

**2014 City of San José  
City Councilmember and Mayoral Primary Election  
Information for potential candidates**

*Please note: The City Clerk and the Ethics Commission are currently suggesting changes to Title 12 of the San José Municipal Code that may affect some of the information in this information guide. This information is accurate as of August 6, 2013. Should you chose to pull nomination papers, the candidate handbook you are provided at that time will have the rules that are current for the primary and runoff elections.*

On June 3, 2014, City of San José voters will vote on the following offices

<b>Office</b>	<b>District</b>	<b>Incumbent</b>
Council Member	1	No Incumbent *
Council Member	3	No Incumbent *
Council Member	5	Xavier Campos
Council Member	7	No Incumbent *
Council Member	9	Donald Rocha
Mayor	Citywide	No Incumbent *

\*Council Members Pete Constant (District 1), Sam Liccardo (District 3), Madison Nguyen (District 7) and Mayor Chuck Reed are ineligible to run due to term limits.

**TERM**

The term of office for all vacancies is a four year term: January 1, 2015 through December 31, 2018.

**ELIGIBILITY** (Section 404 – Charter of the City of San José)

To be eligible to run for the **Office of Council Member** a candidate must be and have been:

- 1) A citizen of the United States for at least one year immediately preceding the commencement of the term -- by January 1, 2014 for terms beginning January 1, 2015.
- 2) A resident of the Council District in which the Candidate is running at least 30 days immediately preceding the last day for filing of Nomination Papers, (i.e.by February 5, 2014 or by February 10, 2014, if the incumbent does not run)

If the City Clerk cannot confirm a candidate’s residency by the stated dates, proof of residency will be required.

- 3) A registered voter in the district in which the candidate is running by the last day for filing of Nomination Papers. (i.e. by March 10, 2014 at 12:00 Noon., or by March 12, 2014 at 12:00 Noon if an Incumbent of District 5 or 9 does not run).

To be eligible to run for the **Office of Mayor** a candidate must be and have been:

- 1) A citizen of the United States for at least one year immediately preceding the commencement of the term -- by January 1, 2014 for terms beginning January 1, 2015.
- 2) A resident of the City of San José at least 30 days immediately preceding the last day for filing of Nomination Papers, (i.e. by February 5, 2014 or by February 10, 2014, if the incumbent does not run)

If the City Clerk cannot confirm a candidate's residency by the stated dates, proof of residency will be required.

- 3) A registered voter in the City of San Jose by the last day for filing of Nomination Papers. (i.e. by March 7, 2014 at 12:00 Noon., or by March 10, 2014 at 12:00 Noon if an Incumbent of District 5 or 9 does not run).

### **RUNOFF ELECTION**

A candidate must receive a majority of all votes cast for the office being sought on Tuesday, June 3, 2014 in order to be elected. If no candidate receives such a majority, then the two candidates who received the greatest number of votes shall run against each other at a runoff election to be held on November 4, 2014.

### **COUNCIL COMPENSATION**

The Office of Council Member is a full-time position. The annual salaries as established by Ordinance 29252 are currently set at \$81,000. In addition, each member of the City Council may receive a monthly car allowance in the amount of \$350 and other benefits available to management employees.

### **MAYOR COMPENSATION**

The Office of the Mayor is a full-time position. The annual salary as established by Ordinance 29252 is set at \$114,000. In addition, the Mayor may receive a monthly car allowance in the amount of \$350 and other benefits available to management employees.

### **NOMINATION PAPERS**

Nomination Papers will be available in the Office of the City Clerk beginning **Monday, February 10, 2014**. Appointments are highly recommended, but not required. To schedule an appointment, please call the Office of the City Clerk at (408) 535-1252. A representative of the candidate may pick up papers on behalf of a candidate; however, candidates are encouraged to come in personally so they have the opportunity to learn

very important information regarding running for office in San José. Please allow at least an hour for your appointment.

Nomination Papers include several forms, including the nomination petition, and must all be filed concurrently. Nomination Papers are considered confidential until the close of the Nomination Period.

Nomination Documents are provided by and must be filed in person at the:

City of San José, City Clerk Department  
200 E Santa Clara Street  
Wing—Second Floor  
San José, CA95113

The Filing period for Nomination Papers in the City of San José is:

**Monday, February 10, 2014 -Friday, March 7, 2014 by 12:00 NOON**

All documents will be stamped in by 12:00 p.m.(City of San José Municipal Code 12.05.06.b) Please bring all of your COMPLETED documents with you when you turn in your papers. Candidates are also encouraged to submit their petitions well before the deadline of March 7, 2014 at 12:00 noon. One supplemental nomination petition may be issued if a candidate fails to gather 50 valid signatures, provided there is still sufficient time to do so before the closing date. (City of San José Municipal Code 12.05.040)

*If an incumbent does not file nomination papers by March 7, 2014, the filing period will be extended to March 12, 2014. Only District 5 and 9 will have incumbents, and incumbents cannot file during the extended filing period.*

ALL Nomination Documents must be filed at the same:

1. Nomination Paper
2. Ballot Designation Worksheet
3. Statement of Economic Interests – Form 700
4. Filing Fee--\$25
5. Candidate Statement Form (Statement is optional; form is required)
6. Check for \$2,490 (Council District 1), \$2,350 (Council Districts 3 and 7), \$2,250 (Council District 5), \$2,680 (Council District 9) or \$11,220 (Mayor) for printing of Candidate Statement (applicable only if turning in a Candidate Statement)
7. Code of Fair Campaign Practices (optional)
8. Form 500 Voluntary Expenditure Limits (optional)

### **FILING FEE**

Pursuant to Elections Code 10228, the City of San José charges a \$25 filing fee to all candidates for Council Member or Mayor. In addition, if a candidate chooses to submit a candidate statement of qualifications for the Voter's Sample Ballot, the candidate is

responsible to pay a deposit towards the printing charges as estimated by the Registrar of Voters. The filing fee is not payable until the nomination papers are submitted.

### **BALLOT DESIGNATION**

Your Ballot designation is how you wish to be listed on the ballot, for example:

John Smith  
John “Jack” Smith, Retired businessman/Author  
John “Woody” Smith, Incumbent  
John Smith, Santa Clara County Supervisor  
John Smith, Real Estate Agent  
John Smith, Marketing Director/Broker

You may include a nickname in addition to your name. The law prohibits the use of a title or degree on the same line of the ballot as the candidate’s name. (E.C. 13106) You may use no more than three words designating your current principal profession, vocation or occupation OR the principal profession, vocation or occupation you had during the 12 months immediately preceding the filing of your nomination documents. Your ballot designation is limited to THREE words unless it is the title of an office to which you were elected.

### **CANDIDATE STATEMENT OF QUALIFICATIONS**

Each candidate may file, for a cost, a 200-word Candidate Statement of Qualifications for inclusion in the Voter’s Sample Ballot prepared by the Santa Clara County Registrar of Voters (ROV). Candidates who choose to include a statement in the sample ballot must reimburse the City for the actual costs charged by the ROV. The City collects an estimated charge for each candidate who chooses to include a statement. The payment of the ballot statement estimate fees is due at the time the statement is filed. All election materials, including the Candidate Statement are translated into Chinese, Spanish, Tagalog and Vietnamese. County of Santa Clara Registrar of Voters has calculated the estimated deposit as: \$2,490 (Council District 1) \$2,350 (Council Districts 3 and 7), \$2,250 (Council District 5), \$2,680 (Council District 9) or \$11,220 (Mayor) for printing of Candidate Statement. The Candidate is entitled to a refund if the actual cost is less than the deposit. The Candidate is also obligated to pay the difference should the actual cost be more than the deposit. A Candidate Statement cannot be changed after it is filed, but it may be withdrawn by 5 p.m. on Monday, March 10, 2014 (or Thursday, March 13, 2014 if the deadline is extended).

### **CONTENT**

- Any statement containing false information may be punishable by a fine. You are not exempt from civil or criminal action if you make false, slanderous, or libelous statements in your Candidate’s Statement

- Candidate Statements shall be limited to a recitation of the candidate's own personal background and qualifications and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities.
- The statement can be withdrawn, but not changed during the period for filing nomination papers (February 10, 2014-March 7, 2014) and until 5:00 p.m. of the next business day after the close of the nomination period (March 10, 2014). Any request for withdrawal of a Candidate's Statement must be submitted in writing.
- Statements filed pursuant to section 13307 of the Elections Code shall remain confidential until expiration of the filing deadline. Statements will then be available for public inspection from March 12-March 21, 2014.
- You may not include reference to your political party affiliation or partisan political activity

#### **FORM 700 STATEMENT OF ECONOMIC INTEREST**

The Political Reform Act (Gov. Code Sections 81000-91014) requires most state and local government officials and employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions which may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the [Statement of Economic Interests, Form 700](#), and for interpreting the law's provisions.

In compliance with the Political Reform Act, all candidates are required to file Form 700 Statement of Economic Interests with the City Clerk at the time nomination papers are filed. Additionally, candidates for local elective office may not accept honoraria payments and may not accept gifts from any single source totaling more than \$440 in a calendar year. This amount changes annually and is current for 2013-14.

Form 700 are public records and are available for public review.

#### **FAMILY GIFT REPORTING FORM**

Chapter 12.08 of the San José Municipal Code requires all consultants, contract employees, officers and designated employees of the City of San José to file this form with the City Clerk. This form is completed whether or not you have any Gifts to report. If you have nothing to report check the appropriate box on the form, enter the date executed, and sign the form.

#### **CAMPAIGN CONTRIBUTIONS**

State law requires candidates (and their committees, if any) to file one or more Campaign Statements disclosing their campaign receipts and expenditures in connection with an election. Before money is raised or spent in connection with the election, the candidate, his/her committee treasurer and other principal officers (i.e., a campaign manager) should become familiar with campaign finance and disclosure regulations, as well as the various campaign disclosure statements requirements. See the California Fair Political Practices

Commission (FPPC) [Campaign Disclosure Manual 2: Important Information for Local Candidates](#)).

**The Campaign Contribution Period begins THURSDAY, December 5, 2013 and ends midnight on June 2, 2014. No candidate may solicit, accept, or deposit contributions outside of the Campaign Contribution Period.**

Candidates may set up a campaign committee by filing a Statement of Intent (Form 501) and Statement of Organization (Form 410) and open a bank account prior to this date, however, no solicitations may be made or contributions received until December 5, 2014. (City of San José Municipal Code 12.06.290). If you chose to sign the voluntary expenditure limit agreement (Form 500), it must be submitted before you accept any contributions.

- Candidates must comply with both State and local laws regulating campaign fundraising, recordkeeping and campaign disclosure. Please consult FPPC's [Manual 2](#) as well as [Chapter 12.06 of the San José Municipal Code](#) regarding local campaign regulations.
- Contribution limits are \$500 per "person" per election for Council Member candidates and \$1,100 per "person" per election for Mayoral candidates. "Person," is defined in the municipal code as an individual, business entity, foundation, organization, committee or association, nonprofit corporation, and any other organization or group of people acting in concert. The contribution is determined by multiplying the base amount (\$500/\$1000) by the CPI difference from December 2010-June 2013 and rounded to the nearest one hundred dollars. (San José Municipal Code 12.06.210)
- Any contribution received outside the Campaign Contribution Period shall not be accepted or deposited, and shall be returned to the contributor or donor within 5 business days.
- Personal funds may be deposited into the campaign, subject to the limits established in Chapter 12.06.295. Candidates must disclose the source of all personal funds deposited into his or her campaign bank account. If the source of the funds is a loan to the candidate, the name and address of the lender and the terms of the loan must also be disclosed. The information required must be reported on a [form provided by the City Clerk](#), on or before the date of the next pre-election statement which must be filed after the funds are deposited into the campaign bank account.
- A Voluntary Expenditure Limit is in effect in the City of San José. All candidates must determine if they will participate, or not, prior to accepting contributions (Form 500). If a candidate chooses to participate in the program, as of November 1, 2013, the City has adopted the following formula for Expenditure Limits for Council office: (1) one dollar twenty-five cents (\$1.25)

per resident of the district for candidates for Council office; or seventy-five cents (\$.75) per resident of the Citywide population for the candidates for Mayoral office, adjusted by the CPI for the local region as of June 2013; (2) plus the cost of each candidate’s statement of qualifications printed in the ballot pamphlet as established by the Santa Clara County Registrar of Voters for the last Council district election; and (3) plus the bulk mailing rate (C24 basic automation letter) as set forth on U.S. Postal Service Form 3602-R (or other comparable form), multiplied by the numbers of residents in each Council district and multiplied by .4 (Resolution 76038).

District	Population	Rate + CPI rounded	Population x Rate	Ballot statement estimate	Postage	TOTAL
Citywide	967,487	\$0.80	\$773,990	\$11,220	\$9,133	\$ 794,342.68
Council District 1	97,482	\$1.35	\$131,601	\$2,490	\$905	\$ 134,995.23
Council District 3	98,689	\$1.35	\$133,230	\$2,350	\$916	\$ 136,495.34
Council District 5	99,204	\$1.35	\$133,926	\$2,250	\$920	\$ 137,096.47
Council District 7	100,751	\$1.35	\$136,014	\$2,350	\$935	\$ 139,298.48
Council District 9	92,290	\$1.35	\$124,592	\$2,680	\$856	\$ 128,128.29

*District populations are based upon the State of California Department of Finance population estimates.*

- Each candidate will file periodic campaign financial disclosure statements during the election cycle. All State and Local Forms are available in the Office of the City Clerk and on the City Clerk’s website. See also [www.fppc.ca.gov](http://www.fppc.ca.gov) for more information.

### FILING RESPONSIBILITY

It is the responsibility of the candidate and/or committee to be aware of and to file the required campaign disclosure statements in a correct and timely manner. The FPPC has prepared the “Campaign Disclosure Manual 2” for candidates for local office. A copy will be included in the Candidate Handbook provided to all those who pull nomination papers. **You can also contact the FPPC at 1-866-278-3772 or [www.fppc.ca.gov](http://www.fppc.ca.gov) for assistance with any of the information and forms referenced in the Manual.**

It is your responsibility to ensure your forms are filed on time. If a candidate or committee with a campaign disclosure-filing obligation fails to file in a timely manner,

they may be subject to a late filing fee. The non-receipt of a reminder notice may not be utilized as the reason for late or non-filing.

The City of San José requires that all candidates and candidate controlled committees file campaign disclosures in electronic format, pursuant to San José Municipal Code 12.06.915. Paper copies must also be filed with a “wet” signature.

#### IMPORTANT NOTES

- Money used from your personal funds must be put into your campaign bank account and then withdrawn to pay expenses. You may lend money to your campaign or show it as a contribution depending on your level of activity, and it may be reported just as you would report a contribution from another person. The law prohibits personal use of campaign funds. The City requires you to submit a form 502 Personal Campaign Funds Declaration when you deposit personal funds into your campaign account.
- Anonymous or cash contributions are prohibited. (SJMC 12.06.230)
- Careful and complete records should be kept of ALL campaign transactions. Detailed reporting is not required until your campaign reaches the \$1000 mark; however, you should keep in mind that campaign records are subject to audit by the FPPC on a random basis.
- If you unofficially “withdraw” as a candidate after the deadline for official withdrawal, you are still considered a “candidate” and obligated to file all required campaign statements.
- If you have a campaign committee, be sure your treasurer understands his/her responsibilities and is prepared to devote sufficient time and effort to the job. Note that in addition to filing campaign statements, a committee is required to file a Form 410. This must be filed with the Secretary of State no later than 10 days after the committee’s receipts reach \$1000. A \$10/day late penalty applies if a Form 410 is not filed on time. Be sure to send a copy of the Form 410 to the City Clerk’s office for their records. The City Clerk will not file a copy of the Form 410 with the Secretary of State; this is your responsibility.
- All campaign statements are a matter of public record. They may be inspected by anyone, and copies may be purchased at 10 cents per page.

#### CAMPAIGN DISCLOSURE FORMS

(See Manual 2 for complete instructions and examples)

All candidates must file campaign disclosure statements. This includes candidates who spend no money, or only their own money, on their campaigns. It also includes candidates who unofficially “withdraw” from the race by abandoning active campaigning after the official deadline for withdrawal of candidacy is past.



Candidates must file with the City Clerk a Candidate's Intention Statement (Form 501) prior to soliciting or receiving **any** contributions (including loans).

FOR CANDIDATES WHO PLAN TO RAISE OR SPEND MORE THAN \$1,000, THE FOLLOWING FORMS ARE NEEDED:

**Form 410** STATEMENT OF ORGANIZATION

Candidates receiving contributions from others, or who spend more than \$1000 of personal funds to run for office, must open a campaign bank account at a financial institution in California and mail a Form 410 (Statement of Organization) to the Secretary of State within 10 days of opening the account.

The Form 410 is not required if the candidate will not be receiving contributions from others and will spend less than \$1000 in a calendar year from personal funds to support his or her candidacy. Payment of a Candidate's filing fee or candidate's statement is not counted towards the \$1000 expenditure threshold. Payment from the Candidate's personal funds for a Candidate filing fee or a Candidate Statement does not count as a "contribution" or a "loan." However, all other expenses from the candidate's personal funds are considered contributions. There is no minimum threshold.

NOTE: If the candidate did not plan on spending \$1000 or more, but find out later that he/she will be spending more than \$1000 from personal funds, a campaign bank account must be opened. If you are running for office again, you can redesignate your previous bank account. See Manual 2, section 11 for more details.

**Form 460** CAMPAIGN DISCLOSURE (Long Form)

Form 460 is for use by candidates and officeholders who have a controlled committee, or who has raised or spent or WILL raise or spend \$1,000 or more during a calendar year in connection with election to office or holding office. Form 460 is provided in your Candidate Information Handbook. Contact the FPPC at the number above if you have any questions or need assistance with filling out the form. If you raise money between December 5, 2013 and December 31, 2013, you will need to file a semi-annual report by January 31, 2014. The City requires a signed Form 503 Declaration by Candidate or Treasurer be submitted with all Form 460's.

FOR CANDIDATES WHO WILL RAISE OR SPEND LESS THAN \$1000:

**Form 470** CAMPAIGN DISCLOSURE (Short Form)

If less than \$1000 will be raised and spent on your campaign, by you or by others on your behalf, and total campaign transactions for the entire calendar year are under \$1000, your filing obligations in connection with the election are simple; the only campaign statement you need to file is a Form 470 (in duplicate). The Form 470 provided in your Campaign Disclosure Packet should be filed along with your nomination material.

When deciding if Form 470 applies, you don't need to count the cost of a Candidate's Statement provided it was paid from your personal funds.

### **MASS MAILING (Government Code § 84305)**

The complete text of Government Code § 84305 is required by law to be issued to each candidate. (E.C. 16) Summaries of some other code sections concerning campaign practices, as well as information concerning political signs, are also provided below for the benefit of candidates and campaign committees.

**84305.** (a) Except as provided in subdivision (b), no candidate or committee shall 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 which shall be in a color or print which 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 organization'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) 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).

No newsletter or other mass mailing shall be sent at public expense. For further information contact the Fair Political Practices Commission. (Government Code § 89001) As defined in Government Code § 82041.5 "Mass Mailing" means over two hundred substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry.

### **SLATE MAILER ORGANIZATIONS (Government Code §§ 82048.3, 82048.4, 84108)**

Slate mailer organizations must register with the Secretary of State and file periodic reports on their slate mailer activities. The law applies to slate mailers that support or oppose four or more candidates or measures.

A slate mailer organization is defined as any individual or group who, directly or indirectly, does all of the following:

- Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in the slate mailers; and
- Receives or is promised payments totaling \$500 or more in a calendar year for the production of one or more slate mailers.
- 

### **POLITICAL SIGNS**

Election signs for the June 3, 2014 election may not be displayed prior to February 11, 2014 and must be removed by June 13, 2014. EXCEPTION: Candidates who successfully move on to the runoff election may leave their signs up through November 14, 2014. See Municipal Code 23.04.700 below for further information.

**23.04.700 Election signs.**

A. This part shall govern standards for temporary signs that are election signs.

B. In its regulation of election signs, it is the intent of the city to achieve a fair and reasonable accommodation between the public's interest in the full and vigorous debate of election issues and the community's interest in public order, cleanliness and community aesthetics. Election signs, which are unreinforced paper products, are relatively inexpensive. As a result, without reasonable regulation, the community could be inundated by their profusion prior to elections and by their litter after elections. Election signs also are particularly susceptible to the effects of the elements. It is the city's intent in regulating election signs to control the proliferation of urban clutter but to be no more restrictive than necessary and not to unduly restrict the public's right to communicate about election issues.

C. Nothing herein precludes the use of other signs allowed in accordance with the provisions of this title to convey political and/or election messages.(Ord. 24201.)

**23.04.710 Definition of election signs.**

A. As used in this title, "election sign" is a sign:

1. Designed, used or intended to induce voters to vote for either the passage or defeat of a measure appearing on the ballot of any election, or for either the election or defeat of a candidate for nomination or election to any public office in any election; and

2. Constructed of unreinforced cardboard, paper or similar product; and

3. Includes without limitation banners, campaign signs, posted handbills and notices of any kind.

B. Any sign not meeting the definition set forth in subsection A. above shall not be deemed an election sign for purposes of this title, regardless of message.

(Ord. 24201.)

**23.04.720 Quantity, size and placement of election signs.**

A. Unless otherwise expressly provided in this part, the quantity, size and location of election signs shall be governed by the requirements for temporary signs in the zoning district or sign zone where located.

B. Election signs of ten square feet or less that are displayed in accordance with this part may be displayed during the time periods set forth in Section [23.04.760](#) of this part and shall not be counted toward any time limits for temporary signs in the zoning district or sign zone where located.(Ord. 24201.)

**23.04.730 Prohibited on public property.**

A. No person shall erect or display, or cause or authorize any person to erect or display, any election sign on public property.

B. The provisions of Sections [23.04.840](#), [23.04.850](#), and [23.04.860](#) shall apply to election signs posted on public property.(Ords.24201, 24835.)

**23.04.740 Private property - Authorization by owner.**

No person shall erect or display, or cause or authorize any person to erect or display, any election sign on any property not owned or controlled by such person, unless authorized to do so by the owner or other person in control of such property.(Ord. 24201.)

**23.04.750 Election signs in residential districts and for residential uses.**

Election signs in residential districts and for residential uses in other zoning districts and in special sign zones:

A. Shall not be illuminated.

B. If an attached sign, shall not extend above the eaves of the building or structure where located.

C. If a freestanding sign:

1. Shall not exceed six feet in height; and
2. No setback shall be required.(Ord. 24201.)

**23.04.760 Time limit for display of election signs.**

A. Election signs may be displayed in connection with an election beginning on the first day after the opening of the nomination period for the election and continuing up to ten days after the date of the election.

B. All election signs shall be removed from the parcel where erected or displayed within ten days after the date of the election to which they pertain.

C. Notwithstanding subsections A. and B. above, if election signs pertain not only to a primary election but also to a succeeding general election, they may be displayed until the general election and shall be removed within ten days after the date of general election.

D. The timely removal of election signs shall be a joint and several obligation of:

1. Each person who erects or displays an election sign;
2. Each person who causes or authorizes the erection or display of such sign; and
3. The owner or other person in control of the property where such sign is erected or displayed.(Ord. 24201.)

#### **23.04.770 Removal of election signs from public property.**

A. Election signs on public property may be removed without notice pursuant to Section [23.02.880](#) of this title.

B. The director shall cause a list of election signs removed from public property to be filed with the city clerk, for public information.(Ords.24201, 24835.)

#### **23.04.780 Liability for election signs.**

Every person who undertakes an election campaign shall be responsible to ensure that all signs posted in furtherance of that campaign are posted in full accordance with this title and shall be presumed responsible, as set forth in Section [23.04.840](#), for any illegal election signs posted in furtherance of the campaign.(Ord. 24835.)

#### **ADDITIONAL INFORMATION**

In a residential area, you may post a maximum of two temporary election signs (23.04.610) with an aggregate area of no more than one square foot each.

(23.04.320(b)) There is no setback requirement for the election signs on residential parcels. Attaching signs to trees is prohibited (23.02.1010). Banners 6x10' are not permissible to be attached to the trees.

#### **REFERENCES**

**City Clerk's Office, City of San José**  
200 E Santa Clara Street Wing—Second Floor San José, CA 95113

Ph. (408) 535-1260 Fax: (408) 292-6207  
Open Monday-Friday 8:00 am-5:00 pm

**California Fair Political Practices Commission**

FPPC Toll-Free Number [1-866-ASK-FPPC](tel:1-866-ASK-FPPC) (1-866-275-3772)  
Open Monday-Thursday, 9:00am - 11:30am & 1:30pm - 3:30pm

**Santa Clara County Registrar of Voters**

1555 Berger Dr, Building 2 San José, CA 95112  
Open Monday-Friday 8:00 am-5:00 pm

Phone:

General: (408) 299-VOTE [8683]  
Election Officers: (408) 299-POLL [7655]  
Toll Free: (866) 430-VOTE [8683]  
Chinese: (408) 282-3086  
Spanish/Español: (408) 282-3095  
Tagalog: (408) 535-3916  
Vietnamese/TiếngViệt: (408) 282-3097

Mailing Addresses:

General: PO Box 611360, San José, CA 95161-1360  
Voter Registration: PO Box 611300, San José, CA 95161-1300  
Vote by Mail: PO Box 611750, San José, CA 95161-1750  
Precinct Operations: PO Box 612350, San José, CA 95161-2350

**Netfile** Email: [filerhelp@netfile.com](mailto:filerhelp@netfile.com)

---

## FREQUENTLY ASKED QUESTIONS

---

- 1. Is your office open during the lunch hour?** Yes, business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, and we do remain open between the hours of noon to 1:00 p.m.
- 2. May my spouse, friend, or campaign manager pick up nomination documents for me?** Yes, a representative of the candidate may pick up papers on behalf of a candidate; however candidates are encouraged to come in personally so that they have the opportunity to learn very important information regarding running for office in San José.
- 3. If I submit a voluntary candidate statement and I change my mind, may I withdraw the statement?** A candidate statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period (in this case, March 13, 2014). (E.C. § 13307)

4. **What if I change my mind about being a candidate after filing nomination papers?** If you filed prior to the final date, you may withdraw your candidacy until Noon on March 10, 2014. Once a candidate has filed a declaration of candidacy, he or she is not permitted to officially withdraw, and the name of the candidate will appear on the election ballot if he or she qualifies.
5. **May my spouse, friend, or campaign manager file my nomination documents, or can I mail them to you?** Election law does not specifically prohibit another person filing nomination papers for a candidate; however, candidates are urged to file in person. The reasons are twofold:
  - a) The declaration of candidacy may not be removed from the City Clerk (except as provided in Elections Code Section 8028). Additionally, the oath of affirmation, which is part of the declaration form, must be administered by a member of the City Clerk's staff, a qualified public officer, or a notary public. It is much easier for a candidate to file in person and have the oath administered at the time he or she files; and,
  - b) The signature of the candidate, as well as other data, is required on many documents involved in the nomination process. If through an oversight the nomination papers are incomplete, the problem may easily be rectified when a candidate files in person.
6. **Why is there so much paperwork involved in being a candidate?** Election law and Campaign Finance Reform laws specify which documents are required, as well as format, filing dates, etc; the filing requirements are not discretionary.
7. **I am unable to complete and file my campaign disclosure statement by the filing deadline. May I obtain an extension?** No. There is no provision in the Political Reform Act, which permits any filing officer to extend a filing deadline. Statements, which are filed late, are subject to a fine of \$10.00 per day until the statement is filed.
8. **Can I bring in my nomination papers in before submitting to see if I filled out everything correctly? For example, can I bring them on a Monday for review and then turn them in on Thursday officially?** Yes. This would be for a prima facie review only. We would not check the validity of the signatures on the nomination papers, but could review candidate statements and ballot designations. Circulators may come in and sign the Declaration of Circulation prior to final submission if they can not come in with the candidate. The Circulator would sign the oath in the presence of a Deputy City Clerk, and we would return the papers to the Circulator to give to the candidate.
9. **Can I place campaign signs on land that is not in my District but is next to my District?** Yes. There is nothing in Title 23 regarding temporary signs that prohibit posting campaign signs outside of your district.

- 10. I work a full-time job and a part-time job. Can I use my part-time job title as my ballot designation?** No. – E.C. Section 13107 states the “current principal professions, vocations or occupations of the candidate” must be used; you must use the title of your full time job.
- 11. If a PAC writes a bio of me, can I review it? Can I provide a bio to a PAC?** We can not prohibit you from associating with the PAC, but submitting a bio instead of reviewing one they’ve written provides a clearer line of distinction between the candidate and the PAC.
- 12. If a PAC asks me how they can help, how do I respond?** Members of a PAC can go door to door, stuff envelopes, and anything a non-PAC volunteer would do, and they can donate money as individuals. The PAC itself can also donate up to \$500.00 as a group. It is not advisable to link from a candidate’s webpage to a PAC fundraiser page because the PAC may solicit contributions in excess of the candidate’s \$500/contributor limit, and this could be viewed as the candidate soliciting contributions and not the PAC.