

# June 7, 2022 Primary Election Candidate's Guide

Superior Court Judges  
County Supervisors  
County Offices



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This guide was developed in an effort to provide information regarding running for elective public office. It is for general information only and does not have the force and effect of law, regulation or rule. Any reference to “Election Code” or “Government Code” applies to California state law.

In the case of conflict, the law, regulation or rule will apply. It is distributed with the understanding that the County Clerk-Recorder/Registrar of Voters is not rendering legal advice and, therefore, this guide is not to be a substitute for legal counsel for the individual, organization or committee using it.

Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties. For information regarding municipal offices, please contact your City/Town Clerk’s Office.

## Offices to be Elected at the June 7, 2022 Statewide Direct Primary Election

OFFICE TITLE	CURRENT OFFICEHOLDER
<b>FEDERAL</b>	
United States Senator	Alex Padilla
United States Representative 1 <sup>st</sup> Congressional District	Doug LaMalfa
<b>STATE CONSTITUTIONAL</b>	
Governor	Gavin Newsom
Lieutenant Governor	Eleni Kounalakis
Secretary of State	Shirley Weber
Controller	Betty T. Yee
Treasurer	Fiona Ma
Attorney General	Rob Bonta
Insurance Commissioner	Ricardo Lara
Member, State Board of Equalization 1 <sup>st</sup> Equalization District	Ted Gaines
<b>STATE LEGISLATIVE</b>	
Member of the State Assembly 3 <sup>rd</sup> Assembly District	James Gallagher
<b>JUDICIAL</b>	
Judge of the Superior Court Judge Department 1	Tamara L. Mosbarger
Judge of the Superior Court Judge Department 5	Kimberly Merrifield
Judge of the Superior Court Judge Department 9	Corie J. Caraway
Judge of the Superior Court Judge Department 11	Clare Keithley
<b>SCHOOL</b>	
State Superintendent of Public Instruction	Tony Thurmond
County Superintendent of Schools	Mary Sakuma
<b>COUNTY OFFICES</b>	
County Supervisor 2 <sup>nd</sup> Supervisor District	Debra Lucero
County Supervisor 3 <sup>rd</sup> Supervisor District	Tami Ritter
Assessor	Diane Brown
Auditor-Controller	Graciela Gutierrez
County Clerk-Recorder	Candace J. Grubbs
District Attorney	Michael L. Ramsey
Sheriff-Coroner	Kory L. Honea
Treasurer-Tax Collector	Troy Kidd

## Important Contact Information

Office	Phone Number	Fax Number	Website Address
<b>County</b>			
<b>Butte County Clerk-Recorder</b> Hall of Records - Elections Division 155 Nelson Avenue Oroville CA 95965-3411	(530) 552-3400 (800) 894-7761	(530) 538-6853	<a href="http://www.ButteVotes.net">www.ButteVotes.net</a>
<b>Butte County District Attorney</b> 25 County Center Drive, Suite 245 Oroville, CA 95965-3370	(530) 538-7411	(530) 538-7071	<a href="http://buttecounty.net/da">http://buttecounty.net/da</a>
<b>City</b>			
<b>City of Biggs</b> 465 C Street / P.O. Box 307 Biggs, CA 95917	(530) 868-5493	(530) 868-5239	<a href="http://www.biggs-ca.gov">http://www.biggs-ca.gov</a>
<b>City of Chico</b> 411 Main Street Chico, CA 95928 P.O. Box 3420, Chico, CA 95927-3420	(530) 896-7250	(530) 896-7298	<a href="http://www.ci.chico.ca.us">http://www.ci.chico.ca.us</a>
<b>City of Gridley</b> 685 Kentucky Street Gridley, CA 95948	(530) 846-5695	(530) 846-3229	<a href="http://www.gridley.ca.us">http://www.gridley.ca.us</a>
<b>City of Oroville</b> 1735 Montgomery Street Oroville, CA 95965	(530) 538-2401	(530) 538-2468	<a href="http://www.cityoforoville.org">http://www.cityoforoville.org</a>
<b>Town of Paradise</b> 5555 Skyway Paradise, CA 95969	(530) 872-6291	(530) 877-5059	<a href="http://www.townofparadise.com">http://www.townofparadise.com</a>
<b>State</b>			
<b>Secretary of State's Office Election Division</b> 1500 11th Street Sacramento, CA 95814	(916) 657-2166 (800) 345-VOTE	(916) 653-3214 (916) 653-5045	<a href="http://www.sos.ca.gov">http://www.sos.ca.gov</a>
<b>Election Fraud Investigation Unit</b>	(800) 345-VOTE		
<b>Political Reform Division</b>	(916) 653-6224		
<b>Attorney General</b> P.O. Box 944255 Sacramento, CA 94244-2550	(800) 952-5225	(916) 323-5341	<a href="http://oag.ca.gov">http://oag.ca.gov</a>
<b>State Department of Transportation</b> Division of Traffic Operations Outdoor Advertising Branch P.O. Box 942874, MS-36 Sacramento, CA 94274-001	(916) 654-6473	(916) 651-9359	<a href="http://www.dot.ca.gov/oda">http://www.dot.ca.gov/oda</a>
<b>Fair Political Practices Commission</b> 428 J Street, Suite 620 Sacramento, CA 95814	(866) 275-3772	(916) 322-0886	<a href="http://www.fppc.ca.gov">http://www.fppc.ca.gov</a>
<b>Federal</b>			
<b>State Franchise Tax Board</b>	(800) 338-0505		<a href="http://www.ftb.ca.gov">http://www.ftb.ca.gov</a>
<b>Internal Revenue Service</b>	(800) 829-1040		<a href="http://www.irs.gov">http://www.irs.gov</a>
<b>Federal Elections Commission</b> 999 E Street, NW Washington, D.C. 20463	(800) 424-9530 (202) 624-1000		<a href="http://www.fec.gov">http://www.fec.gov</a>

# Candidate Filing Qualifications, Requirements and Flow Chart

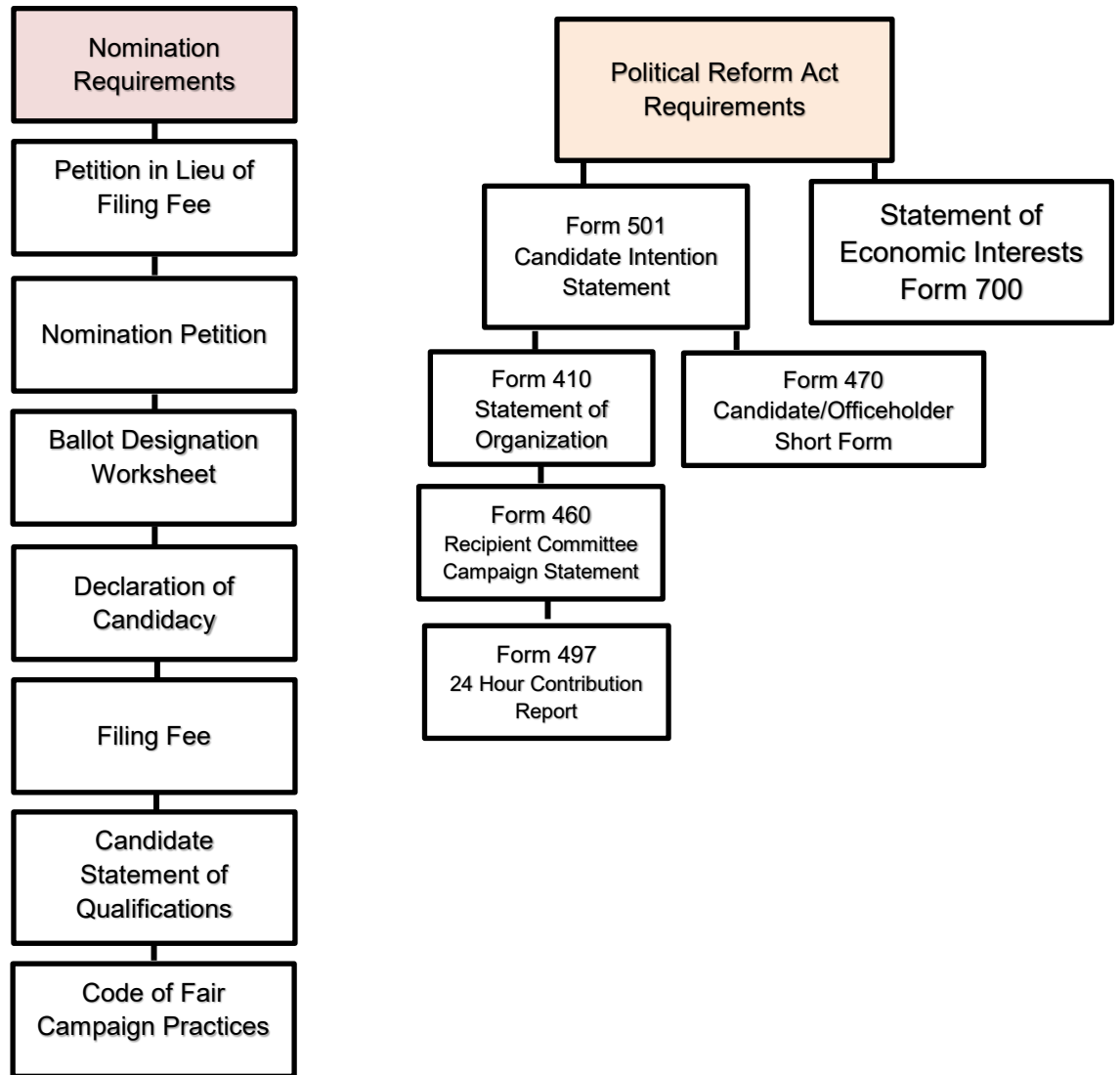
This candidate guide provides general reference information. Detailed information specific to each office is provided in the “Qualifications and Requirements” which is a separate document. The “Qualifications and Requirements” are posted on the County Clerk-Recorder Elections Division website-- [buttevotes.net](http://buttevotes.net) and are available in the office.

Most candidate filing documents are available to the public. The list provided below details whether the document is available for public viewing and/or purchase.

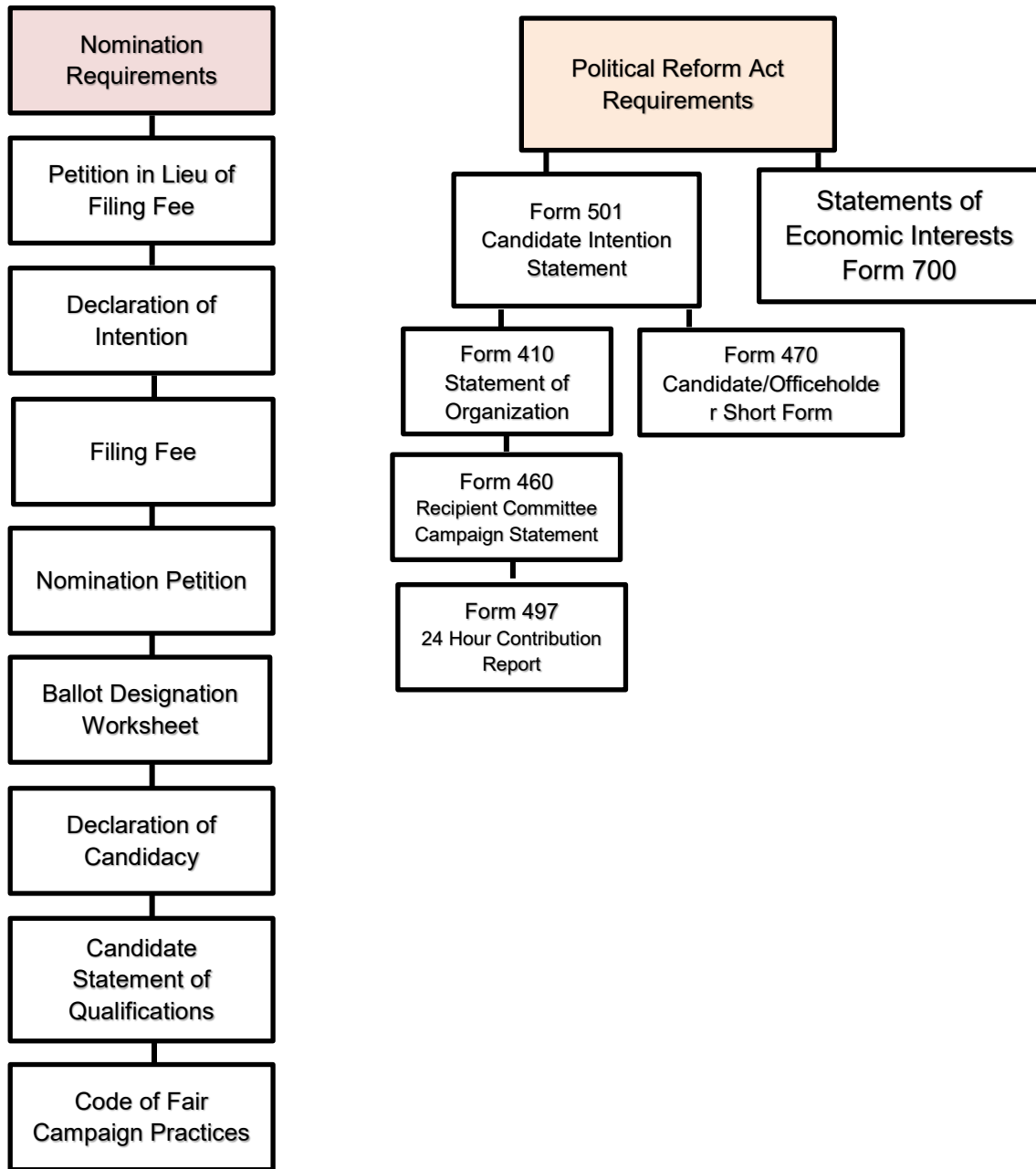
Public Contact Worksheet	View/Purchase	GC 6254.21
Petitions in Lieu of Filing Fee	View	EC 17100
Nomination Paper	View	EC 17100
Declaration of Candidacy	View	EC 17100
Ballot Designation Worksheet	View/Purchase	Ca. Code Regs 20711(b)

A flow chart on the candidate filing process for County Offices and Judge of the Superior Court follow this information page for your reference. Additionally, candidates are encouraged to review to the general “candidate filing reference information” and detail attachment on retirees, felonies and crimes.

# County Offices Candidate Filing Flow Chart



# Judge of the Superior Court Candidate Filing Flow Chart



## Candidate Filing Reference Information

Refer to the qualifications for the specific office you are seeking. Additional information may be covered in this portion of the guide that may be general to all candidates.

All documents are available from the Butte County Clerk-Recorder Elections Division "County". Only the official forms prepared or issued by the County may be used. Candidates, or their authorized agents, will be given instructions on the procedures to complete the candidate filing.

### Public Employee Retirees

Government Code sections 21221 and 21222 specify the applicable laws pertaining to public employee retirees:

#### Government Code § 21221

A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system, as follows:

(a) As a member of any board, commission, or advisory committee, upon appointment by the Governor, the Speaker of the Assembly, the President pro Tempore of the Senate, director of a state department, or the governing board of the contracting agency. However, the appointment shall not be deemed employment within the meaning of Division 4 (commencing with Section 3200) and Division 4.5 (commencing with Section 6100) of the Labor Code, and shall not provide a basis for the payment of workers' compensation to a retired state employee or to his or her dependents.

(b) As a school crossing guard.

(c) As a juror or election officer.

(d) As an elective officer on and after September 15, 1961. However, all rights and immunities which may have accrued under Section 21229 as it read prior to that section's repeal during the 1969 Regular Session of the Legislature are hereby preserved.

(e) As an appointive member of the governing body of a contracting agency. However, the compensation for that office shall not exceed one hundred dollars (\$100) per month.

(f) Upon appointment by the Legislature, or either house, or a legislative committee to a position deemed by the appointing power to be temporary in nature.

(g) Upon employment by a contracting agency to a position found by the governing body, by resolution, to be available because of a leave of absence granted to a person on payroll status for a period not to exceed one year and found by the governing body to require specialized skills. The temporary employment shall be terminated at the end of the leave of absence. Appointments under this section shall be reported to the board and shall be accompanied by the resolution adopted by the governing body.

(h) Upon interim appointment by the governing body of a contracting agency to a vacant position during recruitment for a permanent appointment and deemed by the governing body to require specialized skills or during an emergency to prevent stoppage of public business. A retired person shall only be appointed once to this vacant position. These appointments, including any made concurrently pursuant to Section 21224 or 21229, shall not exceed a combined total of 960 hours for all employers each fiscal year. The compensation for the interim appointment shall not exceed the maximum monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule for the vacant position divided by 173.333 to equal an hourly rate. A retired person appointed to a vacant position pursuant to this subdivision shall not receive any benefits, incentives, compensation in lieu of benefits, or any other forms of compensation in addition to the hourly rate. A retired annuitant appointed pursuant to this subdivision shall not work more than 960 hours each fiscal year regardless of whether he or she works for one or more employers.

(i) Upon appointment by the Administrative Director of the Courts to the position of Court Security Coordinator, a position deemed temporary in nature and requiring the specialized skills and experience of a retired professional peace officer.

#### Government Code §21222

Notwithstanding Section 21221, if a retired person serves without reinstatement from retirement in an elective office and part or all of his or her retirement allowance is based on service in that elective office, the portion of the allowance based on service in that elective office shall be suspended during incumbency in that elective office. The entire retirement allowance shall be paid for time on and after the person vacates the elective office in the monthly amount payable had the allowance not been suspended. The governing body of every employer other than the state shall cause immediate notice to be given to this system of the election of any retired person to an office of the employer.



# Felony & Misdemeanor Convictions and Other Crimes

There are various election codes and government codes that detail the laws regarding persons running for office that have been convicted of crimes, please refer to "Attachment A".

## Elections Code §20

(a) A person shall not be considered a candidate for, and is not eligible to be elected to, any state or local elective office if the person has been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes.

(b) For purposes of this section, "conviction of a felony" includes a conviction of a felony in this state and a conviction under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony, and for which the person has not received a pardon from the Governor of this state, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction.

## Government Code §91002

No person convicted of a misdemeanor under this title shall be a candidate for any elective office or act as a lobbyist for a period of four years following the date of the conviction unless the court at the time of sentencing specifically determines that this provision shall not be applicable. A plea of nolo contendere shall be deemed a conviction for purposes of this section. Any person violating this section is guilty of a felony.

## Government Code §1021

A person is disqualified from holding any office upon conviction of designated crimes as specified in the Constitution and laws of the State.

## Government Code §1021.5

(a) If a public employee is convicted of any felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes arising directly out of his or her official duties as a public employee, he or she shall be disqualified for five years from any public employment, including, but not limited to, employment with a city, county, district, or any other public agency of the state.

(b) The five-year disqualification period described in subdivision (a) shall begin on the later of either of the following:

- (1) The date of final conviction.
- (2) The date on which the public employee is released from any incarceration.

(c) For purposes of this section, "public employee" means any person employed at will for the purposes of providing services to an elected public officer who takes public office, or is reelected to public office, on or after January 1, 2013.

## Government Code §1022

Other provisions respecting disqualification for particular offices are contained in the Constitution and in the laws concerning the various offices.

## Government Code §1023

A person is ineligible to hold office or employment of any kind under the State, any county, city, district or other political or governmental unit of the State if he, while either a citizen or resident of the United States, has by oath bound himself to support, maintain or further the military or political activities or policies of any foreign government or of any official thereof or society or association therein or to obey the orders or directions of any foreign government or of any official thereof.

## Government Code §1024

Any person who holds any office or employment under the state or any county, city, district or other political or governmental unit of the state and who has taken any oath described in Section 1023 is relieved of ineligibility to office or employment if he or she petitions any superior court for leave to renounce all promises or obligations assumed by him or her under that oath, and renounces all those promises or obligations before a judge of that court.

Any other person who has taken or hereafter takes any such oath may at any time be relieved of ineligibility by petitioning any superior court and renouncing all such promises or obligations in like manner.

## Government Code §1026

Every person who exercises the duties of any office in violation of the provisions of this article relative to oaths, and every person who knowingly appoints to office a person ineligible by reason of the provisions of this article relative to oaths, is guilty of a felony.

#### Government Code §1027

Every person who exercises the duties of any employment in violation of the provisions of this article relative to oaths, and every person who knowingly employs a person ineligible by reason of the provisions of this article relative to oaths, is guilty of a misdemeanor.

#### Government Code §1027.5

The Legislature of the State of California finds that:

(a) There exists a world-wide revolutionary movement to establish a totalitarian dictatorship based upon force and violence rather than upon law.

(b) This world-wide revolutionary movement is predicated upon and it is designed and intended to carry into execution the basic precepts of communism as expounded by Marx, Lenin, and Stalin.

(c) Pursuant to the objectives of the world communism movement, in numerous foreign countries the legally constituted governments have been overthrown and totalitarian dictatorships established therein against the will of the people, and the establishment of similar dictatorships in other countries is imminently threatening. The successful establishment of totalitarian dictatorships has consistently been aided, accompanied, or accomplished by repeated acts of treachery, deceit, teaching of false doctrines, teaching untruth, together with organized confusion, insubordination, and disloyalty, fostered, directed, instigated, or employed by communist organizations and their members in such countries.

(d) Within the boundaries of the State of California there are active disciplined communist organizations presently functioning for the primary purpose of advancing the objectives of the world communism movement, which organizations promulgate, advocate, and adhere to the precepts and the principles and doctrines of the world communism movement. These communist organizations are characterized by identification of their programs, policies, and objectives with those of the world communism movement, and they regularly and consistently cooperate with and endeavor to carry into execution programs, policies and objectives substantially identical to programs, policies, and objectives of such world communism movement.

(e) One of the objectives of the world communism movement is to place its members in state and local government positions and in state supported educational institutions. If this objective is successful, propaganda can be disseminated by the members of these organizations among pupils and students by those members who would have the opportunity to teach them and to whom, as teachers, they would look for guidance, authority, and leadership. The members of such groups would use their positions to advocate and teach their doctrines and teach the prescribed Communist Party line group dogma or doctrine without regard to truth or free inquiry. This type of propaganda is sufficiently subtle to escape detection.

There is a clear and present danger, which the Legislature of the State of California finds is great and imminent, that in order to advance the program, policies and objectives of the world communism movement, communist organizations in the State of California and their members will engage in concerted effort to hamper, restrict, interfere with, impede, or nullify the efforts of the State and the public agencies of the State to comply with and enforce the laws of the State of California and their members will infiltrate and seek employment by the State and its public agencies.

#### Government Code §1028

It shall be sufficient cause for the dismissal of any public employee when such public employee advocates or is knowingly a member of the Communist Party or of an organization which during the time of his membership he knows advocates overthrow of the Government of the United States or of any state by force or violence.

#### Government Code §1028.1

It shall be the duty of any public employee who may be subpoenaed or ordered by the governing body of the state or local agency by which such employee is employed, to appear before such governing body, or a committee or subcommittee thereof, or by a duly authorized committee of the Congress of the United States or of the Legislature of this State, or any subcommittee of any such committee, to appear before such committee or subcommittee, and to answer under oath a question or questions propounded by such governing body, committee or subcommittee, or a member or counsel thereof, relating to:

(a) Present personal advocacy by the employee of the forceful or violent overthrow of the Government of the United States or of any state.

(b) Present knowing membership in any organization now advocating the forceful or violent overthrow of the Government of the United States or of any state.

(c) Past knowing membership at any time since October 3, 1945, in any organization which, to the knowledge of such employee, during the time of the employee's membership advocated the forceful or violent overthrow of the Government of the United States or of any state.

(d) Questions as to present knowing membership of such employee in the Communist Party or as to past knowing membership in the Communist Party at any time since October 3, 1945.

(e) Present personal advocacy by the employee of the support of a foreign government against the United States in the event of hostilities between said foreign government and the United States.

Any employee who fails or refuses to appear or to answer under oath on any ground whatsoever any such questions so propounded shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law.

#### Government Code §1028.2

Sections 1027.5, 1028.1, and 1028, added by Chapter 1418 of the Statutes of 1947, are not applicable to school district employees. It is the intent of the Legislature that the Education Code shall apply to such employees.

#### Government Code §1029

(a) Except as provided in subdivision (b), (c), or (d), each of the following persons is disqualified from holding office as a peace officer or being employed as a peace officer of the state, county, city, city and county or other political subdivision, whether with or without compensation, and is disqualified from any office or employment by the state, county, city, city and county or other political subdivision, whether with or without compensation, which confers upon the holder or employee the powers and duties of a peace officer:

(1) Any person who has been convicted of a felony.

(2) Any person who has been convicted of any offense in any other jurisdiction which would have been a felony if committed in this state.

(3) Any person who, after January 1, 2004, has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony. This paragraph shall apply regardless of whether, pursuant to subdivision (b) of Section 17 of the Penal Code, the court declares the offense to be a misdemeanor or the offense becomes a misdemeanor by operation of law.

(4) Any person who has been charged with a felony and adjudged by a superior court to be mentally incompetent under Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code.

(5) Any person who has been found not guilty by reason of insanity of any felony.

(6) Any person who has been determined to be a mentally disordered sex offender pursuant to Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(7) Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution as provided in Section 3051 of the Welfare and Institutions Code.

(b) (1) A plea of guilty to a felony pursuant to a deferred entry of judgment program as set forth in Sections 1000 to 1000.4, inclusive, of the Penal Code shall not alone disqualify a person from being a peace officer unless a judgment of guilty is entered pursuant to Section 1000.3 of the Penal Code.

(2) A person who pleads guilty or nolo contendere to, or who is found guilty by a trier of fact of, an alternate felony-misdemeanor drug possession offense and successfully completes a program of probation pursuant to Section 1210.1 of the Penal Code shall not be disqualified from being a peace officer solely on the basis of the plea or finding if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor.

(c) Any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of the Department of Corrections or the Department of the Youth Authority, or as a probation officer in a county probation department, if he or she has been granted a full and unconditional pardon for the felony or offense of which he or she was convicted. Notwithstanding any other provision of law, the Department of Corrections or the Department of the Youth Authority, or a county probation department, may refuse to employ that person regardless of his or her qualifications.

(d) Nothing in this section shall be construed to limit or curtail the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense.

(e) Nothing in this section shall be construed to prohibit any person from holding office or being employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, if at the time of the person's hire a prior conviction of a felony was known to the person's employer, and the class of office for which the person was hired was not declared by law to be a class prohibited to persons convicted of a

felony, but as a result of a change in classification, as provided by law, the new classification would prohibit employment of a person convicted of a felony.

Government Code §1029.1 The Department of Corrections and the Department of the Youth Authority shall complete a background investigation, using as guidelines standards defined by the Commission on Peace Officer Standards and Training, of any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer. In order to reduce potential duplication of effort by individual institutions, investigations shall be accomplished by each department on a centralized or regional basis to the extent administratively feasible.

Government Code §1030 A classifiable set of the fingerprints of every person who is now employed, or who hereafter becomes employed, as a peace officer of the state, or of a county, city, city and county or other political subdivision, whether with or without compensation, shall be furnished to the Department of Justice and to the Federal Bureau of Investigation by the sheriff, chief of police or other appropriate appointing authority of the agency by whom the person is employed. This section shall not apply to any currently employed peace officer whose appointment antedates the effective date of this section and whose fingerprints have already been submitted by his appointing authority to the Department of Justice and to the Federal Bureau of Investigation.

Government Code §1031 Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

(a) Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship, except as provided in Section 2267 of the Vehicle Code.

(b) Be at least 18 years of age.

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.

(d) Be of good moral character, as determined by a thorough background investigation.

(e) Be a high school graduate, pass the General Education Development Test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year, four-year, or advanced degree from an accredited college or university. The high school shall be either a United States public school, an accredited United States Department of Defense high school, or an accredited or approved public or nonpublic high school. Any accreditation or approval required by this subdivision shall be from a state or local government educational agency using local or state government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPISA), an organization holding full membership in Advanced an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFSSAA).

(f) Be found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.

(1) Physical condition shall be evaluated by a licensed physician and surgeon.

(2) Emotional and mental condition shall be evaluated by either of the following:

(A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.

(B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued postdoctorate. The physician and surgeon or psychologist shall also have met any applicable education and training procedures set forth by the California Commission on Peace Officer Standards and Training designed for the conduct of preemployment psychological screening of peace officers.

(g) This section shall not be construed to preclude the adoption of additional or higher standards, including age.

## Election Calendar

The Election Calendar that provides all important dates and deadlines for the election and is available on the website at [www.ButteVotes.net](http://www.ButteVotes.net). Filing deadlines are rigid during the candidate filing process, we strongly urge you to review this calendar.

### Candidate Filing Appointments

Candidates are encouraged to make appointments and file early. Call the Elections Division at 530-552-3400 or 800-894-7761 within Butte County to schedule your appointment.

### Authorization for Candidate's Representative

In the case where a candidate may not be able to appear in person at the County, they may designate someone to appear on their behalf. A candidate may, in a written statement signed and dated by the candidate, designate a person to receive candidate filing documents including petition in-lieu, nomination petition, and declaration of candidacy and deliver it to the candidate. The statement shall include language indicating that the candidate is aware that the declaration of candidacy must be properly executed and delivered to the County by the 88<sup>th</sup> day prior to the election. Elections Code section 8028(b).

Any person may file petitions in lieu of filing fee without a letter of authorization from the candidate.

### Public Contact Worksheet

All candidates are required to complete this worksheet to authorize release of contact information for the public and media during the election.

Key elements to consider are:

1. Candidate Name on Ballot. Refer to "Candidate's Name on Ballot" in this guide.
2. Phonetic name pronunciation. This is very important. An audio ballot is produced for visually impaired voters. We need to know how to phonetically pronounce your name so an accurate audio recording can be produced.
3. Contact information that you would like made public. Please be aware this will be posted on our website and made available to public and media inquiries.

### Selecting Ballot Designation to Appear Below Name on Ballot

The ballot designation describes the current profession, vocation, occupation or incumbency status of the candidate that will appear under the candidate's name.

Ballot Designations:

1. The listing of a designation on the ballot is optional.
2. A Ballot Designation Worksheet must be completed and filed at the time the Declaration of Candidacy is executed.
3. Ballot designations cannot be changed after the final date to file nomination documents.

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:** Governing 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. (Elections Code section 13107(a)(2))

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.

Exception: Candidates appointed to office in lieu of an election do not have to use the word appointed. (Elections Code section 13107(a)(4))

4. **Principal Occupation:** No more than three words can be used to describe 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.

**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 engaged in, or of service for, or on behalf of, without profiting monetarily, one or more of the following:

- a. A charitable, educational, or religious organization as defined by the U.S. Code section 501(c)(3);
- b. A governmental agency; or
- c. An educational institution.

The vocation or occupation is 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. **No Ballot Designation:** If no ballot designation is requested, write the words "No Ballot Designation". You will be required to initial on the line next to the ballot designation on the Declaration of Candidacy to acknowledge that you are requesting no designation to be printed next to your name.

(Elections Code section 13107 et seq.)

7. **Judge of the Superior Court Candidates:** one of the following designations may be used by the candidate:

- a. Words designating the city, county, district, state or federal office held by the candidate at the time of filing nomination documents;
- b. "Incumbent", if the candidate is a candidate for the same office that they held at the time of filing nomination documents;
- c. No more than three words designating either the current principal professions, vocations or occupations of the candidate, or the principal professions, vocations or occupations of the candidate during the calendar year immediate preceding the filing of nomination documents;
- d. A candidate who is an active member of the state bar and employed by a city, county, district, state or by the United States the designation shall appear as one of the following: or; three words the cover the principal profession, vocation, occupation of the candidate, or; actual job title followed by city, county, district, state or United States, or;

- i. Words designating the actual job title, as defined by statute, charter, or other governing instrument.
  - ii. One of the following ballot designations: “Attorney,” “Attorney at Law,” “Lawyer,” or “Counselor at Law.” The designations “Attorney” and “Lawyer” may be used in combination with one other current principal profession, vocation, or occupation of the candidate, or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.
- e. A candidate for superior court judge who is an active member of the State Bar and practices law as one of his or her principal professions shall use one of the following ballot designations as his or her ballot designation: “Attorney,” “Attorney at Law,” “Lawyer,” or “Counselor at Law.” The designations “Attorney” and “Lawyer” may be used in combination with one other current principal profession, vocation, or occupation of the candidate, or the principal profession, vocation, or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.

### **Ballot Designation Rejection**

If, upon checking the ballot designation worksheet, the elections official finds the designation to be a violation of any of the restrictions set forth in the Ballot Designation Regulations, they shall notify the candidate by certified mail return receipt requested. (Elections Code section 13107(f))

The candidate shall, within three days, excluding Saturday, Sunday, and state holidays, from the date the notice is received, appear at the Butte County Clerk-Recorder Elections Division and provide a ballot designation that complies with the Ballot Designation Regulations. (Elections Code section 13107(f)(1))

Failure of a candidate to respond in the timeframe provided will mean no ballot designation shall be printed on the ballot. (Elections Code section 13107(f)(2))

# Petition in Lieu and Nomination Paper

## Tips Regarding Petition Signers and Circulators

### Signers

- Signers shall be a registered voter and resident in the same jurisdiction as the candidate whose petition is being circulated.
- Signers must clearly print their physical residence address. They should include apartment, space or unit numbers, if applicable.
  - Business addresses are not acceptable; the signature cannot be counted.
  - Mailing addresses are not acceptable; the signature cannot be counted.
  - PO Boxes are not acceptable; the signature cannot be counted.
  - If no residence address is indicated, the signature cannot be counted.
- Signers may not use a pre-printed address label or stamper. This information must be handwritten.
- A registered voter who has legally qualified under Elections Code section 354.5 may use an authorized signature stamp.
- If the signer is not registered, or has moved, they must complete a new voter registration card. The voter registration card must be dated on or before the date of signing the petition.

### Circulators

- The circulator must be 18 years of age or older.
- The circulator must complete the “Affidavit of Circulator” located on the back of the petition. An incomplete or unsigned Affidavit of Circulator will invalidate all signatures on the petition page.
- Circulators may not use a pre-printed address label or stamper. This information must be handwritten.

### Voter Registration

- If a person registers to vote on the same day as signing the petition, verify that the voter registration card is complete. There are instances when missing information or a missing signature can invalidate the signature on the petition because the voter registration card was not properly completed.
- Return voter registration card within 72 hours by USPS mail or In Person to the Butte County Clerk-Recorder Elections Division
- Voters may register online at the Secretary of State’s website <http://registertovote.ca.gov>

### Additional Information Regarding Petitions:

Counties are not required to verify the party preference of voters who have signed petitions for voter-nominated offices.



# Signature Verification on Petitions

## Location for Filing of Forms

Butte County Clerk-Recorder Elections Division during normal business hours.

## No Fee Charged for Signature Verification

No fee or charge shall be made or collected by any officer for verifying any nomination document or circulator's affidavit. (Elections Code section 8080)

## Petition Receipt

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

## Signature Verification

The county elections official shall verify the signatures and the political preferences, if required, of the signers on the nomination paper with the registration affidavits on file in the office of the county elections official. The county elections official shall mark "not sufficient" any signature that does not appear in the same handwriting as appears on the affidavit of registration in his or her office, or that is accompanied by a declaration of party preference that is not in accordance with the declaration of party preference in the affidavit of registration. The county elections official may cease to verify signatures once the minimum requisite number of signatures has been verified. (Elections Code section 8081)

## Random Sample Verification

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

## Certification of Valid Number of Signatures

Upon verification of signatures, the County Elections Official shall issue a "Statement of Number of Signers" on the number of valid signatures on the nomination document. The candidate will be provided a copy of the document. (Elections Code section 8083)

## Candidate's Name on Ballot

The **ballot name** is the way you want your name to appear on the ballot.

It may be designated as follows:

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

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

The candidate's name as shown on the Declaration of Candidacy is the manner in which it will appear on the ballot; it cannot be changed after the document is filed. (Elections Code section 8040)

### No title or degree

No title or degree such as “Miss”, “Mrs.”, “Mr.”, “Dr.”, “Ph.D”, shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name. (Elections Code section 13106)

### Candidate change of name

If a candidate changes his or her name within one year of any election, the new name shall not appear upon the ballot unless the change was made by either of the following:

- (a) Marriage.
- (b) Decree of any court of competent jurisdiction. (Elections Code section 13104)

### Printing of candidate's name

The names of the candidates shall be printed on the ballot, without indentation, in roman capital, boldface type not smaller than eight-point. (Elections Code section 13211)

### Candidates with same name

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

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

“I \_\_\_\_\_, believe that another person, whose name is so similar to mine that it may be confused with mine, has filed or will file a nomination paper for the same office for which I have filed a nomination paper, and I therefore request and direct that the elections official assign a number to each candidate with a similar name to be printed on the ballot as a distinguishing mark.

\_\_\_\_\_ Name

Candidate for the office

of \_\_\_\_\_”

(b) The distinguishing mark shall be a number, commencing with the number “1” and continuing in numerical sequence until each candidate with a similar name has been assigned a distinguishing number, and shall be printed at the right of the name on the ballot.

(c) The first candidate who filed his or her nomination papers shall have the number “1” and each subsequent candidate, based on the time of filing his or her nomination papers, shall be assigned the next number in numerical sequence.

(d) In addition to the designated numbers that the elections official shall place on the ballot when the above conditions are met, he or she shall place on the ballot, immediately preceding the names of the candidates to be voted upon, the following warning:

“Warning! There are two (or applicable number) candidates for this office with identical names.”

This warning shall also be included, in a prominent manner, on any sample ballot, ballot pamphlet, or other mailing sent by the elections official, prior to the election, to persons eligible to vote for this office.

(a) To determine the order on the ballot for the candidates with similar names, the elections official shall conduct a drawing of the numbers assigned to the candidates in a similar manner as provided for in Section 13112. (Elections Code section 13118)

## **Order of Names on the Ballot**

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

### **Rules for printing candidates on ballot**

Candidates for each office shall be printed on the ballot as follows (Elections Code section 13111):

#### **Statewide office**

The Secretary of State shall arrange the names of the candidates for the office in accordance with the randomized alphabet as provided for in section 13112 for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

#### **Representatives in Congress and State Board of Equalization**

The Secretary of State shall arrange the names of candidates for the office in accordance with the randomized alphabet as provided for in section 13112 for that Assembly district that has the lowest number of all the Assembly districts in which candidates are to be voted on. Thereafter, for each succeeding Assembly district in which the candidates are to be voted on, the names appearing first in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

#### **County Supervisor**

If the office is to be voted upon wholly within, but not throughout, one county, as in the case of county supervisor, the official responsible for conducting the election shall determine the order of names in accordance with the randomized alphabet as provided for in section 13112.

#### **Countywide offices**

If the office is to be voted on throughout a single county, the county elections official shall determine the order of names in accordance with the randomized alphabet as provided for in section 13112 for the first supervisorial district. Thereafter, for each succeeding supervisorial district, the name appearing first for each office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged.

#### **State Senate and State Assembly (multiple counties)**

Except as provided in subdivision (d) of section 13112, State Senator or Member of the Assembly and the district includes more than one county, the county elections official in each county shall conduct a drawing of the letters of the alphabet, pursuant to the same procedures specified in section 13112. The results of the drawing shall be known as a county randomized drawing.

#### **Random alphabet drawing**

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

(a) Each letter of the alphabet shall be written on a separate slip of paper, each of which shall be folded and inserted into a capsule. The capsules shall be placed in a container, which shall be shaken in order to mix the capsules thoroughly. The container then shall be opened and the capsules removed at random one at a time. As each is removed, it shall be opened and the letter on the slip of paper read aloud and written down. The resulting random order of letters constitutes the randomized alphabet, which is to be used in the same manner

as the conventional alphabet in determining the order of all candidates in all elections. For example, if two candidates with the surnames Campbell and Carlson are running for the same office, their order on the ballot will depend on the order in which the letters M and R were drawn in the randomized alphabet drawing.

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

(B) The 2<sup>nd</sup> drawing shall take place on the 82<sup>nd</sup> day before the direct primary of an even-numbered year.

(C) (i) The 3<sup>rd</sup> drawing shall take place on the 82<sup>nd</sup> day before the November general election of an even-numbered year.

(ii) In the case of the primary and general election, the Secretary of State shall certify and transmit to each county elections official the order in which the names of federal and state candidates, with the exception of candidates for State Senate and Assembly-- the County Elections Official shall determine the order of the candidate names.

(c) Each randomized alphabet drawing shall be open to the public. At least 10 days prior to a drawing, the Secretary of State shall notify the news media and other interested parties of the date, time, and place of the drawing.

(Elections Code section 13112)

## Running for Multiple Offices at the Same Election

This does not apply to:

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

(Elections Code section 8000)

### Independent nomination of candidates

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

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

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

(Elections Code section 8003)

## Incompatible Offices

The Political Reform Act does not prohibit any officeholder 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 "incompatible 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. City councilmember 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, county 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 councilmember,
5. Water district director and a school district trustee having territory in common; and
6. Deputy sheriff and member, county board of supervisors.

If you have a question about whether two public offices which you hold or are seeking election to would be considered incompatible, contact the Attorney General’s office at (916) 324-5437 or visit their website, [www.oag.ca.gov](http://www.oag.ca.gov).

## Votes Needed to be Elected

### Candidates Elected at Primary Election

The following offices will appear on the Primary Election Ballot. A candidate may be elected to this office if they receive the majority of the votes cast (50% + 1 vote).

**Judge of the Superior Court**

**County Supervisor**

**Assessor**

**Auditor-Controller**

**County Clerk-Recorder**

**District Attorney**

**Sheriff-Coroner**

**Treasurer-Tax Collector**

**County Superintendent of Schools**

### Judicial Candidate Not Printed on Ballot Elected at General Election

If the incumbent judge is the only candidate to file nomination papers, the name shall not appear on the primary election ballot unless a judicial write-in campaign is conducted. If no judicial write-in campaign is conducted for the General Election, the judicial candidate shall not appear on the ballot. The County Clerk-Recorder/Registrar of Voters shall, on the day of the General Election, declare the incumbent re-elected.

### Nonpartisan Candidate Elected if Majority Received

A candidate may be elected at the primary election if they receive a majority of votes cast (A majority vote is 50% + 1 vote).

Where a candidate has been elected to a nonpartisan office at the primary election, the office shall not appear on the ballot at the ensuing general election, notwithstanding the death, resignation, or other disqualification of the candidate at a time subsequent to the primary election. (Elections Code section 8140)

## **No Candidate Elected to Nonpartisan Office**

If no candidate receives a majority of votes cast in the race, the two candidates who receive the highest number of votes will have their names placed on the General Election ballot. (Elections Code section 8141)

## **General Election Run-off Candidates**

### **Ballot Designation Change for Run-Off Election**

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. (Elections Code section 13107(e))

### **Candidate Statement of Qualifications for Run Off Election**

The Butte County Clerk-Recorder Elections Division will notify all candidates in writing of the option to have a Candidate Statement of Qualifications printed in the General Election Sample Ballot Booklet. The form for submitting the statement will be provided at that time.

Candidates should refer to “Candidate Statement of Qualifications” and “Word Count Guidelines” in this guide.

## **Campaign Literature Requirements**

### **Polling place information sent to the voters**

All registered voters receive a sample ballot booklet that contains their polling place location.

There have been select cases where a polling place location changed at the last minute due to unforeseen circumstances. Though we do not recommend that campaign literature be sent with the polling place location on it, any data files purchased prior to 30 days before the election must be confirmed by the Butte County Clerk-Recorder/Registrar of Voters that no last minute changes have been made. The purchaser may email [elections@buttecounty.net](mailto:elections@buttecounty.net) to receive confirmation.

### **Distribution of precinct polling place information; penalty**

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

### **Campaign advertising or communication definition**

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

### **Mass mailing**

Government Code section 82041.5. “Mass mailing” means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.

### **Mass mailing requirements**

Government Code section 84305. (a) (1) Except as provided in subdivision (b), a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee

shall not send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type that is in a color or print that 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 candidate's, candidate controlled committee established for an elective office for the controlling candidate's, or political party committee's address is a matter of public record with the Secretary of State.

(2) Except as provided in subdivision (b), a committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass mailing that is not required to include a disclosure pursuant to Section 84502 unless the name, street address, and city of the committee is shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type that is in a color or print that 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 committee'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) (1) A candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass electronic mailing unless the name of the candidate or committee is shown in the electronic mailing preceded by the words "Paid for by" in at least the same size font as a majority of the text in the electronic mailing.

(2) A committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass electronic mailing that is not required to include a disclosure pursuant to Section 84502 or 84504.3 unless the name of the committee is shown in the electronic mailing preceded by the words "Paid for by" in at least the same size font as a majority of the text in the electronic mailing.

(d) 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).

(e) For purposes of this section, the following terms have the following meaning:

(1) "Mass electronic mailing" means sending more than two hundred substantially similar pieces of electronic mail within a calendar month.

(2) "Sender" means the candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing which are reportable pursuant to Sections 84200 to 84217, inclusive.

(3) To "pay for" a share of the cost of a mass mailing means to make, to promise to make, or to incur an obligation to make, any payment: (A) to any person for the design, printing, postage, materials, or other costs of the mailing, including salaries, fees, or commissions, or (B) as a fee or other consideration for an endorsement or, in the case of a ballot measure, support or opposition, in the mailing.

(f) This section does not apply to a mass mailing or mass electronic mailing that is paid for by an independent expenditure.

## **Mass mailing prohibitions**

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

## Mass Mailing by Candidates on Ballot within 60 Days of Election

Government Code section 89002. (a) Except as provided in subdivision (b), a mailing is prohibited by Section 89001 if all of the following criteria are met:

- (1) An item sent is delivered, by any means, to the recipient at his or her residence, place of employment or business, or post office box. The item delivered to the recipient must be a tangible item, such as a videotape, record, or button, or a written document.
  - (2) The item sent either:
    - (A) Features an elected officer affiliated with the agency that produces or sends the mailing.
    - (B) Includes the name, office, photograph, or other reference to an elected officer affiliated with the agency that produces or sends the mailing, and is prepared or sent in cooperation, consultation, coordination, or concert with the elected officer.
  - (3) Any of the costs of distribution are paid for with public money or the costs of design, production, and printing exceeding fifty dollars (\$50) are paid with public moneys, and the design, production, or printing is done with the intent of sending the item other than as permitted by this section.
  - (4) More than 200 substantially similar items are sent in a single calendar month, excluding any item sent in response to an unsolicited request and any item described in subdivision (b).
- (b) Notwithstanding subdivision (a), a mass mailing of the following items is not prohibited by Section 89001:
- (1) An item in which the elected officer's name appears only in the letterhead or logotype of the stationery, forms, including "For Your Information" or "Compliments of" cards or stamps, and envelopes of the agency sending the mailing, or of a committee of the agency, or of the elected officer, or in a roster listing containing the names of all elected officers of the agency. For purposes of this section, the return address portion of a self-mailer is considered the envelope. In any such item, the names of all elected officers must appear in the same type size, typeface, type color, and location. The item shall not include the elected officer's photograph, signature, or any other reference to the elected officer, except as specifically permitted by this section. The item may, however, include the elected officer's office or district number and the elected officer's name or district number in his or her Internet Web site address or electronic mail address.
  - (2) A press release sent to members of the media.
  - (3) An item sent in the normal course of business from one governmental entity or officer to another governmental entity or officer, including all local, state, and federal officers or entities.
  - (4) An intra-agency communication sent in the normal course of business to employees, officers, deputies, and other staff.
  - (5) An item sent in connection with the payment or collection of funds by the agency sending the mailing, including tax bills, checks, and similar documents, in any instance in which use of the elected officer's name, office, title, or signature is necessary to the payment or collection of the funds. The item shall not include the elected officer's photograph, signature, or any other reference to the elected officer, except as specifically permitted by this section.
  - (6) Any item sent by an agency responsible for administering a government program, to persons subject to that program, in any instance in which the mailing of the item is essential to the functioning of the program, the item does not include the elected officer's photograph, and use of the elected officer's name, office, title, or signature is necessary to the functioning of the program.
  - (7) Any legal notice or other item sent as required by law, court order, or order adopted by an administrative agency pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), and in which use of the elected officer's name, office, title, or signature is necessary in the notice or other mailing. For purposes of this paragraph, inclusion of an elected officer's name on a ballot as a candidate for elective office, and inclusion of an elected officer's name and signature on a ballot argument, shall be considered necessary to that notice or other item.
  - (8) A telephone directory, organization chart, or similar listing or roster which includes the names of elected officers as well as other individuals in the agency sending the mailing, in which the name of each elected officer and individual listed appears in the same type size, typeface, and type color. The item shall not include an elected officer's photograph, name, signature, or any other reference to an elected officer, except as specifically permitted by this section.
  - (9) (A) An announcement of any meeting or event of either of the following:
    - (i) An announcement sent to an elected officer's constituents concerning a public meeting that is directly related to the elected officer's incumbent governmental duties, is to be held by the elected officer, and that the elected officer intends to attend.



(ii) An announcement of any official agency event or events for which the agency is providing the use of its facilities or staff or other financial support.

(B) Any announcement provided for in this paragraph shall not include the elected officer's photograph or signature and may include only a single mention of the elected officer's name except as permitted elsewhere in this section.

(10) An agenda or other writing that is required to be made available pursuant to Sections 11125.1 and 54957.5, or a bill, file, history, journal, committee analysis, floor analysis, agenda of an interim or special hearing of a committee of the Legislature, or index of legislation, published by the Legislature.

(11) A business card that does not contain the elected officer's photograph or more than one mention of the elected officer's name.

(c) For purposes of this section, the following terms have the following meanings:

(1) "Elected officer affiliated with the agency" means an elected officer who is a member, officer, or employee of the agency, or of a subunit thereof such as a committee, or who has supervisory control over the agency or appoints one or more members of the agency.

(2) "Features an elected officer" means that the item mailed includes the elected officer's photograph or signature or singles out the elected officer by the manner of display of his or her name or office in the layout of the document, such as by headlines, captions, type size, typeface, or type color.

(3) "Substantially similar" is defined as follows:

(A) Two items are "substantially similar" if any of the following applies:

(i) The items are identical, except for changes necessary to identify the recipient and his or her address.

(ii) The items are intended to honor, commend, congratulate, or recognize an individual or group, or individuals or groups, for the same event or occasion, are intended to celebrate or recognize the same holiday, or are intended to congratulate an individual or group, or individuals or groups, on the same type of event, such as birthdays or anniversaries.

(iii) Both of the following apply to the items mailed:

(I) Most of the bills, legislation, governmental action, activities, events, or issues of public concern mentioned in one item are mentioned in the other.

(II) Most of the information contained in one item is contained in the other.

(B) Enclosure of the same informational materials in two items mailed, such as copies of the same bill, public document, or report, shall not, by itself, mean that the two items are "substantially similar." The informational materials shall not include the elected officer's name, photograph, signature, or any other reference to the elected officer except as permitted elsewhere in this section.

(C) An item is only considered substantially similar to other items sent by the same official, not to items sent by other officials in the same agency.

(4) "Unsolicited request" is defined as follows:

(A) A written or oral communication, including a petition, that specifically requests a response and is not requested or induced by the recipient elected officer or by any third person acting at his or her behest. However, an unsolicited oral or written communication, including a petition, that does not contain a specific request for a response shall be deemed to constitute an unsolicited request for a single written response.

(B) An unsolicited request for continuing information on a subject shall be deemed an unsolicited request for multiple responses directly related to that subject for a period of time not to exceed 24 months. An unsolicited request to receive a regularly published agency newsletter shall be deemed an unsolicited request for each issue of that newsletter.

(C) A previously unsolicited request to receive an agency newsletter or mass mailing on an ongoing basis shall not be deemed to have become solicited by the sole fact that the requestor responds to an agency notice indicating that, in the absence of a response, his or her name will be purged from the mailing list for that newsletter or mass mailing. A notice in the following language shall be deemed to meet this standard: "The law does not permit this office to use public funds to keep you updated on items of interest unless you specifically request that it do so."

Inclusion of a similar notice in other items does not constitute a solicitation under this section.

(D) A communication sent in response to an elected officer's participation at a public forum or press conference, or to his or her issuance of a press release, shall be deemed an unsolicited request.

(E) A person who subscribes to newspapers or other periodicals published by persons other than elected officers shall be deemed to have made unsolicited requests for materials published in those subscription publications.

Government Code section 89003. Notwithstanding subdivision (b) of Section 89002, a mass mailing, as defined in Section 82041.5, that meets the criteria of subdivision (a) of Section 89002 shall not be sent within the 60 days preceding an election by or on behalf of a candidate whose name will appear on the ballot at that election, except as provided in paragraphs (2) to (8), inclusive, and paragraph (10) of subdivision (b) of Section 89002.

## **Mass mailing penal provisions**

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

## **Political advertisement requirements**

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

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

## **Political advertisement; penalty**

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

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

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

## **Phone Banks**

California Government Code section 84310 (a) A candidate, candidate controlled committee established for an elective office for the controlling candidate, political party committee, or slate mailer organization shall 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 candidate, candidate controlled committee established for an elective office for the controlling candidate, political party committee, or slate mailer 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, candidate controlled committee established for an elective office for the controlling candidate, political party committee, or slate mailer organization that paid for the call shall be disclosed. This section does 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.

(d) This section does not apply to a telephone call that is paid for by an independent expenditure.

## **Slate mailers**

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

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

(1) Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in the slate mailers.

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

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

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

(2) An official committee of any political party.

(3) A legislative caucus committee.

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

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

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

(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on at least one of the inserts included with each piece of slate mail in no less than 8-point roman type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division.

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

### **NOTICE TO VOTERS**

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

(3) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures as required by paragraph (1) and the notice required by paragraph (2) may appear on the same side or surface of an insert.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an \*. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by an \*.

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

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

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

## **Simulated ballot Requirements**

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

“NOTICE TO VOTERS  
“(Required by Law)  
“This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State.  
“This is an unofficial, marked ballot prepared by \_\_\_\_\_ (insert name and address of the person or organization responsible for preparation thereof).”

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

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

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

## **Printing of simulated sample ballots**

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

## **Truth In Endorsements Law**

Elections Code section 20000 et. seq. provides additional information regarding restrictions on endorsements, representation requirements, etc. A link is available for viewing the Elections Code Online on the Butte County Clerk-Recorder website: [www.ButteVotes.net](http://www.ButteVotes.net), or a copy of the applicable pages may be purchased in the Butte County Clerk-Recorder Elections Division for the standard copy fee.

# Outdoor Political Signs

## General Information

Nothing in this chapter, including, but not limited to, section 5405, shall prohibit the placing of temporary political signs, unless a federal agency determines that such placement would violate federal regulations. However, no such sign shall be placed within the right-of-way of any highway or within 660 feet of the edge of and visible from the right-of-way of a landscaped freeway.

A temporary political sign is a sign which:

- (a) Encourages a particular vote in a scheduled election.
- (b) Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- (c) Is no larger than 32 square feet.
- (d) Has had a statement of responsibility filed with the department certifying a person who will be responsible for removing the temporary political sign and who will reimburse the department for any cost incurred to remove it.

(Business and Professions Code section 5405.3)

## State Department of Transportation (CalTrans) Guidelines

Each candidate will be furnished with a copy of the State Outdoor Political Advertising Guidelines and Statement of Responsibility. For questions contact: (916) 651-9327.

## Local Ordinances/Regulations

### County of Butte:

Butte County Code Chapter 24, Division 10 section 24-108

County code provides definition of temporary political signage. Such signage may be installed without obtaining an administrative permit from Butte County.

Political Signs must comply with the following:

1. Signs shall be installed no earlier than 90 days prior to the election and removed no later than 7 days following the election.
2. Signs shall be prohibited within the public right-of-way.”

### City/Town Ordinances:

Contact the City of Biggs, Chico, Gridley, Oroville and Town of Paradise regarding rules and regulations for placing outdoor political signs.

### Mobile Home Parks:

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

## **Homeowner Associations:**

Homeowner Associations may have rules and regulations regarding political outdoor advertising.

Listing of Homeowner Associations within the unincorporated county (note: this list may not be complete, there may be additional not covered on the list):

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

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

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

Hignell & Hignell Property Managers serve as a representative to the various Home/Land/Property Owner Associations listed below. For further information, please contact Hignell Incorporated, 1750 Humboldt Rd, Chico CA 95928, 894-0404.

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

## **Electioneering Laws**

### **“Electioneering” Definition**

“Electioneering” means the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within 100 feet of a polling place, an elections official's office, or a satellite location under section 3018. Prohibited electioneering information includes, but is not limited to, any of the following:

- (a) A display of a candidate's name, likeness, or logo.
- (b) A display of a ballot measure's number, title, subject, or logo.
- (c) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
- (d) Dissemination of audible electioneering information. (Elections Code section 319.5)

### **Electioneering within 100 feet of a polling place**

No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place, a satellite location under section 3018, or an elections official's office:

- (a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in section 14240.
- (d) Do any electioneering as defined by section 319.5.

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

Any person who violates any of the provisions of this section is guilty of a misdemeanor.  
(Elections Code section 18370)

## **Electioneering during vote by mail voting**

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

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

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

(Elections Code section 18371)

## **Solicitation dissuading persons from voting**

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

(1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.

(2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in section 14240.

(3) Photograph, video record, or otherwise record a voter entering or exiting a polling place.

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

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

(Elections Code section 18541)

## **Exit polls**

Election Day is a big news day. There is always the possibility that the press will visit your polling place to get some camera footage, an interview or to conduct an "Exit Poll".

The California Secretary of State and the Attorney General have reviewed the Electioneering provisions and have determined that these provisions do not apply to the Press and Media conducting "Exit Polls." However, no one may interfere with the conduct of the election. Therefore, news media conducting "Exit Polls" have been advised to remain at least 25 feet from the entrance to the polls.

As a rule, the person conducting the "Exit Poll" has been advised of the 25-foot restriction and is more than willing to comply. Occasionally we have had problems, particularly in stormy weather. If you have any problems regarding members of the press or "Exit Polling", call the Butte County Clerk-Recorder Elections Division as soon as possible and request to speak with a Supervisor.

The Press and Media may take pictures or run a television camera inside the polling place providing they respect the voter's privacy and do not interfere with voting. They may speak to voters regarding how they are voting at a distance of 25 feet from the entrance to the polling place.

The Press and Media provide a valuable service to our community and we ask that you treat them courteously and with respect. If you have any questions regarding the activities of the Press and Media, please telephone the Butte County Clerk-Recorder Elections Division and ask to speak with a Supervisor.

## Poll watchers

Poll watchers are allowed at the polling place as long as they obey the rules set out in the California Elections Code.

A Poll Watcher may:

- Inspect the “*Roster of Voters*” or “*Master Precinct Street Index*”. Any such inspection, however, must be done without impeding, interfering or interrupting the normal process of voting and counting.
- Inspect and write down information off the Indexes posted inside the polling place without removing them from the posted location.
- Observe all activities at the polling place (including activities after the polls close) providing there is no interference with the normal process.

A Poll Watcher may not:

- Engage in any electioneering (see “ELECTIONEERING”) within 100 feet of the entrance to the polling place. This includes wearing campaign buttons, T-shirts, etc. This is a prohibited activity and will not be tolerated.
- Sit at the table used by the precinct board. Only members of the precinct board (and voters who are signing the Roster) are allowed to sit at the table used by the precinct board during the time the polls are open. Also, only members of the precinct board may sit at this table while they are in the process of closing the polls and packaging the ballots, supplies and equipment.
- Be within the immediate area of the voting booths while the polls are open.
- Remove the indexes posted at the entrance, inside the polling place.
- Disrupt or interfere with the process in any way.

If there is a Poll Watcher, observer or campaign worker who does not comply with these rules, you must inform this person that they may not continue the prohibited activity.

Be pleasant and reasonable (i.e. if there are not any voters in the polling place, and you are not using the “*Roster of Voters*” or “*Master Precinct Street Index*”, it is available for inspection).

Remember that Poll Watchers may not sit at the table or interfere with the process.

If the person argues with you or persists with the activity, either telephone the Butte County Clerk-Recorder Elections Division and speak with a Supervisor or contact the appropriate police authorities directly.

Do not be intimidated by Poll Watchers, observers and campaign workers. They have been known to use false statements to intimidate precinct officers into allowing prohibited activities. If you have any questions, telephone the Butte County Clerk-Recorder Elections Division and speak with a Supervisor.



# Laws on Campaign and Voting Violations

It is strongly urged that candidates provide all campaign workers and volunteers with copies of the following penal provisions.

## NOMINATION OF CANDIDATES

### Fictitious name to nomination petition

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

(Elections Code section 18200)

### Defacing or destroying a nomination paper

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

(Elections Code section 18201)

### Deliberate failure to file nomination paper

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

(Elections Code section 18202)

### False declaration of candidacy

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

(Elections Code section 18203)

### Suppression of nomination paper

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

(Elections Code section 18204)

### Consideration for a person to become or withdraw from becoming a candidate

A person shall not directly or through any other person advance, pay, solicit, or receive or cause to be advanced, paid, solicited, or received, any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office. Violation of this section shall be punishable by imprisonment pursuant to subdivision (h) of section 1170 of the Penal Code for 16 months or two or three years.

(Elections Code section 18205)

## ELECTION CAMPAIGNS

### Printing of simulated sample ballots

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

(Elections Code section 18301)

## **Distribution of precinct polling place information**

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.

(Elections Code section 18302)

## **Mass mailing penal provisions**

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

(Elections Code section 18303)

## **Use of seal in campaign literature is misdemeanor**

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

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

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

(Elections Code section 18304)

## **POLITICAL PARTY CAUCUSES**

### **Payment for voting**

A person shall not directly or through any other person pay or receive any money or other valuable consideration before, during, or after an election in order to reward any person or as a reward for voting for or against or agreeing to vote for or against the election or endorsement of any other person as the nominee or candidate of any caucus, convention, organized assemblage of delegates, or other body representing or claiming to represent a political party, candidate, or principle, or any club, society, or association. A violation of this section shall be punishable by imprisonment pursuant to subdivision (h) of section 1170 of the Penal Code for 16 months or two or three years.

(Elections Code section 18310)

### **Bribes offered or received at political gathering**

Every person is punishable by imprisonment pursuant to subdivision (h) of section 1170 of the Penal Code for 16 months or two or three years who:

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

(b) Being a member of any of the bodies mentioned in this section receives or offers to receive any bribe described in subdivision (a).

(Elections Code section 18311)

## DECEPTIVE ONLINE ACTIVITIES

### “Political cyberfraud” defined

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

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

(c) As used in this section:

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

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

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

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

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

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

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

(Elections Code section 18320)

### Application of article

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

(Elections Code section 18321)

### Court may order transfer of domain name

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

(Elections Code section 18322)

### Jurisdiction

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

(Elections Code section 18323)

## MISREPRESENTATION BY CANDIDATES

### Misleading of voters; incumbency; public officer

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

(1) Assumes, pretends, or implies, by his or her statements, conduct, or campaign materials, that he or she is the incumbent of a public office when that is not the case.

(2) Assumes, pretends, or implies, by his or her statements, conduct, or campaign materials that he or she is or has been acting in the capacity of a public officer when that is not the case.

A violation of this section may be enjoined in a civil action brought by a candidate for the public office involved. (Elections Code section 18350)

### **False statements in candidate statement; fine**

It is unlawful for a candidate in an election, or an incumbent in a recall election to knowingly make a false statement of a material fact in a candidate's statement, prepared pursuant to section 11327 or 13307, with the intent to mislead the voters in connection with his or her campaign for nomination or election to a nonpartisan office. A candidate or incumbent who is convicted of violating this section shall pay a fine not to exceed five thousand dollars (\$5,000). (Elections Code section 18351)

## **SOLICITATION OF FUNDS**

It is unlawful for any person that includes in any part of its name the name of any political party that was qualified to participate in the last preceding primary election, to directly or indirectly solicit funds for any purpose whatsoever upon the representation either express or implied that the funds are being solicited for the use of that political party unless that person shall have previously obtained the written consent of one of the following: a member of the national committee from California or the majority of the members of the national committee if there are more than two national committee members from California, chairman of the state central committee, executive committee of the state central committee, or executive committee of the county central committee of the party whose name is being used in the county in which the solicitation is to be made. If the county central committee of the party in that county does not have an executive committee, the written consent of the chairman and secretary of that county central committee is sufficient.

All persons soliciting funds in accordance with this section shall be furnished with adequate credentials bearing the name of the solicitor and a copy of the written consent that bears the signature of the person authorizing the solicitation.

(Elections Code section 20201)

Any person who violates section 20201 is guilty of a misdemeanor.

(Elections Code section 18360)

### **Unauthorized use of candidate or committee name**

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

(Elections Code section 18361)

## **CORRUPTION OF THE VOTING PROCESS**

### **Fraud in connection with vote cast**

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

(Elections Code section 1850)

### **Public official who knowingly allows fraud shall forever be disqualified from holding office**

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

(Elections Code section 18501)

## **Interference with election officers**

Any person who in any manner interferes with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted, is punishable by imprisonment pursuant to subdivision (h) of section 1170 of the Penal Code for 16 months or two or three years.  
(Elections Code section 18502)

## **CORRUPTION OF VOTERS**

### **Promise of employment**

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

- (a) Refrain from voting.
- (b) Vote for any particular person.
- (c) Refrain from voting for any particular person.

A violation of any of the provisions of this section shall be punishable by imprisonment pursuant to subdivision (h) of section 1170 of the Penal Code for 16 months or two or three years.  
(Elections Code section 18520)

### **Consideration for voting**

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

- (a) Voted, agreed to vote, refrained from voting, or agreed to refrain from voting for any particular person or measure.
- (b) Remained away from the polls.
- (c) Refrained or agreed to refrain from voting.
- (d) Induced any other person to:
  - (1) Remain away from the polls.
  - (2) Refrain from voting.
  - (3) Vote or refrain from voting for any particular person or measure.

Any person violating this section is punishable by imprisonment pursuant to subdivision (h) of section 1170 of the Penal Code for 16 months or two or three years.  
(Elections Code section 18521)

### **Consideration for voting**

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

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

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

Any person or candidate violating this section is punishable by imprisonment pursuant to subdivision (h) of section 1170 of the Penal Code for 16 months or two or three years.  
(Elections Code section 18522)

### **Bribery at election**

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

Any person violating this section is punishable by imprisonment pursuant to subdivision (h) of section 1170 of the Penal Code for 16 months or two or three years. (Elections Code section 18523)

### **Payment for securing vote**

Elections Code section 18524. A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, will be used for boarding, lodging, or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of that person or to induce that person to vote for any particular person or measure.

Any person violating this section is punishable by imprisonment pursuant to subdivision (h) of section 1170 of the Penal Code for 16 months or two or three years.  
(Elections Code section 18524)

## **INTIMIDATION OF VOTERS**

### **Compelling another in voting**

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

(b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of section 1170 of the Penal Code for 16 months or two or three years.  
(Elections Code section 18540)

### **Solicitation dissuading persons from voting**

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

(1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.

(2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in section 14240.

(3) Photograph, video record, or otherwise record a voter entering or exiting a polling place.

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

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

(Elections Code section 18541)

## **CORRUPTION OF VOTING**

### **Willful interference with return of vote by mail ballot application**

Any person who willfully:

(a) interferes with the prompt delivery of a completed vote by mail ballot application,

(b) retains a completed vote by mail ballot application, without the voter's authorization, for more than three days excluding weekends and state holidays, or by the deadline for return of vote by mail ballot applications, whichever is earlier, or

(c) denies an applicant the right to return his or her own completed vote by mail ballot application to the local elections official having jurisdiction over the election, is guilty of a misdemeanor.

(Elections Code section 18576)

### **Willful interference with return of vote by mail ballot**

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

(Elections Code section 18577)

## **MISUSE OF CAMPAIGN FUNDS**

### **Wrongful appropriation of money**

Every person who is entrusted with money or things of value for the purpose of promoting or defeating any initiative, referendum, or recall petition or any measure that has qualified for the ballot is a trustee of the money or things of value. If a person wrongfully appropriates the money or things of value to any use or purpose not in the due and lawful execution of the trust, the person shall be punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment pursuant to subdivision (h) of section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment.

The following expenses are within the due and lawful execution of the trust:

(a) Securing signatures to initiative, referendum, or recall petitions.

(b) Circulating initiative, referendum, or recall petitions.

(c) Holding and conducting public meetings.

(d) Printing and circulating prior to an election:

(1) Specimen ballots.

(2) Handbills.

(3) Cards.

(4) Other papers.

(e) Advertising.

(f) Postage.

(g) Expressage.

- (h) Telegraphing.
- (i) Telephoning.
- (j) All salaries and expenses of:
  - (1) Campaign managers.
  - (2) Lecturers.
  - (3) Solicitors.
  - (4) Agents.
  - (5) All persons employed in transacting business at headquarters or branch offices, if the business transacted is related to promoting or defeating an initiative, referendum, or recall petition or any measure which has qualified for the ballot.
- (k) Maintaining headquarters and branch offices.
- (l) Renting of rooms for the transaction of the business of an association.
- (m) Attorney's fees and other costs in connection with litigation where the litigation arises directly out of any of the following:
  - (1) Activities related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.
  - (2) The enactment, by the initiative process, of any ordinance, charter amendment, statute, or constitutional amendment.
  - (3) An election contest or recount.
  - (4) A violation of state or local campaign, disclosure, or election laws.

The amendment of this section by adding subdivision (m) thereto, made at the 1991–92 Regular Session of the Legislature, does not constitute a change in, but is declaratory of, the existing law.

Expenses for food, clothing, shelter and other personal needs of the trustee are not within the due and lawful execution of the trust. However, expenses for travel and necessary accommodations for the trustee are within the due and lawful execution of the trust, if the travel and accommodations are related to promoting or defeating an initiative, referendum, or recall petition or any measure that has qualified for the ballot.  
(Elections Code section 18680)

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

## **County Employee Political Activities**

The laws governing political activities of County employees include the following:

- Provisions of the California Government Code concerning political activities of public employees (California Government Code §3201, et seq.)
- The Federal Hatch Act (5 U.S.C. §7301, et seq.)
- The Butte County Charter (Article XII, Section 3), and Butte County Personnel Rule 7.7.

All County officers and employees are covered by the prohibitions of state law contained in Government Code sections 3201 through 3209 concerning political activities, and the Butte County Charter and Personnel Rules. In addition, a limited number of County officers and employees who are paid with federal grant money or loans, or whose principal employment is in connection with an activity or program which is financed in whole or in part by grants or loans made by the U.S. or a federal agency are also subject to the political restrictions of the Federal Hatch Act.



## Questions Frequently Asked by Candidates

### **Can I use my credit card or debit card to pay filing fees, purchase data processing material, or purchase Candidate Statement space in the Voter Information Guide?**

YES. There is a \$2.50 convenience fee for credit/debit transactions. Additionally, cash, check, or money orders are all acceptable forms of payment. Checks and Money Orders can be made payable to Butte County Clerk-Recorder. **Note:** Voter-Nominated Offices make filing fees payable to the Secretary of State. Payment must be by check or money order only.

### **When will the qualified list of candidates be available?**

The qualified list of candidates will be available by the 68<sup>th</sup> day prior to the election. The list is available on the website [www.ButteVotes.net](http://www.ButteVotes.net).

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

MAYBE. The candidate statement may be withdrawn, but not changed, during the candidate filing period and a refund can be made. Additionally, any candidate has until 5:00 p.m. the next business day following the close of the candidate filing period to withdraw their statement and a refund can be made.

Once the withdrawal period has ended, no refunds can be given and the statement cannot be withdrawn.

### **Can I authorize someone to pick up nomination documents for me?**

It is recommended that the candidate to come in and go over all paperwork to make sure there are no issues. However, if an authorized representative is required, the candidate may designate to act on their behalf. See Authorization for Candidate's Representative in this guide.

### **May someone other than the candidate file petitions in lieu or nomination papers on my behalf?**

Election law does not specifically prohibit another person filing petitions in lieu or nomination papers for a candidate.

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

NO. There is no provision in the law that allows for an extension of the filing deadline. It is best to get the statement filed no later than the deadline. The NetFile electronic filing system allows candidates to make electronic filings up until 11:59:59 on the day of the filing deadline.

## Election Night Results

All ballots are tabulated at central location.

Hall of Records  
155 Nelson Avenue, Oroville

Website: [www.ButteVotes.net](http://www.ButteVotes.net)  
Telephone: (530)552-3400 or (800)894-7761 toll free within Butte County.

### **Election Night Results**

The first election results are released at approximately 8:15pm. These results are vote by mail ballots cast and "mailed ballot precinct" ballots cast throughout the county.

Following the initial release of results, we have to wait until ballots cast at the Voter Assistant Centers are received for tabulation at the County Clerk-Recorder Elections Division. This is usually around 9:30pm and results will be released approximately every 45 minutes thereafter until all ballots have been received and

tabulated.

### **Updated Election Results**

Election results will be updated every Friday after 9am until Official Final Results are certified by the County Clerk-Recorder/Registrar of Voters.

The first update will contain Voter Assistant Center ballots that have been reviewed for voter intent and re-tabulated and some vote by mail ballots dropped at the Voter Assistant Centers on Election Day.

Additional updates will contain vote by mail ballots dropped at the Voter Assistant Centers on Election Day and provisional ballots.

### **Final Election Results**

The Official Final Results are certified by the County Clerk-Recorder when the official canvass has been completed and all votes are tabulated. The certification must be no later than the 30<sup>th</sup> day following the election.



**Butte County Clerk-Recorder  
Hall of Records  
155 Nelson Avenue, Oroville**

**From Chico**

Exit Highway 70 at Nelson Avenue

Turn Left

Building is located at corner of Second St and Nelson Avenue (right hand side of street).

Parking lot entrance off of Nelson Avenue.

**From Southern Butte County**

Exit Highway 70 at Grand Avenue

Go straight on to Third Street.

Proceed straight to stop sign (Nelson Avenue)

Turn Right. Go one block to parking lot entrance (right hand side of street)