

Nomination Requirements June 8, 2010, Primary Election

(See also “Pre-Campaign Candidate Intention Requirements” on page 2-3.)

Nomination Documents—Declaration of Candidacy and Nomination Papers

All candidates for offices at the primary election must file a declaration of candidacy and nomination papers with the county elections official, who shall provide the forms free of charge. 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. This statement shall include language explaining that the candidate is aware that the declaration of candidacy must be properly executed and delivered to the county elections official of the county of the candidate's residence by 5:00 p.m. on March 12, 2010. §§ 8003(b), 8020, 8028, 8101

Ballot Designation Worksheet

Each candidate who submits a ballot designation shall file a ballot designation worksheet that supports the use of the ballot designation by the candidate. § 13107.3(a)

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(b)

The ballot designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request. The written request must be accompanied by a ballot designation worksheet. § 13107(e)

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 petitions can not be filed at the Secretary of State's office. § 8106(b)

All other forms required for nomination and election to statewide, congressional, and legislative offices (declaration of candidacy, nomination papers, ballot designation worksheet) 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 within five days after being left with the county elections official. §§ 8063, 8064, 8070, 8082, 8101

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

- 1) type on the form the name of the candidate and the office for which he or 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.

§ 8101

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.

§§ 8105, 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 or 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 or 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 or 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 or 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 a candidate of a political party participating in its first primary election after its qualification as a political party.

§ 8001(b)

"Party" means a political organization that has qualified for participation in any primary election. The parties qualified to participate in the June 8, 2010, Primary Election at the time of publication of this document: Democratic, Republican, American Independent, Green, Libertarian, and 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 section 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 25, 2010. 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.

§§ 8061, 8105, 8106

Petition In Lieu of Filing Fee and/or Nomination Papers

A candidate who submits an in-lieu-filing-fee petition 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 papers provided the signers are registrants of the same party as the candidate. If the in-lieu-filing-fee petition contains the requisite number of valid signatures required for the nomination papers, the candidate is not required to circulate and file nomination papers, but may request the county elections official to accept the in-lieu-filing-fee petition as nomination papers. If the in-lieu-filing-fee petition does not contain the requisite number of valid signatures required for the nomination papers, the candidate may still circulate and file nomination papers to be signed by qualified registered voters of his/her party during the nomination period. The candidate may request the county elections official to apply the number of valid signatures on the in-lieu-filing-fee petition toward, and combine them with, the valid number of signatures on the nomination papers to satisfy the signature requirement for the office. The nomination papers shall be delivered to the county elections official of the county in which the signer resides and is a voter.

§§ 8061, 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 or 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 Candidate Intention Statement (Form 501) for the specific state office sought. A separate Form 501 must be filed for each election, including reelection to the same office. This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan, including expenditures made from personal funds on behalf of one's own candidacy. 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 after filing the Candidate Intention Statement.
 1. With respect to candidate-controlled committees, a Statement of Organization (Form 410) shall be filed with the Secretary of State's Political Reform Division within 10 days of qualifying as a committee. The Form 410 must include the name of the financial institution, the location, and the account number.
 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 §§ 82013(a), 84101, 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 § 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 2010 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 State 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.

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.

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.

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. Log-on instructions and approved electronic filing vendors are posted on the Political Reform Division's page on the Secretary of State's website at www.sos.ca.gov/prd/prd.htm.

Candidates may download all the latest campaign forms from the Fair Political Practices Commission's website at www.fppc.ca.gov, or the Secretary of State's website at www.sos.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.