



## **BALLOT DESIGNATIONS FOR CANDIDATES**

### **Ca Elections Code Section 13107**

(also see Secretary of State Ballot Designation Regulations, Cal. Code Regs.  
Title 2, Section 20710, et seq.)

#### **13107. Ballot designation requirements**

(a) With the exception of candidates for Justice of the State Supreme Court or Court of Appeal, immediately under the name of each candidate, and not separated from the name by any line, unless the designation made by the candidate pursuant to Section 8002.5 must be listed immediately below the name of the candidate pursuant to Section 13105, and in that case immediately under the designation, may appear at the option of the candidate only one of the following designations:

(1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.

(2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.

(3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

(4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the

word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education Code or Section 7228, 7423, 7673, 10229, or 10515 of this code.

(b) Neither the Secretary of State nor any other elections official shall accept a designation of which any of the following would be true:

- (1) It would mislead the voter.
- (2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
- (3) It abbreviates the word "retired" or places it following any word or words which it modifies.
- (4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."
- (5) It uses the name of any political party, whether or not it has qualified for the ballot.
- (6) It uses a word or words referring to a racial, religious, or ethnic group.
- (7) It refers to any activity prohibited by law.

(c) If, upon checking the nomination documents and the ballot designation worksheet described in Section 13107.3, the elections official finds the designation to be in violation of any of the restrictions set forth in this section, the elections official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address provided on the candidate's ballot designation worksheet.

(1) The candidate shall, within three days, excluding Saturday, Sunday, and state holidays, from the date he or she receives notice by registered or certified mail, or from the date the candidate receives actual notice of the violation, whichever occurs first, appear before the elections official or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide a designation that complies with subdivision (a).

(2) In the event the candidate fails to provide a designation that complies with subdivision (a) within the three-day period specified in paragraph (1), no designation shall appear after the candidate's name.

(d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the elections official as specified in subdivision (c) or as provided in subdivision (e). The elections official shall maintain a copy of the ballot designation worksheet for each candidate that appears on the ballot in the county for the same period of time as applied to nomination documents pursuant to Section 17100.

(e) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days before the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

(f) In all cases, the words so used shall be printed in 8-point roman uppercase and lowercase type except that, if the designation selected is so long that it would conflict with the space requirements of Sections 13207 and 13211, the elections official shall use a type size for the designation for each candidate for that office sufficiently smaller to meet these requirements.

(g) Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (52 U.S.C. Sec. 10101), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

### **Ca Elections Code Section 13107.3**

**13107.3 Ballot designation worksheet in format prescribed by Secretary of State**

(a) A candidate who submits a ballot designation pursuant to subdivision (a) of Section 13107 shall file a ballot designation worksheet that supports the use of that ballot designation by the candidate, in a format prescribed by the Secretary of State.

(b) The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her declaration of candidacy.

(c) In the event that a candidate fails to file a ballot designation worksheet in accordance with subdivision (a), no designation shall appear under the candidate's name on the ballot.

### **Ca Elections Code Section 13107.5**

#### **13107.5 Ballot designation of "Community Volunteer"**

(a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:

(1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.

(2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.

(3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.

(b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

## EXAMPLES OF BALLOT DESIGNATIONS

### ACCEPTABLE:

- ❑ Governing Board Member, Irvine Unified School District
- ❑ Real Estate Broker
- ❑ Health Care Manager
- ❑ Appointed Incumbent
- ❑ Community Volunteer
- ❑ Scientist/Father/Businessman
- ❑ CPA/Parent
- ❑ Retired USAF Officer
- ❑ City Councilmember, City of Rancho Santa Margarita
- ❑ City of Huntington Beach Councilmember/Attorney

### UNACCEPTABLE:

### REASON:

- |                                    |  |
|------------------------------------|--|
| ❑ Incumbent Mayor/Engineer         | "Incumbent" must be used as noun and alone                           |
| ❑ Prominent Businesswoman/Wife     | Status   |
| ❑ Businessman, Father              | Slash marks must be used for punctuation                             |
| ❑ Nonprofit Organization Founder   | Must be within past 12 months  |
| ❑ Republican Legislative Assistant | No party affiliation can be mentioned                                |
| ❑ Community Volunteer/Parent       | "Community Volunteer" must stand alone                               |
| ❑ Tax Activist                     | Suggests an evaluation of candidate's qualifications and is a status |
| ❑ Former Council Member            | Can't use "former" or "ex"   |
| ❑ Veteran                          | Status   |
| ❑ Army General, Ret.               | "Retired" must appear before other words and not be abbreviated      |

**BALLOT DESIGNATIONS –**

**THUMBS-UP OR THUMBS-DOWN?**

1. A very busy candidate for Garden Grove City Clerk is the CEO of Acme Widgets, teaches a course in Early American Pottery three nights a week at the local university, and is a prize-winning competitive disco dancer. She is the wife of a prominent U.S. Senator and the mother of two children adopted from Bangladesh.
  - (a) She would like to list her ballot designation as “CEO/Educator/Dancer”. Can she? **Could be thumbs-up or thumbs-down...if each of these designations satisfy the definition of “principle”, then this would be acceptable. However, if, for example, “Dancer” is just a casual activity or hobby, then it is unacceptable as a ballot designation.**
  - (b) May she use “Educator/Mother”? **Again, it could be thumbs-up or thumbs-down depending on whether or not these designations are “principle”. As long as the designations are otherwise acceptable, a candidate can select from her various professions, vocations and occupations in choosing a ballot designation. NOTE: “Mother” is acceptable, but “Wife” is not.**
  
2. A candidate for Placentia City Council is currently a California State Assemblyman for the 70<sup>th</sup> District and holds that office at the time he files his nomination papers for City Council. He also owns a ranch, on which he raises horses and grows oranges. He wants his ballot designation to be “California State Assembly Member/Rancher”.
  - (a) Can he use this designation? **Thumbs-down...too many words. If he wants to use official title and have the word limitation not apply, he would need to have “California State Assembly Member” stand alone.**
  - (b) How about “California State Assembly Member”? **Thumbs-up.**
  - (c) “Assemblymember/Rancher”? **Thumbs-up.**
  
3. A candidate for the San Juan Capistrano City Council is currently the elected District Attorney in the County of Orange. In her spare time, she makes kites and sells them at craft fairs two or three times a year.
  - (a) She would like to use “District Attorney, County of Orange/Businesswoman”. Can she do so? **Thumbs-down...too many words. The exception to the word limitation for official titles does not apply since she is also using “Businesswoman”. She could drop “Businesswoman”. She cannot use “Businesswoman” by itself because she only sells**

her product two or three times a year – not principle profession.

4. A candidate for Brea City Council is currently a member of that City Council, having been appointed to the remainder of a term of a Councilmember who resigned. He wants to use the ballot designation of:
  - (a) "Incumbent". May he do so? **Thumbs-down...Needs to add "Appointed" since he was appointed to the City Council.**
  - (b) How about "Councilman, City of Brea"? **Thumbs-down...Again, needs to add "Appointed".**
  - (c) "Appointed Incumbent"? **Thumbs-up.**
  - (d) "Appointed Councilman, City of Brea"? **Thumbs-up.**
  
5. A candidate for California State Senator is currently the Mayor of Los Alamitos. He was appointed to the position by the Los Alamitos City Council. He also owns the local Suds 'N Such car wash and coaches Pee Wee soccer for his son's team.
  - (a) The candidate wants to use "Incumbent Mayor/Businessman". Can he do so? **Thumbs down..."Incumbent" must stand alone.**
  - (b) How about "Incumbent Mayor"? **Thumbs down...Again, "Incumbent" must stand alone.**
  - (c) What about "Mayor, City of Los Alamitos"? **Thumbs-up...Due to court case ruling for Debbie Cook, 46<sup>th</sup> CD. She was allowed to use "Mayor, City of Huntington Beach" even though she was appointed by the City Council to the position.**
  - (d) What about "Mayor/Businessman"? **Thumbs-up...Because he is the owner of Suds 'N Such car wash, he can use "Businessman".**
  
6. A Seal Beach City Council candidate is 55 years old, voluntarily left her prior position as a teacher, which she held for two years. She now works full-time at Surfside Restaurant.
  - (a) She wants to use "Retired Teacher" as her ballot designation. Can she? **Thumbs-down...The use of the word "Retired" is determined by several factors, including age, # of years in position, receiving retirement benefits, and is the person employed since retiring. She only held the position for two years, and is now working full-time elsewhere.**

- (b) How about "Former Teacher"? **Thumbs-down...Cannot use the words "Former" or "Ex".**
7. A Laguna Beach City Council candidate is 57 years old, voluntarily left his prior position of Attorney of which he held for 15 years for which he is receiving retirement benefits.
- (a) May he use the ballot designation of "Retired Attorney"? **Thumbs-up...Is over 55 years, held position for over 5 years, is collecting retirement benefits, and is not working elsewhere.**
8. A candidate for Stanton City Council is a decorated Vietnam War Veteran, who has had a long and distinguished career in the U.S. Army, with the current rank of Colonel. Two years ago, he retired from the Army and is currently a strategic consultant for Bomb Tech, a manufacturer of weapons systems that contracts with the U.S. Government.
- (a) May he use "Veteran/Army/Consultant"? **Thumbs-down..."Veteran" is a status.**
- (b) May he use "Retired Military/Consultant"? **Thumbs-down...Cannot use "Retired Military" – is not the whole military and has another income as a consultant.**
- (c) May he use "Strategic Weapons Consultant"? **Thumbs-up.**
9. A Santa Ana City Council candidate, the daughter of a Texas oil tycoon and heiress to his fortune, spends every weekday from 9:00 a.m. to 4:30 p.m. working at her local church. She does not get paid for her work, which consists of providing food, clothing, and other assistance to homeless individuals in the community. She also donates large amounts of money to several charities.
- (a) She would like to use a ballot designation of "Community Volunteer/Philanthropist". Can she do so? **Thumbs-down...Can't use "Philanthropist" because it is a status and "Community Volunteer" must stand alone.**
- (b) How about "Community Volunteer"? **Thumbs-up...She isn't being paid, spends a majority of her time doing this, and "Community Volunteer" is standing alone.**
10. A Buena Park City Council candidate is the President of the Mission Viejo High School PTA.
- (a) May she use "School PTA President" as her ballot designation? **Thumbs-down...She cannot use a specific position such as "PTA President". Also "President" is a status.**

(b) May she use "Community Volunteer"? **Thumbs-up/Thumbs-down...Don't know how many hours she spends or if she has another job? This is where the ballot designation worksheet comes in handy.**