

Candidate Guide For Local Elective Offices



November 4, 2014 General Election



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DEPARTMENT OF ELECTIONS
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IMPORTANT DATES TO REMEMBER FOR THE November 4, 2014 ELECTION

BOARD OF SUPERVISORS DISTRICTS 2, 4, 6, 8, 10

| | |
|---|---|
| April 1 – May 27 (E-217 – E-162*) | SIGNATURES IN LIEU OF FILING The period during which candidates can pick up and file in-lieu petitions in order to pay for all or part of their filing fee with signatures of qualified voters. Signatures in lieu of fee are due upon filing of nomination documents, or May 27, whichever occurs first. |
| May 16 – June 10, 5:00 p.m. (E-172 – E-147) | NOMINATION PERIOD The period for which all candidates may obtain and file nomination documents. All nomination documents and fees must be filed no later than June 10, 2014 at 5:00 p.m. <i>Filing Fee is due upon filing of nomination documents.</i> |
| June 10, 5:00 p.m. (E-147) | NOTIFICATION TO PARTICIPATE IN PUBLIC FINANCE PROGRAM Last day for candidates to file Form SFEC 142(a) to indicate whether they intend to participate in the public financing program. The form may not be amended or withdrawn after the June 10, 2014 deadline. |
| June 10, 5:00 p.m. (E-147) | WITHDRAWAL OF NOMINATORS (SIGNERS) The last day nominators may withdraw their nomination of a candidate by filing a signed and sworn statement of withdrawal with the Department of Elections. |

ASSESSOR-RECORDER, BOARD OF EDUCATION, COMMUNITY COLLEGE BOARD, AND PUBLIC DEFENDER

| | |
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| May 30 – July 24 (E-158 – E-103) | SIGNATURES IN LIEU OF FILING FEE The period during which candidates can pick up and file in-lieu petitions in order to pay for all or part of their filing fee with signatures of qualified voters. Signatures in lieu of fee are due upon filing of nomination documents, or July 24, whichever occurs first. |
| July 14 – Aug. 8, 5:00 p.m. (E-113 – E-88) | NOMINATION PERIOD The period for which all candidates may obtain and file nomination documents. All nomination documents and fees must be filed no later than August 8, 2014 at 5:00 p.m. <i>Filing Fee is due upon filing of nomination documents.</i> |
| Aug. 8, 5:00 p.m. (E-88) | ACCEPTANCE OR REJECTION OF VOLUNTARY CAMPAIGN SPENDING LIMITS The last day for candidates to file a statement with <u>the Ethics Commission</u> to indicate whether they accept or reject the City's Voluntary Spending Limits, stating that the nominator provided the candidate with the required 72-hour notice. |
| Aug. 8, 5:00 p.m. (E-88) | WITHDRAWAL OF NOMINATORS (SIGNERS) The last day nominators may withdraw their nomination of a candidate by filing a signed and sworn statement of withdrawal with the Department of Elections. |
| Aug. 9 – Aug. 13, 5:00 p.m. (E-87 – E-83) | SPECIAL CIRCUMSTANCE EXTENDED FILING If an eligible incumbent does not file during the regular nominating period, the candidate filing period for that office shall be extended 5 calendar days for candidates other than the incumbent. |

ALL CANDIDATES

| | |
|--------------------------------|---|
| Aug. 9 noon - Aug. 19 noon | Public Inspection Period: Candidate Qualifications Statements & Ballot Designations |
| Aug. 9 – Aug. 13, 5:00 p.m. | Special Circumstance Extended Public Inspection Period: Candidate Qualification Statement and Ballot Designations. |
| Aug. 19 noon – Aug. 29 noon | Public Inspection Period: Chinese Names for Local Candidates – (Includes Board of Supervisors) |
| Aug. 29, 5:00 p.m. | Last day for local candidates to withdraw their candidacy or candidate statement by filing a signed and sworn statement of withdrawal |

*If the legal deadline falls on a Sat., Sun., or holiday the deadline will move to the next business day. CA Gov. Code 6707

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INTRODUCTION

This candidate guide has been prepared by the San Francisco Department of Elections to assist candidates for San Francisco elective offices. This candidate guide provides information for all elective offices in the City and County of San Francisco, which include Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, Members of the Board of Supervisors, Members of the Board of Education, Community College Board of Trustees, and BART Board of Directors.

This guide is intended to answer only the most frequently asked questions about the nomination process (by which a candidate qualifies to have his or her name printed on the ballot) and election process and is not intended to be all-inclusive. Furthermore, to the extent there is a conflict between this guide and an applicable law, regulation or rule, the law, regulation or rule applies. For this reason, candidates, committees and campaign staff should not rely solely on this guide, but should consult their legal advisor to ensure they meet all legal requirements for nomination.

The Department of Elections strongly recommends that candidates file all required forms in advance of the legal deadlines. Candidates qualify to have their names appear on the ballot only if they satisfy ALL requirements imposed by law, even technical requirements. Many of the filing deadlines, including the deadline for filing nomination papers, are set by law and cannot be extended. If a candidate waits until the end of the filing period to file nomination papers, and if the nomination papers contain errors or omissions, the candidate may not have an opportunity to identify and correct the errors or omissions before the deadline. As a result, the candidate may fail to qualify to have his or her name appear on the ballot. Candidates who submit their nomination papers early usually have an opportunity to identify and correct any errors.

San Francisco's Charter § 13.102 requires that voters elect the offices of Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and members of the Board of Supervisors by using the ranked-choice voting (RCV) method. Included in this candidate guide are answers to the most frequently asked questions about RCV.

There are several important resources available to candidates, and the Department of Elections encourages all candidates to become familiar with and use these resources. The [San Francisco Ethics Commission](#) publishes a general candidate guide that explains state and local restrictions and requirements concerning campaign finance and campaign disclosure. In addition to the Ethics Commission, the [California Secretary of State \(SOS\)](#) and [Fair Political Practices Commission \(FPPC\)](#) play a role in the administration and enforcement of laws regulating candidates and elections. The FPPC's *Campaign Disclosure Manual 2* for local candidates, which is also available at the Ethics Commission, describes in detail many of the disclosure and filing requirements that apply to candidates. The Ethics Commission, located at 25 Van Ness Avenue, Suite 220, can be reached at (415)252-3100 and www.ethics.org. The SOS can be reached at (916)653-6814 and www.ss.ca.gov. The FPPC can be reached at (866)275-3772 and www.fppc.ca.gov.

The Department of Elections is open from 8:00 a.m. to 5:00 p.m., Monday through Friday, to assist you with any issues you might have. You may visit us in City Hall Room 48, on the web at <http://www.sfelections.org>, or you may call us at (415)554-4375.

**A. CANDIDATES' REFERENCE CONTACT NUMBERS
WWW.SFELECTIONS.ORG**

| DEPARTMENT OF ELECTIONS | | | |
|---|---|--|--|
| Campaign Services Division <ul style="list-style-type: none"> Calendars/ Candidate Guides Petition-in-lieu of filing fee Nomination period Qualification | (415) 554-4375 | (415) 554-7344 (fax) (415) 554-4386 TTY | www.sfelections.org sfvote@sfgov.org |
| Outreach Division <ul style="list-style-type: none"> Voter Education | (415) 554-4375 | (415)-554-7344 (fax) | www.sfelections.org sfvote@sfgov.org |
| Publications Division <ul style="list-style-type: none"> Ballot Order Chinese Characters transliteration Voter Information Pamphlet | (415) 554-4375 | (415) 554-7344 (fax) | www.sfelections.org sfvote@sfgov.org |
| Voter Services Division <ul style="list-style-type: none"> Registration Drives Vote-By-Mail Drives Petition Signature Validation Registration data entry | (415) 554-4411 (direct) (415) 554-4367 (Chinese) (415) 554-4366 (Spanish) | (415)554-4372 (fax) | www.sfelections.org sfvote@sfgov.org |

| OTHER IMPORTANT SOURCES | | | |
|--|--|--|--|
| Department of Public Works (DPW) <ul style="list-style-type: none"> Political Signs – local streets | (415) 554-5810 | (415)554-5843 (fax) | http://www.sfdpw.org/index.aspx?page=1216 |
| Department of Transportation (DOT) <ul style="list-style-type: none"> Political Signs – state streets | (916) 651-9327 | (916) 651-9359 (fax) | www.dot.ca.gov/oda/political_signs.htm |
| Ethics Commission <ul style="list-style-type: none"> Campaign Finance Disclosure Ads, Mailers, Telephone, Rules | (415) 252-3100 | (415) 252-3112 (fax) | www.sfethics.org |
| Fair Political Practices Commission (FPPC) | (866) ASK-FPPC | (916) 322-0886 (fax) | www.fppc.ca.gov |
| Secretary of State (SOS) <ul style="list-style-type: none"> Elections Division Political Reform Division | (916) 657-2166 (800) 345-VOTE (8683) (916) 653-6224 | (916) 653-3214 (fax) (916) 653-5045 (fax) | www.sos.ca.gov |
| TTY California Relay Service | (800) 735-2929 TTY | | www.ddtp.org/california |

Code References:

Cal. Gov't Code: California Government Code
SF C&GCC: San Francisco Campaign & Governmental Conduct Code
SF MEC: San Francisco Municipal Elections Code
CAEC: California Elections Code
Ed Code: California Education Code

II. GENERAL CANDIDATE FILING REQUIREMENTS

Candidates should note that, in addition to the nomination requirements and documents described in this Guide, candidates may be subject to other filing requirements **before they pick up or file nomination documents**. Local candidates should contact the San Francisco Ethics Commission. Ethics Commission is located at 25 Van Ness Avenue, Suite 220, and can be reached at (415) 252-3100 and <http://www.sfethics.org> regarding candidate's campaign financing.

All persons interested in becoming a local candidate must file a ***Declaration of Intent to Solicit and Accept Contributions*** with the Department of Elections. Campaign & Governmental Code Sec 1.22 (a) states, "No intended candidate for any City elective office, and no committee acting on behalf of a candidate, shall solicit or accept, or cause to be solicited or accepted any contribution unless and until said candidate shall have filed a declaration of intention to become a candidate for a specific City elective office with the Department of Elections on a form to be prescribed by the Director of Elections. No person shall file a declaration of intention to become a candidate for more than one City elective office."

III. ELIGIBILITY OF CANDIDATES

All candidates for elective office in the City and County of San Francisco shall be a resident and registered to vote in the City and County at the time nomination papers are issued. If the candidate moves at any time during the nomination or election process, the candidate must complete a new voter registration form. (SF Charter § 13.106; CAEC § 201)
Candidates for Board of Supervisors must have been a resident in that district for 30 days at the time nomination documents are issued.

For the offices of Assessor-Recorder, City Attorney, District Attorney, Mayor, Public Defender, Sheriff and Treasurer, the officer shall be elected for a four-year term and shall serve full time. (SF Charter § 6.100)

Documentation which is considered acceptable for establishing qualifications for *City Attorney, District Attorney, Public Defender, Sheriff, & Treasurer* includes, but limited to: certificates, declarations under penalty of perjury, diplomas, and/or official correspondence.

In addition to the general requirements mentioned above, candidates for the following offices must also meet the following requirements:

Assessor-Recorder:

An individual must hold a valid appraiser's certificate at the time nomination documents are issued. (SF Charter § 6.101; Cal. Gov't Code § 24002.5, CAEC § 201)

(a) A person may not exercise the powers and duties of the office of Assessor-Recorder unless he or she holds a valid appraiser's certificate issued by the State Board of Equalization pursuant to Article 8 (commencing with § 670) of Chapter 3 Part 2 Division 1 of the Revenue and Taxation Code.

(b) Notwithstanding subdivision (a), a duly elected or appointed person may exercise the powers and duties of Assessor-Recorder, for a period not to exceed one year, if he or she acquires a temporary appraiser's certificate from the State Board of Equalization no later than 30 days after taking office. Declaration of Qualification must be submitted at the time of filing nomination papers. (CAEC § 13.5 (b)(2); Government Code §§ 24001, 24002)

Board of Education:

The San Francisco Unified School District shall be under the control and management of a Board of Education composed of seven members who shall be elected by the voters of the Unified School District. No member of this Board shall be eligible to serve on the Governing Board of the Community College District. An employee of the Unified School District may not be sworn into office as an elected or appointed member of the Board of Education unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. For any individual who is an employee of a school district and an elected or appointed member of that school district's governing board prior to January 1, 1992, this subdivision shall apply when he or she is reelected or reappointed, on or after January 1, 1992, as a member of the school district's governing board. (SF Charter § 8.100; Education Code § 35107)

Members of the Board of Education are not subject to term limits. (SF Charter § 6.100)

Board of Supervisors:

Candidates for the Board of Supervisors must reside in their district for **at least 30 days** immediately preceding the date the candidate files the declaration of candidacy.

NOTE: Candidates cannot file nomination documents unless he/she is registered for at least 30 days in the district.

Members of the Board of Supervisors are limited to serving two successive four-year terms. (SF Charter §§ 2.101, 13.110 (e))

City Attorney:

The City Attorney must be licensed to practice law in all courts of the State of California and shall have been so licensed for at least **ten years** preceding the date of the election. (SF Charter §§ 6.100, 6.102) Declaration of Qualification must be submitted at the time of filing nomination papers. (CAEC § 13.5 (b))

Community College Board:

The Community College District shall be under the control and management of a Board of Trustees composed of seven members who shall be elected by the voters of the Community College District. No member of this Board shall be eligible to serve on the Board of Education. An employee of a community college district may not be sworn into office as an elected or appointed member of that community college district's governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office.

For any individual who is an employee of a community college district and an elected or appointed member of that community college district's governing board prior to January 1, 1992, this subdivision shall apply when he or she is reelected or reappointed, on or after January 1, 1992, as a member of the community college district's governing board. This restriction does not apply to an individual who is usually employed in an occupation other than teaching and who also is employed part time by the community college district to teach no more than one course per semester or quarter in the subject matter of that individual's occupation. (SF Charter § 8.101; Education Code § 72103)

Members of the Community College Board are not subject to term limits. (SF Charter § 6.100)

District Attorney:

The District Attorney must be licensed to practice law in all courts of the State of California and shall have been so licensed for at least **five years** preceding the date of the election. (SF Charter §§ 6.100, 6.103)

Declaration of Qualification must be submitted at the time of filing nomination papers. (CAEC § 13.5 (b)(2); Government Code §§ 24001, 24002)

Mayor:

No person is eligible to be elected Mayor unless he or she is a resident of San Francisco and registered to vote at the time that nomination papers are issued to the person. The Mayor shall devote his or her entire time and attention to the duties of the office, and shall not devote time or attention to any other occupation or business activity.

The Mayor is limited to serve two successive four-year terms. (SF Charter §§ 3.100, 3.101)

Public Defender:

The Public Defender must be licensed to practice law in all courts of the State of California and shall have been so licensed for at least **five years** preceding the date of the election. (SF Charter §§ 6.100 and 6.104)

Declaration of Qualification must be submitted at the time of filing nomination papers. (CAEC § 13.5)

Sheriff:

Candidates must submit documentation demonstrating compliance with the requirements/criteria set forth below. (SF Charter §6.105; Government Code § 24004.3)

No person is eligible to become a candidate for the office of sheriff in any county unless, at the time of the final filing date for election, he or she meets one of the following criteria:

- (1) An active or inactive advanced certificate issued by the Commission on Peace Officer Standards and Training.
- (2) One year of full-time, salaried law enforcement experience within the provisions of §830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a master's degree from an accredited college or university.
- (3) Two years of full-time, salaried law enforcement experience within the provisions of §830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a bachelor's degree from an accredited college or university.
- (4) Three years of full-time, salaried law enforcement experience within the provisions of §830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses an associate in arts or associate in science degree, or the equivalent, from an accredited college.

(5) Four years of full-time, salaried law enforcement experience within the provisions of §830.1 or 830.2 of the Penal Code at least a portion of which shall have been accomplished within five years prior to the date of filing, and possesses a high school diploma or the equivalent.

Declaration of Qualification must be submitted at the time of filing nomination papers (CAEC § 13.5 (b)) (Gov't ode 24004.3)

Treasurer:

Candidates must meet at least one of the following criteria to be eligible for election to the office of treasurer (Gov't. Code §27000.7):

(1) The person has served in a senior financial management position in a county, city, or other public agency dealing with similar financial responsibilities for a continuous period of not less than three years, including, but not limited to, treasurer, tax collector, auditor, auditor-controller, or the chief deputy or an assistant in those offices.

(2) The person possesses a valid baccalaureate, masters, or doctoral degree from an accredited college or university in any of the following major fields of study: business administration, public administration, economics, finance, accounting, or a related field, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.

(3) The person possesses a valid certificate issued by the California Board of Accountancy pursuant to Chapter 1 (commencing with § 5000) of Division 3 of the Business and Professions Code, showing that person to be, and a permit authorizing that person to practice as, a certified public accountant.

(4) The person possesses a valid charter issued by the Institute of Chartered Financial Analysts showing the person to be designated a Chartered Financial Analyst, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.

(5) The person possesses a valid certificate issued by the Treasury Management Association showing the person to be designated a Certified Cash Manager, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.

Declaration of Qualification must be submitted at the time of filing nomination papers. (CAEC § 13.5 (b)) (Gov't Code 27000.7)

IV. FILING FEE AND SIGNATURES IN LIEU OF FILING FEE

Relevant Statutes: CAEC §§ 8105-8106, 8040-8065
SF MEC §§ 230, 840

A. FILING FEE

Each candidate must pay a filing fee at the time the candidate files his or her nomination documents. The filing fee is non-refundable. For most elective offices, the filing fee is 2% of the annual salary of the office sought. For candidates for the Board of Supervisors, Board of Education and Community College Board of Trustees, the filing fee is \$500. Please refer to the chart below for salaries of elected officials and the number of signatures required to reduce the filing fee to zero.

Filing fees may be submitted in cashier's check, money order, certified or campaign (company) checks or cash. Checks are to be made payable to the Department of Elections. The Department of Elections does not accept personal checks.

| OFFICE | SALARY | FILING FEE | NUMBER OF SIGNATURES IN LIEU |
|--|-------------------|--------------------------------------|------------------------------|
| Assessor-Recorder | \$182,175* | 3643.5 (2% of salary) | 7287 |
| Member, Board of Education | \$6,000 | \$500 (SF Charter § 8.100) | 1,000 |
| Member, Board of Supervisors, Districts 2, 6, 8, 10 | \$110,858* | \$500 | 1,000 |
| City Attorney | \$234,634* | \$4,692 (2% of salary) | 9,385 |
| Member, Community College Board | \$6,000 | \$500 (SF Charter § 8.101) | 1,000 |
| District Attorney | \$252,109* | \$5,042 (2% of salary) | 10,084 |
| Mayor | \$285,319* | \$5,706 (2% of salary) | 11,412 |
| Public Defender | \$228,142* | \$4,562 (2% of salary) | 9,125 |
| Treasurer | \$177,556* | \$3,551 (2% of salary) | 7,102 |
| Sheriff | \$218,526* | \$4,370 (2% of salary) | 8,741 |

*The filing fees are subject to change based on each fiscal year. The above calculations reflect Fiscal Year 2014-2015, *pursuant to Notice of Civil Service Commission Action dated May 19, 2014.*

B. SIGNATURES IN LIEU OF FILING FEE

Candidates may submit petitions with signatures of registered voters in lieu of paying the filing fee ("in-lieu petitions"). (SF MEC § 230) Each signature reduces the filing fee by 50¢. (SF MEC § 840) Signatures may be submitted to cover the entire fee or a portion thereof.

That portion of the filing fee not covered by the signatures must be paid in full at the time the candidate files the nomination documents.

Candidates may circulate petitions to gather signatures during the signatures in- lieu period. Please refer to the calendar at the beginning of the guide. All petitions must be filed by the signature in-lieu deadline or upon filing the candidate's nomination documents, whichever occurs first.

Within 10 days after receipt of a petition, the Department of Elections will notify the candidate of any deficiency in the in-lieu signatures submitted. The candidate may, before the close of the nomination period, submit additional signatures to correct the deficiency. As indicated above, the portion of the filing fee not covered by the signatures must be paid in full at the time the candidate files the nomination documents. (CAEC § 8106 (b) (3))

The Department of Elections uses a *random sampling* technique for verification once the number of signatures affixed to an in-lieu petition is 100 or more. The random sampling shall include an examination of 100 signatures, or three percent (3%) of the total number of signatures submitted, whichever is greater. Upon completion of the verification of signatures in the sample, the *percentage of signatures which are valid shall be applied and projected to the total number of signatures submitted*. (SF MEC §230 (c))

1. PETITION SIGNER INFORMATION

Any registered San Francisco voter may sign an in-lieu petition for any candidate for whom the voter is eligible to vote. (SF MEC § 230; CAEC §§ 100, 8106 (b) (1)) No signer shall sign an in-lieu petition or nomination petition for more candidates than there are offices to fill. (CAEC § 8106 (b) (2)) Except as set forth below, each signer must personally print his or her name and residence address on the in-lieu petition. (CAEC §100) Only signers with complete San Francisco registered address information are acceptable. A voter who is personally unable to print his or her information on a petition may request another person to print the voter's name and registered address but the voter shall personally affix his or her mark or signature in the appropriate space, which shall be witnessed by one person by subscribing his/her name to the petition. (CAEC § 100.5) Ditto marks are NOT permitted when successive signers have the same address.

2. PETITION CIRCULATOR INFORMATION

Each circulator of a petition in-lieu shall be 18 years of age or older (CAEC 102). A candidate may circulate and sign his or her own in-lieu petition.

The in-lieu petition contains an *Affidavit of Circulator*. The circulator must complete the affidavit by hand, sign the affidavit and return the petition to the candidate or person

designated by the candidate. The circulator may not complete a section of the affidavit and then duplicate the petition. Each affidavit of circulator must contain the circulator's original signature.

Voters often forget to re-register when they have moved within San Francisco. The circulator should have voter registration cards available for voters to complete and turn in with petitions.

3. USE OF IN-LIEU PETITION SIGNATURES AS NOMINATION SIGNATURES

Each candidate who submits an in-lieu petition can request, in writing, that the Director of Elections count in-lieu signatures toward the number of signatures required for nomination. If the in-lieu petition includes at least 20 valid signatures, the candidate is *not* required to file a separate nomination petition. (CAEC § 8061) The candidate must give the Director of Elections a list of the in-lieu signatures that the candidate wants to use as nomination signatures. If the in-lieu petition contains fewer than 20 valid signatures, the candidate may circulate and file a nomination petition during the nomination period. Candidates may not use in-lieu petition forms for nomination petitions except as described here.

NOTE: Signatures in lieu of the filing fee must be filed by the deadline whether or not they are being applied towards the nomination petition signature requirement.

4. REASONS FOR DETERMINING THAT A PETITION SIGNATURE IS INVALID (CAEC §§ 100, 100.5, 104)

The California Elections Code imposes strict rules governing verification of petition signatures. For example, a petition signature is invalid and cannot be counted if:

- the signer is not a registered voter in the City & County of San Francisco;
- the signer does not provide a San Francisco residence address on the petition;
- the residence address provided on the petition is different from the residence address listed on the signer's Voter Registration Card;
- the residence address provided on the petition is a post office box or mail drop;
- the signature on the petition does not match the signature on the Voter Registration Card;
- a person other than the signer pre-printed the signer's address on the petition;
- the signature appears as voter's mark but is not witnessed per CAEC § 100.5;
- the petition circulator failed to complete or sign the affidavit portion of the petition;
- the signer uses ditto marks for an address;
- the signer is not a registered San Francisco voter in the district in which the candidate is running;
- the circulator is not 18 years of age or older.

5. VIEWING SIGNATURES IN LIEU AND NOMINATION PETITIONS

Pursuant to the California Elections Code §17100, review of nomination signatures shall be limited to viewing the documents only. The public may not copy or distribute copies of the documents that contain signatures of voters.

The use of cell phones or any other image replicating device is prohibited while viewing petitions.

6. CIRCULATOR VIOLATIONS

It is a misdemeanor to circulate a petition knowing it contains false, forged or fictitious names. (CAEC §§ 18610-18614)

V. NOMINATION DOCUMENTS

Relevant Statutes: CAEC §§ 10220 et seq., SF MEC § 200 et seq.

A. FORM AND DEADLINE FOR FILING OF NOMINATION DOCUMENTS

Nomination documents are used to establish whether a candidate has qualified to have his or her name appear on the ballot. The Department of Elections furnishes all official nomination forms. Candidates may not use forms supplied by any other source. Candidates may pick up their nomination documents at the beginning of the nomination period. **All** nomination papers must be returned together to the Department of Elections no later than the close of the **nomination period**. Please refer to the calendar at the beginning of the guide. (CAEC § 10220)

PLEASE NOTE: Nomination documents may be picked up between 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m. Please allow 20 to 30 minutes for nomination documents to be issued.

B. PICK-UP AND RETURN OF NOMINATION DOCUMENTS

Candidates must personally pick up their nomination documents or they must designate a representative to do so. To authorize a representative, a candidate may use the Department of Elections Candidate Authorization Form or may prepare his or her own properly executed letter of authorization. The letter should include: the name of the designated representative; the contact address, contact email, contact phone; the candidate's signature, office sought and contact phone. In addition, the letter should refer to the **5:00 p.m. nomination deadline** for submitting nomination documents. The candidate must sign the letter and submit it to the Department of Elections. Please refer to the calendar at the beginning of the guide. (CAEC § 10224)

C. THE NOMINATION DOCUMENTS

1. DECLARATION OF CANDIDACY

Each candidate must file a *Declaration of Candidacy* declaring that the candidate meets the legal qualifications for the office sought and that, if nominated, the candidate would accept the nomination. The *Declaration of Candidacy*, which includes an *Oath of Office*, must be executed in the presence of the Department of Elections staff. (CAEC § 200) If a candidate authorizes another person to obtain and file the candidate's nomination papers, the candidate must execute both the *Declaration* and *Oath* in the presence of a notary public. (CAEC §§ 8020, 8040, 8028(a))

Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper or declaration of candidacy in his or her possession that is entitled to be filed under this code. (CAEC § 18202)

The *Declaration of Candidacy* also indicates how the candidate's ballot designation should appear on the ballot. For rules about ballot designations, please refer to Section VI of this guide.

2. **NOMINATION PAPER**

All candidates must submit a nomination paper containing at least 20 and no more than 30 valid nominating signatures. (CAEC § 10220) The Department of Elections strongly recommends that candidates submit more than 20 signatures.

Any registered San Francisco voter may sign a nomination paper for any candidate for whom the voter is eligible to vote. (CAEC § 100) No signer shall, at the time of signing a certificate, have his or her name signed to any other nomination paper for any other candidate for the same office or, in case there are several seats to be filled in the same office, signed to more nomination papers for candidates for that office than there are seats to be filled. (CAEC § 10220) If a voter signs more than one nomination petition, it shall be counted only on the first nomination petition filed with the Department of Elections.

Candidates should verify their nomination signatures prior to filing their nomination petitions. Public terminals are available in the Department of Elections reception area for this purpose. Please be aware that many voters forget to re-register when they move; a signature is invalid if the signer is registered at an address that is different from the address printed by the signer on the nomination petition.

Please refer to Section IV entitled *Filing Fee and Signatures in Lieu of Filing Fee* for information about qualifications of signers and circulators, which applies to nomination petitions as well as to in-lieu petitions.

A nominator may withdraw his or her nomination of a candidate by notifying the candidate at least 72 hours before the close of the nomination period and filing with the Department of Elections, at any time until 5:00 p.m. on the last day of the nomination period, a signed and sworn statement of withdrawal stating that the nominator provided the candidate with the required 72-hour notice. (SF MEC § 250)

Reasons for determining that a nomination petition signature is invalid (CAEC §§ 100, 100.5, 104)

The California Elections Code imposes strict rules governing verification of petition signatures. For example, a petition signature is invalid and cannot be counted if

- the signer is not a registered voter in the City & County of San Francisco;
- the signer does not provide a San Francisco residence address on the petition;
- the residence address provided on the petition is different from the residence address listed on the signer's Voter Registration Card;
- the residence address provided on the petition is a post office box or mail drop;
- the signature on the petition does not match the signature on the Voter Registration Card;
- a person other than the signer pre-printed the signer's address on the petition;
- the signature appears as voter's mark but is not witnessed per CAEC § 100.5;
- the petition circulator failed to complete or sign the affidavit portion of the petition;
- the signer uses ditto marks for an address;
- the signer is not a registered San Francisco voter in the district in which the candidate is running;
- the circulator is not 18 years of age or older.

3. DECLARATION OF FILING UNDER LEGAL NAME

The candidate's name will appear on the ballot in the same form as provided by the candidate on the *Declaration of Candidacy*. It cannot be changed after the nomination period is closed. The candidate is required to use his or her legal name on the *Declaration of Candidacy*, and to file a *Declaration of Filing Under Legal Name*. (CAEC §§ 13104, 13106-13107; SF MEC § 210)

A candidate's legal name is the name given at birth or established by marriage, general usage or habit, or by decree of any court of competent jurisdiction. (SF MEC § 210 (b))

A candidate's legal name may include a nickname, or combination of initials, full names, or individual letters or numerals (SF MEC § 210 (b)) The candidate may:

- Use only the initials of the given name with the last name.
- Use a nickname, provided the given name or initials are shown.
- Use a shortened familiar form of the given name (example: "Bill" for "William").
- Omit the middle name.

A candidate may not use titles or degrees such as "Miss", "Mrs.", "Dr.", "Col.", "Rev." (CAEC § 13106)

If a candidate changes his or her name within one year of an election, the candidate may not file a *Declaration of Candidacy* under the new name unless the change was made by marriage or by court order. (SF MEC § 210 (c))

4. DECLARATION OF NAME IN CHINESE CHARACTERS (SF MEC § 401)

The Department of Elections will publish on all ballots a translation or transliteration of each candidate's name in Chinese characters. Candidates may, but are not required to, submit a proposed translated or transliterated Chinese name for themselves. If a candidate does not submit a proposed Chinese name, the Department's qualified translator will prepare a transliteration of the candidate's name.

The Director of Elections will determine whether to accept a candidate's proposed Chinese name, and whether a candidate's name will appear as a translation or a transliteration, based on the following:

- (1) Information, if any, submitted by the candidate regarding whether or not the candidate has an established Chinese name;
- (2) Information regarding how the Chinese community refers to the candidate at community meetings and events and in the Chinese press;
- (3) Information regarding how the candidate is referred to in campaign materials printed in Chinese;
- (4) Whether or not a proposed translation or transliteration has another meaning in the Chinese language; and

(5) Any other information the Director deems relevant in order to prevent voter confusion and to allow for effective participation by the Chinese community in the electoral process.

The Director of Elections' determination whether to accept a candidate's proposed Chinese name, and whether a candidate's name will appear as a translation or a transliteration, shall be final. (SF MEC § 401 (c)) The Chinese names of all candidates for local office translated by the Department shall be available for public review for ten calendar days, and during that period the Director's determination may be challenged pursuant to California Elections Code §13313.

5. **CANDIDATE QUALIFICATION STATEMENT**

Candidates may, but are not required to, submit for publication in the Voter Information Pamphlet a statement of their qualifications to hold office. (CAEC § 13307, SF MEC § 220) The Department of Elections will translate candidate qualification statements into Chinese and Spanish for the translated versions of the Voter Information Pamphlet. Any candidate who knowingly makes a false statement of material fact in his or her candidate statement may be punished by a fine of up to \$1000. (CAEC § 18351)

- a. **Filing.** The *Candidate Qualification Statement* must be filed along with nomination forms **by 5:00 p.m. on the last day of the nomination period.** Please refer to the calendar at the beginning of the guide. (SF MEC § 220 (b); CAEC § 13307)
- b. **Contents.** The *Candidate Qualification Statement* may contain the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's own education and qualifications as expressed by the candidate. (SF MEC § 220 (a)) Candidate statements must not refer to opponents in any manner. The occupation stated in the *Candidate Qualification Statement* is not subject to the same restrictions as the ballot designation. The candidate's qualification statement for a non-partisan office shall not include the party affiliation of the candidate, or membership or activity in partisan political organizations. (SF MEC § 220(d))
- c. **Nominators and Letters of Endorsement or Support.** If a candidate wishes to include in his or her *Candidate Qualification Statement* the names of nominators or endorsers, the names and any identification will be counted toward the 200-word limit. If the candidate includes names of people who have not signed the candidate's nomination petition, the candidate must file a signed letter of endorsement from each individual whose name is included. The letter of endorsement should include the name of the candidate, the elective office, the date of the election, and signed by the endorser. (SF MEC § 220 (c))

A *Candidate Qualification Statement* that includes a statement that an organization or entity supports the candidate must be accompanied by a statement of confirmation signed by an officer or authorized representative of the organization or entity.

Endorsers or supporters who are not nominators but who authorize use of their name in the candidate qualification statement may withdraw this authorization by filing with the Director of Elections a signed and sworn statement of withdrawal at any time up until 5:00 p.m. on the last day of the nomination period. No endorser or supporter may withdraw his or her support after 5:00 p.m. on the last day of the nomination period. (SF MEC § 250)

d. **Format.** Each *Candidate Qualification Statement* must conform to the following requirements:

- The candidate's name at the top of the form must match the name on the ballot.
- Type the statement exactly as it should appear. Handwritten statements invite misinterpretation and errors. Statements are printed exactly as submitted.

NOTE: Please **TYPE** your candidate statement. It is strongly recommended that candidate statements of qualifications and supporting documentation not be handwritten or hand-annotated. If the handwriting is illegible or the intended change is unclear, the Department of Elections may need to interpret. In such cases, there is a possibility the candidate statements of qualifications may **not** be typeset and printed as the candidate intended.

- Proofread the statement prior to filing. **No corrections are permitted after the filing deadline.**
- Do not include underlining, bold or italicized type, or unusual spacing. If a candidate submits a statement that includes such formatting, the Department of Elections will typeset the statement without any special emphasis placed on words or phrases.
- Written in the first person

e. **Restrictions.** Candidate statements must not refer to opponents in any manner. If a candidate makes reference to anything other than his or her qualifications, he or she could be subject to legal action. (*See John F. Dean v Superior Court of Orange County, Court of Appeals, Fourth District, Division 3, California, No. G023111*) In addition:

- Do not include any party affiliation.
- Do not include membership or activity in partisan political organizations.
- Do not refer to any other candidates.

f. **Public Examination Period.** Candidate qualification statements are not available for public review until after the close of the nomination period. These statements shall be available for public inspection starting **no later than noon on the 87th day prior to the election; and shall end at noon on the 77th day prior to the election.** (SF MEC 590 (a) (1)) During this period, any San Francisco voter may seek a writ of mandate or an injunction requiring that material in a candidate qualification statement be amended or deleted. (CAEC § 13313) The voter must demonstrate by clear and convincing evidence that the material is false, misleading or inconsistent with the requirements of the

California Elections Code, and that action by the court to correct or remove the material will not substantially interfere with printing or distribution of the Voter Information Pamphlet or Sample Ballot. (CAEC § 13313 (b) (2))

Candidates may be subject to liability for false, slanderous or libelous statements submitted for publication in the Voter Information Pamphlet. Any candidate who knowingly makes a false statement of material fact in his or her candidate statement with the intent to mislead the voters in connection with his or her campaign for nomination or election to office is punishable by a fine of up to \$1,000. (CAEC § 18351)

- g. **Word Limit and Rules for Counting Words.** The *Candidate Qualification Statement* may not exceed 200 words. The Department of Elections uses the following guidelines for counting words, and the decision of the Director of Elections concerning word count is final. (CAEC § 9)

| | Number of Words |
|--|---------------------------------|
| Title, signature | N/A |
| Punctuation | N/A |
| Individual words (listed in a standard English dictionary published in the U.S. within 10 years preceding the election) Examples: "some", "a", "the", "chocolate" | one |
| Abbreviations/Acronyms Examples: SFSU, PTA, U.S.M.C., SFPD | one |
| Geographical names Examples: San Francisco, City & County of San Francisco Note: Modified geographical name examples: San Francisco's San Franciscan | one one two two |
| Neighborhood names Examples: Haight Ashbury Bayview Hunters Point | two three |
| Numbers/Numerical combinations Numerals (1, 10, 100, etc) Spelled out (one, ten, one hundred, etc) Percentages, fractions (50%, 1/2, etc) | one one for each word one |
| Numbers or letters used to identify a portion of text Examples: (1), (a) | one |
| Dates All numerals (04/10/99) Words and numerals (April 10, 1999) | one three |
| Characters used in place of a word or number Examples: &, # | one |
| Hyphenated words (listed in a standard English dictionary published in the U.S. within 10 years preceding the election) | (continued on next page) |

| | |
|---|----------------------------|
| Examples: mother-in-law full-time rate-setting none-too-impressive | one one two three |
| Hyphenated names will count as one Example: Tracy Liang-Smith | two |
| Phone numbers, Internet addresses | one |

- h. **Withdrawal of Statement.** A candidate may withdraw, but not change, the *Candidate Qualification Statement* **no later than 5:00 p.m. on the withdrawal of candidacy or candidate statement deadline.** Please refer to the calendar at the beginning of the guide. (SF MEC § 220 (e))
- i. **Fees.** The Board of Supervisors did not authorize any collection of fees for the printing and distribution of candidate statements for the Election. (SF MEC § 815; SF Charter 13.109)

6. STATEMENT OF ECONOMIC INTERESTS - FORM 700

Each candidate must file a *Statement of Economic Interests* (Form 700) with the Department of Elections disclosing investments, interests in real property, and any income received during the immediately preceding 12 months. (Gov't Code § 87201) The Department of Elections provides the Form 700 to candidates in the nomination packet. Candidates with questions regarding the Form 700 should contact the Fair Political Practices Commission toll free at (866) ASK-FPPC. Interactive forms are available online at www.fppc.ca.gov (SF C&GC Code § 3.1-102; Gov't Code § 87201)

7. VERBAL PRONUNCIATION OF CANDIDATE NAME

All candidates for elective office in the City & County **are required to call 415-554-6180** to record only their name, as it would appear on the ballot, including the office they are seeking. No other information is required. This voicemail recording should be done **no later than 5:00 p.m. on the day of the nomination deadline**. This procedure will ensure the correct pronunciation of the candidate's name when setting up the audio ballot (for the Edge voting system) and recording of election results. Candidates must initial an acknowledgement that they are aware of this procedural requirement.

8. CODE OF FAIR CAMPAIGN PRACTICES (OPTIONAL)

The State Legislature created a voluntary "Code of Fair Campaign Practices" to encourage candidates for public office to follow basic principles of honesty and fair play. Subscription to the Code is voluntary. The Department of Elections provides candidates with the form used to subscribe to this code. Any candidate who chooses to subscribe to the Code must file the completed form with the Department of Elections when the candidate files his or her completed nomination documents. (CAEC §§ 20400-20444)

VI. CANDIDATE BALLOT DESIGNATIONS; BALLOT ORDER

CAEC §§ 13107, 13107.5

Each candidate may request that his or her occupation appear below his or her name on the ballot. The submission and form of ballot designations are governed by California Elections Code §§ 13107 and 13107.5 the implementing regulations (2 CCR § 20710 *et seq*), and rules and guidelines issued by the California Secretary of State. A copy of the most recent guidelines issued by the Secretary of State is included in the nomination documents package provided to all candidates.

If a candidate does not want a designation to appear on the ballot under his or her name, the candidate must write the word "none" on the ballot designation form and sign the form. The word "none" will *not* appear on the ballot. Instead, the space will remain blank.

No candidate may change his or her designation after the deadline for filing nomination documents, except as specifically requested by the Director of Elections under the specific circumstances described in the following Sections, D & E.

A. ACCEPTABLE DESIGNATIONS

Each candidate may choose ONE of the following types of designations (or no designation):

- ***Elective Office Title***

The office title is the word or words designating the office (federal, state, county, city or district), which the candidate holds at the time of filing nomination papers *and to which the candidate was elected by a vote of the people*. (CAEC § 13107 (a) (1)) This title may not include political party affiliation.

Examples

Acceptable: "City Attorney", "Member, Board of Supervisors" & "Sheriff"

Not acceptable: "Democratic Assembly Member"

- ***Incumbent***

The word "Incumbent" may be used if the candidate is a candidate for the same office which he or she holds at the time of filing nomination papers, *and to which the candidate was elected by a vote of the people.* (CAEC § 13107 (a) (2)) The word "Incumbent" must stand alone and cannot be used with any other designation.

- ***Appointed Incumbent or Appointed + Office Title***

The words "Appointed Incumbent" or the word "Appointed" and the title of the office may be used if the candidate holds an office by appointment and is filing as a candidate for election to the same office. The appointed officeholder may not use the unmodified word "Incumbent." (CAEC § 13107 (a) (4))

- ***Principal Professions, Vocations or Occupations of No More than Three Words***

The candidate may use up to three words to describe the principal professions, vocations or occupations which he or she currently holds or held during the preceding calendar year. California geographical names shall be considered to be one word (for example, "City & County of San Francisco" shall be counted as one word). Hyphenated words that appear in a Standard English dictionary shall also be considered as one word. Each part of all other hyphenated words shall be counted as a separate word. (CAEC § 13107 (a) (3))

If a candidate has more than one principal profession, vocation or occupation, the candidate may use slashes or commas to separate them. Dashes may only be used if required in the spelling.

Example: "Attorney/Accountant" or "Teacher, Mother"

- ***Community Volunteer***

If a candidate's ballot designation is "Community Volunteer" it shall constitute a valid principal vocation or occupation, for purposes of subdivision (a) of CAEC §13107. Candidates who use "Community Volunteer" may not be engaged concurrently in another principal profession, and this designation cannot be used in combination with another principal profession, vocation, or occupation. (CAEC §13107.5)

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

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

The activity or service must constitute substantial involvement of the candidate's time and effort such that the activity or services is the sole, primary, main or leading

C. BALLOT DESIGNATION WORKSHEET

The Ballot Designation Worksheet is a *required* worksheet designed to help support the candidate's proposed ballot designation and/or alternate ballot designation(s). It is recommended to attach copies of any supporting exhibits or documentation. Pursuant to CAEC § 13107, upon signing the Ballot Designation Worksheet, the candidate acknowledges that the requested ballot designation represents his/her true principal profession, vocation or occupation to which the candidate is entitled. The Ballot Designation Worksheet is on the Secretary of State's website at <http://www.sos.ca.gov/elections/ballot-designation-worksheet/ballot-designation-worksheet.pdf>.

D. REVIEW OF BALLOT DESIGNATIONS

Ballot designations are not available for public review until after the close of the nomination period. After the deadline for filing nomination papers, anyone may examine the nomination papers, including the ballot designations. During a 10-calendar-day period starting at noon the day after the close of nominations, any person may submit a written challenge to the Director of Elections stating that a candidate's ballot designation does not conform to the applicable requirements. Based on a written challenge, or on his or her own initiative, the Director may require that the candidate substantiate or verify the truth and accuracy of his or her ballot designation.

If the Director of Elections determines that law does not authorize a ballot designation, the Director will notify the candidate of that determination by telephone, facsimile or e-mail, if possible, and by registered mail with a return receipt requested. The candidate must then provide in person or via certified mail an alternative designation **within three days** from the date of receipt of the notice. If the candidate fails to provide an alternative designation within this time, the candidate's name will appear on the ballot without any designation. No candidate designation may be changed after the deadline for filing nomination papers except as described in this section. (CAEC § 13107 (e))

E. LEGAL CHALLENGES TO BALLOT DESIGNATIONS

During the 10-calendar-day public inspection period starting at noon the day after the close of nominations, any San Francisco voter may seek a writ of mandate or an injunction requiring that a candidate's ballot designation be amended or deleted. (SF MEC § 590 (a) (1); CAEC § 13313) The voter must demonstrate by clear and convincing evidence that the designation is false, misleading or inconsistent with the requirements of the California Elections Code, and that action by the court to correct or remove the designation will not substantially interfere with the printing or distribution of San Francisco's Voter Information Pamphlet, Sample Ballot, or Official Ballot.

F. BALLOT ORDER

The order in which candidate names are printed on the ballot is determined by a "random alphabet" that is drawn in advance of each election by the California Secretary of State. This random alphabet applies to the surname, or last name, of the candidate. If two candidates with surnames beginning with the same letter (Campbell and Carlson, for example) are running for the same office, their order on the ballot will depend on the order in which the letters "M" and "R" were drawn in the randomized alphabet drawing. For the election, the randomized alphabet drawing will be conducted at **11:00 a.m.** of the **82nd day prior to the election.** (CAEC § 13112)

G. ROTATION

California Election Code states that, "If the office is to be voted on throughout a single county, and there are not more than four Assembly districts wholly or partly in the county, the county elections official shall determine the order of names in accordance with the randomized alphabet as provided in CAEC § 13112 for the first supervisorial district. Thereafter, for each succeeding supervisorial district, the name appearing first for each office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged." (CAEC § 13111 (g))

In other words, for offices voted throughout the City, the random alphabet will determine the order of candidate names in the first supervisorial district and will rotate thereafter for each subsequent supervisorial district. The candidate who appears at the top of the order in the first supervisorial district will move to the bottom of the order in the second supervisorial district, and so on.

VII. EXTENSION OF FILING IF INCUMBENT DOES NOT FILE

Relevant Statutes: CAEC §§ 10225, 10604

If an eligible incumbent does not file nomination papers by **5:00 p.m. on the last day of the nomination period**, the period is extended for five calendar days, for any person other than the incumbent. This section is not applicable if there is no incumbent eligible to be elected. Please refer to the calendar at the beginning of the guide.

VIII. WITHDRAWAL OF CANDIDACY

(SF MEC § 260)

A candidate may withdraw his or her candidacy by filing a signed and sworn statement of withdrawal with the Department of Elections no later than **5:00 p.m.**, on the withdrawal of candidacy or candidate statement deadline. Please refer to the calendar at the beginning of the guide.

IX. WRITE-IN CANDIDATES

Write-in Period Begins: **57 Days before the Election**

Write-in Period Ends: **14 Days before the Election, 5:00 p.m.**

Relevant Statutes: CAEC §§ 8600-8605

Any person who wants to be a write-in candidate must file the following documents **no later than 5:00 p.m. 14 days before the election:**

- A *Statement of Write-in Candidacy* including:
 - Candidate's name;
 - Candidate's residence address;
 - Candidate's declaration stating that he or she is a write-in candidate;
 - Title of office sought; and
 - Election date.
- A signed *Oath or Affirmation of Allegiance*. (Cal. Const. Art. XX, § 3)
- The required number of nomination signatures on nomination papers for that office, along with the circulator's affidavit. Signers and circulator must meet the same qualifications described above for regular nomination papers.
- Statement of Economic Interest (FPPC Form 700)
- Code of Fair Campaign Practices (optional)

There is no filing fee or other charge for write-in candidates. Write-in candidates' names do not appear on the ballot; therefore, ballot designations and candidate statements are not applicable. Campaign finance laws apply to write-in candidates as well as conventional candidates.

X. CAMPAIGN FINANCE AND CAMPAIGN DISCLOSURE

<http://www.sfethics.org>

State and local law requires that candidates for City elective office file campaign finance reports disclosing information about campaign contributions and expenditures. The San Francisco Ethics Commission publishes a general candidate guide that explains these restrictions and requirements. The Ethics Commission material includes a checklist for candidates and answers many frequently asked questions about contribution limits, voluntary spending limits, public-financing of election campaigns, campaign finance disclosure forms, and disclosure deadlines.

These materials are available at the Ethics Commission and on its website. Specific questions should be directed to the San Francisco Ethics Commission at (415)252-3100 or www.sfethics.org.

The Fair Political Practices Commission can answer further questions regarding campaign finance disclosure forms and disclosure deadlines at www.fppc.ca.gov or (866)ASK-FPPC.

XI. CAMPAIGN LITERATURE and POLITICAL ADVERTISING

Relevant Statutes: Gov't Code §§ 82041.5, 84305;
S.F.C&GC Code §§1.161, 1.162.5, 1.163.5

There are numerous laws that govern political literature and advertising. These laws include, but are not limited to, the laws summarized below. Please contact the FPPC at 866-ASK-FPPC or www.fppc.ca.gov and the San Francisco Ethics Commission at 415-252-3100 for more complete information about the laws that govern political literature and advertising.

A. MASS MAILINGS

Each candidate for City elective office who pays for a mass mailing must identify himself or herself on the outside of each piece of mail in the mailing with the following statement in not less than 14-point type and in a color or print which contrasts with the background so as to be easily legible: "Paid for by _____ (insert candidate's name and street address)" Under state law, the candidate or committee is also required to include the candidate's or committee's city in the disclosure statement.

The candidate must file two of the original pieces of the mass mailing along with an *Itemized Disclosure Statement for Mass Mailings (Form SFEC-161)* with the Ethics Commission within five working days after the date of the mailing.

If the date of the mailing occurs within the final 16 days before the election, the candidates must file the two original pieces of the mailing and the itemized disclosure statement with the Ethics Commission within 48 hours of the date of the mailing.

For each mass mailing, the following must be retained for a period of four years:

- A sample of the mailing;
- A record of the date of the mailing;
- The number of pieces sent; and
- The method of postage used.

See S.F. C&GC Code §1.161; FPPC Campaign Disclosure Manual 2, page 3-7.

B. PROHIBITION ON FALSE ENDORSEMENTS

Candidates and other persons are prohibited from sponsoring a campaign advertisement that is distributed within 90 days of an election where that literature contains a false endorsement. A false endorsement is a statement, signature, photograph, or image representing that a person expressly endorses or conveys support for or opposition to a candidate or measure when in fact, the person does not expressly endorse support or opposition to that candidate as stated or implied in the campaign communication.

See S.F. C&GC Code §1.163.5

C. DISCLOSURE REQUIREMENTS FOR CAMPAIGN ADVERTISEMENTS

Any campaign advertisement that urges support for, or opposition to, one or more candidates for City elective office must include a disclosure statement identifying the person who paid for the advertisement. The disclosure statement must contain, at a minimum, the following words: "Paid for by _____ (insert the name of the person who paid for the communication)" The disclosure statement must appear at least once on the advertisement.

If the campaign advertisement is in printed form, the disclosure statement must be printed in at least 14-point type and in a color or print that contrasts with the background so as to be easily legible to the public. If the campaign advertisement is in spoken form, the disclosure statement must be spoken at the same volume and speed as the rest of the communication so as to be clearly audible and understood by the intended public and otherwise appropriately conveyed for the hearing impaired.

A campaign advertisement for the purposes of this rule is any of the following: programming received by a television or radio; a communication placed in a newspaper, periodical or magazine of general circulation; posters, door hangers, and yard signs produced in quantities of 200 or more; or a billboard.

"Internet Communication" shall include paid internet advertisements such as "banner" and "pop up" advertisements, paid emails or emails sent to addresses purchased from another person, and similar types of internet communications as defined by the Ethics Commission by regulation, but shall not include web blogs, list serves sent to persons who have contacted the sender, discussion forums, or general postings on web pages.

See S.F. C&GC Code §§ 1.162.5, 1.161.5(c)(4)

D. CAMPAIGN LITERATURE INCLUDING POLLING PLACE OF VOTER

If a campaign distributes or mails campaign literature with the location of a voter's polling place, the campaign must include a statement indicating that the information is accurate only up to the date it was obtained from the Department of Elections. In addition, the candidate must state that polling place changes can occur up to the last few days before an election. The Department of Elections notifies voters if their polling place changes after mailing of the Voter Information Pamphlet.

XII. OUTDOOR POLITICAL ADVERTISING

Relevant Statutes: SF Public Works Code §§ 184.56-184.78;
California Penal Code § 556.1

Both State and local laws regulate the posting of political signs and distribution of handbills on public and private property. California Penal Code § 556.1 requires prior consent before placing advertising on private property. California Penal Code § 556.1 states the following:

“It is a misdemeanor for any person to place or maintain or cause to be placed or maintained upon any property in which he has no estate or right of possession any sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of advertising, or which advertises or brings to notice any person, article of merchandise, business or profession, or anything that is or has to be sold, bartered, or given away, without the consent of the owner, lessee, or person in lawful possession of such property before such sign, picture, transparency, advertisement, or mechanical device is placed upon property.”

The Department of Elections also gives each candidate a copy of San Francisco’s Sign Ordinance and a letter from the California Department of Transportation concerning the California Outdoor Advertising Act. (Bus. & Prof. Code § 5200 *et seq*)

State Restrictions

The State Outdoor Advertising Act permits the posting of “temporary political signs” in designated areas. The Act does not permit posting such signs within the right of way of any highway or within 660 feet of the edge of and visible from the right of way of a landscaped freeway.

Temporary political signs are signs that:

- Encourage a vote for or against a candidate or measure in a scheduled election;
- Are posted no sooner than 90 days prior to the scheduled election and are removed within 10 days after the election;
- Are no larger than 32 square feet; and
- Are posted after the person responsible for removing the signs has filed with the California Department of Transportation a *Statement of Responsibility* certifying his or her responsibility for removing the signs. (Bus. & Prof. Code § 5405.3)

Tenancy and Political Signs

Landlords will not prohibit a tenant from posting or displaying political signs relating to an election or legislative vote, the initiative, referendum, or recall process, or issues before a public body for a vote, except under certain circumstances.

A tenant is required to comply with the time period established by the local ordinance for the posting and removal of political signs or, in the absence of those provisions, by reasonable time limits, as specified, established by the landlord. (Senate Bill 337, sec 1940.4)

Local Restrictions

Local law prohibits the posting of signs in excess of 8-1/2" x 11" on all street poles. Total prohibition of sign posting on poles is in effect for historic lampposts, traffic signals and poles with directional signage. Additional restrictions on sign posting apply. (SF Public Works Code Article 5.6 and 5.7)

The following is a list of some common violations of the laws regulating outdoor political advertising. Candidates are strongly advised to become familiar with all applicable laws to avoid such violations.

- Posting political signs on traffic signals;
- Posting more than one of the same sign per pole;
- Failure to remove signs after Election Day;
- Failure to print a posting date on signs;
- Failure to properly attach signs to utility or lamp poles; or
- Distribution of handbills on private property when a "No Handbills" or similar sign is posted.
- Improperly applied handbills causing handbills to be blown away.

XIII. RESOURCES FOR CANDIDATES AND VOTERS

Please visit the Department of Elections' website at www.sfelections.org to find out even more about what services the Department provides.

CANDIDATE WORKSHOPS

The Department of Elections offers candidate workshops prior to the nomination period. These workshops give an overview of the Candidate Guide, emphasizing the following areas:

- filing fee
- signatures in lieu of filing fee
- nomination petition
- required nomination documents
- ranked-choice voting demonstration
- voter registration drive
- vote-by-mail drive

Candidates and their campaign representatives are encouraged to participate in these informational workshops. Contact the Department of Elections for information on schedules.

DATA SERVICES FOR CANDIDATE AND CAMPAIGNS

The Department of Elections offers data services to qualified applicants. These services include voter registration and vote-by-mail information. This data is available on CD-ROM. Fees vary according to the type of data requested and the media used for output. Please review the items available on our website before making your requests (www.sfelections.org under "Candidates & Campaigns", "Available Data Files"). Should you need to speak to someone about these services, please call(415)554-4375.

USES AND LIMITATIONS

State law requires that confidential voter registration information be used solely for election, political, scholarly, journalistic or governmental purposes. The application and guidelines for

obtaining the file and its use may be found at www.sfelections.org, under "Candidates & Campaigns", "Master Voter File". Misuse of confidential data file is a misdemeanor.

Permissible uses of information obtained from San Francisco County shall include, but shall not be limited to, the following:

- Using registration information for purposes of communicating with voters in connection with any election.
- Sending communications, including, but not limited to, mailings that campaign for or against any candidate or ballot measure in any election.
- Sending communications, including but not limited to, mailings by or in behalf of any political party, provided however, that the content of such communications shall be devoted to news and opinion of candidates, elections, and/or political purposes.

MULTILINGUAL VOTER SERVICES

The Department of Elections provides language assistance to voters in Chinese and Spanish. The services include:

- Bilingual telephone information about where to vote, how to vote, how to obtain and use vote-by-mail ballots, what you need to know on election day, and how to get related election material in Chinese and Spanish.

Chinese: (415)554-4367 Spanish: (415)554-4366

- Translated election materials mailed to voters before each election
- Translated brochures containing important registration and election information, available at the Department or through outreach events
- Bilingual assistance at targeted polling places.

HOW AND WHERE TO REGISTER

The **15th day** prior to an election is the deadline to register to vote. Voter Registration Cards may be picked up at the Department of Elections, public libraries, some City & County offices, the Department of Motor Vehicles (DMV) and post offices. Registration cards are also available online at the California Secretary of State's website (www.sos.ca.gov). When someone registers online, a pre-typed registration card containing all of the information the voter entered will be mailed to the voter within seven to fourteen days. The voter must sign, date and return the registration card by mail to the county election official. Voters may also call to request a registration card from our office at (415)-554-4411 or e-mail us at sfvote@sfgov.org.

When registering online, the system will search the DMV database for your California driver's license or identification card number, date of birth, or last four digits of your Social Security number. If your information is found and you authorize elections officials' use of your DMV signature, an electronic image of your DMV signature will be added to your voter registration application after you click submit. If there is no information found, hit print and sign the paper application, and mail it.

INFORMATION FOR ORGANIZATIONS REGARDING VOTER REGISTRATION CARDS AND CONDUCTING A VOTER REGISTRATION DRIVE

Any individual, group or organization requesting 25 or more voter registration cards must complete and submit a *Statement of Distribution* and a plan of distribution to the Department of Elections.

For individuals or organizations interested in conducting a voter registration drive, a guide is available at the Department of Elections. For more information, please contact Voter Services (415) 554-4411.

VOTE-BY-MAIL AND EARLY VOTING

Any registered voter may request a vote-by-mail ballot be sent to them by mail. Vote-by-mail ballots are mailed beginning 29 days before the election, and the request period for vote-by-mail ballot ends seven days prior to the election. The request must be received by the Department of Elections no later than 5:00 p.m. on 7th day prior to the election. (By law, the Department of Elections cannot accept requests for vote-by-mail ballots received after 5:00 p.m., regardless of when these requests were postmarked). An application for a vote-by-mail ballot is included on the back cover of the Voter Information Pamphlet that is mailed to each voter prior to the election. Voters may also find an online vote-by-mail ballot application on the Department's website at www.sfelections.org.

Voters may also request a vote-by-mail ballot in writing in the form of a letter, postcard, or by fax. The voter's signature must be included (the request cannot be processed without a signature). Faxes should be sent to (415)554-4372. The following information must be included:

- The election date for which the vote-by-mail ballot is being requested
- The voter's full name
- The voter's birth date
- The voter's residential address
- The address to which the voter wants the ballot sent if it is different from the residential address
- A daytime phone number (optional)
- The date of the request
- The voter's signature. The request cannot be processed without it.

California Elections Code § 3007 requires that any individual, group, or organization distributing applications for vote-by-mail ballots must use the format that has been approved by the Secretary of State. (CAEC §§ 3006, 3007 & 3007.5) Failure to use the approved form can be a misdemeanor (CAEC § 18402). For individuals or organizations interested in conducting a vote-by-mail application drive, please contact Voter Services at (415)554-4411.

Early voting takes place on and before Election Day at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 48. Office hours for early voting are as follows:

- 8:00 a.m. to 5:00 p.m., Monday through Friday (excluding holidays), begins 29 days before the election
- 10:00 a.m. to 4:00 p.m., Saturday and Sunday, **on the two weekends** preceding the election. (Enter on Grove Street.)
- 7:00 a.m. to 8:00 p.m., on Election Day

XIV. FREQUENTLY ASKED QUESTIONS ABOUT RANKED-CHOICE VOTING

1. What is ranked-choice voting?

Ranked-choice voting, or “RCV,” is a voting system where voters rank candidates in order of preference. With RCV, voters can indicate their first-choice, second-choice, and third-choice candidates for an office.

If one candidate gets a majority (more than half) of all voters’ first-choice votes, that candidate wins the election. If no candidate gets a majority, then the candidate with the lowest number of first-choice votes is eliminated, and the voters who selected the eliminated candidate have their second-choice votes counted. This process continues until a single candidate receives a majority of the votes and wins the election.

2. What was the system before RCV?

Before RCV was implemented, municipal offices were elected through simple majority elections. If a candidate received a majority of the votes, he or she won. If no candidate received a majority, a run-off election was held between the two candidates who received the most votes.

3. Why are we using RCV?

RCV was passed by San Francisco voters as an amendment to the City Charter in March 2002 (Proposition A).

4. How can the public observe the RCV process?

The public has the right to observe the processing and counting of ballots, RCV ballots included. For details on how to observe elections processes, please refer to the Department’s *Observer Guide*.

5. What is the difference between RCV and IRV?

RCV and IRV are two different names for the same thing. RCV stands for ranked-choice voting, which reflects the way voters can choose a first-, second-, and third-choice candidate on the ballot. IRV stands for instant runoff voting, which represents that a majority winner can be chosen without a run-off election. However, results are not actually “instant,” so the Department prefers the term RCV.

6. Which contests use RCV?

All of San Francisco’s municipal offices are elected using RCV. These are the offices of the Mayor, Sheriff, District Attorney, City Attorney, Treasurer, Assessor-Recorder, Public Defender, and the Board of Supervisors.

7. Who counts the RCV ballots?

Like all ballots, the RCV ballots are counted using optical-scan machines that read the marks voters make to indicate their choices.

8. Are provisional ballots counted for RCV?

If the Department can verify that the person named on the provisional ballot envelope (in which the ballot is enclosed), is registered to vote, then the ballot is counted.

9. Do overseas/military voters get to vote on RCV contests?

Some overseas/military voters are living abroad indefinitely, and are only eligible to vote on federal contests, and not on local offices that use RCV. However, some overseas/military voters maintain a local residence and a local voter registration, and can vote on local offices that use RCV.

10. Are inmates eligible to vote on RCV contests?

Any San Francisco resident who is a U.S. citizen of at least 18 years of age is eligible to register and vote on local offices that use RCV, inmates included.

11. What is the "RCV algorithm"?

The RCV algorithm is the set of rules that runs the ranked-choice voting process of eliminating and advancing candidates. It is only used when no candidate receives a majority of the first-choice votes. The algorithm is described in detail in Charter Section 13.102.

Put simply, if there is no majority winner in a contest, the algorithm eliminates the candidate with the lowest number of first-choice votes. Then, the second-choice votes of the voters who selected the eliminated candidate are advanced to become first-choice votes. This process of elimination and advancement continues until one candidate gets a majority of the remaining votes.

12. What does "exhausted ballot" mean?

An RCV ballot is "exhausted" if all the choices on the ballot have been eliminated. In other words, if none of the candidates selected on a ballot gained a majority of the votes, that ballot is "exhausted".

13. What does "exhausted by over vote" mean?

If there is more than one choice marked in a single column on an RCV ballot, this is an "over vote". Since more than one candidate has been marked for a single choice, that choice cannot be counted. If there is an over vote for the first choice, any votes for the second and third choices cannot be counted, and the ballot is "exhausted by over vote". Likewise, if a voter's first choice has been eliminated, and there is an over vote for the second choice, the second and third choices cannot be counted, and the ballot is "exhausted by over vote".

14. What does "continuing ballot" mean?

"Continuing ballots" are all ballots that have not been exhausted. When a ballot is exhausted, it is no longer a part of the pool of remaining votes. The remaining votes are called "continuing ballots". To win the contest, a candidate needs to receive a majority of the continuing votes.

15. What does “under vote” mean?

An “under vote” is the absence of a selection. When a voter casts a ballot but does not mark a vote on a contest, this is an “under vote”.

16. What determines when more than one candidate is eliminated at the same time?

If the combined votes for two or more candidates are fewer than the votes for another candidate, the candidates with fewer votes can be eliminated at the same time.

17. What happens to a ballot when a voter marks the same candidate for first, second, and third choice?

If a voter selects the same candidate in more than one column, the vote for that candidate will count only once. If the selected candidate is eliminated, there is no alternate candidate to transfer the vote to, and the ballot is exhausted.

18. What happens if a candidate gets a majority of first-choice votes?

If a candidate gets a majority (50%+1 or more) first-choice votes, he or she wins the election. The RCV algorithm is only needed if no candidate gets a majority of the first-choice votes.

19. How do candidates win with “50%+1” even though they only have <50% votes according to the total ballot count?

The total ballot count shows the number of ballots cast, but when ballots become exhausted, the number of continuing ballots reduces. To win the contest, a candidate needs to receive a majority of the continuing votes.

20. What happens if there is a tie?

In the case of a tie, the winner would be decided by drawing lots. For each of the two tied candidates, twenty identical slips of paper are prepared printed with their respective names. They are mixed in a container, and the Director of Elections will pull out one slip. The name on the slip is the victor in the race. This process would be conducted in a public hearing, likely in the City's legislative meeting chambers. The materials used would be open to public inspection. This procedure is in accordance with California Elections Code Section 15651.

21. Why does the Department run preliminary RCV results?

The Department provides preliminary RCV results to give the public a picture of how the RCV algorithm works on the votes counted up to that point. In the preliminary RCV results, candidate eliminations and advancements are not permanent, and may change in later results reports.

In fact, as additional votes are counted, especially in close RCV races, the picture can change significantly. No results are final until all votes are counted.

22. How did a candidate who was not in the lead in the preliminary RCV results ultimately win the contest?

As additional ballots are counted the RCV results can change significantly. Through the process of candidate elimination, substantial numbers of second- and third-choice votes can advance as first-choice votes. A candidate who did not receive a leading number of original first-choice votes can receive many transferred votes and win the election. Because of this, it is critical to understand that no results are final until all ballots are counted.

23. Does the Department of Elections announce who wins RCV elections? If so, how and where does the Department of Elections announce the winners?

The Department will post the final results on its website, www.sfelections.org, and announce these results with a press release.

24. Are candidates able to see how many first-, second- and third-choice votes they received?

The Department posts a ballot image file for each RCV contest. This data shows each first-, second-, and third-choice vote as it was cast. Instructions on how to extract and view this data are included in the file, and it is available to all members of the public, candidates included.

25. What type of outreach education does the Department provide regarding RCV?

Before each election the Department conducts an outreach campaign with an emphasis on RCV education. This campaign includes mass media outreach through television, radio, newspapers, billboards, and Muni advertising; presentations at community meetings, festivals, street fairs, and other public events; and online resources through Facebook, YouTube, and the Department's website, www.sfelections.org.

26. How can we get outreach education from the Department?

If your community group or organization could benefit from an RCV education presentation, please contact the Department at sfoutreach@sfgov.org and request a visit.

XV. ELECTION DAY AND ELECTION NIGHT

ELECTION DAY

The polls are open from 7:00 a.m. to 8:00 p.m. Campaigning and electioneering are NOT allowed within 100 feet of a polling place during voting hours. (CAEC § 18370)

Electioneering includes circulating any petition, soliciting votes, and displaying campaign signs. T-shirts, buttons, signs on cars, handouts and anything else which may be considered campaigning is strictly prohibited. Violations of these rules can be charged as misdemeanors. (CAEC § 18370)

ELECTION NIGHT

Although the polls officially close at 8:00 p.m., all voters who are at the polling place waiting to vote at 8:00 p.m. are permitted to do so, even if they cast their ballots after 8:00 p.m. After the voting is over, the poll workers close down the polling place. The Sheriff is responsible for transporting voted ballots and electronic devices used to record votes from the polling place to the counting centers.

After closing of the polls, the Department of Elections will begin reporting election results. The first report issued will reflect vote totals from vote-by-mail ballots. Subsequent reports will be cumulative and include polling place results.

After 8:00 p.m., candidates, members of the media, and the public are invited to observe the vote tabulation from the "Public Viewing Area" at the Department of Elections. Also, each precinct will post results outside the polling place for the public to view. Please call (415)554-4375 for more information.

ELECTION RESULTS

Election results are recorded and available by phone to anyone wishing to monitor the returns. If you wish to obtain election results on election night (or the day after), visit the Department of Elections website www.sfelections.org or call (415)554-4375.

OFFICIAL CANVASS OF THE RETURNS

The Department of Elections will conduct the official canvass of the returns beginning no later than two days after the election. The Department will complete the official canvass and submit a certified statement of the results to the California Secretary of State and San Francisco Board of Supervisors no later than the fourth Friday after the election. (CAEC § 15372)

RIGHT TO RECOUNT

Following the completion of the official canvass, any voter may, within 5 days thereafter, file with the Department of Elections a written request for a recount of the votes cast. The request shall specify on behalf of which candidate it is filed. (CAEC §§ 15620-15621)

Any voter requesting a recount is required to deposit the daily costs for the recount each day before the counting board commences to function. The request may specify the order in which the precincts shall be counted, and the recount shall be conducted publicly. (CAEC §§ 15622-15624)

XVI. SAMPLE CANDIDATE NOMINATION CHECKLIST FOR LOCAL OFFICE

CONTACT INFORMATION FOR OFFICE USE ONLY

| | | |
|------------------------------|--|--------------------|
| CANDIDATE NAME | OFFICE SOUGHT | / DISTRICT / PARTY |
| REGISTERED ADDRESS | ZIP | |
| EMAIL ADDRESS | | |
| DAY PHONE | EVE PHONE | FAX NO. |
| DOE STAFF TO COMPLETE | | |
| REGISTRATION DATE: / / | IF DISTRICT RACE – REGISTERED IN DISTRICT SINCE: / / | |

PRELIMINARY

| DOCUMENT | ISSUED DATE | FILED DATE | COMMENT |
|---|-------------|------------|---------|
| Candidate Guide | / / | | |
| Dcl of Intention to Solicit or Accept Contributions | / / | / / | |
| Acknowledgement of Receipt of Campaign Code | / / | / / | |
| Candidate Authorization Form | / / | / / | |
| Ackgmnt of Petition Guidelines & Candidate's Info | / / | / / | |

REQUIRED

| | | | |
|---|-----|-----|--|
| Nomination Paper | / / | / / | |
| Candidate's Name in Chinese Characters | / / | / / | |
| Declaration of Filing Under Legal Name | / / | / / | |
| Declaration of Candidacy | / / | / / | |
| Declaration of Qualification | / / | / / | Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, District Attorney & Treasurer |
| Ballot Designation Worksheet w/SOS guidelines | / / | / / | |
| Statement of Economic Interests (FPPC Form 700) | / / | / / | |
| Permission to Post Information on the Internet | / / | / / | |
| Posting Campaign Signs (DPW & DOT) | / / | | |

OPTIONAL

| | | | |
|---|-----|-----|--|
| Petition In Lieu of Filing Fee | / / | / / | |
| SIL as nomination petitions request | / / | / / | |
| Candidate Statement of Qualifications | / / | / / | |
| Letter of Endorsement(s) re Candidate Statement | / / | / / | |
| Code of Fair Campaign Practices | / / | / / | |

NOTE: Please check with the Ethics Commission for FPPC Campaign Finance Filing and Instruction.

| | | | |
|------------------|--------------------------------|--------------------------|------------------|
| SILS = \$ | + FILING FEE balance \$ | = TOTAL FEE OF \$ | Receipt # |
|------------------|--------------------------------|--------------------------|------------------|