

# Information Sheet Qualifications and Requirements

## Member of the State Senate, 28<sup>th</sup> District Special Election

The Governor issued the proclamation for a special **GENERAL** election to be held on **April 19, 2011**. The date of the special **PRIMARY** election is scheduled for **February 15, 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. § 10704<sup>1</sup>

### I. QUALIFICATIONS

Every candidate shall:

- A. Be a U.S. citizen.<sup>2</sup> Cal. Const., art. IV, § 2(c)
- B. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § 201
- C. Not have served two terms in the State Senate since November 6, 1990. Cal. Const., art. IV, § 2(a)

### II. REQUIREMENTS

#### A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES

Any individual who intends to be a candidate for an elective state office shall:

1. Candidate Intention Statement  
File with the Secretary of State Political Reform Division a Candidate Intention Statement for the specific state office (Form 501). This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan, including personal funds used for campaign purposes. Gov. Code § 85200
2. Campaign Contribution Account  
Establish one campaign contribution account at an office of a financial institution located in California upon filing the statement of intention.

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<sup>1</sup> All code section references are to the California Elections Code unless stated otherwise.

<sup>2</sup> Article IV, section 2(c), of the California Constitution requires a 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.

# Information Sheet Qualifications and Requirements

## Member of the State Senate, 28<sup>th</sup> District Special Election

- a. All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee shall be deposited in the account. Gov. Code § 85201(c)
- b. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure. Gov. Code § 85201(d)
- c. All campaign expenditures shall be made from the account. Gov. Code § 85201(e)

### 3. Exceptions

- a. Parts 1 and 2(b) and (c), above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds. Gov. Code §§ 85200 & 85201(f)
- b. Part 2, above, does not apply if the candidate does not receive contributions and makes campaign expenditures from personal funds of less than \$1,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee. Gov. Code § 85201(g)
- c. An individual who raises contributions from others for his or her campaign, but who raises or spends less than \$1,000 in a calendar year, shall establish a campaign contribution account but is not required to file a committee statement of organization or other statement of bank account information. Gov. Code § 85201(h)

### B. FILING FEES

#### 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 fees. Currently, the 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

#### Signatures In-Lieu of Filing Fee

A candidate may choose to submit by **December 19, 2010\***, a minimum of 3,000 valid signatures on petitions in-lieu of filing fees. §§ 8106(a)(2) & (b)(3), 10704(a)

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\* Asterisked dates indicate that the date falls on a Saturday, Sunday, or a holiday; if the date is also a deadline, in most cases, it will move forward to the next business day.

## Information Sheet Qualifications and Requirements

### Member of the State Senate, 28<sup>th</sup> District Special Election

1. Petitions for in-lieu signatures may be obtained from the county elections official and circulated between **December 6, 2010**, and **December 19, 2010**\*. Sections of petitions for in-lieu signatures shall be filed with the county elections official of the county in which the signers reside. § 8106
  
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 10 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, prior to **December 29, 2010**, 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>	<u>Signatures In-Lieu of Filing Fee</u>	<u>Value of Each Signature</u>
All Candidates (except write-in candidates)	\$952.91	3,000	\$0.317636

#### 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

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**Information Sheet**  
**Qualifications and Requirements**

**Member of the State Senate, 28<sup>th</sup> District Special Election**

D. STATEMENT OF ECONOMIC INTERESTS

Each candidate must file a Statement of Economic Interests with the county elections official disclosing investments, interests in real property, and any income received during the immediately preceding 12 months pursuant to the requirements of the Political Reform Act of 1974, As Amended. Gov. Code §§ 87200, 87201

This statement is to be filed by **January 3, 2011**. It is not required if the candidate has filed such statements within the past 60 days for the same jurisdiction.

Gov. Code § 87201

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

1. Between **December 16, 2010**, and **January 3, 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)

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 **December 16, 2010**, and **January 3, 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)

**Information Sheet**  
**Qualifications and Requirements**

**Member of the State Senate, 28<sup>th</sup> District Special Election**

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 **January 3, 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

F. FOR WRITE-IN CANDIDATES ONLY AND ONLY FOR THE SPECIAL PRIMARY ELECTION<sup>3</sup>

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 **December 20, 2010**, and **February 1, 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

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<sup>3</sup> Write-in candidates can only run in the primary election. A write-in candidate from the primary election is eligible to run/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.)

# Information Sheet Qualifications and Requirements

## Member of the State Senate, 28<sup>th</sup> District Special Election

### 3. Statement of Write-In Candidacy

- a. Between **December 20, 2010**, and **February 1, 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 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 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)
- C. Because of the requirements of the Political Reform Act, As Amended, a candidate should visit the website of the Fair Political Practices Commission at [www.fppc.ca.gov](http://www.fppc.ca.gov) for the most recent copy of the Information Manual on Campaign Disclosure Provisions of the Political Reform Act, which gives the filing requirements for reporting campaign contributions, etc.

#### 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.