



SECRETARY OF STATE  
**KEVIN SHELLEY**  
STATE OF CALIFORNIA

Summary of Qualifications and Requirements for  
**INDEPENDENT NOMINATION**  
for the Office of

# **United States Senator**

for the

**November 2, 2004 General Election**

## **I. QUALIFICATIONS**

A candidate shall:

- A. Be at least 30 years of age, a U.S. citizen for nine years, and a resident of California when elected. U.S. Const., Art. I, §3
- B. There are no residency requirements for candidates for US Senators.
- C. Disqualifications

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

- <sup>1</sup>. A nomination paper was filed on the candidate's behalf as a partisan candidate 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<sup>1</sup>
2. At any time during the 13 months preceding the November 2, 2004 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.

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<sup>1</sup> Unless otherwise stated, all code references are to the California Elections Code.

§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. Filing Fee or Signatures in Lieu

Candidates must pay a filing fee equal to 2% of the first year's salary. Currently, the filing fee for Member, United States Senate is \$ 3,094.00. The filing fee must be paid at the time the candidate obtains the nomination forms from the county elections official.

§§8103 & 8105

Fees may be paid by:

1. Cash, check, or money order, or
2. Signatures in Lieu of Filing Fee:

Candidates may elect to submit a minimum of 10,000 valid signatures on petitions in lieu of filing fee. §8106

- a. Between April 23 and July 22, 2004, 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 no later than July 22, 2004 with the county elections official of the county in which the signers reside. §8106
- 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. §8106(b)(1)
- d. Each circulator of an in-lieu-of-filing-fee petition shall be a registered voter in California. 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, 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)
- f. Signatures in lieu of the filing fee may be counted toward the nomination sponsor

signature requirements.

§§8106(d) & 8405

B. 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 1% of the registered voters as of the last registration report prior to the preceding general election. For this election, based on the October 2003 Report of Registration, that number is 153,035. §8400
- b. Signers must be registered voters in California. §§100 & 8400
- 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 registered in California and shall serve only in their 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) The name of the office sought;
  - 3) That he or she will not withdraw as a candidate before the election;
  - 4) That if elected, he or she will qualify for the office;
  - 5) 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

**III. GENERAL INFORMATION**

- A. Each of the forms mentioned above is available free of charge from the county elections official.
- B. The term of office for United States Senator is six years, beginning January 3, 2005.
- C. Because of the requirements of the Federal Election Campaign Act, As Amended, a Senatorial candidate should contact the Federal Election Commission at 999 E Street, N.W., 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.

**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 document.