

MEMORANDUM



To: Mayor Resnikoff and Honorable Members
of the City Council

Date: June 21, 2022

From: Dusty Christopherson, City Clerk

Subject: Informational Memorandum – Candidate Write-In Process

At the City Council meeting on June 7, 2022, Staff was asked to provide information on the candidate write-in process for the November 2022 General Municipal Election where Districts 3, 4, and 5 are scheduled to be on the ballot.

The candidate write-in process is governed by Elections Code Section 8600 – 8606. The candidate write-in process is available to interested Campbell residents following the close of the official candidate filing period, which runs from July 18, 2022 through August 12, 2022, (August 17, 2022 for any district where an incumbent is eligible to file, but chooses not to; for this election, this deadline would be applicable to District 5 only). A write-in candidate will not have their name printed on the ballot or have a Candidate Statement printed in the sample ballot materials, but could have supporters write their name in the open slot on the ballot. As with any other candidate, a write-in candidate would need to obtain a majority of the votes cast for the respective office in their district in order to prevail.

A write-in candidate must also meet all qualifications of the office to which they are seeking. They must be 18 years old, a U.S. Citizen, a resident of the district they are seeking to represent, and a registered voter in the district they are seeking to represent. The candidate write-in period is open from September 12, 2022 through October 25, 2022.

In addition to meeting the qualifications above, a write-in candidate must also file the noted forms below with the local election official (the Campbell City Clerk's Office) by October 25, 2022, including the nomination paper with the necessary signatures. The City Clerk's Office will transmit this information to the Registrar of Voter's Office by the stated deadline.

- Candidate Information Request Form
- Permission to Post Personal Information Form
- Statement of Economic Interests (Form 700)
- Campbell Statement of Values
- Code of Fair Campaign Practices
- Nomination Papers – containing at least 20 signatures from registered voters residing in the district the candidate is seeking to represent; no more than 30

Following the close of the candidate filing period in August, the City Clerk's Office will post to its webpage a listing of all qualified candidates and will update this listing

following the close of the write-in candidate filing period in October. Per Elections Code Section 12110, the City Clerk's Office will also publish a Notice of Nominees for Public Office in a newspaper of general circulation, at least one week prior to the election.

Following the election, write-in candidate ballots are reviewed individually by the Registrar of Voters Office to ensure the name of the person written on the ballot is a qualified candidate. The canvass and certification of the vote will include all write-in candidate results.

FPPC – Campaign Disclosure Requirements for write-in candidates

In short, a write-in candidate has the same campaign disclosure filing requirements as any other qualified candidate. At the time of filing candidacy papers, a Form 700 must be completed. The City of Campbell does not currently publish these forms online, but they would be available for inspection upon request.

A qualified write-in candidate must also file a Candidate Intention Statement (Form 501) prior to the solicitation or receipt of any contribution, including personal funds used in the election.

If any candidate, including a write-in candidate, receives contributions totaling \$2,000 or more within a calendar year then they would qualify as a recipient committee and must file the Statement of Organization (Form 410) with the Secretary of State. If a candidate chooses to file prior to qualifying, then an amended Form 410 would need to be filed.

Two Pre-Election Campaign Disclosure Forms are also generally required for all qualified candidates, however the first is due on September 29 and the second on October 27, so depending on the date a write-in candidate qualifies, only one disclosure may be required.

Additional Campaign Disclosure Forms include the Form 460, Form 470, and Form 497. The Form 460 is used if a qualified candidate has a controlled committee, or has raised, spent, or will raise or spend \$2,000 or more during a calendar year in connection with an election to office. The Form 470 is used if a qualified candidate does not have a controlled committee, does not anticipate receiving contributions totaling \$2,000 or more, and does not anticipate spending \$2,000 or more during the calendar year. The Form 497 is required if a qualified candidate makes or receives contribution(s) that total \$1,000 or more in the 90 days before an election. The Form 497 is due within 24 hours of making or receiving contributions that total in the aggregate of \$1000 or more.

For any successful write-in candidates, a Form 460 will be required to be filed by January 31, 2023, which will cover the end of the 2022 calendar year. This form is required for all Candidate Committees, unless the committee filed termination forms before December 31, 2022.

As required by Government Code Section 84616, the City of Campbell does publish online all campaign disclosure forms.