

Article 7: Elections, Campaign Finance and Lobbying

Division 3: Write-In Candidates

*(“Write-In Candidates” renumbered from Division 21
on 7-26-1999 by O-18666 N.S.)*

§27.0301 General Provisions for Write-in Candidates

Write-in candidates are permitted only in *District Primary Elections, City-wide Primary Elections, primary special elections, recall elections, and removal elections* called by the *Council* under section 27.0107 of this article. Write-in candidates are not permitted in *District General Elections, City-wide General Elections, or run-off special elections.*

*(“General Provisions for Write-in Candidates” renumbered from Sec. 27.3201 and amended 7-26-1999 by O-18666 N.S.)
(Amended 9-6-2005 by O-19407 N.S.)
(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)*

§27.0302 Nomination Papers for Write-in Candidates

Nomination papers required of write-in candidates seeking nomination to municipal *elective office* are the Statement and Affidavit of Write-in Nominee and the nominating *petition.*

(“Nomination Papers for Write-in Candidates” added 7-26-1999 by O-18666 N.S.)

§27.0303 Personal Appearance of Write-in Candidates

Candidates seeking nomination and election by write-in ballot shall appear personally before the City *Clerk* to obtain the nomination papers for filing, unless service with the United States Armed Forces or a physical disability prevents such an appearance.

(“Personal Appearance of Write-in Candidates” renumbered from Sec. 27.3203 and amended 7-26-1999 by O-18666 N.S.)

§27.0304 Residency Requirements for Write-in Candidates

Candidates seeking nomination and election by write-in ballot shall comply with the residency requirements of Section 27.0119 of this article.

(“Residency Requirements for Write-in Candidates” renumbered from Sec. 27.3204 and amended 7-26-1999 by O-18666 N.S.)

§27.0305 Time to Obtain Nomination Papers for Write-in Candidates

Nomination papers for a write-in candidate in a *District Primary Election*, a *City-wide Primary Election*, a primary *special election*, a recall *election*, or a removal *election* may be obtained from the *Clerk* no earlier than the first business day after the close of regular nominations for that *election*.

(“*Time to Obtain Nomination Papers for Write-in Candidates*” added 7-26-1999 by O-18666 N.S.)

(Amended 9-6-2005 by O-19407 N.S.)

(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.0306 Statement and Affidavit of Write-in Candidates

Candidates seeking nomination and election by write-in ballot shall complete and sign under California perjury laws a Statement and Affidavit of Write-in Nominee at the time of obtaining nomination papers from the City *Clerk*. The Statement and Affidavit of Write-in Nominee shall be countersigned by the City *Clerk* or an authorized deputy of the City *Clerk*, and shall be considered filed at the time of signing.

(“*Statement and Affidavit of Write-in Candidates*” added 7-26-1999 by O-18666 N.S.)

§27.0307 Form of Statement and Affidavit of Write-in Candidates

The Statement and Affidavit of Write-in Nominee shall state the name of the write-in *candidate*, the write-in *candidate*’s current residence, their past residences for a period of four years, the date and place of their birth, the office for which they seek nomination, the term for which they are running, their occupation, and a written acceptance of the nomination. The completed and signed Statement and Affidavit of Write-in Nominee shall be substantially in the following form:

STATEMENT AND AFFIDAVIT OF WRITE-IN NOMINEE

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

Under penalty of perjury, I, _____ (printed name of candidate), say that I reside at _____ in the City of San Diego, County of San Diego, State of California; that I am a resident and registered voter of the political district for which I seek nomination and shall have been such for at least thirty calendar days immediately preceding the submittal of my nominating petition for filing; that I am a write-in candidate for the office of _____ (include district designation, if appropriate) to be voted upon at the municipal election to be held _____ (insert date); that I will accept such nomination; and that I will serve in such office if elected. I am a write-in candidate for the _____ full/_____ unexpired term.

Date of Birth _____ Place of Birth _____

My occupation is _____

All other places where I have resided in the past four years:

_____ _____
_____ _____

_____ (Signature)

Subscribed on:

_____ (Date)

(SEAL)

_____ (Signature of Clerk or Deputy)

_____ (Official Title)

*(“Form of Statement and Affidavit of Write-in Candidates” added 7-26-1999 by O-18666 N.S.)
(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)*

§27.0308 Contents of Nominating Petition for Write-in Candidates

- (a) Nominating *petition* pages for write-in candidates shall be furnished by the Office of the City *Clerk*.
- (b) Nominating *petition* pages for write-in *candidates* shall be printed on white paper, 8 ½ by 11 inches in size.
- (c) Each nominating *petition* page for a write-in *candidate* shall contain items 1 through 3 in the order specified:
 - (1) A statement that includes the name of the write-in *candidate*, the office for which they seek nomination, and the date of the pertinent *election*.
 - (2) Space for signing *voters'* information prepared in accordance with Sections 27.0309 and 27.0310.
 - (3) A circulator's affidavit of authenticity prepared and signed in accordance with Sections 27.0309 and 27.0313.
- (d) The nominating *petition* for a write-in candidate may consist of any number of *petition* pages.
(“Contents of Nominating Petition for Write-in Candidates” added 7-26-1999 by O-18666 N.S.)
(Amended 9-6-2005 by O-19407 N.S.)
(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)

§27.0309 Form of Nominating Petition Page for Write-in Candidates

- (a) The following statement shall appear at the top of each nominating *petition* page for write-in *candidates* and be in substantially the following form:

NOMINATING PETITION AND SIGNATURES IN LIEU OF FILING FEE

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

We, the undersigned voters of _____ (The City of San Diego, or City Council District, including district designation) hereby nominate _____ as a write-in candidate for the office of _____ to be voted for at the municipal election to be held _____.

- (b) The following note shall appear on each nominating *petition* page for write-in *candidates*, immediately below the statement required by Section 27.0309(a):

(NOTE: Nominating petitions for Mayor and City Attorney may be signed at large throughout the City and must contain the signatures of a least 240 qualified voters. Nominating petitions for members of the Board of Education may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least 200 qualified voters. Nominating petitions for members of the City Council may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least 120 qualified voters. Nominating petitions for appointment to City elective offices require the signatures of at least 50 qualified voters. It is unlawful for any voter to sign more than one nominating petition for any given office.)

- (c) The *voter* signature portion of the nominating *petition* page for write-in *candidates* shall appear immediately below the note required by Section 27.0309(b). On the right hand side of the *voter* signature portion of the *petition* page, a space at least one inch wide shall be left blank for the City Clerk's use in verifying the validity or invalidity of the signatures. The *voter* signature portion of the *petition* page shall be arranged and lined to provide space for each *voter*'s signature, each *voter*'s printed name, place of each *voter*'s residence, and date of each *voter*'s signature.

- (d) The form and format of the voter signature portion of the nominating petition pages shall follow the City Clerk Administrative Guidelines, which shall be posted on the City website and made available to the public at the Office of the Clerk.
- (e) The *circulator's* affidavit of authenticity shall appear immediately below the *voter* signature portion required by Section 27.0309(c), and shall be signed by the *circulator* under California perjury laws.
- (f) The *circulator's* affidavit of authenticity shall be in substantially the following form:

AFFIDAVIT OF AUTHENTICITY

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

Under penalty of perjury, I, (printed name of *circulator*), declare: That all the signatures on this petition page were made in my presence and were observed by me, and that to the best of my knowledge and belief, such signatures are the genuine signatures of the individuals who signed the petition.

(Circulator's Residence)

(Circulator's Signature)

(Amended 9-27-1999 by O-18690 N.S.)

(Amended 7-18-2000 by O-18826 N.S.)

(Amended 1-30-2020 by O-21173 N.S.; effective 2-29-2020.)

§27.0310 Signing Voter's Information for Nominating Petition for Write-in Candidates

Signatures on the *voter* signature portion of a nominating *petition* for a write-in *candidate* shall be executed by *voters* in their own handwriting, and each signer shall also affix their printed name, the date of their signature, and their place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained.

("Signing Voter's Information for Nominating Petition for Write-in Candidates" added 7-26-1999 by O-18666 N.S.)

(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)

§27.0311 Required Number of Signatures on Nominating Petition for Write-in Candidates

- (a) Only *voters* may sign the *voter* signature portion of a nominating *petition* for a write-in *candidate*. Signatures of individuals who are not *voters* shall be invalid.
- (b) Nominating *petitions* for write-in *candidates* for the office of City Councilmember shall be signed by at least 120 individuals residing in the district and who at the time of signing shall have been registered *voters* in the district from which the write-in *candidate* seeks nomination.
- (c) Nominating *petitions* for write-in *candidates* for the offices of Mayor and City Attorney shall be signed by at least 240 individuals residing in the City of San Diego and who at the time of signing shall have been registered *voters* of the City.
- (d) Nominating *petitions* of *candidates* for the office of Board of Education shall be signed by at least two hundred individuals residing in the district and who at the time of signing shall have been registered *voters* for a period of at least thirty calendar days in the district from which the *candidate* seeks nomination.

(“Required Number of Signatures on Nominating Petition for Write-in Candidates” added 7-26-1999 by O-18666 N.S.)

(Amended 9-27-1999 by O-18690 N.S.)

(Amended 1-30-2020 by O-21173 N.S.; effective 2-29-2020.)

§27.0312 Write-in Candidacy Limited to One Office

A write-in *candidate* may not submit for filing a nominating *petition* for more than one office at any *election*.

(“Write-in Candidacy Limited to One Office” added 7-26-1999 by O-18666 N.S.)

§27.0313 Circulation of Nominating Petitions for Write-in Candidates

It is unlawful for any individual to circulate a nominating *petition* for a write-in *candidate* unless they are a U.S. citizen and at least 18 years of age.

(Amended 7-18-2000 by O-18826 N.S.)

(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)

§27.0314 Signing of Nominating Petitions for Write-in Candidates

It is unlawful for any individual to sign a write-in *candidate*'s nominating *petition* more than one time.

(“*Signing of Nominating Petitions for Write-in Candidates*” added 7-26-1999 by O-18666 N.S.)

§27.0315 Time for Submitting Nomination Papers of Write-in Candidates to Clerk

- (a) Except for the Statement and Affidavit of Write-in Nominee filed pursuant to section 27.0306, nomination papers for a write-in candidate in a *District Primary Election, City-wide Primary Election, primary special election, recall election, or removal election* shall be submitted for filing in the Office of the *Clerk* not later than fourteen calendar days prior to the date of the *election*.
- (b) Except for the Statement and Affidavit of Write-in Nominee filed pursuant to section 27.0306, all nomination papers shall be submitted for filing at the same time; no supplemental filings are allowed.

(“*Time for Submitting Nomination Papers of Write-in Candidates to Clerk*” added 7-26-1999 by O-18666 N.S.)

(Amended 9-6-2005 by O-19407 N.S.)

(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)

§27.0316 Acceptability of Nominating Petitions for Write-in Candidates

To be acceptable for filing, a nominating *petition* for a write-in *candidate* must on its face purport to contain the signatures of the requisite number of *voters*.

(“*Acceptability of Nominating Petitions for Write-in Candidates*” added 7-26-1999 by O-18666 N.S.)

§27.0317 Acceptance or Rejection of Nomination Papers of Write-in Candidates as Filed

- (a) If the City *Clerk* determines that a write-in *candidate*'s nomination papers are in substantial compliance with this division and with the provisions of Division 6, as applicable, the City *Clerk* shall accept the nomination papers as filed.
- (b) If the City *Clerk* determines that a write-in *candidate*'s nomination papers are not in substantial compliance with this division and with the provisions of Division 6, as applicable, the City *Clerk* shall not accept the nomination papers as filed.

*(“Acceptance or Rejection of Nomination Papers of Write-in Candidates as Filed”
added 7-26-1999 by O-18666 N.S.)*

§27.0318 Verification of Nominating Petition Signatures for Write-in Candidates; Time

- (a) The City *Clerk* shall be allowed a period of twenty business days after a nominating *petition* for a write-in *candidate* has been accepted as filed to verify the validity or invalidity of signatures.
- (b) To determine the sufficiency of insufficiency of a nominating *petition* for a write-in *candidate*, the City *Clerk* shall only count valid signatures.
- (c) If the *circulator*'s affidavit of authenticity for any given *petition* page has not been signed by the *circulator*, the signatures on that *petition* page shall be invalid.

*(“Verification of Nominating Petition Signatures for Write-in Candidates; Time”
added 7-26-1999 by O-18666 N.S.)*

§27.0319 Notification of Sufficiency of Nominating Petition for Write-in Candidates

If the City *Clerk* finds a nominating *petition* for a write-in *candidate* to be sufficient and in proper form, the City *Clerk* shall so certify and shall send a notice of sufficiency to the write-in *candidate* nominated.

*(“Notification of Sufficiency of Nominating Petition for Write-in Candidates” added
7-26-1999 by O-18666 N.S.)*

(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)

§27.0320 Notice of Insufficiency of Nominating Petition for Write-in Candidates

If the City *Clerk* finds a nominating *petition* for a write-in *candidate* to be in insufficient or improper form, the City *Clerk* shall so certify and shall send a notice of insufficiency to the write-in *candidate* seeking nomination.

(“*Notice of Insufficiency of Nominating Petition for Write-in Candidates*” added 7-26-1999 by O-18666 N.S.)
(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)

§27.0321 Nominating Fee for Write-In Candidates

The *election* nominating fee for a write-in *candidate* for the offices of City Councilmember, Mayor, and City Attorney shall be established according to the City Council's User Fee Policy. The fee schedule shall be filed in the Ratebook of City Fees and Charges in the Office of the Clerk. The nominating fee is non-refundable and shall be paid when nomination papers are submitted for filing.

(Amended 7-18-2000 by O-18826 N.S.)
(Amended 1-30-2020 by O-21173 N.S.; effective 2-29-2020.)

§27.0322 Signatures Used to Offset Nominating Fee for Write-In Candidates

- (a) Notwithstanding any other provision of this division, a write-in *candidate* may submit signatures of registered *voters* above the number required pursuant to Section 27.0311 to fully or partially offset the nominating fee.
- (b) If signatures of registered *voters* above the number required pursuant to Section 27.0311 are to be used to reduce the nominating fee, the write-in *candidate* shall give notice to the City *Clerk* at the time of submitting his or her nomination papers for filing pursuant to Section 27.0315.
- (c) Signatures submitted for the purpose of reducing the nominating fee shall be executed by *voters* on the nominating *petition* for a write-in *candidate*, and are subject to the provisions of Section 27.0310 and 27.0311.
- (d) No signature used to determine the sufficiency of the nominating *petition* for a write-in *candidate* may be used for the purpose of reducing the nominating fee.

- (e) Every three valid signatures in excess of the number required pursuant to Section 27.0311 that are obtained and submitted for filing on the nominating *petition* for a write-in *candidate* within the prescribed nomination period for the purpose of reducing the nominating fee shall be valued at one dollar toward reduction of the nominating fee.
 - (f) The write-in *candidate* shall be reimbursed at the rate prescribed in Section 27.0322(e) up to the deposited amount of the nominating fee.
- (“Signatures Used to Offset Nominating Fee for Write-In Candidates” added 7-26-1999 by O-18666 N.S.)*
(Amended 1-30-2020 by O-21173 N.S.; effective 2-29-2020.)

§27.0323 Inclusion of Write-In Candidate’s Name on Ballot and in Sample Ballot for District or City-Wide General Election

If a write-in *candidate* in a *District Primary Election*, *City-wide Primary Election*, or primary *special election* is chosen by the electors as one of the two *candidates* to have their name appear on the ballot for a *District General Election*, *City-wide General Election*, or run-off *special election*, the procedures contained in Division 6 regarding designation of the candidate’s title, inclusion of the *candidate*’s name on the ballot and sample ballot, and the statement of the *candidate*’s qualifications and photograph will be followed. The City *Clerk* shall set a reasonable time for the write-in *candidate* to submit those documents for filing.

(“Inclusion of Write-In Candidate’s Name on Ballot and in Sample Ballot for District or City-Wide General Election” renumbered from Sec. 27.3210 and amended 7-26-1999 by O-18666 N.S.)
(Amended 9-6-2005 by O-19407 N.S.)

§27.0324 Additional Provisions for Write-In Candidates

Other requirements of this article not in conflict with the provisions of this division shall apply to write-in *candidates*.

(“Additional Provisions for Write-In Candidates” renumbered from Sec. 27.3211 and amended 7-26-1999 by O-18666 N.S.)