

84207
84201 ✓

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance ••• Administration ••• Executive/Legal ••• Enforcement ••• Conflict of Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

May 20, 1980

Mr. Neil Crawford
County Clerk
Hall of Justice
600 Union Avenue
Fairfield, CA 94533

A-80-05-028

Dear Mr. Crawford:

By letter of April 27, 1980, you have inquired whether two Superior Court judges who will not appear on the June primary ballot because they are unopposed must file pursuant to Government Code Section 84207 if they are running for election for the first time. Government Code Section 84207 provides:

Notwithstanding the provisions of Section 84201, a candidate for re-election for judicial office whose name does not appear on the ballot by reason of Section 25304 of the Elections Code shall file his campaign statement not later than January 31, with a closing date of December 31, and shall not be required to file any additional campaign statements. . . .

(Emphasis added.)

The section of the Elections Code referred to above provides that incumbents need not appear on the ballot if no other person has filed nominating papers.

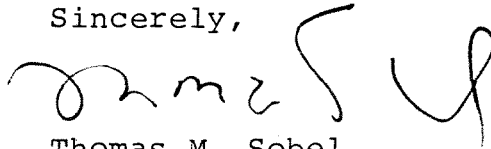
Judicial offices are non-partisan offices. When candidates for those offices are unopposed, no useful purpose is served by requiring the frequent disclosure mandated by Section 84201, which is designed to provide the electorate with information about the financial interests behind a candidate. Accordingly, Section 84207 specifically relaxes the disclosure requirements with respect

Mr. Neil Crawford
May 20, 1980
Page Two

to unopposed incumbent judges. We believe, therefore, that the word "re-election" in Section 84207 is intended generally to describe all incumbents whose names do not appear on the ballot by reason of Elections Code Section 24305 and is not intended to state an independent test for filing pursuant to Section 84207.

I trust this answers your question. If you have any further questions do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas M. Sobel', with a large flourish at the end.

Thomas M. Sobel
Chief
Legal Division

TMS:nrw

Memorandum

To : Opinion Request Meeting Participants

Date : May 7, 1980

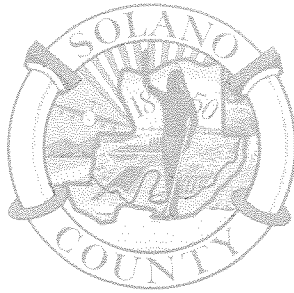
From : **FAIR POLITICAL PRACTICES COMMISSION**
Regina Siciliano-Kutchins

Subject: Letter from Neil Crawford dated 4-29-80

I advised Mr. Crawford that any judicial candidate whose name does not appear on the ballot would file pursuant to Section 84207. Now, I'm not so sure. Is a judge running for re-election the first time he or she is up for election after being appointed to that office?

OFFICE OF THE COUNTY CLERK

NEIL CRAWFORD
COUNTY CLERK
VIRGINIA L. DUNAHOO
ASST. COUNTY CLERK



F P P C
MAY 2 9 11 AM '80
HALL OF JUSTICE
600 UNION AVENUE
SACRAMENTO, CALIFORNIA 94533
PHONE (916) 429-6412

April 29, 1980

State of California
Fair Political Practices Commission
P.O. Box 807
1100 K Street Building
Sacramento, Ca. 95814

Attention: Tom Sobel
Legal Division

Dear Sir,

Some confusion has arisen in the interpretation of Sections 84201 and 84207 of the Government Code.

We have four Superior Court Judges running for election in the June Primary, none of which are apposed and will not appear on the ballot. Two judges are running for election to the Superior Court for the first time, two for reelection to the bench. The first time judges appear to fall under Section 84201 of the Government Code and those running for reelection appear to fall under 84207.

We have received conflicting telephone statements from your office. One saying since they will not appear on the ballot they fell under Section 84207 and another stating as above.

Will you give me your opinion as to what section applies?

Very truly yours

Neil Crawford
Neil Crawford
County Clerk