

# Information Sheet Qualifications and Requirements

## U.S. Representative, 34<sup>th</sup> District Special Election

The Governor issued the proclamation for a special **GENERAL** election to be held on **June 6, 2017**. The date of the special **PRIMARY** election is scheduled for **April 4, 2017**.

The special election may be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled statewide election. § 10703(a)<sup>1</sup>

The date of the special primary election is calculated by counting back nine Tuesdays proceeding the day of the special general election at which the vacancy is to be filled. If the ninth Tuesday is the day following a state holiday, the date of the special primary election is calculated by counting back ten Tuesdays preceding the special general election. § 10704(a)

### I. QUALIFICATIONS

Every candidate shall be at least 25 years of age, a U.S. citizen for seven years, and a resident of California when elected.

U.S. Const., art. I, § 2; 20<sup>th</sup> Amend., § 1<sup>2</sup>

### II. REQUIREMENTS

#### A. FILING FEES

##### 1. Full Payment of Filing Fee

Every candidate must pay a filing fee equal to 1% of the first year's salary as of the first day on which a candidate may circulate petitions in lieu of filing fees, made payable to the Secretary of State. Currently, the filing fee is \$1,740.00. The filing fee must be paid to the county elections official at the time the candidate obtains his or her Declaration of Candidacy and nomination papers from the county elections official of the candidate's county of residence.

§§ 8103(a)(2), 8105

##### 2. Signatures In Lieu of Filing Fee

A candidate may choose to submit by **January 30, 2017**, a minimum of **322** valid signatures on petitions in lieu of filing fees. §§ 8106(a)(2) & (b)(3), 8106.5, 10704(a)

- a. Petitions for in-lieu signatures may be obtained from the county elections official and circulated between **January 25, 2017**, and **January 30, 2017**. Sections of in-

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<sup>1</sup> All code section references are to the California Elections Code unless stated otherwise.

<sup>2</sup> There is no California durational residency requirement to be a candidate for United States Representative in Congress.

lieu-filing-fee petitions shall be filed 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-filing-fee petition for any candidate for whom he or she is eligible to vote. § 8106(b)(1)
- d. Circulators of in-lieu-filing-fee petitions must be 18 years of age or older. §§ 102, 8106(b)(4)
- e. Within **4** days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, on or before **February 9, 2017**, 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)
- f. Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§ 8061, 8106(d)

**Signature In-Lieu of Filing Fee Requirements**

§§ 8106(a)(2), 8106.5

<u>Candidates</u>	<u>Filing Fee</u>	<u>Signatures In-Lieu of Filing Fee</u>	<u>Value of Each Signature</u>
All Candidates (except write-in candidates)	\$1,740.00	322	\$5.4037

**B. BALLOT DESIGNATIONS**

- 1. Each candidate who submits a ballot designation shall file a completed ballot designation worksheet that supports the use of that ballot designation by the candidate. The ballot designation worksheet shall be filed with the elections official at the same time the candidate files his or her Declaration of Candidacy. § 13107.3
- 2. The ballot designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 53 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 the ballot designation worksheet. § 13107(e)

**C. FOR ALL CANDIDATES (EXCEPT WRITE-IN CANDIDATES)**

- 1. Between **January 25, 2017**, and **February 9, 2017**, obtain nomination documents from the county elections official of the candidate's county of residence or if the candidate's residence is not in the district where the candidate is seeking office, from the county elections official in the district where the candidate is seeking office.

Nomination documents include nomination papers for collecting signatures and a Declaration of Candidacy that must be executed by the candidate.

§§ 333, 8020, 8040, 8041, 10704(a)

2. Nomination Papers

- a. Gather between 40 and 60 signatures for filing the nomination papers.  
§ 8062(a)(2)
- b. Signatures on the in-lieu filing fee petitions may satisfy the signature requirement.  
§§ 8061, 8106(b)
- c. Any candidate may obtain signatures to and sign his or her own nomination papers.  
§ 106(a)
- d. All signers must be registered voters in the district or political subdivision in which the candidate is to be voted on.  
§§ 100, 8068
- e. The candidate may appoint persons to circulate the nomination papers. Circulators must be 18 years of age or older.  
§§ 102, 8066
- f. Between **January 25, 2017**, and **February 9, 2017**, each section of the nomination papers shall be delivered to the county elections official of the county in which the signer resides and is a voter.  
§§ 8020, 8063, 10704(a)

3. Declaration of Candidacy

- a. The Declaration of Candidacy shall be obtained from, and delivered to, the elections official of the county in which the candidate resides and is a voter or if the candidate's residence is not in the district where the candidate is seeking office, from the county elections official in any county within the district where the candidate is seeking office.  
§§ 8040, 8064
- b. 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)
- c. 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 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 **February 9, 2017**, to the office of the county elections official from whom it was obtained. Any person may return the completed Declaration of Candidacy.  
§§ 8028, 10704

D. FOR WRITE-IN CANDIDATES ONLY AND ONLY FOR THE SPECIAL PRIMARY ELECTION<sup>3</sup>

1. Filing Fees

Write-in candidates are not required to pay filing fees. § 8604

2. Nomination Papers

a. Gather between 40 and 60 signatures for filing the nomination papers. §§ 8062(a)(2), 8600

b. The candidate may appoint persons to circulate the nomination papers. Circulators must be 18 years of age or older. §§ 102, 8066

c. Signers must be voters in the district or political subdivision in which the write-in candidate is to be voted on. § 8603

d. Between **February 6, 2017**, and **March 21, 2017**, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. § 8601

3. Statement of Write-In Candidacy

a. Between **February 6, 2017**, and **March 21, 2017**, file a Statement of Write-In Candidacy. § 8601

b. The Statement of Write-In Candidacy shall contain the following information:

i. Candidate's name,

ii. Candidate's complete residence address,

iii. A declaration stating that the candidate is a write-in candidate,

iv. The name of the office for which the candidate is running,

v. The date of the election, and

vi. Candidate's 10-year political party preference history.

§§ 8600, 8601, 10704(a)

4. In order to be nominated at the special primary election, the write-in candidate must receive the highest number of votes cast for this office or the second highest number of votes cast for this office, unless there is a tie or a vacancy, or unless another candidate has been elected to the office by winning a majority of the votes.

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<sup>3</sup> Write-in candidates can only run in the primary election. A write-in candidate from the primary election is eligible to run/have his or her name on the ballot in the general election if that candidate is one of the top two vote getters at the primary election, unless one candidate receives a majority of the votes (50% +1). (Elections Code §§ 8605, 10705.)

### III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official. § 8101
- B. The California delegation to the House of Representatives consists of 53 representatives, each elected for two-year terms. This election is for the remainder of the term.  
Cal. Const., art. I, § 2; 20<sup>th</sup> Amend., § 1
- C. Because of the requirements of the Federal Election Campaign Act, as amended, a congressional candidate should contact the Federal Election Commission at 999 E Street, NW, Washington, D.C., 20463 or call toll-free (800) 424-9530 for a copy of the Federal Election Campaign Act, as amended, related regulations providing the filing requirements for reporting campaign contributions, and the forms on which to file.

#### IMPORTANT NOTICE

This information sheet of candidate qualifications and procedures 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.