



**Presidential GENERAL
ELECTION**

November 5, 2024

**Candidate
and Campaign
Handbook**

El Dorado County Election Department

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Dear Candidate:

Welcome to the electoral process. Regardless of who wins we hope that this is a positive experience for you.

The Elections Department is dedicated to helping all qualified candidates get their names printed on the ballot and to ensure the election is fair and accurate.

Congratulations on your decision to run for office. This handbook has been prepared to assist candidates and committees in preparing for the upcoming election. This handbook does not contain all information concerning elections, but a summary of major provisions related to candidates running for office. If you wish to research the laws cited in this handbook, or other laws relating to elections, you will find the code books at local libraries or online at www.leginfo.legislature.ca.gov.

My staff has worked to make this handbook as informative as possible and will make every effort to answer your questions. However, law precludes the Registrar of Voters or staff from answering legal questions. This handbook is not intended to be a substitute for legal advice. Candidates are strongly encouraged to consult private legal counsel when legal questions arise.

The best advice I can give to all candidates is FILE EARLY. The filing deadlines are rigid and if you wait until the last moment to file a document and it contains errors or omissions, one's right to appear on the ballot may be lost. Most errors can be corrected given adequate time.

The Elections Department is open from 8:00 a.m. to 5:00 p.m., Monday through Friday excluding holidays. For further information, please contact Kim Smith at (530) 621-7490.

Best wishes on your campaign,

Bill O'Neill

Registrar of Voters

WHAT TO EXPECT WHEN YOU FILE

Steps needed for filing:

- 1) Download all forms from our website, www.eldoradocounty.ca.gov/county-government/elections;
- 2) Watch the tutorial video on how to complete forms also on our website (do not sign or date any of the forms until your appointment to file the Declaration of Candidacy);
- 3) Schedule an appointment using the online Self-Serve Calendar. Appointments are in person only;
www.eldoradocounty.ca.gov/county-government/elections
- 4) During your appointment, you'll review all documents with the filing officer for completeness and complete the Declaration of Candidacy.

If you do not have access to a computer or printer at home you may pick up the documents at the Elections Department, 3883 Ponderosa Road, Shingle Springs, CA 95682, (530)621-7490.

On average, you can expect this process to take 30 minutes. Filling out the forms ahead of time will reduce the processing time for filing. DO NOT sign or date any documents until your appointment to file of the Declaration of Candidacy

The Following forms must be completed prior to your appointment:

Required Forms:

- ◆ Candidate Intention Statement—Form 501
- ◆ Deadline Acknowledgement
- ◆ Candidate Public Information Worksheet
- ◆ Short Form 470
- ◆ Statement of Economic Interest—Form 700
- ◆ Nomination Petitions (receive in person at the Elections Department) - City and Resource Conservation Districts only

Optional Forms:

- ◆ Candidate Check List
- ◆ Ballot Designation Worksheet—Must be completed prior to filing if opting to use
- ◆ Candidate Statement of Qualifications—Fee required
- ◆ Code of Fair Campaign Practices

Campaign Committee Financing

- ◆ Form 410—Statement of Organization Recipient Committee
- ◆ Form 470—Short Form Supplement
- ◆ Form 460—Recipient Committee Campaign Statement
- ◆ Form 497—24 Hour Contribution Report

The DECLARATION OF CANDIDACY (DOC) must be signed and submitted in front of an elections official or notary unless otherwise noted.

Once your forms are completed, but **not signed or dated**, you can schedule an in person appointment from our website:

www.eldoradocounty.ca.gov/county.government/elections

◆ Candidates running for a seat within a City: File with the City Clerk

We accept the following for Candidate Statement of Qualification fees:

Cash

Check

Debit/Cred

Money order

Cashier's Check

Issuing Candidate Documents

Prior to issuing candidate documents, elections officials shall follow normal procedures and guidelines, such as verification of eligibility for the office sought and collecting the appropriate fees. The Elections official shall determine the available method(s) for the candidate to submit the applicable Statement of Qualification fee for the office sought.

Reminder to Candidates

The candidate must acknowledge receipt of the written guidance in the manner provided by the elections official. Any candidate who fails to timely submit the candidate documents with original signatures by the close of the nomination period will not be included on the ballot for that office.

Note: It is recommended that Candidate Statement of Qualifications (optional) be done in a word document and submitted electronically. Statements can be submitted prior to filing between July 9—August 15, 2024 for review only. If choosing to file a statement, the statement and fee are due not later than 5:00pm on August 15, 2024. Final submission of statements will be reviewed again when submitted with payment. The electronic version will be printed by the filing officer and signed off by the Candidate. The signed statement will be the statement printed in the Voter Information Guide. If the electronic version differs from the hard copy, the signed hard copy is the statement that is printed.

ELIGIBILITY REQUIREMENTS FOR PUBLIC OFFICES

General Requirements

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

A person is disqualified from holding any office upon conviction of designated crimes specified in the Constitution and laws of the State. [Government Code § 1021]

If a candidate is a candidate for a nonpartisan office, all reference to party affiliation shall be omitted on all forms required to be filed. [Elections Code § 8002]

County or District Offices in General

“...A person is not eligible to an elective county or district office, unless the person is a registered voter of the county or district in which the duties of the office are to be exercised at the time that nomination papers are issued to the person or, if appointed to the elective office to fill a vacancy, at the time of the appointment of the person. [Government Code § 24001]

Prohibitions

Neither a candidate nor members of a candidate’s household are eligible to serve as precinct officials or to provide vote center facilities for any election at which the candidate’s name appears on the ballot. However, the candidate or members of a candidate’s household may serve as precinct officials or provide vote center facilities outside the candidate’s jurisdiction but within the county’s vote centers.

School District Governing Board Member

Any person, regardless of sex, who is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed a member of a governing board of a school district without further qualifications. [Education Code § 35107(a)]

An employee of a school district may not be sworn into office as an elected or appointed member of that school district’s governing board unless and until he or she resigns as an employee. If the employee does not resign, their employment will automatically terminate upon being sworn into office. [Education Code § 35107(b)(1)]

THE TOP-TWO PROCESS—HOW IT WORKS

On June 8, 2010, California Voters approved Proposition 14, which created the “Top-Two Open Primary Act.” The top-two took effect January 1, 2011 and created voter-nominated offices.

The “Top-Two Open Primary Act” requires that only the two candidates for voter-nominated offices who receive the highest and second-highest number of votes cast at the primary election shall appear on the ballot as candidates at the ensuing general election. (Elections Code § 8141.5)

The following are voter-nominated offices:

- Governor
- Lieutenant Governor
- United States Senator
- United States Representative—District 3 and 5**
- Controller
- Insurance Commissioner
- Board of Equalization—District 1
- Secretary of State
- State Senate—District 4
- State Assembly—District 1 and 5**
- State Treasurer
- Attorney general
- Superintendent of Public Instruction

*** These offices are up for election every two years.*

What does this mean for the Voter?

For voter-nominated offices, the top two vote-getters from the Primary Election continue on to the General Election, regardless of their party preference. The candidate with the majority of votes in the General Election is the winner of that race.

A nonpartisan office is an office in which no political party nominates a candidate. Judicial, school, county and municipal offices are examples of nonpartisan offices.

For nonpartisan office, if no candidate receives a majority of the vote in the Primary, then the top-two vote-getters move on to the General Election.

In the General Election, you may only write-in a qualified candidate’s name in a nonpartisan office only. Write-in votes are not allowed for a voter-nominated office in the General Election.

NOTE TO CANDIDATES

The Elections Department has made every attempt to provide the most current and accurate information in this Candidate Handbook. However, the information contained herein is subject to change. It is distributed with the understanding that the Elections Department does not render any legal advice and that this handbook, therefore, is not a substitute for legal counsel. In the case of conflict, the law, regulation, or rule will apply.

Candidates are required to know the qualifications required for the office sought. Each candidate certifies upon signing the Declaration of Candidacy, under penalty of perjury, they meet the statutory and/or constitutional qualifications for office including, but not limited to citizenship and residency.

In accordance with the Government Code, if any due date falls on a weekend or holiday, it shall be due the next business day.

APPOINTMENTS FOR FILING ARE AVAILABLE AND HIGHLY RECOMMENDED

ALLOW 30 MINUTES FOR FILING FOR CANDIDACY

TO SCHEDULE

VISIT THE CANDIDATE SELF-SERV CALENDAR AT

<http://outlook.office365.com/owa/calendar/candidatefilingnovember@edcgov.us/bookings>

or contact

Kim Smith (530) 621-7490 or kim.smith@edcgov.us

IMPORTANT CONTACT INFORMATION

County of El Dorado

Elections Department

3883 Ponderosa Road, Shingle Springs, CA 95682

PO Box 678001

Placerville, CA 95667

(530)621-7480

Fax: (530)677-1014

www.eldoradocounty.ca.gov/county-government/elections

General Information	(530) 621-7480
Absentee Voting	(530) 621-7480
Candidate Filing	(530) 621-7490
Campaign Disclosures	(530) 621-7490
Statement of Economic Interest	(530) 621-7490
Precinct Officers	(520) 621-5103
Vote Centers	(530) 621-7471
Mapping Information	(530) 621-7486
Purchase of Voter Data Files, etc.	(530) 621-7493
Obtaining Election Night Returns	(530) 621-7493

State of California Offices

Secretary of State—Political Reform Division

1500—11 Street, 4th Floor, Room 495

Sacramento, CA 95814

Phone (916) 653-6224

Website: www.sos.ca.gov

Secretary of State—Elections Division

1500—11th Street, 5th Floor

Sacramento, CA 95814

Phone (916) 657-2166 Fax (916) 653-3214

Website: www.sos.ca.gov

Fair Political Practices Commission

1102 Q Street, Suite 3000, Sacramento, CA 95811

Phone (916) 322-5660 Fax (916) 322-0886

Toll-Free (866) 275-3772 Website: www.fppc.ca.gov

WHO YOU GONNA CALL?

In response to the many inquiries we receive regarding possible election violations or fraud, we have the following list of resources regarding whom to contact for the various types of violations. The El Dorado County Elections Department is **NOT** an enforcement agency and is therefore unable to investigate any violations. When our office receives reports of violations, we refer them to the agencies listed below:

- False or misleading campaign materials (No agency enforcement. These issues are dealt with in civil court);
- Violations of the Political Reform Act (Title 9 of the California Government Code at Sections 8100 through 91015), i.e. mass mailing requirements; slate mailers; campaign disclosure; proper use of campaign funds; disclosure of economic interests: contact the Fair Political Practices Commission at www.fppc.ca.gov, (866)275-3772;
- Election fraud: contact your local district attorney, (530)621-6472, or the California Secretary of State's Fraud Unit at www.sos.ca.gov, (916)657-2166;
- Unlawful use of public funds, violations of the Elections Code, the Penal Code, or any laws other than the Political Reform Act: contact your local district attorney, (530)621-6472, or the California State Attorney General at www.oag.ca.gov, (800)952-5225;
- Federal campaigns, Congress, U.S. Senate, President of the United States, etc.; contact the Federal Election Commission at www.fec.gov, (800)424-9530;
- Open meeting laws (Brown Act): contact your local district attorney, (530)621-6472, or the California State Attorney General at www.oag.ca.gov, (800)952-5225;
- Local ordinances: contact your local city attorney or district attorney;

Vandalism concerning campaign signs contact local

District Attorney (530)621-6472

City of Placerville, City Attorney (530)642-5200

City of South Lake Tahoe, City Attorney (530)542-6046

INCOMPATIBILITY OF OFFICES

The Political Reform Act does not prohibit any office holder from holding multiple public offices or seeking more than one elective office. For example, a deputy district attorney can hold the office of city council member, or a water board director may also be elected to a park and recreation district. There are, however, instances of holding more than one office that are considered incompatible.

There is no single statute that defines “incompatibility of offices”. The common law doctrine of incompatibility of offices, however, prevents an elected official from holding two offices simultaneously **if the offices have overlapping and conflicting public duties.**

The courts have defined this concept as follows: “One individual may not simultaneously hold two public offices where the functions of the offices concerned are inherently inconsistent, as where there are conflicting interests, or where the nature of the duties of the two offices is such as to render it improper due to considerations of public policy for one person to retain both.”

The state of California Attorney General’s Office has issued many opinions of particular compatibility questions.

Here are six examples of incompatible offices:

- The offices of city councilman and school district board member where the city and the school district have territory in common;
- Fire chief of a county fire protection district and member of the board of supervisors of the same county;
- High school district trustee and trustee of an elementary school district which is wholly within the geographic. Boundaries of the high school district;
- Water district director and a city council member;
- Water district director and a school district trustee having territory in common;
- Deputy sheriff and county supervisor.

If you have a question about whether two public offices which you hold or seek to hold would be considered incompatible, contact the Attorney General’s office at (916) 324-5437 or visit their website, www.oag.ca.gov. For further information about conflict of interest or incompatibility of offices, contact the Fair Political Practices Commission’s website at www.fppc.ca.gov, or phone toll free 1-866-275-3772.

E.C. 8003. This chapter does not prohibit the independent nomination of candidates under Part 2 (commencing with Section 8300), subject to the following limitations:

- (a) A candidate whose name has been on the ballot as a candidate of a party at the direct primary and who has been defeated for that party nomination is ineligible for nomination as an independent candidate. He is also ineligible as a candidate named by a party central committee to fill a vacancy on the ballot for a general election.
- (b) No person may file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election.

NOMINATIONS

Fictitious name to nomination petition (Elections Code §18200)

Every person who subscribes to any nomination petition a fictitious name, or who intentionally subscribes thereto the name of another, or who causes another to subscribe a fictitious name to a nomination petition, is guilty of a felony and is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

Defacing or destroying a nomination paper (Election s Code §18201)

Any person who falsely makes or fraudulently defaces or destroys all or any part of a nomination paper, is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years or by both that fine and imprisonment.

False declaration of candidacy (Elections Code §18203)

Any person who files or submits for filing a nomination paper or declaration of candidacy knowing that it or any part of it has been made falsely is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years or by both that fine and imprisonment.

Suppression of nomination paper (Elections Code §18204)

Any person who willfully suppresses all or any part of nomination paper or declaration of candidacy either before or after filing is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years or by both that fine and imprisonment.

Paying candidates to withdraw (Elections Code §18205)

A person shall not directly or through any other person advance, pay, solicit, or receive or cause to be advanced, paid, solicited, or received, any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office. Violation of this section shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

WRITE-IN CANDIDACY—(Elections Code §8600 – 8606)

Filing Period: Presidential General Election
(E-57 – E-14) Sept 9, 2024—Oct 22, 2024

Write-in Procedure

Persons who did not file a Declaration of Candidacy and fulfill their nomination requirements to place their name on the ballot may run for office as a write-in candidate. Write-in votes will be counted and certified in the Statement of Vote only for **qualified write-in candidates** who file the required forms with the Elections Department no later than 14 days prior to Election Day. The Elections Department will forward the forms to the Secretary of State in the case of offices that must be certified by the Secretary of State.

To qualify as a write-in candidate, a person must file with the Elections Department the following documents:

A “Statement of Write-in Candidacy” which shall contain the candidate’s name, residence address, a declaration stating that he or she is a write-in candidate, the title of the office for which he or she is running, the party nomination which he or she seeks, if running in a partisan primary election, the date of the election, a certification of the candidate’s complete voter registration and party affiliation/preference history for the preceding 10 years, or for as long as he or she has been eligible to vote in the state if less than 10 years, if running for a voter-nominated office.

A “**Nomination Paper**” with the requisite number of sponsor signatures required for the office sought.

Signers of nomination papers for write-in candidates shall be voters in the district or political subdivision in which the candidate is to be voted on.

No filing fee or charge shall be required of write-in candidate.

Write-in candidates are subject to the same requirements as other candidates with regard to disclosure of economic interests and campaign disclosure.

Notwithstanding any other provision of law, a person may not be a write-in candidate at the general election for a voter-nominated office. (Elections Code §8606)

The Elections Department will provide vote centers with a list of **qualified write-in candidates**.

OFFICES OMITTED FROM BALLOT

Prospective write-in candidates should note that write-in candidacy is possible only if the office appears on the ballot. There is provision in the law, however, to require that the offices be placed on the ballot by means of a petition procedure. (Elections Code §7228, 7423, 7673, 7772.1, 8203)

Additional Requirements

No person whose name has been written in upon a ballot for an office at the direct primary may have his or her name placed upon the ballot as a candidate for that office for the ensuing general election unless one of the following is applicable:

- (a) At the direct primary he or she received for a partisan office votes equal in number to 1 percent of all votes cast for the office at the last preceding general election at which the office was filled. In the case of an office that has not appeared on the ballot since its creation, the requisite number of votes shall equal 1 percent of the number of all votes cast for the office that has the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office.
- (b) He or she is an independent nominee for a partisan office pursuant to Part 2 (commencing with Section 8300).
- (c) At that direct primary he or she received for a voter-nominated office the highest number of votes cast for that office or the second highest number of votes cast for that office, except as provided by subdivision (b) of Section 8807.

CAMPAIGN FINANCE AND DISCLOSURE

City and County Candidates ¹

Assembly Bill 571

Pursuant to Assembly Bill 571 (Stats. 2019, Ch. 556, AB 571 Mullin), beginning January 1, 2021 a state campaign contribution limit will by default apply to city and county candidates when the city or county has not already enacted a contribution limit on such candidates. Along with the new campaign contribution limit, there are also other related provisions that formerly applied only to state level candidates that will now apply to city and county candidates. Please note that none of the provisions of AB 571 discussed in this fact sheet apply to candidates in cities or counties for which the city or county has enacted campaign contribution limits.

Current State Contribution Limit

The contribution limit that will now apply to city and county candidates pursuant to AB 571 is updated biennially for inflation. Contribution limits can be found in Regulation 18545(a)2 and on the FPPC website's FPPC Regulation page. www.fppc.ca.gov. The default limit for contributions to city and county candidates subject to AB 571 is set at \$5,500 per election.

This fact sheet is information only and contains only highlights of selected provision of the law. It does not carry the weight of the law. For further information, consult the Political Reform Act and its corresponding regulations, advice letters, and opinions.

Please note: This section is not comprehensive and does not detail all filing requirements and obligations. For current comprehensive information, consult the appropriate FPPC manual or contact the FPPC directly.

Background

The Fair Political Practices Commission (FPPC) has introduced new forms in order to simplify the filing of campaign statements. The legal requirements of the Political Reform Act are contained in sections 81000 through 91015 of the Government Code. Assistance and information on completing campaign statements is provided by the Technical Assistance Division of the FPPC at (916)322-5660 or (866)275-3772. Those who are already familiar with the filing of campaign statements should read carefully and take note of the introduction of new forms and the revision of older forms.

All candidates for state or local offices and all committees supporting or opposing state or local candidates or ballot measures are subject to the campaign disclosure requirements of the California Political Reform Act of 1974.

[Government Code §§ 81000 *et seq.*]

The FPPC Information Manual and forms are available online at www.fppc.ca.gov and at our office. A candidate should obtain a manual as early as possible into his/her campaign and make certain that the candidate, the committee treasurer, and other personnel involved in the financial side of the campaign are fully aware of their responsibilities under the law.

[Government Code §§ 81010, 83113]

Violations of the campaign disclosure law may result in criminal prosecution by the State Attorney General or the County District Attorney; or civil action by the FPPC, the District Attorney, or a private Citizen.

Please note: The Election Department staff cannot advise you on filling out any FPPC form. Contact the FPPC's toll free number for free, qualified advice at (866)275-3772.

All statements filed are a matter of public record. They may be inspected at our office by anyone and copies may be purchased at ten cents (\$0.10) per page or emailed free of charge. There may be a \$5.00 retrieval fee for documents 5 years or older. [Government Code § 81008]

A \$10.00 per day late filing penalty may be assessed for a statement filed after the prescribed deadline. The First Pre Election statement, which can be personally delivered or mailed by first-class is considered filed on the date of the postmark. Certified mail is recommended but not required. The Second Pre-Election Statement must be sent by guaranteed overnight mail or delivered by the candidate or committee. [Government Code § 91013]

The FPPC has a form for officeholders for reporting, which is known as the Candidate Intention Statement (Form 501). If you plan to be a candidate for a local office and you intend to receive contributions from others or you plan to expend personal funds on your campaign, you must file a Candidate Intention Statement (Form 501) with the local filing officer before you solicit or receive any contributions.

In addition, if you receive contributions from others totaling \$2,000 or more for your campaign, a statement of Organization Form 410 must be filed with the Secretary of State (and a copy to the local filing officer) within 10 day of receiving \$2,000 in contributions. During the campaign, you will have to file at least four campaign disclosure statements.

[Government Code § 84102]

Violations of the campaign disclosure law may result in criminal prosecution by the State Attorney General or the County District Attorney; or civil action by the FPPC, the District Attorney, or a private Citizen. [Government Code § 91000]

CAMPAIGN FINANCE AND DISCLOSURE—Continued

Form 501 and establishment of a campaign bank account are not required if you do not solicit or receive contributions from others, and the only expenditures will be your personal funds for a filing fee and/or statement of qualification that will appear in the voter ballot pamphlet.

A 24-hour filing is required when a candidate receives a late contribution. This must be filed and delivered to the office of the El Dorado County Elections Department by personal delivery, telegram, guaranteed overnight service, or by fax. Government Code § 85501 prohibits a candidate's controlled committee from making an independent expenditure to support or oppose another candidate.

A candidate must establish separate committees for each campaign account for which \$2,000 or more has been received. A Statement of Organization (Form 410) must be filed with the Secretary of State and a copy to the local filing officer for each committee.

For details, refer to the Information Manual on Campaign Disclosure Provisions for Officeholders, Candidates, and their Controlled Committees, or call the Fair Political Practices Commission toll free advice line 1-866-ASK-FPPC (1-866-275-3772) if you have questions or need assistance.

Who must file?

The Political Reform Act was adopted by voter initiative in 1974 and has been periodically amended by legislation and initiatives. The Act requires that campaign disclosure reports provide the public with the identity of contributors and amounts they give; and the amount officeholders, candidates, and committees spend.

The following candidates and committees must file campaign statements and should use the manual prepared by the Fair Political Practices Commission as a guide for their filing obligations.

- Candidates for state and local elective office.
- State and local elected officeholders.
- Committees controlled by state and local officeholders and candidates.
- Jointly controlled (slate) committees.

Filing Obligation

All state and local elected officeholders, candidates for state and local elective offices, and their controlled committees are required to file campaign statements at specified intervals (see filing schedule). These dates are set by law and cannot be changed. You will be required to amend your statement if your report is not completed correctly. All committees should file with the appropriate method of delivery, as well.

Failure to file appropriate statements and reports in compliance with the Act can result in substantial criminal, civil, and administrative penalties. In addition, failure to file within the prescribed deadlines can lead to late filing penalties of \$10.00 for each day the statement is late (not to exceed \$100.00). The law does not allow for extensions of the due dates for the filing of campaign statements. If you file your statement late, you must also submit a written statement explaining why it was late in order to request a waiver of your fine. However, after the filing officer has sent you a specific, written notice regarding your failure to file and if you do not file within ten days of receipt of the notice, the law precludes the filing officer from waiving any fine.

Please refer to the campaign disclosure manual for where to file the various Campaign Statements. The Secretary of State will only consider waiver of fines based upon specified “good cause” reasons for late filings. Acceptable “good cause” reasons involve situations beyond a filer’s control (for example, incapacitating physical illness and natural disasters). The rules for fine waivers are very specific and limited.

Use of Surplus Funds

Campaign funds held by a candidate or officeholder become “surplus” on the closing date for the post-election filing period if defeated in an election, or the date of leaving office, which ever occurs last, unless the funds have been redesignated for a future election prior to that date.

Surplus funds may be spent only in the following manner:

- Payment of outstanding campaign debts;
- Refunding to contributors on pro-rata basis;
- Donations to a bona fide charitable, education, civic, religious or similar tax-exempt, nonprofit organization, provide no substantial part of the proceeds will have a material financial effect on the candidate, on any member of the candidate's immediate family (spouse and children under age 18 who are claimed as deductions for tax purposes), or the campaign treasurer;
- Contributions to a political party or committee, as long as the funds are not used to make contributions in support of or opposition to a candidate for elective office. (The funds must be used for the party or committee’s overhead expenses)
- Contributions to support or oppose any candidate for federal office, any candidate for elective office in a state other than California, or any ballot measure; or
- Payment for professional services or attorneys’ fees for litigation which arises out of campaign or election activities.

[Government Code § 89519]

Termination

Once contributions and expenditures cease for a particular office, all funds are expended, the ending cash balance is \$0.00, and the bank account is closed, an original and one copy of the Form 410 Statement of Organization Termination must be filed with the Secretary of State, and a copy of the Form 410 Statement of Organization Termination, along with an original and one copy of your Form 450 or 460 must be filed with the El Dorado County Elections Department.

Please Note: Questions regarding filing obligations should be addressed with the FPPC. You can reach them toll free at 1-866-ask-FPPC (1-866-275-3772).

Campaign Disclosures for Federal Candidates

Provision of the Political Reform Act do not apply to elections for federal offices, including United States Senate and United States Representative. Candidates for federal offices and committees that participate in federal campaigns are subject to federal disclosure requirements.

Assistance for federal candidates and committees may be obtained from the:

Federal Election Commission, 1050 First Street, NE., Washington, D.C. 20463, (800)424-9530

COMBINED CANDIDATE / ANNUAL STATEMENT

Incumbents seeking re-election during the first six months may combine their candidate and annual filing obligations. To do so, both the candidate statement box and the annual statement box on the cover page must be checked and the statement must be filed when filing the Declaration of Candidacy.

A Statement of Economic Interests Instruction Manual and necessary forms will be provided to all applicable candidates. Those candidates who indicate that, as incumbents, they have filed a statement within the past 60 days (checking both the candidate statement box and the annual statement box on the cover page) will be requested to sign an exemption form.

CANDIDATES: IMPORTANT THINGS TO REMEMBER

Information Provided by the FPPC

BEWARE – *The Franchise Tax Board is authorized under Section 90001 of the California Government Code to audit Campaign Disclosure Statements. The audit can include tests of the accounting records and other such auditing procedures.*

- 1. BE INFORMED** - Study the FPPC Campaign Disclosure Manuals (Campaign Disclosure Manual 1 – Information for State Candidates, Their Controlled Committees, and Primarily Formed Committees for State Candidates **or** Campaign Disclosure Manual 2 – Information for Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates). Local candidates also should ask their election official about any local campaign restrictions. (El Dorado County has no campaign restriction)
- 2. BEFORE RAISING OR SPENDING ANY MONEY** - File Form 501 (Candidate Intention). Then open a campaign bank account. Once \$2,000 is raised or spent get an identification number by filing Form 410.
- 3. MARK YOUR CALENDAR** - Know the due dates for campaign statements and file on time.
- 4. KEEP GOOD RECORDS** - Maintain details on contributions and expenditures of \$25 or more. Refer to recordkeeping guidelines in your campaign disclosure manual.
- 5. \$100 OR MORE IN CASH?** - Never accept or spend \$100 or more in cash.
- 6. USING PERSONAL FUNDS FOR CAMPAIGN EXPENSES** - All personal funds of the candidate must first be deposited in the campaign bank account, except for filing fee/ballot statement fee.
- 7. REPORT LATE CONTRIBUTIONS** - If \$2,000 or more is received from one contributor, disclose receipt within 24 hours, even if the contribution is from your personal funds.
- 8. ITEMIZE CONTRIBUTORS** - For contributions of \$100 or more, including loans and in-kind contributions, you must disclose the contributor's name, address, occupation and employer.
- 9. IF AN AGENT OR CAMPAIGN CONSULTANT BUYS GOODS OR SERVICES FOR THE CAMPAIGN** - Itemize expenditures of \$500 or more made by the agent or consultant.
- 10. IDENTIFY CANDIDATE/COMMITTEE ON MAILINGS** - Include your name and campaign address in at least 6-point type on the outside of all mass mailings (more than 200 pieces). Your committee's name may be used if it includes your name. If your name is not part of the committee's name, you may use just your name, or both your name and the name of the committee.
- 11. NO PERSONAL USE OF CAMPAIGN FUNDS** - Use campaign funds only for political, legislative, or governmental purposes.
- 12. BE MORE INFORMED** - Attend a campaign workshop in your area. Contact your filing officer or the FPPC if you have any questions.

COMMITTEE TREASURERS

Information Provided by the FPPC

Every Recipient Committee Must Have a Treasurer

Under California's Political Reform Act, a person or organization that receives contributions totaling \$2,000 or more in a calendar year to support or oppose state or local candidates or ballot measures qualifies as a "recipient committee" and must have a treasurer. No contributions may be accepted and no expenditures may be made without a treasurer.

The treasurer is responsible for:

- Filing the Committee's statement of organization (Form 410) and termination of the committee;

- Establishing and maintaining a recordkeeping system that ensures the committee complies with the Act's disclosure requirements;

- Verifying and signing the committee's campaign statements and filing them on time;

- Correcting inaccuracies or omission that may occur.

Anyone may act as a committee treasurer. A candidate may serve as his or her own committee treasurer. However, no individual should accept the position of committee treasurer as a mere figurehead. If errors or omissions occur in a committee's recordkeeping and reporting, the treasurer will often be a named party in any resulting enforcement action and may be held personally liable. A committee may appoint one assistant treasurer on its statement of organization to act in place of the treasurer if he or she is unavailable.

To adequately perform his or her duties, a committee treasurer must have a basic understanding of the law and the treasurer's responsibilities.

Treasurer's Responsibilities

Registration

A recipient committee must register under the Act by filing a statement of organization (Form 410) within 10 days of receiving contributions totaling \$2,000 in a calendar year. The committee treasurer must sign the form and see that it is filed on time.

On the Form 410, the committee provides basic information about the committee (such as its name, address, and principal officers) and identifies the individual who will act as the committee's treasurer. If any of the information on the statement of organization changes, the treasurer must file an amendment within 10 days.

If a committee qualifies during the 16 days before an election, or if certain information about the committee (e.g., the name of the committee, the committee treasurer) changes during that period, an amendment to the statement of organization must be filed within 24 hours.

Recordkeeping and Reporting

The treasurer is responsible for the timely and accurate filing of campaign disclosure reports with the appropriate state and/or local filing officers. To accomplish this, the treasurer must see that complete and accurate records of receipts and expenditures are maintained from the very beginning of the committee's operations.

The treasurer is required to maintain the records personally or monitor committee support staff or others that actually perform the recordkeeping duties. The treasurer must also prepare the campaign statements personally or carefully review the campaign statements and records prepared by others. If required information is missing, it is the treasurer's responsibility to obtain it. The treasurer must also monitor compliance with the Act's restrictions on cash contributions, cash expenditures, and with federal and local campaign laws.

All reports and statements must be signed by the treasurer or assistant treasurer.

Candidate Controlled Committee

A candidate or officeholder who controls a committee must make sure the treasurer is adequately performing his or her required duties. If the candidate or officeholder knows or has reason to know the treasurer is not performing adequately, he or she must replace the treasurer or bring the treasurer's performance up to required standards. A controlling candidate or officeholder must sign the committee's campaign statements, verifying that the treasurer has used all reasonable diligence in preparing them.

For Detailed Recordkeeping and Reporting Requirements

To assist treasurers, the following information is available from the FPPC:

- The Political Reform Act, contained in the California Government Code, Sections 81000- 91014
- Campaign Disclosure is contained in Chapter 4, Sections 84101-84309
- Commission regulations are contained in Title 2, Division 6 of the California Code of Regulations
- Regulation 18401 (Required Recordkeeping)
- Regulation 18426.1 (Assistant Treasurer)
- Regulation 18427 (Duties of Candidates and Treasurers)

Filing is the Responsibility of the Candidate and/or Committee

It is the responsibility of candidates and/or committees to be aware of and to file the required campaign disclosure statements in a correct and timely manner.

Multiple Committee Filing Requirements

Whenever a candidate or officeholder has more than one committee, whether the committees are formed for the same office, or a different office in the same jurisdiction, all committees must file statements each time a committee statement is due.

Whenever an elected officeholder in one jurisdiction runs for an elected office in another jurisdiction, the officeholder and all committees he/she controls must file campaign disclosure statements with the filing officer in the jurisdiction in which the officeholder holds office **AND** in which the officeholder is seeking office.

Opposed is being voted on, committees must file quarterly campaign statements in addition to semi-annual statements. Following the election, quarterly statements may also be required. Contact the FPPC for specific information;

COMMITTEE TREASURERS—Continued

Additional Notes:

- **Primarily formed Ballot Measure Committees:** Prior to the semi-annual period in which the measure(s) supported or opposed is being voted on, committees must file quarterly campaign statements in addition to semi-annual statements. Following the election, quarterly statements may also be required. Contact the FPPC for specific information.
- **Form 470:** Candidates that did not have a committee or raise/spend \$2000 in 2024, may file Form 470. Form 470 cannot be filed for other deadlines if the candidate has a committee or has raised/spent \$2000 or more in 2024. After filing a Form 470, if the candidate raises/spends \$2000 or more in 2024, see *Campaign Manual 2*, Chapter 4 for additional required filings;
- **Candidates:** Contact the FPPC for revised reporting deadlines in the event of a runoff election. After an election, reporting requirements will depend on whether the candidate is successful and whether a campaign committee is maintained;
- Except for deadlines that fall on a Saturday, Sunday, or an official state holiday, filing deadlines may not be extended. Late statements are subject to a \$10 per day late fine;
- All statements are public documents. Paper reports may be mailed by first class mail unless otherwise noted;
- Local jurisdictions may impose contribution limits and additional filing requirements; (El Dorado County is under Assembly Bill 571)
- Refer to the appropriate campaign disclosure manuals for information on where to file statements.

CANDIDATE AND VENDOR SERVICES

Candidate and vendor services are available through the Elections Department. All requests must be made in writing and must include a completed Voter Registration Information Application Form and ID. It maybe necessary to allow ten (10) working days for the completion of your order.

VOTER REGISTRATION LISTS

Description

Listing of registered voter information including name, residential and mailing address, party, phone number, precinct etc.

Selection Criteria

District, precinct, voting history.

Sequence

Alphabetical, home precinct/alpha, home precinct/street (walking list).

Fee

\$15.00 per 1000 or any increment of 1000

\$150.00 for Countywide data

\$25.00 for District data

CAMPAIGN LITERATURE

Use of Seal in Campaign Literature (Elections Code §18304)

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

MASS MAILING

Each candidate filing a Declaration of Candidacy is to be apprised of Government Code §84305, which is produced here:

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

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

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

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

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

MASS MAILING

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

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

(1) "Mass electronic mailing" means sending more than 200 substantially similar pieces of electronic mail within a calendar month.

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

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

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

(Amended by Stats. 2019, Ch. 558, Sec. 1. (AB 864) Effective January 1, 2020. Note: This section was added on June 4, 1974, by initiative Prop. 9.)

ELECTION DAY PROHIBITIONS

As used in this section 100 feet of a vote center means a distance 100 feet from the room or rooms in which voters are entering the vote center.

Electioneering Near Vote Centers

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

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

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

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

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

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

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

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

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

(1) Solicit a vote.

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

(3) Disseminate visible or audible electioneering information.

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

[Elections Code § 18370]

Solicitation Dissuading Persons From Voting

Within 100 feet of a polling place, no person shall, with the intent of dissuading another person from voting, speak to a voter about marking their ballot or place a sign or about their qualification to vote, or photograph or record a voter entering or exiting a vote center.

[Elections Code § 18541]

Offering / Accepting Rewards For Voting

Persons must not pay, offer to pay or accept payment for voting, registering to vote, for or against any candidate in any election that includes a federal candidate.

[Federal Law 42 U.S.C. § 1973i(c), 18 U.S.C. §§ 597, 608(b)]

Exit Polling

Court decisions (*National Broadcasting Co., Inc. Et al., Cleland, et al. No. 88-320 M.D. Ga., November 1, 1988*) and (*The Daily Herald Co. v. Munro No. 84-4005 9th Circuit, November 2, 1984*) indicated that the 100 foot limit was not justified when applied to exit polling.

Based on these decisions, the Secretary of State, in consultation with the California Attorney General's Office, in the 1980's concluded that a 25-foot limit on exit polling was enforceable.

CANVASS / CERTIFICATION

Canvass is a process of reconciling numbers and the supplemental counting of vote-by-mail ballots turned in at the vote centers, provisional, CVR and write-in ballots. The numbers of voted ballots reported by vote center staff and vote-by-mail ballots are matched to what the computer counted. California law permits 30 days to complete the final, official canvass and certify the results of the election. This provision of the law recognizes the complexity of completing the ballot count and conducting a thorough audit of the election results to ensure accuracy. The canvass process is a legally required manual recount of the votes cast for all candidates and measures on the ballot in 1% of the voting precincts and vote by mail batches. This manual process verifies the accuracy of the computer count.

Candidates and members of the general public are invited to observe ballot counting and the manual tally of ballots from the randomly selected 1% of the voting precincts and vote by mail batches. The canvass is complete when the Registrar of Voters signs the certification of the election results. [Elections Code §§ 335.5, 15360, 15372, 15620]

REGISTRATION AND VOTE-BY-MAIL

November 5, 2024 Presidential General Election

Registration Deadline

October 21, 2024 is the last day to register to vote and appear on the voter rolls for the November 5, 2024 Presidential General Election.

Election Day

Election Day is Tuesday, November 5, 2024. All vote centers will be open from 7:00am to 8:00pm.

Until Oct 21, voters who registered to vote by October 21, 2024 will receive a vote-by-mail ballot.

- A voter can request a ballot via phone call to the Elections Department. Only the registered voter himself or herself may apply for a vote-by-mail ballot. The voter will need to provide identifying information including first and last name, date of birth, residence address and mailing address if any. A signature will not be required. **It is a criminal offense for any person other than the voter to request a ballot on behalf of the voter.**

The last day to request a vote-by-mail ballot to be sent via mail is October 29, 2024.

Vote-by-mail ballots will start being mailed October 7, 2024. All voters will receive a ballot in the mail.

Any request for a vote-by-mail ballot received by the Elections Department office after 5:00pm October 29, 2024 will not be mailed to the voter. As of Oct 7th voters may come in to request a ballot over the counter at the Elections office, or they can vote at a vote center prior to or on Election Day.

If the voter is unable to come to our office to pick up their vote-by-mail ballot they may authorize someone else to do so. The authorized person must provide a completed application from the voter and a statement signed by the voter, designating the authorized representative by name as the person he/she is allowing to pick up their vote-by-mail ballot.

Returning a Vote-by-mail Ballot

A vote-by-mail voter who has received a ballot for the election may return their ballot by mail, in person to the El Dorado County Elections Department, to any of the official designated drop box locations or to any vote center in El Dorado County on Election Day.

Please Note: In order to be counted, all hand delivered voted vote-by-mail ballots must be received by the county elections official no later than the close of the vote centers on Election Day.

Vote-by-mail ballots that are received by the county elections official via the postal service or by a bona fide private mail delivery company no later than seven days after Election Day is satisfactory if:

- The ballot is postmarked on or before Election Day or is time stamped or date stamped by a bona fide private mail delivery company on or before Election day.
- If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote-by-mail ballot identification envelope is date stamped by the county elections official upon receipt and is signed and dated (by the voter) on or before Election Day. [Elections Code § 3020]

Processing Vote-by-Mail Ballots

California elections code allows that the Elections office begin processing vote-by-mail ballots 29 business days before the election, October 7, 2024. **§ 15101(b)(c)**

a) Any jurisdiction in which vote-by-mail ballots are cast may begin to process vote-by-mail ballot return envelopes beginning 29 days before the election. Processing vote-by-mail ballot return envelopes may include verifying a voter's signature on the vote-by-mail ballot return envelope pursuant to Section 3019 and updating voter history records.

b) Any jurisdiction having the necessary computer capability may start to process vote-by-mail ballots on the 29th business day before the election. Processing vote-by-mail ballots includes opening vote-by-mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances may a vote count be accessed or released until 8:00pm on the day of the election.

c) Results of any vote-by-mail ballot tabulation or count shall not be released prior to the close of the polls on the day of the election.

Post-Election Night

Semi-final election results will be available by phone and on printed reports between 8:00am and 5:00pm and on the Election Departments website at www.eldoradocounty.ca.gov/county.government/elections every 24 hours.

ELECTION NIGHT RESULTS

Voting results are compiled at the Election Department:

3883 Ponderosa Road, Shingle Springs, CA 95682

SEMI-OFFICIAL RESULTS:

Once the last ballot is counted, a Semi-Official Election Summary Report will be available from the Elections Department. It will also be posted on our web site.

CONTACT:

Bill O'Neill, Registrar of Voters

Linda Webster, Assistant Registrar of Voters

WEB PAGE:

Please visit our web site at

www.eldoradocounty.ca.gov/county-government/elections

FINAL RESULTS:

The official canvass of ballots will begin no later than Thursday November 7, 2024. The law provides 30 days to complete the canvass and certify the votes. Please call to verify when the final count will occur.

FIRST RESULTS:

Released soon after 8 p.m.

ELECTION RETURNS:

Telephones will be staffed until all the ballots are counted election night for callers to phone in and obtain results.

CALL 530-621-7480

Results will also be posted on our web site at www.eldoradocounty.ca.gov/county-government/elections

HOW TO GET HELP FROM THE FPPC

Fair Political Practices Commission: 428 J Street 620, Sacramento, CA 95814

Toll Free	(866) 275-3772
Enforcement Complaints.....	(866) 275-3775
Fax	(916) 322-0886

The FPPC staff is available by telephone Monday through Thursday to provide assistance to anyone who has reporting or other requirements under the Political Reform Act (the “Act”).

On Monday thru Thursday from 9:00 a.m. to 11:30 a.m. Call **1-866-ASK-FPPC (1-866-275-3772)** a toll-free number) to speak to a political reform consultant in the Technical Assistance Division.

Important Notes Regarding Telephone and Written Advice:

- The FPPC provides telephone and written assistance only to persons and organizations that have duties under or are regulated by the Act (or their authorized representatives), and does not provide “third party” advise. If you believe that someone has violated the Act and you wish to report it, contact the Enforcement Division at 1-800-561-1861;
- The FPPC cannot provide assistance concerning laws other than the Political Reform Act (e.g., the Elections Code, the Brown Act, Federal or local laws).

Notes:

A series of horizontal dotted lines for writing notes.

