

CANDIDATE FILING GUIDE



**SPECIAL PRIMARY ELECTION
MARCH 26, 2019**

MODOC COUNTY ELECTIONS OFFICE
108 E MODOC STREET
ALTURAS, CA 96101
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FAX: 530-233-6666
www.co.modoc.ca.us

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STATE AND FEDERAL OFFICES

IMPORTANT TELEPHONE NUMBERS

Fair Political Practices Commission

1102 Q Street, Suite 3000
Sacramento, CA 95811
916-322-5660 / FAX: 916-322-0886
Toll Free: 1-866-275-3772 (1-866-ASK-FPPC)
Enforcement Violations: 800-561-1861
Website: www.fppc.ca.gov

The Fair Political Practices Commission (FPPC) was created by the Political Reform Act of 1974, a ballot initiative passed by California voters as Proposition 9.

The FPPC educates the public and public officials on the requirements of the Act. It provides written and oral advice to public agencies and officials; conducts seminars and training sessions; develops forms, manuals and instructions; and receives and files statements of economic interests from many state and local officials.

The FPPC investigates alleged violations of the Political Reform Act, imposes penalties when appropriate, and assists state and local agencies in developing and enforcing conflict-of-interest codes.

The FPPC regulates:

- Campaign financing and spending;
- Financial conflicts of interests;
- Lobbyist registration and reporting;
- Post-governmental employment;
- Mass mailings at public expense; and
- Gifts and honoraria given to public officials and candidates.

Secretary of State

1500 11th Street, 5th Floor
Sacramento, CA 95814
916-653-6814
Website: www.sos.ca.gov

Political Reform Division

866-275-3772 or 916-653-6224
E-Mail: PoliticalReform@sos.ca.gov

The Secretary of State's Political Reform Division administers provisions of California's Political Reform Act of 1974 that requires the political campaigns and lobbying.

Specific activities of the Political Reform Division include:

- Register and issue identification numbers for all state and local campaign committees that

raise funds in connection with elections (non-federal) throughout California.

- Receive notices from all state and local candidates of their intentions to raise campaign funds and establish separate bank accounts for these funds.
- Receive campaign disclosure statements (itemizing contributions received and expenditures made) filed by individuals and committees raising or spending campaign funds to support or oppose state candidates or ballot measures. (Local campaign committees file their itemized disclosure statements with local filing officers. For California federal campaigns, the Political Reform Division receives copies of itemized disclosure statements filed with the Federal Election Commission in Washington, D.C.)
- Provide technical assistance regarding campaign disclosure provisions of the Political Reform Act to state and local candidates and elected officials, treasurers of campaign committees, and the general public.
- Review campaign documents to ensure compliance with reporting requirements.
- Provide public access to all campaign disclosure documents.
- Publish campaign financing reports that summarize and analyze the extensive information contained in campaign documents filed with the Political Reform Division.
- Determine if campaign documents have been filed on time and impose and collect fines for late filings.

Elections Division

916-657-2166 / FAX: 916-653-3214
TDD: 1-800-833-8683
1-800-345-VOTE or 1-800-345-8683
E-Mail: Elections@sos.ca.gov

Responsible for:

- Certifying the official lists of candidates;
- Determining which types of voting systems are acceptable for use in California;
- Advising candidates and local elections officials on the qualifications and requirements for running for office, providing guidance on choosing acceptable candidate ballot designations, and determining the order of the candidates on the ballot;

Elections Division (cont.)

- Tracking and certifying ballot initiatives;
 - Coordinating the tabulation of the votes from each county on election night;
 - Producing the official Statements of Vote after each election;
 - Printing registration forms, encouraging registration and voter turnout, and producing several voter information publications;
 - Investigating voter fraud
-

Campaign Filing Offices

Statewide candidates and officeholders, Supreme Court justices, state ballot measure committees, and other committees that support or oppose state candidates and ballot measures, or that support or oppose candidates and ballot measures in more than one county, file campaign reports with:

- The Secretary of State and
- The election officials for the counties in which they are domiciled.

State Committees are no longer required to file their forms with San Francisco or Los Angeles.

Federal Election Commission

999 E Street, NW
Washington, DC 20463
800-424-9530

For the hearing impaired, TTY 202-219-3336

Website: www.fec.gov

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

State Franchise Tax Board

800-338-0505

Website: www.ftb.ca.gov

- Committee Tax Status
 - Tax Deductible Contributions
 - Charitable Non-Profit Groups
 - Audit of Campaign Disclosure Statements
-

Internal Revenue Service

800-829-1040

Website: www.irs.gov

- Federal Taxpayer I.D. Numbers
 - Any other Tax-related questions
-

Attorney General

California Department of Justice

Attn: Public Inquiry Unit

P.O. Box 944255

Sacramento, CA 94244-2550

800-952-5225 / FAX: 916-323-5341

California Relay Service

(For Deaf and Hard-of Hearing Callers)

TTY/TDD Dial 711 or

English: TTY/TDD 800-735-2929

Spanish: TTY/TDD 800-855-3000

Voice: 800-735-2922

Website: www.oag.ca.gov

- Legal Opinions
- Incompatibility of office
- Quo Warranto actions
- Brown Act requirements

WHO TO CALL FOR ELECTION VIOLATIONS OR FRAUD

In response to the many inquiries we receive regarding possible election violations or fraud, we have the following list of resources regarding whom to contact for the various types of violations.

The Modoc County Clerk/Elections Department is **NOT** an enforcement agency and is therefore unable to investigate any violations. When our office receives reports of violations, we refer them to the agencies listed below:

- False or misleading campaign materials (No agency enforcement. These issues are dealt with in court)
- Violations of the Political Reform Act (Title 9 of the California Government Code at Sections 81000 through 91015), i.e. mass mailing requirements; slate mailers; campaign disclosure; proper use of campaign funds; disclosure of economic interests: contact the Fair Political Practices Commission at www.fppc.ca.gov, 866-275-3772
- Election fraud: contact your local district attorney, or the California Secretary of State at www.sos.ca.gov, 916-657-2166
- Unlawful use of public funds, violations of the Elections Code, the Penal Code, or any laws other than the Political Reform Act: contact your local district attorney, or the California State Attorney General at www.oag.ca.us, 800-952-5225
- Federal campaigns, Congress, U.S. Senate, President of the United States, etc.: contact the Federal Election Commission at www.fec.gov, 800-424-9530
- Open meeting laws (Brown Act): contact your local district attorney, or the California State Attorney General at www.oag.ca.us, 800-952-5225
- Local ordinances: contact your local city attorney or district attorney
- Vandalism or requirements concerning campaign signs: contact local city attorney or district attorney

See prior pages for additional agency contact information. See below for information on contacting the county District Attorney.

Modoc County District Attorney's Office
204 S. Court St., Room 202
Alturas, CA 96101
530-233-6212
da@co.modoc.ca.us

NEIGHBORING COUNTIES

Below is a list of counties that are adjacent to Modoc County or with whom we share a Congressional, State Senate or State Assembly district.

Lassen

Julie M. Bustamante
County Clerk/Registrar of Voters
220 S. Lassen Street, Suite 5
Susanville, CA 96130
(530) 251-8217
(530) 257-3480 Fax
Hours: 8:00 a.m. - 5:00 p.m.
www.co.lassen.ca.us

Plumas

Kathy Williams
County Clerk/Recorder/Registrar of Voters
520 Main Street, Room 102
Quincy, CA 95971
(530) 283-6200
(530) 283-6165 Fax
Hours: 8:00 a.m. - 5:00 p.m.
www.countyofplumas.com

Shasta

Cathy Darling Allen
County Clerk/Registrar of Voters
1643 Market Street
Redding, CA 96001
(530) 225-5730
(530) 225-5454 Fax
Hours: 8:00 a.m. - 5:00 p.m.
www.co.shasta.ca.us

Siskiyou

Laura Bynum
County Clerk/Registrar of Voters
510 N. Main Street
Yreka, CA 96097
(530) 842-8084
(530) 842-8093 Fax
Hours: 8:00 a.m. - 5:00 p.m.
www.co.siskiyou.ca.us

Tehama

Jennifer Vise
County Clerk/Recorder/Registrar of Voters
PO Box 250
Red Bluff, CA 96080
(530) 527-8748
(530) 527-1745 Fax
Hours: 8:00 a.m. - 5:00 p.m.
www.co.tehama.ca.us

Offices for which Candidates are to be Nominated/Elected at the March 26, 2019 Special Election Term Dates and Incumbents

Term limits:

- Members elected to the legislature for their first time in 2012 or later may serve a total of twelve years in either house, or a combination of the two houses. A person may serve all twelve years in either the Assembly or the Senate, or split between the two houses.

Voter-Nominated Offices	
Member of Senate, 1st District	Term: Finish 4 year term expiring in December 2020
Incumbent: Vacant	
U.S. citizen, registered voter in the district at the time Nomination Papers are issued. Elec. Code §201, Art. IV, §2 CA Const.	

CANDIDATE FILING DOCUMENTS

All candidate filing documents are public at the time they are filed, except for Candidate’s Statements of Qualifications which shall remain confidential until the expiration of the filing deadline. Dates marked with an (*) indicate that it falls on a weekend or holiday so the activity is moved to the next business day.

Document	<p>Signatures In-Lieu of Filing Fee Petition</p> <p>A candidate may submit a petition containing signatures of registered voter’s in-lieu of paying the filing fee in order to run for office. The signatures submitted may cover all, or a portion, of the filing fee.</p> <p>Signers shall be voters in the district or political subdivision in which the candidate is to be voted on. Signers do not need to be registered voters who disclosed a preference for any party when signing candidacy papers for a candidate seeking nomination to a voter-nominated office.</p> <p>Signatures in lieu of filing fee petitions may be submitted to the elections official on an on-going basis. (Administrative Code §20533)</p> <p>The petitions must be filed with the county elections official in the county where circulated no later than 5 p.m. on January 22.</p> <p>No additional signatures may be filed after January 22. The elections official shall notify the candidate of the number of invalid signatures within 3 days of filing.</p> <p>If a petition is submitted containing numerous duplicate signatures in order to file a larger number of signatures-in-lieu, those signatures will be disqualified and credit toward the filing fee will not be given to them. The candidate must either pay the full amount remaining of the filing fee or forfeit the opportunity to be a candidate.</p> <p>That portion of the filing fee not covered by the signatures must be paid in full before the Declaration of Intention or Declaration of Candidacy and Nomination Petition may be filed.</p> <p>If forms are issued as Signatures-In-Lieu Petitions, they must be returned by the deadlines listed above. DO NOT use the Signatures-In-Lieu Petitions for collecting nomination signatures during the Nomination Petition signature gathering period from January 16 to January 22. Candidates must obtain a Nomination petition during that period in order to collect any nomination signatures that may be needed.</p> <p><u>The names and addresses of candidates requesting Signature-In-Lieu Petitions is considered public information</u></p> <p>(Elections Code §8105, 8106)</p>
Who files	Optional for All candidates
Deadline	◆ January 22, 2019

<p>Document</p>	<p>Signatures-In-Lieu Toward Nomination Signatures</p> <p>If a candidate submits a Signatures-In-Lieu petition, the county elections official shall also count those valid signatures appearing on the petition toward the number of voter signatures required for the candidate's Nomination Paper.</p> <p>If the Signatures-In-Lieu petition does not contain the requisite number of valid signatures required for the Nomination Paper, the candidate must circulate and file a separate Nomination petition to be signed by qualified registered voters during the nomination period.</p> <p>The Signatures-In-Lieu Petitions and/or the Nomination Paper must be delivered to the county elections official of the county in which the signers of the petition reside. Therefore, all signers on a petition section must reside in the same county.</p> <p style="text-align: right;">(Elections Code §8061-8063, 8105-8106)</p>
<p>Who files</p>	<p>All candidates who file Signature-In-Lieu Petitions</p>
<p>Deadline</p>	<p>◆ January 25, 2019</p>

<p>Document</p>	<p>Declaration of Candidacy</p> <p>The Declaration of Candidacy is the official nomination document, wherein the candidate indicates how his/her name and ballot designation is to appear on the ballot. Additionally, the candidate declares that he/she meets the statutory and/or constitutional qualifications for the office sought, and that if nominated, the candidate will accept the nomination and not withdraw.</p> <p>The Oath of Office on the Declaration of Candidacy form must be taken and signed by the candidate before a person authorized to administer oaths. The election officials and notaries public are so authorized.</p> <p>A candidate for a voter-nominated office may indicate his or her party preference, or lack of party preference, as disclosed upon the candidate's most recent statement of registration, upon his or her declaration of candidacy. If a candidate indicates his or her party preference on his or her declaration of candidacy, it shall appear on the primary and general election ballot in conjunction with his or her name. The candidate's designated party preference on the ballot shall not be changed between the primary and general election. A candidate for voter-nominated office may also choose not to have the party preference disclosed upon the candidate's most recent affidavit of registration indicated upon the ballot.</p> <p>The candidate is required to execute the Declaration of Candidacy in the office of the elections official, unless a written statement is signed and dated by the candidate designating a person to receive the Declaration of Candidacy form from the elections official and deliver it to the candidate. The written statement from the candidate shall include language indicating that the candidate is aware that the Declaration of Candidacy must be properly executed and delivered to the elections official in the county of the candidate's residence by 5 p.m. on deadline day.</p> <p style="text-align: right;">(Elections Code §§ 8002.5(a & b), 8020, 8028, 8101, 8105)</p>
<p>Who files</p>	<p>All Candidates</p>
<p>Deadline</p>	<p>◆ January 31, 2019</p>

<p>Document</p>	<p>Nomination Petition</p> <p>The Nomination Petition must contain anywhere from 20 to 60 valid signatures. The petition may be obtained and filed prior to filing the Declaration of Candidacy.</p> <p>The Nomination Paper shall be delivered to the elections official of the county in which the signer resides and is a voter.</p> <p>No more signers shall be secured for any candidate than the maximum specified beginning on page 45. If, however, through miscalculation or otherwise, more signers are secured than the maximum number, the officer with whom the nomination papers are filed shall, with the written consent of the candidate, withdraw the excess number.</p> <p>Signers shall be voters in the district or political subdivision in which the candidate is to be voted on. Signers need not be registered voters who disclosed a preference for any party when signing candidacy papers for a candidate seeking nomination to a voter-nominated office.</p> <p>No signer shall, at the time of signing a certificate, have his or her name signed to any other nomination paper for any other candidate for the same office or, in case there are several places to be filled in the same office, signed to more nomination papers for candidates for that office than there are places to be filled.</p> <p>The elections official shall transmit to the Secretary of State the nomination document for each candidate for state office, United States Senator, Representative in Congress, and Member of the State Senate or Assembly.</p> <p>The filing fees for all candidates shall be paid at the time the candidates obtain their nomination forms from the county elections official.</p> <p style="text-align: right;">(Elections Code §8020, 8041, 8062-8070, 8081, 8105)</p>
<p>Who files</p>	<p>All Candidates</p>
<p>Deadline</p>	<p>◆ January 31, 2019</p>

<p>Document</p>	<p>Candidate's Statement of Qualifications This statement by the candidate describing his or her education and qualifications is printed in the county Voter Information Guide. The statement must be paid for at the time of filing the Declaration of Candidacy unless the district has agreed to pay for the statement.</p> <p>Candidates running for Congress and State Legislature may file their Candidate's Statement of Qualifications with counties outside their home county by 5 p.m. Thursday, January 31, 2019. The statement must be filed with their home county at the time they file their Declaration of Candidacy.</p> <p style="text-align: right;">(Gov. Code 85601c; Elections Code §13307, 13307.5)</p>
<p>Who files</p>	<p>Optional for all candidates</p>
<p>Deadline</p>	<p>◆ January 31, 2019</p>

<p>Document</p>	<p>Code of Fair Campaign Practices May be voluntarily subscribed to by candidates for public office. See page 93. (Elections Code §20400-20444)</p>
<p>Who files</p>	<p>Optional for all candidates</p>
<p>Deadline</p>	<p>◆ January 31, 2019</p>

MARCH 26, 2019

SPECIAL PRIMARY ELECTION CALENDAR

All code sections are the Elections Code, unless otherwise noted.

Following the filing period dates, the number of days prior to or after the election is provided (E = Election day, followed by the number of days prior to (-) or after (+) election day.)

If there is an asterisk by the date, the deadline falls on a weekend or holiday and, in most cases, has been moved to the next business day.

<p>Jan 16, 2019 – Jan.22, 2019 (E-69 to E-63)</p>	<p>Signatures In Lieu of Filing Fee – All Candidates</p> <p>Between these dates all candidates may obtain signature-in-lieu forms from the county elections official or the Secretary of State for circulating petitions to secure signatures in-lieu of paying all or part of the filing fee. Signatures may also be applied to the nomination signature requirements for office.</p> <p style="text-align: right;">§8061, 8105, 8106</p> <p>The Elections Department will notify the candidate of any deficiency within 3 days of filing.</p>
<p>Jan. 21 (E-162 to E-161)</p>	<p>County Holiday – Office Closed</p>
<p>Jan. 16 – Jan. 31 (E-69 to E-54)</p>	<p>Declarations of Candidacy & Nomination Papers – All Candidates</p> <p>Between these dates, candidates must file their Declaration of Candidacy and Nomination Papers. All candidates, except those for judicial offices who satisfied their filing fee requirements when they filed their Declaration of Intention, must pay the entire filing fee at the time they pick up their Nomination Papers. The fee may be represented by money, signatures, or any prorated combination of money and signatures. The filing fee is non-refundable.</p> <p>Candidates may authorize in writing that their in-lieu signatures count toward the number of signatures needed for their Nomination Paper.</p> <p>When nomination and/or candidacy papers are issued, the elections official shall provide candidates with:</p> <ul style="list-style-type: none"> • the rules governing conflicts of interest and campaign statements; • rules governing candidate statement charges and filings; and • a blank form of the “Code of Fair Campaign Practices” and copies of Election Code §20440-20444. <p style="text-align: right;">§8020, 8040, 8041, 8061, 8100, 8104 - 8106</p>
<p>Jan. 16 – Jan. 31 (E-69 to E-54)</p>	<p>Candidate’s Statement of Qualifications</p> <p>Between these dates, candidates may prepare a statement of qualifications, not to exceed 250 words, to be included in the Voter Information Guide. The statement shall be filed and paid for no later than January 31. The statement may not be changed, but may be withdrawn up until 5 p.m. on January 31.</p> <p style="text-align: right;">§ 13307.5, G.C. § 85601(c)</p>

<p>Jan. 22 (E-63)</p>	<p>Notice of Randomized Alphabet Drawing Secretary of State to notify news media of the randomized drawing. § 13112(c), (d)</p>
<p>Jan. 28 – Mar. 12 (E-57 to E-14)</p>	<p>Statement of Write-in Candidacy and Nomination Papers During this period write-in candidates must file their Statement of Write-in Candidacy and Nomination Papers with the county elections official. §8601</p>
<p>Jan. 31 (E-54)</p>	<p>Political Party Endorsements Last day for any qualified political party to submit to the county elections official a list of all candidates for voter-nominated office who will appear on any ballot in the county in question, and who have been endorsed by the party. The county elections official shall print any such list that is timely received from the state party chairperson in the sample ballot. § 13302(b)</p>
<p>Jan. 31 (E-54)</p>	<p>Declaration of Candidacy and Nomination Papers Filed with Secretary of State Last day for the county elections official to certify and file the Declaration of Candidacy, Nomination Papers, and Ballot Designation Worksheet with the Secretary of State. § 10704, 13107.3</p>
<p>Feb. 1 (E-53)</p>	<p>Notice to each Candidate Secretary of State to notify each candidate for voter-nominated office of the names, addresses, offices, occupations, and party preferences of all other persons who have filed for the same office. §8121</p>
<p>Feb. 1 (E-53)</p>	<p>Party Preference History Posting on Website Secretary of State to post on its website the party preference history of each candidate for the preceding 10 years. §8121</p>
<p>Feb. 1 (E-53)</p>	<p>Randomized Alphabet Drawing On this date, the Secretary of State draws the randomized alphabet to determine the order for placing candidates' names on the ballots. This drawing will be used for the special primary election and special general election if such run-off is necessary. § 13112 (d)</p>
<p>Feb. 6 (E-48)</p>	<p>Certified List of Candidates Last day for the Secretary of State to send the Certified List of Candidates to the county elections official. §8120</p>
<p>Feb. 9* (E-45)</p>	<p>Military and Overseas Voters Last day for the county elections officials to transmit ballots to military and overseas voters. §3114</p>

<p>Feb. 12 (E-42)</p>	<p>County Holiday – Office Closed</p>
<p>Feb. 14 – Mar. 3 (E-40 to E-21)</p>	<p>Counties Mail County Voter Information Guide Between these dates the county elections official shall mail a County Voter Information Guide and polling place notice to each registered voter. § 13300.7, 13303, 13304, 13305</p>
<p>Feb. 25 (E-29)</p>	<p>Establish Precinct Boards and Polling Places Last day for the county Elections Department to appoint board members and polling places and provide a copy to each county central committee and make a copy available to the public. §12286</p>
<p>Feb. 25 – Mar. 19 (E-29 to E-7)</p>	<p>Vote-by-Mail Period – County Mails Ballots to Voters Between these dates voters may apply for a vote-by-mail ballot from the Elections Department. Voters may also obtain a ballot during this period from the County Elections Office. Under certain conditions voters may obtain a vote-by-mail ballot after May 29. §3001, 3102e), 10704(c)</p>
<p>Feb. 18 (E-36)</p>	<p>County Holiday – Office Closed</p>
<p>Mar. 5 (E-21)</p>	<p>Counties mail Voter Information Guides - Deadline Last day for the county elections official to mail voter information guides to voters for the special primary election. § 13300.7, 13303, 13304, 13305</p>
<p>Mar. 11 (E-15)</p>	<p>15-day Voter Registration Deadline to register to vote in the special primary election. The Voter Registration Form shall be mailed (postmarked by this date), received online by midnight, or delivered to the county elections official by this date and is effective upon receipt. The Voter Registration Form may also be submitted by this date to the Secretary of State, Department of Motor Vehicles, or any National Voter Registration Act designated agency. § 2102, 2170</p>
<p>Mar. 12 – Mar. 26 (E-14 to E)</p>	<p>New Citizens Registration Period Registration for new citizens shall begin the 14th day prior to an election and ending at the close of polls on election day. A new citizen registering to vote after the close of registration shall provide the county elections official with proof of citizenship prior to voting, and shall declare that he or she has established residency in California. New citizens vote a regular ballot. §331, 3500, 3501</p>

<p>Mar. 12 – Mar. 26 (E-14 to E)</p>	<p>Conditional Voter Registration</p> <p>Voters who missed the voter registration deadline can still register and vote – up to and including Election Day at the Modoc County Elections Office.</p> <p>Ballots will be counted after the elections official verifies the voter’s registration and confirms that they have not already voted in the election.</p> <p style="text-align: right;">§2170</p>
<p>Mar. 12 (E-14)</p>	<p>Statement of Write-In Candidacy and Nomination Papers</p> <p>Last day to file as Write-In Candidates.</p> <p style="text-align: right;">§8601</p>
<p>Mar. 12 (E-14)</p>	<p>Certified List of Write-In Candidacy and Nomination Papers</p> <p>Secretary of State will prepare and send the Certified List of Write-In Candidates to the county elections official.</p> <p style="text-align: right;">Date designated by SOS</p>
<p>Mar. 12 (E-14)</p>	<p>Party Preference History Posting on Website</p> <p>Secretary of State to post on its website the party preference history of each write-in candidate for the preceding 10 years.</p> <p style="text-align: right;">§8121</p>
<p>Mar. 16 (E-10)</p>	<p>Notice of Central Counting Place</p> <p>Last day for county elections official to publish the notice that the ballots will be counted at a specified public place. The notice shall be published one time in a newspaper of general circulation in the county.</p> <p style="text-align: right;">§12109</p>
<p>No later than Mar. 19 (E-7)</p>	<p>Publish Polling Places and Precinct Board Members</p> <p>Not less than one week before the election, the elections official shall publish the list of polling places and precinct board members.</p> <p style="text-align: right;">§12105-12108, Gov. Code §6061</p>
<p>Mar. 20 – Mar. 25 (E-6 to E-1)</p>	<p>Military of Overseas Voter – Recalled to Service</p> <p>Period in which a registered military or overseas voter recalled to service after March 19, 2019 (E-7), but before 5:00 p.m. on March 25, 2019 (E-1), may appear before the county elections official where they are registered, or if within the state, in the county in which they have been recalled to service, and obtain a vote-by-mail ballot which may be voted in, or outside, the county elections official's office on or before the close of the polls and returned as are other voted vote-by-mail ballots.</p> <p style="text-align: right;">§3111</p>
<p>Mar. 20 – Mar. 26 (E-6 to E)</p>	<p>Obtaining a Ballot After the Close of Vote-by-Mail</p> <p>Period in which any voter may apply in writing for a ballot if, because of specific conditions, he/she will be unable to go to the polls. A written statement is not necessary if the ballot is voted in the office of the elections official at the time of the request. The voter may either personally or through any authorized representative return the ballot to the Elections Department or polling place in the county.</p> <p style="text-align: right;">§3021</p>

<p>March 26 (E)</p>	<p>Special Primary Election Day Polls open at 7:00 a.m. and close at 8:00 p.m. Hand-delivered vote-by-mail ballots shall be received by 8:00 p.m. on Election Day at any polling place, at the office of the elections official, or at any ballot dropoff location. If one candidate receives a majority of the votes (50% + 1), no special general election will be held. § 3017, 10705, 14212</p>
<p>Mar. 29 (E+3)</p>	<p>Vote-by-Mail Ballots Returned Via Post Office - Deadline Vote-by-mail ballots that are postmarked on or before Election Day or is time stamped or date stamped by a bona fide private mail delivery company on or before Election Day, and received by the county elections official shall be considered received on time. If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope must be signed and dated by the voter pursuant to Section 3011 on or before Election Day in order to be considered received on time. §3017, 3020</p>
<p>Apr. 2 (E+7)</p>	<p>Vote-by-Mail Ballots – Mismatched Signature on Identification Envelope Last day for a voter whose signature did not match with their signature on their voter record to complete and submit a "signature verification statement" in person or by mail, email, or fax. §3019</p>
<p>Apr. 3 (E+8)</p>	<p>Vote-by-Mail Ballots – Unsigned Identification Envelope Last day for a voter who did not sign the vote-by-mail ballot identification envelope to either sign the identification envelope at the office of the county elections official or complete and submit an "unsigned ballot statement" in person or by mail, email, or fax. §3019</p>
<p>Apr. 4 (E+9)</p>	<p>Official Canvass - Deadline Last day for the county elections official to complete the official canvass and certify the results to the Secretary of State. Date designated by SOS</p>

RESIDENCE AND DOMICILE

In order to qualify for most offices, a candidate must be a registered voter of the district or division thereof. The following code sections will assist in determining residence.

Elections Code §349. Residence and Domicile

“Residence” for voting purposes means a person’s domicile. The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile. The residence of a person is that place in which the person’s habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining. At a given time, a person may have more than one residence. (Added by Stats. 1994)

Elections Code §2020. Term of domicile

The term of domicile is computed by including the day on which the person's domicile commenced and by excluding the day of the election. (Added by Stats. 1994)

Elections Code §2021. Person away for temporary purposes

A person who leaves his or her home to go into another state or precinct in this state for temporary purposes merely, with the intention of returning, does not lose his or her domicile.

A person does not gain a domicile in any precinct into which he or she comes for temporary purposes merely, without the intention of making that precinct his or her home. (Added by Stats. 1994)

Elections Code §2022. Move to another state

If a person moves to another state with the intention of making it his or her domicile, the voter loses his or her domicile in this state. (Added by Stats. 1994)

Elections Code §2023. Move to another state

If a person moves to another state as a place of permanent residence, with the intention of remaining there for an indefinite time, he or she loses his or her domicile in this state, notwithstanding that he or she intends to return at some future time. (Added by Stats. 1994)

Elections Code §2024. Intention and fact or removal

The mere intention to acquire a new domicile, without the fact of removal avails nothing, neither does the fact of removal without the intention. (Added by Stats. 1994)

Elections Code §2025. Employment in the service of the United States; Navigation; Institution

A person does not gain or lose a domicile solely by reason of his or her presence or absence from a place while employed in the service of the United States or of this state, nor while engaged in navigation, nor while a student of any institution of learning, nor while kept in an almshouse, asylum or prison. This section shall not be construed to prevent a student at an institution of learning from qualifying as an elector in the locality where he or she domiciles while attending that institution, when in fact the student has abandoned his or her former domicile. (Added by Stats. 1994)

Elections Code §2026. Domicile of Legislative Member or Congressional Representative

The domicile of a Member of the Legislature or a Representative in the Congress of the United States shall be conclusively presumed to be at the residence address indicated on that person's currently filed affidavit of registration. (Added by Stats. 1994)

Elections Code §2027. Domicile of family; residence in trailer

The place where a person's family is domiciled is his or her domicile unless it is a place for temporary establishment for his or her family or for transient objects. Residence in a trailer or vehicle or at any public camp or camping ground may constitute a domicile for voting purposes if the registrant complies with the other requirements of this article. (Added by Stats. 1994)

Elections Code §2028. Place of family and business

If a person has a family fixed in one place, and he or she does business in another, the former is his or her place of domicile, but any person having a family, who has taken up an abode with the intention of remaining and whose family does not so reside with him or her, is a domiciliary where he or she has so taken up the abode. (Added by Stats. 1994)

Elections Code §2029. Domicile of spouse

The domicile of one spouse shall not be presumed to be that of the other, but shall be determined independently in accordance with this article. (Added by Stats. 1994)

Elections Code §2030. Marriage to a person employed in the service of the United States

A domiciliary of this state who marries a person employed temporarily in this state in the service of the United States government, may elect to retain his or her domicile for the purpose of qualifying as an elector only, except that his or her domicile in this state shall terminate if the domiciliary qualifies as an elector in any other state or any territory. (Added by Stats. 1994)

Elections Code §2031. Homeowner's property tax exemption; renter's tax credit; driver's license

If a person has more than one residence and that person maintains a homeowner's property tax exemption on the dwelling of one of the residences pursuant to Section 218 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the homeowner's property tax exemption is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card or vehicle registration issued to that person by, and on file with, the Department of Motor Vehicles.

If a person has more than one residence and that person claims a renter's tax credit for one of the residences pursuant to Section 17053.5 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the renter's tax credit is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card, or vehicle registration issued to that person by, and on file with, the Department of Motor Vehicles. This section shall not be applicable to state or federal elected officials. (Added by Stats. 1994)

Elections Code §2032. More than one residence

Except as provided in this article, if a person has more than one residence and that person has not physically resided at any one of the residences within the immediate preceding year, there shall be a rebuttable presumption that those residences in which he or she has not so resided within the immediate preceding year are merely residences as defined in subdivision (c) of Section 349 and not his or her domicile. (Added by Stats. 1994)

Elections Code §2033. Change of house number

Whenever the house number or the mailing address of a voter has been changed and the voter's domicile is the same, the public agency authorizing the change shall notify the county elections official in writing of the change and the county elections official shall make the change on the voter's

affidavit of registration and a new affidavit shall not be required. (Added by Stats. 1994)

Elections Code §2034. Domicile in more than one precinct

A person domiciled in a house or apartment lying in more than one precinct shall be registered as domiciled in the precinct designated by the county elections official on the basis of the street address or other precinct the county elections official considers appropriate unless the person requests, either by letter or in person at the office of the county elections official, that he or she wishes to be domiciled for registration purposes in another precinct in which his or her house or apartment lies. In order to fulfill the requirements of this section, the letter of request shall include the name, signature, and residence address of the requester. (Added by Stats. 1994)

Elections Code §2035. Voter residence change 14 days prior to an election

A person duly registered as a voter in any precinct in California who removes therefrom within 14 days prior to an election shall, for the purpose of that election, be entitled to vote in the precinct from which the person so removed until the close of the polls on the date of that election. (Amended by Stats. 2000)

COURT CASES

Voter Registration and Establishment of Domicile. Walters v. Weed (1988) AKA “UCSC Student Voting Case.” 45 Cal.3rd.1

In this California Supreme Court decision, the court held that voters who have moved, but have not established a new domicile, may vote in the precinct of their former domicile even though they have no intention of returning to live there.

Homeless Person’s Right to Register to Vote. Collier v. Menzel (1985). AKA “Fig Tree Case.” 176 Cal. App.3d 24

In this Court of Appeal decision, the court held that a homeless person may register at a location deemed by the voter to be a dwelling place or place of habitation for that voter. A mailing address needs to be provided in order for the voter to receive election materials.

INCOMPATIBILITY OF OFFICES

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

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

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

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

1. The offices of city councilman and school district board member where the city and the school district have territory in common;
2. fire chief of a county fire protection district and member of the board of supervisors of the same county;
3. high school district trustee and trustee of an elementary school district which is wholly within the geographic boundaries of the high school district;
4. water district director and a city council member,
5. water district director and a school district trustee having territory in common; and
6. deputy sheriff and county supervisor.

If you have a question about whether two public offices which you hold or seek to hold would be considered incompatible, contact the Attorney General's office at 800-952-5225 or visit their website, www.oag.ca.gov. For further information about conflict of interest or incompatibility of offices, contact the Fair Political Practices Commission's website at www.fppc.ca.gov, or phone toll free 1-866-275-3772.

ELECTIONS CODE 8003. This chapter does not prohibit the independent nomination of candidates under Part 2 (commencing with Section 8300), subject to the following limitations:

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

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

FILING FEES

When Filing Fee is Paid

Candidates are required to pay the filing fee at the time they pick up their Declaration of Candidacy and Nomination Petition. (Elections Code §8105)

Where Filing Fee is Paid and To Whom It Is Payable

State Legislative/Congress/Statewide Offices/State Board Of Equalization: Checks are made payable to the "Secretary of State." Counties will forward the fee to the Secretary of State.

THE FILING FEE MAY BE PAID IN CASH. Filing fees may be paid in cash if the candidate is using personal funds and will not be reimbursed through the campaign committee. (Gov. Code §85200).

Otherwise, campaign disclosure laws require that expenditures of \$100 or more be made by written instrument containing the names of both the payee and payer. (Gov. Code §84300)

Filing Fees Paid in Money

Amount of Filing Fee - Filing fees are shown in the table beginning on page 45. The filing fee is a percentage of the annual salary for the office. No filing fee is required of offices with no fixed compensation or annual salary of \$2,500 or less. Write-in candidates are not required to pay filing fees. (Elections Code §8103, 8104, 8604)

The filing fee is not refundable. If, for any reason, the candidate fails to qualify, the filing fee is forfeited. (Elections Code §8105)

Returned Checks – If the filing fee is paid with a personal check that is returned without payment, the county Elections Department will notify the candidate by telephone. The candidate must make payment by money order or cashier's check by 5 p.m. on the next business day. Failure to do so will invalidate the individual's candidacy, and the candidate's name will not appear on the ballot.

AMOUNT OF FILING FEE & SIGNATURES REQUIRED
ALL CANDIDATES (Except write-in candidates):

Office	Salary¹	Filing Fee¹ (% of salary)	In-Lieu Signatures	Value of each Signature	Nomination Signatures
Member of State Senate	\$110,459	\$1,104.59 (1%)	250	\$4.41836	20-60

GUIDELINES FOR GATHERING SIGNATURES

(Read before obtaining signatures)

Circulators (whether the candidate or another person) perform the important duty of obtaining signatures of properly registered voters for the In-Lieu Petition and/or Nomination Paper. If the signatures are not obtained properly and in accordance with the law, the candidate's right to be placed on the ballot could be questioned. All candidates should try to obtain the required number of signatures as soon as possible in order for their nomination papers to be returned to the Elections Department for examination and filing or certification to the Secretary of State, as the case may be.

Petition Circulator Information

A person shall not circulate nominating papers unless the person is 18 years of age or older. (E.C. §102)

Circulators shall meet the requirements of Section 102. (E.C. § 8066)

A candidate for any office may obtain signatures to and sign his/her own nomination petition or signatures in-lieu petition. His/her signature will be given the same effect as that of any other qualified signer. The candidate may circulate the petitions throughout the jurisdiction regardless of his/her county of residence. (Elections Code §106)

Affidavit of Circulator (Elections Code §104): All petition circulators must complete, in his/her own hand:

- 1) The printed name of the circulator.
- 2) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- 3) The dates between which all the signatures to the petition or paper were obtained.

Each declaration submitted pursuant to this section shall also set forth the following:

- 1) That the circulator circulated that section and witnessed the appended signatures being written.
- 2) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- 3) That the circulator is 18 years of age or older.

The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

Qualified Signers

Only a person who is a registered qualified voter at the time he/she signs the nomination petition or signatures in-lieu petition is entitled to sign it. Each voter shall, at the time of signing the petition or paper, to personally affix his or her signature, printed name and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. (Elections Code §100)

Nomination Paper: Signers shall be voters in the district or political subdivision in which the candidate is to be voted on. With respect to any candidacy for partisan office, signers shall be voters who disclosed a preference, pursuant to Section 2151, for the party, if any, in which the nomination is proposed. Signers need not be registered voters who disclosed a preference for any party when signing candidacy papers for a candidate seeking nomination to a voter-nominated office. (Elections Code § 8068)

Signature-In-Lieu Petition: Any registered voter may sign an In-Lieu petition for any candidate for whom he or she is eligible to vote.

So, who is a voter eligible to vote for?

Top Two Candidates Open Primary Act and Voter-Nominated Offices

On June 8, 2010, California voters approved Proposition 14, which created the Top Two Candidates Open Primary Act.

Except for the office of U.S. President and county central committee offices, offices that used to be known as "partisan offices" (e.g., state constitutional offices, U.S. Congress, and state legislative offices) are now known as "voter-nominated" offices.

Under the Top Two Candidates Open Primary Act, all candidates running in a primary election, regardless of their party preference, will appear on a single Primary Election ballot and voters can vote for any candidate. The top two overall vote-getters – not the top vote-getter from each qualified party and anyone using the independent nomination process – will move on to the General Election.

Candidates for voter-nominated office can choose whether to list their party preference on the Primary and General Election ballots. Political parties can no longer formally nominate candidates for voter-nominated offices, so a candidate who finishes in the top two at the Primary Election and advances to the General Election is not the official nominee of any party for the office.

Applying Signatures-In-Lieu Toward Nomination Signature Requirement

Candidates may apply their in-lieu signatures toward the number of signatures required on their Nomination Paper in accordance with Section 8061. Candidates are required to file a written request with the elections official to apply any valid signatures-in-lieu toward the nomination signature requirement.

However, signatures-in-lieu may only count toward the nomination signature requirement if the signer is registered with the same political party as the candidate. (Elections Code §8106(d))

Circulating Within 100 Feet of a Polling Place

Signatures to a Nomination Paper or any other petition shall not be obtained within 100 feet of any election booth or polling place. (Elections Code §18370)

Voters May Sign Only One Paper; Exceptions

No signer shall, at the time of signing the petition, have his or her name signed to any other Nomination Paper for any other candidate for the same office. Or, in case there are several places to be filled in the same office, signed to more Nomination Papers for candidates for that office than there are places to be filled. (Elections Code §8069)

Validation of Signatures

The following guidelines will be used when validating signatures on nomination petitions or signature-in-lieu of filing fee petitions.

A signature is **INVALID** if the signer:

- is not registered to vote;
- provides a signature on the petition that does not compare to the signature on the voter's affidavit of registration;
- does not reside in the appropriate district;
- for Nomination Papers for partisan offices, is not registered with the same political party as the candidate;
- uses a P.O. Box number for residence;
- uses a mail drop number for residence address;
- provides an address that is different from the voter's residence address on the affidavit of registration on record;
- prints his or her name for the signature, unless registered as such;
- lists her name as Mrs. John Jones;
- uses ditto marks for an address;
- authorizes Power of Attorney to sign on his or her behalf.

NAME & BALLOT DESIGNATION

Name on Ballot

The candidate states on the Declaration of Candidacy how his/her name should appear on the ballot. This should be recognizable as the name under which the candidate is registered, though the two need not be identical. (Example: A candidate registered as “Jonathan William Smith” may use such variations as “John W. Smith,” “John Smith,” or “J. William (Bud) Smith.”)

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; or (b) Decree of any court of competent jurisdiction. (Elections Code §13104)

Ballot Designation - Legislative Requirements

The ballot designation is the word or group of words that will appear on the ballot under the candidate's name, designating the principal profession, vocation, or occupation of the candidate.

Elections Code Section 13107, 13107.3 (Statutes of 2010) and 13107.5 governs the ballot designation that a candidate may use. All candidates (except candidates for Justice of the State Supreme Court or Court of Appeal) may choose a ballot designation to appear immediately under their name on the ballot. Each candidate who submits a ballot designation shall file, in addition to the nomination documents filed pursuant to §8020, a ballot designation worksheet that supports the use of that ballot designation by the candidate. The Ballot Designation Worksheet is obtained from the Elections Department.

The ballot designation must be chosen from one of the four categories below:

- 1) **Elective Office:** 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 a vote of the people, or to which he or she was appointed, in the case of a superior court judge.
- 2) **Incumbent:** The word “incumbent” if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.
- 3) **3-word Profession/Occupation/Vocation:** No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

- 4) **Appointed Incumbent:** The phrase “appointed incumbent” may be used if:
- a) the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for the election to the same office, or,
 - b) 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.

Community Volunteer: A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:

- 1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.
- 2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.
- 3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.

The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

Titles or Degrees Prohibited

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

Unacceptable Designations

Pursuant to Elections Code §13107(b), neither the Secretary of State nor any other election 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 that is prohibited by law.

Rejected Ballot Designations

If, upon checking the Declaration of Candidacy, and the ballot designation worksheet, the election official finds the designation to be in violation of any of the restrictions set forth in §13107, 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.

The candidate shall, within three (3) days, excluding Saturday and Sunday, and state holidays, from the date of receipt of the notice, appear before the election officer 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).

In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name.

Ballot Designation May Not be Changed After Filing

No ballot designation given by a candidate shall be changed by the candidate after the final date for filing nomination papers, except as specifically requested by the election official. (13107(d))

Ballot Designation in Both Primary and General Elections

The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request. (EC §13107(e))

No Ballot Designation

A candidate who does not want a ballot designation should indicate this in the space provided for ballot designation on the Declaration of Candidacy, or the space may be left blank. If no designation is given, it will be assumed that none is desired.

Ballot Designation Worksheet

A ballot designation worksheet must be completed at the time of filing. Election Code 13107.3 states:

- (a) A candidate who submits a ballot designation pursuant to subdivision (a) of Section 13107 shall file a ballot designation worksheet that supports the use of that ballot designation by the candidate, in a format prescribed by the Secretary of State.
- (b) The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her declaration of candidacy.
- (c) In the event that a candidate fails to file a ballot designation worksheet in accordance with subdivision (a), no designation shall appear under the candidate's name on the ballot.

SECRETARY OF STATE

Ballot Designation Regulations

The following are regulations proposed by the Secretary of State and approved by the Office of Administrative Law that went into effect in December 2009. The regulations apply only to state and federal candidates. In order to be consistent with the state regulations, however, the Modoc County Elections Department will apply these same regulations to candidates running for county, special district and school district offices.

Chapter 7. Ballot Designations

§ 20710. General Provisions

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

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

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

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

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

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

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

§ 20711. Ballot Designation Worksheet

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

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

(c) The Secretary of State shall provide a master copy or copies of the Ballot Designation Worksheet to all elections officials responsible for providing and accepting the nomination documents for candidates in elections for offices certified by the Secretary of State. The Ballot

Designation Worksheet shall request that the candidate proposing the ballot designation provide the following information:

- (1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;
- (2) A designation of the office for which the candidate is seeking election;
- (3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
- (4) The proposed ballot designation submitted by the candidate;
- (5) The candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;
- (6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:
 - (A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;
 - (B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;
 - (C) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(3), the candidate shall indicate:
 - (i) The title of the position or positions which he or she claims supports the proposed ballot designation;
 - (ii) The dates during which the candidate held such position;
 - (iii) A description of the work he or she performs in the position;
 - (iv) The name of the candidate's business or employer;
 - (v) The name and telephone number of a person or persons who could verify such information; and
 - (vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at § 20714, subdivision (b).
 - (D) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(4), the candidate shall indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.
- (d) The candidate may attach or append any supporting documents or other exhibits to his or her Ballot Designation Worksheet which he or she believes support his or her proposed ballot designation. Such attached documents or other exhibits shall be deemed to be incorporated by reference as part of the candidate's Ballot Designation Worksheet and shall be considered as such by the Secretary of State.
- (e) If a candidate requests a change of his or her ballot designation pursuant to Elections Code § 13107(e), that request shall be accompanied by a Ballot Designation Worksheet.

Note: Authority cited: Section 12172.5, Government Code. Reference: Sections 13107, 13107.3, Elections Code.

§ 20712. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(1)

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

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

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

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

(d) Proposed ballot designations indicating a position of legislative leadership or leadership in another elected body, such as "Majority Leader of the California Senate," "Minority Leader of the California State Assembly," "Speaker of the California State Assembly," "President Pro Tempore of the California State Senate," "City of Orange Mayor Pro Tem," and the like, are not elective offices described in Elections Code § 13107, subdivision (a)(1). Such ballot designations are improper, pursuant to Elections Code § 13107, subdivision (a)(1). They may, however, subject to the three-word limit, be considered under the provisions of § 13107(a)(3). Examples of acceptable ballot designations under this section include, but are not limited to, "Assembly Minority Leader," "California Assembly Speaker," and "Mayor Pro Tem."

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

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

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

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

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

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

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

Note: Authority Cited: Section 12172.5, Government Code
Reference: Section 13107, Elections Code

§ 20714. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(3)

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

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

(1) "Profession" means a field of employment requiring special education or skill and requiring knowledge of a particular discipline. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a "profession," as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, "attorney," "physician," "accountant," "architect," and "teacher."

(2) "Vocation" means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a "vocation," as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, "minister," "priest," "mother," "father," "homemaker," "dependent care provider," "carpenter," "plumber," "electrician," and "cabinetmaker."

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

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

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

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

(c) In order for a ballot designation submitted pursuant to Elections Code § 13107, subdivision (a)(3), to be deemed acceptable by the Secretary of State, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in

subdivisions (a) and (b) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with Elections Code § 13107 and the regulations in this Chapter. (d) If the candidate is engaged in a profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate's proposed ballot designation is entitled to consist of the candidate's current principal professions, vocations and occupations. In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate's nomination papers.

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

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

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

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

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

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

(2) Punctuation shall be limited to the use of a comma (e.g., District Attorney, Los Angeles County) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (e) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language, which was published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted.

(3) All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. The names of special districts and political subdivisions are not "geographical names," as that term is used in Elections Code § 13107, subdivision (a)(3). If the candidate desires, the geographical name may be used in the form of "City of . . .," "County of . . .," or "City and County of . . ." Examples of geographical names considered to be one word include Tehama County, Los Angeles County and County of Sacramento. Examples of designations containing a special district or political subdivision that are not geographical names include "Butte County Rural Fire District Captain," "Huntington Beach Unified School District President," and "South Bay Irrigation District Director."

(4) An acronym shall be counted as one word.

(g) A candidate who chooses to include the name of his or her elective office with another

profession, vocation, or occupation may do so pursuant to Elections Code section 13107(a)(3), but that ballot designation shall be limited to no more than three words. Examples of acceptable designations under this section include “State Senator/Rancher,” “California Assemblywoman/Attorney,” “County Supervisor/Teacher,” and “State Controller/Businessman.” Examples of unacceptable designations under this section include “Assemblyman, 57th District/Educator,” “California State Senator/Architect,” “Placer County Supervisor/Business Owner,” and “Member, Board of Equalization/Banker.”

Note: Authority cited: Section 12172.5, Government Code. Reference: Sections 9, 13107, Elections Code.

§ 20714.5. “Community Volunteer”

(a) “Community Volunteer” means a person who engages in an activity or performs a service for or on behalf of, without profiting monetarily, one or more of the following:

- (1) A charitable, educational, or religious organization as defined by the United States Internal Revenue Code section 501(c)(3);
- (2) A governmental agency; or
- (3) An educational institution.

(b) The activity or service must constitute substantial involvement of the candidate’s time and effort such that the activity or service is the sole, primary, main or leading professional, vocational or occupational endeavor of the candidate within the meaning of subdivisions (a) and (b) of section 20714 of this Chapter.

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

§ 20715. Proposed Ballot Designations Submitted Pursuant to Elections Code s 13107, Subdivision (a)(4)

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

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

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

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

§ 20716. Unacceptable Ballot Designations

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

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

(1) Avocations: An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work (except as set forth in Section 20714.5 of this Chapter), and matters pursued as an amateur.

(2) Pro Forma Professions, Vocations and Occupations: Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated, except as set forth in Section 20714.5 of this Chapter. Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.

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

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

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

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

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

(g) Pursuant to Elections Code § 13107, subdivision (b)(4), the Secretary of State shall reject

as unacceptable any proposed ballot designation which uses a word or prefix to indicate a prior profession, vocation, occupation or elected, appointed or judicial office previously held by the candidate. Such impermissible words or prefixes include, but are not limited to, "Ex-," "former," "past," and "erstwhile." Examples of impermissible designations include "Former Congressman," "Ex-Senator," and "Former Educator."

(h)(1) Subject to the provisions of Elections Code § 13107, subdivision (b)(4), use of the word "retired" in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation.

(2) In evaluating a proposed ballot designation including the word "retired," the Secretary of State will consider the following factors in making a determination as to the propriety of the use of the term "retired":

(A) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;

(B) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;

(C) The candidate has reached at least the age of 55 years;

(D) The candidate voluntarily left his or her last professional, vocational or occupational position; and,

(E) The candidate's retirement benefits are providing him or her with a principal source of income.

(3) If a candidate is requesting a ballot designation that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office. If such a candidate did not voluntarily retire from public office, he or she may not use the word "retired" in his or her ballot designation.

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

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

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

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

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

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

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

§ 20717. Requests for Supporting Documentation

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

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

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

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

Note: Authority cited: Section 12172.5, Government Code. Reference: Sections 13107, 13107.3, Elections Code.

§ 20718. Communication of Decisions Regarding Ballot Designations

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

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

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

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

§ 20719. Service of Legal Process Regarding Ballot Designations

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

(b) Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the Chief Counsel to

the Secretary of State at (916) 653-7244. Counsel for all parties to such ex parte matters are admonished that waivers of the Secretary of State's right to timely notice and the right to personally appear at the ex parte hearing will be granted in writing and only in limited instances.

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

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

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

WRITE-IN CANDIDACY **(Elections Code § 8600 – 8606)**

Filing Period: March Special Primary Election: January 28 - March 12
(E-57 - E-14)

Write-In Procedure

Persons who did not file a Declaration of Candidacy and fulfill their nomination requirements to place their name on the ballot may run for office as a write-in candidate. Write-in votes will be counted and certified in the Statement of Vote only for **qualified write-in candidates** who file the required forms with the Elections Department no later than 14 days prior to Election Day. The Elections Department will forward the forms to the Secretary of State in the case of offices that must be certified by the Secretary of State.

Voters may write-in any person they wish for any office regardless of whether the person has qualified or not. However, the votes will only be tabulated for qualified write-in candidates.

To qualify as a write-in candidate, a person must file with the Elections Department the following documents:

- A **“Statement of Write-in Candidacy”** which shall contain the candidate's name, residence address, a declaration stating that he or she is a write-in candidate, the title of the office for which he or she is running, the party nomination which he or she seeks, if running in a partisan primary election, the date of the election, a certification of the candidate's complete voter registration and party affiliation/preference history for the preceding 10 years, or for as long as he or she has been eligible to vote in the state if less than 10 years, if running for a voter-nominated office.
- A **“Nomination Paper”** with the requisite number of sponsor signatures required for the office sought.

Signers of nomination papers for write-in candidates shall be voters in the district or political subdivision in which the candidate is to be voted on.

No filing fee or charge shall be required of a write-in candidate.

Write-in candidates are subject to the same requirements as other candidates with regard to disclosure of economic interests and campaign disclosure.

(Gov. Code 82007; Elections Code §305)

Notwithstanding any other provision of law, a person may not be a write-in candidate at the general election for a voter-nominated office. (Elections Code §8606)

The Elections Department will provide polling places with a list of **qualified write-in candidates**.

Offices Omitted From Ballot

Prospective write-in candidates should note that write-in candidacy is possible only if the office appears on the ballot. The following offices will be omitted from the ballot if the number of persons qualifying for the ballot does not exceed the number of places to be filled: Superior Court Judges (if only the incumbent files) and County Central Committees and County Councils. There is provision in the law, however, to require that the offices be placed on the ballot by means of a petition procedure. (Elections Code §7228, 7423, 7673, 777.1, 8203)

Additional Requirements

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

(a) At that direct primary he or she received for a partisan office votes equal in number to 1 percent of all votes cast for the office at the last preceding general election at which the office was filled. In the case of an office that has not appeared on the ballot since its creation, the requisite number of votes shall equal 1 percent of the number of all votes cast for the office that had the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office.

(b) He or she is an independent nominee for a partisan office pursuant to Part 2 (commencing with Section 8300).

(c) At that direct primary he or she received for a voter-nominated office the highest number of votes cast for that office or the second highest number of votes cast for that office, except as provided by subdivision (b) of Section 8142 or Section 8807. (Elections Code § 8605)

Write-ins for Voter-Nominated Offices

In order to have your name placed on the general election ballot for a voter-nominated office, the write in candidate must receive the highest number of votes cast for the office or the second highest number of votes cast for this office, unless there is a tie or a vacancy. (Elections Code §8142, 8605)

A person may not run as a write-in candidate at the General Election for a voter-nominated office. Elections Code §8600 (c)

CANDIDATE STATEMENT OF QUALIFICATIONS

Do NOT Refer to Another Candidate in Your Statement – Elections Code §13308

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

The elections official shall not cause to be printed or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section. (Elections Code §13308)

CANDIDATE STATEMENTS FOR LEGISLATIVE CANDIDATES

State Senate legislative candidates, who choose to keep their campaign spending under specified dollar limits, may buy space in the voter information portion of the county sample ballot for a 250-word candidate statement (Government Code section 85601(c)). The deadline to file legislative candidate statements for the March 26, 2019, Special Primary Election is Thursday, January 31, 2019. (E-54)

OVERVIEW

- Each candidate for nonpartisan elective office in any local agency, including any city, county, or district as well as candidates for state legislative office who qualify under Proposition 34 may prepare a Candidate's Statement of Qualifications.
- The Candidate's Statement is designed to acquaint voters with the candidate's qualifications for the office he or she is seeking.
- The Statement is incorporated into the Voter's Information Pamphlet pages of the Voter's Information Guide produced by the Modoc County Elections Department and mailed to all registered voters in the district eligible to vote for that particular candidate.
- Election materials will only be mailed to those voters who are on the voter rolls 29 days before the election. The voters who submit voter registration cards after this date but by the 15-day registration deadline, will **NOT** receive a Sample Ballot booklet, only a notice advising the late registrant where to vote and that he/she will not receive a Sample Ballot and Voter's Information Pamphlet. (Elections Code §9094, 13303)

CANDIDATE'S STATEMENTS WHERE AND WHEN TO FILE

PERIOD FOR FILING:	<p>January 16 to January 31 by 5 p.m. The statement must be paid for and filed with the Declaration of Candidacy.</p> <p style="text-align: right;">§13307(a)(2)</p>
WHERE:	<p>County Clerk/Elections Department 108 E. Modoc Street Alturas, CA 96101 530-233-6205 Regular office hours – 8:30 a.m. to 5 p.m., Monday through Friday.</p>
CONTENTS:	<p>The statement contains the candidate's:</p> <ul style="list-style-type: none"> • name • age (optional) • occupation (optional), and • a brief description of no more than 200 words (unless 400 has been authorized by the governing board) of the candidate's education and qualifications expressed by the candidate. <p style="text-align: center;">§13307(a)(1)</p>
RESTRICTIONS:	<p>The candidate's statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations.</p> <p style="text-align: center;">§13307(a) (1)</p>
CONFIDENTIALITY:	<p>Statements remain confidential until 5 p.m. on the last day to file.</p> <p style="text-align: right;">§13311</p>
WITHDRAWAL:	<p>Statements may not be changed but may be withdrawn no later than 5 p.m. on January 31.</p> <p style="text-align: right;">§13307(a)(3)</p>
PAYMENT:	<p>Cost for printing a candidate's statement in the Voter Information Guide shall be paid at the time of filing the statement with the Declaration of Candidacy. Checks are made payable to the Modoc County Clerk.</p> <p style="text-align: right;">§13307(c)</p>

CANDIDATE'S STATEMENT Content, Size & Format

C ONTENT

- Be accurate. **Documents will be printed as submitted.** **SPELLING, PUNCTUATION, AND GRAMMATICAL ERRORS WILL NOT BE CORRECTED BY THE ELECTIONS DEPARTMENT.**
- Please **TYPE** your candidate statement. **DO NOT USE ALL CAPS.** Statements will be rejected if they are typed in all capital letters or if the statement is not readable. Candidates statements may be typed.
- In addition to filing a hard copy, Modoc County requires candidates to submit their statements in a readable electronic format, otherwise the candidate will be charged an extra \$100. If there is a discrepancy between the content of the hard copy and the content in the electronic format, **the hard copy content will prevail.**
- Candidates for nonpartisan offices shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations. (§13307(a)(1))
- Statements for judicial offices may not make reference to other candidates for judicial office or to another candidate's qualifications, character, or activities. (§13308)
- No statement shall contain any demonstrably false, slanderous or libelous statements (§13307(d)).
- The heading includes the candidate's name and office sought, followed by a line for the candidate's occupation and age (if provided). These are standardized headings and are included in the quarter page space provided. The words, however, do not count toward the number of words allowed for the statement.
- Subheadings and deviations from the standardized heading will not be accepted.
- The "**Occupation**" field in the Candidate's Statement is NOT governed by the laws and regulations pertaining to the ballot designation that appears underneath the candidate's name on the ballot. Therefore, it may be different from the candidate's ballot designation. However, if its length extends beyond one line, words appearing on the second line will be counted toward the 200-word maximum.

S IZE

- Candidates for Superior Court Judge, County Offices and County Supervisor are limited to **200 words**.
- Candidates for Congress, State Senate and State Assembly are limited to **250 words**.
- See guidelines on "How to Count Words" on page 77.
- The candidate's statement must fit inside a quarter page square of the Voter's Information Pamphlet measuring 3.75" wide by 4.5" tall. All 200 or 250-word candidate statements must fit in the quarter page space provided. If the statement does not fit as filed, paragraphs will be run together in order to make the statement fit. If the jurisdiction authorizes candidates to file 400-word statements, they will be printed on a half-page, vertical column, and the candidate will be charged double. Please see example on page 73.

F ORMAT

- All text will be formatted flush left – no indents will be allowed.
- Statements are printed in the Voter's Information Pamphlet in type of uniform size, darkness and spacing. Modoc County uses 9 point Arial Narrow type - no exceptions.
- **Bolding**, CAPITALIZING, underlining, bullets, and centering text are not permitted. If the statement contains any bolding, capitalizing (other than abbreviations or acronyms), underlining, bullets, and centering of text, the text will be converted to normal text without these attributes.
- Limited use of *italics* is permitted.

THE PRINTED CANDIDATE'S STATEMENT

Below is a sample of a 200-word Candidate's Statement of Qualifications, as it will appear in the Voter's Information Pamphlet.

<p>Statement of CHRIS CANDIDATE, Candidate for County Supervisor, 6th District County of Modoc</p> <p>Occupation: Teacher Age: 42</p> <p>I can bring to the office a diversity of viewpoints and experience. Born and raised in the Modoc Area, with my family still farming, I can appreciate the concerns of the environmentalist. On the other hand, having been in business since my undergraduate days at UCSC, and with my experience in the rental and real estate fields, I appreciate the practical housing requirements of our community.</p> <p>My credentials include: Graduate of local high schools, UCSC graduate with a B.S. and MBA; US Air Force sergeant; Married and parent of 2; Small Business owner; Homeowner.</p> <p>In addition, I have either served or am serving in the following clubs and organizations: Rotary; Chamber of Commerce; Sierra Club; PTA; Arts Council; Rock the Vote; and League of Women Voters.</p> <p>If elected to this office, I will do my best to continue to serve as a leader and role model for our community and children.</p> <p>www.voteforChris.com</p>	<p>The Spanish translation would appear here for candidates who request and purchase a Spanish translation of their Candidate's Statement.</p> <p>Or, this space would be used for other candidates running for the same office.</p> <p>Candidate statements will appear in the same order as the candidates' names appear on the ballot.</p>
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NOTE: If your candidate's statement exceeds the 3.75" wide by 4.5" tall quarter page provided for each statement, you will be charged double for the additional space.

Or, the elections official will reformat to fit in the space allotted.

COST OF PRINTING CANDIDATE'S STATEMENTS

**CANDIDATE STATEMENTS MUST BE SUBMITTED IN AN ELECTRONIC FORMAT,
OTHERWISE PAY \$100 EXTRA!!**

The Elections Department encourages candidates to submit their statements on a CD or send via e-mail to stephaniewellemeyer@co.modoc.ca.us

- ONE signed hard copy must be filed by the deadline.
- Format all text flush left and execute and save italics within the file.
- If the statement is submitted electronically and it is not in a readable electronic format and the elections staff have to type the statement, the candidate will be charged \$100 extra.

PAYMENT

The statement may be paid for by check made payable to the County Clerk or cash if the candidate is using personal funds and will not be reimbursed through the committee. The fee shall be paid at the time candidates file their Declarations of Candidacy if the candidate wants to have a statement printed in the Voter's Information Pamphlet.

If the Candidate's Statement is withdrawn by 5 p.m. on January 31st the fee will be refunded in full.

PRINTING IN SPANISH

Modoc County is **not** required to print statements in Spanish; therefore, any candidate wishing their statement be printed in Spanish in Modoc County's Voter Information Guide will be required to pay double the amount listed. A facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish will be available at each polling place on Election Day and upon request by voters at no additional expense to the candidate. (§14201)

OVERLAPPING DISTRICTS

Important notice to candidates in districts that encompass more than one county. Procedures, requirements, fees, formats and public examination periods for candidates' statements may vary between counties. It is the candidate's responsibility to contact each county (in which he or she wishes to have a statement printed) within the district to obtain the appropriate information from each county. Failure to do so may jeopardize the printing of the candidate's statement.

County Offices – When a county, school or special district overlaps into another county, the candidate's statement shall be printed in each and every county in which the district lies. The candidate must write a separate check made payable to the appropriate county in the amount provided to cover the cost of printing, handling and mailing the statement within the respective counties. The check and candidate's statement will be forwarded by the Modoc County Elections Department staff to our neighboring county for printing in its Voter's Information Pamphlet.

Congressional and State Legislative Offices – Candidates' statements shall be filed in the office of the election official of each county within the district in which the candidate wishes a statement to be printed, not later than 5:00 p.m. on the 88th day prior to the election, or in the event that the nomination period has been extended, until 5:00 p.m. on the 83rd day prior to the election.

It is strongly recommended that the candidate file the statement personally. If the statement is filed by someone other than the candidate, that person should have the authority to make corrections or deletions to the statement in the event that errors or an excess number of words are detected prior to filing the statement. Statements received by mail prior to the deadline will be filed provided that they meet the statutory requirements and county policies regarding candidates' statements. Statements may not be changed after filing.

COST FORMULA

The cost of the Candidate's Statement is based on a quarter page measuring 3.75" wide by 4.5" tall in the Voter's Information Guide. It includes a flat fee of \$55 for inputting the statement, plus \$0.10 per voter in the district for printing.

The cost of the Candidate's Statement for Statewide Offices is based on a half-page measuring 3.75" wide by 9" tall in the Voter's Information Guide. It includes a flat fee of \$110 for inputting the statement, plus \$0.10 per voter in the district for printing.

A deposit is required for inputting your statement in to the Voter Information Guide. If the candidate's statement is less than the deposit a refund for the difference will be issued to the candidate. If the cost is more than deposit then the candidate will be billed the difference.

Candidates who do not submit their statement in a readable electronic format will pay \$100 extra.

The difference between the estimated costs and the actual costs will either be refunded or billed to the candidate following the election.

PUBLIC EXAMINATION

Candidates' statements are available for public examination in the county election official's office 10 days prior to submission for printing. During this period any voter of the jurisdiction in which the election is to be held, or the county election official, may seek a writ of mandate or an injunction requiring any or all of the material in the statement to be amended or deleted. Venue for such a proceeding shall be the county in which the statement is filed. If the statement is filed in more than one county, the writ or injunction must be sought in each county in which amendments or deletions to the statement are sought. (§13313)

CANDIDATE STATEMENT COSTS
STATE OFFICES

DISTRICT	REGISTERED VOTERS	COST Of STATEMENT (250 words - 1/4 PAGE)
State Member of Senate	4961	\$607.00

HOW TO COUNT WORDS

(Pursuant to Elections Code Section 9)

This section shall not apply to counting words for ballot designations.

Each word is counted as one word except:

- PUNCTUATION:** Punctuation is not counted.
- TITLES:** Words used in the title of the document, such as "Argument in Favor of Measure A" are not counted.
- CITIES/COUNTIES:** All geographical names shall be counted as one word. Areas that have political boundaries with an elected or appointed board are considered geographic areas by this office. For example, "County of Modoc" and "Modoc County Unified School District" shall each be counted as one word.
- ABBREVIATIONS:** Each abbreviation for a word, phrase, or expression shall be counted as one word.
- HYPHENATIONS:** Hyphenated words that appear in any generally available dictionary shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- DATES:** Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting of only a combination of digits shall be counted as one word. January 1, 2018 shall be counted as two words, whereas 1/1/18 shall be counted as one word.
- NUMBERS:** Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled, shall be considered as a separate word. "100" shall be counted as one word, whereas "one hundred" shall be counted as two words.
- PHONE & INTERNET:** Website addresses and telephone numbers are one word.
- PERCENT, ETC.:** It is department policy to count numbers consisting of a digit or digits used with a dollar sign (\$), cent sign (¢), percentage sign (%), or number sign (#) as one word.

REGISTRATION AND ELECTION DATA

Confidential Voter File

Pursuant to Elections Code Sections 2187(g), 2188 and 2194, voter registration information is available to persons or groups for election, scholarly, journalistic or political purposes, or governmental purposes, as determined by the Secretary of State. Each written request to view, purchase, or use voter registration information must be submitted in person and with identification on an application available at the Modoc County Elections Department.

Permissible Usage

The California Code of Regulations, Title 2, Division 7, Chapter 1, Article 1, Section 19003, specifies permissible uses for any data obtained from voter registration files.

Permissible usage includes, but is not limited to:

- Using registration information for purposes of communicating with others in connection with any election;
- Sending communications, including but not limited to, mailings which campaign for or against any candidate or ballot measure in any election;
- Sending communications, including but not limited to, mailings by or in behalf of any political party; provided however, that the content of such communications shall be devoted to news and opinions of candidates, elections, political party developments and related matters;
- Sending communications, including but not limited to, mailings, incidental to the circulation or support of, or opposition to any recall, initiative, or referendum petition;
- Sending of newsletters or bulletins by any elected public official, political party or candidate for public office;
- Conducting any survey of voters in connection with any election campaign;
- Conducting any survey of opinions of voters by any government agency, political party, elected official or political candidate for election or governmental purposes;
- Conducting an audit of voter registration lists for the purposes of detecting voter registration fraud;
- Soliciting contributions or services as part of any election campaign on behalf of any candidate for public office or any political party or in support of or opposition to any ballot measure;
- Any official use by any local, state, or federal governmental agency.

Prohibited Usage

The California Code of Regulations, Title 2, Division 7, Chapter 1, Article 1, Section 19004, Prohibited usage includes:

- Any communication or other use solely or partially for any commercial purpose;
- Solicitation of contributions or services for any purpose other than on behalf of a candidate or political party or in support or opposition of a ballot measure;
- Conducting any survey of opinions of voters other than those permitted by Section 19003(f) and (g).

California Elections Code §18109 states:

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

ELECTION DATA FOR SALE

YOU WANT IT WHEN? Orders will be completed within 2 working days except for vote-by-mail voter information if previously requested to be received on a daily basis.

\$\$\$PAYMENT MUST BE MADE IN ADVANCE OF ANY PURCHASE. Candidates may set up an account with the Elections Department by writing a check “Not to Exceed” a certain dollar amount. The check will be deposited the next business day. Purchases will then be subtracted from that amount until the cap is reached. If total purchases are less than the amount of the original check, candidates will be reimbursed for the difference. Or candidates have the option of paying for their data on an ongoing basis.

Walking Lists

These lists are by consolidated voting precinct, in alphabetical order by street, and are available sometime after the 54th day prior to the election and after the 29th day prior to the election. (Elections Code §2184)

- Per district \$2.00

Printed Voter Indexes by Street or Alpha

Special order computer jobs (other than the 54 or 29-day indexes) can be requested at any time. Indexes can be sorted by street or alphabetical by voter’s name.

- Per district \$2.00
- Per precinct..... \$1.00

Labels

Mailing labels are available addressed to every eligible voter, or to family household of the same surname and same address. Household labels constitute approximately 70 to 75% of the registered voters within a district.

- District Labels.....\$25 set up fee plus 60 cents/page
- Countywide Labels.....\$50 set up fee plus 60 cents/page
- District Household Labels.....\$25 set up fee plus 60 cents/page
- Countywide Household Labels.....\$50 set up fee plus 60 cents/page

Voter Lists on CD

The voter lists described above may be purchased on CD.

- Countywide \$130.00

List of Polling Places / List of Candidates on the Ballot

A list of the polling places in an election and a list of candidates' names and addresses is available for purchase.

- Each list\$0.50 cents per page

Maps

The county GIS Department produces computer-generated maps. Maps are available for purchase or viewing in the Elections Department during regular office hours.

Small maps: These maps are 8 1/2" x 11"

-Each map \$0.50

Large maps: These maps are approximately 33" x 43"

-Each map \$10.00

Photocopying

Copies of candidate's campaign reporting documents (Forms 410, 460, etc.) are available.

- Each page.....\$0.10

An additional \$5 retrieval fee is charged if the item requested is more than five (5) years old. (Gov. Code §81008)

Photocopying of all other items:

- Each page.....\$0.50

VOTER REGISTRATION

Online Voter Registration

Voters can now register to vote online at www.registertovote.ca.gov The website is accessible and available in nine languages plus English.

The deadline to register or re-register to vote for any election is 11:59:59 p.m. Pacific Time on the 15th calendar day before that election. If voters submit an application after this time, their application will still be processed for future elections.

To register to vote online, voters will need:

- Their California driver license or California identification card number,
- The last four digits of their social security number and
- Their date of birth.

The voter's information will be provided to the California Department of Motor Vehicles (DMV) to retrieve a copy of their DMV signature.

If they do not have a California driver license or California identification card, voters can still use the online form to apply to register to vote by completing the online interview by 11:59:59 p.m. Pacific Time on the 15th calendar day before an election.

Conditional Voter Registration

Voters who missed the voter registration deadline can still register and vote - up to and including Election Day at the Modoc County Elections Office and other locations designated by the County Clerk.

It's a simple, two-step process:

1. Voters will fill out a paper registration form.
2. Voters then vote, seal their ballot in a special envelope, and sign the envelope.

Ballots will be counted after the elections official verifies the voter's registration and confirms that they have not already voted in the election.

Voter Registration Drives

Candidates and/or committees wishing to distribute voter registration cards may obtain cards from the Elections Department during regular office hours.

For any quantity of 50 or more, the individual requesting the cards must fill out an application for distribution. For quantities of 2,000 or more, the application for distribution form is transmitted to the Secretary of State's Office. (California Administrative Code §20001g)

Citizens or organizations which distribute voter registration cards shall give a voter registration card to any person requesting it.

Completed cards must be returned to the Elections Department within 3 business days or by the close of registration. Failure to do so is a misdemeanor.

Registering to vote at E-29 versus E-15

The law allows voters to register up until the 15th day before the election – **March 11, 2019**. Voters who submit their voter registration cards by the 29th day before the election **March 26, 2019**, (postmark **NOT ACCEPTABLE**) will be added to the voter rolls, and the voters will receive a Sample Ballot and Voter's Information Pamphlet prepared by the county elections official.

Voters who submit cards after this date will **NOT** receive a Sample Ballot booklet, only a notice advising the late registrant that he/she will not receive a Sample Ballot and Voter's Information Pamphlet. The notice will also inform the voter of where he or she is assigned to vote on Election Day. §2102, 2107, 13303

PROVISIONAL VOTING

Provisional ballots are issued to voters whose voting eligibility cannot be established quickly and easily at the time the voter has shown up to vote.

Please be advised that poll workers in Modoc County are directed to **“ALWAYS LET THE VOTER VOTE.”** If eligibility cannot be determined, the voter must vote provisionally.

Provisional voters must vote their ballot in person at the Elections Department, satellite office, or polling place. Provisional ballots cannot be mailed. As time allows, election officials will hand deliver provisional ballots to homebound voters.

Examples of situations where a voter will vote provisionally:

1. Voter applied for a vote-by-mail ballot and now, for whatever reason, wants to vote in person and does not have his/her ballot to surrender.
2. Voter cannot be found in the voter file, but claims to have properly registered to vote. Any proof the voter may have, such as registration receipt, will be attached to the provisional ballot.
3. Voter moved and did not re-register to vote.
4. Voter is required to show photo identification because the voter registered to vote by mail and did not provide a driver's license or last 4 digits of his/her social security number so elections officials could validate the voter through the statewide system. If the voter has identification, he/she will vote a regular ballot. If the voter does not have photo identification, the voter is required to vote provisionally.
5. Any other reason where the voter's eligibility cannot be determined instantly.

Provisional ballots are distinguished from regular ballots because they are placed in a pink envelope for election officials to research and resolve during the official canvass. The federal Help America Vote Act (HAVA) of 2002 requires elections officials to give voters who vote provisionally a receipt that advises the voter that:

1. The voter has the Right to Cast a Provisional Ballot
2. The voter has the right to find out whether your provisional ballot was counted, and, if not, why not.

In Modoc County, voters may call the office after Election Day to find out the status of their provisional vote.

1. Call the regular office line: 530-233-6205

Typically, provisional ballots are processed between 14 - 28 days following the election. Elections Code Section 14310(c) says provisional ballots are counted during the official canvass only if (1) the elections official establishes the voter's right to vote the ballot, or (2) a superior court orders the ballot to be counted. A voter may seek a court order to require his or her ballot to be counted but must do so before the official canvass period ends. Judicial action involving provisional ballots has priority over other civil matters.

Court Ordered Registrations and Provisional Voting

If a voter claims to have registered to vote through DMV or another National Voter Registration Act mandated agency, the Modoc County Elections Department has established a simple procedure to allow a voter to complete a new voter's registration card, complete court documents and vote a provisional ballot.

The county elections officials will process the documents through the court and if they are signed by the judge, the ballot will be counted. The voter's new voter registration card will be processed for future elections.

Provisional Voting Laws

Voting a Provisional Ballot; Handling of ballot. §14310.

a) At all elections, a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows:

(1) An elections official shall advise the voter of the voter's right to cast a provisional ballot.

(2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the provisional ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (c) and (d).

(3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.

(b) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelopes specified in this subdivision shall be a color different than the color of, but printed substantially similar to, the envelopes used for vote by mail ballots, and shall be completed in the same manner as vote by mail envelopes.

(c) (1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on vote by mail ballots, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration. If the signatures do not compare, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot.

(2) Provisional ballots shall not be included in any semiofficial or official canvass, except upon: (A) the elections official's establishing prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote; or (B) the order of a superior court in the county of the voter's residence. A voter may seek the court order specified in this

paragraph regarding his or her own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters. No fee shall be charged to the claimant by the clerk of the court for services rendered in an action under this section.

(3) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official.

(A) If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in his or her assigned precinct, the elections official shall count the votes for the entire ballot.

(B) If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.

(d) The Secretary of State shall establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

(e) The Secretary of State may adopt appropriate regulations for purposes of ensuring the uniform application of this section.

(f) This section shall apply to any vote by mail voter described by Section 3015 who is unable to surrender his or her unvoted vote by mail voter's ballot.

(g) Any existing supply of envelopes marked "special challenged ballot" may be used until the supply is exhausted. (Amended by Statutes of 2009)

Provisional Voting for Voters who Moved within the Same County §14311

(a) A voter who has moved from one address to another within the same county and who has not reregistered to vote at that new address may, at his or her option, vote on the day of the election at the polling place at which he or she is entitled to vote based on his or her current residence address, or at the office of the county elections official or other central location designated by that elections official. The voter shall be reregistered at the place of voting for future elections.

(b) Voters casting ballots under this section shall be required to vote by provisional ballot, as provided in Section 14310. (Amended by Statutes of 2003)

Liberal Constructions §14312

This article shall be liberally construed in favor of the provisional voter. (Amended by Statutes of 2003)

CONDITIONAL VOTER REGISTRATION VERSUS PROVISIONAL VOTING

During the 14 days up to and including Election Day, voters must go to an official Elections Office to register and vote. Voters can call the Modoc County Elections Office at 530-233-6205.

If voters are registered to vote, and have moved within the county, they can go to their polling place and vote a provisional ballot.

If a voter:	The voter can go to:	How the voter will vote:
Is not registered to vote	The county elections office	Complete a voter registration form Vote a CVR provisional ballot
Is registered in another county	The county elections office where the voter now lives	Complete a voter registration form Vote a CVR provisional ballot
Has moved within the county where the voter is registered to vote	The polling place for the voter's new address or the county elections office	Complete a voter registration form Vote a provisional ballot

Conditional voter registration laws

§2170. (a) "Conditional voter registration" means a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information, as specified in subdivision (c).

(b) In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to register to vote under this code and Section 2 of Article II of the California Constitution may complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election or on election day pursuant to this article.

(c) (1) A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration.

(2) If the information provided by the registrant on the registration affidavit cannot be verified pursuant to paragraph (1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to Section 2150 and the conditional voter registration shall be deemed effective.

(d) The county elections official shall offer conditional voter registration and provisional voting pursuant to this article, in accordance with all of the following procedures:

(1) The elections official shall provide conditional voter registration and provisional voting pursuant to this article at all permanent offices of the county elections official in the county.

(2) The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to subdivision (c).

(3) The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding provisional ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the registrant's eligibility to register, and validate the registrant's information before counting or rejecting the corresponding provisional ballot.

(4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant's eligibility to register, and attempt to validate the registrant's information.

(5) If a conditional registration is deemed effective, the elections official shall include the corresponding provisional ballot in the official canvass.

(e) The county elections official may offer conditional voter registration and provisional voting pursuant to this article at satellite offices of the county elections office, in accordance with the procedures specified in paragraphs (2) to (5), inclusive, of subdivision (d).

(Amended (as added by Stats. 2012, Ch. 497) by Stats. 2015, Ch. 734, Sec. 2. Effective January 1, 2016. Section added by Stats. 2012, Ch. 497, with text revised by this amendment, became operative on January 1, 2017, by Sec. 6 of Ch. 497, pursuant to the certification issued by the Secretary of State on September 26, 2016.)

§2171. (a) A conditional voter registration accepted under this article shall include the information required by Article 4 (commencing with Section 2150).

(b) A conditional voter registration accepted under this article shall be processed in accordance with general voter registration procedures provided in this chapter and established by regulations adopted by the Secretary of State.

(c) A provisional ballot cast under this article shall be subject to the requirements for provisional voting in Article 5 (commencing with Section 14310) of Chapter 3 of Division 14.

(Added by Stats. 2012, Ch. 497, Sec. 2. Effective January 1, 2013. Operative January 1, 2017, by Stats. 2012, Ch. 497, by Sec. 6, pursuant to the certification issued by the Secretary of State on September 26, 2016.)

§2172. (a) The elections official shall cancel any duplicate voter registrations that may exist as a result of a conditional registration deemed effective and shall cancel the duplicate registrations in accordance with Chapter 3 (commencing with Section 2200).

(b) If it appears that a registrant may have committed fraud within the meaning of Section 18560, the elections official shall immediately notify in writing both the district attorney and the Secretary of State.

(Added by Stats. 2012, Ch. 497, Sec. 2. Effective January 1, 2013. Operative January 1, 2017, by Stats. 2012, Ch. 497, by Sec. 6, pursuant to the certification issued by the Secretary of State on September 26, 2016.)

§2173. (a) Notwithstanding any other law, a person who commits fraud in the execution of a conditional voter registration pursuant to this article shall be punishable by imprisonment in the county jail for up to one year, or a fine up to twenty-five thousand dollars (\$25,000), or by both that fine and imprisonment.

(b) In addition to the criminal penalties prescribed in subdivision (a), a person who commits fraud in the execution of a conditional voter registration pursuant to this article shall be subject to a civil fine of an amount up to twenty-five thousand dollars (\$25,000). An action for a civil penalty under this subdivision may be brought by the Secretary of State or any public prosecutor with jurisdiction.

(c) Nothing in this section shall preclude the prosecution of a person under any other applicable provision of law.

(Added by Stats. 2012, Ch. 497, Sec. 2. Effective January 1, 2013. Operative January 1, 2017, by Stats. 2012, Ch. 497, by Sec. 6, pursuant to the certification issued by the Secretary of State on September 26, 2016.)

VOTE-BY-MAIL BALLOT DRIVES

Any organization or citizen wishing to distribute vote-by-mail ballot applications may obtain camera-ready copy of a state-approved, uniform application and have the application printed in any quantity.

Camera-ready forms are available in English and Spanish. The Elections Department also provides a guide on how to duplicate the form. It is extremely important that candidates and/or committees adhere to the format and to include the committee's name, address and telephone number at the bottom of the vote-by-mail application. (Elections Code §3006 and 3007)

The uniform applications contain a box for "unaffiliated" voters to request a ballot for a qualified political party that has adopted rules permitting them to vote their party's ballot. See "California's New Modified Closed Primary" in this manual for more information.

Any individual, organization, or group that distributes vote-by-mail voter applications shall return the forms to the appropriate elections official within 72 hours of receiving the completed form, or before the deadline for application, whichever is sooner. (Elections Code §3008)

February 25, 2019 is the first day absent voter ballots may be issued for the March 26, 2019 election. Any application received prior to that date will be kept on file and processed during the application period.

A written request/application sent by mail for an absent voter ballot must be received by the Elections Department by 5 p.m. on **March 19, 2019**. Ballots are available at the Elections Department from February 25th to 8 pm Election Day, March 26th.

Applications for vote-by-mail ballots received in the mail after March 19 will not be processed. A letter of explanation will be sent to the applicant advising the voter that the application was received after the deadline.

Postmark +3

Vote-by-mail ballots that are postmarked on or before Election day or is time stamped or dated stamped by a bona fide private mail delivery company on or before Election Day, and received by the county elections official by the 3rd day after the election shall be considered received on time.

If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope must be signed and dated by the voter pursuant to Section 3011 on or before Election Day in order to be considered received on time. (Elections Code §3020)

Cure unsigned ballot envelopes +8

Voters who failed to sign their vote-by-mail ballot envelope have until 8 days after the election to provide a signature on an Unsigned Ballot Envelope Statement to the county Elections Department. The unsigned Ballot Envelope Statement may be returned to the County Elections Official by mail, FAX, email, hand-delivered, or dropped off at a polling place or drop box. (Elections Code §3019)

CALIFORNIA'S PRIMARY SYSTEM

Current Law - Top Two Open Primary Act with Voter-Nominated Offices

On June 8, 2010, California voters approved Proposition 14, which created the Top Two Candidates Open Primary Act.

Except for the office of U.S. President and county central committee offices, offices that used to be known as "partisan offices" (e.g., state constitutional offices, U.S. Congress, and state legislative offices) are now known as "voter-nominated" offices.

Under the Top Two Candidates Open Primary Act, all candidates running in a primary election, regardless of their party preference, will appear on a single Primary Election ballot and voters can vote for any candidate. The top two overall vote-getters – not the top vote-getter from each qualified party and anyone using the independent nomination process – will move on to the General Election.

Candidates for voter-nominated office can choose whether to list their party preference on the Primary and General Election ballots. Political parties can no longer formally nominate candidates for voter-nominated offices, so a candidate who finishes in the top two at the Primary Election and advances to the General Election is not the official nominee of any party for the office.

Call the Elections Department at 530-233-6205, for updated information.



CAMPAIGN PRACTICES

USE OF PUBLIC RESOURCES

(Gov. Code §8314 (a))

(a) It is unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes which are not authorized by law.

(b) For purposes of this section:

(1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business. "Personal purpose" does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes, including an occasional telephone call.

(2) "Campaign activity" means an activity constituting a contribution as defined in Section 82015 or an expenditure as defined in Section 82025. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.

(3) "Public resources" means any property or asset owned by the state or any local agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and state-compensated time.

(4) "Use" means a use of public resources which is substantial enough to result in a gain or advantage to the user or a loss to the state or any local agency for which a monetary value may be estimated.

(c) (1) Any person who intentionally or negligently violates this section is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of public resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.

(2) If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasurer of that city.

(3) No civil action alleging a violation of this section may be commenced more than four years after the date the alleged violation occurred.

(d) Nothing in this section shall prohibit the use of public resources for providing information to the public about the possible effects of any bond issue or other ballot measure on state activities, operations, or policies, provided that (1) the informational activities are otherwise authorized by the constitution or laws of this state, and (2) the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(e) The incidental and minimal use of public resources by an elected state or local officer, including any state or local appointee, employee, or consultant, pursuant to this section shall not be subject to prosecution under Section 424 of the Penal Code.

MASS MAILING

Mass mailing; requirements (Gov. Code §84305)

Each candidate filing a Declaration of Candidacy is to be apprised of Government Code §84305, which is produced here for your information:

- 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 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 definition (Gov. Code §82041.5)

"Mass Mailing" means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail that is sent in response to an unsolicited request, letter or other inquiry.

Mass mailing by incumbents (Gov. Code §89001)

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

SLATE MAILERS

Slate mailer definition (Gov. Code §82048.3)

"Slate Mailer" means a mass mailing that supports or opposes a total of four or more candidates or ballot measures.

Slate mailer organization (Gov. Code §82048.4)

- a) "Slate mailer organization" means, except as provided in subdivision (b), any person who, directly or indirectly, does all of the following:
 - 1) Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in slate mailers.
 - 2) Receives or is promised payments totaling \$500 or more in a calendar year for the production of one or more slate mailers.
- b) Notwithstanding subdivision (a), a slate mailer organization shall not include any of the following:
 - 1) A candidate or officeholder or a candidate's or officeholder's controlled committee.
 - 2) An official committee of any political party.
 - 3) A legislative caucus committee.
 - 4) A committee primarily formed to support or oppose a candidate, officeholder, or ballot measure.
- c) The production and distribution of slate mailers by a slate mailer organization shall not be considered making contributions or expenditures for purposes of subdivision (b) or (c) of §82013. If a slate mailer organization makes contributions or expenditures other than by

producing or distributing slate mailers, and it reports those contributions and expenditures pursuant to §84218 and 84219, no additional campaign reports shall be required of the slate mailer organization pursuant to §84200 or 84200.5.

Slate mailer requirements (Gov. Code §84305.5)

- a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:
 - 1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on at least one of the inserts included with each piece of slate mail in no less than 8-point Roman type which shall be in color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures is a matter of public record with the Secretary of State's Political Reform Division.
 - 2) At the top or bottom of the front side or surface of at least one insert or at the top or bottom of one side or surface of a postcard or other self-mailer, there is a notice in at least 8-point Roman, boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of the following statement:

NOTICE TO VOTERS

THIS DOCUMENT WAS PREPARED BY (insert name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), **NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION.** Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth with this mailer. Appearance is paid for and authorized by each candidate and ballot measure which is designated by an *.

- 3) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of an insert.
- 4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an *. Any candidate or ballot measure that has not paid to appear in the slate mail is not designated by an *.

The * required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the * designation applies except that in no case shall the * be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

- 5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party

designation of the candidate, in no less than 9-point Roman type which shall be a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

- b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of §84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the * designation. The payment shall also be deemed to constitute authorization to appear in the mailer. (Added by Stats.2004)

NOMINATIONS

Fictitious name to nomination petition (Elections Code §18200)

Every person who subscribes to any nomination petition a fictitious name, or who intentionally subscribes thereto the name of another, or who causes another to subscribe a fictitious name to a nomination petition, is guilty of a felony and is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

Defacing or destroying a nomination paper (Elections Code §18201)

Any person who falsely makes or fraudulently defaces or destroys all or any part of a nomination paper, is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years or by both that fine and imprisonment.

Deliberate failure to file nomination paper (Elections Code §18202)

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

False declaration of candidacy (Elections Code §18203)

Any person who files or submits for filing a nomination paper or declaration of candidacy knowing that it or any part of it has been made falsely is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years or by both that fine and imprisonment.

Suppression of nomination paper (Elections Code §18204)

Any person who willfully suppresses all or any part of a nomination paper or declaration of candidacy either before or after filing is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years or by both that fine and imprisonment.

Paying candidates to withdraw (Elections Code §18205)

A person shall not directly or through any other person advance, pay, solicit, or receive or cause to be advanced, paid, solicited, or received, any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for

public office. Violation of this section shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

CAMPAIGN LITERATURE

Use of Seal in Campaign Literature (Elections Code §18304)

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

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

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

CODE OF FAIR CAMPAIGN PRACTICES

Chapter 855, Statutes of 1982, established a Code of Fair Campaign Practices that could be voluntarily subscribed to by candidates for public office.

The County Clerk is required to provide each individual who files nomination papers or other papers evidencing intentions to become a candidate for public office with a copy of the provisions of the Chapter and a form on which to subscribe to the code.

Subscription to the code is voluntary. Completed forms are to be filed with the County Clerk and shall be retained for public inspection until 30 days after the election. (Elections Code §20400 - 20444)

MISREPRESENTATION BY CANDIDATES

Misleading of voters; incumbency; public officer (Elections Code §18350)

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

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

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

False statements in candidate statement; fine (Elections Code §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 §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.

Representation requirements (Elections Code §20007)

No candidate or committee in his or her behalf shall represent in connection with an election campaign either orally or in campaign material, that the candidate has the support of a committee or organization that includes as part of its name the name or any variation upon the name of a qualified political party with which the candidate is not affiliated, together with the words "county committee," "central committee," "county," or any other term that might tend to mislead the voters into believing that the candidate has the support of that party's county central committee or state central committee, when that is not the case.

This section shall not be construed to prevent a candidate or committee from representing that the candidate has the support of a committee or group of voters affiliated with another political party, which committee or group is identified by the name of that party, where the name of the committee or group also includes the name of the candidate.

Any member of a central committee or state central committee may commence an action in the superior court to enjoin misrepresentation by a candidate or committee in his or her behalf, in the manner prohibited by this section, to the effect that the candidate has the support of the state or county central committee involved.

DECEPTIVE ONLINE ACTIVITIES

"Political cyberfraud" defined (Elections Code §18320)

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

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

(c) As used in this section:

(1) "Political cyberfraud" means a knowing and willful act concerning a political Web site that is committed with the intent to deny a person access to a political Web site, deny a person the opportunity to register a domain name for a political Web site, or cause a person reasonably to believe that a political Web site has been posted by a person other than the person who posted the Website, and would cause a reasonable person, after reading the Website, to believe the site actually represents the views of the proponent or opponent of a ballot measure. Political cyberfraud includes, but is not limited to, any of the following acts:

(A) Intentionally diverting or redirecting access to a political Web site to another person's Web site by the use of a similar domain name, meta-tags, or other electronic measures.

(B) Intentionally preventing or denying exit from a political Web site by the use of frames, hyperlinks, mousetrapping, popup screens, or other electronic measures.

(C) Registering a domain name that is similar to another domain name for a political Web site.

(D) Intentionally preventing the use of a domain name for a political Web site by registering and holding the domain name or by reselling it to another with the intent of preventing its use, or both.

(2) "Domain name" means any alphanumeric designation that is registered with or assigned by any domain name registrar, domain name registry, or other domain registration authority as part of an electronic address on the Internet.

(3) "Political Web site" means a Web site that urges or appears to urge the support or opposition of a ballot measure.

POLITICAL ADVERTISING

Political advertisement requirements (Elections Code §20008)

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

False or forged campaign materials (Penal Code §115.2)

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

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

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

SIMULATED BALLOTS

Printing of Simulated Sample Ballots (Elections Code §18301)

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

Simulated ballot requirements (Elections Code §20009)

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

NOTICE TO VOTERS

(Required by Law)

This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State. This is an unofficial, marked ballot prepared by _____ (insert name and address of the person or organization responsible for preparation thereof).

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

- b) No simulated ballot or simulated sample ballot referred to in subdivision (a) shall bear any official seal or the insignia of any public entity, nor shall that seal or insignia appear upon the envelope in which it is mailed or otherwise delivered.
- c) The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of this section, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

PICTURES IN CAMPAIGN MATERIALS

No Pictures of Candidates in Campaign Material (Elections Code §20010)

(a) Except as provided in subdivision (b), no person, firm, association, corporation, campaign committee, or organization may, with actual malice, produce, distribute, publish, or broadcast campaign material that contains (1) a picture or photograph of a person or persons into which the image of a candidate for public office is superimposed or (2) a picture or photograph of a candidate for public office into which the image of another person or persons is superimposed. "Campaign material" includes, but is not limited to, any printed matter, advertisement in a newspaper or other periodical, television commercial, or computer image. For purposes of this section, "actual malice" means the knowledge that the image of a person has been superimposed on a picture or photograph to create a false representation, or a reckless disregard of whether or not the image of a person has been superimposed on a picture or photograph to create a false representation.

(b) A person, firm, association, corporation, campaign committee, or organization may produce, distribute, publish, or broadcast campaign material that contains a picture or photograph prohibited by subdivision (a) only if each picture or photograph in the campaign material includes the following statement in the same point size type as the largest point size type used

elsewhere in the campaign material: "This picture is not an accurate representation of fact." The statement shall be immediately adjacent to each picture or photograph prohibited by subdivision (a).

(c) (1) Any registered voter may seek a temporary restraining order and an injunction prohibiting the publication, distribution, or broadcasting of any campaign material in violation of this section. Upon filing a petition under this section, the plaintiff may obtain a temporary restraining order in accordance with Section 527 of the Code of Civil Procedure.

(2) A candidate for public office whose likeness appears in a picture or photograph prohibited by subdivision (a) may bring a civil action against any person, firm, association, corporation, campaign committee, or organization that produced, distributed, published, or broadcast the picture or photograph prohibited by subdivision (a).

The court may award damages in an amount equal to the cost of producing, distributing, publishing, or broadcasting the campaign material that violated this section, in addition to reasonable attorney's fees and costs.

(d) (1) This act shall not apply to a holder of a license granted pursuant to the federal Communications Act of 1934 (47 U.S.C. Sec. 151 et seq.) in the performance of the functions for which the license is granted.

(2) This act shall not apply to the publisher or an employee of a newspaper, magazine, or other periodical that is published on a regular basis for any material published in that newspaper, magazine, or other periodical. For purposes of this subdivision, a "newspaper, magazine, or other periodical that is published on a regular basis" shall not include any newspaper, magazine, or other periodical that has as its primary purpose the publication of campaign advertising or communication, as defined by Section 304.

CORRUPTION OF THE VOTING PROCESS

Fraud in Connection with Vote Cast (Elections Code §18500)

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

Public Official who Knowingly Allows Fraud Shall Forever be Disqualified From Holding Office (Elections Code §18501)

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

Interference with Election Officers (Elections Code §18502)

Any person who in any manner interferes with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

VANDALISM AT POLLING PLACES (Elections Code §18380)

(a) No person, during any election, shall do any of the following:

(1) Remove or destroy any of the supplies or other conveniences placed in the voting booths or compartments for the purpose of enabling the voter to prepare his or her ballot.

(2) Remove, tear down, or deface the cards printed for the instruction of voters.

(3) Remove, tear, mark or otherwise deface any voter index with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted.

(4) Remove, tear down, or deface the signs identifying the location of a polling place or identifying areas within 100 feet of a polling place.

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

CORRUPTION OF VOTERS

Fine for Solicitation Requesting Voter Disclosure of His or Her Ballot (Elections Code §18403)

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

Promise of Employment (Elections Code §18520)

A person shall not directly or through another person give, offer, or promise any office, place, or employment, or promise to procure or endeavor to procure any office, place, or employment to or for any voter, or to or for any other person, in order to induce that voter at any election to:

(a) Refrain from voting.

(b) Vote for any particular person.

(c) Refrain from voting for any particular person.

A violation of any of the provisions of this section shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

Consideration for Voting (Elections Code §18521)

A person shall not directly or through any other person receive, agree, or contract for, before, during or after an election, any money, gift, loan, or other valuable consideration, office, place, or employment for himself or any other person because he or any other person:

(a) Voted, agreed to vote, refrained from voting, or agreed to refrain from voting for any particular person or measure.

(b) Remained away from the polls.

(c) Refrained or agreed to refrain from voting.

(d) Induced any other person to:

(1) Remain away from the polls.

(2) Refrain from voting.

(3) Vote or refrain from voting for any particular person or measure.

Any person violating this section is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

Consideration for Voting (Elections Code §18522)

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

(a) Induce any voter to:

(1) Refrain from voting at any election.

(2) Vote or refrain from voting at an election for any particular person or measure.

(3) Remain away from the polls at an election.

(b) Reward any voter for having:

(1) Refrained from voting.

(2) Voted for any particular person or measure.

(3) Refrained from voting for any particular person or measure.

(4) Remained away from the polls at an election.

Any person or candidate violating this section is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

Bribery at Election (Elections Code §18523)

A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, shall be used in bribery at any election, or knowingly pay or cause to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

Any person violating this section is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

Payment for Securing Vote (Elections Code §18524)

A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, will be used for boarding, lodging, or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of that person or to induce that person to vote for any particular person or measure.

Any person violating this section is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

INTIMIDATION OF VOTERS

Compelling Another in Voting (Elections Code §18540)

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

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

Solicitation Dissuading Persons From Voting (Elections Code §18541)

- a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place, do any of the following:
 - 1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
 - 2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
 - 3) Photograph, videotape, or otherwise record a voter entering or exiting a polling place.
- b) Any violation of this section is punishable by imprisonment in the county jail for not more than 12 months, or in the state prison. Any person who conspires to violate this section is guilty of a felony.
- c) For purposes of this section, 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

Pay Envelopes May Not Contain Political Material (Elections Code §18542)

Every employer, whether a corporation or natural person, or any other person who employs, is guilty of a misdemeanor if, in paying his or her employees the salary or wages due them, encloses their pay in pay envelopes upon which or in which there is written or printed the name of any candidate or any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of the employees.

Challenge Without Probable Cause (Elections Code §18543)

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

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

Fine for Person in Possession of Firearm or Unauthorized Uniformed Personnel (Elections Code §18544)

- a) Any person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment.
- b) This section shall not apply to any of the following:
 - (1) An unarmed uniformed guard or security personnel who is at the polling place to cast his or her vote.
 - (2) A peace officer who is conducting official business in the course of his or her public employment or who is at the polling place to cast his or her vote.
 - (3) A private guard or security personnel hired or arranged for by a city or county elections official.
 - (4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held.

Fine for Hiring of Person in Possession of Firearm or Uniformed Personnel (Elections Code §18545)

Any person who hires or arranges for any other person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment. This section shall not apply to the owner or manager of the facility or property in which the polling place is located if the private guard or security personnel is not hired or arranged solely for the day on which the election is held.

Definition of Elections Official and Immediate Vicinity (Elections Code §18546)

As used in this article:

- a) "Elections official" means county election official, registrar of voters, or city clerk.
- b) "Immediate vicinity" means the area within a distance of 100 feet from the room or rooms in which the voters are signing the roster and casting ballots.

POLITICAL SIGNS

Outdoor Political Advertising – State Law

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

Temporary political signs are those that meet the following criteria:

- Encourages a particular vote in a scheduled election;
- Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after the election;
- Is no larger than 32 square feet;
- Has had a "Statement of Responsibility" filed with the State Department of Transportation, Division of Traffic Operations, Outdoor Advertising Program, P.O. Box 94287, MS-36, Sacramento, CA 94274-0001, certifying a person who will be responsible for removing the signs. Forms are available at the Modoc County Elections Department. Call (916) 654-4790 for more information.

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

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

Pursuant to a County Counsel opinion dated April 18, 1994, utility poles are the property of the private utility company and the posting of political signs on them may be prosecuted as a misdemeanor. Furthermore, the Public Utility Commission may impose a fine for such unauthorized posting.

POLLING PLACE INFORMATION

Campaign Literature Containing Polling Place (Elections Code §18302)

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

CAMPAIGN DISCLOSURE FORMS

All candidates for state and local office are required to file campaign disclosure statements. Additionally, any committee formed to support or oppose a candidate or ballot measure is required to file campaign disclosure statements.

Campaign Disclosure Information Manuals

The Fair Political Practices Committee (FPPC) prepares campaign disclosure information manuals that provide information on who must file, when campaign statements must be filed, where statements are to be filed, etc. Current manuals are available at www.fppc.ca.gov. Candidates or committees must check to be sure they are using the correct manual and addendum, if any.

- **Manual 1** – Information for State Candidates
- **Manual 2** – Information for Local Candidates, Superior Court Judges
- **Manual 3** – Information for Ballot Measure Committees
- **Manual 4** – Information for General Purpose Committees
- **Manual 5** – Information for Major Donor Committees
- **Manual 6** – Information for Independent Expenditure Committees
- **Manual 7** – Information for Slate Mailer Organizations

FORM	DESCRIPTION	WHO FILES	NUMBER NEEDED & WHERE TO FILE
410	<p>Statement of Organization & Termination. For use by all recipient committees which receive contributions of \$2,000 or more – including person funds. Must be filed within 10 days of receiving \$2,000 or more and may be filed prior to receiving \$2,000. Upon receipt, the Secretary of State will issue an identification number that must be included on all campaign disclosure forms.</p> <p>Candidates for county offices must file a Form 410 with the County Clerk within 10 days after the formation of committee or when more than \$1,000 has been received or expended.</p> <p>Candidate Controlled Committees. The name for all state and local committees established for an election held after January 1, 2009, must include the candidate’s name, office sought and year of the election. This is required even if the committee was formed before the amendment to Regulation 18402 became effective. The district number or name of the city or county is not required. Examples of committee names are “Jones for Council 2010” and “Smith for Assembly 2010”. (See FPPC Regulation 18402)</p> <p>Annual Fee for Recipient Committees. All committees required to file a Statement of Organization (Form 410) must pay a \$50 annual fee to the Secretary of State. For committees formed on or after January 1, 2013, the fee must be paid within 15 days of filing the Form 410. The annual fee must be paid no later than January 15 of each year until the committee terminates. (SB 1001 (Yee) – Chapter 506, Statutes of 2012.)</p>	<p>County Offices, Supervisors, Judges</p> <p>State Legislative</p>	<p>File original and 1 copy with SOS & 1 copy with Elections.</p> <p>File original and 1 copy with SOS.</p>

**NUMBER NEEDED
& WHERE TO FILE**

FORM

DESCRIPTION

WHO FILES

450	<p>Recipient Committee Campaign Disclosure Statement – Short Form. For use by non-controlled recipient committees formed to support or oppose candidates or measures. File if you have not received a contribution of \$100 or more from a single source; have not received any other payment of \$100 or more; have no outstanding loans made or received and have no unpaid bills.</p>	<p>Committees not controlled by a candidate</p> <p>State Committees</p>	<p>File original & 1 copy with Elections; 2 copies with home county if different.</p> <p>File original and 1 copy with SOS</p>
470	<p>Officeholder & Candidate Campaign Statement – Short Form. Officeholders & candidates who do not have a controlled committee and do not anticipate spending or receiving \$2,000 or more (including personal funds).</p>	<p>Candidates for local office</p> <p>State Legislative, Judges</p>	<p>File original & 1 copy with Elections; 2 copies w/ home county if different.</p> <p>File original and 1 copy with SOS; 2 copies w/county w/most voters; 2 copies w/home county if different.</p>
Supplement 470	<p>Officeholder, Candidate & Controlled Committee Campaign Statement – Supplement. An officeholder or candidate who has filed Form 470 in connection with an election and subsequently receives contributions totaling \$2,000 or more is required to send written notification. The Form 470 Supplement may be used or personal written notification following similar format.</p>	<p>Applies to all candidates</p>	<p>Must be filed within 48 hours of reaching \$1,000 limit with:</p> <ul style="list-style-type: none"> - the Secretary of State - the local filing officer with whom the candidate is required to file originals of his/her campaign statements, and - each candidate seeking the same office. <p>Must be sent by telegram, guaranteed overnight mail, FAX or personal delivery. Regular mail may not be used.</p>
460	<p>Recipient Committee Campaign Statement The form 460 is for use by ALL recipient committees, including: Candidates, Officeholders and Their Controlled Committees, Primarily Formed Ballot Measure Committees, Primarily Formed Candidate/Officeholder Committees and General Purpose Committees. An amendment box is provided to identify amended filings.</p> <p>Form 460 is used by state and local recipient committees that have filed a Form 410 and have raised or spent \$2,000 or more in a calendar year.</p>	<p>County Offices, Supervisors,</p> <p>State Legislative, Judges</p>	<p>File original & 1 copy with Elections; 1 copy w/home county if different.</p> <p>File original and 1 copy with SOS; 1 copy w/countyw/home county if different.</p>

FORM	DESCRIPTION	WHO FILES	NUMBER NEEDED & WHERE TO FILE
465	<p>Supplemental Independent Expenditure Report. Used to provide supplemental disclosure information in the jurisdiction of an election in which the filer has made “independent expenditures” totaling \$1000 or more to support or oppose a single candidate, a single measure, or the qualification of a single measure.</p>	All	<p>Filed in the same places where the committee files its regular campaign reports;</p> <p>File original & 1 copy with Elections;</p> <p>File original and 1 copy with SOS;</p> <p>2 copies w/county w/most voters;</p> <p>2 copies w/home county if different.</p>
496	<p>Late Independent Expenditure Report. Includes any independent expenditure that totals in the aggregate \$1,000 or more, and supports or opposes a single candidate or measure; and is made during the 16 days immediately preceding the election in which the candidate or measure supported or opposed is to be voted upon. Each report, including amendment reports, shall include the date and a unique report number, as well as an amendment identifier.</p> <p>File within 24 hours of making expenditure.</p>	<p>Local Committees</p> <p>State Committees</p>	<p>File original & 1 copy with Elections; 1 copy w/home county if different.</p> <p>File form 496 electronically with the Secretary of State</p>
497	<p>Late Contribution Report Includes any contribution, including a loan, which totals in the aggregate from a single source \$1,000 or more and is made for or against any specific candidate or measure involved in an election before the date of the election but after the closing date of the last campaign statement required to be filed prior to the election by the candidate or by a committee primarily formed to support or oppose the measure. Revision adds a requirement that each report include the date and a report number, as well as an amendment identifier.</p> <p>File within 24 hours of making contribution.</p>	<p>Local Committees</p> <p>State Committees</p>	<p>File original & 1 copy with Elections; 1 copy w/home county if different.</p> <p>File original and 1 copy with SOS; 2 copies w/home county if different. The form 497 must be filed by fax, guaranteed overnight delivery, or personal delivery.</p>
501	<p>Candidate Intention Statement. A candidate must file this form prior to the solicitation or receipt of any contribution, including the solicitation or receipt of contributions to pay off debts from a previous election, or to pay the current office holder expenses. A form 501 must be filed for each election, including runoff elections.</p> <p>Candidates must file a separate Form 501 for each election, including reelection to the same office.</p> <p>Part 2 of the Form 501 is where candidates for state offices either accept or do not accept expenditure limits pursuant to Proposition 34 (11/00)</p>	<p>All</p> <p>The Form 501 does not apply to Political Action Committees (PACS), Independent Political Committees, or Broad Based Political Committees.</p>	<p>Secretary of State</p> <p>Candidates for county offices must also file with the Elections Department within 24 hours of opening the campaign account. 8.04.060(c)</p>

**All the forms above may be downloaded from the Fair Political Practices Commission at: www.fppc.ca.gov

Campaign Disclosures for Federal Candidates

Provisions of the Political Reform Act do not apply to elections for federal offices, including U.S. Senate and U.S. Representative in Congress. Candidates for federal offices and committees that participate in federal campaigns are subject to federal disclosure requirements. Assistance for federal candidates and committees may be obtained from the:

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
800-424-9530

Filing is the Responsibility of the Candidate and/or Committee

It is the responsibility of candidates and/or committees to be aware of and to file the required campaign disclosure statements in a correct and timely manner.

Late Filings

There are no provisions for granting “extensions” of the filing deadlines.

If a candidate, officeholder, or committee is required to file a statement and has failed to do so by the deadline, the Modoc County Elections Department staff will:

1. Telephone the responsible party.
2. Provide written notice that statement must be filed within 10 days (5 days for 2nd PreElection Statement) noting that a fine of \$10 per day beginning the day after the filing deadline until the date the statement is filed will be assessed unless waived by the Elections Official. The **maximum** penalty is \$100 or the total amount of contributions received or the total amount of expenditures made (whichever is greater) during the period covered by the late statement.

Fines may not be waived if statement is not filed within 10 days after specific notice is sent by the elections official (or 5 days for 2nd Pre-Election Statements).

Failure to file a statement after appropriate notice will be referred to an enforcement official and can result in substantial criminal, civil and administrative penalties.

Multiple Committee Filing Requirements

Whenever a candidate or officeholder has more than one committee, whether the committees are formed for the same office, or a different office in the same jurisdiction, all committees must file statements each time a committee statement is due.

Whenever an elected officeholder in one jurisdiction runs for an elected office in another jurisdiction, the officeholder and all committees he/she controls must file campaign disclosure statements with the filing officer in the jurisdiction in which the officeholder holds office AND in which the officeholder is seeking office.

FORM 700-DISCLOSURE OF ECONOMIC INTEREST

Who Must File

State law (the Political Reform Act of 1974) requires candidates for federal, state and county offices to disclose their interests in real property and income within the past 12 months in a Statement of Economic Interests (Form 700) to be filed with the Declaration of Candidacy. (Gov. Code §87200, et. seq.)

EXCEPTION: This statement is not required of a candidate who has filed a statement for the same jurisdiction as an officeholder within sixty (60) days prior to assuming office or filing the Declaration of Candidacy. (Gov. Code §87201, 87202)

Candidates for federal offices file under federal rather than state disclosure laws. For information, candidates for U.S. Representatives should write to: Office of the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington D.C., 202-225-1300.

Every person who is elected to an office specified in Section 87200 shall, within 30 days after assuming the office, file a statement disclosing his or her investments and his or her interests in real property held on the date of assuming office, and income received during the 12 months before assuming office. (Gov. Code §87202(a))

What Must be Disclosed

Under state law, persons filing economic interests statements as candidates are required to disclose investments and interests in real property and income within the past 12 months. (Gov. Code §87201, 87203)

When and Where to File

Candidates who must file may obtain forms and instructions from the Modoc County Elections Department. The Form 700 must be filed with the Elections Department with the Declaration of Candidacy. Declarations of Candidacy are filed between February 12 and March 9.

If the statement is filed after the deadline, candidates may be penalized up to \$10 per day up to a maximum of \$100. Late filing penalties can be reduced or waived under certain circumstances. Modoc County filers should obtain our late filing policy. (Gov. Code §87201, 87500)

Statements Are a Public Record

Statements of Economic Interests are public record. They may be inspected by anyone and copies may be purchased from the filing officer for 10 cents per page. (Gov. Code §81008)

ELECTIONEERING ON ELECTION DAY

100 Feet Rule

Pursuant to Elections Code Section 18370 no person on Election Day shall, within 100 feet of a polling place:

- Circulate an initiative, referendum, recall or nomination petition or any other petition.
- Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- Place a sign relating to voters' qualifications or speak to a voter on the subject of his/her qualifications except as provided in §14240.
- Do any electioneering. This includes wearing buttons, T-shirts, stickers, etc. that promote a candidate or issue on the ballot.

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

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

Electioneering During Vote-by-Mail Voting

Pursuant to Elections Code §18371 no candidate or representative of a candidate, and no proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, shall solicit the vote of a vote-by-mail voter, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time he or she knows the vote-by-mail voter is voting.

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

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

Poll Watchers

Poll watchers are allowed at the polling place as long as they obey the law and election procedures. Persons observing the polls may:

- Inspect the Roster of Voters. Any such inspection, however, must be done without impeding, interfering or interrupting the normal process of voting and counting.
- Inspect the Public's Alpha Index updated regularly by the precinct workers. The index may not be removed from the polling place.

- Observe all activities at the polling place, including activities after the polls close, providing they do not interfere with the normal processing of voters.

Exit Polling

The Secretary of State and Attorney General have reviewed the Electioneering provisions and have determined that these provisions do not apply to the Press and Media conducting “Exit Polls.” However, no one may interfere with the conduct of the election. Therefore, news media have been advised to remain at least 25 feet from the entrance to the polls. The media may take pictures or run a television camera inside the polling place providing they respect the voters’ privacy and do not interfere with voting. They may not speak to voters regarding how they are voting within 25 feet of the entrance to the polling place.

ELECTION NIGHT RESULTS

Where:

Ballots are counted at the Courthouse:
204 S. Court Street, Basement
Alturas, CA 96101

Vote-by-Mail Results:

Released around 8:30 p.m. on Tuesday, March 26.

Results on the Internet:

Results will be posted online at www.co.modoc.ca.us

First report from precincts is expected at approximately 9:30 p.m. election night. Final report for the night with semi-official results will be posted once ballot counting is done.

Results by phone:

Telephones will be staffed until all the ballots are counted election night for callers to phone in and obtain results.

CALL 530-233-6205

Election results by contest are simple to provide over the phone. However, if you are interested in obtaining more specific voting result information, we encourage you to be present at the Elections Department.

Semi-Official Results:

Once the last ballot is counted, a Semi-Official Election Summary Report will be available from the Elections Department. It will also be posted on our website.

Precinct-by-precinct numbers:

In addition to posting precinct results at each voting precinct, a report showing votes by precinct based on ballots counted Election Night will be posted on our website Wednesday, June 6.

Final Results:

The official canvass of ballots will begin no later than Thursday, March 28.

THE CANVASS

The official canvass of votes cast at the March 26, 2019 special primary election may begin no later than Thursday, March 28, 2019 pursuant to Elections Code §15301.

All post-election manual tally requirements must be completed within the canvass period established by Elections Code §10262 and §15372.

Once all provisional ballots and vote-by-mail ballots are processed and precinct supplies are sorted through to ensure all ballots are accounted for, a final count of ballots will take place. The time and date of any update and the final count will be posted on our website.

Vote-by-Mail ballot numbers provided by:

Vote-by-Mail ballots may be dropped off at any polling place on Election Day. In addition, numerous vote-by-mail ballots are received in the mail or our drop box in the final days before the election and are stored until Election Day. Ballots postmarked by Election Day and received in the mail by the Friday after the election will be added to the count if the voter is qualified.

On election night, the Elections Department will be able to provide an estimate of the number of vote-by-mail ballots received that remain to be counted during the canvass.

Once all of the vote-by-mail ballots are keyed into the computer system and flagged as returned, we will be able to provide a count of vote-by-mail ballots left to be processed. A report can be run that will show how many remain in each ballot type.

Vote-by-Mail Ballot Processing:

On election night all the vote-by-mail ballots that have been received and processed prior to Election Day are counted. The law allows elections officials to begin to process vote-by-mail ballots 10 working days prior to the election. For a vote-by-mail ballot to be ready to be counted, the following has to occur:

- a) flag returned vote-by-mail ballots on computer system;
- b) compare signature of voter on vote-by-mail ballot envelope to the signature on computer from the voter's registration affidavit, if there is a discrepancy, the ballot is separated for review by a supervisor;
- c) sort vote-by-mail ballots by consolidated voting precinct;
- d) open vote-by-mail ballot identification envelopes within each sorted group. Identification envelopes are placed signature side down and the voted ballot is removed. Envelopes returned empty without a ballot is noted. Empty identification envelopes are removed from the table. The number of opened vote-by-mail ballot identification envelopes are counted and the number of voted ballots are counted. If numbers do not match, research is done until the numbers are reconciled;
- e) voted ballots are then inspected for damage or marks that would affect the accuracy of counting the ballot. Ballots are corrected pursuant to Elections Code §15210 or duplicated if necessary by the canvassing board.
- f) vote-by-mail ballots issued on the day before or the day of the election are verified against the precinct rosters prior to processing to ensure against voting twice. Lists of vote-by-mail voters who are issued ballots prior to the day before the election are delivered to the

precinct inspectors who mark the names in the Alpha Index as having already received a ballot.

g) ballots are then prepared for tallying final election results.

Provisional Ballot Numbers & Processing:

The number of provisional ballots voted at each precinct is available election night. Therefore, an official number of provisional ballots to be processed will be available once all precinct supplies have been returned to the office.

The Elections Department does not provide a breakdown of the numbers of provisional ballots by district, but can provide the list of those turned in by precinct and a list of precincts in each district.

Provisional voters include:

- registered voters who move within the same county but fail to re-register to vote, who vote at their new polling place, the Elections Department or central location;
- voters who are not listed on the Alpha Index at the polling place;
- voters who have been issued a vote-by-mail ballot, show up at the polling place to vote, but fail to surrender their vote-by-mail ballot;
- any other voter whose eligibility to vote was questioned by the precinct officer.

Provisional ballots are investigated by the Canvass Board once all of the vote-by-mail ballots have been keyed in as returned. Where there is a question of the voter's right to vote, the supervisor investigates. All valid provisional ballots are then prepared for the official count.

The provisional ballot process takes 5 to 10 days following completion of the Vote-by-Mail ballot processing.

Reconciliation – Precinct Ballots:

The Canvass Board reviews Ballot Statements for accuracy and compares numbers of ballots counted by the computer to the number recorded by the Precinct Board. The Canvass Board verifies the number of Vote-by-Mail and Provisional ballots reported turned in by the Precinct Board with the number received on Election night. Differences are computed and discrepancies are investigated. Ballots which were not tallied election night because they were damaged or rejected by the scanners are remade for the final ballot count. The Canvass Board also examines each roster for completion of all Certificates, Oaths and Declarations. Irregularities are noted and investigated. Payroll forms are reviewed and requests for payment are forwarded to the Auditor's Office.

Write-in Votes:

Votes for qualified write-in candidates are manually counted by precinct. A summary of the votes cast for qualified write-in candidates is printed in the certified statement of vote. A copy is available upon the final tally of the votes cast. Votes are not tallied for write-in candidates that did not file as a qualified write-in candidate.

This procedure takes 3 to 5 days depending on the number of write-in candidates.

1% Manual Recount (§15360):

(a) During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballots tabulated by those devices, including absent voters' ballots, cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official. In addition to the 1 percent manual tally, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.

Additional precincts for the manual tally may be selected at the discretion of the elections official.

(b) If vote-by-mail ballots are cast on a direct recording electronic voting system at the office of an elections official, the official conducting the election shall either include those ballots in the manual tally conducted pursuant to subdivision (a) or conduct a public manual tally of those ballots cast on no fewer than 1 percent of all the direct recording electronic voting machines used in that election chosen at random by the elections official.

(c) The elections official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to randomly choose the initial precincts or direct recording electronic voting machines subject to the public manual tally.

(d) The manual tally shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts to be tallied prior to conducting the tally and selection.

(e) The official conducting the election shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of these discrepancies was resolved. In resolving any discrepancy involving a vote recorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.

The 1 percent tally procedure takes approximately 5 days.

Manual Tally of Touchscreens:

Election officials are required to conduct a manual tally, by the process described in Elections Code section 15360, of the electronic results tabulated on each DRE machine in use on Election Day. Notice to the public of this manual tally may be combined with the notice required by any other manual tally required in this order or by Elections Code section 15360.

Final Official Count:

The Logic and Accuracy Test is run, reviewed and approved to ensure the card readers are operating correctly. A final computer print-out summarizing the votes in all races is then made available. Any irregularities and/or discrepancies are investigated and reconciled.

A Statement of the Votes cast includes:

- The total number of ballots cast;
- The number of votes cast at each precinct for each candidate and for and against each measure;
- The total number of votes cast for each candidate and for and against each measure;
- The total number of votes cast in each city, Assembly district, Congressional district, Senatorial district, State Board of Equalization district, Supervisorial district for each candidate for the offices of presidential elector and all statewide offices and on each statewide ballot proposition.

A certified copy of the Statement of Vote is available for purchase within 7 days of the final count and will be available online at www.co.modoc.ca.us



FAQs

Candidates running for public office must satisfy many requirements set forth in law and regulation. Over the years, certain aspects of the nomination process have been identified as areas where prospective candidates seem to encounter problems. In order to assist candidates in avoiding these "pitfalls" the following questions and answers have been prepared.

Is your office open during the lunch hour?

No. Office hours are 8:30 a.m. to 5 p.m., but we close for lunch between 12 and 1 p.m. Monday through Friday, excluding holidays. However, on Election Day we are open from 7 a.m. until the last ballot is counted.

What if I change my mind about being a candidate after filing a Declaration of Candidacy?

According to Elections Code §8800, "No candidate whose declaration of candidacy has been filed for any primary elections may withdraw as a candidate at that primary election."

According to Elections Code §10510, "No candidate shall withdraw his or her declaration of candidacy after 5 p.m. on the 88th day prior to the general district election."

May a second party pick up my Declaration of Candidacy for me?

All forms must be either picked up in person by the candidate or a letter of specific authorization, signed by the candidate, must be presented by the candidate's representative.

May a second party file my Declaration of Candidacy or mail them to you?

Election law does not specifically prohibit another person filing a Declaration of Candidacy for a candidate. However, candidates are urged to file in person. The reasons are twofold:

The oath or affirmation must be administered by a member of the Elections Department or a notary. It is easier for a candidate to file the Declaration of Candidacy in person and have the oath administered at the time the candidate files; and

The signature of the candidate, as well as other data, is required on the Declaration of Candidacy. If through an oversight the candidate's papers are incomplete, the problem can be easily rectified when a candidate files in person.

How Long Will It Take to Fill Out the Candidate Papers in the Clerk's Office?

Plan to spend between 30 to 45 minutes in the Clerk's Office filling out the candidate papers.