

**JUNE 6, 2006
PRIMARY ELECTION**

**CANDIDATE
HANDBOOK**

**FOR
JUDICIAL, SCHOOL
AND COUNTY OFFICES**



Provided by:
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County Clerk-Recorder/Registrar of Voters
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This 2006 Candidate Handbook is intended to provide general information about the nomination and election of candidates and qualification of ballot measures, and does not have the force and effect of law, regulation or rule. It is distributed with the understanding that the County Clerk-Recorder/Registrar of Voters is not rendering legal advice and, therefore, this handbook is not to be a substitute for legal counsel for the individual, organization or candidate using it. In case of conflict, the law, rule or regulation will apply.

December 1, 2005



CANDACE J. GRUBBS
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Elections Division
Laurie Cassady
Assistant County Clerk-Registrar of Voters

Dear Candidate:

This candidate handbook has been prepared to summarize major provisions of the California Elections Code and other laws related to candidates and committees involved with the election process. Unless otherwise indicated, all code section references are to the California Elections Code (EC).

Additional information is available on our website at <http://clerk-recorder.buttecounty.net> to assist you in conducting your campaign. During the candidate filing period we will update the "Contest & Candidate Proof List", usually daily, as well as post a final list of candidates that have qualified for placement on the ballot.

The Butte County Elections Office is dedicated to helping all qualified candidates get their names printed on the ballot and to administer fair and accurate elections.

Staff has made every attempt to be as informative as possible, but law prohibits employees from answering questions of a legal nature. Candidates and others using this handbook must bear full responsibility to make their own determinations. To that end, it is strongly recommended that candidates obtain their own legal counsel.

Sincerely,

Candace J. Grubbs
County Clerk-Recorder/Registrar of Voters

Candace J. Grubbs
County Clerk-Recorder/Registrar of Voters

Butte County Elections Office
Mission Statement

Our mission is to provide efficient service to the public that exemplifies the highest standards of courtesy, cost effectiveness, and ethical performance while maintaining and preserving the public's records in a secure and easily accessible environment and promoting confidence in the administration of fair and impartial elections.

STANDARDS OF CONDUCT FOR ELECTION/REGISTRATION OFFICIALS

My Personal Pledge to Freedom,
Democracy and My Profession:

I uphold the Constitution of the United States and the laws, policies and court decisions of federal, state and local jurisdictions;

I commit to excellence and competence by maintaining the highest level of knowledge and expertise in the elections process through continuing education and self evaluation;

I am accountable for maintaining public confidence in honest and impartial elections which I conduct in a fair, efficient and accurate manner;

I dignify voters by providing equal opportunity to participate in the democratic process;

I am responsible for just and equitable treatment of the general public, elected officials and members of my profession;

I manifest a positive role in community relations by being accessible and receptive to both individuals and groups;

I have the courage and stamina to protect the public's interest from manipulation for personal or partisan gain while respecting the rights of all;

I am flexible and innovative within the framework of the law in carrying out my duties on behalf of the public's interest;

I conduct all fiscal responsibilities with wisdom and integrity, and I am accountable for all funds and resources committed to my charge;

I maintain a productive and efficient operation through a well managed elections environment;

I endeavor to maintain the highest level of integrity in performing all duties of my profession.

Condace J. Shubbs, CERA

ELECTION CENTER

An international service association of election and voter registration officials
12543 Westella, Suite 100, Houston, TX 77077

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OFFICES SUBJECT TO ELECTION

To review the complete list of all offices subject to the Primary Election to be held June 6, 2006, see Exhibit 1.

Contact the Secretary of State's Office at 800-345-VOTE or visit their website at www.ss.ca.gov for information relating to the offices of United States Senator, U.S. Representative in Congress, Governor, Lieutenant Governor, Secretary of State, Controller, Attorney General, Insurance Commissioner, Member, State Board of Equalization, and Member of the State Assembly.

Contact the Butte County Elections Office for information regarding County Offices, Judicial Offices, and County Board of Education or for information regarding candidate filing documents and/or filing deadlines.

Contact the City/Town Clerk for any question relating to city or town council positions or municipal measures. The telephone numbers are listed on page 4 of this handbook.

Contact the Community College, School or Special District office for any information regarding candidacy or measures for these districts.

SCHOOL DISTRICT CONTACT INFORMATION

Butte County Superintendent of Schools 1859 Bird Street, Oroville, 95965	532-5650
Butte-Glenn Community College District 3536 Butte Campus Drive, Oroville, 95965	895-2511
Biggs Unified School District 300 B Street, Biggs, 95914	868-5870
Chico Unified School District 1163 E. 7 th Street, Chico, 95928	891-3002
Durham Unified School District 9420 Putney Drive, P. O. Box 300, Durham, 95938	895-4675
Gridley Unified School District 429 Magnolia Street, Gridley, 95948	846-4721
Paradise Unified School District 6696 Clark Road, Paradise, 95969	872-6400
Oroville Union High School District 2211 Washington Ave, Oroville, 95966	538-2300
Bangor Union Elementary School District 7549 Oro Bangor Hwy, P.O. Box 340, Bangor 95914	679-2434
Feather Falls Union Elementary School District 2651 Lumpkin Road, Feather Falls, 95966	589-1810
Golden Feather Union Elementary School District 11679 Nelson Bar Road, Oroville, 95965	533-3833
Manzanita Elementary School District 627 Evans Reimer Road, Gridley, 95948	846-5594
Oroville City Elementary School District 2795 Yard Street, Oroville, 95966	532-3000
Palermo Union Elementary School District 7390 Bulldog Way, Palermo, 95968	533-4842
Pioneer Union Elementary School District 286 Ruckerfeller Road, Berry Creek, 95916	589-1633
Thermalito Union School District 400 Grand Ave, Oroville, 95965	538-2900
Yuba County Superintendent of Schools 938 14th Street, Marysville, 95901	741-6231
Yuba County Board of Education 938 14th Street, Marysville, 95901	741-6231
Yuba Community College District 2088 North Beale Road, Marysville, 95901	741-6971
Marysville Joint Unified School District 1919 B Street, Marysville, 95901	741-6000

SPECIAL DISTRICT CONTACT INFORMATION

El Medio Fire Protection District 3515 Myers Street, Oroville, 95966	533-4484
Durham Irrigation District 9381 Midway, PO Box 98, Durham, 95938	343-1594
Paradise Irrigation District 5325 Black Olive Dr., PO Box 2409, Paradise, 95967	877-4971
South Feather Water and Power Agency 2310 Oro Quincy Hwy, PO Box 581, Oroville, 95965	533-4578
Thermalito Irrigation District 410 Grand Ave, Oroville, 95965	533-0740
Chico Area Recreation and Park District 545 Vallombrosa Ave, Chico, 95926	895-4711
Durham Recreation and Park District 9447 Midway, P.O Box 364, Durham, 95938	345-1921
Feather River Recreation and Park District 1200 Myers Street, Oroville, 95965	533-2011
Paradise Recreation and Park District 6626 Skyway, Paradise, 95969	872-6393
Richvale Recreation and Park District c/o Gerald Mattson, PO Box 44, Richvale, 95974	882-4462
Lake Oroville Area Public Utility District 1960 Elgin Street, Oroville, 95965	533-2000
Yuba County Water District 8691 LaPorte Rd., Brownville, 95919	589-4634

IMPORTANT TELEPHONE NUMBERS

Office	Phone Number	Fax Number	Website Address
Butte County Elections Office 25 County Center Drive, Suite I Oroville, CA 95965-3375	(530) 538-7761 (800) 894-7761	(530) 538-6853	http://clerk-recorder.buttecounty.net
Butte County District Attorney 25 County Center Drive Oroville, CA 95965-3375	530-538-7411	530-538-7071	http://buttecounty.net/da
City of Biggs 465 C Street / P.O. Box 307 Biggs, CA 95917	(530) 868-5493	(530) 868-5239	www.biggs-ca.gov
City of Chico Administrative Offices 411 Main Street Chico, CA 95928 P.O. Box 3420, Chico, CA 95927	(530) 896-7250	(530) 895-4825	www.ci.chico.ca.us
City of Gridley Administrative Offices – City Hall 685 Kentucky Street Gridley, CA 95948	(530) 846-5695	(530) 846-3229	www.gridley.ca.us
City of Oroville Administrative Offices – City Hall 1735 Montgomery Street Oroville, CA 95965	(530) 538-2405	(530) 538-2468	www.cityoforoville.org
Town of Paradise Administrative Offices – Town Hall 5555 Skyway Paradise, CA 95969	(530) 872-6291	(530) 877-5059	www.townofparadise.com
Secretary of State's Office Election Division 1500 11th Street Sacramento, CA 95814	(916) 657-2166 (800) 345-VOTE	(916) 653-3214	http://www.ss.ca.gov
Fraud Investigation Unit	(916) 657-2166		
Political Reform Division	(916) 653-6224		PoliticalReform@ss.ca.gov
Fair Political Practices Commission P.O. Box 807 Sacramento, CA 95812-0807	(916) 322-5660	(916) 322-3711	http://www.fppc.ca.gov
State Department of Transportation Northern California Districts 1, 2 & 3 Division of Traffic Operations Outdoor Advertising Branch P.O. Box 942874, MS-37 Sacramento, CA 94274-001	(916) 654-4094	(916) 654-4956	www.dot.ca.gov/oda
State Franchise Tax Board	(800)-338-0505		www.ftb.ca.gov
Internal Revenue Service	(800)-829-1040		www.irs.gov
Attorney General P.O. Box 944255 Sacramento, CA 94244-2550	(800) 952-5225		www.caag.state.ca.us
Federal Elections Commission 999 E Street, NW Washington, D.C. 20463	(202) 219-3420	1-800-424-9530	http://www.fec.gov

QUALIFICATIONS FOR OFFICE & DOCUMENTATION

GENERAL QUALIFICATIONS FOR ALL CANDIDATES:

EC 201. Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person's appointment.

Government Code §24001. ...a person is not eligible to a county or district office, unless he or she is a registered voter of the county or district in which the duties of the office are to be exercised at the time that nomination papers are issued to the person or at the time of the appointment of the person.

DOCUMENTATION:

EC 13.5. (a) (1) Notwithstanding subdivision (a) of Section 13, no person shall be considered a legally qualified candidate for any of the offices set forth in subdivision (b) unless that person has filed a declaration of candidacy, nomination papers, or statement of write-in candidacy, accompanied by documentation, including, but not necessarily limited to, certificates, declarations under penalty of perjury, diplomas, or official correspondence, sufficient to establish, in the determination of the official with whom the declaration or statement is filed, that the person meets each qualification established for service in that office by the provision referenced in subdivision (b). (2) The provision of "documentation," for purposes of compliance with the requirements of paragraph (1), may include the submission of either an original, as defined in Section 255 of the Evidence Code, or a duplicate, as defined in Section 260 of the Evidence Code. (b) This section shall be applicable to the following offices and qualifications therefore: (1) For the office of county auditor, the qualifications set forth in Sections 26945 and 26946 of the Government Code. (2) For the office of county district attorney, the qualifications set forth in Sections 24001 and 24002 of the Government Code. (3) For the office of county sheriff, the qualifications set forth in Section 24004.3 of the Government Code. (4) For the office of county superintendent of schools, the qualifications set forth in Sections 1205 to 1208, inclusive, of the Education Code. (5) For the office of judge of the superior court, the qualifications set forth in Section 15 of Article VI of the California Constitution. (6) For the office of county treasurer, county tax collector, or county treasurer-tax collector, the qualifications set forth in Section 27000.7 of the Government Code, provided that the board of supervisors has adopted the provisions of that section pursuant to Section 27000.6 of the Government Code.

See the following pages for specific qualifications for each office.

FILING FEES

FILING FEES FOR AN OFFICE WHOLLY WITHIN ONE COUNTY:

EC 8104. The filing fee to be paid to the county elections official for filing a declaration of candidacy for an office to be voted for wholly within one county other than a legislative or congressional office shall be as follows:

- (a) No filing fee is required from any candidate for an office for which no fixed compensation is payable, or for which the annual salary is two thousand five hundred dollars (\$2,500) or less.
- (b) A filing fee of 1 percent of the annual salary of the office shall be paid to the county elections official by each candidate for a judicial office or for a county office. This subdivision shall not apply to any candidate for any office for which the annual salary is two thousand five hundred dollars (\$2,500) or less. The filing fee shall be calculated on the basis of the annual salary for the office on the first day to circulate petitions to gather signatures in lieu of filing fees. (The first day to circulate petitions in lieu of filing fees is December 30, 2005.)

NON-REFUNDABLE FILING FEES PAID WHEN DECLARATIONS ARE OBTAINED:

EC 8105. The filing fees for all candidates shall be paid at the time the candidates obtain their nomination documents from the county elections official. The county elections official shall not accept any papers unless the fees are paid at the time required by this section, or unless satisfactory evidence is given to the county elections official or to the registrar of voters that the fee has been paid at the time of the declaration of candidacy in another county. The county elections official shall transmit the appropriate fees to the Secretary of State at the time he or she delivers the declarations of candidacy for filing. All filing fees received by the Secretary of State and elections officials are non-refundable.

CHECKS, CASH OR MONEY ORDERS:

Filing fees may be paid by check, cash or money orders only and must be paid at the time the candidate receives nomination forms. ATM, debit or credit cards cannot be accepted at this time.

Checks or money orders must be made payable to the Butte County Elections Office unless the candidate is seeking a state or federal office, in which case, the check or money order must be made payable to the Secretary of State.

JUDGE OF THE SUPERIOR COURT

Office	Term	Filing Fee (1% of annual salary)	Signatures in Lieu of Filing Fee	Value of each Signature	Nomination Signatures
Judge of the Superior Court Department 3	6 years	\$ 1,491.60*	5967*	.25	20 to 40
Judge of the Superior Court Department 4	6 years	\$ 1,491.60*	5967*	.25	20 to 40
Judge of the Superior Court Department 6	6 years	\$ 1,491.60*	5967*	.25	20 to 40
Judge of the Superior Court Department 9	6 years	\$ 1,491.60*	5967*	.25	20 to 40

QUALIFICATIONS:

CALIFORNIA CONSTITUTION ARTICLE 6 JUDICIAL SEC. 15. A person is ineligible to be a judge of a court of record unless for 10 years immediately preceding selection, the person has been a member of the State Bar or served as a judge of a court of record in this State.

Special Notes:

- ✧ Available from the elections official is a pamphlet (“Ethics in Judicial Elections”) prepared by the California Judges Association Committee on Judicial Ethics. The pamphlet covers the more common questions which may arise in the course of a contested judicial election.
- ✧ Incumbent judicial candidates will not appear on the ballot if the candidate is running unopposed.
- ✧ For impact of write-in candidates on unopposed judicial incumbent, see page 45.

* Filing fees are subject to change according to the annual salary as of December 30, 2005. The number of signatures will change accordingly.

COUNTY SUPERINTENDENT OF SCHOOLS

Office	Term	Filing Fee (1% of annual salary)	Signatures in Lieu of Filing Fee	Value of each Signature	Nomination Signatures
County Superintendent of Schools	4 years	\$ 1,100.00*	4,400	.25	20 to 40

QUALIFICATIONS:

Education Code 1205. For the purposes of prescribing the qualifications required of county superintendents of schools the counties are classified on the basis of the average daily attendance in the public schools as follows (Butte County is Class four (4): Class four (4) includes all counties with an average daily attendance of thirty thousand (30,000) to fifty-nine thousand nine hundred ninety-nine (59,999), inclusive.

Education Code 1206. Except as provided in this section no person shall hereafter be elected or appointed to office as county superintendent of schools of any county who does not possess a valid credential issued by the State Board of Education of the type designated in Sections 1205 to 1212, inclusive, for each class. Where a county changes from one class to another because of an increase in the average daily attendance in the public schools of such county, the incumbent county superintendent of schools in that county shall not be prohibited from continuing in office and shall be eligible for reelection to the same office regardless of whether he possesses a valid credential otherwise required in a county of that class.

Education Code 1208. (a) All county superintendents of schools in counties within classes (1) to (8), inclusive, shall possess a valid certification document authorizing administrative services. (b) For purposes of this section, the possession of a valid elementary administrative credential and a valid secondary administrative credential are equivalent to the possession of a valid general administrative credential.

* Filing fees are subject to change according to the annual salary as of December 30, 2005. The number of signatures will change accordingly.

MEMBER, COUNTY BOARD OF EDUCATION

Office	Term	Positions to be Filled	Filing Fee / Nomination Signatures*
Governing Board Member, Trustee Area 2	4 years	2	No filing fee or nomination signatures required.
Governing Board Member, Trustee Area 3	4 years	1	No filing fee or Nomination signatures required.

Trustee Area Jurisdictions: Trustee Area #2 is the Oroville Union High School District area.
Trustee Area #3 is the Paradise Unified School District area.

QUALIFICATIONS:

Education Code 1006(a). Any registered voter is eligible to be a member of the county board of education except the county superintendent of schools, any member of his staff, or any employee of a school district.

*** NOTE:**

EC 8104(a). No filing fee is required from any candidate for an office for which no fixed compensation is payable, or for which the annual salary is two thousand five hundred dollars (\$2,500) or less.

COUNTY SUPERVISOR

Office	Term	Filing Fee (1% of annual salary)	Signatures in Lieu of Filing Fee	Value of each Signature	Nomination Signatures
County Supervisor 2 nd District	4 years	\$307.98*	1,232*	.25	20 to 40
County Supervisor 3 rd District	4 years	\$307.98*	1,232*	.25	20 to 40

QUALIFICATIONS:

Government Code 25041. In all other cases (referring to GC §25040) each member shall have been a registered voter of the district which he or she seeks to represent for at least 30 days immediately preceding the deadline for filing nomination documents for the office of Supervisor, and shall reside in the district during his/her incumbency.

Butte County Charter - Article II, Section 2 . The County of Butte shall have a Board of Supervisors, consisting of five members, each of whom must be an elector of the supervisorial district which he represents, must reside therein during his incumbency, must have been a resident of the county for five years immediately preceding his election**, and shall be elected by the electors of the district which he is to represent. The term of office of Supervisors shall be four years, and until their successors are elected and qualify, except as hereinafter provided.

* **Filing fees are subject to change according to the annual salary as of December 30, 2005. The number of signatures will change accordingly.**

** West Law Notes: “The five year residency requirement in this section was declared unconstitutional by the California Supreme Court in the case of *Zeilenga v. Nelson* (1971) 4 Cal. 3d 716; 94 Cal. Rptr. 602; 484 P.2d 578. Now see Government Code Section 25041.”

ASSESSOR

Office	Term	Filing Fee (1% of annual salary)	Signatures in Lieu of Filing Fee	Value of each Signature	Nomination Signatures
Assessor	4 years	\$952.02*	3,809*	.25	20 to 40

QUALIFICATIONS:

Government Code 24002.5. (a) A person may not exercise the powers and duties of the office of assessor unless he or she holds a valid appraiser's certificate issued by the State Board of Equalization pursuant to Article 8 (commencing with Section 670) of Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code. (b) Notwithstanding subdivision (a), a duly elected or appointed person may exercise the powers and duties of assessor, for a period not to exceed one year, if he or she acquires a temporary appraiser's certificate from the State Board of Equalization no later than 30 days after taking office. (c) This section does not apply to any person holding the office of assessor on January 1, 1997.

* Filing fees are subject to change according to the annual salary as of December 30, 2005. The number of signatures will change accordingly.

AUDITOR-CONTROLLER

Office	Term	Filing Fee (1% of annual salary)	Signatures in Lieu of Filing Fee	Value of each Signature	Nomination Signatures
Auditor-Controller	4 years	\$981.76*	3,928*	.25	20 to 40

QUALIFICATIONS:

Government Code 26945. No person shall hereafter be elected or appointed to the office of county auditor of any county unless the person meets at least one of the following criteria:

- (a) The person possesses a valid certificate issued by the California Board of Accountancy under Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code showing the person to be, and a permit authorizing the person to practice as, a certified public accountant or as a public accountant.
- (b) The person possesses a baccalaureate degree from an accredited university, college, or other four-year institution, with a major in accounting or its equivalent, as described in subdivision (a) of Section 5081.1 of the Business and Professions Code, and has served within the last five years in a senior fiscal management position in a county, city, or other public agency, a private firm, or a nonprofit organization, dealing with similar fiscal responsibilities, for a continuous period of not less than three years.
- (c) The person possesses a certificate issued by the Institute of Internal Auditors showing the person to be a designated professional internal auditor, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.
- (d) The person has served as county auditor, chief deputy county auditor, or chief assistant county auditor for a continuous period of not less than three years.

* Filing fees are subject to change according to the annual salary as of December 30, 2005. The number of signatures will change accordingly.

COUNTY CLERK-RECORDER

Office	Term	Filing Fee (1% of annual salary)	Signatures in Lieu of Filing Fee	Value of each Signature	Nomination Signatures
County Clerk-Recorder	4 years	\$914.03*	3,657*	.25	20 to 40

QUALIFICATIONS:

Government Code 24001. Candidate must be a registered voter of the County at the time nomination papers are issued.

* Filing fees are subject to change according to the annual salary as of December 30, 2005. The number of signatures will change accordingly.

DISTRICT ATTORNEY

Office	Term	Filing Fee (1% of annual salary)	Signatures in Lieu of Filing Fee	Value of each Signature	Nomination Signatures
District Attorney	4 years	\$1,217.36*	4,870*	.25	20 to 40

QUALIFICATIONS:

Government Code 24002. A person is not eligible to the office of district attorney unless he has been admitted to practice in the Supreme Court of the State.

* Filing fees are subject to change according to the annual salary as of December 30, 2005. The number of signatures will change accordingly.

SHERIFF-CORONER

Office	Term	Filing Fee (1% of annual salary)	Signatures in Lieu of Filing Fee	Value of each Signature	Nomination Signatures
Sheriff-Coroner	4 years	\$1,118.24*	4,473*	.25	20 to 40

QUALIFICATIONS:

Government Code 24004.3.

(a) No person is eligible to become a candidate for the office of sheriff in any county unless, at the time of the final filing date for election, he or she meets one of the following criteria:

- (1) An active or inactive advanced certificate issued by the Commission on Peace Officer Standards and Training.
- (2) One year of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a master's degree from an accredited college or university.
- (3) Two years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a bachelor's degree from an accredited college or university.
- (4) Three years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses an associate in arts or associate in science degree, or the equivalent, from an accredited college.
- (5) Four years of full-time, salaried law enforcement experience within the provisions of Section 830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a high school diploma or the equivalent.

(b) All persons holding the office of sheriff on January 1, 1989 shall be deemed to have met all qualifications required for candidates seeking election or appointment to the office of sheriff.

* Filing fees are subject to change according to the annual salary as of December 30, 2005. The number of signatures will change accordingly.

TREASURER-TAX COLLECTOR

Office	Term	Filing Fee (1% of annual salary)	Signatures in Lieu of Filing Fee	Value of each Signature	Nomination Signatures
Treasurer-Tax Collector	4 years	\$916.20*	3,665*	.25	20 to 40

QUALIFICATIONS:

Government Code 27000.7. (a) No person shall be eligible for election or appointment to the office of county treasurer, county tax collector, or county treasurer-tax collector of any county unless that person meets at least one of the following criteria:

- (1) The person has served in a senior financial management position in a county, city, or other public agency dealing with similar financial responsibilities for a continuous period of not less than three years, including, but not limited to, treasurer, tax collector, auditor, auditor-controller, or the chief deputy or an assistant in those offices.
- (2) The person possesses a valid baccalaureate, masters, or doctoral degree from an accredited college or university in any of the following major fields of study: business administration, public administration, economics, finance, accounting, or a related field, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.
- (3) The person possesses a valid certificate issued by the California Board of Accountancy pursuant to Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code, showing that person to be, and a permit authorizing that person to practice as, a certified public accountant.
- (4) The person possesses a valid charter issued by the Institute of Chartered Financial Analysts showing the person to be designated a Chartered Financial Analyst, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.
- (5) The person possesses a valid certificate issued by the Treasury Management Association showing the person to be designated a Certified Cash Manager, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance. (b) This section shall only apply to any person duly elected or appointed as a county treasurer, county tax collector, or county treasurer-tax collector on or after January 1, 1998.

* Filing fees are subject to change according to the annual salary as of December 30, 2005. The number of signatures will change accordingly.

SIGNATURES IN LIEU OF FILING FEE PETITION

SIGNATURES IN LIEU OF FILING FEE PETITION: is a form generally utilized by candidates who cannot afford to pay the full filing fee. Petitions may only be circulated amongst the voters within the candidate's election jurisdiction. Each signature has a predetermined value as calculated per various election codes. These signatures can then be applied to the reduction of, or waiver of, the filing fee for that elective office. Candidates are urged to file the signatures in lieu of filing fees petition as early as possible to allow time for the election official to determine whether any submitted signatures are insufficient. The candidate then has time to allow for collecting signatures to make up those insufficiencies, if they wish to do so.

For all offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is 2,000 or more, a candidate may submit a petition containing four signatures of registered voters for each dollar of the filing fee, or 10 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

EC 8106(a)(4), 8106(c)

Important Note: A candidate is issued only one form to use as a master form to reproduce the necessary number of copies at his or her own expense. (The candidate should never collect signatures, write or mark on this master form.)

EC 8106(b)

FILING DEADLINE:

Signatures in lieu of filing fee petition forms are available December 30, 2005 through February 23, 2006 at the Butte County Elections Office. Petitions must be filed no later than February 23, 2006.

Within 10 days after receipt of the petition, the County Elections Official shall notify the candidate of any insufficiencies. The candidate may then, prior to the close of the nomination period, either submit supplemental signatures or pay a pro rata portion of the filing fee to cover the insufficient signatures.

EC 8106(b)(3)

Very Important Note: Copies or reproduced signatures are not valid!

See Exhibit 12 for a sample of Signature in Lieu of Filing Fee form.

NOMINATION PAPER AND SIGNERS

NOMINATION PAPER: is the document that is utilized by candidates to gather nomination signatures in order to qualify for placement on the ballot.

NOMINATION SIGNATURES: must be received by the County Elections Official for examination no later than 5:00 p.m. on the 88th day prior to the election or the 83rd day prior to the election, if there is an extension to the Declaration of Candidacy filing period. The County Clerk shall retain all nomination documents for judicial and local candidates.

CANDIDATE SHALL HAVE SIGNATURES.

EC 8060. A candidate who declares his or her candidacy shall have registered voters sign his or her nomination papers pursuant to this article.

IN LIEU FILING FEE PETITION.

EC 8061. If a candidate submits an in-lieu-filing-fee petition pursuant to Section 8106, any or all signatures appearing on the petition, which would be valid under Section 8041, shall be counted towards the number of voters required to sign a nomination paper. If an in-lieu-filing-fee petition contains a requisite number of valid signatures under Section 8062, the candidate shall not be required to file nomination papers, but may request the elections official to accept the petition instead of filing nomination papers. If an in-lieu-filing-fee petition does not contain the requisite number of valid signatures as set forth in Section 8062, the candidate shall be entitled to file, within the time period allowed for filing nomination papers, a nomination paper in order to obtain the requisite number of valid signatures required to be submitted to the elections official on a nomination paper. A candidate who submits a nomination paper pursuant to this paragraph shall only be required to obtain the number of signatures thereon needed to supplement the in-lieu-filing-fee petition so that the combination of signatures appearing on the in-lieu-filing-fee petition and the nomination paper equals or exceeds the requisite number of signatures set forth in Section 8062.

NUMBER OF SIGNATURES REQUIRED.

EC 8062. (a) The number of registered voters required to sign a nomination paper for the respective offices are as follows: (1) State office or United States Senate, not less than 65 nor more than 100. (2) House of Representatives in Congress, State Senate or Assembly, Board of Equalization, or any office voted for in more than one county, and not statewide, not less than 40 nor more than 60. (3) Candidacy in a single county or any political subdivision of a county, other than State Senate or Assembly, not less than 20 nor more than 40. (4) When any political party has less than 50 voters in the state or in the county or district in which the election is to be held, one-tenth the number of voters of the party. (5) When there are less than 150 voters in the county or district in which the election is to be held, not less than 10 nor more than 20. (b) The provisions of this section are mandatory, not directory, and no nomination paper shall be deemed sufficient that does not comply with this section. However, this subdivision shall not be construed to prohibit withdrawal of signatures pursuant to Section 8067. This subdivision also shall not be construed to prohibit a court from validating a signature which was previously rejected upon showing of proof that the voter whose signature is in question is otherwise qualified to sign the nomination paper.

NOMINATION PAPER DELIVERED TO COUNTY ELECTIONS OFFICIAL.

EC 8063. The nomination paper shall be delivered to the elections official of the county in which the signer resides and is a voter.

AFFIDAVIT OF CIRCULATOR OF NOMINATION PAPER.

EC 8065. The elections official shall not accept for filing any nomination paper unless all blanks in the certificate are filled.

CIRCULATORS SHALL BE VOTERS IN DISTRICT.

EC 8066. Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.

NOMINATION PAPER AND SIGNERS, CONTINUED

NO MORE SIGNERS THAN REQUIRED.

EC 8067. No more signers shall be secured for any candidate than the maximum number required in this article. If, however, through miscalculation or otherwise, more signers are secured than the maximum number, the officer with whom the nomination papers are filed shall, with the written consent of the candidate, withdraw the excess number.

SIGNERS SHALL BE VOTERS IN DISTRICT.

EC 8068. Signers shall be voters in the district or political subdivision in which the candidate is to be voted on and shall be affiliated with the party, if any, in which the nomination is proposed.

SIGN FOR ONE CANDIDATE.

EC 8069. No signer shall, at the time of signing a certificate, have his or her name signed to any other nomination paper for any other candidate for the same office or, in case there are several places to be filled in the same office, signed to more nomination papers for candidates for that office than there are places to be filled.

Note: Copies or reproduced signatures are not valid!

TIPS REGARDING PETITION SIGNERS AND CIRCULATORS

- ! Voters must print their **residence** address, not business or mailing address. The residence address must be the physical address. Be sure that the signer includes apartment numbers where applicable. All addresses other than residence, including P. O. Boxes, will be marked “insufficient address” and will not be counted as valid. If no residence address is indicated on the petition, the signature cannot be counted.
- ! If the petition is for a partisan issue or a nomination paper for a partisan office, the signer must be registered with the same party affiliation as indicated on the petition.
- ! If the signer is not registered, has moved since they last registered to vote, or wishes to change party affiliation, a new affidavit of registration must be completed and returned to the elections official. The affidavit of registration must be dated on or before the day of signing the petition and received by the Elections Official’s office no later than the day the petition is filed.
- ! **The Affidavit of Circulator must be completed and signed on any type of petition. An incomplete or unsigned Affidavit of Circulator could invalidate all signatures on the petition page.**
- ! If the petition only affects a certain area such as a city, school district, supervisorial district, etc., the signers must be registered voters within that district. Any signers outside that district would not be counted.
- ! Signers must print their name and residence address clearly. Many times a signature cannot be counted because the elections official cannot read the name and/or the residence address.
- ! No pre-printed addresses for the signers or circulators are acceptable nor are any pre-printed circulation dates. These must be handwritten by the signers or circulators.
- ! Be aware of the filing deadline for the petition. Any petition filed after the given deadline cannot be counted.
- ! Be aware of who is eligible to register to vote and sign your petition. The elections official has an information pamphlet on registering people to vote.
- ! If a person does register to vote or re-register the day of signing the petition, verify that they have completed the affidavit of registration completely. There are instances when missing information or missing signature on the affidavit of registration invalidates the signature on the petition because a person is not legally registered to vote until all the required information on the affidavit of registration is supplied and the affidavit of registration is signed.
- ! If you check the petition over and determine that a signature is not going to count for any reason and/or you do not want it to be on the petition, boldly line out that signature and address.

ADDITIONAL TIPS FOR CIRCULATING NOMINATION PAPERS:

- Circulator: Must be a resident and registered voter of the same jurisdiction in which he/she obtains signatures.
- Signers: Must be a resident and registered voter of the same jurisdiction as the candidate for whom the petition is being circulated.
- Must be registered as the same party affiliation as the candidate if candidate is seeking a partisan office.
- Candidates may sign their own nomination papers.
- Note: The candidate may appoint person(s) to circulate nomination papers but is no longer required to file an appointment of circulator form.

RECEIPT OF PETITIONS AND SIGNATURE VERIFICATION

NO FEE.

EC 8080. No fee or charge shall be made or collected by any officer for verifying any nomination document or circulator's affidavit.

VOTERS MAY ONLY SIGN ONCE.

EC 8106(b)(2). If a voter signs more candidates' petitions than there are offices to be filled, the voter's signatures shall be valid only on those petitions which, taken in the order they were filed, do not exceed the number of offices to be filled.

RECEIPT.

EC 8020(c). Upon the receipt of an executed nomination document, the county elections official shall give the person delivering the document a receipt, properly dated, indicating that the document was delivered to the county elections official.

RANDOM SAMPLE VERIFICATION.

EC 8084. If the number of signatures affixed to an in-lieu filing fee petition filed pursuant to Section 8106 is 100 or more, the county elections official may use a random sampling technique for verification of the signatures. If a random sampling technique is used, and the number of signatures on a petition is 100 or more but less than 2,000, the random sampling shall include an examination of 100 signatures. If the number of signatures on a petition is 2,000 or more, the random sampling shall include an examination of 5 percent of the signatures. Upon completion of the verification of signatures in the sample, the percentage of signatures which are valid shall be applied and projected to the total number of signatures submitted.

DECLARATION OF CANDIDACY

The Declaration of Candidacy is an official nomination document wherein the candidate indicates how his/her name and occupational designation is to appear on the ballot. Additionally, the candidate declares that he/she meets the statutory and/or constitutional qualifications for the office sought and that, if nominated, the candidate will accept the nomination and not withdraw.

DECLARATION OF CANDIDACY.

EC 8020. (a) No candidate's name shall be printed on the ballot to be used at the direct primary unless the following nomination documents are delivered for filing to the county elections official: (1) Declaration of candidacy pursuant to Section 8040. (2) Nomination papers signed by signers pursuant to Section 8041. (b) The forms shall first be available on the 113th day prior to the direct primary election and shall be delivered not later than 5 p.m. on the 88th day prior to the direct primary. The forms may be delivered to the county elections official by a person other than the candidate.

EC 8028. (a) Except as provided in subdivision (b), a candidate shall not remove a declaration of candidacy form from the office of the elections official, and the elections official shall require all candidates filing a declaration of candidacy to execute the declaration in the office of the elections official. (b) A candidate may, in a written statement signed and dated by the candidate, designate a person to receive a declaration of candidacy form from the elections official and deliver it to the candidate. The statement shall include language indicating that the candidate is aware that the declaration of candidacy must be properly executed and delivered to the elections official of the county of the candidate's residence by the 88th day prior to the direct primary election. That statement shall be retained by the elections official.

EC 10603. (a) In any school district or community college district governing board election the name of any person shall be placed on the ballot, subject to Sections 35107 and 72103 of the Education Code, if there is filed with the county elections official having jurisdiction, not more than 113 days nor less than 88 days prior to the election, a declaration of candidacy containing the appropriate information in the blank spaces and signed by the person whose name is thereby to be placed on the ballot. (c) Notwithstanding any other provision of law, except as provided in subdivision (d), no person shall file nomination papers for more than one district office, including a county board of education office, at the same election.

WITHDRAWAL OF CANDIDATE:

EC 8800. No candidate whose declaration of candidacy has been filed for any primary election may withdraw as a candidate at that primary election.

EC 8801. No candidate nominated at any primary election may withdraw as a candidate at the ensuing general election except those candidates permitted to withdraw by this part.

EC 10603(b) No candidate whose declaration of candidacy has been filed for any school district or community college district governing board election or county board of education election may withdraw as a candidate after the 88th day prior to the election.

See Exhibit 2 for a sample of Declaration of Candidacy form.

EXTENSION PERIOD FOR CANDIDATE FILING

EXTENSION OF FILING PERIOD WHEN INCUMBENT FAILS TO FILE.

EC 8024. Notwithstanding Section 8020 or any other provision of the law, if nomination documents for an incumbent officer of a county are not delivered by 5 p.m. on the 88th day before the direct primary election, any person other than the person who was the incumbent on the 88th day shall have until 5 p.m. on the 83rd day before the election to file nomination documents for the elective office. This section is not applicable where there is no incumbent eligible to be elected.

EC 10604. Notwithstanding Section 10603, if a declaration of candidacy for an incumbent member of a school district or community college district governing board or of a county board of education is not filed by 5 p.m. on the 88th day before the election, any person, other than the person who was the incumbent on the 88th day, shall have until 5 p.m. on the 83rd day before an election to file a declaration of candidacy for the elective office. (b) This section is not applicable where there is no incumbent eligible to be elected. If this section is applicable, notwithstanding Section 10603, a candidate whose declaration of candidacy has been filed for any school district or community college district governing board election or county board of education election may withdraw as a candidate until 5 p.m. on the 83rd day before the election.

CANDIDATE'S BALLOT NAME

The ballot name is the way the candidate's name will appear on the ballot and may be designated in any of the following ways:

- ◇ First, middle and last names
- ◇ Initials only and last name
- ◇ A nickname may be included but must be in parentheses or quotation marks
- ◇ A familiar or common short version of the first name such as "Bill" for William or "Becky" for Rebecca, etc.

A.G. Ops. 50-87, 5/27/80. A candidate may use a nickname in addition to his legal name provided his candidacy has been declared under such name on the declaration of candidacy.

NO TITLE OR DEGREE.

EC 13106. No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office.

CANDIDATE CHANGE OF NAME.

EC 13104. If a candidate changes his or her name within one year of any election, the new name shall not appear upon the ballot unless the change was made by either of the following: (a) Marriage. (b) Decree of any court of competent jurisdiction.

PRINTING OF CANDIDATE'S NAME.

EC 13211. The names of the candidates shall be printed on the ballot, without indentation, in roman capital, boldface type not smaller than eight-point, between light lines or rules at least three-eighths of an inch apart but no more than one-half inch apart. However, in the case of candidates for President and Vice President, the lines or rules may be as much as five-eighths of an inch apart.

CANDIDATES WITH SAME NAME.

EC 13118. The following rules apply whenever any person who is a candidate for any office believes that some other person with a name that is so similar that it may be confused with his or her name has filed or will file a nomination paper for the same office:

(a) The candidate may, at the time of filing his or her nomination paper, or within five days after the time for filing nomination papers has expired, file with the county elections official a statement that shall be in substance as follows:

"I _____, believe that some other person, whose name is so similar to mine that it may be confused with mine, has filed or will file a nomination paper for the same office for which I have filed a nomination paper, and I therefore request and direct that number _____ be printed with my name on the ballot as a distinguishing mark.

_____ Candidate for the office of _____"

Name

(b) The distinguishing mark shall be a number and shall be printed in large bold face type at the left of the name on the ballot.

(c) If two or more candidates for the same office designate the same distinguishing number, the first candidate who filed his or her nomination papers shall have the number, and other candidates who designate the same number may file papers designating other distinguishing numbers.

(d) In addition to the designated number or numbers that the county elections official shall place on the ballot when the above conditions are met, he or she shall place on the ballot, immediately following the designation of the office and immediately preceding the names of the candidates to be voted upon, the following warning in bold face type: "Warning! There are two (or applicable number) candidates for this office with identical names." This warning shall also be included, in bold face type and in a prominent manner, on any sample ballot, ballot pamphlet, or other mailing sent by the county elections official, prior to the election, to persons eligible to vote for this office.

BALLOT DESIGNATIONS

BALLOT DESIGNATION REQUIREMENTS.

EC 13107. (a) With the exception of candidates for Justice of the State Supreme Court or Court of Appeal, immediately under the name of each candidate, and not separated from the name by any line, may appear at the option of the candidate only one of the following designations:

- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.
- (2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.
- (3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- (4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

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

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

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

- (1) The candidate shall, within three days from the date of receipt of the notice, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide an alternate designation.
- (2) In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name.

(d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e).

Ballot Designations continued next page

BALLOT DESIGNATIONS, CONTINUED

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

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

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

BALLOT DESIGNATION OF “COMMUNITY VOLUNTEER”.

EC 13107.5. (a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions: (1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation. (2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation. (3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation. (b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

NO OCCUPATIONAL DESIGNATION DESIRED – Write the word “None” in the appropriate space on the declaration of candidacy.

NOTE: All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. However, any areas that have political boundaries with an elected or appointed board are also considered geographical areas by the Butte County Elections Office.

See Exhibit 4 for sample of the Secretary of State Ballot Designation Regulations.

CANDIDATE STATEMENT OF QUALIFICATIONS

Candidate Statement of Qualifications are optional and, unless otherwise determined by the governing body, are printed at the expense of the candidate. Estimated costs for the Candidate Statement of Qualifications are based on the Printer's Price List for this election. Actual costs may vary from the estimate, depending on the number of candidates in a particular contest. Estimated costs for Candidate Statement of Qualifications must be paid in advance at the time of filing the statement. The advanced payment amounts are listed below by office:

Office	Registration	1 Candidate	2 Candidates	3 Candidates	4 Candidates
Judge of the Superior Court	119,937	\$3,282.04	\$1,716.02	\$1,194.01	\$933.01
Countywide Offices	119,937	\$3,282.04	\$1,716.02	\$1,194.01	\$933.01
County Supervisor, District 2	23,243	\$890.80	\$520.40	\$396.93	\$335.20
County Supervisor, District 3	27,363	\$992.69	\$571.34	\$430.90	\$360.67
County Board of Education, Trustee Area 2	25,612	\$949.38	\$549.69	\$416.46	\$349.85
County Board of Education, Trustee Area 3	25,458	\$945.58	\$547.79	\$415.19	\$348.89

CANDIDATE'S STATEMENT OF QUALIFICATIONS, CONTINUED

PRINTING COSTS.

EC 13307.(c) The local agency may estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the receipt for the payment shall include a written notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the elections official is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the elections official may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the elections official shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

CANDIDATE'S STATEMENT FOR JUDICIAL OFFICES.

EC 13308. In addition to the restrictions set forth in Section 13307, any candidate's statement submitted pursuant to Section 13307 by a candidate for judicial office 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 judicial office or to another candidate's qualifications, character, or activities. The elections official shall not cause to be printed or circulated any statement which the elections official determines is not so limited or which includes any reference prohibited by this section.

CONFIDENTIALITY OF CANDIDATE'S STATEMENT.

EC 13311. Notwithstanding the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), the statements filed pursuant to Section 13307 shall remain confidential until the expiration of the filing deadline.

CHALLENGE OF CONTENTS.

EC 13313. (a) The elections official shall make a copy of the material referred to in Section 13307 available for public examination in the elections official's office for a period of 10 calendar days immediately following the filing deadline for submission of those documents. Any person may obtain a copy of the candidate's statements from the elections official for use outside of the elections official's office. The elections official may charge a fee to any person obtaining a copy of the material, and the fee may not exceed the actual cost incurred by the elections official in providing the copy.

(b) (1) During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the material in the candidates statements to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period. (2) A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law. (3) The elections official shall be named as respondent and the candidate who authored the material in question shall be named as the real party in interest. In the case of the elections official bringing the mandamus or injunctive action pursuant to this subdivision, the board of supervisors of the county shall be named as the respondent and the candidate who authored the material in question shall be named as the real party in interest.

VOTER'S PAMPHLET STATEMENT.

EC 13312. Each voter's pamphlet prepared pursuant to Section 13307 shall contain a statement in the heading of the first page in heavy-faced gothic type, not smaller than 10-point, that: (a), the pamphlet does not contain a complete list of candidates and that a complete list of candidates appears on the sample ballot (if any candidate is not listed in the pamphlet), and that (b), each candidate's statement in the pamphlet is volunteered by the candidate, and (if printed at the candidate's expense) is printed at his or her expense.

Candidate's Statement of Qualifications continued next page

CANDIDATE'S STATEMENT OF QUALIFICATIONS, CONTINUED

FALSE STATEMENTS IN CANDIDATE STATEMENT; PENALTY.

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

PREPARATION AND FORM OF CANDIDATE STATEMENT.

EC 13307. (a)

- (1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.
- (2) The statement authorized by this subdivision shall be filed in the office of the elections official when the candidate's nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. The statement shall be filed in the office of the elections official no later than the 88th day before the election, if it is for an election for which nomination papers are not required to be filed. If a runoff election or general election occurs within 88 days of the primary or first election, the statement shall be filed with the elections official by the third day following the governing body's declaration of the results from the primary or first election.
- (3) Except as provided in Section 13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

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

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

FORMAT OF STATEMENT - All statements must be submitted on, or attached to, the form provided by the County Elections Official. In order to insure uniformity of Candidates' Statement, the candidates must prepare the statement as follows:

- ! **Typed, upper and lower case, and in block paragraph style** with spacing between paragraphs (no indents);
- ! Do not use any unusual spacing, bold lettering, underscoring, bullets, circles, stars, dots, italics, tables, lists or any other unusual punctuation or signs on the statement;
- ! Proof read the statement thoroughly for errors in spelling, punctuation and grammar. Statements will be printed exactly as submitted. **Errors will not be corrected;**
- ! The statement must be confined to 200 words or less for non-partisan offices and 250 words or less for state legislative offices;
- ! Do not include any party affiliation;
- ! Do not include membership or activity in partisan political organizations.
- ! No statement shall contain any demonstrably false, slanderous or libelous statements nor any obscene or profane language, statements or insinuations.

Candidate's Statement of Qualifications continued next page

CANDIDATE'S STATEMENT OF QUALIFICATIONS, CONTINUED

GUIDELINES FOR DETERMINING WORD COUNT.

EC 9. (a) Counting of words, for purposes of this code, shall be as follows:

1. Punctuation is not counted.
2. Each word shall be counted as one word except as specified in this section.
3. All geographical names shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
4. Each abbreviation for a word, phrase, or expression shall be counted as one word.
5. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
6. Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word.
7. Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
8. Telephone numbers shall be counted as one word.
9. Internet web site addresses shall be counted as one word.

IMPORTANT NOTES – In the case where a candidate submits a statement which is not in conformance with the guidelines provided, such statements will be reformatted and set in uniform type and format in accordance with those guidelines set forth in this booklet.

All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. However, any areas that have political boundaries with an elected or appointed board are also considered geographical areas by the Butte County Elections Office.

MULTI-COUNTY OFFICES - Candidates wishing to have a statement printed in other counties' sample ballot pamphlets, must submit the statement, following that county's guidelines, and pay the other county directly.

APPLICATION FOR INDIGENCY STATUS; PROCEDURES.

EC 13309.

- (a) Notwithstanding Section 13307, if a candidate alleges to be indigent and unable to pay in advance the requisite fee for submitting a candidate statement, the candidate shall submit to the local agency a statement of financial worth to be used in determining whether or not he or she is eligible to submit a candidate statement without payment of the fee in advance.
- (b) The statement of financial worth required by this section shall be submitted by the candidate together with his or her candidate statement in accordance with the deadline specified in Section 13307. The statement of financial worth form shall be furnished by the local agency, and may include questions relating to the candidate's employer, income, real estate holdings, tangible personal property, and financial obligations. The candidate shall certify the content of the statement as to its truth and correctness under penalty of perjury. The candidate shall also sign a release form of the candidate's most recent federal income tax report.
- (c) Upon receipt of a statement of financial worth, a determination shall be made by the local agency of whether or not the candidate is indigent. The local agency shall notify the candidate of its findings.
- (d) If it is determined that the candidate is not indigent, the candidate shall, within three days of the notification, excluding Saturdays, Sundays, and state holidays, withdraw the statement or pay the requisite fee. If the candidate fails to respond within the time prescribed, the local agency shall not be obligated to print and mail the statement.
- (e) If the local agency determines that the candidate is indigent, the local agency shall print and mail the statement.
- (f) Nothing in this section shall prohibit the elections official from billing the candidate his or her actual pro rata share of the cost after the election.

As with all other nomination documents, the "Statement of Financial Worth" is a public record.

See Exhibit 3 for a sample Candidate Statement of Qualifications completed in the proper format.

Candidate's Statement of Qualifications continued next page

CANDIDATE'S STATEMENT OF QUALIFICATIONS, CONTINUED

CANDIDATE STATEMENTS LIMITED TO CANDIDATE'S OWN QUALIFICATIONS

Court Decision Prohibits Any Reference to Opponents

All prospective candidates should be aware of the Court of Appeals ruling in the recent court case of Dean v. Superior Court of Orange County (1998) 62 Cal.App.4th 638. That 1998 decision analyzed California Elections Code section 13307, the statute governing the content of a candidate's statement for local office. The Court of Appeals concluded that the statement prepared by a candidate for inclusion in a voter's pamphlet may include comments on one's own qualifications, but may not include comments on one's opponents' qualifications, or lack thereof. A copy of the Dean decision has been reprinted in its entirety in this Guide for the convenience of prospective candidates.

**“THE DEAN DECISION IS CLEAR . . .
CANDIDATES ARE NOT TO REFER TO THEIR OPPONENTS
IN ANY MANNER IN THE CANDIDATE’S STATEMENT.”**

The Dean decision is clear - candidates are not to refer to their opponents in any manner in the candidate's statement. All candidates should confine their voter pamphlet statement to a listing of their particular qualifications and pertinent biographical information.

Also be aware that persons seeking office that use the candidate's statement as a forum for attacking an opponent are subject to legal action by the opponent. The opponent can request that the court strike all improper content in a candidate's statement. **If successful in this effort, the candidate can request and the court can order the losing candidate to pay the attorney's fees and costs incurred by the opponent in challenging the candidate's non-conforming statement.** Accordingly, it is in each candidate's best interest to use his or her allotted words wisely and within the permissible scope of Elections Code section 13307.

Prospective candidates are solely responsible for preparation and submittal of candidate's statements that are in conformance with Elections Code section 13307 and other pertinent provisions of the California Elections Code. The Registrar of Voters and its employees and agents do not have the legal authority to reject or modify candidate statements containing improper content. Challenges to written material in a voter's pamphlet are governed by Elections Code section 13313, which authorizes the courts to amend or delete false, misleading or inconsistent material.

**“THE COUNTY CLERK/REGISTRAR OF VOTERS
AND ITS EMPLOYEES AND AGENTS DO NOT HAVE THE LEGAL
AUTHORITY TO REJECT OR MODIFY CANDIDATE STATEMENTS
CONTAINING IMPROPER CONTENT.”**

See Exhibit 5 for a copy of the Dean Decision in its entirety.

RUNOFF OR GENERAL ELECTION

After certification of the Primary Election results, any nonpartisan runoff candidates required to appear on the General Election ballot will be notified, in writing, regarding the printing of Candidates' Statements in the General Election sample ballot. Guidelines regarding word count and statement format must be followed.

Those candidates who will appear in a run-off election may:

- Withdraw the original Candidate Statement and not utilize any statement for the run-off election;
or
- Utilize the same Candidate Statement; or
- Submit a new Candidate Statement for inclusion in the General Election sample ballot/voter pamphlet. Any such statement is required to be filed not later than 88 days prior to the runoff election. Advance payment of estimated costs for printing/mailing of Candidates' Statements for the General Election will be required.

CODE OF FAIR CAMPAIGN PRACTICES

as found in Chapter 5 of Division 20 of the California Elections Code

Chapter 5. Fair Campaign Practices Article I. General Intent

INTENT OF LEGISLATURE.

EC 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

DEFINITION OF "CODE".

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

"CAMPAIGN ADVERTISING OR COMMUNICATION" DEFINITION.

EC 304. "Campaign advertising or communication" means a communication authorized by a candidate or a candidate's controlled committee, as defined in Section 82016 of the Government Code, or by a committee making independent expenditures, as defined in Section 82031 of the Government Code, or by a committee formed primarily to support or oppose a ballot measure, as defined in Section 82047.5 of the Government Code, for the purpose of advocating the election or defeat of a qualified candidate or ballot measure through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general, public, political advertising.

"CANDIDATE" DEFINITION.

EC 305.(c) "Candidate for public office," as used in Chapter 5 (commencing with Section 20400) of Division 20, means an individual who has qualified to have his or her name listed on the ballot of any election, or who has qualified to have written votes on his or her behalf counted by election officials, for nomination for, or election to, any state, regional, county, municipal, or district office which is filled at an election.

Article 3. Code of Fair Campaign Practices

SUBSCRIPTION TO CODE; FORM.

EC 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.

Provisions of the Code of Fair Campaign Practices continued next page

CODE OF FAIR CAMPAIGN PRACTICES, CONTINUED

The text of the code shall read, as follows:

"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 such 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 race, sex, religion, national origin, physical health status, or age.
- (4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which 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 which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which 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."

Date

Signature

SUPPLY OF FORMS.

EC 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.

RETENTION OF FORMS; PUBLIC INSPECTION.

EC 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.

PUBLIC RECORD.

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

VOLUNTARY.

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

STATEMENTS OF ECONOMIC INTERESTS

FORM 700

WHO MUST FILE.

Government Code 87200, et. seq. This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.

Government Code 87201. Every candidate for an office specified in Section 87200 other than a justice of an appellate court or the Supreme Court shall file no later than the final filing date of a declaration of candidacy, a statement disclosing his or her investments, his or her interests in real property, and any income received during the immediately preceding 12 months. 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 pursuant to Section 87202 or 87203.

Government Code 87202. (a) Every person who is elected to an office specified in Section 87200 shall, within 30 days after assuming the office, file a statement disclosing his or her investments and his or her interests in real property held on the date of assuming office, and income received during the 12 months before assuming office. Every person who is appointed or nominated to an office specified in Section 87200 shall file such a statement not more than 30 days after assuming office, provided, however, that a person appointed or nominated to such an office who is subject to confirmation by the Commission on Judicial Appointments or the State Senate shall file such a statement no more than 10 days after the appointment or nomination. The statement shall not be required if the person has filed, within 60 days prior to assuming office, a statement for the same jurisdiction pursuant to Section 87203.

(b) Every elected state officer who assumes office during the month of December or January shall file a statement pursuant to Section 87203 instead of this section, except that:

- (1) The period covered for reporting investments and interests in real property shall begin on the date the person filed his or her declarations of candidacy.
- (2) The period covered for reporting income shall begin 12 months prior to the date the person assumed office.

WHAT MUST BE DISCLOSED.

Government Code 87203. Every person who holds an office specified in Section 87200 shall, each year at a time specified by commission regulations, file a statement disclosing his investments, his interests in real property and his income during the period since the previous statement filed under this section or Section 87202. The statement shall include any investments and interest in real property held at any time during the period covered by the statement, whether or not they are still held at the time of filing.

Government Code 87300. Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

Government Code 87302. Each Conflict of Interest Code shall contain the following provisions:

- (a) Specific enumeration of the positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

Statements of Economic Interests - Form 700 continued next page

STATEMENTS OF ECONOMIC INTERESTS - FORM 700, CONTINUED

(b) Requirements that each designated employee, other than those specified in Section 87200, file statements at times and under circumstances described in this section, disclosing reportable investments, business positions, interests in real property and income. The information disclosed with respect to reportable investments, interests in real property, and income shall be the same as the information required by Sections 87206 and 87207. The first statement filed under a Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, interests in real property, and income. An initial statement shall be filed by each designated employee within 30 days after the effective date of the Conflict of Interest Code, disclosing investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12 months before the effective date of the Conflict of Interest Code. Thereafter, each new designated employee shall file a statement within 30 days after assuming office, or if subject to State Senate confirmation, 30 days after being appointed or nominated, disclosing investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office or the date of being appointed or nominated, respectively. Each designated employee shall file an annual statement, at the time specified in the Conflict of Interest Code, disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

STATEMENTS ARE A PUBLIC RECORD.

Government Code 81008.(a) Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from such persons. Copies shall be provided at a charge not to exceed ten cents (\$0.10) per page. In addition, the filing officer may charge a retrieval fee not to exceed five dollars (\$5) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request.

PENALTIES FOR FAILURE TO FILE.

Government Code 91013. (a) If any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within 30 days for a statement of economic interest, other than a candidate's statement filed pursuant to Section 87201, five days for a campaign statement required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement.

(b) If any person files a copy of a statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of ten dollars (\$10) per day, starting 10 days, or five days in the case of a campaign statement required to be filed 12 days before an election, after the officer has sent specific written notice of the filing requirement and until the statement is filed.

(c) The officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he or she is an officer. No liability under this section shall exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater.

STATEMENTS OF ECONOMIC INTERESTS - FORM 700, CONTINUED

FORMS AVAILABLE.

Candidates who must file these statements may obtain forms by visiting the Fair Political Practices Commission website at www.fppc.ca.gov. If Internet access is unavailable, forms may also be obtained from the Butte County Elections Office. The Form 700 must be filed with the County Elections Official no later than the last day to file the Declaration of Candidacy.

WRITE-IN CANDIDATES

FILING REQUIREMENTS; STATEMENT AND NOMINATION PAPERS.

EC 8600. Every person who desires to be a write-in candidate and have his or her name as written on the ballot of an election counted for a particular office shall file:

- (a) A statement of write-in candidacy that contains the following information:
 - (1) Candidate's name.
 - (2) Residence address.
 - (3) A declaration stating that he or she is a write-in candidate.
 - (4) The title of the office for which he or she is running.
 - (5) The party nomination which he or she seeks, if running in a primary election.
 - (6) The date of the election.
- (b) The requisite number of signatures on the nomination papers, if any, required pursuant to Sections 8062, 10220, 10510 or, in the case of a special district not subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10), the number of signatures required by the principal act of the district.

FILING TIME.

EC 8601. The statement and nomination papers shall be available on the 57th day prior to the election for which the candidate is filing as a write-in candidate, and shall be delivered to the elections official responsible for the conduct of the election no later than the 14th day prior to the election.

FORM OF NOMINATION PAPERS.

EC 8602. The nomination papers for a write-in candidate shall be substantially in the same form as set forth in Section 8041.

SIGNERS OF NOMINATION PAPERS.

EC 8603. Signers of nomination papers for write-in candidates shall be voters in the district or political subdivision in which the candidate is to be voted on. In addition, if the candidate is seeking a party nomination for an office, the signers shall also be affiliated with the party whose nomination is sought.

FILING FEES.

EC 8604. No fee or charge shall be required of a write-in candidate except in the case of a candidate for city office, as provided in Section 10228.

WHEN WRITE-IN CANDIDATE'S NAME MAY APPEAR ON BALLOT.

EC 8605. No person whose name has been written in upon a ballot for an office at the direct primary may have his or her name placed upon the ballot as a candidate for that office for the ensuing general election unless one of the following is applicable:

- (a) At that direct primary he or she received for that office votes equal in number to 1 percent of all votes cast for the office at the last preceding general election at which the office was filled. In the case of an office that has not appeared on the ballot since its creation, the requisite number of votes shall equal 1 percent of the number of all votes cast for the office that had the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office.
- (b) He or she is an independent nominee pursuant to Part 2 (commencing with Section 8300).
- (c) He or she has been designated by a party central committee to fill a vacancy on the ballot for the general election.

See Exhibit 8 for a sample of Statement of Write-In Candidacy form.

IMPACT OF WRITE-IN VOTES ON UNOPPOSED JUDICIAL CANDIDATES

EC 8203. In any county in which only the incumbent has filed nomination papers for the office of superior court judge, his or her name shall not appear on the ballot unless there is filed with the elections official, within 10 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by 100 registered voters qualified to vote with respect to the office. If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by 100 registered voters qualified to vote with respect to the office, is filed with the elections official not less than 83 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot.

If, in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the elections official, on the day of the general election, shall declare the incumbent reelected. Certificates of election specified in Section 15401 or 15504 shall not be issued to a person reelected pursuant to this section before the day of the general election.

PLACEMENT OF NAMES ON THE BALLOT

WHEN CANDIDATE HAS DECLARED CANDIDACY, NAME SHALL BE PRINTED ON BALLOT.

EC 8809. Whenever a candidate has declared a candidacy for a primary election, the candidate's name shall be printed upon the ballot for the primary election, unless the candidate has died, and that fact has been ascertained by the officer charged with the duty of printing the ballots, at least 68 days before the day of the election.

Elections Code 13109 specifies the order of precedence of offices on the ballot. The order in which candidates' names shall be placed on the ballot is specified in Elections Code §13111 and 13112.

RULES FOR PRINTING CANDIDATES ON BALLOT.

EC 13111. Candidates for each office shall be printed on the ballot in accordance with the following rules:

PRESIDENTIAL CANDIDATES - PRIMARY.

(a) The names of presidential candidates to whom candidates for delegate to the national convention are pledged, and the names of chairpersons of groups of candidates for delegate expressing no preference, shall be arranged on the primary election ballot by the Secretary of State by the names of the candidates in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

PRESIDENTIAL CANDIDATES - GENERAL.

(b) The names of the pairs of candidates for President and Vice President shall be arranged on the general election ballot by the Secretary of State by the names of the candidates for President in accordance with the randomized alphabet as provided for in Section 13112 in the case of the ballots for the First Assembly District. Thereafter, for each succeeding Assembly district, the pair appearing first in the last preceding Assembly district shall be placed last, the order of the other pairs remaining unchanged.

STATEWIDE OFFICE CANDIDATES.

(c) In the case of all other offices, the candidates for which are to be voted on throughout the state, the Secretary of State shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

REPRESENTATIVES IN CONGRESS AND STATE BOARD OF EQUALIZATION CANDIDATES.

(d) If the office is that of Representative in Congress or member of the State Board of Equalization, the Secretary of State shall arrange the names of candidates for the office in accordance with the randomized alphabet as provided for in Section 13112 for that Assembly district that has the lowest number of all the Assembly districts in which candidates are to be voted on. Thereafter, for each succeeding Assembly district in which the candidates are to be voted on, the names appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

COUNTY SUPERVISOR, CENTRAL COMMITTEES, SCHOOL AND SPECIAL DISTRICT CANDIDATES.

(f) If the office is to be voted upon wholly within, but not throughout, one county, as in the case of municipal, district, county supervisor, and county central committee offices, the official responsible for conducting the election shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112.

Placement Of Names On The Ballot continued next page

PLACEMENT OF NAMES ON THE BALLOT, CONTINUED

COUNTYWIDE OFFICE CANDIDATES (ROTATES BY SUPERVISORIAL DISTRICT).

(g) If the office is to be voted on throughout a single county, and there are not more than four Assembly districts wholly or partly in the county, the county elections official shall determine the order of names in accordance with the randomized alphabet as provided for in Section 13112 for the first supervisorial district. Thereafter, for each succeeding supervisorial district, the name appearing first for each office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged.

STATE SENATE AND STATE ASSEMBLY CANDIDATES (MULTIPLE COUNTIES).

(i) Except as provided in subdivision (d) of Section 13112, if the office is that of State Senator or Member of the Assembly, and the district includes more than one county, the county elections official in each county shall conduct a drawing of the letters of the alphabet, pursuant to the same procedures specified in Section 13112. The results of the drawing shall be known as a county randomized ballot and shall be used only to arrange the names of the candidates when the district includes more than one county.

SUPREME COURT AND ASSOCIATE JUSTICE CANDIDATES.

(j) If the office is that of Justice of the California Supreme Court or a court of appeal, the appropriate elections officials shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in Section 13112. However, the names of the judicial candidates shall not be rotated among the applicable districts.

DRAWING OF RANDOMIZED ALPHABET.

EC 13112. The Secretary of State shall conduct a drawing of the letters of the alphabet, the result of which shall be known as a randomized alphabet. The procedure shall be as follows:

(a) Each letter of the alphabet shall be written on a separate slip of paper, each of which shall be folded and inserted into a capsule. Each capsule shall be opaque and of uniform weight, color, size, shape, and texture. The capsules shall be placed in a container, which shall be shaken vigorously in order to mix the capsules thoroughly. The container then shall be opened and the capsules removed at random one at a time. As each is removed, it shall be opened and the letter on the slip of paper read aloud and written down. The resulting random order of letters constitutes the randomized alphabet, which is to be used in the same manner as the conventional alphabet in determining the order of all candidates in all elections. For example, if two candidates with the surnames Campbell and Carlson are running for the same office, their order on the ballot will depend on the order in which the letters M and R were drawn in the randomized alphabet drawing.

(b) (1) There shall be five drawings, three in each even-numbered year and two in each odd-numbered year. Each drawing shall be held at 11 a.m. on the date specified in this subdivision. The results of each drawing shall be mailed immediately to each county elections official responsible for conducting an election to which the drawing is applicable, who shall use it in determining the order on the ballot of the names of the candidates for office.

(A) The first drawing under this subdivision shall take place on the 82nd day before the April general law city elections, and shall apply to those elections and any other elections held at the same time.

(B) The second drawing under this subdivision shall take place on the 82nd day before the direct primary of an even-numbered year, and shall apply to all candidates on the ballot in that election.

(C) (i) The third drawing under this subdivision shall take place on the 82nd day before the November general election of an even-numbered year, and shall apply to all candidates on the ballot in the November general election.

(ii) In the case of the primary election and the November general election, the Secretary of State shall certify and transmit to each county elections official the order in which the names of federal and state candidates, with the exception of candidates for State Senate and Assembly, shall appear on the ballot. The elections official shall determine the order on the ballot of all other candidates using the appropriate randomized alphabet for that purpose.

PLACEMENT OF NAMES ON THE BALLOT, CONTINUED

(D) The fourth drawing under this subdivision shall take place on the 82nd day before the first Tuesday after the first Monday in June of each odd-numbered year, and shall apply to all candidates on the ballot in the elections held on that date.

(E) The fifth drawing under this subdivision shall take place on the 82nd day before the first Tuesday after the first Monday in November of the odd-numbered year, and shall apply to all candidates on the ballot in the elections held on that date.

(2) In the event there is to be an election of candidates to a special district, school district, charter city, or other local government body at the same time as one of the five major election dates specified in subparagraphs (A) to (E), inclusive, and the last possible day to file nomination papers for the local election would occur after the date of the drawing for the major election date, the procedure set forth in Section 13113 shall apply.

(c) Each randomized alphabet drawing shall be open to the public. At least 10 days prior to a drawing, the Secretary of State shall notify the news media and other interested parties of the date, time, and place of the drawing. The president of each statewide association of local officials with responsibilities for conducting elections shall be invited by the Secretary of State to attend each drawing or send a representative. The state chairman of each qualified political party shall be invited to attend or send a representative in the case of drawings held to determine the order of candidates on the primary election ballot, the November general election ballot, or a special election ballot as provided for in subdivision (d).

(d) In the case of any special election for State Assembly, State Senate, or Representative in Congress, on the first weekday after the close of filing of nomination papers for the office, the Secretary of State shall conduct a public drawing to produce a randomized alphabet in the same manner as provided for in subdivisions (a) and (c). The resulting randomized alphabet shall be used for determining the order on the ballot of the candidates in both the primary election for the special election and in the special election.

INSUFFICIENT NOMINEES AND APPOINTMENTS

COUNTY BOARD OF EDUCATION.

Education Code 5326. If, by 5:00 p.m. on the 83rd day prior to the day fixed for the governing board member election, only one person has been nominated for any elective office to be filled at that election, or no one has been nominated for the office, or in the case of members to be elected from the district at large, the number of candidates for governing board member at large does not exceed the number of offices to be filled at that election, or in the case of members to be nominated by trustee area and elected at large, the number of candidates do not exceed the number required to be elected governing board member at large nominated by that trustee area, or in the case of members to be elected at large in accordance with Sections 5030.5, 5030.6, and 5030.7, no more than one person has been nominated for each membership position, and a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or trustee area, if elected by trustee area, requesting that a school district election be held for the offices has not been presented to the officer conducting the election, appointment will be made as prescribed by Section 5328. The provisions of this section and Section 5328 shall also apply to elections for membership on a county board of education.

Education Code 5328. If pursuant to Section 5326 a district election is not held, the qualified person or persons nominated shall be seated at the organizational meeting of the board, or if no person has been nominated or if an insufficient number is nominated, the governing board shall appoint a qualified person or persons, as the case may be, at a meeting prior to the day fixed for the election, and such appointee or appointees shall be seated at the organizational meeting of the board as if elected at a district election.

Education Code 5328.5. If no one has been nominated to an office, prior to making an appointment to that office pursuant to Section 5328, the governing board shall cause to be published a notice once in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper having general circulation in the district, stating that the board intends to make an appointment and informing persons of the procedure available for applying for the office.

VOTES NEEDED FOR ELECTION

CANDIDATES ELECTED AT PRIMARY ELECTION

Member, County Board of Education:

The person who receives the highest number of votes as the candidate for a particular County Board of Education Trustee Area is elected at the primary election.

If a candidate for a particular trustee area is unopposed, appointment will be made as prescribed by Education Code §5328, unless a petition signed by 10% or 50 voters of the trustee area (whichever is the smaller number) is submitted by 5:00 p.m. on the 83rd day prior to the date fixed for the election requesting that an election be held for such office.

Nonpartisan Offices Elected at Primary Election or Held Over for Run-Off at General Election:

**Superior Court Judge
County Superintendent of Schools
County Supervisor
Assessor
Auditor-Controller**

**County Clerk-Recorder
District Attorney
Sheriff-Coroner
Treasurer-Tax Collector**

NONPARTISAN CANDIDATE ELECTED IF MAJORITY RECEIVED.

EC 8140. Any candidate for a nonpartisan office who at a primary election receives votes on a majority of all the ballots cast for candidates for that office shall be elected to that office. Where two or more candidates are to be elected to a given office and a greater number of candidates receive a majority than the number to be elected, those candidates shall be elected who secure the highest votes of those receiving a majority, and equal in number to the number to be elected. (A majority vote is 50% plus one of all votes cast.)

Where a candidate has been elected to a nonpartisan office at the primary election, that office shall not appear on the ballot at the ensuing general election, notwithstanding the death, resignation, or other disqualification of the candidate at a time subsequent to the primary election.

NO CANDIDATE ELECTED TO NONPARTISAN OFFICE.

EC 8141. If no candidate has been elected to a nonpartisan office pursuant to Section 8140 or if the number of candidates elected at the primary election is less than the total number to be elected to that office, then candidates for that office at the ensuing election shall be those candidates not elected at the primary who received the next highest number of votes cast for nomination to that office, equal in number to twice the number remaining to be elected to that office, or less, if the total number of candidates not elected is less.

CITY OR TOWN COUNCIL MEMBER:

EC 10263. Upon the completion of the canvass and before installing the new officers, the governing body shall adopt a resolution reciting the fact of the election and the other matters that are enumerated in Section 10264. The governing body shall declare elected the persons for whom the highest number of votes were cast for each office.

COUNTY CENTRAL COMMITTEES/COUNTY COUNCILS:

The candidates for election to membership on the county central committee, equal in number to the number to be elected, receiving the highest number of voters in their supervisorial district shall be declared elected.

EC 8144, 15460, 15470, 15480, 15490

VOTES NEEDED TO PASS MEASURES

STATE MEASURES

CALIFORNIA CONSTITUTION ARTICLE II, SECTION 10, VOTING, INITIATIVE AND REFERENDUM, AND RECALL

(a) An initiative statute or referendum approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If a referendum petition is filed against a part of a statute the remainder shall not be delayed from going into effect. (b) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail. (c) The Legislature may amend or repeal referendum statutes. It may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval. (d) Prior to circulation of an initiative or referendum petition for signatures, a copy shall be submitted to the Attorney General who shall prepare a title and summary of the measure as provided by law. (e) The Legislature shall provide the manner in which petitions shall be circulated, presented, and certified, and measures submitted to the electors.

COUNTY MEASURES

REQUIREMENTS FOR ORDINANCE TO BECOME EFFECTIVE.

EC 9122. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the county. The ordinance shall be considered as adopted upon the date the vote is declared by the board of supervisors, and shall go into effect 10 days after that date.

DISTRICT MEASURES

VALID IF MAJORITY.

EC 9320. If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the district. The ordinance shall be considered as adopted upon the date the vote is declared by the district board, and shall go into effect 10 days after that date.

SCHOOL BOND MEASURES

Education Code 15124. If it appears from the certificate of election results that two-thirds of the votes cast on the proposition of issuing bonds of the district are in favor of issuing the bonds; or, a majority of the votes cast, if the election is held to repair, reconstruct or replace school buildings in compliance with Section 17367 or 81162 or any other provision of law, the governing board of the school district or community college shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. The county superintendent of schools shall send a copy of the certificate of election results to the board of supervisors of the county.

Education Code 15348. (a) The proposition shall be deemed approved upon approval by two-thirds of the votes cast by voters voting on the proposition of issuing bonds of the school facilities improvement district unless subdivision (b) is applicable. (b) Alternatively, for a governing board of a school district or community college district that proceeds pursuant to Chapter 1.5 (commencing with Section 15264) and subject to the requirements therein on behalf of a school facilities improvement district that is created by and under the exclusive authority of the school district or community college district, as specified in Section 15359.3, the proposition shall be deemed approved upon approval by 55 percent of the votes cast by voters voting on the proposition of issuing bonds of the school facilities improvement district.

BOND MEASURES OR IMPOSITION OF SPECIAL TAXES

Cities, counties and special districts may, by a two-thirds vote of the qualified electors of such district, impose special taxes on such district, except ad valorem taxes on real property or a transaction tax or sales tax on the sale of real property within such city, county or special district. Reference: California Constitution, Article XIII A, Section 4.

CAMPAIGN LITERATURE REQUIREMENTS

MASS MAILING

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.

MASS MAILING REQUIREMENTS.

Government Code 84305.

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

MASS MAILING PROHIBITIONS.

Government Code 89001. No newsletter or other mass mailing shall be sent at public expense.

MASS MAILING PENAL PROVISIONS.

EC 18303. Every person who violates Section 84305 of the Government Code relating to mass mailing is subject to the penal provisions set forth in Chapter 11 (commencing with Section 91000) of Title 9 of the Government Code.

POLITICAL ADVERTISING REQUIREMENTS - NEWSPAPERS

POLITICAL ADVERTISEMENT REQUIREMENTS.

EC 20008. Any paid political advertisement that refers to an election or to any candidate for state or local elective office and that is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." The words shall be set apart from any other printed matter.

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

POLITICAL ADVERTISEMENT; PENALTY.

Penal Code 115.2. (a) No person shall publish or cause to be published, with actual knowledge, and intent to deceive, any campaign advertisement containing false or fraudulent depictions, or false or fraudulent representations, of official public documents or purported official public documents.

(b) For purposes of this section, "campaign advertisement" means any communication directed to voters by means of a mass mailing as defined in Section 82041.5 of the Government Code, a paid newspaper advertisement, an outdoor advertisement, or any other printed matter, if the expenditures for that communication are required to be reported by Chapter 4 (commencing with Section 84100) of Title 9 of the Government Code.

(c) Any violation of this section is a misdemeanor punishable by imprisonment in the county jail, or by a fine not to exceed fifty thousand dollars (\$50,000), or both.

SLATE MAILERS.

Government Code §82048.3. "Slate mailer" means a mass mailing which supports or opposes a total of four or more candidates or ballot measures.

Campaign Literature Requirements continued next page

CAMPAIGN LITERATURE REQUIREMENTS, CONTINUED

Government Code 82048.4. (a) "Slate mailer organization" means, except as provided in subdivision (b), any person who, directly or indirectly, does all of the following:

(1) 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.

(2) Receives or is promised payments totaling five hundred dollars (\$500) or more in a calendar year for the production of one or more slate mailers.

(b) Notwithstanding subdivision (a), a slate mailer organization shall not include any of the following:

(1) A candidate or officeholder or a candidate's or officeholder's controlled committee.

(2) An official committee of any political party.

(3) A legislative caucus committee.

(4) A committee primarily formed to support or oppose a candidate, officeholder, or ballot measure.

(c) The production and distribution of slate mailers by a slate mailer organization shall not be considered making contributions or expenditures for purposes of subdivision (b) or (c) of Section 82013. If a slate mailer organization makes contributions or expenditures other than by producing or distributing slate mailers, and it reports those contributions and expenditures pursuant to Sections 84218 and 84219, no additional campaign reports shall be required of the slate mailer organization pursuant to Section 84200 or 84200.5.

Government Code 84305.5. (a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on every insert included with each piece of slate mail in no less than 8-point roman 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 street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division.

(2) At the top of each side or surface of a slate mailer or at the top of each side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of the following statement:

NOTICE TO VOTERS

THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. All candidates and ballot measures designated by * have paid for their listing in this mailer. A listing in this mailer does not necessarily imply endorsement of other candidates or measures listed in this mailer.

(3) Any reference to a ballot measure that has paid to be included on the slate mailer shall also comply with the provisions of Section 84503 et seq.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by *. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by *. The * required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the * designation applies except that in no case shall the * be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

Campaign Literature Requirements continued next page

CAMPAIGN LITERATURE REQUIREMENTS, CONTINUED

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office. (b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the \$\$\$ designation. The payment shall also be deemed to constitute authorization to appear in the mailer. (c) A slate mailer that complies with this section shall be deemed to satisfy the requirements of Sections 20003 and 20004 of the Elections Code.

Government Code 84305.6. In addition to the requirements of Section 84305.5, a slate mailer organization or committee primarily formed to support or oppose one or more ballot measures may not send a slate mailer unless any recommendation in the slate mailer to support or oppose a ballot measure or to support a candidate that is different from the official recommendation to support or oppose by the political party that the mailer appears by representation or indicia to represent is accompanied, immediately below the ballot measure or candidate recommendation in the slate mailer, in no less than nine-point roman boldface type in a color or print that contrasts with the background so as to be easily legible, the following notice:

"THIS IS NOT THE OFFICIAL POSITION OF THE (political party that the mailer appears by representation or indicia to represent) PARTY."

SIMULATED BALLOT REQUIREMENTS.

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

NOTICE TO VOTERS

(Required by Law)

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

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

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

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

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

PRINTING OF SIMULATED SAMPLE BALLOTS.

EC 18301. In addition to any other penalty, any person who prints or otherwise duplicates, or causes to be printed or duplicated, a simulated ballot or simulated sample ballot that does not contain the statement required by Section 20009 or that uses an official seal or insignia in violation thereof, is guilty of a misdemeanor.

TRUTH IN ENDORSEMENTS LAW.

EC 20000 et. seq. provides additional information regarding restrictions on endorsements, representation requirements, etc. A link is available for viewing the Elections Code Book on the Butte County Clerk-Recorder website: <http://clerk-recorder.buttecounty.net>, or a copy of the applicable pages may be purchased in the Butte County Clerk-Elections Office for the standard copy fee.

CAMPAIGN LITERATURE CONTAINING POLLING PLACE LOCATION

Important !!

Candidates should **not** distribute or mail campaign literature telling the voter where his or her polling place is located. It is confusing and a disservice to the voter if polling place changes occur in the last few weeks prior to an election. In the past, candidates have mailed or distributed campaign literature, inadvertently giving voters misinformation regarding their polling place location. We are sure you can understand the problems this causes for the voters and the Elections Office staff as well as yourself, the candidate.

POLLING PLACE INFORMATION SENT TO THE VOTERS.

Any data files containing polling place locations purchased through the County Elections Official prior to 30 days before the election must be confirmed by that official. At no time should a person use polling place lists that could be outdated.

DISTRIBUTION OF PRECINCT POLLING PLACE INFORMATION; PENALTY.

EC §18302. Every person is guilty of a misdemeanor who knowingly causes to be mailed or distributed, or knowingly mails or distributes, literature to any voter that includes a designation of the voter's precinct polling place other than a precinct polling place listed for that voter in an official precinct polling list that constituted the latest official precinct polling list at sometime not more than 30 days prior to the mailing or distribution.

OUTDOOR POLITICAL SIGNS

STATE LAWS – OUTDOOR POLITICAL ADVERTISING

STATE DEPARTMENT OF TRANSPORTATION:

Pursuant to Section 5405.3 of the State Outdoor Advertising Act (Business & Professions Code) authorizes the placing of “temporary political signs” separate and apart from the normal outdoor advertising controls. No political sign may be placed within the right-of-way of any highway or within 660 feet of the edge of and visible from the right-of-way of a landscaped freeway.

Temporary political signs are those that meet the following criteria:

- Encourages a particular vote in a scheduled election;
- Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after the election;
- Is no larger than 32 square feet;
- Has had a “Statement of Responsibility For Temporary Political Signs” filed with the State Department of Transportation, Division of Traffic Operations, Northern California, Outdoor Advertising Branch, P.O. Box 942874, MS-37, Sacramento CA 94274-0001, (916) 654-4094, Fax-(916) 654-4956, certifying a person who will be responsible for removing the signs. Forms are available at the Butte County Elections Office.

The law directs the Department of Transportation to remove signs that do not comply with the regulations before an election and to bill the responsible party for removal costs after the election.

Penal Code Sections 556, 556.1 and 556.3 provide that it is a misdemeanor for any person to place a sign to advertise on public or private property (without consent); and that it shall be considered a public nuisance.

LOCAL LAWS – OUTDOOR POLITICAL ADVERTISING

COUNTY OF BUTTE:

There are currently no provisions in the County Code or Charter that regulates outdoor political advertising.

CITY/TOWN ORDINANCES:

Each city or town in Butte County has rules and regulations regarding outdoor political advertising. Contact the City Clerk or Town Clerk for more information.

HOMEOWNER ASSOCIATIONS:

Some homeowner associations may have rules and regulations regarding political outdoor advertising. The following are “known” homeowner associations along with the contact information. There may be others.

Butte Creek Country Club, 175 Estates Dr, Chico, CA 95928, 343-7979

Kelly Ridge Estates Owner’s Association, P. O. Box 1893, Oroville CA 95965, 589-2665

Paradise Pines Property Owner’s Association Inc., 14211 Wycliff Way, Magalia, CA 95954, 873-1114

A number of subdivisions are subject to rules and regulations regarding political signs. Hignell and Hignell Property Managers serve as a representative to the various home/land/Property Owner Associations listed below. For further information, please contact Hignell Incorporated, 1750 Humboldt Rd, Chico CA 95928, 894-0404.

California Park, Canyon Oaks Country Club, Chico Oaks, Chateau East, Hollybrook, Lucas Ranch, Mission Ranch, Morseman Village, Mountain Oaks, Parque Estates, Pebblewood Pines, Philadelphia Square, Plantation, Plaza West, Ridgeview II, Sierra Lakeside, Sierra Sunrise, Stonebridge, Stoneridge, Tierra Oaks, The Retreat, The Villas, Upper Park, Village Square, Waterford, Windmill Falls, Woodcrest and Woodoak.

MOBILE HOME PARKS:

Some mobile home parks may have rules regarding outdoor political advertising. As a courtesy, please call the Park Manager for information.

ELECTIONEERING

ELECTIONEERING WITHIN 100 FEET OF A POLLING PLACE.

EC 18370. No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place or an elections official's office:

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

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

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

ELECTIONEERING DURING ABSENTEE VOTING.

EC 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 an absentee 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 absentee voter is voting.

(b) Any person who knowingly violates this section is guilty of a misdemeanor.

(c) This section shall not be construed to conflict with any provision of the federal Voting Rights Act of 1965, as amended, nor to preclude electioneering by mail or telephone or in public places, except as prohibited by Section 18370, or by any other provision of law.

SOLICITATION DISSUADING PERSONS FROM VOTING.

EC 18541.

(a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place:

1. Solicit a vote or speak to a voter on the subject of marking his or her ballot.
2. Place a sign relating to voters qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
3. Photograph, video tape, or otherwise record a voter entering or exiting a polling place.

(b) Any person who violates this section is punishable by imprisonment in the county jail for not more than 12 months, or in the state prison. Any person who conspires to violate this section is guilty of a felony.

(c) For purposes of this section, 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

EXIT POLLS.

Secretary of State Opinion 1992 – Exit Polls: No pre or post voter contact may be made within a 25-foot perimeter. All exit polling must be done beyond the 25-foot perimeter from the entrance to the polling place. The entrance is deemed to be the room or rooms in which voters are actually signing rosters and casting votes.

POLL WATCHERS.

Poll watchers are allowed at the polling place as long as they obey the law and election procedures. Persons observing the polls may: 1) inspect the Roster of Voters. Any such inspection, however, must be done without impeding, interfering or interrupting the normal process of voting and counting; 2) inspect the Public's Alpha Index update regularly by the precinct workers. The index may not be removed from the polling place; 3) observe all activities at the polling place, including activities after the polls close, providing they do not interfere with the normal processing of voters.

CANDIDATE INTENTION STATEMENT FORM 501

WHO FILES.

A candidate for state or local office must file this form prior to solicitation or receipt of any contribution, or expenditure of any personal funds used for the election.

You must file a separate Form 501 for each election, including re-election to the same office.

Exception: This form is not required if you will not solicit or receive contributions from other persons and the only expenditures will be from your personal funds used for the filing fee and/or statement of qualifications in the sample ballot or ballot pamphlet.

See Exhibit 7 for sample of Candidate Intention Statement - Form 501

CAMPAIGN DISCLOSURE REQUIREMENTS

The Political Reform Act of 1974 requires all candidates for state and local elective office, all state and local elected officeholders, proponents of state and local ballot measures who control a ballot measure committee, and committees supporting or opposing state and local candidates, and all measure and petition circulation committees, to file campaign disclosure statements disclosing contributions received and expenditures made.

POTENTIAL PENALTIES FOR FAILURE TO OBSERVE.

Government Code 91000. (a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.

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

(c) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred.

Government Code 91013 provides for a late filing fine of \$10 per day for the late filing of any statement or report required by the Political Reform Act starting the day after the filing deadline.

Government Code §91013. (a) If any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within 30 days for a statement of economic interest, other than a candidate's statement filed pursuant to Section 87201, five days for a campaign statement required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement.

(b) If any person files a copy of a statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of ten dollars (\$10) per day, starting 10 days, or five days in the case of a campaign statement required to be filed 12 days before an election, after the officer has sent specific written notice of the filing requirement and until the statement is filed.

(c) The officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he or she is an officer. No liability under this section shall exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater.

IMPORTANT!

It is the responsibility of the candidate and/or committee to be aware of and to file the required campaign disclosure statements in a correct and timely manner. If a candidate and/or committee with campaign disclosure obligations and requirements fails to file within the specified deadlines, the non-receipt of a reminder notice may not be utilized (or rationalized) as the reason for late or non-filing. ***Filing by the deadline as prescribed by law is the responsibility of the candidate or committee.***

CAMPAIGN DISCLOSURE FORMS - Campaign disclosure forms and information manuals are available on the Fair Political Practices Commission (F.P.P.C.) website at: www.fppc.ca.gov or at the Butte County Elections Office. Before accepting any contributions or making expenditures toward a campaign, it is vital that you obtain the correct forms required by law for reporting campaign contributions and expenditures. **Failure to file could lead to fines and/or civil or criminal penalties.**

INFORMATION MANUALS - It is necessary to review the "Campaign Disclosure Manual" pertaining to the type of office you are seeking. These manuals are provided by the Fair Political Practices Commission and will have important information regarding who is required to file, when you are required to file, where to file and which forms to use. These manuals also cover what information is required to be disclosed and how to report that disclosure on the forms. These manuals are available on the Fair Political Practices Commission website at www.fppc.ca.gov.

Campaign Disclosure Requirements continued next page

CAMPAIGN DISCLOSURE REQUIREMENTS, CONTINUED

FORM 501 – CANDIDATE INTENTION FORM – Only candidates and officeholders are required to file this form. Form 501 must be filed before soliciting or receiving contributions from others or making expenditures from personal funds on behalf of your candidacy.

FORM 410 – STATEMENT OF ORGANIZATION – This form must be filed within 10 days of receiving contributions or making expenditures of \$1,000 or more. The term “contribution” includes monetary payments, loans and non-monetary goods or services. The original and one copy must be filed with the Secretary of State and one copy with your local filing officer (Butte County Clerk/Elections Office). Once the Form 410 has been filed in both places, candidates may search the Secretary of State’s Cal-Access website to retrieve their committee ID number. The website is www.cal-access.ss.ca.gov.

FORM 470 – CANDIDATE AND OFFICEHOLDER CAMPAIGN STATEMENT - SHORT FORM – Candidates who anticipate spending less than \$1,000 during the entire calendar year, exclusive of the costs of the filing fee and/or candidate statement (if paid from personal funds), and will not receive contributions totaling more than \$1,000, may reduce their filing obligations by filing a Form 470. No further campaign disclosure statement is required for this election unless the candidate spends more than \$1,000 or begins accepting contributions. If the candidate reaches that \$1,000 threshold, they should review the information manual immediately for information regarding their further filing responsibilities.

FORM 460 – RECIPIENT CAMPAIGN COMMITTEE FORM – Candidates and all recipient committees who have filed a Statement of Organization, must use this form for itemizing all contributions received and all expenditures made during the different reporting periods.

All of the aforementioned forms and information manuals are available from the County Elections Official or on the Fair Political Practices Commission website: www.fppc.ca.gov.

CAMPAIGN EXPENDITURES FROM A CANDIDATE'S PERSONAL FUNDS - All money intended for use in the campaign, including personal funds, must be deposited into a campaign bank account. All campaign expenditures for the specific office sought must be made from that specified bank account. The funds in the account may not be used in connection with any other office sought.

LATE CONTRIBUTION AND/OR LATE INDEPENDENT EXPENDITURE REPORTS - Any candidate or committee that receives a late contribution or makes a late independent expenditure of an aggregated total of \$1,000 or more from a single source within the 16 days prior to the election must file Form 496 or Form 497. This report may be filed in person, by fax, telegram, mailgram or guaranteed overnight mail through the U.S. Postal Service but must be filed within 24 hours of receiving the contribution or making the expenditure.

ADDITIONAL INFORMATION – For additional detailed information relating to California reporting requirements of the Political Reform Act of 1974, as amended, see Government Code §81000 through §91015 or contact the Fair Political Practices Commission at (916) 322-5662. You may also visit their website at www.fppc.ca.gov. Forms and information manuals are also available on this website.

FEDERAL OFFICES

Due to the requirements of the Federal Election Campaign Act (as amended), candidates for federal office should contact the Federal Election Commission for additional information at 999 E Street, NW, Washington, D.C. 20463, or by calling the toll-free number 1-800-424-9530 and request a copy of the Act, related regulations and instruction manuals giving filing requirements for reporting campaign contributions and expenditures and the forms on which to file.

FRANCHISE TAX BOARD AUDITS: Be aware that the Franchise Tax Board is authorized under §90001 of the California Government Code to audit Campaign Disclosure Statements. This can include audits of the accounting records and other such auditing procedures.

See the following page for the campaign disclosure filing schedule for local and state offices for the June 6, 2006 Primary Election.

Candidates for Local Office
Committees Primarily Formed to Support/Oppose Local Candidates
Committees Primarily Formed to Support/Oppose Local Measures
Being Voted on June 6, 2006

Filing Deadline	Type of Statement	Period Covered by Statement^{1/}	Method of Delivery
January 31, 2006	Semi-Annual	^{1/} - 9/30/2004	<ul style="list-style-type: none"> • Personal Delivery • First Class Mail
March 22, 2006	Pre-Election	1/1/06 - 3/17/06	<ul style="list-style-type: none"> • Personal Delivery • First Class Mail
May 25, 2006	Pre-Election	3/18/06 - 5/20/06	<ul style="list-style-type: none"> • Personal Delivery • Guaranteed Overnight Service
Within 24 Hours	Late Contributions ^{2/} and Independent Expenditures of \$1,000 or More ^{3/}	5/21/06 - 6/5/06	<ul style="list-style-type: none"> • Personal Delivery • Guaranteed Overnight Service • Fax
July 31, 2006	Semi-Annual	5/21/06 - 6/30/06	<ul style="list-style-type: none"> • Personal Delivery • First Class Mail

^{1/} 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.

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

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

Additional Notes:

- **Primarily Formed Ballot Measure Committees:** Prior to the semi-annual period in which the measure(s) supported or opposed is being voted on, committees must file quarterly campaign statements in addition to semi-annual statements. Following the election quarterly statements may also be required. Contact FPPC for specific information.
- **Candidates:** Contact the FPPC for revised reporting deadlines in the event of a runoff election. After an election, reporting requirements will depend on whether the candidate is successful and whether a campaign committee is maintained.
- Except for deadlines that fall on a Saturday, Sunday or an official state holiday, there is no provision in the law for extending a filing deadline. Late statements are subject to a \$10 per day late fine.
- Refer to appropriate campaign disclosure manuals to determine where to file campaign statements. Manuals are available on the FPPC website: www.fppc.ca.gov.
- Local jurisdictions may impose contribution limits and additional requirements.
- All statements are public documents.
- It is the responsibility of the candidate and/or committee to be aware of and to file the required campaign disclosure statements in a correct and timely manner. If a candidate and/or committee with campaign disclosure obligations and requirements fails to file within the specified deadlines, the non-receipt of a reminder notice may not be utilized (or rationalized) as the reason for late or non-filing. ***Filing by the deadline as prescribed by law is the responsibility of the candidate or committee.***

INFORMATION AVAILABLE TO CANDIDATES

VOTER REGISTRATION INFORMATION

As of January 1, 1995 voter registration information is confidential and no longer available to the general public. However, voter registration information can be accessed or purchased if an application has been completed and approved by the Butte County Elections Office.

ACCESSING VOTER REGISTRATION INFORMATION BY COMPUTER AT THE ELECTIONS OFFICE.

A computer terminal is available for candidates for elective office, proponents of initiative, referendum or recall petitions/measures to conduct research of the voter registration file. Before information can be accessed, an application form must be completed and state the specific information requested and its intended use. Persons working for candidate or measure committees must have a letter of authorization signed by the candidate or proponent authorizing them to view voter registration information. Persons who fail to provide our office with a letter will not be entitled to receive the information they are requesting.

DATA PROCESSING ITEMS.

Before any voter registration, absentee voter or other data processing items can be released, candidates for elective office or proponents of an initiative, referendum or recall petition/measure must complete and sign an “*Application To Purchase Data Processing Item*”. Once the application is approved, the item/s can be released. Persons working for candidate or measure committees must have a letter of authorization signed by the candidate or proponent authorizing them to obtain data processing items from the Butte County Elections Office. Persons who fail to provide our office with a letter will not be entitled to receive the information they are requesting.

ELECTION MATERIALS

Any person who wishes to view and purchase information maintained within the Elections Office other than voter registration data processing materials will be asked to complete an “Application for Requesting Materials”.

Candidates for elective office who have established committees must complete and sign the application form in order for the Elections Office to process the request. Additionally, if someone other than the candidate intends to view the information, that person needs to be designated on the appropriate line before the request will be honored and materials gathered.

The applicant is asked to make a clear, concise and detailed request of all materials they wish to view. Once the application form has been submitted in the Elections Office, the materials will be gathered for public inspection. Copies may be made and the appropriate fee will be charged for the copies.

A new application form must be completed each time a request for materials is made to the Butte County Elections Office.

MISUSE OF INFORMATION; MISDEMEANOR.

EC 18109. (a) It is a misdemeanor for any person in possession of information obtained pursuant to Article 5 (commencing with Section 2180) of Chapter 2 of Division 2, or Section 6254.4 of the Government Code, knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law. (b) It is a misdemeanor for any person knowingly to acquire possession or use of voter registration information referred to in subdivision (a) without first complying with Section 2188.

Please refer to Exhibit 6 “Service Guide Fee Schedule and Applications” for applications for viewing or purchasing the voter file and requesting materials.

ABSENTEE BALLOT APPLICATION INFORMATION

APPLICATION FOR ABSENT VOTER'S BALLOT.

EC 3001. Except as provided in Chapter 3 (commencing with Section 3200) and Sections 3007.5 and 3007.7, application for an absent voter's ballot shall be made in writing to the elections official having jurisdiction over the election between the 29th and the 7th day prior to the election. The application shall be signed by the applicant and shall show his or her place of residence. Any applications received by the elections official prior to the 29th day shall be kept and processed during the application period.

FORM OF PRINTED APPLICATION FOR ABSENT VOTER BALLOT.

EC 3006 (a) Any printed application that is to be distributed to voters for requesting absent voter ballots shall contain spaces for the following:

- (1) The printed name and residence address of the voter as it appears on the affidavit of registration.
 - (2) The address to which the ballot is to be mailed.
 - (3) The voter's signature.
 - (4) The name and date of the election for which the request is to be made.
 - (5) The date the application must be received by the elections official.
- (b) (1) The information required by paragraphs (1), (4), and (5) of subdivision (a) may be preprinted on the application. The information required by paragraphs (2) and (3) of subdivision (a) shall be personally affixed by the voter.
- (2) An address, as required by paragraph (2) of subdivision (a), may not be the address of any political party, a political campaign headquarters, or a candidate's residence. However, a candidate, his or her spouse, immediate family members, and any other voter who shares the same residence address as the candidate may request that an absentee ballot be mailed to the candidate's residence address.
- (3) Any application that contains preprinted information shall contain a conspicuously printed statement, as follows: "You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside."
- (c) The application shall inform the voter that if he or she is not affiliated with a political party, the voter may request an absentee ballot for a particular political party for the primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a check-off box with a conspicuously printed statement that reads, as follows:
"I am not presently affiliated with any political party. However, for this primary election only, I request an absentee ballot for the Party." The name of the political party shall be personally affixed by the voter.
- (d) The application shall provide the voters with information concerning the procedure for establishing permanent absentee voter status, and the basis upon which permanent absentee voter status is claimed.
- (e) The application shall be attested to by the voter as to the truth and correctness of its content, and shall be signed under penalty of perjury.

TIME PERIOD FOR ORGANIZATIONS TO RETURN ABSENT VOTER BALLOT APPLICATION. APPLICATIONS SHALL BE NON-FORWARDABLE.

EC 3008. (a) Any individual, organization, or group that distributes applications for absent voter ballots and receives completed application forms shall return the forms to the appropriate elections official within 72 hours of receiving the completed forms, or before the deadline for application, whichever is sooner. The name, address, and telephone number of any organization that authorizes the distribution of the applications shall be included on the application.

(b) Any application for an absent voter's ballot that is sent by an individual, group, or organization to a voter shall be non-forwardable. Any absent voter's ballot that is returned to an elections official as undeliverable shall not be forwarded by the elections official.

(c) A person may not submit an absentee ballot application electronically for another registered voter.

ABSENTEE BALLOT APPLICATION INFORMATION, CONTINUED

PENAL PROVISIONS

NON-CONFORMING ABSENT VOTER'S APPLICATION.

EC 18402. Any individual, group, or organization that knowingly distributes any application for an absent voter's ballot that does not conform to Chapter 1 (commencing with Section 3000) of Division 3 is guilty of a misdemeanor.

WILLFUL INTERFERENCE WITH RETURN OF ABSENT VOTER BALLOT APPLICATION.

EC 18576. Any person who willfully (a) interferes with the prompt delivery of a completed absent voter ballot application, (b) retains a completed absent voter ballot application, without the voter's authorization, for more than three days excluding weekends and state holidays, or by the deadline for return of absent voters' ballot applications, whichever is earlier, or (c) denies an applicant the right to return his or her own completed absent voter ballot application to the local elections official having jurisdiction over the election, is guilty of a misdemeanor.

See Exhibit 9 for a sample of the Absentee Ballot Application form.

INCOMPATIBLE OFFICES

(As of August 21, 2000)

Under the common law doctrine of incompatible offices, two public offices with conflicting loyalties cannot be held at the same time – abstention on a case-by-case basis is not allowed. If a person takes a second, incompatible office, he or she automatically resigns from the first office upon being sworn into the second office.

This is a common law doctrine, which means that it may be changed by state or local law. In the absence of a specific statute, charter provision, or ordinance authorizing the holding of dual positions, however, the Attorney General may be asked to grant permission to sue to remove someone from an office which the complaining person thinks is incompatible with another office.

The Attorney General looks at two factors in deciding whether two offices are incompatible: whether both positions are “public offices” for purposes of this doctrine, and, if that is the case, whether the positions have conflicting loyalties. To be defined as a public office in this context, the position need not be an official elected or appointed office, it simply must have enough discretionary authority to meet the Attorney General’s standards. As a result, some types of employment by public agencies (mostly CEO type positions) are considered public offices. The decision as to whether two positions have conflicting loyalties depends on such fact-specific questions as whether the public agencies have overlapping territory, whether they ever do business with each other or could otherwise come into conflict, whether one approves the budget of the other, etc.

A current public officer may run for a second office and, if elected, resign from the first one by taking the second one. However, a person considering running for election, although not prohibited by law from running, should be alert to the potential for incompatible offices. Therefore, the following table attempts to show all of the elected offices which might be of interest to a person running for public office, which have been deemed by the Attorney General (since January 1, 1977) to be incompatible with some other position. Be aware, however, that this list is not exhaustive and incompatibilities are always determined on a case-by-case basis.

OFFICE	INCOMPATIBLE WITH	ATTORNEY GENERAL OPINION
City Council Member	Community Services District Board Member	83 Ops Cal Atty Gen 53 (2000)
	School Board Member	65 Ops Cal Atty Gen 606 (1982) 73 Ops Cal Atty Gen 354 (1990)
	Fire Chief of Fire Protection District	76 Ops Cal Atty Gen 38 (1993)
	County Planning Commissioner	63 Ops Cal Atty Gen 607 (1980)
	Water District Board Member	75 Ops Cal Atty Gen 10 (1992) 82 Ops Cal Atty Gen 74 (1999)
City Planning Commissioner	Water District Board Member	82 Ops Cal Atty Gen 68 (1999)
City Treasurer	Water District Board Member	80 Ops Cal Atty Gen 242 (1997)

Incompatible Offices continued next page

INCOMPATIBLE OFFICES, CONTINUED

OFFICE	INCOMPATIBLE WITH	ATTORNEY GENERAL OPINION
School Board Member	City Council Member	65 Ops Cal Atty Gen 606 (1982) 73 Ops Cal Atty Gen 354 (1990)
	City Manager	80 Ops Cal Atty Gen 74 (1997)
	Community Services District Board Member	73 Ops Cal Atty Gen 183 (1990) 75 Ops Cal Atty Gen 112 (1992)
	Member, County Committee on School District Organization	68 Ops Cal Atty Gen 240 (1985)
	Water District Board Member	73 Ops Cal Atty Gen 268 (1990)
High School District Board Member	Elementary School District Board Member	68 Ops Cal Atty Gen 171 (1985) 79 Ops Cal Atty Gen 284 (1996)
Elementary School District Board Member	High School District Board Member	68 Ops Cal Atty Gen 171 (1985) 79 Ops Cal Atty Gen 284 (1996)
County Board of Education Member	County Planning Commissioner	79 Ops Cal Atty Gen 155 (1996)
County Superintendent of Schools	Member of State Board of Equalization	74 Ops Cal Atty Gen 116 (1991)
County Supervisor	Fire Chief of Fire Protection District	66 Ops Cal Atty Gen 176 (1983)
	General Manager of Water District	67 Ops Cal Atty Gen 409 (1984)
	Members of Board of Governors of Calif. Community Colleges	78 Ops Cal Atty Gen 316 (1995)
	Public Utility District Board Member	64 Ops Cal Atty Gen 137 (1981)
Airport District Board Member	Mayor	63 Ops Cal Atty Gen 623 (1980)
Community Services District Board Member	City Council	83 Ops Cal Atty Gen 623 (1980)
	General Manager/Administrator of Hospital District	68 Ops Cal Atty Gen 337 (1985)
	Superintendent of Schools	68 Ops Cal Atty Gen 337 (1985)
	School Board Member	73 Ops Cal Atty Gen 183 (1990) 75 Ops Cal Atty Gen 112 (1992)
Irrigation District Board Member	Water District Board Member	76 Ops Cal Atty Gen 81 (1993)
Public Utility District Board Member	County Supervisor	64 Ops Cal Atty Gen 137 (1981)
Water District Board Member	City Council Member	75 Ops Cal Atty Gen 10 (1992) 82 Ops Cal Atty Gen 74 (1999)
	City Planning Commissioner	82 Ops Cal Atty Gen 68 (1999)
	City Treasurer	80 Ops Cal Atty Gen 288 (1981)
	County Planning Commissioner	63 Ops Cal Atty Gen 288 (1981)
	Irrigation District Board Member	76 Ops Cal Atty Gen 81 (1993)
	School Board Member	73 Ops Cal Atty Gen 268 (1990)

RUNNING FOR MULTIPLE OFFICES AT THE SAME ELECTION

(Statutes as of January 1, 2000)

INDEPENDENT NOMINATION OF CANDIDATES.

EC 8003. (a) A candidate whose name has been on the ballot as a candidate of a party at the direct primary and who has been defeated for that party nomination is ineligible for nomination as an independent candidate. He is also ineligible as a candidate named by a party central committee to fill a vacancy on the ballot for a general election.

(b) No person may file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election.

APPLICATION OF CHAPTER.

EC 8000. This chapter does not apply to:

- (a) Recall elections.
- (b) Presidential primary.
- (c) Nomination of officers of cities or counties whose charters provide a system for nominating candidates for those offices.
- (d) Nomination of officers for any district not formed for municipal purposes.
- (e) Nomination of officers for general law cities.
- (f) Nomination of school district officers.

CANDIDATES FOR SCHOOL GOVERNING BOARD; CANDIDATES AT UNIFICATION ELECTION.

EC 10603. (c) Notwithstanding any other provision of law, except as provided in subdivision (d), no person shall file nomination papers for more than one district office, including a county board of education office, at the same election.

(d) Notwithstanding any other provision of law, if a proposal to form a unified school district is on the same ballot as the election of governing board members of that district, any candidate for a position on the existing governing board may file nomination papers for that position pursuant to subdivision (a) and may, at the same election, also file nomination papers for a position on the governing board of the proposed unified school district.

APPLICABLE PENAL PROVISIONS

NOMINATION OF CANDIDATES

FICTITIOUS NAME TO NOMINATION PETITION.

EC 18200. Every person who subscribes to any nomination petition a fictitious name, or who intentionally subscribes thereto the name of another, or who causes another to subscribe a fictitious name to a nomination petition, is guilty of a felony and is punishable by imprisonment in the state prison for 16 months or two or three years.

DEFACING OR DESTROYING A NOMINATION PAPER.

EC 18201. Any person who falsely makes or fraudulently defaces or destroys all or any part of a nomination paper, is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the state prison for 16 months or two or three years or by both the fine and imprisonment.

DELIBERATE FAILURE TO FILE NOMINATION PAPER.

EC 18202. Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper or declaration of candidacy in his or her possession that is entitled to be filed under this code.

FALSE DECLARATION OF CANDIDACY.

EC 18203. Any person who files or submits for filing a nomination paper or declaration of candidacy knowing that it or any part of it has been made falsely is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the state prison for 16 months or two or three years or by both the fine and imprisonment.

SUPPRESSION OF NOMINATION PAPER.

EC 18204. Any person who willfully suppresses all or any part of a nomination paper or declaration of candidacy either before or after filing is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the state prison for 16 months or two or three years or by both the fine and imprisonment.

CONSIDERATION FOR A PERSON TO BECOME OR WITHDRAW FROM BECOMING A CANDIDATE.

EC 18205. A person shall not directly or through any other person advance, pay, solicit, or receive or cause to be advanced, paid, solicited, or received, any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office. Violation of this section shall be punishable by imprisonment in the state prison for 16 months or two or three years.

ELECTION CAMPAIGNS

PRINTING OF SIMULATED SAMPLE BALLOTS.

EC 18301. In addition to any other penalty, any person who prints or otherwise duplicates, or causes to be printed or duplicated, a simulated ballot or simulated sample ballot that does not contain the statement required by Section 20009 or that uses an official seal or insignia in violation thereof, is guilty of a misdemeanor.

DISTRIBUTION OF PRECINCT POLLING PLACE INFORMATION.

EC 18302. Every person is guilty of a misdemeanor who knowingly causes to be mailed or distributed, or knowingly mails or distributes, literature to any voter that includes a designation of the voter's precinct polling place other than a precinct polling place listed for that voter in an official precinct polling list that constituted the latest official precinct polling list at some time not more than 30 days prior to the mailing or distribution.

MASS MAILING PENAL PROVISIONS.

EC 18303. Every person who violates Section 84305 of the Government Code relating to mass mailing is subject to the penal provisions set forth in Chapter 11 (commencing with Section 91000) of Title 9 of the Government Code.

Applicable Penal Provisions continued next page

APPLICABLE PENAL PROVISIONS, CONTINUED

USE OF SEAL IN CAMPAIGN LITERATURE IS MISDEMEANOR.

EC 18304. (a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the county or the seal of a local government agency in any campaign literature or mass mailing, as defined in Section 82041.5 of the Government Code, with intent to deceive the voters, is guilty of a misdemeanor.

(b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

(c) For purposes of this section, the term "local government agency" means a school district, special or other district, or any other board, commission, or agency of local jurisdiction.

POLITICAL PARTY CAUCUSES

PAYMENT FOR VOTING.

EC 18310. A person shall not directly or through any other person pay or receive any money or other valuable consideration before, during, or after an election in order to reward any person or as a reward for voting for or against or agreeing to vote for or against the election or endorsement of any other person as the nominee or candidate of any caucus, convention, organized assemblage of delegates, or other body representing or claiming to represent a political party, candidate, or principle, or any club, society, or association. A violation of this section shall be punishable by imprisonment in the state prison for 16 months or two or three years.

BRIBES OFFERED OR RECEIVED AT POLITICAL GATHERING.

EC 18311. Every person is punishable by imprisonment in the state prison for 16 months or two or three years who:

- (a) Gives or offers a bribe to any officer or member of any political convention, committee, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit in this state, with intent to influence the person to whom the bribe is given or offered to be more favorable to one candidate than another.
- (b) Being a member of any of the bodies mentioned in this section receives or offers to receive any bribe described in subdivision (a).

DECEPTIVE ONLINE ACTIVITIES

"POLITICAL CYBERFRAUD" DEFINED.

EC 18320. (a) This act shall be known and may be cited as the "California Political Cyberfraud Abatement Act."

(b) It is unlawful for a person, with intent to mislead, deceive, or defraud, to commit an act of political cyberfraud.

(c) As used in this section:

- (1) "Political cyberfraud" means a knowing and willful act concerning a political Website that is committed with the intent to deny a person access to a political Website, deny a person the opportunity to register a domain name for a political Website, or cause a person reasonably to believe that a political Website has been posted by a person other than the person who posted the Website, and would cause a reasonable person, after reading the Website, to believe the site actually represents the views of the proponent or opponent of a ballot measure. Political cyberfraud includes, but is not limited to, any of the following acts:
 - (A) Intentionally diverting or redirecting access to a political Website to an other persons Website by the use of a similar domain name, meta-tags, or other electronic measures.
 - (B) Intentionally preventing or denying exit from a political Website by the use of frames, hyperlinks, mousetrapping, popup screens, or other electronic measures.
 - (C) Registering a domain name that is similar to another domain name for a political Website.
 - (D) Intentionally preventing the use of a domain name for a political Website by registering and holding the domain name or by reselling it to another with the intent of preventing its use, or both.
- (2) "Domain name" means any alpha numeric designation that is registered with or assigned by any domain name registrar, domain name registry, or other domain registration authority as part of an electronic address on the Internet.
- (3) "Political Website" means a Website that urges or appears to urge the support or opposition of a ballot measure.

Applicable Penal Provisions continued next page

APPLICABLE PENAL PROVISIONS, CONTINUED

APPLICATION OF ARTICLE.

EC 18321. This article does not apply to a domain name registrar, registry, or registration authority.

COURT MAY ORDER TRANSFER OF DOMAIN NAME.

EC 18322. In addition to any other remedies available under law, a court may order the transfer of a domain name as part of the relief awarded for a violation of this article.

JURISDICTION.

EC 18323. Jurisdiction for actions brought pursuant to this article shall be in accordance with Section 410.10 of the Code of Civil Procedure.

MISREPRESENTATION BY CANDIDATES

MISLEADING OF VOTERS; INCUMBENCY; PUBLIC OFFICER.

EC 18350. Every person is guilty of a misdemeanor who, with intent to mislead the voters in connection with his or her campaign for nomination or election to a public office or in connection with the campaign of another person for nomination or election to a public office, does either of the following acts:

- (a) Assume, pretend, or imply, by his or her statements or conduct, that he or she is the incumbent of a public office when that is not the case.
- (b) Assume, pretend, or imply, by his or her statements or conduct, that he or she is or has been acting in the capacity of a public officer when that is not the case.

Any violation of this section may be enjoined in a civil action brought by any candidate for the public office involved.

FALSE STATEMENTS IN CANDIDATE STATEMENT; PENALTY.

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

SOLICITATION OF FUNDS

SOLICITATION OF FUNDS.

EC 18360. Any person who violates Section 20201 is guilty of a misdemeanor.

UNAUTHORIZED USE OF CANDIDATE OR COMMITTEE NAME.

EC §18361. Upon the complaint of the affected candidate or committee, any person who violates Section 20202 or 20203 is guilty of a misdemeanor.

CORRUPTION OF THE VOTING PROCESS

FRAUD IN CONNECTION WITH VOTE CAST.

EC 18500. Any person who commits fraud or attempts to commit fraud, and any person who aids or abets fraud or attempts to aid or abet fraud, in connection with any vote cast, to be cast, or attempted to be cast, is guilty of a felony, punishable by imprisonment for 16 months or two or three years.

PUBLIC OFFICIAL WHO KNOWINGLY ALLOWS FRAUD SHALL FOREVER BE DISQUALIFIED FROM HOLDING OFFICE.

EC 18501. Any public official who knowingly violates any of the provisions of this chapter, and thereby aids in any way the illegal casting or attempting to cast a vote, or who connives to nullify any of the provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in this state and upon conviction shall be sentenced to a state prison for 16 months or two or three years.

INTERFERENCE WITH ELECTION OFFICERS.

EC 18502. Any person who in any manner interferes with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted, is punishable by imprisonment in the state prison for 16 months or two or three years.

Applicable Penal Provisions continued next page

APPLICABLE PENAL PROVISIONS, CONTINUED

CORRUPTION OF VOTERS

CONSIDERATION FOR VOTING.

EC 18522 Neither a person nor a controlled committee shall directly or through any other person or controlled committee pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter or to or for any other person to:

- (a) Induce any voter to:
 - (1) Refrain from voting at any election.
 - (2) Vote or refrain from voting at an election for any particular person or measure.
 - (3) Remain away from the polls at an election.
- (b) Reward any voter for having:
 - (1) Refrained from voting.
 - (2) Voted for any particular person or measure.
 - (3) Refrained from voting for any particular person or measure.
 - (4) Remained away from the polls at an election.

Any person or candidate violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

BRIBERY AT ELECTION.

EC 18523. A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, shall be used in bribery at any election, or knowingly pay or cause to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election. Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

PAYMENT FOR SECURING VOTE.

EC 18524. A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, will be used for boarding, lodging, or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of that person or to induce that person to vote for any particular person or measure. Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

INTIMIDATION OF VOTERS

COMPELLING ANOTHER IN VOTING.

EC 18540. (a) Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years.

(b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years.

CORRUPTION OF VOTING

WILLFUL INTERFERENCE WITH RETURN OF ABSENT VOTER BALLOT APPLICATION.

EC 18576. Any person who willfully (a) interferes with the prompt delivery of a completed absent voter ballot application, (b) retains a completed absent voter ballot application, without the voter's authorization, for more than three days excluding weekends and state holidays, or by the deadline for return of absent voters' ballot applications, whichever is earlier, or (c) denies an applicant the right to return his or her own completed absent voter ballot application to the local elections official having jurisdiction over the election, is guilty of a misdemeanor.

Applicable Penal Provisions continued next page

APPLICABLE PENAL PROVISIONS, CONTINUED

WILLFUL INTERFERENCE WITH RETURN OF ABSENT VOTER BALLOT.

EC 18577. Any person having charge of a completed absent voter ballot who willfully interferes or causes interference with its return to the local elections official having jurisdiction over the election is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding ten thousand dollars (\$10,000), or by both.

MISUSE OF CAMPAIGN FUNDS

WRONGFUL APPROPRIATION OF MONEY.

EC 18680. Every person who is entrusted with money or things of value for the purpose of promoting or defeating any initiative, referendum, or recall petition or any measure that has qualified for the ballot is a trustee of the money or things of value. If a person wrongfully appropriates the money or things of value to any use or purpose not in the due and lawful execution of the trust, the person shall be punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. The following expenses are within the due and lawful execution of the trust:

- (a) Securing signatures to initiative, referendum, or recall petitions.
- (b) Circulating initiative, referendum, or recall petitions.
- (c) Holding and conducting public meetings.
- (d) Printing and circulating prior to an election:
 - (1) Specimen ballots.
 - (2) Hand bills.
 - (3) Cards.
 - (4) Other papers.
- (e) Advertising.
- (f) Postage.
- (g) Expressage.
- (h) Telegraphing.
- (i) Telephoning.
- (j) All salaries and expenses of:
 - (1) Campaign managers.
 - (2) Lecturers.
 - (3) Solicitors.
 - (4) Agents.
 - (5) All persons employed in transacting business at headquarters or branch offices, if the business transacted is related to promoting or defeating an initiative, referendum, or recall petition or any measure which has qualified for the ballot.
- (k) Maintaining headquarters and branch offices.
- (l) Renting of rooms for the transaction of the business of an association.
- (m) Attorney's fees and other costs in connection with litigation where the litigation arises directly out of any of the following:
 - (1) Activities related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.
 - (2) The enactment, by the initiative process, of any ordinance, charter amendment, statute, or constitutional amendment.
 - (3) An election contest or recount.
 - (4) A violation of state or local campaign, disclosure, or election laws.

The amendment of this section by adding subdivision (m) thereto, made at the 1991-92 Regular Session of the Legislature, does not constitute a change in, but is declaratory of, the existing law. Expenses for food, clothing, shelter and other personal needs of the trustee are not within the due and lawful execution of the trust. However, expenses for travel and necessary accommodations for the trustee are within the due and lawful execution of the trust, if the travel and accommodations are related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.

For additional information see Division 18 of the California Elections Code.

POLITICAL ACTIVITIES

CHARTER OF THE COUNTY OF BUTTE

Pursuant to Article XII, Section 3 of the County Charter, no member of the Board of Supervisors shall directly or indirectly coerce or attempt to coerce the head of any county department or other county officer appointed or confirmed by the Board of Supervisors in the performance of the duties of his office, or attempt to exact promises from any candidate for any such office relative to any appointment or removal of any county officer or employee; and provided further that no county officer shall request or require any employee within his department to assist said officer in any political activities pertaining to the election of such officer nor request or require from any employee within the department of said officer any contribution of money for the election of said officer. (1933, p. 3228; Ordinance No. 1113, § 1(a) 18, 9-1-70, ratified 11-3-70)

UNITED STATES CODE

5 USC Section 1502

Title 5 - Government Organization and Employees

Part II – Civil Service Functions and Responsibilities

Chapter 15 – Political Activity of certain State and Local Employees

Section 1502. Influencing elections; taking part in political campaigns; prohibitions; exceptions.

(a) A State or local officer or employee may not -

- (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- (2) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
- (3) be a candidate for elective office.

(b) A State or local officer or employee retains the right to vote as he chooses and to express his opinions on political subjects and candidates.

(c) Subsection (a) (3) of this section does not apply to –

- (1) the Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;
- (2) the mayor of a City;
- (3) a duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil-service system; or
- (4) an individual holding elective office.

Please note: This code is also, and more typically, known and referred to as the “Hatch Act”.

QUESTIONS FREQUENTLY ASKED BY CANDIDATES

Can I use my credit card to pay my filing fee, purchase voter information material, or to pay my candidate statement of qualifications fee?

NO. Cash, check, money orders are the only acceptable forms of payment. For judicial and local offices filing fees make checks payable to the Butte County Elections Office. To purchase voter information or candidate statement costs, make checks payable to the Butte County Elections Office. However, for state office filing fees, the check must be made payable to the Secretary of State.

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

The nomination period ends on the 88th day prior to the election or the 83rd day prior to the election if there is an extension to the nomination filing period. A list of candidates will be prepared within the following days, and should be available for distribution within approximately one week. You may come into the Butte County Elections Office or visit our website for a certified list of candidates.

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

YES. The candidate statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. on the next business day after the close of the nomination period. After this period your statement cannot be withdrawn nor a refund given.

May my spouse, relative, friend or campaign manager pick up nomination documents for me?

All forms must be picked up by the candidate in person or by a candidate's representative with specific written authorization, signed by the candidate. However, because there is so much information to be given, it is strongly recommended that the candidate appear in person if at all possible.

May my spouse, relative, friend or campaign manager file my nomination documents, or can I mail them to the Butte County Elections Office?

Election law does not specifically prohibit another person filing nomination documents for a candidate. However, again, the candidate is urged to file in person. The reasons are twofold:

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

If a candidate wishes his or her agent to file for them they must present another letter of authorization. If the candidate wishes to mail the nomination documents, they must be received by the Butte County Elections Office no later than 5:00 p.m. on the deadline to file such documents. Postmarks are not considered.

If I am unable to complete and file my campaign disclosure statement by the filing deadline, may I obtain an extension and will I be fined?

NO. There is no provision in the Political Reform Act that permits any filing officer to extend a filing deadline. Statements that are filed late are subject to a fine of \$10 per day until the statement is filed.

Can I obtain election night results or polling places on the Internet?

YES. You may obtain information regarding polling places and election results by visiting our website which is: <http://clerk-recorder.buttecounty.net>.

Why is there so much paperwork involved in becoming a candidate?

Election laws specify the documents required, as well as form, format, filing dates, etc. The filing requirements are not discretionary.

ELECTION NIGHT RESULTS

WHERE:

Ballots will be delivered to and tabulated at the central counting center:

**Butte County Elections Office
25 County Center Drive, Suite I
Oroville**

See page 49 for a map to our office.

CONTACTS:

Candace J. Grubbs,
County Clerk-Recorder/Registrar of Voters

Laurie Cassady,
Assistant County Clerk-Registrar of Voters

538-7761 or 1-800-894-7761

WEBSITE:

Results will be posted after 8:30 p.m. and continuously updated. For up to date results, log on to:

<http://clerk-recorder.buttecounty.net>

ABSENTEE RESULTS:

Will be the first results you will see. These will be released after 8:30 p.m. election night.

ELECTION NIGHT RETURNS:

For people who wish to phone in for election results, our phones will be staffed until all ballots have been counted.

**Please call 538-7761 or
within Butte County only
1-800-894-7761**

SEMI-FINAL OFFICIAL RESULTS:

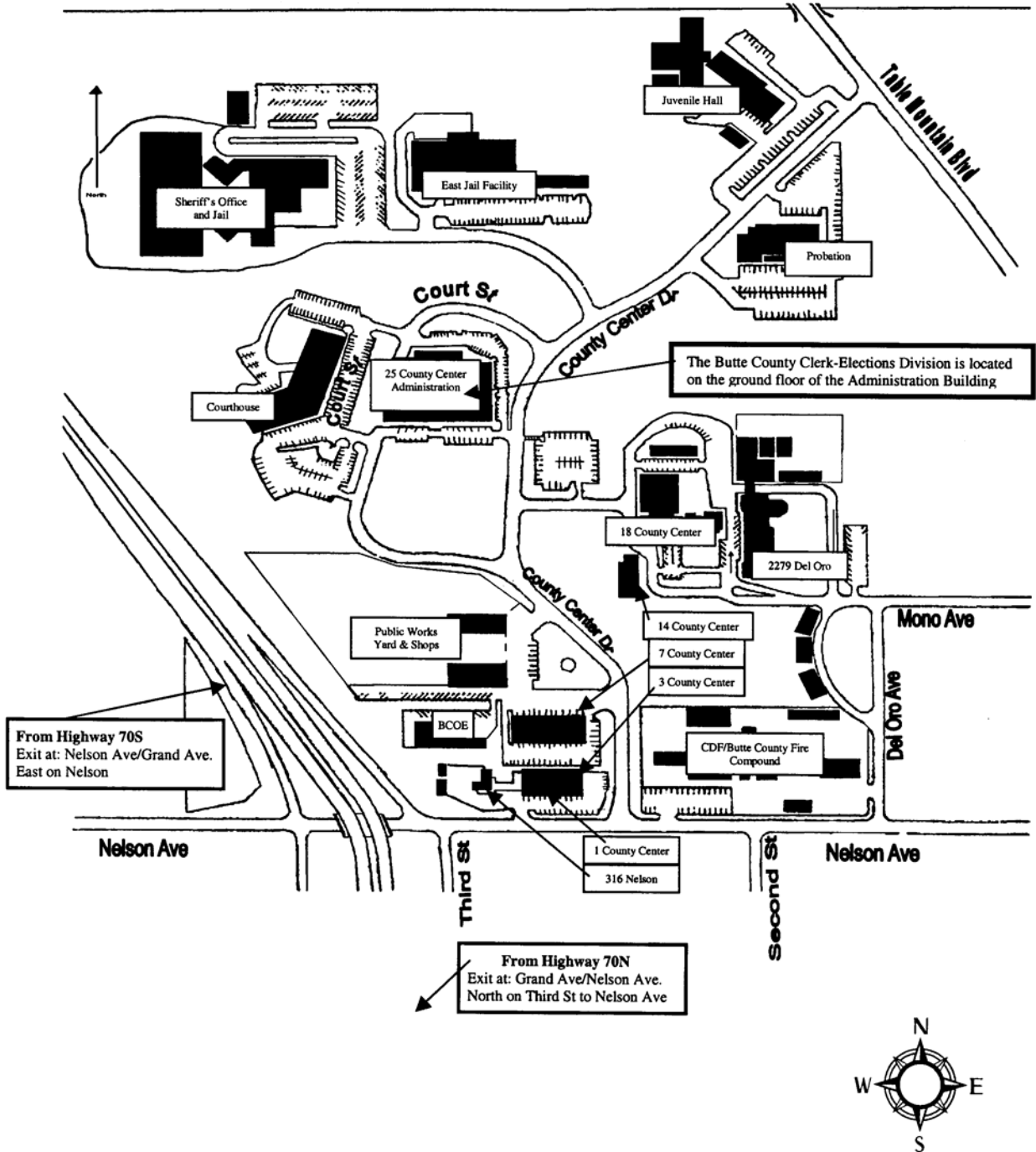
Once the last ballot is counted, a Semi-Official Election Summary Report will be available from the Butte County Elections Office or on our website:

<http://clerk-recorder.buttecounty.net>

FINAL OFFICIAL RESULTS:

The official canvass of returns will begin no later than the Thursday following Election Day. The official canvass must be completed no later than the 28th day following the election.

Butte County Elections Office
25 County Center Drive, Suite I
Oroville, CA 95965
(530) 538-7761



CALENDARS

For calendars for 2005 and 2006, please see Exhibit 11.

Most election related dates are calculated by the number of days prior to the election date. For a calendar displaying these dates, please see Exhibit 10.



Contest/Candidate Proof List PRIMARY ELECTION

Contests: 1201 to 9500 - All Contests in Range

Candidates: All Candidates

Contest/District

* 1201 Governor, DEM	*0-0 County of Butte
Incumbent(s): Arnold Schwarzenegger	Elected
* 1202 Governor, REP	*0-0 County of Butte
Incumbent(s): Arnold Schwarzenegger	Elected
* 1203 Governor, AI	*0-0 County of Butte
Incumbent(s): Arnold Schwarzenegger	Elected
* 1204 Governor, GRN	*0-0 County of Butte
Incumbent(s): Arnold Schwarzenegger	Elected
* 1205 Governor, LIB	*0-0 County of Butte
Incumbent(s): Arnold Schwarzenegger	Elected
* 1206 Governor, NLW	*0-0 County of Butte
Incumbent(s): Arnold Schwarzenegger	Elected
* 1207 Governor, PF	*0-0 County of Butte
Incumbent(s): Arnold Schwarzenegger	Elected
* 1251 Lieutenant Governor, DEM	*0-0 County of Butte
Incumbent(s): Cruz M Bustamante	Elected
* 1252 Lieutenant Governor, REP	*0-0 County of Butte
Incumbent(s): Cruz M Bustamante	Elected
* 1253 Lieutenant Governor, AI	*0-0 County of Butte
Incumbent(s): Cruz M Bustamante	Elected
* 1254 Lieutenant Governor, GRN	*0-0 County of Butte
Incumbent(s): Cruz M Bustamante	Elected
* 1255 Lieutenant Governor, LIB	*0-0 County of Butte
Incumbent(s): Cruz M Bustamante	Elected
* 1256 Lieutenant Governor, NLW	*0-0 County of Butte
Incumbent(s): Cruz M Bustamante	Elected
* 1257 Lieutenant Governor, PF	*0-0 County of Butte
Incumbent(s): Cruz M Bustamante	Elected
* 1301 Secretary of State, DEM	*0-0 County of Butte
Incumbent(s): Bruce Mc Pherson	Appointed
* 1302 Secretary of State, REP	*0-0 County of Butte
Incumbent(s): Bruce Mc Pherson	Appointed

Official Filing Form

Candace J. Grubbs
Butte County Clerk-Recorder

By: _____
Deputy Clerk

Date Issued: _____

EXHIBIT 2

**Declaration
of Candidacy**

(Election Code §§200, 8020, 8040, 10704)

Received in County

By: _____
Deputy Clerk

Date Received: _____

I hereby declare myself a candidate for nomination/election to the office of _____, to be voted for at the Consolidated Primary Election to be held June 6, 2006 and declare the following to be true:

My name is: _____

I request my name and ballot designation to appear on the ballot as follows:

<p>A ballot designation is optional. If no ballot designation is requested, write in the word "NONE" and initial in the box.</p>	<p>Candidate's initials if preferring no designation:</p> <p>_____</p>
--	--

Residence address: _____

Business address: _____

Mailing address: _____

Day phone: _____ Evening phone: _____

Fax: _____ E-Mail: _____

I meet the statutory and constitutional qualifications for this office (including, but not limited to citizenship, residency, and party affiliation, if required). I am at present an incumbent of the following public office (if any):

_____.

If nominated/elected I will accept the nomination/office and not withdraw.

Dated: _____
Candidate's Signature

State of California }
County of Butte } ss.

Subscribed and sworn to before me this _____ day of _____, 2006.

Notary Public (or other official)

Examined and certified by me this _____ day of _____, 2006.

Candace J. Grubbs
Butte County Clerk-Recorder

Deputy County Clerk

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any declaration of candidacy in their possession which is entitled to be filed under the provisions of the Elections Code.

Oath of Office

(Election Code §200, California Constitution Article XX, Section 3)

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 }
County of Butte } ss.

Signature of Candidate

Subscribed and sworn to before me this _____ day of _____, 2006.

Notary Public or other Official

Examined and certified by me this _____ day of _____, 2006.

Candace J. Grubbs
Butte County Clerk-Recorder

Deputy Clerk/Registrar

THE FOLLOWING CERTIFICATE IS FOR PARTISAN CANDIDATES ONLY

CERTIFICATE AS TO CANDIDATE'S POLITICAL PARTY AFFILIATION

(Elections Code §8001)

State of California }
County of Butte } ss.

I hereby certify that (1) at the time of presentation of this declaration and continuously for not less than three months immediately prior thereto, or for as long as he or she has been eligible to vote in the state, the above-named candidate is shown by his or her affidavit of registration, executed on _____, to be affiliated with the political party the nomination of which he or she seeks, and (2) the candidate has not been registered as affiliated with any other political party for the twelve-month period immediately preceding the filing of this declaration. In the case of special elections, the disaffiliation statement covers the 3 months immediately prior to the filing of this declaration.

County Seal

Dated this _____ day of _____, _____

Candace J. Grubbs
Butte County Clerk-Recorder

By _____
Deputy

Prior Registration Party Affiliation	Dates
_____	_____
_____	_____

CANDIDATE STATEMENT OF QUALIFICATIONS

(Elections Code § 13307, 13308, 13309)

Notice to the candidate: This statement may include your age, occupation and a brief description of not more than 200 words of your education and qualifications. It is important that you check your statement carefully before filing. Spelling, punctuation and grammar will not be corrected. Please refer to the "Candidate Handbook" for further detailed instructions.

I, ELITA P. SNODGRASS, candidate for the office of Governing Board Member, Washington Unified School District, to be voted for at the Consolidated Primary Election to be held June 6, 2006, submit the following statement:

Age: _____
(optional)

Occupation _____
(optional)

Education and Qualifications: *(Statement and word count begin here)*

I am running for the governing board of the Washington Unified School District because I feel I can bring a balance to the board. I attended local schools, graduating from Washington High School in 1980. I am married and currently have two children attending school in the district.

I own and operate my own business, so I am well aware of the need to operate within a budget. With proper distribution of resources and educational materials, I am convinced we can offer quality education to all students within the district.

I have been active in the P.T.A., served on the Save Our Youth Committee, and am an active member of the All-Faith Church. I have served as Boy Scout Den Mother and Girl Scout Leader for the past 3 years. I also serve as a volunteer at the Community Recycling Center as time allows.

I am looking forward to serving you on the Washington Unified School District Governing Board. Thank you for your vote.

Initial the appropriate box or boxes.

I DO NOT wish to have a statement printed in the voter pamphlet. However, I understand that if I choose to submit a written statement, I may do so not later than the deadline for filing nomination documents.

I DO wish to have a statement printed in the voter pamphlet and I agree to pay, upon billing, any additional cost involved in the printing and handling of the submitted statement if actual costs exceed the advance payment. I understand that a refund will be made if the advance payment exceeds the cost.

I wish to have my statement translated and printed in Spanish in addition to English, with the understanding that I will pay the actual cost incurred.

I certify under penalty of perjury that the candidate statement submitted is true and correct to the best of my knowledge and belief.

Signature Elita P. Snodgrass

Date February 27, 2006 Place of Signing Oroville, Butte County
(City and County)

SECRETARY OF STATE BALLOT DESIGNATION REGULATIONS

CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 7, CHAPTER 7

GENERAL PROVISIONS.

§20710. (a) The regulatory purpose of this Chapter is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.

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

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

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

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

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

NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

HISTORY

1. New chapter 7 (sections 20710-20719) and section filed 1-14-98; operative 1-14-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 3).

BALLOT DESIGNATION WORKSHEET.

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

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

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

- (1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;
- (2) A designation of the office for which the candidate is seeking election;
- (3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
- (4) The proposed ballot designation submitted by the candidate;

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

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

NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

HISTORY

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

PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO ELECTIONS CODE §13107, SUBDIVISION (A)(1).

§20712. Proposed ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(1), shall be subject to the following provisions:

(a) In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.

(b) In the case of judicial officers, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.

(c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(1).

(d) Proposed ballot designations indicating a position of legislative leadership, such as "Majority Leader of the California Senate," "Minority Leader of the California State Assembly," "Speaker of the California State Assembly," "President Pro Tempore of the California State Senate," and the like, are not

elective offices described in Elections Code §13107, subdivision (a)(1). Such ballot designations are improper, pursuant to Elections Code §13107, subdivision (a)(1). They may, however, be considered under the provisions of §13107(a)(3).

(e) Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective county or state offices as specified in Elections Code §13107, subdivision (a)(1).

NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

HISTORY

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

PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO ELECTIONS CODE §13107, SUBDIVISION (A)(2).

§20713. Proposed ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(2), shall be subject to the following provisions:

(a) A proposed ballot designation submitted pursuant to Elections Code §13107, subdivision (a)(2), is limited “incumbent,” as that term is defined in Elections Code §13107, subdivision (a)(2).

(b) The term “incumbent” must be used as a noun. It shall not be used in conjunction with any other words, including any accompanying adjectives or modifiers, and must stand alone. A candidate qualified to use this designation pursuant to Elections Code §13107, subdivision (a)(2), shall be entitled to use the ballot designation “Incumbent.”

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

NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

HISTORY

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

PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO ELECTIONS CODE §13107, SUBDIVISION (A)(3).

§20714. Proposed ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(3), shall be subject to the following provisions:

(a) The terms “profession,” “vocation,” or “occupation,” as those terms are used in Elections Code §13107, subdivision (a)(3), are defined as follows:

- (1) “Profession” means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a “profession,” as defined in Elections Code §13107, subdivision (a)(3), include, but are not limited to, “attorney,” “physician,” “accountant,” “architect,” and “teacher.”
- (2) “Vocation” means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a “vocation,” as defined in Elections Code §13107, subdivision (a)(3), include, but are not limited to, “minister,” “priest,” “mother,” “father,” “homemaker,” “dependent care provider,” “carpenter,” “plumber,” “electrician,” and “cabinetmaker.”

(3) "Occupation" means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an "occupation," as defined in Elections Code §13107, subdivision (a)(3), include, but are not limited to, "rancher," "restaurateur," "retail salesperson," "manual laborer," "construction worker," "computer manufacturing executive," "military pilot," "secretary," and "police officer."

(b) "Principal," as that term is used in Elections Code §13107, subdivision (a)(3), means a substantial involvement of time and effort such that the activity is one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term "principal" precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.

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

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

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

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

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

(1) The proposed ballot designation must comply with the three-word limitation specified in Elections Code §13107, subdivision (a)(3), and as implemented pursuant to subdivision (f) herein.

(2) Each such proposed profession, vocation or occupation shall be separately considered by the Secretary of State and must independently qualify as a "principal" profession, vocation or occupation, as that term is defined pursuant to subdivision (b) herein.

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

(f) Pursuant to Elections Code §13107, subdivision (a)(3), the candidate's ballot designation shall be limited to not more than three (3) words. The following rules shall govern the application of the three word limitation:

(1) The proposed ballot designation shall be grammatically correct, generic, and all words must be spelled correctly.

- (2) Punctuation shall be limited to the use of a comma (e.g., District Attorney, Los Angeles County) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (e) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language.
- (3) All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. The names of special districts and political subdivisions are not “geographical names,” as that term is used in Elections Code §13107, subdivision (a)(3). If the candidate desires, the geographical name may be used in the form of “City of . . .,” “County of . . .,” or “City and County of . . .” Examples of geographical names considered to be one word include Tehama County, Los Angeles County and County of Sacramento.
- (4) An acronym shall be counted as one word.

NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

HISTORY

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

PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO ELECTIONS CODE §13107, SUBDIVISION (A)(4).

§20715. (a) Pursuant to Elections Code §13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the phrase “appointed incumbent” if the candidate holds an office, other than a judicial office, by virtue of appointment, and the candidate is a candidate for election to the same office. The candidate may not use the unmodified word “incumbent” or any words designating the office unmodified by the word “appointed.”

(b) Pursuant to Elections Code §13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the word “appointed” in conjunction with the elective office, if the candidate is a candidate for election to the same office or to some other office. The candidate may not use any words designating the office unmodified by the word “appointed.”

(c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code §13107, subdivision (a)(4).

NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

HISTORY

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

UNACCEPTABLE BALLOT DESIGNATIONS.

§20716.

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

(b) The following types of activities are distinguished from professions, vocations and occupations and are not acceptable as ballot designations pursuant to Elections Code §13107, subdivision (a)(3):

- (1) Avocations: An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work, and matters pursued as an amateur.
- (2) Pro Forma Professions, Vocations and Occupations: Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated. Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, volunteer firefighter, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.

- (3) Statuses: A status is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole. A status is generic in nature and generally fails to identify with any particular specificity the manner by which the candidate earns his or her livelihood or spends the substantial majority of his or her time. Examples of a status include, but are not limited to, philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife, and the like.

(c) Pursuant to Elections Code §13107, subdivision (b)(1), the Secretary of State shall reject as unacceptable any proposed ballot designation which would mislead voters. In making this determination, the Secretary of State shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based upon supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation, pursuant to §§20711 and 20717 of this Chapter.

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

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

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

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

(h) Subject to the provisions of Elections Code §13107, subdivision (b)(4), use of the word "retired" in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation. In evaluating a proposed ballot designation including the word "retired," the Secretary of State will consider the following factors in making a determination as to the propriety of the use of the term "retired":

- (1) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
- (2) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
- (3) The candidate has reached at least the age of 55 years;
- (4) The candidate voluntarily left his or her last professional, vocational or occupational position;
- (5) If the candidate is requesting a ballot designation that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office;
- (6) The candidate has not had another more recent, intervening principal profession, vocation or occupation; and,
- (7) The candidate's retirement benefits are providing him or her with a principal source of income.

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

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

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

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

(k) Pursuant to Elections Code §13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation, which refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.

NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

HISTORY

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

REQUESTS FOR SUPPORTING DOCUMENTATION.

§20717. In addition to the Ballot Designation Worksheet requested to be filed with the Secretary of State pursuant to § 20711 of this Chapter, the Secretary of State may request that a candidate submit additional supporting documentation or other evidence to support the proposed ballot designation.

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

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

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

NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

HISTORY

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

COMMUNICATION OF DECISIONS REGARDING BALLOT DESIGNATIONS.

§20718. (a) An official copy of the decision of the Secretary of State regarding a candidate's ballot designation will be made in writing and transmitted directly to the candidate by registered or certified mail, return receipt requested, to the address provided by the candidate. The Secretary of State shall also provide a copy to the elections official in the candidate's county of residence and to the elections official of each county within the political subdivision. Copies may also be made available to all other candidates in the race.

(b) At the request of the candidate, the Secretary of State will transmit an unofficial copy of the decision of the Secretary of State regarding the candidate's proposed ballot designation by facsimile transmission sent to the facsimile number listed on the candidate's Ballot Designation Worksheet. When the candidate does not have reasonable access to a facsimile machine, the Secretary of State will transmit to the candidate, at the candidate's request, an unofficial copy of the decision by means of overnight

express delivery to the address listed on the candidate's Ballot Designation Worksheet provided. If the candidate has not submitted a Ballot Designation Worksheet, the Secretary of State will transmit an official copy to the facsimile number provided by the candidate or, if the candidate does not have reasonable access to a facsimile machine, by overnight express mail to the address provided by the candidate.

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

NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

HISTORY

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

SERVICE OF LEGAL PROCESS REGARDING BALLOT DESIGNATIONS.

§20719. (a) In the event a candidate or other interested party files a petition for the issuance of an extraordinary writ with the court or other legal action pertaining to a candidate's ballot designation, the summons and any other legal process should be served upon the Chief Counsel to the Secretary of State, Legal Affairs Unit, Executive Office of the Secretary, 1500 11th Street, Sixth Floor, Sacramento, California 95814. The Chief Counsel may designate a Deputy Secretary of State in the Legal Affairs Unit to accept service of process on behalf of the Secretary of State.

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

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

NOTE

Authority cited: Section 12172.5, Government Code. Reference: Section 13107, Elections Code.

HISTORY

Section 11343.4(d) (Register 98, No. 3).

CANDIDATE STATEMENTS LIMITED TO CANDIDATE'S OWN QUALIFICATIONS

Court Decision Prohibits Any Reference to Opponents

All prospective candidates should be aware of the Court of Appeals ruling in the recent court case of Dean v. Superior Court. The 1998 decision analyzed California Elections Code section 13307, the statute governing the content of a candidate's statement for local office. The Court of Appeals concluded that the statement prepared by a candidate for inclusion in a voter's pamphlet may include comments on one's own qualifications, but may not include comments on one's opponents' qualifications, or lack thereof. A copy of the Dean decision has been reprinted in its entirety in this Guide for the convenience of prospective candidates.

**“THE DEAN DECISION IS CLEAR . . .
CANDIDATES ARE NOT TO REFER TO THEIR OPPONENTS
IN ANY MANNER IN THE CANDIDATE'S STATEMENT.”**

The Dean decision is clear - candidates are not to refer to their opponents in any manner in the candidate's statement. All candidates should confine their voter pamphlet statement to a listing of their particular qualifications and pertinent biographical information.

Importantly, persons seeking office that use the candidate's statement as a forum for attacking an opponent are subject to legal action by the opponent. The opponent can request that the court strike all improper content in a candidate's statement. **If successful in this effort, the candidate can request and the court can order the losing candidate to pay the attorney's fees and costs incurred by the opponent in challenging the candidate's non-conforming statement.** Accordingly, it is in each candidate's best interest to use his or her allotted words wisely and within the permissible scope of Elections Code section 13307.

Prospective candidates are solely responsible for preparation and submittal of candidate's statements that are in conformance with Elections Code section 13307 and other pertinent provisions of the California Elections Code. The Registrar of Voters and its employees and agents do not have the legal authority to reject or modify candidate statements containing improper content. Challenges to written material in a voter's pamphlet are governed by Elections Code section 13313, which authorizes the courts to amend or delete false, misleading or inconsistent material.

***“The County Clerk-Recorder/Registrar of Voters
and its employees and agents
do not have the legal authority to reject or modify
candidate statements containing improper content.”***

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT**

DIVISION THREE

JOHN F. DEAN, Petitioner,

v.

THE SUPERIOR COURT OF
ORANGE COUNTY, Respondent;

ROSALYN LEVER et al., Real Parties in Interest.

G023111

(Super. Ct. No. 791765)

O P I N I O N

Original proceedings; petition for a writ of mandate to challenge an order of the Superior Court of Orange County, John C. Woolley, Judge. Writ issued.

Darryl R. Wold and Reed & Davidson for Petitioner.

No appearance for Respondent.

Mark S. Rosen for Real Party in Interest Darrell Opp.

No appearance for Real Party in Interest Rosalyn Lever.

* * *

Petitioner, a candidate for local office, seeks extraordinary writ relief mandating the Registrar of Voters delete part of an opponent's candidate statement as an impermissible personal attack on petitioner. We issue relief and conclude the superior court erred in not ordering the deletion.

Darrell Opp seeks to unseat the incumbent petitioner, John Dean, as county superintendent of schools in the upcoming June 1998 election. Opp submitted a candidate statement to the Registrar of Voters which began with the following three paragraphs commenting on petitioner: "[¶] The incumbent, John Dean, is failing our schools, our children and the taxpayers. [¶] Under Dean's tenure \$250,000,000 (Two Hundred and Fifty Million!) was borrowed to gamble in the bankrupt Citron investment pool. Dean personally authorized this borrowing. He is one of the few remaining county officials who has not resigned or been removed from office for his role in this fiasco. [¶] Dean's 'leadership' over the last eight years resulted in massive increases in the size of the County bureaucracy. Elected on a platform to cut the county budget, instead his budget has increased from \$64 Million to over \$105 Million."¹

Dean challenged Opp's candidate statement by seeking a writ of mandate in the superior court pursuant to Elections Code section 13313.² That section authorizes the court to mandate amendment or deletion of material in the voter's pamphlet which is "false, misleading, or inconsistent with the requirements of this chapter; . . ."

Dean sought relief on two grounds: (1) deletion of the first three paragraphs (quoted above) "because they consist entirely of material that is not permitted to be included in a candidate's statement" and (2) deletion of four false and misleading sentences in the second and third paragraphs of the statement. The trial court denied the request to delete the first three paragraphs in their entirety, but did direct amendments to the second and third paragraphs.³ The only issue presented here is whether the lower court erred in refusing to delete the first three paragraphs in their entirety.

Section 13307 delineates the contents of a candidate's statement for local office, as well as the procedures for inclusion of such a statement in the voter's pamphlet. In pertinent part, the statute provides: "(a)(1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a

¹ The statement continues with a recitation of Opp's background, his platform for the County Department of Education, and a list of individuals who have endorsed his candidacy.

² All further references are to the Elections Code unless otherwise noted.

³ The court directed the second paragraph be amended to read: "During Dean's tenure \$250,000,000 (Two Hundred and Fifty Million!) was borrowed to invest in the risky Citron investment pool. Dean should have prevented this borrowing. He is one of the few remaining bankruptcy-era county officials who has not resigned or been removed from office." The court directed the third paragraph amended to read: "Dean's 'leadership' over the last eight years resulted in massive increases in the size of the County Department of Education bureaucracy. Elected on a platform to cut the Department's budget, instead his budget has increased from \$64 Million to over \$105 Million."

candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations."

"[T]he interpretation and applicability of a statute is a question of law." (*City of Petaluma v. County of Sonoma* (1993) 12 Cal.App.4th 1239, 1244.) In reviewing petitioner's claim, we are guided by well settled rules of statutory interpretation. The most fundamental of these rules is that where the statute is clear, the "plain meaning" rule applies. The Legislature is presumed to have meant what it said, and the plain meaning of the language governs. (*Great Lakes Properties, Inc. v. City of El Segundo* (1977) 19 Cal.3d 152, 155.) "If the language is clear and unambiguous there is no need for construction, nor is it necessary to resort to indicia of the intent of the Legislature" (*Delaney v. Superior Court* (1990) 50 Cal.3d 785, 798.)

The language of section 13307 is unambiguous. "The statement may include the name, age and occupation of the candidate and a brief description . . . of the candidate's education and qualifications" As noted by the Supreme Court in *Clark v. Burleigh* (1992) 4 Cal.4th 474, "[t]he negative implication of this specific list, of course, is that the Legislature did not intend the statutory candidate's statement to contain any other material: *expressio unius est exclusio alterius*. (Citation omitted.)"⁴ (*Id.*, at p. 489, emphasis in original.)

Opp argues *Clark* is distinguishable because section 13308, which governs *judicial* elections, contains specific limitations prohibiting comments on another candidate's qualifications, character or activities. *Clark* first found the implied intent to limit the statement from the same words used in the statute we review here. The additional language specific to judicial elections demonstrates additional express intent. But express intent is unnecessary here under the maxim *expressio unius est exclusio alterius*. "The expression of some things in a statute necessarily means the exclusion of other things not expressed." (*Gikas v. Zolin* (1993) 6 Cal.4th 841, 852, citing *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1391, fn. 13; see also *Lake v. Reed* (1997) 16 Cal.4th 448, 466-467.) Here, the statute expressly authorizes comment's on one's own qualifications, to the exclusion of comments on an opponent's qualifications.

We have received a reply from real party in interest Opp. Further proceedings would add nothing to our review. (See *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 180.) The relevant law and facts are entirely clear. (*Ng v. Superior Court* (1992) 4 Cal.4th 29, 35.) Consequently, additional briefing and oral argument would serve no useful purpose. (*Alexander v. Superior Court* (1993) 5 Cal.4th 1218, 1222-1223.) Moreover, time is of the essence. (See Elec. Code, § 13314, subd. (a)(3).)

Let a peremptory writ of mandate issue directing the Registrar of Voters to delete the first three paragraphs of Opp's candidate statement from the voter's pamphlet and to print the Opp candidate statement in the voter's pamphlet without those three paragraphs. To prevent mootness and to prevent frustration of the relief granted, this court's decision shall be final upon filing of the opinion. (Cal. Rules of Court, rule 24(d).)

SILLS, P. J.

WE CONCUR:

WALLIN, J.

RYLAARSDAM, J.

⁴ *Clark* interpreted sections 10012 and 10012.1, the predecessors to sections 13307 and 13308. (See Stats. 1994, ch. 920, § 2.)

The following opinion interprets the term "qualifications" as used in a candidate's statement of qualification printed in the Voter Information Pamphlet.

Filed 12/9/99

**CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE**

BARRY HAMMOND, Plaintiff and Respondent, v. LARRY AGRAN, Defendant and Appellant.	G024266 (Super. Ct. No. 798469) O P I N I O N
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Appeal from an order of the Superior Court of Orange County, John C. Woolley, Judge. Reversed and remanded with directions.

Kenneth D. Agran and Jan Rainbird for Defendant and Appellant.

Megan L. Wagner, and Barry Hammond in pro per, for Plaintiff and Respondent.

* * *

The narrow issue on which this case turns is the scope of the word "qualifications" as used in the Elections Code statute governing the content of candidates' statements in voters' pamphlets. (See Elec. Code, § 13307, formerly Elec. Code, § 10012.) It is now established that the word does not encompass attacks on one's opponents. (See *Clark v. Burleigh* (1992) 4 Cal.4th 474, 488-489.) But does it encompass a candidate's *ideas* or *platform*?

The answer is yes: The Legislature envisioned that a candidate's ideas and views (as distinct from attacks on opponents) could fairly constitute "qualifications" within the meaning of the statute. Indeed, common sense would lead to no other conclusion. It is hard to imagine, for example -- if the candidate's statement had been around in the Presidential Election of 1860 -- that Abraham Lincoln's opinions about the expansion of slavery into the territories somehow didn't qualify him to be President, but his work and background as a prominent railroad attorney (work for which in general Lincoln is *not* remembered) did.

FACTS

Larry Agran, formerly a Mayor and city council member of Irvine, ran again for the city council in the November 1998 General Election. In August 1998 he submitted a candidate's statement which consisted of five paragraphs, centered on the general themes of his role of leading the city council in drafting Irvine's general plan, his fidelity to that plan, and his opposition to a commercial airport at a nearby marine base. We reproduce the entirety of the statement in the margin.¹ Barry Hammond, a political opponent of Agran's, then filed a petition for writ of mandate, contending that the middle three

¹ Here is the statement:

"I was privileged to serve on the City Council from 1978 to 1990, including six years as mayor.

"I led the Council in drafting Irvine's General Plan -- a blueprint for the future that clearly prohibited a commercial airport at El Toro. It also provided for safe and quiet neighborhoods, generous greenbelts, parks and recreation facilities, excellent schools, and thousands of acres of natural open space.

"As a former councilmember and attorney who specializes in public-interest law, I know this: We must stand together to defeat the County's airport and jail expansion plan. We must also replace it with the non-aviation Millennium Plan -- a plan for El Toro that includes a 1500-acre central park and nature habitat, surrounded by colleges, libraries, museums and cultural attractions, along with an extension of our world-class research community at the Irvine Spectrum.

"Irvine is once again at a crossroads: Will we fulfill the promises we've made to ourselves and to future generations? Or will we permit County officials to destroy our General Plan?

"I'll do what it takes to defend and enforce Irvine's General Plan. That's why I'm asking for your vote. I'd be privileged to serve you again."

paragraphs of the statement contained "false, misleading and/or inconsistent information."² Hammond contended that Agran could not take credit for his role in the drafting of Irvine's general plan because he was not on the city council when its original general plan was enacted in 1973. He further argued that Elections Code section 13307, precluded his statement from expressing his views on the airport and jail, because they were "not related" to his qualifications.³

On August 25, the court held a hearing at which Agran himself testified. Hammond's counsel took the position that "ideas and point of view are not related" to candidates' "qualifications," saying that ideas could be used to attack another candidate or institution. The trial judge was not immediately persuaded, and asked, "If the qualifications aren't relevant to the voter's decision in casting their vote, what's the purpose of stating qualifications?"

Even so, after the hearing was concluded, the trial court ordered the middle paragraphs stricken in their entirety. The court indicated that it believed this court's decision in *Dean v. Superior Court* (1998) 62 Cal.App.4th 638, and the Supreme Court's decision in *Clark v. Burleigh, supra*, 4 Cal.4th 474, both excluded "campaign statements" or "campaign planks" from the purview of the word "qualifications" as used in Elections Code section 13307.⁴ However, the trial court did allow Agran to prepare an overnight revision of the statement, which it accepted the next morning. The main difference between the two statements is that the new statement narrowed Agran's role in the city's general plan and contained no direct statement of opposition *qua* opposition to a nearby jail or airport; rather, it merely implied Agran's present opposition to a commercial airport through the device of mentioning his past work with an organization designed to "defeat the proposed international airport at El Toro." We also reproduce that statement in the margin.⁵ Agran filed a timely appeal from the order.

² In the statement set out in footnote 1, the *second* paragraph (beginning with, "I led the Council in drafting . . .") was designated by the trial court as paragraph "1," the third paragraph (beginning with, "As a former councilmember . . .") as paragraph "2," and the fourth paragraph ("Irvine is once again . . .") was considered paragraph "3."

³ Elections Code section 13307, subdivision (a)(1) provides:

"Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations."

For a comprehensive statement of the operation of candidate's statements see *Clark v. Burleigh, supra*, 4 Cal.4th at pages 478 through 479.

All statutory references are to the Elections Code.

⁴ Here is the entirety of the trial court's comments after the matter was submitted:

"The court: Even though the definition proffered, that being a definition of 'qualifications' does have some appeal, it suffers from the same ambiguities that the word 'qualification' suffers. It's a bit like beauty. It's in the eye of the beholder.

"Certainly qualifications would go to skills and qualities. But what's relevant to the electorate in determining their vote creates another set of ambiguities.

"The court strikes paragraphs 1, 2, and 3 in their entirety. It is not the desire of this court to become the ultimate blue line editor of campaign statements.

"The court will entertain up to nine o'clock tomorrow morning a revision that comports with the holding in the Dean case.

"The court does so out of a position of equity because we're all trying to struggle with and work with what the appellate court really truly meant when they passed -- when they gave us the holding in Dean.

"You'll submit [speaking to Agran's attorney] a copy of the proposed new statement to Mr. Sheldon [Hammond's attorney] by not later than 5:00 a.m. You may fax it to him.

"Do you have a fax number?"

Then, after an inquiry from Agran's counsel for "a little bit of guidance, your honor," the court went on:

"I'm not saying everything in here is --

"Mr. Mears [Agran's counsel]: I understand.

"The court: I'm just saying I've chosen not to be the blue line editor.

"Mr. Mears: I understand. [¶] By way of a little bit of guidance, do I understand the court to say that the chief problem that it sees with paragraph 3 and paragraph 4 is that the court views --

The court: I only have them as 1, 2, and 3.

"Mr. Mears: 2 and 3.

"The court: And that's how we've referred to them in our record. I think they're pretty much sales puffing, if you will, campaign statements, campaign planks. They can be adequately addressed using the analysis which is in more detail in Burleigh, by the way, than it is in Dean as to what you can accomplish in other areas. [¶] Anything else?

"Mr. Mears: I don't think so, so your honor."

⁵ The revised statement read:

"I was privileged to serve on the City Council from 1978 to 1990, including six years as Mayor.

"As Mayor, I led the Council in enacting the Conservation and Open Space Element of our General Plan, preserving thousands of acres of hillsides and canyons in their natural state, forever free of development.

"Since 1996, I've served as voluntary chairman of a non-profit citizens' organization working to defeat the proposed international airport at El Toro and replace it with the Millennium Plan -- a comprehensive non-aviation reuse plan.

"I am a Phi Beta Kappa graduate of the University of California, and an honors graduate of Harvard Law School. From 1970 to 1973, I was Legal Counsel to the State Senate Health and Welfare Committee.

DISCUSSION

The Word "Qualifications" In Section 13307 Includes A Candidate's Views on Public Issues

The Case is Not Moot

We may summarily dispense with a mootness contention made by Hammond based on the fact the election has already taken place.⁶ The matter is obviously, as it was in *Clark v. Burleigh*, *supra*, 4 Cal.4th 474, an example of the rule that cases are not moot when they present questions capable of repetition yet evading review. (Cf. *Clark*, *supra*, 4 Cal.4th at p. 481 [rejecting mootness argument because matter was of "general public interest and likely to recur".]) Hammond's argument in favor of mootness is that there is no public interest in the case because the statute "plainly" excludes a candidate's viewpoints. That reasoning is both circular and wrong in its premise. It is circular because it is predicated on the assumption that Hammond is necessarily correct on the merits (as we show below, he isn't), and it is wrong in its premise because it assumes that the question of whether a candidate's views may be included in a candidate's statement has already been definitively determined (as we show below, it hasn't).

Prior Cases Did Not Decide the Issue

While *Clark v. Burleigh*, *supra*, 4 Cal.4th 474 tells us what "qualifications" does not include -- it does not include attacking one's opponents -- the case does not directly deal with the question of what *is* a qualification within the meaning of the statute. *Clark* involved a candidate's statement in a judicial election in which a municipal court judge running for superior court made direct negative references, by name, to the incumbent. The trial court excised the statement. Most of the *Clark* opinion is devoted to a thorough discussion of the *constitutionality* of the removal; the focus is the question of exactly what kind of "forum," for purposes of *constitutional* analysis, a candidate's statements is. (See *Clark*, *supra*, 4 Cal.4th at pp. 482-488.) Only in passing on that issue does it deal with the meaning of the statute.

What the high court did say about the meaning of the statute is mostly set forth in one paragraph spanning pages 488 to 489 in the official reporter. After previously concluding that candidates' statements fall into the last of three possible categories (i.e., not the "traditional public forum" or a "designated public forum," but a "remaining" catch-all category (see *id.* at pp. 482-483)), the opinion tackles the question of "whether the Legislature, by creating the statutory 'candidate's statement,' intentionally opened a public forum that candidates for local judicial office may use for the purpose of attacking their opponents." (*Id.* at p. 488.) Answer: no. Because the statute "specifically lists the permissible contents" of the candidate's statement, the "negative implication of this specific list," said the *Clark* court, was that "the Legislature did not intend the statutory candidate's statement to contain any other material." It cited the venerable rule of linguistic construction, *expressio unius est exclusio alterius* -- i.e., having expressed the one thing, you must have meant to exclude what you left out. Then the court added that "[m]ore important" than this "implication" from linguistics was the "express" prohibition in another statute against candidates for *judicial* office from discussing "'another candidate's qualifications, character, or activities.'" (See *id.* at p. 489, citing former Elections Code section 10012.1 (now Elections Code section 13308).)

The other part of the *Clark* opinion where the court touches on the meaning of the statute is toward the end, where the court is concerned with the reasonableness of the statute construed so as to preclude attacks on one's opponents. (See *id.* at pp. 493-494.) Pointing out that local elections are "normally low-profile events" and candidates frequently do not have the "means" of informing the voters of their qualifications, the *Clark* court observed that the Legislature "created" the candidate's statement "[t]o help fill this informational void." (*Id.* at p. 493.) "From its terms and conditions," said the court, "we may reasonably infer that its primary purpose is to give the voters at least a minimal amount -- 200 words' worth -- of basic information about the background and qualifications of little-known candidates." (*Ibid.*) The court then went on to explain that, in light of the basic purpose of the statute (i.e., filling informational voids), there were three reasons the Legislature would not have wanted the statement to be used "as a partisan campaign device to attack" opponents. One, to prevent *confusion* caused by a "mixed" message; two, to prevent *displacement* of factual information about the candidate himself or herself given the limited amount of space available (200 words normally, at most 400 words); and three, to prevent *misuse* of the device by blindsiding an opponent who would not have time to answer the attack. (*Ibid.*)

Finally, on the next page and in the context of again explaining the constitutional adequacy of the statute as construed, the *Clark* court suggested that even "attacks on opposing candidates" are not necessarily "wholly incompatible with the purposes of the statutory candidate's statement," but that the restriction was "at least reasonable" and the "governing decisions" of the federal Supreme Court required "no more" of the statute. (*Id.* at p. 494.)

I've taught legislation and public policy at the UCLA School of Law and the UCI School of Management. I've also authored a book about the need to control cancer-causing substances in the workplace and the environment. I've lived in Irvine with my family for over 20 years.

"I'll do what it takes to defend and enforce Irvine's General Plan. That's why I'm asking for your vote. I'd be privileged to serve you again."

⁶ Agran won a seat on the Irvine City Council.

Though the *Clark* court did not remark on the fact, the trial court in that case had not stricken a portion of the candidate's statement which dealt with only the candidate's views, as distinct from statements disparaging his opponent. It left in this

statement: "It's time to get *tough with criminals* . . . time to end court *interference* in community affairs." (Compare *id.* at p. 481, fn. 7 [what was stricken] with p. 497 [original statement].) While the *Clark* court did not discuss the question of candidate views *per se* in its opinion, it is at least noteworthy that the inclusion of the candidate's views in what was left of the statement was not so offensive that the high court felt compelled to reach out and comment on it adversely.

This court, in *Dean v. Superior Court, supra*, 62 Cal.App.4th 638, took *Clark's* comments about attacking one's opponents and the statutory construction of the statute (i.e., the *expressio unius* language) and applied them to a *nonjudicial* race for county superintendent of schools. (See *Dean, supra*, 62 Cal.App.4th at pp. 641-642.) There we held that language attacking the incumbent should have been stricken as an "impermissible personal attack." (See *id.* at pp. 639, 641-642.) But that was *all* we held.

We did make a comment, in the introductory sentence to a paragraph in the opinion devoted to quoting the *expressio unius* passage from *Clark*, that "[t]he language of section 13307 is unambiguous," but that comment was in a *context* in which the issue was attacks on one's opponents, and we were taking our cue from what the Supreme Court had itself plainly said about the language of the statute in that precise context. *Dean* cannot be fairly read as saying that the word "qualifications" as used in Elections Code section 13307 unambiguously excludes candidate's viewpoints -- as we show in the next section, it doesn't do any such thing.⁷

One other case bears comment at this point, though it deals with an issue that was not before the court in either *Clark* or *Dean*: *Loza v. Panish* (1980) 102 Cal.App.3d 821. *Loza* was, until *Clark*, the only California decision dealing with the meaning of the candidate's statement statute. *Loza* held that a portion of the statute, requiring the clerk to reject certain kinds of scurrilous or inflammatory language,⁸ was unconstitutional. (See *Loza, supra*, 102 Cal.App.3d at p. 826.) While the statutory prohibition on certain kinds of scurrilous language dealt with in *Loza* was not at issue in *Clark*, the *Loza* opinion did discuss a significant -- and we think correct -- inference about the Legislature's intent about the construction of the word "qualifications," from the presence of the (now-unconstitutional) prohibition: namely, that "a candidate's statement may include information regarding his qualifications which *goes beyond mere personal data* respecting his name, age, occupation and education." (*Loza, supra*, 102 Cal.App.3d at p. 824, emphasis added.) We explain why that inference is correct below.

The Ordinary Meaning of the Word "Qualifications" Can Encompass a Person's Views

The word "qualifications" is not otherwise defined by the statute, and in the absence of specifically defined meaning, a court looks to the plain meaning of a word as understood by the ordinary person, which would typically be a dictionary definition. (See *Scott v. Continental Ins. Co.* (1996) 44 Cal.App.4th 24, 28-30 [and listing authorities using general dictionaries to ascertain "'ordinary' meaning of words used in a statute"].) The Oxford English Dictionary lists a number of definitions of the word "qualification," only one of which is the one which Hammond would have us restrict its meaning to, namely, an "accomplishment." (See 12 Oxford English Dict. (1989) at p. 971.) In connection with that which "qualifies or fits a person for some office or function," the dictionary lists both "quality," *and* "accomplishment" under the word (*ibid.*), indicating that something other than mere resume material can be a "qualification."

Thus it is not uncommon that, in the context of fitness for "office or function," there are occasions when the word necessarily encompasses viewpoints, ideas or ideology. One of the most common is in the context of the criminal law and the death penalty. In *People v. McPeters* (1992) 2 Cal.4th 1148, 1177, our Supreme Court wrote, "A juror is not *qualified* to serve in a capital case if his or her *views* about the death penalty would "prevent or substantially impair the performance of his duties as a juror in accordance with his instructions and his oath."" (Emphasis added.) Other criminal decisions have also said that a person is disqualified from serving on a jury if he or she belongs to member of an ideologically or politically -- to the degree the words do not overlap -- oriented organization, such as the "know-nothing party," if such membership might reify itself as a prejudice against a particular defendant. (See *People v. Buyle* (1937) 22 Cal.App.2d 143, 146 [and cases mentioned therein].)

Likewise, when loyalty oaths were an issue in public employment and benefits law, the Supreme Court regularly confronted the question of whether a given loyalty oath (to wit, that the person was willing or swear that he or she had not, nor had ever been, a Communist) had, in a certain context, "a direct bearing on the qualification necessary for the employment or other benefit under consideration." (See *Wilson v. City of Los Angeles* (1960) 54 Cal.2d 61, 64.) Thus the Supreme Court in 1960 could acknowledge that there were times when there was a relationship between the "political affiliations and beliefs" of an

⁷ The trial judge in *Dean* was the trial judge in the present case. In light of the fact that *Dean* resulted in a peremptory writ being issued when he didn't strike the challenged language, it is understandable that he might have been inclined to overread *Dean* so as not to make the same error again -- and indeed, comments from the bench during the hearing reveal as much. (The court said in colloquy with Hammond's counsel: "This is the difficulty of this whole doggone area and the reason why I ruled the way I did when I ruled in the *Dean* case. But we lost that battle, sir. That battle is over with.")

⁸ The language was: "The clerk shall reject any statement, which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of sex, race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress." The language was deleted in 1983. (See Stats. 1983, ch. 882, § 1, pp. 3203-3204.)

applicant and "the qualification of the applicant."⁹ (*Ibid.*; see also *In re Anastaplo* (1961) 366 U.S. 82, 90 [stating "it is of no constitutional significance whether the State's interrogation of an applicant on matters relevant to these qualifications -- in this case Communist party membership -- is prompted by information which it already has about him from other sources, or arises merely from a good faith belief in the need for exploratory or testing questioning of the applicant"].) In that era both

Chief Justice Traynor and Justice McComb found occasion in dissenting opinions to impliedly or directly acknowledge that there will be at least some occasions when *beliefs* constitute a "qualification." (See *Konigsberg v. State Bar* (1959) 52 Cal.2d 769, 776 (dis. opn. of Traynor, J.) ["a question as to present or past membership in [the Communist Party] is relevant to the issue of possible criminal advocacy and hence to the applicant's qualifications"]; *MacLeod v. Tribune Publishing Co.* (1959) 52 Cal.2d 536, 555 (dis. opn. of McComb, J.) ["the free press' foremost obligation is to advise the electorate of all the qualifications or disqualifications of each candidate for public office, which obviously includes his party affiliations, be they communist or otherwise . . ."].)

Given the breadth of the word, it would be inconsistent with the plain meaning of the statute -- indeed, perhaps even somewhat elitist -- to confine the idea of "qualifications" for office to resume items like degrees and experience in a profession. No matter whether the candidate be a rabble-rouser on a soapbox who never finished high school, or the appellant in the case before us -- an honors graduate of Harvard Law School -- his or her *ideas* are often the most important "quality" in many voters' minds. One voter's "qualification" may be another voter's "disqualification." While most appellate and trial judges would, for example, consider a law degree to be a "qualification" for office, many voters might be decidedly disaffected by a candidate's law degree;¹⁰ then again, they might otherwise be persuaded by the candidate's opinion about whether to raise taxes to fund new educational programs. The filling of the "informational void" about candidates of which the *Clark* court wrote is better done with information about a candidate's ideas -- which, after all, provide at least some clue as to how he or she will act and vote while in office -- than with his or her resume.

The Legislature Impliedly Contemplated
That Qualifications Would Include More
Than Mere Resume Material

As originally enacted, the candidate's statement statute had a provision which required the clerk to strike scurrilous material which advocated or promoted hatred or hostility toward not only any given person, but toward any "group of persons by reason of sex, race, color, religion or manner of worship." (The language is quoted in full in footnote 8, above.) That language was declared unconstitutional in 1980 by the *Loza* decision, and by 1983 the Legislature removed it from the statute. One of the contentions in *Loza* was that the qualification language of the statute -- which was unaffected by the court's ruling -- "*confined*" (original emphasis) the candidate's statement to data "having solely to do with the candidate." (See *Loza, supra*, 102 Cal.App.3d at p. 824.) Accepting the "appellant's assertion there is no adequate legislative history associated with the statute in question which would itself provide the means for resolution of the parties' respective arguments on this point," the *Loza* court observed, in language we have also quoted above, that on the basis of "familiar" principles of statutory construction, the statement might indeed include information regarding a candidate's qualifications "which goes beyond mere personal data." (*Ibid.*)

It is inescapable that the Legislature, when it originally enacted the statute *with* a prohibition against attacks based on certain kinds of prejudice, was sufficiently worried that the candidate's statement was susceptible to such misuse that an express prohibition was needed against certain kinds of statements outside of mere resume material. But by the same token, the Legislature was also signaling that *other* kinds of statements also beyond mere resume material were contemplated under the statute. Of course, such statements would not extend to statements about one's opponent as distinct from one's own ideas or beliefs. As the *Clark* court intimated, you cannot claim as one of your own qualifications the fact your opponent is so bad.

⁹ Here is the relevant text of the court's discussion: "In instances in this state where court have sustained requirements that those seeking to obtain or seeking to retain public employment or other public benefits are required to subscribe to a so-called loyalty oath they have uniformly done so on the rationale that the state or municipality has a right to inquire into the applicant's qualifications, and that *loyalty has a direct bearing on the qualification necessary* for the employment or other benefit under consideration. [Citations.] But where there is no rational and substantial connection between the nature of the investigation into loyalty and the qualification of the applicant an inquiry which requires that he disclose his political affiliations and beliefs constitutes an unreasonable and capricious infringement on the freedoms protected by the Fourteenth and First Amendments of the federal Constitution and article I, section 9 of the California Constitution." (Emphasis added.)

¹⁰ Thomas Jefferson once lamented the fact that Congress was filled with lawyers. As he wrote in his autobiography, "If the present Congress errs in too much talking, how can it be otherwise, in a body to which the people send one hundred and fifty lawyers, whose trade it is to question everything, yield nothing, and talk by the hour?" (See *The Life and Selected Writings of Thomas Jefferson* (Random House, 1944) at p. 61.)

A Candidate's Views on the Issues
Does Not Constitute An "Attack" On An Opponent

Clark identified three grounds which made an exclusion of attacks on one's opponent reasonable in the context of a candidate's statement: prevention of confusion, displacement and misuse. None of these concerns, however, are implicated by a statement of candidate's own views at least where, as in the present case, the statement contains no direct criticism of another candidate.¹¹

First, one's views *qua* views, stated without reference to one's opponent are one's own; there is no possibility a voter will be confused.¹² Second, given the necessary brevity of the statement, the implication is that only the most important information should be given. It is untenable to argue that compatible opinions -- as distinct from resume items -- are not, in many voters' minds, the most important quality they look for in making an elective decision. For many voters, it is far more important to know whether you will raise taxes or increase regulations than it is to know what school you went to or what little league teams you coached. Third, there is no possibility of blindsiding an opponent, because a candidate is always in complete control of what his or her views are at any given time (though it is true that with some candidates it seems that their opinions vary by the hour).¹³

Hammond argues that Agran's original statements, by suggesting that "county officials" were in the process of pushing an unwanted airport on the residents of Irvine, somehow was an "attack" on those officials prohibited by *Clark*. The argument takes too restrictive a view of "views." Opposition to various general *institutional* figures and interests -- be they freemasons, "big business," the "power elite," "the international communist conspiracy," or "economic royalists" -- has always been a staple of American political life. It is one thing to say one is a stalwart anti-Communist, and that such a belief qualifies one for some office, quite another to allege that one's opponent is a secret colonel in the KGB. Being against slavery generally -- or even the plans of slave owners to expand the institution of slavery into new territories -- is not the same thing as trying to get elected on the fact that one's opponent once owned a slave. Fairly read, Agran's reference to the plans of county officials was not, in context, an attack on a political opponent, but a way of expressing his ideas about certain concrete land use proposals of extreme relevance to his potential constituents.

Hammond's additional argument that the portion of Agran's statement concerning his leadership of the city council in drafting the city's general plan was "misleading" is a makeweight: The remarks of the trial court show that it was concerned with the purview of the word "qualifications," not any factual inaccuracy in Agran's statement. In any event, the statement was not inaccurate. Because a general plan is a document where changes and amendments are, as Agran's counsel nicely phrases it, continually "integrated" into its text, the average reader would understand the words "general plan" to be the one currently in use, not a version from more than 20 years ago. And as for "leading" the city council, the fact is that Agran was the mayor of the city during much of his tenure on the city council. And if a mayor cannot be said to "lead" a city council, no one can.

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DISPOSITION

It was error for the trial judge to have stricken the challenged language from Larry Agran's candidate's statement. The order is reversed with directions to enter a new order declaring that the language should not have been stricken.

Finally, there is the matter of attorney fees for this appeal. Agran spends a large amount of his brief arguing for an award of attorney fees against Hammond (and only Hammond¹⁴) under the private attorney general statute (Code Civ. Proc., § 1021.5) in the event he prevailed (as he now has) on the merits of his appeal. For his part, Hammond has only offered token opposition to the attorney fee question in the event he lost (as he also now has) on the merits.

¹¹ Agran's statement that "[w]e must stand together to defeat the County's airport and jail expansion plan" straightforwardly sets forth his own views, and contains no comparison, even implied, of his opponents' views. A harder case, under *Clark*, would be a situation in which a candidate's statement of his or her views could not be read without an attack on an opponent -- e.g., "I am the only candidate in this election who opposes an airport at El Toro," or "I am the only candidate in this election who is opposed to Soviet expansionism; my opponents are all soft on Communism." Fortunately, in this case we need not map the exact perimeters, under *Clark*, of where an honest statement of one's views ends and an attack on one's opponent begins.

¹² Again, we do not tackle the somewhat harder case of statements of views used as a subterfuge for an attack on one's opponent.

¹³ Again, we limit our discussion to instances in which the statement of views does not refer to one's specific opponents. We are about to discuss comments about institutional interests.

¹⁴ At oral argument Agran's counsel disavowed any attempt to seek his fees from the Orange County Registrar, the City of Irvine, or otherwise from the fisc.

Whether attorney fees should ever be awarded for litigation arising out of challenges to candidates' statements is, however, a problematic matter indeed.¹⁵ No published decision of which we are aware has ever awarded attorney fees in such a context. And perhaps with good reason. The issue is fraught with grave implications beyond the narrow facts of this case, such as the interrelationship between any kind of public financing of elections and free speech.

Fortunately, the task is premature. The procedural posture of this case -- Hammond did, after all, *win* at the trial level -- virtually demands that the matter of whether Agran should be awarded any fees for this appeal (and if so, how much), be remanded to the trial court for consideration in the first instance. We have no record or briefing, for example, that even touches on how the "burden of private enforcement" (to borrow a phrase from section 1021.5 of the Code of Civil Procedure) will interact with the *statutory* right under Elections Code section 13313 (formerly Elections Code section 10013.5) to challenge candidates' statements. Nor do we have any record or briefing as to how the ability to challenge a candidate's statement under section 13313 in *combination* with the possibility of a fee award after the litigation is over might affect a candidate's First Amendment rights.

In short, given the extraordinarily complex and unbriefed questions inherent in Agran's request, the issue is not ripe. The matter is therefore remanded for further proceedings in light of this opinion.

SILLS, P. J.

WE CONCUR:

CROSBY, J.

BEDSWORTH, J.

¹⁵ Challenges to such statements are allowed by Elections Code section 13313, formerly Elections Code section 10013.5, for material that is "false, misleading, or inconsistent with the requirements" in the chapter of the Elections Code dealing with voter pamphlets.

BUTTE COUNTY ELECTIONS OFFICE
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Butte County Elections Office

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Public Hours: 9AM – 5PM, Monday – Friday

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ACCESS OF THE VOTER FILE

California Elections Code Section 2194, California Code of Regulations Title 2, Division 7, Chapter 1, Article 1, Section 19003, and Government Code Section 6254.4, specify that voter file data is confidential and not available to the general public. There are provisions for release of voter file data to the political parties, to candidates, and proponents or committees of a ballot measure for a pending election and to others for qualified scholarly, journalistic or governmental purposes as determined by the Secretary of State or the elections official.

APPLICATION/APPROVAL TO VIEW/PURCHASE FULL ACCESS TO VOTER FILE

Before voter file information can be released, an application must be completed by the applicant and approved by the Butte County Elections Office. See Attachment A for the *APPLICATION TO VIEW VOTER FILE* and Attachment B for the *APPLICATION TO PURCHASE VOTER FILE* in the back of this booklet.

If your application is approved for the data you have requested, you will be licensed to use the data only for the purpose indicated on your application. The data may not be used for any other purpose, nor may it be sold or transferred to any other party without submission of a new application and the express written approval by the Butte County Elections Office. The list below indicates who would have full access to the voter file and the criteria they must meet:

Candidates:

Must have filed a Form 501 as required by the Political Reform Act or have been issued nomination materials.

Proponents or Committees of a Ballot Measure:

Must have filed a Statement of Organization, or have active campaign committee status, as required by the Political Reform Act, or filed Notice of Intention, or provided evidence of referendum protest.

Political Parties:

Must submit letter from a representative of the political party, on the party's letterhead, confirming relationship and the authorization to receive data.

Individual or Agent for Third Party:

Include letter from the third party, on letterhead, confirming relationship and the authorization to receive data.

Individual or Agent Requesting Data on the Basis of Scholarly Research:

Include letter from a representative of the institution (Professor, Administrator, etc.) on the institution's letterhead, confirming relationship and the authorization to receive data.

Individual Requesting Data on the Basis of Journalistic Purposes:

Please enclose photocopy of your press pass.

PURCHASING THE VOTER FILE

When an individual, government agency, or political entity requests to purchase the voter file, an *APPLICATION TO PURCHASE VOTER FILE* must be completed and signed by the applicant. See Attachment B in the back of this booklet for this application.

Fees: Once your application has been approved, the required fee must be paid in full. No data processing items are produced until full payment for the item has been received.

For fees, refer to the "**Schedule of Fees and Charges**" see page 11 and 12 of this booklet. Fees may be paid in cash, check or money order. Checks and money orders should be made payable to "Butte County Clerk".

Continued next page...

Draw-Down Accounts: Candidates or campaign committees that plan to make multiple transactions with the Butte County Elections Office during an election cycle may wish to set up a draw down account. This type of account is convenient as it allows a candidate or campaign committee to make an initial deposit and then make multiple purchases of data processing items without the mandatory presence at the time of each purchase.

File Format:

All electronic data files are in a “text file format” only. To be able to manipulate and use the data you must import into a database application such as Microsoft Access or Excel. If you do not know this procedure, we recommend contacting someone who has experience with databases.

Note: small files, such as the absentee daily report, may be e-mailed, however, we cannot e-mail the Master Voter File due to its size.

Agreement: By signing the application, the requestor certifies under penalty of perjury to use the data only for the purpose indicated on the application. The data may not be used for any other purpose, nor may it be sold or transferred to any other party without submission of a new application and the express written approval of the Butte County Elections Office.

Commercial Use Prohibited: Any individual, agent, or committee who purchases voter file data and who uses any or all of that data to provide services to a candidate or another committee shall include in the appropriate location in a contract for services, a notice in bold type that states as follows: **“State law prohibits the use of voter registration information for commercial purposes.”**

Penalties for Unauthorized Use: Any unauthorized use shall result in a penalty equal to the sum of \$0.50, multiplied by the number of registration records used in an unauthorized manner. For example, if an unauthorized use resulted in a mailing to all registered voters in Butte County, the penalty would be approximately \$56,000. Unauthorized use by any applicant of any portion of the registration information shall raise a presumption that all such voter file information obtained by the applicant was misused. (California Administrative Code Section 19007)

Processing Time: Once the application is approved and payment is received, the data processing item is placed into the Elections Office staff work schedule and will not be available for pickup for at least 24 hours.

LIMITED VOTER FILE ACCESS IN THE BUTTE COUNTY ELECTIONS OFFICE

As of January 1, 1995, certain voter file information is no longer accessible to the general public. However, limited access will be granted to anyone who does not meet the qualifications for full access.

A computer terminal is available in the Butte County Elections Office for the purpose of viewing the voter file. When an individual who does not meet the qualifications for full access requests to view the voter file, an *APPLICATION TO VIEW VOTER FILE* must be completed and signed by the applicant. See Attachment A in the back of this booklet for the application.

Limited Voter File Access Information Includes:

- Voter Name
- Date of Birth
- Place of Birth
- Party Affiliation

COMPUTER GENERATED JOBS

Report Name	Description	Notes
<p>Absentee Voter List – DAILY</p> <p style="text-align: center;">AVMJ010</p>	<p>A county wide alphabetical list of all absentee voter applications processed the previous day, beginning 29 days before an election.</p> <p>This report will show the applicant’s mailing address; political party; date application received; date ballot mailed; date voted ballot returned, if received by the Elections Office; and the voting and absentee precincts. Also available by district and or party affiliation.</p>	<p>Purchase Options: Payment must be made in advance. Setup and deposit to a draw down account is necessary in order to be a subscriber.</p> <p>Subscribers will receive a new report each day for the 29 – 7 day period before an election.</p> <p>Available on CD, Diskette or E-Mail.</p>
<p>Absentee Voter List – CUMULATIVE</p> <p style="text-align: center;">AVMJ010</p>	<p>A county wide alphabetical list of all absentee voter applications processed the previous day, beginning 29 days before an election.</p> <p>This report will show the applicant’s mailing address; political party; date application received; date ballot mailed; date voted ballot returned, if received by the Elections Office; and the voting and absentee precincts. Also available by district and or party affiliation.</p> <p>This is for campaigns or committees that wish to have absentee voter information on a non-daily basis.</p>	<p>Purchase Options: Payment may be made in advance through setup of a draw down account, or the day the request is made by making payment in the Butte County Clerk-Elections Division Office.</p> <p>Available on CD, Diskette or E-Mail.</p>
<p>Absentee Voter Labels - DAILY</p> <p style="text-align: center;">AVMJ003</p>	<p>Labels made available for candidates and campaign committees that provide the name and mailing address for voters who have requested an absentee ballot.</p> <p>Available by district only.</p>	<p>Available on Labels only.</p>
<p>Absentee Voter Labels - CUMULATIVE</p> <p style="text-align: center;">AVMJ003</p>	<p>Labels made available for candidates and campaign committees that provide the name and mailing address for voters who have requested an absentee ballot.</p> <p>Available by district only.</p>	<p>Available on Labels only.</p>
<p>Master Voter File</p> <p style="text-align: center;">MVMJ004</p>	<p>Lists Registered Voters.</p> <p>Available Countywide or by District.</p>	<p>Available on CD or Diskette.</p>
<p>Precinct or District File</p> <p style="text-align: center;">PDMJ001</p>	<p>Gives the district name and precinct numbers within each district.</p>	<p>Available on CD or Diskette.</p>

Continued next page...

COMPUTER GENERATED JOBS, CONTINUED

Statement of Votes Cast	Detailed list of precinct and absentee ballot returns in breakdown format by consolidated precinct number. Available by district or countywide.	Available on CD or Diskette.
Street Guide SGMJ001	Lists streets in alphabetical order with the range of addresses, precinct numbers within each range, city name and zip code.	Available on CD or Diskette.
Index to Elected Officials OIMJ010	Lists names, addresses and telephone numbers of all elected officials in Butte County. Includes length of term as well as beginning and ending dates of term.	Available on CD or Diskette.
Voter History - Those Who Did Not Vote MVMJ004	Lists names of voters who did not vote in an election.	Available on CD or Diskette.
Voter History - Those Who Did Vote MVMJ004	Lists of voters who voted in an election.	Available on CD or Diskette.
Regular Precinct -Voting Precinct Cross Reference Extract EWMJ015	Gives the regular precinct number and the voting precinct number assigned for the election. New files are needed for each election as the consolidations (voting precincts) of regular precincts often change for each election.	Available on CD or Diskette.

LASER PRINTER REPORTS

<p>Absentee Voter List – DAILY</p> <p style="text-align: center;">AVMR015</p>	<p>A county wide alphabetical list of all absentee voter applications processed the previous day, beginning 29 days before an election.</p> <p>This report will show the applicant’s mailing address; political party; date application received; date ballot mailed; date voted ballot returned, if received by the Elections Office; the voting and absentee precincts. Also available by district.</p>	<p>Purchase Options: Payment must be made in advance. Setup and deposit to a draw down account is necessary in order to be a subscriber.</p> <p>Subscribers will receive a new report each day for the 29 – 7 day period before an election. Available on Paper only.</p>
<p>Absentee Voter List – CUMULATIVE</p> <p style="text-align: center;">AVMR015</p>	<p>A county wide alphabetical list of all absentee voter applications processed the previous day, beginning 29 days before an election.</p> <p>This report will show the applicant’s mailing address; political party; date application received; date ballot mailed; date voted ballot returned, if received by the Elections Office; the voting and absentee precincts. Also available by district.</p> <p>This is for campaigns or committees that wish to have absentee voter information on a non-daily basis.</p>	<p>Purchase Options: Payment may be made in advance through setup of a draw down account, or the day before the request is to be filled by making payment in the Butte County Clerk-Elections Division Office.</p> <p>Available on Paper only.</p>
<p>District-Precinct</p> <p style="text-align: center;">PDMR001</p>	<p>Gives the district name and precinct numbers within each district.</p> <p>Available Countywide.</p>	<p>Available on Paper only.</p>
<p>Precinct-District</p> <p style="text-align: center;">PDMR002</p>	<p>Gives the district name and the precinct numbers within each district</p> <p>Available Countywide.</p>	<p>Available on Paper only.</p>
<p>Street Guide</p> <p style="text-align: center;">SGMR001</p>	<p>Lists streets in alphabetical order with the range of addresses, precinct numbers within each range, city name and Zip code.</p> <p>Available Countywide.</p>	<p>Available on Paper only.</p>
<p>Master Voter File</p> <p style="text-align: center;">MVMR003</p>	<p>Alphabetical listings of registered voters, residence address, affidavit number, registration date, place and date of birth, telephone number, political party and precinct number.</p>	<p>Available on Paper only.</p>
<p>Statement of Votes Cast</p>	<p>Detailed list of precinct and absentee ballot returns in breakdown format by consolidated precinct number.</p> <p>Available Countywide.</p>	<p>Available on Paper only.</p>

Continued next page...

LASER PRINTER REPORTS, CONTINUED

Statement of Votes Cast Subsets	Detailed list of precinct and absentee ballot returns in breakdown format by consolidated precinct number. Available by District or Measure.	Available on Paper only.
Registration Statistics PDMR003/PDMR004	Shows registration by party and district or by precinct. Available Countywide.	Available on Paper only.
Cross-Reference Polling Place List by Regular Precinct PODR009	Shows the consolidated precinct, each regular precinct that has been assigned to a polling place in an election.	Available on Paper only.
Index to Elected Officials OIMR006/OIMR011	Lists names, addresses and telephone numbers of all elected officials in Butte County. Includes length of term as well as beginning and ending dates of term.	Available on Paper only.
Voter Indexes MVMR001 MVMR009	This report is available by <ul style="list-style-type: none"> • Alphabetical Listing • Precinct Index- this is a list of registered voters by street name only within a precinct. 	Available with 24-hour advance notice.
Walking List Report 54 Day 29 Day 15 Day EWMR014	Walking Lists Only: Voting Precinct Index – by street name. The walking list is printed in precinct order by street name only.	Available after the Close of Registration. Elections Code Section 2184

MAPS

Type of Map	Size	Comments
U.S. Congressional, State Senatorial and Assembly Districts	8 ½" x 11" 11" x 17"	Some districts may require several maps to show the entire district.
Supervisory Districts	11" x 17" 36" x 48"	
Cities and Local Districts		Not Available from the Butte County Elections Office.
Precincts	36" x 48"	

CAMPAIGN DISCLOSURE AND STATEMENTS OF ECONOMIC INTERESTS

Campaign Disclosure:

Campaign disclosure statements for local candidates and officeholders and some state and federal candidates and officeholders are available for inspection and reproduction on a public access computer in the Butte County Elections Office during normal business hours as required by Government Code §81008.

Campaign disclosure statements filed as early as 2000 are available on the public access computer. Statements filed prior to that year are available on microfilm and can be viewed in the Butte County Elections Office.

Statements of Economic Interests:

These statements are commonly referred to as Form 700's or Conflict of Interest Statements. Statements of economic interests filed by the Grand Jury, elected officials, positions designated in the Butte County Conflict of Interests Code and elected or appointed positions designated in Government Code §87200, are filed with the Butte County Elections Office.

These statements are also available for public review and reproduction pursuant to Government Code §81008.

Reproduction Fees:

Pursuant to Government Code §81008, copies of campaign disclosure statements and statements of economic interests shall be provided at a charge not to exceed ten cents (\$.10) per page. In addition, the filing officer (Butte County Elections Office) may charge a retrieval fee not to exceed five dollars (\$5.00) per request for copies of reports or statements that are five or more years old.

**SCHEDULE OF FEES AND CHARGES
COUNTY CLERK-REGISTRAR OF VOTERS – OCTOBER 1, 2002**

Abstract of Registration

1. Abstract of Registration, certified (upon showing picture I.D.) (BCOrd 3827) 4.00

Candidate Statements

1. See current "Candidate Handbook" for fees (EC 13307)

Copy Charge and Certification Fee

1. First copy page 8 ½" x 11" or 8 ½" x 14" (BCOrd 3827) 2.00
 2. First copy page 11" x 17" (BCOrd 3827) 3.00
 3. Subsequent per page cost on the same request (BCOrd 3827) .50
 4. Certification fee (in addition to copy charge) (BCOrd 3827) 2.00

Copy Charge-Political Reform Documents

1. Per page (GC 81008) .10
 2. Political Reform Document Retrieval, per request for reports and statements five or more years old (a request for more than one report or statement or report and statement at the same time shall be considered a single request). (GC 81008) 5.00

Computer Generated Reports

1. Standard voter file diskette or CD-Rom (BCOrd 3827) 76.00
 (Absentee Voters, Master Voter File, Precinct or District File, Statement of Vote, Street Guide, Voter History)
 2. Custom reports on diskette or CD-Rom (BCOrd 3827) 76.00
 3. Electronic transmission (e-mail) of standard reports (BCOrd 3827) 45.00
 4. Laser printer reports (Countywide)
 1) Absentee Voter File, Precinct District File or Street Guide (BCOrd 3827) 152.00
 2) Master Voter File (BCOrd 3827) 400.00
 3) Statement of Vote (BCOrd 3827) 100.00
 4) Statement of Vote Subsets (BCOrd 3827) Copy Fee
 5. Labels per 1,000 names or fraction thereof (BCOrd 3827) 30.00

Election Calendar

(BCOrd 3827) 5.00

Fax Charge (outgoing)

1. Fax Charge for first page (BCOrd 3827) 5.00
 2. Charge for additional pages for the same request (BCOrd 3827) 1.00

Lists (hardcopy)

1. Candidate/Contest List (BCOrd 3827) 5.00
 2. Elected Officials List (BCOrd 3827) 5.00
 3. Precinct Consolidation/Voter Precinct List (BCOrd 3827) 5.00
 4. Polling Place List (BCOrd 3827) 5.00

Manuals

1. Initiative or Recall Petition Manuals (BCOrd 3827) 5.00
 2. Various Election & Voter Registration Services Manuals (BCOrd 3827) 5.00

Continued next page...

COUNTY CLERK-REGISTRAR OF VOTERS FEES – OCTOBER 1, 2002, Continued

Maps-Precincts

- | | | |
|--------------------------------|--------------|--------|
| 1. Single Map page (36" x 48") | (BCOrd 3827) | 10.00 |
| 2. Entire County set (14 maps) | (BCOrd 3827) | 120.00 |

Maps-Various Districts

- | | | |
|--|--------------|-------|
| 1. Congressional, State Senate & Assembly Districts 8 1/2" x 11" | (BCOrd 3827) | 2.00 |
| 2. Congressional, State Senate & Assembly Districts 11" x 17" | (BCOrd 3827) | 3.00 |
| 3. Supervisorial District 11" x 17" | (BCOrd 3827) | 3.00 |
| 4. Supervisorial District 36" x 48" | (BCOrd 3827) | 10.00 |

Notice of Intent To Circulate County Initiative Petition

(BCOrd 3827) 200.00

Refundable within one year of filing notice of intention, if petition is certified as sufficient, California Elections Code Section 9103

Packaging, Handling and Postage

- | | | |
|--|--------------|-------------|
| 1. Small packages (Packaging & Handling) | (BCOrd 3827) | 5.00 |
| 2. Large packages (Packaging & Handling) | (BCOrd 3827) | 8.00 |
| 3. Postage in addition to Packaging and Handling | (BCOrd 3827) | Actual Cost |

Research of Records

- | | | |
|---|--------------|-------|
| 1. Research – per hour or fraction thereof (1/2 hr. min.) | (BCOrd 3827) | 76.00 |
|---|--------------|-------|

Returned Checks

(BCOrd 2967) 25.00

Walking Lists

- | | | |
|---|-----------|------------------|
| 1. 54 Day, 29 Day or 15 Day close of registration walking lists | (EC 2184) | .50/per thousand |
|---|-----------|------------------|

ATTACHMENT A



CANDACE J. GRUBBS
COUNTY CLERK-RECORDER-ELECTIONS DIVISION
25 County Center Drive Suite I, Oroville, CA 95965-3375
(530) 538-7761 Fax: (530)538-6853

APPLICATION TO VIEW VOTER FILE

(ALL INFORMATION FURNISHED ON THIS APPLICATION IS SUBJECT TO APPROVAL AND VERIFICATION)

Name of Applicant: _____

Applicant's Residence Address: _____

Applicant's Mailing Address: _____

Driver's License #: _____ State of Issue: _____ Expiration Date: _____

Telephone: (Day) _____ (Evening) _____

Fax: _____ E-Mail _____

If the information is used for election purposes, you must indicate the name of the committee:

Committee Name: _____

Committee Address: _____

Please explain your intended use of voter registration information:

The applicant hereby agrees that the aforementioned information set forth in Affidavits of Registration of Voters derived from said electronic processing tapes, printed labels, and/or computer printed listings (herein collectively referred to as "Registration Information") will be used ONLY FOR ELECTION OR GOVERNMENTAL PURPOSES, or research as defined by Title 2, Division 7, Article I, Section 19003 of the California Code of Regulations and Elections Code Section 2194 and Government Code Section 6254.

The applicant further agrees NOT to sell, lease, loan or deliver possession of the registration information, or a copy thereof, to any person, organization or agency without first receiving written authorization to do so from the Butte County Elections Office.

WARNING: PHOTOGRAPHING OR ANY DIGITAL REPRODUCTION OF VOTER INFORMATION APPEARING ON THE COMPUTER SCREEN IS PROHIBITED BY LAW.

WILLFUL VIOLATION OF THESE PROVISIONS IS A MISDEMEANOR (California Elections Code Section 18109)

"Any person in possession of information obtained pursuant to Section 2184 for elections purposes, or pursuant to Section 2187 for election, scholarly, or political research, or governmental purposes, who knowingly uses or permits the use of all or any part of that information for any purpose other than an election, scholarly or political research, or governmental purposes, or who furnishes that information for the use of another, unless the information is furnished for election, scholarly or political research, or governmental purposes, is guilty of a misdemeanor".

Subject to the provisions of Title 2, Division 7, Section 19001 through 19007 of the California Administrative Code, the Applicant agrees to pay the source agency (Butte County Elections Office) as compensation for any UNAUTHORIZED USE OF EACH INDIVIDUAL'S REGISTRATION INFORMATION, an amount equal to the sum of fifty cents (\$.50) multiplied by the number of times each registration is used by the applicant in an unauthorized manner.

I hereby certify under penalty of perjury, under the laws of the State of California, that the aforementioned information provided by me is true and correct.

Applicant's Signature: _____ Date _____

FOR OFFICE USE ONLY

Processed by: _____

Date: _____

I.D. Copy Attached

Limited Access

Full Access

ATTACHMENT B



CANDACE J. GRUBBS
COUNTY CLERK-RECORDER-ELECTIONS DIVISION
 25 County Center Drive Suite I, Oroville, CA 95965-3375
 (530) 538-7761 Fax: (530)538-6853

APPLICATION TO PURCHASE VOTER FILE

(ALL INFORMATION FURNISHED ON THIS APPLICATION IS SUBJECT TO APPROVAL AND VERIFICATION)

Name of Applicant: _____

Applicant's Residence Address: _____

Applicant's Mailing Address: _____

Driver's License #: _____ **State of Issue:** _____ **Expiration Date:** _____

Telephone: (Day) _____ (Evening) _____

Fax: _____ **E-Mail** _____

If the information is used for election purposes, you must indicate the name of the committee:

Committee Name: _____

Committee Address: _____

Please explain your intended use of voter registration information:

The applicant hereby agrees that the aforementioned information set forth in Affidavits of Registration of Voters derived from said electronic processing tapes, printed labels, and/or computer printed listings (herein collectively referred to as "Registration Information") will be used **ONLY FOR ELECTION OR GOVERNMENTAL PURPOSES**, or research as defined by Title 2, Division 7, Article I, Section 19003 of the California Code of Regulations and Elections Code Section 2194 and Government Code Section 6254.

The applicant further agrees **NOT** to sell, lease, loan or deliver possession of the registration information, or a copy thereof, to any person, organization or agency without first receiving prior written authorization to do so from the Butte County Elections Office.

WILLFUL VIOLATION OF THESE PROVISIONS IS A MISDEMEANOR (California Elections Code Section 18109)

"Any person in possession of information obtained pursuant to Section 2184 for elections purposes, or pursuant to Section 2187 for election, scholarly, or political research, or governmental purposes, who knowingly uses or permits the use of all or any part of that information for any purpose other than an election, scholarly or political research, or governmental purposes, or who furnishes that information for the use of another, unless the information is furnished for election, scholarly or political research, or governmental purposes, is guilty of a misdemeanor".

Subject to the provisions of Title 2, Division 7, Section 19001 through 19007 of the California Administrative Code, the Applicant agrees to pay the source agency (Butte County Elections Office) as compensation for any **UNAUTHORIZED USE OF EACH INDIVIDUAL'S REGISTRATION INFORMATION**, an amount equal to the sum of fifty cents (\$.50) multiplied by the number of times each registration is used by the applicant in an unauthorized manner.

I hereby certify under penalty of perjury, under the laws of the State of California, that the aforementioned information provided by me is true and correct.

Applicant's Signature: _____ **Date:** _____

FOR OFFICE USE ONLY

Letter of authorization signed by the candidate or proponent attached: Yes No

ID Copy Attached: Yes No

Approved by: _____ Date _____

ATTACHMENT C



CANDACE J. GRUBBS
COUNTY CLERK-RECORDER/REGISTRAR OF VOTERS
25 County Center Drive Suite I, Oroville, CA 95965-3375
Phone: (530) 538-7761 Fax: (530) 538-6853

REQUEST FOR CAMPAIGN DISCLOSURE REPORTS ONLY

Name: _____ **Date:** _____

Approximate Number of Requested Copies: _____

APPLICATION FOR REQUESTING MATERIALS

Payment must be accompany this application.

Date: _____

Name: _____

Mailing Address: _____

Telephone: _____ Alternate Telephone: _____

E-mail Address: _____

Name of person picking up materials, if different than applicant: _____

Applicant's Signature: _____

OFFICE USE ONLY:

Processed By: _____ / Date: _____

Estimated Cost: _____ Date Estimated Cost was Paid: _____

Actual Cost: _____ Invoice Sent for Additional Costs: _____

Date Invoice was Paid: _____

Entered into RiiMS:

Free Copies Paid Copies

List campaign disclosure copies purchased:

Please indicate the item or items you wish to purchase:

- | | |
|---|--|
| <input type="checkbox"/> Abstract Of Voter Registration | <input type="checkbox"/> County Initiative Handbook * |
| <input type="checkbox"/> Elected Officials List * | <input type="checkbox"/> State Initiative Handbook |
| <input type="checkbox"/> Candidate Handbook * (current only) | <input type="checkbox"/> Voter Fraud Handbook * |
| <input type="checkbox"/> Precinct/District File | <input type="checkbox"/> Guidelines for Submitting Arguments and Rebuttals * |
| <input type="checkbox"/> Absentee Voting Guide | <input type="checkbox"/> Recall Process Manual |
| <input type="checkbox"/> Maps – entire County (set of 14 maps) | <input type="checkbox"/> Maps – Supervisorial (small) * |
| <input type="checkbox"/> Maps – Supervisorial (large) | <input type="checkbox"/> Maps – Congressional, State Senate & Assembly (small) * |
| <input type="checkbox"/> Election Calendars * (current only) | <input type="checkbox"/> Maps – Congressional, State Senate & Assembly (large) |
| <input type="checkbox"/> Candidate/Contest List * (current only) | |
| <input type="checkbox"/> Single Map Page (36" X 48") Indicate district: _____ | |
| <input type="checkbox"/> Statement Of Votes Cast ** for election held: _____ | |
| <input type="checkbox"/> Precinct Consolidation List * for election held: _____ | |
| <input type="checkbox"/> Polling Place List * for election held _____ | |
|
 | |
| <input type="checkbox"/> Other (describe in detail) _____ | |
| _____ | |
| _____ | |

The items listed above can be purchased in hard copy form for the fee indicated on the Schedule of Fees and Charges on page 11 and 12 of the booklet. If the item is not listed specifically by name on the Schedule of Fees and Charges, the item is sold at the regular per page copy charge.

* These items can also be found on our website: <http://clerk-recorder.buttecounty.net>.

** These items are also available on CD or diskette.

If you wish to have your requested items mailed or faxed to you, you must include the postage and handling or fax charges as indicated on the Schedule of Fees and Charges on page 11 and 12 of this booklet. Please indicate below how and where the items are to be sent.

Please mail the requested items to:

 Street address or PO Box City Zip Code

Please fax the requested items to:

 To the Attention of FAX number

FOR OFFICE USE ONLY:

Approved By: _____	Date: _____	To Be Picked Up: _____
Date Paid: _____	Amount Paid: _____	Date Sent: _____

Who Files:

A candidate for state or local office must file this form prior to solicitation or receipt of any contribution, or expenditure of any personal funds used for the election.

You must file a separate Form 501 for each election, including reelection to the same office.

Exception: This form is not required if you will not solicit or receive contributions from other persons and the only expenditures will be from your personal funds used for the filing fee and/or statement of qualifications in the sample ballot or ballot pamphlet.

Where to File:

File with the filing officer who will receive your original campaign disclosure statements.

State Candidates:

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

Local Candidates:

Generally your county election office or city clerk.

When to File:

File the Form 501 before you solicit or receive any contributions or before you make expenditures from personal funds on behalf of your candidacy. This form is considered filed the date it is postmarked or hand delivered.

How to Complete:

All candidates: Complete Parts 1 and 3.

Candidates for elective state office: Complete Parts 1, 2, and 3.

Exception: Candidates for any election to the State Public Employees Retirement Board do not complete Part 2.

Part 1. Candidate Information

- Enter your name and street address.
- Enter the title of the office sought, agency name and district number if any (e.g., City Council member, City of Smalltown, Dist. 5), and political party affiliation, if seeking a partisan office.
- Check the appropriate box regarding the office's jurisdiction.

Part 2. Voluntary Expenditure Ceiling

This section applies to certain candidates for elective state offices, including State Senate and Assembly and statewide offices.

The voluntary expenditure ceiling applicable to your office is set forth in FPPC regulation 18545 and is published on the FPPC web site (www.fppc.ca.gov). You must state whether you accept or reject the expenditure ceiling. Candidates who accept the voluntary expenditure limit will be designated in either the state ballot pamphlet (statewide candidates) or the voter information portion of the sample ballot (Senate and Assembly candidates) and may purchase space for a 250-word statement there.

You may amend the Form 501 to change your acceptance or rejection of the voluntary expenditure ceiling only under the following circumstances:

- Between the date of filing an initial Form 501 for an election and the deadline for filing nomination papers for that election, you may amend your statement of acceptance or rejection of the voluntary expenditure ceiling no more than two times.
- If you reject the voluntary expenditure ceiling in the primary or special election but do not exceed the ceiling during that election, you may amend the

Form 501 to accept the expenditure ceiling for the general or special runoff election and receive all of the benefits accompanying the acceptance of the expenditure ceiling. The amended Form 501 must be filed within 14 days following the primary or special election.

Subsequent Election When Ceiling not Exceeded:

If you reject the voluntary expenditure ceiling in the primary or special election but do not exceed the ceiling, you may accept the expenditure ceiling for a subsequent general or special run-off election and receive all the benefits accompanying such an agreement. To do so, you must file an amended Form 501 within 14 days following the primary or special election.

Personal Funds Notification:

You must disclose, if applicable, the date you contribute personal funds to your own campaign that exceed the expenditure ceiling. File an amended Form 501 within 24 hours by guaranteed overnight delivery or personal delivery.

Part 3. Verification

Sign and date the form in ink. An unsigned statement is not considered filed.

This form was prepared by the Fair Political Practices Commission (FPPC). For detailed information on campaign reporting requirements and the Information Practices Act of 1977, see the FPPC [Campaign Disclosure Manual](#) (available from your filing officer or the FPPC). Campaign filing deadlines, forms, and other informational materials are available on the FPPC website (www.fppc.ca.gov).

Candidate Intention Statement

Type or Print in Ink.

CANDIDATE INTENTION STATEMENT

Date Stamp

**CALIFORNIA
FORM 501**

For Official Use Only

Check One: Initial Amendment (Explain) _____

1. Candidate Information:

NAME OF CANDIDATE (Last, First, Middle Initial) DAYTIME TELEPHONE NUMBER FAX NUMBER (optional) E-MAIL (optional)
() ()
STREET ADDRESS CITY STATE ZIP CODE

OFFICE SOUGHT (POSITION TITLE) AGENCY NAME DISTRICT NUMBER, if applicable. NON-PARTISAN
PARTY:

OFFICE JURISDICTION

State (Complete Part 2.)
 City County Multi-County: _____ (Name of Multi-County Jurisdiction) _____ (Year of Election)

2. State Candidate Expenditure Limit Statement:

(CalPERS candidates, judges, judicial candidates, and candidates for local offices are not required to complete Part 2.)

(Year of Election) **Primary/general election** _____ **Special/runoff election**
(Year of Election)

(Check one box)

I **accept** the voluntary expenditure ceiling for the election stated above.

I **do not accept** the voluntary expenditure ceiling for the election stated above.

Amendment:

I did not exceed the expenditure ceiling in the primary or special election held on: ____/____/____ and I **accept** the voluntary expenditure ceiling for the general or special run-off election.

(Mark if applicable)

On ____/____/____, I contributed personal funds in excess of the expenditure ceiling for the election stated above.

3. Verification:

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

Executed on _____,
(month, day, year)

Signature _____
(Candidate)

Official Filing Form
Issue Date

Candace J. Grubbs
Butte County Clerk-Recorder

Date: _____

By: _____
Deputy

EXHIBIT 8

File Date

Statement Of Write-In Candidacy

(Election Code §§ 200, 8020, 8040, 10704)

I hereby declare myself a write-in candidate for election to the office of:

_____ Title of Office Sought

_____ Party Affiliation (if applicable)

to be voted for at the _____ Election to be held _____,
and declare the following to be true:

My name is _____

Residence address _____

City _____ State CA Zip Code _____

Business address _____

City _____ State _____ Zip Code _____

Mailing address _____

City _____ State _____ Zip Code _____

Telephone _____ Day Phone _____ Evening Phone _____

I meet the statutory and constitutional qualifications for this office (including, but not limited to, citizenship, residency and party affiliation, if required). I am at present an incumbent of the following public office (if any): _____ . If nominated/elected I will accept the nomination/office and not withdraw.

_____ Date

_____ Signature of Candidate

Subscribed and sworn to before me this _____ day of _____, _____.

_____ Notary Public (or other official)

Examined and certified by me this _____ day of _____, _____.

_____ Deputy County Clerk

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any declaration of candidacy in his/her possession which is entitled to be filed under the provisions of Elections Code § 18202.

Oath Of Office

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; and that I take these obligations freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Signature of Candidate

State of California }
County of Butte } ss.

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public (or other official)

Examined and certified by me this _____ day of _____, _____.

CANDACE J. GRUBBS
Butte County Clerk-Recorder

By _____
Deputy

**APPLICATION FOR AN ABSENTEE BALLOT FOR THE
JUNE 6, 2006 CONSOLIDATED PRIMARY ELECTION**

To obtain an absentee ballot, complete all of the information on this form. This application must be received by the Elections Official no later than 5:00 p.m. MAY 30, 2006.

Official Use Only

PLEASE PRINT CLEARLY:

1. Name _____ 2. Date of Birth _____

3. Residence Address _____
street or road name and number (P.O. Box , Rural Route, etc. not acceptable) city

4. Mailing Address _____
For Ballot (organizations distributing this form may not preprint mailing address information)

5. Daytime phone number _____ (optional) 6. Evening phone number _____ (optional)

7. I am not presently affiliated with any political party. However, for the primary election only, I request an absentee ballot for the _____ Party. *

* Note: Organizations distributing this form may not preprint check mark or political party name.

8. THIS APPLICATION WILL NOT BE ACCEPTED WITHOUT YOUR RESIDENCE ADDRESS AND YOUR SIGNATURE.

I have not applied for, nor do I intend to apply for, an absentee ballot from any other jurisdiction for this election. I certify under **penalty of perjury** under the laws of the State of California that the name and residence address and information I have provided on this application are true and correct.

Signature _____ Date _____

WARNING: Perjury is punishable by imprisonment in state prison for two, three or four years (California Penal Code §126)

NOTICE
You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside. The address is:
**Butte County Elections Division
PO Box 2078
Oroville, CA 95965-2078**
Returning this application to anyone other than your elections official may cause a delay that could interfere with your ability to vote.

* In order to determine which parties allow Decline to State voters to vote in their primary elections, contact the Secretary of State's toll-free number: 1-866-DTS-VOTE
Elections Code §3006(c)

Check here to become a Permanent Absentee Voter. Any voter may request to be a Permanent Absentee Voter. If you have questions regarding permanent absentee voting, telephone the Elections office for your county.
Election Code §3201 3206

The format used on this application **MUST** be used by ANY individuals, organizations and groups that distribute absentee ballot applications. (Elections Code §3007) Failure to conform to this format may result in criminal prosecution (Elections Code §18402).

CONSOLIDATED
PRIMARY ELECTION

6/6/2006		Days Before			Days Before			Days Before			Days Before			Days Before		
Date	Day	Election E-	Date	Day	Election E-	Date	Day	Election E-	Date	Day	Election E-	Date	Day	Election E-	D	
30-Nov	Wed	188	3-Jan	Tue	154	6-Feb	Mon	120	12-Mar	Sun	86	15-Apr	Sat	52	19-	
1-Dec	Thu	187	4-Jan	Wed	153	7-Feb	Tue	119	13-Mar	Mon	85	16-Apr	Sun	51	20-	
2-Dec	Fri	186	5-Jan	Thu	152	8-Feb	Wed	118	14-Mar	Tue	84	17-Apr	Mon	50	21-	
3-Dec	Sat	185	6-Jan	Fri	151	9-Feb	Thu	117	15-Mar	Wed	83	18-Apr	Tue	49	22-	
4-Dec	Sun	184	7-Jan	Sat	150	10-Feb	Fri	116	16-Mar	Thu	82	19-Apr	Wed	48	23-	
5-Dec	Mon	183	8-Jan	Sun	149	11-Feb	Sat	115	17-Mar	Fri	81	20-Apr	Thu	47	24-	
6-Dec	Tue	182	9-Jan	Mon	148	12-Feb	Sun	114	18-Mar	Sat	80	21-Apr	Fri	46	25-	
7-Dec	Wed	181	10-Jan	Tue	147	13-Feb	Mon	113	19-Mar	Sun	79	22-Apr	Sat	45	26-	
8-Dec	Thu	180	11-Jan	Wed	146	14-Feb	Tue	112	20-Mar	Mon	78	23-Apr	Sun	44	27-	
9-Dec	Fri	179	12-Jan	Thu	145	15-Feb	Wed	111	21-Mar	Tue	77	24-Apr	Mon	43	28-	
10-Dec	Sat	178	13-Jan	Fri	144	16-Feb	Thu	110	22-Mar	Wed	76	25-Apr	Tue	42	29-	
11-Dec	Sun	177	14-Jan	Sat	143	17-Feb	Fri	109	23-Mar	Thu	75	26-Apr	Wed	41	30-	
12-Dec	Mon	176	15-Jan	Sun	142	18-Feb	Sat	108	24-Mar	Fri	74	27-Apr	Thu	40	31-	
13-Dec	Tue	175	16-Jan	Mon	141	19-Feb	Sun	107	25-Mar	Sat	73	28-Apr	Fri	39	1-	
14-Dec	Wed	174	17-Jan	Tue	140	20-Feb	Mon	106	26-Mar	Sun	72	29-Apr	Sat	38	2-	
15-Dec	Thu	173	18-Jan	Wed	139	21-Feb	Tue	105	27-Mar	Mon	71	30-Apr	Sun	37	3-	
16-Dec	Fri	172	19-Jan	Thu	138	22-Feb	Wed	104	28-Mar	Tue	70	1-May	Mon	36	4-	
17-Dec	Sat	171	20-Jan	Fri	137	23-Feb	Thu	103	29-Mar	Wed	69	2-May	Tue	35	5-	
18-Dec	Sun	170	21-Jan	Sat	136	24-Feb	Fri	102	30-Mar	Thu	68	3-May	Wed	34	6-	
19-Dec	Mon	169	22-Jan	Sun	135	25-Feb	Sat	101	31-Mar	Fri	67	4-May	Thu	33	7-	
20-Dec	Tue	168	23-Jan	Mon	134	26-Feb	Sun	100	1-Apr	Sat	66	5-May	Fri	32	8-	
21-Dec	Wed	167	24-Jan	Tue	133	27-Feb	Mon	99	2-Apr	Sun	65	6-May	Sat	31	9-	
22-Dec	Thu	166	25-Jan	Wed	132	28-Feb	Tue	98	3-Apr	Mon	64	7-May	Sun	30	10	
23-Dec	Fri	165	26-Jan	Thu	131	1-Mar	Wed	97	4-Apr	Tue	63	8-May	Mon	29	11	
24-Dec	Sat	164	27-Jan	Fri	130	2-Mar	Thu	96	5-Apr	Wed	62	9-May	Tue	28		
25-Dec	Sun	163	28-Jan	Sat	129	3-Mar	Fri	95	6-Apr	Thu	61	10-May	Wed	27		
26-Dec	Mon	162	29-Jan	Sun	128	4-Mar	Sat	94	7-Apr	Fri	60	11-May	Thu	26		
27-Dec	Tue	161	30-Jan	Mon	127	5-Mar	Sun	93	8-Apr	Sat	59	12-May	Fri	25		
28-Dec	Wed	160	31-Jan	Tue	126	6-Mar	Mon	92	9-Apr	Sun	58	13-May	Sat	24		
29-Dec	Thu	159	1-Feb	Wed	125	7-Mar	Tue	91	10-Apr	Mon	57	14-May	Sun	23		
30-Dec	Fri	158	2-Feb	Thu	124	8-Mar	Wed	90	11-Apr	Tue	56	15-May	Mon	22		
31-Dec	Sat	157	3-Feb	Fri	123	9-Mar	Thu	89	12-Apr	Wed	55	16-May	Tue	21		
1-Jan	Sun	156	4-Feb	Sat	122	10-Mar	Fri	88	13-Apr	Thu	54	17-May	Wed	20		
2-Jan	Mon	155	5-Feb	Sun	121	11-Mar	Sat	87	14-Apr	Fri	53	18-May	Thu	19		

2005

January

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September

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December

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2006

January

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July

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August

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September

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October

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November

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December

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