City of Santa Ana

Candidate Handbook and Resource Guide

General Municipal Election
November 6, 2018

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I. GENERAL INFORMATION
The informational material provided is written for individuals interested in running for the office of Mayor or Councilmember in the City of Santa Ana, but would also be of interest to the public.

This handbook is divided into several sections including "Required Filings", “Optional Filings”, "Campaign Finance Disclosure: Forms and Activities", and “Miscellaneous Information”- and covers key information about the election process, officer forms, filing deadlines, and candidate responsibilities.


1. OVERVIEW

The Santa Ana City Council is a non-partisan legislative body composed of seven members – six Councilmembers and the Mayor. Councilmembers are nominated from one of six geographic wards in the City and elected by vote of the electors of the City at-large. The Mayor is nominated and elected citywide and does not represent an individual ward.

To become a candidate for election to the position of Mayor or Councilmember, individuals must meet certain qualifications and file the necessary documents to become an official candidate with the Clerk of the Council Office.

Following are some basic facts relative to the 2018 Election and City Council:

- On November 6, 2018 the seats for Wards 2, 4, 6, and Mayor will be up for election.

- A candidate for Mayor must be a qualified voter and a thirty (30) day resident of the City of Santa Ana at the time Nomination Papers are issued by the elections official.

- A candidate for Councilmember must be a qualified voter and a thirty (30) day resident of the ward from which the candidate will be nominated at the time Nomination Papers are issued by the elections official.

- Proof of Residency. 30 days residency requirement by the time Nomination Papers are issued by the elections official. Acceptable proof of residency documents may include: voter registration, utility bills, mortgage documents, or rental agreement.
The nomination period **closes at 5:00 p.m. on Friday, August 10, 2018** (unless a qualified candidate does not file by said deadline at which time the filing deadline is extended to August 15th for all but the candidate).

- Nomination Papers may be withdrawn ONLY during nomination period.

- Candidate Statement may be withdrawn up until Monday, August 13th at 5 p.m. (or until Thursday, August 16th at 5 p.m. if nomination period extended).

**Term of Office.** Councilmembers serve terms of four years, and are limited to three consecutive terms of four years each. A person who has served three (3) consecutive terms of four (4) years each shall be eligible for appointment, nomination for or election to the office of Councilmember (regardless of wards represented by that person during such period) no sooner than for a term beginning eight (8) years after completion of that Councilmember's third consecutive full term. (Resolution No. 2012-034)

The Mayor serves a term of two years and is limited to four consecutive terms. A person who has served four (4) consecutive terms of two (2) years each, commencing with the term entered as a result of the November 2012 election, shall be eligible for appointment, nomination for or election to the office of Mayor no sooner than eight (8) years after completion of the Mayor's fourth consecutive full term.

This eight year "cooling off" period shall not apply to eligibility for appointment, nomination for or election to a Councilmember office. However, any person who has served twenty (20) consecutive years in office, as both a Councilmember and Mayor, regardless of the order in which they served, shall not be eligible for appointment, nomination or election as a Councilmember or as Mayor, no sooner than eight (8) years after completion of full terms, as permitted. (Resolution No. 2012-034)

- **A term** begins at 6:00 p.m. on the second Tuesday of December following certification of election results. A Special City Council Meeting has been tentatively scheduled on December 11, 2018 at 6:00 p.m. to certify the results of the election and administer the oaths of office.

- **Compensation.** Pursuant to § 402 of the City Charter, each member of the City Council and the Mayor shall receive as a monthly salary for his or her services, the maximum amount allowed by the population formula set forth in California Government Code Section 36516 as of November 8, 2016. Further, each member of the City Council and Mayor shall receive reimbursement for required travel and other expenses while on official business of the City as authorized and approved by Resolution of the City Council. In accordance with Section 36516 any amounts paid by the City for retirement, health and welfare benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the City for its executive employees. Any amounts paid by the City to reimburse for actual and necessary expenses pursuant to a Council Resolution shall not be included for purposes of determining salary.
- Housing Authority Meetings are paid at the rate of $50.00 per meeting.

- Absence of the Mayor or a Councilmember from all regular and special meetings of the City Council during any calendar month shall render him or her ineligible to receive the monthly salary for that calendar month, unless such absence was approved by the City Council as expressed in its official minutes.

- The Mayor is a **voting** member of the City Council and presides over meetings of the Council.

- The City Council **elects a Mayor Pro Tem**, from amongst its members, at the first City Council meeting following any general or special election at which Councilmembers are elected; the Mayor Pro Tem acts as Mayor during an absence from the Mayor, disability of the Mayor, or during any vacancy in the office of Mayor.

- **Role and responsibility.** The City Council serves as the City’s legislative body and enacts local laws, approves programs, and appropriates funds.

- **Meetings.** The City Council meets regularly on the 1st and 3rd Tuesday (or next business day if a holiday) of the month no sooner than 5:00 p.m. for Closed Session immediately followed by the Regular Open Session at 5:45 p.m..

  Councilmember members also serve on a variety of Council Committees and regional boards that meet on a regular basis throughout the year. Meeting compensation, dates and times vary by committee/board.
II. REQUIRED FILINGS
1. NOMINATION PAPER

Candidates for city office must first be a qualified voter, resident of the City of Santa Ana and then be nominated by qualified electors. A candidate shall not file nomination paper for more than one municipal office or term of office for the same municipality in the same election. The address to be included in the Nomination Paper must match the voter registration address on file. Candidates must obtain valid nominating signatures on their Nomination Paper from the required number of registered voters in accordance with City and State laws.

- CANDIDATE QUALIFICATIONS

A Candidate for **Mayor** must be a qualified voter and a thirty (30) day resident of the City at the time Nomination Papers are issued to him/her by the elections official.

A Candidate for **Councilmember** must be a qualified voter and a thirty (30) day resident of the ward from which the candidate is nominated at the time Nomination Papers are issued to him/her by the elections official.

- NOMINATING SIGNATURES (ELECTIONS CODE §10220, 10221, 10226)

Candidates for **Mayor** must obtain twenty (20) valid signatures of registered voters residing in the City of Santa Ana. Candidates for **Councilmember** must obtain twenty (20) valid signatures of registered voters residing in the ward from which they intend to be nominated. (Election Code §10220)

**Note:** Verify that signers are registered voters and reside within the appropriate Ward boundaries prior to submittal, prior to filing Nomination Paper.

Signers must include their full names and residential addresses on the Nomination Paper at the time of signing. If the residence has no street or number address, signers must indicate a designation that would readily ascertain location. Petition circulators should not fill in a signer’s address. (Election Code §10221, 10226)

In a recent court case (Capo for Better Representation v. Kelley) the decision was clear that if an elections official determines that signatories to a petition did not personally affix their address to the petition, the elections official must disqualify these signatures.

Signers do not need to indicate the date they affixed their signatures on the Nomination Paper.

Upon receipt of the nomination documents, the Clerk of the Council Office verifies that the addresses of persons signing a Ward Councilmember's Nomination Paper are located in the appropriate Ward. All Nomination Papers are forwarded to the Orange County Registrar of Voters Office who then verifies the addresses and signatures.
against the registration affidavits. The verification process is complete when the Orange County Registrar of Voters Office validates the minimum requisite number of signatures. The Clerk of the Council notifies the candidate of the results by email. At this point, the person seeking public office becomes an official candidate.

**Note:** Signers can sign only one Nomination Paper for each office; hence, a signer is not able to nominate more than one person to the same office. (Elections Code §10220)

**Note:** A candidate may sign his or her own Nomination Paper.

- **CIRCULATORS (ELECTIONS CODE §102, 10220)**

Circulators are persons who obtain signatures of registered voters for the Nomination Paper.

- A person shall not circulate a state or local initiative, referendum, or recall petition or nominating paper unless the person is 18 years of age or older. (Elections Code § 102, Amended by Stats. 2013, Ch. 278, Sec. 1. Effective January 1, 2014.)

- Candidates may circulate their own Nomination Paper or may appoint another person to act as circulator but only one circulator may obtain signatures for a Nomination Paper.

- Circulators must execute a sworn statement (written as part of the Nomination Paper) that they witnessed all the signatures they secured and that each signature and each address was affixed by the person whose name appears on the Nomination Paper. (Elections Code §10222, §10226)

**Note:** Although the statutes require only 20 signatures, circulators are advised to collect additional signatures to allow for signatures that may be invalid.

- **SUPPLEMENTAL NOMINATION PAPER (ELECTIONS CODE §10221(b))**

Once a Nomination Paper is filed with the Clerk of the Council, it may not be returned to the candidate to obtain additional signatures. If the Nomination Paper is determined to be insufficient or the candidate fails to obtain the correct number of valid signatures on his or her Nomination Paper, the elections official shall:

- Retain the original Nomination Paper

- Provide a copy of the Nomination Paper to the candidate with an indication of which signatures are valid
• Issue one supplemental petition to the candidate on which the candidate may collect additional signatures, if Nomination Period is still open

The Supplemental Nomination Paper shall be filed not later than the last day for filing for Office, Friday, August 10, 2018, 5 p.m. (Elections Code §10224)

• WITHDRAWAL OF NOMINATION PAPER (ELECTIONS CODE §10224)

All Nomination Papers shall be filed with the Clerk of the Council official during regular business hours as posted, not later than the 88th day before the election (which is 5:00 pm. on Friday, August 10th, unless filing extension recognized). Until that time, but not after, a candidate may withdraw his or her Nomination Papers.

Withdrawal must be made in writing and addressed to the Clerk of the Council by said deadline.

2. BALLOT DESIGNATION WORKSHEET

Each candidate who submits a ballot designation pursuant to the guidelines below shall file a Ballot Designation Worksheet that supports the use of that ballot designation by the candidate, in a format prescribed by the Secretary of State. The Clerk of the Council will provide the candidate with the form required

• The candidate must indicate his/her current principle occupation, profession, or vocation or elected office as his/her Ballot Designation.

• In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination papers, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate's nomination papers.

• The designation may not be misleading.

• The Ballot Designation Worksheet must be filed with the Clerk of the Council at the same time that the candidate files his or her Nomination Papers. If the designation is changed prior to E-88, a new Worksheet must be completed.

• In the event that a candidate fails to file a worksheet, no designation shall appear under the Voter Information Guide (formerly referred to as the Sample Ballot).
• It is recommended that alternate ballot designations, ranked in order of the candidate's preference, be included in the worksheet in the event that the first choice is contested.

• Remember, it is the candidate's responsibility to justify the proposed designation and complete the form in its entirety.

• GUIDELINES (ELECTIONS CODE §13107, CA. CODE OF REGULATIONS §20710)

The Ballot Designation (Elections Code §13107 and the California Code of Regulations §20710 in its entirety) is a brief description that candidates may provide to describe themselves on the ballot. The candidate must indicate the same Ballot Designation on the Ballot Designation Worksheet and the Affidavit of Nominee and Oath, including capitalization and punctuation.

You may select as your ballot designation one of the following, (limited to three words):

a) The current principal profession(s), vocation(s), or occupation(s) of the candidate during the calendar year immediately preceding the filing of nomination documents; words separated by a “/”.

b) Words designating the elective office which the candidate holds at the time of filing the nomination documents to which he/she was elected by vote of the people and seek re-election for a new term.

c) “Appointed [full title of public office]” if candidate currently serves by appointment in an elective public office and seek election to a different office.

d) "Incumbent" if the candidate is a candidate for the same office which he/she holds at the time of filing the Nomination Papers, and was elected to that office by a vote of the people and seeks election to a new term.

e) “Appointed Incumbent” if the candidate holds an office by virtue of appointment, and the candidate is a candidate for election to the same office. If the candidate is a candidate for election to the same office or to some other office, he/she may use the word “appointed” and the title of the office. In either case, the candidate may not use the unmodified word “incumbent” or any words designating the office unmodified by the word “appointed.”

- Hyphenated words that appear in any generally available standard reference dictionary published in the United States within ten calendar years preceding the election shall be counted as one word. Each part of all other hyphenated words shall be counted as a separate word.

- All proper nouns, including geographical names shall be counted as one word,
e.g. “City of Santa Ana, Orange County Business Council, Association of California Cities, Mothers Against Drunk Drivers, etc.” counts as one word.

- “Retired” is generally limited for use by individuals who have permanently given up their chosen principal professional, vocation or occupation. Use of the word may not follow any word or words and may not be abbreviated.

- “Community Volunteer” constitutes a valid principal vocation or occupation if not engaged concurrently in another principal profession, vocation or occupation; candidate may not use in conjunction with any other designation.

- Attach any documents or exhibits that candidate believes support the proposed designation. If using the title of an elective office, attach a copy of Certificate of Election or Appointment.

Definitions:

- “Profession” means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. (Examples include, but are not limited to “attorney,” “physician,” “accountant,” “architect,” and “teacher”).

- “Vocation” means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. (Examples include but are not limited to, “minister,” “priest,” “mother,” “father,” “homemaker,” “dependent care provider,” “carpenter,” and “cabinetmaker”).

- “Occupation” means the employment in which one regularly engages or follows as the means of making a livelihood. (Examples include, but are not limited to “rancher,” “restaurateur,” “construction worker,” “computer manufacturing executive,” and “police officer”).

- Candidates are not required to use a ballot designation and may opt to leave the space blank.

- Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party are improper, as such positions do not constitute elective office as specified in Elections Code §13107.

- When multiple professions, vocations, or occupations are proposed they shall be separated by a slash (/). An example of an acceptable designation would be “Legislator/Rancher/Physician.” Any proposed multiple designations must comply with the three-word limitation.
• Punctuation is limited to the use of a comma (e.g. "District Attorney, Orange County") and a slash (e.g. "Homemaker/Rancher").

• **UNACCEPTABLE BALLOT DESIGNATIONS**

The Clerk of the Council may not accept a designation of which any of the following would be true:

• It would mislead the voter.

• Pro forma profession, vocation and occupation, which by their nature are voluntary may include, but are not limited to, such pursuits as honorary peace officer, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like

• It would suggest an evaluation of a candidate’s qualifications, honesty, integrity, leadership abilities, or character.

• It abbreviates the word "retired" or places it following any word or words which it modifies.

• It uses a word or prefix, such as "former" or "ex-," which would indicate a prior profession, vocation, occupation, or elected, appointed, or judicial office previously held by the candidate. The only exception is the use of the word “retired.”

• It uses the name of any political party, whether or not it has qualified for recognized ballot status.

• It uses a word or words referring to a racial, religious, or ethnic group.

• It would make reference to a specific religious denomination. However, a candidate may use his or her clerical title as a ballot designation. (Examples include, but are not limited to “Rabbi,” “Bishop,” and “Deacon”).

• It refers to any activity prohibited by law.

• **CORRECTING UNACCEPTABLE DESIGNATIONS (ELECTIONS CODE §13107,f.1)**

If, upon checking the nomination documents and the ballot designation worksheet, the Clerk of the Council finds the ballot designation submitted by a candidate violates the California Elections Code, the Clerk of the Council will notify the candidate by registered or certified mail, return receipt requested, addressed to the mailing address appearing on the candidate's nomination documents. (Elections Code §13107,f.1)
• Within three days from the date on the return receipt of the notice, the candidate must appear before the Clerk of the Council to provide an alternate designation.

• If the candidate fails to do so, the candidate's name will be printed on the ballot with no designation.

• A candidate cannot change his/her ballot designation after the final date for filing nomination documents, except to correct an unacceptable designation as specifically requested by the Clerk.

• Please refer to California Code of Regulations § 20719 for extraordinary circumstances.

• EXAMPLES OF BALLOT DESIGNATIONS

Acceptable Designations:
• Governing Board Member, Santa Ana Unified School District
• Investment Counselor
• Health Care Manager
• Appointed Incumbent
• Community Volunteer
• Businesswoman/Attorney/Councilwoman
• CPA/Parent
• Retired USAF Officer
• City Councilmember, City of Santa Ana
• City of Santa Ana Councilmember / Educator
• Mayor Pro Tem

Unacceptable:  
• Rancho Santiago Community College Board of Trustee
• Incumbent Mayor/Engineer
• City of Santa Ana Businessowner / Parent

Reason:
• Name must be the office they were sworn into and “trustee” is not.
• “Incumbent” must be used as noun and alone
• “Businessowner” is two words(Webster’s Dictionary), thus exceeding the word limit
Unacceptable:

- Former Councilmember / Businesswoman
- Prominent Businesswoman
- Businessman, Father
- Nonprofit Organization Founder
- Republican Legislative Assistant
- Community Volunteer/Parent
- Victim Rights Advocate
- Former Councilmember
- Veteran
- Army General, Ret.

Reason:

- Not able to combine past elected office with current profession
- Status
- Slash marks must be used for punctuation
- Must be within past 12 months
- No party affiliation can be mentioned
- "Community Volunteer" must stand alone
- Suggests an evaluation of candidate's qualifications and is a status
- Can't use "former" or "ex"
- Status
- "Retired" must appear before other words and not be abbreviated

3. CONFLICT OF INTEREST DISCLOSURE FORM
(FPPC FORM 700: STATEMENT OF ECONOMIC INTEREST)

The Political Reform Act (Gov. Code Sections 81000-91014) requires most state and local government officials and employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions which may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the Form 700 - Statement of Economic Interests, and for interpreting the law’s provisions.

In compliance with the Political Reform Act, all candidates are required to file Statement of Economic Interests - Form 700 with the Clerk of the Council at the time nomination papers are filed. Additionally, candidates for local elective office may not accept honoraria payments and accept gifts from any single source totaling more than $470 in a calendar year. This amount changes annually and is current until December 31, 2018. Form 700 was developed to meet this requirement and its timely filing is obligatory.

Candidates must complete all applicable schedules of the Statement of Economic Interest Form 700 (Conflict of Interest Disclosure Form). Candidates must report all income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing the declaration of candidacy. A Reference Pamphlet has been prepared by the Fair Political Practices Commission (FPPC) to assist filers with filing obligations. The Pamphlet
is available online at the following address:

http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Form%20700/2017-18/Ref_Pamphlet_2017-2018.pdf

FPPC Form 700 may be filed electronically using the City’s provider, Netfile. Filers may also opt to provide an original signed hardcopy at the time Nomination Papers are filed. New committees are encouraged to contact the Clerk of the Council for user name and password. Also, instructions on how to set up an account are included in this handbook.

Note: Original Form 700 Statements are mailed to the FPPC. Copies of the statements are maintained in the Clerk of the Council Office as part of the public records and are also posted on the City’s website for public review.

The Political Reform Act

In the aftermath of the Watergate scandal, California was the first state to pass a comprehensive political reform package. Proposition 9, known today as The Political Reform Act, was passed as a ballot measure by California voters in the June 1974 election. The initiative was championed by a tripartite group consisting of then-Secretary of State Jerry Brown, the People’s Lobby, and Common Cause. By including provisions regulating campaign finance, lobbying activity and conflicts of interest, Proposition 9 represented the most significant state-level response to the culture of corruption that was believed to be so pervasive in the pre-Watergate years.

The Act is updated annually to reflect statutory changes enacted by the Legislature or by voters through the initiative process. A highlighted version of the Act and its appendices is available online to easily show what changes have been made over the last year.

Link to the Political Reform Act:
http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/The%20Political%20Reform%20Act/2018_Act_Highlighted%20FINAL.pdf

4. CANDIDATE INTENTION STATEMENT (FPPC FORM 501)

Candidates are required to file Form 501 (Candidate Intention Statement) for each election, including reelection to the same office and must do so before you solicit or receive any contributions or before you make expenditures from personal funds on behalf of your candidacy.

5. FPPC FORM 470: CAMPAIGN SHORT FORM

Candidates who do not have an open committee and do not raise or spend $2,000 or more are required to file Form 470 on or before September 27, 2018.
III. OPTIONAL FILINGS
1. CANDIDATE STATEMENT

Each candidate may prepare a Candidate Statement (Elections code § 13307) which may include the candidate’s name and a brief description of education, experience, and other qualifications expressed by the candidate him/herself. The Statement is published in the Voter Information Guide (formerly the Voter’s Sample Ballot) sent to each registered voter household and is subject to Elections Code provisions and Orange County Registrar guidelines for publication.

The statement may be withdrawn, but not changed, during the period for filing Nomination Papers and until the next working day after the close of the nomination period. Elections Code § 13307)

• FORMAT AND CONTENT

A Candidate’s Statement must be typed. A Candidate’s Statement must not:

• contain any word printed in underline, italics, or bold

• contain any word printed in “ALL CAPS”

• include the candidate’s party affiliation nor activity or membership in any partisan political organizations

• include any reference to the qualifications, character, or activities of other candidates.

• exceed word limit as specified in the resolution adopted by the City Council

• use different type sizes

• Contain “bullets”

• ACCEPTABLE STYLES

Two paragraph styles are acceptable: blocked and indented.

Blocked

Xxxx xxx xxxxx xxxxx xxxxxxx xx xxxxx xxxx xxxxxx xxxxx xxxxxx xxxxx xxxxxxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx.

Xxxx xxx xxxxx xxxxx xxxxxxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx.
CONTENT OF STATEMENT (ELECTIONS CODE §13307, 13308)

In addition to the restrictions set forth in Section 13307, any Candidate’s Statement submitted pursuant to Section 13307 shall be limited to a recitation of the candidate’s own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate’s qualifications, character, or activities. The elections official shall not cause to be printed or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section. Elections Code §13308

WORD COUNT (ELECTIONS CODE §9)

A Candidate’s Statement shall not exceed word limit as specified in the resolution adopted by the City Council. All statements are printed in the Voter Information Guide (formerly the Voter’s Sample Ballot) with the following titles: CANDIDATES NAME AND TITLE OF OFFICE. These titles are not included in the word count – only the text of the statement is counted. If a candidate wishes to include age and/or occupation in the title section, the words used are not included in the word count. The “words” reflected in the “Occupation” field must follow the ballot designation guidelines included in your candidate packet. The Elections Code (Section 9) sets out the following standards for the counting of words:

- Title of office and candidate’s name are not counted
- Punctuation is not counted
- Each word shall be counted as one word except as specified in this section.
- All geographical names shall be counted as one word, e.g., “City of Santa Ana” is counted as one word.
- Each abbreviation for a word, phrase, or expression shall be counted as one word (e.g., SAUSD, UCI).
- Hyphenated words that appear in a generally available dictionary published in the
United States within ten calendar years preceding the election shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

- Dates combining words and digits shall be counted as two words (e.g., October 14, 2000). Dates consisting only of digits shall be counted as one word (e.g., 10/14/00).

- Any number consisting of a digit or digits shall be counted as one word (e.g., "100" is one word). Any number which is spelled shall be counted as a separate word or words (e.g., "One" is one word whereas "one hundred" is two words).

- Numeric combinations (1973, 18 ½, 1971-73, 5%) are counted as one word.

- Monetary amounts (if the dollar sign is used with figures - $10,000) are counted as one word.

- Telephone numbers and/or internet web site addresses shall be counted as one word.

The candidate must edit the statement to meet the limit, as approved by the City Council. The Clerk of the Council does not accept any statement that exceeds word limit. The candidate should correct misspellings before submitting the statement to the Clerk of the Council. The Clerk of the Council does not edit candidate statements.

- CONFIDENTIALITY (ELECTIONS CODE §13313)

A Candidate's Statement remains confidential until the filing deadline expires and becomes a record accessible to the public thereafter, pursuant to Elections Code § 13313.

- DEPOSIT / ESTIMATED COST

The City Council adopts a resolution authorizing the submittal of candidate statements and establishing an estimated amount. The fee is set to recover the costs of printing candidate statements in the Voter Information Guide (formerly the Voter's Sample Ballot) and posting online.

Candidates filing a statement must pay in advance the deposit as a condition of having his or her Statement included in the Voter Information Guide (formerly the Voter’s Sample Ballot).

Candidates will be billed for the balance of the final candidate statement costs exceeding the deposit. If the final cost is less than the deposit, the overpayment will be refunded to the candidates following the election.
- **WITHDRAWAL OF CANDIDATE STATEMENT (ELECTIONS CODE §13307.a.3)**

A Candidate 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 (Elections Code Section 13307).

Withdrawal must be made in writing and addressed to the Clerk of the Council by said deadline.

**Note:** Due to minority language provisions of the Federal Voting Rights Act, Orange County is now required to provide election materials in the Chinese (Mandarin), Korean, Vietnamese and Spanish languages in addition to English. The materials covered by this Act include Candidate Statements. Therefore, all estimated costs include translation and printing candidate statements into the Chinese (Mandarin), Korean, Vietnamese and Spanish languages. These materials will be provided to voters who have requested Chinese (Mandarin), Korean, Vietnamese or Spanish language election materials.

- **CAMPAIGN STATEMENT REFUND**

If a candidate receives a refund for a filing fee after his or her committee has already been terminated, the candidate is allowed to accept refunds from a governmental entity without reopening the committee and campaign bank account.

- **INDIGENT STATUS (ELECTIONS CODE §13309)**

Any candidate alleging to be indigent (Elections Code § 13309) and unable to pay the requisite fee in advance may submit a statement of financial worth to be used in determining whether or not he or she is eligible to submit a candidate statement without payment of the fee in advance. The statement of financial worth form shall be furnished by the Clerk of the Council, and may include questions relating to the candidate’s employer, income, real estate holdings, tangible personal property, and financial obligations. The candidate shall also sign a release form for the candidate’s most recent federal income tax report.

**2. CITY OF SANTA ANA’S CODE OF ETHICS AND CONDUCT**

On June 2, 2008, the City Council adopted Resolution No. 2008-039 establishing a code of ethics and conduct for City of Santa Ana elected officials and members of appointed boards, commissions, and committees. This code of ethics and conduct will be included in the packet of information a candidate receives when 501s are issued to him or her.
Candidates may submit a signed certification that they are aware of the provisions of the code and pledge that, if elected, they will apply the provisions of the code in the conduct of their duties. Submittal of this certification is strictly voluntary.

3. CODE OF FAIR CAMPAIGN PRACTICES

This optional document encourages ethical behavior by candidates running for public office. The Clerk of the Council is required by the Elections Code to provide candidates with a blank Code of Fair Campaign Practices form and a copy of the Elections Code sections pertaining to the Fair Campaign Practices Code. The intent of the legislature in approving this chapter in the Elections Code is to encourage every candidate for public office to subscribe to the Code of Fair Campaign Practices, and follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens may exercise their constitutional right to vote.

4. DISPLAY OF CAMPAIGN SIGNS AGREEMENTS

These optional documents, the City of Santa Ana Regulation of Temporary Signs and the Statement of Responsibility for Temporary Political Signs, encourage candidates to endorse, subscribe, and pledge to display campaign signs in accordance with provisions in the Santa Ana Municipal Code. Additionally, candidates are asked to voluntarily agree to ensure that all campaign signs are removed no later than 30 days following the election. Also, the State of California Department of Transportation has included a form with information on displaying signs on right-of-way and landscaped freeway areas. Candidate's signature on both forms is encouraged. The Statement of Responsibility for Temporary Political Signs is included in the packet. Please complete the form and mail to the Division of Traffic of Operations, Outdoor Advertising Program in Sacramento. You may contact them at (916) 654-6473 for any additional information or questions.

5. STATEMENT OF ORGANIZATION (FPPC FORM 410)

(Required only if receiving more than $2,000 in contributions)

Persons (including an officeholder or candidate), organizations, groups, or other entities that raise contributions from others totaling $2,000 or more in a calendar year to spend on California elections. They must register with the Secretary of State and report all receipts and expenditures. “Contributions” include monetary payments, loans and non-monetary goods and services received or made for a political purpose.

Candidates are required to file an FPPC 410: Statement of Organization within 10 days with the California Secretary of State, Political Reform Division, 1500 11th Street, Room 495, Sacramento, CA  95814; a copy of Form 410 must be filed with the Clerk of the Council. The name and contact information of the treasurer and principal officers, if any,
must be provided, in addition to any candidate controlling the committee. If the committee will have an assistant treasurer, his or her contact information must also be included.

A committee may request an identification number (aka PAC ID) even if $2,000 has not been yet raised. The "Not Yet Qualified" box should be marked and once the $2,000 threshold is met, an amendment must be filed within 10 days to report the date the committee qualified.

Once a committee has been established, regular reporting is due until the committee is terminated.
IV. CAMPAIGN FINANCE DISCLOSURE: FORMS AND ACTIVITIES
This section on campaign basics is organized according to campaign activities: soliciting contributions, reporting campaign expenditures, and other related election activities.

While nomination forms have clear-cut rules on what is required or optional, campaign forms are more situational. Some forms are needed only when candidates take certain actions. Certain forms are submitted once. Others are submitted on a continuing basis. In addition to being aware of campaign laws, candidates need to be familiar with the commonly used campaign reporting forms.

1. SOLICITING CAMPAIGN FUNDS

Candidates are advised to exercise caution anytime money is involved. Almost all State and City legislation regulating the conduct of campaigns relates directly or indirectly to funding. Candidates who will raise or spend $2,000 or more in a calendar year must:

- **STEP 1** - File FPPC Form 501 (Candidate Intention Statement) before soliciting or spending any funds, including the candidate’s personal funds, with the Santa Ana Clerk of the Council, 20 Civic Center Plaza, Room 809, Santa Ana, California, 92701.

- **STEP 2** - File FPPC Form 410 (Statement of Organization) within 10 days of receiving $2,000 in contributions, file a Statement of Organization (Form 410) with the California Secretary of State, Political Reform Division, 1500 11th Street, Room 495, Sacramento, CA 95814; a copy of Form 410 must be filed with the Clerk of the Council.

- **STEP 3** - Open/Establish a bank account after receiving PAC Id number from the Secretary of State.
  
  o If a candidate does not intend to raise funds from others, but will be spending $2,000 or more of his or her personal funds on their campaign (in addition to the filing fees and ballot statement fees), a candidate must open a bank account, even if they do not want to be reimbursed – may not commingle with personal funds.

- **Step 4** - Pay fee to register campaign committee
  
  o Campaign committees are required to pay a $50 fee to the Secretary of State within 15 days of filing for the Form 410. In addition, a $50 fee is required to be paid to the Secretary of State by January 15th of each year until the committee terminates.

Other regulations related to campaign committees include the following:

- A candidate for Mayor or Councilmember shall have no more than one campaign
committee and one campaign contribution account out of which all expenditures for the purpose of seeking such office shall be made (Santa Ana City Charter § 1207).

- A candidate may not use campaign funds to make independent expenditures to support or oppose other local candidates.

- The Secretary of State assigns an identification number to each committee. Candidates and committees must include their assigned identification numbers on all FPPC forms filed.

- No person who serves as the treasurer of a campaign committee which receives contributions for any candidate for Mayor or Councilmember shall be eligible for appointment to any board or commission (Charter Section 901.1)

- Pursuant to section 901.1 of the City’s Charter, if any member of an appointive board or commission shall become the treasurer of a campaign committee which receives contributions for any candidate for Mayor or Councilmember, his or her office shall become vacant and shall be so declared.

- A recipient committee may designate one assistant treasurer on the committee’s Statement of Organization (Form 410). The assistant treasurer will assume the duties and responsibilities of the treasurer if the treasurer is unavailable or vacates the office of treasurer.

The Secretary of State maintains the public record of committees. Inquiries regarding the status of a committee (active/terminated) should be directed to the Political Reform Division at (916) 653-6224, or the Secretary of State’s website at: www.sos.ca.gov.

**BANK ACCOUNT**

- A campaign bank account must be established at an office of a financial institution located in the State.

- A new bank account and committee must be established to run for a different office.

- A Statement of Organization (Form 410) must be filed with the Secretary of State; a copy of the Form 410 should be filed with the Clerk of the Council.

- All money to be used for campaign purposes, including the candidate’s personal funds must be deposited in the campaign bank account for the specific office prior to expenditure, excluding personal funds used to pay the fee for the statement of qualifications in the Voter Information Guide (formerly the Voter’s Sample Ballot).
• AUTHORIZED SOLICITORS (ELECTIONS CODE §20202-20203)

A person soliciting funds for any candidate or candidate controlled committee must have
the authorization of the candidate or committee before soliciting any funds.

A person who solicits funds without authorization from the candidate or committee, must
specifically state in any fund-raising communication such as radio, television, magazine,
newspaper, or any type of general public advertising that he/she is not authorized by the
candidate or committee, and that the candidate or committee is not responsible for
his/her actions.

Candidates should consult the State Elections Code for further detail.

• $1,000 CAMPAIGN CONTRIBUTION LIMIT (SANTA ANA CITY CHARTER § 1206)

Candidates for city office shall accept no more than $1,000 from any one person per
election cycle.

"Election cycle" is the period of time between the date of an election to the office of
Mayor or Councilmember and the date of the next election to the same office. The
election cycles run two years for the Mayor and four years for a Councilmember.

2. CAMPAIGN REPORTING

The Political Reform Act of 1974 is codified in Government Code sections 81000 through
91015.

The Act requires all candidates, office holders, and committees supporting or opposing
candidates or ballot measures to file campaign statements. The statements are designed
to inform voters about:

• who is contributing to candidate and/or committee

• how much is being contributed

• accrued expenses reported

Failure to file the appropriate statements and reports can result in substantive criminal, civil,
and/or administrative penalties.

Detailed information on campaign reporting requirements are contained in FPPC Campaign
SURPLUS FUNDS

If a candidate is not elected in the municipal election, the remaining balance of funds may be used to run again in the next local election, provided certain requirements are met. An unsuccessful candidate who intends to run for the same office in a future election must file a new Form 501 and an amended Form 410 before the funds become surplus. Remaining funds become surplus 90 days after an official leaves office (incumbents) or 90 days after the end of the post-election reporting period, whichever is later. The end of the post-election reporting is December 31st for elections held between July 1st and December 31st.

An unsuccessful candidate who plans to run for a different office must file a new Form 501, a new Form 410, and open a new campaign bank account and transfer the funds before the funds become surplus as described above.

3. DESCRIPTION OF CAMPAIGN FORMS

Below is a brief description of the campaign forms used by the Fair Political Practices Commission. Refer to the campaign manual for specific filing requirements.

FPPC FORM 501: Candidate Intention Statement - Notifies interested persons that an individual intends to raise money to run for a specific office. This form does not get a candidate’s name on the ballot.

FPPC FORM 410: Statement of Organization - This statement is required when a group or person has become a campaign committee. This is the document used by committees to obtain a campaign identification number and to terminate the committee.

FPPC FORM 460: Recipient Committee Campaign Statement - This is the campaign disclosure form used at various times by candidates and committees that raise/spend $2,000 or more.

FPPC FORM 470: Officeholder/Candidate Campaign Statement - 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, 2018. If later during the calendar year, a campaign committee must be opened, a Form 470 Supplement and a Form 410 must be filed.

FPPC FORM 496: Late Independent Expenditure - Used during the final 90 days before an election. The form advises voters when a committee has expended $1,000 or more.
supporting or opposing a candidate or measure and is done entirely independent of the candidate or measure.

**FPPC FORM 497: Late Contribution Report** - Used during the final 90 days before an election. The form is used by committees to report a contribution of $1,000 or more to a candidate or measure, and used by candidates to report when they have received a contribution of $1,000 or more.

The table below shows the campaign forms most commonly used by candidates for elected office. Column 1 is for individuals who plan to raise/spend less than $2,000 for election purposes and column 2 for those planning to raise/spend $2,000 or more.

<table>
<thead>
<tr>
<th>RAISE / SPEND LESS THAN $2,000</th>
<th>RAISE / SPEND $2,000 OR MORE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Getting Started</strong></td>
<td></td>
</tr>
<tr>
<td><strong>FPPC FORM 470:</strong> Officeholder and Candidate Campaign Statement – Short Form</td>
<td><strong>FPPC FORM 501:</strong> Candidate Intention Statement</td>
</tr>
<tr>
<td>*Original filed with Clerk of the Council Office</td>
<td>*Original filed with Clerk of the Council Office</td>
</tr>
<tr>
<td></td>
<td><strong>FPPC FORM 410:</strong> Statement of Organization for Recipient Committee</td>
</tr>
<tr>
<td></td>
<td>*Original filed with Secretary of State and copy with Clerk of the Council Office</td>
</tr>
</tbody>
</table>

| **Regular Filings**           |                               |
| **(Until Account Closed)**    |                               |
| **FPPC FORM 460:** Recipient Committee Campaign Statement; filed semi-annually or 4 times during Election Cycle | **FPPC FORM 496:** Late Independent Expenditures of $1,000 or more; filed during Election Cycle only |
| *E-filed or original filed with Clerk of the Council Office | *E-filed or original filed with Clerk of the Council Office |
|                               | **FPPC FORM 497:** Late Contributions of $1,000 or more; filed during Election Cycle |
**4. FILING SCHEDULE**

Candidate filing obligations are dictated by the amount of campaign money received or spent.

Candidates who expect to receive less than $2,000 in loans and/or contributions and who plan to spend less than $2,000 in election expenditures need to file Form 470: Officeholder / Candidate Campaign Statement - Short Form once – on or before the 1st Pre-election deadline. Candidates who file a Form 470 in connection with an election, and subsequently receive contributions totaling $2,000 or more, or make expenditures totaling $2,000 or more during the calendar year, are required to send written notification within 48 hours.

Personal funds used by a candidate to pay for a Candidate's Statement are excluded from the calculation of the $2,000 filing requirement.

A candidate for local office must file a Candidate Intention Statement (Form 501) prior to solicitation or receipt of any contribution, or expenditure of any personal funds used for the election. A separate Form 501 must be filed for each election, including re-election to the same office before December 31st following the election. The Form 501 is considered filed when it is placed in the mail. The date of postmark is the date filed.

Candidates raising or spending more than $2,000 must file two (2) pre-election campaign statements and one (1) post-election statement.

Additional filings are required if candidates or committees receive an aggregate amount of $2,000 or more, or make an independent expenditure of $1,000 the 90 days prior to an election. Such transactions must be reported—even if the money came from personal funds—to the Clerk of the Council Office within 24 hours of the transaction using FPPC Form 496: Late Independent Expenditure Report and FPPC Form 497: Late Contribution Report.

FPPC Forms 496 and 497 require that each report include a filer assigned “control” number.
so that filing officers and the public can distinguish among numerous duplicate filings that often occur during the rush of the late contribution period. Also, zip codes are now required when reporting street addresses on campaign disclosure statements.

Personal delivery, guaranteed overnight delivery, and facsimile (fax) are acceptable means of providing FPPC Forms 496 and 497. A faxed report must be followed by a mailed original if the report requires a signature. All FPPC reports require original signatures except FPPC Forms 496 and 497.

Election Cycle deadlines:

<table>
<thead>
<tr>
<th>FILING DEADLINE</th>
<th>TYPE OF STATEMENT</th>
<th>PERIOD COVERED</th>
<th>METHOD OF DELIVERY TO CLERK’S OFFICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/27/2018</td>
<td>1st Pre-Election, FPPC Form 460 or 470</td>
<td>07/01 to 09/22</td>
<td>• E-File</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Personal Delivery</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• 1st Class Mail</td>
</tr>
<tr>
<td>10/25/2018</td>
<td>2nd Pre-Election FPPC Form 460</td>
<td>09/23 to 10/20</td>
<td>• E-File</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Personal Delivery</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Guaranteed Overnight Service</td>
</tr>
<tr>
<td>24 Hours</td>
<td>Late Contribution, FPPC Form 497</td>
<td>08/08 to 11/06</td>
<td>• E-File</td>
</tr>
<tr>
<td></td>
<td>Late Independent Expenditure of $1,000 or more, FPPC Form 496</td>
<td>(90 days prior to election)</td>
<td>• Personal Delivery</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Telegram</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Guaranteed Overnight Service</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Fax</td>
</tr>
<tr>
<td>01/31/2019</td>
<td>Semi-Annual, FPPC Form 460</td>
<td>10/21 to 12/31</td>
<td>• E-File</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Personal Delivery</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• 1st Class Mail</td>
</tr>
</tbody>
</table>

** Campaign Committee forms may be filed electronically at [https://netfile.com/Filer/Authentication/LogIn?ReturnUrl=%2ffiler](https://netfile.com/Filer/Authentication/LogIn?ReturnUrl=%2ffiler). New committees are encouraged to contact the Clerk of the Council for user name and password. Instructions on how to set up an account are also included in this handbook.

Semi-annual and pre-election campaign statements of 30 pages or less may be faxed if the original statement is sent by first-class mail, guaranteed overnight delivery, or delivered personally within 24 hours of the filing deadline. Supplements, late contribution reports, and late independent expenditure reports are not required to be mailed if the reports are faxed because these reports do not require signatures.

Miscellaneous requirements related to campaign reports include:

- 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.

- The recipient of a late “in-kind” contribution must file a Late Contribution Report within 24 hours from the time the in-kind contribution is received.

Filing obligations can be ended by completing the termination section included on the FPPC Statement of Organization: Form 410 for committees that receive or spend $2,000 or more. The original form must be filed with the Secretary of State, and a copy furnished to the Clerk of the Council. There is no termination requirement for those that receive or spend less than $2,000.

5. FILING BASICS

This section summarizes the basic steps of filing campaign statements with FPPC. The description of the steps has been simplified for easy reference and understanding. Candidates and committees are advised to study the detailed explanations of these steps in the appropriate FPPC manuals.

- **Before soliciting, raising or spending money** file FPPC Form 501 (Candidate Intention Statement). Then open a campaign bank account. A statement of Organization (FPPC Form 410) must be filed within ten days of receiving $2,000 in contributions.

- **No personal use of campaign funds.** Use campaign funds only for political, governmental or legislative activities.

- **Using Personal Funds for Campaign Expenses.** All personal funds of the candidate must first be deposited in the campaign bank account except for candidate statement fee, if that is the only expense.

- **Mass mailings must disclose the name and address** of the candidate and/or committee in at least six point type on the outside of all documents. “Mass Mailings” means 200 pieces or more. The words “Paid for by” shall be immediately adjacent to the above or immediately adjacent to and in from of the committee name and address.

- **Emails** sent by the candidate’s committee are required to disclose a “paid for by” disclaimer.

- **Study FPPC Campaign Manual 2** provided by the Clerk of the Council or the FPPC. Ask about any local campaign restrictions.

- **Mark your calendar for due dates** for filing FPPC Forms 501, 410, 460, or 470. Check Manual 2 or ask the Clerk of the Council or the FPPC.

- **Maintain detailed records.** For example, on a contribution of $25 or more, record the giver's name, address, and keep a copy of the check.

- **Do not accept cash in the amount of $100 or more.** Never accept or spend $100 or more in cash; use checks for documentation.
• **Contributions from individuals.** A contribution of $100 or more must be returned to the contributor within 60 days if the contributor’s address, occupation, and employer information is not obtained.

• **Multiple contributions from one source?** Keep track of each check and report the aggregate amount.

• **Report late contributions if $1,000 or more** is received from one contributor during the 90 days before the election, disclose within 24 hours--even if the contribution is personal funds.

• **Itemize contributors for contributions of $100 or more.** You must show the contributor's name, address, occupation, and employer.

• **Report In-kind contributions** of goods or services at fair market value.

• **Disclose vendor names and amounts paid** for all campaign goods or services.

• **Disclose original loan sources.** List any loan, even a personal loan to a candidate and/or committee.

• **Learn more.** Attend a campaign disclosure workshop.

### 6. E-FILING INSTRUCTIONS

The City of Santa Ana now allows all Fair Political Practices Commission (FPPC) forms including the Statement of Economic Interest and campaign contribution forms be to be filed electronically.

Filers may create statements using the City’s provider, **NetFile**, a user friendly web-based data entry filing system that allows candidates and committees to electronically submit statements. The system is helpful in that it can help track contributions and expenses.

The minimum system requirements and required software are as follows:

- Any computer with Internet access.
- Web browser software such as Internet Explorer (8+), Mozilla Firefox (4+), etc. with JavaScript enabled.
- A compression utility such as WinZip or StuffIt Expander. (Windows XP and newer operating systems can open zip files without this software.)
- PDF reader such as Adobe Reader or Foxit Reader.

To access the system, log-on to [https://netfile.com/Filer/Authentication/LogIn?ReturnUrl=%2ffiler](https://netfile.com/Filer/Authentication/LogIn?ReturnUrl=%2ffiler).

The individual who will be entering transactions into the committee’s account and e-filing statements needs to create a NetFile User by clicking the "Create a New NetFile User" link. This opens the Create a New NetFile User page. Follow the on-screen instructions. There is a short video that explains the entire process located in the How-To Videos section on the log-in page.
Once the individual has created their NetFile User, they must then link their NetFile User Account to the committee account. Log in and then click the "Link Local Campaign Filer Account" link. Enter the Committee Name as found on your FPPC Form 410. Select the Committee Type and then enter the Filer ID: XXXX and Filer Password: XXXX

For full instructions on creating a NetFile User and linking to the committee, see the document on the NetFile User Log-In page "How to Create a NetFile User and Link a Campaign Filer Account."

For questions, consult the user's guide available in the Help & Support menu or view the page help by clicking the "Open Page Help" button available on every page in the system after your successful login, or contact the City of Santa Ana Clerk of the Council Office.

7. SUMMARY OF CAMPAIGN CONTRIBUTION LIMITS AND PROVISIONS FOR VOTING DISQUALIFICATION
(In the Santa Ana Charter and Municipal Code)

- CHARTER PROVISIONS

Sec. 425. - Disqualification due to campaign contributions.
A Councilmember shall not participate in, nor use his or her official position to influence, a decision of the City Council if it is reasonably foreseeable that the decision will have a material financial effect, apart from its effect on the public generally or a significant portion thereof, on a recent major campaign contributor. As used herein, "recent major campaign contributor" means a person who has made campaign contributions totaling two hundred fifty dollars ($250.00) or more to the Councilmember or to any campaign committee controlled by the Councilmember in the twelve-month period immediately preceding the date of the decision. The Mayor is a Councilmember for purposes of this section. (Ordinance No. NS-2170, § 1, 7-20-92, approved at election 11-3-92)

Sec. 1206. - Campaign contribution limitation.
No person shall make, and no candidate for Mayor or City Council or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate, including contributions or loans to all committees controlled by that candidate, to exceed one thousand dollars ($1,000.00) in any election cycle; provided, however, that the City Council may, by ordinance, adjust such limit to reflect changes in the consumer price index; and provided further that nothing herein shall apply to a candidate's contribution of his or her personal funds to his or her own campaign contribution account. As used herein, "election cycle" means the period of time between the date of an election to the office of Mayor or Councilmember and the date of the next election to the same office. (Ordinance No. NS-2170, § 3, 7-20-92, approved at election 11-3-92)
Sec. 1207. - Campaign committees and bank accounts.
A candidate for the office of Mayor or City Council shall have no more than one campaign committee and one campaign contribution account out of which all expenditures for the purpose of seeking such office shall be made. The campaign contribution account shall be established and maintained as set forth in Section 85201 of the Government Code. (Ordinance No. NS-2170, § 3, 7-20-92, approved at election 11-3-92)

Sec. 1208. - Enforcement.
(a) Any person who knowingly or willfully violates sections 1206 or 1207 of this charter is guilty of a misdemeanor.
(b) Any resident of the City may bring an action, at a time during an election period or thereafter, in a court of competent jurisdiction to enjoin actual or threatened violations of, or to compel compliance with, or to obtain a judicial declaration regarding compliance with, section 1206 or 1207.
(c) The City Attorney may maintain, in the name of the City, or a resident of the City may maintain, in his or her own name, a civil action to recover from a candidate or a committee controlled by a candidate any contributions received by such candidate or committee in excess of the contribution limitations established by section 1206. Any money recovered in any such action shall be deposited in the City's general fund. (Ordinance No. NS-2170, § 3, 7-20-92, approved at election 11-3-92)

• MUNICIPAL CODE PROVISION

Sec. 2-107. - Prohibited campaign contributions.
No Councilmember or any campaign committee controlled by the Councilmember shall solicit or accept any campaign contribution or loan of two hundred fifty dollars ($250.00) or more from any person for a period of three (3) months following the date a final decision is rendered in any proceeding before the council involving a license, permit, or other entitlement, if the Councilmember knows or has reason to know that the person had a financial interest in the proceeding. Financial interest, for purposes of this section, shall have the meaning it is defined to have in Title 9 of the California Government Code (the Political Reform Act). The Mayor is a Councilmember for purposes of this section. (Ordinance No. NS-2304, § 1, 11-18-96)

• NON-CITY COUNCIL COMMITTEE

The City’s disqualification for campaign contributions do not apply when the Mayor or City Councilmember receives contributions in connection with seeking a county or state office.

The Political Reform Act, Government Code section 81000 et seq., (“Act”) expressly permits local agencies to enact local regulations concerning campaign financing. Specifically, a local agency may impose “additional requirements on any person if the requirements do not prevent the person from complying with [the Political Reform provisions of the Government Code].” (Gov. Code, § 81013.) The only limitation on local campaign financing regulations under the Act is that limitations can only apply to
candidates seeking election in the jurisdiction of the local agency, the candidates’
controlled committees and general purpose committees active only in that local agency.
(Gov. Code, § 81009.5(b).)

Thus, the City cannot adopt campaign-related regulations that apply outside of the City’s
jurisdiction. Therefore, the restrictions contained in the City Charter and the Municipal
Code do not apply when Mayor or City Councilmember receives contributions for a
county or state office.
V. MISCELLANEOUS INFORMATION
## 1. ELECTION CALENDAR AND DEADLINES

<table>
<thead>
<tr>
<th>DATE</th>
<th>DAYS TO “E”</th>
<th>DESCRIPTION</th>
</tr>
</thead>
</table>
| 16-Jul to 10-Aug    | 113 to 88   | • Nomination Period  
Also referred to as Candidate Filing Period: Mayor and City Council candidates (Wards 2, 4 and 6)                                          |
| 1-Aug               |             | • Deadline to file Semi-Annual Campaign Contribution Statement for period 01/01 - 06/30                                                    |
| 12-Aug to 6-Nov     | 90 to E     | • NEW REQUIREMENT - Contribution and Independent Expenditures of $1,000 or more must be filed within 24 hours after receipt during 90 days prior to an election (FPPC Forms 496 and 497) |
| 10-Aug              | 88          | • 5:00 p.m. deadline to file:  
- Nomination Papers  
- Statement of Economic Interest/Conflict of Interest Statement (FPPC Form 700)  
- Ballot Designation Worksheet  
- Candidate Statements (optional)  
- Code of Fair Campaign Practices form and Political Sign Agreement (optional)  
- Include Ballot Measures on the Election Ballot |
| 13-Aug              | 81          | • Deadline to withdraw Candidate Statement                                                                                                 |
| 10-Aug to 15-Aug    | 87 to 83    | • Extended filing Period if qualified incumbent does not file  
(Extended Filing Period)  
• Cancel Election, if insufficient number of candidates file |
<p>| 10-Aug to 20-Aug    | 87 to 78    | • 10-Day Public Review Period - Election materials available for public examination                                                           |
| 16-Aug              | 82          | • Secretary of State random alphabet drawing                                                                                                 |
| 18-Aug              |             | • Publication of list of nominees in newspapers (English, Spanish, Vietnamese, Korean and Chinese)                                               |</p>
<table>
<thead>
<tr>
<th>DATE</th>
<th>DAYS TO “E”</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-Aug To 27-Aug</td>
<td></td>
<td>• 10-Day Public Review Period - Election materials available for public examination for Extended Filings Only</td>
</tr>
<tr>
<td>10-Sep To 23-Oct</td>
<td>57 to 14</td>
<td>• Period for Write-In Candidates to file</td>
</tr>
<tr>
<td>27-Sep</td>
<td></td>
<td>• Deadline to file 1st pre-election Campaign Contribution Statement for candidates and committees for the period ending September 22, 2018 (E-45). Candidate controlled committees and primarily formed candidate and measure committees appearing on the ballot must file this statement.</td>
</tr>
<tr>
<td>8-Oct To 30-Oct</td>
<td>29 to 7</td>
<td>• Request Vote-by-Mail ballots</td>
</tr>
<tr>
<td>22-Oct</td>
<td>15</td>
<td>• Last day to Register to Vote</td>
</tr>
<tr>
<td>23-Oct To 30-Oct</td>
<td>14 to 7</td>
<td>• New Citizen Voter Registration Period – any person who becomes a citizen after the 15th day period to the election may register to vote beginning on the 14th day prior to an election and ending on the 7th day prior to Election Day</td>
</tr>
<tr>
<td>25-Oct</td>
<td>12</td>
<td>• Deadline to file 2nd pre-election Campaign Contribution Statement for candidates and committees for the period ending October 20, 2018 (E-17). Candidate controlled committees and primarily formed candidate and measure committees appearing on the ballot must file this statement by guaranteed overnight mail or personal delivery.</td>
</tr>
<tr>
<td>6-Nov</td>
<td>E</td>
<td>• ELECTION DAY – Polls open 7 a.m. to 8 p.m.</td>
</tr>
<tr>
<td>11-Dec</td>
<td></td>
<td>• Special City Council Meeting to approve Election Results and Administer Oaths of Office</td>
</tr>
<tr>
<td>11-Jan</td>
<td></td>
<td>• Filing deadline for Statement of Economic Interest (FPPC Form 700) for assuming or leaving officers</td>
</tr>
<tr>
<td>DATE</td>
<td>DAYS TO “E”</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>--------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>31-Jan</td>
<td></td>
<td>• Deadline to file Campaign Contribution Statement for period 7/1 to 12/31 -or- 10/23 to 12/31 (this reporting period applies to 2016 Election Candidates)</td>
</tr>
</tbody>
</table>

** Campaign Committee forms may be filed electronically at [https://netfile.com/Filer/Authentication/LogIn?ReturnUrl=%2ffiler](https://netfile.com/Filer/Authentication/LogIn?ReturnUrl=%2ffiler). New committees are encouraged to contact the Clerk of the Council for user name and password. Instructions on how to set up an account are also included in this handbook.
2. REGULAR BUSINESS HOURS

CLERK OF THE COUNCIL OFFICE
MONDAY THRU THURSDAY
AND ALTERNATE FRIDAYS
8:00 A.M. TO 5:00 P.M.

City Hall closed on the following days in 2018:

July 13 – City Hall Closed
July 27 – City Hall Closed
August 10 – City Hall Closed ***
(Staff Will be Available)
August 24 – City Hall Closed
September 3- Labor Day
September 7 – City Hall Closed
September 21 – City Hall Closed
October 5 – City Hall Closed
October 19 – City Hall Closed
November 2 – City Hall Closed
November 12 – Veteran’s Day
November 16 – City Hall Closed
November 22 – Thanksgiving Day
November 23– Day after Thanksgiving
December 7 – City Hall Closed
December 21 – City Hall Closed
December 24 and 25 – In observance of Christmas Holiday
3. CITY WARDS MAP

City of Santa Ana
Council Wards
Adopted January 17, 2012
4. USE OF CITY SEAL AND LOGO

Use of City Seal

City of Santa Ana Municipal Code
Sec. 2-211. Same--Use in election campaign prohibited.

No person shall use the city emblem, or any facsimile thereof, for purposes of supporting or opposing the nomination or election to any city or other public office of himself or any other person, or for purposes of supporting or opposing any ballot measure, nor include such city emblem on any writing distributed for purposes of influencing the action of the electorate, or any part thereof, in any election. This section shall not be applicable to writings issued by the City of Santa Ana pursuant to law. (Ord. No. NS-1252, § 1, 3-10-75)

Use of City Logo

City of Santa Ana Resolution No. 2006-012 – City Logo for Official Use Only

Section 3. The City Manager is authorized and directed to apply the 2006 Logo to such City documents, publications, brochures and communications (electronic and physical), and on signs, vehicles and buildings, as he or she may deem advisable from time to time. Use of the 2006 Logo shall be in addition to, or in the place of, use and display of the City Emblem as the City Manager may deem appropriate, unless otherwise directed by the City Council or as provided in the City Charter or Municipal Code. The City Manager is also authorized and directed to use any of the City mottos in conjunction with the 2006 Logo as he or she may deem appropriate from time to time.

5. WRITE-IN CANDIDATE

Any individual who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office, may file a statement of write-in candidacy and other appropriate nomination documents in the Clerk of the Council Office, Room 809, City Hall, 20 Civic Center Plaza from September 10, 2018 through October 23, 2018.

Nomination documents that must be submitted to qualify as a write-in candidate are same as regular candidates and described herein.

All nomination documents must be filed with the Clerk of the Council no later than 5:00 p.m. on October 23, 2018.
6. CAMPAIGN ACTIVITIES

This section discusses some of the most frequently asked questions about campaign activities and provides information by topic.

- **MASS MAILING AND CAMPAIGN LITERATURE**

"Mass mailing" means over 200 substantially similar pieces of mail sent in a single calendar month.

**Certain Government-Funded Mailings Prohibited 60 Days Before an Election**

Two changes were made to the California Political Reform Act when Gov. Jerry Brown signed SB 45. The first is a technical amendment that codifies the FPPC regulations directly into the Act. More importantly, however, SB 45 will prohibit sending certain otherwise permissible “mass mailings” within the 60 days preceding an election by, or on behalf of, a candidate who will appear on the upcoming ballot.

The Act states that “[N]o newsletter or other mass mailing shall be sent at public expense.” FPPC regulations specify which documents fall within this prohibition. FPPC Regulation 18901 currently defines a prohibited “mass mailing” as:

- Tangible, such as a newsletter or brochure (but not e-communications),
- Features an elected officer (e.g., a photo, signature or other manner singling out the officer),
- Costs of design, production, printing and/or distribution exceed $50 of public funds, and
- More than 200 substantially similar items sent in a calendar month, excluding responses to unsolicited requests.

Regulation 18901 also identifies certain “mass mailings” that may still be sent at public expense, notwithstanding the general prohibition above. These include:

- The “letterhead” exception: Any item where the elected official’s name appears only in the letterhead/logotype of the item and the official's name is not featured separately from other elected officials (names in same type size, face, color and location – no photos or signatures).
- The “meeting/event announcement” exceptions:
  - An announcement to an officer’s constituents of a public meeting directly related to his or her incumbent duties, which is held by the officer and which he or she plans to attend,
  - An announcement of an official agency event where the agency provides its facilities or other financial support (no photos, signatures or more than one mention of the officer’s name).

Other exceptions include:
• Press releases and public agenda items,
• Intra- and inter-agency communications, phone directories and organization charts/rosters and
• Legal and regulatory notices, tax bills, checks and similar documents.

Those documents falling within the “letterhead” and “meeting/event announcement” exceptions are covered by this 60-day moratorium — meaning they now cannot be sent. Otherwise permissible “mass mailings” which are either sent by or on behalf of an officer not on the upcoming ballot or fall under any other exceptions, may still be sent during the 60-day pre-election period at public expense.

The Clerk of the Council is required by the Elections Code to provide each candidate with a copy of Government Code § 84305 which sets forth the requirements for mass mailing and is attached in this packet under Informational Material.

• CAMPAIGN / POLITICAL SIGNS (AKA TEMPORARY SIGNS)

Candidates may post their political signs on private property with the property owner’s written permission.

Posting political signs on public property or public right-of-way is prohibited. Any illegally posted temporary sign constitutes a public nuisance, and may be abated as such by any authorized city employee. The Public Works Agency currently removes all illegal temporary signs posted on public property.

✓ CITY REGULATIONS

It is expected that candidates for City Council will want to use campaign signs to promote their candidacy. The City of Santa Ana asks that each candidate keep in mind the best interests of the community through compliance with the following excerpts from the Santa Ana Municipal Code for placing temporary signs, including campaign signs. The City's desire is to maintain an aesthetically pleasing appearance, while providing sufficient opportunity for each of you to make the voters aware of your candidacy.

The City of Santa Ana has the following regulations for temporary signs:

Signs Posted on Public Property without Permission
1. No temporary sign may be posted on public property in the City of Santa Ana.
   "Santa Ana Municipal Code Section § 10-27. Advertising on public property prohibited. No person except a public officer or employee in performance of a public duty shall paint, paste, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster, advertisement or notice of any kind on any curbstone, lamppost, pole, hydrant, bridge, wall or tree upon any public street or other public place, except as may be required or permitted by law."
2. **Any illegally posted temporary sign constitutes a public nuisance.**

   "Santa Ana Municipal Code Section § 17-81. Status of an illegal temporary sign as a public nuisance. An illegal temporary sign is a public nuisance and may be abated as such by any authorized city employee in accordance with this article."

3. **The Public Works Agency currently removes all illegal temporary signs posted on public property.**

   "Santa Ana Municipal Code Section § 17-82. Removal of illegal temporary signs. An authorized city employee may remove an illegal temporary sign from any public street or from any city-owned property."

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**Signs Posted on Private Property without Permission**

Community Preservation Officers can undertake enforcement of existing Santa Ana Municipal Code sections which make posting temporary signs on private property illegal and a public nuisance without the written consent of the owner or property manager.

"Santa Ana Municipal Code Section § 41-860(b). No person, except a public officer or employee in the performance of a public duty or a private person in giving a legal notice, shall paste, post, paint, nail or tack or otherwise fasten any card, banner, handbill, sign, poster, advertisement or notice of any kind upon any property without the written consent of the owner, holder, lessee, agent or trustee thereof."

"Santa Ana Municipal Code Section § 41-897. Nuisance Abatement. Any sign installed, altered or maintained in violation of any provision of this article constitutes a public nuisance and is subject to abatement pursuant to Chapter 17 of this Code."

**Santa Ana Municipal Code §16-3 - Throwing Handbills**

No person shall deposit, place, throw, scatter or cast any handbill, dodger, circular, booklet, paper, or other printed matter or advertising in the yard or grounds of any building, or on any porch, doorstep, vestibule, or in any public hallway of any building when said building is not in the possession or under the control of the person so doing, or in any public street or place, or upon any **vacant** real property in the city.

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**✓ CITATIONS & ENFORCEMENT**

The following information outlines the procedure for issuing citations for illegal temporary signs on public right-of-way. Santa Ana Municipal Code Sections 10-26 and 10-27 shall be referenced when issuing citations and states the following:
- **Section 10-26. Defacing public property:** No person shall advertise upon, paint, color or deface in any manner any public highway, street, pavement or other public place within the city.

- **Section 10-27. Advertising on public property prohibited:** No person except a public officer or employee in performance of a public duty shall paint, paste, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster, advertisement or notice of any kind on any curbstone, lamppost, pole, hydrant, bridge, wall or tree upon any public street or other public place, except as may be required or permitted by law. (Ord. No. NS-2080, § 6, 9-17-90)

**CITATION PROCESS**

1) **Warning Letter (First Occurrence):** One certified and regular mail warning letter shall be mailed to each violator. Warning letter shall be mailed to property owner of the business on the first occurrence and warning letter shall be valid for one year or from one year of last citation issued. If there is more than one year between violations, then the citation procedure should restart and a warning letter would be reissued.

2) **Second Occurrence:** One $100.00 Citation shall be issued per location for offences occurring 48 hours after warning letter has been mailed to violator. One citation shall be issued per violator, per location and shall include a photo template attachment depicting all signs at the location. One specific code section shall be cited for each violation.

3) **Third Occurrence:** One $200.00 Citation per location shall be issued 24 hours after $100 citation.

4) **Fourth Occurrence and Thereafter:** One $500.00 Citation per location shall be issued 24 hours after $200 citation and for every violation thereafter.

**Note:** Authorized pursuant to Ordinance No. NS-2845 and Resolution No. 2013-028

- **CANDIDATE USE OF PERSONAL FUNDS**

Political Reform Act § 82025 provides that a candidate’s use of his/her personal funds to pay fees for a declaration of candidacy and/or ballot statement is not considered a contribution or expenditure to his/her candidate committee.
• INVESTIGATION OF CAMPAIGN VIOLATIONS

On occasion, the City may receive allegations of campaign violations. These allegations are typically written complaints, which are referred to the proper authorities for investigation.

• ELECTIONEERING

Electioneering is defined as the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot.

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 or an elections official’s office:

(a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
(b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
(c) Place a sign relating to voters’ qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
(d) Do any electioneering. As used in this section, “100 feet of a polling place or an elections official’s office” means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots. (The blue “POLLING PLACE 100” signs which are posted outside, indicate the 100 foot boundary for electioneering.)

Any person who violates any of the provisions of this section is guilty of a misdemeanor. § 18370

7. ELECTION NIGHT RESULTS

Orange County uses a central location for tallying votes, in the Registrar of Voters’ Tally Center, 1300 S. Grand Ave., Building C, Santa Ana. The vote counting procedure is open to the public. Unofficial results are available throughout Election Night, beginning at approximately 8:05 p.m. and continuing until all precinct ballots have been tallied. Results may also be obtained by calling the Registrar of Voters’ office at (714) 567-7600 or by visiting their website at http://www.ocvote.com/.
8. CONTACT INFORMATION

CITY OF SANTA ANA

CLERK OF THE COUNCIL
Maria D. Huizar
20 Civic Center Plaza, 8th Floor
Post Office Box 1988 M-30
Santa Ana, California 92702
PHONE: (714) 647-5235
FAX: (714) 647-6956
E-MAIL: mhuizar@santa-ana.org

ORANGE COUNTY REGISTRAR OF VOTERS
1300-C South Grand Avenue
Post Office Box 145467
Santa Ana, California 92735
Phone: (714) 567-7600
FAX (714) 567-7556
WEBSITE www.ocvote.com
ABSENT VOTER DIVISION (714) 567-7560
CAMPAIGN DISCLOSURE DIVISION (714) 567-7558
CAMPAIGN MATERIALS DIVISION (714) 567-7561
(Voter List, Street Index, Information on CD) (714) 567-7615
VOTER REGISTRATION DIVISION (714) 567-7563

OFFICE OF THE SECRETARY OF STATE
Post Office Box 1467 (95812-1467)
1500 11th Street, Room 495
Sacramento, California 95814
ELECTIONS DIVISION (916) 657-2166
FAX (916) 653-3214
WEBSITE www.sos.ca.gov
POLITICAL REFORM DIVISION (916) 653-6224
FAX (916) 653-5045

FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street, Suite 3000
Sacramento, CA 95811
Phone: Toll Free 1-866-ASK-FPPC
TECHNICAL ASSISTANCE DIVISION (Mon -Thurs, 9 a.m. – 11:30 a.m.) (866) 275-3772;
Email advice@fppc.ca.gov
FAX (916) 322-0886
WEBSITE www.fppc.ca.gov
ENFORCEMENT DIVISION (866) 275-3772
9. CANDIDATE / TREASURER SEMINARS

FPPC offers a variety of training opportunities designed to address the duties and needs of specific individuals. Visit: [http://www.fppc.ca.gov/learn/training-and-outreach.html](http://www.fppc.ca.gov/learn/training-and-outreach.html) to obtain more information on scheduled training events.

Are you ...
- A Candidate, Treasurer or Committee?
- A Filing Officer?
- Reviewing a Conflict of Interest Code?
- A Form 700 Filer?
- A Lobbyist?
- A Public Official looking for ethics training?

Types of Training
✓ Local Candidate & Treasurer Campaign Workshop
  Presented by the Fair Political Practices Commission (FPPC)

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 22</td>
<td>10 am - 12 pm</td>
<td>Anaheim City Hall</td>
<td><a href="mailto:jraymundo@anaheim.net">jraymundo@anaheim.net</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>200 S. Anaheim Blvd.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Anaheim, CA 92805</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>RSVP: Jesse Raymundo</td>
<td></td>
</tr>
<tr>
<td>August 22</td>
<td>6 - 8 pm</td>
<td>Santa Monica City Council Chambers</td>
<td><a href="mailto:leah.kellen@smgov.net">leah.kellen@smgov.net</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1685 Main Street</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Santa Monica, CA 90401</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>RSVP: Leah Kellen</td>
<td></td>
</tr>
<tr>
<td>August 23</td>
<td>6:15-7 pm</td>
<td>Getting Started AND 7-9 pm</td>
<td><a href="mailto:sdcmpdoc@sdcounty.ca.gov">sdcmpdoc@sdcounty.ca.gov</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reporting, Advertising and After the Election</td>
<td>San Diego County Registrar of Voters</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5520 Overland Ave, Hearing Chamber</td>
<td>San Diego, CA 92113</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RSVP: <a href="mailto:sdcmpdoc@sdcounty.ca.gov">sdcmpdoc@sdcounty.ca.gov</a></td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>7 - 9 pm</td>
<td>Orange County Registrar of Voters</td>
<td><a href="mailto:christina.avila@rov.ocgov.com">christina.avila@rov.ocgov.com</a> or</td>
</tr>
<tr>
<td>19</td>
<td></td>
<td>1300 S. Grand Avenue, Building C</td>
<td>714.567.7558</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Santa Ana, CA 92705</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>RSVP: Christina Avila</td>
<td></td>
</tr>
</tbody>
</table>

✓ Webinars & Videos
The FPPC Webinars are shorter versions of the workshops that you can watch from the convenience of your desk at the specified time and date. Each webinar generally lasts 45 minutes. The key feature of the webinar is its interactive element -- you can email questions and receive private answers from the webinar assistant any time during the presentation. Registration required. Local Candidate & Treasurer videos are posted on YouTube; runs approximately 30 minutes and has printable slides to use for notes.

✓ Workshops at Your Location
Upon request, FPPC staff coordinates a limited number of in-person workshops every year at agencies around the state. These workshops are customized to your agency’s needs and generally last 2 hours.
10. BALLOT DESIGNATION
SECRETARY OF STATE CHAPTER 7 REGULATIONS

- **20710.** General Provisions.
- **20711** Ballot Designation Worksheet.
- **20712** Proposed Ballot Designations Submitted Pursuant to Elections Code Section 13107, Subdivision (a)(1).
- **20713** Proposed Ballot Designations Submitted Pursuant to Elections Code Section 13107, Subdivision (a)(2).
- **20714** Proposed Ballot Designations Submitted Pursuant to Elections Code Section 13107, Subdivision (a)(3).
  - **20714.5** "Community Volunteer."
- **20715** Proposed Ballot Designations Submitted Pursuant to Elections Code Section 13107, Subdivision (a)(4).
- **20716** Unacceptable Ballot Designations.
- **20717** Requests for Supporting Documentation.
- **20718** Communication of Decisions Regarding Ballot Designations.
- **20719** Service of Legal Process Regarding Ballot Designations.

**20710.** General Provisions.

1. The regulatory purpose of this Chapter is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.

2. The Secretary of State shall, at all times, apply and interpret the provisions of Elections Code Section 13107 and the regulations included in this Chapter in a manner consistent with the regulatory purpose of this Chapter.

3. Candidates are not required to use a ballot designation pursuant to Elections Code Section 13107, subdivision (a), and may opt to leave the space for such a designation on the ballot blank. In order to notify the elections official as to whether he or she will use a ballot designation or will opt to leave the ballot designation space blank, the candidate must initial the appropriate box on the Declaration of Candidacy or otherwise so indicate on the Declaration of Candidacy.

4. Pursuant to Elections Code section 13107, subdivision (a), a candidate may submit a proposed ballot designation pursuant to any one of the four provisions specified in Elections Code Section 13107, subdivision (a), subparts (1) through (4), applicable to that candidate. The candidate shall be free to select from which of the applicable four subparts he or she is submitting his or her proposed ballot designation.

5. The regulations set forth in this Chapter shall apply only to elections held for offices for which elections returns are certified by the Secretary of State of the State of California.

6. Whenever, the word "should" is used in this Chapter, it is recommended, not mandatory.

20711. Ballot Designation Worksheet.
1. In order to facilitate review of a candidate's proposed ballot designation by the Secretary of State pursuant to Elections Code Section 13107, the candidate shall submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.

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

3. The Secretary of State shall provide a master copy or copies of the Ballot Designation Worksheet to all elections officials responsible for providing and accepting the nomination documents for candidates in elections for offices certified by the Secretary of State. The Ballot Designation Worksheet shall request that the candidate proposing the ballot designation provide the following information:
   1. The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;
   2. A designation of the office for which the candidate is seeking election;
   3. The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
   4. The proposed ballot designation submitted by the candidate;
   5. The candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;
   6. A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:
      1. If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code Section 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;
      2. If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code Section 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently holds and may attach either
(A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;

3. If the candidate submits a ballot designation pursuant to Elections Code Section 13107, subdivision (a)(3), the candidate shall indicate:
   1. The title of the position or positions which he or she claims supports the proposed ballot designation;
   2. The dates during which the candidate held such position;
   3. A description of the work he or she performs in the position;
   4. The name of the candidate's business or employer;
   5. The name and telephone number of a person or persons who could verify such information; and
   6. A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at Section 20714, subdivision (b).

4. If the candidate submits a ballot designation pursuant to Elections Code Section 13107, subdivision (a)(4), the candidate shall indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.

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

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


HISTORY
1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).
2. Amendment of subsections (a), (c)(5), (c)(6)(A)-(C) and (c)(6)(D), new subsection (e) and amendment of Note filed 12-21-2009; operative 12-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 52).
Proposed ballot designations submitted pursuant to Elections Code Section 13107, subdivision (a)(1), shall be subject to the following provisions:

1. In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.
2. In the case of judicial officers, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.
3. There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code Section 13107, subdivision (a)(1).
4. Proposed ballot designations indicating a position of legislative leadership or leadership in another elected body, such as "Majority Leader of the California Senate," "Minority Leader of the California State Assembly," "Speaker of the California State Assembly," "President Pro Tempore of the California State Senate," "City of Orange Mayor Pro Tem," and the like, are not elective offices described in Elections Code Section 13107, subdivision (a)(1). Such ballot designations are improper, pursuant to Elections Code Section 13107, subdivision (a)(1). They may, however, subject to the three-word limit, be considered under the provisions of Section 13107(a)(3). Examples of acceptable ballot designations under this section include, but are not limited to, "Assembly Minority Leader," "California Assembly Speaker," and "Mayor Pro Tem."
5. Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective county or state offices as specified in Elections Code Section 13107, subdivision (a)(1).


HISTORY
1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

20713. Proposed Ballot Designations Submitted Pursuant to Elections Code Section 13107, Subdivision (a)(2).

Proposed ballot designations submitted pursuant to Elections Code section 13107, subdivision (a)(2), shall be subject to the following provisions:

1. A proposed ballot designation submitted pursuant to Elections Code Section 13107, subdivision (a)(2), is limited "incumbent," as that term is defined in Elections Code section 13107, subdivision (a)(2).
2. The term "incumbent" must be used as a noun. It shall not be used in conjunction with any other words, including any accompanying adjectives or modifiers, and must stand alone. A candidate qualified to use this designation pursuant to
Elections Code Section 13107, subdivision (a)(2), shall be entitled to use the ballot designation "Incumbent."

3. The word "incumbent" is strictly limited for use in ballot designations submitted pursuant to Elections Code Section 13107, subdivision (a)(2), and may not be used as an adjective in any other ballot designation.


HISTORY
1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).


Proposed ballot designations submitted pursuant to Elections Code Section 13107, subdivision (a)(3), shall be subject to the following provisions:

1. The terms "profession," "vocation," or "occupation," as those terms are used in Elections Code Section 13107, subdivision (a)(3), are defined as follows:
   1. "Profession" means a field of employment requiring special education or skill and requiring knowledge of a particular discipline. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a "profession," as defined in Elections Code Section 13107, subdivision (a)(3), include, but are not limited to, "attorney," "physician," "accountant," "architect," and "teacher."
   2. "Vocation" means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a "vocation," as defined in Elections Code Section 13107, subdivision (a)(3), include, but are not limited to, "minister," "priest," "mother," "father," "homemaker," "dependent care provider," "carpenter," "plumber," "electrician," and "cabinetmaker."
   3. "Occupation" means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an "occupation," as defined in Elections Code Section 13107, subdivision (a)(3), include, but are not limited to, "rancher," "restaurateur," "retail salesperson," "manual laborer," "construction worker," "computer manufacturing executive," "military pilot," "secretary," and "police officer."
   2. "Principal," as that term is used in Elections Code Section 13107, subdivision (a)(3), means a substantial involvement of time and effort such that the activity is
one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term "principal" precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.

1. If a candidate is licensed by the State of California to engage in a profession, vocation or occupation, the candidate is entitled to consider it one of his or her "principal" professions, vocations or occupations if the candidate has maintained his or her license current as of the date he or she filed his or nomination documents by complying with all applicable requirements of the respective licensure, including the payment of all applicable license fees and the status of the candidate's license is active at the time he or she filed his or her nomination documents.

2. A candidate who holds a professional, vocational or occupational license issued by the State of California may not claim such profession, vocation or occupation as one of his or her "principal" professions, vocations or occupations if the candidate’s licensure status is "inactive" at the time the candidate files his or her nomination document, or the candidate’s license has been suspended or revoked by the agency issuing the license at the time the candidate files his or her nomination documents.

3. In order for a ballot designation submitted pursuant to Elections Code Section 13107, subdivision (a)(3), to be deemed acceptable by the Secretary of State, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (a) and (b) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with Elections Code Section 13107 and the regulations in this Chapter.

4. If the candidate is engaged in a profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate's proposed ballot designation is entitled to consist of the candidate's current principal professions, vocations and occupations. In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate’s nomination papers.

5. A candidate may engage in multiple principal professions, vocations or occupations. Accordingly, the candidate may designate multiple principal professions, vocations or occupations. If a candidate proposes a ballot designation including multiple principal professions, vocations or occupations, the proposed ballot designation must comply with the following provisions:

   1. The proposed ballot designation must comply with the three-word limitation specified in Elections Code Section 13107, subdivision (a)(3), and as implemented pursuant to subdivision (f) herein.
2. Each such proposed profession, vocation or occupation shall be separately considered by the Secretary of State and must independently qualify as a "principal" profession, vocation or occupation, as that term is defined pursuant to subdivision (b) herein.

3. When multiple professions, vocations or occupations are proposed as a ballot designation, they shall be separated by a slash ("/"). An example of an acceptable designation would be "Legislator/Rancher/Physician."

6. Pursuant to Elections Code Section 13107, subdivision (a)(3), the candidate's ballot designation shall be limited to not more than three (3) words. The following rules shall govern the application of the three-word limitation:
   1. The proposed ballot designation shall be grammatically correct, generic, and all words must be spelled correctly.
   2. Punctuation shall be limited to the use of a comma (e.g., District Attorney, Los Angeles County) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (e) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language, which was published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted.
   3. All geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. The names of special districts and political subdivisions are not "geographical names," as that term is used in Elections Code Section 13107, subdivision (a)(3). If the candidate desires, the geographical name may be used in the form of "City of . . .," "County of . . .," or "City and County of . . ." Examples of geographical names considered to be one word include Tehama County, Los Angeles County and County of Sacramento. Examples of designations containing a special district or political subdivision that are not geographical names include "Butte County Rural Fire District Captain," "Huntington Beach Unified School District President," and "South Bay Irrigation District Director."
   4. An acronym shall be counted as one word.
   7. A candidate who chooses to include the name of his or her elective office with another profession, vocation, or occupation may do so pursuant to Elections Code section 13107(a)(3), but that ballot designation shall be limited to no more than three words. Examples of acceptable designations under this section include "State Senator/Rancher," "California Assemblywoman/Attorney," "County Supervisor/Teacher," and "State Controller/Businessman." Examples of unacceptable designations under this section include "Assemblyman, 57th District/Educator," "California State Senator/Architect," "Placer County Supervisor/Business Owner," and "Member, Board of Equalization/Banker."


HISTORY
1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).
2. Amendment of subsections (a)(1), (c) and (f)(2)-(3), new subsection (g) and amendment of Note filed 12-21-2009; operative 12-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 52).

20714.5. "Community Volunteer."

1. "Community Volunteer" means a person who engages in an activity or performs a service for or on behalf of, without profiting monetarily, one or more of the following:
   1. A charitable, educational, or religious organization as defined by the United States Internal Revenue Code section 501(c)(3);
   2. A governmental agency; or
   3. An educational institution.
2. The activity or service must constitute substantial involvement of the candidate's time and effort such that the activity or service is the sole, primary, main or leading professional, vocational or occupational endeavor of the candidate within the meaning of subdivisions (a) and (b) of section 20714 of this Chapter.

Note: Authority cited: Section 12172.5, Government Code; and Section 13107.5(b), Elections Code. Reference: Sections 13107 and 13107.5, Elections Code; and Section 501(c)(3), United States Internal Revenue Code.

HISTORY


1. Pursuant to Elections Code Section 13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of 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. The candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."
2. Pursuant to Elections Code Section 13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the word "appointed" in conjunction with the elective office, if the candidate is a candidate for election to the same office or to some other office. The candidate may not use any words designating the office unmodified by the word "appointed."
3. There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code Section 13107, subdivision (a)(4).


HISTORY
1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).
Unacceptable Ballot Designations.

1. The Secretary of State shall reject as unacceptable any proposed ballot designation which fails to comply with Elections Code Section 13107, subdivision (a); is prohibited pursuant to Elections Code Section 13107, subdivision (b); is misleading; or is otherwise improper pursuant to the regulations set forth in this Chapter.

2. The following types of activities are distinguished from professions, vocations and occupations and are not acceptable as ballot designations pursuant to Elections Code Section 13107, subdivision (a)(3):
   1. Avocations: An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work (except as set forth in Section 20714.5 of this Chapter), and matters pursued as an amateur.
   2. Pro Forma Professions, Vocations and Occupations: Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated, except as set forth in Section 20714.5 of this Chapter. Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.
   3. Statuses: A status is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole. A status is generic in nature and generally fails to identify with any particular specificity the manner by which the candidate earns his or her livelihood or spends the substantial majority of his or her time. Examples of a status include, but are not limited to, veteran, proponent, reformer, scholar, founder, philosopher, philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife, and the like.

3. Pursuant to Elections Code Section 13107, subdivision (b)(1), the Secretary of State shall reject as unacceptable any proposed ballot designation which would mislead voters. In making this determination, the Secretary of State shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based upon supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation, pursuant to Section 20717 of this Chapter.

4. A ballot designation may not comprise or include commercial identification information, such as a trademark, service mark, tradename, or the specific name of a business, partnership, corporation, company, foundation, or organization.
Examples of an improper use of commercial identification information include, but are not limited to, "Acme Company President," "Universal Widget Inventor," "Director, Smith Foundation," "UCLA Professor," and the like.

5. Pursuant to Elections Code Section 13107, subdivision (b)(2), the Secretary of State shall reject as unacceptable any proposed ballot designation which would suggest an evaluation of the candidate’s qualifications, honesty, integrity, leadership abilities or character. Any laudatory or derogatory adjectives which would suggest an evaluation of the candidate's qualifications shall not be permitted. Such impermissible adjectives include, but are not limited to, "senior," "emeritus," "specialist," "magnate," "outstanding," "leading," "expert," "virtuous," "eminent," "best," "exalted," "prominent," "famous," "respected," "honest," "dishonest," "corrupt," "lazy," and the like.

6. Pursuant to Elections Code Section 13107, subdivision (b)(3), the Secretary of State shall reject as unacceptable any proposed ballot designation which abbreviates the word "retired" or places it following any word or words which it modifies. Examples of impermissible designations include "Ret. Army General," "Major USAF, Retired" and "City Attorney, Retired."

7. Pursuant to Elections Code Section 13107, subdivision (b)(4), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or prefix to indicate a prior profession, vocation, occupation or elected, appointed or judicial office previously held by the candidate. Such impermissible words or prefixes include, but are not limited to, "Ex-," "former," "past," and "erstwhile." Examples of impermissible designations include "Former Congressman," "Ex-Senator," and "Former Educator."

8. 1. Subject to the provisions of Elections Code Section 13107, subdivision (b)(4), use of the word "retired" in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation.
   2. In evaluating a proposed ballot designation including the word "retired," the Secretary of State will consider the following factors in making a determination as to the propriety of the use of the term "retired":
      1. Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
      2. The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
      3. The candidate has reached at least the age of 55 years;
      4. The candidate voluntarily left his or her last professional, vocational or occupational position; and,
      5. The candidate's retirement benefits are providing him or her with a principal source of income.
   3. If a candidate is requesting a ballot designation that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek
another office or failed to win reelection to the office. If such a candidate did not voluntarily retire from public office, he or she may not use the word "retired" in his or her ballot designation.

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

9. Pursuant to Elections Code Section 13107, subdivision (b)(5), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses the name of any political party, whether or not it has qualified for recognized ballot status.

10. Pursuant to Elections Code Section 13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or words referring to a racial, religious, or ethnic group.

1. The Secretary of State shall reject as unacceptable any ballot designation which expressly contains or implies any ethnic or racial slurs or ethnically or racially derogatory language.

2. If the candidate is a member of the clergy, the candidate may not make reference to his or her specific denomination. However, the candidate may use his or her clerical title as a ballot designation (e.g., "Rabbi," "Pastor," "Minister," "Priest," "Bishop," "Deacon," "Monk," "Nun," "Imam," etc.)

11. Pursuant to Elections Code Section 13107, subdivision (b)(7), the Secretary of State shall reject as unacceptable any proposed ballot designation which refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.


HISTORY

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

20717. Requests for Supporting Documentation.
In addition to the Ballot Designation Worksheet required to be filed with the Secretary of State pursuant to Elections Code Section 13107.3 and Section 20711 of this Chapter, the Secretary of State may request that a candidate submit additional supporting documentation or other evidence to support the proposed ballot designation.

1. Time is of the essence regarding all matters pertaining to the review of proposed ballot designations submitted by candidates for public office. Failure to promptly submit requested supporting materials will preclude consideration of such materials in and the rendering of a final decision on the candidate’s proposed ballot designation.

2. The Secretary of State will communicate, whenever possible, with the candidate in the most expeditious manner, including, but not limited to, telephone, facsimile transmission and electronic mail at the number or address provided by the
candidate. When the candidate does not have reasonable access to a facsimile machine or electronic mail, the Secretary of State will transmit written communication to the candidate by means of overnight express delivery to the address provided by the candidate.

3. The candidate shall have the burden of establishing that the proposed ballot designation that he or she has submitted is accurate and complies with all provisions of Elections Code Section 13107 and this Chapter.


HISTORY

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).


1. If a candidate's proposed ballot designation has been rejected, an official copy of the decision of the Secretary of State will be made in writing and transmitted directly to the candidate by registered or certified mail, return receipt requested, to the address provided by the candidate. The Secretary of State shall also provide a copy to the elections official in the candidate's county of residence and to the elections official of each county within the political subdivision. Copies may also be made available to all other candidates in the race.

2. At the request of the candidate, the Secretary of State will transmit a copy of the decision of the Secretary of State regarding the candidate's proposed ballot designation by facsimile transmission or e-mail to the facsimile number or e-mail address listed on the candidate's Ballot Designation Worksheet.

3. All written decision of the Secretary of State regarding ballot designations are public records and are available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, 1500 11th Street, Fifth Floor, Sacramento, California 95814.


HISTORY

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

20719. Service of Legal Process Regarding Ballot Designations.

1. In the event a candidate or other interested party files a petition for the issuance of an extraordinary writ with the court or other legal action pertaining to a candidate's ballot designation, the summons and any other legal process should be served upon the Chief Counsel to the Secretary of State, 1500 11th Street, Sixth Floor,
Sacramento, California 95814. The Chief Counsel may designate a Deputy Secretary of State to accept service of process on behalf of the Secretary of State.

2. Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the Chief Counsel to the Secretary of State at (916) 653-7244. Counsel for all parties to such ex parte matters are admonished that waivers of the Secretary of State's right to timely notice and the right to personally appear at the ex parte hearing will be granted in writing and only in limited instances.

3. The Secretary of State shall provide a copy of any legal actions in subdivision (a) or (b) above to the elections official in the county of the candidate's residence and any other county in the district.

4. The Secretary of State shall be named as a respondent in any legal action pertaining to a ballot designation for a candidate described in Elections Code Section 15375, except for a candidate for judge of the superior court.

**Note:** Authority cited: Section 12172.5, Government Code. Reference: Sections 13107 and 13314, Elections Code.

**HISTORY**

1. New section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

2. Amendment of subsection (a), new subsection (d), and amendment of Note filed 12-21-2009; operative 12-21-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 52).
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.
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.

What You Need to Know Before Being Elected or Appointed
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 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 (e.g. 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.

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.
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.
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.lcacity.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.

What You Need to Know Before Being Elected or Appointed

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.ca-cities.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.
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.

What You Need to Know Before Being Elected or Appointed
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**


**Attorney General**


**Institute for Local Government**

*Key Ethics Law Principles for Public Servants* (2005). Contains a conflict of interest checklist for 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](http://www.ca-ilg.org/ethicsprinciples)).

### Personal Advantages & Perks

**Fair Political Practices Commission**


**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](http://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/seehandbook9-04.pdf)

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

Attorney General


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

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.htm?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 chart relating to ethics laws and the consequences for violating such laws
(www.ca-ilg.org/whattodo)
DISCLAIMER

As the City of Santa Ana’s Clerk of the Council is the Elections Official that administers State, and local procedures through which the City Councilmembers and Mayor are elected. The Clerk provides legal forms and general information to assist candidates in meeting their legal requirements to run for office - from Election pre-planning and filing nomination paperwork to certification of election results and filing of final campaign disclosure documents, the Clerk manages the process which forms the foundation of our City government.

The material and references contained in this handbook are intended to provide general guidance to the candidate. While the information contained herein is believed to be correct, the guidelines are not comprehensive nor intended to provide legal advice. In those instances where sources are referenced by statute, paragraph number, page number, or other citation, the use of a reference may be copied verbatim. In many cases, referenced material was paraphrased or rewritten in order to make the material more understandable to the lay reader.

Candidates and others using this Handbook must bear full responsibility to make their own determinations as to all legal standards, duties and factual material contained herein. This Handbook is not intended to provide legal advice and should not be used as a substitute for legal counsel; it does not necessarily include all provisions which may affect candidates.

Please keep in mind that running for office is an open and public process. Therefore, once contact is made with this office and/or documents are filed, candidate and campaign information generally becomes public record and may be made available to the public, in various forms, unless any such record or information is deemed exempt. Daily listings of qualified candidates will be posted online and made available to the public.

Candidates running for office in 2018 are advised that the City has pending litigation that may impact the Election.

Should you have any questions, please do not hesitate to call our office during regular business hours at (714) 647-6520 or email mhuizar@santa-ana.org.