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ELECTIONS DIVISION

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Summary of
Qualifications and Requirements for the Office of
UNITED STATES REPRESENTATIVE IN CONGRESS
(53 Districts)

June 7, 2016, Presidential Primary Election

I. QUALIFICATIONS

Every candidate shall be at least 25 years of age, a U.S. Citizen for seven years, and a resident of California on January 3, 2017, the date he or she would be sworn into office if elected. U.S. Const., art. I, § 2; 20th Amend., § 1¹

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 for the office of U.S. Representative in Congress 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), 8105²

2. Signatures In Lieu of Filing Fee

A candidate may choose to submit, by February 25, 2016 (E-103), a minimum of 3,000 valid signatures on petitions in lieu of filing fee. § 8106(a)(2) & (b)(3)

a. Petitions for in-lieu signatures may be obtained from the county elections official and circulated between January 1, 2016* (E-158), and February 25, 2016 (E-103). Sections of in-lieu-filing-fee petitions shall be filed with the county elections official of the county in which the signers reside. § 8106(b)

b. The candidate may submit signatures to cover all or any prorated portion of the filing fee. § 8106(b)(3)

¹ There is no California durational residency requirement to be a candidate for United States Representative in Congress.

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

*Date falls on a weekend or state holiday; it does not move forward to the next business day.

- 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 10 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, on or before March 11, 2016 (E-88), 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 towards the nomination sponsor signatures requirements. §§ 8061, 8106(d)

Signatures In Lieu of Filing Fee Requirements

§ 8106(a)(2)

<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	3,000	\$0.58

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 that 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 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 the ballot designation worksheet. § 13107(e)

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

- 1. Between February 15, 2016* (E-113) and March 11, 2016 (E-88), 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

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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 this signature requirement. §§ 8061, 8106(d)
- 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 February 15, 2016* (E-113), and March 11, 2016 (E-88), 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. Declaration of Candidacy

- 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 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 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 11, 2016 (E-88), to the office of the county elections official from whom it was received. Any person may return the completed Declaration of Candidacy. § 8028

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4. If the eligible incumbent fails to file the nomination documents by 5:00 p.m. on March 11, 2016 (E-88), any other person, if otherwise qualified, may obtain and file the nomination documents by 5:00 p.m. on March 16, 2016 (E-83). § 8022
5. If a candidate has declared a candidacy for a voter-nominated office at the primary election and that candidate dies after March 11, 2016 (E-88), but on or before March 16, 2016 (E-83), any person otherwise qualified may circulate and deliver nomination documents for the nomination for that office to the county elections official by 5:00 p.m. on March 25, 2016 (E-74). § 8025

D. FOR WRITE-IN CANDIDATES ONLY AND ONLY FOR THE PRIMARY ELECTION

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 April 11, 2016 (E-57), and May 24, 2016 (E-14), 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 April 11, 2016 (E-57), and May 24, 2016 (E-14), file a Statement of Write-In Candidacy with the county elections official of the candidate's county of residence. § 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 10-year political party preference history. §§ 8600, 8601

4. In order to be nominated to appear on the general election ballot, 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 at the primary election, unless there is a tie. §§ 8142, 8606

III. GENERAL INFORMATION

- A. The California delegation to the House of Representatives consists of 53 Representatives, each elected for two-year terms. The term of office begins on January 3, 2017.
U.S. Const., art. I, § 2; 20th Amend., § 1
- B. 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.