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STATE OF CALIFORNIA | ELECTIONS

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Summary of
Qualifications and Requirements
for Partisan Nomination for the Offices of

STATE SENATOR
(20 Districts, Even-Numbered)
MEMBER OF THE ASSEMBLY
(80 Districts)
June 8, 2010, Primary Election

I. QUALIFICATIONS

Every candidate shall:

- A. Be a U.S. citizen.¹ Cal. Const., art. IV, § 2(c)
- B. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § 201²
- C. Satisfy the following registration requirements:
 1. Be registered with the political party whose nomination he or she is seeking for not less than three months immediately prior to the time the declaration of candidacy is presented to the county elections official or, if eligible to register for less than three months, for as long as he or she has been eligible to register to vote in California. § 8001(a)(1)
 2. Not have been registered as affiliated with any other qualified political party within twelve months immediately prior to the filing of the declaration of candidacy. § 8001(a)(2)

¹Article IV, section 2(c), of the California Constitution requires a one-year residency in the legislative district and three years residency in California; however, it is the legal opinion of this office that these provisions violate the U.S. Constitution and are unenforceable.

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

- D. 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. REQUIREMENTS

A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES

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

1. Candidate Intention Statement

File with the Secretary of State Political Reform Division a Candidate Intention Statement for the specific state 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.

Gov. 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. Gov. Code § 85201(c)
- b. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure. Gov. Code § 85201(d)
- c. All campaign expenditures shall be made from the account. Gov. Code § 85201(e)

3. Exceptions

- a. Parts 1 and 2(b) and (c), 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)
- 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. Gov. Code § 85201(g)
- c. An individual who raises contributions from others for his or her campaign, but who raises or spends less than \$1,000 in a calendar year, shall establish a

campaign contribution account but is not required to file a committee statement of organization or other statement of bank account information.

Gov. Code § 85201(h)

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 \$952.91. The filing fee must be paid at the time the candidate obtains nomination forms from the county elections official.

§§ 8103(a)(3) & 8105

Signatures In Lieu of Filing Fee

A candidate may choose to submit, by February 25, 2010, a minimum of 3,000 valid signatures for State Senator and a minimum of 1,500 valid signatures for Member of the Assembly on petitions in lieu of filing fee.

§§ 8106(a)(1) & (a)(2)

The 3,000 and 1,500 in-lieu signature requirement applies only to candidates seeking the nomination of the Democratic or Republican parties. Candidates seeking the nomination of the American Independent, Green, Libertarian, or Peace and Freedom parties may submit petitions containing signatures of 10% of the registered voters in the district in which the candidate seeks nomination, or 150 signatures, whichever is fewer.

§ 8106(a)(6)

1. The petitions for in-lieu signatures may be obtained from the county elections official and circulated between January 1* and February 25, 2010. 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-filing-fee petition for any candidate for whom he or she is eligible to vote; however, candidates filing signatures-in-lieu pursuant to the provisions of § 8106(a)(6) are limited to members of their own party. §§ 8106(a)(6) & 8106(b)(1)
4. Each circulator of an in-lieu-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 March 12, 2010,

*Date falls on a holiday.

- either submit a supplemental petition containing additional signatures or pay a pro rata portion of the filing fee to cover the deficiency. § 8106(b)(3)
6. Signatures in lieu of the filing fee may be counted towards the nomination sponsor signature requirements if signers are of the same party as the candidate. § 8106(d)

C. NOMINATION DOCUMENTS

1. Between February 15* and March 12, 2010, 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 & 8020
- a. If the eligible incumbent fails to file the nomination documents by March 12, 2010, any other person, if otherwise qualified, may obtain and file the nomination documents not later than March 17, 2010. § 8022
- b. 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
- c. Upon request of a candidate, the county elections official shall provide the candidate with a declaration of candidacy. 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)
- d. 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 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 March 12, 2010, to the office of the county elections official from whom it was received. The statement must be signed and dated by the candidate. Any person may return the completed declaration of candidacy. § 8028
2. Nomination Signatures
Secure between 40 and 60 signatures on the nomination paper prior to filing. § 8062(a)(2)
- a. Signatures on the in-lieu-filing-fee petitions may satisfy this signature requirement if the signers are members of the same party as the candidate. § 8061

*Date falls on a holiday.

- b. All signers must be registered voters in the district or political subdivision in which the candidate is to be vote on and shall be members of the same political party as the candidate. § 8068
 - c. The candidate may appoint persons to circulate the nomination paper. 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. § 8066
 - d. Between February 15* and March 12, 2010, each section of the nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§ 8020 & 8063
3. If only one person has declared a candidacy for a partisan nomination at the Primary Election and that candidate dies after March 12, but on or before March 17, 2010, any person qualified under the provisions of Section 8001 may circulate and deliver nomination documents for the partisan nomination for that office to the county elections official by 5:00 p.m. on March 26, 2010. § 8025

D. BALLOT DESIGNATIONS

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

1. 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)
2. The 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. § 13107(e)

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. Gov. Code § 87201

This statement is to be filed between February 15* and March 12, 2010. It is not required if the candidate has filed such statements within the past 60 days for the same jurisdiction. Gov. Code §§ 87201- 87203

*Date falls on a holiday.

III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official.
§ 8101

- 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 2010, candidates will be elected in each of the even-numbered Senate districts as well as in each Assembly district. The terms of office for both begin on December 6, 2010. Cal. Const., art. IV, § 2

- 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 Summary 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.