

NOVEMBER 8, 2024  
GENERAL MUNICIPAL ELECTION  
CITY OF SAND CITY

CANDIDATE'S HANDBOOK



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Elections Official  
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## MESSAGE FROM THE CITY CLERK

Dear Potential Candidate:

This handbook has been prepared to assist candidates in preparing for the Municipal Election scheduled to be held on Tuesday, November 5, 2024.

This informational guide will provide you with an overview of the local nomination process, nomination papers, official forms, and campaign deadlines that you will encounter during your candidacy. Please take the time to review the information in the guide as it may answer many questions you may have regarding running for public office.

### **Election Contact**

The City Clerk is the Elections Official and can assist you in understanding the general rules contained in this guide and will oversee the nomination filing process. The City Clerk can be reached at 831-394-3054 or via email at [cityclerk@sandcityca.org](mailto:cityclerk@sandcityca.org). Alternatively, we can review all of this in person.

The Office of the City Clerk is open by appointment only from 8:30 AM to 12:00 PM and 1:00 p.m. to 4:00 PM, Monday through Friday. You may visit us at City Hall at 1Pendergrass Way, Sand City, on the web at [www.sandcity.org](http://www.sandcity.org), or call us at 831-394-3054.

### **Filing Reminders**

- Review the Guide
- Make an appointment
- Complete forms ahead of time
- File early

Sincerely,

*Kerry Lindstrom*

Kerry Lindstrom  
City Clerk

## **DISCLAIMER**

This handbook is intended to serve as a guide. It is not comprehensive and should not be relied upon to ensure compliance with State or Federal law. It is the candidate's responsibility to ensure compliance with all applicable laws. The candidate should consult an attorney for legal advice. **The City Clerk's Office is unable to assist candidates with legal questions.**

This handbook contains valuable information, will answer many of your questions, and may help avoid challenges to your candidacy. Candidates are encouraged to read the handbook and refer to it as needed.

Additional resources you should consult include the Fair Political Practices Commission's website at [www.fppc.ca.gov](http://www.fppc.ca.gov) and the Monterey County Elections website at <https://www.countyofmonterey.gov/government/departments-a-h/elections/home>.

## **QUALIFICATIONS FOR OFFICE**

All candidates for municipal elective office shall be a resident voter of the City of Sand City. 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 of the person's appointment. (Elections Code 201)

A person is disqualified from holding an office upon conviction of a designated crime as specified in the Constitution and laws of the state. (Government Code 1021)

The Declaration of Candidacy which each candidate must file states that the candidate, if elected, will qualify for the office. The affidavit also states that the candidate will not withdraw before the election. (Elections Code Section 8028, 8040,)

## **TERM OF OFFICE**

A General Municipal Election for the election of the Mayor (2 year term) and two Councilmembers (4 year term) shall be held every two years simultaneously with the state general election held in November of even numbered years. (City Charter Sections 4, 6)

Terms begin after the presentation of the statement of votes to and approval by the City Council.

## **NOMINATION PROCEDURE**

### **Nomination Period**

The nomination filing period opens on Monday, July 15, 2024. The regular nomination period closes at

5:00 PM on Friday, August 9, 2024. However, if an eligible incumbent officer holder does not file for re-election, the filing period for non-incumbent candidates for that office will be extended until 5:00 PM on Wednesday, August 14, 2024. (Elections Code 10220, 10225)

### **Circulation of Nomination Form**

All forms required for nomination and election to all municipal offices shall be furnished only by the City Elections Official during regular business hours. At the time of issuance of those forms the city elections official shall type in the forms the name of the candidate and the office for which he is a candidate, shall imprint a stamp which reads "Official Filing Form," and shall affix their signature. At the time nomination papers are issued to a candidate, the city elections official shall imprint the date. The forms shall be distributed without charge to all candidates applying for them. (Elections Code 10227)

Any person aged 18 years of age or older, including the candidate themselves, may circulate the nomination form. **Only one person may circulate the form.** The circulator must complete the "Affidavit of Circulator." (Elections Code 102; 10220; 10222)

### **Minimum of Five Signatures Required**

The filed nomination form must contain a minimum of five (5) and no more than ten (10) signatures from registered voters of the City of Sand City. Although only 5 signatures are required, it is advisable to obtain 10. This will give you 5 extra signatures in case some of the first 5 signatures do not qualify. No voter may sign more than one nomination paper for the same office, and in the event the voter does so, that voter's signature shall count only on the first nomination paper filed which contains the voter's signature. (Elections Code 10220)

### **Invalidation Of Signature**

Each signer must personally print their name and affix their address on the nomination filing form, unless otherwise allowed by the Elections Code. (Elections Code 10221)

The residential street address must be affixed next to the signature. Post Office Box numbers and ditto are **not** acceptable and will not count toward the minimum number of signatures required. The address must be the same as the residence address on the voter's registration card or affidavit of registration filed with the Monterey County Registrar of Voters in order for the signature to count toward the minimum twenty signatures required to qualify for the ballot.

**Ballot Designation/Occupation as it will appear on the ballot, which may include ONE of the following (Elections Code 13107); Candidates are not required to publish a ballot designation (California Code of Regulations 20710(c).**

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 of the Nomination Paper, to which he/she was elected by vote of the people.

2. The word "incumbent" (without any other word(s)) if the candidate is a candidate for the same office which he/she holds at the time of filing the Nomination Paper and was elected to that office by a vote of the people.

3. No more than three words designating the principal professions, vocations, and occupations of the candidate. This can either be their current position, or during the calendar year immediately preceding the filing of nomination documents.

4. The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office or 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."

### **Unacceptable Ballot Designations:**

No election official shall accept a designation which:

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

If upon checking the Nomination Paper the election official finds the designation to be in violation of any of the restrictions set forth in this subdivision, the election official shall notify the candidate by registered or certified mail, return receipt requested. The candidate shall, within three business days from the date of receipt of the notice, appear before the election officer and provide an alternate designation.

In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name. (Elections Code 13107)

### **Oath of Office**

The nominee's Oath of Allegiance will be completed in the presence of the City Clerk at the time of filing of the nomination form.

### **Affidavit of Nominee**

The Affidavit of Nominee is a declaration stating that the candidate will accept the nomination and the office in the event of his/her election. In addition, the candidate must state his/her ballot designation. (Elections Code 10223)

### **Verification of Signatures**

Once filed, the City Clerk's Office will transmit the nomination form to the Elections Department to verify the eligibility of signatures. If the nomination form contains less than five eligible signatures from registered voters, the City Clerk's Office will issue a Supplemental Nomination Form to the candidate. The circulator must obtain the requisite supplemental signatures from eligible voters and the completed Supplemental Nomination Form must be filed with the City Clerk's Office prior to the close of the nomination filing period. (Elections Code 10221)

**All candidates are urged to file nomination forms as early as possible following the opening of the nomination filing period. This is to allow sufficient time to gather additional signatures if it is determined that the nomination form contains less than five eligible signatures from Sand City registered voters. Candidates may wish to personally check registration information at the Monterey County Election Department prior to filing the nomination form with the City Clerk's Office before the filing deadline.**

**Appointments are required.**

### **Withdrawal of filing papers**

The candidate may withdraw their nomination paper until the end of the nomination period for that office, but not after that time. (Elections Code 10224, 10225)

## **CANDIDATE'S STATEMENT (OPTIONAL)**

The candidate may file a Candidate's Statement, if he/she so desires, for distribution to each voter with the sample ballot in the voter pamphlet.

### **Candidate's statement includes:**

- ✓ Name
- ✓ Age (optional)
- ✓ Occupation (optional) - The occupation/designation listed in the optional statement for the voters' pamphlet may be different than the Ballot Designation and is not subject to the ballot designation limitations nor limited to three words.
- ✓ A brief description of the candidate's education and qualifications. The statement may not exceed **200** words. The word count begins after the Education and Qualifications heading. See the attached word count information in the appendices. (See attached sample)

### **Prohibitions**

The candidate's statement should be written in the first person and shall not in any way refer other candidates for that office or to another candidate's qualifications, character, or activities.

(Elections Code 13308)

The Candidate's Statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations. (Elections Code 13307(a)(1)).

No statement shall contain any demonstrably false, slanderous or libelous statements. (Election Code 13307(e)).

### **Formatting**

Candidate statements will be printed in type of uniform size and darkness. (Elections Code 13307(ab)(1)) All candidate statements will be printed in justified/block paragraph form, however, indenting the first line of the paragraph will be allowed.

#### **DO NOT USE ANY OF THE FOLLOWING:**

- ✓ **Bolding**
- ✓ ***Italics***
- ✓ **Bullets, Diamonds, Stars, Boxes, Circles, Check Marks, Asterisks**
- ✓ **Underlining, or**
- ✓ **ALL CAPITAL LETTERS (except in Titles and Acronyms).**

### **Electronic Form**

***If the candidate elects to submit a statement, it must be submitted in electronic form, e.g., thumb drive or e-mail. Please also print and sign the statement for filing with the City Clerk. If there is any discrepancy between the electronic and paper copy, the paper copy will prevail. Handwritten statements will not be accepted.***

### **Candidate's Statement Fee**

The City Council determined, "the City has resolved that the City will pay the cost of the candidate's statement" (Resolution SC 24-29).

### **No Corrections After Filing**

Please proofread the Candidate's Statement and be accurate! The statement will be printed as submitted by the candidate without corrections by the Elections Official.

### **Withdrawal**

Submitted statements may NOT be corrected, changed, or re-filed, but may be withdrawn **no later than 5:00 PM** on the next working day following the close of the nomination period. (Election Code 13307(a)(3)). The fee will be reimbursed if the statement is withdrawn by the deadline.

### **Public Examination**

The candidates' statements will be made available for public examination for 10 calendar days immediately following the filing deadline to submit those documents. During the 10 calendar day public examination period, any voter of the jurisdiction in which the election is being held, or the elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all



of the material in the candidate's statements to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10 calendar day public examination period. (Elections Code 13313)

## **FAIR POLITICAL PRACTICES COMMISSION FILING REQUIREMENTS**

### **Conflict of Interest, Form 700**

A Statement of Economic Interests, Form 700, may be completed and filed with the City Clerk's Office with your nomination papers, but must be filed prior to the end of the nomination filing period - even if an annual form has been filed. The covered period is one year previous to the date of filing nomination papers. The 700 form is available on the webpage of the Fair Political Practices Commission (FPPC) at [https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Form%20700/2023-24/Form\\_700\\_2023.pdf](https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Form%20700/2023-24/Form_700_2023.pdf)

Successful candidates will also have to complete Form 700 within thirty days of assuming office.

### **Campaign Statements**

#### **State Campaign Laws**

Candidates' treasurers should familiarize themselves with the State's Campaign Disclosure Manual 2, which may be found at <https://fppc.ca.gov/learn/campaign-rules/campaign-disclosure-manuals.html>.

Interactive Campaign Statement forms are available by clicking onto "View All Forms" on the FPPC's home webpage at [www.fppc.ca.gov](http://www.fppc.ca.gov)

### **Treasurers**

A candidate who has established a campaign committee should ensure that their treasurer is qualified to meet the record-keeping and audit requirements as stated in the Political Reform Act, including Government Code Section 84104 and Sections 90000-90009, and as further outlined in the California Code of Regulations, Title 2, Division 6, and the FPPC'S Campaign Disclosure Manual 2 referenced above. The City Clerk's Office is unable to assist you with the completion of campaign disclosure forms. Violations of the Political Reform Act are enforced by the Fair Political Practices Commission.

### **FPPC Telephone Advice Line**

The FPPC seeks to assist filers in complying with the Political Reform Act in order to avoid violations and/or enforcement activity. Questions should be referred to the FPPC Advice Line at their toll-free telephone number, 1-866-275-3772, Monday through Thursday 9:00 AM – 11:30 AM. Representatives are very helpful in assisting callers. Callers are not required to identify themselves. Alternatively, questions may be emailed to [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov).

**Summary of Campaign Disclosure Forms (see FPPC website for additional forms):**

FORM NAME	DESCRIPTION
<a href="#">Form 501</a> Candidate Intention	Basic form that must be filed prior to soliciting or receiving any contributions. ORIGINAL FILED WITH THE CITY CLERK
<a href="#">Form 410</a> Statement of Organization	<p>To organize a committee and obtain a Committee ID Number from the state. Form 410 must be filed within 10 days of receiving at least \$2,000 in contributions or expenditures. Include a \$50.00 payment made payable to the Secretary of State. Thereafter, the \$50 fee is due annually no later than January 15. In addition to the \$50 fee, a penalty of \$150 may be assessed if payment is late.</p> <p>The Form 410 must be filed with the Secretary of State within 10 days of receiving \$2,000 in contributions. The Secretary of State will issue an identification number to the committee. The identification number is to be included on all campaign disclosure forms. If any of the information on a Statement of Organization changes, the committee must file an amendment to the Statement within 10 days of the change.</p> <p>There are special requirements for committees which qualify (i.e., receive \$2,000) during the 16 days prior to an election in which the committee would otherwise be required to file pre election statements and for committees, which must amend certain information contained on a Statement of Organization during the 16 days before an election. ORIGINAL FILED WITH THE SECRETARY OF STATE; COPY WITH THE CITY CLERK.</p>
<a href="#">Form 460</a> Recipient Committee Campaign Statement	For use by candidate of office holder who has formed a controlled committee, or who has raised or spent or will raise or spend \$2,000 or more during a calendar year in connection with an election to office or holding office. Controlled Committee types: <ul style="list-style-type: none"> <li>• Primarily Formed Ballot Measure Committees - a person, entity, or organization that receives contributions totaling \$2,000 or more during a calendar year for the primary purpose of supporting or opposing the qualification, passage, or defeat of a single ballot measure or two or more measures being voted on in the same city, county, multi-county or state election.</li> <li>• Primarily Formed Candidate/Officeholder Committees - a person, entity, or organization that receives contributions totaling \$2,000 or more during a calendar year to support or oppose a single candidate or officeholder, or two or more candidates or officeholders who are being voted upon in the same city, county, or multi-county election. This type of committee is not controlled by the candidate(s) or officeholder(s).</li> <li>• General Purpose Committees - a person, entity, or organization that receives contributions totaling \$2,000 or more during a calendar year to support or oppose various candidates and measures (e.g., political parties, political action committees).</li> </ul> ORIGINAL FILED WITH THE CITY CLERK

<a href="#">Form 470</a> Candidate and Office Holder Campaign Statement Short Form	This form is used by candidates who do not have a controlled committee, and do not anticipate raising or spending \$2,000 or more in a calendar year, other than paying for the candidates' statement/filing fee from the candidate's personal funds. If Form 470 is filed with the declaration of candidacy, or on or before the deadline for the first pre-election campaign statement, no additional campaign statement need be filed in connection with the election so long as total receipts/expenditures remain less than \$2,000. ORIGINAL FILED WITH THE CITY CLERK
<a href="#">Form 470 Supplement</a>	A candidate who filed Form 470 in connection with an election and subsequently receives contributions or makes expenditures totaling \$2,000 or more is required to file this form. ORIGINAL FILED WITH THE CITY CLERK
<a href="#">Form 497</a> Late Contribution Report	Any committee that makes or receives a late contribution totaling \$1,000 or more from a single source during the 16 days immediately prior to the election in which the candidate or measure is to be voted on must file a report within 24 hours of the contribution. ORIGINAL FILED WITH THE CITY CLERK

**Campaign Disclosure Filing Deadlines:**

Fair Political Practices Commission Filing Schedule for Candidates and Controlled Committees for Local Office Being Voted on November 5, 2024. Completed forms are to be filed with the City Clerk.

Deadline	Period	Form	Notes
<b>July 31, 2024</b> <i>Semi-Annual</i>	thru 6/30/24	– 460 or 470	All committees must file Form 460
<b>Within 24 Hours</b> <b>Contribution Reports</b>	8/7/24 11/5/24	– 497	<p>File if a contribution of \$1,000 or more in the aggregate is received from a single source.</p> <p>File if a contribution of \$1,000 or more in the aggregate is made to another candidate or measure being voted upon November 5, 2024.</p> <p>The recipient of a non-monetary contribution of \$1,000 or more must file a Form 497 within 48 hours from the time the contribution is received.</p> <p>File by personal delivery, email, guaranteed overnight service, fax or online, if available.</p>
<b>September 26, 2024</b> <i>1<sup>st</sup> Pre-Election</i>	7/1/24 9/21/24	– 460 470	Each candidate listed on the ballot must file Form 460 or Form 470.

<b>Oct 24, 2024</b> <i>2<sup>nd</sup> Pre-Election</i>	9/22/24 – 460 10/19/24	All candidates and committees must file 2 <sup>nd</sup> Pre-Election Statement..  File by personal delivery, guaranteed overnight service or online, if available.
<b>Jan 31, 2025</b> <i>Semi-Annual</i>	10/20/24 – 460 12/31/24	All committees must file Form 460 unless the committee filed termination Forms 410 and 460 before December 31, 2022.

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

**Local Ordinance:** Always check on whether additional local rules apply

**Deadline Extensions:** Deadlines are extended when they fall on a Saturday, Sunday, or an official state holiday. This extension does not apply to the deadline for a Form 497 due the weekend before the election or to any form 496. Such reports must be filed within 24 hours regardless of the day of the week. Statements filed after the deadline are subject to a \$10 per day late fine.

**Method of Delivery:** All paper filings may be filed by first class mail unless otherwise noted.

[Form 501:](#) All candidates must file Form 501 (Candidate Intention Statement) before soliciting/receiving contributions.

[Form 460:](#) Candidates who have raised/spent \$2,000 or more file the Form 460. The Form 410 (Statement of Organization) must also be filed once \$2,000 or more has been raised/spent.

[Form 470:](#) Candidates who do not raise or spend \$2,000 or more (or anticipate raising or spending \$2,000) or more in 2022 and do not have an open committee may file Form 470 on or before September 26, 2024. If, later during the calendar year, a campaign committee must be opened, a form 470 Supplement and a Form 410 must be filed.

**After the Election:** Reporting requirements will depend on whether the candidate is successful and whether a candidate is successful and whether a campaign committee is open. See [Campaign Disclosure Manual 2](#) for additional information.

**Public Documents:** All forms are public documents.

**No extension of filing deadlines.** The City Clerk has no authority to extend filing deadlines. Statements filed after the deadline are late and are subject to penalties.

## **CAMPAIGN PRACTICES**

### **Political Signs**

“Political sign” means a sign intended to draw attention to or communicate a position on any issue,

candidate or measure in any national, state or local election.

### **Signs on Private Property**

Any political sign placed on private property requires the property owners permission.

### **Mass Mailing (Government Code 84305)**

(a) (1) Except as provided in subdivision (b), a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type that is in a color or print that contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the candidate's, candidate controlled committee established for an elective office for the controlling candidate's, or political party committee's address is a matter of public record with the Secretary of State.

(2) Except as provided in subdivision (b), a committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass mailing that is not required to include a disclosure pursuant to Section 84504.2 unless the name, street address, and city of the committee is shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type that is in a color or print that contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the committee's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) (1) A candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass electronic mailing unless the name of the candidate or committee is shown in the electronic mailing preceded by the words "Paid for by" in at least the same size font as a majority of the text in the electronic mailing.

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

(d) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a) or (c).

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

(1) "Mass electronic mailing" means sending more than 200 substantially similar pieces of

electronic mail within a calendar month. "Mass electronic mailing" does not include a communication that was solicited by the recipient, including, but not limited to, acknowledgments for contributions or information that the recipient communicated to the organization.

(2) "Sender" means the candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing which are reportable pursuant to Sections 84200 to 84216.5, inclusive.

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

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

**Mass Mailing Definition (Gov. Code 82041.5)**

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

**Mass Mailing by Incumbents (Gov. Code 89001)**

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

**Official Seal (Elections Code 18304)**

- (a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the county or the seal of a local government agency in any campaign literature or mass mailing, as defined in Section 82041.5 of the Government Code, with intent to deceive the voters, is guilty of a misdemeanor.
- (b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.
- (c) For purposes of this section, the term "local government agency" means a school district, special or other district, or any other board, commission, or agency of local jurisdiction.

**Political Advertising (Elections Code 20008)**

**Requirements**

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

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

**False or Forged Campaign Materials (Penal Code 115.2)**

- (a) No person shall publish or cause to be published, with actual knowledge, and intent to deceive, any campaign advertisement containing false or fraudulent depictions, or false or fraudulent representations, of official public documents or purported official public documents.
- (b) For purposes of this section, campaign advertisement means any communication directed to voters by means of a mass mailing as defined in Section 82041.5 of the Government Code, a paid newspaper advertisement, an outdoor advertisement, or any other printed matter, if the expenditures for that communication are required to be reported by Chapter 4 (commencing with Section 84100) of Title 9 of the Government Code.
- (c) Any violation of this section is a misdemeanor punishable by imprisonment in the county jail, or by a fine not to exceed fifty thousand dollars (\$50,000), or both.

**Pictures in Campaign Material (Elections Code 20010)**

(a) Except as provided in subdivision (b), a person, committee, as defined in Section 82013 of the Government Code, or other entity shall not, within 60 days of an election at which a candidate for elective office will appear on the ballot, distribute, with actual malice, materially deceptive audio or visual media, as defined in subdivision (e), of the candidate with the intent to injure the candidate’s reputation or to deceive a voter into voting for or against the candidate.

(b) (1) The prohibition in subdivision (a) does not apply if the audio or visual media includes a disclosure stating: “This \_\_\_\_\_ has been manipulated.”

(2) The blank in the disclosure required by paragraph (1) shall be filled with whichever of the following terms most accurately describes the media:

(A) Image.

(B) Video.

(C) Audio.

(3) (A) For visual media, the text of the disclosure shall appear in a size that is easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media. If the visual media does not include any other text, the disclosure shall appear in a size that is easily readable by the average viewer. For visual media that is video, the disclosure shall appear for the duration of the video.

(B) If the media consists of audio only, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at

intervals of not greater than two minutes each.

(c) (1) A candidate for elective office whose voice or likeness appears in a materially deceptive audio or visual media distributed in violation of this section may seek injunctive or other equitable relief prohibiting the distribution of audio or visual media in violation of this section. An action under this paragraph shall be entitled to precedence in accordance with Section 35 of the Code of Civil Procedure.

(2) A candidate for elective office whose voice or likeness appears in a materially deceptive audio or visual media distributed in violation of this section may bring an action for general or special damages against the person, committee, or other entity that distributed the materially deceptive audio or visual media. The court may also award a prevailing party reasonable attorney's fees and costs. This subdivision shall not be construed to limit or preclude a plaintiff from securing or recovering any other available remedy.

(3) In any civil action alleging a violation of this section, the plaintiff shall bear the burden of establishing the violation through clear and convincing evidence.

(d) (1) This section shall not be construed to alter or negate any rights, obligations, or immunities of an interactive service provider under Section 230 of Title 47 of the United States Code.

(2) This section does not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, that broadcasts materially deceptive audio or visual media prohibited by this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, if the broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily heard or read by the average listener or viewer, that there are questions about the authenticity of the materially deceptive audio or visual media.

(3) This section does not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, when it is paid to broadcast materially deceptive audio or visual media.

(4) This section does not apply to an internet website, or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest, and that publishes materially deceptive audio or visual media prohibited by this section, if the publication clearly states that the materially deceptive audio or visual media does not accurately represent the speech or conduct of the candidate.

(5) This section does not apply to materially deceptive audio or visual media that constitutes satire or parody.

(e) As used in this section, "materially deceptive audio or visual media" means an image or an audio or video recording of a candidate's appearance, speech, or conduct that has been intentionally manipulated in a manner such that both of the following conditions are met:



(1) The image or audio or video recording would falsely appear to a reasonable person to be authentic.

(2) The image or audio or video recording would cause a reasonable person to have a fundamentally different understanding or impression of the expressive content of the image or audio or video recording than that person would have if the person were hearing or seeing the unaltered, original version of the image or audio or video recording.

(f) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(g) This section shall remain in effect only until January 1, 2027, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2027, deletes or extends that date.

### **Electioneering (Elections Code 18370)**

(a) A person shall not, on election day, or at any time that a voter may be casting a ballot, within the 100 foot limit specified in subdivision (b), do any of the following:

(1) Circulate an initiative, referendum, recall, or nomination petition or any other petition.

(2) Solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(3) Place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240.

(4) Do any electioneering as defined by Section 319.5.

(b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:

(1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.

(2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

(c) A person shall not, on election day, or at any time that a voter may be casting a ballot, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot:

(1) Solicit a vote.

(2) Speak to a voter about marking the voter's ballot.

(3) Disseminate visible or audible electioneering information.

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

### **Electioneering During Vote by Mail Voting (Elections Code 18371)**

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

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

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

### **FAIR CAMPAIGN PLEDGE**

The City Clerk's Office issues the Code of Fair Campaign Practices to candidates pursuant to Elections Code Sections 20400-20444. The voluntary pledge in the appendices may be completed and returned to the City Clerk's Office. While the pledge is not mandatory, some organizations limit their political forums to candidates who have the attached fair campaign pledges on file with the City Clerk's Office.

## **APPENDICES**

- 1 Nomination Paper
- 2 Declaration of Candidacy & Affidavit of Nominee
- 3 Ballot Designation Worksheet
- 4 Ballot Code Designations
- 5 Code of Fair Campaign Practices Pledge
- 6 Permission for Internet Posting
- 7 Sand City Municipal Code-Political Sign Regulations
- 8 Candidate's Statement of Qualifications
- 9 Word Count Information
- 10 Sample Candidate's Statement
- 11 Election Calendar Dates
- 12 FPPC Candidates Committee Filing Schedule
- 13 Candidates FAQs
- 14 FPPC Campaign FAQs
- 15 FPPC Local Candidate/Committee Checklist
- 16 Form 501 Candidate Intention Statement
- 17 Form 700 Statements of Economic Interest
- 18 Form 410 Statement of Organization
- 19 Form 460 Recipient Committee Campaign Statement
- 20 Form 470 Candidate Campaign Statement