

CITY OF ALBANY MUNICIPAL ELECTION

TUESDAY, NOVEMBER 6, 2012

GUIDE TO NOMINATION AND CANDIDACY

NOMINATION PERIOD: July 16, 2012 – August 10, 2012. Or, extended to August 15 2012 if no incumbent files by August 10, 2012.

Pursuant to the Albany City Charter, Section 2.01: No person not an elector of the City shall be eligible to hold office as a member of the City Council, and no person shall be eligible for nomination for such office without having been a resident of the City for thirty (30) days immediately preceding nomination.

Pursuant to the Albany City Charter, Section 6.01: No person not an elector of the City shall be eligible to hold office as a member of the Board of Education, and no person shall be eligible for nomination for such office without having been a resident of the City for thirty (30) days immediately preceding nomination.

Completed nomination papers must be filed in the Office of the City Clerk during regular office hours so that they will be **received** no later than **August 10, 2012 at 12:30 p.m.** It is recommended that the candidate file as far in advance of the deadline as possible, so that any deficiency in his/her paper may be found and cleared in time to qualify by the deadline.

EXTENDED NOMINATION PERIOD:

If nomination papers for an incumbent are not filed by **August 10, 2012, at 12:30 p.m.**, any qualified person other than the incumbent shall have until **Wednesday, August 15, 2012, at 5:00 o'clock p.m.**

PLACEMENT OF NAMES ON BALLOT:

Pursuant to the City Charter Section 2.03, the City Clerk shall draw the names for placement on the ballot. This will be done in the City Clerk's Office on **Thursday, August 16, 2012, at 3:00 o'clock p.m.** The public and candidates are encouraged to observe this procedure.

FORMS & PROCEDURES:

1. **Nomination Paper:** This form will be issued to each candidate for the purpose of obtaining signatures of at least twenty (20) **registered voters** of the City of Albany and no more than thirty (30). Each signer must include his/her printed name and place of residence. No voter may sign more than one candidate's petition for the same office; or, where there is more than one seat to be filled for the same office, no more petitions for that office than there are seats to be filled at this election. Each seat on the City Council and on the Board of Education is a separate office.

The petition may be circulated by the candidate him/herself or by any qualified voter of the City. The circulator is required to complete and sign the "Affidavit of Circulator" appearing on the form **after** witnessing all signatures to the petition.

No more than thirty (30) petition signatures will be accepted. All signatures will be checked for validity against the Affidavit of Registration on file at the County Registrar of Voters office. If the number of valid signatures is less than twenty (20), the candidate has not qualified for placement on the ballot and will be so notified by the City Clerk. If this determination can be made prior to the deadline for filing, the candidate will be allowed to furnish additional signatures for verification until the nomination period has closed. If in doubt as to whether your circulator, or any signer, is currently registered with the proper residence address in the City, be sure to contact the Registrar of Voters at (510) 272-6973 for confirmation.

The candidate must personally complete and sign the "Affidavit of Nominee" which appears in the nomination form, specifying how his/her name and occupational designation are to appear on the ballot. Included with your nomination papers is a guideline prepared by the Registrar of Voters to assist you in choosing a "designation" within the limitations set by State law.

All candidates that wish to have a ballot designation listed on the ballot must complete a **ballot designation worksheet. The candidate must file the ballot designation worksheet at the same time the Affidavit of Nominee is completed. If no ballot designation worksheet is filed, no designation shall appear on the ballot.
EC 13107.3

2. **Statement of Economic Interest (Form #700):** This statement must be completed and filed with the City Clerk along with the Nomination Paper and the Candidate's Statement. The City Clerk will stamp it "received" and promptly forward it to the Fair Political Practices Commission, as required by the Political Reform Act of 1974. A Manual of Instruction is also furnished with this form to

assist in its completion. This form only applies to the candidates for City Council and City Treasurer.

3. Candidate's Statement of Qualification (optional): Each Candidate for local nonpartisan office may submit a Statement of Qualification to be printed and distributed to the **registered voters** of the City of Albany.

The Statement of Qualification shall be limited to 200 words. The fee for the Candidate's Statement of Qualification is paid by the candidate. The fee for the November 6, 2012 election is set by the Alameda County Registrar of Voters.

Please proofread your Statement carefully before submitting it to insure that there are not errors or omissions, as the City Clerk **will not** correct spelling and/or grammatical errors.

The Candidate's Statement may be withdrawn but not changed (first workday following the close of nomination period – Monday, August 13, 2012). If the nomination period is extended due to an incumbent's failure to file by the 88-day deadline, this deadline is extended through the 83rd day for that office only (Thursday, August 15, 2012).

All Candidate Statements filed with the City Clerk are confidential and exempt from the Public Records Act **until** the close of the nomination period.

4. Campaign Reports:

FILING SCHEDULE FOR CAMPAIGN REPORTS:

First Statement due	October 5, 2012
Second Statement due	October 25, 2012
Semi-Annual Statement due	January 31, 2013

Late filings may be penalized at a rate of \$10 per day up to a maximum of \$100 or the cumulative amount stated on the late campaign statement, whichever is greater.

Your nomination packet includes an Informational Manual and copies of the most commonly used reporting forms. All candidates and their treasurers are advised to study the Manual carefully to determine their filing obligations and the proper forms to be used for their campaign. Any questions should be directed to the Fair Political Practices Commission (FPPC) at 866-275-3772.

Candidates are encouraged to visit the FPPC's website at www.FPPC.ca.gov for additional reference material including online workshops that provide instruction on completion of campaign reports.

Candidates must file an original and one copy of each campaign statement with the City Clerk.

Candidates may file Form 470 (candidates “Short Form”) in connection with an election **if** less than \$1,000 has been raised or spent by or on behalf of the candidate and the candidate intends to raise or spend less than \$1,000 in connection with his/her candidacy. **If Form 470 is filed with the Declaration of Candidacy on or before the filing deadline for the first pre-election statement,** no additional campaign statements need to be filed in connection with the election, so long as total receipts and expenditures remain less than \$1,000.

POLITICAL ADVERTISING:

Newspaper:

Under Elections Code Section 20008 paid political advertisements referring to local elective office placed in a newspaper shall bear on each page lettering at least as large as the lettering of the advertisement, or in 10 point Roman type, whichever is greater, the words “Paid Political Advertisement” and shall be set apart from other printed matter.

Mass Mailings

See attached Government Code Section 84305.

Political Signs

See attached memo from the Community Development Department.

Electioneering Near Polling Place

No person, on Election Day, shall, within 100 feet of a polling place:

- a) Circulate an initiative, referendum, recall, or nomination petition or any other petitions.
- 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 qualifications except as provided in the Elections Code Section 14240
- d) Do any electioneering.

As used in this section, “100 feet of a polling place” shall mean a distance of 100 feet from the room in which voters are signing the roster and casting the ballot.

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

WITHDRAWAL OF CANDIDATE

No candidate shall withdraw his or her nomination documents after 5 p.m. on August 10, 2012. If the filing period is extended for that office, a candidate may withdraw his or her declaration of candidacy until 5 p.m. on August 15, 2012.

INSTALLATION OF ELECTED OFFICERS:

The County has 29 days in which to complete its official canvass of the election results. Candidates will be notified of the date for Installation of Office.

CITY OFFICES TELEPHONE NUMBERS:

**STATE & COUNTY
TELEPHONE NUMBERS**

City Clerk’s Office	528-5720	Registrar of Voters	510-272-6973
City Administrator’s Office	528-5710	Secretary of State:	916-657-2166
Community Development	528-5760	FPPC:	866-275-3772
City Treasurer’s Office	528-5730		
City Attorney’s Office	528-5858		

QUALIFICATIONS FOR ELECTION OFFICES:

Term of Office:

Four (4) years.

City Council:

No person not an elector of the City shall be eligible to hold office as a member of the City Council, and no person shall be eligible for nomination for such office without having been a resident of the City for thirty (30) days immediately preceding nomination. (City Charter Section 2.01).

Limitation on Term:

Pursuant to City Charter, Section 2.02, there shall be a limitation on terms. Any person who shall have served two (2) successive terms shall be ineligible to serve again until an intervening period of two (2) years has elapsed.

Board of Education:

No person not an elector of the City shall be eligible to hold office as a Member of the Board of Education, and no person shall be eligible for nomination for such office without having been a resident of the City for thirty (30) days immediately preceding nomination. (City Charter Section 6.01)

Limitation on Term:

Pursuant to the City Charter, Section 6.02, there shall be a limitation on terms. Any person who shall have been elected to two (2) successive terms as a member of the Board of Education shall be ineligible to serve again in that office until an intervening period of two (2) years has elapsed.

City Treasurer:

Must be a qualified elector of the City of Albany at the time of filing nomination papers with the City Clerk.

ELECTED POSITIONS OPEN FOR

NOVEMBER 6, 2012 ELECTION

City Council:

Three (3) 4-year term

Board of Education:

Two (2) 4-year term

City Treasurer

One (1) 4-year term

CAL. GOV. CODE § 84305 : California Code - Section 84305

(a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.

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

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

CITY OF ALBANY LAND DEVELOPMENT CODE
SECTION 20-32

M. Political Signs.

1. Definition. A political sign shall mean any sign which is designed to influence the action of the voters either for the passage or defeat of a measure appearing on the ballot or any National, State or local election, or which is designed to influence the action of the voters either for the election or defeat of a candidate for nomination or election to any office, whether public or private, partisan or non-partisan, at any National, State or local election.

2. Location Permitted.

a. Political signs shall be located on private property only and with permission of the owner or occupant and shall not be attached to any utility pole, tree or other vegetation.

b. Political signs shall not be erected in such a manner or at such a location that they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.

3. Placement and Removal and Rules on Size and Number.

a. No political sign shall be posted sooner than the first filing of the Campaign Disclosure Statement or forty (40) days prior to the election, the lesser of the two (2) time periods.

b. Political signs shall be removed within fifteen (15) working days after the election to which they relate. Signs placed on behalf of a political candidate successful in primary elections may be permitted to remain for general election purposes.

c. No political sign shall exceed sixteen (16) square feet in area. The aggregate area of all political signs placed or maintained on any parcel or real property in one ownership shall not exceed eighty (80) square feet. Both faces of a double-faced sign shall be calculated in figuring the total signage.

d. The number of political signs posted is not limited except by total maximum area.

e. No City approval need be obtained for posting of any political signs four (4) square feet or less in area. Any person intending to post single political signs over four (4) square feet in area (or any person on whose behalf such signs are to be installed) shall, prior to the installation, file a declaration of such intent with the enforcing officer of the City. Such declaration shall contain an

agreement to remove such signs within the applicable time period described above.

f. Any political sign not posted in conformance with the provisions of this Chapter shall be deemed a public nuisance and shall be subject to removal by the candidate, the property owner or, when a proposition is involved, the person advocating the vote described on the sign, and upon their failure to do so, by the enforcing officer. Any costs incurred by the City in the enforcement shall be assessed to the person who signed the declaration of intent.

Questions regarding this Ordinance may be referred to Jeff Bond, Community Development Director at (510)528-5760.