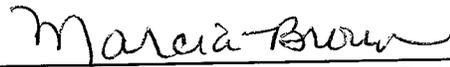


CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 5th day of July, 2016, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS: Hernandez, Huang, Lindsey, Schwing, Young
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None



MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

RESOLUTION NO. 2016-5396

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016

WHEREAS, Section 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, BE IT RESOLVED by the City Council of the City of Yorba Linda as follows:

SECTION 1. GENERAL PROVISIONS. Pursuant to Section 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 Yorba Linda on November 8, 2016, may prepare a candidate statement on an appropriate form provided by the City Clerk. The statement may include the name and a brief description of no more than 200 words of the candidate's occupation, 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 2. FOREIGN LANGUAGE POLICY.

- a. Pursuant to the Federal Voting Rights Act, the City is required to translate candidates' statements into Chinese, Korean and Spanish.
- b. The City Clerk shall cause the Orange County Registrar of Voters to have all candidates' statements translated into the languages specified in (a) above.
- c. All translations of all candidates' statements specified in (a) above shall be printed in the voters pamphlet.

SECTION 3. PAYMENT. The candidate shall be required to pay for the cost of translating and printing the candidates' statement in English and any required foreign languages as specified in Section 2(a) above pursuant to Federal and/or State law. The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the

candidates' statements 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 his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. The estimate is an approximation of the actual cost that varies from one election to another and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days after the election.

SECTION 4. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 5. That 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 6. That all previous resolutions establishing Council policy on payment for candidates' statements are repealed.

SECTION 7. That this resolution shall apply only to the election to be held on November 8, 2016, and shall then be repealed.

SECTION 8. That 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 at a regular meeting of the City Council of the City of Yorba Linda on this 5th day of July, 2016.



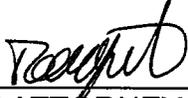
TOM LINDSEY, MAYOR
CITY OF YORBA LINDA

ATTEST:



MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER, LLP

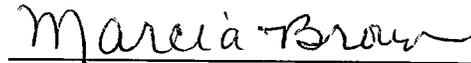


CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) **ss.**

I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 5th day of July, 2016, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS: Hernandez, Huang, Lindsey, Schwing, Young
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None



MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

SECTION 2

NOMINATION PAPERS

Gathering Signatures

Jul 18 – Aug 12 5:30 p.m.*

Nomination papers may be obtained from the City Clerk beginning at 7:30 a.m. on Monday, July 18, 2016. The nomination period closes on Friday, August 12, 2016, at 5:00 p.m. If an eligible incumbent chooses not to file, the nomination period will be extended to Wednesday, August 17, 2016, at 5:30 p.m.

Number of Signatures Required

Candidates are to be nominated by signatures of not less than 20 nor more than 30 registered voters of the City of Yorba Linda. A candidate with more than 30 signatures may be disqualified in the same manner as a candidate with less than 20 signatures. You are urged to obtain the maximum of 30 signatures to ensure that you have the required amount in the event some signatures are disqualified.

If the nomination paper is determined to be insufficient or does not contain the minimum number of valid signatures, one supplemental petition may be issued to collect additional signatures

Each person signing the nomination paper **MUST PERSONALLY SIGN** his/her name **AND LIST HIS/HER ADDRESS** as it appears on the voter's affidavit of registration and **PRINT** his/her name on the second line.

Since there are **three seats** for election, a registered voter may sign **THREE** different nomination papers.

Who May Circulate Nomination Papers

Only **ONE** person can circulate the nomination paper. A candidate may circulate his/her own nomination paper.

The **CIRCULATOR** of the nomination paper must complete the Declaration of Circulator found on the last page of the nomination paper. (The circulator is allowed to sign the nomination paper if he/she is a registered voter.)

The **CANDIDATE** must complete the "**AFFIDAVIT OF NOMINEE**" found on the last page of the nomination paper. It is suggested that the affidavit be signed at the time of filing of the nomination paper with the City Clerk.

A word of caution: FILE EARLY! It is not advisable to wait until the last day of the Nomination Period to file your nomination papers; signatures will need to be verified. If it is determined that your nomination paper does not have the minimum number of valid signatures, you will be disqualified to run for office.

**RECEIPT FOR NOMINATION PAPERS AND
CANDIDATE'S ELECTION MATERIALS**

AND

**PUBLIC INFORMATION RESUME
November 8, 2016 General Election**

I hereby acknowledge receipt of the Nomination Paper and Candidate's Election Materials from the Office of City Clerk, City of Yorba Linda.

Printed Name of Candidate: _____ Date: _____

Residence Address (as registered): _____ Zip Code _____

Number of years – resident of City _____ Home Phone: _____

Fax: _____ Cell Phone _____ E-mail: _____

Candidate's Occupation: _____

Work Phone: _____ Name of Employer: _____

Positions held in City/Community organizations: _____

Candidate's Signature: _____

SECTION 3

Ballot Designation Worksheet

Pursuant to California Elections Code Section 13107.3 and Section 20711 of the California Code of Regulations, this entire form **must be completed**, or it will not be accepted and you will **not** be entitled to a ballot designation. **DO NOT LEAVE ANY RESPONSE SPACES BLANK.** If information requested is not applicable, please write N/A in the space provided. Otherwise the information **MUST** be provided. Upon filing, this worksheet will be a public record.

Candidate Information

Candidate Name: _____
Office: _____
Home Address: _____ E-Mail: _____
Business Address: _____
Mailing Address: _____
Phone Number(s) Business: _____ Home/Mobile: _____ Fax: _____

Attorney Information

Other person authorized to act on your behalf or Not Applicable:
Attorney Name: _____ Office: _____
Home Address: _____ E-Mail: _____
Business Address: _____
Mailing Address: _____
Phone Number(s) Business: _____ Home/Mobile: _____ Fax: _____

Proposed Ballot Designation: _____

1st Alternative: _____

2nd Alternative: _____

You may select as your ballot designation one of the following:

- (a) Your current principal profession(s), vocation(s), or occupation(s) [maximum total of three words, separated by a “/”]
- (b) The full title of the public office you currently occupy and to which you were elected
- (c) “Appointed [full title of public office]” if you currently serve by appointment in an elective public office and are seeking election to a different office
- (d) “Incumbent” if you were elected (or, if you are a Superior Court Judge, appointed) to your current public office and seek election to a new term
- (e) “Appointed Incumbent” if you were appointed to your current elective public office (other than Superior Court Judge) and seek election to a new term

In the space provided on the next page or on an attachment sheet, describe why you believe you are entitled to use the proposed ballot designation. Attach any documents or exhibits that you believe support your proposed ballot designation. If using the title of an elective office, attach a copy of your certificate of election or appointment. These documents will not be returned to you. **Do not submit originals.**

If your proposed ballot designation includes the word “volunteer,” indicate the title of your volunteer position and the name of the entity for which you volunteer along with a brief description of the type of volunteer work you do and the approximate amount of time involved. You may only use the ballot designation “community volunteer” if you volunteer for a 501(c)(3) charitable, educational, or religious organization, a governmental agency or an educational institution. You may not use “community volunteer” together with another designation.

Remember, it is your responsibility to justify your proposed ballot designation and to provide all requested details.
For your reference, attached are Elections Code Sections 13107 and 13107.3, and 2 California Code of Regulations (CCR) Section 20711. You may also wish to consult Elections Code Section 11307.5 ("community volunteer") and 2 CCR Sections 20712 - 20719 (found at www.sos.ca.gov).

Justification for use of proposed ballot designation: _____

Current or Most Recent Job Title: _____ Start/End Dates: _____

Employer Name or Business: _____

Person(s) who can verify this information:

Name(s) _____ Phone Number: _____

E-Mail: _____

Name(s) _____ Phone Number: _____

E-Mail: _____

Before signing below, answer the following questions.

Does your proposed ballot designation:

- Use only a portion of the title of your current elected office? Yes No
- Use only the word "Incumbent" for an elective office (other than Superior Court Judge) to which you were appointed? Yes No
- Use more than three total words for your principal professions, vocations or occupations? Yes No
- Suggest an evaluation of you, such as outstanding, leading, expert, virtuous, or eminent? Yes No
- Refer to a status (Veteran, Activist, Founder, Scholar), rather than a profession, vocation or occupation? Yes No
- Abbreviate the word "retired"? Yes No
- Place the word "retired" after the words it modifies? Example: Accountant, retired Yes No
- Use any word or prefix (except "retired") such as "former" or "ex-" to refer to a former profession, vocation or occupation? Yes No
- Use the word "retired" along with a current profession, vocation, or occupation?
Example: Retired Firefighter/Teacher Yes No
- Use the name of a political party or political body? Yes No
- Refer to a racial, religious, or ethnic group? Yes No
- Refer to any activity prohibited by law? Yes No

If the answer to any of these questions is "Yes," your proposed ballot designation is likely to be rejected.

Candidate's Signature _____ Date _____

For your reference, the relevant provisions of the Elections Code 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.

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

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

13107.3 Ballot Designation Worksheet in format prescribed by Secretary of State.

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

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

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

For your reference the relevant provisions of the Elections Code are reproduced below:

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.

20711. Ballot Designation Worksheet.

(a) In order to facilitate review of a candidate's proposed ballot designation by the Secretary of State pursuant to Elections Code Section 13107, the candidate shall submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.

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

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

- (1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;
- (2) A designation of the office for which the candidate is seeking election;
- (3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
- (4) The proposed ballot designation submitted by the candidate;
- (5) The candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;
- (6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:
 - (A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code Section 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;
 - (B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code Section 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;
 - (C) If the candidate submits a ballot designation pursuant to Elections Code Section 13107, subdivision (a)(3), the candidate shall indicate:
 - (i) The title of the position or positions which he or she claims supports the proposed ballot designation;
 - (ii) The dates during which the candidate held such position;
 - (iii) A description of the work he or she performs in the position;
 - (iv) The name of the candidate's business or employer;
 - (v) The name and telephone number of a person or persons who could verify such information; and
 - (vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at Section 20714, subdivision (b).
 - (D) If the candidate submits a ballot designation pursuant to Elections Code Section 13107, subdivision (a)(4), the candidate shall indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.

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

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

SECTION 4

Contest ID: _____
Candidate ID : _____
Words: _____
[] 200 [] 400
November 8, 2016

Candidate's Statement of Qualifications

CITY OF: _____
OFFICE SOUGHT: _____
WARD/DISTRICT #: _____ (if applicable)

NAME:

AGE:
(Optional)

OCCUPATION:

INSTRUCTIONS: (Elections Code § 13307)

(City to customize here)

Date _____

Candidate's Signature

SEE BACK-SIDE OF THIS PAGE FOR CANDIDATE'S STATEMENT FORMATTING GUIDELINES.

CANDIDATE'S STATEMENT FORMATTING GUIDELINES

The Registrar of Voters office has a semi-automated system for Sample Ballot input/layout of Candidate's Statement of Qualifications. Due to the volume of statements and printing deadlines, it is necessary to have a standardized format for candidates' statements. We have prepared the following guidelines to assist candidates in the preparation of their statements.

1. The following paragraph styles are acceptable with this system.

INDENTED PARAGRAPHS:

Xxxxx xxxxx xxxxxxxxxxx xxxxx xxxxx. X xxxx xx xxxxxxxxxxx xxxxxxxxxxx xxxxxxxxxxx xxxxxxx xxxxxxxxxxx
xx xxx xxxxx. Xxx xxxxx xxxxxxx xxxxx xx xx.

Xxxx xxxxxxx xx x x xxxxxxxxxxx x xxxxxx xxxxx. Xxx xxxxxx xxxxxx xxxxx xx xxx xxxxx xxx xxxxxx.
Xx xxxxx xxx.

BLOCK PARAGRAPHS:

Xxxxx xxxxxxx xxxxx. Xxxx x xx xxx xxxxxxxxxxx xxx. Xxxx xxx xxx xxxxxxxxxxx. Xxxxxxx xx x xxxxxxx xx
xx
xxxx. X xxx xxxxx xxx x xx xxx. Xxx xxx xxx xxxxxxx xxxxx xxx.

Xxx xxxxxx xxx. Xx xxx xxxxxxx xxxxxxx xxxxx. X xxx xxxxxx xxxxxx xxxxx xxx. Xxxxx xxxxxxxxxxxxxxxxx xx
xx
x xx xxx xxx. Xxx xxx xxxxxxxxxxx xxxxx xxx. Xxx xxxxxx xxxxxx xxxxxx xxxxxx.

DO NOT USE ANY PARAGRAPH/FORMAT STYLE OTHER THAN THOSE LISTED ABOVE.

2. All statements must be submitted on our form or typed or printed by automated equipment. **DO NOT PRINT ANY STATEMENT ON LINED PAPER.**

3. NOTE: Name, age, and occupation lines are not included in the word count. Only the text is counted. **The words reflected in the "Occupation" field must follow the ballot designation guidelines.**

4. Do not underline or **bold** WORDS; words may NOT be all CAPITAL letters. §13307

5. Do not use *italics* or different type styles or type sizes to highlight portions of the statement. §13307

6. A 200-word statement must fit on one quarter of a Sample Ballot page. A 400-word statement must fit on a half page of a sample ballot. If your statement exceeds this limitation we will be forced to adjust your format to fit in the space allowed.

7. Do not use bullet points, stars, asterisks, or numbers that function as bullet points to off-set paragraphs. **Excessive number of paragraphs or block-indentation in a Candidate's Statement may cause the statement to not fit in the allotted space even though the word count hasn't exceeded the maximum number of words. If the statement does not fit into the box, you will be asked to edit your statement. Keep this in mind as you write and format your statement.**

8. You may block indent a paragraph as long as you do not use bullet points, stars, asterisks or numbers.

9. All statements are printed in the sample ballot pamphlet with the following titles which are not included in the word count:

**NAME OF CITY
TITLE OF OFFICE**

Use these general guidelines to assist you in the preparation of your statement.

CHECK YOUR STATEMENT CAREFULLY FOR ERRORS IN SPELLING, PUNCTUATION, AND GRAMMAR BEFORE FILING. WITH THE EXCEPTION OF THE FORMATTING REQUIREMENTS, YOUR STATEMENT WILL BE PRINTED EXACTLY AS SUBMITTED.

CANDIDATE'S STATEMENT INFORMATION SHEET

Complete this form, and submit with your candidate statement. Please use all regular lower case letters (**do not use all caps**).

Provide a brief description of no more than 200 words, of the candidate's education and qualifications.

Be sure to include the official title of the office you are a candidate for, your name, age, and occupation.

(see bottom of reverse side for sample format)

Enter the candidates' name and the office title: _____

Enter the name of the jurisdiction to which the office belongs,
if other than the name of the city (i.e, the name of the school district). _____

(↑ Candidate's name) Male Female

(↑ Jurisdiction name)

(↑ Office Title)
(i.e., Mayor, Member of the City Council, City Clerk,
Member of the Board of Education, etc.)

<input type="checkbox"/> I DO WANT my Candidate Statement to appear in the following languages in the Sample Ballot Voter Pamphlet: <input type="checkbox"/> Spanish / Colloquial (informal) <input type="checkbox"/> Chinese / Traditional <input type="checkbox"/> Japanese <input type="checkbox"/> Korean <input type="checkbox"/> Tagalog <input type="checkbox"/> English <input type="checkbox"/> Spanish / Castillian (formal) <input type="checkbox"/> Chinese / Simplified <input type="checkbox"/> Vietnamese <input type="checkbox"/> Thai <input type="checkbox"/> Khmer	
<input type="checkbox"/> I DO NOT WANT to file a candidate statement.	
Signature of candidate: _____	

STATE LAW PROVIDES (per Election Code Section 13307):

1. A Candidate Statement is optional and available to all candidates for nonpartisan offices.
2. The statement may include candidate's age, occupation and a brief description of education and qualifications (expressed by the candidate himself or herself).
3. Each local jurisdiction determines:
 - a. the maximum number of words allowed, usually 200 words
 - b. responsibility for payment, the candidate or the jurisdiction
 - c. whether the costs are to be paid in advance.
4. Reference to political party affiliation or mention of any partisan political membership or activity is not permitted.
5. Reference to other candidates for that office or to another candidate's qualifications, character, or activities are prohibited. (EC 13308).
6. **No changes of any kind are allowed AFTER the statement is filed.**
7. The statement may be withdrawn (in writing) up to 5:00 pm of the next working day after the close of the nomination period.
8. Statements are confidential until after the close of the nomination period.
9. A candidate may request that the statement also be printed in other languages and included in the Sample Ballot Voter Information Pamphlet mailed to all voters in the election area. An additional fee may be required to print the additional languages.

CANDIDATE STATEMENTS MUST BE FILED AT THE TIME NOMINATION PAPERS ARE FILED.

The estimated cost is determined prior to all information being available, therefore, it is an approximation of the actual cost that may be significantly more or less depending on the actual number of candidates filing statements.

For Election Official's use only: Estimated Cost of Printing Candidate's Statement in: English: \$ / Spanish: \$..... / _____: \$..... / _____: \$..... / _____: \$..... If applicable, the below estimated cost is for the Translations (and formatting if translation is provided by the candidate) and this cost does not include printing, which cost is noted above: Spanish: : \$..... / _____: \$..... / _____: \$..... / _____: \$.....

- Election Official:
- a. Send one copy of this page and the candidate statement to the vendor/printer
 - b. keep original set for your files
 - c. make one copy for the candidate
 - d. make one or more copies for the translator(s) if necessary.

(more information on reverse side) →

CANDIDATE'S STATEMENT INFORMATION SHEET

Please type using regular lowercase letters, do not use all CAPS.
Type your statement clearly and legibly - DO NOT handwrite or print.

Section 13307 of the Elections Code of the State of California sets forth guidelines for candidate's statements.
Please follow them:

1. The statement of each candidate shall be printed in type of uniform size and darkness and with uniform spacing.
2. The statement shall not include any party affiliation or membership or activity in partisan political organizations.
3. Reference to other candidates for that office or to another candidate's qualifications, character, or activities are prohibited.
4. Your statement will be printed as submitted; therefore you are advised to carefully check for errors in punctuation and grammar. Spelling however, will be corrected by the computer automatically.
5. Remember to sign this form and any supplemental sheets if used and attach them to your statement. If you wish to have a Foreign language translation of your statement prepared for printing in the Voter's Pamphlet, be sure to check the space(s) provided on the front of this form.

WORD COUNT STANDARDS

As stated in Section 9 of the Elections Code.

- (a) 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 proper nouns, including 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 shall be counted as one word, in either format, i.e., *April 10, 1990 or 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 site and email addresses shall be counted as one word.
- (b) This section shall not apply to counting words for ballot designations under Sections 13107 and 13107.5.

FOR MEMBER OF THE CITY COUNCIL

JOHN SMITH

Age:

Occupation: Businessman

I have been a 30 year resident of this City and thoroughly enjoy living here. I would like to increase citizen education and police resources to stop the gang and graffiti activity that are overtaking our city.

I would like to implement environmental standards for cleaner water and air quality.

I respectfully ask for your support and thank those of you who cast your vote for me. A vote for me is a vote for a better City Council.

/s/ John Smith

SAMPLE OF STATEMENT FORMAT



Please use Helvetica 10 pt type.

RECEIPT FOR CANDIDATE'S STATEMENT DEPOSIT

I have on this date paid a deposit in the amount of \$869.00 to the City of Yorba Linda for my Candidate's Statement to be printed and included in the sample ballot mailed to all voters in the City for the November 8, 2016 General Election.

Estimated cost: \$ 869.00

In accordance with Section 13307 of the Elections Code, I hereby acknowledge notice that the estimate is an approximation of the actual cost that varies from one election to another and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost.

I DO NOT WANT a Candidate's Statement to appear in the Sample Ballot [checkbox]

Date: _____

Printed Name of Candidate: _____

Candidate's Signature: _____

City Clerk/Deputy City Clerk

SECTION 5

FAIR POLITICAL PRACTICES COMMISSION REPORTING REQUIREMENTS

Campaign Disclosure Statements

The Fair Political Practices Commission (FPPC) has primary responsibility to interpret and administer the Political Reform Act. Under the Political Reform Act, candidates and committees are required to file three campaign disclosure statements with the City Clerk - two prior to the election (by September 29, 2016 and October 27, 2016) and one following the election (by January 31, 2017). These filings disclose contributions received and expenditures made. The campaign disclosure reports are intended to inform the voters about who is contributing to candidates and political committees, how much is being contributed, and when and what is being spent by candidates and committees. Recipient committees maintain their status until all campaign activity that must be disclosed ceases and a Statement of Termination (Form 410) has been filed. Until the Statement of Termination is filed, the committee has semi-annual filing obligations.

The FPPC may be contacted if you have questions regarding these filings at (916) 322-5660 or toll free at (866) ASK-FPPC, ext. 2 (275-3772). The Fair Political Practices Commission will be conducting a series of Campaign Workshops for officeholders, candidates, and committee treasurers. The dates and locations of the workshops can be accessed on the FPPC's website under "Candidates/Treasurers Seminars and Workshops."

We urge all candidates and their treasurers to read the Information Manual and all forms to ensure they will be filed in accordance with the provisions of the Political Reform Act. All forms are included in this handbook. Additional forms and Information Manual 2, are available on the Fair Political Practices Commission website at www.fppc.ca.gov, and the Secretary of State website at <http://www.sos.ca.gov/>.

Campaign statements, which contain 30 pages or less, may be faxed provided that the exact original and the required copies are sent to the filing officer by first-class mail or by guaranteed overnight delivery service within 24 hours of the filing deadline. Late Contribution Reports are not required to be mailed if the reports are faxed because these reports do not require signatures.

Filing is the Responsibility of Candidates and/or Committees

It is the responsibility of candidates and/or committees to be aware of and to file the required campaign disclosure statements in a timely manner. As a courtesy, the City Clerk's Department mails a reminder notice to candidates who, based on nomination documents, appear to have a campaign disclosure filing requirement. With the inception of threshold filing periods/requirements, however, only **candidates** or **committees** can ascertain whether they **do** or **do not** have a threshold filing requirement. Failure to file the appropriate statements and reports in compliance with the Act can result in criminal and civil penalties. Failure to file by the prescribed deadlines can also lead to late filing penalties of \$10 per day.

Summary of Forms

The following is a listing of the FPPC campaign disclosure forms and a brief explanation of the appropriate usage: (Refer to the campaign manual for specific filing requirements)

Forms Typically Filed at the Beginning of a Campaign

Form 501 **Candidate Intention Statement**

This form notifies interested persons that an individual intends to raise money to run for a specific office. Any individual who plans to be a candidate for City Council and intends to solicit or receive campaign contributions for any purpose, or who intends to spend funds for campaign purposes, must file with the City Clerk a Candidate Intention Statement before soliciting or receiving any contributions (including loans) or expending any funds for the purpose of supporting or opposing any candidacy.

Form 410 **Statement of Organization**

This statement is required when a group or person has become a campaign committee. A recipient committee is described as any individual (including an officeholder or a candidate), group of individuals, organization, or any other entity that receives contributions totaling \$2,000 or more during a calendar year. "Contribution" includes monetary payments, loans and non-monetary goods or services.

This form is used by committees to obtain a campaign identification number, amend previously filed information, report campaign bank account information and terminate the committee.

Form 410 must be filed within 10 days of receiving \$2,000 in contributions. The personal funds of a candidate or officeholder used in connection with seeking or holding elective office are contributions and are counted toward qualifying as a recipient committee.

Exception: A candidate's use of his or her personal funds to pay fees for a Candidate's Statement are not counted toward the \$2,000 threshold, are not considered reportable contributions or expenditures to his/her candidate committee. The candidate may be reimbursed for these payments from campaign funds.

File this statement with the Secretary of State's office, with a copy to the City Clerk.

Campaign Disclosure Statements

Form 460 Recipient Committee Campaign Statement - Long Form

This is the campaign disclosure form used for pre-election and semi-annual filings by candidates, officeholders and all recipient committees. Form 460 is required from those who raise or spend \$2,000 or more during a calendar year in connection with election to office or holding office. This form is also used for amendments to a previously filed Form 460.

Form 470 Officeholder and Candidate Campaign Statement - Short Form

For use by only those candidates who do not raise or spend \$2,000 or more during the calendar year. This statement is also used by an elected officeholder whose salary is \$200 or more per month provided the officeholder does not have an existing committee.

File this form with your nomination papers if you intend to raise or spend less than \$2,000 in connection with your candidacy. If Form 470 is filed with the declaration of candidacy, or on or before the filing deadline for the first pre-election campaign statement, no additional campaign statement need be filed in connection with the election as long as total receipts or expenditures remain less than \$2,000.

Form 470 Supplement

For use by those officeholders or candidates who have filed a Form 470 in connection with an election and subsequently receive contributions or make expenditures totaling \$2,000 or more during the six-month period before the election. Written notification is required to be sent within 48 hours.

**Forms Which May be Filed
During the 90-Day Election Cycle**

Form 496 Late Independent Expenditure Report

Used during the 90-day election cycle. The form advises voters when a committee has expended \$1,000 or more on a communication supporting or opposing a single candidate or single ballot measure **and** this communication is done entirely independent of the candidate or measure mentioned in the communication. Contributions of \$100 or more received after the closing date of the last campaign statement through the date of the independent expenditure must be disclosed. Government Code Section 85501 prohibits candidates from using campaign funds to make independent expenditures to support or oppose other candidates, or to make contributions to other committees for the purpose of making independent expenditures to support or oppose other candidates.

Form 497 Late Contribution Report

Used during the 90-day election cycle. The form is used to report when a monetary or nonmonetary (in kind) contribution, including a loan, of \$1,000 or more is made to a candidate, controlled committee or a committee formed or existing primarily to support or oppose a candidate or ballot measure.

Miscellaneous Statements

Form 425 Semi-Annual Statement of No Activity

For use by non-candidate or officeholder controlled "recipient committees" in lieu of a Form 460 as a semi-annual statement provided the committee has not raised or spent any money.

Form 450 Recipient Committee Campaign Disclosure Statement - Short Form

May be used at any time a recipient committee has a campaign statement due provided that the committee is not controlled by a candidate or officeholder (exception: candidate controlled ballot measure committee) has no outstanding debts, has not received a contribution or other payment of \$100 or more, has no outstanding loans or accrued expenses.

Form 461 Independent Expenditure and Major Donor Committee Campaign Statement

For use by individuals or entities that make contributions of \$10,000 or more in a calendar year, or independent expenditures of \$2,000 or more in a calendar year, and the individual or entity does not receive contributions for the purpose of making these payments.

Form 462 Verification of Independent Expenditures (filed in conjunction with Form 496)

This form is required to be filed within 10 days from the date of an independent expenditure that totals, in the aggregate amount, \$1,000 or more in a calendar year to support or oppose a candidate or measure. **A candidate or measure is listed only once for each election.**

2016 Campaign Disclosure Statement Filing Schedule

<i>Filing Deadline</i>	<i>Type of Statement</i>	<i>Period Covered by Statement¹</i>	<i>Method of Delivery</i>
August 1	Semi-Annual	1/1/16 ¹ – 6/30/16	<ul style="list-style-type: none"> • Personal Delivery • First Class Mail
September 29	First Pre-election	7/1/16 – 9/24/16	<ul style="list-style-type: none"> • Personal Delivery • First Class Mail
October 27	Second Pre-election	9/25/16 – 10/22/16	<ul style="list-style-type: none"> • Personal Delivery • Guaranteed Overnight Service
24 Hours	Late Contributions ² and Independent Expenditures of \$2,000 or more ³	8/10/16 – 11/8/16	<ul style="list-style-type: none"> • Personal Delivery • Guaranteed Overnight Service • Fax
Jan. 31, 2017	Semi-Annual	10/23/16 ¹ – 12/31/16	<ul style="list-style-type: none"> • Personal Delivery • First Class Mail

¹The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.

²The recipient of the late in-kind contribution must file a late contribution report within 48 hours from the time the late in-kind contribution is received

³A controlled committee of a candidate may not make an independent expenditure to support or oppose another candidate.

Late Contribution Reports

"Late contribution" means any monetary or nonmonetary contribution, including a loan, which totals in the aggregate of \$1,000 or more from a single source that is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure before the date of the election at which the candidate or measure is to be voted on but after the

closing date of the last campaign statement required to be filed before the election. Contributions made to officeholders or candidates not currently running for election and to general purpose committees are not "late contributions." (Refer to the Information Manual.)

Record Keeping and Audits

Please be aware that all candidates, both successful and unsuccessful, are subject to audits on a random basis if they have raised or spent \$2,000 or more. The audits are conducted by the Franchise Tax Board and can occur years after the election. It is imperative that you, or your campaign treasurer, retain accounts, records, bills and receipts for a period of four years following the date that the campaign statement to which they relate is filed. Based on campaign statements filed with the City Clerk, the auditors will contact all campaign contributors for confirmation of their reported contribution.

Statement of Economic Interests

It is necessary for each candidate to file a Fair Political Practices Commission Form 700 with the City Clerk at the time nomination papers are filed. The City Clerk will promptly forward it to the FPPC. This form is included in this handbook. Each candidate should become aware of the prohibited interests and actions, the requirements for disclosure of assets, the reporting and filing requirements and the enforcement and sanction provisions.

SECTION 6

CAMPAIGN FILINGS

Forms Needed:

- FPPC Campaign Disclosure Manual 2 (April 2016)
- Form 501 – Candidate Intention Statement
- Form 410 – Statement of Organization
- Form 460 or 470 – Campaign Statement
- Form 497 – Reports Contributions of \$1,000+ received 90 days before the election.

All forms are available at <http://www.fppc.ca.gov/learn/campaign-rules/campaign-forms.html>

Information:

FAIR POLITICAL PRACTICES COMMISSION

All candidates for municipal office are subject to the provisions of the State Political Reform Act of 1974, as amended. The Fair Political Practices Commission (“FPPC”) has been charged with carrying out the provisions of the Act.

If you have any questions regarding FPPC requirements, **call the FPPC directly:**

1-866-ASK-FPPC (1-866-275-3772)

1-916-322-5660

Visit their website at www.fppc.ca.gov

MANUAL 2 - CAMPAIGN DISCLOSURE AND INFORMATION MANUAL

FPPC Campaign Disclosure Manual 2 (April 2016) is available at <http://www.fppc.ca.gov/learn/campaign-rules/campaign-disclosure-manuals.html#title2> and provides detailed information to assist you in completing and filing applicable campaign disclosure forms. .

SECTION 7

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) **I SHALL CONDUCT** my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties that merit this criticism.

(2) **I SHALL NOT USE OR PERMIT** the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) **I SHALL NOT USE OR PERMIT** any appeal to negative prejudice based on a candidate's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sexual orientation, sex, including gender identity, or any other characteristic set forth in Section 12940 of the Government Code, or association with another person who has any of the actual or perceived characteristics set forth in Section 12940 of the Government Code.

(4) **I SHALL NOT USE OR PERMIT** any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections, or that hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(5) **I SHALL NOT** coerce election help or campaign contributions for myself or for any other candidate from my employees.

(6) **I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE** support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

(7) **I SHALL DEFEND AND UPHOLD** the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Signature

Date

Printed Name

Date of Election

CODE OF FAIR CAMPAIGN PRACTICES

(Division 20, Chapter 5, Elections Code.)

Chapter 5. Fair Campaign Practices

Article 1. General Intent

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

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

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

Article 2. Definitions

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

Article 3. Code of Fair Campaign Practices

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

In the case of a committee making an independent expenditure, 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 § 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" on reverse side).**

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

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

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

ORDINANCE NO. 2010- 940

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA ADDING CHAPTER 2.44 OF TITLE 2 OF THE YORBA LINDA MUNICIPAL CODE ESTABLISHING ETHICS REGULATIONS

WHEREAS, the City Council has directed staff to prepare a comprehensive ordinance establishing ethics and open government regulations to address a variety of issues; and

WHEREAS, the issues to be addressed include campaign contributions; endorsements from city employees and commissioners; guidelines for elected and appointed officials; protection for "whistleblowers;" mandatory AB 1234 training for all staff members and City officials, whether elected or appointed; prohibiting ad hoc committee meetings of the City Council and Commission; tape recording of all closed session meetings of the City Council; and prohibiting the misuse of City resources or staff involvement in elections; and

WHEREAS, the proposed regulations sought by the Council are intended to establish practices consistent with the City Council's commitment to conduct the public's business in accordance with high ethical standards and in a manner consistent with open government practices.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 2.44 of the Yorba Linda Municipal Code is hereby stated to read as follows:

**"CHAPTER 2.44
ETHICS REGULATIONS**

Sections:

- | | |
|----------------------|--|
| Sec. 2.44.010 | No solicitation of campaign contributions from city contractors. |
| Sec. 2.44.020 | Prohibition against accepting campaign contributions for twelve months after approving a permit or decision. |
| Sec. 2.44.030 | Disqualification from acting upon a permit or decision if a campaign contribution was accepted within a previous twelve month period. |
| Sec. 2.44.040 | Prohibition against seeking endorsements from city employees, commissioners, city contractors or labor associations affiliated with city contractors. |
| Sec. 2.44.050 | Adoption of a code of conduct for elected and appointed officials. |
| Sec. 2.44.060 | Adoption of a "whistleblower" procedure. |
| Sec. 2.44.070 | Mandatory AB1234 training for all city staff, executives and appointed and elected officials. |
| Sec. 2.44.080 | Prohibition against closed door ad hoc committee meetings of the City Council and Commissions. |
| Sec. 2.44.090 | Tape recording of all closed session meetings of the City Council. |

Sec. 2.44.100 Prohibitions against the misuse of City resources or staff involvement in elections.

Sec. 2.44.110 Enforcement.

Sec. 2.44.010. No solicitation of campaign contributions from city contractors

It is unlawful for any City Official to use his or her position or prospective position, or the power or authority of his or her office or position, in any manner intended to induce or coerce any person, firm, entity or any labor association affiliated with any of the foregoing, that is under current contract to do business with the city or desires to contract to do business with the city, to make a campaign contribution to an individual, political action committee or association of citizens in connection with promoting or opposing any candidate for city council or any municipal initiative or referendum on the ballot for a City election, or to accept a campaign contribution from an existing city contractor or labor association of a city contractor. For purposes of this section, City Official shall mean a Council Member, a Commissioner or any other person required by the City's Conflict of Interest Code to file a Form 700 Statement of Economic Interest. Furthermore, this section shall not prohibit a City Official from seeking a campaign contribution from an employee of a city contractor in the case where the employee resides within the City.

Sec. 2.44.020. Prohibition against accepting campaign contributions for twelve months after approving a permit or decision.

No Council Member or any campaign committee controlled by a Council Member shall solicit or accept any campaign contribution or loan of two hundred fifty dollars (\$250) or more from any person for a period of twelve months following the date a final decision is rendered in any proceeding before the Council involving a license, permit, contract or other land use entitlement, if the Council Member knows or has reason to know that the person was the applicant, the contractor or the direct recipient of the approval. For purposes of this section, members of the public, other than the applicant, the contractor or direct recipient of an approval, who expresses an opinion to the City Council through direct public comment, testimony at a public hearing or in writing shall not be affected by this section.

Sec. 2.44.030 Disqualification from acting upon a permit or decision if a campaign contribution was accepted within a previous twelve month period.

A Council Member shall not participate in, nor use his or her official position to influence, a decision of the city council if it is reasonably foreseeable that the decision directly benefits a recent campaign contributor by granting the contributor a license, permit, contract, land use entitlement or other benefit sought by the contributor from the City. A recent campaign contributor means any person, firm or entity who has made campaign contributions totaling two hundred fifty (\$250) or more to the Council Member or to any campaign committee controlled by the Council Member in the twelve-month period immediately preceding the date of the decision.

Sec. 2.44.040. Prohibition against seeking endorsements from city employees, commissioners, city contractors or labor associations affiliated with city contractors.

It is unlawful for any City Official, candidate for public office or person promoting or opposing a municipal initiative or referendum to solicit, directly or indirectly, a political endorsement from any City employee, City Commissioner, city contractor or labor association affiliated with city contractors. Notwithstanding the prohibition stated above this section shall not prohibit a City Official, a candidate for elective office or a person

promoting or opposing a municipal initiative from soliciting an endorsement from City employees if the solicitation is part of a solicitation made to a significant segment of the public which may include City employees. City Official shall include any Council Member, Commissioner, the City Manager, the City Attorney or Department Head.

Sec. 2.44.050. Adoption of a code of conduct for elected and appointed officials.

The City Council shall adopt by resolution a "Code of Conduct for Elected and Appointed Officials" to describe the manner in which Council members and Commissioners should treat one another, city staff, constituents, and others they come into contact with in representing the City of Yorba Linda.

Sec. 2.44.060. Adoption of a "whistleblower" procedure.

The City Council shall adopt by separate ordinance a "whistleblower" procedure to protect City of Yorba Linda employees who have reported improper governmental actions in accordance with the City of Yorba Linda's policies and procedures.

Sec. 2.44.070. Mandatory AB1234 training for all city staff, executives and appointed and elected officials.

All department heads, managers, City Council Members, City Commissioners and the City Manager shall complete AB1234 training and shall keep on file with the City Clerk evidence of completion of such training. The City Clerk shall coordinate training sessions with the City Attorney and the training shall be provided no less frequently than every other year. There may be valid reasons for a person to accomplish training outside of the City's official training sessions. City Council Members and Commissioners must inform the Mayor in writing as to the reason why the person cannot attend the City provided training. Managers and Department Heads may only be excused by the City Manager.

Sec. 2.44.080. Prohibition against closed door ad hoc committee meetings of the City Council and Commissions

The Mayor and Commissioner Chairs shall not appoint ad hoc committees for the purpose of permitting less than a quorum of the Council or Commission to meet behind closed doors, or otherwise in private, with members of the public, other officials or applicants to discuss official city business related to matters pending before the Council or Commissioner or matters which are to be brought forward to the Council or Commission. If the Mayor or a Commission Chair desires a committee to work on a particular matter the Mayor or Chair may appoint a committee and instruct the committee to comply with the noticing and meeting requirements of the Brown Act.

Sec. 2.44.090. Tape recording of all closed session meetings of the City Council.

The Brown Act authorizes the City Council to direct that closed session discussions of the City Council be recorded and maintained by a designated person. The City Manager is hereby directed to provide for the audio taping of all closed session meetings of the City Council and the Mayor shall cause such audio tapes to be delivered to the City Clerk. The audio tapes shall be maintained by the City Clerk in sealed envelopes and shall remain at all times in a secure location accessible only to the City Clerk. The closed session audio tapes shall not be deemed a public record and shall only be accessed in accordance with the provisions of the Brown Act in connection with an official investigation or review as provided for in the Brown Act or by a vote of at least three members of the City Council only when such release is permitted by law.

Sec. 2.44.100. Prohibitions against the misuse of City resources or staff involvement in elections.

(a) It is unlawful for any City Official or staff person to engage in campaign-related activities, such as fund-raising, the development of electronic or written materials, or research, for a campaign for any elective office using City facilities, equipment, supplies, or other City resources. It is unlawful for any person to induce or coerce, or attempt to induce or coerce any other person to engage in any activity prohibited by this section.

(b) It is unlawful for any current or former City Official to use or disclose to any person any confidential information he or she acquired in the course of his or her official duties, except when such disclosure is a necessary function of his or her official duties.

(c) Nothing in this section shall prohibit the use of City resources to provide information to the public about the possible effects of any bond issue or other ballot measure relating to City activities, operations, or policies, provided that:

(1) the use of public resources is otherwise legally authorized; and

(2) the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.”

Sec.2.44.110. Enforcement.

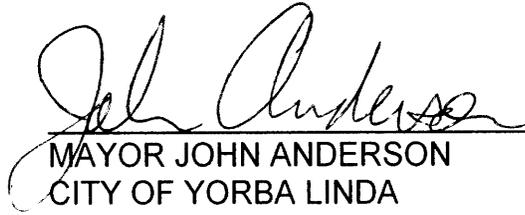
Alleged violations of this Chapter 2.44 by any person other than the City Manager or the City Attorney shall be reported in writing to the City Attorney. The City Attorney shall notify the City Council of the allegation and refer the matter for investigation and potential enforcement to the District Attorney and special legal counsel selected by the City Council. Each year when the City Council reaffirms the City's Conflict of Interest Code as required by the Political Reform Act, the City Council shall also select special legal counsel to be used for the enforcement of this Chapter. Alleged violations of this Chapter by the City Manager or the City Attorney shall be made in writing to the Mayor who shall refer the matter directly to the special legal counsel.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

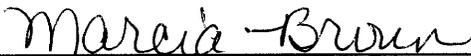
Section 3. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance or a summary thereof to be published in the manner required by law.

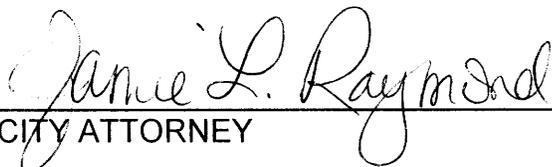
PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 19th day of January, 2010.


MAYOR JOHN ANDERSON
CITY OF YORBA LINDA

ATTEST:


MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

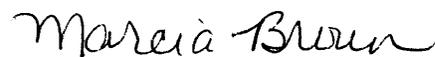
APPROVED AS TO FORM:
BEST BEST & KRIEGER LLP


CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ^{ss.}

I, **MARCIA BROWN**, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 19th day of January, 2010, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS: ANDERSON, RIKEL, SCHWING
NOES: COUNCILMEMBERS: HORTON, WINDER
ABSENT: COUNCILMEMBERS: NONE


MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

SECTION 8

FORM 700 – STATEMENT OF ECONOMIC INTEREST

Form Needed:

- Form 700 – Statement of Economic Interest

Information:

FORM 700 – STATEMENT OF ECONOMIC INTERESTS

All candidates are required to file a Statement of Economic Interests at the time the nomination papers are filed. The form covers the 12-month period *prior* to the date your Nomination Paper is filed. To assist you with completing the cover page of Form 700, the following information is provided.

- 1. Office, Agency, or Court**
City of Yorba Linda
Division, Board, District: Not Applicable
Position: City Council Member Candidate
- 2. Office of Jurisdiction**
City of Yorba Linda
- 3. Type of Statement**
Candidate
- 4. Schedule Summary**
(complete and attach only the applicable schedules)
- 5. Date and Sign**

Form 700 is available at <http://www.fppc.ca.gov/Form700.html>

FORM 700 MUST BE FILED AT THE SAME TIME AS THE NOMINATION PAPER.

SECTION 9

CITY OF YORBA LINDA

Community Preservation Office
P.O. Box 87014 Yorba Linda, CA 92886

TEMPORARY SIGN GUIDELINES

Temporary signs are a traditional means of expressing one's philosophy or position. The City of Yorba Linda recognizes that the expression of free speech is an important and Constitutionally protected right; that temporary signs have certain characteristics that distinguish them from many of the other types of signs permitted and regulated by the City, including the fact that these signs generally do not meet the regular structural design standards of permanent signs, given their temporary nature; that temporary signs therefore present a potential hazard to persons and property; and that the City must impose reasonable time limits on the display of temporary signs for these reasons.

This correspondence is designed to clarify any questions regarding the placement of temporary signs throughout the City. The City's temporary sign regulations enable freedom of expression while preserving public safety.

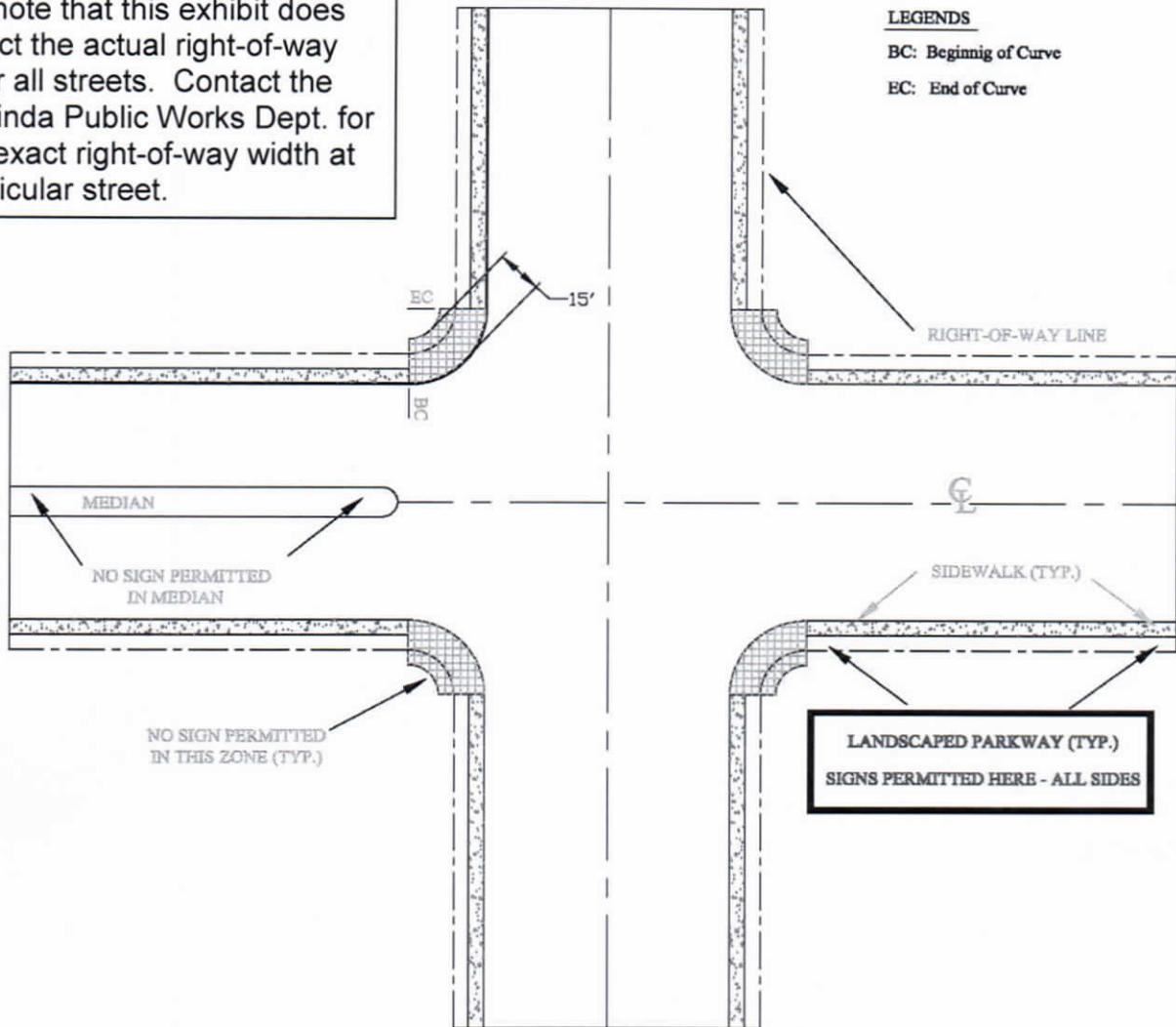
The Yorba Linda Zoning Code regulates the placement of temporary signs in part as follows:

Section 18.24.070 A. Temporary signs within public rights-of-way. Temporary signs, which are non-permanent signs intended to be displayed for a limited period of time, shall be permitted within public rights-of-way subject to the following regulations:

1. **Location.** Signs may locate within the landscaped parkway portion of the public right-of-way, but not within the median of any street or highway (**see Figure 1 for example**). For the purposes of this section, landscaped parkway shall be defined as the area between the back edge of the sidewalk and the right-of-way line, or where no sidewalk exists, the back-of-curb and the right-of-way line. Landscape strips between back-of-curb and a sidewalk also shall be construed as meeting the definition of a landscaped parkway. However, tree wells shall not be construed as a landscaped parkway. Additional requirements include:
 - a. Signs shall not overhang any street, curb, sidewalk, trail or driveway.
 - b. Signs shall not be located within fifteen feet (15') of any fire hydrant.
 - c. Signs shall not be affixed to any traffic control devices, government signs, light standards, utility poles, bus shelters or other structures, posts, fences, shrubs or trees. Signs shall be freestanding.
 - d. Signs shall not be located within fifteen feet (15') of the edge of any driveway nor within fifteen feet (15') of any street intersection, as measured from the midpoint of the corner radius (**see Figure 1**).
 - e. Signs shall not be located in any area that the City Traffic Engineer determines would constitute a pedestrian or vehicular traffic safety hazard.

FIGURE 1

Please note that this exhibit does not depict the actual right-of-way width for all streets. Contact the Yorba Linda Public Works Dept. for a more exact right-of-way width at any particular street.



- 2. Size and Height.** Signs shall not exceed six square feet in area, and shall not exceed four feet (4') in height (as measured from grade).
- 3. Identification.** Unless otherwise clearly discernable on the sign itself, the owner of the sign shall affix his/her/its name, address and telephone number to the sign prior to installation of the sign.
- 4. Installation.** The installation of any portable sign shall not cause damage to the public right-of-way, including damage to landscaping and/or associated irrigation systems. The owner of a sign placed within the public right-of-way expressly understands that by placing a sign within the public right-of-way, the owner agrees to defend, indemnify and hold the City, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury in any manner arising out of or incident to the placement of the sign in the public right-of-way.
- 5. Time Period.** Temporary signs shall be removed from the public right-of-way not more than five (5) days after the event to which they pertain.

B. Temporary Signs NOT Within Public Rights-of-way.

1. In all zones, unlighted signs for each building or business establishment not exceeding an aggregate area of thirty-two (32) square feet shall be permitted. Freestanding signs shall not exceed six (6) feet in height.

2. Signs may not be located within the public right-of-way, except as provided for in Subsection 18.24.070. A – *Temporary Signs Within Public Rights-of-way.*

Please remember:

- Signs must not distract drivers and cannot resemble official traffic signs.
- Signs must not be placed in any median strip or tree well.
- Signs cannot obstruct clear views of pedestrians and traffic.
- If a sign is found to be in violation, the person(s) responsible for the sign will be notified. If the violation is not corrected within 72 hours, the sign will be removed and held at the City's maintenance facility for a minimum of 72 hours where it may be retrieved.
- Any sign located in violation of the sign ordinance that is determined to present an immediate pedestrian or vehicular hazard may be summarily removed without notice. The person(s) responsible for the sign will be notified. The sign will be held at the City's maintenance facility for a minimum of 72 hours where it may be retrieved.
- All signs must be removed within five (5) days after the event.

This memorandum supplies a useful overview, but is not a substitute for familiarity with State, County or City codes. If you should have any questions regarding temporary sign placement or obvious violations of the Sign Code, please contact the Community Preservation Office at (714) 961-7138.

Please contact the Yorba Linda Public Works Dept. at (714) 961-7170 for more detail on public right-of-way widths.

SECTION 10

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.

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.

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).

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.

§ 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.

§ 91001, 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.

(b) The civil prosecutor is primarily responsible for enforcement of the civil penalties and remedies of this title. The civil prosecutor is the commission with respect to the state or any state agency, except itself. The Attorney General is the civil prosecutor with respect to the commission. The district attorneys are the civil prosecutors with respect to any other agency. The civil prosecutor may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Upon written authorization from a district attorney, the commission may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Under such circumstances, Section 91007 shall not apply to the commission.

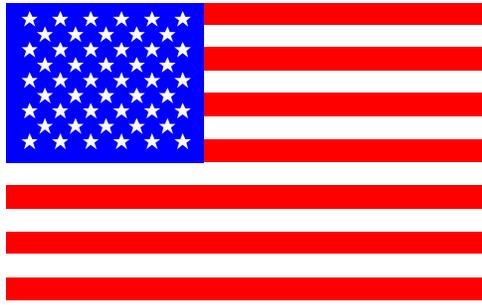
(c) Whether or not a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith shall be considered in applying the remedies and sanctions of this title.



CALIFORNIA GOVERNMENT CODE USE OF CITY SEAL

§34501.5. Use of City Seal

- (a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the city in any campaign literature or mass mailing, as defined in Section 82041.5, with intent to deceive the voters, is guilty of a misdemeanor.
- (b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.



CALIFORNIA ELECTIONS CODE ELECTIONEERING

§18370. Electioneering within 100 feet of a polling place.

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

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

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

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

§18371. Electioneering during vote by mail voting.

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

ELECTION DAY - POLL WATCHING GUIDELINES

The election process is a public affair and anyone who wishes may observe. However, the vote of the individual citizen is secret, and no one may interfere with a voter's right to cast a secret ballot. Members of the precinct boards are sworn election officials of the County of Orange and have complete responsibility for conducting all phases of the election in their precinct. Certain standards are expected of observers:

- Poll watchers may not interfere in any way with the conduct of the election or with the vote count following the close of the polls. Any person who interferes with the election or with a voter is punishable by imprisonment in the state prison for 16 months or two or three years. **§ 18502**
- The election must be orderly. Do not talk in a loud voice, cause confusion, or congregate inside the polls. Do not ask to use the telephone or other facilities.
- The area between the official table and the voting booths is for voters only and may not be used as an observer post. **§ 14221**
- Poll watchers may not sit at the official table or handle any of the official voting equipment, supplies, or ballots. **§ 14223**
- Poll watchers may not wear candidate badges, discuss candidates, how a voter voted, or bring any campaign material into the polling place. This constitutes electioneering and is illegal. Electioneering may not be conducted within 100 feet of a polling place. The term "100 feet of a polling place" means a distance of 100 feet from the room or rooms in which voters are signing the Roster-Index and casting ballots. Electioneering is defined as the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot. The blue "POLLING PLACE 100" signs which are posted outside, indicate the 100 foot boundary for electioneering. Violation of this section is a misdemeanor. **§ 18370**
- No one may be within 100 feet of a polling place while wearing a firearm or a peace officer or security guard uniform except: (1) An unarmed uniformed guard or security personnel who is at the polling place to cast his/her vote; (2) A peace officer who is conducting official business in the course of his/her public employment or who is at the polling place to cast his/her vote; (3) A private guard or security personnel hired or arranged for by a city or county elections official; (4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held. **§ 18544**

- The Precinct Board will attempt to respond to any reasonable, lawful requests from observers. The Registrar of Voters' office has instructed Precinct Officers to ask unruly poll watchers to leave, and to ask for assistance from the local law enforcement agency, if necessary.

ELECTION NIGHT RESULTS

Orange County uses a central location for tallying votes. All ballots are tabulated in the Registrar of Voters' Tally Center located at 1300 S. Grand Ave., Building C, Santa Ana. The vote counting procedure is open to public viewing. Unofficial results are available throughout the evening of the election in the Registrar of Voters' office beginning at approximately 8:05 p.m. and continuing until all precinct ballots have been tallied. Results may also be obtained by calling the Registrar of Voters' office at (714) 567-7600 or visiting our web site at ocvote.com.