

## Section 3 – Appendix

November 2, 2010 \* General Municipal Election  
**Candidate Handbook and Resource Guide**  
Presented by the City of Westminster  
City Clerk's Office

**GENERAL MUNICIPAL ELECTION  
NOVEMBER 2, 2010**

**CANDIDATE INFORMATION SHEET**

\_\_\_\_\_  
Candidate's Name (Please print)

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Address

Please provide telephone number(s) should the City give to people interested in your candidacy?

\_\_\_\_\_

Please provide the email address where you would like election information to be sent:

\_\_\_\_\_

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Dated

Candidate for Mayor (Two Year Term) \_\_\_\_\_

Candidate for Member of City Council (Four Year Term) \_\_\_\_\_

**RECEIPT FOR CANDIDATE'S HANDBOOK**

I, \_\_\_\_\_, a potential candidate for the November 2, 2010 General Municipal Election, do hereby acknowledge receipt of the materials as listed in the Table of Contents of the Candidate's Handbook, and the Nomination Paper, Ballot Designation Worksheet, Candidate Statement of Qualification Form and Statement of Economic Interests (Form 700) from the Office of the City Clerk of the City of Westminster.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Candidate (or representative)

\_\_\_\_\_  
City Clerk or Assistant City Clerk

# CODE OF FAIR CAMPAIGN PRACTICES

(Division 20, Chapter 5, Elections Code.)

## Chapter 5. Fair Campaign Practices

### Article 1. General Intent

20400. The Legislature hereby declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

### Article 2. Definitions

20420. As used in this Chapter, "Code" means the Code of Fair Campaign Practices.

### Article 3. Code of Fair Campaign Practices

20440. At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure, as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with § 81000) of the Government Code, an initial campaign statement on behalf of the committee.

The text of the Code shall read, as follows: **(See "CODE OF FAIR CAMPAIGN PRACTICES" on reverse side).**

20442. The elections official shall accept, at all times prior to the election, all completed forms which are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

20443. Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

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

# CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammled choice and the will of the people may be fully and clearly expressed on the issues.

## THEREFORE:

(1) **I SHALL CONDUCT** my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties that merit this criticism.

(2) **I SHALL NOT USE OR PERMIT** the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) **I SHALL NOT USE OR PERMIT** any appeal to negative prejudice based on a candidate's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sexual orientation, sex, including gender identity, or any other characteristic set forth in Section 12940 of the Government Code, or association with another person who has any of the actual or perceived characteristics set forth in Section 12940 of the Government Code.

(4) **I SHALL NOT USE OR PERMIT** any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections, or that hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(5) **I SHALL NOT** coerce election help or campaign contributions for myself or for any other candidate from my employees.

(6) **I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE** support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

(7) **I SHALL DEFEND AND UPHOLD** the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date of Election

**PLEASE SEE THE  
CITY CLERKS OFFICE  
TO RECEIVE  
NOMINATION PAPERS  
FROM JULY 12<sup>TH</sup> TO  
AUGUST 6<sup>TH</sup>, 2010**

# BALLOT DESIGNATION WORKSHEET

This worksheet is intended to assist in the prompt evaluation of requested ballot designations.

Name of Candidate: \_\_\_\_\_

Office Sought: \_\_\_\_\_  
(Including district or division number, if applicable)

Home Address: \_\_\_\_\_  
(Number and street address)

\_\_\_\_\_  
(City, State and Zip Code)

Daytime Telephone Number: \_\_\_\_\_  
(area code)

Evening Telephone Number: \_\_\_\_\_  
(area code)

Fax Telephone Number: \_\_\_\_\_  
(area code)

Business Address: \_\_\_\_\_  
(Number and street address)

\_\_\_\_\_  
(City, State and Zip Code)

E-mail: \_\_\_\_\_

Name of Attorney or Other Person Authorized to Act in Your Behalf: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(If different from above)

\_\_\_\_\_  
(City, State and Zip Code)

His/Her Fax Number: \_\_\_\_\_  
(area code)

Telephone Number: \_\_\_\_\_  
(area code)

E-mail Address: \_\_\_\_\_

## PROPOSED BALLOT DESIGNATION:

(Note: Designation must be your principal profession, vocation or occupation and may be no more than three words; however, you may use the full title of the elective office you currently hold.)

(optional)

If above not accepted, 1<sup>st</sup> alternative: \_\_\_\_\_

2<sup>nd</sup> alternative: \_\_\_\_\_

Describe what you do and why you believe you are entitled to use the requested ballot designation. If using the title of an elective office, you may submit a copy of your certificate of election or appointment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your Job Title: \_\_\_\_\_

Contact Person(s) Who Can Verify this Information:

Dates You Held the Position: \_\_\_\_\_

Name(s): \_\_\_\_\_

Name of Your Employer or Business: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_  
(area code)

To the best of my knowledge and belief, the above-requested ballot designation(s) represent my true principal profession(s), vocation(s) and/or occupation(s) which I am entitled to use as my ballot designations pursuant to §13107 and 13107.5 of the Elections Code.

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, in \_\_\_\_\_ (location)

Signature

You may attach whatever supporting documentation or exhibits you wish that you believe support your proposed ballot designation. These documents will not be returned to you, so do not submit original versions.

## BALLOT DESIGNATION REQUIREMENTS

For your reference, the relevant provisions of Elections Code sections 13106, 13107 and 13107.5 are reproduced below:

### 13106. NO TITLE OR DEGREE

No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name.

### 13107. BALLOT DESIGNATION REQUIREMENTS

- (a) With the exception of candidates for Justice of the State Supreme Court or Court of Appeal, immediately under the name of each candidate, and not separated from the name by any line, may appear at the option of the candidate only one of the following designations:
- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.
  - (2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.
  - (3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
  - (4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.
- (b) Neither the Secretary of State nor any other election official shall accept a designation of which any of the following would be true:
- (1) It would mislead the voter.
  - (2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
  - (3) It abbreviates the word "retired" or places it following any word or words which it modifies.
  - (4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."
  - (5) It uses the name of any political party, whether or not it has qualified for the ballot.
  - (6) It uses a word or words referring to a racial, religious, or ethnic group.
  - (7) It refers to any activity prohibited by law.
- (c) If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, the election official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation worksheet.
- (1) The candidate shall, within three days, excluding Saturday, Sunday, and state holidays, from the date he or she receives notice by registered or certified mail, or from the date the candidate receives actual notice of the violation, whichever occurs first, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide a designation that complies with subdivision (a).
  - (2) In the event the candidate fails to provide a designation that complies with subdivision (a) within the three-day period specified in paragraph (1), no designation shall appear after the candidate's name.
- (d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e). The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.
- (e) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.
- (f) In all cases, words so used shall be printed in 8-point roman uppercase and lowercase type except that, if the designation selected is so long that it would conflict with the space requirements of Sections 13207 and 13211, the elections official shall use a type size for the designation for each candidate for that office sufficiently smaller to meet these requirements.
- (g) Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (42 U.S.C. Sec. 1971), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

*(Amended by Stats, 2003, c. 62, §84.)*

### 13107.5 USE OF "COMMUNITY VOLUNTEER"

- (a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:
- (1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.
  - (2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.
  - (3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.
- (b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

**CITY OF WESTMINSTER CANDIDATE STATEMENT  
PAYMENT AGREEMENT**

PRINTING AND HANDLING OF THE CANDIDATE STATEMENT

TO: CITY CLERK, CITY OF WESTMINSTER

I, \_\_\_\_\_, am a candidate for the office of Mayor/Member of the City Council, at the election to be held November 2, 2010; I desire to avail myself of the benefit of Elections Code, Section 13307, regarding filing by candidates for elective offices in local agencies, cities, counties and districts of a statement of qualifications.

I understand that, pursuant to law, the City Council of the City of Westminster has determined that such candidates desiring to utilize these services shall pay to the City of Westminster the actual prorated costs of printing and handling such statements, which will be printed in compliance with the language provisions of the National Voter Registration Act.

I have been informed that the cost of the Statement of Qualifications will be approximately \$1,085. Upon request, the Office of the Registrar of Voters will make available a Spanish, Vietnamese, Chinese or Korean translation to a voter. A deposit for the appropriate amount is transmitted herewith.

I agree that if the cost exceeds the estimated amount, I will pay the balance to the City of Westminster within 30 days following notification of the amount due and if the City of Westminster thereafter commences legal action against me for the recovery of said amount, I agree to pay all costs of such action, including a reasonable attorney's fee in an amount to be fixed by the Court.

The cost estimate in this agreement is for Candidate Statements.

Any notice or billing pertaining to my statement of qualifications shall be mailed to me at the address set forth below and shall be deemed completed upon deposit in the United States mail, so addressed, first-class postage prepaid.

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Signature of Candidate)

\_\_\_\_\_  
(Typed or printed name of Candidate)

# Receipt for Payment

Received from \_\_\_\_\_ on \_\_\_\_\_, 2010,  
(Candidate Name) (Date)

In the amount of \$1085.00 [\_\_\_\_\_] as payment for the  
- (Check No.)

**estimated pro rata share of the cost of printing, handling,  
translating, and mailing the candidate statement for the office  
of:**

\_\_\_\_\_  
(City Council or Mayor)

## Notice

*The estimated pro rata share is just an approximation of the actual cost that varies from one election to another and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and will, on a pro rate basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual costs. In the event of underpayment, the City Clerk will require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid.*

By \_\_\_\_\_

\_\_\_\_\_  
Title

**WAIVER  
CANDIDATE STATEMENT  
GENERAL MUNICIPAL ELECTION  
NOVEMBER 2, 2010**

I HEREBY ACKNOWLEDGE that I may prepare and submit a Candidate's Statement to be mailed to voters with the sample ballots. I do not elect to file a Candidate Statement.

\_\_\_\_\_  
Signature of Candidate

## **CHECK LIST OF ITEMS TO BE RETURNED**

*TO THE CITY CLERK WHEN FILING AS A CANDIDATE*

- ✓ Nomination Papers
- ✓ Ballot Designation Worksheet
- ✓ Candidate Statement of Qualifications (if Candidate desires to have this printed in the Voters' Pamphlet)
- ✓ Candidate Statement Payment Agreement with Payment
- ✓ Form 700 – Statement of Economic Interests
- ✓ Fair Campaign Practice Code (voluntary)