



# **CANDIDATE HANDBOOK AND RESOURCE GUIDE**

**GENERAL MUNICIPAL ELECTION  
NOVEMBER 4, 2008**

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## **CANDIDATE INFORMATION - GENERAL**

### **ELIGIBILITY**

Government Code Section 36502(a) states that a city council member must be an elector of the city at the time of assuming office and a registered voter of the city at the time nomination papers are issued to the candidate. Persons residing in the unincorporated area of Menlo Park are not eligible to run for city office. The City Clerk will verify voter registration and residency. Government Code Section 1099 contains the provisions prohibiting the holding of incompatible, multiple offices. Questions regarding incompatible offices should be directed to the City Clerk. A person may continue to sit on a City of Menlo Park commission during the time he or she is a candidate for office.

### **NOMINATION PERIOD**

Candidates will be provided with a November 4, 2008 General Municipal Election Calendar. This calendar lists critical dates throughout the election period. The nomination period opens at **7:30 a.m. on Monday, July 14, 2008** and closes at **5:00 p.m. on Friday, August 8, 2008**. The candidate must complete and return all required nomination documents by the filing deadline. Candidates are encouraged to obtain and file nomination documents early in the process so that the City Clerk has the opportunity to review them with the candidate and to give the candidate an opportunity to correct any errors or omissions. Appointments aren't required, but are encouraged to alleviate waiting time. A candidate should allow a minimum of 30 minutes for each appointment.

City Hall has a modified work schedule and nomination papers must be obtained and returned during deadlines either established by law or during normal business hours. City Hall hours during the nomination period are as follows:

- **Monday through Thursdays – 7:30 a.m. to 5:30 p.m.**
- **Fridays – July 25 and August 8 – 8:00 a.m. to 5:00 p.m.**
- **Fridays – July 18 and August 1 – CLOSED**

The nomination paper and all other required nomination documents must be filed at the same time. Refer to the enclosed instructions and forms for completion of the nomination documents.

If an incumbent fails to submit a nomination paper and all other required nomination documents by the deadline or fails to qualify by the deadline, the nomination period is extended to **5:00 p.m. on Wednesday, August 13, 2008**, for all candidates, with the exception of incumbents. A candidate may withdraw his/her nomination documents and remove his or her name from the ballot up until the close of the nomination period.

### **RANDOM ALPHA DRAW FOR BALLOT ORDER**

The Secretary of State will perform a random alpha draw on August 14, 2008 which will determine the order in which candidates will appear on the ballot. This process is governed by Elections Code Section 13112.

## **COUNCIL MEMBERS**

The City of Menlo Park is a general law city, governed primarily by the laws of the State of California and by its own ordinances and regulations. As per Government Code Section 36501, “the government of a general law city is vested in a city council of five members”. The City of Menlo Park council members are elected to serve staggered terms of four years. Currently the City of Menlo Park does not have a limit on how many terms a member may serve on the city council. Two council member seats are up at the November 2008 Election. Persons elected to fill these seats will be sworn into office following the canvass of election returns and the certification of election results, which should occur at the first or second meeting in December 2008. At the same time, the Council will also chose one its members to serve as mayor and one to serve as mayor pro tempore for a period of one year.

Each member of the Council is eligible to receive a salary of \$640 per month and other benefits including paid health insurance and contributions into the City’s retirement system.

## **VOTER /PRECINCT INFORMATION DATA AND PRECINCT MAPS**

Voter registration data and precinct and district maps are available from the San Mateo County Elections Department, 40 Tower Road, San Mateo. Contact Steve Dennison, Information Technology Analyst at (650) 312-5370 or [sdennison@smcare.org](mailto:sdennison@smcare.org) for information and costs.

## **MASS MAILING REQUIREMENTS**

The City Clerk is required to provide each candidate at the time of filing the declaration of candidate a copy of Government Code Section 84305 related to requirements when sending out a mass mailing. Candidates and their committees must comply with these requirements.

## **POLITICAL SIGNS**

Political signs may not be placed on any private property (residential, commercial or industrial) without the permission of the owner. (*PC 556.1, 593*)

PG&E prohibits the attachment of political signs to PG&E utility poles or other facilities. The U.S. Supreme Court ruled that third parties have no right to use utility property to communicate messages to the public. [*Pacific Gas and Electric v. Public Utilities Commission, 475 U.E. 1 (1986)*]

CalTrans has strict procedures for the allowance of temporary signs on the State right-of-way and require prior authorization. Refer to the [Department of Transportation Statement of Responsibility for Temporary Political Signs](#).

The City of Menlo Park ordinances relating to signs posted on public property, public rights-of-way and political signs are not currently enforced due to an injunction issued against enforcement by the Federal District Court.

## **LEAGUE OF WOMEN VOTERS WEBSITE**

The League of Women Voters invites all candidates to participate in Smart Voter, the League’s comprehensive online guide for the November 4, 2008 election. All candidates in San Mateo County are offered space on the Smart Voter website at [www.smartvoter.org](http://www.smartvoter.org) at no cost. Smart Voter allows a candidate to submit material about his or her candidacy to the voters, including a biography, endorsements, positions on issues, a photo, and a link to the candidate’s own website. Smart Voter also provides candidate ballot statements, information about ballot measures, polling place locations, events, and links to online news articles and to other websites.

Candidates will be allowed to begin entering information during the first week of September. A letter confirming the date and complete instructions for accessing the secure candidate input area will be sent to candidates shortly after the League receives the certified list of candidates.

### **CANDIDATE ORIENTATION**

All candidates will be invited to a candidate orientation hosted by the City Manager and staff either in late August or early September. At this orientation candidates will be given an overview of City administration and projects.

### **ELECTIONEERING**

Candidates and their supporters must comply with Elections Code Section 18370 when observing the voting process at the polling places on Election Day. No person may engage in “electioneering” or other election-related conduct within 100 feet of a polling place, which is defined as 100 feet from the room or rooms in which voters are signing the roster and casting ballots. Electioneering includes, but is not limited to, circulating petitions; soliciting a vote or speaking to a voter on the subject of marking his or her ballot; and displaying messages suggesting support or opposition of a candidate or measure on signs, badges, buttons, clothes, etc. Any person who violates the prohibition on electioneering is guilty of a misdemeanor.

### **ELECTION RESULTS**

Real time election results can be obtained by logging on to the San Mateo County Elections Department website at [www.shapethefuture.org](http://www.shapethefuture.org). A candidate may also subscribe to e-mail notification of the scheduled updates soon after they are posted by completing and returning the [San Mateo County Election Night Results form](#).

### **CONTACT INFORMATION**

Any questions related to the nomination process should be referred to **Sherry M. Kelly**, the City of Menlo Park City Clerk. The City Clerk can be contacted during regular business hours at the City Hall Administration Building, 701 Laurel Street, Menlo Park, CA 94025 or by calling (650) 330-6625. The City Clerk may also be reached via e-mail at [smkelly@menlopark.org](mailto:smkelly@menlopark.org).

The City will provide updated election information on its website at [www.menlopark.org](http://www.menlopark.org). This site will also provide links to other resource sites.

## INSTRUCTIONS FOR COMPLETION OF NOMINATION DOCUMENTS

### A. NOMINATION PAPER – (Required)

**Issuing Nomination Paper:** The nomination period opens at 7:30 a.m. on **Monday, July 14, 2008**. The nomination paper shall be taken out and filed with the City Clerk only during regular business hours during the nomination period. The City Clerk will affix her signature and imprint the date to the nomination paper at the time it is issued and will type the name of the candidate and office sought on the nomination paper.

The signatures shall be appended on the same sheet of paper. Once a nomination paper is filed, the paper may not be returned to the candidate to obtain additional signatures. If the nomination is determined to be insufficient or the candidate fails to obtain enough valid signatures, the City Clerk will issue one supplemental nomination paper on which the candidate may collect additional signatures. The supplemental nomination paper shall be filed no later than the last day for filing the nomination paper. (EC 10220, 10221 and 10227)

**Nomination Signatures:** The candidate is responsible for obtaining the signatures of not less than 20, or more than 30, registered voters who are eligible to vote for the candidate. No voter may sign more nomination papers than there are offices to be elected. There are two council offices up at this election. If a voter signs more nomination papers than there are offices, the voter's signature shall only count on the on the first nomination paper filed. The candidate may sponsor himself/herself by signing his/her nomination paper. (EC 8069, 10220)

Each signer shall at the time of signing the nomination paper personally affix his or her signature, printed name, and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained. (EC 100, 106, 10220)

A voter who is unable to personally affix on a nomination paper the information required may request another person to print the voter's name and place of residence on the appropriate spaces of the nomination paper, but the voter shall personally affix his or her mark or signature on the appropriate space of the nomination paper, which shall be witnessed by one person. (EC 100.5, 354.5)

The candidate should try to obtain the required number of signatures as soon as possible in order for his/her nomination paper to be filed and examined for sufficiency well before the filing deadline. Once a nomination paper is filed with the City Clerk, it may not be returned to the candidate to obtain additional signatures. If the nomination paper is determined to be insufficient or the candidate fails to obtain the correct number of valid signatures, the City Clerk shall retain the original nomination paper, provide a copy of the nomination paper to the candidate with an indication as to which signatures are valid, and issue one supplemental nomination paper to the candidate on which the candidate may collect additional signatures. The supplemental nomination paper shall be filed not later than the last day for filing for that office. (EC 10221)

**Declaration of Circulator:** This section must be completed and signed by the circulator. The circulator must be a Menlo Park registered voter and may also sign the nomination paper. The candidate may be the circulator. Only one person may circulate the nomination paper. The San Mateo Elections Department will verify the registration of signatories and the circulator. (EC 104, 10220, 10222)

**Affidavit of Nominee:** The name of the nominee, the office sought, the date of the election, the candidate's name, and the candidate's ballot designation are to be typed or printed in the space provided. The candidate must sign and date the affidavit. It is recommended that the candidate complete the affidavit in the presence of the City Clerk. (*EC 10223, 10226*)

**Name on Ballot and Ballot Designation:** The candidate's name as provided by the candidate on the affidavit of nominee is the way it will appear on the ballot. Candidates must use their full legal name; nicknames or shortened versions of the full legal name may be listed in quotes. No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office. If the candidate has changed his or her name within one year prior to the election, the new name will not appear on the ballot unless the change was made by marriage or by Decree of Court. (*EC13104, 13106*)

The candidate's ballot designation is limited to no more than three words which designate either the current principal profession, vocation or occupation of the candidate or the principal profession, vocation or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents. If the candidate is currently serving in an elected office, the candidate may use words designating the elected office, which the candidate holds or the word "incumbent". Refer to the ballot designation worksheet. (*EC 13107, 13107.3, 13107.5*)

**Oath of Allegiance:** This section should be left blank until the completed nomination paper is returned. The oath will be administered by the City Clerk and signed by the candidate in front of the City Clerk at the time the filing is complete. (*EC 10223, 10226*)

Nomination papers are confidential until the close of the nomination period, at which time they become public documents, which may be viewed, but not copied.

**B. BALLOT DESIGNATION WORKSHEET – (*Required*)**

All candidates that wish to have a ballot designation listed on the ballot must complete a ballot designation worksheet. The candidate must file the worksheet at the same time the affidavit of nominee is completed. If no ballot designation worksheet is filed, no designation shall appear on the ballot. (*EC 13106, 13107, 13107.3, 13107.5*)

If after review of the ballot designation and the ballot designation worksheet, the City Clerk finds that the ballot designation is in violation of any of the restrictions set forth in Election Code Section 13107 and 13107.5, the City Clerk shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation worksheet.

The candidate shall, within three business days, from the date he or she receives notice by registered or certified mail, or from the date the candidate receives actual notice of the violation, whichever occurs first, appear before the City Clerk and provide a designation that complies with Elections Code 13107. In the event the candidate fails to provide a designation that complies with this requirement, no designation shall appear after the candidate's name. (*EC 13107*)

If a candidate is unsure of whether or not a ballot designation will be accepted, he or she should contact the City Clerk in advance of filing the nomination papers to discuss the designation.

### C. CANDIDATE STATEMENT OF QUALIFICATIONS – (Optional)

A candidate may, at his or her option, prepare a candidate statement, which includes the name, age and occupation of the candidate along with a description, not to exceed 200 words, of the candidate's education and qualifications.

The candidate statement will be printed in the voter pamphlet mailed by the San Mateo County Elections Department to every registered voter in the City of Menlo Park. If the candidate elects to submit a candidate statement, the statement will be translated and printed in Spanish and Chinese in addition to English as required in accordance with the Federal Voting Rights Act. Further information regarding this Act can be found on the Department of Justice's website at [www.usdoj.gov](http://www.usdoj.gov).

This statement is optional and is printed at the expense of the candidate. The City of Menlo Park requires a deposit of \$350 at the time the candidate submits the candidate statement and files all required nomination documents. The deposit goes toward the actual cost of printing the candidate statement. The City Clerk will either bill the candidate for an additional amount or refund the candidate monies depending on the actual cost presented to the City by the San Mateo County Elections Department. If a candidate alleges to be indigent and unable to pay the fee for submitting a candidate statement, the candidate will be required to submit a Statement of Financial Worth to the City Clerk to be used in determining whether or not he or she is eligible to submit a candidate statement without payment of the fee in advance.

Refer to the instructions stated in the Candidate's Statement Information Sheet and on the Candidate Statement Form as to what can and can not be included in the candidate statement and the format for submission.

In summary, the candidate statement is limited to no more than 200 words, using the Word Count Standards included in the Candidate Statement Information Sheet and shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Reference to other candidates for that office or to another candidate's qualifications, character, or activities are prohibited. If a candidate names any person as an endorser within the text of the candidate statement, the candidate must obtain the written consent of the person named in the body and submit along with the candidate statement a Consent Form, which will be supplied by the City Clerk.

Candidate statements are to discuss the education and qualifications of the candidate. The heading of the statement includes the candidate's name (required), age (optional), and occupation (optional). All statements will begin with the words "Education and Qualifications" followed by the text filed by the candidate. These words, as well as the heading, are standardized and do not count toward the 200 word limitation. The "occupation" listed in the heading is not governed by the laws and regulations pertaining to the ballot designation that appears under the candidate's name on the ballot. Therefore, it may be different from the candidate's ballot designation. However, if its length exceeds one line, the candidate may be asked to modify verbiage.

The statement must be typewritten or computer generated. The statement must be printed in a uniform type size. No bold, italics, underlining, or full capitalization will be recognized by the printer. Prepare the statement as one paragraph and do not use any unusual spacing, punctuation, indentations, "bullets", or an "outline" format.

The statement will be printed as submitted, therefore candidates are advised to carefully check for errors in grammar, punctuation and spelling. The candidate should submit both a hard copy and a computer disk or e-mail of his/her candidate statement. If there is a discrepancy between the computer version

and the hard copy, the hard copy version shall be considered the final version. The hard copy version must be signed by the candidate.

The statement must be filed at the time the nomination documents are filed. A candidate statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period. Any candidate who elects not to submit a candidate statement will be required to sign a waiver. (EC 10012.7, 13307, 13308, 13309)

The candidate statement is kept confidential until the close of the nomination period at which time it becomes a public document that will be posted to the City's website and available for public viewing and copying. It will also be mailed to every registered voter in the City as part of the voter pamphlet.

**D. FORM 700 - STATEMENT OF ECONOMIC INTERESTS – (Required)**

The Political Reform Act requires that candidates file a Form 700, Statement of Economic Interests, at the time the nomination documents are returned. Instructions are provided with the form provided to candidates by the City Clerk. An interactive version of this form is also available on the Fair Political Practices Commission website: [www.fppc.ca.gov](http://www.fppc.ca.gov). The Form 700 is a public document and will be posted to the City's website and made available for public viewing and copying at the close of the nomination period.

**E. CODE OF FAIR CAMPAIGN PRACTICES – (Optional)**

State law requires that at the time nomination documents are issued, the City Clerk provide each candidate with a copy of the Code of Fair Campaign Practices. However, the signing and submittal of this form with the filing of a candidate's nomination documents is optional.

If filed, this document will be posted to the City's website and made available for public viewing and copying.

**F. CANDIDATE INFORMATION FOR PUBLIC REVIEW – (Required)**

At the time the candidate takes out nomination documents, the candidate will be asked to complete a form which will include the name of the candidate, address, contact phone numbers, e-mail, and occupation. This information will be made available to anyone interested along with information on the date nomination documents were taken out and when they are returned.

**G. PERMISSION TO POST CANDIDATE HOME INFORMATION TO WEB – (Required)**

The candidate statement and related candidate information will be posted to the City's website at [www.menlopark.org](http://www.menlopark.org) after the close of the nomination period. Government Code Section 6254.21 requires written approval be obtained prior to the posting of a home address or phone number of elected or appointed officials. The candidate should indicate on this form, whether or not, he or she authorizes the posting of a home address and home phone number to the web.

San Mateo County Elections Department will also post candidate information to their website and requires that candidates inform them as to whether or not a home address and phone number may be posted to their website.

**H. SAN MATEO COUNTY CHINESE GIVEN NAME/PREFERRED TRANSLITERATION**  
*(Optional)*

The San Mateo County Elections Department will list the names of candidates on the sample ballot and official ballot in English along with a Chinese transliteration if the candidate requests the transliteration. Candidates are asked to complete a form along with their nomination papers indicating their desire for this transliteration.

**I. NOMINATION PAPER CHECKLIST – *(Required)***

The City Clerk will review the nomination documents with the candidate and provide the candidate and the Clerk with a checklist of documents provided to the candidate, indicating which documents must be returned by the end of the nomination period,

If a candidate has any questions regarding how to complete any portion of the nomination documents, he/she should contact **Sherry M. Kelly, City Clerk**, at **(650) 330-6625**.

## CAMPAIGN DISCLOSURE REQUIREMENTS

The statutory requirements of the Political Reform Act of 1974 are contained in Sections 81000 through 91015 of the Government Code. The Act requires candidates and committees to file campaign statements disclosing contributions received and expenditures made at specific times throughout an election cycle. Failure to file in compliance with the Act may result in criminal and civil penalties. Persons who do not file their campaign statements on time are liable for a late filing penalty of \$10 per day or the cumulative amount stated on the late campaign statement, whichever is greater.

Campaign statements are to be filed with the City Clerk, who is the filing officer for candidates and committees for local office and measures. The City Clerk will advise candidates and committees of their filing obligations and provide candidates with forms. Candidates and committees should also refer to the [campaign filing schedule](#).

The Fair Political Practices Commission (FPPC) is responsible for promulgating regulations, enforcement, and providing technical assistance. A candidate may contact the FPPC at (916) 322-5660 (Toll Free – 1-866-ASK-FPPC) or visit their website at [www.fppc.ca.gov](http://www.fppc.ca.gov). Campaign forms and manuals may be downloaded from this website.

### **City Ordinance 860**

This ordinance requires that all committees report on their campaign statements the full name of each person from whom a contribution or contributions totaling between \$25 and \$100 has been received, together with the contributor's street address, occupation, and the name of the contributor's employer, if any, or the principal place of business if the contributor is self-employed, the amount of contribution, and the date the contribution was received. The ordinance prohibits anonymous contributions to a candidate or committee totaling \$25 or more in a calendar year. This ordinance also requires the City Clerk to publish in a newspaper on the Friday prior to an election, the name of each person and committee from whom a contribution or contributions totaling \$25 or more have been received during the six months prior to the election.

### **Campaign Disclosure Manual 2**

This manual provides information to local candidates and their controlled committees and to primarily formed committees for local candidates on State laws as it applies to receiving and expending funds on a campaign and reporting and recordkeeping requirements. The Fair Political Practices Commission generally conducts several campaign workshops throughout the State. Information on upcoming workshops can be found on their website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

### **Form 501 – Candidate Intention**

A candidate is required to file this form with the City Clerk prior to soliciting or receiving contributions for any election. If a candidate has not already filed this form, he or she will be required to file this form along with the nomination documents.

### **Form 410 – Statement of Organization**

This form is to be used to establish a committee and must be filed within 10 days of a candidate or committee receiving or spending \$1,000. The original and one copy are to be filed with the Secretary of State and a copy is to be filed with the City Clerk. A copy of this form will be provided to candidates along with the nomination papers.

**Form 460 – Recipient Committee Campaign Statement**

This form is to be used by a candidate who has 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 an election to office or holding office. The form is to be filed with the City Clerk at specific times throughout an election cycle or year. Refer to the campaign filing schedule.

**Form 465 – Supplemental Independent Expenditure Statement**

This form is to be filed with the City Clerk. The form is used by officeholders, candidates, recipient committees, major donor committees, and independent expenditure committees that make independent expenditures totaling \$1,000 or more in a calendar year to support or oppose a single candidate, a single measure, or the qualification of a single measure. Proposition 34 prohibits a controlled committee of a candidate from making independent expenditures and contribution of funds to another committee for the purpose of supporting or opposing another candidate.

**Form 470 – Candidate and Officeholder Campaign Statement – Short Form**

This form is used by candidates who do not have a controlled committee and do not anticipate receiving contributions or making expenditures totaling \$1,000 or more in a calendar year. If a 470 is filed with the City Clerk on or before the filing deadline for the first-pre-election campaign statement, no additional campaign statement need be filed in connection with the election so long as total receipts/expenditures remain less than \$1,000. If a candidate files a 470 and subsequently receives contributions or makes expenditures totaling \$1,000 or more, the candidate is required to file a Supplemental Form 470 with 48 hours to the Secretary of State, the City Clerk, and to each of his or her opponents seeking the same office.

**Form 496 – Late Independent Expenditure Report**

Any committee that makes independent expenditures totaling \$1,000 or more to support or oppose a single candidate during the 16 days immediately prior to the election in which the candidate is being voted must file a report with the City Clerk within 24 hours of the expenditure.

**Form 497 – Late Contribution Report**

Any committee that makes or receives a late contribution totaling \$1,000 or more from a single source during the 16 days immediately prior to the election in which the candidate is to be voted must file a report with the City Clerk within 24 hours of the time the contribution was made or received.