

INFORMATION SHEET OF QUALIFICATIONS AND REQUIREMENTS

STATE SENATOR, 26TH DISTRICT

QUALIFICATIONS

Every candidate shall:

- A. Be a U.S. citizen.¹ Cal. Const. art. IV, § 2(c)
- B. Be a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person. § 201²
- C. Satisfy the following registration requirements:
 - 1. Be registered with the political party whose nomination he or she is seeking for not less than three months immediately prior to the time the declaration of candidacy is presented to the county elections official or, if eligible to register for less than three months, for as long as he or she has been eligible to register to vote in California. § 8001(a)
 - 2. Not have been registered as affiliated with any other qualified political party within 3 months immediately prior to the filing of the declaration of candidacy. § 8001(a)
- D. Not have served two terms in the State Senate since November 6, 1990. Cal. Const. art. IV, § 2(a)

REQUIREMENTS

For All Candidates

Full Payment of Filing Fee

Every candidate must pay a filing fee equal to 1 percent of the first year's salary for a State Senator. Currently, the filing fee for State Senator is \$1,162.08. The filing fee must be paid at the time the candidate obtains nomination forms from the county elections official.

§§ 8103(a)(3), 8105

¹Article IV, section 2(c), of the California Constitution requires one year residency in the legislative district and three years residency in California; however, it is the legal opinion of this office that these provisions violate the U.S. Constitution and are unenforceable.

²All code section references are to the California Elections Code unless stated otherwise.

Signatures In Lieu of Filing Fee

A candidate may choose to submit by January 25, 2009 (E-58), a minimum of 3,000 valid signatures on petitions in lieu of filing fee. § 8106(a)(2)

The 3,000 in-lieu signature requirement applies to candidates seeking the nomination of the Democratic and Republican parties, as well as independent candidates. Candidates seeking the nomination of the American Independent, Green, Libertarian or Peace and Freedom parties may submit a petition containing, respectively, 150 signatures of members of their own political party.

§ 8106(a)(6)

A. The petitions for in-lieu signatures may be obtained from the county elections official and circulated between December 10, 2008 and January 25, 2009. Sections of petitions in lieu of filing fee shall be filed with the county elections official of the county in which the signers reside. § 8106(b)

B. The candidate may submit signatures to cover all or any prorated portion of the filing fee. § 8106(b)(3)

C. Any registered voter may sign an in-lieu-of-filing-fee petition for any candidate for whom he or she is eligible to vote. However, candidates filing signatures-in-lieu pursuant to the provisions of § 8106(a)(6) are limited to members of their own party. §§ 8106(a)(6) & 8106(b)(1)

D. Each circulator of an in-lieu-filing-fee petition shall be a registered voter of the district in which the candidate is running. The circulator shall serve within the county in which he or she resides. § 8106(b)(4)

E. Within 10 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, prior to February 9, 2009, either submit a supplemental petition containing additional signatures or pay a pro rata portion of the filing fee to cover the deficiency. § 8106(b)(3)

F. Signatures in lieu of the filing fee may be counted towards the nomination sponsor signature requirements if signers are of the same party as the candidate. § 8106(d)

For Partisan Candidates Only

Partisan candidates must obtain nomination documents from the county elections official between January 20, 2009 and February 9, 2009. Nomination documents include a set of Nomination Papers for collecting signatures and a Declaration of Candidacy that must be executed by the candidate. §§ 333, 10704(a)

A. The Declaration of Candidacy shall be obtained from, and delivered to, the county elections official in which the candidate resides and is a voter. § 8064

B. Notwithstanding § 8028, upon request of a candidate, the county elections official shall

provide the candidates with a Declaration of Candidacy and Nomination Papers. The county elections official shall not require a candidate to sign, file, or sign and file, a Declaration of Candidacy as a condition of receiving Nomination Papers. The county elections official shall require all candidates filing a declaration of candidacy to execute the declaration in his or her office unless the candidate designates a third party to obtain the declaration form from the county elections official and to deliver it to the candidate. The written statement shall state that the candidate is aware that the declaration of candidacy must be properly executed and delivered not later than February 9, 2009 to the office of the county elections official from whom it was obtained. The statement must be signed and dated by the candidate. Any person may return the completed declaration of candidacy. §§ 8020, 8028

- C. Gather between 40 and 60 signatures for filing the nomination paper. § 8062(a)(2)
 - 1. Signatures on the in-lieu filing fee petitions may satisfy this signature requirement. § 8061
 - 2. All signers must be registered voters in the district or political subdivision and members of the same political party as the candidate. § 8068
 - 3. The candidate may appoint persons to circulate the nomination paper. Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision. § 8066
 - 4. Each section of the Nomination Paper shall be delivered to the county elections official of the county in which the signer resides and is a voter. § 8063

For Independent Candidates Only

Independent candidates must circulate Nomination Papers for signatures in the State Senate District between January 20, 2009 and February 9, 2009, and leave them for examination with the county elections official of the county in which the papers were circulated.
§ 10704

- A. The Nomination Papers must be signed by voters in the district not less in number than 500 or 1% of the entire vote cast in the area at the preceding general election (149,626), whichever is less, nor more than 1,000. For this election, the signature requirement is 1000. § 8400
- B. Any candidate may obtain signatures to and sign his or her own nomination papers § 106(a)
- C. All signers must be eligible registered voters at the time they sign the Nomination Papers. § 100
- D. The candidate may appoint circulators to serve within the county in which they reside, for the purpose of securing signatures to the candidate's Nomination Papers. Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision. § 8451

E. File with the county elections official, not later than February 9, 2009, a Declaration of Candidacy which states the following:

1. The candidate's complete residence address;
2. That the candidate is a voter in the precinct in which he or she resides;
3. The name of the office sought;
4. That he or she will not withdraw as a candidate before the election;
5. That if elected, he or she will qualify for the office; and
6. That the candidate is not, and was not at any time during the 3 months immediately preceding the filing of the declaration of candidacy, registered as affiliated with a political party qualified under Section 5100. § 8550, 10704

For Write-In Candidates Only

A. Between January 26, 2009 and March 10, 2009 for the primary election and March 23, 2009 and May 5, 2009 for the general election, file a Statement of Write-In Candidacy. The Statement of Write-In Candidacy shall contain the following information:

1. candidate's name;
2. candidate's complete residence address;
3. a declaration stating that the candidate is a write-in candidate;
4. the name of the office for which the candidate is running;
5. the party nomination which the candidate seeks, if running in a primary election (a candidate need not be registered with the party whose nomination he/she is seeking); and
6. the date of the election. §§ 8600, 8601

B. In order to be nominated at the primary election, the write-in candidate must receive more votes than any other candidate running for that party's nomination, and must also receive votes equal to at least 1% of all votes cast for that office at the last preceding general election at which the office was filled (150). § 8605(a)

GENERAL INFORMATION

1. Each of the forms mentioned above is available free of charge from the county elections official.
2. The California State Senate has 40 members elected for four-year terms. This election is for the term that ends November 30, 2010.

This publication is for general information only and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation, or rule will apply. The candidate should obtain the most up-to-date information available because of possible changes in law or procedure since the publication of this information.

SPECIAL ELECTION - 26TH STATE SENATE DISTRICT
MARCH 24, 2009 - PRIMARY
MAY 19, 2009 - GENERAL

SIGNATURE-IN-LIEU-OF-FILING-FEE REQUIREMENTS

<u>Signature</u>	<u>Filing Fee</u>	<u>Signatures in Lieu of the Filing Fee</u>	<u>Value of Each Signature</u>
Democratic	\$1,162.08	3,000	\$0.38736
Republican	\$1,162.08	3,000	\$0.38736
American Independent	\$1,162.08	150*	\$7.7472
Green	\$1,162.08	150*	\$7.7472
Peace and Freedom	\$1,162.08	150*	\$7.7472
Libertarian	\$1,162.08	150*	\$7.7472

NOMINATION SIGNATURE REQUIREMENTS FOR INDEPENDENT CANDIDATES

§ 8400

Entire vote cast in area (November 7, 2006)	149,626
Nomination signatures required	1,000

WRITE-IN VOTES REQUIRED FOR NOMINATION AT THE SPECIAL PRIMARY ELECTION

§ 8605

Votes last cast for office (November 7, 2006)	149,626
Write-in votes required for nomination	1,497

* Must be registered to vote as affiliated with the same party as the candidate.

§ 8106(a)(6)