

SECTION XII

ADDITIONAL ELECTION INFORMATION

This section includes information on Electioneering, Mass Mailing, Paid Political Advertisements, and related FPPC regulations on Political Advertising.

LIMITATIONS ON POLITICAL ACTIVITIES OF CITY EMPLOYEES

City employees are prohibited by law from engaging in political activities:

- (a) while in uniform; or
- (b) during working hours; or
- (c) on any City property.

City employees are also prohibited by law from:

- (a) soliciting political contributions for any candidate from other City officers or employees (except through a mass mailing to a significant segment of the public which may include City officers or employees); or
- (b) using other City employees, while on publicly paid City time, to perform any tasks relating to campaign or election activities; or
- (c) using or attempting to use their authority, influence, or position as City employees to secure a City job, promotion, or pay raise for any person in consideration for such person's vote or political influence or any other corrupt condition or consideration.

Except to the extent prohibited by law (as generally outlined above), City employees are permitted, in their individual capacities, to engage in political activities, including but not limited to the endorsement of candidates for office.

ELECTIONEERING – ELECTIONS CODE

No person shall do any electioneering, soliciting of votes, talking to a voter on the subject of marking his/her ballot, or speaking to a voter on the subject of his/her qualifications to vote, within one hundred (100) feet of a polling place on the day of the election. Only members of the election board are permitted to challenge voters' qualifications.

CALIFORNIA ELECTIONS CODE - DIVISION 18, CHAPTER 4, ELECTION CAMPAIGNS

Article 7. Electioneering

18370. Electioneering within 100 feet of a polling place

(a) A person shall not, on election day, or at any time that a voter may be casting a ballot, within the 100 foot limit specified in subdivision (b), do any of the following:

- (1) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (2) Solicit a vote or speak to a voter on the subject of marking the voter's ballot.
- (3) Place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240.
- (4) Do any electioneering as defined by Section 319.5.

(b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:

- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.
- (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

(c) A person shall not, on election day, or at any time that a voter may be casting a ballot, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot:

- (1) Solicit a vote.
- (2) Speak to a voter about marking the voter's ballot.
- (3) Disseminate visible or audible electioneering information.

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

(Amended by Stats. 2021, Ch. 318, Sec. 4. (SB35) Effective January 1, 2022.)

MASS MAILING REQUIREMENTS – GOVERNMENT CODE

Pursuant to Section 16 of the Elections Code, a copy of Section 84305 of the California Government Code is below:

CALIFORNIA GOVERNMENT CODE - TITLE 9, CHAPTER 4 CAMPAIGN DISCLOSURE

Article 3. Prohibitions

84305

(a)

(1) Except as provided in subdivision (b), a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type that is in a color or print that contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the candidate's, candidate controlled committee established for an elective office for the controlling candidate's, or political party committee's address is a matter of public record with the Secretary of State.

(2) Except as provided in subdivision (b), a committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass mailing that is not required to include a disclosure pursuant to Section 84504.2 unless the name, street address, and city of the committee is shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type that is in a color or print that contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the committee's address is a matter of public record with the Secretary of State.

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

(c)

(1) A candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass electronic

mailing unless the name of the candidate or committee is shown in the electronic mailing preceded by the words “Paid for by” in at least the same size font as a majority of the text in the electronic mailing.

(2) A committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass electronic mailing that is not required to include a disclosure pursuant to Section 84502 or 84504.3 unless the name of the committee is shown in the electronic mailing preceded by the words “Paid for by” in at least the same size font as a majority of the text in the electronic mailing.

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

(e) For purposes of this section, the following terms have the following meanings:

(1) “Mass electronic mailing” means sending more than 200 substantially similar pieces of electronic mail within a calendar month. “Mass electronic mailing” does not include a communication that was solicited by the recipient, including, but not limited to, acknowledgments for contributions or information that the recipient communicated to the organization.

(2) “Sender” means the candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing which are reportable pursuant to Sections 84200 to 84216.5, inclusive.

(3) To “pay for” a share of the cost of a mass mailing means to make, to promise to make, or to incur an obligation to make, any payment: (A) to any person for the design, printing, postage, materials, or other costs of the mailing, including salaries, fees, or commissions, or (B) as a fee or other consideration for an endorsement or, in the case of a ballot measure, support or opposition, in the mailing.

(f) This section does not apply to a mass mailing or mass electronic mailing that is paid for by an independent expenditure. *(Amended by Stats. 2019, Ch. 558, Sec. 1. (AB 864) Effective January 1, 2020. Note: This section was added on June 4, 1974, by initiative Prop. 9.)*

DEFINITION OF MASS MAILING – CODE OF REGULATIONS

§ 18435, CALIFORNIA CODE OF REGULATIONS

(a) A “mass mailing” has been made when over two hundred substantially similar pieces of mail have been sent within a calendar month.

(b) The “sender”, as used in Section 84305, is:

(1) The candidate or committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing which are reportable under Sections 84200 through 84216.5; or

(2) The candidate or committee who coordinates the expenditure for the mailing pursuant to Regulation 18225.7(c) with a person who pays for the mailing and the person does not qualify as a candidate or committee under Section 82013.

(c) The identification required by Section 84305 must be preceded by the words “Paid for by.” These words must be presented in the same size and color as the identification required by Section 84305, and must be immediately adjacent to and above or immediately adjacent to and in front of the required identification unless otherwise specified by statute.

(d) Mass mailing disclosure requirements under Section 84305 do not apply to mailings that are advertisements under Section 84501 and sent by a committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee.

(e) A mailing of a personal nature, such as invitations, greeting cards and announcements to friends and family, sent by a person qualifying as a committee under Section 82013(b) or (c) is not a “mass mailing” for purposes of the Act if the mailing is not for a political purpose. Note: Authority cited: Section 83112, Government Code. Reference: Sections 82041.5 and 84305, Government Code.

SLATE MAILER REQUIREMENTS – CODE OF REGULATIONS

§ 18435.5, CALIFORNIA CODE OF REGULATIONS

(a) Section 84305.5 requires a slate mailer to identify the slate mailer organization or committee sending the slate mailer, and to designate by an asterisk (*) each candidate and each

ballot measure supported or opposed in a slate mailer for which payment of \$100 or more has been received by the organization or committee (either from the candidate, ballot measure committee, or from any other person “at the behest” of a candidate or ballot measure committee as defined in Regulation 18225.7).

(b) To ensure that it is easily legible, the Notice to Voters required by Section 84305.5 shall appear with a reasonable degree of color contrast between the background and the statement and must appear on a plain background, not superimposed over an illustration or a patterned background. Examples of a reasonable degree of color contrast that would meet the standard required by Section 84305.5 are when the disclaimer is printed in black text on a white background or a similar degree of color contrast between the background and the text of the disclaimer.

(c) **Slate Mailers in Multiple Languages.** The Notice to Voters in a slate mailer shall appear in English. In addition, if all or a significant portion of the slate mailer appears in a language other than English, the Notice to Voters must also appear in that language.

(d) In addition to applying to slate mailers sent by traditional mail, the slate mailer identification and disclaimer requirements of Section 84305.5 apply to slate mailers distributed electronically. *(Note: Authority cited: Section 83112, Government Code. Reference: Section 84305.5, Government Code.)*

ELECTION CAMPAIGNS – CALIFORNIA PENAL PROVISIONS

ELECTIONS CODE - DIVISION 18, CHAPTER 4 ELECTION CAMPAIGNS

Article 1. Campaign Literature

18303 Every person who violates Section 84305 of the Government Code relating to mass mailing is subject to the penal provisions set forth in Chapter 11 (commencing with Section 91000) of Title 9 of the Government Code. *(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

GOVERNMENT CODE - TITLE 9, CHAPTER 11 ENFORCEMENT

91000 (a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.

(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars (\$10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.

(c) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred. *(Repealed and added by Stats. 2000, Ch. 102, Sec. 73. Approved in Proposition 34 at the November 7, 2000, election. Operative January 1, 2001, by Sec. 83 of Ch. 102.)*

91001 (a) The Attorney General is responsible for enforcing the criminal provisions of this title with respect to state agencies, lobbyists and state elections. The district attorney of any county in which a violation occurs has concurrent powers and responsibilities with the Attorney General.

(b) The civil prosecutor is primarily responsible for enforcement of the civil penalties and remedies of this title. The civil prosecutor is the commission with respect to the state or any state agency, except itself. The Attorney General is the civil prosecutor with respect to the commission. The district attorneys are the civil prosecutors with respect to any other agency. The civil prosecutor may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Upon written authorization from a district attorney, the commission may bring any civil action under this title which could be brought by a voter or resident of the jurisdiction. Under such circumstances, Section 91007 shall not apply to the commission.

(c) Whether or not a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith shall be considered in applying the remedies and sanctions of this title. *(Amended by Stats. 1979, Ch. 357. Note: This section was added on June 4, 1974, by initiative Prop. 9.)*

TEXT MESSAGE CONTRIBUTIONS – CODE OF REGULATIONS

§ 18421.31, CALIFORNIA CODE OF REGULATIONS

(a) This regulation applies to a committee engaging in fundraising through text message contributions. Text message refers to messages sent to phones over the short message service (“SMS”).

(b) Pursuant to Regulation 18421.1(c), text message contributions are received on the date that a mobile fundraising vendor, acting as agent of the candidate or committee, obtains possession or control of the contributions.

(c) Contributions made by text message shall be considered to be transferred promptly to a committee's campaign bank account as required by Section 84306 and Regulation 18421.3 if they are collected by the wireless carrier and forwarded by the mobile fundraising vendor to the committee following the standard business practices for those transactions.

(d) In addition to any other records required by the Act and regulations, a committee raising funds by text message contributions shall maintain the records required by Regulation 18401(a) paragraphs (1)-(3) for contributions under \$25, for contributions from \$25 to less than \$100, and for contributions of \$100 or more, respectively.

(e) A contribution made by text message shall be attributed to the person who is subscribed to the cell phone number that texted in the contribution.

(f) Under Regulation 18421.3(a), the entire amount authorized by the contributor is the amount of the contribution, and any amounts paid by the committee to the wireless carrier or mobile fundraising vendor for processing the contributions shall be reported by the committee as an expenditure. *(Note: Authority cited: Section 83112, Government Code. Reference: Sections 82015, 84104 and 84306, Government Code.)*

ENDORSEMENTS OF CANDIDATES/PAID POLITICAL ADVERTISEMENTS

ELECTIONS CODE - DIVISION 20, CHAPTER 1 ENDORSEMENTS OF CANDIDATES

20008 Political Advertisement Requirements

Any paid political advertisement that 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 for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office. *(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

FPPC – POLITICAL ADVERTISEMENT DISCLAIMERS (OVERVIEW - GENERAL QUESTIONS)

California Fair Political Practices Commission

Political Advertisement Disclosures

Under California's Political Reform Act (the "Act"), committees, generally, must include "Ad paid for by" disclosures on campaign advertising, including campaign mailers, radio and television ads, telephone robocalls, and electronic media ads. Please see the [Advertising Disclosure Charts](#) for specific disclosure requirements. The questions below relate to disclosure requirements for committees that purchase advertisements or circulate communications supporting or opposing a state or local candidate or ballot measure in California. This fact sheet is informational only and contains only highlights of selected provisions of the law. It does not carry the weight of the law. For further information, consult the Act and its corresponding regulations, advice letters and opinions.

Who Must Use a Disclosure?

A candidate's campaign committee, a political action committee, a ballot measure committee, a political party committee, a major donor, and a person or entity making independent expenditures on candidates or ballot measures in California are all types of committees that are subject to disclosure rules. In general, a person or entity qualifies as a *committee* under the Act if they receive contributions from others for political purposes of \$2,000 or more per year; if they make independent expenditures on California candidates or ballot measures of \$1,000 or more per year; or if they make contributions to California candidates or ballot measures of \$10,000 or more per year.

General Questions

1. Q. What is an advertisement?
 - A. An advertisement is a communication that is made for the purpose of supporting or opposing a candidate or ballot measure. Advertisements include mass mailings (including emails), paid telephone calls, newspaper, radio and television ads, billboards, yard signs, and electronic media ads.
2. Q. What is a disclosure?
 - A. A "disclosure" is the portion of a political message that identifies the person or entity who paid for or authorized the communication. "Ad paid for by *committee name*" is generally the basic disclosure required by the Act on most campaign communications sent by a *committee*.
3. Q. Are the Act's disclosure rules the same for all committees and all ads?
 - A. No. Basic disclosure rules apply to campaign materials disseminated by a candidate for their own election campaign because it is generally clear to the public that the candidate is sending the communication. Stricter disclosure rules apply to ballot measure advertisements and independent expenditure advertisements on candidates and ballot measures, because it is less clear to the public who is responsible for these ads.

4. Q. Must a disclosure appear on ALL printed materials or campaign items?
- A. No. A disclosure is not required on the following items:
- Campaign buttons smaller than 10 inches in diameter, pins, bumper stickers smaller than 60 square inches, and magnets
 - Pens, pencils, rulers, mugs, potholders, key tags, golf balls and similar small campaign promotional items where a disclosure cannot be conveniently printed
 - T-shirts, caps, hats, and other articles of clothing
 - Skywriting and airplane banners
 - Committee checks and receipts
5. Q. What must the disclosure state?
- A. Generally, the basic disclosure must state: “Ad Paid for by *committee name*.” Please see the [Advertising Disclosure Charts](#) for specific disclosure requirements. In most cases, any recipient committee except a candidate committee or a political party committee must also list top three contributors of \$50,000 or more. An advertisement supporting or opposing a candidate that is paid for by an independent expenditure shall include a statement that it was not authorized by a candidate or a committee controlled by a candidate. If the advertisement was authorized or paid for by a candidate for another office, the expenditure shall instead include a statement that “This advertisement was not authorized or paid for by a candidate for this office or a committee controlled by a candidate for this office.”
6. Q. How must the disclosure appear?
- A. Written disclosures must be printed clearly and legibly. Spoken disclosures must be spoken clearly. Disclosures must also be written or spoken in the same language used in the advertisement. **Specific requirements for color contrast, font, print size and time appearing on screen or read during a telephone or radio advertisement are listed in FPPC [advertising disclosure charts](#).**
7. Q. If a committee’s top contributor changes, must advertisement disclosures be updated?
- A. Yes. Television, radio, telephone, electronic billboard, or other electronic media advertisement shall be updated to reflect the new top contributors within five business days. Print media advertisement, including nonelectronic billboards, shall be updated to reflect the new top contributors before placing a new or modified order for additional printing of the advertisement.
8. Q. What are the rules for disclosures on communications in a language other than English?
- A. Disclosures on political advertisements must be written or spoken in the same language used in the advertisement, except for the name of the committee and the top contributors to the committee, if any.

9. Q. Must a disclosure appear on communications from an organization to its members?

- A. For political party communications, yes. For communications from other organizations to their members, a disclosure is not required.

Mass Mailing Questions

10. Q. On mass mailings, what must the disclosure state?

- A. A mass mailing – over 200 substantially similar pieces of mail sent within a calendar month – must include: the words “Paid for by” immediately in front of or above the name and address of the committee on the outside of each piece of postal mail. The disclosure must be in no less than 6-point type and in a color that contrasts with the background.

If a mass mailing is paid for by more than one candidate or committee, the words “paid for by” must appear immediately in front of or above the name and address of the candidate or committee who is paying the greatest share of the mass mailing (including costs for designing, postage, and printing) and must be placed on the outside of each piece of mail. If two or more candidates or committees pay equally for the mailer, the name and address of at least one of the candidates or committees must be shown on the outside, and the names and addresses of all candidates or committees paying for the mailer must appear on at least one insert.

11. Q. On emails, what must the disclosure state?

- A. When over 200 substantially similar emails are sent by a candidate or committee, the email must include “Paid for by and the committee name.” The committee’s street address is not required on mass emails sent by a committee, but may be included.

Advertising Issues Not Under FPPC’s Jurisdiction

12. Q. What are the rules about when and where political signs may be placed?

- A. The Act does not contain rules about when and where signs may be placed. You may visit the [California Department of Transportation website](#) for information about the State Outdoor Advertising Act and additional restrictions on political sign placement. You should also check with your local jurisdiction as there may be local laws that restrict or prohibit the placement of campaign signs at certain times and in specified places.

13. Q. Where can I get information about the National Do Not Call Registry?

- A. For information about the National Do Not Call Registry, administered by the Federal Trade Commission (FTC), go to www.donotcall.gov.

**FPPC – POLITICAL ADVERTISEMENT DISCLAIMERS
(SUMMARIZED CHART)**

Political Advertising Disclosures

1. Communications by Candidate Committees for their own Election

The disclosure must include, unless otherwise noted: “Paid for by *committee name*”

Examples: “Paid for by Jones for Assembly 20XX”
 “Paid for by Friends of Smith for Mayor 20XX”

Communication	Disclosure and Manner of Display
<p>All mass mailings – more than 200 substantially similar pieces of mail sent within a calendar month</p>	<ul style="list-style-type: none"> • Candidate’s committee name and address (on file with Form 410) on outside of mailing (if no Form 410 on file, use candidate’s name and address). • “Paid for by” must be in the same color and font as the committee name and address and immediately in front of or above the name and address. • If sent by more than one candidate or committee: <ul style="list-style-type: none"> ○ Also on at least one insert in the mailing. • No less than 6-point type and in a contrasting print or color. • Return envelopes (if included in solicitation) – committee’s name, address and ID number are recommended but not required.
<p>All mass electronic mail – more than 200 substantially similar emails sent within a calendar month</p>	<ul style="list-style-type: none"> • “Paid for by [name of candidate or committee]” must be in at least the same size font as a majority of the text (no address is required on mass electronic mailings).
<p>Newspaper ads</p>	<ul style="list-style-type: none"> • Refer to the Elections Code for newspaper ad disclosure requirements.

Candidate Committee Communications for their own Election

Communication	Disclosure and Manner of Display
<p>Telephone calls advocating candidate's own election - 500 or more calls similar in nature and made by:</p> <ul style="list-style-type: none"> • Vendors (“robo” calls); or • Paid individuals other than the candidate, campaign manager or volunteers 	<ul style="list-style-type: none"> • Must identify the candidate’s committee that authorized or paid for the call or an organization authorizing the call that files campaign reports. • Must state that the call is “paid for by” or “authorized by” the identified candidate or organization. <ul style="list-style-type: none"> ○ <i>Examples: This call was paid for by Senator Jones; This call was authorized by [name of committee].</i> • Any time during the call. • No ID required on telephone calls personally dialed by candidate, campaign manager or volunteers.
<p>Radio and television ads</p>	<ul style="list-style-type: none"> • Radio: “Ad paid for by” followed by name of committee as it appears on most recent Form 410 at the beginning or end of advertisement read in a clearly spoken manner with pitch and tone substantially similar to the rest of advertisement. • Television: “Ad paid for by” followed by name of committee as it appears on most recent Form 410 shown for at least four seconds. Letters must be in a type size greater than or equal to four percent of the height of the screen. If the television ad is shorter than the required disclosure display time, the disclosure may be displayed for the length of the advertisement.
<p>Electronic media ads (non-social media) (Websites, blogs, graphics, images, animated graphics, or animated images.)</p>	<ul style="list-style-type: none"> • “Paid for by <i>committee name</i>” and committee ID number are recommended but not legally required.

Candidate Committee Communications for their own Election

Communication	Disclosure and Manner of Display
<p>Social media ads</p>	<ul style="list-style-type: none"> • “Ad paid for by,” disclosure in a contrasting color that is easily readable by the average viewer and in no less than 10-point font on the cover or header photo of the committee’s profile, landing page, or similar location; disclosures are not required on each individual post or comment. • The disclosures must be visible on the cover or header photo when the profile, landing page, or similar location is viewed from any electronic device that is commonly used to view this form of electronic media including, but not limited to, a computer screen, laptop, tablet or smart phone. If this is impracticable only a hyperlink, icon, button, or tab to an internet website containing the required “Ad paid for by,” disclosure is permissible. • An advertisement for which a committee pays a third party to post from a social media account that is not the committee’s account must include a tag, or otherwise include a link to, the social media profile or social media landing page of the committee that paid for the advertisement.
<p>Billboards, signs (including yard signs), faxes, business cards, door hangers, flyers, and posters</p>	<ul style="list-style-type: none"> • “Paid for by <i>committee name</i>” and committee ID number are recommended but not legally required.

Candidate Committee Communications for their own Election

Text messages sent using mass distribution technology	<ul style="list-style-type: none">• “Paid for by” or “With” followed by the name of the candidate followed by “For” followed by the name of the office sought.• If “With” is used:<ul style="list-style-type: none">• The individual sending the text shall identify themselves by including: “(name of the individual) with (name of the candidate) for (name of elective office).”• A disclosure using “With” may appear anywhere in the text message, including conversational content, and need not appear as a separate statement apart from the content of the message.• For text message exchanges consisting of a sequence of multiple text messages sent on the same day the disclosure is only required on the first text message in the sequence that supports or opposes a candidate or measure.• Text required to be included in a text message must be in a color that reasonably contrasts with the background on which it appears and in a font size that is readable by the average viewer.
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The information on this chart does not carry the force of law. If there are any discrepancies between the chart and the Act or its corresponding regulations and opinions, the Act and its regulations and opinions will control. Communications made by a candidate to support or oppose a ballot measure or other candidates are not addressed in this chart.

References: [Government Code Sections](#): 82041.5, 84305, 84310, 84502, 84504.2, 84504.3, 84504.4
[Title 2 Regulations](#): 18435, 18440, 18450.4, 18450.8, 18450.9