

city of san luis obispo

CANDIDATE'S GUIDE



TUESDAY, NOVEMBER 2, 2010

GENERAL INFORMATION

CANDIDATE ELIGIBILITY

In order to be eligible to hold office as a member of the San Luis Obispo City Council, a candidate must be a registered voter and a resident of the City of San Luis Obispo not less than **30 days** prior to the date of the election and must continue to reside in the City during the term of office. (City Charter Article IV, § 403)

OFFICES VACANT

Mayor (1) - Two-year Term Council Members (2) - Four-year Terms

FILING PERIOD FOR NOMINATION DOCUMENTS ([California Elections Code \[E.C.\] Section 10220](#))

Monday, July 12, 2010, at 8:00 a.m. will be the first date and time that nomination documents may be issued by the City Clerk, 990 Palm Street, San Luis Obispo.

Friday, August 6, 2010, at 5:00 p.m. will be the final date and time for filing any nomination documents with the City Clerk, unless an incumbent does not file.

EXTENSION IF INCUMBENT DOES NOT FILE ([E.C. 10225](#))

If nomination documents for a qualified incumbent Mayor or Council Member are not filed by 5:00 p.m. on Friday, August 6, 2010, the Nomination Period will be extended until Wednesday, August 11, 2010, at 5:00 p.m.

FILING FEE

The City of San Luis Obispo does not collect a filing fee. However, candidates are required to pay the printing costs of the Candidate's Statement. (See page 8 of this Guide for additional information regarding costs.)

PLACEMENT OF NAMES ON BALLOT ([E.C. 13112](#))

The Secretary of State will make a random drawing of letters of the alphabet following the close of the nomination period (i.e., on August 12, 2010). Candidates' names will be placed on the ballot by their surnames in the order determined by this drawing. The City Clerk will notify candidates by e-mail as soon the results of the results of the drawing are known.

VOTER REGISTRATION DEADLINE ([E.C. 2107](#))

The voter registration deadline for this election is Monday, October 18, 2010.

GENERAL INFORMATION (Continued)

VOTE-BY-MAIL VOTING

Information will be provided by the Registrar of Voters Office and will be included in the candidate's packet.

CODE OF FAIR CAMPAIGN PRACTICES

A copy of the Code of Fair Campaign Practices will be provided to candidates in their packets. In endorsing this Code, candidates pledge to conduct their campaigns in a fair and honest manner. Endorsement of the Code is voluntary and is not a requirement. If a candidate chooses to sign the Code, it will be on file in the City Clerk's Office for public inspection.

OFFICIAL FILING REQUIREMENTS

OFFICIAL NOMINATION PAPER ([E.C. 10221 - 10222, 10227](#))

The **Nomination Paper (Official Filing Form)** will be furnished only by the City Clerk or Deputy City Clerk. At the time of issuance, the City Clerk will type the name of the candidate and the office for which he/she is running on the form. The City Clerk will affix her signature and date of issuance on the form. Only one candidate may be named on each Nomination Paper. It is recommended that candidates file as soon as possible in advance of the deadline so that any deficiency in the papers may be found and cleared in time for the candidate to qualify.

SIGNATURES

Not less than 20 or more than 30 voters may sign a Nomination Paper. Voters should be asked to sign as registered. Registered voters may sign one Nomination Paper for each vacant seat. Each seat is a separate office. Therefore, a registered voter may sign Nomination Papers for one candidate for Mayor and two candidates for Council Member.

The voter must sign the Nomination Paper and thereafter print his or her name and voting residence, including the street name and number. If not available, provide a description of the residence that will enable the Clerk to readily confirm the residence. Please be sure the name and the residence address of the person signing the Nomination Paper are printed clearly. Ditto marks may not be used. The signatures must be verified and if a name or address is not legible, verification may not be possible.

OCCUPATIONAL BALLOT DESIGNATION ([E.C. 13106-13107](#))

The candidate may choose ONE of the following designations to be printed on the ballot immediately under the candidate's name. (If the candidate chooses not to have a ballot designation, the space under the candidate's name will be left blank.)

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

OFFICIAL FILING REQUIREMENTS (Continued)

OFFICIAL NOMINATION PAPER (Continued)

OCCUPATIONAL BALLOT DESIGNATION (Continued)

3. No more than **three words** designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
4. The phrase "**appointed incumbent**" may be used 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. If the candidate is a candidate for election to a different office, the word "appointed" and the title of the office may be used. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."

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

The Elections Official shall not accept a designation if any of the following is true:

- It would mislead the voter.
- It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
- It abbreviates the word "retired" or places it following any word or words which it modifies.
- It uses a word or prefix, such as "former" or "ex-", which means a prior status. The only exception is the use of the word "retired."
- Use of the word "retired" is limited for use by individuals who can demonstrate retirement. Consult with the City Elections official for confirmation that this status is appropriate.
- Contains commercial identification, such as IBM President.
- It uses the name of any political party, whether or not it has qualified for the ballot.
- It uses a word or words referring to a racial, religious or ethnic group.
- It refers to any activity prohibited by law.

OFFICIAL FILING REQUIREMENTS (Continued)

OFFICIAL NOMINATION PAPER (Continued)

OCCUPATIONAL BALLOT DESIGNATION (Continued)

A candidate who submits a ballot designation must also submit a ballot designation worksheet that supports the use of the ballot designation. The ballot designation worksheet will be provided by the City Clerk and must be submitted at the time the candidate files his/her Nomination Papers. *If a ballot designation worksheet is not filed, no designation shall appear under the candidate's name on the ballot.*

If the Elections Official rejects a designation, the candidate shall be notified and the candidate shall, within three days of receipt of the notice, appear before the Elections Official and provide an alternate designation. In the event the candidate fails to provide an alternate designation, **no designation** shall appear under the candidate's name.

The designation shall not be changed, except as provided above, after the final date for filing Nomination Papers.

The designation shall be printed in 8-point Roman uppercase and lowercase type except that, if the designation selected is so long that it would conflict with the space requirements, a sufficiently smaller type size shall be used for the designation for each candidate for that office.

The term "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 (e.g. - attorney, physician, accountant, or teacher)..

The term "vocation" means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies on for his or her livelihood (e.g.- minister, plumber, homemaker, or carpenter).

The term "occupation" means the employment in which one regularly engages or follows as the means of making a livelihood (e.g. - rancher, salesperson, secretary, police officer, or construction worker).

The following types of activities are distinguished from professions, vocations and occupations and **are not acceptable** for ballot designations:

- Casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation, such as volunteer work or social activities.

OFFICIAL FILING REQUIREMENTS (Continued)

OFFICIAL NOMINATION PAPER (Continued)

OCCUPATIONAL BALLOT DESIGNATION (Continued)

- Positions held which consume little or no time and which are voluntary, or for which the candidate is not compensated, such as honorary sheriff, volunteer firefighter, honorary chairperson, goodwill ambassador or official host or hostess.

The term “status” is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole, such as philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife and the like.

DECLARATION OF CIRCULATOR

The candidate must determine whether he/she will personally be the circulator of the Nomination Paper. Whoever circulates the petition must personally witness each person's signature. If a candidate designates another person to circulate the petition, that person must be registered to vote in the City election, and he/she must complete the Declaration of Circulator in the same way that he/she is registered. (E.C. 11046) If there is any doubt about the candidate's and/or circulator's registration, verification should be made with the Registrar of Voters Office before proceeding by calling (805) 781-5228.

AFFIDAVIT OF NOMINEE AND OATH OR AFFIRMATION OF ALLEGIANCE

This section is contained on the back of the Nomination Paper. It includes a declaration stating that the candidate will accept the nomination and the office in the event of his/her election, and an oath or affirmation of allegiance. In addition, the candidate must state his/her ballot designation. The declaration and oath or affirmation of allegiance **must be signed in the presence of the City Clerk at the time a candidate files his/her nomination documents.**

FILING OF NOMINATION PAPER

Once all signatures have been obtained, the candidate must file the Nomination Paper with the City Clerk. Please note that nomination documents (Nomination Paper, Candidate's Statement of Qualifications, and Statement of Economic Interests, etc.) must be filed at the same time.

CANDIDATE'S STATEMENT OF QUALIFICATIONS ([E.C. 13307](#))

Each candidate may file a **Candidate's Statement of Qualifications** of no more than 200 words on a form provided by the City Clerk. Candidates will also be asked to submit their statements electronically in a "Word" or "WordPerfect" format. The Statement will be printed in the

OFFICIAL FILING REQUIREMENTS (Continued)

CANDIDATE'S STATEMENT OF QUALIFICATIONS (Continued)

Voter's Pamphlet and distributed to all registered voters with the sample ballot prior to the election. Statements must be filed at the same time the Nomination Paper is filed. **This Statement may be withdrawn, but not changed, on or before 5:00 p.m. on the next working day after the close of the nomination period.** The Statement shall include the name of the candidate and a description of the candidate's education and qualifications. The candidate's age and occupation are optional.

The Elections Code prohibits the Statement from containing references to the candidate's party affiliation or membership, or his or her activities in partisan political organizations. (City Council elections are required to be non-partisan.) In addition, the City Clerk is required to reject a Statement which contains any obscene, vulgar, profane, scandalous, libelous, or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse,

violence or hostility toward, or which tends to cast ridicule or shame upon, any person or group of persons by reason of sex, race, color, religion or manner of worship, or any language or matter, the circulation of which through the mails is prohibited by Congress. The Elections Code also provides that the author of a Candidate's Statement is not exempt from any civil or criminal lawsuit filed because of any false, scandalous, or libelous statements contained in the Candidate's Statement.

FORMAT OF STATEMENT OF QUALIFICATIONS

State law requires that each statement be printed in uniform type (size and darkness), with uniform spacing. Therefore, all statements will be printed in block form with no paragraphs or indenting, no boldface characters, and no underlining. Please do NOT submit your statement in all upper-case letters. Statements submitted in all upper-case letters will be revised to lower case, with the exception of common acronyms; i.e. LOCC, SLOPD, etc. This may result in some of those words being lower-cased when you do not desire that they appear that way.

WORD COUNT STANDARDS

- The name and official title at the top of the form are not counted.
- Punctuation is not counted.
- All geographical names shall be counted as one word (i.e., "City of San Luis Obispo" shall be counted as one word).
- Each abbreviation for a word, phrase, or expression shall be counted as one word (i.e., A.D.A.).
- 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 this election, shall be counted as one word. Each part of all other hyphenated words shall be counted as a separate word.

OFFICIAL FILING REQUIREMENTS (Continued)

CANDIDATE'S STATEMENT OF QUALIFICATIONS (Continued)

WORD COUNT STANDARDS (Continued)

- Dates consisting of a combination of words and digits shall be counted as two words (i.e., July 14, 2010). Dates consisting of only digits shall be counted as one word (i.e. 7/14/10).
- Digital numbers shall be counted as one word (i.e., 100). Numbers that are written out are counted as one word each (i.e., "one" shall be counted as one word and "one hundred" shall be counted as two words).
- Telephone numbers shall be counted as one word.
- Internet web site addresses shall be counted as one word.

COSTS OF CANDIDATE'S STATEMENT OF QUALIFICATIONS

The **estimated** cost for printing and distributing a Candidate's Statement in English is \$410. The estimated cost for printing and distributing a Candidate's Statement in Spanish is \$510. A deposit of \$410 for English only, or \$920 for English and Spanish is to be submitted at the time the Statement is filed with the City Clerk. If the costs are less than estimated, a refund will be made when the actual costs are ascertained. Candidates will be sent an invoice for costs that are greater.

If the candidate lacks sufficient funds to pay the cost, he/she may sign a declaration provided by the City Clerk to that effect, and the statement will be printed and distributed.

CONFIDENTIALITY OF STATEMENTS

[Elections Code Section 13311](#) makes the Candidate's Statement confidential until the close of nominations. The City Clerk will not release the statement to the media until the expiration of the filing deadline.

STATEMENT OF ECONOMIC INTERESTS (FORM 700) (Government Code [G.C.] 87200-87210)

Each candidate is required to file a **Statement of Economic Interests** form (Form 700). It is preferable that this form be filed at the time the Nomination Paper is filed. However, it must be filed no later than the close of the Nomination Period. A copy of Form 700, with instructions, will be provided with the candidate's information packet.

The manuals and forms that are provided should be read carefully. Candidates need only disclose investments and interests in real property held on the date at which time this form is completed/filed. If assistance with the form is needed, candidates may call the City Clerk's office at (805) 781-7102 or the Fair Political Practices Commission (FPPC) at 1-866-275-3772.

OFFICIAL FILING REQUIREMENTS (Continued)

STATEMENT OF ECONOMIC INTERESTS (FORM 700) (Continued)

free). Additional copies of the form may be obtained from the City Clerk or the FPPC web site at www.fppc.ca.gov.

STATE CAMPAIGN DISCLOSURE FILING REQUIREMENTS

NOTE: This section refers solely to State filing requirements. However, candidates are also responsible for being familiar with the City's filing requirements as contained in [Municipal Code Chapter 2.40](#), Election Campaign Regulations. Please review pages 11-13 of this Candidate's Guide and Municipal Code Chapter 2.40 for more information regarding the City's requirements.

Candidates are responsible for complying with the filing requirements of the California Government Code (Political Reform Act). Failure to file may result in the imposition of fines in accordance with State law. Appropriate information manuals, addendums, and forms will be provided to each candidate. Copies of the Political Reform Act may be obtained by contacting the Fair Political Practices Commission (FPPC) at its toll free number at 1-866-275-3772. It may also be viewed on the FPPC web site at <http://www.fppc.ca.gov>.

This guide is for the use of the candidates and treasurers only. Questions regarding filings that pertain to independent expenditures or other committees should be directed to the City Clerk's Office.

CAMPAIGN STATEMENTS

Candidate Intention Statement (Form 501)

Form 501 is required for all candidates, including incumbents, except those candidates who will not be raising or spending funds other than their own for the printing of the Candidate's Statement of Qualifications. It must be filed with the City Clerk **prior to** solicitation or receipt of any contribution, including personal funds.

OFFICIAL FILING REQUIREMENTS (Continued)

STATE CAMPAIGN DISCLOSURE FILING REQUIREMENTS (Continued)

CAMPAIGN STATEMENTS (Continued)

Statement of Organization/Termination (Form 410)

Form 410 is used to organize a campaign committee, make changes to any information about the committee and to terminate the committee. The following is a summary of the form's requirements:

Establishing a Committee: The Form 410 – Statement of Organization is filed whenever a recipient committee receives contributions or makes expenditures totaling \$1,000 or more in a calendar year. The original form must be filed with the Secretary of State and a copy of the form filed with the City Clerk *within 10 days of receiving \$1,000 in contributions*. The form is considered filed on the date it is postmarked. The Secretary of State's Office will issue a campaign committee identification number within a few weeks. (Please see Form 410 for special requirements during the 16-day period prior to the election.)

Important Note: The personal funds of a candidate or officeholder used in connection with seeking or holding elective office are considered contributions and are counted toward qualifying as a recipient committee.

It is acceptable to file the form *before* officially qualifying as a committee. The "statement type" in this instance would be "INITIAL." It is important to note, however, that once the \$1,000 threshold has been met, an *amended* Form 410 must be filed within 10 days.

Amending the Statement of Organization: The Form 410 is also used for making any changes in the committee's status. Examples: Reporting the date that the committee officially qualified; changing the name of the committee; appointing a new treasurer. The "statement type" in this instance would be "AMENDMENT."

Terminating the Committee: The Form 410 is filed to terminate the committee and conclude all campaign disclosure obligations. The "statement type" is "TERMINATION." Pursuant to the City's Election Campaign Regulations, all candidate committees must terminate by February 2, 2009.

Recipient Committee Campaign Statement (Form 460)

This form is required for all candidates who receive contributions of \$1,000 or more. The original and one copy is to be filed with the City Clerk at the time pre-election statements are required and on a semi-annual basis until the campaign bank account has been closed. See the Filing Schedule for dates when this form must be filed.

OFFICIAL FILING REQUIREMENTS (Continued)

STATE CAMPAIGN DISCLOSURE FILING REQUIREMENTS (Continued)

CAMPAIGN STATEMENTS (Continued)

Late Contribution Reports (Form 497)

A "late contribution" is a monetary or non-monetary contribution, including a loan, or a combination of monetary and non-monetary contributions and loans, which totals in the aggregate of \$1,000 or more from a single source which is made to or received by a committee during the 16 days immediately preceding the election. A "Late Contribution" report must be filed with the City Clerk by guaranteed personal delivery, overnight delivery service, or facsimile **within 24 hours** of making or receiving a late contribution.

Due to the \$200 limitation imposed by the City Election Campaign Regulations on contributions received by a candidate from a single source, this form does not generally apply to candidate committees, except when a candidate or a member of the candidate's immediate family loans or contributes \$1,000 or more to his/her campaign during the late contribution period.

Officeholder and Candidate Campaign Statement- Short Form and Form 470 Supplement (Form 470/470 Supplement)

This form is required only for candidates who do not have a controlled committee and do not anticipate receiving or spending more than \$1,000. An original and one copy must be filed with the City Clerk at the time the first campaign statement for this election period is filed. See the Filing Schedule for the date.

Semiannual Campaign Statement (Form 460 or 470) (G.C. 84200)

Following the election, each candidate will be required to file a Semi-Annual Campaign Statement. The Statement is due in the City Clerk's Office by Monday, January 31, 2011, and will cover the period from October 17, 2010, through December 31, 2010. An additional filing will be required if the candidate's campaign bank account has not been closed by December 31, 2010.

All State campaign forms and manuals are available from the FPPC's web site at www.fppc.ca.gov. They are also available in the City Clerk's office upon request. Candidates and their treasurers are urged to read the information manual and guidelines accompanying all forms. They are also encouraged to attend an FPPC seminar for candidates and committees. Seminar schedules are posted on the FPPC's web site.

OFFICIAL FILING REQUIREMENTS (Continued)

CITY CAMPAIGN DISCLOSURE REPORTING REQUIREMENTS

The City of San Luis Obispo has enacted Election Campaign Regulations that are stricter than those enacted by the California Government Code. The complete text of the Regulations, Ordinance No. 1538, Chapter 2.40, of the Municipal Code, containing these regulations is attached as Exhibit A. Candidates and their treasurers are responsible for complying with all applicable provisions of the City's Election Campaign Regulations. Failure to file the City's Supplemental Campaign Statement may result in the imposition of fines.

Candidates will be provided with a paper copy of the City's Supplemental Campaign Statement, as well as an electronic version of the form in Excel format. When filing the City's form, both the paper copy with the original signatures of the candidate and treasurer must be submitted, along with an electronic version of the completed form.

IMPORTANT INFORMATION ABOUT RECORDKEEPING

It is essential to keep a complete and accurate record of campaign receipts and expenditures. Although it is not required that individual contributions of \$50 or less be disclosed, candidates should try to know the origin of all contributions to ensure individuals do not make small donations that aggregate to more than \$50. Further, the California Franchise Tax Board is authorized to conduct audits of local candidates and their committees. City Election Regulations also provide that the City Clerk may access all campaign bank records.

It is the candidate's responsibility to carefully review the campaign statements prepared by the committee treasurer. Both the candidate and the treasurer must verify that the statement is true and sign the statement under penalty of perjury. A statement is not considered filed if it is not signed by both the candidate and treasurer.

The State Campaign Disclosure manuals provide specific instructions and examples to assure record keeping complies with FPPC regulations. These examples address the most common transactions occurring in a campaign and will assist in keeping adequate records.

FAXED DISCLOSURE STATEMENTS

State campaign disclosure statements of 30 or less pages may be faxed to the filing officer and considered on time when transmitted by fax on the day of the filing deadline and received during regular business hours. However, the filer must provide the City Clerk with the original form, with the original signature, via first-class mail, guaranteed overnight delivery or personal delivery within 24 hours of the applicable deadline.

It is the filer's obligation to ensure that the fax transmitted copy is received by the filing officer, who is under no obligation to the filer when a faxed statement is not received due to a paper jam, system error, or paper shortage, etc. The City Clerk's fax number is (805) 781-7174.

OFFICIAL FILING REQUIREMENTS (Continued)

FAXED DISCLOSURE STATEMENTS (Continued)

The City's Supplemental Campaign Disclosure Statement may not be faxed. An original and electronic copy must be delivered by the required deadline.

CAMPAIGN FILING SCHEDULE (City M.C. 2.40.060)

California State Law and the City's Municipal Code dictate filing dates. All forms must be received by the City Clerk's Office by 5:00 p.m. on the deadlines listed below. Failure to file may result in the imposition of fines.

Filing Deadline	Type of Statement	Period Covered*	Method of Delivery
Monday, August 2, 2010*	State Semi-Annual Form 460	1/1/10 - 6/30/10	Personal Delivery First Class Mail
Tuesday, October 5, 2010	State Pre-Election Form 460	7/1/10 - 9/30/10	Personal Delivery First Class Mail
Tuesday, October 5, 2010	City Supplemental	Formation - 9/30//10	Personal Delivery
Thursday, October 21, 2010	State Pre-Election Form 460	10/1/10 - 10/16/10	Personal Delivery Guaranteed Overnight Service
Thursday, October 21, 2010	City Supplement	10/1/10 – 10/16/10	Personal Delivery
Within 24 Hours <i>Late Reports</i>	Independent Expenditures Form 496 or 497	10/17/10 -11/1/10	Personal Delivery Guaranteed Overnight Service Fax
Monday, January 31, 2010	State Semi-Annual Form 460 State Termination Form 410	10/17/10 - 12/31/10	Personal Delivery First Class Mail (City's deadline for closing account/terminating committee coincide.)

* 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.

CAMPAIGN ADVERTISING

LITERATURE/MASS MAILING REQUIREMENTS

The Political Reform Act specifies that a candidate or committee that sends a mass mailing (200 or more substantially similar pieces of mail in a calendar month) must identify itself on the mailer (Government Code Section 84305). The Elections Code (Section 16) requires that City Clerks/Elections Officials provide a copy of Government Code Section 84305 to each candidate or his/her agent at the time that a Nomination Paper is filed. A copy of Section 84305 will be provided in the candidate's packet.

CAMPAIGN SIGNS

Campaign signs shall not exceed three square feet per sign in residential zones and 10 square feet per sign in nonresidential zones. The signs shall be removed no later than 10 days following the election. The owner's permission must be received to display signs on private property.

Please note: The sign regulations prohibit placement of signs on utility poles, traffic control devices, street trees, or within any public right-of-way. Signs posted in this manner are subject to removal by the Public Works Department.

Please refer to section 2.40.070 of the attached Election Campaign Regulations for the full text regarding campaign signs.

Please call the City Clerk's office at 781-7102 if you have additional questions regarding campaign signs.

Environmentally-Friendly Campaign Signs:

With the electronic age and all the media alternatives that avoid the use of waste producing materials, it is conceivable that a sharply run campaign that capitalizes on the minimal production of waste is a distinct possibility. Recognizing that campaign signs are an effective tool for gaining name recognition, the City offers some tips for creating political campaign signs that will appeal to environmental and community values.

Rules of Thumb:

- Plastic coated paper materials commonly used in outdoor campaign signs are not recyclable.
- Unpainted, untreated wood is recyclable, but painted or treated wood is not.
- Non-plasticized paper used in signs would be recyclable, but it is not very durable when used outdoors.

CAMPAIGN ADVERTISING (Continued)

CAMPAIGN SIGNS (Continued)

Here are some ideas:

- Use thin vinyl signs with metal rod frames that stick into the soil (common household signs). Although the plastic is not recyclable, it is thin and impact to the landfill is minimal. The metal is not recyclable through curbside, but San Luis Garbage will accept bare metal rods (only) for recycling. Detach the plastic first.
- Use a single *untreated* wooden stake as a frame, and fold a two-sided plastic coated paper sign over it and staple it together. The bare stake can be recycled in green waste containers. Unfortunately the plastic coated paper cannot be recycled.
- Use thin vinyl signs with metal rod frames, but arrange for the manufacturer to take back the signs for re-use or recycling of the metal frame. Re-use is considered superior to recycling.
- If possible, avoid large-scale use of small yard-sized campaign signs. In place of signs, consider an extensive mailing campaign that states this goal (mail is recyclable, and ask that it be recycled in the mailer).
- Throw in a vehicle sticker campaign, etc.
- Posters can be placed at a few key locations, including windows, to minimize waste.
- Depending on their composition, it is possible that the posters could be recycled.

If you have questions about recycling, reuse and conservation, please call the Utilities Conservation Office at 781-7217.

PRINT ADVERTISING

Section 20008 of the California Elections Code reads in part, “Any paid political advertisement that refers to an election or to any candidate for state or local election office and which 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.” If you wish to include the name of the committee, it is acceptable to state, “Paid Political Advertisement by the Committee to Elect John/Jane Smith Council Member 2010.”

The City's Election Campaign Regulations require that any person who makes independent expenditures for or against a candidate shall indicate clearly on any material published, displayed, distributed, or broadcast the name of the person and the fact that the material was paid for by that person.

CAMPAIGN ADVERTISING (Continued)

PRINT ADVERTISING (Continued)

If you know of any well-meaning supporters or persons who plan to place an ad to support or oppose any candidate, please caution them that they will have filing requirements as well. State law does not allow a candidate to provide any direct or indirect control on that committee/person.

Neither the Political Reform Act, nor the City Election Campaign Regulations, contains a provision to regulate the content of mailings or other campaign-related advertisements or materials (e.g., false or misleading statements).

ELECTION DAY ACTIVITIES

The polls officially open at 7:00 a.m. and close at 8:00 p.m. At the close of the polls, precinct officials complete their charge and deliver voted ballots and supplies to the San Luis Obispo County Registrar of Voters. Ballots are then tallied and the results are released to the public. Vote-by-mail ballot and early precinct results can be available as early as 8:30 p.m.

Election returns can be “watched” several ways: The County Clerk-Recorder will be posting returns as they come in at the County Board of Supervisors’ Chambers, which will be open to the public. In addition, returns will be posted and updated every 15 minutes on the Internet. Go to <http://www.sloelections.org>. Local television stations will also provide updates. Final election results will be available by phone between 8:00 a.m. and 5:00 p.m. on the day after the election at the following locations:

Office of the City Clerk
Phone: 781-7100

County Voter Registration and Elections
Phone: 781-5228

ASSUMING OFFICE

Newly elected Council Members will take office on Monday, December 1, 2010, at noon. The swearing in ceremony may be followed by a reception with light refreshments.

THE BROWN ACT

Candidates who have been elected but are not yet sworn in are subject to the Brown Act (Open Meeting Law). This means that they should avoid meetings or serial communications with current members of the body and/or other members-elect on topics within the subject matter jurisdiction of the City Council until they have been briefed on the law by the City Attorney.

2010 ELECTION CALENDAR

July 3	City Clerk to Publish Notice of Election
July 12 – August 6	Filing period for Nomination Papers and Candidates' Statements
August 2	Semi-Annual Campaign Statement (State Form 460) due for period covering January 1* – June 30 (<i>File only if you received contributions or made expenditures during this period.</i>) (*Or from date committee was established.)
August 7 – 11	Extended Filing Period (if an incumbent does not file)
August 9	Last day to withdraw Candidate Statement of Qualifications
August 12	Secretary of State to draw randomized alphabet; determines placement of candidate's name on ballot.
August 31	FPPC Workshop for Candidates/Treasurers 7-9 pm in Council Chamber
September 9	Candidates Orientation with Department Heads 5:30 pm in Council Chamber
September 23	Candidate Forum, Council Chamber 5:30-8:30
October 2	City Clerk to Publish Notice of Nominees and Ballot Measure
October 4	Vote by Mail Period Begins
October 5	First Pre-election Campaign Statement due for period covering July 1 – September 30 (State Form 460) and City Supplemental Form
October 17 – November 1	Late Independent Expenditure Forms 496 & 497 Due
October 18	Last day to Register to Vote (or change registration) (Voters registering between October 4 and 18 will receive notification of polling place, but will not receive any other information.)
October 21	Second Pre-election Campaign Statement due for period covering October 1 – October 16 (State Form 460) and City Supplemental Form
November 2	ELECTION DAY – Polls open from 7 a.m. to 8 p.m.
November 12	Campaign signs must be removed.
December 1	Canvass/Declaration of Election Results and Swearing in of New Officers
January 31, 2011	Last day to File Post-election Campaign Statement (State Form 460) for period covering Oct 17 – Dec 31, and Statement of Termination (State Form 410) (in accordance with State law and the City's ordinance).

FREQUENTLY ASKED QUESTIONS ABOUT CANDIDACY

Q: Is there a fee involved in filing for office?

A: No. A filing fee for municipal office is established at the discretion of the governing body. However, candidates are required to pay for the printing of their statements in the ballot pamphlets.

Q: Is your office open during the lunch hour?

A: Yes. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays, and the Office of the City Clerk is staffed during the lunch hour.

Q: What happens if I change my mind about running for office after filing nomination papers?

A: You may withdraw as a candidate at any time prior to the close of the nomination period. You are not permitted to withdraw after that date, and your name will appear on the ballot.

Q: What happens if some of the signatures I obtain on my nomination papers are not registered voters or do not live within the City limits?

A: File your nomination papers early to avoid the consequences of a problem of this type. The City Clerk must certify the signatures on nomination papers. If you wait until the last day to file and for any reason your signatures are insufficient, you may not qualify as a candidate. If you file early, there will be time to check the signatures and notify you of any discrepancies; you may have an opportunity to submit supplemental signatures on your nomination papers.

Q: When does a candidate's nomination become public?

A: From the time a candidate submits his/her nomination paper or files a Candidate Intention Statement (Form 501) with the City Clerk, his/her name is public information. However, the nomination paper is not immediately available for public review. A complete list of candidates will be available in the Office of the City Clerk after the nomination period.

Q: May I change the wording on my Candidate's Statement after submission?

A: No, you may not. Check your Candidate's Statement carefully before submitting. It will be printed exactly as submitted. (Please note that the only amendments allowed after the filing period are format changes and/or the elimination of excess words. The content of the statement must remain the same.)

FREQUENTLY ASKED QUESTIONS ABOUT CANDIDACY (Continued)

Q: If I submit a Candidate's Statement and I change my mind, may I withdraw the statement?

A: The Candidate's 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.

Q: Can I mail in my nomination papers or have someone deliver them to the City Clerk for me?

A: Election law does not prohibit another person from filing nomination papers on a candidate's behalf; however, candidates are urged to file in person. There are two reasons:

1. The Affidavit of the Nominee should be sworn to before the City Clerk or Deputy City Clerk. However, if the candidate cannot appear in the Clerk's Office, a Notary Public may attest the affidavit.
2. The signature of the candidate, as well as other data, is required on many documents involved in the nomination process. If, through an oversight, the nomination papers are incomplete, the problem may be easily rectified when a candidate files in person.

Q: Do the Mayor and Council Members receive monetary compensation?

A: Yes. Currently, the Mayor receives \$1,200 a month and each member of the Council receives \$1,000 per month. In addition, expenses incurred for Council-approved business are reimbursed, including mileage, meals and professional development.

Q: How often does the City Council meet?

A: The City Council holds its regular meetings on the first and third Tuesday of every month. Other special and adjourned meetings are scheduled as City business necessitates.

Q: If elected, when will I take office?

A: Oaths of Office will be administered by the City Clerk on Wednesday, December 1, 2010. Terms of Office begin December 1, 2010.

FREQUENTLY ASKED QUESTIONS ABOUT CAMPAIGN DISCLOSURE

Q: Must I form a campaign committee?

A: That depends! If you do not plan to spend \$1,000 or solicit contributions in excess of \$1,000, you are not required to form a campaign committee. If, however, you plan to solicit contributions in excess of \$1,000, you are required by law to form a campaign committee.

Q: What if I file a Short Form 470 and subsequently receive contribution or make expenditures totaling \$1,000 or more?

A: A candidate who files a Form 470 and subsequently receives or expends \$1,000 or more, must file a Form 470 – Supplement with the Secretary of State, City Clerk, and all other candidates for the same office. The form must be filed within 48 hours by guaranteed overnight delivery, personal delivery or facsimile transmission. The Form 470 – Supplement provides clear instructions.

Q: May the candidate be designated treasurer of his or her committee?

A: Yes. A candidate may be designated as his or her own committee treasurer.

Q: May I appoint an assistant treasurer?

A: Yes. An assistant treasurer, if so designated on the Form 410, Statement of Organization, is authorized to act on behalf of the treasurer in his or her absence.

Q: What happens if I forget to sign a campaign disclosure statement?

A: An unsigned campaign statement is not considered filed. Be sure to sign all statements to ensure that no late filing fees are incurred.

Q: If I realize that a mistake has been made on a signed campaign disclosure statement that has already been submitted to the City Clerk, can I get it back and make the correction?

A: No. Once the Filing Officer has date-stamped a campaign statement, it is considered to be filed. You may, however, amend any statement by filing the same form, checking “Amendment” as the statement type, and including the correct information. Each form has instructions included about how to make amendments to it.

FREQUENTLY ASKED QUESTIONS ABOUT CAMPAIGN DISCLOSURE (Continued)

Q: For contribution purposes, who is considered to be my immediate family?

A: State Law defines "Immediate family" as the candidate's spouse or domestic partner, and/or dependent children.

Q: What is an "independent expenditure?"

A: An independent expenditure means an expenditure made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, not made at the behest of the affected candidate or committee.

Q: Can I establish my campaign bank account in another city or county?

A: Yes, if the financial institution at which the account is established has a branch located within the City of San Luis Obispo.

Q: What does the term "aggregation of contributions" mean? What are some examples of "aggregating"?

A: This gets tricky! Essentially, contributions must be *combined* and *cannot total more than \$200.00* when the contributions are from two or more people who share something in common, like a joint checking account, a business or partnership. Two or more "entities" shall be treated as *one person* and are *subject to the \$200 contribution limit* when any of the following circumstances apply:

- The "entities" share the majority of members of their boards of directors;
- The "entities" share two or more officers;
- The "entities" are owned or controlled by the same majority shareholder/s;
- The "entities" are in a parent-subsiary relationship.

Here are some examples of aggregating:

1. A husband and wife share a *joint* checking account. The wife writes a check to the candidate's campaign committee for \$200. *Unless she so indicates on the check* that the contribution is solely from her, the contribution shall be considered as two contributions: one in the amount of \$100 from the wife and the other in the amount of \$100 from the husband. Each spouse may make another, separate donation; however it may not be for more than \$100.

FREQUENTLY ASKED QUESTIONS ABOUT CAMPAIGN DISCLOSURE (Continued)

2. Three brothers own equal interests in a local restaurant. The brothers agree to donate to a candidate use of their banquet room for a fund-raising activity. The fee for renting the room is \$100 per hour. The candidate has asked to use the room for three hours. Because the “rental fee” for three hours is valued at \$300 the restaurant may only donate \$200 of the fee (this is called an “in-kind contribution”). The candidate would be required to pay the additional \$100. Additionally, because the brothers are collectively the “restaurant,” none of them may make an individual contribution from personal funds to the candidate.
3. A husband and wife own 60% of the family-owned hardware store. Their three grown children equally share in the remaining 40%. The individuals that control the interest (in this case, the husband and wife) are limited to making a donation of no more than \$200 to the candidate. The children, however, may make individual contributions of up to \$200 each.
4. Joe, Bob and Sue are board members on a five-person Board of Directors of a for-profit corporation. If the Board approves a contribution of \$200 to a candidate’s campaign committee, the individual board members *may not* make separate, individual contributions to the candidate.

Q: What’s an “accrued expense” and how do I report it?

A: An “accrued expense” is one that has not yet been paid for. For instance, literature has been ordered and received from a printer at a cost of \$2,500, but has not yet been paid for. State Law requires that it be reported as an “accrued expense” on Schedule F of the Form 460 for the reporting period in which the order was placed. The expense must be reported on every subsequent Form 460 until the obligation is paid. For example: The \$2,500 unpaid bill to the printer was reported on the first pre-election campaign statement. Later a payment of \$1,000 is made. On the second pre-election campaign statement, the accrued expense will be itemized by reporting a beginning balance of \$2,500, a payment of \$1,000 and a balance owed of \$1,500.

Q: May a candidate-controlled committee make a contribution to another candidate’s committee or spend any campaign funds to oppose a candidate?

A: No. Government Code Section 85501 prohibits candidates from using campaign funds to support or oppose other candidates, or to make contributions to other committees for the purpose of making independent expenditures to support or oppose other candidates. For instance, a candidate may not use his/her campaign funds to buy an ad in the newspaper opposing another candidate. He/she also may not make a contribution to a political action committee that will be spending campaign funds to oppose or support any local candidate.

FREQUENTLY ASKED QUESTIONS ABOUT CAMPAIGN DISCLOSURE (Continued)

Q: How are unexpended campaign funds disbursed after the election?

A: If, after the election, there are surplus campaign funds, the campaign treasurer must disburse all of those unexpended funds to the City of San Luis Obispo and/or a nonprofit charitable organization of the campaign treasurer's choice. The final campaign statements shall reflect how the surplus funds were disbursed.

Q: How long should campaign disclosure records be retained?

A: The campaign treasurer is required to retain all records of campaign receipts and expenditures and substantiating documentation for a period of four years after the election.