



CITY COUNCIL CANDIDATE GUIDE

November 5, 2024 Election

Elections Official/City Clerk
610 Foster City Blvd,
Foster City, CA 94404
Phone: (650) 286-3250
clerk@fostercity.org
www.fostercity.org

**CITY OF FOSTER CITY
COMMUNICATIONS/CITY CLERK DEPARTMENT
610 Foster City Boulevard
Foster City, CA 94404
(650) 286-3250**

CANDIDATE GUIDE

This election guide has been compiled to assist candidates in preparing for the Election of November 5, 2024. This guide is not all encompassing; it merely summarizes the major provisions related to candidates running for office in the City of Foster City. This guide is distributed with the understanding that the City of Foster City is not rendering legal advice and, therefore, the guide is not to be a substitute for legal counsel for the candidate using it. In case of conflict, the law, regulation, or rule will apply.

The Communications/City Clerk Department is open from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding holidays. For further information or a more detailed explanation, please contact the Communications/City Clerk Department at (650) 286-3250 or by e-mail at clerk@fostercity.org.

We welcome your comments and suggestions for improving this guide.

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Functions of City Clerk and San Mateo County Chief Elections Official Assessor-Clerk Recorder

The City of Foster City has contracted with the San Mateo County Assessor-County Clerk Recorder & Elections Office to conduct the City's general municipal elections.

The City Clerk is the elections official for the City of Foster City. The City Clerk is responsible for the issuance and acceptance of nomination papers, publication of necessary legal notices, and campaign disclosure filing requirements.

The San Mateo County Assessor-County Clerk Recorder & Elections Office arranges for the printing and mailing of all necessary voter information and establishes locations of and staffs all vote centers. Additionally, the Assessor-County Clerk Recorder & Elections Office is responsible for all Election Day activities, including the counting of the votes cast, and post-election activities such as the canvass of the returns and certification of election results.

The City Clerk issues the certificates of election to the successful candidates.

ALL REFERENCES CONTAINED IN THIS BOOKLET ARE AS FOLLOWS:

E.C./EC	California Elections Code
G.C./GC	California Government Code
F.C.M.C./FCMC	Foster City Municipal Code
FPPC	Fair Political Practices Commission

November 5, 2024 Election Calendar

Date	Action	Days Prior to Election
June 3	City adopted Resolution calling the Election	No later than E-88
July 1-July 15	Publication of Notice of Election	E-127 to E-113
July 15-August 9	Candidate Nomination Filing Period E.C. 10407	E-113 to E-88
August 10 – August 14	Extended Candidate Filing Period E.C. 10225	E-87 to E-83
August 7-November 15	Political signs can be placed 90 days prior to election day & removed no later than 10 days after an election day. F.C.M.C. 17.59	E-90 to E+10
August 15	Random alphabet drawing by Secretary of State to determine order of names on ballot E.C. 13112	E-82
On or before October 29	City Clerk publishes/posts list of "Nominees of Public Office" in the order they will appear on the ballot after the alphabet drawing, at least one week before election. E.C. 12110	E-82 to E-7
July 31	Deadline to file Semi-Annual Campaign Statement (FPPC Form 460)	
September 26	Deadline to file 1st Pre-Election Campaign Statement G.C. 84200.8 (FPPC Form 460)	E-40
September 26-October 15	County mails sample ballot pamphlets to voters. E.C. 13303	E-40 to E-21
October 7-October 29	Vote by Mail ballot will be sent. E.C. 3001	E-29 to E-7
October 21	Voter registration closes. E.C. 2102 Note: Conditional Voter Registration allows voters to register and vote after the close of registration. EC 2170 - 2173	E-15
October 24	Deadline to file 2nd Pre-Election Campaign Statement G.C. 84200.8	E-12
November 5	Election Day -- All Vote Centers open from 7:00 a.m. to 8:00 p.m.	E-0
December 5	Last day for the County Elections Official to certify the election results to the jurisdictions participating in the election	E+30
December 9	Adopt Resolution Declaring Results of Election. Installation of Newly Elected Councilmembers.	
January 31, 2025	Deadline to file Semi-Annual Campaign Statement (FPPC Form 460) G.C. 84200	

Voter's Choice Act

The California Voter's Choice Act (VCA) is landmark legislation which fundamentally transforms the manner in which elections will be conducted in the State of California. San Mateo County is proud to be one of 14 counties authorized by the State to conduct elections under the new law.

On September 12, 2017, the San Mateo County Board of Supervisors authorized the Chief Elections Officer to proceed with the implementation of the Act, and the June 5, 2018 Statewide Direct Primary Election was the first election held under the California Voter's Choice Act.

The California Voter's Choice Act changes the traditional polling place election model to an All-Mailed Ballot/Vote Center model with ballot drop-off locations. The primary goal of this legislation is to expand accessibility and voting opportunities for all voters, particularly those with disabilities, visual impairments and language minorities.

Additional information about San Mateo County's implementation of the California Voter's Choice Act can be found on the county website at <https://www.smcacre.org/california-voters-choice-act>, and on page 67 of the County Candidate Guide.

Voter Registration

To vote in any election, a citizen must be properly registered 15 days prior to the election date. San Mateo County Registration & Elections Division encourages all voters to be properly registered well before that 15-day deadline to ensure enough time to complete postal delivery of correct and complete election materials prior to an election.

For the November 5, 2024 election, voters must be registered at their current residential address on or before Monday, October 21, 2024. **EC §2102**

Voters must re-register if they have changed their address, name, or political party affiliation. Voters may register using a paper form which is available at City Hall and other locations, or online at regisertovote.ca.gov.

Voters who miss the October 21 deadline may come to the Registrations & Elections Division at 40 Tower Road, San Mateo or any operating Vote Centers in the county to complete a Voter Registration Form and be issued a Conditional Voter Registration (CVR) provisional ballot on or before Election Day. **EC §2170**

For additional information on voter registration, please see page 68 of the County Candidate Guide.

Vote by Mail

The County will mail all registered voters a vote-by-mail ballot with a postage-paid return envelope.

Vote by Mail ballots returned by mail must be postmarked on or before Election Day, and received by the County Registration & Elections Division no later than seven days after Election Day in order to be counted. **EC §3020**

A voter's signature on the Vote by Mail return envelope must match the voter's signature appearing on the affidavit of registration records in order for the ballot to be counted. **EC §3019**

No person shall solicit the vote of a Vote by Mail voter, or do any electioneering while in the residence of or immediate presence of the voter during the time the Vote by Mail voter is voting. Any person who knowingly violates this section is guilty of a misdemeanor. **EC §18371**

Voter File Data

A database of voter registration information as well as Voter Data seminars are available from the County.

For further information, please see page 66 of the County Candidate Guide.

Candidate Filing Procedures Checklist

Listed below is a checklist indicating the various forms required to be filed for candidacy for the office of Member of the City Council. ***It is the obligation of the candidate to ensure they meet all filing requirements and deadlines.*** All candidates are urged to file the necessary papers as early as possible in order to avoid last minute rush and confusion, or any misunderstandings. Additionally, it is recommended that the candidate file all papers involved with his/her candidacy personally. The deadline for filing all forms is by **5:00 p.m. on August 9. If an incumbent does not file for reelection, the filing deadline for non-incumbents is extended until 5:00 p.m. August 14.**

Description of Materials	Issued via email	Issued via link	Date filed
1. Memorandum from City Clerk Priscilla Schaus explaining Election Materials	✓		<i>Reference only</i>
2. Foster City Candidate's Guide	✓		<i>Reference only</i>
3. Nomination Paper	✓		<i>fill in date</i>
4. Declaration of Candidacy	✓		<i>fill in date</i>
5. Candidate Registration Form	✓		<i>fill in date</i>
6. Ballot Designation Worksheet	✓		<i>fill in date</i>
7. Candidate Statement of Qualifications Form (if filing candidate statement, electronic and hard copy is required)	✓		<i>fill in date</i>
8. Statement of Economic Interests Form 700 and Instructions	✓		<i>fill in date</i>
9. Code of Fair Campaign Practices Form (voluntary)	✓		<i>fill in date</i>
10. Character Based Name Form	✓		<i>fill in date</i>
11. Permission to Post Personal Information on San Mateo County's Website and Foster City's Website	✓		<i>fill in date</i>
12. Important Telephone Numbers		✓	<i>Reference only</i>
13. FPPC Campaign Disclosure Manual 2		✓	<i>Reference only</i>
14. City Clerk Policy regarding Late FPPC Filers		✓	<i>Reference only</i>
15. Campaign Disclosure Forms 410, 460, 470, 497, and 501		✓	<i>Reference only</i>
16. FPPC Materials: Fact Sheets/Getting Started, Local Candidate Committee Checklist, Campaign Contribution Limits, Pay to Play Limits and Prohibitions (Section 84308)		✓	<i>Reference only</i>
17. FPPC Committee Treasurers		✓	<i>Reference only</i>
18. FPPC Filing Schedule		✓	<i>Reference only</i>
19. Foster City Regulations Pertaining to Signs for your Campaign		✓	<i>Reference only</i>
20. San Mateo County Elections Division Seminar for Candidates Notice		✓	<i>Reference only</i>
21. Foster City Maps (Neighborhood & Regular)		✓	<i>Reference only</i>
22. City Council Election Results from 1995 to 2022		✓	<i>Reference only</i>
23. Election Results: Semi-Official and Official Canvass		✓	<i>Reference only</i>
24. History of Foster City: A Planned Community Handout		✓	<i>Reference only</i>
25. San Mateo County Candidate Guide		✓	<i>Reference only</i>

Offices To Be Elected

The following office is scheduled for the Election on November 5, 2024:

Three (3) Members of the City Council Full 4-year terms

Other Offices Held By Councilmembers

The Mayor and Councilmembers also serve as President and Board of Directors of the Estero Municipal Improvement District (EMID).

Meetings

The City Council/EMID Board of Directors meet regularly on the first and third Monday of each month at 6:30 p.m. in the Foster City Council Chambers, 620 Foster City Boulevard; provided, however, that when the time for any regular meeting falls on a holiday, such meeting shall be held on the next business day. Adjourned regular meetings and special meetings are held from time to time.

Compensation

City Councilmembers receive \$496 per month. Councilmembers shall be reimbursed for reasonable expenses incurred in the performance of duties imposed upon them by law or in the course of business on behalf of the City as authorized by the City Council. In addition, each Councilmember receives \$25 for each Estero Municipal Improvement District meeting attended, not to exceed three meetings per month. Councilmembers are also eligible for certain other City benefits such as medical and dental insurance.

Ethics and Sexual Harassment Training

On October 7, 2005, the Governor signed Assembly Bill No. 1234. This law requires (among other things) that all local agencies that provide compensation, salary, or stipend to, or reimburses the expenses of, members of a legislative body must provide ethics training to local agency officials, and every two years thereafter.

On September 29, 2016, the Governor signed Assembly Bill No. 1661. This law requires (among other things) that all local agencies that provide compensation, salary, or stipend to, or reimburses the expenses of, members of a legislative body must provide sexual harassment prevention training and education to local agency officials, and every two years thereafter.

Holding Two Offices

The 1999 San Mateo County Grand Jury recommended that all candidates be made aware that individuals cannot hold incompatible offices. If a candidate is elected to an office that is incompatible with the first office, the first office becomes vacant upon the taking of the second office.

This doctrine of incompatible offices precludes public officials from holding two different public offices simultaneously if the offices have overlapping and conflicting public duties. Courts have summarized the doctrine 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.” (Mott v. Horstmann (1950) 36 Cal.2d 388; see also, Chapman v. Rapsey (1940) 16 Cal.2d 636.)

For additional information regarding holding two offices, please see page 21 of the County Candidate Guide.

Write-In Candidate Filing Period

September 9, 2024 – October 22, 2024

Write-in candidates must obtain paperwork to file Write-In Nomination Papers, the Statements of Write-In Candidacy and other required filing documents between these dates. Write-in candidates are NOT allowed to choose a ballot designation or file a candidate statement.

Nomination Procedure

Candidates for office must file nomination documents during the nomination period of July 15 through August 9, 5:00 p.m. A nomination paper must be issued by the City Clerk and is available at the Communications/City Clerk Department. It is suggested that you set up an appointment with the City Clerk in advance by calling (650) 286-3250 or emailing clerk@fostercity.org.

The nomination paper consists of an affidavit of nominee and an oath or affirmation of allegiance (declaration of candidacy), space for 10 registered voters to sign and a Declaration of Circulator. Three copies of the nomination paper are provided with the hard-copy of the nomination document packet. Per Elections Code 10220, candidates shall get signatures of not less than 20 nor more than 30 voters. 20 valid signatures are required to become a qualified candidate.

The candidate must designate how his/her name will appear on the ballot.

- ❑ The candidate must swear that he/she will accept the office if elected.
- ❑ The candidate must choose a designation (3 words maximum) that will appear under his/her name on the ballot.
- ❑ The candidate must take an oath or affirmation of allegiance.

If a candidate wishes to prepare a candidate's statement of qualifications (200-word limit) that will appear in the sample ballot, it must be filed with the nomination documents.

Fees

There are no filing fees for running for office in the City of Foster City. If a Statement of Qualifications (Candidate's Statement) is requested by the candidate, a deposit of \$900.00 made payable to, "City of Foster City" is required to cover the cost of publication and translation (into Spanish, Chinese, and Filipino). Any unused funds will be refunded back to the candidate. Similarly, any overage of cost will be invoiced to the candidate.

Qualifications for Office

Any person, regardless of sex, who is 18 years of age or older, a citizen of the State, a resident of Foster City, 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 as a member of the City Council without further qualifications. **EC §201**

The City Clerk shall furnish all forms required for nomination free of charge. The documents provided are outlined on the Candidate Filing Checklist, including reference documents and those required for filing.

Execution and Receipt of Candidate Documents

Any documents that require an oath by the candidate may be executed in the presence of a notary, or in the alternative, in the office of the elections official during available business hours, by appointment.

A candidate may electronically submit their completed documents to the Elections Official (City Clerk) so that the review process can begin as soon as possible. However, in order to be a qualified candidate, **the completed hard copy documents with original signatures must be received by the Elections Official by the 5 p.m. on August 9.** The candidate may submit the original documents to the City Clerk Department by appointment, in a drop box provided by the Department, or via mail or other delivery service.

Drop off of documents is preferred to ensure timely receipt.

Nomination Paper and Gathering Signatures

The nomination paper must be issued in the name of a specific candidate for nomination to a specific office. The City Clerk or a deputy must sign and date the form when it is issued. The nomination paper may be issued to an individual other than the candidate, with or without the candidate's knowledge; however, State law requires that the candidate certify that he or she will accept the nomination and also accept the office in the event of his or her election before the nomination paper can be accepted for filing.

A circulator must be 18 years of age or older. A candidate may serve as a circulator of his or her own Nomination Paper. Candidates may also sign their own Paper, and the signature will be given the same effect as that of any other qualified signer. **EC §102, 106**

Candidates may be nominated by signatures of not less than 20 nor more than 30 registered voters in a city of 1,000 registered voters or more. If the signatures on a nomination paper are verified and the results show less than 20 signatures of registered voters, the candidate will be disqualified. A voter may sign as many nomination papers as there are seats to be filled. Signatures submitted on subsequent petitions shall not be allowed.

For guidelines on guidelines for gathering signatures, please see page 22-24 of the County Candidate Guide.

Declaration of Candidacy Form

The candidate's name as provided by the candidate on the Declaration of Candidacy is the way it will appear on the ballot. The declaration CANNOT be changed after the nomination process is complete.

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 office. **EC §13106**

If the candidate has changed his/her name within one year prior to the election, the new name will not appear on the ballot unless the change was made by either of the following: (a) Marriage, (b) Decree of any court of competent jurisdiction. **EC §13104**

For additional instructions on completing the Declaration of Candidacy, please see page 27 of the County Candidate Guide.

Candidate Registration Form

Candidates use this form to provide their name and contact information as well as office they are running for. This form also requires candidates to provide their pronouns and a phonetic spelling of their name for translation purposes.

Ballot Designation Worksheet

The ballot designation is the word, or group of not more than three (3) words, which will appear on the ballot under the candidate's name, designating the current principal profession, vocation, or occupation of the candidate.

The ballot designation that a candidate may use is governed by **EC §13107** which, in part, states the following:

At the option of the candidate, immediately under the name of each candidate and not separated from the name by any line, may appear only one of the following designations:

1. Words designating the elective city, county, district, state, or federal office that the candidate holds at the time of filing the nomination papers to which he/she was elected by vote of the people.
2. The word "incumbent" if the candidate is a candidate for the same office which he/she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people.
3. No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word.
4. The phrase "appointed incumbent" if the candidate holds an office by virtue of appointment and the candidate is a candidate for election to the same office; or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed," however, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he/she holds and to which he/she was appointed, as a nominated candidate, in lieu of an election, pursuant to **EC §7228, 7423, 7673, 10229, or 10515**.

The City Clerk, pursuant to **EC §13107** shall **NOT** accept a ballot designation which:

1. Would mislead the voter.
2. Would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
3. Abbreviates the word "retired" or places it following any word or words that it modifies.
4. Uses a word or prefix, such as "former" or "ex-," that means a prior status. The only exception is the use of the word "retired."

5. Uses the name of any political party, whether or not it has qualified for the ballot.
6. Uses a word or words referring to a racial, religious, or ethnic group.
7. Refers to any activity that is prohibited by law.

Additionally, 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. **EC §13106**

The ballot designation will be checked and verified by the City Clerk prior to the printing of voter pamphlets and sample ballots.

No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the City Clerk pursuant to the Elections Code.

For guidelines on completing the Ballot Designation Worksheet, please see pages 28-31 of the County Candidate Guide.

Candidate Statement of Qualifications Form

This form should be completed even if a candidate chooses not to submit a candidate statement. Information is provided on page 14-16 of this guide.

Character-Based Name Form

All election information including the County Sample Ballot & Official Voter Information Pamphlet and the Official Ballot that is provided in English must also be provided in Chinese, Spanish, and Filipino in San Mateo County as required by the Voting Rights Act of 1965 - (52 U.S. Code §10503).

Candidates should provide their character-based names on the Character-Based Name Form, along with supporting documents. Candidates without character-based names will automatically be given a phonetic transliteration of their names in Chinese.

For additional information, please see page 35 of the County Candidate Guide.

Campaign Disclosure Statements

Fair Political Practices Commission (FPPC) Form 700 (Statement of Economic Interests) should be submitted with the nomination paperwork and Form 501 (Candidate Statement of Intention) should be filed prior to making expenditures related to candidacy. Information on these and other required forms is provided on page 17-23 of this guide.

Permission to Post Personal Information on the Internet Form

In order to post candidate information on the internet the County of San Mateo and the City of Foster City need to acquire permission from the candidate. No state or local agency shall post the home address or telephone number of any elected or appointed official on the internet without first obtaining the written permission of that individual. **GC §6254.21**

For additional information, please see page 35 of the County Candidate Guide.

Candidate Statement Guidelines

Each candidate for the office of Member of the City Council may prepare a candidate's statement on an appropriate form provided by the City Clerk. The candidate's statement is designed to acquaint voters with a candidate's qualifications for the office he/she is seeking. This statement is incorporated into the sample ballot and will be mailed to all registered voters in the City eligible to vote.

City Resolution Nos. 89-112 and 2023-102 set certain conditions pertaining to Candidate Statements, as follows:

- A candidate's statement is to contain not more than 200 words of the candidate's education and qualifications expressed by the candidate himself/herself;
- The candidate shall make a deposit of \$900.00 made payable to "City of Foster City" to cover the cost of publication and translation of a candidate's statement. Any unused funds will be refunded back to the candidate. Similarly, any overage of cost will be invoiced to the candidate; and
- No additional material other than a candidate's statement will be accepted for inclusion in the voter information pamphlet (sample ballot) to be mailed to all registered voters.

The Candidate's Statement MUST be filed with the Nomination Papers.

Contents: The Statement may include the name, age, and occupation of the candidate and a brief description of no more than two hundred (200) words of the candidate's education and qualifications expressed by the candidate himself/herself. The spacing is to be uniform and conform to the guidelines shown in the "Candidate's Statement Guidelines."

Restrictions: The candidate's statement shall not include the party affiliation of the candidate, or membership or activity in partisan political organizations.

Confidentiality: Notwithstanding any other provisions of law, candidate's statements filed pursuant to EC § 13311 shall remain confidential until expiration of the filing deadline.

Withdrawal: The statement may be withdrawn, but may not be changed, during the period for filing nomination papers and until 5:00 p.m. on August 12, 2024, the next working day following the close of the nomination period. **EC §13307(a)(3)**

Preparation of Candidate's Statement: In order to ensure uniformity of candidate's statements, the candidate must prepare the statement as follows:

Type statement exactly as you want it to appear. Attach the printed copy to the form provided. When prepared in accordance with these standards, statements are printed exactly as submitted.

Submit a typed, double-spaced printed copy. Use upper and lower case type.

In addition to a hard copy, please provide statements on flash drive or e-mail to clerk@fostercity.org, in plain text format (Microsoft Word is preferred). One signed hard copy must be filed by the deadline. If there are discrepancies between the hard copy and the electronic copy, the hard copy will prevail.

1. Do not use any unusual spacing, punctuation, indentations, bullets or an outline format.
2. Do not use words that are underlined, bolded, italicized, Initial Capitalized or ALL CAPITALIZED.
3. Check statement for errors in spelling, punctuation and grammar.
4. Confine the statement to 200 words.
5. Do not include any party affiliation.
6. Do not include membership or activity in partisan political organizations.

If a candidate submits a statement that is not in conformance with the guidelines provided (e.g., typed in all caps, underscoring, bolded, unusual spacing, or capitalization of some words for emphasis purpose), the City Clerk will instruct the printer to ignore any special emphasis placed on words or phrases and to type-set the statements utilizing a uniform format.

All statements, therefore, will be set in a full-justified format so as to fit within a 1/4-page space. If a candidate's statement is submitted and found not to be in compliance with these guidelines, the City Clerk will make the necessary changes to bring said statement into compliance.

Candidate statements are to discuss the education and qualifications of the candidate filing the statement only. The City Clerk will not accept any candidate's statement that specifically discusses the education, qualifications or record (or lack thereof) of any opponents.

Notwithstanding the above guidelines, nothing shall be deemed to make any statement or author thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statement offered for printing. **EC §13307(e)**

Guidelines for Determining Number of Words in Candidate's Statement

Listed below are the guidelines the City Clerk uses in determining the number of words submitted on the candidate's statement which contents are limited by statute:

1. Name, age, and occupation in the header and signature are not counted.
2. Punctuation is not counted.
3. All proper nouns, including geographical names, shall be considered as one (1) word. Examples: "City of Foster City," "San Mateo-Foster City School District," "State of California," "Estero Municipal Improvement District," "Joe Sanchez," "Margaret Mead Johnson"
4. Abbreviations/acronyms are counted as one (1) word.
 - a. Examples: UCLA, NAACP, PTA, F.C.P.D., AFL-CIO
5. Dictionary words such as "a," "I," "the," "and," "an," etc. are counted as one word.
6. Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled, such as "one," shall be considered as a separate word or words.
 - a. Examples of one word: 1, 1000, 3333, 50%, 1/2, 10-1/2, \$16,300, 275, 30th
 - b. Examples of two words: one hundred, one thousand, \$16,000-\$19,000, 1999-2000
 - c. Examples of five words: two hundred forty-five thousand dollars
7. Initials are counted as one word.
8. Hyphenated words that appear in any generally available standard reference dictionary shall be considered as one word e.g., Re-elected; co-founder; one-half. Each part of all other hyphenated words shall be counted as separate words.
9. Characters used in place of a word or number (\$, #) are counted as one (1) word.
10. Telephone numbers shall be counted as one word.
11. Internet web site and email addresses will be counted as one word.
12. Dates shall be counted as one word. Examples: "May 1, 2015," or "5/1/15"

If the text exceeds the word limit, the author will be asked to rewrite the text in order to bring the total number of words to within the required word limit. Final determination in the counting of words will be made by the City Clerk. **EC §13307**

For additional information on Candidate Statement Guidelines, see pages 37-42 in the County Candidate Guide.

Campaign Disclosure Information

The State of California Political Reform Act of 1974 requires all candidates to file campaign disclosure statements disclosing contributions received and expenditures made. Additionally, any committee formed to support or oppose a candidate or ballot measure is required to file campaign disclosure statements as required by the Political Reform Act. The statutory requirements of the Political Reform Act are contained in Sections 81000 through 91015 of the California Government Code. Forms may be obtained from the City Clerk and are also available at www.fppc.ca.gov. General information and assistance relating to campaign reporting obligations under the Act should be made to the Technical Assistance Division of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811 or call 916-322-5660 (toll free 1-866-275-3772) or visit their web site at www.fppc.ca.gov.

The Fair Political Practices Commission (FPPC) issues [Campaign Disclosure Manual 2](#) that provides important information on campaign disclosure rules for local candidates and officeholders. This manual is an instructional guide and provides information on who must file, when campaign statements must be filed, where statements are to be filed, etc.

Campaign Disclosure Manual 2 will be provided to all candidates at the time they obtain their nomination documents from the City Clerk. The manual will also be available free of charge, upon request, to committees and other interested persons required to file with the City Clerk. FPPC forms will be available and provided to candidates and committees free of charge. **Forms and Manual 2 can also be downloaded from the FPPC website at www.fppc.ca.gov.**

The following is a partial listing of the most commonly used FPPC campaign disclosure forms, and a brief explanation of the appropriate usage:

Form 501 — Candidate Intention

Must be filed before you solicit or receive any contributions or before making expenditures of personal funds on behalf of your candidacy. File with the City Clerk.

Form 410 — Statement of Organization

Form 410 is used when organizing a campaign committee and must be filed within 10 days of receiving \$2,000 in contributions. The form includes a space to indicate the campaign's bank account information. File the original and one copy with the Secretary of State's Political Reform Division and a copy with the City Clerk.

Form 460 — Consolidated Campaign Statement

Form 460 is a Recipient Committee Campaign Statement, for use by a candidate or officeholder who has a controlled committee, or who has raised or spent or will raise or spend \$2,000 or more during a calendar year in connection with an election to office or holding office. File with the City Clerk.

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 \$2,000 or more in a calendar year. If a Form 470 is filed 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 \$2,000. File the original and one copy with the City Clerk.

Form 470 Supplement

A candidate who has filed Form 470 in connection with an election and subsequently receives contributions or makes expenditures totaling \$2,000 or more is required to file notification within 48 hours. Form 470 Supplement may be used, and must be sent by guaranteed overnight delivery service, personal delivery, fax or email to the Secretary of State, the local filing officer, and to each of his or her opponents seeking the same office. (Contact your filing officer for candidate addresses.) Regular mail may not be used.

Form 496 — 24-hour Independent Expenditure Report

Any committee that makes independent expenditures totaling in the aggregate of \$1,000 or more to support or oppose a single candidate or single ballot measure during the 90 days immediately prior to the election in which the candidate or measure is being voted must file a report within 24 hours of the expenditure. File Form 496 with the City Clerk by guaranteed overnight delivery or personal delivery. Regular mail may not be used. Email is acceptable.

Form 497 — 24-hour Contribution Report

Any committee that makes or receives contribution(s) totaling in the aggregate of \$1,000 or more from a single source during the 90 days immediately prior to the election in which the candidate or measure is to be voted must file a report within 24 hours of the time the contribution was made or received. State committees file this form electronically with the Secretary of State. Local committee file Form 497 with the City Clerk by guaranteed overnight delivery service or personal delivery. Email is acceptable.

Campaign Statements

All candidates with qualified committees are required to file semi-annual campaign statements no later than July 31, 2024 and January 31, 2025. In addition, all committees that have made or received contributions of \$2,000 or more or made expenditures of \$2,000 or more in connection with an election and during the periods specified in the chart to follow must file campaign statements on the required dates.

For all FPPC forms and complete instructions, please visit FPPC website www.fppc.ca.gov/forms.html.

<p style="text-align: center;">Candidates Receiving or Spending <u>OVER</u> \$2,000</p> <p style="text-align: center;">Must file forms 410 + 501 + 460's (pre-election & semi-annual) + 410 to terminate</p>
<p style="text-align: center;">Candidates Receiving or Spending <u>UNDER</u> \$2,000</p> <p style="text-align: center;">Must file forms 501 + 470 (pre-election)</p>

Filing is the Responsibility of 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 timely manner. As a courtesy, the Office of the City Clerk emails a reminder notice to candidates who, based on nomination documents, appear to have a campaign disclosure filing requirement.

Forms are available by telephoning the City Clerk Department at (650) 286-3250 or emailing clerk@fostercity.org. Assistance for filling out the forms should be obtained by calling the Technical Assistance and Analysis Division of the Fair Political Practices Commission at (916) 322-5662, or emailing advice@fppc.ca.gov.

Penalty for Late Filing

G.C. Section 91013 imposes a fine of \$10.00 per day after the filing deadline until a statement is filed. The liability is limited to the cumulative amount of the contributions or expenditures for the period covered by the late statement or \$100, whichever is greater. Persons who do not comply with the requirements of the law are also subject to criminal and civil penalties.

Basic Campaign Filing Guidelines for Candidates

Please see the Appendix for FPPC Checklists

Please review the full instruction for each form and applicable state regulation on the FPPC website (www.fppc.ca.gov).

<p style="text-align: center;">→</p> <p>Form 501 – Candidate Intention Who: All Candidates When: Before raising or spending any money, including personal funds. With: State and judicial candidates file with Secretary of State. Local candidates with Local Filing Officer.</p>	<p style="text-align: center;">→</p> <p>Form 410 – Statement of Organization Who: State and local candidates who raise \$2,000 or more. When: Anytime, but required to be filed within 10 days of reaching \$2,000 in contributions (or within 24 hours if \$2,000 level is reached in final 16 days before Election Day). With: File the original and one copy with Secretary of State. County and city committees also file a copy with the Local Filing Officer.</p>	<p style="text-align: center;">→</p> <p>Form 460 – Campaign Statement Who: All campaign committees formed via filing of a Form 410. When: Two pre-election statements due before election, and semi-annual statements thereafter until committee is terminated. ∞ Exception for <i>officeholders earning under \$200/yr. from the office and having inactive committees.</i> (GC § 84200). With: State and judicial candidate committees file with Secretary of State. A copy must also be filed with Local Filing Officer, if the state candidate does not file electronically with Secretary of State. Local committees file original and one copy with Local Filing Officer</p>
<p>→</p> <p style="text-align: center;">After the Election</p>		
<p>Form 470 Filers: No additional filing obligations during the current election year as long as less than \$2,000 was raised or spent. Must be filed by July 31 of each subsequent non-election year. Form 460 Filers: Must continue to file semi-annually until the committee terminates.</p>	<p>Successful Candidates</p> <p>Form 470 Filers: No further reporting obligations as long as less than \$2,000 was raised or spent during the calendar year. Form 460 Filers: Must continue to file semi-annually as long as the committee remains open. A state candidate controlled committee that has no "net debt outstanding" must terminate no later than 24 months after the election.</p>	<p>Defeated Candidates</p> <p>Form 470 Filers: No further reporting obligations as long as less than \$2,000 was raised or spent during the calendar year. Form 460 Filers: Must continue to file semi-annually as long as the committee remains open. A state candidate controlled committee that has no "net debt outstanding" must terminate no later than 24 months after the election.</p>
<p>→</p> <p style="text-align: center;">Terminate a Committee</p>		
<p>Form 470 Supplement Who: Candidates who filed form 470 but subsequently raised or spent \$2,000 or more for their campaign. When: Within 48 hours of raising or spending \$2,000. With: Secretary of State, Local Filing Officer, every other candidate seeking the same office. MUST ALSO FILE FORM 410</p>	<p>A committee may terminate only if it:</p> <ul style="list-style-type: none"> ∞ Has ceased receiving contributions or making expenditures; ∞ Has no remaining funds; ∞ Has filed all required campaign statements disclosing all reportable transactions, including the disposition of leftover funds; and ∞ Has eliminated all debts and loans, or has no intention or ability to discharge debts and loan 	<p>How to terminate: A committee must file a Form 410 and a final Form 460 or form 450. Where to File: Form 410: All committees file the original and a copy with Secretary of State. A local committee must also file a copy with Local Filing Officer. Form 460/450: State committees file with Secretary of State and local committees file with the Local Filing Officer.</p>

Contribution Limits

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. State contribution limits apply to Foster City candidates, as Foster City does not have separate contribution limits. 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 Regulations page. The default limit for contributions to city and county candidates subject to AB 571 for 2023-2024 is set at \$5,500 for each election.

For additional information, please see the FPPC AB 571 Fact Sheet: Contribution Limits

Fair Political Practices Commission Filing Calendar

Fair Political Practices Commission Filing Schedule for Candidates and their Controlled Committees for Local Office Listed on the November 5, 2024 Ballot

Deadline	Period	Form	Notes
Jul 31, 2024 <i>Semi-Annual</i>	* – 6/30/24	460	<ul style="list-style-type: none"> All committees must file this statement.
Within 24 Hours Election Cycle Reports	8/7/24 – 11/5/24	497	<ul style="list-style-type: none"> File if a contribution of \$1,000 or more in the aggregate is received from a single source. File if a contribution of \$1,000 or more in the aggregate is made to or in connection with <i>another</i> candidate or measure listed on the November 5, 2024, ballot. The recipient of a non-monetary contribution of \$1,000 or more in the aggregate must file a Form 497 within 48 hours from the time the contribution is received. File by personal delivery, e-mail, guaranteed overnight service, or fax. The committee may also file online, if available.
Sep 26, 2024 <i>1st Pre-Election</i>	7/1/24 – 9/21/24	460 or 470	<ul style="list-style-type: none"> Each candidate listed on the ballot must file Form 460 or Form 470 (see below).
Oct 24, 2024 <i>2nd Pre-Election</i>	9/22/24 – 10/19/24	460	<ul style="list-style-type: none"> All committees must file this statement. File by personal delivery or guaranteed overnight service. The committee may also file online, if available.
Jan 31, 2025 <i>Semi-Annual</i>	10/20/24 – 12/31/24	460	<ul style="list-style-type: none"> All committees must file Form 460 unless the committee filed termination Forms 410 and 460 before December 31, 2024.

Additional Notes:

- *Period Covered:** The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.
- Local Ordinance:** Always check on whether additional local rules apply.
- Deadline Extensions:** Deadlines are extended when they fall on a Saturday, Sunday, or an official state holiday. This extension does not apply to a 24-Hour/10-Day Contribution Report (Form 497) that is due the weekend before the election, and this extension never applies to any 24-Hour/10-Day Independent Expenditure Report (Form 496). Such reports must be filed within 24 hours, regardless of the day of the week.
- Method of Delivery:** All paper filings may be filed by first-class mail unless otherwise noted. A paper copy of a statement may not be required if a local agency requires online filing pursuant to a local ordinance.
- Form 501:** All candidates must file Form 501 (Candidate Intention Statement) before soliciting/receiving contributions.

www.fppc.ca.gov

Email Advice:
advice@fppc.ca.gov

Phone Advice:
1-866-ASK-FPPC

Campaign Filing Schedule

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Fair Political Practices Commission

- **Form 460:** Candidates who have raised/spent \$2,000 or more file Form 460. The Form 410 (Statement of Organization) must also be filed once \$2,000 or more has been raised/spent.
- **Form 470:** Candidates who do not raise or spend \$2,000 or more (or anticipate raising or spending \$2,000 or more) in 2024 and do not have an open committee may file Form 470 on or before September 26, 2024. If the candidate raises or spends \$2,000 or more, later during the calendar year, a Form 470 Supplement and a Form 410 must be filed.
- **Independent Expenditures:** Committees making independent expenditures totaling \$1,000 or more to support or oppose other candidates or ballot measures also file:
 - **Form 496:** This form is due within 24 hours if made in the 90-day, 24-hour reporting period of the candidate's or measure's election. Refer to the applicable filing schedule. Form 496 is filed with the filing officer in the jurisdiction of the affected candidate or measure.
 - **Form 462:** This verification form must be e-mailed to the FPPC within 10 days..
- **After the Election:** Reporting requirements will depend on whether the candidate is successful and whether a campaign committee is open. See [Campaign Disclosure Manual 2](#) for additional information.
- **Public Documents:** All statements and reports are public documents.
- **Resources:** Campaign manuals and other instructional materials are available on the [Campaign Rules](#) page. Or, visit www.fppc.ca.gov > Learn > Campaign Rules.

Code of Fair Campaign Practices

The following code sections concerning fair campaign practices, campaign literature and mass mailing are required by law to be issued to all candidates.

PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES as found in Chapter 5 of Division 20 of the California Elections Code:

Chapter 5. Fair Campaign Practices: Article 1. General Intent

20400. Intent of legislature.

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

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

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

Article 2. Definitions

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

Article 3. Code of Fair Campaign Practices

20440. Subscription to code; form.

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

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

20441. Supply of forms.

The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

20442. Retention of forms; public inspection.

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

20443. Public record.

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

20444. Voluntary.

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

For reference, the text of the code shall read, as follows:

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

THEREFORE:

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

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

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

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

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

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

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

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

Please print your name and the title of the office sought:

Signature	Date
-----------	------

(Name)	(Office Sought)	(Election Date)
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Selected State Laws Governing Campaign Practices

The following are selected laws from Divisions 18 and 20 of the California Elections Code, Title 9 of the Government Code (Political Reform Act) and accompanying regulations regarding campaign activities. For a complete listing of restrictions on campaign practices and accompanying regulations, please refer to the Divisions and Titles in their entirety. Please also see the County Candidate Guide, starting on page 56.

A “mass mailing” is defined as over 200 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. **GC §82041.5**

Government Code 84305. Mass Mailings; requirements.

(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 84502 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.

(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 two hundred 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 84217, 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.

Political Advertising

Any paid political advertisement referring to an election or to any candidate for state or local office contained in or distributed with a newspaper, shall bear on each page in type at least half as large as the type of the advertisement or in 10-point roman type, whichever is larger, the words, "Paid Political Advertisement," and such words shall be set apart from any printed matter. **EC §20008**

Political Signs -- State of California Requirements [for highways]

Business and Professions Code 5405.3

5405.3 Temporary political signs. Nothing in this chapter, including, but not limited to, Section 5405, shall prohibit the placing of temporary political signs, unless a federal agency determines that such placement would violate federal regulations. However, no such sign shall be placed within the right-of-way of any highway or within 660 feet of the edge of and visible from the right-of-way of a landscaped freeway.

A temporary political sign is a sign which:

- (a) Encourages a particular vote in a scheduled election.
- (b) Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- (c) Is no larger than 32 square feet.
- (d) Has had a statement of responsibility filed with the department (Department of Transportation) certifying a person who will be responsible for removing the temporary political sign and who will reimburse the Department for any cost incurred to remove it

Temporary Political Signs shall not be placed within the right-of-way of any highway, or within 660 feet of the edge of and visible from the right-of-way of a classified "Landscaped freeway".

Electioneering

"Electioneering" means the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within the 100 foot limit specified in subdivision (b). Prohibited electioneering information or activity includes, but is not limited to, any of the following:

- (1) A display of a candidate's name, likeness, or logo.
- (2) A display of a ballot measure's number, title, subject, or logo.

(3) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.

(4) Dissemination of audible electioneering information.

(5) Obstructing access to, loitering near, or disseminating visible or audible electioneering information at vote by mail ballot drop boxes.

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.

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:

a. Circulate an initiative, referendum, recall, or nomination petition or any other petition.

b. Solicit a vote or speak to a voter on the subject of marking his/her ballot.

c. Place a sign relating to voters' qualifications or speak to a voter on the subject of his/her qualifications except as provided in **EC §14240**. No person other than the precinct board or election official may challenge or question any voter on his/her qualifications.

d. Do any electioneering.

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.

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

EC §18370

Fine for Solicitation Requesting Voter Disclosure of his or her Ballot

EC §18403 provides that any person other than an election official or a precinct board member who receives a voted ballot from a voter or who examines or solicits the voter to show his or her voted ballot is punishable by a fine not exceeding ten thousand dollars (\$10,000), State imprisonment for 16 months or two or three years, a county jail term not exceeding one year, or both the fine and imprisonment. This section shall not apply to a person returning an absentee ballot or persons assisting a voter as provided by law.

Voter Intimidation

EC §18540 provides that every person who makes use of or threatens to make use of, or who hires or arranges for any other person to vote or refrain from voting at any election, or for any particular person or measure, or because any person voted or refrained from voting for any particular person or measure at any election, is guilty of a felony punishable by State imprisonment for 16 months or two or three years.

Please review pages 60-61 in the County Candidate Guide for additional necessary information about applicable laws.

Election Day and Election Results

Election Day and Results Reporting

All Vote Centers are open from 7 a.m. to 8 p.m. Election activities may be observed.

The County will commence with the semi-official canvass immediately upon the close of the polls at 8 p.m. Generally, results will be released as follows:

- 8:10 p.m.: Vote by Mail Ballots Only
- 9:00 p.m.: All Vote Center Electronic Voting Results (Updated every 30 minutes until completion)

There are two different ways you may obtain Election Night Semi-Official results:

- View the results as they are posted on the County website at www.smcacre.org
- Subscribe to emailed reports, via subscription form posted on www.smcacre.org one week prior to the election.

For further information on Election Day procedures, observing the process, and election results reporting, please see page 71-72 of the County Candidate Guide or visit smcacre.org.

Declaration of Elected Candidate, Seating of Newly Elected Councilmember

At the time that the official canvass is submitted to the City Council by the City Clerk, a declaration of the elected candidates will be made through the adoption of a resolution of the City Council. It is anticipated that the installation of the newly elected Councilmembers and the reorganization of the City Council, including the election of a new Mayor and Vice Mayor, will be held at the special meeting of December 9, 2024.

Appendix

RESOLUTION NO. 89-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY
ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING
TO CANDIDATE'S STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION

CITY OF FOSTER CITY

WHEREAS, Section 10012 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1. GENERAL PROVISIONS. That pursuant to Section 10012 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Foster City may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the office of the City Clerk at the time the candidate's nomination papers are filed. The 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.

2. SPANISH LANGUAGE. The City Clerk shall have translated and printed in the voters pamphlet only the candidate's statements of those candidates who request translation and printing.

3. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

4. PAYMENT. The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to the Elections Code, and require each candidate filing a statement to pay in advance his or her pro rata share as a condition of having his or her statement included in the voter's pamphlet. The City Clerk shall bill each candidate for any cost in excess of the deposit or shall refund within 30 days of the election any unused portion of the deposit.

5. That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

6. That this resolution shall apply at the next ensuing municipal election and at each municipal election after that time.

PASSED AND ADOPTED as a Resolution of the City Council of the City of Foster City at the Regular Meeting held on the 3rd day of July, 1989, by the following vote:

AYES: Councilmen Chinn, Fitzgerald, Martinson, Oliver, and
Mayor Battaglia
NOES: None
ABSENT: None
ABSTAIN: None


THOMAS C. BATTAGLIA, MAYOR

ATTEST:


MARVELL L. HERREN, CITY CLERK

RESOLUTION NO. 2023-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY REPEALING CITY RESOLUTION NO. 2015-50 AND CHANGING THE CANDIDATE STATEMENT DEPOSIT AMOUNT TO \$900 AND INCLUDING ALL LANGUAGE TRANSLATIONS AS REQUIRED BY LAW

CITY OF FOSTER CITY

WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including the costs of the candidate's statement and each candidate for elective office to be voted for at an election held in the City of Foster City on November 5, 2024 and thereafter may voluntarily prepare a candidate's statement of an appropriate form provided to the City Clerk; and

WHEREAS, the statement may include the name, age and occupation of the candidate and a brief description of no more than two hundred words in length for the candidate's education and qualifications expressed by the candidate himself or herself; and

WHEREAS, the statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations and shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed; and

WHEREAS, the 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 and such statement will be the only material sent with the sample ballots and no other material will be included for distribution; and

WHEREAS, the City Council of the City of Foster City had by adoption of City Resolution No. 2015-50, designated a deposit amount of \$400 from the candidate to bear the total cost associated with the printing, handling, translating, and mailing of candidate statements in voter sample ballots; and

WHEREAS, the City of Foster City finds that the actual cost associated with the printing, handling, translating, and mailing of candidate statements in voter sample ballots is more than \$400, and the City needs to request additional payment from candidates.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City does hereby repeal City Resolution No. 2015-50 and designates a deposit amount of \$900 from the candidate to bear the total cost associated with the printing, handling, translating, and mailing of candidate statements in voter sample ballots.

City Resolution No. 2023-102

BE IT FURTHER RESOLVED, by the City Council of the City of Foster City that each candidate who requests that a Statement of Qualifications be published and distributed with the sample ballot for the Statewide General Election, shall be charged a deposit of \$900.00 to cover the cost of publication of such Statement of Qualifications, including the cost of translation of such statement into all languages as required by law, if requested by the candidate. Any unused funds will be refunded to the candidate. Similarly, any overage of cost will be invoiced to the candidate.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the Regular Meeting held on the 6th day of November 2023, by the following vote:

AYES: Councilmembers Hindi, Jimenez, Kiesel, Sullivan and Mayor Froomin

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:

Jon Froomin

2D25455531B4454...

JON FROOMIN, MAYOR

ATTEST:

DocuSigned by:

Priscilla Schaus

6134E59FA33B4AB...

PRISCILLA SCHAUS, CITY CLERK

Fictitious Samples of Candidate Statements

Below are fictitious samples of 200-word statements as they would appear in the County Sample Ballot & Official Voter Information Pamphlet. Statements will appear in the same order as the candidates' names appear on the ballot, except for offices elected throughout the county (which are rotated on the ballot by Supervisorial district, but not rotated in the County Sample Ballot & Official Voter Information Pamphlet).

CANDIDATES FOR THE OFFICE OF CITY COUNCIL

<p>JOSEPH W. CANDIDATE Occupation: Businessman/Community Volunteer</p> <p>Education and Qualifications: I have lived here my entire life and I love this community. I would like to get more involved in our community affairs. I believe that I am the best person for this position and I am willing to work very hard to make our lovely little community the best that it can possibly be. If you elect me I promise that I will dedicate all of my spare time to fulfilling the requirements of this position and pushing forward the special projects that are in desperate need of my time and attention. I believe that by improving our community we can provide a safe and secure environment for our children and families to enjoy a quality of life that is no longer available in the big overgrown metropolis to the west of us.</p> <p>I have years of experience in planning and organizing, and I am willing to use all of this experience and all of my training and education to do the best job that I can. I will make myself readily available to the public for all needs.</p> <p>Please support me. Jcandidate@email.com or www.joecandidate.com /s/</p>	<p>JANE CAMPAIGNER Age: 41 Occupation: Educator</p> <p>Education and Qualifications: I have lived here my entire life and I love this community. I would like to get more involved in our community affairs. I believe that I am the best person for this position and I am willing to work very hard to make our lovely little community the best that it can possibly be.</p> <p>If you elect me I promise that I will dedicate all of my spare time to fulfilling the requirements of this position and pushing forward the special projects that are in desperate need of my time and attention. I believe that by improving our community we can provide a safe and secure environment for our children and families to enjoy a quality of life that is no longer available in the big overgrown metropolis to the west of us. I have years of experience in planning and organizing, and I am willing to use all of this experience and all of my training and education to do the best job that I can. I will make myself readily available to the public for all needs. Please support me. Jcampaigner@email.com /s/</p>
<p>FRED BUSINESSMAN Age: 38 Occupation: Health Director</p> <p>Education and Qualifications: I have lived here my entire life and I love this community. I would like to get more involved in our community affairs. I believe that I am the best person for this position and I am willing to work very hard to make our lovely little community the best that it can possibly be. If you elect me I promise that I will dedicate all of my spare time to fulfilling the requirements of this position and pushing forward the special projects that are in desperate need of my time and attention. I believe that by improving our community we can provide a safe and secure environment for our children and families to enjoy a quality of life that is no longer available in the big overgrown metropolis to the west of us. I have years of experience in planning and organizing, and I am willing to use all of this experience and all of my training and education to do the best job that I can. I will make myself readily available to the public for all needs. Please support me. You may find more information about my campaign at www.fredbusinessman.com /s/</p>	<p>MARGARET "PEG" VOTER Age: 45 Occupation: Real Estate Agent/Mother</p> <p>Education and Qualifications: I have lived here my entire life and I love this community. I would like to get more involved in our community affairs. I believe that I am the best person for this position and I am willing to work very hard to make our lovely little community the best that it can possibly be. If you elect me I promise that I will dedicate all of my spare time to fulfilling the requirements of this position and pushing forward the special projects that are in desperate need of my time and attention.</p> <p>I believe that by improving our community we can provide a safe and secure environment for our children and families to enjoy a quality of life that is no longer available in the big overgrown metropolis to the west of us. I have years of experience in planning and organizing, and I am willing to use all of this experience and all of my training and education to do the best job that I can. I will make myself readily available to the public for all needs. Call me anytime (650.555.5555). Please support me. /s/</p>

CAMPAIGN BASICS

For candidates spending \$2,000 or more



CAMPAIGN RULES PAGE:

Bookmark the [Campaign Rules](#) page to find resources and answers to campaign-related questions throughout your campaign. All links noted below can be reached through the [Campaign Rules](#) page.

[FPPC Home Page](#) > [Learn](#) > [Campaign Rules](#)

TWO IMPORTANT RULES TO REMEMBER:

- Candidates **MUST** file Form 501 before soliciting or accepting contributions.
- Candidates **MUST** deposit funds into the campaign bank account before spending money on the campaign. Candidates may not spend money out of pocket for campaign expenses.

FORMS TO START:

- Form [501](#) – Candidate Intention Statement
- Form [410](#) – Statement of Organization (No bank account yet? Enter “Pending” where asked.)
- Form [700](#) – Statement of Economic Interests (See your elections official for filing date.)

ID NUMBER:

1. Send completed Form 410 to CA Secretary of State (SOS) and a copy to your local filing official.
2. SOS issues the committee ID number and posts it to their website, usually within 1-2 business days after receiving your completed Form 410.
3. To find your committee ID number, go to cal-access.sos.ca.gov.
4. Enter your committee name in the search bar at top left of the screen.
 - If your committee ID number is not available, SOS may not have posted it yet. Or, the Form 410 may be incorrect and SOS will send you a notice via USPS.
 - To find out the status of your ID number, contact the SOS at (916) 653-6224.

FILING SCHEDULES & DEADLINES:

Determine what campaign reports are due, and when they’re due, by reviewing your [filing schedule](#).

MOST COMMON CAMPAIGN REPORTS:

- Form [460](#) – Recipient Committee Campaign Statement
- Form [497](#) – 24-Hour Contribution Report

MANUALS:

- Disclosure [Manual 1](#) – State Candidates
- Disclosure [Manual 2](#) – Local Candidates and Judges

CANDIDATE/TREASURER VIDEO:

Watch the [Candidate/Treasurer video](#) and print the accompanying [slides](#).

TRAINING OPPORTUNITIES:

In addition to the video above, you may learn more by registering for [webinars and workshops](#).

[FPPC Home Page](#) > [Learn](#) > [Campaign Rules](#) > [Training & Outreach](#) > [Candidate, Treasurer, or Committee?](#)

QUESTIONS?

- advice@fppc.ca.gov
- (866) 275-3772 Mon-Thurs, 9-11:30 a.m.



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
Local Candidate/Committee Checklist

○ File Form 501 (Candidate Intention)

You must file [Form 501](#) before soliciting, raising or spending any money in connection with your election. The only exception to this requirement is if you use personal funds to pay a filing fee or ballot statement fee.

Candidates Raising and Spending Less than \$2,000

○ File Form 470 (Officeholder and Candidate Campaign Statement Short Form)

The [Form 470](#) is filed by candidates who do not have a controlled committee and do not anticipate receiving or spending \$2,000 or more, including personal funds, in a calendar year. These candidates generally do not file a Form 410 or other campaign statements or reports related to their campaign unless they receive or anticipate receiving or spending \$2,000 or more.

Candidates Raising \$2,000 or More

○ File Form 410 (Statement of Organization)

Once you receive or spend \$2,000 or more in a calendar year, you must file a [Form 410](#) as a recipient committee within 10 days of qualifying. File the original and one copy of the Form 410 with the Secretary of State and a copy with your local filing officer. The Secretary of State's address is on the Form 410.

○ Open a Campaign Bank Account

All monetary contributions (including all personal funds you use for your campaign) must be deposited in the campaign bank account before being spent. Never deposit campaign contributions in your personal bank account.

○ Committee Treasurer

The Act requires that every committee appoint a treasurer. The individual listed on the most recent Form 410 with the Secretary of State continues to be legally responsible until an amendment is filed to designate a new treasurer. Please note a candidate may act as his or her own treasurer.

○ File Campaign Statements

You must file campaign statements ([Form 460](#)) disclosing the committee's activity during a specified period. Please access the Commission's filing schedules to find the schedule that applies to you/your election. Committees are required to file campaign statements as well as other reports including semi-annual campaign statements until the committee terminates.

○ 24-Hour Reports

Within 90 days before the election, including the date of the election, if a committee receives a contribution(s) of \$1,000 or more from a single source, including loans from the candidate, the [Form 497](#) must be filed within 24 hours.

○ Local Campaign Contribution Limits

Make sure you are aware of any local contribution limits before accepting contributions.

○ After the Election

Following the election, your duty to file campaign statements continues until your committee terminates. In order to terminate, you must file a Form 460 with your local filing officer reporting a zero balance AND a Form 410 indicating the termination with the Secretary of State's Office and a copy with your local filing officer.

This factsheet provides guidance and a general overview of the rules for campaigns, but it does not replace any requirements under the [Political Reform Act](#) or [Fair Political Practices Commission Regulations](#). Information here should be used in conjunction with a careful review of the applicable laws.



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
Local Candidate/Committee Checklist

Additional Resources and Helpful Links

- [Campaign Manual 2 - For Local Candidates and their Controlled Committees](#)
- [All Campaign Forms](#)
- [Filing Schedules](#)
- [Fact Sheet on Terminating Your Committee](#)
- [Political Advertisement Disclaimers for Candidate Committees for their own Election](#)
- [Frequently Asked Questions on Campaign Activity](#)
- [Local Campaign Ordinances](#)
- [City and County Campaign Contribution Limits](#)

Have Further Questions?

Feel free to contact us by email at advice@fppc.ca.gov or by phone at 1-800-ASK-FPPC.
Please note that our advice phone hours are 9:00 am – 11:30 am, Monday through Thursday.

This factsheet provides guidance and a general overview of the rules for campaigns, but it does not replace any requirements under the [Political Reform Act](#) or [Fair Political Practices Commission Regulations](#). Information here should be used in conjunction with a careful review of the applicable laws.

Fair Political Practices Commission

Contribution Limits: City and County Candidates¹

Introduction

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 Regulations page](#). The default limit for contributions to city and county candidates subject to AB 571 for 2023-2024 is set at \$5,500 per election.

Other Provisions Affecting City and County Candidates

Several other provisions will now apply to city and county candidates in jurisdictions that have not enacted campaign contribution limits, including the following:

- A candidate may not make a contribution over the AB 571 limit to another candidate in jurisdictions subject to the AB 571 limit with limited exceptions related to recall elections, legal defense funds and candidate-controlled ballot measure committees. (See Regulation 18535 for more information.)
- A candidate that has qualified as a committee must establish a separate controlled committee and campaign bank account for each specific office. Candidates may not redesignate a committee for one election for another election.
- Candidates may transfer non-surplus campaign funds from one candidate-controlled committee to another committee controlled by the same candidate for a **different** office if the committee receiving the transfer is for an elective state, county or city office. However, contributions transferred must be attributed and transferred using the “last in, first out” or “first in, first out” accounting method and

shall not exceed the applicable contribution limit per contributor. If a candidate is seeking to transfer campaign funds from one controlled committee to another for the **same** office a candidate may carry over non-surplus campaign funds raised in connection with one election to pay for campaign expenditures incurred in connection with a subsequent election for the **same** office without attributing or using the “last in, first out” or “first in, first out” accounting method. (See Regulation 18536 for more information on the transfer and attribution of contributions and See Regulation 18537.1 for more information on carryover of contributions.)¹

- Candidates may not personally loan to a candidate’s campaign an amount for which the outstanding balance exceeds \$100,000. “Campaign” includes both the primary and general, or special and special runoff, elections. However, a candidate may loan each committee for a different office or term of office up to \$100,000. A candidate may not charge interest on any such loan the candidate made to the candidate’s campaign. (See Regulation 18530.8 for more information.)
- Candidates may establish a committee to oppose the qualification of a recall measure and the recall election when the candidate receives a notice of intent to recall. Campaign funds raised to oppose the qualification of a recall measure and/or the recall election would not be subject to any campaign contribution limit under the Act. (See Regulation 18531.5 for more information.)
- A candidate for local office may open a candidate-controlled general purpose ballot measure committee to oppose or support a measure being voted on. The committee must identify on its campaign statements and reports each measure for which an expenditure of \$100 or more is made. (See Regulations 18421.8 and 18521.5 for more information.)
- Contributions after the date of the election may be accepted to the extent contributions do not exceed net debts outstanding from the election, and contributions do not otherwise exceed applicable contribution limits for that election. (See Regulation 18531.64 for more information.)

¹ This fact sheet is informational only and contains only highlights of selected provisions 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.

² The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.¹

- Candidates are permitted to raise contributions for a general election before the primary election and may establish separate campaign contribution accounts for the primary and general so long as candidates set aside contributions and use them for the general or special general election as raised. If the candidate is defeated in the primary election or otherwise withdraws from the general election, the general election funds must be refunded to contributors on a pro rata basis less any expenses associated with the raising and administration of the general election contributions. (See Regulation 18531.2 for more information.)
- Candidates that are currently in office that are running for reelection to the same seat in an election after January 1, 2021 may carry over campaign funds without attribution as mentioned above. Candidates running for a different office also do not need to do LIFO FIFO or attribution for the election immediately subsequent to the election prior to 2021 for which the money was raised.
- Candidates must disclose cumulative totals of contributions received or made for each election on campaign statements. (See Regulation 18421.4 for more information.)

FAQs

A. If a city or county does not currently have contribution limits set within their ordinance would the state contribution limit be the default?

Yes. The state contribution limit stated above would be the default contribution limit if the city or county ordinance is silent on whether there are contribution limits within that jurisdiction or if there is no city or county ordinance in place.

B. Is there a way for a city or county to adopt “no” contribution limits for city or county elective city and county offices?

Yes. A city or county may elect to have “no” contribution limits. To do so, it must explicitly state in the city or county ordinance that there are no limits on contributions. If it is explicit that the city or county has implemented “no” contribution limits, the state contribution limit will not apply as a default for that jurisdiction.

C. Can a city or county ordinance be less restrictive than the AB 571 limit (e.g., the city or county limit is set higher than the state limit)?

Yes. A city or county can set contribution limits higher than the default state limit.

D. If a city or county imposes contribution limits, is the Commission responsible for enforcing those limits?

No. The Commission will not regulate the administration or enforcement of the penalties. Cities or counties with existing limits or that adopt their own limits are not subject to the state limit and may impose their own penalties for violations.

E. If a city or county has voluntary contribution limits, but no mandatory contribution limits will the state limit be applicable?

Yes. A city or county must enact mandatory contribution limits to avoid the state limit applying to elective city and county offices.

F. Does the default contribution limit also include judicial candidates?

No. Elective city and county offices do not include judicial offices.

G. If a city or county has imposed contribution limits for particular city or county offices (e.g., Board of Supervisors), do those limits also apply to other positions such as the District Attorney or would the default state limit apply if a particular position is not specifically addressed by the city or county?

The default state limit would apply to other positions for which the city or county has not set contribution limits. A city or county ordinance must explicitly state the city or county contribution limits and for which elective offices those limits will apply. A city or county may adopt a general provision implementing a contribution limit for all elective city and county offices in that jurisdiction. As noted above, a city or county may also adopt an ordinance that states the city or county is adopting no contribution limits for any offices to avoid the default state limit applying.

H. Does AB 571 apply to special district or school district elections?

No. AB 571 applies only to city and county elections for offices that a city or county has not implemented its own contribution limit.

I. Does AB 571 apply to the office of County Superintendent of Schools or the office of County Board of Education?

AB 571 does apply to the office of County Superintendent of Schools because it is considered a “county” office. However, the office of County Board of Education is not subject to AB 571 because it’s not considered a “county” position.

J. Can candidates that are subject to the AB 571 contribution limit open an officeholder committee?

No. Officeholder committees are not permitted for candidates subject to the AB

571 contribution limit. However, a candidate may use a committee for the officeholder's future election for officeholder expenses. A candidate may also use existing funds in the election committee for current office for officeholder expenses.

K. Does the AB 571 contribution limit apply to debt retirement for the 2020 election?

No. For purposes of retiring debt, the contribution limit is the one that was applicable to that election. The Act did not impose a contribution limit on city and county candidates in 2020.

L. If a contribution was received for an election occurring after January 1, 2021, PRIOR to January 1, 2021, does this contribution count towards the new AB 571 contribution limit after January 1, 2021?

No. The Commission adopted a formal opinion on April 15, 2021 that states contributions made prior to the effective date of AB 571 are not aggregated with contributions made on or after the effective date of AB 571 for purposes of the new contribution limit. Therefore, if someone contributed up to or above the current limit to an AB 571 committee prior to January 1, 2021 the same person can give additional contributions to the same committee up to the AB 571 contribution limit on or after January 1, 2021.

M. If a contributor gave \$10,000 in 2020 (prior to the AB 571 limit going into effect) to a committee for a 2022 primary election, what happens?

The AB 571 contribution limit does not apply to contributions made prior to January 1, 2021 so a contribution of this amount is permissible.

N. Does the AB 571 contribution limit apply to political party committees and small contributor committees making contributions to candidates subject to the AB 571 limit?

Yes. Political parties and small contributor committees are only permitted to give contributions to candidates subject to the AB 571 in amounts up to the applicable AB 571 contribution limit for that candidate.

O. Does the AB 571 limit apply to county central committee candidates?

No. AB 571 imposes a contribution limit on city and county elective offices when a local jurisdiction has not already done so. Local jurisdictions are prohibited from placing contribution limits on county central committee candidates; therefore, AB 571 is not applicable to those offices.

P. If an election was held in November 2023, but resulted in the need for a run-off election to be held in February 2024, how would the contributions be treated under AB 571?

The run-off election is considered a new election. If a contributor gave any amount to an AB 571 candidate for the November 2023 election, the same contributor would still be permitted to contribute up to \$5,500 (the AB 571 limit) to the same candidate for the February 2024 run-off election.

Q. An AB 571 candidate for city council would like to send out a request for contributions to their constituents. Do they need to include anything specific in the request?

Yes. A candidate that is subject to AB 571 must have the following information in the solicitation: the name of the controlled committee soliciting contributions, and the specific office for which those contributions will be used.

R. If an AB 571 candidate is the subject of a recall, is their committee to oppose the recall subject to contribution limits?

No. There are no contribution limits for a committee controlled by a candidate that is the subject of a recall that is formed to oppose the recall.

S. An AB 571 candidate has debts for an election held after January 1, 2021, may the candidate terminate their committee?

No. If a candidate-controlled committee has outstanding debts for an election held after January 1, 2021, they may not terminate without resolving or paying off the debt. When the committee has no net debts outstanding, the committee must be terminated within 24 months after the earliest of the date the candidate is defeated, leaves office, or the term of office for which the committee was formed ends, or, for withdrawn candidates no later than 24 months after the election from which the candidate withdrew. Please see Regulation 18404.1 for more on termination requirements for committees subject to AB 571.

T. If a local jurisdiction, which is subject to AB 571, passes a local campaign contribution ordinance, are the candidates still subject to AB 571?

No. They would no longer be subject to AB 571.

Index of Regulations and Government Codes:

FPPC Regulations:

[18404.1](#)

[18421.4](#)

[18421.8](#)

[18521](#)

[18521.5](#)

[18523.1](#)

[18530.2](#)

[18530.8](#)

[18531.2](#)

[18531.5](#)

[18531.61](#)

[18531.63](#)

[18531.64](#)

[18535](#)

[18536](#)

[18537.1](#)

[18545](#)

[18951](#)

Government Code(s):

85301

85303

85304.5

85305

85306

85307

85315

85316

85317

85318

85702.5



Officers and Section 84308

October 2023

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INTRODUCTION

Section 84308 is a California law aimed at preventing “pay-to-play” practices, in part, by prohibiting parties, participants, and their respective agents in a proceeding involving a license, permit, or other entitlement for use (collectively referenced as an “entitlement for use proceeding” or “proceeding”) from contributing more than \$250 to an officer of the agency the proceeding is before during a 12-month period. An officer is similarly prohibited from accepting, soliciting or directing such a contribution. The prohibition on contributions applies to any 12-month period while the proceeding is pending and for 12 months following the date a final decision is rendered in the proceeding.

Under Section 84308, the officer of an agency is required to disclose any contribution exceeding an aggregate \$250 that a party or any participant has made to them within the 12 months preceding the proceeding. Further, the officer of an agency may not make, participate in making, or in any way attempt to use their official position to influence the decision in the proceeding pending before the agency if the officer has received a contribution of more than \$250 within the preceding 12 months from a party, or a party’s agent. An officer of an agency is similarly prohibited from taking part in a proceeding if the officer received a contribution of more than \$250 within the preceding 12 months from a participant, or participant’s agency, if the officer knows or has reason to know that the participant has a financial interest in the decision.

When it was first enacted in 1982, Section 84308 applied to appointed members of boards and commissions who were running for elective office. (Stats. 1982, ch. 1049 § 1 (“Levine Act”).) However, effective January 1, 2023, the Legislature expanded the scope of its prohibitions to apply to agencies whose members are directly elected by voters and extend the prohibitions from 3 months to 12 months after the final decision in a proceeding. (Stats. 2022, ch. 848 § 1 (“SB 1439”) .)

The following is a step-by-step guide to help you determine:

- Whether you are an “officer” subject to Section 84308’s prohibitions;
- What your responsibilities are;
- What type of proceedings are covered;
- Who meets the definition of a party, participant or their agent;
- When there is a financial interest involved; and
- What to do in the event you have accepted a contribution subject to the prohibitions in Section 84308.

Frequently Asked Questions are also addressed.

A. AM I AN “OFFICER”?

1. Qualifications

Section 84308 defines “officer” as “any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elected office in an agency.”

To determine whether you qualify as an “officer” for purposes of Section 84308, and an “officer of the agency” subject to the restrictions of Section 84308, ask yourself:

(1) Do I have the ability to:

- a. “Make, participate in making, or in any way attempt to use my official position to influence” a decision (defined further below) in the relevant entitlement for use proceeding; or
- b. Exercise authority or budgetary control over the agency of officers who may do so?

(2) Do I serve in any of the following capacities:

- a. In an elected position;
- b. As a member of a board or commission;
- c. As the chief executive of a state agency or county, city or district of any kind; or
- d. In a position with decision-making authority with respect to the proceeding and I am also a candidate for elected office or I was a candidate for elected office in the 12 months prior to the proceeding?

If your answer to both of the above questions is “yes,” then you qualify as an “officer” for purposes of Section 84308 and you are an “officer of the agency” subject to the applicable restrictions.

Note: A candidate for elective office who does not meet any of the above criteria is not an “officer of the agency” and the Section 84308 restrictions applicable to an “officer of the agency” will not apply until such time as the candidate serves in one of the positions noted above. (See, e.g., Butler Advice Letter, No. A-23-103.)

2. Exceptions

The term “officer” does not apply to any person acting in any of the following positions:

- Member of the courts or any agency in the judicial branch;
- Member of the Legislature;
- Member of the Board of Equalization; or

- A Constitutional officer (i.e., the Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, State Treasurer, and Superintendent of Public Instruction).

B. WHAT ARE MY RESPONSIBILITIES AND LIMITATIONS?

If you meet the definition of an “officer” under Section 84308 and are an “officer of the agency,” or become an “officer of the agency” following your candidacy, you are subject to the following prohibitions related to entitlement for use proceedings:

1. Prohibition: Accepting, Soliciting, or Directing Contributions Exceeding \$250 During 12-Month Period While the Proceeding is Pending and 12 Months After

For any entitlement for use proceeding, you are prohibited from accepting, soliciting, or directing a contribution of more than two hundred fifty dollars (\$250) from any party or a party’s agent, or from any participant or a participant’s agent if you know or have reason to know that the participant has a financial interest in the proceeding.

This applies during any 12-month period while the proceeding is pending and for 12 months following the date of the final decision.

12-Month Period Example 1

A party files an application with your office on January 1, 2023. The same day, the party contributes \$250 to your campaign committee. Your agency’s consideration of the application extends beyond one year and, on January 1, 2024, the party contributes another \$250 to your campaign committee. The party does not violate Section 84308 by making the second contribution while the proceeding is pending and you do not violate Section 84308 by accepting the second contribution because you have not received more than \$250 during any 12-month period.

12-Month Period Example 2

A party files an application with your office on January 1, 2023. The same day, the party contributes \$150 to your campaign committee. On July 1, 2023, the party contributes another \$100. The matter is pending before you the proceeding extends beyond one year. On January 1, 2024, the party contributes another \$250.

The party violates Section 84308 and you will violate Section 84308 by accepting the \$250 contribution because you received more than \$250 during a 12-month period. You received \$100 from the party on July 1, 2023, and \$250 on January 1, 2024, for a total of \$350 during a 12-month period.

2. Prohibition: Taking Part in Entitlement for Use Proceeding

You are prohibited from making, participating in making, or in any way attempting to use your official position to influence the decision in an entitlement for use proceeding pending before the agency if you have willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or a party's agent, or from any participant or a participant's agent if you know or have reason to know that the participant has a financial interest in the decision.

- **Making a Governmental Decision:** You “make” a governmental decision if you authorize or direct any action, vote, appoint a person, obligate or commit your agency to any course of action, or enter into any contractual agreement on behalf of your agency.
- **Participating in a Governmental Decision:** You “participate in making a governmental decision” if you provide information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.
- **Attempting to Use Official Position to Influence a Governmental Decision:** You “attempt to use your official position to influence a governmental decision” if you: (1) contact or appear before any official in your agency or in an agency subject to the authority or budgetary control of your agency for the purpose of affecting a decision; or (2) contact or appear before any official in any other government agency for the purpose of affecting a decision, and you act or purport to act within your authority or on behalf of your agency in making the contact.

3. Disclosure Requirements: Contributions Received in Prior 12 months

If you have received a contribution exceeding \$250 from a party, participant, or agent thereof *within the preceding 12 months*, you are required to disclose (or have another agency officer or employee disclose on your behalf) the contribution as follows:

- **Form:** Disclosure may be made orally or in writing when made in a meeting. Disclosure must be made in writing if no meeting is held.
- **Timing:** If a public meeting is held, disclosure must be made at the beginning of the meeting. If you learn of the party’s contribution or the participant’s contribution and financial interest during the meeting, disclosure must be made before you continue to take part in the proceeding. If no public meeting is held, written disclosure must be entered into the agency’s public record.
- **Contents:** The disclosure must include:
 - The fact that you have received contributions from a party, participant, or agent thereof, greater than \$250 within the preceding 12 months; and
 - The name(s) of the contributor(s).
- **Legally Required Participation:** If you are taking part in a governmental decision on the basis that your participation is legally required, the disclosure must also include:
 - A summary description of the circumstances under which you believe the conflict may arise; and
 - The legal basis for concluding there is no alternative source of decision.

C. AM I TAKING PART IN A “PENDING LICENSE, PERMIT, OR OTHER ENTITLEMENT FOR USE” PROCEEDING?

1. License, Permit, or Other Entitlements for Use Proceedings

Section 84308 defines the term “license, permit, or other entitlement for use” to mean “all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (*other than competitively bid, labor, or personal employment contracts*), and all franchises.”

The term “entitlement for use” is not defined by Section 84308. The overall scheme and purpose of Section 84308 suggests that the types of proceedings which should be covered by Section 84308 are those in which specific, identifiable persons are directly affected or in which there is a direct substantial financial impact upon the participants. The California courts have examined the term “entitlement for use” in other contexts. These decisions provide useful guidance; however, interpretation of the Act is not necessarily limited by interpretation of other laws. Below is a list of proceedings the FPPC has previously advised on as entitlement for use proceedings. (See, e.g., *Velasquez* Advice Letter, No. I-23-065; *Quadri* Advice Letter, No. A-02-096; *Washington* Advice Letter, No. I-91-521.)

Note: Section 84308 does not cover proceedings in which general policy decisions or rules are made or where the interests affected are many and diverse.

Examples of Entitlement for Use Proceedings

- Building and development permits
- Charter school petitions
- Conditional use permits
- Contracts generally, including small purchase order agreements, unless an exception applies
- Public street abandonments
- Private development plans
- Professional license revocations
- Rezoning of specific real estate parcels
- Event permits
- Rulemaking procedures affecting a particular industry where only a small number of businesses are affected
- Special district formation proceedings involving the creation of a special use or benefit to the persons in the district
- Tentative subdivision and parcel maps
- Zoning variances

2. When is the Proceeding “Pending”?

For an officer, an entitlement for use proceeding has commenced and is considered “pending” only when:

- The decision is before you for your consideration. If you are a member of a governing body, this includes any item placed on the agenda for discussion or decision at a public meeting of the body; **or**
- You know or have reason to know the proceeding is *before the jurisdiction of your agency* for its decision or other action, *and* it is reasonably foreseeable *the decision will come before you in your decision-making capacity.*
- **Note:** A different definition of “pending” applies to parties, participants, and their agents. For these persons, it is “pending” when it is before the agency’s jurisdiction for action.

Pending Proceeding Example 1

A non-profit organization submits a permit application to the City Parks Department to host a large event at a City park. You are a member of the City Council. Absent any outside knowledge, at this point, you do not “know or have reason to know” about the proceeding and, therefore, it is not “pending” for you. Therefore, you would not violate Section 84308 by accepting, soliciting, or directing a contribution of more than \$250 from the non-profit *at this point in the process.*

Pending Proceeding Example 2

Continuing the above example, the event permit application is rejected by the Parks Department and the non-profit appeals the decision to the City Council. The non-profit's permit item appears on the agenda for an upcoming City Council meeting. At this point, the proceeding is "pending" for you and you are now prohibited from accepting, soliciting, or directing a contribution of more than \$250 from the non-profit.

Pending Proceeding Example 3

Alternatively, suppose that prior to the permit decision appearing on a City Council meeting agenda, a City staff member told you that the project was pending before the Parks Department and would likely come before the City Council at some point if the Parks Department rejects the application. Because you have this information, the proceeding would be "pending" for you, even though the item had not yet been included on a City Council meeting agenda.

D. FOR THE PROCEEDING, WHO ARE THE "PARTIES, PARTICIPANTS, OR THEIR AGENTS"?

1. Parties

Section 84308 defines "party" as "any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use."

2. Participants

Section 84308 defines "participant" as any person who is not a party but who **actively supports or opposes a particular decision** in an entitlement for use proceeding and who has a **financial interest** in the decision.

In general, a person will qualify as a participant if the person has a financial interest in the proceeding and communicates with you or agency staff for the purpose of influencing a decision in the proceeding. This includes when the person:

- Lobbies in person;
- Testifies in person; or
- Otherwise acts to influence a proceeding by communicating with an officer or employee of the agency for the purpose of influencing a decision in the proceeding.

Note: This does not include communications made to the public outside of the proceeding.

Participant Example 1

One person sends a letter to the City Council regarding an entitlement for use proceeding. Another person makes a public comment regarding the entitlement for use proceeding during a public meeting. If either person has a financial interest in the proceeding, that person qualifies as a **participant**.

Participant Example 3

One person writes an op-ed article, published in the local paper, in support of the City Council approving an application in an entitlement for use proceeding. Another person protests outside of City Hall before the entitlement for use proceeding is held, yelling and chanting that the City Council should vote no on the underlying project. Even if one of these persons has a financial interest in the proceeding, as long as the person does not communicate directly with the officer or agency regarding the proceeding, the person is **not a participant**.

Financial Interests

In general, a person is considered to have a “financial interest” for purposes of Section 84308 if it is **reasonably foreseeable the proceeding, or a governmental decision within the proceeding**, would have a **material financial effect on one or more** of the person’s **economic interests**. Relevant economic interests include the person’s interests in business entities, real property, sources of income, sources of gifts, and personal finances.

Determining whether a person has a **financial interest** in a proceeding or particular governmental decision can be a complex matter. For this reason, if you have knowledge or reason to know that a person who may qualify as a participant in a proceeding has a potential financial interest, you should contact the FPPC for assistance to understand whether the duties and prohibitions of Section 84308 will apply. More information on financial interests, when a financial interest is “material” and when you would have “reason to know” is detailed further below.

3. Agents

A person is the “agent” of a party or participant in a pending entitlement for use proceeding if the person:

- Represents that party or participant for compensation; and
- Appears before or otherwise communicates with the governmental agency for the purpose of influencing the pending proceeding.

Note: An individual will qualify as an agent only if the individual's communication with an agency is *for the purpose of influencing the pending proceeding*. An individual whose communications with an agency are *not* made for the purpose of influencing the proceeding is not considered an agent for purposes of Section 84308, even if the individual receives compensation from a party or participant.

Agent Example 1

Ainsley Atkinson, an attorney, is paid to represent a client real estate developer, Rio Estates, in obtaining a real estate development agreement and drafts a letter in support of the project on behalf of Rio Estates. Atkinson sends the letter to the County Planning Commission ahead of the Commission's consideration on whether to approve a building permit. Because Atkinson is paid to represent Rio Estates and has communicated with the agency for the purpose of influencing the proceeding, Atkinson **is an agent** for Rio Estates.

Agent Example 2

Suppose Atkinson's letter in support of the project is sent to the County Planning Commission by Atkinson's assistant, rather than Atkinson herself. Although the letter is intended to influence the proceeding, the assistant's purpose in sending the letter is not; rather, the assistant's purpose in sending the letter is administrative/secretarial. Likewise, the assistant is not paid to represent Rio Estates; the assistant is paid to assist Atkinson. For these reasons, the assistant **is not an agent** Rio Estates.

Agent Example 3

Continuing the above examples, the Planning Commission considers the project application. The project architect, Priyanka Archer, hired by the client, attends the meeting and provides purely technical data and analysis in response to Planning Commission questions. As long as Archer does not otherwise engage in direct communications for the purpose of influencing the proceeding, Archer **is not an agent** for Rio Estates.

E. DO I “KNOW OR HAVE REASON TO KNOW” A PARTICIPANT HAS A “FINANCIAL INTEREST IN THE PROCEEDING”?

1. What is a Financial Interest in a Proceeding?

Under the Political Reform Act, a person has a “financial interest” in a governmental decision when it is reasonably foreseeable that the governmental decision at issue would have a **material financial effect** (of a positive or negative nature) on a person’s interest in:

- A **business entity** as an employee, director, officer partner, trustee, manager or an investment interest of \$2,000 or more.
- **Real property** with a value of \$2,000 or more including a leasehold interest but not a month-to month tenancy.
- **Source of income** totaling \$500 or more in the 12 months prior to the proceeding.
- **Source of gift** totaling \$590 or more in the 12 months prior to the proceeding.
- The participant’s **personal finances** or the participant’s immediate family member.

Note: For a party in an entitlement for use proceeding, Section 84308’s requirements and prohibitions automatically apply. The relevance of a “financial interest” in an entitlement for use proceeding is only relevant to determining whether an individual qualifies as a participant for purposes of Section 84308.

2. When Do I Know About it?

As an officer, you are considered to “know or have reason to know” that a participant has a financial interest in a decision only if you have actual knowledge of the financial interest, or the participant reveals facts in written or oral statements during the proceeding before you that make the participant’s financial interest apparent.

Under Section 84308, you are required to consider all relevant facts known to you in determining whether a participant has made a financial interest apparent. This includes:

- The specificity with which the participant has described their economic interests;
- The potential for a material financial effect on those interests as a result of the decision; and
- The realistic possibility of the financial effect.

Note: If a participant describes or mentions the financial impact a proceeding, or a governmental decision within the proceeding, would or could have on the participant's financial interest you must consider the information provided and the impact the decision may have on the interest.

In addition to the general rule stated above, you will by default be deemed to have "reason to know" that a participant has a financial interest in the proceeding if you have facts indicating the participant has any of the following:

- A **business entity interest** that may see a significant increase or decrease in customers as a result of the proceeding;
- A **real property interest** located within 500 feet of the real property at issue in the proceeding. (Note: An officer does not have "reason to know" if the facts are solely that the participant has an economic interest located in the general vicinity of a business entity or real property at issue in the proceeding.)
- A **business relationship** with the applicant and the decision may result in additional services provided to the applicant.

Note: if the officer knows there is clear and convincing evidence establishing it is not reasonably foreseeable the decision will have material financial effect on the participant's interests, the participant does not have a financial interest in the proceeding.

3. Standards and Facts Relevant to Particular Types of Participant's Financial Interests

To determine whether you "know or have reason to know" that the participant has a financial interest in the decision for purposes of Section 84308, ask yourself if you have any of the information discussed below:

a. Explicitly Involved Interest in the Proceeding

If an individual has an economic interest such as a business entity, real property, or source of income explicitly involved in the proceeding, the individual will have a financial interest in the proceeding and therefore qualify as a participant. For example, if the individual's employer is the applicant in the proceeding and the individual provides public comment—even in their capacity as a private citizen rather than as an agent advocating in their paid capacity as an employee—the individual will qualify as a participant.

However, in circumstances where it is not apparent that the individual's economic interest is explicitly involved in the proceeding, consider the following:

b. Business Entity Interest in the Proceeding.

Generally, a participant's financial interest in a business entity not explicitly involved in a governmental decision will only become apparent if they reveal facts indicating any of the following:

- **Change in Revenue:** The decision may result in an increase or decrease of the entity's annual gross revenues, or the value of the entity's assets or liabilities, in an amount equal to or more than: (A) \$1,000,000; or (B) five percent of the entity's annual gross revenues and the increase or decrease is at least \$10,000.
- **Change in Expenses:** The decision may cause the entity to incur or avoid additional expenses or to reduce or eliminate expenses in an amount equal to or more than: (A) \$250,000; or (B) one percent of the entity's annual gross revenues and the change in expenses is at least \$2,500.
- **Impact on Real Property:** The entity has an interest in real property and: (A) the property is a named party in, or the subject of, the decision; or (B) there is clear and convincing evidence the decision would have a substantial effect on the property.

Business Entity Example 1

A person provides public comment at a City Council meeting, speaking in support of a developer's permit application. The person specifies, "I work for the developer, but I'm not being paid to be here. I'm just here in my personal capacity because I think the project would benefit the community." Here, the participant has a business entity interest in the applicant as their employer, and you know the proceeding would have a reasonably foreseeable, material financial effect on that business entity interest given the fact that the employer is the applicant in the proceeding.

Business Entity Example 2

Continuing the above example, another person stands up at the City Council meeting and provides public comment, stating, "I'm a licensed electrician and I think a development project of this size would bring a lot of valuable jobs to local tradespeople like me." The person has indicated they have a business entity interest in their business as an electrician and has also indicated the project would potentially benefit their business, but has not provided any facts indicating their business could benefit, for example, by \$1,000,000 or result in an increase of five percent of annual gross revenue and at least \$10,000. Because of the general facts provided, you would not have reason to know that the individual has a financial interest in the proceeding.

c. Real Property Interests in the Proceeding.

When considering the materiality of a financial effect on real property not explicitly involved in a governmental decision, the proximity of the participant's real property to the real property at issue in the decision is of particular importance. Are you aware of any of the following concerning the participant's real property - is it:

- **Within 500 Feet:** from the subject property of a governmental decision and there is no "clear and convincing evidence" the decision will have no measurable impact on the participant's property.
- **Between 500 and 1,000 Feet:** from the subject property of a governmental decision and the decision would change the parcel's:
 - Development potential;
 - Income producing potential;
 - Highest and best use;
 - Character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality; or
 - Market value.

However, if you are aware that the participant's real property is:

- **Over 1,000 Feet:** from the subject property of a governmental decision the decision is presumed to not have a reasonably foreseeable, material financial effect on the individual's real property absent "clear and convincing evidence" of a substantial effect on the participant's property.

Note: You are not considered to "know" or "have reason to know" of a participant's financial interest in a decision solely as a result of the participant identifying an economic interest located in the general vicinity of a business entity or real property at issue in the proceeding.

Real Property Example 1

An individual provides public comment at a City Council meeting opposing a development project because of the effect they believe the project will have on nearby residences and notes, "I live near this project." Based solely on these comments, you would not know or have reason to know whether the individual has a real property interest within 500 or 1,000 feet or further away from the project.

Real Property Example 2

If, however, the individual said, “I live within 100 yards,” or “I live directly across the street” from the project, you would be aware that the individual lives within 500 feet of subject property and unless there are clear facts that the decision would have no measurable impact on her property, the Section 84308 requirements and prohibitions will apply to this person as a participant.

If you are aware or the individual mentions they have a **leasehold interest** in real property, they will have a financial interest if the decision would: (1) Change the termination date of the lease; (2) Increase or decrease the potential rental value of the property; (3) Change the person’s use of the property; or (4) Impact the use and enjoyment of the property. A month-to-month tenancy is *not* a “real property interest” under the Act.

Note: There are certain exceptions applicable to determining a material interest in real property, such as when the proceeding includes a decision that solely concerns repairs/maintenance or replacement of existing streets, water, sewer, storm drainage or similar facilities. (For decisions relating the adoption or amendment of a General Plan, please consult Regulation 18702.2(d)(2) or seek further advice.)

d. Source of Income Interests

Generally, a participant’s financial interest in a source of income not explicitly involved in the decision, will only become apparent if they reveal facts indicating any of the following and the source is a:

- **Business Entity:** Apply the standards discussed above for determining a material financial effect on business entity interests.
- **Nonprofit Organization:** Apply the same standards discussed above use for determining a material financial effect on a business entity.
- **Individual:**
 - Personal Finances: The decision may affect the individual’s income, investments, assets, or liabilities by \$1,000 or more;
 - Impact on Business: The participant knows or has reason to know the individual has an interest in a business entity that will be materially financially affected under the standards pertaining to business entity interests, described above;
 - Impact on Real Property: The participant knows or has reason to know the individual has an interest in real property and the property is a named party in, or the subject of the decision, or there is clear and convincing evidence the decision would have a substantial effect on the property.

“Nexus” Test: The governmental decision is also considered to have a reasonably foreseeable, material financial effect if it would achieve, defeat, aid, or hinder a purpose or goal of the source of income and the participant or their spouse receives or is promised the income for achieving the purpose or goal.

Source of Income Example

At a City Council meeting, a member of the public provides comment and states, “I work for the Downtown Business Chamber of Commerce and my job is to bring business to Downtown and help revitalize the Downtown area economy. Approval of this project would do just that.” Based on the person’s comments, you know it is reasonably foreseeable the proceeding would have material financial effect on the person’s source of income—the Downtown Business Chamber of Commerce—based on the nexus between the governmental decisions at issue and the Chamber of Commerce’s goals that the speaker is paid to achieve. The Section 84308 requirements and prohibitions would apply to this participant.

e. Source of Gift Interests

Generally, a participant’s financial interest in an individual as a source of gift not explicitly involved in a governmental decision will only become apparent if they reveal facts indicating any of the following:

- **Business Entity:** Apply the standards discussed above for determining a material financial effect on business entity interests.
- **Nonprofit Organization:** Apply the same standards discussed above for determining a material financial effect on a business entity.
- **Individuals:**
 - The individual’s personal finances will be materially impacted, as described in the “Personal Finances” section below;
 - The participant knows or has reason to know the individual has an interest in a business entity or real property that will be materially financially affected under the standards pertaining to business entity or real property interests, described above;
 - The participant knows or has reason to know the individual has an interest in real property and the property is a named party in, or the subject of the decision, or there is clear and convincing evidence the decision would have a substantial effect on the property.

f. Personal Finances

In general, a governmental decision’s reasonably foreseeable financial effect on a participant’s personal finances or the finances of the participant’s immediate family is material if the decision may result in the participant or participant’s immediate family member receiving a financial benefit or loss—other than a financial impact on a

business entity or real property interest—of \$500 or more in any 12-month period due to the decision. This does not apply if the decision’s financial impact would affect the participant’s economic interest in a business entity or real property, as such financial effects are considered separately under the standards discussed above.

F. HAVE I “WILLFULLY OR KNOWINGLY” RECEIVED A \$250 OR GREATER CONTRIBUTION FROM A PARTY, PARTICIPANT, OR AGENT WITHIN THE PAST 12 MONTHS?

1. Knowledge of a Contribution

As an officer, you are considered to have “willfully or knowingly” received a contribution under any of the following circumstances:

- **Actual knowledge:** You have actual knowledge of the contribution;
- **Disclosure by the Party:** The contribution has been disclosed by the party pursuant to Section 84308(e) and Regulation 18438.8; or
- **Other Reasons to Know:** You are aware of facts including, but not limited to:
 - The party, participant, or another person has otherwise informed you that a contribution or contributions have been made to you;
 - The party or participant has previously made two or more contributions of more than \$250 to you;
 - You personally solicited the party or participant for a contribution; or
 - You personally accepted a contribution from the party or participant.
- **Relevance of Prior Campaign Reporting:** Note that the fact that a contribution was previously included in a campaign report filed by your campaign committee does not constitute “reason to know” of a party’s or participant’s contribution except in the following circumstances:
 - The party’s proceeding has also been noticed on an agenda for a public meeting before the body or board of which you are a member *or*,
 - For officers not on a body or board, the proceeding is before you in your decision-making capacity.

Campaign Reporting Example

You are a City Councilmember. A development project application is included on the agenda for the next City Council meeting. The applicant has failed to disclose the \$300 contribution he made to your campaign committee eight months ago, in violation of Section 84308. (Where the contribution is made prior to the proceeding, the party must disclose the contribution at the time of filing the application.) The project application was included on the City Council meeting agenda. The \$300 contribution was included in a campaign report filed by your campaign committee. Accordingly, at the point the project application appears on the City Council meeting agenda, you have reason to know about the developer's \$300 contribution—even though the applicant did not disclose it in their initial application—and you must either recuse yourself from the proceeding or return the amount exceeding the \$250 contribution limit.

2. How is the \$250 Calculated?

In determining whether you have received a contribution of more than \$250 from a party, participant, or agent, consider the following:

- **Aggregation:** To determine whether you have received a contribution of more than \$250 from a party or participant or their respective agent during a 12-month period, you must aggregate all of the following:
 - All contributions made by the party or by the participant; with
 - All contributions made by the party's agent or the participant's agent during the shorter of: (A) The previous 12-month period; or (B) The period beginning on the date the party or participant first hired the agent as either a paid employee, contractor, or consultant; and
 - All contributions made by an individual, other than an uncompensated officer of a nonprofit organization, or entity required to be aggregated with the party or participant and any agent of the party or participant under Section 82015.5 (see discussion below) of the Political Reform Act.

Exception: Although the above contributions generally must be aggregated for purposes of determining whether you have received a contribution exceeding \$250, you do not have reason to know about a contribution from an individual or entity required to be aggregated with contributions by a party, participant, or agent—and you do not violate Section 84308 as a result of the contribution—if, at the time of the potential violation, both the following criteria are met:

- (1) The party, participant, or agent has not disclosed the contribution on the record of the proceeding; and
- (2) You do not otherwise know facts establishing that the contribution must be aggregated pursuant to Section 82015.5 and Regulation 18438.5.

Section 82015.5

Section 82015.5 provides:

- If an individual directs or controls an entity's contributions, the entity's contributions shall be aggregated with contributions made by both of the following:
 - That individual.
 - Any other entity whose contributions that individual directs or controls.
- If two or more entities make contributions that are directed or controlled by a majority of the same persons, the contributions of those entities shall be aggregated.
- Contributions made by entities that are majority owned by a person shall be aggregated with the contributions of the majority owner and all other entities majority owned by that person, unless those entities act independently in their contribution-making decisions.

In practice, Section 82015.5's aggregation rules will most frequently come into play when you have received a contribution from a party or participant, as well as a contribution from a business owned by the party or participant or from a parent/subsidiary/sister corporation of the party or participant.

Note: In general, a spouse of a party or participant is not also considered a party or participant and, therefore, contributions by a spouse are not aggregated with contributions by the party or participant. The two scenarios in which contributions by a spouse are aggregated with contributions by the party or participant are where:

- (1) The proceeding involves real property or a business interest that is owned jointly by the spouses; or
- (2) The spouse is acting as the agent of their party or participant spouse.

Aggregation Example 1

A proceeding is on the agenda for the next public meeting of the governmental board you are a member of. You check whether the party involved has contributed to any of your controlled committees within the past 12 months and see that the party contributed \$200 six months ago. No other contributions have been disclosed by the party or the party's agent. Accordingly, you take part in the proceeding at the public meeting.

After the meeting, you learn that the party owns a company that also contributed \$200 to your committee six months ago, for an aggregate total contribution of \$400 within the past six months. Because the party and the party's agent did not disclose the contribution by the party's company and you did not know facts establishing that the contribution by the party's company needed to be aggregated with the party's contribution—i.e., you did not know of the connection between the party and the company—your participation in the proceeding **was not a violation** of Section 84308.

Aggregation Example 2

Using the above example, suppose that during the course of the meeting—after you have already begun participating—the party discloses that their company contributed \$200 to your committee six months ago. At that point, you would know facts establishing that the contributions need to be aggregated and would amount to more than \$250 within the past 12 months. Your continued participation in the proceeding would be **a violation** of Section 84308, unless you disclosed on the record of the proceeding the fact that the contributions were disqualifying and confirmed you would return the disqualifying portion of the contribution within 30 days and subsequently did, in fact, return the disqualifying portion of the contribution.

G. CAN I RETURN A CONTRIBUTION?

Under Section 84308, you are permitted to return a contribution that would otherwise disqualify you from an entitlement for use proceeding if you **return the contribution within 30 days** from the time you know, or should have known, about the contribution and the proceeding. You are permitted to make such a return if:

- (1) The contribution was received from a **party** prior to you knowing or having reason to know that a proceeding involving the party had commenced. For purposes of this provision, if you serve on a governing body or board, you are considered to know or have reason to know a proceeding involving the party has commenced if the proceeding has been noticed on the agenda for a public meeting of the board; or
- (2) The contribution was received from a **participant** prior to you knowing or having reason to know that the participant had a financial interest in the proceeding.

If you are serving on a governing body or board and would otherwise be disqualified under Section 84308 from taking part in a proceeding, you may take part in the proceeding prior to returning the contribution if all the following criteria are met:

- (1) The decision is made at a public meeting of the governing body or board;
- (2) You have known or should have known about the contribution and proceeding for fewer than 30 days;
- (3) After learning of the contribution or proceeding and prior to taking part in any further discussion or decision, you disclose the fact of the disqualifying contribution on the record of the proceeding, as required by Section 84308(c), and confirm that the return will occur within 30 days from the time you knew, or should have known, about the contribution and proceeding; and
- (4) The contribution is returned within that timeframe.

Return of Contribution Example

You are a member of the City Council. At a public meeting held on March 11, the City Council will consider a proposed development agreement. The developer donated \$300 to your campaign committee six months ago. You learned about the proceeding when the meeting agenda was published 10 days ago, on March 1. At the beginning of the meeting, you disclose the contribution over \$250 from the developer within the preceding 12 months, but state that you will return the disqualifying portion by March 31—30 days after you first knew, or should have known, about the contribution and proceeding. You may then take part in the proceeding without violating Section 84308 as long as the disqualifying portion is, in fact, returned by March 31.

H. FREQUENTLY ASKED QUESTIONS

1. Is my local government position covered under Section 84308?

Under Section 84308, “officer” means “any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.” This includes local government positions. The only officials Section 84308’s requirements do not apply to are officials in the judicial branch, the Legislature, Board of Equalization, and constitutional officers.

2. What if I am an officer in the midst of a proceeding and the individual testifying in support of a project discloses they made a \$300 contribution to my campaign and states they live “in the neighborhood near the project site.” Do I have “reason to know” that the individual has a financial interest in a proceeding so that they qualify as a “participant” for disclosure and recusal purposes?

You must consider your knowledge and the specific facts provided. An officer does not know of a participant’s financial interest in a decision solely as a result of the participant identifying an economic interest located in the general vicinity of a business entity or real property at issue in the proceeding.

If, after considering the specificity of the facts provided, you are not certain, you should either:

(A) In an abundance of caution, recuse yourself from the proceeding until you can determine with certainty that the individual does *not* constitute a participant in the proceeding; or

(B) Not recuse, but follow the steps in the meeting for returning the disqualifying portion of the contribution received from the individual, including disclosing the contribution, pledging to return the disqualifying amount within the relevant timeframe, and then doing so. If the appropriate steps for the return of a contribution are completed, your continued participation in the proceeding does not constitute a violation of Section 84308.

As an officer, you are required to consider all relevant facts known by you at the time of the decision in determining whether the facts revealed by a person have made a financial interest apparent. You should familiarize yourself with the relevant “reasonable foreseeability” and “material financial effect” standards discussed in this document, as well as available on the FPPC website at <https://fppc.ca.gov/learn/conflicts-of-interest-rules.html> and <https://fppc.ca.gov/the-law/fppc-regulations/regulations-index.html> (Regulations 18701 and 18702.1-18702.5). If you are uncertain whether the facts known by you make a person’s financial interest apparent, you may wish to seek advice from agency counsel or the FPPC.

3. Other than being made “orally,” “in writing,” or “on the record,” what form must disclosure take?

Neither Section 84308 nor its related regulations specify the exact form disclosure must take beyond the requirements discussed in the “Disclosure” section above. Given the wide variety of agencies and jurisdictions Section 84308 applies to, disclosure may take different forms. For example, one agency may decide to include all relevant disclosures in writing as part of the meeting agenda, while another agency may choose to have agency counsel make a disclosure on an officer’s behalf and have the disclosure included in the meeting minutes. As long as a record of the disclosure is maintained by the agency and may be accessed by the public, the agency may decide on its preferred process for disclosure.

4. I am a candidate for office but I am not currently an officer of an agency. Am I prohibited from accepting, soliciting, or directing a contribution from a party or participant involved in a proceeding before the agency the candidate is campaigning for office in?

No. A candidate for office who does not hold any other governmental position does not meet the definition of “officer of an agency” and therefore is not prohibited from accepting, soliciting, or directing such contributions from a party, participant, or agent, **but may be prohibited** from taking part in a proceeding involving the party, participant, or agent *once elected* if they have received a contribution of more than \$250 within the preceding 12 months.

5. I am a candidate for a school board position and I am an employee of the County Planning permit department. Am I subject to Section 84308 due to my employment given that a building application does not in any way relate to a school board position?

Yes. You are subject to Section 84308. The office a candidate is running for does not need to relate to the entitlement for use proceeding in order for Section 84308 to apply.

6. Is a “strong mayor” with veto power over city council decisions permitted to exercise that veto power—even when the mayor has received ordinarily disqualifying contributions of more than \$250 from a party, participant, or agent thereof—on the basis of “legally required participation”?

Yes. Because a “strong mayor” is legally required to exercise the powers and fulfill the duties authorized by a city charter and, to the extent the city charter authorizes a mayor to take part in an entitlement for use proceeding, conduct that would ordinarily disqualify a mayor under Section 84308 does not prohibit the mayor from participating. (*Granda* Advice Letter, No. I-23-102.)

However, the legally required participation exception does not excuse other violations of Section 84308 and a **strong mayor** taking part in an entitlement

proceeding pursuant to the exception is still required to refrain from soliciting, directing, or receiving contributions from parties/participants while the proceeding is pending and for 12 months thereafter, and must also make all necessary disclosures.

7. Are personal contributions from members of a governmental board in their individual capacity considered contributions “from the governmental board”? Do the contributions need to be aggregated?

No. Contributions made in the member’s personal capacity, are not considered contributions from the governmental board and are not aggregated with contributions made by other members of the body or board made in their personal capacities.

8. May I accept, solicit, or direct contributions exceeding \$250 from an unpaid, volunteer officer of a non-profit organization, if the organization is a party, participant, or agent in the proceeding?

Yes. Contributions from an uncompensated officer of a non-profit organization are not aggregated with contributions by the non-profit organization, given that the uncompensated officer does not have a financial interest in the proceeding. The non-profit organization is not a “business entity” and it is not a “source of income “ to the volunteer officer.

9. I am an elected local officer. Can I be disqualified from taking part in an entitlement for use proceeding based on contributions the officer received in 2022, within 12 months of the proceeding?

No. Under Regulation 18438, Section 84308’s provisions, as amended by SB 1439 and effective as of January 1, 2023, do not apply to contributions received prior to that date. If Section 84308 did not apply to you before January 1, 2023, contributions you received and proceedings you participated in prior to that date do not implicate Section 84308.

10. Does the \$250 limit apply to each candidate or each committee? For example, can a party donate \$250 to two committees controlled by the same officer?

The \$250 limit applies to **each candidate, not each committee**, such that a party, participant, or agent may not donate more than \$250 across all of an officer’s controlled committees.

11. A business contributed more than \$250 to my campaign a few months ago. Now an employee of the business is coming before my agency in their personal capacity, applying for a building permit to remodel their home. Am I disqualified from the proceeding based on the business’s \$250+ contribution?

Generally, no. In the described circumstances, the employee would be the party in the proceeding, while the business would not be a party or agent of the employee-party. Assuming the business is not structured in such a way that the “employee” is, in

fact, the majority owner of the company or directs or controls the company's contributions, the contributions made by the company would not be aggregated with contributions made by the employee. Therefore, the officer who received a \$250+ contribution from the company would not be disqualified from the proceeding.

12. Are project labor agreements establishing the terms and conditions of employment for workers on certain projects considered exempt “labor contracts” under Section 84308?

Yes. A “labor contract” is defined as “a contract or agreement reached through collective bargaining or with a representative group regarding the salary, benefits, or terms and conditions under an employment or retirement policy for employees or retirees, including a project labor agreement entered into under Public Contract Code Section 2500.”

13. If a union representative provides public comment in support or in opposition of a governmental decision and indicates the decision will have a financial impact on its members, is the union considered a “participant”?

Only if the union organization itself has a financial interest under the standards applicable to a nonprofit organization. To be a “participant,” a person (including a nonprofit organization) must have a financial interest in the proceeding. A nonprofit organization such as a union does not necessarily have a financial interest in a proceeding solely because it would be beneficial to the organization's members.

The relevant standards for determining a reasonably foreseeable, material financial effect on a nonprofit organization, such as a union, are:

- **Change in Receipts:** The decision may result in an increase or decrease of the organization's annual gross receipts, or the value of the organization's assets or liabilities, in an amount equal to or more than: \$1,000,000; or five percent of the organization's annual gross receipts and the increase or decrease is equal to or greater than \$10,000.
- **Change in Expenses:** The decision may cause the organization to incur or avoid additional expenses or to reduce or eliminate expenses in an amount equal to or more than: \$250,000; or one percent of the organization's annual gross receipts and the change in expenses is equal to or greater than \$2,500.
- **Impact on Real Property:** The official knows or has reason to know that the organization has an interest in real property and: the property is a named party in, or the subject of, the decision; or there is clear and convincing evidence the decision would have a substantial effect on the property.

Accordingly, unless it is reasonably foreseeable that a nonprofit organization would experience any of the above financial effects (e.g., the union's receipt of union dues increases by \$1,000,000 as a result of the increased union wages caused by a government contract), the nonprofit organization will not qualify as a “participant” and an

officer is not prohibited from receiving more than \$250 from the organization advocating for or against a particular decision in an entitlement proceeding.