

# **CITY OF GILROY CANDIDATE'S GUIDE**

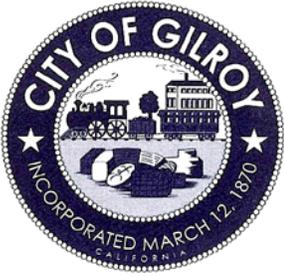
**November 3, 2020 Election**

**Office of the City Clerk  
Shawna Freels, MMC**

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# City of Gilroy City Clerk's Office

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July 13, 2020

Dear Candidate,

Congratulations on your decision to seek elective office as Gilroy Mayor or City Council Member. Your candidacy provides Gilroy voters with a choice of representation in which our democratic processes are sustained. Gilroy has three 4-year full term seats open on the City Council and one 4-year term seat as Mayor this election.

There are several filing requirements associated with candidacy and we have prepared this Candidate's Guide to assist you in understanding these requirements to better prepare you throughout the nomination and pre-election period. This guide contains valuable information on the qualifications for office, procedures and forms required, as well as all pertinent dates to be aware of. This guide is not a substitute for legal counsel for the individual, organization or candidate using it.

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

The Office of the City Clerk is taking appointments both in person, and virtually, between the hours of 9:00 a.m. and 12:00 noon, Monday through Friday beginning Monday, July 13, 2020, using social distancing procedures. The filing deadline is Friday, August 7, 2020 at 5:00 p.m.

The City Clerk's Office is committed to providing you with as much assistance as possible to ensure that seeking elective office is a positive experience for you. If you have any questions; would like to schedule an appointment, or need additional information, please call the City Clerk's Office at (408) 846-0204 or email me at [shawna.freels@cityofgilroy.org](mailto:shawna.freels@cityofgilroy.org).

Best of luck with your campaign!

Best Regards,

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Shawna Freels, MMC  
Gilroy City Clerk

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# **GENERAL INFORMATION**

## **CITY COUNCIL CANDIDATE QUALIFICATIONS AND INFORMATION**

### **Candidate Eligibility & Restrictions**

Candidates must be at least 18 years of age by Election Day, a resident and registered voter within the City limits of Gilroy, California and not otherwise disqualified from holding a civil office by the Constitution or laws of the State. Gilroy City Charter Section 403

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

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

The full text of all provisions regulating elections may be found in the California Elections Code available online at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

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

### **Form of Government**

The City of Gilroy is a Charter City of the State of California. The municipal government established by the City Charter is known as a "Council-Administrator" form of government. The City Council appoints the City Clerk, the City Attorney and the City Administrator and public members of Boards, Committees and Commissions to serve at their pleasure.

### **City Council Powers and Terms of Office**

The City Council consists of seven (7) members comprised of a Mayor and six (6) Council Members who are elected at large and do not represent specific districts, but rather represent all members of the community as a whole. The Mayor and the members of the City Council hold office for four (4) year terms with no term limits. The City Council meets the first and third Monday of each month in addition to special meetings, which are called throughout the year.

All powers of the City and the determination of all matters of policy are vested in the City Council, subject to provisions in the City Charter and the Constitution of the State of California. The full text of Gilroy's Charter and City Code is available online at [www.cityofgilroy.org](http://www.cityofgilroy.org) and in hard copy in the City Clerk's Office at City Hall.

### **Compensation and Benefits for Elected Officials**

All Council Members are eligible to receive a monthly stipend of \$838 for their service, as well as CalPERS retirement and a variety of medical benefits. Once elected, our Human Resources team will meet with you to go over these benefits.

**GILROY GENERAL ELECTION CALENDAR**  
**NOVEMBER 3, 2020**

July 13, 2020	<b>Nomination period opens.</b> Candidates may make appointments to receive nomination materials from the Office of the City Clerk, Monday through Friday between the hours of 9:00 a.m. and 12:00 p.m.
August 7, 2020 <b>5:00 p.m.</b>	<b>Nomination period closes.</b> Deadline to file all necessary documents. Incumbents <b><u>must</u></b> file with the City Clerk's Office by this deadline.
August 8 through August 12, 2020	<b>Extension Period.</b> If an incumbent fails to file by August 8, 2020, there will be a 5-day extension of candidacy for those <b>other than the incumbent</b> to file, or withdraw from office.
August 13, 2020	The Secretary of State will conduct a randomized alphabet drawing to determine the order in which candidates' names appear on the ballot.
September 8 through October 20, 2020 September 24, 2020	Period for <b>Write-In</b> candidates to file their statements of write-in candidacy and file nomination papers. <b>1<sup>st</sup> FPPC Pre-Election Statement due</b> with the City Clerk's Office covering the period <b><u>7/1/20 – 9/19/20</u></b> OR <b><u>1/1/20 – 9/19/20</u></b> .
October 5, 2020	First day for the Santa Clara County Office of the Registrar of Voters to mail Vote by Mail ballots.
October 5 through November 2, 2020	Early voting available at the Registrar of Voters Office Monday - Friday, 8:00 a.m. to 5:00 p.m., beginning 29 days before the election.
October 20, 2020	Last day to register to vote in the November 3 2020 Election.
October 22, 2020	<b>2<sup>nd</sup> FPPC Pre-Election Statement due</b> with the City Clerk's Office covering the period <b><u>9-20-20 to 10-17-20</u></b> .
October 24 through November 2, 2020	Vote Centers are open to all registered voters in Santa Clara County. Any voter can go to any Vote Center location throughout the County.
October 30, 2020	<b>3<sup>rd</sup> FPPC Pre-Election Statement due</b> with the City Clerk's Office covering the period <b><u>10/18/20 – 10/27/20</u></b> per Gilroy City Code Chapter 8B Section 6(c). <b>Please note the City of Gilroy requires one additional filing four (4) calendar days before the election to cover the period from the last pre-election statement to seven (7) calendar days before the election</b>
<b>NOVEMBER 3, 2020</b>	<b>ELECTION DAY</b>
<b>No later than December 3, 2020 (E+30 days)</b>	Official Canvass of the Election. SCC Registrar of Voters to submit election results to the City Clerk who will certify the results for acceptance by the City Council at a subsequent Council meeting, where newly elected Council Members will be sworn into office.

# **NOMINATION DOCUMENTS AND FILING PROCEDURES**

## **DOCUMENTS TO BE FILED**

Listed below are the various forms to be filed for candidacy for office. *It is the obligation of the candidate to ensure that all filing requirements and deadlines have been met.*

***The deadline for filing candidacy documents is August 7, 2020 at 5:00 p.m.***

### ✓ **THE FOLLOWING DOCUMENTS ARE REQUIRED OF ALL CANDIDATES:**

#### ✓ **Declaration of Candidacy (Nomination Petition)\***

The nomination paper must be signed by not less than 20, nor more than 30 registered voters of the City of Gilroy who are nominating the candidate for the office they are seeking, and must be filed no later than August 7, 2020. Each signer must personally affix their own written name and residence address on the petition. The Affidavit of Nominee and Oath of Allegiance must be taken and signed by the candidate before the City Clerk, her designee, or another person authorized to administer oaths. (See page 6 for more details.)

#### ✓ **Ballot Designation Worksheet \***

This form is to be used to validate the designation chosen by the candidate to be placed on the ballot, and must fall within one of the five (5) categories as defined in the California Elections Code. (See page 8 for more details.)

#### ✓ **Candidate Statement of Qualifications \***

Candidates have the opportunity to provide a candidate statement of no more than 200 words to be printed in the Official Voter Information Guide. Each candidate is responsible to pay half of the cost of this statement (**\$1400.00**) at the time of filing. Those candidates not wishing to submit a statement must sign the form as such. (See page 12 for more details.)

#### ✓ **Candidate Information Request Form**

The Gilroy City Clerk's Office and the Santa Clara County Registrar of Voters (ROV) uses this information to compile a comprehensive listing to be supplied to the public throughout the pre-election process.

#### ✓ **Gilroy Voluntary Campaign Expenditure Ceiling Statement**

The City of Gilroy established a voluntary expenditure ceiling for all candidates and their controlled committees of \$1.00 per resident (**\$57,084** in 2020). Candidates may receive contributions of up to \$750.00 per individual, per election. The City Clerk shall ask the Registrar of Voters to prominently designate those candidates who participate in the program on the ballot, in the ballot pamphlet and in the sample ballot. (See page 19 for more details.)

#### ✓ **Preferred Transliteration for Official Voter Information Guide**

Under the Voters Choice Act the County must produce official ballots in 8 additional languages: Spanish, Vietnamese, Tagalog, Chinese, Japanese, Korean, Hindi, and Khmer. This document offers the opportunity to provide a preferred translation to be printed in the Official Voter Information Guide.

## **FPPC (Fair Political Practices Commission) / Financial Disclosure Reports**

These documents are filed with the Office of the City Clerk and are **public** documents once filed. (See page 36 for more details on campaign finance)

### ✓ **Form 700 (Statement of Economic Interests)**

Candidates running for municipal office must file a Form 700 candidate statement. The Political Reform Act (Gov. Code Sections 81000-91014) requires candidates for local office to fully disclose their investments, interests in real property, business positions, and income, and the FPPC is the State Agency responsible for issuing this Form 700 and interpreting the Act. The Form 700 candidate statement must be filed with the City Clerk's Office no later than the final filing date of your nomination documents.

### ✓ **Form 501 (Candidate Intention Statement)**

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

### ✓ **Form 410 (Statement of Organization – Recipient Committee)**

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

This form must be filed in **original** form with the Secretary of State. Include a \$50 payment made payable to the Secretary of State; thereafter, the \$50 fee is due annually and no later than January 15<sup>th</sup>. File a **copy** of this form with the Gilroy City Clerk's Office.

Effective January 1, 2013: All committees must now disclose the financial institution and bank account number used by the committee. (See pages 32 for more details)

### ✓ **Form 460/470 (Recipient Committee/Candidate Campaign Statements)**

Submitted throughout the pre-election period to disclose funds raised and expended in connection with the election. \*\*Please note that the City of Gilroy requires one additional filing in addition to FPPC requirements. (See page 36 for more details)

## **IT IS OPTIONAL FOR CANDIDATES TO FILE THE FOLLOWING FORMS:**

### **Code of Fair Campaign Practices**

This form encourages every candidate for public office in California to subscribe to the Code of Fair Campaign Practices. (See page 22 for more details.)

### **Vietnamese Name Accents to be Printed in the Official Voter Information Guide**

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

**\*Please note that the Declaration of Candidacy, Ballot Designation Worksheet and Candidate Statement of Qualifications with fee payment, must be filed at the same time.**

This Candidate Guide is intended to provide general information about the nomination and election of candidates, and does not have the force and effect of law, regulation or rule. It is not the intent of the City of Gilroy to render legal advice. Accordingly, the guide is not a substitute for legal counsel for the individual, organization or candidate using it. This guide provides references to sections of California Law, and in some instances, abbreviated versions of code sections have been provided. Please consult the full text of California Law at [www.leginfo.ca.gov](http://www.leginfo.ca.gov) for a full understanding of all provisions of the code. In any case of conflict between this guide and California Law, the law, regulation or rule of the State will apply.

## **NOMINATION DOCUMENTS**

### **Nomination Paper/Declaration of Candidacy (Required Form) July 13 – August 7, 2020**

Upon the request of a candidate, the City elections official shall provide the candidate with a declaration of candidacy no earlier than July 13, 2020. The nomination paper must be signed by not less than 20, nor more than 30 registered voters of the City of Gilroy nominating the candidate for the office they are seeking, and **must** be filed no later than August 7, 2020. Each signer must personally affix their own written name and residence address on the petition.

The nomination paper is filed with the City Clerk. If the nomination paper is determined to be insufficient, or the candidate fails to obtain the required number of valid signatures on his or her nomination paper, the elections official shall retain the original nomination paper, provide a copy of the nomination paper to the candidate with an indication of which signatures are valid, and issue one supplemental petition to the candidate on which the candidate may collect additional signatures. The supplemental petition shall be filed not later than the last day for filing for that office.  
EC §10221(b)

**\*Please note that the Declaration of Candidacy, Ballot Designation Worksheet and Candidate Statement of Qualifications with fee payment must be filed at the same time.**

EC §13107.3(b) and §13307 (a)(2)

### **Who Can Circulate the Nomination Paper**

A candidate may circulate his or her own petition and all signatures must be obtained and witnessed by the **same circulator**. The circulator must complete, by hand, and sign the affidavit on the reverse side of the petition form and return the petition to the candidate or person designated by the candidate. Circulators of nomination papers need only be 18 years of age or older; there are no other requirements to be a circulator. The City Clerk shall not accept for filing any nomination paper unless all blanks in the certificate are filled.

EC §102

### **Who Can Sign the Nomination Paper**

All signers of nomination papers must be registered voters of the City of Gilroy. No voter may sign more than one nomination paper per vacancy on the City Council and in the event a voter does so, their signature shall count only on those first nomination papers filed with the elections official.

No candidate's name shall be printed on the election ballot unless a declaration of candidacy is filed with the City elections official. The candidate is to execute the declaration of candidacy in the office of the City Clerk, unless the candidate has signed and dated a written statement authorizing another person to receive a declaration of candidacy form from the City elections official for the candidate. Such statement shall include language explaining that the candidate is aware that the declaration of candidacy must be properly executed and delivered to the City elections official by 5:00 p.m., August 7, 2020. Sample letters of authorization will be made available by the City Clerk.

### **Verification of Signatures on Nomination Papers**

The City Clerk's Office will verify with the Registrar of Voters (ROV) that all signers are valid registered voters of the City of Gilroy. The ROV will mark "not sufficient" at any signature that does not appear valid and shall cease to verify signatures once the minimum requisite number of signatures (20) has been verified.

No defect in any nomination document presented shall prevent the filing of another nomination document within the period allowed for presenting nomination papers.

### **Withdrawal of Candidate**

No candidate shall withdraw his or her declaration of candidacy after 5 p.m. on the 88<sup>th</sup> day (August 7, 2020) prior to the election. EC §10224

In the case of an extension, no candidate may withdraw his or her declaration of candidacy after 5 p.m. on the 83<sup>rd</sup> day (August 12, 2020) prior to the election. EC §10225(b)

### **Random Alphabet List**

On August 13, 2020, the Secretary of State will conduct a random drawing of the alphabet. Names of candidates will be arranged on the ballot in accordance with this random drawing. EC §10312

### **Name as it Will Appear on the Ballot and Ballot Designation**

The candidate's name will appear on the ballot as provided on the declaration of candidacy (last page of the nomination paper). The declaration of candidacy is signed and submitted once all signatures have been secured on the nomination paper, and cannot be changed after the nomination paper has been submitted to the City Clerk.

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. EC §13106

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. EC §13104

The ballot designation is the word or group of not more than three (3) words that will appear on the ballot under the candidate's name. It designates the current principal profession, vocation, or occupation of the candidate. The ballot designation is further defined below under "Ballot Designation Worksheet".

### **NEW - Phonetic Spelling - NEW**

Do people often ask you how to pronounce your name? With the option to vote using an audio ballot in Santa Clara County, it is important that we understand how to pronounce your name correctly, especially if uncommon. You will be asked to include your name spelled out phonetically, exactly as you wish it to be recorded and heard by voters using the audio ballot. This must match your requested name on the Declaration of Candidacy form.

## **BALLOT DESIGNATION WORKSHEET**

The ballot designation is the word, or group of not more than three (3) words, that will appear on the ballot under the candidate's name. It designates the current principal profession, vocation, or occupation of the candidate.

Candidate ballot designations must be in compliance with EC §13107: For your reference, the relevant provisions of Elections Code section 13107 are reproduced below:

(a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations:

(1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people.

(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.

(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.

(4) The phrase "appointed incumbent" if the candidate holds an 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) (1) Except as specified in paragraph (2), for candidates for judicial office, immediately under the name of each candidate, and not separated from the name by any line, only one of the following designations may appear at the option of the candidate:

(A) Words designating the city, county, district, state, or federal office held by the candidate at the time of filing the nomination documents.

(B) The word "incumbent" if the candidate is a candidate for the same office that he or she holds at the time of filing the nomination papers.

(C) 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.

(2) For a candidate for judicial office who is an active member of the State Bar employed by a city, county, district, state, or by the United States, the designation shall appear as one of the following:

(A) Words designating the actual job title, as defined by statute, charter, or other governing instrument.

(B) One of the following ballot designations: "Attorney," "Attorney at Law," "Lawyer," or "Counselor at Law." The designations "Attorney" and "Lawyer" may be used in combination

with one other current principal profession, vocation, or occupation of the candidate, or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.

(3) A designation made pursuant to subparagraph (A) of paragraph (1) or paragraph (2) shall also contain relevant qualifiers, as follows:

(A) If the candidate is an official or employee of a city, the name of the city shall appear preceded by the words "City of."

(B) If the candidate is an official or employee of a county, the name of the county shall appear preceded by the words "County of."

(C) If the candidate is an official or employee of a city and county, the name of the city and county shall appear preceded by the words "City and County."

(D) If the candidate performs quasi-judicial functions for a governmental agency, the full name of the agency shall be included.

(c) A candidate for superior court judge who is an active member of the State Bar and practices law as one of his or her principal professions shall use one of the following ballot designations as his or her ballot designation: "Attorney," "Attorney at Law," "Lawyer," or "Counselor at Law." The designations "Attorney" and "Lawyer" may be used in combination with one other current principal profession, vocation, or occupation of the candidate, or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.

(d) 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.

(e) The Secretary of State and any other elections official shall not 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.

(f) If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation worksheet.

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

(2) If a candidate fails to provide a designation that complies with subdivision (a) or (b) within the three-day period specified in paragraph (1), a designation shall not appear after the candidate's name.

(g) A designation given by a candidate shall not 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 (f) or as provided in subdivision (h). The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.

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

## BALLOT DESIGNATION CHEAT SHEET

A candidate may choose only ONE ballot designation from the list below:

1. **Words designating the elective office which the candidate currently holds:** It can be the office title and or the jurisdiction name. There is no word limit for this category. EC §13101(a)(1):  
  
Examples: Governing Board Member, East Side Union High School District  
Member, Santa Clara County Board of Supervisors  
Director, Cupertino Sanitary District
2. The word “**incumbent**” if the candidate is currently holding the same office they are now filing for. The word “incumbent” **must stand alone**. EC §13101(a)(2).
3. The words “**appointed incumbent**” if the candidate was appointed to fill the remainder of someone else’s term. The words “**appointed [name of elected office]**” if the candidate was appointed to fill the remainder of a vacant seat and running for same or different office. The words “**appointed incumbent**” and “**appointed [name of elected office]**” **must stand alone**. EC §13101(a)(4).
4. **No more than 3 words** designating either a candidate’s current occupation(s) or profession(s), or the occupation(s) or profession(s) of the candidate during the last 12 months. Geographical names (only cities, counties, and states) are counted as one word. Other proper nouns are not counted as one word.
5. “**Community Volunteer**” may be used if the candidate has no current occupation and is a volunteer. The words “**Community Volunteer**” **must stand alone**.

The following ballot designations are examples of designations that are not easily identifiable as being either an acceptable or not acceptable designation:

### ACCEPTABLE

Homemaker  
Mother  
Father  
Retired Sergeant  
Minister  
Priest  
School Board Member  
Governing Board Member  
Retired  
Incumbent  
Appointed Incumbent  
Community Volunteer  
Parent  
Student

→ **NO** abbreviations of word “Retired”

→ **Must stand alone and be primary occupation**

*\* Retired can be used alone, but cannot be abbreviated.  
If used with a prior job title, the word retired must come first.*

### NOT ACCEPTABLE

Taxpayer Advocate  
Volunteer  
Veteran  
“**Anything**”, Retired  
Ret. Anything  
Dad  
Mom  
Housewife  
Honorary Professor  
Goodwill Ambassador  
Activist  
Taxpayer  
Philanthropist  
Husband  
Wife  
Expert Anything  
Honest Anything  
School Board  
Civil Servant  
Director, Smith Foundation  
UCLA Professor

→ **No specific names** such as UCLA, IBM, SJSU, Nike

## **CANDIDATE'S STATEMENT OF QUALIFICATIONS**

*COST AND GUIDELINES (California Elections Code Sections 9, 13307, 13312, 18351)*

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

### **Content/Format**

#### **Content**

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

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

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

#### **Format**

Candidate statements are printed in the Official Voter Information Guide in block paragraph format with standard indents at the beginning of each paragraph. In order to insure uniformity, candidates **must** prepare their statements as follows:

- **Type** the statement in **single spaced paragraph format** with upper and lower case letters. . Statements must be **typewritten or computer printed**.
- Typeface of statement must be of **uniform size and darkness with no unusual spacing**. This means **no bullets, NO CAPITALS** used for emphasis, **Numbering (1,2,3), Special Characters (#@&), underlining, bold face** or *italics* will be permitted.
- Check the statement for errors in spelling, punctuation and grammar. **Statements will appear exactly as submitted** by the candidate. No corrections, changes to content, format or spacing will be allowed after the statement has been filed with the City Clerk's Office.

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

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

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

### **Restrictions**

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

### **Confidentiality**

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

### **Withdrawal**

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

### **Translations of Statements**

Pursuant to the 2010 Census population results and the Federal Voting Rights Act of 1965, the Santa Clara County Registrar of Voters office is mandated to print and distribute election materials, including candidate statements in the Sample Ballots/Official Voter Information Guide Pamphlets in eight (9) languages: English, Spanish, Tagalog Chinese, Vietnamese, Japanese, Korean, Hindi, and Khmer. Your name will be transliterated into Chinese, Japanese, Korean, Hindi, and Khmer by certified translators.

If a candidate has a character-based name by birth, that can be verified by providing proof or provide a transliteration so long as proof is provided the candidate has been known by that name over the past two years, may use that name instead of a phonetic transliteration. Bilingual staff will proof the transliterations to ensure transliterated names are phonetic representations of the names submitted in the Declaration of Candidacy form.

The preferred transliteration form must be completed for the following character-based

languages: Chinese, Korean, Khmer, Hindi, and Japanese. Alphabet-based names will be transliterated on the Official Ballot. Candidates with character-based names by birth, that can be verified by birth certificate or other valid identification, may use that name on the ballot instead of a phonetic transliteration.

A candidate who does not have a character-based name by birth, but who identifies by a particular character-based name and can demonstrate to the local elections official that the candidate has been known and identified within the public sphere by that name over the past two years, may use that name instead of a phonetic transliteration. Elections Code § 13211.7(b).

### **Cost**

The City Council of the City of Gilroy has established that each statement not exceed 200 words. The cost to print each Candidate Statement is \$2,800.00 and candidates are required to pay ½ of the costs of printing the 200 word statement (**\$1400.00**) at the time of filing their statement.

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

### **Challenge of Contents**

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

### **Liability**

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

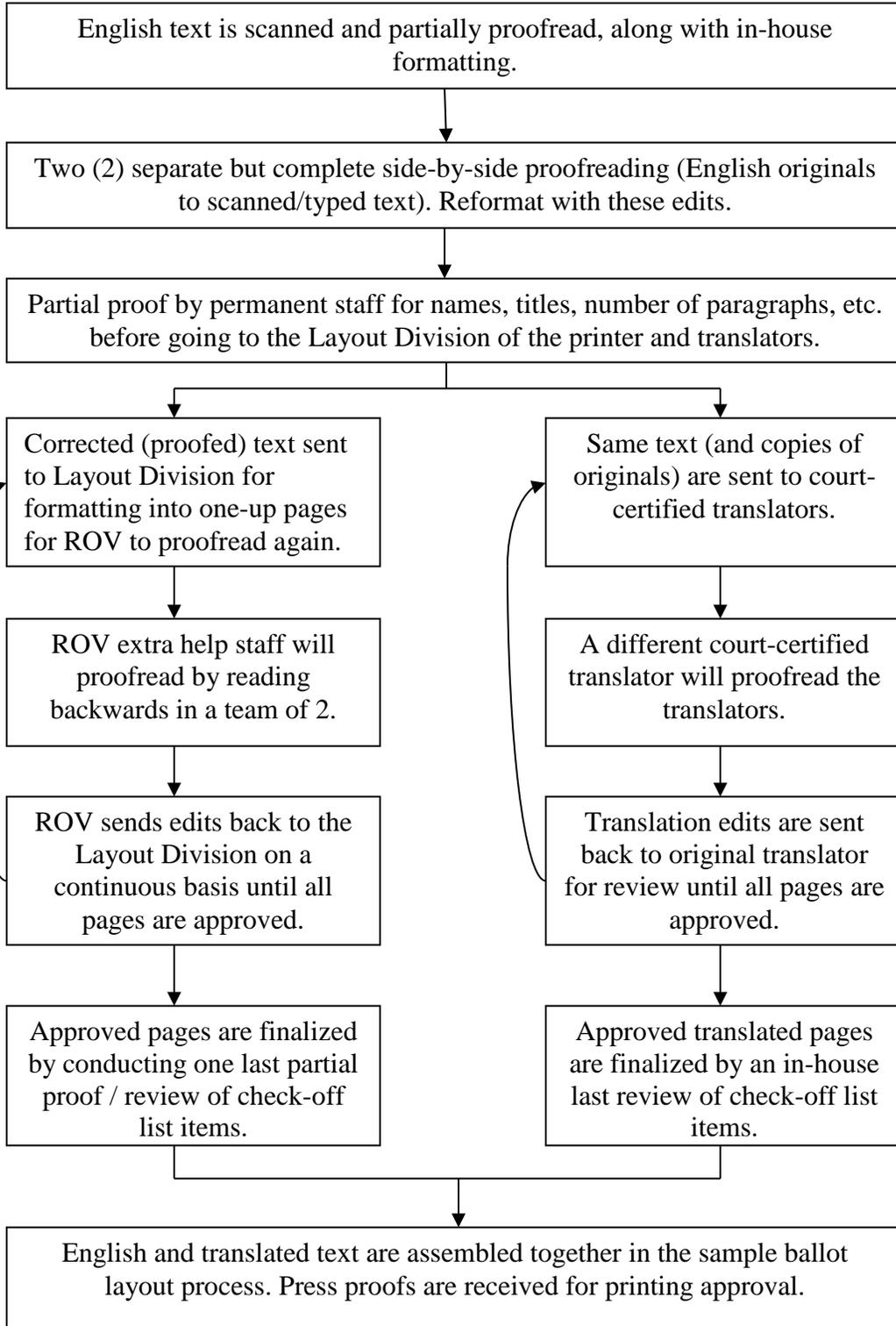
Pursuant to EC §18351, any candidate in an election or incumbent in a recall election who knowingly makes a false statement of a material fact in a candidate's statement, prepared pursuant to Section 11327 or 13307, with the intent to mislead the voters in connection with his or her campaign for nomination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

**RULES FOR COUNTING WORDS**

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

	<b><u>Word(s)</u></b>
Punctuation .....	<b>Free</b>
Dictionary words..... "I", "the", "and", etc. are counted as individual words.	<b>One</b>
Contractions (it's, I've, etc...) .....	<b>One</b>
Abbreviations/Acronyms .....	<b>One</b>
Examples: SJSU, PTA, U.S.M.C., S.J.P.D.	
Geographical name.....	<b>One</b>
Only State of California, City, County and District names	
Examples: San Jose - 1 word	
County of Santa Clara - 1 word	
Willow Glen - 2 words	
Numbers/Numerical Combinations/E-Mail Addresses:	
Digits (1, 10, or 100, etc...).....	<b>One</b>
Spelled out (one, ten, or one hundred).....	<b>One for each word</b>
50%, 1/2, etc.....	<b>One</b>
Internet/E-mail ( <a href="http://www.cityofgilroy.org">www.cityofgilroy.org</a> ).....	<b>One</b>
Telephone number .....	<b>One</b>
Number or letter used to identify a portion of text.....	<b>One</b>
<b>Examples: (1) (a) will be counted as one word</b>	
Dates:	
All digits (01/01/10).....	<b>One</b>
Words and digits (January 1, 2020).....	<b>One</b>
Characters used in place of word or number (& or #).....	<b>One</b>
Proper Nouns .....	<b>One</b>
Hyphenated words that appear in any generally available dictionary, printed in the United States within the past 10 years, shall be considered as one word. Each part of all other hyphenated words shall be counted as separate words. <b>Example:mother-in-law = 1 word</b>	

## SUMMARY OF PROOFREADING PROCESS



## **LEGAL EXAMINATION AND WRITS OF MANDATE**

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

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

### **EC §13313:**

- (a) The elections official shall make a copy of the material referred to in EC § 13307 available for public examination in the elections official's office for a period of 10 calendar days immediately following the filing deadline for submission of those documents. Any person may obtain a copy of the candidate's statements from the elections official for use outside of the elections official's office. The elections official may charge a fee to any person obtaining a copy of the material, and the fee may not exceed the actual cost incurred by the elections official in providing the copy.
- (b)
  - (1) During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the material in the candidates' statements to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10 calendar-day public examination period.
  - (2) A peremptory writ of mandate or an injunction shall issue only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.
  - (3) The elections official shall be named as respondent and the candidate who authored the material in question shall be named as the real party 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.

### **EC §13314:**

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

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

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

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

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

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

(2) A candidate for statewide elective office is named as a party.

(3) A statewide measure that is to be placed on the ballot is the subject of the proceeding.

# **LEGAL REFERENCES**

## **GILROY VOLUNTARY CAMPAIGN EXPENDITURE CEILING**

City of Gilroy Ordinance No. 2015-07 (full text below) establishes a voluntary expenditure ceiling for candidates for elective office and their controlled committees not to exceed \$1.00 per resident (**\$57,084.00 in 2020**) for each election in which the candidate is seeking elective office.

City of Gilroy Ordinance No. 2015-07 delineates the amount of authorized campaign contributions for candidates for elective office and their controlled committees not to exceed seven hundred and fifty dollars (\$750.00) per single contributor, per election.

If you choose not to subscribe to the voluntary expenditure ceiling for the election you shall be prohibited to accept any contribution over \$100.00 from any single source during this election.

### **ORDINANCE NO. 2015-07**

#### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY AMENDING CHAPTER 8B OF THE GILROY CITY CODE ENTITLED “ELECTIONS CAMPAIGN FINANCE”**

WHEREAS, the Political Reform Act of 1974 (the “Act”) set forth in California Government Code section 81000 *et. seq.* governs the conduct of campaigns, and sections 81013 and 85703 grant local agencies the power to enact certain ordinances that govern the financing of local elections so long as the requirements do not interfere with a person’s compliance with the Act; and

WHEREAS, monetary contributions and expenditures relating to political campaigns are a legitimate form of participation in the American political process, but large contributions and expenditures may have an undue influence on candidates or create the appearance of undue influence in the political process, and regulations are needed to prevent such undue influence;

WHEREAS, Chapter 8B of the Gilroy City Code currently sets forth different campaign contribution limits that are based upon whether candidates accept a voluntary expenditure ceiling;

WHEREAS, the City Council, desires to (i) minimize the possibility of undue influence on a candidate or the appearance of undue influence in the political process, (ii) increase campaign contribution limits, (iii) stay within the bounds of constitutional limits on free speech by eliminating separate contribution limits for candidates based upon their acceptance of a voluntary expenditure ceiling and (iv) eliminate limits on contributions to independent committees; and

WHEREAS, the subject ordinance amendment is covered under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines as an activity that can be seen with certainty to have no possibility for causing a significant effect on the environment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GILROY DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I**

The following definition is hereby deleted from Gilroy City Code Chapter 8B.3: “‘Independent committee’ shall mean all committees other than controlled committees.”

**SECTION II**

Gilroy City Code Chapter 8B.4(a) is hereby deleted in its entirety and replaced with a new section 8B.4(a) to read as follows:

“(a) The city council does hereby establish a voluntary campaign expenditure ceiling as follows: For a candidate for municipal office and for any and all controlled committees of such candidate, in the aggregate not to exceed one dollar (\$1.00) per resident for each municipal election. Should a candidate who has elected to comply with the voluntary campaign expenditure ceiling exceed that ceiling, he/she shall immediately notify all opponents and the city clerk by telephone and confirm the same in writing the day that such expenditure ceiling is exceeded.”

**SECTION III**

Gilroy City Code Chapter 8B.4(b) is hereby deleted in its entirety and replaced with a new section 8B.4(b) to read as follows:

“(b) The city council does hereby establish the following campaign contribution limit: seven hundred fifty dollars (\$750.00) per election to a candidate for municipal office, which limit shall apply to the total of all contributions to the candidate from any person and to any controlled committee of such candidate, other than a candidate in aid of himself or herself.”

**SECTION IV**

Gilroy City Code Chapter 8B.5(a) is hereby deleted in its entirety and replaced with a new section 8B.5(a) to read as follows:

“(a) It shall be prohibited for any person, other than a candidate in aid of himself or herself, to make any campaign contribution to a candidate for municipal office, or to any controlled committee of such candidate, which will cause the total amount contributed by such person to a candidate and all controlled

committees of such candidate, with respect to a single election in support of such candidate, to exceed seven hundred fifty dollars (\$750.00).”

#### **SECTION V**

Gilroy City Code Chapter 8B.5(b) is hereby deleted in its entirety and replaced a new section 8B.5(b) to read as follows:

“(b) It shall be prohibited for any candidate for municipal office, or any controlled committee of such candidate, to solicit or accept any campaign contribution which will cause the total amount contributed by any person to a candidate and all controlled committees of such candidate, other than a candidate in support of himself or herself, with respect to a single election in support of such candidate, to exceed seven hundred fifty dollars (\$750.00).”

#### **SECTION VI**

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

#### **SECTION VII**

Pursuant to section 608 of the Charter of the City of Gilroy, this Ordinance shall be in full force and effect thirty (30) days from and after the date it is adopted.

**CODE OF FAIR CAMPAIGN PRACTICES**  
**(ELECTIONS CODE § 20400-20444)**  
(California Election Code Sections 20400-20444)

**Background Information**

In 1982, legislation was passed which established a “Code of Fair Campaign Practices” in California to which candidates for public office could voluntarily subscribe. Amendments in 1987 expanded the provisions of the code so as to apply to committees formed primarily to support/oppose a ballot measure, and also reaffirmed civil liability provisions pertaining to libel and slander in campaign advertising and communications.

The text of the provisions of the Code of Fair Campaign Practices is listed below.

**City Clerk’s Requirement**

The elections official is required to provide the candidate a blank form on which to subscribe to the “Code of Fair Campaign Practices” and a copy of the Elections Code provisions at the time an individual is issued his/her Declaration of Candidacy nomination papers, or any other paper evidencing an intention to be a candidate for public office.

**Voluntary Subscription**

Subscription to the code is voluntary. Completed forms are to be filed with the City Clerk and shall be retained for public inspection until 30 days after the election.

**EC §20400-20444:**

Article 1. General Intent

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

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

### Article 3. Code of Fair Campaign Practices

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.

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 that merit this criticism.

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

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

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

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

(6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the

methods and tactics that I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

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

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

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.

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.

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

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

## **LAWS GOVERNING CAMPAIGN PRACTICES**

### **Simulation of the Ballot**

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. **EC §20009(a)**

### **Political Advertising**

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. **EC §20008**

See pages 28 - 30 for more information on political advertising disclaimers.

### **Campaign Literature Containing Polling Place of Voter**

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 polling place other than a polling place listed for that voter in an precinct polling list that constituted the latest official list at some time not more than 30 days prior to the mailing or distribution. **EC §18302**

### **Mass Mailing Requirements**

Section 84305 of the Government Code provides as follows:

- (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" means over two hundred (200) 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. **GC §82041.5**

### **False or Misleading Information to Voters**

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 pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or by both the fine and imprisonment.

**EC §18203**

A 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:

- (1) Assumes, pretends, or implies, by his or her statements, conduct, or campaign materials, that he or she is the incumbent of a public office when that is not the case.
  - (2) Assumes, pretends, or implies, by his or her statements, conduct, or campaign materials, that he or she is or has been acting in the capacity of a public officer when that is not the case.
- (b) A violation of this section may be enjoined in a civil action brought by a candidate for the public office involved. **EC §18350**

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. **EC §13107(b)**

## POLITICAL SIGNS/ADVERTISING



### **STATE OF CALIFORNIA — CALIFORNIA STATE TRANSPORTATION AGENCY DEPARTMENT OF TRANSPORTATION DIVISION OF TRAFFIC OPERATIONS OUTDOOR ADVERTISING PROGRAM**

Section 5405.3 of the State Outdoor Advertising Act exempts the placing of Temporary Political Signs from normal outdoor advertising display requirements.

A Temporary Political Sign meets the following criteria:

- A. Encourages a particular vote in a scheduled election.
- B. Is placed no sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- C. Is no larger than 32 square feet.
- D. Has had a Statement of Responsibility filed with the Department certifying a person who will be responsible for removing the sign.

A completed Statement of Responsibility must be submitted to:  
Division of Traffic Operations  
Outdoor Advertising Program  
P.O. Box 942874, MS-36  
Sacramento, CA 94274-0001

Temporary Political Signs shall not be placed within the right-of-way of any highway, and be visible within 660 feet from the edge of the right-of-way of a classified "Landscaped freeway". State law directs the Department of Transportation to remove unauthorized Temporary Political Signs and bill the responsible party for their removal. We are calling these provisions to your attention to avoid possible embarrassment or inconvenience to you and your supporters.

# FPPC Political Advertising Disclaimers

Under California's Political Reform Act, committees must put "paid for by" disclaimers on campaign advertising, including campaign mailers, radio and television ads, telephone robocalls, and electronic media ads. This information discusses disclaimer requirements for committees that purchase advertisements or circulate material supporting or opposing a state or local candidate or ballot measure in California.

## ***What is a disclaimer?***

A "disclaimer" is the portion of a political message that identifies the person or entity who paid for or authorized the communication. "Paid for by *committee name*" is the basic disclaimer required by the Act on most campaign communications sent by a *committee*.

## ***Who is a committee?***

A candidate's campaign committee, a political action committee, a political party committee, a major donor, and a person or entity making independent expenditures on candidates or ballot measures in California are all types of committees. A person or entity qualifies as a *committee* under the Act if they receive contributions from others for political purposes of \$2,000 or more per year; if they make independent expenditures on California candidates or ballot measures of \$2,000 or more per year; or if they make contributions to California candidates or ballot measures of \$10,000 or more per year.

## ***When is a disclaimer required on political ads or materials?***

Political committees must include the following disclaimers:

- **Mass mailings**, including blast campaign emails, must include identification of the sender.
- **Paid telephone calls** must identify the candidate or committee who paid for or authorized the call.
- **Radio and television ads** must include "paid for by" disclaimer under Federal Communications Commission (FCC) law.
- **Ballot measure ads and independent expenditure ads** must include "paid for by *committee name*" and such ads by primarily formed committees must also list top two donors of \$50,000 or more. This applies to television, radio, and electronic media advertisements, robocalls, mass mailings, and print ads such as newspaper ads, billboards and yard signs.

## ***Are the Act's disclaimer rules the same for all committees and all ads?***

No. Basic disclaimer rules apply to campaign materials disseminated by a candidate for their own election campaign because it is generally clear to the public that the candidate is sending the communication. Stricter disclaimer rules apply to (1) ballot measure advertisements and (2) independent expenditure advertisements on candidates and ballot measures, because it is less clear to the public who is responsible for these ads.

## ***What does the disclaimer have to state?***

The basic disclaimer must state: "Paid for by *committee name*." Ballot measure and independent expenditure ads paid for by primarily formed committees must also list top two donors of \$50,000 or more and special committee name rules apply. All *independent expenditure* ads for or against a candidate must state that the ad was: "Not authorized by a candidate or a committee controlled by a candidate."

## ***What is an independent expenditure?***

An "independent expenditure" is an expenditure made by any person in connection with a communication that expressly advocates the election or defeat of a clearly identified candidate or measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made at the behest of (e.g., in consultation, cooperation or coordination with) the affected candidate or committee. For further clarification see FPPC Regulation 18225.

***On mass mailings, what does the disclaimer state?***

A mass mailing -- over 200 substantially similar pieces of mail -- must include on the outside of the envelope: "Paid for by" and the name and address of the candidate or committee sending the mailing. The name and address must be in no less than 6-point type and in a color or print which contrasts with the background so that it is easily read.

If a mass mailing is paid for by more than one candidate or committee, the name and address of the candidate or committee who is paying the greatest share of the mass mailing (including costs for designing, postage, and printing) must be placed on the outside of each piece of mail. If two or more candidates or committees pay equally for the mailer, the name and address of at least one of the candidates or committees must be shown on the outside, and the names and addresses of all candidates or committees paying for the mailer must appear on at least one insert.

**Measure:**

Paid for by Citizens in Support of Measure B 123 Elm Street Elmton, CA 95523	Fred Smith 7200 Oak St Oakville, CA 92253
--	---

**Candidate:**

Paid for by Jones for Mayor 2020 123 Elm Street Elmton, CA 95523	Fred Smith 7200 Oak St Oakville, CA 92253
--	---

**Independent Expenditure:**

Paid for by ABC Company 123 Elm Street Elmton, CA 95523	Fred Smith 7200 Oak St Oakville, CA 92253
---	---

***On emails, what does the disclaimer state?***

When over 200 substantially similar emails are sent by a political committee, the email must include "Paid for by and the committee name." The committee's street address is not required on mass emails sent by a committee, but may be included.

***How must the disclaimer appear?***

Disclaimers on political ads and literature must be clear and conspicuous so as to be understood by the intended public. Written disclaimers must be printed clearly and legibly. Spoken disclaimers must be clearly audible and intelligible. Specific requirements for color contrast, print font size and time appearing on screen are listed in the disclaimer charts above.

***Updating a disclaimer***

When a committee's name changes because of new top donors or otherwise, advertisement disclaimers must be revised. Television, radio, electronic media, or robocalls must be amended within five calendar days. Print media, mass mailings, or other tangible items must be amended every time an order to reproduce is placed.

### ***Advertisements in Languages Other than English***

Disclaimers on political advertisements should be written or spoken in the same language used in the advertisement.

### ***Does a disclaimer have to appear on ALL printed materials or campaign items?***

No. A disclaimer is not required on regular-size campaign buttons, pins, bumper stickers, or magnets. It is not required on pens, pencils, rulers, mugs, potholders, key tags, golf balls and similar small campaign promotional items where a disclaimer cannot be conveniently printed. The disclaimer is not required on t-shirts, caps, hats, and other articles of clothing; skywriting and airplane banners; or committee checks and receipts.

### ***Does a disclaimer have to appear on communications from an organization to its members?***

For political party communications, yes. For communications from other organizations to their members, a disclaimer is not required.

### ***Can the FPPC answer my questions about disclaimers on my campaign communications?***

Yes. The FPPC can assist you with questions about disclaimers on campaign communications. Use the Technical Assistance division advice email - [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov). In some cases a copy of the ad will be required.

### ***Is there a penalty for circulating or publishing literature or other material concerning a candidate or ballot measure without a disclaimer?***

Yes. The penalty for failing to comply with the Act's disclaimer requirements is a fine of up to \$5,000 per violation. In addition, any person who violates the disclaimer requirements concerning ballot measure and independent expenditure advertisements may be liable for a fine of up to three times the cost of the advertisement, including placement costs.

### ***What is the proper procedure to report violations for circulating or publishing materials without a disclaimer?***

You may file a written complaint with the Fair Political Practices Commission's Enforcement division.

### ***Can the FPPC check the truth or accuracy of the political communication?***

No. The Act does not regulate the truth or accuracy of the content of political communications, given the broad First Amendment protection for political speech.

### ***Must political messages in literature or other material concerning candidates for federal offices include a disclaimer?***

Federal election law governs disclaimers on election materials for federal candidates. Contact the Federal Election Commission at [www.fec.gov](http://www.fec.gov) or (800) 424-9530 for information.

### ***"Do not call" lists***

Questions or comments regarding "do not call" lists should be addressed to the National Do Not Call Registry, administered by the Federal Trade Commission (FTC) at [www.donotcall.gov](http://www.donotcall.gov). The federal Do Not Call Registry is a list of phone numbers of consumers who want to limit the telemarketing calls they receive. The "do not call" provisions do not cover calls from political organizations, charities, telephone surveyors or companies with which a consumer has an existing business relationship.

### ***Posting political signs on utility poles and other public property***

Check local ordinances for rules on posters and yard signs. Local law may restrict or prohibit the placement of campaign signs on government-owned property.

This brochure presents a summary of the law. For further legal information, consult the Act and its corresponding regulations and opinions.

## **Ordinance No. 89-16**

ORDINANCE OF THE CITY OF GILROY AMENDING AND ENACTING SECTIONS 3.1, 3.2, 3.3 AND 3.4 OF THE GILROY CITY CODE PERTAINING TO ADVERTISING SO AS TO PREVENT LITTERING.

THE CITY COUNCIL OF THE CITY OF GILROY DOES ORDAIN AS FOLLOWS:

SECTION I. Sections 3.1, 3.2, 3.3 and 3.4 of the Gilroy City Code are amended and enacted to read as follows:

Sec. 3.1 Name and Address of distributor or sponsor required on handbills.

It is unlawful for any person to distribute, deposit, scatter, hand out or circulate any commercial or non-commercial handbill, circular, newspaper, paper, booklet, poster or any other printed matter in any place, under any circumstances, which does not have printed on the cover, front or back thereof, the name and address of the person who caused the same to be distributed; provided, however, that in the case of a fictitious person or club, in addition to such fictitious name, the true name and addresses of the owners, managers or agents of the person sponsoring the printed matter shall also appear thereon.

Sec. 3.2. Notice by owner or occupant defined.

In the event the lawful owner or occupant of the private property upon which the printed matter has been deposited does not desire further deposits of the material, the owner or occupant shall give written notice to the distributor of the printed matter. The term distributor means the person or entity who causes or for whose benefit the distribution is made.

Sec. 3.3. Unsolicited littering prohibited.

It is unlawful for any person to throw, distribute, deposit, place or attach or in any other way leave any handbill, circular, newspaper, paper, booklet, poster or any other printed matter on private property after notice from the owner or occupant of the private property to cease and desist from such activity. Section 1.7 shall apply only to continuing violations at any one location.

Sec. 3.4. Distribution of printed matter by personal delivery.

Nothing in this chapter shall prevent the distribution of printed matter by personal delivery by handing the material directly to the recipient thereof.

SECTION II. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION III. This ordinance shall take effect and be in full force thirty (30) days from and after its adoption and approval.

PASSED AND ADOPTED this 5<sup>th</sup> day of September, 1989

# **FPPC (FAIR POLITICAL PRACTICES COMMISSION) / FINANCE DISCLOSURE**

The Political Reform Act requires candidates to file campaign statements disclosing contributions received and expenditures made. The statutory requirements of the Political Reform Act are contained in §81000 through §91014 of the California Government Code.

Manuals and forms relating to campaign reporting obligations under the Act may be obtained from the City Clerk's Office or online at [www.fppc.ca.gov](http://www.fppc.ca.gov). Assistance and information on completing campaign statements is provided by the Fair Political Practices Commission (FPPC) at (866) 275-3772. Candidate & Treasurer YouTube <https://www.youtube.com/watch?v=sLXfEGpyExw>

This section is for general information only and does not have the full effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. This section is not comprehensive and does not detail all filing requirements and obligations. For more comprehensive information, consult an FPPC manual or contact the FPPC.

## **Candidates Who Anticipate Spending or Receiving Over \$2,000:**

### **Form 501 Candidate Intention Statement**

This form announces the candidate's intention to run for office. All candidates must file this form prior to solicitation or receipt of any contribution, or expenditure of any personal funds used for the election. This form is considered filed the date it is postmarked or hand delivered to the City Clerk's Office. Complete parts 1 and 3 and sign and date the form in ink. An unsigned statement is not considered filed. You must file a separate Form 501 for each election. **Exception:** This form is not required if you will not solicit or receive contributions from other persons and the **only** expenditures from your personal funds will be used for the filing fee and/or candidate statement in the sample ballot or ballot pamphlet.

### **Form 410 Statement of Organization**

This form must be filed with the Secretary of State's Political Reform Division (original) and with the City Clerk's Office (1 copy), within 10 days of receiving \$2,000 in contributions or spending \$2,000 on your campaign. The term "contribution" includes monetary payments, loans and non-monetary goods or services. You will need to establish a campaign contribution account at any financial institution located in California before you can complete the Form 410. 1) All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee shall be deposited in the account. 2) Any personal funds which will be utilized to promote the election of the candidate shall be deposited in the account prior to expenditure. 3) All campaign expenditures shall be made from this account.\*

Exception: \* This does not apply to a candidate's payment of a filing fee and/or statement of qualifications from his/her personal funds.

Upon filing of the Form 410 with the Office of the Secretary of State, they will issue you a committee ID number, which you must include on all subsequent disclosure filings. A Form 410 may be filed prior to the receipt of \$2,000 in order to obtain an ID number and/or to submit bank account information. However, within ten days of receiving or spending \$2,000 or more, you must file an amended Form 410. The date you qualify as a committee is the date you received \$2,000 or more. Any time you change any information listed on a previously filed Form 410, such as addresses or treasurer information, you must file an amended Form 410. All amended forms must be filed with both the Secretary of State/Political Reform Division and

the City Clerk's Office.

A committee that qualifies during the 16 days prior to an election in which it must file pre-election statements must file a Form 410 within 24 hours. The Form 410 must be faxed, sent by guaranteed overnight delivery, personally delivered or online (if online filing is available).

Campaign recipient committee **initial and annual fee:**

All recipient committees that file a Statement of Organization (Form 410) must pay a **\$50** fee, pursuant to Government Code Section 84101.5, subject to the following conditions:

- For all recipient committees that form after January 1, 2013, **the \$50 fee is due to the Secretary of State no later than 15 days after the Statement of Organization (Form 410) is filed with the Secretary of State.**
- **Recipient committees that exist year-to-year are required to pay the fee annually** by January 15th, until the committee terminates.
- Recipient committees that are created and pay the initial \$50 fee in the last three months of a calendar year are not subject to the annual fee in the subsequent year.
- Any committee that does not pay the fee is subject to a penalty of \$150.

**Form 460 Recipient Committee Campaign Statement**

For use by a candidate or officeholder who anticipates spending over \$2,000 or receiving over \$2,000 in monetary and nonmonetary contributions during the calendar year or who is filing jointly with one or more controlled committees. A controlled committee is one that is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. *All contributions of any amount* (monetary or non-monetary), shall be fully itemized and reported on a recipient committee pre-election campaign statement. If the contributor is an individual, the occupation and employer must be listed.

Once you have filed your Form 410, and have been assigned your ID number, you will file the Form 460 Recipient Committee Campaign Statements according to the filing calendar included in this Guide on page 2. Your ID number must appear on every form you file during your campaign. All candidate controlled committees **MUST FILE** the Form 460 by the appropriate deadlines for each filing period. If you do not file your campaign statement by the deadline, you are subject to a fine. **Local candidates must file their Form 460 reports with the City Clerk's Office.** Please refer to FPPC Campaign Disclosure Manual 2 for further details on filing requirements

***Please note that the City of Gilroy requires one extra Form 460 pre-election statement filing according to the filing calendar set by the City Clerk's Office (see pages 2 & 36).***

**Form 496 Independent Expenditure Report**

This form is used to report independent expenditures of **\$1,000 or more in the aggregate** to support or oppose a single candidate or ballot measure during the 90 days prior to the election in which the candidate or measure is being voted on. This form must be filed within 24 hours of making the independent expenditure(s), either by fax, guaranteed overnight delivery, or personal delivery. Regular mail may not be used. (Government Code Section §85501 prohibits a candidate's controlled committee from making an independent expenditure to support or oppose another candidate.)

### **Form 497 – 24 Hour Contribution Report**

This form is used to report contributions of \$1,000 or more within 24 hours of receiving a monetary or nonmonetary contribution, including a loan, or a combination of monetary and nonmonetary contributions and loans that total in the aggregate \$1,000 or more from a single source, during the 90-day period preceding the election in which the candidate or measure is to be voted on. This form must be filed within 24 hours of making the independent expenditure(s), either by fax, guaranteed overnight delivery, or personal delivery. Regular mail may not be used.

### **Candidates Who DO NOT Anticipate Spending or Receiving Over \$2,000**

#### **Form 501 Candidate Intention Statement**

This form announces the candidate's intention to run for office. All candidates must file this form prior to solicitation or receipt of any contribution, or expenditure of any personal funds used for the election. This form is considered filed the date it is postmarked or hand delivered to the City Clerk's Office. Complete parts 1 and 3 and sign and date the form in ink. An unsigned statement is not considered filed. You must file a separate Form 501 for each election. Exception: This form is not required if you will not solicit or receive contributions from other persons and the only expenditures from your personal funds will be used for the filing fee and/or candidate statement in the sample ballot or ballot pamphlet.

#### **Officeholder and Candidate Campaign Statement Form 470-Short Form**

Candidates who do not anticipate spending or receiving over \$2,000 during the calendar year, and do not have a controlled committee will file this form.

#### **Form 470 Supplement**

If a candidate has filed a Form 470 and then subsequently receives contributions (including monetary or non-monetary contributions, loans and the candidate's personal funds) totaling \$2,000 or more or makes expenditures totaling \$2,000 or more, is required to send written notification, (the Form 470 Supplement) within 48 hours, to the City Clerk's Office and to each candidate seeking the same office. Regular mail may not be used. Send by FAX, guaranteed overnight delivery or personal delivery. The candidate must file a Form 410 Statement of Organization within 10 days of receiving over \$2,000 in contributions.

### **Election Related Filings**

All committees must file reports by the filing deadlines which can be found on page 2 of this Guide. These dates are set by law and cannot be changed. You will be required to amend your statement if your report does not list the correct reporting period. All committees should file by the appropriate method of delivery. ***Please note that for statements due October 22, 2020 and October 30, 2020, you are required to deliver your statements in person or by guaranteed overnight service.***

#### **Faxing Campaign Statements**

Campaign statements that contain 30 pages or less may be faxed provided that the faxed copy of the campaign statement is the exact copy of the original version. **The original version must be sent by first-class mail, guaranteed overnight delivery, or delivered personally within 24 hours of the applicable deadline.**

The City Clerk's office fax number is (408) 846-0500 and all persons submitting statements via fax must also call the City Clerk's Office at (408) 846-0204 to inform us of the faxed filing.

### **Defeated Candidates and Filing Obligations (for Form 460 filers)**

To use money remaining in the campaign bank account for a future election to the same office, a candidate must file a new Candidate Intention Statement, Form 501 and amend the Statement of Organization, Form 410. To use the funds for election to a different office, the candidate must file a new Form 501, open a new campaign bank account, and file a new form 410 for the future election. **In either event, this must be done no later than the closing date for the post-election filing period (December 31, 2020) or the date of leaving office (defeated incumbents), whichever occurs last, or the funds will become "surplus" campaign funds and be subject to restrictions.**

### **Disqualification and Disclosure Requirements of Officials**

#### **Campaign Contributions Greater than \$250**

The solicitation and acceptance of campaign contributions greater than \$250 by certain officers triggers particular disclosure requirements and disqualifications. The restriction applies to an officer appointed to a city board or commission (such as Planning Commission) as well as alternates and candidates, but does not include City Council members who are directly elected by the voters, except in their capacity as voting members of another board, commission, or agency. Govt C §84308(a)(3)-(4) and 2 Cal Code Regs §18438.1.

Covered officers are prohibited from receiving, soliciting, and directing campaign contributions of more than \$250 from a party or participant during the pendency of a covered proceeding and for 3 months thereafter. See Govt. Code §84308(b)-(c) & 2 Cal Code Regs §§18438.5-18438.6.

**Disqualification and Disclosure Requirements** Covered officers must disqualify themselves from participating in the proceeding if they received contributions of more than \$250 during the previous 12 months from a party or financially interested participant. If the officer returns the contribution (or that portion which is over \$250) within certain time limits, disqualification is not required. See Govt. Code §84308(c).

Before any decision, any officer who has received a contribution of more than \$250 within the preceding 12 months from a party or participant to the proceeding must disclose that fact on the record. An officer is permitted to participate in the proceeding if the officer returns the contribution within 30 days from the date he or she knows, or should have known, about the contribution and the proceeding.

At the time parties initiate proceedings, they must list all contributions of more than \$250 that have been given to covered officers within the previous 12 months. Govt. Code §84308(d) & 2 Cal Code Regs. §18438.8(b).

## FILING SCHEDULE FOR FPPC FORMS

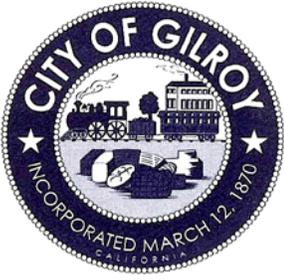
Fair Political Practices Commission  
Candidates for Local Office  
Committees Primarily Formed to Support/Oppose Local Candidates  
Committees Primarily Formed to Support/Oppose Local Measures  
Being Voted on November 3, 2020

<u>Deadline</u>	<u>Period</u>	<u>Form</u>	<u>Notes</u>
<b>July 31, 2020</b> <i>Semi-Annual</i>	See below - 6/30/20	<b>460</b>	* File by personal delivery or first class mail.
<b>Sept. 24, 2020</b> <i>1<sup>st</sup> Pre-Election</i>	7/1/20 – 9/19/20 *or 1/1/20– 9/19/20 if no previous statement has been filed	<b>460</b>	* File by personal delivery or first class mail.
<b>Oct. 22, 2020</b> <i>2<sup>nd</sup> Pre-Election</i>	9/20/20 – 10/17/20	<b>460</b>	* File by personal delivery or guaranteed overnight service.
<b>Oct. 30, 2020</b> <i>3<sup>rd</sup> Pre-Election (Gilroy filing requirement)</i>	10/18/20 – 10/27/20	<b>460</b>	*File by personal delivery or guaranteed overnight service.
<b>Within 24 Hours</b> <i>Late Reports</i>	8/5/20 – 11/3/20	<b>496</b> <b>497</b>	* File by personal delivery, guaranteed overnight service or fax. * 496: File if independent expenditures of \$1,000 or more are made. See note below. <b>Do not file for expenditures on your committee's behalf.</b> * 497: File if a contribution of \$1,000 or more is received. * 497: File if a contribution of \$1,000 or more is made to <i>another</i> candidate or <i>another</i> measure being voted on November 8 or made to a political party committee. * The recipient of a late in-kind contribution must file a late contribution report within 48 hours from the time the in-kind or non-monetary contribution is received.
<b>Jan 31, 2021</b> <i>Semi-Annual</i>	10/28/20 – 12/31/20	<b>460</b>	* File by personal delivery or first class mail.

- **Period Covered:** The period covered by any statement begins on the day after the closing date of the last statement filing, or January 1, if no previous statement has been filed.
- A controlled committee of a candidate may not make an independent expenditure to support or oppose another candidate.
- Local jurisdictions may impose contribution limits and additional filing requirements.
- **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.
- **Form 470:** Candidates that do not have a committee or raise/spend \$2,000 in 2020 may file a Form 470 on September 24, 2020. A Form 470 cannot be filed for other deadlines if the candidate has a committee or has raised/spent \$2,000 or more in 2020. After filing a Form 470, if the candidate raises/spends \$2,000 or more in 2020 there are further filing requirements (see Manual 2, Chapter 4 for additional required filings).
- **Candidates:** After an election, reporting requirements will depend on whether the candidate is successful and whether a campaign committee is maintained.
- **Late Statements:** Except for deadlines that fall on a Saturday, Sunday, or on an official state holiday, filing deadlines may not be extended. Late statements are subject to a \$10 per-day late fine.
- **All statements are public documents.** Paper reports may be mailed by first class mail unless otherwise noted.
- For important information refer to [www.fppc.ca.gov](http://www.fppc.ca.gov) and click on the Candidates and Committees section. Use Campaign Manual 2 and Campaign Manual

**FPPC – THINGS TO REMEMBER**  
**Fair Political Practices Commission toll-free (866) 275-3772**  
**www.fppc.ca.gov**

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



# City of Gilroy City Clerk's Office

City Hall  
7351 Rosanna Street  
Gilroy, California  
95020-6197

Shawna Freels, MMC  
City Clerk  
[shawna.freels@cityofgilroy.org](mailto:shawna.freels@cityofgilroy.org)  
Telephone (408) 846-0204  
[www.cityofgilroy.org](http://www.cityofgilroy.org)

July 13, 2020

TO: All Candidates and Campaign Committees

FROM: Shawna Freels, MMC  
Gilroy City Clerk

SUBJECT: IRS Tax Filing Requirements for Campaign Committees

California legislation states that any campaign committee that anticipates gross receipts (contributions) of \$25,000 or more in any taxable year must notify the Secretary of Treasury that it is a "Section 527 Organization" and file an initial statement (Form 8871) and annual tax returns (Form 1120-POL). The details are found in 26 U.S.C. § 527. The reporting requirement was imposed by Subsection (i), which was enacted on July 1, 2000 and applies to tax years beginning after June 30, 2000.

Additional details about this legislation can be found listed under Tax Information for Charities & Other Non-Profits on the IRS website at [www.irs.gov](http://www.irs.gov).

It is my understanding that banks have this information and notify the IRS when an account is opened; therefore, you may have already been made aware of these regulations by your bank. Failure to file will result in contributions becoming taxable income.

I am providing this information to you as a courtesy as the City does not enforce this regulation, nor do we report to the IRS on these matters, and this requirement does not fall under the purview of the Fair Political Practices Commission.

Questions may be directed to the IRS Tax Exempt and Government Entities Customer Account Services toll-free number (1-877-829-5500).

# **VOTER REGISTRATION DATA**

## **VOTER REGISTRATION AND ELECTION DATA**

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

### **Public Viewing Terminals**

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

### **Confidential Viewing Terminals**

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

### **Purchasing Voter Information**

Voter information and maps are available for purchase in the Office of the Registrar of Voters. You must go to their office to place an order. When purchasing voter information, you will be asked to complete an "Application for Voter Information" and explain, in detail, why you need this information and how you are going to use the information. You must pay for your order in advance. You may either receive your order electronically on an FTP site or by CD which you will need to come back and pick up when it is ready. Their office will call you when your order is ready. Orders are processed in the order they are received. Generally, there is a 1-3 day turnaround (not including weekends and holidays).

Vote by Mail information requests require a 24 hour advance notice and will be available for pickup on Monday, Wednesday, and Friday after 10:00 a.m.

**2020 ROV FEE SCHEDULE**  
(Subject to Change During Calendar Year 2020)

**A1**

**BASE CHARGES (BASE FEES AND VOTE BY MAIL FEES) FOR PRIMARY AND GENERAL ELECTIONS TO CITIES, SCHOOL AND SPECIAL DISTRICTS:**

\$2.66 PER REGISTERED VOTER FOR FIRST ITEM ON BALLOT AND \$0.76 FOR EACH ADDITIONAL ITEM ON BALLOT FOR THE SAME REGISTRATION, PLUS COSTS OF LEGAL PUBLICATIONS AND BALLOT PRINTING FOR NINE LANGUAGES

**A2**

**SPECIAL ELECTIONS (ALL ELECTIONS OTHER THAN PRIMARY OR GENERAL):**

ACTUAL COST BASED ON TIME STUDIES, SERVICES AND SUPPLIES AND INDIRECT COSTS COMPUTED AFTER EACH ELECTION (INCLUDES NINE LANGUAGES)

**A3**

**MINIMUM CHARGE FOR JURISDICTIONS PARTICIPATING IN A PRIMARY OR GENERAL ELECTION**

\$6,182 PER JURISDICTION PER CONTEST, PLUS COSTS OF LEGAL PUBLICATIONS AND BALLOT PRINTING FOR NINE LANGUAGES

**A4**

**MINIMUM CHARGE FOR SPECIAL DISTRICTS THAT DO NOT GO TO ELECTION DUE TO INSUFFICIENT NOMINEES**

\$2,048 PER SPECIAL DISTRICT PER CONTEST, PLUS COSTS OF LEGAL PUBLICATIONS

**A5.1**

**VOTER INFORMATION PAGES - MEASURE TEXT, PER FULL PAGE**

\$7,405 FIXED FEE PER FULL PAGE OF 800 WORDS IN FIVE LANGUAGES, PLUS COST OF PRINTING THE TEXT PAGES IN COUNTY VOTER INFORMATION GUIDE (CVIG)

**A5.2**

**VOTER INFORMATION PAGES - MEASURE IMPARTIAL ANALYSIS**

\$4,832 FIXED FEE PER 500-WORD PAGE IN FIVE LANGUAGES, PLUS COST OF PRINTING THE IMPARTIAL ANALYSIS PAGE IN CVIG

**A5.3**

**VOTER INFORMATION PAGES - MEASURE ARGUMENTS**

\$3,324 FIXED FEE PER 300-WORD PAGE IN FIVE LANGUAGES, PLUS COST OF PRINTING THE ARGUMENT PAGES IN CVIG

**A5.4**

**VOTER INFORMATION PAGES - MEASURE REBUTTALS**

\$2,686 FIXED FEE PER 250-WORD PAGE IN FIVE LANGUAGES, PLUS COST OF PRINTING THE REBUTTAL PAGES IN CVIG

**A6.1**

**VOTER INFORMATION PAGES - CANDIDATE STATEMENT - SUPERIOR COURT JUDGES**

1% OF ANNUAL SALARY PER QUARTER PAGE OF 200 WORDS

**A6.2**

**VOTER INFORMATION PAGES - CANDIDATE STATEMENT - 400 WORDS**

\$3,516 FIXED FEE PER HALF PAGE OF 400 WORDS IN FIVE LANGUAGES, PLUS COST OF PRINTING THE CANDIDATE STATEMENT IN CVIG

**A6.3**

**VOTER INFORMATION PAGES - CANDIDATE STATEMENT - 250 WORDS**

\$2,686 FIXED FEE PER 250-WORD PAGE IN FIVE LANGUAGES, PLUS COST OF PRINTING THE CANDIDATE STATEMENT IN CVIG

**A6.4**

**VOTER INFORMATION PAGES - CANDIDATE STATEMENT - 200 WORDS**

\$2,343 FIXED FEE PER QUARTER PAGE OF 200 WORDS IN FIVE LANGUAGES, PLUS COST OF PRINTING THE CANDIDATE STATEMENT IN CVIG

**A7**

**RESEARCH AND COMPILATION SERVICES**

\$95.00 MINIMUM AND \$95.00 PER HALF-HOUR INCREMENT

**A8**

**CERTIFICATION SERVICES \$88.00 PER CERTIFICATE**

**B. MISCELLANEOUS VOTER AND ELECTION INFORMATION**

**B1**

**VOTER FILE - ELECTRONIC VERSION \$129.00**

**B2**

**OTHER MISCELLANEOUS ELECTION INFORMATION - ELECTRONIC VERSION**

\$129.00

**C. VOTE BY MAIL VOTER INFORMATION**

**C1**

**ELECTRONIC VERSION (INITIAL REQUESTS) \$129.00**

**C2**

**ELECTRONIC VERSION UPDATES - DAILY OR WEEKLY \$65.00**

**D. PRECINCT MAPS**

**D1**

**PRINT OF BLACK AND WHITE PRECINCT MAPS - 11 X 17 (LEDGER SIZE)**

**INDIVIDUAL MAPS \$5.00 PER PAGE**

**D2**

**ORIGINAL STANDARD PRINTER OR PLOTTER MAPS, PRODUCED ON REQUEST:  
SET UP FEE PER JOB, PLUS MATERIALS CHARGE AS FOLLOWS**

\$73.00 SET-UP FEE

**PRINTING FEE**

**11 X 17 \$5.00 PER PAGE**

**17 X 22 \$12.00 PER PAGE**

**22 X 34 \$20.00 PER PAGE**

**34 X 44 \$25.00 PER PAGE**

**40 X 60 \$30.00 PER PAGE**

**D3**

**ORIGINAL CUSTOM PRINTER OR PLOTTER MAPS, PRODUCED ON REQUEST:  
SET UP FEE PER JOB, PLUS MATERIALS CHARGE AS PRINTING FEE**

\$142.00 SET-UP FEE

**PRINTING FEE**

**11 X 17 \$5.00 PER PAGE**

**17 X 22 \$12.00 PER PAGE**

**22 X 34** \$20.00 PER PAGE

**34 X 44** \$25.00 PER PAGE

**40 X 60** \$30.00 PER PAGE

**D4**

**DIGITAL MAPS (STANDARD) INDIVIDUAL MAPS** \$73.00 SET-UP FEE + \$3.00 PER MAP

**D5**

**DIGITAL MAPS (CUSTOM) MAPS BY DISTRICT** \$142.00 SET-UP FEE + \$3.00 PER MAP

**E. STATEMENT OF VOTES**

**E1**

**PHOTOCOPIES OF SPECIAL AND PARTS OF PRIMARY AND GENERAL ELECTIONS** \$0.10 PER PAGE

**F. REGISTRATION AFFIDAVITS AND POSTAGE**

**F1**

**PHOTOCOPY OF AFFIDAVIT** \$0.10 PER PAGE

**F2**

**PRINTED COPY OF SCANNED AFFIDAVIT (NOT CERTIFIED)** \$0.10 PER PAGE

**F3**

**POSTAGE & HANDLING** ACTUAL COST OF POSTAGE

**G. FAIR POLITICAL PRACTICES COMMISSION (FPPC) REPORTS**

**G1**

**FPPC PHOTOCOPIES** \$0.10 PER PAGE

**G2**

**FPPC RETRIEVAL FEE (MORE THAN FIVE YEARS OLD) SINGLE REQUEST OF ONE OR MORE REPORT AND STATEMENT**  
\$5.00 PER REQUEST PLUS \$0.10 PER COPY

**H. PHOTOCOPIES**

**H1**

**DOCUMENT PHOTOCOPIES** \$0.10 PER PAGE

**I. MISCELLANEOUS SERVICES**

**I1**

**PETITION SIGNATURE VERIFICATION**

ACTUAL LABOR COSTS BASED ON THE TIME STUDIES AND INDIRECT COSTS

**I2**

**REDISTRICTING**

ACTUAL LABOR COSTS BASED ON THE TIME STUDIES AND INDIRECT COSTS, PLUS COSTS OF SERVICES AND SUPPLIES IN MAILING NOTICES TO ALL REGISTERED VOTERS IN THE DISTRICTS

**I3**

**RECOUNT**

ACTUAL LABOR COSTS BASED ON THE TIME STUDIES AND INDIRECT COSTS, PLUS COSTS OF SERVICES AND SUPPLIES CALCULATED IN ACCORDANCE WITH THE ELECTIONS CODE

# **ELECTION RESULTS**

## **Unofficial Canvass (Election Night Results)**

The canvass and counting of ballots by the Santa Clara County Registrar of Voters (ROV) will commence immediately upon the close of the election polls at 8:00 p.m. November 3, 2020.

There are three ways you may inquire about Election Night results:

- View the results at the Santa Clara County Registrar of Voters office
- View the results as they are posted on the ROV website  
<http://www.sccgov.org/sites/rov/Pages/Registrar-of-Voters.aspx>  
Choose "Election Results"
- Call the ROV main phone number (408) 299-VOTE [8683]

## **Final Official Canvass**

Election results are final once the official canvass is complete (refer to Division 15 of the California Elections Code for procedural requirements and timeframes). The ROV will submit a statement of the official canvass results to the City Clerk, who is the City Elections Official, within 28 days of the election. The City Clerk will then certify and submit the results to the City Council for their formal acceptance and declaration.

## **Candidates to Receive Certification of Results**

The City Clerk will contact each nominee with the official results of the election once the statement of the official canvass has been received from the ROV.

## **Elected Officers to be Seated**

Newly elected Council Members will be sworn in by the City Clerk at the meeting that the certification of the official canvass and declaration of the election results is presented for acceptance by the City Council.

## **Elected City Council Members to Receive Certificate of Election**

Each elected City Council Member will receive an official certificate of election following their oath of office.

## **Selection of Mayor Pro Tempore**

The Council may select one of its members to serve as Mayor Pro Tempore following the swearing in of the newly-elected City Council Members. The Mayor Pro Tempore serves as the Mayor in the event of his/her absence.

## **FREQUENTLY ASKED QUESTIONS**

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

The candidate filing period is July 13, 2020 – August 7, 2020. Nomination documents *may only be picked up and filed* at the Office of the Gilroy City Clerk.

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

The candidate nomination extension period is August 8, 2020 – August 12, 2020. An incumbent can't file during an extension period as it is only for any other candidate to pick up or file their nomination documents.

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

A listing of qualified local candidates will be published on the City Clerk's page of the city website under "elections and voter information", and will be update as candidates qualify. You may also contact the City Clerk's office to purchase a copy.

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

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

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

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

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

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

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

Yes, all forms may be picked up or filed by a representative of the candidate, however; if someone other than the candidate is *picking up* nomination papers, they must have specific written authorization to do so. Candidates are urged to file in person. The reasons are twofold:

1. The oath of office on the Declaration of Candidacy must be administered by the City Clerk, an authorized public official, or a notary public. It is much easier for a

candidate to file the nomination papers in person and have the oath administered at the time he or she files; and

2. The signature of the candidate as well as other data is required on many documents involved in the nomination process. If the nomination papers are incomplete, the problem can easily be rectified when a candidate files in person.

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

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

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

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

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

**Can I place campaign signs anywhere I want?**

No, there are city, county and state regulations concerning placement of campaign signs in the public right-of-way.

**Can I use a credit card to pay my candidate statement fee with the City of Gilroy?**

Yes. Credit cards, checks or money orders are acceptable forms of payment.

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

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

# **IMPORTANT CONTACT INFORMATION**

**Gilroy City Clerk's Office**  
**Shawna Freels, MMC, City Clerk**  
**Suzanne Guzzetta, CMC, Deputy City Clerk**

7351 Rosanna Street  
Gilroy, CA 95020  
Phone: (408) 846-0204  
or (408) 846-0469  
Fax: (408) 846-0500  
[shawna.freels@cityofgilroy.org](mailto:shawna.freels@cityofgilroy.org)  
[suzanne.guzzetta@cityofgilroy.org](mailto:suzanne.guzzetta@cityofgilroy.org)  
[www.cityofgilroy.org](http://www.cityofgilroy.org)

**County of Santa Clara**  
**Registrar of Voters – Elections Division**

1555 Berger Drive, Building 2  
San Jose, CA 95112

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

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

**Fair Political Practices Commission**

428 J Street, Suite 620  
Sacramento, CA 95814  
Phone: 1-866-ASK-FPPC  
Monday-Thursday 9-11:30 a.m.  
[www.fppc.ca.gov](http://www.fppc.ca.gov)

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

**Federal Election Commission**

(800) 424-9530

[www.fec.gov](http://www.fec.gov)

- Federal Campaign Disclosure
- Contributions From National Banks, National Corporations, and Foreign Nationals

**League of Women Voters/Smart Voter**

(408) 271-7163

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

**State Franchise Tax Board**

(800) 338-0505

[www.ftb.ca.gov](http://www.ftb.ca.gov)

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

**Attorney General**

(800) 952-5225

<http://oag.ca.gov>

- Brown Act Requirements

**Internal Revenue Service**

(800) 829-1040

[www.irs.gov](http://www.irs.gov)

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

**Secretary of State**

Political Reform Division  
1500 11<sup>th</sup> Street, Room 495  
Sacramento, CA 95814

Phone: (916) 653-6224

[www.sos.ca.gov](http://www.sos.ca.gov)

- Termination of Committees

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

- Committee Identification Numbers

*Elections Division*

(916) 657-2166

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