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

STATE SENATOR

(20 Districts, Odd-Numbered)

MEMBER OF THE STATE ASSEMBLY

(80 Districts)

November 4, 2008
General Election

I. QUALIFICATIONS

Every candidate shall:

A. Be a U.S. citizen.   Cal. Const., art. IV, § 2(c) [1]

B. Be a registered voter and otherwise qualified to vote for that office at the time that
    nomination papers are issued to the person.   § 201 [2]

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)

II. DISQUALIFICATIONS

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

A. A nomination paper was filed on the candidate's behalf as a partisan candidate or a write-
    in candidate at the June 3, 2008, **Statewide Direct Primary Election** for any office, and
    the candidate was defeated for the party nomination at the primary election.   § 8301

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[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.

B. 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 may be
affiliated with a qualified party is October 4, 2007 if desiring to run under the
independent nomination procedures in the 2008 General Election.   § 8550(f)

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

III. REQUIREMENTS

A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES

For **state legislative offices,** the candidate should contact the Political Reform division of
the Secretary of State's office at (916) 653-6224.

B. FILING FEE

Full Payment of Filing Fee
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 $1,162.08. The filing fee must be paid at the
time the candidate obtains nomination forms from the county elections official and is
non-refundable.   §§ 8103 & 8105

Signatures-In-Lieu of Filing Fee
A candidate may choose to submit a minimum of 3,000 valid signatures for State Senator
and a minimum of 1,500 valid signatures for Member of the Assembly on in-lieu-filing-
fee petitions by July 24, 2008 (E-103).   §§ 8106 & 8403

1. Between April 25 (E-193) and July 24, 2008 (E-103), the petitions for in-lieu
   signatures may be obtained from the county elections official and circulated.
   Sections of in-lieu-filing-fee petitions shall be filed with the county elections official
   of the county in which the signers reside.   §§ 8106 & 8403

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
   Assembly or Senate 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 August 8, 2008
    (E-88), either submit a supplemental petition or pay a pro rata portion of the filing fee
    to cover the deficiency.   § 8106 (b)(3)

6. Upon request, signatures-in-lieu of the filing fee may be counted toward the
    nomination sponsor signature requirements.   §§ 8106(d) & 8405

C. NOMINATION DOCUMENTS

1. Between June 9 (E-148) and August 8, 2008 (E-88), 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

    a. 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)

    b. Between June 9 (E-148) and August 8, 2008 (E-88), circulate nomination papers
        for signatures and leave them for examination with the county elections official of
        the county in which the signers reside.   § 8403

2. 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, 8302

    c. Any registered voter who is a candidate may obtain signatures to and sign his or
        her own nomination papers.   § 106(a)

    d. 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.   § 8451

    e. By August 8, 2008 (E-88), the nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter.

<div align="right">§§ 8063, 8302, 8403</div>

3. <u>Declaration of Candidacy</u>

Failure to properly file the 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.

    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 8, 2008 (E-88) to the office of the county elections official from whom it was received. Any person may return the completed declaration of candidacy.

<div align="right">§ 8028, 8302, 8550</div>

    c. Between June 9 (E-148) and August 8, 2008 (E-88), 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 4, 2007 has the candidate been registered in California as affiliated with a qualified political party (American Independent, Democratic, Green, Libertarian, Peace and Freedom, or Republican).   § 8550

D. Statement of Economic Interests

The candidate should contact the Political Reform division of the Secretary of State's office at (916) 653-6224.

IV. <u>GENERAL INFORMATION</u>

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 2008, 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 1, 2008.

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 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.

Independent Candidates for State Senate
Number of Signatures Required to Place
Candidate on November 4, 2008 General Election Ballot

Senate Districts	Oct. 2006 Voter Reg.	Required Signatures*
1	526,596	15,798
3	470,598	14,118
5	405,009	12,151
7	455,051	13,652
9	421,150	12,635
11	450,887	13,527
13	318,651	9,560
15	451,084	13,533
17	430,206	12,907
19	478,474	14,355
21	404,650	12,140
23	462,511	13,876
25	337,982	10,140
27	353,336	10,601
29	438,816	13,165
31	414,964	12,449
33	507,057	15,212
35	525,601	15,769
37	433,174	12,996
39	441,415	13,243

*Independent candidates for State Senate need registered voter signatures equaling 3% of the entire number of registered voters in the Senate district at the time of the close of registration prior to the preceding general election.

State Assembly -- Number of Signatures Required to Place Candidate
on November 4, 2008 General Election Ballot

Assembly District	Oct. 2006 Voter Reg.	Required Signatures*	Assembly District	Oct. 2006 Voter Reg.	Required Signatures*
1	239,926	7198	41	236,305	7090
2	224,175	6726	42	250,171	7506
3	241,936	7259	43	183,173	5496
4	266,102	7984	44	214,093	6423
5	238,047	7142	45	123,238	3698
6	235,661	7070	46	88,022	2641
7	201,016	6061	47	205,154	6155
8	196,791	5904	48	124,325	3730
9	174,927	5248	49	142,115	4264
10	238,003	7141	50	117,880	3537
11	192,891	5787	51	159,305	4780
12	206,242	6188	52	125,883	3777
13	238,787	7164	53	240,629	7219
14	233,733	7012	54	225,218	6757
15	274,267	8229	55	170,204	5107
16	191,404	5743	56	170,323	5110
17	184,057	5522	57	155,110	4654
18	183,249	5498	58	167,290	5019
19	214,593	6438	59	238,072	7143
20	177,665	5330	60	224,653	6740
21	235,411	7063	61	142,044	4262
22	178,515	5356	62	143,167	4296
23	143,271	4299	63	219,217	6577
24	211,971	6360	64	218,683	6561
25	226,682	6801	65	223,751	6713
26	193,036	5792	66	206,241	6188
27	230,705	6922	67	250,601	7519
28	145,682	4371	68	205,863	6176
29	212,269	6369	69	117,070	3513
30	122,105	3664	70	271,705	8152
31	136,618	4099	71	244,596	7338
32	222,126	6664	72	207,021	6211
33	223,649	6710	73	219,636	6590
34	164,528	4936	74	224,310	6730
35	211,436	6344	75	239,492	7185
36	200,049	6002	76	228,584	6858
37	239,889	7197	77	216,952	6509
38	239,632	7189	78	212,687	6381
39	110,472	3315	79	143,352	4301
40	165,048	4952	80	174,407	5233

*Independent candidates for Assembly need registered voter signatures equaling 3% of the entire number of registered voters in the Assembly district at the time of the close of registration prior to the preceding general election.