

## SECTION SEVEN

NOVEMBER 8, 2022 ELECTION SIGN  
INFORMATION  
(Use of Political Signs)

HUNTINGTON BEACH ZONING CODE  
Chapter 233.08 - Exempt Signs

ELECTION DAY POLL WATCHING GUIDELINES

LITERATURE AND MASS MAILING  
REQUIREMENTS; PENAL PROVISIONS

HUNTINGTON BEACH MUNICIPAL CODE  
Chapter 2.06 – Campaign Documents

# November 8, 2022

## ELECTION SIGNS



Signs may be erected no sooner than  
**September 19<sup>th</sup>**  
and must be taken down no later than  
**November 18<sup>th</sup>**

## 233.08 Exempt Signs

The following signs are exempt from the sign permit requirements of Section 233.04. These signs shall not be restricted by content and no fee, permit or application is required:

- A. Cornerstones (including names of buildings and dates of erection), and citations that are made an integral part of the structure.
- B. Signs not exceeding 0.5 square feet each posted by commercial establishments.
- C. Flags posted by any governmental agency.
- D. Signs posted by neighborhood safety organizations.
- E. Notices posted by a utility or other quasi-public agent in the performance of a public duty.
- F. Signs or notices posted by any court, public body or officer.
- G. Signs posted by property owners on private property, as required by law (including no trespass and legal notices).
- H. One sign, not over six square feet in area, may be posted at each door, loading dock, or other entrance facing a public street.
- I. One double-faced sign per each commercial parking entrance, not exceeding two square feet in area and four feet in height.
- J. Signs erected by a public agency.
- K. Signs manufactured as a standard, integral part of a mass-produced product accessory or display structure including telephone booths, vending machines, automated teller machines, and gasoline pumps.
- L. Signs within a building not visible from a public street and window signs not exceeding 20% of the visible area of a window (50% during December). No window sign shall be displayed above the second story.
- M. Signs required by the Americans with Disabilities Act (ADA).
- N. Two signs (including, but not limited to, street numerals and “no solicitation” notices), not exceeding two square feet each, placed on any part of a building facing a public street.

**O. Temporary Signs.** Temporary signs are permitted on private property where the property owner has granted permission for its display. Temporary signs are permitted in public rights-of-way, but not permitted in street medians or dividers, or affixed to trees, shrubs or other landscape materials. This signage shall not be restricted by content and shall be permitted as follows:

SITE CRITERIA	TYPE	MAX. NUMBER	MAX. SIGN AREA	MAX. SIGN HEIGHT	OTHER STANDARDS
Non-commercial signs on private property in all zones	F/S or Wall; no roof signs	N/A	8 sq. ft. total combined of all signs on a property	In all zones, 42 inches within front setback areas; 6 ft. in other areas	1. Cannot create traffic or safety hazards; cannot encroach in the visibility triangular areas described in Section 230.88. 2. In Commercial and Industrial Zones, F/S non-commercial signs are allowed only in landscaped areas and landscaped planters.
Non-commercial signs in public rights-of-way	F/S or Wall	N/A	N/A	N/A	1. Cannot create traffic or safety hazards. 2. Non-commercial signs in public rights-of-way may be posted no sooner than 50 days before an Election Day and must be taken down no later than 10 days following the Election Day. Non-commercial signs in public rights-of-way may be removed by anyone beginning the Friday after Election Day.

## POLL WATCHER GUIDELINES

The election process is a public event and anyone who wishes may observe. However, the vote of the individual citizen is secret, and no one may interfere with a voter's right to cast a secret ballot. Members of the precinct boards are sworn election officials of the County of Orange and have complete responsibility for conducting all phases of the election in their precinct. Certain standards are expected of observers:

- Any person who in any manner interferes with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted, is punishable by imprisonment in the state prison for 16 months or two or three years. **§ 18502**
- The election must be orderly. Do not talk in a loud voice, cause confusion, or congregate inside the polls. Do not ask to use the telephone or other facilities.
- Only voters engaged in receiving, preparing, or depositing their ballots and persons authorized by the precinct board to keep order and enforce the law may be permitted to be within the voting booth area before the closing of the polls. **§ 14221**
- (a) Only members of the precinct board, and persons while signing their names on the roster, shall be permitted, during the hours within which voting is in progress, to sit at the desk or table used by the precinct board.  
  
(b) Any person may inspect the roster while voting is in progress and while votes are being counted. However, this shall not be done at a time or in a manner which will impede, interfere, or interrupt the normal process of voting. **§ 14223**
- 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 provided in Section 14240.
  - (d) Do any electioneering.

As used in this section, **"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 of the provisions of this section is guilty of a misdemeanor. **§ 18370**

- (a) Any person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.

(b) This section shall not apply to any of the following:

- (1) An unarmed uniformed guard or security personnel who is at the polling place to cast his or her vote.
- (2) A peace officer who is conducting official business in the course of his or her public employment or who is at the polling place to cast his or her vote.
- (3) A private guard or security personnel hired or arranged for by a city or county elections official.
- (4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held.

**§ 18544**

- The Precinct Board will attempt to respond to any reasonable, lawful requests from observers. The Registrar of Voters' office has instructed Precinct Officers to ask unruly poll watchers to leave, and to ask for assistance from the local law enforcement agency, if necessary.

**ELECTION NIGHT RESULTS:** Orange County uses a central location for tallying votes, in the Registrar of Voters' Tally Center, 1300 S. Grand Ave., Building C, Santa Ana. The vote counting procedure is open to the public. Unofficial results are available throughout Election Night, beginning at approximately 8:05 p.m. and continuing until all precinct ballots have been tallied. Results may also be obtained by calling the Registrar of Voters' office at (714) 567-7600 or by visiting our website at [ocvote.gov](http://ocvote.gov).



**ELECTIONS CODE - ELEC**

**DIVISION 0.5. PRELIMINARY PROVISIONS [1 - 362]**

*( Division 0.5 heading added by Stats. 1996, Ch. 1143, Sec. 17. )*

**CHAPTER 1 General Provisions [1. - 20]**

*( Chapter 1 enacted by Stats. 1994, Ch. 920, Sec. 2. )*

A copy of Section **84305** of the Government Code shall be provided by the elections official to each candidate or his or her agent at the time of filing the declaration of candidacy and to the proponents of a local initiative or referendum at the time of filing the petitions.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**GOVERNMENT CODE - GOV**

**TITLE 9. POLITICAL REFORM [81000 - 91014]**

*( Title 9 added June 4, 1974, by initiative Proposition 9. )*

**CHAPTER 4. Campaign Disclosure [84100 - 84511]**

*( Chapter 4 added June 4, 1974, by initiative Proposition 9. )*

**ARTICLE 3. Prohibitions [84300 - 84310]**

*( Article 3 added June 4, 1974, by initiative Proposition 9. )*

**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.

## **PENAL PROVISIONS – ELECTION CAMPAIGNS**

### **ARTICLE 1. Campaign Literature [18301 - 18304]**

*( Article 1 enacted by Stats. 1994, Ch. 920, Sec. 2. )*

#### **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.

### **CHAPTER 11. Enforcement [91000 - 91014]**

*( Chapter 11 added June 4, 1974, by initiative Proposition 9. )*

#### **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.

### **CHAPTER 11. Enforcement [91000 - 91014]**

*( Chapter 11 added June 4, 1974, by initiative Proposition 9. )*

#### **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.



## **DEFINITION OF MASS MAILING AND SENDER**

### **Cal. Code Regs. Tit. 2, § 18435 Definitions. Mass Mailing**

(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.

### **§ 18435.5. Slate Mailer Requirements.**

(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 disclosure is printed in black text on a white background or a similar degree of color contrast between the background and the text of the disclosure.

(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) **Electronic Slate Mailers.** In addition to applying to slate mailers sent by traditional mail, the slate mailer identification and disclosure requirements of Section 84305.5 apply to slate mailers distributed electronically.

(1) The "outside" of an electronic slate mailer where the name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures is to be shown pursuant to Section 84305.5(a)(l) includes:

(i) A clickable image or frame of an electronic slate mailer that leads to the slate mailer

(ii) The body of an email or text message that contains a clickable link or attachment to the slate mailer.

(2) The electronic slate mailer to which a clickable image, clickable frame, clickable link or attachment in the body of an email, and clickable link or attachment in the body of a text message, leads must include the disclosures required by Section 84305.5(a)(l)-(5).

(3) For an electronic slate mailer that is a series of static images or a video that is a sequence of images, all disclosures required by Section 84305.5 may appear on the frame preceding or following the video or series of static images, except each candidate or ballot measure that has paid to appear on the slate mailer must be designated with the asterisk (\*) required by Section 84305.5(a)(4) immediately following the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate listing of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

Note: Authority cited: Section 83112, Government Code. Reference: Section 84305.5, Government Code.

## Chapter 2.06 CAMPAIGN DOCUMENTS

### 2.06.010 Findings and Purpose

The City Council finds and declares as follows:

- A. Elections are susceptible to the dissemination of campaign literature known as “hit pieces.” These documents are sent to voters in the later stages of a campaign, typically contain personal attacks on candidates or the proponents/opponents of measures and frequently misrepresent a candidate’s position on issues or the true impact of a measure.
- B. Prompt public disclosure of the contents of last-minute campaign documents including hit pieces will allow for the discussion of important issues and the conduct of fair elections by: (1) offering the candidate attacked an opportunity to accurately represent his or her position on issues; (2) offering opponents or proponents the opportunity to respond to statements about a measure that are untrue or believed to be untrue; and (3) providing an opportunity for a candidate, proponent or opponent to disavow the contents of any campaign document that he or she believes represents an unfair, untrue or improper attack on any person.
- C. The requirement for prompt disclosure of last-minute campaign documents is content neutral, serves compelling municipal interests in fair elections and full discussions of relevant issues, and is the least intrusive method available to further these interests. (3978-6/13)

### 2.06.020 Definitions

For the purposes of this chapter, the following terms shall have the meaning specified in this section:

“**Campaign document**” means any writing or document which supports, opposes or relates to any candidate or measure.

“**Candidate**” means any individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials for the City of Huntington Beach.

“**Distributing**” or “**distribution**” shall mean mailing via United States mail or passing out any campaign document to any person.

“**Measure**” means any initiative, referendum, Charter amendment or other proposition which is listed on the ballot for any general or special municipal election and which is being voted on only in the City of Huntington Beach.

“**Person**” includes any individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert. (3978-6/13)

### 2.06.030 Filing

Any person distributing 1,000 or more substantially similar campaign documents within 30 days of any general or special municipal election shall, within one business day of first distribution, transmit two copies of the campaign document to the City Clerk for the City of Huntington Beach. (3978-6/13)

#### **2.06.040 Public Record**

Campaign documents filed with the City Clerk shall be a matter of public record. The City Clerk shall make available, upon the request of any person appearing at the office of the City Clerk during normal business hours, a copy of campaign documents filed with the City Clerk. (3978-6/13)

#### **2.06.050 Penalties**

Any violation of this chapter shall be punishable by:

- A. **Administrative Citation.** Violation of this chapter is subject to the issuance of an administrative citation under the provisions of Chapter [1.18](#) of this Code. An operator may be cited for violations occurring on the premises in their presence or for knowingly permitting violations of this chapter.
- B. **Civil Action.** The City Attorney may institute an action in any court of competent jurisdiction, including an action to abate a nuisance, to restrain, enjoin, or abate the condition(s) found to be in violation of the provisions of this chapter, as provided by law.
- C. It shall be a violation of this chapter for any principal, including but not limited to any operator, to permit, procure, counsel or assist any agent of that principal, including but not limited to an employee or independent contractor, to violate any provision of this chapter. (3978-6/13)