



TOWN OF LOS GATOS CANDIDATE'S GUIDE

November 8, 2016 Election

**Clerk Department
Shelley Neis, CMC**

**Civic Center
110 E. Main Street
Los Gatos, CA 95030
(408) 354-6834**

**www.losgatosca.gov
Clerk@losgatosca.gov**



**Town of Los Gatos – Clerk Department
110 E. Main Street
Los Gatos, CA 95030**

**(408) 354-6834
clerk@losgatosca.gov
www.losgatosca.gov**

The Candidate Handbook and Resource Guide is intended to provide general information about the nomination and election of candidates and does not have the force and effect of law, regulation, and rule.

It is distributed with the understanding that the Town of Los Gatos is not rendering legal advice and therefore, the guide is not to be a substitute for legal counsel for an individual, organization, or candidate using it. In case of conflict, the law, regulation, or rule will apply.



TOWN OF LOS GATOS

CLERK DEPARTMENT

(408) 354-6834

Clerk@LosGatosCA.gov

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030

July 18, 2016

Dear Candidate,

Congratulations on your decision to seek elective office as a Town of Los Gatos Council Member!

There are several filing requirements associated with candidacy and we have prepared this Candidate's Guide to assist you in understanding these requirements to better prepare you throughout the nomination and pre-election periods. This guide contains information on the qualifications for office, procedures and forms required, as well as all pertinent dates to be aware of.

As you prepare yourself to file the requisite nomination papers, I recommend that you file as early as possible to ensure that your documents are complete and that all signatures are valid and sufficient in number. Waiting until the end of the filing period could result in the inability to secure the required number of valid signatures for nomination, which would preclude you from running for office.

The Office of the Town Clerk, the Elections Official for the Town of Los Gatos, is open between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. I encourage you to make an appointment to pull nomination papers to allow adequate time to go over the materials. **The filing deadline is August 12, 2016 at 5:00 p.m.**

I look forward to assisting you to ensure that seeking elective office is a positive experience for you. If you have any questions, would like to schedule an appointment, or need additional information, please call me at (408) 354-6834 or email me at clerk@losgatosca.gov.

Sincerely

Shelley Neis, CMC
Clerk Administrator



TABLE OF CONTENTS

General Information	Tab 1
• Candidate Qualifications and Information	
• Election Calendar	
Candidate Filing Procedures	Tab 2
▪ Candidate Filing Checklist	
▪ Candidate Filing Fees	
▪ Receipt for Candidate's Handbook	
Nomination Procedures	Tab 3
▪ Nomination Forms and Guidelines for Collecting Signatures for Nomination Petitions	
▪ Declaration of Candidacy/Ballot Designations	
▪ Other Forms	
▪ Extended Filing Periods	
▪ Withdrawal of Candidacy	
Candidate Statements	Tab 4
▪ Candidate's Statement	
▪ Rules for Counting Words	
▪ Candidate's Statement of Qualification – Cost and Guidelines	
▪ ROV Candidate's Guide	
FPPC (Fair Political Practices Commission) Campaign Finance Disclosure	Tab 5
▪ Filing Calendar and Flowchart	
▪ Important Things to Remember	
Campaign Practices	Tab 6
▪ State Laws Governing Campaign Practices	
▪ Local Political Sign Requirements	
Resources	Tab 7
▪ Contact Information	
▪ Frequently Asked Questions	
▪ Voter Registration and Election Data	
▪ ROV Fee Schedules	
▪ Institute for Local Government – Success in Public Service	
Forms	Tab 8
▪ Nomination Papers	
▪ Candidate Statement of Qualifications	
▪ Ballot Designation Worksheet	
▪ Preferred Transliteration	
▪ Department of Transportation Statement of Responsibility for Temporary Political Signs	
▪ Code of Fair Campaign Practices	
Campaign Disclosure Forms	Tab 9
▪ Form 501 - Candidate Intention	
▪ Form 410 - Statement of Organization	
▪ Form 460 – Recipient Committee Campaign Statement	
▪ Form 470 – Candidate and Officer Holder Campaign Statement, Including 470 Supplement	
▪ Form 700 Statement of Economic Interest	
▪ Petition in Lieu of Filing Fee	

Tab 1: General Information

COUNCIL CANDIDATE QUALIFICATIONS AND INFORMATION

Candidate Eligibility & Restrictions

Candidates must be at least 18 years of age, a resident and registered voter within the incorporated limits of the Town of Los Gatos, California and not otherwise disqualified from holding a civil office by the Constitution or laws of the State.

Notwithstanding any other provision of law, a candidate shall not file nomination papers for more than one municipal office or term of office for the same municipality in the same election. EC §10220.5

A position on the Los Gatos Town Council is a nonpartisan office; all reference to party affiliation shall be omitted on all required forms.

The full text of all provisions regulating elections may be found in the California Elections Code available online at www.leginfo.ca.gov.

Neither a candidate nor members of a candidate's household are eligible to serve as precinct officials or to provide polling place facilities for any election at which the candidate's name appears on the ballot.

Form of Government

The Town of Los Gatos operates under the Council/Manager form of government, a system that combines the policy leadership of elected officials in the form of a Town Council, with the professional, managerial, and leadership expertise of an appointed Town Manager.

The Town Council is the legislative body for the Town of Los Gatos. Five (5) members are elected at large and do not represent specific districts, but rather represent all members of the community as a whole and serve staggered four (4) year terms. The Town does not have term limits. Each year in November, the Council elects one of its members annually to serve as Mayor and Vice Mayor. The Town is a General Law City and operating under the provisions of the State Government Code.

The Town Council meets regularly on the 1st and 3rd Tuesday of each month at 7:00 p.m., in the Town Council Chambers

Frequently Used Abbreviations

Elections Code – EC
Fair Political Practices Commission – FPPC
Registrar of Voters – ROV
Secretary of State – SOS

Abbreviated Presidential General Election Calendar
November 8, 2016
Town of Los Gatos

DATES	ACTIVITIES / DOCUMENTS
<p>July 18, 2016 (E – 113)</p>	<p><u>NOMINATION PERIOD OPENS</u> First day candidates may meet with Town Elections Official to pick up nomination documents. It is recommended that candidates make an appointment to pull nomination documents with the Elections Official.</p>
<p>August 10 through November 8, 2016 (E – 9- to E)</p>	<p><u>CONTRIBUTION/INDEPENDENT EXPENDITURES</u> Sums over \$1000 to/from a single source must be reported within 24 hours. The Independent Expenditure report is required only for committees (not candidate committees) that make independent expenditures totaling \$1,000 or more to support or oppose a single candidate or a single ballot measure.</p>
<p>August 2, 2016</p>	<p><u>DUE DATE FOR MEASURE RESOLUTION</u> Last day to adopt a resolution calling for a measure election.</p>
<p>August 12, 2016 (E – 88)</p>	<p><u>NOMINATION PERIOD CLOSSES *</u> Deadline to file all required nomination documents. <u>WITHDRAWAL OF CANDIDATE</u> No candidate shall withdraw after this date for offices which do not have an extension period. <u>DUE DATE FOR MEASURE RESOLUTIONS AND TAX RATE STATEMENTS *</u> Last day to file a resolution calling for a measure election, and if applicable, tax rate statements.</p>
<p>August 13 through August 17, 2016 (E – 87 to E - 83)</p>	<p><u>EXTENSION PERIOD *</u> If any incumbent fails to file a Declaration of Candidacy by August 12th for his or her office, a 5-calendar-day extension will occur during which time any new candidate, other than an incumbent, may file or withdraw from said office.</p>
<p>August 16, 2016 (E – 83)</p>	<p><u>DUE DATE FOR ARGUMENTS *</u> Deadline for submitting arguments in favor of and against a measure.</p>
<p>August 18, 2016 (E – 82)</p>	<p><u>RANDOMIZED ALPHABET DRAWING</u> This day the Secretary of State and the local elections official will conduct a drawing of letters of the alphabet to determine the order in which candidates appear on the ballot.</p>
<p>August 22, 2016 (E – 77)</p>	<p><u>DUE DATE FOR REBUTTALS AND IMPARTIAL ANALYSES *</u> Deadline for submitting rebuttals to arguments in favor of and against and the impartial analysis.</p>

Abbreviated Presidential General Election Calendar
November 8, 2016
Town of Los Gatos

DATES	ACTIVITIES / DOCUMENTS
September 12 through October 25, 2016 (E – 57 to E – 14)	<u>WRITE-IN CANDIDACY OPENS AND CLOSES</u> Time frame for write-in candidates to obtain and file nomination documents in the Town Clerk’s Office.
September 29, 2016 (E – 40)	<u>F.P.P.C. 1st PRE-ELECTION STATEMENT DUE</u> Deadline for financial disclosure report Form 460 covering the period of 7/1/16** to 9/24/16 OR 1/1/16 – 9/24/16 if no previous statement has been filed.
October 11, 2016*** (E – 28)	<u>FIRST DAY FOR MAILING OF VOTE BY MAIL BALLOTS</u> First day of mailing of Vote by Mail ballots.
October 24, 2016 (E – 15)	<u>LAST DAY TO REGISTER TO VOTE FOR NOVEMBER ELECTION</u> Deadline to register to be eligible to vote in the November 8, 2016 election.
October 27, 2016 (E – 12)	<u>F.P.P.C. 2nd PRE-ELECTION STATEMENT DUE</u> Deadline for financial disclosure report Form 460 covering the period of 9/25/16** to 10/22/16 .
November 1, 2016 (E – 7)	<u>LAST DAY TO REQUEST VOTE BY MAIL BALLOT BY MAIL</u> Deadline to submit a request for a Vote by Mail ballot to be mailed to voter.
NOVEMBER 8, 2016 (E)	<u>ELECTION DAY</u> Polls are open from 7:00 a.m. to 8:00 p.m.
December 8, 2016 (E + 30)	<u>OFFICIAL CANVASS OF VOTE</u> Registrar of Voters to certify election results by December 8, 2016.

*Refer to California Elections Code §§9190, 9295 and 13313 for details of public examination periods and writ of mandate.

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

*** Due to public holiday.

Tab 2: Candidate Filing Procedures

CANDIDATE FILING CHECKLIST

1. **Personal Information Provided to Clerk Department**
 - Residence Address (Verify)
 - Request Phone/Cell, Fax, Email
 - Permission to Post on Town website

2. **Nomination Papers/Declaration of Candidacy**
 - Nomination Papers
 - Required Signatures
 - Declaration of Candidacy
 - Name on Ballot
 - Ballot Designation
 - Chinese Preferred Transliteration
 - Form 700 Statement of Economic Interest
 - Code of Fair Campaign Practices
 - CA State Political Sign Policy

3. **Candidate Statement**
 - Filed with Nomination Papers
 - Maximum of 200 Words
 - Proper Format; Word Counting
 - Candidate Filing Fees

4. **Campaign Disclosure Requirements and Forms**
 - File Form 460, Indicating Committee Fundraising (provide 501 and 410) **OR**
 - File Form 470, Indicating Either No Committee, or Fund Raising Under \$1,000 (provide 501 and 470)

5. **Review of Campaign Practices**
 - Information on State Laws Governing Campaign Practices
 - Local Political Sign Policy

CANDIDATE FILING FEES

A filing fee proportionate to the costs of processing a candidate's nomination papers as determined by the Town Council and set by Ordinance, but not exceeding twenty-five dollars (\$25), may be imposed, to be paid upon the filing of the nomination papers.

1. Pursuant to Section 10228 of the Elections Code and the Town of Los Gatos Code Section 2.30.011 **each candidate shall pay a fee in the amount of \$25 at the time of filing nomination papers.**
2. Each candidate shall pay all charges for the cost of a Candidate Statement. The **estimated** cost, which includes required language translation, **is \$1,630.00 per statement of 200 words.** The cost of the Candidate Statement may be prorated depending on the number of candidates. Information about the candidate statement and word counting are included in your binder.
3. All recipient committees that file a Statement of Organization (Form 410) must pay a **\$50 fee**, pursuant to Government Code Section 84101.5, subject to the following conditions:
 - For all recipient committees that form after January 1, 2013, **the \$50 fee is due to the Secretary of State no later than 15 days after the Statement of Organization (Form 410) is filed with the Secretary of State.**
 - **Recipient committees that exist year-to-year are required to pay the fee annually** by January 15th, until the committee terminates.
 - Recipient committees that are created and pay the initial \$50 fee in the last three months of a calendar year are not subject to the annual fee in the subsequent year.
 - Any committee that does not pay the fee is subject to a penalty of \$150.

Tab 3: Nomination Procedures

NOMINATION PROCEDURES

NOMINATION FORMS

Candidates may be nominated for any Town elective offices by filing nomination papers with the Town of Los Gatos Clerk Department. Each candidate shall be proposed by no fewer than 20 and no more than 30 voters in a city of 1,000 registered voters or more. Each nomination paper shall be accompanied by a verified statement of the candidate that he or she will accept the nomination and will also accept the office in the event of his election. The nomination paper may not be returned to the candidate once it is submitted. However, if the nomination paper is insufficient, a copy shall be returned to the candidate with the insufficient signatures marked, and a "Supplemental Nomination Paper" shall be issued if the deadline has not passed. A filing fee as determined by the city council and set by ordinance may be imposed to be paid upon the filing of the nomination papers. *Elections Code §§10220-10223, and 10228*

All forms required for nomination and election to all municipal offices shall be **furnished by the Town Elections Official**. At the time of issuing these forms the Town Elections Official shall:

- Type on the forms the name of the candidate and the office for which he or she is a candidate;
- Imprint a stamp on the form which reads "Official Filing Form;" and
- Affix his or her signature. *Elections Code §§ 10227*

COLLECTING SIGNATURES FOR NOMINATION PETITIONS

Guidelines for Gathering Signatures

Candidates should try to obtain the required number of signatures as soon as possible in order for their nomination papers to be filed and examined for sufficiency well before the filing deadline.

Qualified Signers

Notwithstanding any other provision of law, whenever any initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters of any county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign it. *Each signer shall* at the time of signing the petition or paper *personally affix* his or her signature, printed name, and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper. The part of a petition for the voters' signatures, printed names, and residence addresses and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. A candidate for any office may sign

his/her own nomination petition. His/her signature will be given the same effect as that of any other qualified signer. *Elections Code §§100, 106*

Notwithstanding Elections Code Section 100, a voter who is unable to personally affix on a petition or paper the information required by Elections Code Section 100 may request another person to print the voter's name and place of residence on the appropriate spaces of the petition or paper, but the voter shall personally affix his or her mark or signature on the appropriate space of the petition or paper, which shall be witnessed by one person by subscribing his or her name thereon. *Elections Code §§100.5*

To clarify the provisions of Section 100 listed above, Elections Code Section 354.5 states in part:

- (a) "Signature" includes either of the following:
 - (1) A person's mark if the name of the person affixing the mark is written near the mark by a witness over the age of 18 years designated by the person and the designee subscribes his or her own name as a witness thereto.
- (b) A mark attested as provided in subdivision (a) may serve as a signature for any purpose specified in this code, including a sworn statement.

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 voter's signature shall be considered as though that signature does not appear thereon. *Elections Code §§8069 and 10220*

Any person engaged in obtaining signatures (circulator) to the nomination papers of a candidate, may sign the papers or petition. *Elections Code §106*

Who Can Circulate a Nomination Petition

Any person registered to vote at the election may circulate a nomination paper. A candidate for any office may obtain signatures to his/her own nomination petition. *Elections Code §§106, 10220*

Circulator Information

Anyone who is circulating a nomination paper must be a registered voter of the jurisdiction in which the candidate is seeking nomination. A candidate for any office may obtain signatures to his/her own nomination petition. The candidate may circulate the petitions throughout the jurisdiction regardless of his/her county of residence (for jurisdictions covering more than one county). *Elections Code §§106, 10222*

Declaration (Affidavit) of Circulator

- (a) Wherever any petition or paper is submitted to the elections official, each section of the petition or paper shall have attached to it a declaration signed by the

circulator of the petition or paper, setting forth, in the circulator's own hand, the following:

- (1) The printed name of the circulator.
 - (2) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
 - (3) The dates between which all the signatures to the petition or paper were obtained.
- (b) Each declaration submitted pursuant to this section shall also set forth the following:
- (1) That the circulator circulated that section and witnessed the appended signatures being written.
 - (2) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- (c) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature. *Elections Code §104*

Electioneering Within 100 Feet of a Polling Place

Signatures to a nomination paper or any other petition shall not be obtained within 100 feet of any election booth or polling place. *Elections Code §18370*

Validation of Signatures

For purposes of verifying signatures on any initiative, referendum, recall, nomination, or other election petition or paper, the elections official shall determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration. If the addresses are different, or if the petition or 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 petition or paper. *Elections Code §§ 105*

The following guidelines will be used when validating signatures on nomination petitions. A signature can be challenged if the signer:

- Is not registered to vote;
- Provides a signature on the petition that does not compare to the signature on the voter's affidavit of registration;
- Signature appears as voter's mark but is not witnessed thereto;
- Does not reside in the appropriate district;
- Does not personally affix his/her name, residence, and signature;
- Affixes a P.O. Box number or mailing address instead of residence address;
- Omits residence address;
- Uses a mail drop number for residence address;

- Provides an address that is different from the voter's residence address on the affidavit of registration on record;
- Prints his or her name for the signature, unless registered as such;
- Lists and signs *her* name using spouse's name, such as "Mrs. John Jones"; or
- Uses ditto marks for an address previously listed.

DECLARATION OF CANDIDACY FORM

Elections Code §13

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

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

(c) It is the intent of the Legislature, in enacting this section, to enable the Federal Communications Commission to determine who is a "legally qualified candidate" in this state for the purposes of administering Section 315 of Title 47 of the United States Code." *Amended by Stats. 2009, c. 1, §1.*

COMPLETING THE DECLARATION OF CANDIDACY

The provisions of **Elections Code §8028** with respect to the declaration of candidacy form states:

(a) Except as provided in subdivision (b), a candidate shall not remove a declaration of candidacy form from the office of the elections official, and the elections official shall require all candidates filing a declaration of candidacy to execute the declaration in the office of the elections official.

(b) A candidate may, in a written statement signed and dated by the candidate, designate a person to receive a declaration of candidacy form from the elections official and deliver it to the candidate. The statement shall include language indicating that the candidate is aware that the declaration of candidacy must be properly executed and delivered to the elections official of the county of the candidate's residence by the 88th day prior to the direct primary [general] election. That statement shall be retained by the elections official.

Name on Ballot – Candidates for All Offices

The candidate's name as provided by the candidate on the declaration of candidacy is the way it will appear on the ballot. The Declaration of Candidacy cannot be changed after the nomination process is complete.

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, in the case of any election to any office. *Elections Code §13106*

If the candidate changes his or her name within one year prior to the election, the new name shall not appear on the ballot unless the change was made by marriage or by decree of court. *Elections Code §13104*

Ballot Designation – Candidates for All Offices

The ballot designation is the word, or group of words, which will appear on the ballot under the candidate's name, designating the current principal profession, vocation, or occupation of the candidate. The ballot designation that a candidate may use is governed by **Elections Code §13107** which states the following:

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

- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.
- (2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.
- (3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- (4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word

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

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

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

(c) If, upon checking the nomination documents and the ballot designation worksheet describe 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 appearing on the candidate's ballot designation worksheet.

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

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

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

(e) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in

writing a different designation which the candidate is entitled to use at the time of the request.

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

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

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

Elections Code §13107.5 was added in 2002 to include another option for candidates who do not have a principal profession, vocation, or occupation but do participate in community activities. Specifically, that Section states the following:

(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.

OTHER FORMS

FPPC (Fair Political Practices Commission) / Financial Disclosure Reports

These documents are filed with the Office of the Town Clerk and are **public** documents once filed.

Form 700 - Statement of Economic Interests

Candidates running for municipal office must file a Form 700 candidate statement. The Political Reform Act (Gov. Code Sections 81000-91014) requires candidates for local office to fully disclose their investments, interests in real property, business positions and income and the FPPC is the State Agency responsible for issuing this Form 700 and interpreting the Act. The Form 700 candidate statement must be filed with the Town

Clerk's Office no later than the filing date of your nomination documents. This form is available on the Fair Political Practices Commission website at www.fppc.ca.gov.

Form 501 – Candidate Intention Statement

A candidate must file this form prior to solicitation or receipt of any contribution, or expenditure of any funds used for the election other than personal funds to be used for the fee for printing the candidate's statement of qualifications in the Official Voter Information Guide.

Form 410 – Statement of Organization – Recipient Committee

A recipient committee is any individual (including an officeholder or a candidate), group of individuals, organization, or any other entity that receives contributions or expends \$2,000 or more during a calendar year. File this form within 10 days of receiving \$2,000 in contributions (personal funds used to pay for the statement of qualifications to appear in the Official Voter Information Guide are not calculated towards the \$2,000 threshold).

This form must be filed in **original** form with the Secretary of State. Include a \$50 payment made payable to the Secretary of State thereafter, the \$50 fee is due annually and no later than January 15th. File a **copy** of this form with the Los Gatos Town Clerk.

Effective January 1, 2013: All committees must now disclose the financial institution and bank account number used by the committee.

Form 460/470 – Recipient Committee/Candidate Campaign Statements

Submitted throughout the pre-election period to disclose funds raised and expended in connection with the election.

All Fair Political Practices Forms are located under Tab 10.

IT IS OPTIONAL FOR CANDIDATES TO FILE THE FOLLOWING FORMS:

Code of Fair Campaign Practices

The Legislature declares that the purpose of this chapter [Chapter 5, Division 20 of the Elections Code] 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. *Elections Code §20400*

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

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. *Elections Code §20442*

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

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

Vietnamese Name Accents to be printed in the Official Voter Information Guide

This document offers candidates the opportunity to provide Vietnamese Name Accents to be printed in the Official Voter Information Guide.

EXTENDED FILING AND WITHDRAWAL OF CANDIDACY

Extension of Filing if Incumbent Does Not Qualify

If an eligible incumbent (including an appointed incumbent) does not file nomination papers by **August 12, 2016**, at 5:00 p.m., the period is extended for five calendar days or until **August 17, 2016** at 5:00 p.m., for any person other than the incumbent. This section is not applicable where there is no incumbent eligible to be elected. *Elections Code §§10225, 10407, 10516, 10604*

Withdrawal of Candidate

No candidate shall withdraw his or her declaration of candidacy after 5 p.m. on **August 12, 2016**. If the filing period is extended, as above, a candidate may withdraw his or her declaration of candidacy until 5 p.m. on **August 17, 2016**. *Elections Code §§10224, 10225(b), 10510, 10516(b), 10603(b), 10604(b)*

Tab 4: Candidate Statements

CANDIDATE'S STATEMENT

Local Candidates

Each candidate for non-partisan elective office may prepare a candidate's statement. This statement is incorporated into the sample ballot, generally at the candidate's expense, and will be mailed to all registered voters in the district eligible to vote for that particular candidate. Elections Code §13307 governs the preparation and form of the candidate's statement.

Elections Code §13307:

(a)(1) Each candidate for non-partisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.

(2) The statement authorized by this subdivision shall be filed in the office of the elections official when the candidate's nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. The statement shall be filed in the office of the elections official no later than the 88th day before the election, if it is for an election for which nomination papers are not required to be filed. If a runoff election or general election occurs within 88 days of the primary or first election, the statement shall be filed with the elections official by the third day following the governing body's declaration of the results from the primary or first election.

(3) Except as provided in Section 13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

(b) The elections official shall send to each voter, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate that is prepared pursuant to this section. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing. The elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation from the list of approved Spanish language translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

(c) The local agency may estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965,

as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the receipt for the payment shall include a written notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the elections official 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 elections official may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the elections official shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

(d) Nothing in this section shall be deemed to make any statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing or contained in the voter's pamphlet.

(e) Before the nominating period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate's statement sent to each voter. This decision shall not be revoked or modified after the seventh day prior to the opening of the nominating period. A written statement of the regulations with respect to charges for handling, packaging, and mailing shall be provided to each candidate or his or her representative at the time he or she picks up the nomination papers.

(f) For purposes of this section and Section 13310, the board of supervisors shall be deemed the governing body of judicial elections.

Preparation of Candidate Statement:

Candidates **must** prepare their statement according to the following guidelines:

1. Type the statement in **single spaced paragraph format** with upper and lower case letters. Each **paragraph must begin with a standard indent of 5 spaces**. Statement must be **typewritten or computer printed**.
2. Typeface of statement must be of **uniform size and darkness with no unusual spacing**. This means **no bullets, NO CAPITALS** used for emphasis, **underlining**, **bold face** or *italics* will be permitted.
3. Check the statement for errors in spelling, punctuation and grammar. **Statements will appear exactly as submitted by the candidate**. No corrections or changes to content, format or spacing will be allowed after the statement has been filed with the Town Clerk's Office.

4. Statements must be confined to **200 words** at a maximum of **22 lines** with approximately **72 character positions per line**. If blank lines between paragraphs are contained in the statement, the blank lines will be included in the line maximum count. Punctuation and spaces are included in the character position maximum count. If your occupation requires more than one line, each additional line will be counted in the maximum line count for the statement. Using a computer to determine a statement's word count is not recommended. Please refer to "Rules for Counting Words" for guidelines on computing word counts.

Statements will NOT be accepted unless they conform to these uniform guidelines.

The amount of text increases when candidate statements are translated into other languages; some translations grow up to 30% in size from the original statements. The limit of 22 lines per 200 word count candidate statement is an estimate which varies depending on the length of words and characters in a line. It may be necessary for the Town Clerk's Office to contact a candidate to reduce the number of lines in their candidate statement; which is usually accomplished by combining paragraphs.

Restrictions: The candidate statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations and photographs are not permitted.

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

The "**Occupation**" field in the Candidate's Statement is NOT governed by the laws and regulations pertaining to the ballot designation that appears underneath the candidate's name on the ballot. Therefore, it may be different from the candidate's ballot designation. However, if its length exceeds one line, the candidate may be asked to modify words. If the occupation listed on the form differs from the occupation listed on the hard copy of the statement, the occupation listed on the form will prevail.

Time Period: The filing deadline for the local non-partisan candidate's statement is **August 12, 2016** at 5:00 p.m. If nomination petitions are required for the office, the statement must be filed simultaneously with the petitions. Once filed, statements cannot be changed. The filing period will be extended (for candidates other than an incumbent) to **August 17, 2016** at 5:00 p.m., if an eligible incumbent does not file.

Cost: The *estimated* fee collected for the candidate's statement of qualifications is based upon the shared cost for printing, required translations, and handling charges for making statements available to all registered voters in the jurisdiction. Fees are outlined in **Tab 3 - Candidate Filing Procedures**.

Confidentiality: The candidate statements shall remain confidential until the end of the nomination period for the office sought. You may view or purchase copies of any candidate's statement beginning the next business day after the close of the nomination period.

Withdrawal: Any candidate may withdraw their statement of qualifications no later than 5:00 p.m. of the next business day following the close of the nomination period, but cannot be changed. If a candidate statement is withdrawn a new one cannot be filed.

Translations of Statements: Pursuant to the 2010 Census population results and the Federal Voting Rights Act of 1965, the Santa Clara County Registrar of Voters office is mandated to print and distribute election materials, including candidate statements, in the Sample Ballots/Official Voter Information guide Pamphlets in five (5) languages: Chinese, English, Spanish, Tagalog, and Vietnamese.

Legal Examination and Writs of Mandate: There is a 10-day calendar day public examination period immediately following the filing deadline of candidate statements when the statements may be publically reviewed. During this 10 calendar-day examination period, any voter of the jurisdiction in which the election is being held, or any candidate, may take legal action to challenge the statement.

If anyone wishes to pursue a legal challenge and obtain a writ of mandate to amend or delete any portion of a candidate's statement, this legal challenge should be filed immediately. Someone who waits until the end of the examination period takes the risk of a judge denying the request due to the fact that any changes will interfere with the printing and distribution of the sample ballots to voters.

EC §13313

- (a) The elections official shall make a copy of the material referred to in EC §13307 available for public examination in the elections official's office for a period of 10 calendar days immediately following the filing deadline for submission of those documents. Any person may obtain a copy of the candidate's statements from the elections official for use outside of the elections official's office. The elections official may charge a fee to any person obtaining a copy of the material, and the fee may not exceed the actual cost incurred by the elections official in providing the copy.

(b) (1) During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the material in the candidates' statements to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period.

(2) A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

(3) The elections official shall be named as respondent and the candidate who authored the material in question shall be named as the real party interest. In the case of the elections official bringing the mandamus or injunctive action pursuant to this subdivision, the board of supervisors of the county shall be named as the respondent and the candidate who authorized the material in question shall be named as the real party in interest.

EC §13314:

(a) (1) Any elector may seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of any name on, or in the printing of, a ballot, sample ballot, voter pamphlet, or other official matter or that any neglect of duty has occurred, or is about to occur.

(2) A peremptory writ of mandate shall issue only upon proof of both of the following: (A) that the error, omission, or neglect is in violation of this code or the Constitution, and (B) that issuance of the writ will not substantially interfere with the conduct of the election.

(3) The action or appeal shall have priority over all other civil matters.

(4) The Secretary of State shall be named as a respondent or a real party interest in any proceeding under this section concerning a measure or a candidate described in EC §15375, except for a candidate for judge of the superior court.

(b) Venue for a proceeding under this section shall be exclusively in Sacramento County in any of the following cases:

(1) The Secretary of State is named as a real party in interest or as a respondent.

- (2) A candidate for statewide elective office is named as a party.
- (3) A statewide measure that is to be placed on the ballot is the subject of the proceeding.

Important Notice Regarding Statement Content

Candidate statements should discuss the education and qualifications of the candidate filing the statement only. Elections Code § 13307 authorizes candidate statements to include, "a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself." Please be advised that Elections Code § 13307(d) also provides that "Nothing in this section shall be deemed to make any statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing or contained in the voter's pamphlet."

Any candidate statement that violates these provisions of the law may be subject to court challenge during the public review period.

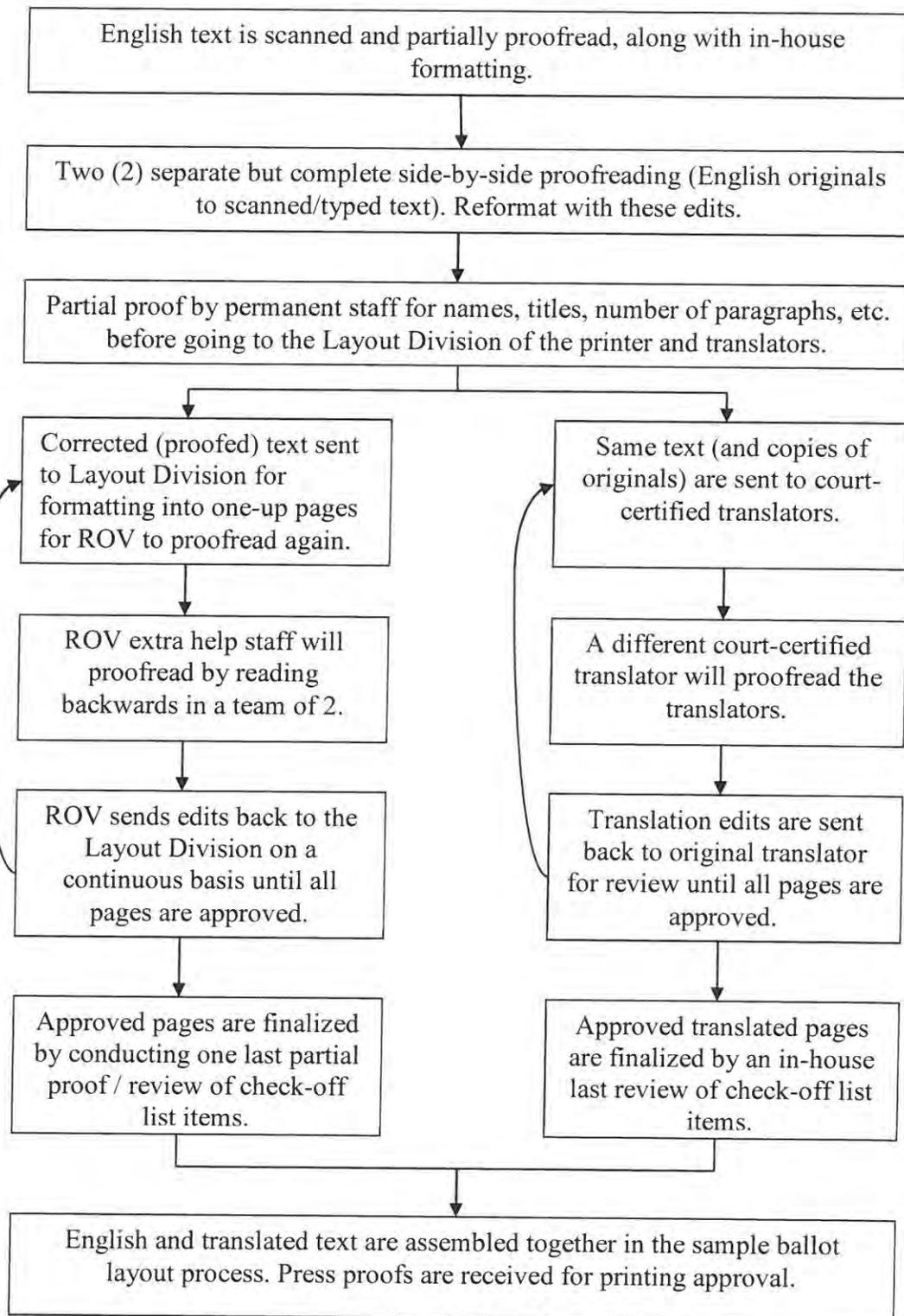
RULES FOR COUNTING WORDS

The following guidelines are for computing word count for candidate statements. The ***title, occupation and age are not included in the word count***, only the text of the statement is counted. The Office of the City Clerk will make final determination on word count.

	<u>Word(s)</u>
Punctuation	Free
Dictionary words..... "I", "the", "and", etc. are counted as individual words.	One
Contractions (it's, I've, etc...)	One
Abbreviations/Acronyms	One
Examples: SJSU, PTA, U.S.M.C., S.J.P.D.	
Geographical name..... Only State of California, City, County and District names Examples: San Jose - 1 word County of Santa Clara - 1 word Willow Glen - 2 words	One
Numbers/Numerical Combinations/E-Mail Addresses:	
Digits (1, 10, or 100, etc...).....	One
Spelled out (one, ten, or one hundred).....	One for each word
50%, 1/2, etc.....	One
Internet/E-mail (www.cityofgilroy.org).....	One
Telephone number	One
Number or letter used to identify a portion of text	One
Examples: (1) (a) will be counted as one word	
Dates:	
All digits (01/01/10).....	One
Words and digits (January 1, 2016).....	One
Characters used in place of word or number (& or #).....	One
Proper Nouns	One

Hyphenated words that appear in any generally available dictionary, printed in the United States within the past 10 years, shall be considered as one word. Each part of all other hyphenated words shall be counted as separate words. **Example: mother-in-law = 1 word**

SUMMARY OF PROOFREADING PROCESS



CANDIDATE'S STATEMENT OF QUALIFICATIONS

COST AND GUIDELINES

(Elections Code Sections 13307, 13307.5, 13312, 18351)

Each candidate for a **nonpartisan** elective office may submit a candidate statement for the Voter Information portion of the Sample Ballot at the time that he or she files nomination papers. The purpose of the voluntary candidate statement is to acquaint voters with the candidate's qualifications for the office he or she is seeking. The candidate statement is incorporated into the Voter Information portion of the Sample Ballot pamphlet and is mailed to all registered voters eligible to vote for the candidate.

Content

A candidate's statement may contain the candidate's name, occupation, age, and a brief description of their education and qualifications as expressed by the candidate. Statements shall not, in any way, make reference to other candidates for office or to another candidate's qualifications, character, or activities. The occupation listed on a candidate statement is not mandated to be the same occupation listed as your ballot designation on the Declaration of Candidacy. The occupation on the statement is not limited to the laws that apply to your ballot designation. Statements are limited in length to not more than 200 words, unless the local jurisdiction has authorized an increase to 400 words.

The candidate statement may **not** include any party affiliation of the candidate, **nor** include membership or activity in partisan political organizations.

The use of jargon, colloquialisms, slang, or other such expressions is **strongly discouraged**. Phrases such as "monster home" and "where's the beef" are difficult to translate appropriately into other languages and the meanings are often misinterpreted or lost. For example, "monster home", a local term for a home that is much larger than the other homes in the neighborhood, may be incorrectly translated as a "home of monsters". Candidates are encouraged to keep the translation process in mind when developing their statements and to use unambiguous and straightforward vocabulary.

Format

Candidate statements are printed in the Voter Information portion of the Sample Ballot in block paragraph format with standard indents at the beginning of each paragraph. In order to insure uniformity of candidate statements, the candidate must prepare the statement as follows:

- Type the statement in single spaced **paragraph format** and upper and lower case letters. Each paragraph must begin with a standard indent. Statement must be typewritten or computer printed.

- Typeface of statement must be uniform size and darkness with no unusual spacing. This means **no bullets, CAPITALS** used for emphasis, underlining, **bold face** or *italics* will be permitted.
- Check the statement for errors in spelling, punctuation and grammar. Statements will appear in the Voter Information portion of the Sample Ballot **exactly as submitted by the candidate**. **NO** corrections or changes to content, format or spacing will be allowed after the statement has been filed.
- Statements **must be** confined to the maximum number of words, the maximum lines allowed and the maximum character positions in a line. If blank lines between paragraphs are contained in the statement, the blank lines will be included in the line maximum count. Punctuation and spaces are included in the character position maximum count. A 200-word statement has a maximum of 22 lines with approximately 72 character positions per line. A 400-word statement has a maximum of 44 lines with approximately 72 character positions per line. If your occupation requires more than one line, each additional line will be counted in the maximum line count for the statement. Using a computer to determine a statement's word count **is not recommended**. Please refer to "Rules for Counting Words" for guidelines on computing word counts.

FOLLOW THE GUIDELINES! STATEMENTS MUST BE IN PARAGRAPH FORMAT WITH INDENTS BEGINNING EACH PARAGRAPH!

When candidate statements are translated into other languages, the amount of text increases. Some of the translated candidate statements grow about 30% in size from the size of the original statement. The 22 lines limit per 200 words candidate statement is an estimated number and may vary depending on the length of words and characters in a line. Therefore, it may be necessary for the Office of the Registrar of Voters to contact a candidate so that they reduce the number of lines in their candidate statement; which is usually complied with by combining paragraphs.

Statements will NOT be accepted unless they conform to these uniform guidelines.

Restrictions

The candidate statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Photographs of candidates are not permitted in the sample ballot.

Confidentiality

The candidate statements shall remain confidential through the close of the nomination period for the office sought. You may view or purchase copies of any candidate's statement beginning the business day after the close of the nomination period.

Withdrawal

The statement may be withdrawn, but **NOT** changed, until 5:00p.m. of the next business day after the close of the nomination period for the office sought. If a candidate statement is withdrawn, a new one **cannot** be filed.

Translations of Statements

The candidate statements will be translated in the Chinese, Spanish, Tagalog and Vietnamese languages and will appear in the Voter Information portion of the Sample Ballot.

Challenge of Contents

There is a 10-calendar day public examination period immediately following the filing deadline of candidate statements when the statements may be reviewed for potential legal action. During this 10-calendar day examination period, any voter of the jurisdiction in which the election is being held, or any candidate may take legal action to challenge the contents of the statement. Our office **highly recommends** if anyone wishes to pursue a legal challenge and obtain a writ of mandate to amend or delete any portion of a candidate's statement, this legal challenge should be filed immediately. Refer to the "Legal Examination and Writs of Mandate" section in this guide for more information.

Liability

Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the Voter Information portion of the Sample Ballot.

Any candidate who knowingly makes a false statement of material fact in a candidate statement, prepared pursuant to Elections Code Section 13307, with the intent to mislead the voters in connection with his or her campaign for nomination of election to a nonpartisan office is punishable by a fine not to exceed \$1,000.

Cost

Pursuant to the 2000 Census population results and the Federal Voting Rights Act of 1965, our office is mandated by the federal government to print and distribute election materials, including candidate statements in the Sample Ballots/Voter Information Pamphlets in five (5) languages: Chinese, English, Spanish, Tagalong, and Vietnamese.

Each district's governing board determines the number of words in the statement, whether the district or the candidate will bear the cost, and whether

candidates are required to deposit money in advance for their statements.

Candidates for County offices and Judge of the Superior Court are not required to pay for their 200 word candidate statement. At the time of printing this guide, the complete listing of individual district regulations was not available. The complete list of regulations will be provided to candidates at issuance of nomination documents.

The county elections official shall estimate the cost of providing the statement, based on current estimates of actual costs of printing and distributing candidate statements (including printing, handling, translating, and mailing). **No statement will be accepted that is not accompanied by payment of the estimated cost(s) unless the district does not require a deposit.** Listed on the following pages are the **estimated costs** for either a 200 word or a 400 word statement for Santa Clara County.

If district boundaries encompass multiple counties, a candidate statement payment for each county is due at the time of filing the statement with our office. Make separate payments out to each county.

Candidates who have filed a candidate statement will receive a **full refund** if that district's race does not appear on the ballot due to insufficient filings. If actual costs are less than the pre-paid estimated costs, candidates will receive a refund. If the actual costs are more than the estimated costs, the district will be billed for the additional charges. The actual costs will not be determined until after the election.

Tab 5: FPPC

(Fair Political Practices Commission) Campaign Finance Disclosure

CAMPAIGN DISCLOSURE INFORMATION

The Political Reform Act requires candidates to file campaign statements disclosing contributions received and expenditures made. Detailed information about disclosure requirements can be found on the Fair Political Practices (FPPC) website at www.fppc.ca.gov.

SUMMARY OF DISCLOSURE FORMS

Form Name	Description
Form 501 Candidate Intention	Basic form that must be filed prior to soliciting or receiving any contributions.
Form 410 Statement of Organization	To organize a committee and obtain a Committee ID Number from the state. Form 410 must be filed within 10 days of receiving \$1,000 in contributions.
Form 460 Recipient Committee Campaign Statement	To organize a committee and obtain a Committee ID Number from the state. Form 410 must be filed within 10 days of receiving \$1,000 in contributions.
Form 465 Supplemental Independent Expenditure Statement	Officeholders, candidates, and committees that make independent expenditures totaling \$1,000 or more in a calendar year to support or oppose a single candidate, a single measure, or the qualification of a single measure must file Form 465. (See FPPC web site for Proposition 34 prohibitions on independent expenditures and contributions to other committees.)
Form 470 Candidate and Office Holder Campaign Statement Short Form	This form is used by candidates who do not have a controlled committee, and do not anticipate raising or spending \$1,000 or more in a calendar year. If Form 470 is filed on or before the deadline for the first pre-election campaign statement, no additional campaign statement need be filed in connection with the election so long as total receipts/expenditures remain less than \$1,000.
Form 470 Supplement	A candidate who filed Form 470 in connection with an election and subsequently receives contributions or makes expenditures totaling \$1,000 or more is required to file this form.
Form 496 Late Independent Expenditure Report	Any committee that makes independent expenditures totaling \$1,000 or more to support or oppose a single candidate or single ballot measure during the 16 days immediately prior to the election in which the candidate or measure is being voted must file a report within 24 hours of the expenditure.
Form 497 Late Contribution Report	Any committee that makes or receives a late contribution totaling \$1,000 or more from a single source during the 16 days immediately prior to the election in which the candidate or measure is to be voted must file a report within 24 hours of the time the contribution was made or received.

FILING REQUIREMENTS

All candidates with qualified committees are required to file semi-annual campaign statements no later than July 31st and January 31st.

TAX ID NUMBERS

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

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

CAMPAIGN FILING DEADLINES

Deadlines are set by the FPPC. Refer to the Filing Schedule for deadline dates.

\$1,000 Threshold – For calculating whether \$1,000 in expenditures has been made, payments for a filing fee or for the candidate's statement shall not be included, if such payments have been made from the candidate's personal funds.

Electronic Filers – Candidates and committees must file electronically with the Secretary of State if, since January 1, 2000, they receive contributions or make expenditures totaling \$50,000 or more. For more information, visit the Secretary of State's web site at www.ss.ca.gov. Please be advised that electronic filers may have filing requirements in addition to those listed above. Please visit <http://www.fppc.ca.gov> for required filings and deadlines.

Late Contribution Reports – Must be filed by candidate-controlled and primarily-formed committees with measures or candidates on the **November 8, 2016** ballot that receive any contribution(s), including loan(s), from a single source, that totals in the aggregate \$1,000 or more that is made between **October 24, 2014 and November 4, 2014**. A candidate or committee that makes or receives a late contribution must report the contribution to each office with which the candidate or the committee is required to file its next campaign statement. The late contribution must be reported within 24 hours from the time it is made. Late contributions need not be reported nor shall it be deemed accepted if it is not cashed, negotiated or deposited and is returned to the contributor within 24 hours of its receipt. *Government Code §§82036, 84203*

Where To File – Candidates should file an original and a copy of campaign disclosure documents with the Town of Los Gatos Clerk Department:

Town of Los Gatos - Clerk Department
110 E. Main Street - Los Gatos, CA 95030
(408) 354-6888 or FAX (408) 354-8431
Clerk@LosGatosCa.gov

**Fair Political Practices Commission
Filing Schedule for
Candidates and Controlled Committees for Local Office
Being Voted on November 8, 2016**

Deadline	Period	Form	Notes
Aug 1, 2016 <i>Semi-Annual</i>	* – 6/30/16	460	<ul style="list-style-type: none"> ▪ All committees must file Form 460. ▪ The July 31 deadline falls on a Sunday, so the deadline is extended to the next business day.
Within 24 Hours <i>Contribution Reports</i>	8/10/16 – 11/8/16	497	<ul style="list-style-type: none"> ▪ File if a contribution of \$1,000 or more in the aggregate is received from a single source. ▪ File if a contribution of \$1,000 or more in the aggregate is made to <i>another</i> candidate or ballot measure being voted on the November 8 ballot or to a political party committee. ▪ The recipient of a non-monetary contribution of \$1,000 or more must file a Form 497 within 48 hours from the time the contribution is received. ▪ File by personal delivery, e-mail, guaranteed overnight service, fax or online, if available.
Sep 29, 2016 <i>1st Pre-Election</i>	7/1/16 – 9/24/16	460 or 470	<ul style="list-style-type: none"> ▪ Each candidate listed on the ballot must file either Form 460 or Form 470 (see below).
Oct 27, 2016 <i>2nd Pre-Election</i>	9/25/16 – 10/22/16	460	<ul style="list-style-type: none"> ▪ All committees must file this report. ▪ Paper copies must be filed by personal delivery or guaranteed overnight service only.
Jan 31, 2017 <i>Semi-Annual</i>	10/23/16 – 12/31/16	460	<ul style="list-style-type: none"> ▪ All committees must file unless the committee filed termination Forms 410 and 460 before December 31, 2016.

- **Local Ordinance:** Always check on whether additional local rules apply.

- *** Period Covered:** The 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.

- **Filing Deadlines:** Deadlines are extended when they fall on a Saturday, Sunday, or an official state holiday. This extension does not apply to 24-hour independent expenditure reports (Form 496) and the deadline for the Form 497 that is due the weekend before the election. Such reports must be filed within 24 hours regardless of the day of the week. Statements filed after the deadline are subject to a \$10 per day late fine.

- **Method of Delivery:** All paper filings are filed by personal delivery or first class mail unless otherwise noted. A paper copy of a report may not be required if a local agency requires online filing pursuant to a local ordinance.

Fair Political Practices Commission

- **Form 501:** All candidates must file Form 501 (Candidate Intention Statement) before soliciting/receiving contributions.
- **Form 460:** Candidates who have raised/spent \$2,000 or more file the Form 460. The Form 410 (Statement of Organization) must also be filed once \$2,000 or more has been raised/spent.
- **Form 470:** Candidates who do not have an open committee and do not raise or spend \$2,000 or more may file Form 470 on or before September 24, 2016. If later during the calendar year, a campaign committee must be opened, a Form 470 Supplement and a Form 410 must be filed.
- **Candidates:** After an election, reporting requirements will depend on whether the candidate is successful and whether a campaign committee is open.
- **Public Documents:** All forms are public documents. Campaign manuals and instructional materials are available at www.fppc.ca.gov, click on the "Learn" link.
- Committees making independent expenditures to support or oppose candidates or ballot measures also file:
 - **462:** This verification form must be e-mailed to the FPPC within 10 days of making an independent expenditure of \$1,000 or more.
 - **496:** This form is due within 24 hours when made in the 90-day period before an election or on the date of the election. Refer to the candidate or ballot measure election filing schedule.

FPPC – THINGS TO REMEMBER

Fair Political Practices Commission toll-free (866) 275-3772

www.fppc.ca.gov

- 1. Study FPPC Manual 2**
From your filing officer or the FPPC.
Ask about any local campaign restrictions.
- 2. Mark Calendar / Due Dates**
Filing Forms. Ask your filing officer or check the FPPC website. You must file until you file termination documents.
- 3. Get An Identification Number**
File Form 410 with the FPPC and your local filing officer.
- 4. Keep Good Records**
Complete details. Ex: for any contribution, record the giver's name, address and keep a copy of the check.
- 5. \$100 or More in Cash?**
Never accept or spend \$100 or more in cash.
- 6. Don't Spend Personal Funds**
Deposit it in the campaign bank account first.
- 7. Multiple Contributions from One Source?**
Keep track of each check. Report the aggregate amount.
- 8. Itemize Contributors**
For all contributions (monetary or non-monetary) you must show the contributor's name and address, and, if the contributor is an individual, you must show their occupation and employer as well.
- 9. Report In-Kind Contributions**
Goods or services at fair market value.
- 10. If an Agent Buys Campaign Goods or Services**
Disclose sub-vendors and amount they were paid.
- 11. Disclose Original Loan Sources**
List any loan, even a personal loan to the candidate, all or partly used for the campaign.
- 12. Show Who Sent the Mail**
The name and address of the Candidate and/or committee must appear in at least 6 point type on the outside of *all* mass mailings.
(more than 200 pieces)
- 13. No Personal Use of Campaign Funds**
Use campaign funds only for political, governmental or legislative purposes.
- 14. Learn More**
Got a technical question? Call or write the FPPC. If scheduled in your area, attend a campaign disclosure workshop.

Tab 6: Campaign Practices

SELECTED STATE LAWS GOVERNING CAMPAIGN PRACTICES

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

CAMPAIGN LITERATURE AND SIMULATION OF THE BALLOT

Candidate Statement of Qualifications

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

Simulated Ballot

Elections Code §20009 states, "(a) Every simulated ballot or simulated sample ballot shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

NOTICE TO VOTERS (Required by Law)

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

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

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

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

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

Campaign Advertising or Communication

As defined by election law, "means a communication authorized by a candidate or a candidate's controlled committee, . . . or by a committee making independent expenditures, . . . or by a committee formed primarily to support or oppose a ballot measure, . . . for the

purpose of advocating the election or defeat of a qualified candidate or ballot measure through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general, public, political advertising.” *Elections Code §304*

Mass Mailing *Government Code §84305*

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

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

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

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

Political Advertising

Elections Code §20008 states,

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

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

Libel and Slander

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

“(a) A candidate or state measure proponent is liable for any slander or libel committed by a committee that is controlled by that candidate or state measure proponent as defined by Section 82016 of the Government Code if the candidate or state measure proponent willfully and knowingly directs or permits the libel or slander.

(b) A person who is a sponsor of a sponsored committee, as defined by Section 82048.7 of the Government Code, is liable for any slander or libel committed by the sponsored committee if the sponsor willfully and knowingly directs or permits the libel or slander.” *Elections Code §20501*

ELECTIONEERING ON ELECTION DAY

No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place, a satellite location under 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 qualifications except as provided in Section 14240.
- (d) Do any electioneering as defined by Section 319.5.

As used in [this] section (*Elections Code §18370*) "100 feet of a polling place, a satellite location under Section 3018, or an election official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots. Any person who violates any of the provisions of this section is guilty of a misdemeanor. *Elections Code §§18370*

CORRUPTION OF VOTING AND INTIMIDATION OF VOTERS

Elections Code §18540 states, "(a) Every person who **makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting** at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years. (b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years."

Elections Code §18541 states, "(a) No person shall, with the **intent of dissuading another person from voting**, within 100 feet of a polling place, do any of the following:

- (1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
 - (2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
 - (3) Photograph, videotape, or otherwise record a voter entering or exiting a polling place.
- (b) Any violation of this section is punishable by imprisonment in a county jail for not more than 12 months, or in the state prison. Any person who conspires to violate this section is guilty of a felony.
- (c) For purposes of this section, 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots."

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

Elections Code §18543 states, "(a) Every person who knowingly **challenges a person's right to vote** without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or who fraudulently advises any person that he or she is not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, or who violates Section 14240, is punishable by imprisonment in the county jail for not more than 12 months or in the state prison.

(b) Every person who conspires to violate subdivision (a) is guilty of a felony."

In addition, §18403 also states, "Any person other than an elections official or a member of the precinct board who **receives a voted ballot from a voter or who examines or solicits the voter to show his or her voted ballot** is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. This section shall not apply to persons returning a vote by mail ballot pursuant to Sections 3017 and 3021 or persons assisting a voter pursuant to Section 14282."

LOS GATOS POLITICAL SIGN AND SOLICITATION REGULATIONS

The Los Gatos Zoning Ordinance, Chapter 29 of the Los Gatos Municipal Code, regulates signs in the Town and provides as follows:

Definition of a Political Sign:

Any sign which is intended to influence the vote for the passage or defeat of a measure, or nomination, election or defeat of a candidate in any governmental election. (Sec. 29.10.100)

Political Signs on Private Property:

Any number of non-illuminated political signs, either freestanding or attached, is permitted, limited to a total area not exceeding six (6) square feet in residential zones and not exceeding eighteen (18) square feet in other zones. There is no area limit for political window signs, and their area is in addition to that allowed for other political signs. No political sign shall be erected an unreasonable period of time in advance of the election or convention, and all persons who erect political signs or who own or control the premises where political signs are erected, are jointly and severally liable to remove such signs within ten (10) days after the election or convention to which the sign pertains. (Sec. 29.10.110(15))

No signs, political or otherwise are allowed:

- Within the public right-of-way. (Sec. 29.10.125(9))
- Obstructing the view of a traffic sign, signal, or device. (Sec. 29.10.115(7))
- On any fence, pole tree, pavement, wall, bus stop, bench, or any other object in a public thoroughfare. (Sec. 29.10.115(9))

Removal of Unlawful Signs:

Any sign erected or maintained contrary to the provisions of this division (of the Town Code) or any other ordinance of the Town, including unlawfully erected signs . . . is in its entirety an unlawful sign. The provisions of sections 29.20.950 and 29.20.955, addressing process and penalty for violation infraction, are applicable to unlawful signs, and to those who erect or maintain them. (Sec. 29.10.140(i))

Solicitation, Handbill and Flyer Distribution:

No person shall throw, cast, distribute, scatter, deposit or place, upon any public place within the Town or on any vehicle, any handbill, dodger, sample, circular, advertisement, newspaper, paper, booklet, poster, or any other printed matter or literature except that such an item may be personally delivered to those who are willing to accept the item, so long as such delivery is otherwise lawful under this code. (Sec. 18.10.010(a)(b))

The Los Gatos Municipal Code is available at www.MuniCode.com.

Tab 7: Resources

CONTACT INFORMATION

Los Gatos Town Clerk's Office
Shelley Neis, CMC, Clerk Administrator
110 E. Main St
Los Gatos, CA 95030
Phone: (408) 354-6888
Fax: (408) 354-8431
sneis@losgatosca.gov
www.losgatosca.gov

County of Santa Clara
Registrar of Voters – Elections Division
1555 Berger Drive, Building 2
San Jose, CA 95112

Mailing Address:
P.O. Box 611360
San Jose, CA 95161-1360
Phone: (408) 299-VOTE
Fax: (408) 998-7314
www.sccvote.org

Candidate & Public Services Division
Phone: (408) 299-8639

Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
Phone: 1-866-ASK-FPPC
Monday-Thursday 9-11:30 a.m.
www.fppc.ca.gov

- Campaign Disclosure
- State Contribution Limits
- Conflict of Interest Disclosure
- Lobbying Disclosure
- Conflict of Interest Disqualification
- Proper Use of Campaign Funds

Federal Election Commission

(800) 424-9530

www.fec.gov

- Federal Campaign Disclosure
- Contributions from National banks, National Corporations, and Foreign Nationals

League of Women Voters/Smart Voter

(408) 271-7163

<http://smartvoter.org/ca.scl>

State Franchise Tax Board

(800) 338-0505

www.ftb.ca.gov

- Committee Tax Status
- Tax Deductible Contributions
- Charitable Non-Profit Groups
- Any Other Tax Related Questions

Attorney General

(800) 952-5225

<http://oag.ca.gov>

- Brown Act Requirements

Internal Revenue Service

(800) 829-1040

www.irs.gov

- Federal Taxpayer I.D. Numbers
- Any Other Tax Related Questions

Secretary of State

Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814

Phone: (916) 653-6224

www.sos.ca.gov

- Termination of Committees

<http://cal-access.sos.ca.gov>

- Committee Identification Numbers

Elections Division

(916) 657-2166

- Questions on the Elections Code Information/Election Fraud Hot-Line: (800) 345-VOTE

FREQUENTLY ASKED QUESTIONS

When and where can I pick up and file my nomination documents?

The candidate filing period is July 18, 2016 – August 12, 2016. Nomination documents may only be picked up and filed at the Office of the Town of Los Gatos Town Clerk

When is the candidate nomination extension period and can an incumbent file nomination documents during an extension period?

The candidate nomination extension period is August 13 2016 – August 17, 2016. An incumbent can't file during an extension period as it is only for any other candidate to pick up and file their nomination documents.

What hours may nomination papers may be picked up and filed?

You may pick up and file nomination papers Monday – Friday, 8:00 a.m. – 5:00 p.m. at the Office of the Town Clerk. Appointments are strongly encouraged in order to allow sufficient time to go over the paperwork.

How soon will a list of qualified candidates be available after the close of nomination?

A listing of qualified local candidates will be published on the Town Clerk's page of the Town website under "Election and Voter Information" and will be updated as candidates qualify. You may also come into the Town Clerk's office to view or purchase a copy.

May I change or correct the wording or spelling on my candidate statement after submission?

No, you may not. Statements cannot be changed after they have been officially filed.

If I submit a candidate statement and I change my mind, may I withdraw the statement and receive a refund?

Yes, with certain conditions: The candidate statement may be withdrawn, but not changed, during the period for filing nomination papers until 5:00 p.m. the next working day after the close of the nomination period. If you withdraw your statement within this time frame you will receive a refund, but you will not be allowed to file a new statement.

Can I choose the languages my candidate statement will be printed in?

No, our office is federally mandated to print our Sample Ballots/Voter Information Pamphlets in five languages: Chinese, English, Spanish, Tagalog, and Vietnamese.

May my spouse, relative, friend or campaign manager pick up and/or file nomination documents for me or can I mail them to you?

Yes, all forms may be picked up or filed by a representative of the candidate however; if someone other than the candidate is picking up nomination papers, they must have

specific written authorization to do so. Candidates are urged to file in person. The reasons are twofold:

1. The oath of office on the Declaration of Candidacy must be administered by the Town Clerk, an authorized public official, or a notary public. It is much easier for a candidate to file the nomination papers in person and have the oath administered at the time he or she files; and
2. The signature of the candidate as well as other data is required on many documents involved in the nomination process. If the nomination papers are incomplete, the problem can easily be rectified when a candidate files in person.

If the candidate wishes to mail the nomination papers, they must be sent by certified mail and arrive in the Town Clerk's Office by the close of the nomination period, regardless of the postmark.

Am I required to file financial documents related to my campaign?

Yes, every candidate must file some type of financial documents at specified deadlines. Refer to the "FPPC Campaign Finance Disclosure Information" section of this guide for more information.

I am unable to complete and file any of my FPPC campaign disclosure statements by the filing deadline. May I obtain an extension and will I be fined?

No, there is no provision in the Political Reform Act that permits any filing officer to extend a filing deadline. Statements that are filed later are subject to a fine of \$10.00 per day until the statement is filed.

Can I place campaign signs anywhere I want?

No, there are city, county, and state regulations concerning placement of campaign signs. Please refer to the "Local Political Sign Requirements" under Tab 7 of this guide.

Can I use a credit card to pay my candidate statement fee with the Town of Los Gatos?

Yes, Credit cards, cash, checks or money orders are acceptable forms of payment. Please be aware that there is a 2.30% credit card processing fee.

Can I go into the Office of the Registrar of Voters on election night and view the tabulation of the votes?

Yes, you can view the entire process of the vote tabulation on election night. All election night visitors must be escorted so please call ahead of time to inform staff that you will be coming. Calling ahead allows the Registrar of Voters to determine their staffing needs.

VOTER REGISTRATION AND ELECTION DATA

Per confidentiality laws of 1995, voter information is confidential; however, there are specific permissible exceptions to the law. The California Administrative Code, Title 2, Division 7, Article 1, Section 19003, specifies permissible uses for any data obtained from voter registration files. Permissible usage includes direct election campaigning, surveys in conjunction with an election campaign, and distribution of information of a political nature. Data obtained from voter registration or election files may not be sold, leased, loaned, reproduced, or possession thereof relinquished without receiving written authorization to do so from the Secretary of State or the Office of the Registrar of Voters. Prohibited usage includes commercial purposes and solicitations of contributions or services for any purpose other than on behalf of a candidate or political party, or in support of or opposition to a ballot measure.

Public Viewing Terminals

The voter registration database may be viewed from a public terminal in the lobby area of the Office of the Registrar of Voters. The public viewing terminal is available during normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. The public terminal screen does not reveal confidential voter registration information. Confidential information includes such items as: residential street address, telephone number, precinct number, occupation, driver's license number and the last four digits of a social security number.

Confidential Viewing Terminals

Viewing of the confidential voter registration database is only available in the Office of the Registrar of Voters. To view the confidential voter registration database, you will be required to provide identification and complete an Application for Voter Information. The confidential viewing terminal is available during normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Purchasing Voter Information

Voter information and maps are available for purchase in the Office of the Registrar of Voters. You must come into the office to place an order. When purchasing voter information, you will be asked to complete an "Application for Voter Information" and explain in detail why you need this information and how you are going to use the information. You must pay for your order in advance. Our office will call you when your order is ready for pickup. Orders are processed in the order they are received. Generally, there is a 3-5 business day turnaround.

Mail in Ballot voter information requests require a 24 hour advance notice and will be available for pickup on Monday, Wednesday, and Friday after 10:00 a.m. For more information, please contact the Vote by Mail Division at (408) 299-8640

Vote by Mail Ballots

All registered voters may apply and Vote by Mail Ballot.

Any person, including candidates and members of campaign organizations, may distribute applications for Vote by Mail Ballots which comply with the requirements of California Elections Code Section 304. The name of any organization, which authorizes the, distribution of vote by mail applications, shall be included on the application.

Upon request an absentee application form will be provided which contains all information required by law.

Any individual, organization or group which distributes applications for Vote by Mail voter ballots and receives completed application forms back from voters, shall deliver the forms to the appropriate elections official **within 72 hours** of receiving the completed forms, Election Code Section 18576 states that it is a misdemeanor to delay the proper return of an Vote by Mail voter application.

SANTA CLARA COUNTY REGISTRAR OF VOTERS
 ESTIMATED COSTS OF CANDIDATE STATEMENT - 200-WORD
 NOVEMBER 8, 2016 PRESIDENTIAL GENERAL ELECTION

CON-TEST NO.	JURISDICTION	REGIST AS OF 5/23/2016	EST SBALLOT ORDERED	EST NO. OF C/S	FIXED COST PER STATEMENT (200-WORD)				EST PRINT COST \$0.0201	EST COST OF 2 CAND STMT	EST DEPOSIT PER C/S
					TYPESET \$	HANDLING \$	TRANSL. \$	TOTAL \$			
					\$ 380	\$ 625	\$ 474	\$ 1,479			
CITIES											
5020	City of Campbell - Council Member	20,776	34,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 342	\$ 3,300	\$ 1,650
5030	City of Cupertino - Council Member	26,269	43,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 432	\$ 3,390	\$ 1,700
5040	City of Gilroy - Mayor	20,570	34,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 342	\$ 3,300	\$ 1,650
5042	City of Gilroy - Council Member	20,570	34,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 342	\$ 3,300	\$ 1,650
5051	City of Los Altos - Council Member	18,669	31,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 312	\$ 3,270	\$ 1,640
5061	Town of Los Altos Hills - Council Member	5,433	9,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 90	\$ 3,048	\$ 1,530
5070	Town of Los Gatos - Council Member	18,158	30,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 302	\$ 3,260	\$ 1,630
5080	City of Milpitas - Mayor	25,390	41,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 412	\$ 3,370	\$ 1,690
5081	City of Milpitas - Council Member	25,390	41,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 412	\$ 3,370	\$ 1,690
5090	City of Monte Sereno - Council Member	2,304	4,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 40	\$ 2,998	\$ 1,500
5100	City of Morgan Hill - Mayor	20,100	33,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 332	\$ 3,290	\$ 1,650
5101	City of Morgan Hill - Council Member	20,100	33,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 332	\$ 3,290	\$ 1,650
5104	City of Morgan Hill - City Clerk	20,100	33,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 332	\$ 3,290	\$ 1,650
5105	City of Morgan Hill - City Treasurer	20,100	33,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 332	\$ 3,290	\$ 1,650
5111	City of Mountain View - Council Member	32,372	53,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 533	\$ 3,491	\$ 1,750
5120	City of Palo Alto - Council Member	36,244	59,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 593	\$ 3,551	\$ 1,780
5208	City of San Jose Dist #8 - Council Member	44,288	72,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 724	\$ 3,682	\$ 1,850
5202	City of San Jose Dist #2 - Council Member	40,330	65,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 653	\$ 3,611	\$ 1,810
5204	City of San Jose Dist #4 - Council Member	39,362	64,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 643	\$ 3,601	\$ 1,810
5206	City of San Jose Dist #6 - Council Member	46,352	75,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 754	\$ 3,712	\$ 1,860
5210	City of San Jose Dist #10 - Council Member	46,537	75,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 754	\$ 3,712	\$ 1,860
5233	City of Santa Clara, Seat 3 - Council Member	44,919	73,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 734	\$ 3,692	\$ 1,850
5234	City of Santa Clara, Seat 4 - Council Member	44,919	73,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 734	\$ 3,692	\$ 1,850
5236	City of Santa Clara, Seat 6 - Council Member	44,919	73,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 734	\$ 3,692	\$ 1,850
5237	City of Santa Clara, Seat 7 - Council Member	44,919	73,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 734	\$ 3,692	\$ 1,850
5238	City of Santa Clara - City Clerk	44,919	73,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 734	\$ 3,692	\$ 1,850
5239	City of Santa Clara - Police Chief	44,919	73,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 734	\$ 3,692	\$ 1,850
5241	City of Saratoga	18,682	31,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 312	\$ 3,270	\$ 1,640
5254	City of Sunnyvale, Seat 4 - Council Member	54,184	88,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 884	\$ 3,842	\$ 1,930
5255	City of Sunnyvale, Seat 5 - Council Member	54,184	88,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 884	\$ 3,842	\$ 1,930
5256	City of Sunnyvale, Seat 6 - Council Member	54,184	88,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 884	\$ 3,842	\$ 1,930
5257	City of Sunnyvale, Seat 7 - Council Member	54,184	88,000	2	\$ 760	\$ 1,250	\$ 948	\$ 2,958	\$ 884	\$ 3,842	\$ 1,930

**COUNTY OF SANTA CLARA
REGISTRAR OF VOTERS
FEE SCHEDULE**

ITEM	DESCRIPTION	PROPOSED	AUTH.
A. ELECTION SERVICES			
A1	GUBERNATORIAL & PRESIDENTIAL PRIMARY ELECTIONS BASE CHARGE TO CITIES, SCHOOLS AND SPECIAL DISTRICTS	\$1.25 PER REGISTERED VOTER FOR FIRST ISSUE ON BALLOT AND \$0.34 FOR AN ADDITIONAL ISSUE ON BALLOT FOR THE SAME REGISTRATION, PLUS COSTS OF LEGAL PUBLICATIONS AND BALLOT PRINTING FOR FIVE LANGUAGES	EC 10002, EC 10520, Educ. C. 5421, Educ. C.5422
A2	GUBERNATORIAL & PRESIDENTIAL GENERAL ELECTIONS BASE CHARGE TO CITIES, SCHOOLS AND SPECIAL DISTRICTS	\$1.25 PER REGISTERED VOTER FOR FIRST ISSUE ON BALLOT AND \$0.34 FOR AN ADDITIONAL ISSUE ON BALLOT FOR THE SAME REGISTRATION, PLUS COSTS OF LEGAL PUBLICATIONS AND BALLOT PRINTING FOR FIVE LANGUAGES	EC 10002, EC 10520, Educ. C. 5421, Educ. C.5422
A3	VOTE BY MAIL CHARGE FOR PRIMARY & GENERAL ELECTIONS	\$0.30 PER REGISTERED VOTER FOR FIRST ISSUE ON BALLOT AND \$0.10 FOR AN ADDITIONAL ISSUE ON BALLOT FOR THE SAME REGISTRATION	EC 10002, EC 10520, Educ. C. 5421, Educ. C.5422
A4	SPECIAL ELECTIONS (ALL ELECTIONS OTHER THAN PRIMARY OR GENERAL)	ACTUAL COST BASED ON TIME STUDIES, SERVICES AND SUPPLIES AND INDIRECT COST COMPUTED AFTER EACH ELECTION (INCLUDES COST OF FIVE LANGUAGES)	EC 10002, EC 10520, Educ. C. 5421, Educ. C.5422
A5	MINIMUM CHARGE FOR JURISDICTIONS PARTICIPATING IN A GUBERNATORIAL & PRESIDENTIAL ELECTIONS	\$3837 PER JURISDICTION PER CONTEST, PLUS COSTS OF LEGAL PUBLICATIONS AND BALLOT PRINTING FOR FIVE LANGUAGES	EC 10002, EC 10520, Educ. C. 5421, Educ. C.5422
A6	MEASURE INFORMATION PAGES	\$5,165 FIXED FEE PER FULL PAGE, PLUS COST OF BALLOT PRINTING FOR FIVE LANGUAGES	EC 10002, EC 10520, Educ. C. 5421, Educ. C.5422
A7	CANDIDATE STATEMENTS - SUPERIOR COURT JUDGES	1% OF ANNUAL SALARY FOR QUARTER PAGE (200 WORDS)	EC 13307; Negotiated Fee Amount on FGO
A8	CANDIDATE STATEMENTS - OTHERS	\$1,479 FIXED FEE PER QUARTER PAGE, PLUS COST OF BALLOT PRINTING FOR FIVE LANGUAGES	EC 13307
A9	MINIMUM CHARGE FOR JURISDICTIONS THAT DO NOT GO TO ELECTION DUE TO INSUFFICIENT NOMINEES	\$1,094 PER JURISDICTION PER CONTEST, PLUS COST OF LEGAL PUBLICATIONS	GC 26831
A10	RESEARCH AND COMPILATION SERVICES	\$55.00 MINIMUM AND \$55.00 PER HALF-HOUR INCREMENT	GC 26831
A11	CERTIFICATION SERVICES	\$40.00 PER CERTIFICATE	GC 26831
A12	RETRIEVAL SERVICES FOR RECORDS OVER FIVE YEARS OLD	\$60.00 MINIMUM AND \$60.00 PER HALF-HOUR INCREMENT	GC 26831

**COUNTY OF SANTA CLARA
REGISTRAR OF VOTERS
FEE SCHEDULE**

ITEM	DESCRIPTION	PROPOSED	AUTH.
B. MISCELLANEOUS VOTER AND ELECTION INFORMATION			
B1	VOTER FILE - ELECTRONIC VERSION (WITHOUT VOTER HISTORY)	\$82.00	EC 2184 GC 26831
B2	VOTER FILE - ELECTRONIC VERSION (WITH UP TO 5 VOTER HISTORY)	\$92.00	EC 2184 GC 26831
B3	VOTER FILE - ELECTRONIC VERSION (WITH ALL VOTER HISTORY)	\$102.00	EC 2184 GC 26831
	MISCELLANEOUS VOTER AND ELECTION INFORMATION		
B4	ELECTORNIC MISCELLANEOUS VOTER & ELECTION INFORMATION (WITHOUT HISTORY)	\$82.00 SET-UP FEE	EC2184 GC26831 2CCR 19006
B5	ELECTRONIC MISCELLANEOUS VOTER & ELECTION INFORMATION (WITH OVER 5 YEARS OLD HISTORY)	\$82.00 SET-UP FEE + \$60.00 PER HALF- HOUR INCREMENT (TOTAL OF \$142.00 MINIMUM)	EC2184 GC26831 2CCR 19006
C. VOTE BY MAIL VOTER INFORMATION			
	INITIAL REQUESTS		
C1	ELECTRONIC VERSION	\$82.00	EC2184 GC26831 2CCR 19006
	UPDATES - DAILY OR WEEKLY		
C2	ELECTRONIC VERSION	\$41.00	EC2184 GC26831 2CCR 19006

**COUNTY OF SANTA CLARA
REGISTRAR OF VOTERS
FEE SCHEDULE**

ITEM	DESCRIPTION	PROPOSED	AUTH.
D. PRECINCT MAPS			
D1	PRINT OF BLACK AND WHITE PRECINCT MAPS - 11 X 17 (LEDGER SIZE)		GC 26831
	INDIVIDUAL MAPS	\$6.00 PER PAGE	
D2	ORIGINAL STANDARD PRINTER OR PLOTTER MAPS, PRODUCED ON REQUEST, SET UP FEE PER JOB, PLUS MATERIALS CHARGES AS FOLLOWS: CREATE CD ROM PRINTING FEE 11 X 17 17 X 22 22 X 34 34 X 44 40 X 60	\$51.00 SET-UP FEE no fee \$5.00 PER PAGE \$12.00 PER PAGE \$20.00 PER PAGE \$25.00 PER PAGE \$30.00 PER PAGE	GC 26831
D3	ORIGINAL CUSTOM PRINTER OR PLOTTER MAPS, PRODUCED ON REQUEST, SET UP FEE PER JOB, PLUS MATERIALS CHARGES AS FOLLOWS: CREATE CD ROM PRINTING FEE 11 X 17 17 X 22 22 X 34 34 X 44 40 X 60	\$102.00 SET-UP FEE no fee \$5.00 PER PAGE \$12.00 PER PAGE \$20.00 PER PAGE \$25.00 PER PAGE \$30.00 PER PAGE	GC 26831
D4	DIGITAL MAPS (STANDARD) INDIVIDUAL MAPS	\$51.00 SET-UP FEE + \$3.00 PER MAP	GC 26831
D5	DIGITAL MAPS (CUSTOM) MAPS BY DISTRICT	\$102.00 SET-UP FEE + \$3.00 PER MAP	GC 26831

**COUNTY OF SANTA CLARA
REGISTRAR OF VOTERS
FEE SCHEDULE**

ITEM	DESCRIPTION	PROPOSED	AUTH.
E. STATEMENT OF VOTES			
E1	CD ROM COPIES OF REPORT (FULL OR PARTIAL REPORT OF ANY ELECTION)	\$82.00	GC 26831
E2	PHOTOCOPIES OF UDEL, SPECIAL AND PARTS OF PRIMARY AND GENERAL ELECTIONS	\$0.10 PER PAGE	GC 26831
F. REGISTRATION AFFIDAVITS AND POS			
F1	PHOTOCOPY OF AFFIDAVIT	\$0.10 PER PAGE	GC 26831
F2	PRINTED COPY OF SCANNED AFFIDAVIT (NOT CERTIFIED)	\$0.10 PER PAGE	GC 26831
F3	POSTAGE & HANDLING	\$0.50 MINIMUM	GC 26831
G. FAIR POLITICAL PRACTICES COMMISSION (FPPC) REPORTS			
G1	FPPC PHOTOCOPIES	\$0.10 PER PAGE	GC 81008
G2	FPPC RETRIEVAL FEE (MORE THAN FIVE YEARS OLD) SINGLE REQUEST OF ONE OR MORE REPORT AND STATEMENT	\$5.00 PER REQUEST PLUS \$0.10 PER PAGE	GC 26854, GC 81008
H. PHOTOCOPIES			
H1	DOCUMENT PHOTOCOPIES	\$0.10 PER PAGE	GC 26831



Success in Public Service:

WHAT YOU NEED TO KNOW *BEFORE*
YOU ARE APPOINTED OR ELECTED

About the Institute for Local Government

The Institute for Local Government is the nonprofit research affiliate of the League of California Cities and California State Association of Counties. Its mission is to provide practical resources to local officials to assist them in their service to their communities. For more about the Institute's work, please visit www.ca-ilg.org.

The Institute is grateful to Andrew Massey and Susan Catron for their help with this pamphlet. The pamphlet was Andrew's brainchild while he was a student at UC Hastings College of the Law participating in the Public Law Research Institute Program; Susan's communications skills materially assisted in the effort while she was a student in Sacramento State University's Masters in Public Policy Program.

The Institute's mission is to develop forward-thinking resources to help local officials serve their communities.

Institute for Local Government
1400 K Street
Sacramento, CA 95814
(916) 658-8208
Fax: (916) 444-7535
www.ca-ilg.org

Copyright © 2006 by the
Institute for Local Government

As a person seeking public office, you are about to embark upon a challenging and rewarding journey. This is particularly true at the local level—where government and the public intersect most directly. Public service affords you the opportunity to address real community problems and to help shape your community's future.

Whether you are motivated by an interest in a particular policy issue or by a desire to give something back, the rewards of working with others to improve your community will be many. But it won't be easy. Public service also requires courage and personal sacrifice.

You will be asked to make difficult and sometimes unpopular decisions. Your actions will be scrutinized as never before and the law is likely to affect what you can do or not do to a greater extent than you are used to—particularly as it relates to ethics.

This pamphlet answers three questions:

1. What are the basic principles of public service ethics laws?
2. How can I determine the impact of these laws on me?
3. Where can I get additional help and support if I still have questions?

The goal is to provide a general overview of ethics laws that apply to public service, as well as practical tips on how to assess how these laws might affect you and your service. The emphasis is on what you need to know before you are elected or appointed, so you can make an informed decision whether public service is right for you at this time

Introduction to Ethics Laws

Election or appointment to local public office brings with it a number of important obligations. Public officials commit to spending significant amounts of time in service to their communities; they also assume a responsibility to work for the betterment of their communities.

"Election or appointment to local
public office brings with it a number
of important obligations."

With public service also comes a number of important obligations under federal, state and local ethics laws. Ethics laws impose rules on the manner in which public officials conduct themselves. These ethical obligations exist to reinforce and uphold the trust the public places in the hands of those who wield the power of government. As such, these obligations affect a wide range of public officials.

An overarching goal of ethics laws is to maximize the likelihood that a public agency's decisions are based solely on what best serves the public interests. Ethics laws frequently strive to avoid even the appearance of impropriety, as well as actual improprieties. Moreover, many of the penalties for violating these laws are quite severe.

Keep in mind as well that the laws represent the floor for public officials' conduct. If you seek public office, you are encouraged to set your sights well above the minimum standards of the law and the public is likely to expect you to do so too. In addition, a number of agencies have adopted ethics codes that supplement ethics laws by stressing the values in public service.

Becoming fully informed of public officials' obligations under the ethics laws before you seek or assume office helps you determine whether public service is right for you. Count on spending a fair amount of time and energy after you assume public office in becoming even more informed about how these laws will affect your service, as well as in complying with the law.

Key Concepts

The goal of ethics laws is to maximize the likelihood that public agency decisions are made solely with the public's interests in mind. Ethics laws create a floor for public officials' conduct, not a ceiling.

1 What Kinds of Things Do Ethics Laws Cover?

Ethics laws fall into four general categories:

- 1) **Personal Financial Gain.** Personal gain and public office don't mix.
- 2) **Perks.** The law generally frowns on special perks for officeholders.
- 3) **Transparency.** The public has a right to know a great deal about public officials and their decision-making processes.
- 4) **Fair Processes.** Public officials are expected to be fair in their decision-making, particularly under certain circumstances; this sometimes can limit one's role as an advocate.

MANDATORY ETHICS EDUCATION FOR LOCAL OFFICIALS

State law requires most local elected and appointed officials to attend ethics training. The basic requirement is two hours every two years.

Finding and participating in such training activities is one way to get more information about public service ethics laws and principles even before entering public service. To learn more, visit the Institute's website: www.ca-ilg.org/ab1234compliance.

Each area of ethics laws is briefly described below, along with some questions for those seeking public office to consider.

Financial Gain Appearing to Influence Decisions

The notion behind laws prohibiting private financial gain is that public officials' economic interests cannot even appear to influence their governmental decisions. For example, public officials usually:

- Must disqualify themselves from decisions that may affect (positively or negatively) their economic interests; relevant kinds of economic interests include real property, sources of income (such as employers, customers and clients) and investments.
- Are forbidden from being on "both sides" of a contract (for example, lessor and lessee) when the contract comes before their agency for decision.
- May not acquire interests in property within redevelopment areas over which they have decision-making influence.

In addition, promising to take a certain governmental action in exchange for a benefit (including money, gifts or campaign contributions) is a crime, with severe penalties.

Questions to consider:

- Will the nature or extent of your—or your family's—economic interests significantly limit when you can legally participate in the agency's decision-making processes?
- Will holding public office inhibit your business or investment activities in a way that is too financially burdensome?
- Do you presently or would you like to in the future do business with the agency?

- Are you seeking office to influence public agency decisions relating to property near your home or business?

If the answer to any of these questions might be “yes,” get more information on the financial interest ethics laws so you can determine how they will affect you.

Personal Advantages and Perks Relating to Office

The law strictly limits the degree to which an officeholder can receive benefits relating (or appearing to relate) to his or her status as a public official. Generally speaking, public officials:

- Receive limited (sometimes no) compensation and expense reimbursement for their public service activities.
- Must disclose all gifts (including meals, sporting events, concerts and travel) received of \$50 or more and may not receive gifts aggregating over a certain amount from a single source in a given year. (Note: local regulations may be more restrictive.)
- Cannot be paid for speaking, writing an article or attending a conference.
- Cannot receive loans over \$250 from those within the agency or those who do business with the agency.
- Face severe penalties if they use public resources (this includes agency staff time and equipment) for either personal or political purposes.

WHY IT'S SMART TO PLAN AHEAD

Understanding public service ethics laws and principles can help you:

- Identify and address potential sources of problems before you commit to seeking public office.
- Make an informed decision about the particular office you seek.
- Make a positive difference in your community by maintaining your community's trust and confidence in your leadership.
- Avoid illegal or embarrassing situations that can be personally costly.

Different ethics laws apply in different ways, depending on whether a person is elected or appointed, the local laws that apply, the kinds of decisions the public official must make, and his/her particular activities and assets. Taking the time to acquaint yourself with the relevant laws can go a long way toward helping you avoid future headaches.

Questions to consider:

- With whom do you regularly exchange hospitality and gifts? Will you or they view disclosing or limiting these gifts as a problem?
- Will the limited compensation and expense reimbursement impose a financial burden on you?

If the answer to any of these questions might be “yes,” get more information on these ethics laws so you can determine how they will affect you.

Transparent Decision-Making

The public trusts decision-making and other processes that it can observe. This means that you will likely be operating in more of a fishbowl as a public official than you are accustomed to as a private person. Public officials:

- Often must share information about their private financial interests.
- Must conduct the public's business in open and publicized meetings.
- Must allow public inspection of documents and records generated by public agencies.
- Must disclose information about their personal efforts to raise funds for good causes in the community (if \$5000 or more from a single source in a year).

Questions to consider:

- Do you feel comfortable making available to the public details about your private financial activities? Does your spouse, domestic partner or dependent child feel uncomfortable making many of these details available to the public?
- Will you feel frustrated and unduly constrained by having to have all discussions with your fellow elected or appointed officials at open and publicized meetings?
- Will you find the requirements that most records maintained by your agency—including e-mail communications—be available to the public too intrusive?
- Do you do a lot of fundraising for worthy causes? Are you uncomfortable having these activities become public knowledge?

If the answer to any of these questions might be “yes,” get more information on the transparency laws so you can determine how they will affect you.

Fair Processes

Finally, ethics laws are built on the notion that officeholders should make decisions without regard to who is affected and after fairly considering the facts and existing rules relating to an issue. To uphold the principles of fairness and impartiality, public officials:

- Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.
- Cannot participate in entitlement proceedings on appointed bodies – such as land use permits – involving campaign contributors.
- Cannot solicit campaign contributions of more than \$250 while sitting on appointed bodies from permit applicants while an application is pending and for three months after a decision.
- Cannot participate in quasi-judicial proceedings (when they are applying agency policies to specific situations, such as permit entitlements) in which they have and/or have expressed strong personal or subject matter biases.
- Cannot participate in decisions that will affect their immediate family (defined as spouse/domestic partner or dependent children). (However, an appearance of impropriety may also prevent an officeholder from participating in decision affecting their parents, independent children and siblings.)
- Cannot ask agency staff for campaign contributions and should not ask staff to support their candidacies.

Questions to consider:

- Will the nature of your family members' interests present a potential conflict?
- Do you currently hold public office whose jurisdiction overlaps with the jurisdiction of the agency in which you want to serve?
- Do you plan on making statements in your campaign that may cause you to be disqualified from participating in decisions you or your supporters care deeply about because of bias?

If the answer to any of these questions might be “yes,” get more information on the fairness ethics laws so you can determine how they will affect you.

Key Concepts

Ethics laws are complex and could have a significant effect on what you can and cannot do in public service and your private life. Thinking about these impacts in advance helps you determine whether public service is right for you at this time in your life.

A NOTE ABOUT HOLDING MULTIPLE OFFICES

If you already hold a public office and accept a second one that would subject you to conflicting loyalties or involve overlapping jurisdictions (as defined by the law), you automatically vacate the first office. Attorneys refer to this as an “incompatible office” problem.

2 How Can I Determine the Impact of These Laws on Me?

These laws are extraordinarily complex. There are several steps you can take to make a preliminary assessment of how these laws will affect you, based on your activities and assets. Although going through these steps is no substitute for legal advice, doing so will give you a better sense of whether it is realistic for you to serve and whether you need to seek additional assistance.

STEP 1: Understand the duties and roles of the office you seek.

Understanding the position you are seeking makes sense for all kinds of reasons, of course. Most importantly, such an understanding will help you determine whether you will find public service personally satisfying. It can also help you understand how the ethics laws might affect your service in that position.

Research strategies include:

- If you are applying for an appointive position, the appointing agency will typically have a description of what the appointed body does. Check out the agency's website or contact either the clerk's or administrator's office.
- If you are running for an elected position, the agency's website can give you a good sense of what the agency's responsibilities are. Elected officials are usually responsible for providing policy direction to paid, professional agency staff, as well as making budgetary decisions and hiring top staff members. The agency's charter and ordinances are other sources of information, as are associations of local agencies like the one in which you wish to serve; examples include the California Special Districts Association (www.csda.net), the California State Association of Counties (www.csac.counties.org), and the League of California Cities (www.cacities.org).
- Review meeting agendas. Many agencies post these on their websites; if not, check with the agency's custodian of records (typically the clerk).

- Attend meetings of the body to gain a deeper appreciation of what the position involves. Some public body meetings are also televised; check the local public-access channel for your cable television provider.
- Talk to those who already serve in the position you seek. Find out what kinds of responsibilities the position involves and what kinds of decisions they make. Ask questions about time commitments (remember attending meetings typically involves preparation time in reviewing agenda materials), including service on collateral decision-making bodies (sub-committees, joint powers agencies, regional bodies, statewide associations and so on). Individuals who have similar professional, investment, business or other interests can be particularly helpful in understanding what kinds of potential conflicts-of-interest or other ethics law issues arise.

STEP 2: Think About How These Responsibilities Might Intersect with Your Professional, Business, Family, Investment and Personal Interests.

Here are some strategies:

- Review a copy of a Statement of Economic Interests (Form 700), which is available online from the Fair Political Practices Commission. It will give you a good sense of the kinds of activities and assets you may have to disclose, as well as those which may form the basis for a disqualifying conflict of interest.
- Disclosure obligations vary somewhat by the office you are seeking, but generally disclosure requirements include business interests, investments and real property interests, and exclude bank accounts and some loans. For more information, see “Your Duty To File: A Basic Overview of State Economic Disclosure Law And Reporting Requirements For Public Officials” available from the Fair Political Practices Commission. (See reference list on page 7 for information on how to obtain a copy.)
- Think about your work activities. Do you or your company presently do business with your agency (or is there a desire to do business in the future)? Is where you work extensively regulated by the entity on which you wish to serve? Is your business located in the heart of a downtown revitalization effort that will be a major focus of the agency’s effort?
- Is your home or other property close to a problem that you want to address once you get into office?
- Remember that the conflict of interest rules typically extend to assets, income and liabilities of your spouse or domestic partner, as well as those of dependent children. Does your spouse (or do you) work for the

organization in which you seek a position, or an organization that receives funding from your agency? Is there a possibility that family members might want to work for the agency and their ability to do so might be affected by conflict-of-interest and/or anti-nepotism rules?

- Consider other family and personal relationships as well. Even though these may not form the basis of a legal conflict of interest, such relationships can nonetheless create questions in the community about whether you are truly putting the community’s (as opposed to your friends’ and family’s) interests first.
- Social relationships will also be affected by your public service. If your golf, bridge or gourmet group typically includes people who will be serving on the same body as you, the media and others are likely to question whether you are discussing agency business outside an open and publicized meeting. The same thing may occur if you serve on community boards together, work at the same place, or participate in the same service clubs.
- Similarly, how you socialize and travel may be affected. If you routinely vacation or receive sporting event tickets or similar gestures from those with business before your decision-making body, you may need to include those activities on your disclosure forms. In some instances, such gestures may be subject to dollar value limits or disqualify you from participating in decisions affecting those individuals. Legal issues aside, consider the public’s perception of the effect of such activities on your inclination to put the public’s interests first in your decision-making.

These are just a few of the kinds of questions that are helpful to ask yourself as you consider public service.

STEP 3: Determine Whether You Would Benefit from More Information on How the Law Would Affect Your Public Service.

If the answers to the above questions suggest you would face either legal or ethical issues as a public servant, check out the resources for further reference on the following pages. Consult an attorney knowledgeable about public sector ethics laws.

- Talk with the agency attorney. Keep in mind, however, that he or she is not providing information to you as part of an attorney-client relationship and your conversation will not be confidential. Because of this, the agency attorney may feel most comfortable referring you to resources for further information or to attorneys who can help you. Help may also be available from an agency ethics commission or officer.

- If your issue arises under the Political Reform Act, the Fair Political Practices Commission may be able to offer advice. Check out the FPPC's website to get a sense of the agency's jurisdiction and contact information:

Fair Political Practices Commission
(866) ASK-FPPC (Toll-free) or (916) 322-5660
www.fppc.ca.gov

- Go to www.cacities.org/munilink. In the "Find a Vendor" area, select category "Attorneys & Legal Services" and click on the "Search" button. In the "Legal Specialty" menu, select the specialty that you want more information about. Ethics-related specialties include "Campaign Regulation," "Conflict of Interest" and "Nature & Limitations on Elected & Appointed Officials."
- There is an association of attorneys who practice what is known as "political law" that includes some aspects of ethics law:

California Political Attorneys Association
www.cpaaonline.com
E-mail: info@cpaaonline.com

Similarly, the professional association for attorneys in California provides attorney referral services and maintains a list of approved attorney referral services:

The State Bar of California
San Francisco (Main Office)
(415) 538-2000 or (213) 765-1000 (LA office)

<http://calbar.ca.gov> (Click on "Public Services" followed by "Finding an attorney for legal advice.")

Key Concepts

There are a number of questions you can ask yourself to determine whether public service is right for you in terms of both your personal objectives and your financial situation. This is a preliminary list. If the answers to these questions cause concern, get additional information.

3 Where Can I Get More Information and Assistance?

This pamphlet is only intended to provide an overview of the areas of ethics law for which you should prepare yourself as a candidate; it does not attempt to delve into the many complexities and situation-specific rules that may apply to your personal situation. The following resources can help you learn more about these issues.

A NOTE ABOUT CAMPAIGN ETHICS LAWS AND PRINCIPLES

Even the act of running for public office involves compliance with a variety of laws, including fairly complex campaign disclosure laws. The Fair Political Practices Commission offers a number of fact sheets and other resources to help candidates understand these requirements. Visit the publications page at www.fppc.ca.gov for more information about these laws.

Selecting a campaign treasurer with care is critical. The individual has important responsibilities and liabilities under the law. Select someone with an aptitude for careful financial record-keeping as well as patience for understanding and complying with complex requirements.

Check with your agency to determine whether there are local campaign laws you need to be aware of as well.

Some other tips:

- Be alert for situations in which people try to link support for your candidacy with an action you will take

as a public official. It is a crime to link any action you will take as a public official with receiving campaign contributions or other benefits.

- Also be careful about taking positions on issues that may come before the agency in which you will be acting in a "quasi-judicial" capacity. An example is when decision-makers are applying agency policies to specific situations, such as permit entitlements. If you have expressed a strong opinion that indicates that you cannot be fair and open-minded at the hearing, there may be an effort to disqualify you from participating (or to invalidate the decision in which you participated) because of bias.

Interested in setting a higher tone for your campaign activities in general? The Institute's website offers a host of resources on campaigning both ethically and effectively at www.ca-ilg.org/campaignethics.

PERSONAL FINANCIAL GAIN

Fair Political Practices Commission

Can I Vote? A Basic Overview of Public Officials' Obligations under the Political Reform Act's Conflict-of-Interest Rules (revised 7/05) (www.fppc.ca.gov/index.html?id=37)

Attorney General

Conflicts of Interest (2004). Provides information to assist government officials in complying with California's conflict-of-interest laws and to assist the public and news media in understanding and monitoring situations that may give rise to conflicts of interest (http://ag.ca.gov/publications/coi_2004.pdf).

Institute for Local Government

Key Ethics Law Principles for Public Servants (2005). Contains a conflict of interest checklist on the back that alerts local officials to situations triggering a need to consult with their agency counsel on ethics legal issues (www.ca-ilg.org/ethicsprinciples).

PERSONAL ADVANTAGES & PERKS

Fair Political Practices Commission

Limitations and Restrictions on Gifts, Honoraria, Travel and Loans for Local Elected Officers & Candidates for Local Elective Offices, Local Officials Specified in § 87200, Judicial Candidates, Designated Employees of Local Government Agencies (revised 08/05) (www.fppc.ca.gov/factsheets/giftlocal.pdf)

Travel Guide for California Officials & Candidates (www.fppc.ca.gov/index.html?id=32)

Institute for Local Government

Of Cookie Jars and Fishbowls: A Public Official's Guide to Use of Public Resources (2004). This guide explores ethical and legal considerations that bear on spending decisions, including such issues as travel reimbursement and personal use of agency resources. It also features a sample expense policy for local agencies to consider adopting (www.ca-ilg.org/fishbowl).

GOVERNMENT TRANSPARENCY

Fair Political Practices Commission

Your Duty to File: A Basic Overview of State Economic Disclosure Law (www.fppc.ca.gov/library/seibook9-04.pdf)

Form 700 Instructions (www.fppc.ca.gov/index.html?id=36)

Attorney General

Public Records Act Summary (2004). Provides an explanation and summary of the California Public Records Act for access to governmental information (http://ag.ca.gov/publications/summary_public_records_act.pdf).

The Brown Act: Open Meetings For Local Legislative Bodies (2003). Provides a brief overview of the main provisions of the Ralph M. Brown Act, which govern open meetings for local legislative bodies. This pamphlet is intended to assist local legislative bodies in complying with California's open meeting laws and to assist those who monitor the performance of legislative bodies (http://ag.ca.gov/publications/2003_Intro_BrownAct.pdf).

Institute for Local Government

The ABCs of Open Government Laws (2005). This pamphlet explains the key provisions of the Brown Act and the Public Records Act (www.ca-ilg.org/abc).

FAIR PROCESSES

Fair Political Practices Commission

Campaign Contributions May Cause Conflicts for Appointees and Commissioners (www.fppc.ca.gov/index.html?id=103)

GENERAL

Fair Political Practices Commission

How Do I Get Advice from the FPPC? (www.fppc.ca.gov/pdf/advice.pdf)

Institute for Local Government

A Local Official's Reference on Ethics Laws (2005). This guide summarizes key ethics law provisions relevant to public service, including financial interests, gifts and travel, use of public resources, governmental transparency and bias (www.ca-ilg.org/elr).

Doing the Right Thing: Putting Ethics Principles into Practice in Public Service (2006). This pamphlet explains such things as the role that values and public perception plays in public service ethics. Among other things, the pamphlet is designed to be a handout at AB 1234 training sessions (www.ca-ilg.org/rightthing).

Ethics Law Compliance Best Practices (2005). Interested in maximizing compliance with ethics laws? This checklist enables local agency officials to engage in a self-assessment of the agency's current compliance practices (www.ca-ilg.org/bestpractices).

Everyday Ethics for Local Officials: Finding Your Way (2005). This booklet provides a framework for analyzing ethical dilemmas and then offers a series of analyses of the legal and ethical dimensions of commonly-encountered dilemmas (www.ca-ilg.org/everydayethics).

Walking the Line: What to Do if You Suspect an Ethics Problem (2005). This pamphlet answers the most frequently-posed question to the Institute with an eight-step process. The pamphlet also has a comprehensive charts relating to ethics laws and the consequences for violating such laws (www.ca-ilg.org/whatodo).

Generous support for this resource provided by:



BBKlaw.com

BEST BEST & KRIEGER
ATTORNEYS AT LAW

Offices throughout California

INDIAN WELLS
IRVINE
LOS ANGELES
ONTARIO
RIVERSIDE
SACRAMENTO
SAN DIEGO
WALNUT CREEK

For more information about public service ethics, visit www.ca-ilg.org/trust.

*For additional copies of this publication, contact CityBooks at (916) 658-8257
or visit www.cacities.org/store.*

SKU: 522

Price: \$5 *(for set of five)*



INSTITUTE FOR LOCAL GOVERNMENT

Success in Public Service: What You Need to Know *Before* You Are Appointed or Elected

As a person seeking public office, you are about to embark upon a challenging and rewarding journey. This is particularly true at the local level – where government and the public intersect most directly. Public service affords you the opportunity to address real community problems and to help shape your community's future.

Whether you are motivated by an interest in a particular policy issue or by a desire to give something back, the rewards of working with others to improve your community will be many. But it won't be easy. Public service also requires courage and personal sacrifice. You will be asked to make difficult and sometimes unpopular decisions. Your actions will be scrutinized as never before and the law is likely to affect what you can do or not do to a greater extent than you are used to—particularly as it relates to ethics.

This pamphlet answers three questions:

1. What are the basic principles of public service ethics laws?
2. How can I determine the impact of these laws on me?
3. Where can I get additional help and support if I still have questions?

The goal is to provide a general overview of ethics laws that apply to public service, as well as practical tips on how to assess how these laws might affect you and your service. The emphasis is on what you need to know *before* you are elected or appointed, so you can make an informed decision whether public service is right for you at this time.

About the Institute for Local Government

The Institute for Local Government is the nonprofit research affiliate of the League of California Cities and California State Association of Counties. Its mission is to provide practical resources to local officials to assist them in their service to their communities. For more about the Institute's work, please visit www.ca-ilg.org.

The Institute is grateful to Andrew Massey and Susan Catron for their help with this pamphlet. The pamphlet was Andrew's brainchild while he was a student at UC Hastings College of the Law participating in the Public Law Research Institute Program; Susan's communications skills materially assisted in the effort while she was a student in Sacramento State University's Masters in Public Policy Program.

**1400 K Street 4th Floor Sacramento, California 95814
916.658.8208 Fax: 916.444.7535**

Introduction to Ethics Laws

Election or appointment to local public office brings with it a number of important obligations. Public officials commit to spending significant amounts of time in service to their communities; they also assume a responsibility to work for the betterment of their communities.

With public service also comes a number of important obligations under federal, state and local ethics laws. Ethics laws impose rules on the manner in which public officials conduct themselves. These ethical obligations exist to reinforce and uphold the trust the public places in the hands of those who wield the power of government. As such, these obligations affect a wide range of public officials.

An overarching goal of ethics laws is to maximize the likelihood that a public agency's decisions are based solely on what best serves the public interests. Ethics laws frequently strive to avoid even the *appearance* of impropriety, as well as actual improprieties. Moreover, many of the penalties for violating these laws are quite severe.

Keep in mind as well that the laws represent the *floor* for public officials' conduct. If you seek public office, you are encouraged to set your sights well above the minimum standards of the law and the public is likely to expect you to do so too. In addition, a number of agencies have adopted ethics codes that supplement ethics laws by stressing the values in public service.

Becoming fully informed of public officials' obligations under the ethics laws *before* you seek or assume office helps you determine whether public service is right for you. Count on spending a fair amount of time and energy after you assume public office in becoming even more informed about how these laws will affect your service, as well as in complying with the law.

✓ Key Concepts

The goal of ethics laws is to maximize the likelihood that public agency decisions are made solely with the public's interests in mind. Ethics laws create a *floor* for public officials' conduct, not a ceiling.

Mandatory Ethics Education for Local Officials

State law requires most local elected and appointed officials to attend ethics training. The basic requirement is two hours every two years.

Finding and participating in such training activities is one way to get more information about public service ethics laws and principles even before entering public service. To learn more, visit the Institute's website: www.ca-ilg.org/ab1234compliance.

1 What Kinds of Things Do Ethics Laws Cover?

Ethics laws fall into four general categories:

- 1) **Personal Financial Gain.** Personal gain and public office don't mix.
- 2) **Perks.** The law generally frowns on special perks for officeholders.
- 3) **Transparency.** The public has a right to know a great deal about public officials and their decision-making processes.
- 4) **Fair Processes.** Public officials are expected to be fair in their decision-making, particularly under certain circumstances; this sometimes can limit one's role as an advocate.

Each area of ethics laws is briefly described below, along with some questions for those seeking public office to consider.

Financial Gain Appearing to Influence Decisions

The notion behind financial gain laws is public officials' economic interests cannot even *appear* to influence their governmental decisions. For example, public officials usually:

- Must disqualify themselves from decisions that may affect (positively or negatively) their economic interests; relevant kinds of economic interests include real property, sources of income (such as employers, customers and clients) and investments.
- Are forbidden from being on both sides of a contract when the contract comes before their agency for decision.
- May not acquire interests in property within redevelopment areas over which they have decision-making influence.

In addition, promising to take a certain governmental action in exchange for a benefit (including money, gifts or campaign contributions) is a crime, with severe penalties.

Questions to consider:

- ⇒ Will the nature or extent of your—or your family's--economic interests significantly limit when you can legally participate in the agency's decision-making processes?

- ⇒ Will holding public office inhibit your business or investment activities in a way that is too financially burdensome?
- ⇒ Do you presently or would you like to in the future do business with the agency?
- ⇒ Are you seeking office to influence public agency decisions relating to property near your home or business?

If the answer to any of these questions might be “yes,” get more information on the financial interest ethics laws so you can determine how they will affect you.

Personal Advantages and Perks Relating to Office

The law strictly limits the degree to which an officeholder can receive benefits relating (or appearing to relate) to his or her status as a public official. Generally speaking, public officials:

- Receive limited (sometimes no) compensation and expense reimbursement for their public service activities.
- Must disclose all gifts (including meals, sporting events, concerts and travel) received of \$50 or more and may not receive gifts aggregating over a certain amount from a single source in a given year. (Note: local regulations may be more restrictive.)
- Cannot be paid for speaking, writing an article or attending a conference.
- Cannot receive loans over \$250 from those within the agency or those who do business with the agency.
- Face severe penalties if they use public resources (this includes agency staff time and equipment) for either personal or political purposes.

Questions to consider:

- ⇒ With whom do you regularly exchange hospitality and gifts? Will you or they view disclosing or limiting these gifts as a problem?
- ⇒ Will the limited compensation and expense reimbursement impose a financial burden on you?

Why It's Smart to Plan Ahead

Understanding public service ethics laws and principles can help you:

- ✓ Identify and address potential sources of problems before you commit to seeking public office.
- ✓ Make an informed decision about the particular office you seek.
- ✓ Make a positive difference in your community by maintaining your community's trust and confidence in your leadership.
- ✓ Avoid illegal or embarrassing situations that can be personally costly.

Different ethics laws apply in different ways, depending on whether a person is elected or appointed, the local laws that apply, the kinds of decisions the public official must make, and his/her particular activities and assets. Taking the time to acquaint yourself with the relevant laws can go a long way toward helping you avoid future headaches.

If the answer to any of these questions might be “yes,” get more information on these ethics laws so you can determine how they will affect you.

Transparent Decision-making

The public trusts decision-making and other processes that it can observe. This means that you will likely be operating in more of a fishbowl as a public official than you are accustomed to as a private person. Public officials:

- Often must share information about their private financial interests.
- Must conduct the public’s business in open and publicized meetings.
- Must allow public inspection of documents and records generated by public agencies.
- Must disclose information about their personal efforts to raise funds for good causes in the community (if \$5000 or more from a single source in a year).

Questions to consider:

- ⇒ Do you feel comfortable making available to the public details about your private financial activities? Does your spouse, domestic partner or dependent child feel uncomfortable making many of these details available to the public?
- ⇒ Will you feel frustrated and unduly constrained by having to have all discussions with your fellow elected or appointed officials at open and publicized meetings?
- ⇒ Will you find the requirements that most records maintained by your agency—including e-mail communications-- be available to the public too intrusive?
- ⇒ Do you do a lot of fundraising for worthy causes? Are you uncomfortable having these activities become public knowledge?

If the answer to any of these questions might be “yes,” get more information on the transparency laws so you can determine how they will affect you.

Generous support for this resource provided by		
 BBK <i>BBKlaw.com</i>	BEST BEST & KRIEGER ATTORNEYS AT LAW <i>Offices throughout California</i>	INDIAN WELLS IRVINE LOS ANGELES ONTARIO RIVERSIDE SACRAMENTO SAN DIEGO WALNUT CREEK

Fair Processes

Finally, ethics laws are built on the notion that officeholders should make decisions without regard to who is affected and after fairly considering the facts and existing rules relating to an issue. To uphold the principles of fairness and impartiality, public officials:

- Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.
- Cannot participate in entitlement proceedings on appointed bodies – such as land use permits – involving campaign contributors.
- Cannot solicit campaign contributions of more than \$250 while sitting on appointed bodies from permit applicants while an application is pending and for three months after a decision.
- Cannot participate in quasi-judicial proceedings (when they are applying agency policies to specific situations, such as permit entitlements) in which they have and/or have expressed strong personal or subject matter biases.
- Cannot participate in decisions that will benefit their immediate family (defined as spouse/domestic partner or dependent children).
- Cannot ask agency staff for campaign contributions and should not ask staff to support their candidacies.

A Note about Holding Multiple Offices

If you already hold a public office and accept a second one that would subject you to conflicting loyalties or involve overlapping jurisdictions (as defined by the law), you automatically vacate the first office. Attorneys refer to this as an “incompatible office” problem.

Questions to consider:

- ⇒ Will the nature of your family members’ interests present a potential conflict?
- ⇒ Do you currently hold public office whose jurisdiction overlaps with the jurisdiction of the agency in which you want to serve?
- ⇒ Do you plan on making statements in your campaign that may cause you to be disqualified from participating in decisions you or your supporters care deeply about because of bias?

If the answer to any of these questions might be “yes,” get more information on the fairness ethics laws so you can determine how they will affect you.

✓ **Key Concepts**

Ethics laws are complex and could have a significant effect on what you can and cannot do in public service and your private life. Thinking about these impacts in advance helps you determine whether public service is right for you at this time in your life.

2 How Can I Determine the Impact of These Laws on Me?

These laws are extraordinarily complex. There are several steps you can take to make a preliminary assessment of how these laws will affect you, based on your activities and assets. Although going through these steps is no substitute for legal advice, doing so will give you a better sense of whether it is realistic for you to serve and whether you need to seek additional assistance.

STEP 1: Understand the duties and roles of the office you seek.

Understanding the position you are seeking makes sense for all kinds of reasons, of course. Most importantly, such an understanding will help you determine whether you will find public service personally satisfying. It can also help you understand how the ethics laws might affect your service in that position.

Research strategies include:

- If you are applying for an appointive position, the appointing agency will typically have a description of what the appointed body does. Check out the agency's website or contact either the clerk's or administrator's office.
- If you are running for an elected position, the agency's website can give one a good sense of what the agency's responsibilities are. Elected officials are usually responsible for providing policy direction to paid, professional agency staff, as well as making budgetary decisions and hiring top staff members. The agency's charter and ordinances are other sources of information, as are associations of local agencies like the one in which you wish to serve; examples include the California Special Districts Association (www.csda.net), the California State Association of Counties (www.csac.counties.org), and the League of California Cities (www.cacities.org).
- Review meeting agendas. Many agencies post these on their websites; if not, check with the agency's custodian of records (typically the clerk).
- Attend meetings of the body to gain a deeper appreciation of what the position involves. Some public body meetings are also televised; check the local public-access channel for your cable television provider.
- Talk to those who already serve in the position you seek. Find out what kinds of responsibilities the position involves and what kinds of decisions they make. Ask questions about time commitments (remember attending meetings typically involves preparation time in reviewing agenda materials), including service on collateral decision-making bodies (sub-committees, joint powers agencies, regional bodies, statewide associations and so on). Individuals who have similar professional, investment, business or other interests can be particularly helpful in understanding what kinds of potential conflicts-of-interest or other ethics law issues arise.

STEP 2: Think About How These Responsibilities Might Intersect with Your Professional, Business, Family, Investment and Personal Interests

Here are some strategies:

- ⇒ Review a copy of a Statement of Economic Interests (Form 700), which is available online from the Fair Political Practices Commission. It will give you a good sense of the kinds of activities and assets you may have to disclose, as well as those which may form the basis for a disqualifying conflict of interest.
- ⇒ Disclosure obligations vary somewhat by the office you are seeking, but generally disclosure requirements include business interests, investments and real property interests, and exclude bank accounts and some loans. For more information, see “Your Duty To File: A Basic Overview of State Economic Disclosure Law And Reporting Requirements For Public Officials” available from the Fair Political Practices Commission. (See reference list on pages 11-12 for information on how to obtain a copy.)
- ⇒ Think about your work activities. Do you or your company presently do business with your agency (or is there a desire to do business in the future)? Is where you work extensively regulated by the entity on which you wish to serve? Is your business located in the heart of a downtown revitalization effort that will be a major focus of the agency’s effort?
- ⇒ Is your home or other property close to a problem that you want to address once you get into office?
- ⇒ Remember that the conflict of interest rules typically extend to assets, income and liabilities of your spouse or domestic partner, as well as those of dependent children. Does your spouse (or do you) work for the organization in which you seek a position, or an organization that receives funding from your agency? Is there a possibility that family members might want to work for the agency and their ability to do so might be affected by conflict-of-interest and/or anti-nepotism rules?
- ⇒ Consider other family and personal relationships as well. Even though these may not form the basis of a legal conflict of interest, such relationships can nonetheless create questions in the community about whether you are truly putting the community’s (as opposed to your friends’ and family’s) interests first.
- ⇒ Social relationships will also be affected by your public service. If your golf, bridge or gourmet group typically includes people who will be serving on the same body as you, the media and others are likely to question whether you are discussing agency business outside an open and publicized meeting. The same thing may occur if you serve on community boards together, work at the same place, or participate in the same service clubs.
- ⇒ Similarly, how you socialize and travel may be affected. If you routinely vacation or receive sporting event tickets or similar gestures from those with business before your decision-making body, you may need to include those activities on your disclosure forms. In some instances, such gestures may be subject to dollar value limits or disqualify you from participating in decisions affecting those individuals. Legal issues aside, consider the public’s perception of the effect of such activities on your inclination to put the public’s interests first in your decision-making.

These are just a few of the kinds of questions that are helpful to ask yourself as you consider public service.

STEP 3: Determine Whether You Would Benefit from More Information on How the Law Would Affect Your Public Service

If the answers to the above questions suggest you would face either legal or ethical issues as a public servant, check out the resources for further reference on the following pages. Consult an attorney knowledgeable about public sector ethics laws.

- Talk with the agency attorney. Keep in mind, however, that he or she is not providing information to you as part of an attorney-client relationship and your conversation will not be confidential. Because of this, the agency attorney may feel most comfortable referring you to resources for further information or to attorneys who can help you. Help may also be available from an agency ethics commission or officer.
- If your issue arises under the Political Reform Act, the Fair Political Practices Commission may be able to offer advice. Check out the FPPC's website to get a sense of the agency's jurisdiction and contact information.

Fair Political Practices Commission
(866) ASK-FPPC (Toll-free) or (916) 322-5660
www.fppc.ca.gov

- Go to www.cacities.org/munilink. In the "Find a Vendor" area, select category "Attorneys & Legal Services" and click on the "Search" button. In the "Legal Specialty" menu, select the specialty that you want more information about. Ethics-related specialties include "Campaign Regulation," "Conflict of Interest" and "Nature & Limitations on Elected & Appointed Officials."
- There is an association of attorneys who practice what is known as "political law" that includes some aspects of ethics law.

California Political Attorneys Association
www.cpaonline.com
E-mail: info@cpaonline.com

Similarly, the professional association for attorneys in California provides attorney referral services and maintains a list of approved attorney referral services

The State Bar of California
San Francisco (Main Office)
(415) 538-2000 or (213) 765-1000 (LA office)
<http://calbar.ca.gov> (Click on "Public Services" followed by "Finding an attorney for legal advice.")

✓ Key Concepts

There are a number of questions you can ask yourself to determine whether public service is right for you in terms of both your personal objectives and your financial situation. This is a preliminary list. If the answers to these questions cause concern, get additional information.

A Note about Campaign Ethics Laws and Principles

Even the act of running for public office involves compliance with a variety of laws, including fairly complex campaign disclosure laws. The Fair Political Practices Commission offers a number of fact sheets and other resources to help candidates understand these requirements. Visit the publications page at www.fppc.ca.gov for more information about these laws.

Selecting a campaign treasurer with care is critical. The individual has important responsibilities and liabilities under the law. Select someone with an aptitude for careful financial record-keeping as well as patience for understanding and complying with complex requirements.

Check with your agency to determine whether there are local campaign laws you need to be aware of as well.

Some other tips:

- ⇒ Be alert for situations in which people try to link support for your candidacy with an action you will take as a public official. It is a crime to link any action you will take as a public official with receiving campaign contributions or other benefits.
- ⇒ Also be careful about taking positions on issues that may come before the agency in which you will be acting in a “quasi-judicial” capacity. An example is when decision-makers are applying agency policies to specific situations, such as permit entitlements. If you have expressed a strong opinion that indicates that you cannot be fair and open-minded at the hearing, there may be an effort to disqualify you from participating (or to invalidate the decision in which you participated) because of bias.

Interested in setting a higher tone for your campaign activities in general? The Institute’s website offers a host of resources on campaigning both ethically and effectively at www.ca-ilg.org/campaignethics.

3 Where Can I Get More Information and Assistance?

This pamphlet is only intended to provide an overview of the areas of ethics law for which you should prepare yourself as a candidate; it does not attempt to delve into the many complexities and situation-specific rules that may apply to your personal situation. The following resources can help you learn more about these issues.

Personal Financial Gain

Fair Political Practices Commission

Can I Vote? A Basic Overview of Public Officials' Obligations under the Political Reform Act's Conflict-of-Interest Rules (revised 7/05) (www.fppc.ca.gov/index.html?id=37)

Attorney General

Conflicts of Interest (2004). Provides information to assist government officials in complying with California's conflict-of-interest laws and to assist the public and news media in understanding and monitoring situations that may give rise to conflicts of interest (http://ag.ca.gov/publications/coi_2004.pdf).

Institute for Local Government

Key Ethics Law Principles for Public Servants (2005). Contains a conflict of interest checklist on the back that alerts local officials to situations triggering a need to consult with their agency counsel on ethics legal issues (www.ca-ilg.org/ethicsprinciples).

Personal Advantages & Perks

Fair Political Practices Commission

Limitations and Restrictions on Gifts, Honoraria, Travel and Loans for Local Elected Officers & Candidates for Local Elective Offices, Local Officials Specified in § 87200, Judicial Candidates, Designated Employees of Local Government Agencies (revised 08/05) (www.fppc.ca.gov/factsheets/giftlocal.pdf)

Travel Guide for California Officials & Candidates (www.fppc.ca.gov/index.html?id=32)

Institute for Local Government

Of Cookie Jars and Fishbowls: A Public Official's Guide to Use of Public Resources (2004). This guide explores ethical and legal considerations that bear on spending decisions, including such issues as travel reimbursement and personal use of agency resources. It also features a sample expense policy for local agencies to consider adopting (www.ca-ilg.org/fishbowl).

Government Transparency

Fair Political Practices Commission

Your Duty to File: A Basic Overview of State Economic Disclosure Law
(www.fppc.ca.gov/library/seibook9-04.pdf)

Form 700 Instructions
(www.fppc.ca.gov/index.html?id=36)

Attorney General

Public Records Act Summary (2004). Provides an explanation and summary of the California Public Records Act for access to governmental information
(http://ag.ca.gov/publications/summary_public_records_act.pdf).

The Brown Act: Open Meetings For Local Legislative Bodies (2003). Provides a brief overview of the main provisions of the Ralph M. Brown Act, which govern open meetings for local legislative bodies. This pamphlet is intended to assist local legislative bodies in complying with California's open meeting laws and to assist those who monitor the performance of legislative bodies
(http://ag.ca.gov/publications/2003_Intro_Brown_Act.pdf).

Institute for Local Government

The ABCs of Open Government Laws (2005). This pamphlet explains the key provisions of the Brown Act and the Public Records Act
(www.ca-ilg.org/abc).

Fair Processes

Fair Political Practices Commission

Campaign Contributions May Cause Conflicts for Appointees and Commissioners
(www.fppc.ca.gov/index.html?id=103)

General

Fair Political Practices Commission

How Do I Get Advice from the FPPC?
(www.fppc.ca.gov/pdf/advice.pdf)

Institute for Local Government

A Local Official's Reference on Ethics Laws (2005). This guide summarizes key ethics law provisions relevant to public service, including financial interests, gifts and travel, use of public resources, governmental transparency and bias
(www.ca-ilg.org/elr).

Doing the Right Thing: Putting Ethics Principles into Practice in Public Service (2006). This pamphlet addresses AB 1234's "principles" requirement by explaining such things as the role that values and public perception plays in public service ethics. Among other things, the pamphlet is designed to be a handout at AB 1234 training sessions (www.ca-ilg.org/rightthing).

Ethics Law Compliance Best Practices (2005). Interested in maximizing compliance with ethics laws? This checklist enables local agency officials to engage in a self-assessment of the agency's current compliance practices (www.ca-ilg.org/bestpractices).

Everyday Ethics for Local Officials: Finding Your Way (2005). This booklet provides a framework for analyzing ethical dilemmas and then offers a series of analyses of the legal and ethical dimensions of commonly-encountered dilemmas (www.ca-ilg.org/everydayethics).

Walking the Line: What to Do if You Suspect an Ethics Problem (2005). This pamphlet answers the most frequently-posed question to the Institute with an eight-step process. The pamphlet also has a comprehensive charts relating to ethics laws and the consequences for violating such laws (www.ca-ilg.org/whatodo)