

**California Association of Clerks and Election Officials  
Proposed Candidate Statement Guidelines  
State Legislative and U.S. Representative Candidates**

**County Election Officials' Procedures – State Legislative and U.S. Representative Candidates**

These guidelines have been drafted to assist election officials in implementing the Voter Information Pamphlet provisions of Proposition 34 and the implementation of section 13307.5 (c. 137 Stats. 2008).

**State Legislative Candidates** - County election officials shall designate in the Voter Information Pamphlet (*not on the Official or Sample Ballot*) those state legislative candidates who agree to voluntary expenditure limits. It is recommended that candidates be listed in the order they will appear on the ballot, by contest. It is also recommended that candidates not be numbered, as voters could misinterpret this as a ranking of the candidates. Although the bill does not say how candidates are to be designated, some options you may wish to consider in preparing the Voter Information Pamphlet are:

- 1) Whether you will print all candidates for the office and designate, in some manner (asterisks, stars, diamonds, etc.), those who have agreed to voluntary expenditure limits or whether you will print only those candidates who have agreed to voluntary expenditure limits.
- 2) Whether you will print all state legislative contests countywide or whether you will print ballot type specific pages showing only the state legislative contests in that ballot type.

Only candidates for state legislature who have adopted voluntary expenditure limits pursuant to Proposition 34 are eligible to submit a statement, not to exceed 250 words. The election official in the county of residence shall determine, based on information provided by the Secretary of State's Office, whether the candidate has adopted (and not exceeded) expenditure limits pursuant to Prop. 34. Statements for State legislative candidates are submitted and printed pursuant to Govt. Code §85601, which refers to provisions in the Elections Code, as they pertain to the preparation of Sample Ballots and Voter Information Pamphlets. As nearly as practicable, the provisions of Elections Code §13307 have been followed.

**U.S. Representative Candidates** – All candidates for U.S. Representative are eligible to purchase space in the Voter Information Pamphlet for a statement, not to exceed 250 words. Statements for U.S. Representative candidates are submitted and printed pursuant to Elections Code §13307.5, shall not make reference to any opponent, and shall be submitted in accordance with the timeframes and procedures set forth in the Elections Code pertaining to the preparation of the Voter Information portion of the Sample Ballot. As nearly as practicable, the applicable provisions of Elections Code §13307 have been followed.

**State Legislative and U.S. Representative Candidates** - County election officials shall estimate the cost of printing (in multiple languages, if applicable) a statement for each legislative and congressional district (by party, if applicable) in the county and shall forward the estimate(s) to the Secretary of State's Office on the questionnaire distributed by the Secretary of State's Office. County election officials shall also complete the questionnaire regarding printing statements in languages other than English. The Secretary of State shall compile the information and distribute the compilation to the counties for distribution to candidates.

Statements for state legislative or U.S. representative candidates shall be filed with the county election official in each county in which the candidate wishes to have his or her statement printed no later than 5:00 p.m. on the 88<sup>th</sup> day (or the 83<sup>rd</sup> day in the event of an extension of the nominating period for that office) prior to the election.

**Translation of Statements**

Statements shall be printed in languages required by the Federal Voting Rights Act, as well as those languages required by the county. If the Federal Voting Rights Act has not designated Spanish as a required language, the candidate may request that his or her statement be translated and printed in Spanish at the candidate's cost.

Each county will be responsible for translating statements into the appropriate languages. Counties may choose to share statement translations with other counties that have like language requirements; however, counties retain the option of using their own translations of candidates' statements in lieu of those provided by another county.

**Payment for Statements**

Costs of providing statements (including translated statements, whether required or requested) to voters shall be borne by the candidates. The local agency may require payment of the estimated cost at the time of filing the statement as a condition of having the statement printed, or may opt to bill the candidates following the election. If the county requires payment in advance, the county shall charge the candidate the estimated cost as provided to the Secretary of State. On the receipt for payment, the county election official must inform the candidate that the estimate is an approximation, which varies from election to election depending on the number of candidates, and that the actual cost may be significantly different from the estimate.

If a candidate alleges to be indigent, it is recommended that the county follow the procedures set forth in Elections Code Section 13309 to determine indigency. Even if a candidate is determined to be indigent, he or she is still required to pay the

cost of providing the statement; however, payment may not be required prior to the election.

# California Association of Clerks and Election Officials Candidate Statement Guidelines State Legislative and U.S. Representative Candidates

## Candidate Information

***Important notice to candidates in districts that encompass more than one county.*** Procedures, requirements, fees, formats and public examination periods for candidates' statements may vary between counties. It is the candidate's responsibility to contact each county (in which he or she wishes to have a statement printed) within the district to obtain the appropriate information from each county. Failure to do so may jeopardize the printing of the candidate's statement.

The text of the statement shall not exceed 250 words. Word count standards shall be pursuant to Elections Code § 9.

All statements must be submitted on, or attached to, the form provided by the county election official of each county in which the candidate wishes to have his or her statement printed. Statements must be formatted pursuant to the guidelines provided by each county. Statements not submitted in the appropriate format will be reformatted by the county election official. The county election official bears no responsibility for the correct typesetting of statements that must be reformatted.

Statements shall not, in any way, make reference to other candidates for office or to another candidate's qualifications, character or activities. Moreover, no statement shall contain any demonstrably false, slanderous or libelous statements, nor any obscene or profane language.

The statement will be printed in languages required by the Voting Rights Act as well as those languages, if any, required by the counties within the jurisdiction. If Spanish is not a required language, a candidate may request a Spanish translation of his or her statement at additional cost.

Costs of providing statements to voters, including translated statements, shall be paid by the candidates.

## Filing Information

Candidates' statements shall be filed in the office of the election official of each county within the district in which the candidate wishes a statement to be printed, not later than 5:00 p.m. on the 88<sup>th</sup> day prior to the election, or in the event that the nomination period has been extended, until 5:00 p.m. on the 83<sup>rd</sup> day prior to the election. Candidates' statements are confidential until the expiration of the period for filing such statements. Statements may be withdrawn, but not changed, until 5:00 p.m. of the next working day after the 88<sup>th</sup> or 83<sup>rd</sup> day prior to the election, whichever is applicable. *It is strongly recommended that the statement be filed personally by the candidate. If the statement is filed by someone other than the candidate, that person should have the authority to make corrections or deletions to the statement in the event that errors or an excess number of words are detected prior to filing the statement. Statements received by mail prior to the deadline will be filed provided that they meet the statutory requirements and county policies regarding candidates' statements. Statements may not be changed after filing.*

Counties may require candidates to deposit the estimated cost of printing the statement at the time of filing the statement, or may invoice the candidate for the actual cost of printing the statement after the election. If the actual cost of printing the statement exceeds the deposited amount, the candidate will be invoiced for the remainder of the cost. If the actual cost of printing the statement is less than the deposited amount, the candidate will receive a refund of the overpayment.

Candidates' statements are available for public examination in the county election official's office 10 days prior to submission for printing (this period may vary by county). During this period any voter of the jurisdiction in which the election is to be held, or the county election official, may seek a writ of mandate or an injunction requiring any or all of the material in the statement to be amended or deleted. Venue for such a proceeding shall be the county in which the statement is filed. If the statement is filed in more than one county, the writ or injunction must be sought in each county in which amendments or deletions to the statement are sought.