

## NOMINATION REQUIREMENTS JUNE 6, 2006 PRIMARY ELECTION

(See also "Pre-Campaign Candidate Intention Requirements" on pages 2-5.)

### **Nomination Documents --Declaration of Candidacy and Nomination Papers**

All candidates for offices at the direct primary election must file a declaration of candidacy and nomination papers with the county elections official. No person may file nomination papers for more than one office at the same election. A candidate shall not remove a declaration of candidacy form from the office of the elections official. The elections official shall require all candidates filing a declaration of candidacy to execute the declaration in the elections office. However, a candidate may submit a signed and dated written statement designating a person to receive a declaration of candidacy form from the county elections official for the candidate, or for the county elections official to provide the candidate with a declaration of candidacy and nomination papers. These statements shall include language explaining that the candidate is aware that the declaration of candidacy and nomination papers must be properly executed and delivered to the county elections official of the county of the candidate's residence by 5 p.m. on March 10, 2006. §§ 8003(b), 8020, 8028, 8041, 8060, 8101, 8105

### **Forms**

Both the Secretary of State and the county elections official may provide the petition-in-lieu-of-filing-fee forms to a candidate. However, the petitions must be filed with the elections official of the county in which the signatures were gathered. The Secretary of State cannot accept signatures in lieu of filing fees.

All other forms required for nomination and election to statewide, congressional, and legislative offices (declaration of candidacy, nomination papers) shall be furnished by the county elections official of the candidate's county of residence. The declaration of candidacy must be returned to the county elections official of the candidate's county of residence; the nomination petition must be submitted to the county elections official of the county in which the signatures were gathered. The county elections official(s) shall forward all nomination documents to the Secretary of State for filing.

At the time of issuing any candidate forms, the officer providing the form shall:

- 1) type on the forms the name of the candidate and the office for which he/she is a candidate,
- 2) imprint a stamp on the form that reads "Official Filing Form," and
- 3) affix his/her signature on the form.

The forms shall be distributed to all candidates applying for them upon the payment of the filing fee; however, signature-in-lieu petitions are available without first paying the filing fee. **All filing fees are nonrefundable.** §§ 8101-8106

### **Party Affiliation of Candidates for Partisan Office**

No candidate shall file a declaration of candidacy for a partisan state constitutional or legislative office unless:

- (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he/she has been eligible to register to vote in the state, the candidate is shown by his/her affidavit of registration to be affiliated with the political party whose nomination he/she seeks, and
- (2) within 12 months immediately prior to the filing of the declaration, the candidate has not been registered with a qualified political party other than that political party whose nomination he/she seeks. § 8001(a)

The county elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party whose nomination he/she seeks. The certificate shall also indicate that the candidate has not been affiliated with any other qualified political party for the 12-month period immediately preceding the filing of the declaration. § 8001(b)

This party affiliation requirement does not apply to candidates of political parties participating in their first direct primary election after their qualification as political parties. § 8001(b)

"Party" means a political organization that has qualified for participation in any primary election. The parties qualified to participate in the June 6, 2006 Primary Election at the time this document was published are: (1) Democratic, (2) Republican, (3) American Independent, (4) Green, (5) Libertarian, (6) Natural Law, and (7) Peace and Freedom. § 338

#### **Petition in Lieu of Filing Fee**

A candidate may submit a petition containing signatures of registered voters in lieu of paying the filing fee in order to run for office. The signatures submitted may cover all or a portion of the filing fee. Any registered voter may sign an in-lieu filing fee petition for any candidate for whom he or she is eligible to vote. However, candidates using Elections Code § 8106(a)(6) provisions are limited to signatures from members of their own parties. § 8106

The last day to submit the petitions in lieu of filing fee to the elections official of the county in which the signatures were gathered is February 23, 2006. No additional signatures may be filed after the filing date, but supplemental signatures may be filed to replace signatures in the original filing that were found to be invalid. That portion of the filing fee not covered by the signatures must be paid in full before the nomination documents may be filed. §§ 8105-8106

#### **Petition in Lieu of Filing Fee and/or Nomination Paper**

A candidate who submits a petition in lieu of filing fee may request that the county elections official count all valid signatures appearing on the petition toward the number of sponsor signatures required for the candidate's nomination paper provided the signers are registrants of the same party as the candidate. If the petition in lieu of filing fee contains the requisite number of valid signatures required for the nomination paper, the candidate is not required to circulate and file a nomination paper, but may request the county elections official to accept the petition in lieu of filing fee as a nomination paper. If the petition in lieu of filing fee does not contain the requisite number of valid signatures required for the nomination paper, the candidate may still circulate and

file a nomination paper to be signed by qualified registered voters of his or her party during the nomination period. The candidate may request the county elections official to apply the number of valid signatures on the petition in lieu of filing fee toward, and combine them with, the valid number of signatures on the nomination paper to satisfy the signature requirement for the office. The nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§ 8020, 8040, 8041, 8061, 8062, 8063, 8106

**NOTE:** Even though the candidate has submitted sufficient valid signatures on petitions in lieu of filing fee to satisfy the nomination requirement, he/she must still file a declaration of candidacy during the nomination period.

## **Pre-Campaign Candidate Intention Requirements**

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

- A. File with the Secretary of State's 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, including personal funds used for campaign purposes. For purposes of this section, "contribution" and "loan" do not include any payments from the candidate's personal funds for a candidate filing fee or a candidate statement of qualifications fee. Gov. Code § 85200
- B. Establish one campaign contribution account at an office of a financial institution located in the state upon filing of the statement of intention.
  1. With respect to candidate controlled committees, the name of the financial institution, the location, and the account number shall be filed with the Secretary of State's Political Reform Division within 10 days of qualifying as a committee (Form 410).
  2. 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.
  3. Any personal funds that will be used to promote the election of the candidate shall be deposited in the account prior to expenditure.
  4. All campaign expenditures shall be made from the account. Gov. Code § 85201
- C. Exceptions
  1. Parts B3 and B4, 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)
  2. Part B, 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)

## **Additional Filing Requirements**

Under the provisions of Proposition 34 adopted by voters in November of 2000, all candidates for state office in 2006 may agree to abide by voluntary spending limits. Candidates for state legislative office who accept these voluntary spending limits will be afforded the opportunity to purchase space in the sample ballots of each of the counties in the jurisdiction for a 250-word candidate statement. Candidates for statewide office and the Board of Equalization may purchase space to place a candidate statement in the state ballot pamphlet, provided that their acceptance of the voluntary spending limits has been timely filed with the Secretary of State. Additionally, the law permits a state candidate to change his/her mind and accept the spending limits for the

general election, if an amended Form 501 is filed within 14 days following the primary, indicating the candidate's intention to accept the spending limits in the general, provided that the filer has not exceeded the spending limits in the primary. Once the voluntary expenditure limits are accepted (or rejected), the spending-limits decision applies to both the primary and general elections. However, a state/statewide candidate who has not exceeded the voluntary spending limits may revoke and change his/her acceptance or rejection of the voluntary spending limits no more than two times after the **initial** filing of the Candidate Intention Statement, **provided that the amendment to the filer's Candidate Intention Statement -- Form 501 is received by this office before the deadline for filing the candidate's nomination papers.**

All candidates for state constitutional and legislative offices, who raise or spend \$50,000 or more, must file their contribution and expenditure disclosure statements electronically and on paper. Logon instructions and approved electronic filing vendors are posted on the Political Reform Division's page on the Secretary of State's website at <http://www.ss.ca.gov/prd/prd.htm>.

Candidates may download all the latest campaign forms from the Fair Political Practices Commission's website at <http://www.fppc.ca.gov>, or the Secretary of State's website at <http://www.ss.ca.gov/prd/prd.htm>. Candidates may also call the Political Reform Division at (916) 653-6224. Please contact the Fair Political Practices Commission at (916) 322-5660 for all applicable contribution and spending limits as well as the latest online/electronic filing requirements.