



Date: November 14, 2006

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

For: Charter Amendment Committee

From: Councilwoman Gerrie Schipske, Fifth District

Subject: AGENDA ITEM: Allowing write-in candidates who have won primary elections on General Election ballots

DISCUSSION:

California Elections Code Section 8600 et. Seq. and Title 2 California Code of Regulations provide the procedures for a write in candidate to qualify to have his or her name placed on the ballot in the general election. Specifically, Section 8650 reads in pertinent part:

8605. No person whose name has been written in upon a ballot for an office at the direct primary may have his or her name placed upon the ballot as a candidate for that office for the ensuing general election unless one of the following is applicable:

(a) At that direct primary he or she received for that office votes equal in number to 1 percent of all votes cast for the office at the last preceding general election at which the office was filled. In the case of an office that has not appeared on the ballot since its creation, the requisite number of votes shall equal 1 percent of the number of all votes cast for the office that had the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office.

(b) He or she is an independent nominee pursuant to Part 2 (commencing with Section 8300).

(c) He or she has been designated by a party central committee to fill a vacancy on the ballot for the general election. *

(*It should be noted that these State law provisions apply to elections for offices such as Assembly and Congress in which the number of voters far exceeds the numbers for any City Council District and perhaps any City-wide office as well. A requirement of receiving "1 percent of the number of all votes cast for the office that had the least number of votes in the most recent general election" would be a minimal requirement and may not have application for Long Beach City elections.)

MAYOR AND CITY COUNCIL

Write-in Candidates

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Neither the Long Beach Charter nor Municipal Code make provision for placing the name of a write-in candidate in the general election. Consequently, the City has had two recent elections in which write-in candidates were advanced to the general election because it was determined that they placed as one of the top two vote getters in the primary. However, their names did not appear on the general ballot and in both instances only one candidate's name appeared for the voters to choose. Voters were again required to write in the candidate's name and fill in the bubble to indicate a complete vote.

POLICY ISSUE:

Should either the City Charter or Municipal Code be amended to allow write-in candidates who obtain the first or second most votes (but less than the 50% plus needed to win) in the primary election to have their names placed on the general ballot?