

CITY OF MILPITAS

ELECTION AND CANDIDATE GUIDELINES

GENERAL MUNICIPAL ELECTION

TUESDAY, NOVEMBER 3, 2020

*Office of the City Clerk
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1. ELIGIBILITY

In order to be eligible to run for elective office for Mayor or for Member of the City Council, an individual must be a registered voter at his/her current residence address within the corporate City limits of Milpitas at the time nomination papers are issued for his or her candidacy.

2. OFFICES TO BE FILLED

(1) Mayor, 2-year term	Compensation:	\$1,130.74 monthly
(2) City Councilmember, 4-year terms	Compensation:	\$ 904.36 monthly

3. NOMINATION PERIOD

Section 10220 - Elections Code

Monday, July 13, 2020 starting at 8:00 a.m. is the first day/time that Nomination Papers and other forms can be issued by the City Clerk or Deputy City Clerk to candidates. in Milpitas. **A SCHEDULED PHONE APPOINTMENT IS REQUIRED IN 2020.**

Friday, August 7, 2020 at 5:00 p.m. is the final date and time for filing original Nomination Papers with the City Clerk, unless an incumbent fails to file.

EXTENSION IF INCUMBENT DOES NOT FILE

Section 10225 - Elections Code

If Nomination Papers for an eligible incumbent officer of the City are not filed by 5:00 p.m. on Friday, August 7, 2020, then the Nomination Period will be extended five days until **Wednesday, August 12, 2020** at 5:00 p.m. for any individual except an incumbent.

NOTE: Milpitas City Clerk's business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.
City Clerk encourages all candidates to call in advance for an appointment, 408-586-3001.

4. OFFICIAL NOMINATION PAPER

Section 10226 - Elections Code

The first step in completing your petition is to decide if you will personally be the circulator or if someone will circulate the form to collect signatures on your behalf. Whoever circulates the petition must personally witness each individual voter's signature. If you ask someone else to circulate the petition for you, he or she must be a registered voter or eligible to be a voter in the City of Milpitas and must complete the "Affidavit of Circulator" on the third page of the Nomination Paper.

The second step is to obtain Milpitas voter signatures. The form contains 30 spaces for nominating signatures. Although only 20 signatures are required by law, it is advisable to obtain 30. This will give you 10 additional signatures in case some of the first 20 signatures do not qualify. Signatures qualify if they are from registered voters of the City of Milpitas. A voter may sign only one Nomination Paper for each office on the ballot. Name, signature and the residence address must match exactly the current information on the voter's affidavit of registration on file with Santa Clara County Registrar of Voters.

5. AFFIDAVIT OF NOMINEE AND CANDIDATE'S OATH OF ALLEGIANCE

Section 200 - Elections Code and State Constitution Article XX, Section 3

On the back page of the Nomination Paper, two sections must be completed (these have been combined into one box on the form).

- (1) Affidavit of Nominee: This section is a declaration stating that the candidate will accept the nomination and the office in the event of his/her election. In addition, the candidate must write his/her ballot designation. (Please read guidelines on "Ballot Designations" below.)
- (2) Candidate's Oath of Allegiance: This portion must be completed in front of the City Clerk or Deputy City Clerk at the time the candidate files the Nomination Papers.

6. FILING OF NOMINATION PAPER

Sections 10224, 10225 – Elections Code

Once you have obtained the required voters' signatures, you must file the Nomination Paper with the City Clerk in person at City Hall. Note that the **Nomination Paper and Candidate's Statement (if submitting one) must be filed at the same time.**

Friday, August 7, 2020 is the last date a candidate may withdraw nomination paper after it has been filed.

Filing: All Nomination Papers shall be filed with the City Clerk by appointment at City Hall during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Friday, but not later than 5:00 p.m. on Friday, August 7, 2020. If an eligible incumbent does not file, the close of the nomination period shall be extended five days to 5:00 p.m. on Wednesday, August 12, 2020.

7. BALLOT DESIGNATIONS

Section 13107 – Elections Code

A Ballot Designation Worksheet is provided and must be completed and submitted by each candidate.

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

- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing of the nomination documents to which he or she was elected by vote of the people
- (2) The word "incumbent" if the candidate is a candidate for the same office which he or 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.
- (4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment

No election official shall accept a designation which:

- (1) Would mislead the voters.
- (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 which it modifies.
- (4) Uses the word or prefix such as "former" or "ex-," which 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 prohibited by law.

If, upon checking the nomination documents and the ballot designation worksheet, the elections official finds the designation to be in violation of any of the restrictions (listed above), the elections official shall notify the candidate by registered or certified mail return receipt requested. The candidate shall, within three days from the date of receipt of the notice, appear before the elections official and provide a designation that complies with law.

In the event the candidate fails to provide an alternate designation on form provided that complies, no designation shall appear after the candidate's name. 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 elections official under specified circumstances.

8. PLACEMENT OF NAMES ON BALLOT

Section 13112 – Elections Code, Drawing of Randomized Alphabet

The Secretary of State shall conduct a random drawing of letters of the alphabet on August 13, 2020 following the close of all nominations. Candidates' names will be placed on the ballot by their surnames in the order determined by this drawing (i.e. not in alphabetical order).

9. CANDIDATE'S STATEMENT OF QUALIFICATIONS

Section 13307 – Elections Code

A Candidate's Statement may be filed by the candidate, if he/she so desires, for distribution to each voter with the sample ballot pamphlet. Such Statement must be filed with the candidate's Nomination Paper and may be withdrawn, **BUT NOT CHANGED**, by the candidate after it is filed at any time before 5:00 p.m. of the next working day (August 10, 2020) after the close of the Nomination period. A statement may **NOT** be resubmitted after it is withdrawn.

The Candidate's Statement may contain the candidate's NAME, AGE, and OCCUPATION plus a brief description of the candidate's EDUCATION and QUALIFICATIONS in not more than 200 words expressed by the candidate himself/herself. No reference to other candidates is permitted. The statement shall not include the political party affiliation of the candidate.

The Candidate's Statement must be submitted typewritten on the form provided, on paper or submitted electronically. Statements will be printed exactly as submitted; therefore, candidates are strongly urged to carefully proofread their own statements for correct spelling, punctuation, and grammar. The statement will be printed in block paragraph format in the sample ballot pamphlet. Pay attention to the following:

- A 200-word statement has a maximum of 22 lines. Each first line of a new paragraph to start with five blank spaces. Blank lines will be counted as part of the 22 lines.
- Each line has a limit of 72 characters, including punctuation and spaces.
- No words in all CAPITAL letters, underlining, **bold face**, *italic* or bullets will be permitted.
- Type statement in a fixed size font, such as Courier New, to avoid exceeding the limit of 72 characters in a line.

Read the "Candidate's Statement Guidelines" provided with this material for important additional information to be used to complete your written Statement.

The Candidate's Statement will be printed in the sample ballot booklet and be mailed to each registered voter in the City. In addition to the English language, Chinese, Vietnamese, Spanish and Tagalog translations will be prepared by the Registrar of Voters for each statement. Cost for printing, mailing and translating the Candidate's Statement is the responsibility of the candidate. Therefore, a **deposit in the amount of \$2890** is required at the time the Statement is filed with the City Clerk, paid by credit card, or check or money order made out to City of Milpitas. Funds may be from the candidate's personal checking account or from a campaign committee account.

Please know that while the estimated cost for the Candidate's Statement is paid by each candidate who chooses to submit one for printing in the sample ballot booklet, **there is NO FILING FEE** to run for municipal office. No fee is required to obtain, complete and submit a Nomination Paper to qualify for the ballot as a candidate for Mayor or City Councilmember.

10. WORD COUNT STANDARD FOR CANDIDATE'S STATEMENT

Section 9 – Elections Code

- (1) Punctuation is not counted.
- (2) Each word shall be counted as one word except as specified in this section.

- (3) All proper nouns, including geographical names, shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
- (4) Each abbreviation for a word, phrase, or expression shall be counted as one word.
- (5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- (6) Dates shall be counted as one word.
- (7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
- (8) Telephone numbers shall be counted as one word.
- (9) Internet web site addresses shall be counted as one word.

This section shall not apply to counting words for ballot designations under Elections Code section 13107.

Characters used in place of word or number (& or #) are counted as one word as are e-mail addresses.

11. POLITICAL REFORM ACT and the FAIR POLITICAL PRACTICES COMMISSION (FPPC)

www.fppc.ca.gov or hotline (limited hours) 1-866-275-3772

FILING REQUIREMENTS

The Fair Political Practices Commission (FPPC) mandates the filing requirements statewide for election candidates. Detailed information, including forms and instructions, is found online. Valuable training is available on FPPC website and on www.youtube.com for candidates and treasurers.

A. Statement of Economic Interests (Form 700)

When you file your Nomination Paper, you must submit a [Statement of Economic Interests \(Form 700 Candidate Statement\)](#) by the close of the nomination period. Form 700 is available at www.fppc.ca.gov or from the City Clerk. The purpose of Form 700 is to reveal any possible conflicts of interest a candidate may have, regarding financial matters within the City of Milpitas only. All 700 forms for any city office are **filed with the City Clerk** and are forwarded to the Fair Political Practices Commission in accordance with the Political Reform Act of 1974. These forms are public documents, and may be submitted online via Netfile software, if preferred.

B. Candidate Intention Statement (Form 501)

All candidates for public office must file Form 501. State and local candidates and officeholders who intend to raise or spend campaign funds must file Form 501 (Candidate Intention) before soliciting or receiving any contributions. **Form 501 must be submitted to the City Clerk** prior to or at time of issuance of the Nomination Paper (NOT filed with the FPPC). Refer to the FPPC forms online for instructions on completing this form properly.

C. Statement of Organization (Form 410)

Form 410 must be filed by all candidates who have received **\$2,000 or more** in contributions (including from the candidate's personal funds) or expenditures in that amount. Upon forming your committee, you and your treasurer must complete the Form 410, including campaign bank account information, candidate name, office sought and year of election. **Form 410 must be filed with the Secretary of State Political Reform Division in Sacramento, CA** and a copy to the

City Clerk within 10 days of receiving \$2,000 or more in contributions. The Secretary of State issues an identification number to the committee, which is then included on all campaign disclosure reports. Campaign committee name must include: your name, the office you seek and year of election.

If any of the information on a Statement of Organization changes, your committee must file an Amendment to the Statement within 10 days of the change, with a copy to the City Clerk. If a committee amends its Statement of Organization, to identify a new treasurer or new bank account for example, it need only provide that information on a new Form 410 sent to the Secretary of State, including its name and previously issued identification number in the appropriate box on the front page, with the box "Amendment" checked on the top of the Form 410.

There is an established annual fee of \$50 payable to Secretary of State to open and maintain a campaign committee.

D. Pre-Election Campaign Statements (Form 460)

ALL CAMPAIGN DISCLOSURE STATEMENTS ARE FILED WITH THE CITY CLERK.

The Fair Political Practices Commission requires all candidates to file campaign committee reports (FPPC Form 470 or 460) prior to election. The first statement is due on Thursday, September 24, 2020, and covers the period of the start of the committee, or July 1 if an existing committee, through September 19. The second pre-election statement is due Thursday, October 22, 2020, and covers the period of September 20 to October 17, 2020. Required forms are available online at the FPPC website.

Form 470 Candidate Campaign Statement – Short Form may be filed with a declaration of candidacy, but must be filed no later than September 24, 2020. This form is filed only once, prior to election. Subsequently, no additional campaign statements need to be filed for the remainder of the year as long as total receipts and total expenditures remain less than \$2,000.

Form 460 Recipient Committee Campaign Statement must be submitted by all candidates who have formed a campaign committee, upon receiving or spending more than \$2,000. Due dates are September 24 and October 22, prior to the election.

All Campaign reporting statements must be filed online via Netfile or on paper in the City Clerk's office no later than 5:00 p.m. on the due date. By state law, the City Clerk is authorized to impose penalties on late filings. Mailed statements may be accepted so long as the postmark is indicated on the filing date or earlier. Scanned/e-mailed statements may be submitted only if the original form is submitted by mail or in person within 24 hours of the filing deadline. New in 2020: file via "Netfile" software online, if preferred.

E. Form 497 - 24-Hour Contribution Report

Within the 90 days prior to an election, contributions of more than \$1,000 which **includes contributions or loans from a candidate to his/her campaign committee** must be reported on Form 497 within 24 hours. Because the City of Milpitas has a contribution limit of \$250 per donor per election, this specific report would only be necessary if the candidate or his/her spouse contributes or loans his/her committee \$1,000 or more.

Form 497 must be submitted by guaranteed overnight delivery service or e-mail or personal delivery. Regular postal mail may not be used. The Report must be filed **within 24 hours** of the time the contribution was made. **Form 497 must be filed with the City Clerk** at Milpitas City Hall. E-mail filing directly to the City Clerk is acceptable.

F. Future Filings

Future filings will depend on a candidate's success in the election and whether the Committee is maintained following the election. The City Clerk will notify candidates and elected officials of

future filing dates. Semi-annual campaign committee reports are required in California each year by January 31 and July 31 for six-month periods. Monday, February 1, 2021 is the post-election due date for Forms 460 from Campaign Committees, if not terminated.

G. Milpitas Contribution Limit

City of Milpitas Municipal Code I-210-4.10 **limits campaign contributions to \$250** per candidate per election including aggregation. Municipal code section available online here: https://library.municode.com/ca/milpitas/codes/code_of_ordinances?nodeId=TITIAD_CH210RECACO

H. Important Information about Record Keeping

The campaign committee treasurer must keep a complete and accurate record of campaign receipts and expenditures. This is essential to the filing of campaign statements required by the Political Reform Act. Although it is not required that contributions of under \$25 be disclosed, candidates should know the origin of all contributions if individuals make small donations that aggregate to \$100 or more. Further, the California Franchise Tax Board is authorized to conduct audits of local candidates and their committees.

It is the candidate's responsibility to carefully review the campaign statements prepared by the committee treasurer, and, if necessary, to replace the treasurer or improve the treasurer's performance if the candidate knows or has reason to believe the treasurer is not performing the required duties. Both the candidate and the treasurer must verify that the statement is true and both sign the statement under penalty of perjury. A statement is not considered filed if it is not signed by both the candidate and treasurer.

Campaign Disclosure manuals provide specific instructions and examples to assure record keeping complies with FPPC regulations. These examples address the most common transactions occurring in a campaign and can assist your committee to keep proper records. Manuals are available online, with **Manual 2** available as the one relative to local elections, found on the web here: <http://www.fppc.ca.gov/forms/all-fppc-manuals.html>

12. POLITICAL CAMPAIGN SIGNS

Election campaign signs are a traditional means of expression. The City's sign code allows freedom of expression while preserving public safety. If you have any questions about campaign signs, call the Planning Department about current sign regulations at 408-586-3279 or the City Clerk at 408-586-3001. Election signs must be removed within 15 days following the election (by November 18, 2020). Political signs are restricted in Milpitas to a **maximum of 32 square feet**, posted no higher than 6 feet above grade. See [Milpitas Municipal Code, table XI-10-24.04-2](#)

13. MASS MAILING REQUIREMENTS

The Political Reform Act specifies that a candidate (or committee) who sends a mass mailing of 200 or more identical or nearly identical pieces of mail (postal or e-mail) in a calendar month must identify itself on the mailer. ([Government Code Section 84305](#)). The Elections Code requires that city and county clerks or election officials provide a copy of Government Code Section 84305 to each candidate, or his/her agent, at the time that Nomination Paper is filed, therefore a copy of GC 84305 is provided to all candidates.

14. VOTER REGISTRATION DEADLINE

Section 2107 – Elections Code

The last day to register to vote for this election is Monday, October 19, 2020, 15 days prior to the election. Registration forms are available (when offices are open) at the Registrar of Voters, DMV, City fire stations, Library, and City Hall. If a citizen has a current California Driver's License issued by California Department of Motor Vehicles, he or she may register to vote online at www.registertovote.ca.gov

15. INFORMATION REQUESTS

Candidates are requested to direct specific requests for City of Milpitas information not currently available on the website to the Milpitas City Clerk at 408-586-3001 or the Milpitas City Manager at 408-586-3059.

16. REGISTRAR OF VOTERS INFORMATION

The Santa Clara County Registrar of Voters Fee Schedule can be provided upon request. This schedule lists specific voter information available from the Registrar and the cost and formats of that information, including lists of registered voters, Vote-By-Mail voters, and precinct maps. Call the Registrar of Voters in San Jose at 408-299-8683 or visit the website at www.sccvote.org.

17. ASSUMING OFFICE

The newly elected Mayor and two City Councilmembers will take office and be sworn in by the Milpitas City Clerk in December, following the City's receipt of the certified election results from the County Registrar of Voters by the 30th day following Election Day. The swearing-in ceremony is often followed by a brief reception in the City Hall lobby.

18. RALPH M. BROWN ACT

Candidates who have been elected but not yet sworn in are subject to the Ralph M. Brown Act (California Open Meetings Law). This means candidates, just as City Councilmembers, must avoid meetings or serial communications with current members of the City Council and/or other members-elect until they have been briefed on the law by the City Attorney.

19. CODE OF FAIR CAMPAIGN PRACTICES

Candidates are encouraged to voluntarily endorse, subscribe to, and pledge themselves to conduct their campaigns in accordance with the principles of decency, honesty and fair play. Signing a printed copy of this prescribed Elections Code section 20440 is optional for all candidates. If signed, it remains on file at the City Clerk's office.

20. TO SCHEDULE YOUR APPOINTMENT TO RUN FOR ELECTIVE OFFICE OR FOR ANY QUESTIONS ABOUT THE PROCESS OF RUNNING FOR OFFICE IN MILPITAS, contact:

Milpitas City Clerk at 408-586-3001
e-mail: mlavelle@ci.milpitas.ca.gov

or

Deputy City Clerk at 408-586-3003
e-mail: pcaronongan@ci.milpitas.ca.gov

