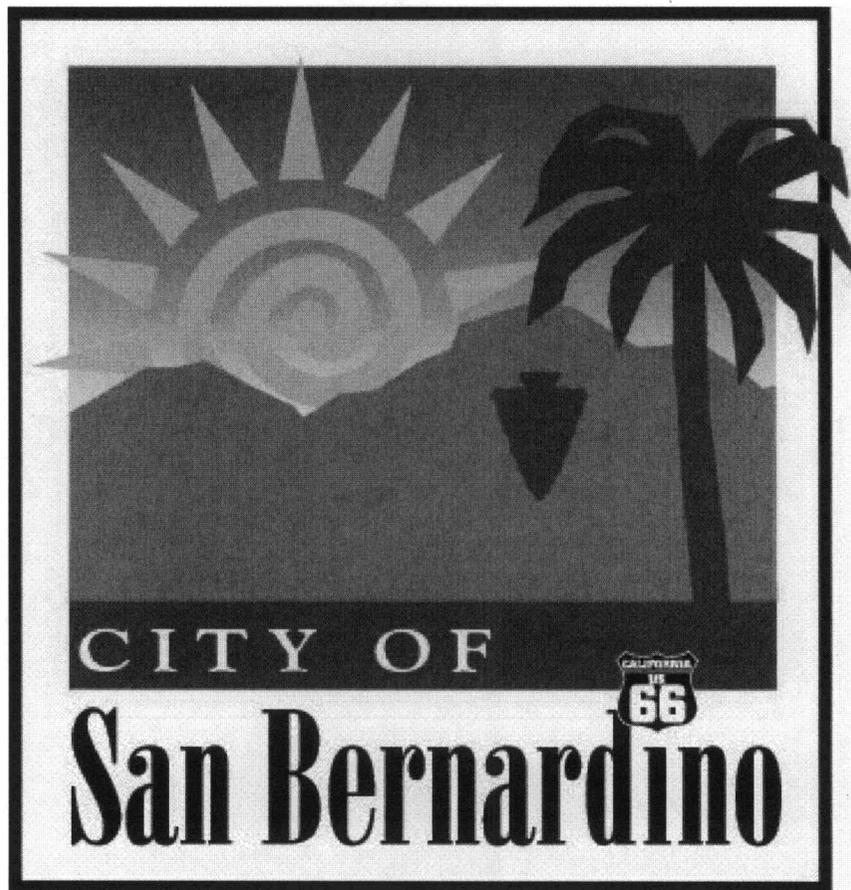


City of San Bernardino

Primary Municipal Election

November 3, 2015



SM

CANDIDATE'S ELECTION GUIDE

PREPARED BY:
CITY CLERK'S OFFICE
300 NORTH "D" STREET
SAN BERNARDINO, CA 92418-0001
www.sbcity.org



Elections Office of the Registrar of Voters CANDIDATE STATEMENT FORM

Print / type name of candidate

Office sought

Mailing Address:

Street

City

Zip

Contact Information:

Day Phone

Evening Phone

E-mail

I ELECT TO FILE A CANDIDATE STATEMENT

- I have been informed that the estimated cost and deposit for my candidate statement is \$_____.
- I agree that if the actual cost of the candidate statement exceeds the amount paid in advance, I will pay the additional sum to the County of San Bernardino within 30 days of the billing notification for such amount.
- I agree that if the amount billed is not paid within 30 days following such notification, and the Elections Official thereafter commences legal action against me for the recovery of said amount, I will pay all costs of such action, including costs and reasonable attorney's fees in an amount to be fixed by the court.
- I have been informed that if the amount paid in advance is more than the actual cost of the candidate statement, the Elections Official will refund the excess amount within 30 days of the election.
- I agree that any notice, refund or billing pertaining to my candidate statement shall be mailed to me at the address set forth above and shall be deemed completed upon deposit in the United States mail.

Signature of Candidate

Date

I DO NOT ELECT TO FILE A CANDIDATE STATEMENT

Signature of Candidate

Date

I HEREBY WITHDRAW MY CANDIDATE STATEMENT

- I request the County of San Bernardino to refund the deposit amount paid in advance, within 30 days of the election.

Note: A candidate may withdraw his or her candidate statement by signing and submitting this withdrawal notice to the Elections Office no later than 5:00 p.m. of the next working day after the close of the candidate filing (nomination) period.

Signature of Candidate

Date

CANDIDATE STATEMENT REQUIREMENTS

Content:

- Be accurate. **Statements will be printed as submitted.** Spelling, punctuation and grammatical errors ***will not*** be corrected by the Elections Office.
- Elections Code §13308 restricts any candidate statement to a recitation of the candidate's own personal background and qualifications, and prohibits any reference to other candidates for the office sought or to another candidate's qualifications, character, or activities.
- Only a cursory review of the candidate's statement will be done at the time of filing to ensure that the statement is acceptable in word content and formatting. If a candidate statement is filed that is not in compliance with the Elections Code, the Elections Official may strike any language not in compliance.
- Elections Code §13313 allows for a ten day public examination period of all candidate statements prior to submittal for printing in the Voter Information Guide and Sample Ballot. During this period, the Elections Official, or any voter of the jurisdiction in which the election is being held, may seek a writ of mandate or an injunction requiring any or all of the material in the candidate statements to be amended or deleted.
- The "**OCCUPATION**" field in the candidate statement is not restricted in the same manner as the ballot designation that appears underneath the candidates' name on the Official Ballot. Therefore, it may be different than the candidate's ballot designation.
- The "**AGE**" and "**OCCUPATION**" fields in the candidate statement are optional. If a candidate does not place an age and/or occupation on the candidate statement document, it will appear blank when printed.

Size & Format:

- Candidates for Superior Court Judge, County Offices and Local District Offices are limited to **200 words**.
- Candidates for U.S. Representative in Congress, State Senator and Member of the State Assembly are limited to **250 words**.
- Regardless of the word count limitation, statements must fit inside a half page square in the Voter Information Guide measuring 4.75" wide by 3.25" tall. The template below is the actual size allowed for each statement.
- Statements will be printed in type of uniform size and darkness, and with uniform spacing.
- Candidate statements will be printed in 8 point Arial font.

Submittal

- Candidate statement can be submitted in the template below or submitted on a separate paper document.
- Once the statement has been filed, it may not be changed by the candidate.

Use the template below to prepare and submit your Candidate Statement

NAME:	AGE:
OCCUPATION:	

FOR OFFICE USE ONLY

I attest that the accompanying candidate statement is my original.

Signature of Candidate

Ballot Designation Worksheet

(This worksheet is required. It will assist in the prompt evaluation of requested ballot designations.)

Name of Candidate: _____

Office Sought: _____

Daytime Telephone Number: _____ Evening: _____

FAX Number: _____ E-Mail Address: _____

Name of Attorney (or other person authorized to act on your behalf)

_____ Telephone Number: _____

FAX Number: _____ E-Mail Address: _____

PROPOSED BALLOT DESIGNATION: _____

1st Alternative: _____

2nd Alternative: _____

Describe what you do and why you believe you are entitled to use the requested ballot designation. If using the title of an elective office, you may submit a copy of your certificate of election or appointment.

Your Job Title: _____

Dates in Position: _____

Name of Employer or Business: _____

Person(s) who can verify this information:

Name(s): _____

Telephone Number(s): _____

To the best of my knowledge and belief, the above-requested ballot designation(s) represent my true principal profession(s), vocation(s), and/or occupation(s) that I am entitled to use as my ballot designations pursuant to §13107 of the California Elections Code.

Signed this _____ day of _____, 2015, in _____
(Location)

Signature

You may attach any documents or exhibits that you believe support your proposed ballot designation. These documents will not be returned to you, so do not submit originals.

For your reference, the relevant provisions of Elections Code §13107 are reproduced below:

13107. (a) With the exception of candidates for Justice of the State Supreme Court or Court of Appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations:

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

(2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.

(3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

(4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

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

(1) It would mislead the voter.

(2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.

(3) It abbreviates the word "retired" or places it following any word or words which it modifies.

(4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."

(5) It uses the name of any political party, whether or not it has qualified for the ballot.

(6) It uses a word or words referring to a racial, religious, or ethnic group.

(7) It refers to any activity prohibited by law.

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

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

(2) In the event the candidate fails to provide a designation that complies with subdivision (a) within the three-day period specified in paragraph (1), no designation shall appear after the candidate's name.

(d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e). The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.

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

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

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

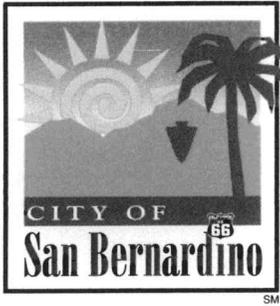
13107.5. (a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:

(1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.

(2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.

(3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.

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



**OFFICE OF THE CITY CLERK
GEORGEANN "GIGI" HANNA – CITY CLERK**

300 North "D" Street • San Bernardino • CA 92418-0001
909.384.5002 • Fax: 909.384.5158
www.sbcity.org

July 13, 2015

TO PROSPECTIVE CANDIDATES:

Congratulations on your decision to run for public office! This Candidate's Election Guide has been prepared to assist you in understanding and complying with the requirements and laws related to the election. Even if you have run for office in the past, laws may have changed, so we ask that you take time to carefully review the contents of this Guide and use it throughout your campaign.

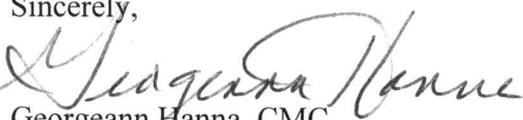
The following offices are up for election for four-year terms: City Attorney, City Clerk, City Treasurer and Council seats in the Third, Fifth, Sixth, and Seventh Wards. The nomination period opens on Monday, July 13, 2015, and will close at **6:00 p.m. on Friday, August 7, 2015**. Although most offices in City Hall are closed on Fridays, the City Clerk's Office will remain open on Friday, August 7, 2015. If an incumbent officer fails to file nomination papers by the close of the nomination period on August 7, 2015, then the nomination period for that office only will be extended to 6:00 p.m. on Wednesday, August 12, 2015. I recommend that you file your nomination documents as early as possible to ensure that your documents are complete. Filing deadlines are mandated by law and cannot be changed.

The election will be conducted by the County Registrar of Voters; however, candidates will be required to take out and file nomination papers with the City Clerk, as well as file all other required documents that will be explained when you take out your nomination papers. Please note that although the City Clerk's Office will provide forms, instructional materials, and assistance, candidates must bear full responsibility for making their own determinations as to all legal standards and duties. Individuals with questions concerning their own or other candidates' qualifications, or other related matters, should seek legal counsel.

The primary municipal election will take place on Tuesday, November 3, 2015. Newly-elected or re-elected officials will assume their respective terms of office on March 7, 2016. If a runoff election is required, the election will be held on Tuesday, February 2, 2016, and the winner(s) in the runoff will also assume office on March 7, 2016.

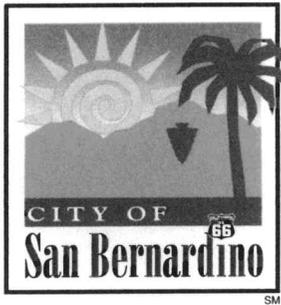
If I, or my staff, can be of any assistance, please let us know. Congratulations on your decision to participate in the electoral process and best wishes during your campaign.

Sincerely,


Georgeann Hanna, CMC
City Clerk

CITY OF SAN BERNARDINO

ADOPTED SHARED VALUES: Integrity • Accountability • Respect for Human Dignity • Honesty



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CANDIDATE'S CHECKLIST

1. BEFORE RETURNING YOUR NOMINATION PAPERS, HAVE YOU REMEMBERED TO DO THE FOLLOWING?
 - Form 501 (Candidate Intention Statement) - Complete, sign, and return to City Clerk;
 - Form 410 (Statement of Organization) - Complete, sign, and mail original to Secretary of State with a copy to the City Clerk

Note: Required if candidate receives \$1,000 or more.

2. THE FOLLOWING **MUST** BE FILED AT TIME NOMINATION PAPERS ARE RETURNED.
 - Completed Nomination Papers (20-30 signatures for all candidates)
 - Completed Ballot Designation Form
 - Completed Statement of Economic Interests, Form 700 (Schedules A-1, A-2, B, C, E and F, as applicable)
 - Completed Candidate Statement Form, Candidate Statement, and check for estimated cost

OR

 - Signed statement indicating that you do not elect to file a Candidate Statement

3. THE FOLLOWING DOCUMENT IS **OPTIONAL**; HOWEVER, IF CANDIDATE CHOOSES TO FILE IT, IT MUST BE FILED AT TIME NOMINATION PAPERS ARE FILED:
 - Signed Code of Fair Campaign Practices

CAUTION: You are not officially declared a candidate until your Nomination Paper is filed and it has been verified by the City Clerk's Office.

CITY OF SAN BERNARDINO
PRIMARY MUNICIPAL ELECTION
NOVEMBER 3, 2015



OFFICERS TO BE ELECTED: (Four-year terms)

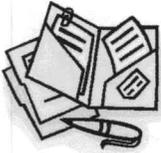
- Third Ward Council Member
- Fifth Ward Council Member
- Sixth Ward Council Member
- Seventh Ward Council Member
- City Attorney
- City Clerk
- City Treasurer

FILING PERIOD: (EC 10220)

Nominations Open: Monday, July 13, 2015

Nominations Close: 6:00 p.m. – Friday, August 7, 2015*

(Note: If an incumbent elective officer does not file within the nomination period, the filing period for that office only is extended five days to 6:00 p.m., August 12, 2015.)



*Although City Hall is closed on Fridays, the City Clerk's Office will be open on August 7, 2015. Please call for an appointment.

Nomination Signatures Required: (EC 10220)

- Council Members 20-30 signatures of registered voters within respective wards
- City Attorney 20-30 signatures of registered voters city-wide
- City Clerk 20-30 signatures of registered voters city-wide
- City Treasurer 20-30 signatures of registered voters city-wide

FILING FEES: (Two percent of first year's salary for the office)**

- Council Members \$ 12
- City Attorney \$ 3,327
- City Clerk \$ 2,232
- City Treasurer \$ 480



** In lieu of a filing fee, the candidate may submit a petition containing four signatures for each dollar of the filing fee or 10 percent of the total registered voters of the City, whichever number is less.

- Council Members 48 signatures within the respective wards
- City Attorney 7,849 signatures City-wide
- City Clerk 7,849 signatures City-wide
- City Treasurer 1,920 signatures City-wide



First day to circulate petition in lieu of filing fee:

Monday, June 1, 2015 (45 days prior to opening of nomination period – EC 8106[b])*

Last day to submit petition in lieu of filing fee:

Thursday, July 23, 2015 (15 days prior to close of nomination period – EC 8106[b][3])

Note: Last day to submit petition may be extended when an incumbent officer does not file nomination papers by August 12, 2015.

Signatures collected will count towards the 20-30 required for nomination papers.

QUALIFICATIONS:

Council Members: Registered voter and resident of the respective ward for at least 30 consecutive days prior to filing nomination papers.

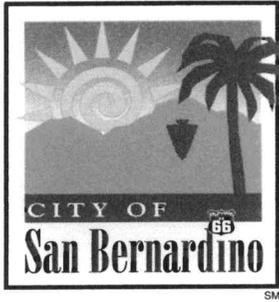
City Attorney: Attorney at law, duly licensed under the laws of the State of California, and shall have been engaged in the practice of law for at least five years prior to election or appointment. Legal resident and elector of the City for at least 30 consecutive days prior to filing nomination papers.

City Clerk: Legal resident of the City for at least 30 consecutive days prior to filing nomination papers. Registered voter.

City Treasurer: Legal resident of the City for at least 30 consecutive days prior to filing nomination papers. Registered voter.



For more information, or to take out nomination papers, please contact the City Clerk's Office at (909) 384-5002 for an appointment.



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**PRIMARY MUNICIPAL ELECTION
Tuesday, November 3, 2015**

Information regarding the November 8, 2015, Primary Municipal Election is attached. Your attention is directed to the dates covering the nomination period, commencing Monday, July 13, 2015, and ending at 6:00 p.m. on Friday, August 7, 2015. If an incumbent elective officer does not file within the period above, there is a five-day extension to 6:00 p.m. on Wednesday, August 12, 2015, for nonincumbents only.

California Elections Code Section 10407 requires that when other elections are consolidated with a regularly scheduled election, the period for filing of nomination documents by candidates shall commence not earlier than the 113th day prior to the election and be filed not later than 6:00 p.m. on the 88th day prior to the regularly scheduled election, with the above-referenced extension period where applicable.

Voter files are confidential. Access is governed by the Elections Code and is essentially limited to use for governmental, election, scholarly or journalistic purposes. Use is monitored by application procedures. This confidentiality prevents a person from walking into the elections office and viewing residence address information on a voter, without authorization. Once you become a candidate these rules do not change.

However, you should be aware that the papers you complete during the process of running for office are public information – available for public inspection without authorization or application.

Respectfully submitted,

Georgeann "Gigi" Hanna, CMC
City Clerk

CITY OF SAN BERNARDINO

ADOPTED SHARED VALUES: Integrity • Accountability • Respect for Human Dignity • Honesty

**GENERAL INFORMATION
CITY OF SAN BERNARDINO
PRIMARY MUNICIPAL ELECTION
TUESDAY, NOVEMBER 3, 2015**

The following information has been prepared for persons interested in the 2015 Primary Municipal Election to be held in San Bernardino on Tuesday, November 3, 2015. A detailed election calendar is available in the City Clerk's Office. No official nomination papers may be issued until the nomination period opens on Monday, July 13, 2015. Prospective candidates, campaign managers, and treasurers are advised to review the following information. The City Clerk and staff are available to answer any questions.

TIME AND MANNER OF CONDUCTING ELECTIONS

City Charter, Article II, Section 10. Primary and General Election.

"A Primary election shall be held in said City on the first Tuesday after the first Monday in March of each odd numbered year, for the nomination of candidates to be elected at the ensuing general election, and a general election shall be held in said City on the first Tuesday in May of each odd numbered year, for the election of City officers. Beginning with the primary election in 1995, and thereafter a primary election shall be held in said City on the first Tuesday after the first Monday in November in each odd numbered year for the nomination of candidates to be elected at the ensuing general election, and a general election shall be held in said City on the first Tuesday in February of the following even numbered year for the election of City Officers. Said election shall be conducted in the manner provided for by general law; provided, however, that the Mayor and Common Council shall have power, by ordinance, to provide for the manner of holding such election."

City Charter, Article II, Section 10-A. Election to Office.

"Any candidate for any City office who at a primary election shall receive votes on a majority of all the ballots cast for candidates for the office for which such candidates seeks nomination, shall be elected to such office. Where two or more candidates are to be elected to a given office and a greater number of candidates receive a majority than the number to be elected, those candidates shall be elected who secure the highest votes of those receiving such majority, and equal in number to the number to be elected. Any officer elected shall hold office until his or her successor is elected and qualifies."

Municipal Code, Section 2.56.010. Dates of Election.

"A. A primary election shall be held on the first Tuesday after the first Monday in November 1995, and a like election shall be held on the first Tuesday after the first Monday in November every four years thereafter, in the City for the nomination of candidates for the following offices:

- 1. Member of the Common Council from the Third Ward;*
- 2. Member of the Common Council from the Fifth Ward;*
- 3. Member of the Common Council from the Sixth Ward;*

4. Member of the Common Council from the Seventh Ward;
5. City Clerk;
6. City Treasurer;
7. City Attorney.

“B. A primary election shall be held on the first Tuesday after the first Monday in November 1997, and a like election shall be held on the first Tuesday after the first Monday in November every four years thereafter, in the City for the nomination of candidates for the following offices:

1. Mayor;
2. Member of the Common Council from the First Ward;
3. Member of the Common Council from the Second Ward;
4. Member of the Common Council from the Fourth Ward.”

California Elections Code Section 1301 and 10418 provide that for a consolidated election, candidate nominations and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide or regularly scheduled election.

OFFICES TO BE VOTED ON

1. Members of the Common Council from the Third, Fifth, Sixth, and Seventh Wards (four-year terms beginning March 7, 2016).
2. City Attorney (four-year term beginning March 7, 2016).
3. City Clerk (four-year term beginning March 7, 2016).
4. City Treasurer (four-year term beginning March 7, 2016).

QUALIFICATIONS FOR CANDIDATES

City Charter, Article II, Section 13. Officers Elected.

“There shall be elected at the general election in 1998, and every fourth year thereafter three members of the Common Council, one each from the First, Second and Fourth Wards, who shall have been qualified electors and residents of their respective wards for a period of at least thirty (30) consecutive days next preceding the date of filing of their nomination papers for the office and who shall be elected by the qualified electors of their respective wards for terms of four years commencing on the first Monday in March next succeeding their elections.”

City Charter, Article II, Section 14. Officers and Terms.

“There shall be elected at its general election in 1996 and every fourth year thereafter, four members of the Common Council, one each from the Third, Fifth, Sixth and Seventh Wards, who shall have been qualified electors and residents of their respective wards for at least thirty (30) consecutive days next preceding the date of filing of their nomination papers for the office and who shall be elected by the qualified electors of their respective wards, a City Attorney, City Clerk and City Treasurer elected at large who shall hold office for terms of four years from and after the first Monday in March and next succeeding their elections.

“There shall be elected at the general election in 1998 and every fourth year thereafter, a Mayor who shall be elected at large for a term of four years commencing on the first Monday in March next succeeding such election.”

California Elections Code, Section 10220. Method of Nomination; Nomination Filing.

“Candidates may be nominated for any of the elective offices of the city in the following manner:

“Not earlier than the 113th day nor later than the 88th day before a municipal election during normal office hours, as posted, the voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than 20 nor more than 30 voters in a city of 1,000 registered voters or more, and not less than five nor more than 10 voters in a city of less than 1,000 registered voters, but only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office, and in the event the voter does so, that voter’s signature shall count only on the first nomination paper filed which contains the voter’s signature.

“Nomination papers subsequently filed and containing that voter’s signature shall be considered as though that signature does not appear thereon. Each seat on the governing body is a separate office. Any person registered to vote at the election, and qualified to vote for the elective office of the city for which the nomination is made, may circulate a nomination paper. Only one person may circulate each nomination paper. Where there are full terms and short terms to be filled, the term shall be specified in the nomination paper.”

FILING FEES

Municipal Code, Section 2.56.080. Filing Fee/Returned Checks.

“A. Filing Fee. The City Clerk shall supply all forms required for nominations and election to all City offices. Such forms shall be distributed without charge to all such candidates applying therefore; provided, however, that such forms shall not be distributed except upon the prepayment of the filing fees. The filing fee for any office shall be two percent of the first year’s salary for the office for which the candidate is issued papers. No nomination papers shall be issued or filed except upon proof of said prepayment. The filing fee shall not be refunded in the event the candidate fails to qualify as a candidate. Notwithstanding any other provision of this Chapter, a candidate may submit a petition containing signatures of registered voters in lieu of a filing fee in accordance with provisions of Section 8106 of the Elections Code of the State.

“B. Returned Checks.

- 1. If a candidate’s filing fees are paid by a check which is returned by the City’s depository as being uncollectible for insufficient funds or other reasons, the candidate shall be disqualified if payment in full, in the form of a money order or cashier’s check payable to the City of San Bernardino, is not made by the close of the nomination period.*

2. *If after the nomination period closes it is determined that a check for filing fees is uncollectible for insufficient funds or other reasons, the candidate shall be disqualified.*
3. *A charge of twenty-six dollars (\$26.00) shall be imposed for the cost of each check returned by the City's depository as being uncollectible for insufficient funds or for other reasons."*

Filing fees for the offices up for election in the City of San Bernardino and signatures required for the petition in lieu of filing fee are as follows:

	<u>Filing Fee</u>	<u>Signatures Required</u>
a. City Attorney	\$3,327.00	13,308 (City-wide)
b. City Clerk	2,232.00	8,928 (City-wide)
c. City Treasurer	480.00	1920 (City-wide)
d. Council Members (3 rd , 5 th , 6 th & 7 th Wards)	12.00	48 (within ward)

The candidates' statements are mailed to all voters. Estimated costs for candidates' statements are:

City Attorney	\$1,974.00
City Clerk	1,974.00
City Treasurer	1,974.00
Third Ward	250.00
Fifth Ward	355.00
Sixth Ward	267.00
Seventh Ward	295.00

NOMINATION PERIOD

California Elections Code, Section 10407. Candidate Filing Time for Elections Consolidated with Regularly Scheduled Election.

"(a) Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the 113th day prior to the election. The nomination documents shall be filed not later than 6 p.m. on the 88th day prior to the regularly scheduled election in the office of the appropriate officer, during regular office hours.

"(b) Notwithstanding subdivision (a), if nomination documents for an incumbent officer of a political subdivision are not filed by 6 p.m. on the 88th day before the election, any person other than the person who was the incumbent on the 88th day shall have until 6 p.m. on the 83rd day before the election to file nomination documents for the elective office. This section is not applicable where there is no incumbent eligible to be elected."

Municipal Code, Section 2.56.173. Uncontested Regularly Scheduled Election.

“A. If, by 5:00 p.m., on the 88th day prior to the day fixed for a regularly scheduled municipal election, or the 83rd day if an incumbent fails to file, no one or only one person has been nominated for any office which is elected on a city-wide basis, or no one or only one person is nominated to be elected from or by a ward, the City Clerk shall submit a certificate of these facts to the Mayor and Common Council and inform the Mayor and Common Council that it may, at a regular or special meeting held before the municipal election, adopt one of the following courses of action:

- 1. Appoint to the office the person who has been nominated.*
- 2. Appoint to the office any eligible elector if no one has been nominated.*
- 3. Hold the election if either no one or only one person has been nominated. The City Clerk shall post on the City’s official website and publish a notice of the facts described in this section and the courses of action available under this subdivision. Publication shall be made pursuant to Section 6061 of the Government Code in any newspaper of general circulation as designated by the Clerk.*

“B. After the fifth day following the date of publication, the Mayor and Common Council may make the appointment or direct an election to be held in the affected legislative district. The person appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

“C. If, by the 75th day before the municipal election, no person has been appointed to office pursuant to paragraphs (1) or (2), the election shall be held.

“D. Notwithstanding Elections Code Section 8600 et seq. or any other provision of law to the contrary, if the Mayor and Common Council makes an appointment pursuant to subdivision “A,” the Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.

“E. In the event that an appointment is made in a particular ward pursuant to subdivision “A,” that appointment shall not affect the conduct of the municipal election in other legislative districts of the City.”

Nomination papers and complete information packets will be available from the City Clerk commencing Monday, July 13, 2015. All forms shall be issued by the City Clerk, shall indicate “Official Filing Form” and be signed by the Clerk (or deputy) when issued.

The nomination period will close at 6:00 p.m. on Friday, August 7. If an incumbent elective officer does not file within the period above, the voters shall have until 6:00 p.m. on Wednesday, August 12, to nominate candidates other than incumbents.

CAMPAIGN REPORTING AND FINANCIAL DISCLOSURE

It is incumbent upon every candidate and campaign treasurer to become personally familiar with the requirements of the laws relating to campaign reporting and financial disclosure. Particular attention should be paid to the Political Reform Act of 1974, Title 9 (commencing with Section 81000) of the Government Code, which is available at the Feldheym Library, 555 West Sixth Street, San Bernardino, and the FPPC's website at www.fppc.ca.gov. The City Clerk supplies manuals and forms at the time nomination papers are issued.

DISCLOSURE OF CAMPAIGN RECEIPTS AND EXPENDITURES

The Political Reform Act requires all candidates for state and local elective office, all state and local elected officeholders, proponents of state ballot measures and committees supporting or opposing state and local candidates, ballot measures and petition circulation drives, to file campaign statements disclosing contributions received and expenditures made. Failure to file by the prescribed deadlines also can lead to late filing penalties of \$10 per day up to \$100, or the amount stated on the late campaign statement or report, whichever is greater.

On July 31, 2015, candidates and committees for the November 3 election must file a semi-annual statement if they have made any expenditures or received or made any contributions during the period January 1, 2015 or the day after the closing day of the last statement, if applicable. The closing date of the semi-annual statement is June 30, 2015.

The Information Manual and all forms for campaign disclosure are available from the City Clerk, or by visiting the following website: www.fppc.ca.gov. The election calendar lists all of the filing deadlines applicable to the November 3, 2015 Primary Municipal Election. There are no provisions in the law for extension of due dates for filing campaign statements.

DISCLOSURE OF FINANCIAL INTERESTS

All candidates will be required to file a Statement of Economic Interests (Form 700) in accordance with Government Code Section 84200. This statement, disclosing interests held at the date of filing nomination papers, must be filed no later than the final filing date for filing nomination papers. Forms will be provided by the City Clerk at the time nomination papers are issued.

INFORMATION

Questions regarding personal reporting obligations under the Political Reform Act should be directed to the City Clerk at 909-384-5102, or to the Fair Political Practices Commission at 428 "J" Street, Suite 620, Sacramento, CA 95814, or by calling their toll-free helpline at 1-866-275-3772.

**NOMINATION DOCUMENTS AND
FILING PROCEDURES**

NAME AS IT WILL APPEAR ON THE BALLOT

The **ballot name** may be designated as follows:

- First, middle and last names.
- Initials only and last name.
- A nickname may be included but must be in parentheses () or quotation marks “ ”.
- A short version of the first name, such as “Bill for William”, “Dick for Richard” or “Kathy for Kathleen”.

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

If the candidate has changed his or her name within one year prior to the election, the new name will not appear on the ballot unless the change was made by marriage or by Decree of Court. E.C. §13104

SELECTING YOUR BALLOT DESIGNATION – The **ballot designation** describes the current principal profession, vocation, occupation or incumbency status of the candidate that will appear under the candidate’s name.

Ballot designations:

- Can be no more than three words.
- Ballot designations **cannot be changed after the final date to file nomination documents.**

The listing of a designation on the ballot is **OPTIONAL**. Only one of the following categories is allowed:

1. **Elective Office Title:** Words describing an elective office title may be used **IF** the candidate holds the office at the time nomination documents are filed and the office was filled by a vote of the people.

Example A: Governing Board Member

Example B: Board member, XYZ School District

2. **Incumbent:** The word **Incumbent** may be used **IF** the candidate is seeking re-election to the same office and was elected to that office by a vote of the people or was appointed as a nominated candidate in lieu of an election.
3. **Appointed Incumbent:** The words **Appointed Incumbent** must be used **IF** the candidate was appointed to the office and is seeking election to that office. The word **Appointed** may also be used with the office title.

Example A: Appointed Incumbent

Example B: Appointed Board member, XYZ School District

Exception: Candidates appointed to office in lieu of an election **do not** have to use the word **Appointed**.

4. **Principal Occupation:** No more than **three words** to either describe the current principal profession, vocation, or occupation of the candidate **or** the principal profession, vocations, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents. Geographical names are considered one word.

Example A: High School Teacher

Example B: Attorney/Educator/Rancher

Example C: CEO/Councilmember

5. **Community Volunteer:** A Community Volunteer shall constitute a valid principal vocation or occupation subject to the following conditions:
 - a. A candidate's community volunteer activities constitute his or her principal profession, vocation or occupation.
 - b. A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation or occupation.
 - c. A candidate is not engaged concurrently in another principal profession, vocation or occupation.
6. **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 (advocate) patriot, taxpayer, concerned citizen, husband, wife, and the like.

7. **No Occupation Desired:** If no ballot designation is requested, write the word “NONE” and place your initials in the space provided for ballot designation on the Declaration of Candidacy form.

FORMAT OF BALLOT DESIGNATION

Ballot designations are limited to space allotted on the ballot, approximately 55 characters including spacing and punctuation.

BALLOT DESIGNATION WORKSHEET

A Ballot Designation Worksheet that supports the use of the candidate’s ballot designation is required to be filed with the City Clerk at the same time as filing Nomination Papers. If a candidate fails to file a properly completed Ballot Designation Worksheet, no designation will appear on the ballot. Pursuant to California Administrative Rule 20711(b), the worksheet is a public record and shall be available for inspection and copying.

E.C. §13107.3

REJECTION OF BALLOT DESIGNATION

If the designation is in violation of any of the restrictions set forth in California Elections Code, the candidate will be notified by certified mail with a return receipt addressed to mailing address appearing on the candidate’s ballot designation worksheet. If an alternative designation is not provided within the time allowed, no designation will appear on the ballot.

E.C. §13107(c)

UNACCEPTABLE DESIGNATIONS

Pursuant to California Elections Code E.C. §13107(b), the election official shall not accept a ballot designation if:

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(s) that it modifies.
4. It includes 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 includes the name of any political party, whether or not it has qualified for the ballot.
6. It includes a word or words referring to a racial, religious or ethnic group.
7. It refers to any activity that is prohibited by law.

GUIDELINES TO ACCEPTABLE BALLOT DESIGNATIONS (BASIC TEST):

1. Is it true?
2. Is it accurate?
3. Does it mislead?
4. Is it generic? (This means “IBM” is unacceptable, “Computer Company” is acceptable.)
5. Is it neutral? (This means not for or against.)
6. Is it how this person makes a living?

Candidates may review their own ballot designation, as well as that of other candidates, in this office during working hours: **Monday, August 10, through Monday, August 17**; or if the nomination period is extended, the dates will be adjusted appropriately.

If you have any questions regarding nomination procedures, please call the City Clerk’s Office (909) 384-5002.

RANDOM ALPHABET LIST

On August 13, 2015, the Secretary of State will conduct a random drawing of the alphabet. Names of candidates will be arranged on the ballot in accordance with the random alphabet.

E.C. §13112

**NOTE TO CANDIDATES
REGARDING INCOMPATIBLE OFFICES**

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

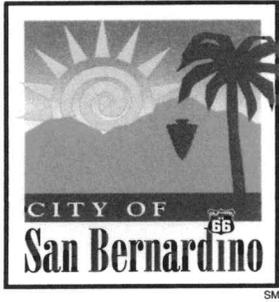
There is no single statute that defines “incompatibility of offices”. The common law doctrine of incompatibility of offices, however, prevents an elected official from holding two offices simultaneously **if the offices have overlapping and conflicting public duties.**

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

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

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

If you have a question about whether two public offices which you hold or seek to hold would be considered incompatible, contact the Attorney General’s office at (916) 445-9555 or visit their website, www.ag.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.



**OFFICE OF THE CITY CLERK
GEORGEANN "GIGI" HANNA – CITY CLERK**

300 North "D" Street • San Bernardino • CA 92418-0001
909.384.5002 • Fax: 909.384.5158
www.sbcity.org

July 2015

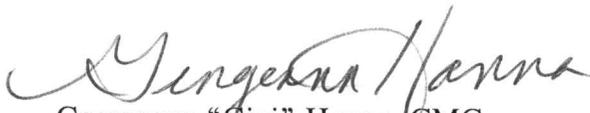
Dear Candidate:

The State of California Elections Code allows you to submit a candidate's statement for inclusion in the voters' pamphlet (sample ballot). The statement may include your name, age, occupation, and a brief description of no more than 200 words of your education and qualifications as expressed by you, the candidate. The filing of a statement is not mandatory; however, if you decide not to file a statement, you must file a signed waiver at the time you submit your nomination papers.

If you want to include a candidate's statement in the voters' pamphlet, you must submit a completed statement and pay your prorated share of the printing, handling, translating, and mailing costs when you first file your nomination papers. The estimated costs for the statements are as follows: City Attorney is \$1,974; City Treasurer is \$1,974; City Clerk is \$1,974; Third Ward Council seat is \$250; Fifth Ward Council seat is \$355; Sixth Ward Council seat is \$267; and Seventh Ward Council seat is \$295.

If you have any questions, please contact Valerie Montoya or Linda Sutherland at (909) 384-5102.

Sincerely,


Georgeann "Gigi" Hanna, CMC
City Clerk

CITY OF SAN BERNARDINO

ADOPTED SHARED VALUES: Integrity • Accountability • Respect for Human Dignity • Honesty

CANDIDATE STATEMENT GUIDELINES

A Candidate Statement provides candidates an opportunity to speak to voters regarding their background, education, qualifications, and platform.

Candidate Statements are printed in the *Voter Information Guide*. This guide is mailed to all registered voters approximately one month prior to the election. Candidates may elect to have a statement printed in the guide. Candidates who choose to do so are required to pay the estimated costs of including their Candidate Statement in the *Voter Information Guide* at the time of filing. The actual costs of inclusion will be determined after the election and participating candidates will either receive a refund or be responsible for paying additional costs at that time. A list of estimated costs for candidate statements is listed in the section on "Estimated Costs for Candidate Statements" found on page 2.

All candidates, regardless of whether or not they choose to publish a Candidate Statement, are required to complete and file a *Candidate Statement Form*. On this form, candidates will indicate whether or not they elect to file a candidate statement and will submit the printed text of the statement if they choose to file one.

The form and content of each candidate statement is regulated by California Elections Code and by Elections Office policy. The "Candidate Statement Composition" section is provided to candidates as a resource for constructing a candidate statement.

Prior to publication, candidate statements are available for public examination for ten days. The ten day public examination period begins immediately following the filing deadline. During the public examination period, the Elections Office, or any voter of the jurisdiction, may seek a writ of mandate or an injunction requiring that any or all material in the candidate statement be amended or deleted. Elections Code §13313(b)

In addition to seeking a writ of mandate, or an injunction, the Elections Office may strike any language not in compliance with California Election Code or Elections Office policy. For more information regarding California Election Code, or Elections Office policy, refer to the "Candidate Statement Composition - Contents" section found on page 2.

A. ESTIMATED COSTS FOR CANDIDATE STATEMENTS

Candidates who elect to have a statement printed in the *Voter Information Guide* are required to pay the estimated costs of including their Candidate Statement in the *Voter Information Guide* at the time of filing. The actual costs of inclusion will be determined after the election and participating candidates will either receive a refund or be responsible for paying additional costs at that time.

Estimated costs for candidate statements are calculated, by district, at \$.03 per registered voter. A minimum cost of \$250 is required for all districts in which the total number of registered voters is below 8,333. Listed below are the estimated costs for candidate statements for this election.

Payments are accepted in the form of cash, personal check, cashier's check, and money order. Per City ordinance, a fee of \$26.00 will be charged for any check that is returned by the bank.

OFFICE	Registered Voters	Estimated Cost \$.025 per Voter (\$250 Minimum)
City Attorney	79,011	\$1,974
City Clerk	79,011	\$1,974
City Treasurer	79,011	\$1,974
3 rd Ward Council Seat	9,876	\$250
5 th Ward Council Seat	14,163	\$355
6 th Ward Council Seat	10,603	\$267
7 th Ward Council Seat	11,755	\$295

B. CANDIDATE STATEMENT COMPOSITION

To compose a candidate statement, candidates should be aware of two factors: form and content. The form of a candidate statement refers to the word count, type size, spacing, and formatting. The content of a candidate statement refers to the descriptions, or expression of, the candidate's background, education, qualifications, endorsements, and platform.

1. Form

California Elections Code §13307 dictates that candidate statements shall be a brief description of no more than two-hundred words, and shall be printed in type of uniform size and darkness, and with uniform spacing.

The Elections Office interprets this to mean that candidate statements shall be typed in upper and lower case letters when appropriate and not all capital letters. Additionally, candidate statements shall be free from non-standard or atypical spacing, and shall not contain any *italicized* or **bolded** letters.

It is the policy of the Elections Office that, in order for a candidate statement to be printed in the *Voter Information Guide*, candidate statements must fit inside a half page square that measures 4.75" wide by 3.25" tall. Candidate statements that appear in the *Voter Information Guide* will be printed in size 8 Arial font.

In computing the word count of a candidate statement, it is important for candidates to keep in mind that only the text of the statement is included in the calculation of the word count. The title of the candidate statement, which includes the candidate's name, age, and occupation, does not affect the word count for a statement. Examples for counting words within a candidate statement are provided below.

CATEGORY	EXAMPLE	WORD COUNT
Acronyms	SBSU, PTA, U.S.M.C., S.B.P.D.	One
Date	01/01/2010	One
Date	January 1, 2000	One
Email	doe_ja@sbcity.org	One
Geographical name- (Specific City, County, or State)	San Bernardino, or City of San Bernardino	One
Geographical area- (Not a Specific City, County, or State)	Victor Valley, or Inland Empire	Two
Hyphenated words (Published in U.S dictionary within the past 10 years)	mother-in-law	One
Hyphenated words (Not published in U.S dictionary within the past 10 years)	Taxpayer-advocate	Two
Internet address	www.sbcity.org	One
Numbers	1, 10, or 100	One
Numerical Computations	50%, ½, etc.	One
Telephone numbers	(909) 387-8300	One
Symbols	& or #	One

2. Content

California Election Code

California Elections Code §13307 dictates that candidate statements shall be a brief description that expresses the candidate's education and qualifications, and shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. Nothing in the candidate's statement shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet.

California Elections Code §13308 requires that statements shall be limited to a recitation of the candidate's own personal background and qualifications. California Elections Code §13308 prohibits that statements shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The elections official shall not cause to be printed or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section.

Elections Office Policy

It is the policy of the San Bernardino City Elections Office that a candidate's background may include details regarding the candidate's platform. A candidate's platform describes what they stand for and what they intend to do if they are elected.

It is the policy of the San Bernardino City Elections Office that if a candidate statement is determined to not be in compliance with the Elections Code, the Elections Office may strike any language not in compliance, may not print or circulate the statement, or may seek a writ of mandate, or an injunction, requiring that the candidate statement be amended or deleted.

It is the policy of the Elections Office that the candidate is fully responsible for ensuring that all the spelling, punctuation, and grammar in a Candidate Statement is correct and free of errors. The Elections Office is not responsible for proofreading for spelling, punctuation, and grammatical errors. Only a cursory review of the candidate's statement will be done at the time of filing to ensure that the statement is acceptable.

It is the policy of the San Bernardino City Elections Office that any named individual or specific organization listed as an endorsement in a candidate statement (see Example A below) must be verified as endorsing the candidate prior to printing in the *Voter Information Guide and Sample Ballot*. Verification of the endorsement must be in the form of a copy of a letter of endorsement, or in a direct communication from the endorser to the Elections Office in the form of an email or faxed correspondence. All endorsements or verification of endorsements from an individual or organization of a candidate should be submitted no later than five days after the end of the filing period.

Example A: "...I am endorsed by City Council Member John Doe, Senator Jane Smith and the San Bernardino League of Women Voters."

In Example A, the Elections Office would require an email, fax or copy of the letter of endorsement from Supervisor Doe, Senator Smith and the San Bernardino League of Women Voters to allow these endorsements to be printed.

Example B: "...I am endorsed by police and firefighters and nurses and teachers throughout San Bernardino County."

In Example B, the Elections Office would not require verification of the endorsement because the statement does not identify a specific individual or organization.

C. CANDIDATE STATEMENTS EXAMPLES

These examples are provided to demonstrate the difference between an acceptable and unacceptable candidate statement.

Example of Acceptable Candidate Statement

NAME: THOMAS GARRISON **AGE: 50**
OCCUPATION: Businessman/Parent

I believe all residents deserve a high quality of water, and excellent service at an affordable cost.

As your next elected member of the Board of Directors of the High Plains Water District, my legal education will enable me to advocate effectively on your behalf. My years of experience of having served on several boards has prepared me for working well with other board members – by supporting good policy and ensuring all important issues are discussed when tough decisions need to be made.

My family has lived in this community for over thirty years and we've been blessed to be able to give back to our community through many years of community volunteerism. My wife volunteers at our local senior center and boy's and girl's club, and our daughters have been known to sing and dance at or participate at various local community events.

Qualifications – Community Volunteer

- Board of Directors – Neighborhood Housing Services: 1985 – 2000. Commissioner – Community Action Commission: 2005 – Present
- Board of Directors – Douglasville Hospital: 2004 – 2006
- President – Occupational Health Committee 2010 – Present

Thank you for your support!

Vote for Thomas Garrison!

Example of Unacceptable Candidate Statement

NAME: THOMAS GARRISON **AGE: 50**
OCCUPATION: Businessman/Parent

The highlighted portions are examples of what is not allowed in the candidate statement, including making reference to another candidate and improper formatting, such as using italics, bolding, improper capitalization, non-uniform spacing, and using various sized fonts.

I believe all residents deserve a high quality of water, and excellent service at an affordable cost. **The current director, Tom Smith, hasn't been doing his job and is cheating the taxpayers.**

As your next elected member of the Board of Directors of the High Plains Water District, *my legal education* will enable me to advocate effectively on your behalf. My years of experience of having served on several boards has prepared me for working well with other board members – by supporting good policy and ensuring all important issues are discussed when **tough decisions** need to be made.

My family has lived in this community for over **Thirty Years** and we've been blessed to be able to give back to our community through many years of **COMMUNITY VOLUNTEERISM**. My wife volunteers at our local senior center and boy's and girl's club, and our daughters have been known to sing and dance at or participate at various local community events.

Qualifications – Community Volunteer

- Board of Directors – Neighborhood Housing Services: 1985 – 2000.
- Commissioner – Community Action Commission: 2005 – Present
- Board of Directors – Douglasville Hospital: 2004-2006
- President – Occupational Health Committee 2010 – Present

Thank you for your support!

*** * * * *** **Vote for Thomas Garrison!** *** * * * ***

D. CANDIDATE STATEMENT CHECKLIST

This checklist is provided to assist candidates with identifying errors that may prevent a statement from being printed as intended in the *Voter Information Guide*.

Is your statement prepared on the form provided by the Elections Office?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does your statement contain 200 words or less?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is your statement free of extra spaces?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
With the exception of acronyms, is your statement free of words spelled in all CAPITAL letters?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is your statement free of bold letters or characters?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is your statement free of <i>italicized</i> words?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is your statement free of references, direct or implied, to any other candidate or office holder?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is your statement free of any references, direct or implied, to any other candidate's or office holder's qualifications, character, or activities?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is your statement free of any reference to your political party affiliation or partisan political activity?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is your statement free of any false information, or information that may be deemed as slanderous or libelous?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is your statement limited to your own personal background, education, qualifications, and statements related to the platform upon which you will run?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If your statement contains endorsements, do you have documentation to present from the named individual(s) or specific organization(s) endorsing you?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If you answered "No" to any of the questions above, your statement may contain content that is prohibited by California Elections Code, or Elections Office policy.

VIEWING CANDIDATE STATEMENTS AND BALLOT DESIGNATIONS

DATES

VIEWING PERIOD AUGUST 8, 2015 THROUGH AUGUST 17, 2015* – for Candidate occupations and Candidate statements. (E.C. §13313)

WRIT OF MANDATE

THE DEADLINE TO FILE WRIT OF MANDATE – AUGUST 17, 2015* – This is the last date to file a court action to bring about changes that the Registrar of Voters/City Clerk cannot or chooses not to make regarding Candidate occupations and Candidate statements.

THE LAW

California Elections Code §13313 allows a ten-day viewing period of the official voter's pamphlet prior to submittal for printing. During this 10-day period, any voter of the jurisdiction in which the election is being held may seek a writ of mandate or an injunction requiring any or all of the material in the voter's pamphlet to be amended or deleted.

PURPOSE

- To view candidate statements, occupations (your own as well as other candidates) during the ten-day viewing period.
- To take action during this time, to reduce errors and resolve differences BEFORE sample ballots are printed and distributed.

Note: Once printing and mailing have begun, it may not be possible to re-print or re-mail without incurring significant cost to the taxpayer and possibly compromising the electoral process.

PROCEDURE

All candidates will be notified of the importance of viewing their own sample pamphlet content in its typeset form – as well as that of **their opponents**.

- Any candidate who is unable to proof typeset content at the City Clerk's Office may request that a copy be faxed. The typeset copy must be signed by the candidate and it may be returned by fax, mail, in person, or through a representative.
- No changes to what was originally submitted will be allowed. ONLY TYPESETTING ERRORS WILL BE CORRECTED during this period.
- After the viewing period, the Registrar of Voters or City Clerk's Office is not responsible for any typesetting errors, unless they occur AFTER the viewing period. If voter pamphlet information is changed subsequent to a writ of mandate, the authors will be given another opportunity to proof the corrected typeset copy.
- Candidates are cautioned that the Registrar of Voters/City Clerk's Office is not responsible for verifying the accuracy of the candidate statement. Candidates may view their own or other candidates' statements after the close of the Nomination Period. (E.C. §13313)

***If an incumbent elective officer does not file by August 7, 2015, there will be a 5-calendar-day extension of the Candidate Statement Public Examination Period.**



**OFFICE OF THE CITY CLERK
GEORGEANN "GIGI" HANNA – CITY CLERK**

300 North "D" Street • San Bernardino • CA 92418-0001
909.384.5002 • Fax: 909.384.5158
www.sbcity.org

July 2015

Dear Candidate:

Government Code Section 87200, et seq., requires you, as a candidate for public office, to file a Statement of Economic Interests, Form 700, no later than the final filing date of your nomination papers. **Nominations close at 6 p.m., Friday, August 7, 2015.** However, if an incumbent elective officer does not file within the nomination period, the filing period for that elective office only, is extended five days to 6 p.m. Wednesday, August 12, 2015.

As a candidate, you must complete Schedules A-1 through E, reporting investments, interests in real property, and business positions held on the date of filing your Nomination Paper, as well as income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing nomination papers.

Included in this guide is a 2014-2015 Statement of Economic Interests, Form 700, and instructions. If you prefer you can access the Form 700 through the following website: <http://www.fppc.ca.gov/forms/700-12-13/Form700-12-13.pdf>

If you have any questions, please contact Deputy City Clerk Valerie Montoya at 384-5102.

Sincerely,

Georgeann "Gigi" Hanna, CMC
City Clerk

Enclosure

Elections/2015/Candidate Notebook/Ltr-SEI

CITY OF SAN BERNARDINO

ADOPTED SHARED VALUES: Integrity • Accountability • Respect for Human Dignity • Honesty

STATEMENT OF ECONOMIC INTERESTS
(Government Code 87100 et seq.)

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

For offices of Member of the City Council, Mayor, and City Treasurer, candidates as well as officeholders are required by the Government Code to file Statements of Economic Interests. Candidates for the office of City Clerk must file if required to do so by the City's Conflict of Interest Code. This statement shall not be required if the candidate has filed, within 60 days prior to the filing of his or her declaration of candidacy, a statement for the same jurisdiction.

City candidates should obtain forms and filing information from the City Clerk.

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



**2014/2015
Form 700
Statement of
Economic Interests**

**Reference
Pamphlet**

California Fair Political Practices Commission

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What's New

Gift Limit Increase

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

Who Must File

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

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

State Offices

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

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

Judicial Offices

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

County and City Offices

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

Members of Boards and Commissions of Newly Created Agencies

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

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

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

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

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

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

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

Employees in Newly Created Positions of Existing Agencies

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

Types of Form 700 Filings

Assuming Office Statement:

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

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

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

Example:

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

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

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

Annual Statement:

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

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

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

Leaving Office Statement:

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

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

Candidate Statement:

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

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

Amendments:

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

Where to File

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

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

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

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

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

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

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

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

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

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

Exceptions:

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

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

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

Where to File - (continued)

Leaving Office Statements:

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

Exceptions:

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

Candidate Statements

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

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

Exception:

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

When to File

Assuming Office Statements:

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

Exceptions:

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

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

Annual Statements:

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

Exception:

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

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

Terms & Definitions

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

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

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

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

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

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

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

Report commission income as follows:

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

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

Examples:

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

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

Terms & Definitions - (continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Terms & Definitions - (continued)

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

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

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

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

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

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

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

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

Gift and Honoraria Prohibitions:

Gifts:

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

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

Honoraria:

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

Terms & Definitions - (continued)

Exceptions:

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

Judges:

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

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

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

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

Examples:

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

You are **not** required to report:

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

Terms & Definitions - (continued)

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

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

Incentive compensation does not include:

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

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

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

Report incentive compensation as follows:

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

(See Regulations 18703.3 and 18728.5 for more information.)

Terms & Definitions - (continued)

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

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

Examples:

- Terry Pearson, her husband, and two dependent children each own \$600 in stock in General Motors. Because the total value of their holdings is \$2,400, Terry must disclose the stock as an investment on Schedule A-1.
- Cynthia and Mark Johnson, a married couple, jointly own Classic Autos. Mark must disclose Classic Autos as an investment on Schedule A-2. To determine the reportable value of the investment, Mark will aggregate the value of his 50% interest and Cynthia's 50% interest. Thus, if the total value of the business entity is \$150,000, he will check the box \$100,001 - \$1,000,000 in Part 1 of Schedule A-2. (Also see Reference Pamphlet, page 11, for an example of how to calculate reportable income.)

The Johnsons also own the property where Classic Autos is located. To determine the reportable value of the real property, Mark will again aggregate the value of his 50% interest and Cynthia's 50% interest to determine the amount to report in Part 4 of Schedule A-2.

- Katie Smith rents out a room in her home. She receives \$6,000 a year in rental income. Katie will report the fair market value of the rental portion of her residence and the income received on Schedule B.

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

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

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

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

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

Exception:

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

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

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

See the following explanations to determine what your jurisdiction is:

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

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

Terms & Definitions - (continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

Terms & Definitions - (continued)

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

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

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

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

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

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

Examples:

- Alice McSherry deposits \$500 per month into her employer's deferred compensation program. She has chosen to purchase shares in two diversified mutual funds registered with the Securities and Exchange Commission. Because her funds are invested solely in non-reportable mutual funds (see Schedule A-1 instructions), Alice has no disclosure requirements with regard to the deferred compensation program.
- Bob Allison has \$6,000 in an individual retirement account with an investment firm. The account contains stock in several companies doing business in his jurisdiction. One of his stock holdings, Misac Computers, reached a value of \$2,500 during the reporting period. The value of his investment in each of the other companies was less than \$2,000. Bob must report Misac Computers as an investment on Schedule A-1 because the value of his stock in that company was \$2,000 or more.
- Adriane Fisher has \$5,000 in a retirement fund that invests in real property located in her jurisdiction. The value of her interest in each piece of real property held in the fund was less than \$2,000 during the reporting period. Although her retirement fund holds reportable assets, she has no disclosure requirement because she did not have a \$2,000 or greater interest in any single piece of real property. If, in the future, the value of her interest in a single piece of real property reaches or exceeds \$2,000, she will be required to disclose the real property on Schedule B for that reporting period.

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

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

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

Or you are a beneficiary and:

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

Examples:

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

Terms & Definitions - (continued)

Blind Trusts:

A blind trust is a trust managed by a disinterested trustee who has complete discretion to purchase and sell assets held by the trust. If you have a direct, indirect, or beneficial interest in a blind trust, you may not be required to disclose your pro rata share of the trust's assets or income. However, the trust must meet the standards set out in FPPC Regulation 18235, and you must disclose reportable assets originally transferred into the blind trust and income from those original assets on Schedule A-2 until they have been disposed of by the trustee.

Trustees:

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

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

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

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

Privacy Information Notice

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

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

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

Gift Limits and Honoraria

All the issues summarized below are discussed in detail in Fact Sheets available on the **Important Publications Page**.

Gifts, honoraria, and loans received by public officials and employees are restricted in several ways:

\$10 Lobbyist Gift Limit: Elected state officials (including members of the legislature), and legislative employees may not accept a gift or gifts totaling more than \$10 in a calendar month from any individual who is registered as a lobbyist under state law. The \$10 limit also applies to gifts received by officials and employees of state agencies if their agency is listed on the registration statement of the lobbyist's employer or firm. (Gov. Code Section 86203.)

\$460 Gift Limit (Effective January 1, 2015 - December 31, 2016): State and local officials and employees are prohibited from receiving a gift or gifts totaling more than \$460 in a calendar year from certain sources. For elected state officials and many others, the prohibition is applicable to gifts from any source, although there are exceptions (for example, gifts from family members). For state and local officials and employees who file statements of economic interests (Form 700) under an agency's conflict of interest code, the gift limit is applicable only to individuals and entities that would have to be disclosed on the Form 700. This gift limit is adjusted every odd-numbered year. (Note: Judges are not subject to the Act's gift prohibitions, but are covered by the Code of Civil Procedure.) (Gov. Code Section 89503.)

Honoraria: An honorarium is a payment received for making a speech, publishing an article, or attending any public or private conference, convention, meeting, social event, meal or similar gathering. State and local elected officers and candidates for those offices and all officials holding positions listed in Government Code Section 87200 are prohibited from receiving honoraria payments. Likewise, an employee designated under a state or local government agency's conflict of interest code is prohibited from receiving honoraria payments from any source of gifts or income the employee is required to report on his or her statement of economic interests. Some limited exceptions apply, such as income earned from a bona fide business or profession. (Section 89502.)

Exceptions for Travel: Certain payments for travel are excluded from the gift limits and honoraria prohibition.

Loan Restrictions: Public officials who are required to file statements of economic interest or who are exempt employees may not receive any personal loan aggregating more than \$250 from an official, employee, or consultant of, or from anyone who contracts with, their governmental agencies. In addition, elected officials may not receive any personal loan aggregating more than \$500 from a single lender unless certain terms of the loan are specified in writing. Under certain circumstances, a personal loan that is not being repaid or is being repaid below certain amounts may become a gift to the official who received it. (Gov. Code Sections 87460-87462.)

(Revised 01-12-2015)



Limitations and Restrictions on Gifts, Honoraria, Travel and Loans

A Fact Sheet For

- ♦ Local Elected Officers and Candidates for Local Elective Offices
- ♦ Local Officials Specified in Government Code Section 87200
- ♦ Judicial Candidates
- ♦ Designated Employees of Local Government Agencies

California Fair Political Practices Commission

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

Email advice: advice@fppc.ca.gov

Web site: www.fppc.ca.gov

January 2015

Introduction

The Political Reform Act¹ (the "Act") imposes limits on gifts, prohibits honoraria payments, and imposes limits and other restrictions on the receipt of travel payments received by:

- Local elected officers and other local officials specified in Government Code Section 87200,² excluding judges;³
- Designated employees of local government agencies (i.e., individuals required to file statements of economic interests under a local agency's conflict of interest code); and
- Candidates⁴ for any of these offices or positions and judicial candidates. (Sections 89502 and 89503.)

The Act also imposes limits and other restrictions on personal loans received by certain local officials.

This fact sheet summarizes the major provisions of the Act concerning gifts, honoraria, travel, and loans. You should not, however, rely on the fact sheet alone to ensure compliance with the Act. If you have any questions, contact the Fair Political Practices Commission at (866) 275-3772 or advice@fppc.ca.gov or visit our website at www.fppc.ca.gov. Commission advice letters are available on our website. You may also be subject to local restrictions on gifts, honoraria, or travel.

Enforcement

Failure to comply with the laws related to gifts, honoraria, loans, and travel payments may, depending on the violation, result in criminal prosecution and substantial fines, or in administrative or civil monetary penalties for as much as \$5,000 per violation or three times the amount illegally obtained. (See Sections 83116, 89520, 89521, 91000, 91004 and 91005.5.)

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Local officials specified in Government Code Section 87200 include: members of boards of supervisors and city councils, mayors, city/county planning commissioners, city/county chief administrative officers, city/county treasurers, district attorneys, county counsels, city managers, city attorneys, court commissioners and public officials who manage public investments.

³ The gift limits and honoraria ban in the Political Reform Act do not apply to a person in his or her capacity as judge. However, candidates for judicial offices are subject to the restrictions contained in the Political Reform Act. (Sections 89502 and 89503.)

⁴ For purposes of the gift limit and honoraria prohibition, you become a "candidate" when you file a statement of organization (Form 410) as a controlled committee for the purpose of seeking elective office, a candidate intention statement (Form 501), or a declaration of candidacy, whichever occurs first. If you are an unsuccessful candidate, you will no longer be subject to the gift limit and honoraria prohibition when you have terminated your campaign filing obligations, or after certification of election results, whichever is earlier. (Sections 89502(b) and 89503(b).)

Gifts

Limitations

If you are a local elected officer, a candidate for local elective office, a local official specified in Government Code Section 87200, or a judicial candidate, you may not accept gifts from any single source totaling more than \$460 in a calendar year. (Section 89503.)⁵

If you are an employee of a local government agency who is designated in the agency's conflict of interest code, you may not accept gifts from any single source totaling more than \$460 in a calendar year if you are required to report receiving income or gifts from that source on your statement of economic interests (Form 700). (Section 89503(c).)

What is a "Gift"?

A "gift" is any payment or other benefit provided to you that confers a personal benefit for which you do not provide payment or services of equal or greater value. A gift includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public. (Section 82028.) (See Regulation 18946 for valuation guidelines.)

Except as discussed below, you have "received" or "accepted" a gift when you know that you have actual possession of the gift or when you take any action exercising direction or control over the gift, including discarding the gift or turning it over to another person. This includes gifts that are accepted by someone else on the official's behalf and gifts made to others at the direction of the official. (Regulation 18941.)

Gifts to Family Members

Under certain circumstances, a gift to an official's family member* is considered a gift to the official. (Regulation 18943.) Anything given to a family member is presumed to be a gift to the official if: (1) there is no established relationship between the donor and the family member where it would generally be considered appropriate for the family member to receive the gift or; (2) the donor is someone who lobbies the official's agency, is involved in an action before the official's agency in which the official may foreseeably participate, or engages in business with the agency in which the official will foreseeably participate. (Wedding gifts are treated differently, see below.)

*For purposes of this rule, an official's "family member" includes the official's spouse; registered domestic partner; any minor child of the official who the official can claim as a dependent for federal tax purposes; and a child of the official who is aged 18 to 23 years old, attends school, resides with the official when not attending school, and provides less than one-half of his or her own support.

⁵ The gift limit is adjusted biennially to reflect changes in the Consumer Price Index. For 2015-2016, the gift limit is \$460. (Section 89503; Regulation 18940.2.) Gifts from a single source aggregating to \$50 or more must be disclosed, and gifts aggregating to \$460 or more during any 12-month period may subject an official to disqualification with respect to the source. (Section 87103(e).) Designated employees should obtain a copy of their conflict of interest code from their agency. Some conflict of interest codes require very limited disclosure of income and gifts. Gifts from sources that are not required to be disclosed on your Form 700 are not subject to the \$460 gift limit but still may subject you to disqualification.

Source of Gift

Under most circumstances, it is clear who the source of a gift is, but if the circumstances indicate that the gift is being provided by an intermediary, you must determine both the donor and the intermediary in reporting the gift. Regulation 18945 provides the rules for determining the source of the gift.

Gifts from Multiple Sources

In determining the cumulative value of any reportable gifts, separate gifts from an individual and an entity that the individual controls or where the individual directs the payment of the gift must be aggregated as one source in complying with the reporting and limit requirements. For example, separate gifts from J.R. Ewing and Ewing Oil Company would be treated as if from one source if J.R. owns more than a 50 percent interest in the company unless the making of the gift was determined by someone else in the company. In that case, the gift from Ewing Oil would be aggregated with any gifts made by that individual. (Regulation 18945.1.) Group gifts, where you received a single gift from multiple donors (such as a retirement gift from coworkers) need not be reported unless any person contributes \$50 or more to the total cost of the gift. In that case, you would only report each of those persons. (Regulation 18945.2.)

Valuation of Gifts

The general rule for determining the value of a gift is to apply the fair market value at the time the gift is received. Fair market value can be determined by finding any local or Internet advertisement for the item. Special exceptions to the fair market value rule are contained in Regulations 18946.1 through 18946.5 covering admission to ticketed and invitation-only events, wedding gifts, attendance at nonprofit and political fundraisers, and air travel. (Regulation 18946.) For example, for ticketed events, the value is the face value of the ticket.

General Gift Exceptions

Form 700 Reporting	C/I § 87100	Honoraria Ban	\$460 Gift Limit
No	No	No	No

1. Items that are returned (unused) to the donor, or for which you reimburse the donor, within 30 days of receipt. (Section 82028(b)(2); Regulation 18941.)
2. Items that are donated (unused) to a non-profit, tax-exempt (501(c)(3)) organization in which the official (or immediate family member) does not hold a position, or to a government agency, within 30 days of receipt without claiming a deduction for tax purposes. (Section 82028(b)(2); Regulation 18941.)
3. Gifts from your spouse (or former spouse), child, parent, grandparent, grandchild, brother, sister, current or former parent-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin or the spouse of any such person, unless he or she is acting as an agent or intermediary for another person who is the true source of the gift. (Section 82028(b)(3); Regulation 18942(a)(3).) This exception includes great grandparents, great uncles and aunts, great nieces and nephews, and first cousins once removed.
4. Informational material provided to assist you in the performance of your official duties, including books, reports, pamphlets, calendars, periodicals, videotapes, or free admission or discounts to informational conferences or seminars.

"Informational material" may also include scale models, pictorial representations, maps, and other such items. However, if the item's fair market value is more than \$460, you have the burden of demonstrating that the item is informational. In addition, on-site demonstrations, tours, or inspections, including air flights over an area that is the subject of the information and designed specifically for public officials, are considered informational material. However, this exception does not apply to meals or lodging.

Furthermore, the exception generally does not apply to transportation to the site, except for any portion of the transportation that is not commercially available. (Section 82028(b)(1); Regulations 18942(a)(1) and 18942.1.)

5. A devise or inheritance. (Section 82028(b)(5); Regulation 18942(a)(5).)

6. Campaign contributions to an official, including rebates or discounts received in connection with campaign activities (Section 82028(b)(4); Regulations 18942(a)(4), 18950(a) and 18950.3(a)) and permissible expenditures of campaign funds for campaign-related expenses, including payments for transportation, lodging or food (Regulations 18950(a) and 18950.3(b)), provided they comply and are properly reported in accordance with applicable campaign finance laws.

7. Personalized plaques and trophies with an individual value of less than \$250. (Section 82028(b)(6); Regulation 18942(a)(6).)

8. Free admission to a ticketed event (including any benefits included in the price of the ticket such as a free meal) for the official and one guest at an event where the official performs a ceremonial role, such as throwing out the first pitch at a Dodgers' game, so long as the official's agency complies with the posting provisions set forth in Regulation 18944.1(d). (Regulation 18942(a)(13); Regulation 18942.3; also see discussion of Form 802 below under "Gifts Exceptions Requiring Alternate Reporting.")

9. Free admission, and food and nominal items (such as a pen, pencil, mouse pad, note pad or similar item) available to all attendees, at the event at which the official makes a speech (as defined in Regulation 18950(b)(2)), so long as the admission is provided by the person who organizes the event. (Regulation 18942(a)(11).)

10. Benefits received as a guest attending a wedding reception where the benefits are the same as those received by the other guests at the reception. (Regulation 18942(a)(15).)

11. Bereavement offerings, such as flowers at a funeral received in memory of a close family member. (Regulation 18942(a)(16).)

12. Benefits received as an act of neighborliness such as the loan of an item, an occasional ride, or help with a repair where the act is consistent with polite behavior in a civilized society and would not normally be part of an economic transaction between like participants under similar circumstances. (Regulation 18942(a)(17).)

13. Two tickets for admission, for use by only the official and one guest, to attend a fundraiser for a campaign committee or candidate, or to a fundraiser for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The ticket(s) must be received from the organization or committee holding the fundraiser. (Regulation 18946.4.)

14. Passes or tickets that provide admission or access to facilities, goods, services, or other benefits (either on a one-time or repeated basis) that you do not use and do not give to another person. (Regulation 18946.1.)

15. Certain payments for travel as discussed below in the "Travel Payments Exceptions" section.

16. Subject to certain conditions, items provided to a government agency and used by officials in the agency for agency business. This may include passes or tickets to (see Regulation 18944.1) or payments for other types of items or activities (see Regulation 18944). An agency must disclose specified payments on a form provided by the FPPC and post the form on its website. (See discussion of Forms 801 and 802 below under "Gift Exceptions Requiring Alternate Reporting.") Contact the FPPC for detailed information.

17. Leave credits (e.g., sick leave or vacation credits) received under a bona fide catastrophic or emergency leave program established by your employer and available to all employees in the same job classification or position. Donations of cash are gifts and are subject to limits and disclosure. (Regulation 18942(a)(9).)

18. Food, shelter, or similar assistance received in connection with a disaster relief program. The benefits must be received from a governmental agency or charity and must be available to the general public. (Regulation 18942(a)(10).)

19. Items awarded in an employee raffle, received by the agency from an agency employee who is not acting as an intermediary for another donor. This exception applies when an agency holds an employee raffle and the item awarded in the raffle has been obtained with agency funds, or is otherwise an asset of the agency and not donated to the agency by a non-agency source. This exception does not apply to passes or tickets of the type described in Regulation 18944.1. (Regulation 18944.2(a) and (b).)

20. Items received by an employee during an employee gift exchange, so long as the items received are provided by another employee of the agency and the gifts are not substantially disproportionate in value. (Regulation 18944.2(c).)

Limited Gift Exceptions

Form 700 Reporting	C/I § 87100	Honoraria Ban	\$460 Gift Limit
No	No	No	No

1. Gifts of hospitality including food, drink or occasional lodging that an official receives in an individual's home when the individual or a member of his or her family is present. (Regulation 18942(a)(7).) For this exception to apply, the official must have a relationship, connection or association with the individual providing the in-home hospitality that is unrelated to the official's position and the hospitality must be provided as part of that relationship. Generally, this means functions like children's birthday parties, soccer team parties, neighborhood barbeques, etc., where other guests attend who are not part of the lobbying process. (Regulation 18942.2.)

2. Gifts commonly exchanged between an official and another individual on holidays, birthdays, or similar occasions to the extent that the gifts exchanged are not substantially disproportionate in value. (Regulation 18942(a)(8)(A).)

3. Reciprocal exchanges between an official and another individual that occur on an ongoing basis so long as the total value of payments received by the official within the calendar year is not substantially disproportionate to the amount paid by the official and no single payment is \$460 or more. For example, if two people get together regularly for lunches and rotate picking up the lunch tab so that each pays approximately half the total value over the course of the calendar year, no gift need be reported. (Regulation 18942(a)(8)(B).)

4. Personal benefits commonly received from a dating partner. These gifts are not disclosable or limited but are subject to disqualification under the conflict of interest laws if the dating partner has certain business before the official as set forth in Regulation 18942(a)(18)(D). (Regulation 18942(a)(18)(A).)

5. Acts of Human Compassion. Assistance, financial or otherwise, to offset family medical or living expenses that the official can no longer meet without private assistance because of an accident, illness, employment loss, death in the family, or other unexpected calamity; or to defray expenses associated with humanitarian efforts such as the adoption of an orphaned child, so long as the source of the donation is an individual who has a prior social relationship with the official of the type where it would be common to provide such assistance, or the payment is made without regard to official status under other circumstances in which it would be common to receive community outreach. (Regulation 18942

(a)(18)(B).) This exception does not apply if the person providing the benefit to the official is an individual who otherwise has business before the official as set forth in Regulation 18942(a)(18)(D).

6. Benefits received from a long-time personal friend where the gift is unrelated to the official's duties. The exception does not apply if the individual providing the benefit to the official is involved in some manner with business before the official. (Regulation 18942(a)(18)(C).) This exception does not apply if the person providing the benefit to the official is an individual who otherwise has business before the official as set forth in Regulation 18942(a)(18)(D).

7. Benefits received from an individual where it is clear that the gift was made because of an existing personal or business relationship unrelated to the official's position and there is no evidence whatsoever at the time the gift is made that the official makes or participates in the type of governmental decisions that may have a reasonably foreseeable material financial effect on the individual who would otherwise be the source of the gift. (Regulation 18942(a)(19).)

Gift Exceptions Requiring Alternate Reporting

Form 700 Reporting	C/I § 87100	Honoraria Ban	\$460 Gift Limit
Yes - As Income	Yes	No	No

A prize or award received in a bona fide contest or competition, or game of chance. **Note: Unlike the other exceptions, payments that fall into this exception must be reported as income if valued at \$500 or more.** To qualify for this exception the contest or competition must be unrelated to the official's duties. (Regulation 18942(a)(14).)

Reporting	C/I § 87100	Honoraria Ban	\$460 Gift Limit
Yes - On 801 or 802	No	No	No

The following exceptions are also applicable to payments made to a government agency that are used by officials in the agency under certain conditions to conduct agency business. These types of payments are not treated as gifts or income to the officials who use them, so long as the payments meet certain conditions and they are reported by the officials' agency. These reports must appear on either a Form 801 or Form 802, instead of the official reporting the items on a statement of economic interests (Form 700).

Form 801: This form covers gifts or donations made to an agency and used by one or more officials in the agency for agency business. This may include travel payments, reimbursements, or other uses by an official, but does not cover tickets or passes providing admission to an entertainment or sporting event, which are reported on the Form 802 (discussed below). If the payment meets the requirements of Regulations 18944 or 18950.1, the agency must report it on a Form 801 and the item is not reported on the individual's statement of economic interests (Form 700). (Regulations 18944 and 18950.1.)

Form 802: This form covers gifts or donations made to an agency that provide tickets or passes to an agency official for admission to an entertainment or sporting event. For the ticket or pass to be exempt from reporting on the individual's statement of economic interests (Form 700), the agency must have a written policy stating the public purpose for distribution of the tickets. The ticket or pass cannot be earmarked by the original source for use by a particular agency official and the agency must determine, in its sole discretion, which official may use the ticket or pass. (Regulation 18944.1.) The Form 802 is also used to report tickets provided for officials who perform a ceremonial role on behalf of the agency.

Reporting	C/I § 87100	Honoraria Ban	\$460 Gift Limit
Yes - Form 803 Behested Payment	No	No	No

Generally, payments made at the behest of an official that do not confer a personal benefit on an official such as those made by a third party to co-sponsor an event, or that are principally legislative, governmental or charitable in nature, are not gifts. However, when a local elected officer is making the behest, in some cases these payments may be considered "behested payments" under Section 82015(b)(2)(B)(iii) and (b)(3) and require disclosure by that elected officer.

Form 803: Behested payments are payments made principally for legislative, governmental, or charitable purposes. These payments are not for personal or campaign purposes. For example, a local elected official may ask a third party to contribute funds to a school in her district, or to a job fair or health fair. Generally, a donation will be "made at the behest" if it is requested, solicited, or suggested by the elected officer or member of the Public Utilities Commission, or otherwise made to a person in cooperation, consultation, coordination with, or at the consent of, the elected officer or PUC member. This includes payments behested on behalf of the official by his or her agent or employee. A behested payment does not include payments to an official from a local, state, or federal government agency for use by the official to conduct agency business. For example, free parking provided by a governmental entity to an official for agency business is not a behested payment and is not subject to reporting. Behested payments totaling \$5,000 or more from a single source in a calendar year must be disclosed by the official on a Form 803, which is filed with the official's agency within 30 days of the date of the payment(s). (Section 82015; Regulation 18215.3.)

Very Limited Gift Exception

Reporting	C/I § 87100	Honoraria Ban	\$460 Gift Limit
Yes - ½ value as gift	Yes	No	No

Wedding gifts are not subject to the \$460 gift limit. However, wedding gifts are reportable, but for purposes of valuing wedding gifts, one-half of the value of each gift is attributable to each spouse. (Regulation 18946.3.)

Honoraria

The Prohibition

Local officials specified in Section 87200 (see page 2) are prohibited from receiving any honoraria payments. Officials and employees of local agencies who file statements of economic interests (Form 700) under the agency's conflict of interest code ("designated employees") may not receive honoraria payments from any source if the employee would be required to report income or gifts from that source on the Form 700, as outlined in the "disclosure category" portion of the conflict of interest code. (Section 89502.)

What is an "Honorarium"?

An "honorarium" is any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. An honorarium includes gift cards or any gift of more than nominal benefit provided in connection with an activity described above. An honorarium does not include items of nominal value such as a pen, pencil, note pad, or similar item. (Section 89501; Regulation 18932.4(e).)

A "speech given" means a public address, oration, or other form of oral presentation, including participation in a panel, seminar, or debate. (Regulation 18931.1.)

An "article published" means a nonfictional written work: 1) that is produced in connection with any activity other than the practice of a bona fide business, trade, or profession; and 2) that is published in a periodical, journal, newspaper, newsletter, magazine, pamphlet, or similar publication. (Regulation 18931.2.)

"Attendance" means being present during, making an appearance at, or serving as host or master of ceremonies for any public or private conference, convention, meeting, social event, meal, or like gathering. (Regulation 18931.3.)

The Act and Commission regulations provide certain exceptions to the prohibition on honoraria. (Section 89501(b); Regulations 18932 –18933.):

Honoraria Exceptions that also apply to gifts and income

1. An honorarium that you return (unused) to the donor or the donor's agent or intermediary within 30 days. (Section 89501(b); Regulation 18933.)
2. An honorarium that is delivered to the official's local agency within 30 days for donation to the agency's general fund and for which you do not claim a deduction for income tax purposes. (Section 89501(b); Regulation 18933.)
3. A payment that is not delivered to you but is made directly to a bona fide charitable, educational, civic, religious, or similar tax-exempt, non-profit organization. However:
 - You may not make the donation a condition for your speech, article, or attendance;
 - You may not claim the donation as a deduction for income tax purposes;
 - You may not be identified to the non-profit organization in connection with the donation; and
 - The donation may have no reasonably foreseeable financial effect on you or on any member of your immediate family. (Regulation 18932.5.)

4. A payment received from your spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person. However, a payment that would be considered an honorarium is prohibited if one of these persons is acting as an agent or intermediary for someone else. (Regulation 18932.4(b).)

5. Any payment, unless specified otherwise, exempted under any of the "Gift Exceptions" listed above.

6. Payments received for a comedic, dramatic, musical, or other similar artistic performance, and payments received for the publication of books, plays, or screenplays. (Regulations 18931.1 and 18931.2.)

7. Reimbursements for reasonable travel expenses provided to you by a bona fide non-profit, tax-exempt (501(c)(3)) entity for which you provide equal or greater consideration. The payment would also be exempt from the definition of income under Section 82030(b)(2). (See discussion under "Travel Payments" below.)

Honoraria Exceptions where the payment may still be considered income (or gifts, if consideration of equal or greater value is not provided by the official)

1. Free admission, and refreshments and similar non-cash nominal benefits, provided to an official during the entire event at which he or she gives a speech, participates in a panel or provides a similar service, and in-California transportation and necessary lodging and subsistence provided directly in connection with the speech, panel or service, including meals and beverages on the day of the activity. (Regulation 18932.4(e).)

2. Income earned and payments for travel made in connection with personal services rendered by the official if the services are provided in connection with a bona fide business, trade, or profession — such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting — and the services are customarily provided in connection with the business, trade, or profession. (Section 89506(d)(3) and Regulations 18950(a) and 18950.2.)

This exception does not apply if the sole or predominant activity of the business, trade, or profession is making speeches. In addition, you must meet certain criteria to establish that you are conducting or in a bona fide business, trade, or profession (such as maintenance of business records, licensure, proof of teaching position) before a payment received for personal services which may meet the definition of honorarium would be considered earned income and not an honorarium. (Section 89501(b); Regulations 18932 –18932.3.) Earned income is required to be reported. Contact the FPPC for detailed information.

3. Travel payments provided to you by your government agency or by any state, local, or federal government agency which would be considered income and not a gift (i.e., payments for which you provide equal or greater consideration). (Section 89506(d)(2).) See discussion under "Travel Payments" below.

4. Certain payments for transportation, lodging, and subsistence are not considered honoraria but may be reportable as a gift or income and, if a gift, subject to the gift limit. (Sections 89501(c) and 89506.) See discussion under "Travel Payments" below.

Travel Payments Exceptions

Generally, when an official receives a payment (including reimbursement) for his or her travel, that payment is a reportable gift or income under the Act. The term "travel payment" includes payments, advances, or reimbursements for travel, including actual transportation, parking and related lodging and subsistence. (Section 89506(a).)

If the payment is a gift, it is also normally subject to the Act's \$460 gift limit. If the payment is income, it may, in some cases, be an honorarium. And whether a payment is a gift or income, the official may be required to disqualify him or herself from any decision that will have a foreseeable materially financial effect on the source.

Certain Travel Payments are not a Gift, Income or Honorarium

Reporting	C/I § 87100	Honoraria Ban	\$460 Gift Limit
No	No	No	No

The following travel payments are not a gift, income or honorarium under the Act and Commission regulations and are thus not reportable, potentially disqualifying, or subject to any of the Act's gift limits or the honorarium ban.

1. A payment for travel from a source that is not reportable on the official's statement of economic interests (Form 700) based on the provisions of the conflict of interest code of the official's agency.
2. A payment for travel from another local, state, or federal government agency and related per diem expenses when the travel is for education, training or other inter-agency programs or purposes. (Regulation 18950(a) and (c)(2).)
3. A payment for travel provided to the official in a vehicle or aircraft owned by another official or agency when each official is traveling to or from the same location for an event as a representative of their respective offices. (Regulation 18950(a) and (c)(3).)
4. Travel payments provided to the official by any state, local, or federal government agency as part of the official's employment with that agency or provided to the official by a bona fide non-profit, tax-exempt (501(c)(3)) entity for which the official provides equal or greater consideration. (Section 82030(b)(2).) Any person who claims to have provided consideration has the burden of proving that the consideration received is of equal or greater value.
5. Travel for Official Agency Business (Regulation 18950.1). Certain payments made to an agency to cover the travel expenses of an employee who travels in the course of carrying out agency business are not gifts to the official because these payments do not provide a "personal benefit" to the official. For this exception to apply, the agency must report the payment on a Form 801 and the amount and purpose for using the payments are restricted by the provisions set forth in Regulation 18950.1.
6. A payment for travel that constitutes a campaign contribution to an official (Sections 82015, 82028(b)(4); Regulations 18215, 18942(a)(4), 18950(a) and 18950.3(a)), and permissible expenditures of campaign funds for campaign-related travel (Regulations 18950(a) and 18950.3(b)), provided they comply and are properly reported in accordance with applicable campaign finance laws.
7. Payments made to a governmental entity for travel expenses that are required to fulfill the terms of a contract. Neither the governmental entity nor the public official has a reporting obligation because consideration has been provided. (Section 82028; *Ratto* Advice Letter, No. I-14-057.)

Certain Travel Payments are Reportable and may Subject the Official to Possible Conflicts of Interest, but are not Subject to the \$460 Gift Limit or Honoraria Ban of the Act.

Reporting	C/I § 87100	Honoraria Ban	\$460 Gift Limit
Yes	Yes	No	No

1. Travel Subject to Section 89506(a). Any payments for actual transportation expenses and related lodging and subsistence that are made for a purpose reasonably related to: (1) A legislative or governmental purpose, or (2) An issue of state, national, or international policy so long as the travel is either

(a.) In connection with a speech given by the official and the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States, or

(b.) Provided by a government agency or authority, (including a foreign government), a bona fide public or private educational institution as defined in Section 203 of the Revenue and Taxation Code, or a nonprofit organization that qualifies under Section 501(c)(3) of the Internal Revenue Code or a foreign organization that substantially satisfies the criteria of that section.

These payments are still reportable on the Form 700 and may create a conflict of interest issue for the official.

Reporting	C/I § 87100	Honoraria Ban	\$460 Gift Limit
Yes - as Income	Yes	No	No

1. Payments for travel made in connection with personal services rendered by the official if the services are provided in connection with a bona fide business, trade, or profession — such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting — and the services are customarily provided in connection with the business, trade, or profession. (Section 89506(d)(3) and Regulations 18950(a) and 18950.2.) **These payments may be reportable as income to the official.**

Loans

Personal loans received by certain local officials are subject to limits and other restrictions, and in some circumstances, a personal loan that is not being repaid or is being repaid below certain amounts may become a gift to the official who received it.

Limitations on Loans from Agency Officials, Consultants, and Contractors

If you are a local elected officer or an official specified in Section 87200 (see page 2), you may not receive a personal loan that exceeds \$250 at any given time from an officer, employee, member, or consultant of your government agency or an agency over which your agency exercises direction and control. (Section 87460(a) and (b).)

In addition, you may not receive a personal loan that exceeds \$250 at any given time from any individual or entity that has a contract with your government agency or an agency over which your agency exercises direction and control. This limitation does not apply to loans received from banks or other financial institutions, and retail or credit card transactions, made in the normal course of business on terms available to members of the public without regard to your official status. (Section 87460(c) and (d).)

Loan Terms Applicable Only to Elected Officials

In addition to the limitations above, if you are a local elected officer, you may not receive a personal loan of \$500 or more unless the loan is made in writing and clearly states the terms of the loan. The loan document must include the names of the parties to the loan agreement, as well as the date, amount, interest rate, and term of the loan. The loan document must also include the date or dates when payments are due and the amount of the payments. (Section 87461.)

The following loans are not subject to these limits and documentation requirements:

1. Loans received by an elected officer's or candidate's campaign committee.
2. Loans received from your spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person unless he or she is acting as an agent or intermediary for another person not covered by this exemption.
3. Loans made, or offered in writing, prior to January 1, 1998. (Sections 87460 and 87461.)

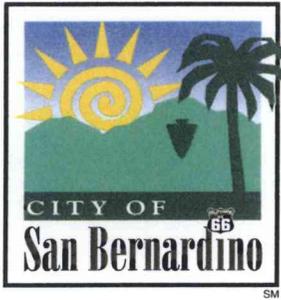
Loans as Gifts

Under the following circumstances, a personal loan received by **any** public official (elected and other officials specified in Section 87200, as well as any other local official or employee required to file statements of economic interests) may become a gift and subject to gift reporting and limitations:

1. If the loan has a defined date or dates for repayment and has not been repaid, the loan will become a gift when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, the loan will become a gift if it remains unpaid when one year has elapsed from the later of:
 - The date the loan was made;
 - The date the last payment of \$100 or more was made on the loan; or
 - The date upon which you have made payments aggregating to less than \$250 during the previous 12 months. (Section 87462.)

The following loans will not become gifts:

1. A loan made to an elected officer's candidate's campaign committee. This loan would, however, be a campaign contribution. Consult the FPPC campaign manual for local candidates (Manual 2) for more details.
2. A loan described above on which the creditor has taken reasonable action to collect the balance due.
3. A loan described above on which the creditor, based on reasonable business considerations, has not undertaken collection action. (However, except in a criminal action, the creditor has the burden of proving that the decision not to take collection action was based on reasonable business considerations.)
4. A loan made to an official who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.
5. A loan that would not be considered a gift as outlined earlier in this fact sheet (e.g., loans from certain family members). (Section 87462.)



**OFFICE OF THE CITY CLERK
GEORGEANN "GIGI" HANNA – CITY CLERK**

300 North "D" Street • San Bernardino • CA 92418-0001
909.384.5002 • Fax: 909.384.5158
www.sbcity.org

July 2015

Re: Campaign Statement Provisions for the November 3, 2015, Primary Municipal Election

Dear Candidate:

The Political Reform Act of 1974 requires the filing of campaign statements by the following individuals and committees for the November 3, 2015, Primary Municipal Election.

- Candidates for elective office, including write-in candidates.
- Individuals who receive contributions, make expenditures, or give consent for other persons to receive contributions or make expenditures for the purpose of winning nomination to elected office, whether or not the candidacy has been declared or the office sought is known.
- Recipient committees that receive \$1,000 or more in contributions during a calendar year.
- Independent expenditure committees that expend an aggregate amount of \$1,000 or more in a calendar year.
- Major donors that contribute or expend funds totaling ten thousand dollars (\$10,000) or more in a calendar year.

Candidates or officeholders who do not anticipate raising or spending \$1,000 or more in a calendar year may file Form 470. Payments from the candidate's personal funds used to pay filing or ballot statement fees do not count toward the \$1,000 threshold. Form 470 may not be used if the candidate or officeholder has an existing controlled committee established for a past election, future election, or ballot measure. Non-incumbent candidates may file Form 470 with the nomination papers, but no later than the filing deadline for the first pre-election statement required to be filed in connection with the election.

For information regarding filing deadlines, the periods covered by each statement, and the method of delivery, please refer to the campaign statement filing schedule for the City of San Bernardino November 3, 2015, Primary Municipal Election.

The original and one copy of the Statement of Organization (Form 410) are to be filed with the Secretary of State, with a copy to the City Clerk. When any information on the Form 410 changes, an amendment must be filed within 10 days of the change.

You are required to file an original and one copy of all forms with the City Clerk, 300 North "D" Street, San Bernardino, CA 92418-0001; however, Ordinance No. MC-1394, which was adopted by the Mayor and Common Council on December 16, 2013, requires you to file your Form 460 electronically using the NetFile Agency System. Any form filed electronically with the City Clerk shall not be required to be filed in paper format.

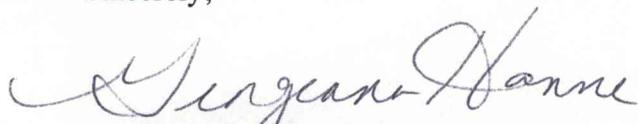
Persons who do not file their campaign statements on time are liable for a late filing penalty of \$10 per day, or cumulative amount stated in the late statement, or a \$100 penalty, whichever is greater. Except for deadlines which fall on a Saturday, Sunday or official state holiday, there are no provisions in the law for extensions of the due dates. **Persons who do not comply with the requirements of the law are also subject to severe criminal and civil penalties.**

Some of the forms you may be required to file are listed below. All forms, including the Campaign Disclosure Manual, are available in the City Clerk's office, or you may download them from the FPPC's website at www.fppc.ca.gov.

Form 501	Candidate Intention Statement
Form 410	Statement of Organization - Recipient Committee
Form 460	Recipient Committee Campaign Statement
Form 470	Officeholder and Candidate Campaign Statement- Short Form
Form 496	Late Independent Expenditure Report (\$1,000 or more)
Form 497	Late Contribution Report (\$1,000 or more)

If additional information is needed, contact Deputy City Clerk Linda Sutherland at (909) 384-5002.

Sincerely,



Georgeann "Gigi" Hanna, CMC
City Clerk

Campaign Finance Disclosure Information

Political Reform Act

The Political Reform Act requires candidates to file campaign statements disclosing contributions received and expenditures made. The statutory requirements of the Political Reform Act are contained in Section 81000 through Section 91015 of the California Government Code. Manuals and forms relating to campaign reporting obligations under the Act may be obtained from your local elections official or the Fair Political Practices Commission (FPPC). Assistance and information on completing campaign statements is provided by the Technical Assistance Division of the Fair Political Practices Commission (FPPC) at (916) 322-5660, (866) 275-3772 or on their website at www.fppc.ca.gov.

Candidates who DO NOT anticipate spending or receiving over \$1,000

Form 501 Candidate Intention Statement

This form announces the candidate's intention to run for office. All candidates must file this form prior to solicitation or receipt of any contribution, or expenditure of any personal funds used for the election. This form is considered filed the date it is postmarked or hand delivered to the City Clerk's office. Complete parts 1 and 3 and sign and date the form in ink. An unsigned statement is not considered filed. You must file a separate Form 501 for each election. G.C. §85200

Form 470 Officeholder and Candidate Campaign Statement – Short Form

Candidates who do not anticipate spending or receiving over \$1,000 during the calendar year, and do not have a controlled committee, need to file this form.

Form 470 Supplement

After the candidate has filed a Form 470 and then subsequently receives contributions (including monetary or non-monetary contributions, loans and the candidate's personal funds) totaling \$1,000 or more or makes expenditures totaling \$1,000 or more, is required to send written notification (the Form 470 Supplement) within 48 hours, to the City Clerk's office and to each candidate seeking the same office. Regular mail may not be used. Send by fax, guaranteed overnight delivery or personal delivery. The candidate must file a Form 410 Statement of Organization within 10 days of receiving over \$1,000 in contributions.

Candidates who anticipate spending or receiving OVER \$1,000

Form 501 Candidate Intention Statement

This form announces the candidate's intention to run for office. All candidates must file this form prior to solicitation or receipt of any contribution, or expenditure of any personal funds used for the election. This form is considered filed the date it is postmarked or hand delivered to the City Clerk's office. Complete parts 1 and 3 and sign and date the form in ink. An unsigned statement is not considered filed. You must file a separate Form 501 for each election. G.C. §85200

Form 410 Statement of Organization

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

G.C. §85201 and §84215

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

Upon filing of the Form 410 with the Office of the Secretary of State, they will issue you a committee ID number, which you must include on all subsequent disclosure filings. A Form 410 may be filed **prior** to the receipt of \$1,000 in order to obtain an ID number and/or to submit bank account information. However, within ten days of receiving or spending \$1,000 or more, you must file an **amended Form 410**. The date you qualify as a committee is the date you received \$1,000 or more. Any time you change any information listed on a previously filed Form 410, such as addresses or treasurer information, you must file an **amended Form 410**. **All amended forms must be filed with both the Secretary of State/Political Reform Division and the City Clerk's office.**

A committee that **qualifies during the last 16 days prior to an election**, and makes independent expenditures totaling \$1,000 or more to support or oppose a candidate or candidates being voted on in the election, **must file the information required on the Form 410 with 24 hours**. The Form 410 must be faxed, sent by guaranteed overnight delivery, telegram, personally delivered, or online (if online filing is available).

G.C. §84101

Once you have filed your Form 410 and have been assigned your ID number, you will file the **Form 460 Recipient Committee Campaign Statement** according to the filing calendar set by the FPPC. Your ID number must appear on every form you file during your campaign. **ALL** candidate controlled committees **MUST FILE** the Form 460 by the appropriate deadlines for each filing period. **If you do not file your campaign statement by the deadline, you are subject to a fine.** Local candidates file their Form 460 reports only with the City Clerk's office. The **Form 410** is also used to terminate your committee upon fulfilling all applicable requirements.

Please refer to Fair Political Practices Commission Manual 2 for further details on filing requirements. Below is a brief description of some of the forms you may be required to file. Fair Political Practices Commission forms are available from the FPPC website www.fppc.ca.gov or from the City Clerk's office by calling (909) 384-5102.

Form 460 – Recipient Committee Campaign Statement

For use by a candidate or officeholder not eligible to file the short form (Form 470) or who is filing jointly with one or more controlled committees. A controlled committee is one that is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. **City of San Bernardino Ordinance No. MC-1394 requires you to file your Form 460 electronically using the NetFile Agency System. Any form filed electronically with the City Clerk shall not be required to be filed in paper format.**

Form 496 – Late Independent Expenditure Report

This form **may** be used to report a late independent expenditure and must be filed within 24 hours of making the independent expenditure **and** each time \$1,000 or more is spent to support or oppose a single candidate or measure during the 16 days immediately prior to the election in which the candidate or measure is being voted on. This form must be filed by fax, guaranteed overnight delivery, or personal delivery. Regular mail may not be used. **(Government Code Section 85501 prohibits a candidate's controlled committee from making an independent expenditure to support or oppose another candidate.)**

Form 497 – Late Contribution Report

This form **may** be used to report a late contribution. Late contributions must be reported within 24 hours of receiving a monetary or non-monetary contribution, including a loan, or a combination of monetary and non-monetary contributions and loans that total **\$1,000 or more from a single source**, during the 16-day period preceding the election in which the candidate or measure is to be voted on. Regular mail may **not** be used to file this report. File by fax, guaranteed overnight delivery or personal delivery.

Election Related Filings

All committees must file reports by the filing deadline for the specific period set by the FPPC. These dates are set by law and cannot be changed. You will be required to amend your statement if your report does not list the correct reporting period. All committees should file by the appropriate method of delivery. All paper filings are filed by personal delivery or first class mail unless otherwise noted. A paper copy of a report is not required if a local agency requires online filing pursuant to a local ordinance.

Reporting Donor Information on Schedule A, Form 460

Committees must disclose the name and address of contributors who contribute \$100 or more during a calendar year. If the contributor is an individual, the occupation and employer must be listed as well. An amended Form 460 can be filed later if this information is not available before the filing deadline. File all Form 460s on or before the deadline to avoid a fine. You are not required to attach schedule pages to the Form 460 containing a zero total. G.C. §85700

Fair Political Practices Commission
Filing Schedule for
Candidates and Controlled Committees for Local Office
Being Voted on November 3, 2015

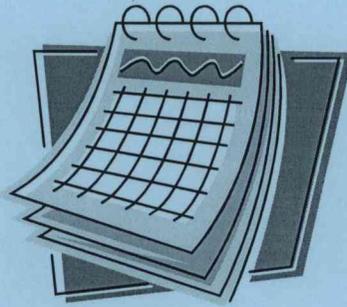
Deadline	Period	Form	Notes
Jul 31, 2015 <i>Semi-Annual</i>	1/1/15 – 6/30/15	<u>460</u> <u>470</u>	<ul style="list-style-type: none"> ▪ Form 460: All committees must file Form 460. ▪ Form 470: Candidates who filed candidacy papers on or before June 30, who do not have open committees, and who will not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

- **Period Covered:** The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.
- **Filing Deadlines:** Deadlines are extended when they fall on a Saturday, Sunday, or an official state holiday. This extension does not apply to 24-hour independent expenditure reports (Form 496) and the deadline for the Form 497 that is due the weekend before the election. Such reports must be filed within 24 hours regardless of the day of the week. Statements filed after the deadline are subject to a \$10 per day late fine.
- **Method of Delivery:** All paper filings are filed by personal delivery or first class mail unless otherwise noted. A paper copy of a report is not required if a local agency requires online filing pursuant to a local ordinance.
- **Form 501:** All candidates must file Form 501 (Candidate Intention Statement) before soliciting/receiving contributions.
- **Form 460:** Candidates who have raised/spent \$1,000 or more file the Form 460. The Form 410 (Statement of Organization) must also be filed once \$1,000 or more has been raised/spent.
- **Form 470:** Candidates who do not have an open committee and do not raise or spend \$1,000 in 2015 may file Form 470. This report is not required if a Form 470 was filed by July 31. If, later during the calendar year, a campaign committee must be opened, a Form 470 Supplement and a Form 410 must be filed.

Fair Political Practices Commission

- **Candidates:** After an election, reporting requirements will depend on whether the candidate is successful and whether a campaign committee is open.
- **Form 497 – 24-Hour Contribution Report:** File if a contribution of \$1,000 or more is made in connection with a candidate or measure being voted upon in another city, county or state special election, or **made to a political party committee** 90 days before a state special election in 2015.
- **Local Ordinance:** Always check on whether additional local rules apply.
- **Public Documents:** All forms are public documents. Campaign manuals and instructional materials are available at www.fppc.ca.gov, click on the [Campaign link](#).
- Committees making independent expenditures to support or oppose other candidates or ballot measures also file:
 - **462:** A verification form must be e-mailed to the FPPC within 10 days of an independent expenditure of \$1,000 or more.
 - **465:** This form is due on applicable pre-election /semi-annual deadlines in connection with the candidate or ballot measure election.
 - **496:** This form is due within 24 hours when made in a 90-day period of the election. Refer to the candidate or ballot measure election filing schedule.
- As of August 2014, legislation is pending that may change the filing schedule.

Election Calendar



ELECTION CALENDAR

TUESDAY, NOVEMBER 3, 2015



Prepared By:
Georgeann Hanna, City Clerk

This information is for general information only and does not have the force and effect of law, regulations, or rule. In case of conflict, the law, regulation, or rule will apply. Because of possible changes in law of procedure since the publication of this information, the candidate should obtain the most up-to-date available.

DATE	PERSON RESPONSIBLE	DESCRIPTION
Monday, June 1	Candidate	<p>FIRST DAY TO CIRCULATE PETITION IN-LIEU FORMS</p> <p>All petition in-lieu forms shall be made available commencing 45 days before the first day for circulating nomination papers. (E.C. 8106, et seq.)</p>
Friday, June 26 (E-130)	City Council	<p>LAST DAY TO ADOPT RESOLUTION CALLING ELECTION</p> <p>By this suggested date adopt resolutions regarding the following:</p> <ul style="list-style-type: none"> • Ordering election including incumbents and offices to be filled; • Requesting Registrar of Voters to conduct election. • Regulations whether candidates or city will pay for candidate statements <p>(E.C. 330, 10002, 10403.5, 13307(e))</p>
Monday, June 29 thru Monday, July 13 (E-127 thru E-113)	City Clerk	<p>PUBLISH NOTICE OF ELECTION</p> <p>Publish Notice of Election one time between these dates. The City Clerk shall publish a "Notice of Election" once in a newspaper of general circulation in the city. Said notice shall include date and time of election; nomination deadline; the offices to be filled, specifying full term or short term; hours the polls will be open; and place designated as election night central counting location. Federal law requires publication to be made in English and Spanish. (E.C. 12101, 12102, 12109; G.C. 6060, 6061)</p>
Monday, June 29 thru Tuesday, Oct. 27 (E-127 to E-07)	City Clerk	<p>PUBLISH MEASURE</p> <p>The City Clerk shall public a synopsis of the measure at least one time no later than one week before the election. The City Clerk shall consolidate the notice of election and the notice of measure to be voted on into one notice if the measure was placed on the ballot before the notice of election is published. Notice of measure shall include deadline for filing arguments.</p>

DATE	PERSON RESPONSIBLE	DESCRIPTION
Monday, July 6 (E-120)	City Clerk	<p>LAST DAY TO ADOPT REGULATIONS REGARDING CANDIDATE STATEMENTS</p> <p>Last day for local agency to adopt or amend regulations regarding charges for printing candidate's statement. (E.C. 13307 (e))</p>
Monday, July 13 thru Friday, August 7 (E-113 thru E-88)	Candidates/ City Clerk	<p>NOMINATION PERIOD</p> <p>Forms for nomination to all city offices shall be obtained from the City Clerk. The forms shall be available on the 113th day prior to the election and shall be filed not later than 6 p.m. on the 88th day prior to the election in the office of the City Clerk. No candidate may withdraw his/her nomination papers after 6 p.m. on the 88th day prior to the election. (E.C. 10220, 10224, 13307, 13308, 13309, 13311; G.C. 87200)</p> <p>CANDIDATE'S STATEMENT</p> <p>The Candidate's Statement, if a candidate elects to provide one, shall be filed at the same time and in the same place as nomination papers. The candidate statement shall not exceed 200 words in length. Candidate Statements are confidential until the deadline for filing has passed. (E.C. 13307, 13311)</p> <p>CODE OF FAIR CAMPAIGN PRACTICES</p> <p>At the time a candidate is issued nomination papers, the City Clerk shall issue the Code of Fair Campaign Practices. The City Clerk shall inform the candidate that filing the code is voluntary. The code may be filed any time prior to the election and is available for public inspection until 30 days after the election. (E.C. 20440)</p> <p>STATEMENT OF ECONOMIC INTERESTS</p> <p>Statement of Economic Interests (Form 700) must be filed with nomination papers. (G.C. 87200, et seq.)</p>
Aug. 7 (E-88)	City Clerk	<p>LAST DAY TO SUBMIT ORDINANCE/MEASURE</p> <p>Last day for all documents associated with an ordinance or measure to be submitted to the Elections Office if a measure is to be included on the ballot. (E.C. 9222, 9223, 13247)</p>

DATE	PERSON RESPONSIBLE	DESCRIPTION
Thursday, July 23 (E-103)	Candidates/ City Clerk	<p>LAST DAY TO FILE PETITION IN LIEU FORMS</p> <p>Completed petition in-lieu forms must be filed with the City Clerk's Office by 6 p.m. on Thursday, July 23, 2015. Petition in-lieu forms shall be filed at least 15 days prior to the close of the nomination period. [E.C. 8106 (b) (3)]</p>
Wednesday, July 31	Candidates/ Committees/ City Clerk	<p>POLITICAL REFORM ACT – CAMPAIGN DISCLOSURE – SEMI-ANNUAL STATEMENTS DUE</p> <p>Period covered is January 1 through June 30, 2015. The period covered by this statement begins on the day after the closing date of the last statement filed OR January 1, if no previous statement has been filed.</p>
Friday, August 7 OR Wednesday, August 12 to Aug. 20 (E-88 or E-83 thru E-75)	City Clerk/ City Council	<p>INSUFFICIENT NOMINEES – POSSIBLE PROCEDURES</p> <p>If, by 6 p.m. on this date no one or only one person has been nominated, the officer conducting the election shall inform the governing body that it may, at a regular meeting or special meeting held before the election, adopt one of the following:</p> <ol style="list-style-type: none"> 1. Appoint the person who was nominated. 2. If no one has been nominated, appoint any eligible elector. 3. Hold the election. <p>The provisions of this section shall not apply if, at the regularly scheduled municipal election, more than one person has been nominated to another city office to be elected on a citywide basis, or, a city measure has qualified and is to be submitted to the voters at that municipal election. (E.C. 10229, SBMC 2.56.173)</p> <p>PUBLISH NOTICE OF FACTS</p> <p>The City Clerk shall publish a notice of the facts described in this section and the courses of action available. After the fifth day following the date of publication, the City Council may make an appointment or direct an election to be held. (E.C. 10229; G.C. 6060, 6061)</p>

DATE	PERSON RESPONSIBLE	DESCRIPTION
Friday, August 7 6 p.m. (E-88)	Candidates/ City Clerk	<p>LAST DAY TO FILE NOMINATION PAPERS/ LAST DAY TO WITHDRAW NOMINATION PAPERS</p> <p>All nomination papers shall be filed with the City elections official during regular normal business hours as posted, not later than the 88th day before the election. Until that time, but not after, a candidate may withdraw his/her nomination paper after it is filed with the elections official as provided in this section. (E.C. 10220, 10224, 13307, 13308, 13311; G.C. 87200)</p>
Monday, August 10 (E-85)	Candidates/ City Clerk	<p>LAST DAY TO WITHDRAW CANDIDATE STATEMENTS</p> <p>Last day to withdraw candidate statements, unless there is an extension of the nomination period. Withdrawal of candidate statements must be in writing to the City Clerk. (E.C. 13307)</p>
*Saturday, August 8 thru Monday, August 17 (E-87 thru E-78)	City Clerk	<p>PUBLIC EXAMINATION PERIOD – CANDIDATE STATEMENTS</p> <p>The City Clerk shall make candidate statements available for public examination for a period of 10 calendar days immediately following the filing deadline for the submission of those documents. During the 10 day viewing period, any voter of the jurisdiction may seek a writ of mandate or an injunction requiring any or all of the material in the statements to be amended or deleted. (E.C. 13313, 13314)</p>
*Saturday, August 8 thru Wednesday, August 12 (E-87 thru E-83)	Candidates/ City Clerk	<p>EXTENSION OF NOMINATION PERIOD</p> <p>Notwithstanding any other provisions of law, if nomination papers for an incumbent elective officer are not filed by 6 p.m. on the 88th day prior to the election, any person, other than the incumbent shall have until the close of business, as posted, on the 83rd day before the election to file nomination papers for the elective office. (E.C. 10225)</p>

DATE	PERSON RESPONSIBLE	DESCRIPTION
Wednesday, August 12 (E-83)	Candidates/ City Clerk	<p>LAST DAY TO FILE OR WITHDRAW NOMINATION PAPERS -- EXTENDED NOMINATION PERIOD</p> <p>For an extended nomination period, a candidate may withdraw his or her nomination paper until the 83rd day before the election during normal business hours, as posted. [E.C. 10225(b)]</p>
Thursday, August 13 (E-82)	Candidates/ City Clerk	<p>LAST DAY TO WITHDRAW CANDIDATE STATEMENT – EXTENDED NOMINATION PERIOD</p> <p>Last day to withdraw candidate statements if there is an extended nomination period. Withdrawal of candidate statements must be in writing to the City Clerk. (E.C. 13307)</p>
Thursday, August 13 Thru *Saturday, August 22 (E-82 thru E-73)	City Clerk	<p>EXTENSION OF PUBLIC EXAM PERIOD – CANDIDATE STATEMENTS</p> <p>The City Clerk shall make candidate statements available for public examination for a period of 10 calendar days immediately following the filing deadline for the submission of those documents. During the 10 day viewing period any voter of the jurisdiction may seek a writ of mandate or an injunction requiring any or all of the material in the statements to be amended or deleted. (E.C. 13313)</p>
Thursday, August 13 (E-82)	Secretary of State/ Registrar of Voters	<p>RANDOMIZED ALPHABET DRAWING</p> <p>On this date the Secretary of State and the Registrar of Voters shall conduct a drawing of the alphabet for determining the order of candidates' names on the ballot. (E.C. 13112)</p>
Friday, August 14 (E-81)	City Clerk	<p>SUBMIT NAMES OF CANDIDATES TO REGISTRAR OF VOTERS</p> <p>Last day to submit to the Registrar of Voters names and ballot designations of candidates as they are to appear on the ballot. The certified list should be submitted in alphabetical order by office. (E.C. 10403)</p>

DATE	PERSON RESPONSIBLE	DESCRIPTION
Friday, August 14 thru Tuesday, October 27 (E-81 thru E-07)	City Clerk	<p>PUBLISH LIST OF NOMINEES</p> <p>Suggested date to publish candidate's names in the random order that they will appear on the ballot, and the respective offices for which they have been nominated. (E.C. 12110)</p>
Monday, September 7 thru Tuesday, October 20 (E-57 thru E-14)	Candidates/ City Clerk	<p>WRITE-IN CANDIDATES – NOMINATION PAPERS AVAILABLE</p> <p>Any qualifying person wishing to file as a write-in candidate may pick up nomination papers beginning on this date. Papers must be filed with the City Clerk no later than 14 days prior to election day. Write-in candidates must also file a Statement of Economic Interests and Campaign Disclosure Statements. Candidate must also pay any filing fees at this time. (E.C. 8600; 8604)</p>
Thursday, September 24 (E-40)	Candidates/ Committees/ City Clerk	<p>1ST PRE-ELECTION CAMPAIGN STATEMENT FILING</p> <p>Last day to file campaign statements by candidates and committees for the period July 1 through September 19, 2015. Statements must be filed with the City Clerk's Office. (G.C. 84200.5, 84200.7(b))</p>
Friday, October 2 (E-32)	Registrar of Voters	<p>VOTER INFORMATION GUIDE MAILED TO VOTERS</p> <p>Registrar of Voters shall mail a Voter Information Guide to each voter who is registered at least 29 days prior to the election. (G.C. 57148; E.C. 13303, 13307(b))</p>
Saturday, October 10 (E-24)	Registrar of Voters	<p>MAIL VOTE BY MAIL BALLOTS</p> <p>Registrar of Voters to begin mailing vote by mail ballots. (G.C. 57148; E.C. 13303, 13307)</p>
October 5 to Nov. 2 (E-29 to E-01)	Elections Office	<p>EARLY VOTING PERIOD</p> <p>Early Voting is available at the Elections Office and at off-site locations. Locations can be found at www.sbcountyelections.com.</p>

DATE	PERSON RESPONSIBLE	DESCRIPTION
Monday, October 19 (E-15)	Registrar of Voters	<p>LAST DAY TO SUBMIT VOTER REGISTRATION</p> <p>Last day to register or re-register to vote for this election. (E.C. 2106, 2107)</p>
Tuesday, October 20 (E-14)	City Clerk/ Candidates	<p>WRITE-IN CANDIDATE'S - LAST DAY TO FILE NOMINATION PAPERS</p> <p>Last day for write-in candidates to file nomination papers with the City Clerk. Write-in candidates must also file Statement of Economic Interests and campaign disclosure statements. (E.C. 8600, et seq.; 15340, et seq.)</p>
Thursday, October 22 (E-12)	Candidates/ Committees/ City Clerk	<p>2nd PRE-ELECTION CAMPAIGN STATEMENT FILING</p> <p>Last day to file campaign statements showing receipts and expenditures for the period September 20 through October 17, 2015. (G.C. 84200.5, 84200.7(b))</p>
Tuesday, November 3, 2015		<p>ELECTION DAY</p> <p><u>Vote by Mail.</u> Mail ballots may be returned to any mail ballot drop-off location during normal business hours, to any polling place within the county and to the Elections Office.</p> <p><u>Vote at assigned polling place.</u> Polling place assignments can be found on the back of the Voter Information Guide, online at www.sbcountyelections.com, or by calling the Elections Office at (909) 387-8300 or (800) 881-VOTE (8683). Polls are open from 7:00 a.m. to 8:00 p.m. (E.C. 3017, 3018, 3020)</p>
Thursday, November 5 thru Tuesday, December 1 (E+2 thru E+28)	Registrar of Voters	<p>OFFICIAL CANVASS PERIOD</p> <p>Elections Office shall commence the official canvass no later than the first Thursday following the election and the canvass shall be completed no later than the fourth Friday after the election. (E.C. 10262, 10411, 10547, et seq., 15301, et seq.)</p>
Friday, November 6	Runoff Candidates	<p>CANDIDATE STATEMENTS FOR RUNOFF ELECTION</p> <p>Deadline for candidates in a runoff election to submit candidate's statement for February 2, 2016 runoff election, if one is required. [E.C. 13307(a)(2)]</p>

DATE	PERSON RESPONSIBLE	DESCRIPTION
Tuesday, December 1 (E+28)	Registrar of Voters	<p>STATEMENT OF RESULTS</p> <p>The City election official, upon receipt of the results of the election from the elections official conducting the election, shall certify the results to the governing body which shall, no later than the next regularly scheduled city council meeting following the presentation of the 28-day canvass of the returns, or at a special meeting called for this purpose, comply with applicable provisions of Section 10263. (E.C. 10262, 10263, 15372)</p>
Tuesday, December 7 (E+34)	City Council/ City Clerk	<p>*CITY COUNCIL ADOPTS RESOLUTION DECLARING ELECTION RESULTS</p> <p>At the next regular or adjourned regular meeting following the completion of the canvass, the Mayor and Council shall declare the results of the election as certified by the City Clerk as being official. Upon adoption of this Resolution, the City Clerk shall submit adopted measures to the Secretary of State pursuant to Government Code Sections 34459 and 34460. (SBMC 2.56.130C)</p> <p>*If the Registrar of Voters office completes the canvass prior to the Council meeting of December 7, the Mayor and Council shall declare the results as certified by the City Clerk on December 7, 2015.</p>
Monday, February 1, 2016	Candidates/ Committees/ City Clerk	<p>FILING DATE FOR SEMI-ANNUAL CAMPAIGN DISCLOSURE STATEMENT</p> <p>Last day to file /semi-annual Campaign Statements showing receipts and expenditures for the period October 18 through December 31, 2015.</p>
Tuesday, February 2, 2016	Registrar of Voters	<p>RUNOFF ELECTION – If needed.</p>
Monday, March 1, 2016	City Clerk/ Elected Officers	<p>OFFICERS TO ASSUME OFFICE</p> <p>Officers elected or re-elected at 11/03/15 Primary Election or 02/02/2016 Runoff Election will assume office.</p>

Code of Fair Campaign Practices



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

The Code of Fair Campaign practices is to be issued to all candidates, however, filing it is optional. Candidates who want to subscribe to it may fill out the form included with the nominations documents and return it along with the other nomination material. (Or the candidate may file the Code at a later date. It can be accepted at any time up to election day.)

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

Political Signs



**TITLE 16
SIGNS¹**

Chapters:

- 16.04 (Repealed by MC-92, 1981.)**
- 16.08 (Repealed by MC-92, 1981.)**
- 16.12 Political Signs.**
- 16.16 Street Banner Permit.**

**Chapter 16.04
(REPEALED BY MC-92, 1981.)**

**Chapter 16.08
(REPEALED BY MC-92, 1981.)**

**Chapter 16.12
POLITICAL SIGNS**

Sections:

- 16.12.010 Intent.**
- 16.12.020 Definition.**
- 16.12.030 Compliance with regulations.**
- 16.12.040 Permit - Required.**
- 16.12.050 Consent of property owner required prior to posting.**
- 16.12.060 (Repealed by MC-395, 7-16-84.)**
- 16.12.070 Maximum area of sign.**
- 16.12.080 Obstructing view of motorists prohibited.**
- 16.12.090 Affixing to utility pole prohibited.**
- 16.12.100 Use of adhesive backing.**
- 16.12.110 Removal of signs after election.**
- 16.12.120 Violation - Public or private property - Notice to sign owner.**
- 16.12.130 Signature of applicant required on statement.**
- 16.12.140 Applicability.**
- 16.12.150 Violation - Penalty.**

16.12.010 Intent.

- A. It is recognized that there have been abuses in the placement of political signs within the City, including trespassing upon private property; placement without permission from the property owner; placement in such a fashion as to make them difficult to remove; littering caused by dislodged political signs; sight and distance hazards to traffic because of size and location, distracting appearance and displeasing aesthetically; unnecessary proliferation; and other reasons, all of which are determined to be contrary to the best interest of the community and the public health, safety and welfare.

¹For statutory provisions on local regulation of signs, see Gov. Code §§38744 and 65850 and Bus. and Prof. Code §5229 et seq.; for additional sign provisions in this Code, see Ch. 19.60.

- B. The intent and objective in establishing the regulation of political signs are to ensure the compatibility between utilization of political signs and protection of the right to privacy of individuals and the quiet and undisturbed enjoyment of property.

(Ord. 3473 §1, 1975.)

16.12.020 Definitions.

"Political sign" means any sign which indicates or advertises any one or a combination of the following matters:

- A. The name or picture of an individual seeking election or appointment to a public office;
- B. Relates to a forthcoming public election, initiative or referendum;
- C. Advocates a person's, group's, or party's political views or policies.

"Political sign" does not mean a billboard which complies with state and local laws.

(Ord. 3473 §2, 1975.)

16.12.030 Compliance with regulations.

Political signs shall be erected in the City pursuant to the provisions of this Chapter, notwithstanding the provisions of Chapter 16.04 [repealed] and Title 19 to the contrary. (Ord. 3604 (part), 1976; Ord. 3473 §3(a), 1975.)

16.12.040 Permit - Required.

Prior to the placement of political signs in the incorporated areas of the City, a permit shall be obtained from the Director of Development Services of the City who shall issue the permit subject to the regulations and provisions of this Chapter. The applicant for a permit shall, in writing, state the name of the owner of the sign or signs and that the applicant is the authorized agent of the owner. (Ord. MC-1027, 9-8-98; Ord. 3604 (part), 1976; Ord. 3473 §3(b), 1975.)

16.12.050 Consent of property owner required prior to posting.

Political signs shall not be posted or erected on any property without the consent of the property owner or his or her agent, lessee or tenant. The applicant for a permit shall submit to the Director of Development Services a list of locations where political signs are intended to be posted or erected and shall certify that consent has been obtained from the owner or authorized person of each location. The political signs shall be posted and erected only at the locations shown on the listing. (Ord. MC-1027, 9-8-98; Ord. MC-395, 7-16-84; Ord. 3604 (part), 1976; Ord. 3473 §3(c), 1975.)

16.12.060 (Repealed by MC-395, 7-16-84.)

16.12.070 Maximum area of sign.

The maximum area of a political sign shall be sixteen square feet in residential districts and thirty-two square feet in all other districts. (Ord. 3604 (part), 1976; Ord. 3473 §3(e), 1975.)

16.12.080 Obstructing view of motorists prohibited.

A political sign shall not be affixed, erected or located at or near the curb of any street intersection when it obstructs the view of motorists to cross traffic or constitutes a traffic hazard or at any location where the sign interferes with, obstructs the view of, or can be confused with any authorized traffic sign or marking. (Ord. 3604 (part), 1976; Ord. 3473 §3(f), 1975.)

16.12.090 Affixing to utility pole prohibited.

Political signs shall not stapled or affixed to any public utility pole and shall not be located in the public right-of-way, parkway, or on publicly owned or maintained land or property; provided, that political signs may be located in public parks for not more than twelve continuous hours in conjunction with a political rally. (Ord. 3604 (part), 1976; Ord. 3473 §3(g), 1975.)

16.12.100 Use of adhesive backing.

Political signs which have an adhesive backing shall not be affixed directly to any building or structure. A political sign with adhesive backing shall first be affixed to a temporary backing of wood, paper, cardboard, plastic or similar material for support in order that it can be easily removed from its posted location. (Ord. 3604 (part), 1976; Ord. 3473 §3(h), 1975.)

16.12.110 Removal of signs after election.

All political signs shall be removed and properly disposed of not more than ten days after the election or voting date. (Ord. MC-1239, 2-05-07; Ord. 3604 (part), 1976; Ord. 3473 §3(i), 1975.)

16.12.120 Violation - Public or private property - Notice to sign owner.

If a political sign is posted on public property or in the public right of way contrary to the provisions of this Chapter, it may be summarily removed by the Director of Development Services or his or her authorized representative. If a political sign is posted on private property contrary to the provisions of this Chapter, the Director of Development Services or his or her authorized representative shall give the sign owner, or his or her agent, written notice that he or she intends to remove the sign if the violation is not corrected, and a brief statement of the reason for the belief that the sign is in violation of this Chapter. Such notice shall be served either personally or by depositing in the United States mail addressed to the sign owner, or his or her agent, at the address shown on the application for a permit, with postage prepaid thereon. Personal service shall be considered effective when made and service by mail shall be considered effective three days after depositing the notice in the United States mail as provided herein. The sign owner, or his or her agent, may respond orally or in writing or correct the ordinance violation not later

than one day after service of said notice. If the ordinance violation is not corrected by the second day after the service of notice is effected, the Director of Development Services, or his or her authorized representative, may remove the sign. If the owner of any illegal sign, or his or her agent, does not reply to the notice within one day after service of notice is effected, the sign shall be deemed abandoned and may be removed on or after the second day after service of the notice is effected as aforesaid. The person responsible for any posting contrary to the provisions of this Chapter shall be liable for the cost incurred in the removal thereof and the Development Services Department is authorized to effect the collection of such cost after giving such person notice of the cost and an opportunity to be heard. (Ord. MC-1027, 9-8-98; Ord. MC-395, 7-16-84; Ord. 3064 (part), 1976; Ord. 3473 §3(j), 1975.)

16.12.130 Signature of applicant required on statement.

The applicant shall sign a statement filed with the Director of Development Services indicating that such person understands the political sign regulations and that signs which do not conform thereto are subject to removal and abatement under the provisions of Section 16.12.120. (Ord. MC-1027, 9-8-98; Ord. 3604 (part), 1976; Ord. 3473 §3(k), 1975.)

16.12.140 Applicability.

The provisions of this Chapter, Chapter 16.04 [repealed] and Title 19, shall not be applicable to political signs erected or posted on any occupied residential premises by the property owner, lessee or tenant thereof. (Ord. MC-395, 7-16-84; Ord. 3604 (part), 1976; Ord. 3473 §(3)(l), 1975.)

16.12.150 Violation - Penalty.

Any person violating any of the provisions of this Chapter is guilty of an infraction or a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this code. (Ord. MC-1239, 2-05-07; Ord. MC-460, 5-13-85; Ord. 3473 §4, 1975.)

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING PROGRAM



STATEMENT OF RESPONSIBILITY FOR TEMPORARY POLITICAL SIGNS

Election Date: _____ June _____ November Other: _____

Candidate's Name: _____

Office sought or Proposition Number: _____

County where sign(s) will be placed: _____

Number of signs to be placed: _____

RESPONSIBLE PARTY:

Name: _____

Address: _____

Phone Number (Include Area Code) _____

The undersigned hereby accepts responsibility for the removal of Temporary Political Signs placed pursuant to Section 5405.3 of the Outdoor Advertising Act for the above candidate or proposition.

It is understood and agreed that any Temporary Political Signs placed sooner than ninety (90) days prior to the election and/or not removed within ten (10) days after the election, may be removed by the Department and the responsible party will be billed for any associated removal costs.

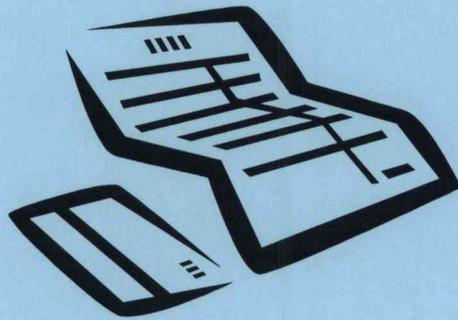
SIGNATURE OF RESPONSIBLE PARTY

DATE

Mail Statement of Responsibility to:

Division of Traffic Operations
Outdoor Advertising Program
P.O. Box 942874, MS-36
Sacramento, CA 94274-0001

Campaign Literature Requirements



LAWS GOVERNING CAMPAIGN PRACTICES

Political Advertising

Any paid political advertisement that refers to an election or to any candidate for state or local elective office and that is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." The words shall be set apart from any other printed matter. As used in this section "Paid Political Advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office.

E.C. §20008

Simulation of the Ballot

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

"NOTICE TO VOTERS

"(Required by Law)

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

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

Violations will result in a court injunction. Our office is available to review proposed ballot simulations.

E.C. §20009

Campaign Literature Containing Polling Place of Voter

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

E.C. §18302

Candidates are requested not to distribute or mail campaign literature telling a voter where his/her polling place is located. It is not only confusing to voters, but invariably some polling place changes occur in the last few days before an election. In the past, candidates have mailed or had distributed campaign literature telling voters to go to the wrong polling place. We are sure you can understand the problems this causes for voters and our staff, as well as for the candidate.

Mass Mailing/Campaign Literature

The definition of "Mass Mailing" is two hundred (200) or more identical or nearly identical pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry. G.C. §82041.5

Mass Mailing Requirements

Section 84305 of the Government Code provides as follows:

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

Government Code 84310:

- a) A candidate, committee, or slate mailer organization may not expend campaign funds, directly or indirectly, to pay for telephone calls that are similar in nature and aggregate 500 or more in number, made by an individual, or individuals, or by electronic means and that advocate support of, or opposition to, a candidate, ballot measure, or both, unless during the course of each call the name of the organization that authorized or paid for the call is disclosed to the recipient of the call. Unless the organization that authorized the call and in whose name it is placed has filing obligations under this title, and the name announced in the call either is the full name by which the organization or individual is identified in any statement or report required to be filed under this title or is the name by which the organization or individual is commonly known, the candidate, committee, or slate mailer organization that paid for the call shall be disclosed. This section shall not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers.
- b) Campaign and ballot measure committees are prohibited from contracting with any phone bank vendor that does not disclose the information required to be disclosed by subdivision (a).

- c) A candidate, committee, or slate mailer organization that pays for telephone calls as described in subdivision (a) shall maintain a record of the script of the call for the period of time set forth in Section 84104. If any of the calls qualifying under subdivision (a) were recorded messages, a copy of the recording shall be maintained for that period.

Mass Mailing Prohibitions

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

Truth In Endorsements Law

Elections Code §20008 et seq. provides additional information regarding restrictions on endorsements, representation requirements, etc. A copy of the code is available for viewing at the Registrar of Voters.

False or Misleading Information to Voters

No candidate shall submit any nomination paper or declaration of candidacy knowing that any part of it has been made falsely. Violations may result in criminal penalties. No candidate shall attempt to mislead the public by pretending or implying by his statements or conduct that he is an incumbent of a public office or that he has acted in the capacity of a public officer when this is not the case. (§18350) Violations may result in civil penalties. In the occupational designation on the ballot, no candidate shall assume a designation which would mislead the voters.

E.C. §13107, §18203, §18350

Services Available to Candidates



VOTER REGISTRATION AND ELECTION DATA

Per confidentiality laws of 1995, voter information is confidential; however; there are specific permissible exceptions to the law. The California Administrative Code, Title 2, Division 7, Chapter 1, Article 1, Sections 19003, 19004, & 19005 specifies permissible uses for any data obtained from voter registration files. Permissible usage includes direct election campaigning, surveys in conjunction with an election campaign, and distribution of information of a political nature. Data obtained from voter registration or election files may not be sold, leased, loaned, reproduced, or possession thereof relinquished without receiving written authorization to do so from the Secretary of State or the Registrar of Voters. Prohibited usage includes commercial purposes and solicitations of contributions or services for any purpose other than on behalf of a candidate or political party, or in support of or opposition to a ballot measure.

Public Viewing Terminals

The voter registration database may be viewed from a public terminal located in the lobby area of the San Bernardino County Elections Office. The public viewing terminal is available during normal business hours, Monday through Friday, 8 a.m. to 5 p.m. The public viewing terminals may or may not display confidential voter registration information. Applicants who wish to see confidential information, must complete the "*Application for Voter Registration Information*" providing an explanation as to the purpose for requesting this information. Confidential information includes such items as: residential street address, telephone numbers, and precinct number.

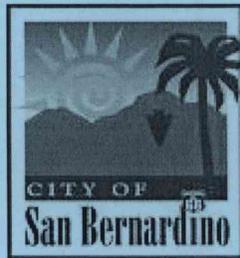
Election Results

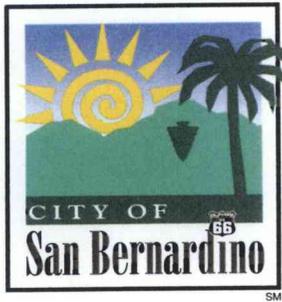


ELECTION NIGHT RESULTS

- How will ballots be counted?
 - On high speed scanners at the Elections Office
- When will results be released?
 - 8:05 p.m. – Results posted for Mail Ballots received from the U.S.P.S. and Mail Ballot drop-off locations prior to Election Day.
 - 10:00 p.m. – Results for Mail Ballots received from the U.S.P.S. on Election Day morning, and results for ballots cast at nearby polling places on Election Day added to results.
 - 12:00 a.m. (or earlier if the counting of ballots cast at polling places is completed) – Final Unofficial Election Night Results posted.
 - Results posted to www.sbcountyelections.com

City Officials





**OFFICE OF THE CITY CLERK
 GEORGEANN "GIGI" HANNA – CITY CLERK**

300 North "D" Street • San Bernardino • CA 92418-0001
909.384.5002 • Fax: 909.384.5158
www.sbcity.org

**CITY OF SAN BERNARDINO
 CITY OFFICIALS AND DEPARTMENT HEADS**

300 North "D" Street, San Bernardino, CA 92418

ELECTED OFFICIALS

	<u>Name</u>	<u>Phone Number</u>	<u>Fax Number</u>
Mayor	R. Carey Davis	(909) 384-5133	(909) 384-5067
City Attorney	Gary D. Saenz	(909) 384-5355	(909) 384-5238
City Clerk	Georgeann Hanna	(909) 384-5102	(909) 384-5158
City Treasurer	David Kennedy	(909) 384-5221	(909) 384-5023

Council Members

First Ward	Virginia Marquez	(909) 384-5188	(909) 384-5105
Second Ward	Benito J. Barrios	(909) 384-5188	(909) 384-5105
Third Ward	John Valdivia	(909) 384-5188	(909) 384-5105
Fourth Ward	Fred Shorett	(909) 384-5188	(909) 384-5105
Fifth Ward	Henry Nickel	(909) 384-5188	(909) 384-5105
Sixth Ward	Rikke Van Johnson	(909) 384-5188	(909) 384-5105
Seventh Ward	James L. Mulvihill	(909) 384-5188	(909) 384-5105

KEY PERSONNEL

City Manager	Allen J. Parker	(909) 384-5122	(909) 384-5138
Civil Service Chief Examiner	Rebekah Kramer	(909) 384-5062	(909) 384-5918
Community Development Director	Mark Persico	(909) 384-5057	(909) 384-5080
Executive Staff Assistant to City Council	Jorge Carlos	(909) 384-5188	(909) 384-5105
Human Resources Manager	Helen Tran	(909) 384-5161	(909) 384-5397
Public Works Director	Tony Frossard	(909) 384-5140	(909) 384-5190
Water Department General Manager	Stacey Aldstadt	(909) 384-5141	(909) 384-5215

CITY OF SAN BERNARDINO

ADOPTED SHARED VALUES: Integrity • Accountability • Respect for Human Dignity • Honesty

CITY OF SAN BERNARDINO
CITY OFFICIALS AND DEPARTMENT HEADS
Various Satellite Locations

Office	Name	Phone Number	Fax Number
Cable TV - Channel 3 CATV Broadcast Engineering Coordinator 201B N. "E" Street, Suite 206 San Bernardino, CA 92401	Klyde Layon	(909) 663-1044	(909) 888-9413
Library Director 555 W. 6 th Street San Bernardino, CA 92410	Ed Erjavek	(909) 381-8201	(909) 381-8229
Interim Fire Chief 200 E. 3 rd Street San Bernardino, CA 92410	Thomas Hannemann	(909) 384-5286	(909) 384-5281
Parks, Recreation and Community Services Director 1350 S. "E" Street San Bernardino, CA 92408	Mickey Valdivia	(909) 384-5233	(909) 384-5160
Police Chief 710 N. "D" Street San Bernardino, CA 92401	Jarrold Burguan	(909) 384-5742	(909) 388-4950
San Bernardino Employment and Training Agency (S.B.E.T.A.) Director 600 N. Arrowhead Avenue, Suite 300 San Bernardino, CA 92401	Ernest Dowdy	(909) 888-7881	(909) 889-7833

PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES

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

Chapter 5. Fair Campaign Practices

Article 1. General Intent

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

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

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

Article 2. Definitions

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

Article 3. Code of Fair Campaign Practices

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

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

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

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

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

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

CODE OF FAIR CAMPAIGN PRACTICES

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

THEREFORE:

(1) **I SHALL CONDUCT** my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.

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

(3) **I SHALL NOT USE OR PERMIT** any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.

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

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

(6) **I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE** support deriving from an individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

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

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

Signature

Date

Printed Name

Date of Election