

**CITY OF**



**CUPERTINO**

Guidelines for  
CITY COUNCIL CANDIDATES

Election of November 3, 2020

Revised 08/31/20

## **Information for Council Candidates**

Congratulations on your decision to run for elected office! The following pages provide important information regarding the November 3, 2020, Cupertino municipal election. Please note, this document is provided as a courtesy to potential candidates and does not necessarily include all the provisions that may apply.

Becoming a candidate includes a number of steps that are outlined in more detail in this document. In general, you will collect signatures on a nomination petition, identify a treasurer, open a campaign bank account, prepare a candidate's statement (optional), and file regular reports regarding your campaign income and expenditures.

Please review this document thoroughly, and if you have questions or need additional forms, call (408) 777-3223, or visit the Clerk's Office at 10300 Torre Avenue, Cupertino. General elections information is also available on the City's website at [www.cupertino.org](http://www.cupertino.org).

If you have questions about campaign finance disclosure forms, please call the Fair Political Practices Commission (FPPC). The toll-free number for the technical assistance hotline is (866) 275-3772. Also, their website provides interactive and downloadable forms: <http://www.fppc.ca.gov>.

### **Eligibility for Office**

You must be a registered voter living within the corporate limits of the City of Cupertino to be eligible for office (Elections Code 201).

You may not hold elected office if you have been convicted of designated crimes specified in the Constitution and laws of the State (Govt. Code 1021).

You may not make any reference to party affiliation on required forms, since the City Council is a nonpartisan body (Elections Code 8002).

### **Nomination Period**

Nomination papers are issued by the City Clerk during City Hall regular business hours beginning Monday, July 13, and are due by Friday, August 7. (You are strongly encouraged to file several days before the deadline). There are a number of other forms to fill out and return, some of which are required by the Fair Political Practices Commission, and others requested by the County Registrar of Voters and/or the City Clerk's Office. The nomination period will be extended to Wednesday, August 12 if an incumbent eligible to run chooses not to do so.

**Please allow at least 45 minutes for the City Clerk to review the documents with you.**  
Appointments are strongly encouraged.

There is no filing fee to run for office. However, there is a fee if you wish to have a Candidate's Statement printed in the Voter's Pamphlet. Both the statement and the estimated fee of \$2,860.00 are due when nomination papers are filed. You may owe more or receive a refund once the actual cost from the Registrar of Voter's Office has been established.

### **Circulating Nomination Papers**

1. The petition must be signed by at least 20 but no more than 30 registered voters of the City of Cupertino.
2. Try to collect all 30 signatures to compensate for any that may be disqualified.
3. Each person must sign his or her name as registered, and write the street and number of his or her residence. Ditto marks are not acceptable.
4. A registered voter who has changed addresses must re-register to update the information. If this is not done, the signature on the Nomination Paper may be disqualified.
5. Signatures may be collected either by the candidate or by a circulator appointed by the candidate, but not both. The person who circulates the petition must obtain all the signatures, and must sign the Certificate of Circulation.
6. Both the nominee and the circulator (if different) are eligible to sign the petition as long as the circulator is a registered voter in Cupertino.
7. Voters may sign the nomination paper of Council candidates equal to the number of vacancies which are two for the November 3, 2020 election. If a voter signs more than two nomination papers, only the first two nomination papers to be filed containing the voter's signature will be counted.
8. Signatures may not be obtained within 100 feet of any election booth, polling place, or any place where voter registration is being conducted.
9. The candidate must sign the Affidavit of Nominee and Oath or Affirmation of Allegiance in the presence of an officer authorized to administer oaths, such as the City Clerk or a notary public. Please wait to sign this until you file your papers.

## **Filing Nomination Papers**

**The deadline for Nomination papers is Friday, August 7, at 4:30 p.m.** If at all possible, file a day or two before the deadline, so there is time to collect additional signatures if necessary.

Please allow at least 45 minutes for the filing process.

**Appointments are strongly recommended.** Filers without an appointment will be helped on a first-come, first-served basis after those with an appointment.

The following documents must be filed together, by 4:30 p.m. on August 7:

1. The Nomination Paper
2. Form 700 (Statement of Economic Interest).
3. A Candidate's Statement (if you choose to have one) and the estimated payment in the amount of \$2,860.00 \*

\*This is an estimate of your pro rata share of the cost of the Candidate's statement. You will be billed for the balance if the actual cost is more, and you will be refunded the difference if the actual cost is less.

Payment may be made by cash or a check, drawn on your personal or campaign bank account, payable to the City of Cupertino and does not count against the voluntary spending limit.

4. Other forms requested by the City Clerk and the Registrar of Voters, such as contact information, Ballot Designation worksheet, Code of Fair Campaign Practices, Preferred Transliteration Form, etc.

Once you have filed the nomination paper and candidate's statement, they cannot be altered. However, you have until the end of the filing period to withdraw them entirely, thereby removing your name from the ballot.

## **Appoint a Treasurer**

It is important that you select a treasurer as soon as possible. Both you and the treasurer will be required to sign all future filings. There will be at least two filing periods prior to the election and at least two every year following the election, and additional information may be required if your committee is audited. This filing obligation continues as long as your committee is open or, if you are elected, as long as you are a Council member.

Your treasurer can be a friend, a family member, or a professional accountant, but it should be someone who is willing to accept the long-term responsibility and has some general accounting experience. Even if your level of spending does not trigger the submission of detailed reports, you and your treasurer must record all contributions and expenditures on a daily basis. At times this can become complex and time-consuming, and the tracking and reporting requirement continues throughout the campaign and, if you are elected, throughout your term of office. Please note that late or insufficient filings may trigger fines and could result in negative press.

You and your treasurer are strongly encouraged to attend one of the free FPPC workshops regarding the duties of candidates and treasurers offered in Sacramento and throughout the Bay Area. Please check the FPPC website for offerings and the City Clerk will also try to provide details on upcoming workshops.

## **Campaign Finance**

You should not accept or spend \$100 or more in cash. All personal funds must first be deposited in your campaign bank account, except for candidate statement fees (Govt. Code 84300).

For contributions of \$100 or more, including loans and in-kind contributions, you must disclose the contributor's name, address, occupation, and employer.

If \$1000 or more is received from a single source within 90 days before the election, you must disclose receipt of those funds on Form 497 within 24 hours, even if the contribution is from your personal funds.

If an agent or campaign consultant buys goods or services for the campaign, itemize expenditures of \$500 or more.

Cupertino does not have a campaign contribution limit.

Disclosure forms and manuals are available from the City Clerk's Office or at <http://www.fppc.ca.gov/> (click on View All Forms/Campaign Forms or All FPPC Manuals). Most of the forms are interactive and can be filled out online and then printed.

- FPPC Campaign Disclosure Manual No. 2: Information for Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates.
- Form 501: Candidate Intention Form - File a 501 with the City Clerk **before** soliciting, receiving or spending any campaign funds, except for the Candidate's Statement fee. Once this form has been filed, open your campaign bank account.
- Form 410: Statement of Organization - File a 410 with the Secretary of State's Office within 10 days of receiving or spending a total of \$2,000. This will provide you with an identification number. **Both the candidate and the treasurer will be required to sign this document, and the funds must be withdrawn from or deposited into your campaign account.**

Required committee name format - All state and local committees must include the **candidate's last name, office sought and year of the election**. Examples of committee names are "Jones for Council 2020" and "Smith for Assembly 2020" (See FPPC Regulation 18402).

**All recipient committees that file a Statement of Organization (Form 410) must pay a \$50 fee to the Secretary of State, pursuant to Government Code Section 84101.5, subject to the following conditions. Any committee that does not pay the fee is subject to a penalty of \$150:**

- ❖ For all recipient committees that form after January 1, 2013, the \$50 fee is due to the Secretary of State no later than 15 days after the Statement of Organization (Form 410) is filed with the Secretary of State.
  - ❖ Recipient committees that exist year-to-year are required to pay the fee annually by January 15, until the committee terminates.
  - ❖ Recipient committees that are created and pay the initial \$50 fee in the last three months of a calendar year are not subject to the annual fee in the subsequent year.
- Form 460: Candidate or Committee Campaign Expenditure Form – File a 460 for each pre-election or semi-annual reporting period. **Both the candidate and the treasurer will be required to sign this document, and the funds must be withdrawn from or deposited into your campaign account.**

- Reporting an Expenditure of Campaign Funds for a Gift, a Meal, or Travel – This requires a candidate controlled committee to describe the political, legislative, or governmental purpose and other detailed information when reporting expenditures for gifts, meals, or travel and requires maintenance of specified records. (See FPPC Regulations 18401 and 18421.7).
- Form 700: Statement of Economic Interests – File this at the time you file nomination papers and annually thereafter.
- Keep good records and mark your calendar with due dates for campaign statements. Maintain details on contributions and expenditures of \$25 or more. (Refer to the recordkeeping guidelines in Campaign Disclosure Manual 2.)

Your particular circumstances may require the filing of additional FPPC forms. Contact the toll-free FPPC hotline at (866) 275-3772, if you have any questions.

### **City Commissioners or Committee Members Campaigning for Public Office**

City commissioners or committee members may actively seek voter support in public places where such activity is permissible, however, such campaigning must be done on the person's own time and not during the time that his or her commission or committee is in session.

Candidates should also be aware that campaign contributions may cause conflicts for appointees and commissioners. Read Government Code Section 84308 carefully if you fall into this category.

### **Candidate Restrictions on Campaign Activity**

Candidates may not use the City logo, photographs of employees in uniform, photographs of vehicles labeled with City identification, or photographs of locations which would imply the endorsement of the City or its employees per GC 8314. (a).

### **Candidate Controlled Committee Treasurers**

The treasurer is responsible for:

- Filing the committee's statement of organization (Form 410) and termination of the committee
- Establishing and maintaining a recordkeeping system that ensures the committee complies with disclosure requirements
- Verifying and signing the committee's campaign statements and filing them on time

- Correcting inaccuracies or omissions that may occur

Anyone may act as a committee treasurer. A candidate may serve as his or her own committee treasurer. However, no individual should accept the position of committee treasurer as a mere figurehead. If errors or omissions occur in a committee's recordkeeping and reporting, the treasurer will often be a named party in any resulting enforcement action and may be held personally liable. A committee may appoint one assistant treasurer on its statement of organization to act in place of the treasurer if he or she is unavailable.

The treasurer is responsible for the timely and accurate filing of campaign disclosure reports with the appropriate state and/or local filing officers. To accomplish this, the treasurer must see that complete and accurate records of receipts and expenditures are maintained from the very beginning of the committee's operations.

The treasurer is required to maintain the records personally or monitor committee support staff or others that actually perform the recordkeeping duties. The treasurer must also prepare the campaign statements personally or carefully review the campaign statements and records prepared by others. If required information is missing, it is the treasurer's responsibility to obtain it. The treasurer must also monitor compliance with restrictions on cash contributions, cash expenditures, and with federal and local campaign laws.

All reports and statements must be signed by the treasurer or assistant treasurer.

A controlling candidate or officeholder must also sign the committee's campaign statements, verifying that the treasurer has used all reasonable diligence in preparing them.

Contact the toll-free FPPC hotline at (866) 275-3772, if you have any questions.



## CODE OF FAIR CAMPAIGN PRACTICES

1. Background Information

In 1982, legislation was passed which established a “Code of Fair Campaign Practices” in California that could be voluntarily subscribed to by candidates for public office. Amendments in 1987 expanded the provisions of the code so as to apply to committees formed primarily to support/oppose a ballot measure, and also reaffirmed civil liability provisions pertaining to libel and slander in campaign advertising and communications. (Election Code Sections 20400-20444).

2. Filing Officer Requirement

The City Clerk is required, at the time an individual is issued his/her Declaration of Candidacy, Nomination Papers, or any other paper evidencing an intention to be a candidate for public office, to provide the candidate a blank form on which to subscribe to the “Code of Fair Campaign Practices” and a copy of the Elections Code provisions.

3. Voluntary Subscription

Subscription to the Code is voluntary. Completed forms are to be filed with the City Clerk, and shall be retained for public inspection until 30 days after the election. For your information, this guide contains the provisions relating to this section and a sample copy of the blank form to be completed.

**CODE OF FAIR CAMPAIGN PRACTICES**  
(Elections Code § 20440)

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.

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Print Name

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Signature

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Date

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Office

## **MASS MAILINGS**

### Definition of Mass Mailing

"Mass mailing" means over two hundred 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. (Govt. Code 82041.5)

### Mass Mailing Requirements

Section 84305 of the Government Code provides as follows:

Government Code § 84305. Manner of sending mass mailings

- (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).

### Mass mailing Prohibitions

No newsletter or other mass mailing shall be sent at the public expense.

### Political Advertising Requirements – Newspapers (Election Code 20008)

Any paid political advertisement which refers to an election or to any candidate for state or local elective office and that is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." The words shall be set apart from any other printed matter. As used in this section, "paid political advertisement" shall mean and shall be limited to published statements paid by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office.

## **CITY OF CUPERTINO TEMPORARY POLITICAL SIGN GUIDANCE FOR 2020 ELECTION SEASON**

In order to ensure that no complaints are received regarding your campaign signs, please follow the rules below, as well as any applicable State requirements.

### Size and Design of Temporary Political Signs

- Signs shall have no more than two sides (i.e. faces).
- Signs shall be no larger than four square feet in area per side (i.e. per face).
- Signs shall not be illuminated.

### Location (Private Property)

- Political signs are allowed on private property everywhere in the City with the written or oral consent of the property owner or other person entitled to possession.

### Location (Public Property and Public Right-of-way)

- Political signs may be located in the public right-of-way (e.g. in the park strip between the curb and sidewalk) of residential and institutional districts only, subject to the other restrictions listed.
- Political signs are not allowed in the public right-of-way in any districts other than residential and institutional districts (e.g. commercial or industrial districts).
- Signs shall not be located on the street or on street medians (e.g. center dividers between lanes)
- Signs must not be attached to public property, such as sidewalks, fences, walls, public playground equipment, street lamp posts, traffic lights, telephone poles, utility cabinets, hydrants, trees, buildings, etc.

### Clearance Around Signs:

- All parts of the sign shall be set back a minimum of 18 inches from the face of the curb or from the edge of the street, bicycle or vehicle travel lane.
- Signs shall maintain 36 inches of clear and continuous width to allow pedestrian passage along a sidewalk or pathway.
- Signs shall not restrict in any way the safe vision of any vehicular or pedestrian traffic or obstruct any directional or safety signs permitted by the City.

### Removal of Signs:

- All political signs must be removed no later than 5 days after Election Day.
- At any time, Cupertino Code Enforcement may immediately remove any sign that creates a hazard to vehicular or pedestrian traffic, without any notice to the candidate or campaign entity.

- All signs that are removed will be stored at the City's Corporation Yard (10555 Mary Avenue, (408) 777-3269). Signs may be retrieved upon payment of a \$3 Sign Recovery fee for each sign. Signs held for more than 20 days shall be considered abandoned and disposed of.

Permit Required for Larger Signs or Banners:

- Candidates wishing to erect signs or banners that exceed the size limit for political signs (i.e. four square feet of area per side) must obtain a permit from the City for one of several allowable sign types, including the following:
  - Temporary "special event banners" may have a maximum area of up to 100 square feet, but require a permit from the City, must be mounted on a building, can have only one face, and are not allowed in residential districts. Please contact the Code Enforcement Office for more information.
  - "Portable signs and displays" that are not permanently attached to the ground or a structure may be up to eight square feet in area, four feet in height, and two feet in width, but require a permit, may only be displayed during business hours, and are not allowed in residential districts. Please contact the Code Enforcement Office for more information.

Further Information

For other questions regarding sign enforcement, please contact the Cupertino Code Enforcement Office at (408) 777-3182.

## **VOTER'S EDGE**

<http://www.votersedge.org/ca>

The League of Women Voters offers an opportunity to spread the word about your campaign using Voter's Edge, a comprehensive online non-partisan election guide. This service is free.

Voter's Edge provides an opportunity for candidates to share information about themselves with voters, and for the public to learn more about candidates and their positions.

To see what Voter's Edge has to offer, visit the site at <http://www.votersedge.org/ca>. You will find information, interaction and services including candidates' biographies that may include a photo, endorsements, and positions on issues.

There is also information on ballot measures, online news articles, polling place locations, and information on candidates' forums.

You will be contacted by the local League of Women Voters when you can put your information online.

## RESOLUTION NO. 20-041

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO ADOPTING A VOLUNTARY CAMPAIGN EXPENDITURE LIMIT OF \$30,000 FOR THE NOVEMBER 3, 2020 ELECTION

WHEREAS, the City Council adopted Resolution No. 9854 establishing a voluntary campaign expenditure limit for the 1997 City Council election in order to allow both candidates and officeholders to spend a lesser proportion of their time on fundraising and a greater proportion of their time communicating issues of importance to voters and constituents.

WHEREAS, the City Council has adopted a voluntary campaign expenditure limit each Cupertino election year since 1997, the most recent being Resolution No. 18-018 which established a voluntary campaign expenditure limit of \$29,000 for the November 2018 election.

WHEREAS, on November 3, 2020, a General Municipal Election will be held to fill vacant Council seats, and the City Council wishes to apply a voluntary campaign expenditure limit of \$30,000 to that election.

NOW, THEREFORE, BE IT RESOLVED:

- 1) Candidates for City Council are requested to limit their campaign expenditures to \$30,000 for the 2020 general election.
- 2) Any non-monetary contribution is deemed to be a campaign expenditure made by the receiving committee on the date of receipt, and it counts against the voluntary expenditure limits established by this resolution if an expenditure for equivalent goods or services would have been a campaign expenditure described in Attachment A. The amount of the expenditure shall be the fair market value of the contribution on the date of receipt.
- 3) In the event that any candidate wishes to abide by the campaign contribution limit requested by the City Council, he or she may file with the City Clerk a written notice of his or her intent to limit his or her campaign expenditures to \$30,000 for the 2020 election, and such intent will be indicated in the official voter's pamphlet by a black diamond next to his or her name.

4) The cost of printing and translating Candidate Statements shall not be counted against the voluntary expenditure cap of \$30,000.

5) The provisions of this resolution have no force of law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 5th day of May, 2020, by the following vote:

Members of the City Council

AYES: Scharf, Paul, Chao, Sinks, Willey  
NOES: None  
ABSENT: None  
ABSTAIN: None

SIGNED:  <u>/s/Steven Scharf</u> Steven Scharf, Mayor City of Cupertino	  _____ Date
ATTEST:  <u>/s/Kirsten Squarcia</u> Kirsten Squarcia, City Clerk	  _____ Date



**(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)**

**§ 18540. Voluntary Expenditure Ceilings.**

(a) For purposes of Government Code section 85400, campaign expenditures shall be allocated to primary, general, special, or runoff elections as follows:

(1) Expenditures related to mailing or distribution of campaign literature, signs, buttons, bumper stickers and similar items, shall be allocated to the next election following the date(s) on which the expenditures were made or, if the election is held on the date when the expenditures were made, to the election held on that date.

(2) Expenditures related to publications in broadcast, print or electronic media shall be allocated to the next election following the date(s) specified in the contract for broadcast, publication, or dissemination or, if the election is held on the date specified for publication, broadcast, or dissemination, to the election held on that date.

(3) Expenditures related to telephone banks, including costs of design and operation, costs of installing or renting telephone lines and equipment, toll charges, personnel costs, rental of office space, and associated consultants' fees, shall be allocated to the next election following the date(s) on which the expenditures were made or, if the election is held on the date when the expenditures were made, to the election held on that date.

**Expenditures on professional services, including fees and costs of campaign consultants and pollsters, shall be allocated to the next election following the date(s) on which the expenditures were made or, if the election is held on the date when the expenditure was made, to the election held on that date. In the event that a contract for professional services allocates specific fees and costs to particular elections, the terms of the contract will govern allocation of expenditures to each election. If a contract provides for a bonus payment should the candidate win a particular election, the bonus payment is an expense of the election whose result triggers the payment obligation.**

(4) Overhead expenditures, including expenditures related to the lease of office space, payments for utilities, rental or purchase of office equipment and furnishings, miscellaneous supplies, costs of internal copying and printing, monthly telephone charges, personnel costs, and candidate or staff travel expenses, shall be allocated to the next election following the date(s) on which the expenditures were made or, if the election is held on the date when the expenditures were made, to the election held on that date.

(5) Expenditures related to campaign fundraising shall be allocated to the election for which the funds were raised. If fundraising expenditures cannot be assigned in this manner to a particular election, fundraising expenditures shall be allocated to the next election following the date(s) on which the expenditures were made or, if the election is held on the date when the expense was incurred, to the election held on that date. Fundraising expenditures for the payment of debts under Government Code section 85316 shall not be counted against the voluntary expenditure ceilings established under Government Code section 85400.

(6) Unless there is a clear indication to the contrary, campaign expenditures not described in subdivisions (a)(1) through (a)(6) of this regulation shall be allocated to the next election following the date(s) on which the expenditures were made or, if the election is held on the date when the expenditure was made, to the election held on that date. Refunds of any expenditure on goods or services not provided to or used by the campaign shall be credited to the election for which the expenditure would otherwise have been allocated.

**The candidate shall maintain records establishing that his or her allocation of campaign expenditures under Government Code section 85400 was consistent with the provisions of the Act and of this regulation.**

(b) The allocation of expenditures under this regulation shall be reported pursuant to subdivision (c) of 2 Cal. Code Regs. section 18421.4.

(c) A non-monetary contribution is deemed to be a campaign expenditure made by the receiving committee on the date of receipt, which counts against the voluntary expenditure limits prescribed by Government Code section 85400, if an expenditure for equivalent goods or services would have been a campaign expenditure described in subdivision (a) of this regulation. For purposes of Government Code section 85400, the amount of the expenditure shall be the fair market value of the contribution on the date of receipt.

(d) Expenditures not counted against the voluntary expenditure limits prescribed by Government Code section 85400 include, but are not limited to, contributions to other candidates or committees, costs associated with preparing and filing campaign finance reports required under the Act, candidate filing fees, and costs of ballot pamphlet statements.

**Note: Authority cited: Section 83112, Government Code. Reference: Sections 82015, 85400 and 85402, Government Code.**

#### **HISTORY**

1. New section filed 11-26-2001; operative 12-26-2001 (Register 2001, No. 48). For prior history, see Register 92, No. 28.
2. Amendment of subsection (b) filed 9-12-2002 as a change without regulatory effect.

**Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2002, No. 37).**

RESOLUTION NO. 04-455

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO REQUIRING CANDIDATES FOR CITY COUNCIL TO PAY ALL COSTS ASSOCIATED WITH THE VOLUNTARY CANDIDATE'S STATEMENT.**

WHEREAS, budget constraints have forced the municipal government to weigh the advantages and disadvantages of full cost recovery in all areas of local government; and

WHEREAS, California Elections Code Section 13307 (c) allows a local agency to estimate the costs associated with printing, handling, translating, and mailing candidate's statements, and to require each candidate filing a statement to pay in advance his or her pro rata share;

NOW, THEREFORE, BE IT RESOLVED:

- 1) Candidates for City Council who wish to file a candidate's statement shall pay to the City of Cupertino his or her pro rata share of the costs associated with that statement.
- 2) The estimated pro rata share of costs shall be paid to the City of Cupertino at the time the nomination papers are filed.
- 3) Candidates are requested to pay their pro rata share of the costs in the form of a cashier's check, a personal check, or a check drawn upon the candidate's campaign account.
- 4) A candidate that alleges to be indigent and unable to pay the fee in advance may submit a request for waiver of this requirement pursuant to Elections Code 13309.
- 5) The cost of printing and translating Candidate Statements shall not be counted against any voluntary expenditure caps set by City Council resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 7th day of December 2004, by the following vote:

Vote                      Members of the City Council

AYES:                      Kwok, Lowenthal, James  
NOES:                      None  
ABSENT:                    Sandoval, Wang  
ABSTAIN:                  None

ATTEST:  
/s/ Kimberly Smith  
City Clerk

APPROVED:  
/s/ Patrick Kwok  
Mayor, City of Cupertino

## ROLE OF CITY COUNCIL

The City Council is composed of five members elected at large by the citizens of Cupertino to be the legislative policy-making branch of city government. The Council directs the course of local government through its power to pass ordinances, levy taxes, award contracts, and appoint certain City officers and commissions. The Mayor is a member of the Council and has the responsibility to sign official documents, chair the Council meetings, and act as the official head of the City at public and ceremonial occasions.

Council members serve four-year, staggered terms, with a two-term limit. Each November/December, the Council members elect one of their group to serve as mayor for a one-year term.

As of November 2007, Council members earn a salary of \$730.24 per month, and also receive monthly benefits for medical and dental insurance. Vision and life insurance are paid in full by the city, and members may qualify for Public Employees Retirement System (PERS) benefits.

The City Council makes appointments to the following 11 advisory commissions:

- Audit Committee
- Bicycle Pedestrian Commission
- Fine Arts Commission
- Housing Commission
- Library Commission
- Parks and Recreation Commission
- Planning Commission
- Public Safety Commission
- Sustainability Commission
- Teen Commission
- Technology Information and Communications Commission

As the legislative body for the City of Cupertino, the City Council may enact ordinances, adopt resolutions, and make motions and referrals. An ordinance is a law enacted by the City Council under powers delegated to it as a general law city by the State. A resolution is used to express the policy of the Council or to direct certain types of procedural or administrative actions. Motions indicate majority approval for a procedural or administrative action, and are typically used for disposition of business items on the agenda. When the Council is not prepared to take definite action or when further study or information is needed, the Council may refer the matter by motion to an individual or group for study. The Council may request that a report be made at a future Council meeting.

The Municipal Code is a compilation of the City's ordinances. The Code includes several titles that are further divided into chapters according to subject. Since City ordinances are passed, modified or repealed on an ongoing basis, the Municipal Code is issued in the form of a loose-leaf notebook, and is also available on the City's web site. Revisions to the Code are made at least quarterly.

Council members represent the City of Cupertino on various County, regional and State commissions and committees. The current list of committees includes:

- Association of Bay Area Governments
- Audit Committee
- Comprehensive County Expressway Planning Study Policy Advisory Board
- Cupertino Disaster Council
- Economic Development Committee
- Environmental Review Committee
- Fiscal Strategic Planning Committee
- Legislative Review Committee
- League of California Cities, Peninsula Division
- Santa Clara County Cities Association – Board of Directors
- Santa Clara County Cities Association – City Selection Committee
- Santa Clara County Cities Association – Legislative Action Committee
- Santa Clara County Library District - Joint Powers Authority Board of Directors
- Santa Clara County Transportation Authority – Policy Advisory Committee
- Santa Clara County Transportation Authority – State Route 85 Corridor Policy Advisory Board
- Santa Clara Valley Water Commission
- School Board liaison - FUHSD, CUSD, Foothill-De Anza Community College District
- Silicon Valley Clean Energy Authority – Joint Powers Authority Board of Directors
- Sister City Committees – Toyokawa, Hsinchu, Bhubaneswar, Cupertino
- West Valley Mayors and City Managers

Institutes, conferences, and seminars are held throughout the year to provide training and information that assist members of Council in performing their duties. Institutes and conferences typically are three to five days.

**City of Cupertino  
Contact Information**  
[www.cupertino.org](http://www.cupertino.org)  
(408) 777-CITY

<b>Title</b>	<b>Name</b>	<b>Phone</b>	<b>E-Mail</b>
Mayor	Steven Scharf	777-3191	<a href="mailto:sscharf@cupertino.org">sscharf@cupertino.org</a>
Vice-Mayor	Darcy Paul	777-3195	<a href="mailto:dpaul@cupertino.org">dpaul@cupertino.org</a>
Council Member	Liang Chao	777-3192	<a href="mailto:liangchao@cupertino.org">liangchao@cupertino.org</a>
Council Member	Rod Sinks	777-3194	<a href="mailto:rsinks@cupertino.org">rsinks@cupertino.org</a>
Council Member	Jon Robert Willey	777-3193	<a href="mailto:jwilley@cupertino.org">jwilley@cupertino.org</a>
City Manager	Deborah Feng	777-3212	<a href="mailto:debf@cupertino.org">debf@cupertino.org</a>
City Attorney	Heather Minner	777-3403	<a href="mailto:heatherm@cupertino.org">heatherm@cupertino.org</a>
City Clerk Deputy City Clerk	Kirsten Squarcia Lauren Sapudar	777-3225 777-1312	<a href="mailto:kirstens@cupertino.org">kirstens@cupertino.org</a> <a href="mailto:laurens@cupertino.org">laurens@cupertino.org</a>
Community Development Director	Ben Fu	777-3308	<a href="mailto:benf@cupertino.org">benf@cupertino.org</a>
Administrative Services Director	Kristina Alfaro	777-3220	<a href="mailto:kristinaa@cupertino.org">kristinaa@cupertino.org</a>
Chief Technology Officer	Bill Mitchell	777-1333	<a href="mailto:billm@cupertino.org">billm@cupertino.org</a>
Parks and Recreation Director	Joanne Magrini	777-3110	<a href="mailto:joannema@cupertino.org">joannema@cupertino.org</a>
Public Works Director	Roger Lee	777-3354	<a href="mailto:rogerm@cupertino.org">rogerm@cupertino.org</a>

**SANTA CLARA OFFICE OF THE REGISTRAR OF VOTERS**

General Information: (408) 299-VOTE [8683] or Toll Free: (866) 430-VOTE [8683]

Election Officers & Vote Centers: (408) 299-POLL [7655]

Candidate Services: (408) 299-8639

General Information Email: [registrar@rov.sccgov.org](mailto:registrar@rov.sccgov.org)

Voters Choice: [voterschoice@rov.sccgov.org](mailto:voterschoice@rov.sccgov.org)

DIVISION	CONTACT	PHONE/EMAIL
<b>Administration Office Line: (408) 299-8683</b>		
Registrar of Voters	Shannon Bushey	<a href="mailto:shannon.bushey@rov.sccgov.org">shannon.bushey@rov.sccgov.org</a>
Assistant Registrar	Matt Moreles Virginia Bloom	<a href="mailto:matt.moreles@rov.sccgov.org">matt.moreles@rov.sccgov.org</a> <a href="mailto:virginia.bloom@rov.sccgov.org">virginia.bloom@rov.sccgov.org</a>
Fiscal	Vicky Bituin	<a href="mailto:vicky.bituin@rov.sccgov.org">vicky.bituin@rov.sccgov.org</a> 408-282-3011
Ballot Layout	Liz Oviedo	<a href="mailto:liz.oviedo@rov.sccgov.org">liz.oviedo@rov.sccgov.org</a> 408-282-3033
Candidate Services	Bren Lehr	<a href="mailto:bren.lehr@rov.sccgov.org">bren.lehr@rov.sccgov.org</a> 408-282-3041
GIS Mapping	Bob Nguyen	<a href="mailto:bob.nguyen@rov.sccgov.org">bob.nguyen@rov.sccgov.org</a> 408-282-3037
Public & Legislative Affairs	Evelyn Mendez	<a href="mailto:evelyn.mendez@rov.sccgov.org">evelyn.mendez@rov.sccgov.org</a> 408-282-3066
Precinct Operations	Paulo Chang	408-299-POLL [7655] <a href="mailto:paulo.chang@rov.sccgov.org">paulo.chang@rov.sccgov.org</a>
Vote by Mail	Alfred Gonzales	<a href="mailto:alfred.gonzales@rov.sccgov.org">alfred.gonzales@rov.sccgov.org</a> 408-282-3015
Voter Registration	Julia Saenz	<a href="mailto:julia.saenz@rov.sccgov.org">julia.saenz@rov.sccgov.org</a> 408-282-3009

## OTHER AGENCIES

Agency	Subject Matter	Phone	Web Site
Fair Political Practices Commission (FPPC) – Technical Assistance	Campaign Disclosure Conflict of Interest Lobbying Disclosure Proper Use of Campaign Funds	866-275-3772 (toll free)	<a href="http://www.fppc.ca.gov">www.fppc.ca.gov</a>
Fair Political Practices Commission (FPPC) – Enforcement	Report a Violation of the Political Reform Act	800-561-1861 (toll free)	<a href="http://www.fppc.ca.gov">www.fppc.ca.gov</a>
Federal Elections Commission	Federal Campaign Disclosure Requirements Contributions From National Banks, National Corporations Contributions from Foreign Nationals	1-800-424-9530 (toll free)	<a href="http://www.fec.gov">www.fec.gov</a>
League of Women Voters (LWV) Cupertino-Sunnyvale	Cupertino/Sunnyvale branch	Visit Website	<a href="http://cs.ca.lwvnet.org/">http://cs.ca.lwvnet.org/</a>
State Franchise Tax Board	Committee Tax Status Tax Deductible Contributions Charitable Non-Profit Groups Any Other Tax Related Questions	800- 852.5711 (toll free)	<a href="http://www.ftb.ca.gov">www.ftb.ca.gov</a>
Santa Clara County Registrar of Voters	See detailed listing on previous page	408-299-8683	<a href="http://www.sccvote.org">www.sccvote.org</a>
Secretary of State	<u>Political Reform</u> Form 410 Committee Identification Number Form 501 Candidate Intention Form 460 Campaign filing	916-653-6224	<a href="http://www.sos.ca.gov">www.sos.ca.gov</a>
	<u>Elections Division</u> Questions related to the Elections Code	916-657-2166	
Voter's Edge	Sponsored by League of Women Voters of California		<a href="http://www.votersedge.org/ca">http://www.votersedge.org/ca</a>



## **ADDITIONAL ASSISTANCE**

<b>Phone or Web</b>	<b>Mail</b>
Call Toll-Free <b>1-866-ASK-FPPC</b> (1-866-275-3772) or 1-916-322-5660  <b>www.fppc.ca.gov</b>	<b>Fair Political Practices Commission</b> 428 J Street, Suite 620 Sacramento, CA 95814
	<b>Fax</b>
	1-916-322-0886

Seeking informal advice from the FPPC offers you an opportunity to have simple questions answered by experienced staff, either by emailing [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) or by calling 1-866-ASK-FPPC (1-866-275-3772). Telephone advice is available Monday through Thursday from 9:00 a.m. to 11:30 a.m.

Informal advice can provide guidance if you have questions such as where to file campaign statements, filing schedules, or your basic responsibilities under the Act. Unlike formal advice, informal advice does not provide immunity from prosecutions by the FPPC and *does not* qualify as legal advice.

### Advice Letters

If you have a more complicated question about your obligations under the Act and you would like legal advice from the FPPC's staff attorneys, you may request formal advice by submitting your inquiry in writing to [Advice@fppc.ca.gov](mailto:Advice@fppc.ca.gov) or by sending your request to the address above:

If the request for advice contains sufficient information and the question is within the FPPC's jurisdiction, the FPPC must provide formal written advice within 21 working days. The response will be provided in the form of an "advice letter."

A formal advice letter can provide the requestor immunity from enforcement actions by the FPPC. It also provides evidence of good faith conduct in any relevant civil or criminal proceeding brought by another party, so long as the facts presented in the request for advice are accurate and the requestor follows the guidance provided in the FPPC's advice letter. Formal advice does not provide immunity to any person other than the requestor.