



GENERAL MUNICIPAL ELECTION
Tuesday, November 3, 2015

OFFICE OF THE CITY CLERK
65950 Pierson Boulevard,
Desert Hot Springs, California 92240

(760) 329-6411, Ext. 107
(760) 288-3129 FAX



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City of Desert Hot Springs

65-950 Pierson Boulevard • Desert Hot Springs • CA • 92240
(760) 329-6411 • www.cityofdhs.org

July 13, 2015

Dear Potential Candidate:

Welcome to the City of Desert Hot Springs regular scheduled General Municipal Election to be held on November 3, 2015 for the following Officers:

Seat	Term (Municipal Code Chapter 2.04 Article II. Elections)	
Mayor	2 Year Term	<i>(currently held by incumbent Adam Sanchez)</i>
Council Member	4 Year Term	<i>(currently held by incumbent Russell Betts)</i>
Council Member	4 Year Term	<i>(currently held by incumbent Jan Pye)</i>

Running for public office is a challenging and exciting experience that carries with it certain legal responsibilities and obligations.

In my attempt to assist you, I have assembled a variety of documents in this *Candidate Handbook* to help guide you through the election process. This handbook is intended to assist you in understanding various rules, regulations, and common sense ideas for the conduct of a successful campaign. I am confident that you will find it useful, however, the City Clerk's Office does not render any legal advice. Therefore, this manual is not intended to be a substitute for legal counsel. As such, you are encouraged to consult legal assistance as needed.

Filing Fee

There is an established filing fee of \$25.00, pursuant to Municipal Code § 2.04.090, to defray, in part, the cost to the City of processing nomination papers for Council elections within the City. The filing fee must be paid at the time nomination papers are filed.

Candidate Statement (Optional)

The Candidate Statement is optional. If a candidate chooses to have a statement, it will be mailed to the voters as part of the sample ballot pamphlet. Should a Candidate choose to have a statement published, the deposit required at the time nomination papers are filed is \$500.00. The deposit amount was determined by the Riverside County Registrar of Voters Office as an approximation of the actual cost. Candidates may be billed, or refunded the unused portion of the deposit based on the actual cost. (See Resolution No. 2015-028).

It is strongly advised that you file your nomination papers as early as possible in order to correct any possible errors and/or insufficiencies in the forms.

If you have any questions or concerns, please do not hesitate to contact me at jsoriano@cityofdhs.org or at (760) 329-6411 Ext. 107. I am happy to assist you in any way I can.

Sincerely,



Jerryl Soriano, CMC
City Clerk

RESOLUTION NO. 2015- 027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 3, 2015, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AND REQUESTING SERVICES FROM THE RIVERSIDE COUNTY REGISTRAR OF VOTERS AND PROVIDING FOR CANVASS OF THE ELECTION BY THE CITY CLERK

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Desert Hot Springs as follows:

Section 1. General Municipal Election

That pursuant to the requirements of the Desert Hot Springs City Charter, Desert Hot Springs Municipal Code, and the laws of the State of California relating to elections, there is called and ordered to be held in the City of Desert Hot Springs, California, on Tuesday, November 3, 2015, a General Municipal Election for the purpose of electing the Mayor of the City of Desert Hot Springs (incumbent Adam Sanchez) for the full term of two years; and two Members of the City Council (incumbents Russell Betts and Jan Pye), for the full term of four years.

Section 2. Ballot Designations

That the City Clerk shall follow the California Secretary of State's Ballot Designations Guidelines.

Section 3. Ballots

That the ballots to be used at said election shall be, both as to form and matter contained therein, such as may be required by law to be used there at.

Section 4. Procurement

That the City Clerk of the City of Desert Hot Springs is hereby authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct said election.

Section 5. Poll Hours

That the polls for the election shall be open at seven o'clock a.m. (7:00 AM) of the day of the election and shall remain open continuously from said time until eight o'clock p.m. (8:00 PM) of the same day when said polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

Section 6. Reimbursement

That the City of Desert Hot Springs shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

Section 7. Canvass

That pursuant to Section 10262 of the Elections Code of the State of California, the canvass of the Regular General Municipal Election to be held in the City is hereby ordered to be made by the City Clerk or by the Registrar of Voters assisting the City Clerk.

Section 8. Results

That pursuant to Section 10263 and Section 15301 and 15302 of the Elections Code, the City Clerk of the City of Desert Hot Springs shall certify the results to the City Council no later than the third Friday following the certification of the election by the Registrar of Voters.

Section 9. Repeal of Conflicting Resolutions

That all the provisions of any existing resolution as heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 10. Passage and Adoption

That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City of Desert Hot Springs; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of the City of Desert Hot Springs, in the minutes of the meeting at which the same is passed and adopted.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the 16th day of June, 2015 by the following vote:

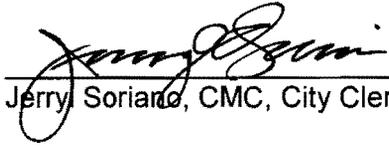
AYES: 5 – Betts; Matas; McKee; Pye; and Mayor Sanchez.

NAYS: None.

ABSENT: None.

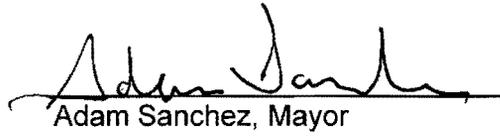
[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:



Jerry Soriano, CMC, City Clerk

APPROVED:



Adam Sanchez, Mayor

APPROVED AS TO FORM:



Steven B. Quintanilla, City Attorney

NOTICE OF GENERAL MUNICIPAL ELECTION

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Desert Hot Springs, California on Tuesday, November 3, 2015, for the following offices:

Seat	Term (Municipal Code Chapter 2.04 Article II. Elections)	
Mayor	2 Year Term	<i>(currently held by incumbent Adam Sanchez)</i>
Council Member	4 Year Term	<i>(currently held by incumbent Russell Betts)</i>
Council Member	4 Year Term	<i>(currently held by incumbent Jan Pye)</i>

Qualifications for Public Office

To hold an elective office in the City of Desert Hot Springs, a person must be a resident and registered voter of the City of Desert Hot Springs at the time nomination papers are issued.

Nomination Period

Official nomination documents for any qualified persons desiring to file for any of these offices will be available at the City Clerk's Office, City Hall, 65950 Pierson Boulevard, between July 13, 2015 and August 6, 2015 (113 to 88 days prior to the election) during posted business hours (Elections Code § 10220).

City Hall hours are: Monday through Thursday from 7:00 A.M. to 6:00 P.M. and closed on Fridays.

Polls

The polls will be open on the day of said election between the hours of 7:00 A.M. and 8:00 P.M.

Dated this 17th day of June, 2015

Visit www.cityofdhs.org for more information.

AVISO DE ELECCIÓN MUNICIPAL

SE DA AVISO de una elección municipal en la ciudad de Desert Hot Springs, California el martes, 3 de noviembre de 2015 para los siguientes oficinas:

Oficina	Término (Código Municipal Capítulo 2.04 Artículo II. Elecciones)	
Alcalde	2 años	<i>(actualmente mantenido por la titular Adam Sanchez)</i>
Miembro del Concilio	4 años	<i>(actualmente mantenido por el titular Russell Betts)</i>
Miembro del Concilio	4 años	<i>(actualmente mantenido por la titular Jan Pye)</i>

Calificaciones Para la Oficina

Para mantener un cargo electivo en la ciudad de Desert Hot Springs, la persona debe ser residente y votante registrado de la ciudad de Desert Hot Springs en el momento de que se publican documentos de postulación.

Plazo de Presentación de Candidaturas

Documentos de nominación oficial de las personas calificadas que desean entregar para cualquiera de estas oficinas estarán disponibles en la Oficina del Escribano de la ciudad, 65950 Pierson Boulevard, entre el 13 de julio de 2015 y el 6 de agosto de 2015 (de 113 a 88 días antes de la elección) durante horas de oficina (Código Electoral § 10220).

El horario de la ciudad es de lunes a jueves de 7:00 a.m. a 6:00 p.m. y cerrado cada viernes.

Encuestas Electorales

Las encuestas electorales se abrirán en el día de elección entre las horas de 7:00 a.m. y 8:00 p.m.

Fechado en este día 17 de Junio de 2015

Visite www.cityofdhs.org para más información.



Jerry Soriano, CMC
City Clerk
City of Desert Hot Springs, California

DATES OF INTEREST

DATE	DESCRIPTION
July 13 thru August 6	<p>Nomination Period (E.C. § 10220 et seq.)</p> <p>Between these dates candidates may obtain nomination material and file completed nomination documents with the City Clerk.</p>
August 7	<p>Last Day to Withdraw Candidacy (E.C. § 10224)</p> <p>Unless there is an extension of the nomination period.</p>
August 8	<p>Last Day to Withdraw Candidate Statement (E.C. §§ 13307, 13311)</p> <p>Last day to withdraw candidate statement, unless there is an extension of the nomination period. Request to withdraw candidate statement must be made in writing and submitted by 5:00 p.m. Candidate statements shall remain confidential until after the close of business on August 7th.</p>
August 8 thru August 17	<p>Election Material Available (Public Exam Period) (E.C. § 13313)</p> <p>During this period Candidate Statements are available for public inspection.</p> <p><u>Exception:</u> If there is an extension of the nomination period, the exam period will be from August 13 thru August 22.</p>
August 12	<p>Last Day of Extended Nomination Period (E.C. § 10225)</p> <p>If the incumbent fails to file nomination documents by August 7, 2015, the nomination period will be extended for persons other than the incumbent. This will also extend the period for withdrawing candidacy. Not applicable if the office has no incumbent.</p>
August 12 thru August 20	<p>Insufficient Nominees – Action by Governing Body (E.C. § 10229)</p> <p>Legislative body to take action of appointment or election during this time frame if there are insufficient nominees.</p>
August 13	<p>Last Day to Withdraw Candidate Statement in Event of Extension (E.C. §§ 10225, 13307)</p>
August 13 (11:00 a.m.)	<p>Drawing of Randomized Alphabet (E.C. § 13112)</p> <p>Secretary of State will conduct a drawing of the alphabet for determining the order of candidates' names on the ballot.</p>
September 7	<p>First Day Forms will be Available for Write-In Candidacy (E.C. § 8600 et seq.)</p> <p>Any qualified person wishing to file as a write-in candidate may pick up papers beginning this date. Papers must be filed with the City Clerk no later than 14 days prior to election day.</p>

DATE	DESCRIPTION
September 24	<p>Filing Period for First Pre-Election Campaign Disclosure Statement (G.C. §§ 84200.5, 84200.8)</p> <p>Covers period July 1 thru September 19.</p>
September 24 thru October 24	<p>Period for Registrar of Voters to Mail Sample Ballots to Voters (E.C. §§ 13303, 13307)</p>
October 5	<p>First Day to Apply for Vote-by-Mail Ballot (E.C. § 3001)</p> <p>Voters may apply by mail or vote at the Registrar of Voters office.</p>
October 22	<p>Filing Period for Second Pre-Election Campaign Disclosure Statement (G.C. §§ 84200.5, 84200.8)</p> <p>Covers period September 20 thru October 17.</p>
October 19	<p>Last Day to Register to Vote or Change Address for this Election (E.C. §§ 2106, 2107)</p>
October 20	<p>Last Day to File Statement of Write-In Candidacy (E.C. § 8600 et seq.)</p>
October 27	<p>Last Day of Regular Vote-by-Mail Ballot Application Period (E.C. § 3001 et seq.)</p>
<p>November 3</p> 	<p>ELECTION DAY The polls will open from 7:00 a.m. and will close at 8:00 p.m.</p> <p>Voted ballots must be received by the elections official no later than the close of the polls on election day or be postmarked on or before election day and received no later than three days after election day to be counted. (E.C. § 3020, 4103)</p>
November 23	<p>Statement of Results (E.C. §§ 10262, 10263, 15372)</p> <p>No later than this date, the Registrar of Voters will certify the election results.</p> <p>Declare Candidates Elected</p> <p>The governing body shall meet at its usual place of meeting no later than the next regularly scheduled city council meeting following presentation of the canvass of the returns, or at a special meeting called for this purpose, to declare the results and to install the newly elected officers.</p>
January 1 thru January 31	<p>Filing Period for Semi-Annual Campaign Disclosure Statement (G.C. § 84200)</p> <p>Covers period ending December 31. Statement must be sent by personal delivery or first class mail.</p>

Note: Whenever a date prescribed by law falls on a weekend or holiday, such act may be performed on the next business day. (E.C. § 15; G.C. § 6701)

2015 CALENDAR

JANUARY						
S	M	T	W	T	F	S
				H	H	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	H	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	H	13	14
15	H	17	18	19	20	21
22	23	24	25	26	27	28

MARCH						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	H	23	24	25	26	30
31						

JUNE						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

JULY						
S	M	T	W	T	F	S
			1	2	H	4
5	H	7	8	9	10	11
12	NP	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST						
S	M	T	W	T	F	S
						1
2	3	4	5	NP	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	H	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

* ROV Closed on 7/3
 * City Hall Closed on 7/6

OCTOBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	H	13	14	15	16	17
18	R	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER						
S	M	T	W	T	F	S
1	2	E	4	5	6	7
8	9	10	H	12	13	14
15	16	17	18	19	20	21
22	23	24	25	H	H	28
29	H					

* City Hall closed 11/30

DECEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	H	26
27	28	29	30	31		

* ROV Closed on 10/12
 * City Hall Open on 10/12

- H** Holiday
- NP** Nomination Period
- R** Registration Deadline
- E** Election Day

City Hall is Closed Every Friday
 Hours: Monday thru Thursday
 7:00 AM to 6:00 PM

IMPORTANT TELEPHONE NUMBERS

Fair Political Practices Commission

P.O. Box 807 (95812-0807)
428 J Street, Ste. 450
Sacramento, CA 95814
Phone: (916) 322-5660
Toll Free: (866) ASK-FPPC (866-275-3773)
Fax: (916) 322-0886
Website: www.fppc.ca.gov

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

To Report a Violation:
Phone: (800) 561-1861

Secretary of State Political Reform Division

1500 11th Street, Room 495
Sacramento, CA 95814
Phone: (916) 653-6224
Fax: (916) 653-5045
Website: www.sos.ca.gov

- Committee Identification Numbers
- Termination of Committees
- Online/Electronic Filing

Elections Division

Phone: (916) 657-2166

- Questions Related to the Elections Code

Riverside County Registrar of Voters

2724 Gateway Drive
Riverside, CA 92507
Phone: (951) 486-7200
Toll Free: (800) 773-VOTE
Fax: (951) 486-7272
Website: www.voteinfo.net

Attorney General

Attorney General's Office
California Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550
Phone: (800) 925-5225
Website: <http://oag.ca.gov/>

- Brown Act Requirements

State Franchise Tax Board

Phone: (800) 338-0505
Website: www.ftb.ca.gov

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

League of California Cities / Institute for Local Government

1400 K St.
Sacramento, CA 95814
Phone: (916) 658-8208
Fax: (916) 444-7535
Website: www.cacities.org
www.ca-ilg.org

- General resource for California Ethics Laws

City Clerk City of Desert Hot Springs

65950 Pierson Boulevard
Desert Hot Springs, CA 92240

Jerryl Soriano, CMC, City Clerk

Phone: (760) 329-6411 Ext. 107
Fax: (760) 288-3129
E-Mail: jsoriano@cityofdhs.org
Website: www.cityofdhs.org

- Questions regarding Desert Hot Springs Municipal Elections

NOTE TO CANDIDATES REGARDING INCOMPATIBLE OFFICES

The Political Reform Act does not prohibit any office holder from holding multiple public offices or seeking more than one elective office. For example, a deputy district attorney can hold the office of city council member, or a water board director may also be elected to a park and recreation district. There are, however, instances of holding more than one office that are considered incompatible.

There is no single statute that defines “incompatibility of offices.” The common law doctrine of incompatibility of offices, however, prevents an elected official from holding two offices simultaneously **if the offices have overlapping and conflicting public duties.**

The courts have defined this concept as follows: “One individual may not simultaneously hold two public offices where the functions of the offices concerned are inherently inconsistent, as where there are conflicting interests, or where the nature of the duties of the two offices is such as to render it improper due to considerations of public policy for one person to retain both.”

The State of California Attorney General’s Office has issued many opinions of particular compatibility questions. Here are six examples of incompatible offices:

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

If you have a question about whether two public offices which you hold or seek to hold would be considered incompatible, contact the Attorney General’s office at (916) 322-3360 or visit their website at www.oag.ca.gov.

For further information about conflict of interest or incompatibility of offices, contact the Fair Political Practices Commission’s website at www.fppc.ca.gov, or phone toll free 1-866-275-3772.

QUALIFICATIONS FOR OFFICE:

A person who holds office as Councilmember or Mayor must be at the time of assuming such office an elector of the City of Desert Hot Springs (City), and must have been a registered voter of the City of at the time nomination papers were issued. (Government Code §§ 34882, 34904, 36502)

Note: You cannot run for elected office if you have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes.

Nomination documents include:

- 1) Application/Checklist for Nomination Papers - Cities
- 2) Nomination form titled "Official Filing Form" (Municipal – 3 Pages)
- 3) Ballot Designation Worksheet
- 4) Candidate's Statement Form
- 5) Regulations Regarding Candidate's Statement (Resolution 2015-028)
- 6) Code of Fair Campaign Practices (filing optional)
- 7) Copy of Government Code § 84305
- 8) Statement of Economic Interests (FPPC Form 700)
- 9) Campaign Disclosure Forms

Candidates should carefully read the instructions on the nomination form. The required information must be neatly printed or typed.

NAME ON BALLOT:

There is a place on the Official Filing Form for candidates to write how they would like their name to appear on the ballot. The name must be recognizable as the name under which the candidate is registered to vote, though the two need not be identical. Candidates may include a nickname in addition to their name.

The law prohibits the use of a TITLE or DEGREE on the same line of the ballot as the candidate's name. (E.C. § 13106)

Example:

A candidate registered to vote as James William Smith may use variations such as:

James W. Smith, Jim Smith, or William "Bud" Smith

BALLOT DESIGNATION (E.C. §§ 13104, 13107)

Candidates may use no more than three words designating their current principal profession, vocation or occupation **OR** the principal profession, vocation or occupation that they had during the 12 months immediately preceding the filing of their nomination documents. (e.g., Retired Businessman/Author) **OR**:

The title of the office to which they were elected. (e.g., Sunnyvale Valley Water District Director) (**NOTE**: candidates are not limited to three words here) **OR**:

The word “Incumbent” if elected to the same office sought or “Appointed Incumbent” if appointed to a vacancy in the same office. (**NOTE**: Candidates cannot use the term “Incumbent” or “Appointed Incumbent” with any other designation.)

Example: Incumbent/Businessman (**Not Acceptable**)

A ballot designation is not required. Candidates may leave this line blank. If the ballot designation is left blank, the candidate may not add a designation after the filing deadline.

All candidates submitting a ballot designation must file the ballot designation worksheet with their Official Filing Form. **DO NOT LEAVE ANY RESPONSE SPACES BLANK.** If information requested is not applicable, please write N/A in the space provided. Otherwise the information **MUST** be provided. If a candidate fails to file a ballot designation worksheet no designation shall appear under the candidate’s name on the ballot.

If upon checking the nomination documents and the ballot designation worksheet the City Clerk finds that the designation is in violation of the restrictions listed in E.C. § 13107, then the Clerk shall notify the candidate by registered or certified mail, return receipt requested, addressed to the mailing address appearing on the candidate’s nomination documents. Within three days of receipt of the notice, the candidate shall appear before or call the City Clerk and provide an alternate designation. If the candidate does not provide an alternate designation, no designation shall appear after the candidate’s name. City Clerks should refer to the Secretary of State guidelines which provide information about questionable ballot designations.

OATH:

The OATH must be witnessed by an authorized official – City Clerk (or a person designated by the City Clerk), or a candidate may have his/her oath witnessed by a notary public.

PETITION:

On the PETITION portion of the OFFICIAL FILING FORM city candidates must obtain the signatures of not less than 20 nor more than 30 qualified voters in a city of 1,000 or more registered voters. Candidates should submit the maximum number. (**E.C. § 10221 requires that all signatures be appended on the same sheet of paper.**)

The PETITION may be circulated by the candidate himself/herself or by any other qualified circulator. Whomever circulates the petition must witness all signatures and then complete and sign the Declaration of Circulator, under penalty of perjury.

A SIGNER may sign as many petitions as the number of persons for which he/she may vote. Any registered voter of the jurisdiction, including the candidate and/or the circulator may sign a nomination petition.

Filing on time is the candidate's responsibility. Whether the candidate files in person or by certified mail, the nomination form and any other documents he/she is filing with it must be **received in the City Clerk's office** no later than the filing deadline.

Signer must print their own name and address themselves, unless he/she is unable.

WITHDRAWAL OF CANDIDACY:

WITHDRAWAL OF CANDIDACY is permitted only up to the close of the nomination period (and during the extension, if applicable).

EXTENSION OF THE NOMINATION PERIOD:

If the incumbent of any city office fails to file by the filing deadline, there will be a five-day EXTENSION OF THE NOMINATION PERIOD during which any qualified person other than the incumbent may file for that incumbent's elective office. (E.C. § 10225) (No extension applies to an office for which there is no incumbent eligible to be elected.)

NOTE: See BALLOT DESIGNATION WORKSHEET, CANDIDATE'S STATEMENT, STATEMENT OF ECONOMIC INTERESTS, CODE OF FAIR CAMPAIGN PRACTICES and CAMPAIGN DISCLOSURE sections in this Manual for other documents to be filed during the nomination period.

AFFIDAVIT OF NOMINEE & OATH OR AFFIRMATION OF NOMINEE

AFFIDAVIT OF NOMINEE

State of California } ss.
County of Riverside }

City: Riverdale
Issued by: Kelly Jones
SIGNATURE
City Clerk
TITLE
Date: July 13, 2015

I, Jane Smith, under penalty of perjury, state that I am a nominee for the office of Member of the City Council, City of Riverdale

Ward or Councilmanic District N/A [X] Full Term [] Short Term

I will accept the office in the event of my election to this office at the election to be held on November 3, 2015

I desire my name to appear on the ballot as follows: Jane Smith
and I desire the following designation to appear on the ballot under my name: Businesswoman
My residence address is as follows: 555 Hope Avenue, Riverdale, CA 93333
P.O. Box 333, Riverdale, CA 93333
Jane Smith
SIGNATURE OF NOMINEE
(760) 444-4444 (760) 888-8888 (760) 222-2222
EMAIL ADDRESS: businesssgenius@gmail.com
OATH OR AFFIRMATION OF NOMINEE
I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.
State of California } ss.
County of Riverside }
Jane Smith
SIGNATURE OF NOMINEE

Subscribed and sworn to before me this 13th day of July, 2015

Kelly Jones

SIGNATURE OF OFFICER ADMINISTERING OATH

City Clerk

TITLE OF OFFICER ADMINISTERING OATH

OFFICIAL FILING FORM

MUNICIPAL

PAGE 2 OF 3 — NOMINATION PAPER

We, the undersigned voters of the City of Riverdale, Ward/District (if applicable) N/A, hereby nominate Jane Smith for the office of Member of the City Council

Full Term Short Term of said City, to be voted on at the election to be held on November 3, 2015
DATE OF ELECTION

	NAME	RESIDENCE ADDRESS	FOR OFFICE USE
1	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
2	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
3	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
4	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
5	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
6	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
7	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
8	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
9	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
10	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
11	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
12	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
13	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
14	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
15	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
16	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
17	SIGN	NO. & STREET	
	PRINT	CITY ZIP	

IMPORTANT! Turn to reverse side for signatures spaces 18-30 and Affidavit of Circulator, which must be filled out. —>

OFFICE USE ONLY **NO. OF VALID SIGNATURES:**

	NAME	RESIDENCE ADDRESS	FOR OFFICE USE
18	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
19	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
20	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
21	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
22	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
23	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
24	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
25	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
26	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
27	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
28	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
29	SIGN	NO. & STREET	
	PRINT	CITY ZIP	
30	SIGN	NO. & STREET	
	PRINT	CITY ZIP	

State of California } ss. **DECLARATION OF CIRCULATOR (IN CIRCULATOR'S OWN HAND)**
 County of Riverside }

I, Jane Smith, solemnly swear (or affirm) all of the following:
Print Name

- That I am 18 years of age or older.
- That my residence address, including street and number, is 555 Hope Avenue, Riverdale, CA 93333.
 (If no street or number exists, a designation of my residence adequate to readily ascertain its location is _____.)
- That the signatures on this section of the nomination paper were obtained between July 13, 20 15,
Month and Day
 and July 15, 20 15; that I circulated the petition and I witnessed the signatures on this section of the
Month and Day
 nomination paper being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 15, 20 15 at Riverdale

Signature of Circulator Jane Smith

(INCLUDE FIRST, MIDDLE AND LAST NAME)

WRITE-IN CANDIDACY (E.C. § 8600 et seq.)

A person whose name does not appear on the ballot may run for office as a write-in candidate. Write-in votes will be counted, however, only for qualified write-in candidates who file the required forms with the City Clerk no later than 14 days prior to Election Day (October 20, 2015).

Forms will be available from the City Clerk 57 days before Election Day (September 7, 2015).

To be a qualified write-in candidate for a particular office a person shall file:

- Statement of Write-in Candidacy
- Official Filing Form (Number of signatures required pursuant to E.C. § 10220)

Additional forms which are required of other candidates must also be filed by write-in candidates:

- Statement of Economic Interests (Form 700)
- Campaign Disclosure
- Form 501 (Candidate Intention Statement)
- Code of Fair Campaign Practices (filing is optional)

The “Code of Fair Campaign Practices” form should also be issued to write-in candidates. Filing the Code is optional.

The complete text of Government Code § 84305 (mass mailing) is required by law to be issued to each candidate.

The Ballot Designation Worksheet and the Candidate’s Statement form **do not** apply to write-in candidates.

The required number of signatures is verified in the same manner as on a regular nomination paper.

3 BALLOT DESIGNATION WORKSHEET
(E.C. §§ 13107.3, 13107.5 California Code of Regulations Section 20711)

Each candidate who submits a ballot designation shall file a ballot designation worksheet that supports the use of that ballot designation by the candidate.

The ballot designation worksheet shall be filed with the City Clerk at the same time that the candidate files his or her Declaration of Candidacy.

In the event that a candidate fails to file a ballot designation worksheet no designation shall appear under the candidate's name on the ballot.

DO NOT LEAVE ANY RESPONSE SPACES BLANK. If information requested is not applicable, please write N/A in the space provided. Otherwise the information **MUST** be provided.

Ballot Designation Worksheet

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

Candidate Name: Jane Smith
 Office: Member of the City Council, City of Riverdale
 Home Address: 5555 Hope Avenue, Riverdale, CA 93333 E-Mail: businessgenius@gmail.com
 Business Address: N/A
 Mailing Address: P.O. Box 333, Riverdale, CA 93333
 Phone Number(s) Business: (760) 444-4444 Home/Mobile: (760) 888-8888 Fax: (760) 222-2222

Attorney Name (or other person authorized to act in your behalf): N/A
 Address: N/A
 Home Address: N/A E-Mail: N/A
 Business Address: N/A
 Mailing Address: N/A
 Phone Number(s) Business: N/A Home/Mobile: N/A Fax: N/A

Proposed Ballot Designation: Businesswoman
 1st Alternative: Business Owner
 2nd Alternative: Computer Company Owner

You may select as your ballot designation:

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

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

If your proposed ballot designation includes the word "volunteer," indicate the title of your volunteer position and the name of the entity for which you volunteer along with a brief description of the type of volunteer work you do and the approximate amount of time involved. You may only use the ballot designation "community volunteer" if you volunteer for a 501(c)(3) charitable, educational, or

religious organization, a governmental agency or an educational institution. You may not use "community volunteer" together with another designation.

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

Justification for use of proposed ballot designation: For over the past ten years, I have owned and managed a computer company.

Current or Most Recent Job Title: Owner Start/End Dates: 1/1/99 to present

Employer Name or Business: Riverdale Computers

Person(s) who can verify this information:

Name(s): Bob Jones Phone Number: (760) 555-5555

E-mail: sjones@gmail.com

Name(s): Jane James Phone Number: (760) 333-3333

E-mail: jjames@aol.com

Before signing below, answer the following questions.

Does your proposed ballot designation:

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

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

Candidate's Signature Jane Smith Date 8/7/2015

The Candidate's Statement is **optional**. If a candidate chooses to have a statement, it will be mailed to voters as part of the sample ballot pamphlet.

The candidate must decide prior to filing the nomination documents if he/she wants to submit a statement. A statement cannot be submitted after nomination papers have been filed. The Candidate Statement form with the candidate's decision must be filed at the time nomination papers are filed. A Statement, however, may be withdrawn up to 5:00 p.m. of the next working day after the nomination period closes.

The filed statement is confidential until the date for withdrawing candidacy is over. It will then be available for public inspection.

Before the nomination period begins, the governing body of the city must adopt regulations. (See Resolution No. 2015-028).

A candidate submitting a Candidate Statement must pay the full deposit (\$500.00) to cover the estimated cost of printing, handling, and mailing of his/her statement. This deposit must be made at the time the Candidate Statement is filed (payable to the City of Desert Hot Springs).

If, after the statements are printed and mailed out, the actual cost to each candidate is found to be **greater** than the deposit, then the candidate must pay the extra amount. Every candidate who submits a statement must sign an agreement on the front of the Candidate's Statement form to pay if billed.

On the other hand, if the actual cost to each candidate turns out to be **less** than the deposit, that portion of the deposit in excess of the actual cost will be refunded. Refunds will be made within 30 days after the election.

Please note that the estimates provided are as close to the actual cost as possible. The estimates are calculated based on the method of our printing service.

The Elections Code provides that the Candidate's Statement may include the age and occupation of the candidate and a brief statement in not more than 200 words of the candidate's education and qualifications expressed in the candidate's own words ("Age" may be omitted, and the "occupation" is not limited to three words on the Candidate's Statement form). However, the Candidate's use of the same designation as used on the ballot provides for consistency. Candidate statements 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.

Some points to note in preparing the Candidate's Statement:

- 1) Candidates may not change their statements after they are filed.
- 2) Reference to political party affiliation or partisan political activity is not permitted.
- 3) Candidate shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character or activities.
- 4) Making a false statement of material fact with the intent to mislead the voters is punishable by a fine of up to \$1000.
- 5) A candidate who makes false, slanderous or libelous statements in the Candidate's Statement is not exempt from civil or criminal action.

The 200-word limit must be observed. Candidates must count the words carefully. Read the word count guide on the front side of the form. The City Clerk will verify the count when the statement is filed and indicate the number of words in the space provided on the form.

Word Count Guide (E.C. § 9)

Punctuation	Free
Dictionary words and single characters	One
Each abbreviation for a word, phrase, or expression	One
All proper nouns, including geographical names, shall be considered as one word. Example: "City and County of San Francisco"	One
Whole numbers: <ul style="list-style-type: none"> • Digits (1 or 10 or 100, etc.) • Spelled out (one or ten or one hundred) 	One One for each word
Dates: (5/30/02) or (May 30, 2002)	One
Hyphenated words (unless dictionary defined as one word)	One for each word
Phone Number	One
Internet Address	One

CANDIDATE STATEMENT STYLE GUIDELINES:

- Statements will be printed in uniform type, style, and spacing.
- Words to be printed all CAPITALIZED and/or underscored are to be clearly indicated.
- **Bold** font is not permitted.
- The City Clerk and Registrar of Voters is not permitted to edit any material contained in candidate statements. Candidates are responsible for proofreading spelling, punctuation and grammar. Since the statement cannot be changed after it is submitted, it is important for candidates to carefully prepare and proofread their statements.

IMPORTANT NOTE:

Candidates should be aware that statements submitted may be re-formatted to fit in the sample ballot pamphlet.

The City Clerk and Registrar of Voters will **NOT** correct spelling or grammatical errors of text.

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 Elections Code 13308.

**CANDIDATE'S STATEMENT
Municipal Offices**

OFFICIAL USE ONLY

TO THE CANDIDATE:

The Candidate's Statement is optional. Indicate your decision below and return this form with your Nomination Documents.

I do not wish to submit a Candidate's Statement. _____
CANDIDATE'S INITIALS

I am submitting my Candidate's Statement (on the back of this form).

TO CANDIDATE SUBMITTING A CANDIDATE'S STATEMENT:

Please check below concerning payment of Candidate's Statement deposit.

Riverside County required deposit of 500.00 is submitted herewith.

I understand that I must pay **my pro rata share of the actual cost**. I agree that if my pro rata share exceeds the deposit, I will pay the difference when billed.

Signature of Candidate Jane Smith

I request a waiver of the deposit on the grounds of indigence. My Statement of Financial Worth is submitted herewith. (Form available from the City Clerk)

I am aware that if notified that indigent status is not granted, I must pay the deposit within three days of notification or my Candidate's Statement will not be printed.

Further, I am aware that if indigent status is granted, I am excused only from payment of the deposit. I will be required to pay **my pro rata share of the actual cost**, and I agree to do so when billed.

Signature of Candidate _____

No deposit is required. (The city pays the cost.)

NOTE: Pursuant to Elections Code Section § 13308 Candidate statements 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 Registrar of Voters will not print or circulate any statement that makes reference to other candidates.

WORD COUNT (Elections Code § 9)	
Punctuation	free
Dictionary words and single characters	one
Each abbreviation for a word, phrase, or expression	one
All proper nouns, including geographical names, shall be considered as one word: example, "City and County of San Francisco"	one
Whole numbers: Digits (1 or 10 or 100, etc.) Spelled out (one or ten or one hundred)	one one for each word
Dates: (5/30/02) or (May 30, 2002)	one
Hyphenated words (unless dictionary defined as one word)	one for each word
Phone Number	one
Internet Address	one

NAME OF OFFICE SOUGHT: Member of the City Council
(CITY COUNCIL, MAYOR, SCHOOL BOARD MEMBER, DIRECTOR, ETC.)

- ♦ WARD
- ♦ DIVISION
- ♦ TRUSTEE AREA (IF ANY) N/A FULL TERM SHORT TERM

JURISDICTION: City of Riverdale
NAME OF DISTRICT

OCCUPATION: Businesswoman **AGE:** 50
(OPTIONAL) (OPTIONAL)

CANDIDATE: Jane Smith Jane Smith
PRINTED NAME SIGNATURE

In 200 words or less briefly state your Education and Qualifications:

Riverdale has been my home for 40 years, and I promise to keep our community safe, fiscally sound, and crime free. I am a successful businesswoman, community volunteer, and a parent of seven children. In other words, I have all the experience necessary to be a city council member of Riverdale. By voting for me, you are voting for a bright successful future.

My experience as a businesswoman has taught me how to manage finances, balance budgets, and manage staff. My experience as a community volunteer has given me insight to areas that need improvement in our city. Finally my experience as a mother of seven children has taught me how to be compassionate to the needs of others.

OFFICIAL
USE ONLY

TOTAL
WORD
COUNT

RESOLUTION NO. 2015- 028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2015.

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Desert Hot Springs as follows:

Section 1. RECITALS

That the recitals set forth hereinabove are true and correct.

Section 2. CANDIDATE STATEMENTS

a. That pursuant to Section 13307 of the California Elections Code, each candidate for elective office to be voted on at the City of Desert Hot Springs General Municipal Election, to be held on November 3, 2015, may prepare a candidate statement on an appropriate form provided by the City Clerk.

b. That the statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself.

c. That the statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations.

d. That, pursuant to Section 13307(b) of the California Elections Code, **bold font** is prohibited.

e. That the statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00p.m. of the next working day after the close of the nomination period.

f. That in addition to the restrictions set forth in California Elections Code Section 13307, any candidate's statement submitted pursuant to Section 13308 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.

g. That the City Clerk is NOT permitted to edit any material contained in candidate statements. Candidates are responsible for proofreading spelling, punctuation and grammar. Since the statement cannot be changed after it is submitted, **it is important** for candidates to carefully prepare and proofread their statements. Pursuant to California Elections Code Section 13308, the City Clerk shall not cause to be printed or circulated any statement which the City Clerk determines does not comply with the provisions of the Elections Code.

h. That the City Clerk, in his or her sole discretion, after first attempting to consult with the candidate, may strike or modify the portion or portions of the candidate statement that is not in compliance and thereafter cause to be printed and circulated the candidate's statement as redacted or modified.

Section 3. Spanish Language Translation

That pursuant to the Voting Rights Act of 1965 (as amended) the City is required to translate candidate statements into Spanish. The City Clerk shall print all translations of all candidates' statements in the voters pamphlet.

Section 4. Additional Materials

That no candidate will be permitted to include additional materials in the sample ballot package.

Section 5. Payment

a. That the candidate shall be required to pay for the cost of printing the candidates statements in English and Spanish.

b. That it is hereby estimated that the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to said Section 13307 will be \$500.00. The City Clerk shall require each candidate filing a statement to pay in advance a deposit in the amount of \$500.00 as a condition of having his or her statement(s) included in the voter's pamphlet.

c. That the above estimate is only an approximation of the actual costs that vary from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements.

d. That the City Clerk shall bill each candidate for that candidate's proportion of the actual cost in excess of the deposit, and shall refund any unused portion of any deposit.

Section 6. Copy of Resolution

That the City Clerk is directed to provide each candidate or the candidate's representative a copy of this Resolution at the time nomination papers are issued.

Section 7. Repeal of Conflicting Resolutions

That all the provisions of any existing resolution as heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 8. Passage and Adoption

That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City of Desert Hot Springs; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of City of Desert Hot Springs, in the minutes of the meeting at which the same is passed and adopted.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the 16th day of June, 2015 by the following vote:

AYES: 5 – Betts; Matas; McKee; Pye; and Mayor Sanchez.

NAYS: None.

ABSENT: None.

ATTEST:



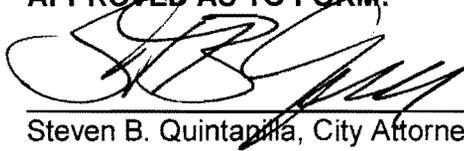
Jerryl Soriano, CMC, City Clerk

APPROVED:



Adam Sanchez, Mayor

APPROVED AS TO FORM:



Steven B. Quintanilla, City Attorney

5 STATEMENT OF ECONOMIC INTERESTS (Form 700)

(Government Code § 87200 et seq.)

Persons elected to city offices will be required to file periodic statements disclosing their “economic interests,” which include investments, interests in real property, and any income received during the immediately preceding 12 months. Exactly what must be disclosed is specified in the Government Code and/or the Conflict of Interest Code which has been adopted by the City. (See Resolution 2014-042 “Conflict of Interest Code”)

For the offices of Member of the City Council and Mayor, **candidates** as well as officeholders are required by the Government Code to file Statements of Economic Interests.

Exception: This statement shall not be required if the candidate has filed, within 60 days prior to the filing of his or her declaration of candidacy, a statement for the same jurisdiction.

Forms and filing information can be obtained from the City Clerk or visit the Fair Political Practices Commission (FPPC) website at www.fppc.ca.gov.

FPPC Staff is also available to answer any reporting questions you may have.

Advice Line:

(866)-ASK-FPPC (866-275-3772)
Monday through Thursday
9:00am - 11:30am

Political Reform Act – Email Advice:

advice@fppc.ca.gov

The Statements of Economic Interests are a matter of public record. They may be inspected, and copies purchased, by anyone.



2014/2015 Form 700 Statement of Economic Interests

Reference Pamphlet

California Fair Political Practices Commission

428 J Street, Suite 620 • Sacramento, CA 95814

Advice Email: advice@fppc.ca.gov

Toll-free advice line: 1 (866) ASK-FPPC • (866) 275-3772

Telephone: (916) 322-5660 • Website: www.fppc.ca.gov

Contents

- Who Must File Page 3
- Types of Form 700 Filings..... Page 4
- Where to File..... Page 5
- When to File..... Page 7
- Terms & Definitions Page 8

What's New

Gift Limit Increase

The gift limit increased to \$460 for calendar years 2015 and 2016. The gift limit during 2014 was \$440.

Who Must File

1. Officials and Candidates Specified in Gov. Code Section 87200 and Members of Boards and Commissions of Newly Created Agencies

The Act requires the following individuals to fully disclose their personal assets and income described in Form 700, Statement of Economic Interests:

State Offices

- Governor
- Lieutenant Governor
- Attorney General
- Controller
- Insurance Commissioner
- Secretary of State
- Treasurer
- Members of the State Legislature
- Superintendent of Public Instruction
- State Board of Equalization Members
- Public Utilities Commissioners
- State Energy Resources Conservation and Development Commissioners
- State Coastal Commissioners
- Fair Political Practices Commissioners
- State public officials (including employees and consultants) who manage public investments
- Elected members of and candidates for the Board of Administration of the California Public Employees' Retirement System
- Elected members of and candidates for the Teachers' Retirement Board
- Members of the High Speed Rail Authority

Other officials and employees of state boards, commissions, agencies, and departments file Form 700 as described in Part 2 on this page.

Judicial Offices

- Supreme, Appellate, and Superior Court Judges
- Court Commissioners
- Retired Judges, Pro-Tem Judges, and part-time Court Commissioners who serve or expect to serve 30 days or more in a calendar year

County and City Offices

- Members of Boards of Supervisors
- Mayors and Members of City Councils
- Chief Administrative Officers
- District Attorneys
- County Counsels
- City Attorneys
- City Managers
- Planning Commissioners
- County and City Treasurers
- County and city public officials (including employees and consultants) who manage public investments

Members of Boards and Commissions of Newly Created Agencies

Members must fully disclose their investments, interests in real property, business positions, and income (including loans, gifts, and travel payments) until the positions are covered under a conflict of interest code.

2. State and Local Officials, Employees, Candidates, and Consultants Designated in a Conflict of Interest Code ("Code Filers")

The Act requires every state and local government agency to adopt a unique conflict of interest code. The code lists each position within the agency filled by individuals who make or participate in making governmental decisions that could affect their personal economic interests.

The code requires individuals holding those positions to periodically file Form 700 disclosing certain personal economic interests as determined by the code's "disclosure categories." These individuals are called "designated employees" or "code filers."

Obtain your disclosure categories from your agency – they are not contained in the Form 700. Persons with broad decisionmaking authority must disclose more interests than those in positions with limited discretion. For example, you may be required to disclose only investments and business positions in or income (including loans, gifts, and travel payments) from businesses of the type that contract with your agency, or you may not be required to disclose real property interests.

In addition, certain consultants to public agencies may qualify as public officials because they make, participate in making, or act in a staff capacity for governmental decisions. Agencies determine who is a consultant and the level of disclosure and may use Form 805.

Note: An official who holds a position specified in Gov. Code Section 87200 is not required to file statements under the conflict of interest code of any agency that has the same or a smaller jurisdiction (for example, a state legislator who also sits on a state or local board or commission).

Employees in Newly Created Positions of Existing Agencies

An individual hired for a position not yet covered under an agency's conflict of interest code must file Form 700 if the individual serves in a position that makes or participates in making governmental decisions. These individuals must file under the agency's broadest disclosure category until the code is amended to include the new position unless the agency has provided in writing a limited disclosure requirement. The Form 804 may be used to satisfy this requirement.

Types of Form 700 Filings

Assuming Office Statement:

If you are a newly appointed official or are newly employed in a position designated, or that will be designated, in a state or local agency's conflict of interest code, your assuming office date is the date you were sworn in or otherwise authorized to serve in the position. If you are a newly elected official, your assuming office date is the date you were sworn in.

- Investments, interests in real property, and business positions held on the date you assumed the office or position must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the office or position is reportable.

For positions subject to confirmation by the State Senate or the Commission on Judicial Performance, your assuming office date is the date you were appointed or nominated to the position.

Example:

Maria Lopez was nominated by the Governor to serve on a state agency board that is subject to state Senate confirmation. The assuming office date is the date Maria's nomination is submitted to the Senate. Maria must report investments, interests in real property, and business positions she holds on that date, and income (including loans, gifts, and travel payments) received during the 12 months prior to that date.

If your office or position has been added to a newly adopted or newly amended conflict of interest code, use the effective date of the code or amendment, whichever is applicable.

- Investments, interests in real property, and business positions held on the effective date of the code or amendment must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the effective date of the code or amendment is reportable.

Annual Statement:

Generally, the period covered is January 1, 2014, through December 31, 2014. If the period covered by the statement is different than January 1, 2014, through December 31, 2014, (for example, you assumed office between October 1, 2013, and December 31, 2013, or you are combining statements), you must specify the period covered.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2014.

- If your disclosure category changes during a reporting period, disclose under the old category until the effective date of the conflict of interest code amendment and disclose under the new disclosure category through the end of the reporting period.

Leaving Office Statement:

Generally, the period covered is January 1, 2014, through the date you stopped performing the duties of your position. If the period covered differs from January 1, 2014, through the date you stopped performing the duties of your position (for example, you assumed office between October 1, 2013, and December 31, 2013, or you are combining statements), the period covered must be specified. The reporting period can cover parts of two calendar years.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2014.

Candidate Statement:

If you are filing a statement in connection with your candidacy for state or local office, investments, interests in real property, and business positions held on the date of filing your declaration of candidacy must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing your declaration of candidacy is reportable. Do not change the preprinted dates on Schedules A-1, A-2, and B.

Candidates running for local elective offices (e.g., county sheriffs, city clerks, school board trustees, and water district board members) must file candidate statements, as required by the conflict of interest code for the elected position. The code may be obtained from the agency of the elected position.

Amendments:

If you discover errors or omissions on any statement, file an amendment as soon as possible. You are only required to amend the schedule that needs to be revised; it is not necessary to refile the entire form. Obtain amendment schedules from the FPPC website at www.fppc.ca.gov.

Where to File

1. Officials Specified in Gov. Code Section 87200 (See Reference Pamphlet, page 3):

In most cases, the filing officials listed below will retain a copy of your statement and forward the original to the FPPC.

Filers	Where to File
87200 Filers	
State offices	Your agency
Judicial offices	The clerk of your court
Retired Judges	Directly with FPPC
County offices	Your county filing official
City offices	Your city clerk
Multi-County offices	Your agency
87200 Candidates	
State offices	County elections official with whom you file your declaration of candidacy
Judicial offices	
Multi-County offices	
County offices	County elections official
City offices	City Clerk
Public Employees' Retirement System (CalPERS)	CalPERS
State Teachers' Retirement Board (CalSTRS)	CalSTRS

Note: Individuals that invest public funds for a city or county agency must file Form 700 with the agency. Unlike other 87200 filers, the original statement will **not** be forwarded to the FPPC pursuant to Regulation 18753.

2. Code Filers — State and Local Officials, Employees, Candidates, and Consultants Designated in a Conflict of Interest Code:

File with your agency, board, or commission unless otherwise specified in your agency's conflict of interest code. In most cases, the agency, board, or commission will retain the statements.

Candidates for local elective offices designated in a conflict of interest code file with the elections office where the declaration of candidacy or other nomination documents are filed.

3. Members of Boards and Commissions of Newly Created Agencies:

File with your newly created agency or with your agency's code reviewing body as provided by your code reviewing body.

State Senate and Assembly staff members file statements directly with the FPPC.

Exceptions:

- Elected state officers are not required to file statements under any agency's conflict of interest code.
- Filers listed in Section 87200 are not required to file statements under any agency's conflict of interest code in the same jurisdiction. For example, a county supervisor who is appointed to serve in an agency with jurisdiction in the same county has no additional filing obligations.

4. Positions Not Yet Covered Under a Conflict of Interest Code

An individual hired for a position not yet covered under an agency's conflict of interest code must file Form 700 if the individual serves in a position that makes or participates in making governmental decisions. These individuals must file under the broadest disclosure category until the code is amended to include the new position unless the agency has provided in writing a limited disclosure requirement. Agencies may use FPPC Form 804 for this disclosure. Such individuals are referred to as "code filers." See Regulation 18734.

Where to File - (continued)

Leaving Office Statements:

Leaving office statements must be filed no later than 30 days after leaving the office or position.

Exceptions:

- If you complete a term of office and, within 30 days, begin a new term of the same office (for example, you are reelected or reappointed), you are not required to file a leaving office statement. Instead, you will simply file the next annual statement due.
- If you leave an office specified in Gov. Code Section 87200 and, within 45 days, you assume another office or position specified in Section 87200 that has the same jurisdiction (for example, a city planning commissioner elected as mayor), you are not required to file a leaving office statement. Instead, you will simply file the next annual statement due.
- If you transfer from one designated position to another designated position within the same agency, contact your filing officer or the FPPC to determine your filing obligations.

Candidate Statements

All candidates (including incumbents) for offices specified in Gov. Code Section 87200 must file statements no later than the final filing date for their declaration of candidacy.

Candidates seeking a position designated in a conflict of interest code must file no later than the final filing date for the declaration of candidacy or other nomination documents.

Exception:

A candidate statement is not required if you filed any statement (other than a leaving office statement) for the same jurisdiction **within 60 days** before filing a declaration of candidacy or other nomination documents.

When to File

Assuming Office Statements:

Filer	Deadline
Elected officials	30 days after assuming office
Appointed positions specified in Gov. Code Section 87200 or Newly created board and commission members not covered by a conflict of interest code	30 days after assuming office or 10 days after appointment or nomination if subject to Senate or judicial confirmation
Other appointed positions (including those held by newly-hired employees) that are or will be designated in a conflict of interest code	30 days after assuming office (30 days after appointment or nomination if subject to Senate confirmation)
Positions newly added to a new or amended conflict of interest code	30 days after the effective date of the code or code amendment

Exceptions:

- Elected state officers who assume office in December or January are not required to file an assuming office statement, but will file the next annual statement due.
- If you complete a term of office and, within 30 days, begin a new term of the same office (for example, you are reelected or reappointed), you are not required to file an assuming office statement. Instead, you will simply file the next annual statement due.
- If you leave an office specified in Gov. Code Section 87200 and, within 45 days, you assume another office or position specified in Section 87200 that has the same jurisdiction (for example, a city planning commissioner elected as mayor), you are not required to file an assuming office statement. Instead, you will simply file the next annual statement due.
- If you transfer from one designated position to another designated position within the same agency, contact your filing officer or the FPPC to determine your filing obligations.

Late statements are subject to a late fine of \$10 per day per position up to \$100 for each day the statement is late.

Annual Statements:

1. Elected state officers (including members of the state legislature, members elected to the Board of Administration of the California Public Employees' Retirement System and members elected to the Teachers' Retirement Board);
Judges and court commissioners; and
Members of state boards and commissions specified in Gov. Code Section 87200:
File no later than **Monday, March 2, 2015**.
2. County and city officials specified in Gov. Code Section 87200:
File no later than **Wednesday, April 1, 2015**.
3. Multi-County officials:
File no later than **Wednesday, April 1, 2015**.
4. State and local officials and employees designated in a conflict of interest code:
File on the date prescribed in the code (April 1 for most filers).

Exception:

If you assumed office between October 1, 2014, and December 31, 2014, and filed an assuming office statement, you are not required to file an annual statement until March 1, 2016, or April 1, 2016, whichever is applicable. The annual statement will cover the day after you assumed office through December 31, 2015.

Incumbent officeholders who file candidate statements also must file annual statements by the specified deadlines.

Terms & Definitions

The instructions located on the back of each schedule describe the types of interests that must be reported. The purpose of this section is to explain other terms used in Form 700 that are not defined in the instructions to the schedules or elsewhere.

Blind Trust: See Trusts, Reference Pamphlet, page 16.

Business Entity: Any organization or enterprise operated for profit, including a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, or association. This would include a business for which you take business deductions for tax purposes (for example, a small business operated in your home).

Code Filer: An individual who has been designated in a state or local agency's conflict of interest code to file statements of economic interests.

An individual hired on or after January 1, 2010 for a position not yet covered under an agency's conflict of interest code must file Form 700 if the individual serves in a position that makes or participates in making governmental decisions. These individuals must file under the broadest disclosure category until the code is amended to include the new position unless the agency has provided in writing a limited disclosure requirement. Agencies may use FPPC Form 804 for such disclosure. See Regulation 18734.

Commission Income: "Commission income" means gross payments of \$500 or more received during the period covered by the statement as a broker, agent, or salesperson, including insurance brokers or agents, real estate brokers or agents, travel agents or salespersons, stockbrokers, and retail or wholesale salespersons, among others.

In addition, you may be required to disclose the names of sources of commission income if your pro rata share of the gross income was \$10,000 or more from a single source during the reporting period. If your spouse or registered domestic partner received commission income, you would disclose your community property share (50%) of that income (that is, the names of sources of \$20,000 or more in gross commission income received by your spouse or registered domestic partner).

Report commission income as follows:

- If the income was received through a business entity in which you and your spouse or registered domestic partner had a 10% or greater ownership interest (or if you receive commission income on a regular basis as an independent contractor or agent), use Schedule A-2.
- If the income was received through a business entity in which you or your spouse or registered domestic partner **did not receive commission income on a regular basis** or you had a less than 10% ownership interest, use Schedule C.

The "source" of commission income generally includes all parties to a transaction, and each is attributed the full value of the commission.

Examples:

- You are a partner in Smith and Jones Insurance Company and have a 50% ownership interest in the company. You sold two Businessmen's Insurance Company policies to XYZ Company during the reporting period. You received commission income of \$5,000 from the first transaction and \$6,000 from the second. On Schedule A-2, report your partnership interest in and income received from Smith and Jones Insurance Company in Parts 1 and 2. In Part 3, list both Businessmen's Insurance Company and XYZ Company as sources of \$10,000 or more in commission income.
- You are a stockbroker for Prince Investments, but you have no ownership interest in the firm. You receive commission income on a regular basis through the sale of stock to clients. Your total gross income from your employment with Prince Investments was over \$100,000 during the reporting period. On Schedule A-2, report your name as the name of the business entity in Part 1 and the gross income you have received in Part 2. (Because you are an employee of Prince Investments, you do not need to complete the information in the box in Part 1 indicating the general description of business activity, fair market value, or nature of investment.) In Part 3, list Prince Investments and the names of any clients who were sources of \$10,000 or more in commission income to you.
- You are a real estate agent and an independent contractor under Super Realty. On Schedule A-2, Part 1, in addition to your name or business name, complete the business entity description box. In Part 2, identify your gross income. In Part 3, for each transaction that resulted in commission income to you of \$10,000 or more, you must identify the brokerage entity, each person you represented, and any person who received a finder's or other referral fee for referring a party to the transaction to the broker.

Note: If your pro rata share of commission income from a single source is \$500 or more, you may be required to disqualify yourself from decisions affecting that source of income, even though you are not required to report the income. *For information regarding disclosure of "incentive compensation," see Reference Pamphlet, page 12.*

Terms & Definitions - (continued)

Conflict of Interest: A public official or employee has a conflict of interest under the Act when all of the following occur:

- The official makes, participates in making, or uses his or her official position to influence a governmental decision;
- It is reasonably foreseeable that the decision will affect the official's economic interest;
- The effect of the decision on the official's economic interest will be material; and
- The effect of the decision on the official's economic interest will be different than its effect on the public generally.

Conflict of Interest Code: The Act requires every state and local government agency to adopt a conflict of interest code. The code may be contained in a regulation, policy statement, or a city or county ordinance, resolution, or other document.

An agency's conflict of interest code must designate all officials and employees of, and consultants to, the agency who make or participate in making governmental decisions that could cause conflicts of interest. These individuals are required by the code to file statements of economic interests and to disqualify themselves when conflicts of interest occur.

The disclosure required under a conflict of interest code for a particular designated official or employee should include only the kinds of personal economic interests he or she could significantly affect through the exercise of his or her official duties. For example, an employee whose duties are limited to reviewing contracts for supplies, equipment, materials, or services provided to the agency should be required to report only those interests he or she holds that are likely to be affected by the agency's contracts for supplies, equipment, materials, or services.

Consultant: An individual who contracts with or whose employer contracts with state or local government agencies and who makes, participates in making, or acts in a staff capacity for making governmental decisions. The agency determines who is a consultant. Consultants may be required to file Form 700. Such consultants would file under full disclosure unless the agency provides in writing a limited disclosure requirement. Agencies may use FPPC Form 805 to assign such disclosure. The obligation to file Form 700 is always imposed on the individual who is providing services to the agency, not on the business or firm that employs the individual.

FPPC Regulation 18701 defines "consultant" as an individual who makes a governmental decision whether to:

- Approve a rate, rule, or regulation
- Adopt or enforce a law
- Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
- Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval
- Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract
- Grant agency approval to a plan, design, report, study, or similar item
- Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any of its subdivisions

A consultant also is an individual who serves in a staff capacity with the agency and:

- participates in making a governmental decision; or
- performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's conflict of interest code.

Designated Employee: An official or employee of a state or local government agency whose position has been designated in the agency's conflict of interest code to file statements of economic interests or whose position has not yet been listed in the code but makes or participates in making governmental decisions. Individuals who contract with government agencies (consultants) may also be designated in a conflict of interest code.

A federal officer or employee serving in an official federal capacity on a state or local government agency is not a designated employee.

Disclosure Categories: The section of an agency's conflict of interest code that specifies the types of personal economic interests officials and employees of the agency must disclose on their statements of economic interests. Disclosure categories are usually contained in an appendix or attachment to the conflict of interest code. Contact your agency to obtain a copy of your disclosure categories.

Diversified Mutual Fund: Diversified portfolios of stocks, bonds, or money market instruments that are managed by investment companies whose business is pooling

Terms & Definitions - (continued)

the money of many individuals and investing it to seek a common investment goal. Mutual funds are managed by trained professionals who buy and sell securities. A typical mutual fund will own between 75 to 100 separate securities at any given time so they also provide instant diversification. *Only diversified mutual funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 are exempt from disclosure.* In addition, Regulation 18237 provides an exception from reporting other funds that are similar to diversified mutual funds. See Reference Pamphlet, page 13.

Elected State Officer: Elected state officers include the Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, State Controller, Secretary of State, State Treasurer, Superintendent of Public Instruction, members of the State Legislature, members of the State Board of Equalization, elected members of the Board of Administration of the California Public Employees' Retirement System and members elected to the Teachers' Retirement Board.

Enforcement: The FPPC investigates suspected violations of the Act. Other law enforcement agencies (the Attorney General or district attorney) also may initiate investigations under certain circumstances. If violations are found, the Commission may initiate administrative enforcement proceedings that could result in fines of up to \$5,000 per violation.

Instead of administrative prosecution, a civil action may be brought for negligent or intentional violations by the appropriate civil prosecutor (the Commission, Attorney General, or district attorney), or a private party residing within the jurisdiction. In civil actions, the measure of damages is up to the amount or value not properly reported.

Persons who violate the conflict of interest disclosure provisions of the Act also may be subject to agency discipline, including dismissal.

Finally, a knowing or willful violation of any provision of the Act is a misdemeanor. Persons convicted of a misdemeanor may be disqualified for four years from the date of the conviction from serving as a lobbyist or running for elective office, in addition to other penalties that may be imposed. The Act also provides for numerous civil penalties, including monetary penalties and damages, and injunctive relief from the courts.

Expanded Statement: Some officials or employees may have multiple filing obligations (for example, a city council member who also holds a designated position with a county agency, board, or commission). Such officials or employees may complete one expanded statement covering the disclosure requirements for all positions and file a complete, originally signed copy with each agency.

Fair Market Value: When reporting the value of an investment, interest in real property, or gift, you must disclose the fair market value – the price at which the item would sell for on the open market. This is particularly important when valuing gifts, because the fair market value of a gift may be different from the amount it cost the donor to provide the gift. For example, the wholesale cost of a bouquet of flowers may be \$10, but the fair market value may be \$25 or more. In addition, there are special rules for valuing free tickets and passes. Call or email the FPPC for assistance.

Gift and Honoraria Prohibitions:

Gifts:

State and local officials who are listed in Gov. Code Section 87200 (except judges – see below), candidates for these elective offices (including judicial candidates), and officials and employees of state and local government agencies who are designated in a conflict of interest code are prohibited from accepting a gift or gifts totaling more than \$460 in a calendar year from a single source during 2015-2016. During 2014, the gift limit was \$440.

In addition, elected state officers, candidates for elective state offices, and officials and employees of state agencies are subject to a \$10 per calendar month limit on gifts from lobbyists and lobbying firms registered with the Secretary of State.

Honoraria:

State and local officials who are listed in Gov. Code Section 87200 (except judges – see below), candidates for these elective offices (including judicial candidates), and employees of state and local government agencies who are designated in a conflict of interest code are prohibited from accepting honoraria for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

Terms & Definitions - (continued)

Exceptions:

- Some gifts are not reportable or subject to the gift and honoraria prohibitions, and other gifts may not be subject to the prohibitions, but are reportable. For detailed information, see the FPPC fact sheet entitled “Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans,” which can be obtained from your filing officer or the FPPC website (www.fppc.ca.gov).
- The \$460 gift limit (\$440 in 2014) and the honorarium prohibition do not apply to a part-time member of the governing board of a public institution of higher education, unless the member is also an elected official.
- If you are designated in a state or local government agency’s conflict of interest code, the \$460 gift limit (\$440 in 2014) and honorarium prohibition are applicable only to sources you would otherwise be required to report on your statement of economic interests. However, this exception is not applicable if you also hold a position listed in Gov. Code Section 87200 (See Reference Pamphlet, page 3.)
- For state agency officials and employees, the \$10 lobbyist/lobbying firm gift limit is applicable only to lobbyists and lobbying firms registered to lobby your agency. This exception is not applicable if you are an elected state officer or a member or employee of the State Legislature.
- Payments for articles published as part of the practice of a bona fide business, trade, or profession, such as teaching, are not considered honoraria. A payment for an “article published” that is customarily provided in connection with teaching includes text book royalties and payments for academic tenure review letters. An official is presumed to be engaged in the bona fide profession of teaching if he or she is employed to teach at an accredited university.

Judges:

Section 170.9 of the Code of Civil Procedure imposes gift limits on judges and prohibits judges from accepting any honorarium. Section 170.9 is enforced by the Commission on Judicial Performance. The FPPC has no authority to interpret or enforce the Code of Civil Procedure. Court commissioners are subject to the gift limit under the Political Reform Act.

Income Reporting: Reporting income under the Act is different than reporting income for tax purposes. The Act requires **gross** income (the amount received before deducting losses, expenses, or taxes, as well as income reinvested in a business entity) to be reported.

Pro Rata Share: The instructions for reporting income refer to your pro rata share of the income received. Your pro rata share is normally based on your ownership interest in the entity or property. For example, if you are a sole proprietor, you must disclose 100% of the gross income to the business entity on Schedule A-2. If you own 25% of a piece of rental property, you must report 25% of the gross rental income received. When reporting your community property interest in your spouse’s or registered domestic partner’s income, your pro rata share is 50% of his or her income.

When you are required to report sources of income to a business entity, sources of rental income, or sources of commission income, you are only required to disclose individual sources of income of \$10,000 or more. However, you may be required to **disqualify** yourself from decisions affecting sources of \$500 or more in income, even though you are not required to report them.

Examples:

- Alice Ruiz is a partner in a business entity. She has a 25% interest. On Schedule A-2, she must disclose 25% of the fair market value of the business entity; 25% of the gross income to the business entity (even though all of the income received was reinvested in the business and she did not personally receive any income from the business); and the name of each source of \$40,000 or more to the business.
- Cynthia and Mark Johnson, a married couple, own Classic Autos. Income to this business was \$200,000. In determining the amount to report for income on Schedule A-2, Part 2, Mark must include his 50% share (\$100,000) and 50% of his spouse’s share (\$50,000). Thus, his reportable income would be \$150,000 and he will check the box indicating \$100,001-\$1,000,000. (Also see Reference Pamphlet, page 13, for an example of how to calculate the value of this investment.)

You are **not** required to report:

- Salary, reimbursement for expenses or per diem, social security, disability, or other similar benefit payments received by you or your spouse or registered domestic partner from a federal, state, or local government agency
- A travel payment that was received from a non-profit entity exempt from taxation under Internal Revenue Code Section 501(c)(3) for which you provided equal or greater consideration, such as reimbursement for travel on business for a 501(c)(3) organization for which you are a board member.

Terms & Definitions - (continued)

- Campaign contributions
- A cash bequest or cash inheritance
- Returns on a security registered with the Securities and Exchange Commission, including dividends, interest, or proceeds from a sale of stocks or bonds
- Redemption of a mutual fund
- Payments received under an insurance policy, including an annuity
- Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union, an insurance policy, or a bond or other debt instrument issued by a government agency
- Your spouse's or registered domestic partner's income that is legally "separate" income so long as the funds are not commingled with community funds or used to pay community expenses
- Income of dependent children
- Automobile trade-in allowances from dealers
- Loans and loan repayments received from your spouse or registered domestic partner, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin unless he or she was acting as an intermediary or agent for any person not covered by this provision
- Alimony or child support payments
- Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a)
- Any loan from a commercial lending institution made in the lender's regular course of business on terms available to the public without regard to your official status
- Any retail installment or credit card debts incurred in the creditor's regular course of business on terms available to the public without regard to your official status
- Loans made to others. However, repayments may be reportable on Schedule C
- A loan you co-signed for another person unless you made payments on the loan during the reporting period

Incentive Compensation: "Incentive compensation" means income over and above salary that is either ongoing or cumulative, or both, as sales or purchases of goods or services accumulate. Incentive compensation is calculated by a predetermined formula set by the official's employer which correlates to the conduct of the purchaser in direct response to the effort of the official.

Incentive compensation does not include:

- Salary
- Commission income (*For information regarding disclosure of "commission income," see Reference Pamphlet, page 8.*)
- Bonuses for activity not related to sales or marketing, the amount of which is based solely on merit or hours worked over and above a predetermined minimum
- Executive incentive plans based on company performance, provided that the formula for determining the amount of the executive's incentive income does not include a correlation between that amount and increased profits derived from increased business with specific and identifiable clients or customers of the company
- Payments for personal services which are not marketing or sales

The purchaser is a source of income to the official if all three of the following apply:

- the official's employment responsibilities include directing sales or marketing activity toward the purchaser; and
- there is direct personal contact between the official and the purchaser intended by the official to generate sales or business; and
- there is a direct relationship between the purchasing activity of the purchaser and the amount of the incentive compensation received by the official.

Report incentive compensation as follows:

- In addition to salary, reimbursement of expenses, and other income received from your employer, separately report on Schedule C the name of each person who purchased products or services sold, marketed or represented by you if you received incentive compensation of \$500 or more attributable to the purchaser during the period covered by the statement.
- If incentive compensation is paid by your employer in a lump sum, without allocation of amounts to specific customers, you must determine the amount of incentive compensation attributable to each of your customers. This may be based on the volume of sales to those customers.

(See Regulations 18703.3 and 18728.5 for more information.)

Terms & Definitions - (continued)

Investment Funds: The term “investment” no longer includes certain exchange traded funds, closed-end funds, or funds held in an Internal Revenue Code qualified plan. These non-reportable investment funds (1) must be bona fide investment funds that pool money from more than 100 investors, (2) must hold securities of more than 15 issuers, and (3) cannot have a stated policy of concentrating their holdings in the same industry or business (“sector funds”). In addition, the filer may not influence or control the decision to purchase or sell the specific fund on behalf of his or her agency during the reporting period or influence or control the selection of any specific investment purchased or sold by the fund. (Regulation 18237)

Investments and Interests in Real Property: When disclosing investments on Schedules A-1 or A-2 and interests in real property on Schedules A-2 or B, you must include investments and interests in real property held by your spouse or registered domestic partner, and those held by your dependent children, as if you held them directly.

Examples:

- Terry Pearson, her husband, and two dependent children each own \$600 in stock in General Motors. Because the total value of their holdings is \$2,400, Terry must disclose the stock as an investment on Schedule A-1.
- Cynthia and Mark Johnson, a married couple, jointly own Classic Autos. Mark must disclose Classic Autos as an investment on Schedule A-2. To determine the reportable value of the investment, Mark will aggregate the value of his 50% interest and Cynthia’s 50% interest. Thus, if the total value of the business entity is \$150,000, he will check the box \$100,001 - \$1,000,000 in Part 1 of Schedule A-2. (Also see Reference Pamphlet, page 11, for an example of how to calculate reportable income.)
The Johnsons also own the property where Classic Autos is located. To determine the reportable value of the real property, Mark will again aggregate the value of his 50% interest and Cynthia’s 50% interest to determine the amount to report in Part 4 of Schedule A-2.
- Katie Smith rents out a room in her home. She receives \$6,000 a year in rental income. Katie will report the fair market value of the rental portion of her residence and the income received on Schedule B.

Jurisdiction: Report discloseable investments and sources of income (including loans, gifts, and travel payments) that are either located in or doing business in your agency’s jurisdiction, are planning to do business in your agency’s jurisdiction, or have done business during

the previous two years in your agency’s jurisdiction, and interests in real property located in your agency’s jurisdiction.

A business entity is doing business in your agency’s jurisdiction if the entity has business contacts on a regular or substantial basis with a person who maintains a physical presence in your jurisdiction.

Business contacts include, but are not limited to, manufacturing, distributing, selling, purchasing, or providing services or goods. Business contacts do not include marketing via the Internet, telephone, television, radio, or printed media.

The same criteria are used to determine whether an individual, organization, or other entity is doing business in your jurisdiction.

Exception:

Gifts are reportable regardless of the location of the donor. For example, a state agency official with full disclosure must report gifts from sources located outside of California. (Designated employees/code filers should consult their disclosure categories to determine if the donor of a gift is of the type that must be disclosed.)

When reporting interests in real property, if your jurisdiction is the state, you must disclose real property located within the state of California unless your agency’s conflict of interest code specifies otherwise.

For local agencies, an interest in real property is located in your jurisdiction if any part of the property is located in, or within two miles of, the region, city, county, district, or other geographical area in which the agency has jurisdiction, or if the property is located within two miles of any land owned or used by the agency.

See the following explanations to determine what your jurisdiction is:

State Offices and All Courts: Your jurisdiction is the state if you are an elected state officer, a state legislator, or a candidate for one of these offices. Judges, judicial candidates, and court commissioners also have statewide jurisdiction. (*In re Baty* (1979) 5 FPPC Ops. 10) If you are an official or employee of, or a consultant to, a state board, commission, or agency, or of any court or the State Legislature, your jurisdiction is the state.

County Offices: Your jurisdiction is the county if you are an elected county officer, a candidate for county office, or if you are an official or employee of, or a consultant to, a county agency or any agency with jurisdiction solely within a single county.

Terms & Definitions - (continued)

City Offices: Your jurisdiction is the city if you are an elected city officer, a candidate for city office, or you are an official or employee of, or a consultant to, a city agency or any agency with jurisdiction solely within a single city.

Multi-County Offices: If you are an elected officer, candidate, official or employee of, or a consultant to a multi-county agency, your jurisdiction is the region, district, or other geographical area in which the agency has jurisdiction. (Example: A water district has jurisdiction in a portion of two counties. Members of the board are only required to report interests located or doing business in that portion of each county in which the agency has jurisdiction.)

Other (for example, school districts, special districts and JPAs): If you are an elected officer, candidate, official or employee of, or a consultant to an agency not covered above, your jurisdiction is the region, district, or other geographical area in which the agency has jurisdiction. See the multi-county example above.

Leasehold Interest: The term “interest in real property” includes leasehold interests. An interest in a lease on real property is reportable if the value of the leasehold interest is \$2,000 or more. The value of the interest is the total amount of rent owed by you during the reporting period or, for a candidate or assuming office statement, during the prior 12 months.

You are not required to disclose a leasehold interest with a value of less than \$2,000 or a month-to-month tenancy.

Loan Reporting: Filers are not required to report loans from commercial lending institutions or any indebtedness created as part of retail installment or credit card transactions that are made in the lender’s regular course of business, without regard to official status, on terms available to members of the public.

Loan Restrictions: State and local elected and appointed public officials are prohibited from receiving any personal loan totaling more than \$250 from an official, employee, or consultant of their government agencies or any government agency over which the official or the official’s agency has direction or control. In addition, loans of more than \$250 from any person who has a contract with the official’s agency or an agency under the official’s control are prohibited unless the loan is from a commercial lending institution or part of a retail installment or credit card transaction made in the regular course of business on terms available to members of the public.

State and local elected officials are also prohibited from receiving any personal loan of \$500 or more unless the loan agreement is in writing and clearly states the terms of the loan, including the parties to the loan agreement, the date, amount, and term of the loan, the date or dates when payments are due, the amount of the payments, and the interest rate on the loan.

Campaign loans and loans from family members are not subject to the \$250 and \$500 loan prohibitions.

A personal loan made to a public official that is not being repaid or is being repaid below certain amounts will become a gift to the official under certain circumstances. Contact the FPPC for further information, or see the FPPC fact sheet entitled “Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans,” which can be obtained from your filing officer or the FPPC website (www.fppc.ca.gov).

Privileged Information: FPPC Regulation 18740 sets out specific procedures that must be followed in order to withhold the name of a source of income. Under this regulation, you are not required to disclose on Schedule A-2, Part 3, the name of a person who paid fees or made payments to a business entity if disclosure of the name would violate a legally recognized privilege under California law. However, you must provide an explanation for nondisclosure separately stating, for each undisclosed person, the legal basis for the assertion of the privilege, facts demonstrating why the privilege is applicable, and that to the best of your knowledge you have not and will not make, participate in making, or use your official position to influence a governmental decision affecting the undisclosed person in violation of Government Code Section 87100. This explanation may be included with, or attached to, the public official’s Form 700.

We note that the name of a source of income is privileged only to a limited extent under California law. For example, a name is protected by attorney-client privilege only when facts concerning an attorney’s representation of an anonymous client are publicly known and those facts, when coupled with disclosure of the client’s identity, might expose the client to an official investigation or to civil or criminal liability. A patient’s name is protected by physician-patient privilege only when disclosure of the patient’s name would also reveal the nature of the treatment received by the patient. A patient’s name is also protected if the disclosure of the patient’s name would constitute a violation by an entity covered under the Federal Health Insurance Portability and Accountability Act (also known as HIPAA).

Public Officials Who Manage Public Investments: Individuals who invest public funds in revenue-producing programs must file Form 700. This includes individuals who direct or approve investment transactions, formulate or approve investment policies, and establish guidelines for asset allocations. FPPC Regulation 18701 defines “public officials who manage public investments” to include the following:

Terms & Definitions - (continued)

- Members of boards and commissions, including pension and retirement boards or commissions, and committees thereof, who exercise responsibility for the management of public investments;
- High-level officers and employees of public agencies who exercise primary responsibility for the management of public investments (for example, chief or principal investment officers or chief financial managers); and
- Individuals who, pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions described above.

Registered Domestic Partners: Filers must report investments and interests in real property held by, and sources of income to, registered domestic partners. (See Regulation 18229.)

Retirement Accounts (for example, deferred compensation and individual retirement accounts (IRAs)):

Assets held in retirement accounts must be disclosed if the assets are reportable items, such as common stock (investments) or real estate (interests in real property). For help in determining whether your investments and real property are reportable, see the instructions to Schedules A-1, A-2, and B.

If your retirement account holds reportable assets, disclose only the assets held in the account, not the account itself. You may have to contact your account manager to determine the assets contained in your account.

Schedule A-1: Report any business entity in which the value of your investment interest was \$2,000 or more during the reporting period. (Use Schedule A-2 if you have a 10% or greater ownership interest in the business entity.)

Schedule B: Report any piece of real property in which the value of your interest was \$2,000 or more during the reporting period.

Examples:

- Alice McSherry deposits \$500 per month into her employer's deferred compensation program. She has chosen to purchase shares in two diversified mutual funds registered with the Securities and Exchange Commission. Because her funds are invested solely in non-reportable mutual funds (see Schedule A-1 instructions), Alice has no disclosure requirements with regard to the deferred compensation program.
- Bob Allison has \$6,000 in an individual retirement account with an investment firm. The account contains stock in several companies doing business in his jurisdiction. One of his stock holdings, Misac Computers, reached a value of \$2,500 during the reporting period. The value of his investment in each of the other companies was less than \$2,000. Bob must

report Misac Computers as an investment on Schedule A-1 because the value of his stock in that company was \$2,000 or more.

- Adriane Fisher has \$5,000 in a retirement fund that invests in real property located in her jurisdiction. The value of her interest in each piece of real property held in the fund was less than \$2,000 during the reporting period. Although her retirement fund holds reportable assets, she has no disclosure requirement because she did not have a \$2,000 or greater interest in any single piece of real property. If, in the future, the value of her interest in a single piece of real property reaches or exceeds \$2,000, she will be required to disclose the real property on Schedule B for that reporting period.

Trusts: Investments and interests in real property held and income received by a trust (including a living trust) are reported on Schedule A-2 if you, your spouse or registered domestic partner, and your dependent children together had a 10% or greater interest in the trust and your pro rata share of a single investment or interest in real property was \$2,000 or more.

You have an interest in a trust if you are a trustor and:

- Can revoke or terminate the trust;
- Have retained or reserved any rights to the income or principal of the trust or retained any reversionary or remainder interest; or
- Have retained any power of appointment, including the power to change the trustee or the beneficiaries.

Or you are a beneficiary and:

- Presently receive income; or
- Have an irrevocable future right to receive income or principal. (See FPPC Regulation 18234 for more information.)

Examples:

- Sarah Murphy has set up a living trust that holds her principal residence, stock in several companies that do business in her jurisdiction, and a rental home in her agency's jurisdiction. Since Sarah is the trustor and can revoke or terminate the trust, she must disclose any stock worth \$2,000 or more and the rental home on Schedule A-2. Sarah's residence is not reportable because it is used exclusively as her personal residence.
- Ben Yee is listed as a beneficiary in his grandparents' trust. However, Ben does not presently receive income from the trust, nor does he have an irrevocable future right to receive income or principal. Therefore, Ben is not required to disclose any assets contained in his grandparents' trust.

Terms & Definitions - (continued)

Blind Trusts:

A blind trust is a trust managed by a disinterested trustee who has complete discretion to purchase and sell assets held by the trust. If you have a direct, indirect, or beneficial interest in a blind trust, you may not be required to disclose your pro rata share of the trust's assets or income.

However, the trust must meet the standards set out in FPPC Regulation 18235, and you must disclose reportable assets originally transferred into the blind trust and income from those original assets on Schedule A-2 until they have been disposed of by the trustee.

Trustees:

If you are only a trustee, you do not have a reportable interest in the trust. However, you may be required to report the income you received from the trust for performing trustee services.

Wedding Gifts: Wedding gifts must be disclosed if they were received from a reportable source during the period covered by the statement. Gifts valued at \$50 or more are reportable; however, a wedding gift is considered a gift to both spouses equally. Therefore, you would count one-half of the value of a wedding gift to determine if it is reportable and need only report individual gifts with a total value of \$100 or more.

For example, you receive a place setting of china valued at \$150 from a reportable source as a wedding gift. Because the value to you is \$50 or more, you must report the gift on Schedule D, but may state its value as \$75.

Wedding gifts are not subject to the \$460 gift limit, but they are subject to the \$10 lobbyist/lobbying firm gift limit for state officials.

Privacy Information Notice

Information requested on all FPPC forms is used by the FPPC to administer and enforce the Political Reform Act (Gov. Code Sections 81000-91014 and California Code of Regulations Sections 18109-18997). All information required by these forms is mandated by the Political Reform Act. Failure to provide all of the information required by the Act is a violation subject to administrative, criminal, or civil prosecution. All reports and statements provided are public records open for public inspection and reproduction.

If you have any questions regarding this Privacy Notice or how to access your personal information, please contact the FPPC at:

General Counsel
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
(916) 322-5660
(866) 275-3772

California Fair Political Practices Commission

Frequently Asked Questions: Form 700 Disclosure

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The FAQs listed below are selected from questions often asked about the Statement of Economic Interests (Form 700). Because it is not possible to address all of the unique variables and circumstances related to disclosure, individuals are encouraged to contact the FPPC with specific facts. Most officials must also consult their agency’s conflict of interest code to determine their disclosure level and their reportable interests. The Form 700 is a public document. Form 700s filed by State Legislators and Judges, members of the FPPC, County Supervisors, and City Council Members are available on the FPPC’s website.

General Questions

1. Q. Do all officials have the same disclosure requirements for Form 700 reporting?
 - A. No. The majority of individuals that file the Form 700 must do so by following the rules set forth in their agency’s conflict of interest code (“designated employees”). Before completing the Form 700, an official should be familiar with the disclosure category for his or her position. For example, since job duties differ from agency to agency and even unit to unit within the same agency, an analyst for one agency, or unit of that agency, may not have the same reporting requirements as an analyst from another agency, or even another unit of the same agency.

Officials listed in Government Code Section 87200 (e.g., boards of supervisors, city council members, planning commissioners, elected state officials, etc.) must report all sources of gifts, as well as sources of income, and investments and business positions in business entities, doing business within, and real property interests located within, their agency’s jurisdiction. For local officials, real property located within 2 miles of the boundaries of the jurisdiction or any real property that the agency has an interest in is deemed to be “within the jurisdiction.”
2. Q. Is it necessary to read all of the information before completing the Form 700?
 - A. Each individual must verify the Form 700’s content under penalty of perjury. Therefore, every effort must be made to understand what is required by the form. When necessary, you may contact the FPPC for specific, personal guidance. You may only obtain immunity from an enforcement action when you receive formal written advice.
3. Q. Where are the Form 700s filed?
 - A. Most state and local officials file with their agency. In most instances, the agency is required to forward the originals for specified high-level officials to the FPPC. Only retired judges serving on assignment and legislative staff file the Form 700 *directly* with the FPPC.

4. Q. If the Form 700 is postmarked by the due date, is it considered filed on time?
- A. Yes.
5. Q. If an official holds various positions for which the Form 700 is required, is a statement required for each position?
- A. Yes. However, one expanded statement covering the disclosure requirements for all positions may be completed as long as an originally signed statement is filed with each filing officer.
6. Q. Do individuals need to file a complete Form 700 when they leave office?
- A. Yes. The same requirements apply for the assuming office, the annual, and the leaving office filings.
7. Q. An individual is hired into a newly created management position in her agency's Information Technology Department. How does she complete the Form 700?
- A. Because it is a newly created position, the law requires that economic interests are reported under the broadest disclosure category in the agency's conflict of interest code unless the agency sets interim disclosure that is tailored to the limited range of duties of the position. Generally, the Form 700 must be filed with the agency within 30 days of the date of hire. An individual may request that the agency complete the Form 804 (Agency Report of New Positions) to tailor the disclosure category to the job duties of the new position.
8. Q. Must board members of a non-profit public benefit corporation that operates California charter schools file Form 700?
- A. Yes. Members of charter schools are public officials and must file the Form 700.

Income Questions

9. Q. Must an official report a spouse's or registered domestic partner's salary?
- A. Generally an official is required to report 50% of his or her spouse's or registered domestic partner's salary. The disclosure lists the employer's name as the source of income on Schedule C of the Form 700. If the spouse or registered domestic partner is self-employed, the business entity is reported on Schedule A-2. Officials should check their disclosure category, if applicable, to determine if the income is reportable. A spouse or registered domestic partner's government salary is not reportable (e.g., spouse is a teacher at a public school).
10. Q. If an official owns a business in which he has received income of \$10,000 or more from a client, is the official required to disclose the client's name on Schedule A-2, Part 3?
- A. Yes, except for under rare circumstances where disclosure of the identity would violate a legally recognized privilege under California or federal law. In these cases, the FPPC may authorize an exemption. (Regulation 18740)
11. Q. When an official purchases a new car and trades in the old car as credit toward the purchase price, is the trade-in allowance considered reportable income on the Form 700?

- A. No. A trade-in allowance is not considered income and is not reportable on an official's Form 700.

Investment Questions

12. Q. An official holds various stocks through an account managed by an investment firm. The account manager decides which stocks to purchase with no input from the official. Are the stocks subject to disclosure?
- A. Yes. Unless the stocks are in a diversified mutual fund registered with the SEC or in a fund similar to a diversified mutual fund (e.g., exchange traded fund (ETF)) if the similar fund meets requirements specified in Regulation 18237. Any investments worth \$2,000 or more in a business entity located in or doing business in the jurisdiction must be disclosed on Schedule A-1 or A-2 if the official's disclosure category requires that the investments be reported.
13. Q. Are funds invested in a retirement account required to be disclosed?
- A. Investments held in a government defined-benefit pension program plan (i.e., CalPERS) are not reportable. Investments held in a fund such as a defined contribution plan 401(k) or exchange traded fund (EFT) are not required to be disclosed if the fund meets specified requirements. (Regulation 18237). An official may need to contact his or her account manager for assistance in determining what assets are held in the account.
14. Q. If an official reported stocks that were acquired last year on his or her annual Form 700, must the stocks be listed again on the official's next Form 700?
- A. Yes. Stocks that are worth \$2,000 or more during the reporting period must be reported every year that they are held. The "acquired" and "disposed" dates are only required if the stocks were acquired or disposed of during the period covered by the Form 700.
15. Q. How are interests in a living trust reported if the trust includes: (1) rental property in the official's jurisdiction; (2) a primary residence; and (3) investments in diversified mutual funds? Are there different disclosure rules?
- A. The name of the trust is reported, along with the rental property and its income, on Schedule A-2. The official's primary residence, if used exclusively as a personal residence, and investments in diversified mutual funds registered with the SEC, are not reportable. (For secondary residences, see Question 17.) Although the official's primary residence is not required to be disclosed on the Form 700, it is still considered an economic interest for conflict of interest purposes. (See Question 16.)

Real Property Questions

16. Q. Is an official's personal residence reportable?
- A. Generally, any personal residence occupied by an official or his or her family is not reportable if used exclusively as a personal residence. However, a residence for which a business deduction is claimed is reportable if the portion claimed as a tax deduction is valued at \$2,000 or more. In addition, any residence for which an official receives rental income is reportable if it is located in the jurisdiction.

17. Q. When an official is required to report interests in real property, is a secondary residence reportable?
- A. It depends. First, the residence must be located in the official's jurisdiction. If the secondary residence is located in the official's jurisdiction and rental income is received (including from a family member), the residence is reportable. However, if the residence is used exclusively for personal purposes and no rental income is received, it is not reportable. Although the secondary residence may not be reportable, it is still considered an economic interest for conflict of interest purposes.
18. Q. If a primary or secondary personal residence is required to be reported, is the street address required to be disclosed?
- A. No. The assessor's parcel number may be listed instead of the street address.

Enforcement Question

19. Q. What is the penalty for not filing the Form 700 on time or not reporting all required economic interests?
- A. A late fine of \$10 per day up to a \$100 may be assessed. In addition, if a matter is referred to the FPPC Enforcement Division for failure to file or failure to include all required economic interests, the fine may be substantially higher. In 2014, the FPPC collected over \$81,000 in fines for late statements and non-disclosure of economic interests. If an individual does not pay a fine, the matter may be referred to the Franchise Tax Board for collection.

Gift/Travel Questions

20. Q. What is the gift limit for 2015-2016?
- A. **\$460:** This means that gifts from a single, reportable source, other than a lobbyist or lobbying firm (see below), may not exceed \$460 in a calendar year. For officials and employees who file the Form 700 under an agency's conflict of interest code ("designated employees"), this limit applies only if the official or employee would be required to report income or gifts from that source on the Form 700, as outlined in the "disclosure category" portion of the agency's conflict of interest code. For conflict of interest purposes, the gift must be under \$460 to avoid consideration under the conflict rules.

State Lobbyist & Lobbying Firm Limit:

\$10: State candidates, state elected officers, and state legislative officials may not accept gifts aggregating more than **\$10 in a calendar month that are made or arranged by a registered state lobbyist or lobbying firm.** The same rule applies to state agency officials, including members of state boards and commissions, if the lobbyist or firm is registered to lobby, or should be registered to lobby, the official's or employee's agency.

21. Q. During the year, an official received several gifts of meals from the same reportable source. Each meal was approximately \$35. Is the source reportable?

- A. Yes. Gifts from the same reportable source are aggregated, and the official must disclose the source when the total value of all meals reaches \$50.
22. Q. Does a gift source have to be reported if it is not doing business in the jurisdiction but is of the type that would need to be reported if it were?
- A. Yes. While income reporting has a jurisdictional limitation under the Act, gift reporting does not. Therefore, gifts from sources located anywhere in the world are reportable if they are of the type that do business with the employee's agency such that the employee is required to report sources of that type.
23. Q. How does an individual return a gift so that it is not reportable?
- A. Unused gifts that are returned to the donor or reimbursed within 30 days of receipt are not reportable. The recipient may also donate the unused item to a charity or governmental agency within 30 days of receipt or acceptance so long as the donation is not claimed as a tax deduction.
24. Q. Two people typically exchange gifts of similar value on birthdays. Are these items reportable?
- A. No. Gift exchanges with individuals, other than lobbyists, on birthdays, holidays, or similar occasions, are not reportable or subject to gift limits. The gifts exchanged must be similar in value.
25. Q. Must an official report gifts received from an individual whom the official is dating?
- A. No. Gifts of a personal nature exchanged because the individuals are in a bona fide dating relationship are not reportable or subject to gift limits. However, the official remains subject to the conflict of interest rules and some matters may require recusal from voting.
26. Q. If an official makes a speech related to national public policy and his or her spouse attends the dinner at the event, is the spouse's meal considered a gift to the official?
- Yes. The official's meal is not a reportable gift; however, his or her spouse's meal is a gift and reportable on the official's Form 700 if the value is \$50 or more.
27. Q. A vendor that does business with the agency provided entertainment tickets to the spouse of one of the agency members. Must the member report the tickets as gifts?
- A. Yes. Unless an exception applies, the tickets are a reportable gift. A gift to an official's spouse is a gift to the official when there is no established working, social, or similar relationship between the donor/vendor and the spouse or there is evidence to suggest that the donor had a purpose to influence the official.
28. Q. An agency received two free tickets to a concert from a local vendor. The agency has a policy governing the reporting of tickets and passes distributed to persons for use in ceremonial roles or other agency related activities. The agency had discretion to determine who in the agency

received the tickets. Each ticket was valued at \$140. If the agency director used the tickets, how are they reported?

A. The tickets worth \$280 are reportable by the agency on the Form 802 (Agency Report of Ceremonial Role Events and Ticket/Pass Distributions), which is a public record that is filed with the FPPC and posted on its website. The director does not report the tickets on the Form 700, and the value of the tickets is not subject to the gift limit.

29. Q. An agency received a large box of chocolates as a holiday gift from a local merchant. It was addressed to the agency and not to a particular employee. Is there a reporting requirement?

A. No, so long as no agency employee receives \$50 or more in benefits from the gift. There is no reporting requirement if the value received by each agency employee is less than \$50.

30. Q. An agency official receives a gift basket specifically addressed to the official worth more than \$50 from a local merchant. Is there a reporting requirement?

A. The official may have to report the gift if it is from a source covered by the official's disclosure category and he or she consumes the contents of the gift basket, or directs and controls who receives the gift. For instance, the official must still report the gift even if he or she shares the gift with other agency employees.

31. Q. Do prizes donated to a governmental agency by an outside source constitute gifts under the Act if they were received by city employees in a drawing conducted by the city for all city employees participating in the city's charitable food drive?

A. Yes. The prizes are gifts if donated by an outside source and subject to the Act's limits and reporting requirements.

32. Q. Is a ticket provided to an official for his or her admission to an event at which the official performs a ceremonial role or function on behalf of his or her agency reportable on the official's Form 700?

A. No, so long as the organization holding the event provides the ticket and so long as the official's agency completes the Form 802 (Agency Report of Ceremonial Role Events and Ticket/Pass Distributions). The form will identify the official's name and explain the ceremonial function. (See Regulation 18942.3 for the definition of "ceremonial role.")

33. Q. Are frequent flyer miles reportable?

A. No. Discounts received under an airline's frequent flyer program that are available to all members of the public are not required to be disclosed.

IMPORTANT NOTE: See Regulation 18950.1 for additional information on reporting travel payments. In some circumstances the agency may report the travel in lieu of the official reporting the travel.

34. Q. If a non-profit organization pays for an official to travel to a conference after receiving the funds to pay for the travel from corporate sponsors, specifically for the purpose of paying for the official's travel, is the non-profit organization or the corporate sponsors the source of the gift?
- A. The corporate sponsors are the source of the gift if the corporate sponsors donated funds specifically for the purpose of the official's travel. Thus, the benefit of the gift received by the official would be pro-rated among the donors. Each reportable donor would be subject to the gift limit and identified on the official's Form 700. The FPPC should be contacted for specific guidance to determine the true source of the travel payment.
35. Q. May an official accept travel, lodging and subsistence from a foreign sister city while representing the official's home city?
- A. Yes. If the travel and related lodging and subsistence is paid by a foreign government and is reasonably related to a legislative or governmental purpose, it is not subject to the gift limit. However, the payments must be disclosed as gifts on the Form 700 for this exception to apply. While in the foreign country, any personal excursions not paid for by the official must also be disclosed and are subject to the gift limit. If private entities make payments to the foreign government to cover the travel expenses, the gift limit will apply and travel payments will likely be prohibited. Please contact the FPPC for more information.
36. Q. An analyst for a state or local agency attends a training seminar on the new federal standards related to the agency's regulatory authority. If the analyst's travel payments are paid by the federal agency, must the analyst report the payment on the Form 700?
- A. No. A payment for travel and related per diem received from a government agency for education, training, or other inter-agency programs or purposes, is not considered a gift or income to the official who uses the payment.
37. Q. A state legislator and a planning commissioner were guest speakers at an association's event. Travel expenses were paid by the association, and the event was held in the United States. Is this reportable?
- A. Yes. The payment is reportable, but not subject to the gift limits. In general, an exception applies to payments for travel within the United States that are provided to attend a function where the official makes a speech. These payments are not limited, but are reportable as gifts. The rules require that the speech be reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy; and the travel payment must be limited to actual transportation and related lodging and subsistence the day immediately preceding, the day of, and the day immediately following the speech. (See Government Code Section 89506. Other rules may be applicable if this exception is not used.)

Tickets to Non-Profit and Political Fundraisers Questions

38. Q. An official is offered a ticket from a 501(c)(3) charitable organization to attend its fundraising event. The face value (price) of the ticket is \$500, and the ticket states that the tax deductible portion is \$350. If the official accepts the ticket, what must be reported?

- A. Nothing is required to be reported on the Form 700 so long as the ticket is provided directly by the 501(c)(3) organization for its own fundraising event and is used for the official's own attendance at the fundraiser. In this case, the ticket is deemed to have no value. The official may also accept a second ticket provided directly by the 501(c)(3) organization for his or her guest attending the event, without a reporting obligation by either the official or the guest.
39. Q. What if someone purchases a table at a non-profit fundraiser and offers an official a seat at the table?
- A. If another person or entity provides a ticket, it is a gift and subject to the gift limit. The value is the non-deductible portion on the ticket. If there is no declared face value, then the value is the pro-rata share of the food, catering service, entertainment, and any additional item provided as part of the event. The "no value" exception only applies if the official receives no more than two tickets for his or her own use directly from the 501(c)(3) organization and it is for the organization's fundraising event.
40. Q. A 501(c)(3) organization provides a ticket to an official for its fundraising event. The organization seats the official at a table purchased by a business entity. Does the official have to report the ticket?
- A. No. So long as the ticket is provided directly by the 501(c)(3) organization and is used for the official's own attendance at the fundraiser, the ticket is not reportable regardless of where the official is seated.
41. Q. An agency employee who holds a position designated in the conflict of interest code receives a ticket to a fundraiser from a person not "of the type" listed in the agency's code. Is the agency employee required to report the value?
- A. No. A ticket or any other gift may be accepted under these circumstances without limit or reporting obligations. Agencies must ensure the conflict of interest code adequately addresses potential conflicts of interests but not be so overbroad as to include sources that are not related to the employee's official duties.
42. Q. An official receives a ticket to attend a political fundraiser held in Washington D.C. from a federal committee. Is the official required to disclose the ticket as a gift, and is it subject to the gift limit?
- A. No. The value of the ticket is not a gift so long as the ticket is provided to the official directly by the committee holding the fundraiser and the official personally uses the ticket. (Regulation 18946.4.) Separate rules apply for travel provided to attend the fundraiser. Regulation 18950.3 covers issues on travel paid by or for a campaign committee.
43. Q. A political party committee is holding a political fundraiser at a golf course and a round of golf is included. If the committee provides an elected official a ticket, is the ticket reportable by the official?
- A. No, so long as the official uses the ticket for his or her own use. If someone other than the political party provides a ticket, the full cost of the ticket is a gift. The political party must report the total amount spent on the fundraiser on its campaign statement.

44. Q. If a business entity offers an official a ticket or a seat at a table that was purchased for a political fundraiser, what is the value?
- A. Because the ticket was not offered by the campaign committee holding the fundraiser, it is a gift to the official. The value is either the face value of the ticket or the pro-rata share of the food, catering services, entertainment, and any additional benefits provided to attendees.
45. Q. If an official attends an event that serves only appetizers and drinks, does the “drop-in” exception apply no matter how long the official stays or how many appetizers or drinks are consumed?
- A. No. The focus of the food and beverages “drop-in” exception is not on the nature of the event as a whole, but rather on the particular official’s brief attendance and limited consumption. If an official attends an event that serves only appetizers and drinks, the “drop-in” exception would only apply if the official just “drops in” for a few minutes and consumes only a “de minimis” amount of appetizers and drinks. However, the “drop-in” exception does not automatically apply just because the event does not serve more than appetizers and drinks.
46. Q. An organization, which is not a 501(c)(3) organization, is holding a fundraiser at a professional sporting event. Tickets to this sporting event are sold out and it appears that tickets are only available at a substantially higher price than the stated face value amount of the ticket provided to the official by the organization. If the official attends the event, what is the value of the gift?
- A. The value is the face value amount stated on the ticket to the sporting event. This valuation rule applies to all tickets to such events that are not covered by a separate valuation exception, such as non-profit and political party fundraisers.
47. Q. An official receives a ticket to a fundraiser, and if accepted, the ticket will result in a reportable gift or a gift over the current gift limit. What are the options?
- A. The official may reimburse the entity or organization that provided the ticket for the amount over the gift limit (or pay down the value to under the \$50 gift reporting threshold if the official does not want to disclose the ticket). Reimbursement must occur within 30 days of receipt of the ticket. A candidate or elected official may use campaign funds to make the reimbursement if the official’s attendance at the event is directly related to a political, legislative, or governmental purpose for the payment. A ticket that is not used and not given to another person is not considered a gift to the official.

6 CODE OF FAIR CAMPAIGN PRACTICES (Elections Code § 20400 et seq.)

The Code of Fair Campaign Practices is to be issued to all candidates; however, filing it is optional. Candidates who want to subscribe to it may fill out the form included with the nomination documents and return it along with the other nomination material (or the candidate may file the Code at a later date). It may be filed at any time up to Election Day.

All Codes filed by candidates will be available for public inspection at the City Clerk's office until 30 days after the election.

PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES
As found in Chapter 5 of Division 20 of the
California Elections Code

Chapter 5. Fair Campaign Practices
Article 1. General Intent

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

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

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

Article 2. Definitions

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

Article 3. Code of Fair Campaign Practices

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

In the case of a committee making an independent expenditure, as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee.

The text of the code shall read, as follows: (see reverse)

20441. The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

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

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

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

Chapter 6. Libel and Slander

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

20501. (a) A candidate or state measure proponent is liable for any slander or libel committed by a committee that is controlled by that candidate or state measure proponent as defined by Section 82016 of the Government Code if the candidate or state measure proponent willfully and knowingly directs or permits the libel or slander.

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

“CODE OF FAIR CAMPAIGN PRACTICES”

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

THEREFORE:

- (1) **I SHALL CONDUCT** my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit this criticism.
- (2) **I SHALL NOT USE OR PERMIT** the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.
- (3) **I SHALL NOT USE OR PERMIT** any appeal to negative prejudice based on a candidate’s actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sexual orientation, sex, including gender identity, or any other characteristic set forth in Section 12940 of the Government Code, or association with another person who has any of the actual or perceived characteristics set forth in Section 12940 of the Government Code.
- (4) **I SHALL NOT USE OR PERMIT** any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections, or that hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.
- (5) **I SHALL NOT** coerce election help or campaign contributions for myself or for any other candidate from my employees.
- (6) **I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE** support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.
- (7) **I SHALL DEFEND AND UPHOLD** the right of every qualified American voter to full and equal participation in the electoral process.

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

July 13, 2015

DATE OF SIGNING

Jane Smith

SIGNATURE

Jane Smith

PRINTED NAME

Member of the City Council, City of Riverdale

OFFICE SOUGHT (INCLUDING DISTRICT/DIVISION IF APPLICABLE)

November 3, 2015

DATE OF ELECTION

CAMPAIGN DISCLOSURE STATEMENTS

All candidates must file campaign disclosure statements. This includes candidates who spend no money, or only their own money, on their campaigns. It also includes candidates who unofficially “withdraw” from the race by abandoning active campaigning after the official deadline for withdrawal of candidacy is past.

Form 470 – Officeholder/Candidate Campaign Statement

If less than \$1000 will be raised and spent on the campaign, by the candidate or by others on his/her behalf, and total campaign transactions for the entire calendar year are under \$1000, the filing obligations in connection with the election are simple; the only campaign statement that must be filed is FPPC Form 470 (in duplicate).

It should be filed along with the other nomination material; however, it will be accepted without penalty if filed by the first campaign disclosure filing deadline (September 24, 2015).

Form 470 – Supplement

An officeholder/candidate who has filed Form 470 in connection with an election and subsequently receives contributions (including monetary and non-monetary contributions, loans, and the candidate’s personal funds) totaling \$1,000 or more or makes expenditures totaling \$1,000 or more prior to the election, is required to send written notification to the City Clerk and to each candidate contending for the same office.

The notification must be sent within 48-hours of receiving contributions totaling \$1,000 or more or making expenditures of \$1,000 or more.

The notification must include the name and address of the candidate, the elective office, and the date of election for which the Form 470 was filed and the date contributions or expenditures totaling \$1,000 or more were received or made.

The Form 470 Supplement may be used as the written notification.

Form 460 – Recipient Committee Campaign Statement

If campaign activity during 2015 will involve \$1,000 or more, the candidate cannot use Form 470.

Instead, the following forms/manuals apply:

- Form 460
- Form 410
- Campaign Disclosure Manual 2

These forms can be obtained from the City Clerk or visit the FPPC’s website at www.fppc.ca.gov.

The candidate (and committee treasurer, if any) should review these forms and manual carefully and note the filing deadlines (see filing schedule), which apply to his/her campaign.

Statement of Termination

When the candidate and committee, if any, have ended all campaign activity, Form 410 Statement of Organization/Termination may be filed. There is no deadline for terminating a committee. The Statement of Organization/Termination should be filed after the election, if and when appropriate.

Future Campaign Disclosure Filing Obligations

Form 410 Statement of Organization/Termination must be filed in order to terminate filing obligations of a **candidate or committee**. Until it is filed, the candidate or committee will remain indefinitely in an open status, even after the election is over, **and will be required to file semi-annual campaign statements whether or not there was any activity during the applicable six-month period.**

It is the responsibility of the candidate or committee to obtain campaign disclosure filing information and comply with filing requirements **(the \$10 per day late filing penalty applies if filing deadlines are not met).**

If elected to office, the candidate will continue to have campaign filing obligations **as an officeholder** whether or not a Statement of Organization/Termination was filed. An officeholder who receives \$100 or more per month from the elective office must file semi-annual statements; an officeholder receiving less than \$100 is required to file if he/she has any political contributions or expenditures to report.

Note: As state above, Committees that form on or after January 1, 2013, must pay \$50 fee within 15 days of filing a Statement of Organization (Form 410). The fee is due every year thereafter on January 15, until the committee terminates.

Note: Candidate's who file the **Form 470** (Short Form) do not need to fill out termination forms.

Money used from the candidate's personal funds is considered a monetary contribution (or loan) to the campaign and must be reported just as if it were a monetary contribution (or loan) from another person.

Contributions from other persons may not be comingled with the candidate's personal funds. As soon as such contributions are received, they must be deposited in a campaign account (the law prohibits personal use of campaign funds).

Anonymous or cash contributions of \$100 or more, and cash expenditures of \$100 or more, are prohibited.

Careful and complete records should be kept of all campaign transactions. Detailed reporting is not required until the campaign reaches the \$1000 mark; however, candidates should keep in mind that campaign records are subject to audit (by the Fair Political Practices Commission) on a random basis.

There is a special reporting requirement (covered in [FPPC Campaign Disclosure Manual 2](#)) in the event of "late contributions" in the amount of \$1000 or more received or made during the 90 days immediately prior to Election Day. Candidates and Committee Treasurer's should refer to [FPPC Campaign Disclosure Manual 2](#) for special reporting requirements in the event of committee changes during this period.

If the candidate has a campaign committee, candidate and committee may file campaign statements jointly, using the Form 460. It is important for the treasurer to be aware of his/her responsibilities and to be prepared to devote sufficient time and effort to the job. He/she should be aware that the treasurer is legally responsible for the accuracy and completeness of a committee's campaign statement.

Note: In addition to filing campaign statements, a committee is required to file a Statement of Organization (Form 410) within 10 days of reaching the \$1000 limit.

FILING SCHEDULE FOR LOCAL OFFICES

Candidates for Local Office Committees Primarily Formed to Support/Oppose Local Candidates and/or Measures

FILING DEADLINE	PERIOD	FORM	NOTES
July 31, 2015 <i>Semi-Annual</i>	1/1/15 – 6/30/15	<u>460</u> <u>470</u>	<ul style="list-style-type: none"> ✧ All committees must file Form 460. ✧ Candidates who filed candidacy papers on or before June 30, who do not have open committees, and who will not raise or spend \$1,000 or more in 2015, file Form 470.
Within 24 Hours <i>Contribution Reports</i>	8/5/15 – 11/2/15	<u>497</u>	<ul style="list-style-type: none"> ✧ File if a contribution of \$1,000 or more in the aggregate is received from a single source. ✧ File if a contribution of \$1,000 or more is made in the aggregate to <i>another</i> candidate or measure being voted upon November 3, 2015. ✧ The recipient of a non-monetary contribution of \$1,000 or more must file a Form 497 report within 48 hours from the time the contribution is received. ✧ File personal delivery, email, guaranteed overnight service, fax or online.
September 24, 2015 <i>Pre-Election</i>	7/1/15 – 9/19/15	<u>460</u> <u>470</u>	<ul style="list-style-type: none"> ✧ Each candidate listed on the ballot must file Form 460 or Form 470 (see below).
October 22, 2015 <i>Pre-Election</i>	9/20/15 – 10/17/15	<u>460</u>	<ul style="list-style-type: none"> ✧ All committees must file Form 460. ✧ File by personal delivery, guaranteed overnight service or online.
February 1, 2016 <i>Semi-Annual</i>	10/18/15 – 12/31/15	<u>460</u>	<ul style="list-style-type: none"> ✧ All committees must file unless the committee filed termination Forms 410 and 460 before December 31, 2015. ✧ The January 31, 2016, deadline falls on Sunday, so the deadline is extended to the next business day.

- **Period Covered:** The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.
- **Filing Deadlines:** Deadlines are extended when they fall on a Saturday, Sunday, or an official state holiday. This extension does not apply to 24-hour independent expenditure reports (Form 496) and the deadline for the Form 497 that is due the weekend before the election. Such reports must be filed within 24 hours regardless of the day of the week. Statements filed after the deadline are subject to a \$10 per day late fine.
- **Method of Delivery:** All paper filings are filed by personal delivery or first class mail unless otherwise noted. A paper copy of a report is not required if a local agency requires online filing pursuant to a local ordinance.
- **Form 501:** All candidates must file Form 501 (Candidate Intention Statement) before soliciting/receiving contributions.
- **Form 460:** Candidates who have raised/spent \$1,000 or more file the Form 460. The Form 410 (Statement of Organization) must also be filed once \$1,000 or more has been raised/spent.
- **Form 470:** Candidates who do not have an open committee and do not raise/spend \$1,000 in 2015 may file Form 470. This report is not required if a Form 470 was filed by July 31. If, later during the calendar year, a campaign committee must be opened, a Form 470 Supplement and a Form 410 must be filed.
- **Candidates:** After an election, reporting requirements will depend on whether the candidate is successful and whether a campaign committee is open.
- **Form 497- 24-Hour Contribution Report:** File if a contribution of \$1,000 or more is made in connection with a candidate or measure being voted upon in another city, county or state special election, or **made to a political party committee** 90 days before a state special election in 2015.
- Committees making independent expenditures to support or oppose other candidates or ballot measures also file:
 - **462:** A verification form must be e-mailed to the FPPC within 10 days of an independent expenditure of \$1,000 or more.
 - **465:** This form is due on applicable pre-election/semi-annual deadlines in connection with the candidate or ballot measure election.
 - **496:** This form is due within 24 hours when made in a 90-day period of the election. Refer to the candidate or ballot measure election filing schedule.
- As of August 2014, legislation is pending that may change the filing schedule.

Effective January 1, 2013, the following legislation took effect. Check the FPPC website for updates:

- 24 hour contribution/independent expenditure reports must be filed within the 90 day period. (AB 481)
- All committees required to file Form 410 must pay a \$50 annual fee to the Secretary of State to fund improvements in the electronic filing system. (SB 1001)

For important information, refer to www.fppc.ca.gov and click on the Candidate section. Candidates use [Campaign Manual 2](#), and ballot measure Committees use [Campaign Disclosure Manual 3](#) or [Contact the FPPC](#) for specific information.

CAMPAIGN DISCLOSURE FORMS – QUICK REFERENCE GUIDE

This quick reference guide is intended to provide an introduction to some of the most common campaign disclosure forms filed by candidates, and the order in which they are usually filed. It should be used as a supplement to (and not a replacement for) the *Campaign Disclosure Manual 2*. The forms identified below are required by the Political Reform Act.

Form 501 - Candidate Intention Statement*

WHEN: Form 501 must be filed prior to soliciting/receiving contributions, or use of any personal funds for campaign purposes (excluding filing fees).

WHERE: File original with the City Clerk.

Form 410 - Statement of Organization Recipient Committee

Campaign committee ID # and bank account information

WHEN: Must be filed within 10 days of receiving \$1,000 or more (may be filed earlier.) After Form 410 is filed, the Secretary of State will issue the identification number for your campaign committee.

WHERE: File the original and one (1) copy with the Secretary of State's Political Reform Division, and one (1) copy with the City Clerk.

NOTE: This form is also used to amend or terminate your committee.

Form 470 - Officeholder and Candidate Campaign Statement (Short Form)

Used when a candidate does not have a controlled committee and does not anticipate raising or spending \$1,000 or more in a calendar year.

WHEN: Must be filed no later than the deadline for the first required campaign disclosure statement.

WHERE: File the original and one copy with the City Clerk.

Form 460 - Recipient Committee Campaign Statement

This form is used by candidates and their controlled committees to disclose itemized receipts and expenditures.

WHEN: Must be filed according to applicable filing schedule. (See "Campaign Statement Filing Schedule" in this Section) As a courtesy, the City Clerk will email you a reminder at least two weeks prior to each filing deadline for the Form 460.

WHERE: File the original and one copy with the City Clerk.

NOTES: An unsigned campaign statement is not considered filed.
If you do not intend to raise/spend \$1,000 or more, see Form 470, above.

* These forms are available in an interactive format on the Fair Political Practices Commission website at www.fppc.ca.gov

Other Forms That May Be Required

Form 496 **24-Hour Independent Expenditure Report**

WHEN: File when independent expenditures of \$1,000 or more are made to support/oppose other candidates or ballot measures. See Form for applicable situations.

Refer to [Campaign Disclosure Manual 2](#) for more information.

WHERE: Within 24 hours of making the independent expenditure during the 90-day period before an election (August 5, 2015 and November 2, 2015).

File with City Clerk by personal delivery, guaranteed overnight service, or fax.

Form 497 **24-Hour Contribution Report**

WHEN: Must file to report contributions made or received of \$1,000 or more. See Form 497 for application situations.

Refer to [Campaign Disclosure Manual 2](#) for more information.

WHERE: Within 24 hours of making or receiving a late contribution during the 90-day period before an election (August 5, 2015 and November 2, 2015).

File with City Clerk by personal delivery, guaranteed overnight service, or fax.

*** These forms are available in an interactive format on the Fair Political Practices Commission website at www.fppc.ca.gov**

The complete text of Government Code § 84305 is required by law to be issued to each candidate. Summaries of some other code sections concerning campaign practices, as well as information concerning political signs, are also provided below for the benefit of candidates and campaign committees.

MASS MAILING (Government Code § 84305)

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

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

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

SLATE MAILER ORGANIZATIONS (Government Code §§ 82048.3, 82048.4, 84108)

Slate mailer organizations must register with the Secretary of State and file periodic reports on their slate mailer activities. The law applies to slate mailers that support or oppose four or more candidates or measures.

A slate mailer organization is defined as any individual or group who, directly or indirectly, does all of the following:

- Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in the slate mailers; and
- Receives or is promised payments totaling \$500 or more in a calendar year for the production of one or more slate mailers.

NOMINATIONS (E.C. §§ 18200-18205)

No person shall submit a nomination paper knowing that any part of it has been made falsely. No person shall fraudulently deface or destroy, or willfully suppress all or part of any nomination paper, or deliberately fail to file at the proper time and in the proper place any nomination paper in his or her possession that is entitled to be filed. No person shall, directly or indirectly, pay, solicit, or receive anything of value in order to induce a person not to become or to withdraw as a candidate.

FALSE OR MISLEADING INFORMATION TO VOTERS

No candidate shall, in his occupational designation on the ballot, assume a designation that would mislead the voters. (E.C. § 13107)

Every candidate is guilty of a misdemeanor who pretends or implies that he or she is an incumbent of a public office or that he or she has acted in the capacity of a public officer when this is not the case. (E.C. § 18350)

Any candidate who knowingly makes a false statement of material fact in a candidate's statement, with the intent to mislead the voters, is punishable by a fine not to exceed \$1,000. (E.C. § 18351)

SIMULATED BALLOTS

Every simulated ballot shall bear a printed notice (See Elections Code § 20009 for details) stating that this is not an official ballot but rather an unofficial marked ballot prepared by (name and address of person or organization responsible); and no official seal or insignia may appear on the envelope in which it is contained.

POLLING PLACE INFORMATION

Every person is guilty of a misdemeanor who distributes, or causes to be distributed, literature to voters that includes the designation of a voter's precinct polling place other than the precinct polling place listed for that voter in the latest official precinct polling list at some time not more than 30 days prior to the distribution. (E.C. § 18302)

VOTE-BY-MAIL VOTER BALLOT APPLICATIONS (E.C. § 3007)

The processing of vote-by-mail voter applications is expedited when voters use the official application form that contains such information as affidavit number and ballot style. Since the Registrar of Voters routinely mails this application form to every voter along with the sample ballot, there is no need for candidates to distribute their own vote-by-mail application forms. Candidates who wish to do so must comply with the requirements set forth in the Elections Code. They must follow the uniform application format that is provided by the Secretary of State and available at the Registrar of Voters.

They must also comply with the postal regulations, which may be obtained by contacting the vote-by-mail section of the Registrar of Voters' office at (951) 486-7207.

A printed vote by mail application that allows a voter to submit the application by mail shall inform the voter of the address for the elections official and specify that address as the only appropriate destination address for mailing the application. Nothing in this subdivision shall be construed to prohibit an individual, organization, or group that distributes applications for vote by mail voter ballots from collecting or receiving applications from voters, as described in Section 3008, by means other than having the applications mailed directly to the address of the distributing individual, organization, or group. (E.C. 3006(b)(4))

Any individual, organization or group that distributes and receives completed vote-by-mail applications shall return them to the Registrar of Voters' office within 72 hours of receiving them. The name, address, and telephone number of the organization, which authorizes the distribution of the applications, shall be included on the application. (E.C. § 3008)

Violation of these codes constitutes a misdemeanor. (E.C. § 18402)

POLITICAL ADVERTISING (E.C. § 20008)

Any paid political advertisement contained in or distributed with a newspaper shall bear on each page in type at least half as large as the type of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement," and such words shall be set apart from any other printed matter.

ELECTIONEERING ON ELECTION DAY (E.C. §§ 18370, 18541)

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 part of the formal challenge procedure).
- (d) Do any electioneering.
- (e) Photograph, video tape, or otherwise record a voter entering or exiting a polling place.

"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.

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

ELECTIONEERING DURING VOTE-BY-MAIL VOTING (E.C. §§ 18370, 18371)

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

NOTE: Misdemeanor penalties will also be imposed on any person performing the actions as prohibited on Election Day or at any time that a voter may be casting a ballot.



**SOLICITATION OF POLITICAL CONTRIBUTIONS; OFFENSE; PUNISHMENT
(G.C. § 3205)**

- (a) An officer or employee of a local agency shall not, directly or indirectly, solicit a political contribution from an officer or employee of that agency, or from a person on an employment list of that agency, with knowledge that the person from whom the contribution is solicited is an officer or employee of that agency.
- (b) Candidates for elective office of a local agency shall not, directly or indirectly, solicit a political contribution from an officer or employee of that agency, or from a person on an employment list of that agency, with knowledge that the person from whom the contribution is solicited is an officer or employee of that agency.
- (c) This section shall not prohibit an officer or employee of a local agency, or a candidate for elective office in a local agency, from requesting political contributions from officers or employees of that agency if the solicitation is part of a solicitation made to a significant segment of the public which may include officers or employees of that local agency.
- (d) Violation of this section is punishable as a misdemeanor. The district attorney shall have all authority to prosecute under this section.
- (e) For purposes of this section, the term “contribution” shall have the same meaning as defined in G.C. § 82015.

**LOCAL AGENCY EXPENSES
(G.C. § 54964)**

An officer, employee, or consultant of a local agency may not expend or authorize the expenditure of any of the funds of the local agency to support or oppose the approval or rejection of a ballot measure, or the election or defeat of a candidate, by the voters.

This section does not prohibit the expenditure of local agency funds to provide information to the public about the possible effects of a ballot measure on the activities, operations, or policies of the local agency.

The information provided shall constitute an accurate, fair, and impartial presentation of relevant facts to aid the voters in reaching an informed judgment regarding the ballot measure.

This section does not apply to the political activities of school officers and employees of a county superintendent of schools, an elementary, high, or unified school district, or a community college district.

10 VOTER REGISTRATION INFORMATION (E.C. §§ 2188, 2194)

Voter registration information is confidential except for election, scholarly, journalistic, political or governmental purposes. (E.C. § 2194)

Any person, organization, company, committee, association or group requesting voter registration information (this also applies to indexes and vote-by-mail voters' lists) must complete an application provided and maintained by the Registrar of Voters. The application requires that appropriate identification be provided at the time of completing the application. (E.C. § 2188)

Duplication, distribution or selling of this information by anyone other than the election official is prohibited.

It is a misdemeanor to knowingly use or permit the use of all or any part of that information for any purpose other than as permitted by law. (E.C. § 18109)

It is a misdemeanor for any person knowingly to acquire possession or use voter registration information without first complying with Elections Code § 2188.

For the convenience of Candidates, applications are available through the City Clerk. After the application is completed and verified, the City Clerk will forward it to the Registrar of Voters for maintaining. All requests for information must be made to the Registrar of Voters not the City Clerk.

II VOTE-BY-MAIL VOTING

Any registered voter may apply for a vote-by-mail ballot. Vote-by-mail ballots will be available beginning 29 days before Election Day. **IT IS NOT NECESSARY TO GIVE A REASON FOR VOTING BY MAIL.**

The application form is on the back cover of the sample ballot pamphlet. Voters may use it, or apply in person or by letter. The vote-by-mail ballot request must include the registered name, residence address, signature and address to which the ballot is to be sent.

A regular vote-by-mail ballot request must be received no later than 7 days before Election Day. (For special circumstances, see E.C. § 3021.)

Applications received prior to the first day of the vote-by-mail period will be held and processed on the first day of the period.

Voted ballots must be received by the elections official no later than the close of the polls on election day or be postmarked on or before election day and received no later than three days after election day to be counted. (E.C. § 3020, 4103)

A vote-by-mail voter who is unable to return the ballot, may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the vote-by-mail voter to return the ballot to the elections official from whom it came or the precinct board at any polling place within the jurisdiction. NOTE: A written statement is not required if the vote-by-mail ballot is voted in the Elections Officials office. (E.C. § 3017)

Vote-by-mail applications are not required from voters who have previously applied for “permanent vote-by-mail voter” status. These voters will be automatically sent a ballot as soon as ballots are available. Any voter may request to be placed on the permanent vote-by-mail voter list. Once placed on the permanent list, a voter remains on it as long as he or she continues to vote a vote-by-mail ballot at every Statewide Primary and General Election.

See Vote-by-Mail Voter Application Section if you wish to distribute a vote-by-mail application form.

SPECIAL NOTE:

Vote-by-Mail ballots enter the mail stream as early as 29 days before the election and voters usually start receiving the ballots in their mail boxes approximately 26 days before the election.

Prior to requesting the items listed below, an Application to Purchase or View Voter Registration Information must be completed at the Registrar of Voters office. In addition, the applicant must display proper identification, i.e. drivers' license.

NOTE: *To better serve candidates, applications are available through the City Clerks office.*

VOTER INDEXES (E.C. § 2183 et seq., Cal. Admin. Code § 19001 et seq.)

An index (voter list) is available for each precinct, listing all registered voters by street address. Political affiliation and telephone number is also given. Listing a phone number is optional on the registration form; therefore, any phone numbers listed on the index may not be current.

WARNING: Mailing addresses are not given on voter indexes. Candidates who plan to mail campaign literature should see information about MAILING LABELS below.

A candidate may purchase indexes at a cost of \$5 for the first thousand names and \$1 for each additional 1,000 names (or portion thereof). Each purchase may be a complete set for the candidate's electoral jurisdiction, or a partial set. Indexes may be mailed if payment, including postage or UPS charges, is received in advance, and the applicant has completed the required application.

Indexes may be purchased by the candidate or by someone with the candidate's written authorization. The purchaser must sign an agreement to use the indexes only for election or governmental purposes. A substantial fine may be imposed if registration information is used for other purposes.

For further information, call the Registrar of Voters' office at (951) 486-7344.

MAILING LABELS

Candidates who plan to mail campaign material may purchase mailing labels from the Registrar of Voters. The labels may be purchased for each registered voter in a district or by head of household.

Candidates may purchase a list of voters by jurisdiction, which contains the voter’s regular precinct, name, residence, mailing address, and phone number, if provided. Voter lists are available in the following formats:

Format	Cost
Voter Files Menu	
• Countywide Voter File – CD-Rom	\$ 35.00
• Individual Districts – CD ROM	\$ 35.00
• Mailing Labels (Individual voter or Head of Household)	\$ 35.00 per 1000 or portion
• Alpha List by Jurisdiction	\$ 7.00 per 1000 or portion
• Street / Walking Index of Voters	\$ 5.00 for 1 st 1000, + \$1.00 per 1000 names or portion thereafter
Vote-by-Mail Voter Files – Entire Election	
• Initial Request (Perm, Military, Mail Ballot)	\$ 100.00
• Updates – Daily	\$ 25.00 (per day)
• Updates - Weekly	\$150.00 (per week)

PRECINCT MAPS

Detailed maps showing precinct boundaries may be purchased. Candidates should contact Registrar of Voters’ Precincting Section at (951) 486-7338 or (951) 486-7339 to order maps or for more information regarding maps and precincts.

Cost: \$35 per custom map

VOTE-BY- MAIL VOTER LISTS

Vote-by-Mail voter lists are available on CD or E-mail. For further information call the Registrar of Voters’ office at (951) 486-7344.

POLLING PLACES

The Polls are open from 7:00 a.m. until 8:00 p.m.

The following rules/regulations are presented to assist you in running a trouble free campaign and avoiding any problems.

WORKING AT THE POLLS/POLLING PLACE INFORMATION:



In addition to general recruitment of poll workers from among the county’s registered voters, the Registrar of Voters uses three other specialized recruitment programs to identify Election Officers. They are the Student Pollworker program, the County Pollworker program, and the Adopt-A-Poll program.

California Elections Code does not allow any candidate for elective office to use their residence or business as a polling place. (E.C. § 12287)

California Elections Code authorizes County Central Committees to nominate individuals to work on precinct boards. The nominee must be a registered voter, member of the party making the nomination, and a resident of the precinct to which the nomination applies. These nominations must be made at least 90 days prior to the election for which the nomination is made. (E.C. § 12306)

WHY POLLING PLACES CHANGE:



There are many reasons for choosing or changing a particular polling place. Any or all of the following reasons may apply:

- Facilities become overcrowded or permission is no longer granted for a facility to be used as a polling place.
- As precincts grow, boundaries have to be revised. This could result in your having to be assigned to a different polling place.
- Previous polling place not accessible to the disabled and the elderly as dictated by law.
- The different grouping of districts in an election could make it necessary to change your polling place from election to election.
- Inadequate lighting, parking or other similar concerns may require a new location to be selected.
- Construction/remodeling may render a polling place unavailable for an election.
- Facility must be secure for storing voting equipment.

Polling Places (Continued)

CAMPAIGNING / ELECTIONEERING:



No person shall do any of the following within 100 feet of a polling place. (100 feet begins at the doorway of the room in which voters are voting).

- Circulate any petitions.
- Solicit a vote; wear campaign insignia, or clothing with campaign slogans or political advertisements.
- Post any signs relating to candidates and/or measures.
- Perform any type of electioneering activities.

Pollworkers are instructed to check for electioneering throughout the day. If a poll worker advises you that you are too close or are in any way electioneering, please comply with the request to correct the problem. If the pollworker is unable to resolve the problem, the Registrar of Voters will send a troubleshooter to the polls and/or summon law enforcement for assistance. It should be noted that exit polling may be conducted 25 feet from the polling place entrance.

OBSERVING:



You are certainly welcome to observe activity at any polling place on election day – from the time the polls open until the polls are closed and the pollworkers depart to return the ballots and supplies to the collection center. However, in order not to disrupt the voting process, it is suggested that you and your campaign workers review the following material that is given in training to our pollworkers. It explains some of the do's and don'ts of observation.

Anyone may be a poll watcher, but most often poll watchers are people who are working with one of the political parties or for a campaign. A poll watcher is someone who is observing the procedures at the polls and/or monitoring who has, or who has not voted. To accomplish this, poll watchers may continually check the posted copy of the Street Index. **When not in use**, poll watchers are permitted to view the Roster of Voters, and all supplemental lists in the possession of the precinct board.

Although the law allows poll watching, there are rules and guidelines that must be followed.

Polling Places (Continued)

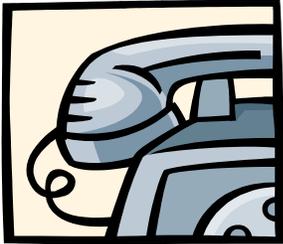
OBSERVING (Cont'd):



RULES FOR POLL WATCHERS/OBSERVERS

- Poll watchers are **NOT** permitted to disturb voters or interfere with the election process in any way.
- Poll watchers may ask questions, but may **NOT** interfere with Election Officer duties or disturb voters.
- Poll watchers may **NOT** sit at the election table.
- Poll watchers are **NOT** permitted behind the voting equipment or in the “voting area”.
- Poll watchers may **NOT** remove the Street Index from the immediate area. It may be removed from the wall for use, but then it must be re-posted.
- If more than one person or group wishes to use the Street Index, it must be equally shared.
- The Roster of Voters may only be viewed at the election table, and for only as long as the election board does not need it.
- If a poll watcher wishes to view the Roster of Voters at the close of polls, he or she may do so only for as long as it is not required by Election Officers to facilitate closing procedures.

ELECTION DAY CONCERNS:



If you see any activity that you believe is improper, or contrary to the Registrar of Voters policies, please contact the Registrar of Voters office immediately so that we may investigate. The sooner we know of a problem, the sooner we can eliminate it. Telling us of a problem the day after the election is helpful, but does not allow us to resolve problems in a timely manner for the benefit of those participating in the present election.

ELECTION NIGHT ACTIVITIES	
ELECTION RESULTS AVAILABLE AFTER 8:00 p.m.	<p>At the Registrar of Voters 2724 Gateway Drive, Riverside</p> <p>By phone: (951) 486-7200 (800) 773-VOTE</p> <p>By website: www.voteinfo.net</p>
ELECTION NIGHT RESULTS INFORMATION	<p>Candidates are invited to visit the Registrar of Voters office on election night. Cumulative election results will be available to candidates and the public via a large projection screen in the Lobby or via telephone at the Registrar of Voters Office. In addition, the results will be posted on the Registrar of Voters website at www.voteinfo.net. The vote-by-mail vote will be reported first at approximately 8:15 p.m. Telephone operators will remain available to answer questions until all precinct results have been reported.</p> <p>The polls officially close at 8:00 p.m. Election activity then changes, from what was primarily voter participation at the polls, to precinct officials completing necessary procedures and forms, and delivering equipment and supplies to Ballot Collection Centers. Certain receiving procedures take place, and then the ballot cartons are delivered to the Registrar of Voters office where the votes are tallied by computer. (No results are available at the remote Collection Centers.)</p>
CANVASS	<p>Following Election Day the canvass of the returns will commence at the Registrar of Voters office.</p> <p>During the canvass, a complete audit of all returns will be accomplished, as well as processing and counting of provisional and vote-by-mail ballots voted and/or received on election day. Additionally, if there are any qualified write-in candidates, those votes will be tallied during the canvass. As a result, close races may not be determined until the canvass is completed.</p> <p>The official election results will be certified after the completion of the canvass.</p>
CERTIFICATION OF ELECTION RESULTS	<p>Winners of city races will receive certification through the City Clerk's office.</p>

FPPC
CAMPAIGN DISCLOSURE MANUAL 2
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