

## CAMPAIGN PRACTICES

(Elections Code § 16)

The complete text of Government Code § 84305 is required by law to be issued to each candidate. Summaries of some other code sections concerning campaign practices, as well as information concerning political signs, are also provided below for the benefit of candidates and campaign committees.

### **MASS MAILING (Government Code § 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 84502 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.

## **CAMPAIGN PRACTICES (continued)**

### **MASS MAILING (Government Code § 84305) (continued)**

(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 meaning:

(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 84217, 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.

No newsletter or other mass mailing shall be sent at public expense. For further information contact the Fair Political Practices Commission. (Government Code § 89001)

(As defined in Government Code § 82041.5 "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.)

### **SLATE MAILER ORGANIZATIONS (Government Code §§ 82048.3, 82048.4, 84108)**

Slate mailer organizations must register with the Secretary of State and file periodic reports on their slate mailer activities. The law applies to slate mailers that support or oppose four or more candidates or measures.

A slate mailer organization is defined as any individual or group who, directly or indirectly, does all of the following:

- Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in the slate mailers; and
- Receives or is promised payments totaling \$500 or more in a calendar year for the production of one or more slate mailers.

## **CAMPAIGN PRACTICES (continued)**

### **NOMINATIONS (E.C. §§ 18200-18205)**

No person shall submit a nomination paper knowing that any part of it has been made falsely. No person shall fraudulently deface or destroy, or willfully suppress all or part of any nomination paper, or deliberately fail to file at the proper time and in the proper place any nomination paper in his or her possession that is entitled to be filed. No person shall, directly or indirectly, pay, solicit, or receive anything of value in order to induce a person not to become or to withdraw as a candidate.

### **FALSE OR MISLEADING INFORMATION TO VOTERS**

No candidate shall, in his occupational designation on the ballot, assume a designation that would mislead the voters. (E.C. § 13107)

Every candidate is guilty of a misdemeanor who pretends or implies that he or she is an incumbent of a public office or that he or she has acted in the capacity of a public officer when this is not the case. (E.C. § 18350)

Any candidate who knowingly makes a false statement of material fact in a candidate's statement, with the intent to mislead the voters, is punishable by a fine not to exceed \$1,000. (E.C. § 18351)

### **SIMULATED BALLOTS**

Every simulated ballot shall bear a printed notice (See Elections Code § 20009 for details) stating that this is not an official ballot but rather an unofficial marked ballot prepared by (name and address of person or organization responsible); and no official seal or insignia may appear on the envelope in which it is contained.

### **POLLING PLACE INFORMATION**

Every person is guilty of a misdemeanor who distributes, or causes to be distributed, literature to voters that includes the designation of a voter's precinct polling place other than the precinct polling place listed for that voter in the latest official precinct polling list at some time not more than 30 days prior to the distribution. (E.C. § 18302)

### **POLITICAL ADVERTISING (E.C. § 20008)**

Any paid political advertisement contained in or distributed with a newspaper shall bear on each page in type at least half as large as the type of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement," and such words shall be set apart from any other printed matter.

## CAMPAIGN PRACTICES (continued)

### POLITICAL SIGNS

The placement of political signs is subject to regulations by state, county, and/or city. Be sure you know what the restrictions are. For signs within a city, ask the City Clerk for information. For signs in an unincorporated area of Riverside County, check with the Riverside County Code Enforcement Department; phone (951) 955-2004 at 4080 Lemon Street, Riverside. There are also State laws governing campaign signs, for more information contact the State of California – Department of Transportation at (916) 654-6473.

**State:** Consult the State of California – Department of Transportation at (916) 654-6473.

**City:** Consult the appropriate City Clerk for information concerning city sign ordinances.

**County:** Following is the text of Temporary Political Signs (County of Riverside Ordinance 806)

The Board of Supervisors of the County of Riverside Ordains as Follows:

#### **SECTION 1. PURPOSE AND INTENT.**

It is the intent of this ordinance to regulate temporary signs which are not regulated by Article XIX of Riverside County Ordinance No. 348 and Riverside County Ordinance No. 679. The purpose of the ordinance is to preserve and enhance the aesthetic, traffic safety and environmental values of our communities and growing commercial and industrial areas, while at the same time, providing channels of communication to the public. It is the County's intent to regulate non-permanent signs based on their size, height, number, location and duration and to allow more non-commercial signs during election periods to encourage public debate. The County finds that it is in the interest of both aesthetics and traffic safety that signage be kept to a minimum. It is the intent of this sign ordinance to enhance traffic safety by ensuring that signage does not distract, obstruct or otherwise impede traffic circulation. The County finds that signs which exceed the dimensions, design and location restrictions specified in this ordinance are unreasonable and adversely affect public welfare and safety, including traffic safety.

All signs described herein shall conform to the applicable provisions of this ordinance. If any specific zoning classification within Ordinance 348 shall impose more stringent requirements than are set forth within this article, the more stringent provisions shall prevail.

#### **SECTION 2. DEFINITIONS.**

For purposes of this ordinance, the following words or phrases shall be defined as follows:

- A. ELECTION PERIOD** means the period of time ninety (90) days prior and ten (10) days after any local state, regional or national official election.
- B. HEIGHT** means the highest point of the structure or sign measured from the average natural ground level at the base of the supporting structure.
- C. LOT** the definition of "lot" set forth in Ordinance No. 348 (Section 2144) shall be incorporated by this reference.

## CAMPAIGN PRACTICES (continued)

### SECTION 2. DEFINITIONS.(continued)

D. **NON-COMMERCIAL SIGN** means any sign that does not do any of the following:

1. Advertise a product or service for profit for a business purpose;
2. Propose a commercial transaction; or
3. Relate solely to economic interests.

E. **PERMANENT FOUNDATION** means concrete or other semi-permanent material used to affix a sign to the ground.

F. **REAL ESTATE SIGN** means a temporary sign advertising a property or structure is for sale, lease, rent or exchange. The advertising contained on a Real Estate Sign shall be limited the following information:

1. That the property is for sale, lease, rent or exchange by the owner or his
2. The property is in escrow or there is an "open house".
3. Directions to the property.
4. The owners or agent's name, address and telephone number.

G. **SIGN** means any structure, housing, device, figure, statuary, painting, display, message, placard or other contrivance, which is designed, constructed, created, engineered, intended or used to provide data or information for advertising purposes.

H. **SURFACE AREA** means that area of a sign as measured by the smallest geometric form such as a square, rectangle, triangle, or circle, or combination thereof, which will encompass the face of the sign on which the message is displayed.

### SECTION 2. DEFINITIONS.(continued)

I. **TEMPORARY SIGN** means a sign that is not intended to be permanent. Temporary signs shall not be constructed or erected upon a permanent foundation or attached to a sign structure having a permanent foundation. Temporary signs shall include non-commercial signs (including non-commercial signs during an election period), real estate signs, yard or garage sale signs or event signs. All other commercial signs, not constructed or erected upon a permanent foundation, are prohibited by this ordinance. If the sign is constructed or erected on a permanent foundation, it is regulated by Article XIX (Section 19, et seq) of Riverside County Ordinance No. 348.

### SECTION 3. TEMPORARY SIGNS.

Temporary signs are permitted in all zoning classifications subject to the limitations imposed by this ordinance. No person shall erect, use or maintain a temporary sign in the unincorporated area of the County, except in accordance with the following provisions:

A. **Standards For All Temporary Signs**

1. No temporary sign shall be artificially lighted.
2. No temporary sign shall be erected, placed, used or maintained within the road right of way, except non-commercial signs during an election period.
3. No temporary sign shall be erected, placed, used or maintained upon property without the consent of the owner, lessee, person or entity in lawful possession of the property.

## **CAMPAIGN PRACTICES (continued)**

### **Standards For All Temporary Signs** (continued)

4. No temporary sign shall be erected, placed, used or maintained so that it does any of the following:
  - (a) Mars, defaces, disfigures or damages any public building, structure or other property.
  - (b) Endangers the safety of persons or property.
  - (c) Obscures the view of any fire hydrant, traffic sign, traffic signal, street sign, or public informational sign.
  - (d) Blocks motorists' line of vision to areas of vehicular or pedestrian traffic.

### **B. Standards For Real Estate Signs.**

1. For lots zoned for one and two family residential uses: one sign not exceeding six (6) square feet in surface area and not more than six (6) feet in height.
2. For lots zoned for multiple family residential, commercial, industrial and agricultural uses: one sign on each separate frontage of the lot on the street, each sign not to exceed thirty-two (32) square feet in surface area and not more than six (6) feet in height. No more than four (4) signs are allowed per development.
3. Riders, not to exceed two (2) square feet in aggregate surface area may be added to the real estate sign to identify the specific agent offering the property for sale, to show that the property is "in escrow" or for an "open house".
4. The sign(s) shall be removed within ten days of the close of escrow on the property or structure, or portion thereof, being sold, leased or rented.

### **C. Standards For Yard Or Garage Sale Signs And Event Signs.**

Temporary signs that advertise items for sale or events located on the property on which the sale or event will be conducted are permitted in every zoning classification, subject to the following standards:

1. The yard or garage sale or event is in conformance with Riverside County ordinances.
2. No sign shall exceed four (4) square feet in surface area.
3. No sign shall exceed four (4) square feet in height.
4. No sign shall be posted more than fifteen (15) days before the event or sale, and shall be removed within five (5) days after the event or sale.
5. Only one (1) sign per lot may be displayed at any time and no more than three (3) such signs may be posted on any lot per calendar year.

### **D. Standards For Non-Commercial Signs During Election Period.**

1. In addition to the temporary signs permitted in Section 3 of this ordinance and the signs allowed by Ordinance 348, Article XIX and Ordinance 679, temporary non-commercial signs shall be permitted in all zoning classifications during an election period, subject to the following limitations:
  - (a) No sign shall exceed thirty-two (32) square feet in surface area.
  - (b) No sign shall exceed six (6) feet in height.
  - (c) No lot shall contain such signs having an aggregate surface area in excess of eighty (80) square feet.

## **CAMPAIGN PRACTICES (continued)**

### **Standards For Non-Commercial Signs During Election Period.** (continued)

- (d) Such signs shall be permitted along road right-of-way provided no sign shall be erected, placed, used or maintained on any publicly owned tree or shrub or upon the improved portion of any street or highway right of way used for traffic or parking or upon any street divider or median strip.
- (e) All signs shall be removed within ten (10) days after the election has occurred.

### **SECTION 4. NON-COMMERCIAL SIGNS PERMITTED.**

A non-commercial sign or message is permitted to be displayed, in lieu of a commercial message, wherever and whenever a commercial sign or message is permitted by this ordinance.

### **SECTION 5. ENFORCEMENT.**

- A. County employees, representatives or agents shall be authorized to remove and dispose of any temporary sign in violation of this ordinance upon the expiration of ten (10) days after posting a written notice of violation on the sign, and mailing of a written notice to the property owner and to the sign owner, if identified on the sign. The notice shall contain the right to appeal this determination by submitting a written appeal to the Department of Building and Safety within this ten (10) day time period. The appeal shall be conducted by review of the written appeal by an administrative hearing officer. The submission of a written appeal to the Department of Building and Safety within the ten (10) day time period shall stay the removal and disposal of the sign upon a decision of the hearing officer granting the appeal or until ten (10) days after mailing of a decision of the hearing officer denying the appeal.

### **SECTION 5. ENFORCEMENT.** (continued)

- B. The procedures, remedies and penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for in Ordinance No. 725, which is incorporated herein by this reference.

### **SECTION 6. NONCONFORMING TEMPORARY SIGNS**

- A. Every temporary sign which was lawfully in existence prior to the enactment of this ordinance, and does not conform to this ordinance, shall be deemed a nonconforming temporary sign and shall be removed or altered in accordance with this ordinance as follows:
  1. All temporary signs with a nominal value of \$100.00 or less shall be abated or brought into conformance immediately after the effective date of this ordinance.
  2. All temporary signs with a value of more than \$100.00 shall be abated or brought into conformance within six (6) months of the effective date of this ordinance.
- B. All temporary signs not in lawful existence prior to the date of enactment of this ordinance shall be abated or brought into conformance immediately.
- C. For purposes of this section, the above referenced terms have the following meanings:
  1. The "value" of the temporary sign shall mean the cost of sign, less depreciation, and shall not include the potential revenue generated by the sign.

## **CAMPAIGN PRACTICES (continued)**

### **SECTION 6. NONCONFORMING TEMPORARY SIGNS (continued)**

2. A temporary sign "in lawful existence prior to enactment of this ordinance" means a temporary sign that conforms with all other County ordinances, State or Federal laws and Uniform Codes in effect at the time of enactment of this ordinance, including any applicable permit requirements.

### **ELECTIONEERING ON ELECTION DAY (E.C. §§ 18370, 18541)**

No person, on Election Day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place or an elections official's office:

- (a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications. (Except as part of the formal challenge procedure).
- (d) Do any electioneering.
- (e) Photograph, video tape, or otherwise record a voter entering or exiting a polling place.

"100 feet of a polling place or an elections official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

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

### **ELECTIONEERING DURING VOTE-BY-MAIL VOTING (E.C. §§ 18370, 18371)**

- (a) No candidate or representative of a candidate, and no proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, shall solicit the vote of a vote-by-mail voter, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time he or she knows the vote-by-mail voter is voting.
- (b) Any person who knowingly violates this section is guilty of a misdemeanor.
- (c) This section shall not be construed to conflict with any provisions of the Federal Voting Rights Act of 1965, as amended, nor to preclude electioneering by mail or telephone or in public places, except as prohibited by Section 18370, or by any other provision of law.

**NOTE:** Misdemeanor penalties will also be imposed on any person performing the actions as prohibited on Election Day or at any time that a voter may be casting a ballot.