



SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

Summary of Qualifications and Requirements for
INDEPENDENT NOMINATION
for the Offices of

State Senator

(20 Districts, Odd-Numbered)
and

Member of the State Assembly

(80 Districts)

November 2, 2004 General Election

I. QUALIFICATIONS

A candidate shall:

- A. Be a U.S. citizen. Cal. Const., Art. IV, §2(c)¹
- B. Have a valid voter registration affidavit on file in the county of residence at the time nomination papers are obtained. §201²
- C. Not have served two terms in the State Senate since November 6, 1990, if a candidate for State Senate; not have served three terms in the State Assembly since November 6, 1990, if a candidate for State Assembly. Cal. Const., Art. IV, §2(a)
- D. Disqualifications

A candidate is ineligible for nomination as an independent candidate if:

1. A nomination paper was filed on the candidate's behalf as a partisan candidate

1 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 our office that these provisions violate the U.S. Constitution and are unenforceable.

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

or a write-in candidate at the March 2, 2004 Primary Election for any office, and the candidate was defeated for the party nomination at the primary election. §8301

2. At any time during the 13 months preceding the General Election, the candidate was registered as affiliated with any qualified political party. The last day a candidate desiring to run under the independent nomination procedures in the 2004 General Election may be affiliated with a qualified party is October 2, 2003. §8550(f)

For purposes of Section 8550, the seven qualified political parties are:
American Independent, Democratic, Green, Libertarian, Natural Law, Peace and Freedom, and Republican.

II. REQUIREMENTS

A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES

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

1. Statement of Intention

File with the Secretary of State Political Reform Division a statement of intention to be a candidate for a specific 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. Govt. 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.

- 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.

- b. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure.

- c. All campaign expenditures shall be made from the account.

Govt. Code §§85200 & 85201

3. Exceptions

- a. Parts 1 and 2 (c) and (d), above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds.

Govt. 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. Govt. Code §85201(g)

If such candidate later spends \$1,000 or more in a calendar year, he or she must establish a campaign contribution account before the \$1,000 expenditure threshold is reached. The required account information shall be filed with the Secretary of State Political Reform Division within 5 days of establishing the account. Govt. Code §85201(h)

4. Voluntary Campaign Expenditure Limitations

B. DECLARATION OF INTENTION

Between October 27 and November 5, 2003, file a declaration of intention with the Secretary of State or the elections official of the county in which the candidate resides. §8350

During the period of November 5 to November 10, 2003, if the eligible incumbent officeholder has not filed a declaration of intention to succeed to the same office, then any person, other than the incumbent, may file such a declaration. §8022

This extension will not apply if the incumbent failed to file a declaration of intention because of the prohibitions set forth in the California Constitution. §8024 & Cal. Const. Art. IV, §2(a)

C. FILING FEE OR SIGNATURES IN LIEU OF FILING FEE

Full Cash Payment

Pay a filing fee equal to 1% of the first year's salary. Currently, the filing fee for State Senator and Member of the Assembly is \$990. The filing fee must be paid at the time the candidate files the declaration of intention. §§8103 & 8105

Signatures In Lieu Of Filing Fee

By November 5, 2003, submit a minimum of 3,000 valid signatures if running for State Senate and a minimum of 1,500 valid signatures if running for State Assembly on petitions in lieu of filing fee. §8106

1. Between September 26 and November 5, 2003, the petitions for in-lieu signatures may be obtained from the county elections official and circulated. 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

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-of-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-of-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 the close of the nomination period (August 6, 2004), either submit a supplemental petition or pay a pro rata portion of the filing fee to cover the deficiency. §§8106 (b)(3) & 8405
6. Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§8106(d) & 8405

D. NOMINATION DOCUMENTS

1. Between June 7 and August 6, 2004, obtain nomination documents from the county elections official. Nomination documents include a set of nomination papers for collecting signatures and a declaration of candidacy that must be executed by the candidate. §§333 & 8403
2. Upon request of a candidate, the county elections official shall provide the candidate with nomination documents. 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. §8020(d)
3. Between June 7 and August 6, 2004, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. §8403
4. Nomination Signatures
Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§8106(d) & 8405
 - a. The nomination papers must be signed by at least 3% of the registered voters as of the last registration report prior to the preceding general election. See Attachments for the required number of signatures for each legislative district. §8400
 - b. Signers must be registered voters in the district in which the candidate is running. §§100 & 8068
 - c. Any registered voter who is a candidate may obtain signatures to and sign his or her own nomination papers. §106(a)

- d. 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. By August 6, 2004, the nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§8063 & 8403

5. Declaration Of Candidacy

Failure to file the properly executed declaration of candidacy will prevent the candidate's name from appearing on the ballot.

- a. The declaration of candidacy shall be obtained from, and delivered to, the county elections official of the county in which the candidate resides and is a voter. §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 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 August 6, 2004 to the office of the county elections official from whom it was received. §8028
- c. Between June 7 and August 6, 2004, file with the county elections official 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;
 - 6. That at no time since October 2, 2003 has the candidate been registered in California as affiliated with a qualified political party (American Independent, Democratic, Green, Libertarian, Natural Law, Peace and Freedom, or Republican). §8550

E. 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. Govt. Code §87201

This statement is to be filed between June 7 and August 6, 2004. It is not required if the candidate has filed such a statement within the past sixty days for the same jurisdiction.

III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official.
- B. The Senate has a membership of 40 Senators elected for four-year terms, 20 to begin every two years. The Assembly has a membership of 80 members elected for two-year terms. In 2004, candidates will be elected in each of the odd-numbered Senate districts as well as in each Assembly district. The terms of office for both Senate and Assembly begin on December 6, 2004.
- C. Because of the requirements of the Political Reform Act, As Amended, a candidate should contact the Political Reform Division of the Secretary of State's Office (1500 11th Street, 4th floor, Sacramento, California 95814) 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, and related instructions.

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.

Nomination Signatures Required for Independent Candidates for State Senate*

District	October 2002 Registration	Signatures Required
1	479,491	14,385
3	482,770	14,484
5	375,373	11,262
7	451,533	13,546
9	416,441	12,494
11	437,412	13,123
13	311,106	9,334
15	430,993	12,930
17	384,308	11,530
19	478,088	14,343
21	422,333	12,670
23	474,130	14,224
25	346,095	10,383
27	347,619	10,429
29	413,150	12,395
31	366,112	10,984
33	440,119	13,204
35	461,274	13,839
37	375,991	11,280
39	467,758	14,033

*3% of the total district registration at the last statewide election

Nomination Signatures Required for Independent Candidates for State Assembly*

District	October 2002 Registration	Signatures Required	District	October 2002 Registration	Signatures Required
1	236,324	7,090	41	240,016	7,201
2	212,745	6,383	42	254,186	7,626
3	235,063	7,052	43	189,584	5,688
4	237,656	7,130	44	224,608	6,739
5	218,403	6,553	45	130,598	3,918
6	227,968	6,840	46	90,399	2,712
7	204,860	6,146	47	210,980	6,330
8	194,218	5,827	48	136,130	4,084
9	174,360	5,231	49	148,172	4,446
10	216,189	6,456	50	121,242	3,638
11	197,867	5,937	51	162,555	4,877
12	215,339	6,461	52	130,933	3,928
13	258,463	7,754	53	236,397	7,092
14	235,863	7,076	54	218,574	6,558
15	241,712	7,252	55	167,403	5,023
16	192,504	5,776	56	164,172	4,926
17	181,996	5,460	57	162,844	4,886
18	177,176	5,316	58	170,689	5,121
19	206,404	6,193	59	216,070	6,483
20	168,610	5,059	60	205,079	6,153
21	227,539	6,827	61	125,849	3,776
22	178,005	5,341	62	115,266	3,458
23	136,310	4,090	63	182,573	5,478
24	208,515	6,256	64	192,667	5,781
25	218,467	6,555	65	190,462	5,714
26	188,223	5,647	66	179,653	5,390
27	225,701	6,772	67	221,299	6,639
28	149,615	4,489	68	177,710	5,332
29	211,047	6,332	69	101,689	3,051
30	120,809	3,625	70	237,556	7,127
31	146,123	4,384	71	208,933	6,268
32	196,712	5,902	72	177,752	5,333
33	211,497	6,345	73	205,198	6,156
34	151,826	4,555	74	220,443	6,614
35	220,476	6,615	75	235,074	7,053
36	174,404	5,233	76	238,928	7,168
37	234,904	7,048	77	229,096	6,873
38	229,504	6,886	78	215,039	6,452
39	119,528	3,586	79	154,401	4,633
40	173,986	5,220	80	156,339	4,691

*3% of the total district registration at the last statewide election