

Information Sheet Qualifications and Requirements

Congressional District 36 Special Election

The Governor issued the proclamation for a special **GENERAL** election to be held on **July 12, 2011**. The date of the special **PRIMARY** election is scheduled for **May 17, 2011**.

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. QUALIFICATION

Every candidate shall be at least 25 years of age, a U.S. citizen for seven years, and a resident of California when elected.² U.S. Const., art. I, § 2

II. REQUIREMENTS

A. CAMPAIGN RESPONSIBILITIES

Because of the requirements of the Federal Election Campaign Act, As Amended, a congressional candidate should contact the Federal Election Commission at 999 E Street, NW, Washington, D.C. 20463 or call toll-free (800) 424-9530 for a copy of the Act, related regulations giving the filing requirements for reporting campaign contributions, and the forms on which to file.

B. FILING FEE

Full Payment of Filing Fee

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 fee. Currently, the filing fee is \$1,740.00. 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)(2), 8105

Signatures In-Lieu of Filing Fee

A candidate may choose to submit by **March 17, 2011**, a minimum of 3,000 valid signatures on petitions in-lieu of filing fee. §§ 8106(a)(2) & (b)(3), 10704(a)*

1. Petitions for in-lieu signatures may be obtained from the county elections official and circulated between **March 1, 2011**, and **March 17, 2011**. Sections of petitions for in-lieu signatures shall be filed with the county elections official of the county in which the signers reside. § 8106*

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

² There is no durational residency requirement to be a candidate for United States Representative in Congress.

*The federal MOVE Act requires that ballots be sent to military and overseas voters not later than 45 days prior to a federal election. Pursuant to Elections Code section 3112, dates prescribed by the Elections Code have been adjusted to accommodate the 45-day mailing of ballots to military and overseas voters.

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2. The candidate may submit signatures to cover all or any prorated portion of the filing fee. § 8106(b)(3)
3. Any registered voter may sign an in-lieu-filing-fee petition for any candidate for whom he or she is eligible to vote. § 8106(b)(1)
4. 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)
5. Within 7 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, prior to the close of the nomination period (**March 25, 2011**), 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)*
6. Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. § 8106(d)

Signature In-Lieu of Filing Fee Requirements

§ 8106(a)(2)

<u>Candidates</u>	<u>Filing Fee</u>	Signatures In-Lieu of <u>Filing Fee</u>	Value of Each <u>Signature</u>
All Candidates (except write-in candidates)	\$1,740.00	3,000	\$0.58

C. BALLOT DESIGNATIONS

Each candidate who submits a ballot designation shall file a ballot designation worksheet that supports the use of that ballot designation by the candidate. The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her declaration of candidacy. § 13107.3

D. FOR ALL CANDIDATES (EXCEPT WRITE-IN CANDIDATES)

1. Between **March 14, 2011**, and **March 25, 2011**, obtain nomination documents from the county elections official of the candidate's county of residence. 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)*;
March 14, 2011 was the Proclamation date

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2. Nomination Papers

- a. Gather between 40 and 60 signatures for filing the nomination papers.
§ 8062(a)(2)
- b. Signatures on the in-lieu filing fee petitions may satisfy the signature requirement.
§ 8061
- c. Any candidate may obtain signatures to and sign his or her own nomination papers.
§ 106(a)
- d. All signers must be registered voters in the district or political subdivision in which the candidate is to be voted on.
§§ 100, 8068
- e. The candidate may appoint persons to circulate the 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.
§ 8066
- f. Between **March 14, 2011**, and **March 25, 2011**, 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)*;
March 14, 2011 was the Proclamation date

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, in a written statement signed and dated by the candidate, designates 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 **March 25, 2011**, to the office of the county elections official from whom it was obtained. Any person may return the completed Declaration of Candidacy.
§§ 8028, 10704*

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E. FOR WRITE-IN CANDIDATES ONLY AND ONLY FOR THE SPECIAL PRIMARY ELECTION³

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. §§ 8062(a)(2), 8600

b. The candidate may appoint persons to circulate the 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. § 8066

c. Signers must be voters in the district or political subdivision in which the write-in candidate is to be voted on. § 8603

d. Between **March 21, 2011**, and **May 3, 2011**, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. § 8601

3. Statement of Write-In Candidacy

a. Between **March 21, 2011** and **May 3, 2011**, file a Statement of Write-In Candidacy. § 8601

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; and

v. 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 the highest number of votes cast for this office or the second highest number

³ Write-in candidates can only run in the primary election. A write-in candidate from the primary election is eligible to have his or her name on the ballot in the general election if that candidate is one of the top two vote getters at the primary election. (Elections Code § 8605.)

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of votes cast for this office, unless there is a tie or a vacancy, or unless another candidate has been elected to the office by winning a majority of the votes.

§§ 8142, 8605, 8807

III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official. § 8101

- B. The California delegation to the House of Representatives consists of 53 Representatives, each elected for two-year terms. U.S. Const., 20th Amend., §1; art. I, § 2

IMPORTANT NOTICE

This Information Sheet of Qualifications and Requirements 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.