

# 2015 CANDIDATE'S GUIDELINES

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## HOW NAME IS TO APPEAR ON THE BALLOT

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

- First, middle, and last names
- Initials only and last name
- A nickname may be included but must be in parentheses ( ) or quotation marks “ ”
- A short version of the first name, such as “Bill for William,” “Dick for Richard” or “Kathy for Kathleen”
- **Title or Degree** are not allowed in the Ballot Name. (E.C. § 13106)
- Within one year of any election, a **change in legal name** shall not appear on the ballot unless the change was made by marriage or by decree of court. (E.C. § 13104)

**ORDER OF CANDIDATES NAMES** --- The Secretary of State shall hold a public drawing to determine the order of candidates' names on the ballot by randomly drawing each letter of the alphabet on **E-82**.

## BALLOT DESIGNATIONS PROVISIONS

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

### Definitions:

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

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

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

### Ballot Designations:

- Can be no more than **three (3)** words.
- Must appear on the Affidavit of Nominee on the back of the Nomination Paper at the time it is filed.
- Become public record once the Nomination Paper is filed.
- **Cannot be changed after the final date to file nomination documents unless requested by the Election Official due to an unacceptable designation.**

Ballot designations which exceed space allotted on the ballot (**approximately 35 characters**) are printed in a smaller typeface pursuant to Section 13107 (f) of the Elections Code.

**BALLOT DESIGNATION WORKSHEET** – every candidate is required to file a Ballot Designation Worksheet, listing his/her preferred ballot designation, and alternate designations should the preferred ballot designation be unacceptable.

The listing of a designation on the ballot is OPTIONAL. Only **one** of the following six categories is allowed: (E.C. 13107 and 13107.5)

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:** Member of the City Council
  - **Example B:** Boardmember, XYZ School District
  - **Example C:** Councilmember, City of Los Angeles

2. **INCUMBENT** – The word **Incumbent** may be used **IF** the candidate is seeking re-election to the same office and was elected to that office by a vote of the people or was appointed as a nominated candidate in lieu of an election.

3. **APPOINTED INCUMBENT** – The words **Appointed Incumbent** must be used **IF** the candidate was appointed to the office and is **now** seeking election to that office. The word **Appointed** may also be used with the office title.
  - **Example A:** Appointed Incumbent
  - **Example B:** Appointed Member of the City Council

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

4. **Principal Occupation** – No more than **three (3) words** to either 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. State geographical names are considered one word.
  - **Example A:** High School Teacher
  - **Example B:** Attorney/Educator/Businessowner
  - **Example C:** CEO/Councilmember

5. **COMMUNITY VOLUNTEER** – A Community Volunteer shall constitute a valid principal vocation or occupation subject to the following conditions:
  - A candidate's community volunteer activities constitute his or her principal profession, vocation or occupation.
  - A candidate is not engaged concurrently in another principal profession, vocation or occupation.
  - A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation or occupation designation.

6. **NO BALLOT DESIGNATION DESIRED** – A ballot designation is optional. If the Candidate did not request a ballot designation the Election Official must indicate **NONE** on the Certified List of Qualified Candidates.

**UNACCEPTABLE BALLOT DESIGNATION**—If the Election Official determines that the ballot designation is not authorized by law, the Election Official shall notify the candidate that an alternative designation will be used from the Ballot Designation Worksheet. **See Secretary of State Ballot Designation Regulations elsewhere in this guide.**

Pursuant to Election Code § 13107 (b), the Election Official shall not accept a ballot designation if:

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

# SECRETARY OF STATE BALLOT DESIGNATION REGULATIONS

Current version dated 12/21/2009

*Note from Martin & Chapman Co. editor: Sections have been highlighted and underlined to further assist candidates when choosing their ballot designations. A few words (in italics have also been added for further clarification). These highlights and underlines and italicized words are not part of the Secretary of States original document.*

## Chapter 7. Ballot Designations

### § 20710. General Provisions.

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

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

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

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

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

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

Note: Authority: Section 12172.5, Government Code

Reference: Section 13107, Elections Code

### § 20711. Ballot Designation Worksheet.

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

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

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

(1) The candidate's name, home, business and mailing addresses, telephone numbers, email address, if available, and fax number;

(2) A designation of the office for which the candidate is seeking election;

(3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;

(4) The proposed ballot designation submitted by the candidate;

(5) The candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;

(6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:

(A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;

(B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate shall indicate the elective office he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;

(C) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(3), the candidate shall indicate:

(i) The title of the position or positions which he or she claims supports the proposed ballot designation;

(ii) The dates during which the candidate held such position;

(iii) A description of the work he or she performs in the position;

(iv) The name of the candidate's business or employer;

(v) The name and telephone number of a person or persons who could verify such information; and

(vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at § 20714, subdivision (b).

(D) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(4), the candidate shall indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.

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

(e) If a candidate requests a change of his or her ballot designation pursuant to Elections Code § 13107(e), that request shall be accompanied by a Ballot Designation Worksheet.

Note: Authority cited: Section 12172.5, Government Code.

Reference: Sections 13107, 13107.3, Elections Code.

## **§ 20712. Proposed Ballot Designations**

### **Submitted Pursuant to Elections Code § 13107, Subdivision (a)(1).**

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

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

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

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

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

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

Note: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

## **§ 20713. Proposed Ballot Designations**

### **Submitted Pursuant to Elections Code § 13107, Subdivision (a)(2).**

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

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

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

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

Note: Authority: Section 12172.5, Government Code

Reference: Section 13107, Elections Code

## **§ 20714. Proposed Ballot Designations**

### **Submitted Pursuant to Elections Code § 13107, Subdivision (a)(3).**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) A candidate who chooses to include the name of his or her elective office with another profession, vocation, or occupation may do so pursuant to Elections Code section 13107(a)(3), but that ballot designation shall be limited to no more than three words. Examples of acceptable designations under this section include "State Senator/Rancher," "California Assemblywoman/Attorney," "County Supervisor/Teacher," and "State Controller/Businessman." Examples of unacceptable designations under this section include "Assemblyman, 57<sup>th</sup> District/Educator," "California State Senator/Architect," "Placer County Supervisor/Business Owner," and "Member, Board of Equalization/Banker."

Note: Authority cited: Section 12172.5, Government Code.

Reference: Sections 9, 13107, Elections Code.

#### **§ 20714.5. "Community Volunteer."**

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

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

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

Note: Authority cited: Section 12172.5, Government Code; Section 13107.5(b), Elections Code.

Reference: Sections 13107 and 13107.5, Elections Code; Section 501(c)(3), United States Internal Revenue Code.

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

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

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

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

Note: Authority: Section 12172.5, Government Code

Reference: Section 13107, Elections Code

#### **§ 20716. Unacceptable Ballot Designations.**

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

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

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

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

honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.

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

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

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

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

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

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

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

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

- (A) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
- (B) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
- (C) The candidate has reached at least the age of 55 years;
- (D) The candidate voluntarily left his or her last professional, vocational or occupational position; and,
- (E) The candidate's retirement benefits are providing him or her with a principal source of income.

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

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

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

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

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

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

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

Note: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

### **§ 20717. Requests for Supporting Documentation.**

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

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

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

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

Note: Authority cited: Section 12172.5, Government Code.

Reference: Sections 13107, 13107.3, Elections Code.

### **§ 20718. Communication of Decisions Regarding Ballot Designations.**

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

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

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

Note: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

### **§ 20719. Service of Legal Process Regarding Ballot Designations.**

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

(b) Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the Chief Counsel to the Secretary of State at (916) 653-7244. Counsel for all parties to such ex parte matters are admonished that

waivers of the Secretary of State's right to timely notice and the right to personally appear at the ex parte hearing will be granted in writing and only in limited instances.

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

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

Note: Authority cited: Section 12172.5, Government Code.

Reference: Sections 13107, 13314, Elections Code

**Note:**

**Planning Commissioner may be an acceptable designation, depending upon the facts in each case:**

**In your City,**

- 1. Does it meet the requirement of 20714(b) of the Secretary of State's Ballot Designation Regulations?**
- 2. Does the candidate have a different "primary, main or leading" profession, vocation or occupation?**
- 3. Can both professions, vocations or occupations be deemed to entail a substantial involvement of time and effort so they both meet the requirements in 20714(b)?**

**Planning Commissioner is an acceptable designation . . .**

- *if the person gets a stipend, it is considered a vocation;***
- *if the person is an unpaid volunteer, it falls under Community Volunteer.***

## CANDIDATE STATEMENTS

**CANDIDATE STATEMENT INFORMATION SHEET** – The Candidate Statement Information Sheet is provided for candidate use in submitting statements to be printed in the Official Sample Ballot Booklet. The Candidate Statement Information Sheet is included with the packet each candidate receives when receiving Nomination Documents.

**FORMAT AND STYLE INFORMATION (see sample on next page)** – Statements must be neatly typed. Statement will be typeset in the Official Sample Ballot Booklet using Helvetica font either 8 or 10 point size.

In addition to a paper copy, please submit statement electronically also, via email or a disk, done in Microsoft Word.

Statements will be printed in uniform type, style, and spacing, and single space format.

Entire statements in all capital letters are not acceptable.

FOR MEMBER OF THE CITY COUNCIL	FOR MEMBER OF THE CITY COUNCIL
<p><b>GEORGE A. BONNEY</b> Age: 55 Occupation: County Fire Captain</p> <p>George Bonney is without a doubt the strongest slow growth candidate on this ballot.</p> <p>This is my stand for the citizens of this city. I will fight high density wherever it rears its calamitous potential of impacting the streets where we live or causing more gridlock and parking problems. We don't need a New York City here, thank you!</p> <p>I will fight to save our hillside neighborhoods from the ravages of greedy commercialization.</p> <p>I will fight to keep the airport area from being developed like LAX when Lockheed starts selling its land holdings.</p> <p>The Media District should be a beautiful and complimentary entrance to our city without more skyscrapers.</p> <p>I will work with the Magnolia Park residents and business people to solve the various problems effecting quality living and shopping.</p> <p>That bit of Americana affectionately know as the Rancho Area must retain its special rural atmosphere.</p> <p>I have not accepted any contributions from developers. Our "Slow Growth Initiative" as overwhelmingly approved by us. I will strive to see that this ordinance works for us and is not compromised.</p> <p>I will work hard to return the entire city to the people, not just the city hall. I will be a councilman for all areas of the city.</p> <p>Remember, "Let George Do It - For All Of Us!"</p> <p>/s/ GEORGE A. BONNEY</p>	<p><b>MICHAEL R. HASTINGS</b> Age: 35 Occupation: Advertising Executive</p> <p>Re-elect your voice at City Hall. I have accomplished so may goals in the past four years because of your continued support. Under my determined leadership, slow, controlled growth has become The leading issue, receiving tip priority in the city today. My wife and I are raising three very young children in this City, and want to offer them a future here. A future that will still hold some elements form the past. The city does need to grow but not at the expense of the residents and seniors who have made it the great city that it is today.</p> <p>I have proven to this city hall people still live here and have a strong, enduring voice in City Hall. My age and energy level has been an asset because I never give up on a promise or a commitment. I continue to speak common sense and display intelligent deliberation on all issues facing our City.</p> <p>My record of accomplishments is long. I am very proud to say that this City can still be the finest in California, however, we must not let our guard down. To continue our mission to balance the growth in the city, re-elect a strong, proven, and compassionate Leader. Re-elect Councilman Michael R. Hastings.</p> <p>/s/ MICHAEL R. HASTINGS</p>

## STATE LAW PROVIDES

1. Statements may not include reference to other candidates. See **Candidate Statement Notice of Limitations elsewhere is this guide** for restrictions.
2. No changes are allowed after the statement has been filed.
3. Statements are confidential until after the close of the nomination period. Once the nomination period closes, the statements are open to public examination for a ten **(10)** calendar day period. During this period, a voter may seek a writ of mandate or an injunction requiring any or all data/material to be amended or deleted.
4. A candidate may request that the statement also be printed in other languages and included in the Official Sample Ballot Booklet mailed to all voters in the election area. An additional fee may be required to print the candidate statement in other languages.
5. Minority language translations of candidate statements for Voter Information Booklets may be provided in the following languages for qualifying jurisdictions in accordance with Federal Voting Rights Act provisions and Department of Justice specifications:
  - Chinese
  - Japanese
  - Korean
  - Spanish
  - Tagalog/Filipino
  - Vietnamese
  - Armenian
  - Cambodian
  - Farsi
  - Hindi
  - Russian
  - Thai.
6. No reference to political party affiliation nor mention of any partisan political membership or activity is permitted.

If a candidate statement is formatted to include numerous paragraph breaks and/or individual listing of accomplishments, endorsements, etc. the printed candidate statement may extend to two **(2)** columns. In these cases, the actual cost of the candidate statements may double and additional cost may be billed after the election.

The estimated cost is determined prior to all information being available, therefore, it is an approximation of the actual cost that varies from election to election and may be significantly more or less depending on the actual number of candidate filing statements.

**INDIGENT CANDIDATES** – If a candidate alleges to be indigent and **unable to pay in advance the fee** for submitting a candidate statement, the candidate shall submit to the Election Official an **Affidavit of Financial Worth (obtain from Election Official)** to be used in determining the candidate's eligibility to submit a candidate statement without payment of the **advanced fee**.

The candidate will have to disclose the necessary data requested, which includes the candidate's employer, real estate holdings, tangible personal property and the **IRS FORM 4506 "Request for Copy of Tax Return."**

**The candidate shall certify the content of the Affidavit as to its truth and correctness under penalty of perjury.** The Affidavit shall be submitted by the candidate together with their candidate statement in accordance with the specified election deadline.

A determination shall be made whether or not the candidate is indigent. The Election Official will notify the candidate of its findings. If it is determined that the candidate is not indigent, the candidate shall **within three (3) days** of notification, excluding Saturdays, Sundays and state holidays, withdraw their candidate statement or pay the requisite fee.

If the Election Official makes the determination that the candidate is indigent, the Elections Official shall print and mail the candidate statement in the official Sample Ballot Booklet. **Nothing prohibits the Election Official from billing the candidate his or her actual pro rata share of the cost following the election.**

**PUBLIC EXAMINATION PERIOD** -- The period beginning the day after the filing period closes and for the next 10 days is the timeframe for the Election Official to make available the candidate statements, candidate's name and ballot designations for public examination. A fee may be charged to any person obtaining a copy of the material. During this period, any person may file a writ of mandate or an injunction to require any or all of the data/material to be amended or deleted. (E.C. § 13313)

**INCUMBENTS / LIST OF QUALIFIED CANDIDATES** – If an **Incumbent does not file**, the Nomination Period is extended to the 83<sup>rd</sup> day before the election.

**CANDIDATE STATEMENTS MUST BE FILED AT SAME TIME NOMINATION PAPERS ARE FILED, NO LATER THAN THE LAST DAY OF THE NOMINATION PERIOD.**

## CANDIDATE'S STATEMENTS NOTICE OF LIMITATIONS

### CANDIDATE STATEMENTS ARE LIMITED TO CANDIDATE'S OWN QUALIFICATIONS

This applies to all candidates.

The California Elections Code (Section 13308) and case law, prohibits **CANDIDATES** from making any reference to another candidate or to another candidate's qualification, character or activities.

**Candidates are not to refer to their opponents in any manner in the candidate's statement.**

All candidates should confine their Sample Ballot booklet statement to a listing of their particular qualifications and pertinent biographical information.

It is in each candidate's best interest to use his or her allotted words wisely and within the permissible scope of Election Code Section 13307.

If the **ELECTION OFFICIAL** discovers improper content in a candidate statement, the **ELECTION OFFICIAL** will notify the candidate and give the individual an opportunity to correct the improper language in the candidate statement. If the candidate refuses to correct the improper language, the **ELECTION OFFICIAL**, as well as any other voter, may bring legal action against the candidate to correct the statement. The prevailing party may also be entitled to obtain attorney's fees for bringing the action.

All prospective candidates may want to refer to California Elections Code Sections 13307, 13308, 13311, 13313, and 13314, as well as the California Court of Appeal ruling in *Dean v. Superior Court*, (1998 4<sup>th</sup> Dist.) 62 Cal. App. 4<sup>th</sup> 638. However, this list is not exhaustive and candidates are solely responsible for preparation and submittal of candidate's statements that are in conformance with the law.

# WORD COUNTING GUIDELINES

(Elections Code Chapter 1. General Provisions, Section 9)

The guidelines below are used by the Election Official for counting words on candidate statements, ballot measure text, arguments, rebuttals and other ballot enclosures. The guidelines do **not** apply to ballot designations for candidates. If the text exceeds the word limit, the author will be asked to delete words or change a sufficient number of words, or a sentence, until the statement is within the required word limit.

1. Punctuation marks are not counted. Symbols such as “&” (and), and “#” (number/pound) are not considered punctuation and each symbol is counted as one (1) word.
2. The words "a", "the", "and", "an" are counted as individual words.
3. **PROPER NOUNS, including GEOGRAPHICAL NAMES** such as countries, states, counties, cities, towns, or jurisdictions are counted as one (1) word.  
**Such as:** “City of Los Angeles” = 1 word  
                  “City and County of San Francisco” = 1 word
4. **ABBREVIATIONS** each acronym or abbreviation for a word, phrase, or expression is counted as one (1) word.  
**Such as:** UCLA, PTA, USMC, LAPD, U.S.M.C.
5. **HYPHENATED WORDS** that appear in any generally available standard reference dictionary published in the U.S. at any time within the last 10 calendar years immediately preceding the election are counted as one (1) word.  
**Such as:** Attorney-at-law
6. **DATES...** all dates, whether numerical or alpha, shall be counted as one (1) word.  
**Such as:**           3/18                               7/21/89  
**Such as:**       July 21, 1983               18 June, 1987
7. **NUMERIC COMBINATIONS** are counted as one (1) word.  
**Such as:** 1973   13 1/2   5%   8/3/73   #14
8. **MONETARY AMOUNTS**   Such as:       \$1,000.00 are counted as one (1) word  
                                  Such as:       \$4 million are counted as two (2) words
9. **NAMES OF PERSONS AND THINGS** are counted as individual words.  
**Such as:** Gus Wright                               (2 words)  
                  L. A. Basketball Team               (3 words)
10. **TELEPHONE/FAX NUMBERS** are counted as one (1) word.  
**Such as:** 1 (800) 815-2666               1-562-462-2317
11. **INTERNET WEB SITES/E-MAIL ADDRESSES** are counted as one (1) word.  
**Such as:** 1) <http://www.co.la.ca.us>   2) [www.lavote.net](http://www.lavote.net)   3) <http://www.lacounty.info>