

CANDIDATE'S HANDBOOK
FOR THE
PROPOSED INCORPORATION
OF
ROSSMOOR

NOVEMBER 4, 2008

ORANGE COUNTY

REGISTRAR OF VOTERS
1300 S. GRAND AVENUE. BLDG. C
SANTA ANA, CA 92705
(714) 567-7600
www.ocvote.com

THE 2008 CANDIDATE'S HANDBOOK FOR THE PROPOSED INCORPORATION OF ROSSMOOR ELECTION IS INTENDED TO PROVIDE GENERAL INFORMATION FOR CANDIDATES AND COMMITTEES, AND DOES NOT HAVE THE FORCE AND EFFECT OF LAW, REGULATION OR RULE. IT IS DISTRIBUTED WITH THE UNDERSTANDING THAT THE REGISTRAR OF VOTERS OF THE COUNTY OF ORANGE IS NOT RENDERING LEGAL ADVICE. THE HANDBOOK IS NOT A SUBSTITUTE FOR LEGAL COUNSEL FOR THE INDIVIDUAL, ORGANIZATION OR CANDIDATE USING IT.

THE REGISTRAR OF VOTERS STRONGLY RECOMMENDS THAT ANY PROSPECTIVE CANDIDATE OBTAIN LEGAL ADVICE, TO ASSIST IN COMPLYING WITH APPLICABLE CALIFORNIA LAWS, INCLUDING THE CALIFORNIA ELECTIONS CODE AND CALIFORNIA GOVERNMENT CODE.

IMPORTANT TELEPHONE NUMBERS/WEBSITES

ORANGE COUNTY REGISTRAR OF VOTERS

GENERAL INFORMATION	(714) 567-7600
TDD (Hearing Impaired)	(714) 567-7608
FAX	(714) 567-7556
WEBSITE	www.ocvote.com
ABSENT VOTER DIVISION (Absentee Ballot Applications, Information)	(714) 567-7560
CAMPAIGN DISCLOSURE DIVISION (Financial Disclosure Statements, Information)	(714) 567-7558
CAMPAIGN MATERIALS DIVISION (Maps, Precinct Information) (Voter List, Street Index, Information on CD)	(714) 567-7586 (714) 567-7615
CANDIDATE FILING DIVISION (Filing Requirements for Office)	(714) 567-7561
VOTER REGISTRATION DIVISION (Voter Registration Forms, Information)	(714) 567-7569

OFFICE OF THE SECRETARY OF STATE

ELECTIONS DIVISION	(916) 657-2166
FAX (General Information, Filing for State/Federal Offices)	(916) 653-3214
WEBSITE	www.sos.ca.gov
POLITICAL REFORM DIVISION (Committee ID Number, Termination)	(916) 653-6224
FAX	(916) 653-5045

FAIR POLITICAL PRACTICES COMMISSION

TECHNICAL ASSISTANCE DIVISION (Mon -Thurs, 8 - 5)	(866) 275-3772
FAX (Campaign Disclosure, State Contribution Limits, Conflict of Interest Disclosure)	(916) 322-0886
WEBSITE	www.fppc.ca.gov
ENFORCEMENT DIVISION (File Complaint Under Political Reform Act)	(866) 275-3772

STATE FRANCHISE TAX BOARD

AUTOMATED INFORMATION (Committee Tax Status, Tax Deductible Contributions Charitable Non-Profit Groups, General Information)	(800) 852-5711 (800) 338-0505
WEBSITE	www.ftb.ca.gov
CA RELAY SERVICE -- TDD (800) 822-6268	(800) 735-2922

FEDERAL ELECTION COMMISSION

(Federal Campaign Disclosure, Contributions From National Banks, National Corporations, Foreign Nationals)	(800) 424-9530
WEBSITE	www.fec.gov/

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ELECTION CALENDAR – NOVEMBER 4, 2008

All section references are to the Elections Code unless stated otherwise. Gov't references the California Government Code.

June 30, 2008
through
July 14, 2008
(E-127-113)

July 14, 2008
through
August 8, 2008
(E-113-88)

July 14, 2008
through
August 8, 2008
(E-113-88)

NOTICE OF ELECTION: The Registrar of Voters must publish once in a newspaper of general circulation the Notice of Election. The notice shall contain the date of the election and the offices for which candidates may be nominated. **§ 12101**

NOMINATION PERIOD: Declaration of Candidacy forms and nomination papers may be obtained from and must be filed with the Registrar of Voters' office from **July 14, 2008 through August 8, 2008, 5:00 p.m.** **§§ 10220, 10224, 13307**

The signers of nomination papers must be registered voters in the district or political subdivision in which the candidate is to be voted on. **§ 10220**

CANDIDATE'S STATEMENT OF QUALIFICATIONS: Each candidate may prepare a statement on a form provided by the Registrar of Voters. The statement may contain no more than 200 words. The statement must be filed at the same time the Declaration of Candidacy is filed. **The statement may be withdrawn, but not changed, during the nomination period and until 5:00 p.m. of the next working day after the close of the nomination period.** **§ 13307**

CANDIDATE'S STATEMENT OF QUALIFICATIONS MAY MAKE NO REFERENCE TO ANOTHER CANDIDATE. In addition to the restrictions set forth in Section 13307, any candidate's statement submitted pursuant to Section 13307 shall be limited to a recitation of the candidate's own personal background and qualifications, and **shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities.** The elections official shall not cause to be printed or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section. **§ 13308**

July 31, 2008
(E-96)

August 8, 2008
(E-88)

August 8, 2008
(E-88)

August 8, 2008
(E-88)

August 8, 2008
(E-88)

The Registrar of Voters will estimate the total cost of printing and handling the candidates' statements and will require each candidate filing a statement to pay in advance his/her estimated pro rata share as a condition of having his/her statement included in the voter's pamphlet. This amount must be paid at the time the candidate's statement is filed. If there is an underpayment, the candidate shall be required to pay the balance of the cost incurred. Overpayments will be refunded within 30 days of the election. **§ 13307**

The candidate's statement is confidential until after the expiration of the filing period. Copies of all candidates' statements will be available for public inspection at the Registrar of Voters' office for 10 days prior to being submitted for printing. **§§ 13311, 13313**

SEMI-ANNUAL CAMPAIGN DISCLOSURE STATEMENTS DUE:
The last day to file semi-annual campaign disclosure statements by all candidate and committees for the period of January 1, 2008 through June 30, 2008. **Gov't § 84200**

LAST DAY TO REQUEST CONSOLIDATION OF ELECTION WITH GENERAL ELECTION: Resolution requesting consolidation with General Election must be filed no later than this date. **§ 10403**

DEADLINE – FILING OF NOMINATION DOCUMENTS AND CANDIDATES' STATEMENTS: Last day to file nomination documents and Candidates' Statements of Qualifications with the Registrar of Voters. **§§ 10220, 10224, 13307**

LAST DAY FOR CANDIDATES TO WITHDRAW: No candidate shall withdraw his/her Declaration of Candidacy after **5:00 p.m.** on the 88th day prior to the election. **§ 10224**

DEADLINE TO FILE DIRECT ARGUMENTS: Last day to file direct arguments in favor or against the incorporation measure. **§§ 9286(b), 9163**

August 9, 2008
(Saturday)
through
August 18, 2008
(E-87-78)

August 14, 2008
(E-82)

August 18, 2008
(E-78)

August 19, 2008
through
August 28, 2008
(E-77-68)

September 5, 2008
through
November 4, 2008
(E-60-0)

Sept. 8, 2008
through
October 21, 2008
(E-57-14)

PUBLIC REVIEW PERIOD FOR CANDIDATES' STATEMENTS, BALLOT DESIGNATIONS, AND INCORPORATION MEASURE DOCUMENTS:

Public review period for Candidates' Statements of Qualifications; ballot designations; and measure's impartial analysis, fiscal impact statements (if any), and direct arguments. These materials will be available at the Registrar of Voters office starting on August 9 from 8:00 a.m. to 12:00 p.m., and thereafter on Monday through Friday, from 8:00 a.m. to 5:00 p.m., and will be posted on the Registrar of Voters' web. **§ 13313**

RANDOMIZED ALPHABET DRAWING: On this day, the Secretary of State shall conduct a drawing of the letters of the alphabet, the result of which shall be known as the randomized alphabet, to determine the order in which candidates appear on the Proposed Incorporation of Rossmoor Election ballot. **§ 13112**

DEADLINE TO FILE REBUTTAL ARGUMENTS: Last day to file the rebuttal argument to the direct argument in favor and the rebuttal argument to the direct argument against the incorporation measure. NOTE: Rebuttal arguments are filed only in the event that both a direct argument in favor and a direct argument against the incorporation measure were filed. **§§ 9163, 9167**

PUBLIC REVIEW PERIOD OF REBUTTAL ARGUMENTS: Public review period for rebuttal arguments for the incorporation measure. These materials will be available at the Registrar of Voters office starting on Monday through Friday, from 8:00 a.m. to 5:00 p.m., and will be posted on the Registrar of Voters' website. **§ 13313**

LIST OF VOTE-BY-MAIL VOTERS: First day CDs are available for purchase indicating all voters who have been issued a vote-by-mail ballot.

WRITE-IN CANDIDATES: First day statement of write-in candidacy and nomination papers are available for a write-in candidate. Must be filed by **October 21, 2008, 5:00 p.m.** **§ 8601**

Sept. 25, 2008
through
October 14, 2008
(E-40-21)

October 6, 2008
(E-29)

October 6, 2008
(E-29)

October 6, 2008
through
October 28, 2008
(E-29-7)

October 19, 2008
through
November 3, 2008
(E-16-1)

October 20, 2008
(E-15)

October 21, 2008
(E-14)

October 23, 2006
(E-12)

COUNTY SAMPLE BALLOT MAILING: Between these dates, county sample ballot pamphlets will be mailed by the Registrar of Voters. **§ 13303**

FIRST PRE-ELECTION CAMPAIGN DISCLOSURE STATEMENTS DUE: The last day to file campaign disclosure statements for candidates and committees covering the period July 1 through September 30, 2008. **Gov't §§ 84200.5, 84200.7(b)**

LAST DAY TO REGISTER TO VOTE IN THIS ELECTION AND STILL BE MAILED A SAMPLE BALLOT PAMPHLET: Voters registering after **October 6, 2008** will **NOT** be mailed a sample ballot pamphlet. **§§ 2101, 2107**

VOTE-BY-MAIL VOTING: Applications for vote-by-mail ballots available during this period from the Registrar of Voters. Applications must be received by the Registrar of Voters by **October 28, 2008, 5:00 p.m.** **§§ 3001, 3003, 3006**

LATE CAMPAIGN CONTRIBUTION REPORTING PERIOD: Contributions received of \$1,000 or more per source must be reported within 24 hours during this period. **Gov't § 84203**

LAST DAY TO REGISTER TO VOTE IN THIS ELECTION. **§§ 2102, 2107**

DEADLINE FOR WRITE-IN CANDIDATES TO FILE: Last day for write-in candidate to file a statement of write-in candidacy and a Declaration of Candidacy with the Registrar of Voters by **5:00 p.m.** **§ 8601**

SECOND PRE-ELECTION CAMPAIGN DISCLOSURE STATEMENTS DUE: The last day to file campaign disclosure statements for candidates and committees covering the period October 1 through October 18, 2008. **Gov't §§ 84200.5, 84200.7(b)**

October 29, 2008
through
November 4, 2008
(E-6-0)

November 4, 2008
(E-0)

November 4, 2008
(E-0)

November 4, 2008
(E-0)

November 5, 2008
(E+1)

December 2, 2008
(E+28)

December 2, 2008
(E+28)

VOTE-BY-MAIL VOTING – LATE CONDITIONS (EMERGENCY VOTING): During this period vote-by-mail ballots are available when a voter’s condition prevents voting at a polling place. Written application signed under penalty of perjury is required unless the absent voter’s ballot is voted in the Registrar of Voters’ office. **§ 3021**

ELECTION DAY: Polls will be open from 7:00 a.m. to 8:00 p.m. Ballots will be centrally counted at the Registrar of Voters’ office. **§§ 1000, 14212, 15260**

VOTE-BY-MAIL VOTER BALLOTS RETURNED: Deadline for the Registrar of Voters to receive vote-by-mail ballots by mail or in person is **November 4, 2008, 8:00 p.m.** A voter may deliver his/her vote-by-mail ballot in person to any polling place in the county by the close of the polls on Election Day. **§§ 3017, 3020**

SEMI-OFFICIAL CANVASS OF ELECTION RETURNS: Beginning at 8:00 p.m. and continuously until completed, the Registrar of Voters will conduct the semi-official canvass of votes. **§ 15150**

COMMENCE OFFICIAL CANVASS OF ELECTION RETURNS: The Registrar of Voters will commence canvassing votes. **§§ 10547, 15301**

COMPLETE OFFICIAL CANVASS OF RETURNS: The Registrar of Voters must complete the canvass and certify the results of the election by this date. **§§ 10262, 15372**

CERTIFICATE OF ELECTION: The Registrar of Voters shall make and deliver to each person elected a certificate of election signed by the Registrar of Voters. **§§ 10265, 15401**

January 1, 2009
(E+58)

January 31, 2009*
Saturday
(E+88)

DATE OF TAKING OFFICE: If the incorporation measure passes, elected councilmembers take office on this date.

SEMI-ANNUAL CAMPAIGN DISCLOSURE STATEMENTS DUE:
Last day to file semi-annual campaign disclosure statements for all candidates and committees for the period from October 19, 2008 through December 31, 2008. **Gov't §§ 84200, 84212**

*If this date falls on a Saturday, Sunday, or holiday, use the next business day.

GENERAL QUALIFICATIONS TO RUN FOR PUBLIC OFFICE

A Candidate must be:

1. 18 years old by Election Day;
2. a citizen of the State;
3. a registered voter at the time nomination papers are issued, and, unless otherwise specifically provided, qualified to vote for the office;
4. eligible to take the oath of office and be able to be bonded in the amounts provided for by statute.

A candidate may not have been convicted of designated crimes specified in the Constitution and laws of the State.

Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person's appointment. **§ 201**

Notwithstanding any other provision of law, a public officer who is a minor shall have the rights and liabilities of an adult, both civil and criminal, with regard to his/her official duties, and a candidate for nomination or election to public office who is a minor shall have the rights and liabilities of an adult, both civil and criminal, with regard to his/her activities as a candidate. **Gov't § 275.2**

A person is incapable of holding a civil office if at the time of his/her election or appointment he/she is not 18 years of age and a citizen of the State. **Gov't § 1020**

A person is disqualified from holding any office upon conviction of designated crimes as specified in the Constitution and laws of the State. **Gov't § 1021**

The Declaration of Candidacy form to be completed by the candidate includes a statement that, if elected, he/she will qualify for and accept the office. **§ 8040**

DECLARATION OF CANDIDACY PROCEDURES

Candidates **must** file a Declaration of Candidacy between July 14, 2008 and August 8, 2008.

There is **no** filing fee. Nomination signatures **are** required.

DECLARATION OF CANDIDACY

July 14, 2008 is the first day that candidates may obtain the Declaration of Candidacy, nomination papers, and Candidate's Statement of Qualifications forms. These documents are available at the Registrar of Voters office, 1300 S. Grand Ave., Building C, Santa Ana.

Information to be completed by the candidate on the Declaration of Candidacy form includes the candidate's name, occupation (ballot) designation, residence address, mailing address, and phone number. The Declaration of Candidacy includes a statement under penalty of perjury under the laws of the State of California that the information is true and correct.

§ 10511

If a person is a candidate for a nonpartisan office, all reference to party affiliation must be omitted on all forms required to be filed.

§ 8002

If a candidate changes his/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.

§ 13104

For candidates with long names, there is a possibility that the Registrar of Voters system may split the name. Due to the space limitations, the Registrar of Voters' office is unable to change column size, font size, etc., to accommodate long names. The candidates should keep this in mind as they designate how they want their names to appear on the ballot.

A candidate may, in a signed, written statement, dated by the candidate, designate a person to receive a Declaration of Candidacy form from the Registrar of Voters and deliver it to the candidate. Such statement shall include language indicating that the candidate is aware that the Declaration of Candidacy must be properly executed and delivered to the Registrar of Voters of the county of the candidate's residence by the 88th day prior to the Proposed Incorporation of Rossmoor Election.

§ 8028

In the event that the Declaration of Candidacy form is being returned to the Registrar of Voters by a person designated in writing by the candidate, the Declaration of Candidacy form/the Oath of Office **must be notarized** prior to filing with the Registrar of Voters. (See back of Declaration of Candidacy form compiled by the Secretary of State and Elections Code section 8028)

There is no filing fee. The last day to file as a candidate is **August 8, 2008, 5:00 p.m.**

The last day to withdraw as a candidate is **August 8, 2008, 5:00 p.m.**

§ 10510

OFFICES FOR WHICH CANDIDATES ARE TO BE ELECTED

Proposed City of Rossmoor

5 Councilmembers

NUMBER OF SIGNERS TO NOMINATION PAPERS REQUIRED

<u>Office</u>	<u>Minimum</u>	<u>Maximum</u>
Councilmembers	20	30

DETAILED INSTRUCTIONS FOR CANDIDATES AND THEIR CIRCULATORS

(Please read carefully before obtaining signatures)

CIRCULATORS

Circulators (whether the candidate himself/herself or another person) perform the important duty of obtaining signatures of properly registered voters on the nomination papers. If the signatures are not obtained in accordance with law, the candidate's right to be placed on the ballot could be challenged.

All candidates should endeavor to obtain the required number of signatures as soon as possible, in order that their nomination papers may be returned to the Registrar of Voters for examination and filing or certification to the Secretary of State, as the case may be.

Circulators (whether the candidate himself/herself or another person) must make a sworn statement that all the signatures they obtained for the nomination papers were made in their presence and that to the best of their knowledge and belief each signature is the genuine signature of the person whose name it purports to be. Accordingly, nomination papers may not be handed to someone else to obtain the signatures. Only one person may obtain signatures to a section of a nomination paper. **§ 8041**

Notwithstanding any other provision of law, any registered voter who is a candidate for any office may obtain signatures to and sign his/her own nomination papers. His/her signature will be given the same effect as that of any other qualified signer. **§ 106(a)**

Any person engaged in obtaining signatures to the nomination papers of a candidate for any office may, if otherwise qualified to sign the papers, sign the papers. The signature shall be given the same effect as that of any other qualified signer. **§ 106(b)**

Appointed circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision. **§ 8066**

SIGNERS

Only a person who is an eligible registered voter at the time of signing the nomination paper is entitled to sign it. Each signer shall, at the time of signing the nomination paper, **personally affix his/her signature**, printed name and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. **§ 100**

Signers shall be voters in the district or political subdivision in which the candidate is to be voted on and shall be affiliated with the political party, if any, in which the nomination is proposed. **§ 8068**

Signatures to a nomination paper shall not be obtained by the Registrar of Voters, or by the deputies in the office of the Registrar of Voters, nor within 100 feet of any election booth or polling place. **§§ 6123, §6383, §6592, §8452**

DETAILED INSTRUCTIONS FOR CANDIDATES AND THEIR CIRCULATORS

(Please read carefully before obtaining signatures)

(Continued)

No signer shall, at the time of signing a nomination paper, have his/her name signed to any other nomination paper for any other candidate for the same office, or, in case there are several places to be filled in the same office, signed to more nomination papers for candidates for that office than there are offices to be filled. **§ 8069**

Before filing or forwarding for filing any Declaration of Candidacy or nomination papers, the Registrar of Voters will verify the signatures and the political affiliations of the signers on the nomination papers with the registration affidavits on file in the office of the Registrar of Voters. The Registrar of Voters will mark "not sufficient" any signature which does not appear in the same handwriting as appears on the affidavit of registration in his/her office or which is accompanied by a declaration of party affiliation which is not in accordance with the declaration of party affiliation on the affidavit of registration. The Registrar of Voters may cease to verify signatures once the minimum requisite number of signatures has been verified. **§ 8081**

DATES OF TAKING OFFICE

Elected councilmembers take office on **January 1, 2009**.

Terms of Office. Of the five elected members of the city council, the three receiving the lowest number of votes shall hold office until the first succeeding general municipal election held in the city and until their successors are elected and qualified, and the two receiving the highest number of votes shall hold office until the second succeeding general municipal election held in the city and until their successors are elected and qualified. If two or more members of the city council are elected by the same number of votes, the terms of each shall be determined by lot. The members of the city council elected to succeed the members elected at the incorporation election shall hold office for four years from the Tuesday succeeding their election, and until their successors are elected and qualified. **Gov't § 57377**

BALLOT DESIGNATIONS FOR CANDIDATES
(§ 13107; see also Secretary of State Ballot Designation Regulations,
Cal. Code Regs. Tit.2, § 20710, et seq. – entire page)

With the exception of candidates for Justice of the State Supreme Court or Courts of Appeal, immediately under the name of each candidate, and not separated from the name by any line, may appear at the option of the candidate only one of the following designations:

- (1) Words designating the elective city, county, district, state or federal office which the candidate holds at the time of filing the nomination documents to which he/she was elected by vote of the people, or to which he/she was appointed, in the case of a Superior Court Judge. There is no word limit for the official title of the office.
- (2) The word "incumbent" if the candidate is a candidate for the same office which he/she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a Superior Court Judge, was appointed to that office. **The word "incumbent" must be used as a noun and must stand alone.**
- (3) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." **The words "appointed incumbent" must stand alone.** However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he/she holds and to which he/she was appointed, as a nominated candidate, in lieu of an election, pursuant to Education Code sections 5326 and 5328 or Elections Code sections 7228, 7423, 7673, 10229, or 10515.
- (4) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. **For purposes of this section, geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states.** Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

"Principal", as that term is used in Elections Code §13107 (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. 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 Secretary of State Ballot Designation Regulations.

“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 (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/her livelihood and spends major portion of his/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 (a)(3) include, but are not limited to: Minister, priest, mother, father, parent, 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 (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.

A candidate may engage in 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 three-word limitation specified in Elections Code § 13107 (a)(3); (2) Each such proposed profession, vocation or occupation shall be separately considered and must independently qualify as a “principal” profession, vocation, or occupation; and (3) When multiple professions, vocations or occupations are proposed as a ballot designation, they shall be separated by a slash (“/”).

BALLOT DESIGNATIONS FOR CANDIDATES

(§ 13107 – entire page)

(Continued)

- (5) “**Community Volunteer**” may be used if the candidate’s volunteer activities constitute their principal profession, vocation or occupation and if the candidate is not currently engaged in another principal profession, vocation, or occupation. **The words “Community Volunteer” must stand alone.** If the volunteer work is considered an “avocation” (see below under “Unacceptable Ballot Designations”), then “Community Volunteer” may not be used as the ballot designation.
- (6) The use of the word “**retired**” is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation. These factors will be taken into consideration: (a) Prior to retiring from his/her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than five 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/her last professional, vocational, or occupational position; (e) If the candidate requests a ballot designation that he/she is a retired public official, he/she 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; (f) The candidate has not had another more recent, principal profession, vocation, or occupation; and (g) The candidate’s retirement benefits are providing him/her with a principal source of income.

UNACCEPTABLE BALLOT DESIGNATIONS:

- (1) The following types of activities are distinguished from professions, vocations, and occupations and are not acceptable as ballot designations pursuant to Elections Code § 13107 (a)(3):
- (a) **Avocations:** An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and is in addition to the candidate’s principal profession, vocation or occupation. Avocations may include, but are not limited to: Hobbies, social activities, volunteer work, and matters pursued as an amateur. Example: (a) If a person is a PTA President (not a paid position), and does not have a principal profession, vocation, or occupation, then that person could use “Community Volunteer” as his/her ballot designation but could not use “PTA President”. “PTA President” is considered a “status (see #3: Statures); (b) If the person is a PTA President (not a paid position), and also has a principle profession, vocation, or occupation, he/she must use his/her principle profession, vocation, or occupation as his/her ballot designation; (c) If the person is a PTA President (not paid position) and also has a principle profession, vocation, or occupation, he/she **could not** use both the principle profession, vocation, or occupation and “Community Volunteer” (even if the designation meets the three-word requirement) because “Community Volunteer” must stand alone.

BALLOT DESIGNATIONS FOR CANDIDATES

(§ 13107 – entire page)

(Continued)

- (b) **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. Pro forma professions, vocations and occupations may include, but are not limited to: Honorary peace officer, volunteer firefighter, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.
- (c) **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, philanthropist, mother of eleven, activist, patriot, taxpayer, concerned citizen, Kiwanis Club President, PTA President, husband, and wife.
- (2) A ballot designation which abbreviates the word "retired" or places it following any word or words which it modifies. Examples of impermissible designations include, but are not limited to: Ret. Army General and Major USAF, Retired, and City Attorney, Retired.
- (3) No degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name per Elections Code section 13106. Examples include, but are not limited to: Ph.D., M.A., B.A., B.S., and M.D.
- (4) 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.
- (5) Pursuant to Elections Code § 13107 (a)(2), a 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: Outstanding, leading, expert, virtuous, eminent, best, exalted, prominent, famous, respected, honored, honest, dishonest, corrupt, lazy, advocate, and the like.
- (6) A 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. These include, but are not limited to: Ex-, former, past, and erstwhile. Examples of impermissible designations include: Former Congressman, Ex-Senator, and Former Educator.

BALLOT DESIGNATIONS FOR CANDIDATES
(§ 13107 – entire page)
(Continued)

Neither the Secretary of State nor any other election official shall accept a designation of which any of the following would be true:

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

Each candidate who submits a ballot designation **must file a ballot designation worksheet** that supports the use of that ballot designation by the candidate. The ballot designation worksheet shall be filed with the Registrar of Voters at the same time that the candidate files his/her Declaration of Candidacy. **§ 13107.3**

IN THE EVENT THAT A CANDIDATE FAILS TO FILE A BALLOT DESIGNATION WORKSHEET, NO DESIGNATION SHALL APPEAR UNDER THE CANDIDATE’S NAME ON THE BALLOT. **§ 13107.3**

If upon checking the nomination documents, the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or certified mail -- return receipt requested, addressed to the mailing address appearing on the candidate's nomination documents.

The candidate shall, within three days from the date of receipt of the notice, appear before the elections officer or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide an alternate designation. **In the event the candidate fails to provide an alternate designation, no designation will appear after the candidate's name.**

No ballot designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official to change an unacceptable designation.

BALLOT DESIGNATIONS FOR CANDIDATES
(§ 13107 -- continued)

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

Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (42 U.S.C. Sec. 1971, et seq.), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with section 13107, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

BALLOT ORDER OF CANDIDATES

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: Each letter of the alphabet shall be written on a separate slip of paper, each of which will be folded and inserted into a capsule. Each capsule shall be opaque and of uniform weight, color, size, shape, and texture. The capsules shall be placed in a container, which shall be shaken vigorously in order to mix them 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 letter M and R were drawn in the randomized alphabet drawing. The drawing shall be open to the public. A drawing will take place for each election date. **The date of the drawing for the Proposed Incorporation of Rossmoor Election will be August 14, 2008, 11:00 a.m.** § 13112

Municipal contests use the State randomized alphabet in determining the ballot order of the candidates. § 13111(i)

WRITE-IN CANDIDATES

Every person who desires to be a write-in candidate and have his/her name as written on the ballot of an election counted for a particular office shall file:

- (a) A statement of write-in candidacy that contains the following information:
 - (1) Candidate's name.
 - (2) Residence address.
 - (3) A declaration stating that he/she is a write-in candidate.

- (4) The title of the office for which he/she is running.
- (5) The party nomination which he/she seeks, if running in a Primary Election.
- (6) The date of the election.
- (b) The requisite number of signatures on the nomination papers, if any, required pursuant to section 8062, 10220, or 10510. **§ 8600**

The statement of write-in candidacy forms and nomination papers shall be available from the Registrar of Voters on **September 8, 2008**. The statement and nomination papers shall be delivered to the Registrar of Voters no later than the 14th day prior to the election, **October 21, 2008, 5:00 p.m.** **§ 8601**

No fee or charge shall be required of a write-in candidate. **§ 8604**

CANDIDATE'S STATEMENT OF QUALIFICATIONS

Each candidate for **nonpartisan** elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate (which will not be included in the word count) and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself/herself. **The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.** The candidate must sign the statement before it is filed in the office of the Registrar of Voters when his/her nomination papers are returned for filing, if it is for a Primary Election, or for an election for offices for which there is no Primary. The statement shall be filed in the office of the elections official no later than the 88th day before the election, if it is for an election for which nomination papers are not required to be filed. The statement **may be withdrawn, but not changed**, during the period for filing nomination papers and until **5:00 p.m.** of the next working day after the close of the nomination period. **§13307**

A Candidate's Statement of Qualifications may make no reference to another candidate. In addition to the restrictions set forth in Section 13307, any Candidate's Statement of Qualifications submitted pursuant to Section 13307 shall be limited to a recitation of the candidate's own personal background and qualifications, and **shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities.** The elections official shall not cause to be printed or circulated any statement that the elections official determines is not so limited or that includes any reference prohibited by this section. **§ 13308**

The Registrar of Voters will send to each voter, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate that is prepared pursuant to this section. The statement of each candidate will be printed in type of uniform size and darkness, and with uniform spacing. **§ 13307**

All candidates' statements shall remain confidential until the expiration of the filing deadline. **§ 13311**

The Registrar of Voters will estimate the total cost of printing and handling of the candidates' statements filed pursuant to this section, and will require each candidate having a statement to pay in advance his/her estimated pro rata share as a condition of having his/her statement included in the voter's pamphlet. The candidate statement fee must be paid at the time the Declaration of Candidacy is filed. The candidate must also sign a deposit agreement at the time the statement is filed. A copy of the signed deposit agreement and signed statement will be given to the candidate. The Registrar of Voters will determine the cost for each candidate and will refund any excess amount paid within 30 days of the election. An invoice will be sent if any additional amount is required to be paid by the candidate. In the event that a candidate pays for a statement by check and the check is returned by the bank due to insufficient funds, the candidate will have 24 hours to pay for the statement in cash, money order or certified check, or the statement will not be printed in the voter's pamphlet. **§ 13307**

CANDIDATE'S STATEMENT OF QUALIFICATIONS

NOTE: Pursuant to minority language provisions of the federal Voting Rights Act of 1965, Orange County is required to provide election materials in the Chinese, Korean, Vietnamese and Spanish languages in addition to English. The materials covered by this Act include candidates' statements. Therefore, all estimated costs include translating and printing of candidates' statements in the Chinese, Korean, Spanish and Vietnamese languages. These materials will be provided to voters who have requested Chinese, Korean, Spanish and Vietnamese language election materials.

Nothing in the foregoing shall be deemed to make any statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet. § 13307

Before the nomination period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate's statement sent to each voter. This decision shall not be revoked or modified after the seventh day prior to the opening of the nominating period. A written statement of the regulations with respect to charges for handling, packaging, and mailing shall be provided to each candidate or his/her representative at the time he/she picks up the nomination papers. § 13307

For all candidates' statements filed on or before **August 8, 2008**, the public review period is **August 9, 2008 through August 18, 2008, 5:00 p.m.**, at the Registrar of Voters office, in conformance with Elections Code section 13313.

DEPOSIT AMOUNT REQUIRED FOR CANDIDATE'S STATEMENT OF QUALIFICATIONS

\$1,370

200 words

NOTE: Candidate Statement cost estimates are calculated using the following assumptions: two candidates per contest, two 200 word statements per contest, 10% increase in voter registration prior to the printing of the sample ballots. They are based on registered voter counts from May of 2008. Since the actual costs are based on the actual number of candidates and length of statements, the following must be considered an estimate. **If more candidates prepare statements for the same office, the actual cost per candidate will be less than the deposit amount. If only one candidate prepares a statement for an office, the actual cost of the statement will be significantly higher.**

The actual cost of the statement may also be higher due to increases in sample ballot production costs and printing and the translation into four required languages countywide, as required by federal law. Although the Registrar of Voters attempts to make the closest possible estimates, there are often either increases or decreases in costs for a particular contest. **Bills, if any, or refunds will be made within thirty (30) days of the election.**

A candidate may withdraw his/her Candidate's Statement of Qualifications by signing and submitting a cancellation notice to the Registrar of Voters no later than 5:00 p.m. of the next working day after the close of the nomination period.

CANDIDATE STATEMENT FORMATTING GUIDELINES

The Registrar of Voters office has a semi-automated system for Sample Ballot input/layout of Candidate's Statement of Qualifications. Due to the volume of statements and printing deadlines, it is necessary to have a standardized format for candidate statements. We have prepared the following guidelines to assist candidates in the preparation of their statements.

1. The following paragraph styles are acceptable with this system.

INDENTED PARAGRAPHS:

Xxxxx xxxxx xxxxxxxxxxx xxxxx xxxxx. X xxxx xx xxxxxxxxxxx xxxxxxxxxxx
xxxxxxxxxxxx xxxxxxx xxxxxxxxxxx xx xxx xxxxx. Xxx xxxxx xxxxxxx xxxxx xx xx.
Xxxx xxxxxxxxxxx xx x x xxxxxxxxxxx x xxxxxxx xxxxx. Xxx xxxxxxx xxxxxxx xxxxx xx
xxx xxxxx xxx xxxxxx. Xx xxxxx xxx.

BLOCK PARAGRAPHS:

Xxxxx xxxxxxx xxxxx. Xxxx x xx xxxx xxxxxxxxxxx xxx. Xxxx xxx xxx xxxxxxxxxxx
xxxx. X xxx xxxxx xxx x xx xxxx. Xxx xxx xxx xxxxxxx xxxxx xxx.

Xxx xxxxxxx xxx. Xx xxx xxxxxxx xxxxxxx xxxxx. X xxx xxxxx xxxxxxx xxxxx xxx
x xx xxx xxx. Xxx xxxx xxxxxxxxxxx xxxxx xxx. Xxx xxxxx xxxxxxx xxxxxxx xxxxx.

DO NOT USE ANY PARAGRAPH/FORMAT STYLE OTHER THAN THOSE LISTED ABOVE.

2. All statements must be submitted on our form or typed or printed by automated equipment. **DO NOT PRINT ANY STATEMENT ON LINED PAPER.**

3. NOTE: Name, age and occupation lines are not included in the word count. **The words reflected in the "Occupation" field must follow the ballot designation guidelines listed in this handbook.**

4. Do not underline or **bold** WORDS. § 13307

5. Words may NOT be all CAPITAL letters.

6. Do not use *italics* or type styles to highlight portions of the statement. § 13307

7. Do not use different type sizes. § 13307

8. A 200-word statement must fit on one-quarter of a sample ballot pamphlet page. A 400-word statement must fit on one-half page of a sample ballot pamphlet page. If your statement exceeds this limitation we will be forced to adjust your format to fit in the space allowed.

9. Do not use bullet points, stars, asterisks, or numbers that function as bullet points to off-set paragraphs.

**CANDIDATE STATEMENT FORMATTING GUIDELINES
(CONTINUED)**

10. All statements are printed in the sample ballot pamphlet with the following titles which are not included in the word count:

**NAME OF DISTRICT
TITLE OF OFFICE**

Use these general guidelines to assist you in the preparation of your statement. There are other requirements regarding the content of your statement that are outlined in your candidate's handbook.

CHECK YOUR STATEMENT CAREFULLY FOR ERRORS IN SPELLING, PUNCTUATION, AND GRAMMAR BEFORE FILING. WITH THE EXCEPTION OF THE FORMATTING REQUIREMENTS, YOUR STATEMENT WILL BE PRINTED EXACTLY AS SUBMITTED.

**WORD COUNT STANDARD FOR CANDIDATE'S STATEMENT
OF QUALIFICATIONS
(§ 9)**

Each word shall be counted as one word except as specified on this page.

The following are the guidelines for computing the word count:

The title of the office, name, district, age, and occupation lines are not included in the word count –only the text is counted.

Punctuation marks are not included in the word count.

Symbols such as "&" (and), and "#" (number/pound) are not considered punctuation..... each symbol is counted as one word

Dictionary words.....one word
The words "a", "the", "and", and "an" are counted as individual words.

Geographical names -- limited to cities, counties, and states.....one word
Examples: County of Orange, Orange County, and San Juan Capistrano,

Abbreviations - UCLA, U.C.L.A., PTA, P.T.A., USMC, U.S.M.C.....one word

Regularly hyphenated words appearing in any generally available standard reference dictionary published in the United States within 10 years preceding the election. Each part of all other hyphenated words shall be counted as a separate word.....one word

Dates - all digits (4/8/98).....one word
Words and digits (April 8,1998).....two words

Whole numbers - Digits (1 or 10 or 100, etc.).....one word
Spelled out (one or ten or one hundred).....each word counts as one word

Names of persons and things.....each word counts as one word
Gus Enright (two words); L.A. Basketball Team (three words)

Numeric combinations (1973, 18 1/2, 1971-73, 5%).....one word

Monetary amounts (if the dollar sign is used with figures - \$1,000).....one word
Spelled out (one thousand dollars).....each word counts as one word

Telephone/fax numbers.....one word

Internet web site address.....one word

If the text exceeds the word limit, the candidate must delete or change a sufficient number of words, or a sentence, to put the statement within the required word limit before the statement is filed. The candidate should correct any misspellings before the statement is filed.

The submitted statement must be typed. No word will be printed in "ALL CAPS", bolded or underlined. Do not use bullet points or numbers that function as bullet points to offset paragraphs. See "Candidate Statement Formatting Guidelines" for more information. The scanning equipment used by the Registrar of Voters office to produce camera ready copy for sample ballot printing has some limitations; therefore, the style of a candidate's statement must conform to the sample you will be given. The statement may include a description of the candidate's education and qualifications expressed by the candidate himself/herself.

**THE PRECEDING INFORMATION SHALL NOT APPLY TO COUNTING WORDS FOR
BALLOT DESIGNATIONS UNDER SECTION 13107**

The candidate must sign and date the statement before it is filed. All statements are confidential until the expiration of the filing deadline. The candidate is required to pay the estimated cost of the statement and sign a deposit agreement at the time the statement is filed. When the statement is filed, a copy of the signed statement and the signed deposit agreement will be given to the candidate.

The statement must be filed at the same time that the Declaration of Candidacy is filed. The statement **may be withdrawn, but not changed**, during the period for filing nomination documents and until **5:00 p.m.** of the next working day after the close of the nomination period.

COURT OF APPEAL-4TH DIST., DIV. 3
FILED

MAR 24 1998

Stephen M. Kelly, Clerk
Deputy Clerk

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

JOHN F. DEAN,

Petitioner,

v.

THE SUPERIOR COURT OF
ORANGE COUNTY,

Respondent;

ROSALYN LEVER et al.,

Real Parties in Interest.

G023111

(Super. Ct. No. 791765)

OPINION

Original proceedings; petition for a writ of mandate to challenge an order of the Superior Court of Orange County, John C. Woolley, Judge. Writ issued.

Darryl R. Wold and Reed & Davidson for Petitioner.

No appearance for Respondent.

Mark S. Rosen for Real Party in Interest Darrell Opp.

No appearance for Real Party in Interest Rosalyn Lever.

COPY EXHIBIT D

* * *

Petitioner, a candidate for local office, seeks extraordinary writ relief mandating the Registrar of Voters delete part of an opponent's candidate statement as an impermissible personal attack on petitioner. We issue relief and conclude the superior court erred in not ordering the deletion.

Darrell Opp seeks to unseat the incumbent petitioner, John Dean, as county superintendent of schools in the upcoming June 1998 election. Opp submitted a candidate statement to the Registrar of Voters which began with the following three paragraphs commenting on petitioner: "[¶] The incumbent, John Dean, is failing our schools, our children and the taxpayers. [¶] Under Dean's tenure \$250,000,000 (Two Hundred and Fifty Million!) was borrowed to gamble in the bankrupt Citron investment pool. Dean personally authorized this borrowing. He is one of the few remaining county officials who has not resigned or been removed from office for his role in this fiasco. [¶] Dean's 'leadership' over the last eight years resulted in massive increases in the size of the County bureaucracy. Elected on a platform to cut the county budget, instead his budget has increased from \$64 Million to over \$105 Million."¹

Dean challenged Opp's candidate statement by seeking a writ of mandate in the superior court pursuant to Elections Code section 13313.² That section authorizes the court to mandate amendment or deletion of material in the voter's pamphlet which is "false, misleading, or inconsistent with the requirements of this chapter,"

Dean sought relief on two grounds: (1) deletion of the first three paragraphs (quoted above) "because they consist entirely of material that is not permitted to be included in a candidate's statement" and (2) deletion of four false and misleading

¹ The statement continues with a recitation of Opp's background, his platform for the County Department of Education, and a list of individuals who have endorsed his candidacy.

² All further references are to the Elections Code unless otherwise noted.

sentences in the second and third paragraphs of the statement. The trial court denied the request to delete the first three paragraphs in their entirety, but did direct amendments to the second and third paragraphs.³ The only issue presented here is whether the lower court erred in refusing to delete the first three paragraphs in their entirety.

Section 13307 delineates the contents of a candidate's statement for local office, as well as the procedures for inclusion of such a statement in the voter's pamphlet. In pertinent part, the statute provides: "(a)(1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations."

"[T]he interpretation and applicability of a statute is a question of law." (*City of Petaluma v. County of Sonoma* (1993) 12 Cal.App.4th 1239, 1244.) In reviewing petitioner's claim, we are guided by well settled rules of statutory interpretation. The most fundamental of these rules is that where the statute is clear, the "plain meaning" rule applies. The Legislature is presumed to have meant what it said, and the plain meaning of the language governs. (*Great Lakes Properties, Inc. v. City of El Segundo* (1977) 19 Cal.3d 152, 155.) "If the language is clear and unambiguous there

³ The court directed the second paragraph be amended to read: "During Dean's tenure \$250,000,000 (Two Hundred and Fifty Million!) was borrowed to invest in the risky Citron investment pool. Dean should have prevented this borrowing. He is one of the few remaining bankruptcy-era county officials who has not resigned or been removed from office." The court directed the third paragraph amended to read: "Dean's 'leadership' over the last eight years resulted in massive increases in the size of the County Department of Education bureaucracy. Elected on a platform to cut the Department's budget, instead his budget has increased from \$64 Million to over \$105 Million."

is no need for construction, nor is it necessary to resort to indicia of the intent of the Legislature" (*Delaney v. Superior Court* (1990) 50 Cal.3d 785, 798.)

The language of section 13307 is unambiguous. "The statement may include the name, age and occupation of the candidate and a brief description . . . of the candidate's education and qualifications. . . ." As noted by the Supreme Court in *Clark v. Burleigh* (1992) 4 Cal.4th 474, "[t]he negative implication of this specific list, of course, is that the Legislature did not intend the statutory candidate's statement to contain any other material: *expressio unius est exclusio alterius*. (Citation omitted.)"⁴ (*Id.*, at p. 489, emphasis in original.)

Opp argues *Clark* is distinguishable because section 13308, which governs *judicial* elections, contains specific limitations prohibiting comments on another candidate's qualifications, character or activities. *Clark* first found the implied intent to limit the statement from the same words used in the statute we review here. The additional language specific to judicial elections demonstrates additional express intent. But express intent is unnecessary here under the maxim *expressio unius est exclusio alterius*. "The expression of some things in a statute necessarily means the exclusion of other things not expressed." (*Gikas v. Zolin* (1993) 6 Cal.4th 841, 852, citing *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1391, fn. 13; see also *Lake v. Reed* (1997) 16 Cal.4th 448, 466-467.) Here, the statute expressly authorizes comment's on one's own qualifications, to the exclusion of comments on an opponent's qualifications.

We have received a reply from real party in interest Opp. Further proceedings would add nothing to our review. (See *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 180.) The relevant law and facts are entirely clear. (*Ng v.*

⁴ *Clark* interpreted sections 10012 and 10012.1, the predecessors to sections 13307 and 13308. (See Stats. 1994, ch. 920, § 2.)

Superior Court (1992) 4 Cal.4th 29, 35.) Consequently, additional briefing and oral argument would serve no useful purpose. (*Alexander v. Superior Court* (1993) 5 Cal.4th 1218, 1222-1223.) Moreover, time is of the essence. (See Elec. Code, § 13314, subd. (a)(3).)

Let a peremptory writ of mandate issue directing the Registrar of Voters to delete the first three paragraphs of Opp's candidate statement from the voter's pamphlet and to print the Opp candidate statement in the voter's pamphlet without those three paragraphs. To prevent mootness and to prevent frustration of the relief granted, this court's decision shall be final upon filing of the opinion. (Cal. Rules of Court, rule 24(d).)

SILLS, P. J.

WE CONCUR:

WALLIN, J.

RYLAARSDAM, J.

**CAMPAIGN DISCLOSURE FILING SCHEDULE
(Government Code §§ 81000-91015)**

GENERAL ELECTION

<u>STATEMENT</u>	<u>PERIOD COVERED</u>	<u>DUE DATE</u>
SEMI-ANNUAL	JANUARY 1 – JUNE 30, 2008	JULY 31, 2008
1ST PRE-ELECTION	*JULY 1 – SEPTEMBER 30, 2008	OCTOBER 6, 2008
2ND PRE-ELECTION	OCTOBER 1 - OCTOBER 18, 2008	OCTOBER 23, 2008
LATE CONTRIBUTION	OCTOBER 19 - NOVEMBER 3, 2008	WITHIN 24 HOURS OF RECEIPT OF \$1,000
SEMI-ANNUAL	OCTOBER 19- DECEMBER 31, 2008	FEBRUARY 2, 2009**

*The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1 if no previous statement has been filed.

**The January 31, 2009 filing deadline falls on a Saturday. The deadline is extended to February 2, 2009.

**FAILURE TO FILE OR LATE FILING OF CAMPAIGN DISCLOSURE STATEMENTS
COULD RESULT IN MONETARY FINES.**

Second pre-election statements must be sent by personal or guaranteed overnight delivery. All other type of statements (first pre-election and semi-annual) may be sent by first class mail.

Campaign statements containing 30 pages or less may be faxed provided that the required original (a copy containing an original signature of the committee treasurer) and the required copies are sent by first-class mail or by guaranteed overnight delivery service within 24 hours of the filing deadline. See information in campaign reporting kit for more details.

ALL CANDIDATES ARE REQUIRED TO FILE CAMPAIGN DISCLOSURE STATEMENTS

For detailed information on Campaign Disclosure Statements, see the Campaign Disclosure Manual 2. The manual is prepared by the Fair Political Practices Commission, and it is included in each candidate's campaign reporting kit.

If you plan on spending one thousand dollars (\$1,000) or more in a calendar year, you will receive a campaign reporting kit when you file for office. The kit contains all the necessary forms and instructions for filing your required campaign disclosure statements.

If you plan on spending less than one thousand dollars (\$1,000) in a calendar year, you will receive a form 470 (short form) when you file for office. Every candidate or officeholder who has filed a short form and who thereafter receives contributions or makes expenditures totaling one thousand dollars (\$1,000) or more in a calendar year, shall send written notification to the Secretary of State, the local filing officer, and each candidate contending for the same office within 48 hours of receiving or expending a total of one thousand dollars (\$1,000). The written notification shall revoke the previously filed short form statement.

Gov't § 84206

If you have questions concerning Campaign Disclosure, you may call the Registrar of Voters' office at (714) 567-7558 for assistance. If you have technical questions or need additional filing forms, you may contact the Fair Political Practices Commission at its website: www.fppc.ca.gov/ or call its toll free number: (866) 275-3772.

**A WORKSHOP WILL BE OFFERED ON HOW TO COMPLETE YOUR FORMS. SEE
WORKSHOP FLYER INCLUDED IN THE CAMPAIGN REPORTING KIT.**

CODE OF FAIR CAMPAIGN PRACTICES

At the time an individual is issued his/her Declaration of Candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official shall give the individual a blank form of the Code of Fair Campaign Practices and a copy of the provisions of Chapter 5 of Division 20 of the Elections Code. The elections official shall inform each candidate for public office that subscription to the code is voluntary. **§ 20440**

In the case of a committee making an independent expenditure as defined in section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of the provisions of Chapter 5 of Division 20 of the Elections Code to the individual filing, in accordance with Title 9, (commencing with section 81000) of the Government Code, an initial campaign statement on behalf of the committee. **§ 20440**

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

Every code subscribed to by a candidate for public office pursuant to Chapter 6 of Division 20 of the Elections Code is a public record open for public inspection. **§ 20443**

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

STATEMENT OF ECONOMIC INTERESTS - FORM 700

Candidates for councilmember must file a Statement of Economic Interests (Form 700) no later than when the Declaration of Candidacy is filed or no later than August 8, 2008, 5:00 p.m.

The candidates listed below are required to file a Statement of Economic Interests during the period for filing a Declaration of Candidacy.

This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, and chief administrative officers and members of city councils of cities, other public officials who manage public investments, and to candidates for any of these offices at any election.

Gov't. Code §87200

Every candidate for an office specified in Government Code section 87200 other than a Justice of an Appellate Court or the Supreme Court shall file no later than the final filing date of a Declaration of Candidacy, a statement disclosing his/her investments, his/her interests in real property, and any income received during the immediately preceding 12 months.

The statement shall not be required if the candidate has filed, within 60 days prior to the filing of his/her Declaration of Candidacy, a statement for the same jurisdiction pursuant to Government Code sections 87202 or 87203.

Gov't. Code §87201

FILING DATE

Form 700 is to be completed and returned to the Registrar of Voters office **no later than the deadline for filing the Declaration of Candidacy, August 8, 2008, 5:00 p.m.**

Each candidate will receive a statement of economic interests form and instructions, when issued the Declaration of Candidacy. Any questions regarding your Form 700, contact the following:

Orange County Registrar of Voters
1300 South Grand Avenue, Building C
Santa Ana, CA 92705
P.O.Box 11298
(714) 567-7558

For technical questions regarding completion of the Form 700, please contact:

Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, California 95814
1-866-askfppc

POLITICAL ADVERTISEMENT REQUIREMENTS

Any paid political advertisement which 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. **§ 20008**

SIMULATED BALLOT REQUIREMENTS

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 of 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.

No simulated ballot or simulated sample ballot 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.

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. **§ 20009**

ELECTION DAY - POLL WATCHING GUIDELINES

The election process is a public affair and anyone who wishes may observe. However, the vote of the individual citizen is secret, and no one may interfere with a voter's right to cast a secret ballot. Members of the precinct boards are sworn election officials of the County of Orange and have complete responsibility for conducting all phases of the election in their precinct. Certain standards are expected of observers:

- Poll watchers may not interfere in any way with the conduct of the election or with the vote count following the close of the polls. Any person who interferes with the election or with a voter is punishable by imprisonment in the state prison for 16 months or two or three years. **§ 18502**
- The election must be orderly. Do not talk in a loud voice, cause confusion, or congregate inside the polls. Do not ask to use the telephone or other facilities.
- The area between the official table and the voting booths is for voters only and may not be used as an observer post. **§ 14221**
- Poll watchers may not sit at the official table or handle any of the official voting equipment, supplies, or ballots. **§ 14223**
- Poll watchers may not wear candidate badges, discuss candidates, how a voter voted, or bring any campaign material into the polling place. This constitutes electioneering and is illegal. Electioneering may not be conducted within 100 feet of a polling place. The term "100 feet of a polling place" means a distance of 100 feet from the room or rooms in which voters are signing the Roster-Index and casting ballots. The blue "POLLING PLACE 100" signs which are posted outside, indicate the 100 foot boundary for electioneering. Violation of this section is a misdemeanor. **§ 18370**
- No one may be within 100 feet of a polling place while wearing a firearm or a peace officer or security guard uniform except: (1) An unarmed uniformed guard or security personnel who is at the polling place to cast his/her vote; (2) A peace officer who is conducting official business in the course of his/her public employment or who is at the polling place to cast his/her vote; (3) A private guard or security personnel hired or arranged for by a city or county elections official; (4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held. **§ 18544**
- The Precinct Board will attempt to respond to any reasonable, lawful requests from observers. The Registrar's office has instructed Precinct Officers to ask unruly poll watchers to leave, and to ask for assistance from the local law enforcement agency, if necessary.

ELECTION NIGHT RESULTS

Orange County uses a central location for tallying votes. All ballots are tabulated in the Registrar of Voters Tally Center located at 1300 S. Grand Ave., Bldg. C, Santa Ana.

The vote counting procedure is open to public viewing. Unofficial results are available throughout the evening of the election in the Registrar of Voters office beginning at approximately 8:05 p.m. and continuing until all precinct ballots have been tallied. Results may also be obtained by calling the Registrar of Voters office at (714) 567-7600 or visiting our web site (www.ocvote.com).

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING PROGRAM



**STATEMENT OF RESPONSIBILITY FOR TEMPORARY
POLITICAL SIGNS**

Election Date: _____ June _____ November Other: _____

Candidate's Name: _____

Office sought or Proposition Number: _____

County where sign(s) will be placed: _____

Number of signs to be placed: _____

RESPONSIBLE PARTY'S:

Name: _____

Address: _____

Phone Number (Include Area Code) _____

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

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

SIGNATURE OF RESPONSIBLE PARTY

DATE

Mail Statement of Responsibility to the Appropriate District Office according to the **COUNTY LOCATION** of the Temporary Political Sign(s) (See attached map).

OUTDOOR ADVERTISING DISPLAY PERMIT APPLICATION



Department of Transportation
Division of Traffic Operations MS-36
Outdoor Advertising Branch
P.O. Box 942874
Sacramento, CA 94274-0001
(916) 654-6473
(916) 651-9359 FAX

JUNE 2006

PENAL PROVISIONS

- (a) The Legislature finds and declares that the voters of California are entitled to accurate representations in materials that are directed to them in efforts to influence how they vote.
- (b) No person shall publish or cause to be published, with intent to deceive, any campaign advertisement containing a signature that the person knows to be unauthorized.
- (c) 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 television, radio, or 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.
- (d) For purposes of this section, an authorization to use a signature shall be oral or written.
- (e) Nothing in this section shall be construed to prohibit a person from publishing or causing to be published a reproduction of all or part of a document containing an actual or authorized signature, provided that the signature so reproduced shall not, with the intent to deceive, be incorporated into another document in a manner that falsely suggests that the person whose signature is reproduced has signed the other document.
- (f) Any knowing or willful violation of this section is a public offense punishable by imprisonment in the state prison or in a county jail, or by a fine not to exceed fifty thousand dollars (\$50,000), or by both that fine and imprisonment.
- (g) As used in this section, "signature" means either of the following:
 - (1) A handwritten or mechanical signature, or a copy thereof.
 - (2) Any representation of a person's name, including, but not limited to, a printed or typewritten representation, that serves the same purpose as a handwritten or mechanical signature. **Penal Code § 115.1**

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 such a name to such a petition, is guilty of a felony and is punishable by imprisonment in the state prison for 16 months or two or three years. **§ 18200**

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 in the state prison for 16 months or two or three years or by both such fine and imprisonment. **§ 18201**

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/her possession, entitled to be filed under the provisions of this code. **§ 18202**

PENAL PROVISIONS

(Continued)

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 in the state prison for 16 months or two or three years or by both such fine and imprisonment. **§ 18203**

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 in the state prison for 16 months or two or three years or by both such fine and imprisonment. **§ 18204**

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 in the state prison for 16 months or two or three years. **§ 18205**

Any candidate in an election or incumbent in a recall election who knowingly makes a false statement of a material fact in a candidate's statement, prepared pursuant to sections 11327 or 13307, with the intent to mislead the voters in connection with his/her campaign for nomination or election to a nonpartisan office is punishable by a fine not to exceed one thousand dollars (\$1,000). **§ 18351**

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 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/her ballot;
- (c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his/her qualifications except as provided in section 14240;
- (d) Do any electioneering.

As used in this section "100 feet of a polling place or an elections officials 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. **§ 18370**

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 an absentee voter, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time he/she knows the absentee voter is voting.

PENAL PROVISIONS

(Continued)

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

This section shall not be construed to conflict with any provisions 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.

§ 18371

No one who holds, or who is seeking election or appointment to, any office shall, directly or indirectly, offer or arrange for any increase in compensation or salary for an employee of a state or local agency in exchange for, or a promise of, a contribution or loan to any committee controlled directly or indirectly by the person who holds, or who is seeking election or appointment to, an office. A violation of this section is punishable by imprisonment in a county jail for a period not exceeding one year, a fine not exceeding five thousand dollars (\$5,000), or by both that imprisonment and fine. **Gov't § 3205.5**

SERVICES TO CANDIDATES

MAPS

A set of precinct maps is located on our public counter. If you wish to purchase maps of the district in which you are a candidate, our Map Unit at (714) 567-7586, will supply you with the information needed to order maps.

REGISTRATION FORMS

For candidates and committees wishing to conduct registration drives to register voters, registration forms are available at the Registrar's office from the Voter Registration Specialist. You may obtain the quantity of registration forms you deem necessary, upon availability. You will be asked to complete a Statement of Distribution form at the time the forms are issued to you. For further information, please call (714) 567-7569.

COMPUTER PRODUCTS

Registered Voter File: Candidates may purchase the registered voter file on CD-ROM in text format. The file is in alphabetical sequence and can be ordered with the names of all voters in Orange County or just the voters in a particular city or district. Call (714) 567-7615 for more information. The Registrar of Voters office does not provide technical support.

INDICES (WALKING LISTS): All candidates are entitled to purchase indexes. These are printed lists of registered voters by precinct, listed by address with the street names arranged alphabetically and street numbers in numerical order for a given street name.

Each candidate may purchase up to two copies (sets) of indexes for his/her own use or the use of his/her committee. These may be a complete set, including all precincts within the district in which the candidate is running, or a partial set, including some of the precincts in the district. Indexes sell for 50 cents per thousand names or portion thereof. Indexes may be ordered by filling out the proper form at the Registrar of Voter's office or by writing a letter to the Registrar of Voter's office, requesting indexes for a certain district. The cost of the product is payable in advance at the time the product is requested. For further information, please call (714) 567-7615.

The candidate must complete a written request form containing a signed declaration that the data purchased will be used only for election purposes.

Products are usually available within 3-4 days of placing the order (depending on job scheduling). For further information, please call (714) 567-7615.

VOTE-BY-MAIL BALLOT APPLICATIONS

The Secretary of State shall prepare and distribute to appropriate elections officials a uniform application format for a vote-by-mail voter's ballot which conforms to the requirements of section 3006. All individuals, organizations and groups who distribute applications for a vote-by-mail voter's ballot shall follow this format. **§ 3007**

If you choose to distribute applications for vote-by-mail ballots, you will be asked to complete a Statement of Distribution Plans before receiving a camera-ready copy of the application. You will be given a list of the application requirements and the Elections Code sections covering penal provisions.