

Information Sheet Qualifications and Requirements

Member of the State Senate, 1st District Special Election

The Governor issued the proclamation for a special **GENERAL** election to be held on **January 4, 2011**. The date of the special **PRIMARY** election is scheduled for **November 2, 2010**.

The date of the primary election is calculated by counting back eight Tuesdays or, if the eighth Tuesday is the day of or the day following a state holiday, the ninth Tuesday preceding the day of the special general election at which the vacancy is to be filled. § 10704¹

I. QUALIFICATIONS

Every candidate shall:

- A. Be a U.S. citizen.² 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. § 201
- 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 three 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)

II. REQUIREMENTS

A. FILING FEES

Every candidate must pay a filing fee equal to 1% of the first year salary as of the first day on which a candidate may circulate petitions in-lieu of filing fees. Currently, the

¹ All code section references are to the California Elections Code unless stated otherwise.

² Article 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.

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filing fee is \$952.91. The filing fee must be paid to the county elections official at the time the candidate obtains the nomination papers from the county elections official.

§§ 8103(a)(3), 8105

A candidate may choose to submit by **September 5, 2010**, petitions in-lieu of filing fees. Candidates seeking the nomination of the Democratic and Republican parties, as well as independent candidates, may submit a petition containing **3,000** signatures of registered voters residing in the district. Candidates seeking the nomination of the American Independent, Green, Libertarian, or Peace and Freedom party may submit a petition containing, respectively, **150, 150, 150, or 128** signatures of members of their respective political party.

§§ 8106(a)(2), (a)(6) & (b)(3), 10704(a)

1. Petitions for in-lieu signatures may be obtained from the county elections official between **July 13, 2010**, and **September 5, 2010**. § 8106
2. The candidate may submit signatures to cover all or any prorated portion of the filing fee. § 8106(b)(3)
3. A 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 who obtain signatures pursuant to § 8106(a)(6) are limited to signatures from members of their own political party. § 8106(b)(1)

B. FOR PARTISAN CANDIDATES ONLY

1. Obtain nomination documents from the county elections official of the candidate's county of residence between **August 31, 2010**, and **September 20, 2010**, inclusive. Nomination documents include nomination papers for collecting signatures and a Declaration of Candidacy that must be executed by the candidate. §§ 333, 8040, 8041, 10704(a), 13107.3
2. Nomination Papers
 - a. Gather between 40 and 60 signatures for filing the nomination papers. § 8062(a)(2)
 - b. Any candidate may obtain signatures to and sign his or her own nomination papers. § 106(a)
 - c. All signers must be registered voters in the district or political subdivision and members of the same political party as the candidate. §§ 100, 8068

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- d. 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
 - e. Signatures on the in-lieu filing fee petitions may satisfy the signature requirement if the signers are of the same party as the candidate. § 8061
 - f. Between **August 31, 2010**, and **September 20, 2010**, each section of the nomination papers shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§ 8063, 10704(a)
3. Declaration of Candidacy
- a. The Declaration of Candidacy shall be obtained from, and delivered to, the elections official of the county in which the candidate resides and is a voter. §§ 8040, 8064
 - b. 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 in writing, a third party to obtain the declaration form from the county elections official and 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 **September 20, 2010**, 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. §§ 8028, 10704
- C. FOR INDEPENDENT CANDIDATES ONLY
1. Obtain nomination documents from the county elections official of the candidate's county of residence between **August 31, 2010**, and **September 20, 2010**, inclusive. Nomination documents include nomination papers for collecting signatures and a Declaration of Candidacy that must be executed by the candidate. §§ 333, 8409, 8550, 10704(a), 13107.3
 2. Nomination papers
 - 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, whichever is less, nor more than 1,000. **For this election, the signature requirement is 500.** § 8400
 - b. Any candidate may obtain signatures to and sign his or her own nomination papers. § 106(a)

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- c. All signers must be registered voters in the district in which the candidate is running at the time they sign the nomination papers. §§ 100, 8400

 - d. 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. § 8451

 - e. Signatures on the in-lieu filing fee petitions may satisfy the signature requirement. § 8405

 - f. Between **August 31, 2010**, and **September 20, 2010**, each section of the nomination papers shall be delivered to the county elections official. Each section shall bear the name of the county in which is it circulated. §§ 8406, 10704(a)
3. Declaration of Candidacy

File with the county elections official, not later than **September 20, 2010**, a Declaration of Candidacy, which states the following:

- i. The candidate's complete residence address;

- ii. That the candidate is a voter in the precinct in which he or she resides;

- iii. The name of the office sought;

- iv. That he or she will not withdraw as a candidate before the election;

- v. That if elected, he or she will qualify for the office; and

- vi. That the candidate is not, and was not at any time during the three (3) months preceding the filing of the Declaration of Candidacy, registered as affiliated with a political party qualified under Section 5100. §§ 8550, 10704

D. FOR WRITE-IN CANDIDATES ONLY

1. Filing Fees

Write-in candidates are not required to pay filing fees. § 8604

2. Nomination Papers

- a. Gather between 40 and 60 signatures for filing the nomination papers.

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§§ 8062(a)(2), 8600

- b. 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
 - c. Special Primary Election
 - i. Signers must be voters in the district or political subdivision in which the write-in candidate is to be voted on and of the same political party as the party in which the write-in candidate is seeking nomination in the primary. § 8603
 - ii. Between **September 6, 2010**, and **October 19, 2010**, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. § 8601
 - d. Special General Election
 - i. Between **November 8, 2010**, and **December 21, 2010**, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. § 8601
 - ii. There is no party affiliation requirement for signers of write-in nomination petitions in the special general election.
3. Statement of Write-In Candidacy
- a. Between **September 6, 2010**, and **October 19, 2010**, for the special primary election and **November 8, 2010**, and **December 21, 2010**, for the special general election, file a Statement of Write-In Candidacy.
 - b. The Statement of Write-In Candidacy shall contain the following information:
 - i. Candidate's name;
 - ii. Candidate's complete residence address;
 - iii. A declaration stating that the candidate is a write-in candidate;
 - iv. The name of the office for which the candidate is running;

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- v. 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 or she is seeking); and
 - vi. The date of the election. §§ 8600, 8601, 10704(a)
4. In order to be nominated at the special 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. For this election the requisite vote requirement is **4,295**. § 8605(a)

III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official. § 8101
- B. The State Senate has a membership of 40 Senators elected for four-year terms. This election is for the remainder of the term. Cal. Const., art IV, § 2(a)

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.

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**November 2, 2010 - PRIMARY
January 4, 2011 - GENERAL**

Signature In-Lieu of Filing Fee Requirements
§§ 8106(a)(2) & (a)(6)

<u>Signature</u>	<u>Filing Fee</u>	<u>Signatures In-Lieu of Filing Fee</u>	<u>Value of Each Signature</u>
Democratic	\$952.91	3,000	\$0.317636
Republican	\$952.91	3,000	\$0.317636
American Independent	\$952.91	150*	\$6.35273
Green	\$952.91	150*	\$6.35273
Libertarian	\$952.91	150*	\$6.35273
Peace and Freedom	\$952.91	128*	\$7.4446

Nomination Signature Requirements for Independent Candidates**
§ 8400

Entire votes cast in area (November 4, 2008)	429,470
Nomination signatures required	500

Write-In Votes Required for Nomination at the Special Primary Election***
§ 8605

Total votes last cast for office (November 4, 2008)	429,470
Write-in votes required for nomination	4,295

*Based on the Report of Registration (June 8, 2010) from the last statewide election.

**Based on the Statement of Vote (SOV) for entire votes cast in the area at the preceding general election (November 4, 2008).

***Based on the SOV for all votes cast for the office at the last preceding general election at which the office was filled (November 4, 2008).