

## INFORMATION SHEET OF QUALIFICATIONS AND REQUIREMENTS

Member of the State Assembly, 39<sup>th</sup> District  
May 15, 2007 Special Primary Election

### QUALIFICATIONS

Every candidate shall:

- A. Be a U.S. citizen.<sup>1</sup> Cal. Const. art. IV, § 2(c)
- 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<sup>2</sup>
- 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)
  - 2. Not have been registered as affiliated with any other qualified political party within 3 months immediately prior to the filing of the declaration of candidacy. § 8001(a)
- D. Not have served three terms in the State Assembly since November 6, 1990. Cal. Const. art. IV, § 2(a)

### REQUIREMENTS

#### For All Candidates

##### Full Payment of Filing Fee

Every candidate must pay a filing fee equal to one percent of the first-year salary for a Member of the Assembly. Currently, the filing fee for Member of the Assembly is \$1,130.98. The filing fee must be paid at the time the candidate obtains nomination forms from the county elections official. §§ 8103 & 8105

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<sup>1</sup>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 this office that these provisions violate the U.S. Constitution and are unenforceable.

<sup>2</sup>All code section references are to the California Elections Code unless stated otherwise.

### Signatures In Lieu of Filing Fee

A candidate may choose to submit by March 21, 2007, a minimum of 1,500 valid signatures on petitions in lieu of filing fee. § 8106

The 1,500 in-lieu signature requirement applies to candidates seeking the nomination of the Democratic and Republican parties, as well as independent candidates. Candidates seeking the nomination of the American Independent, Green, Libertarian, or Peace and Freedom parties may submit a petition containing, respectively, 150, 54, 50, or 83 signatures of members of their own political party. § 8106

- A. Petitions for in-lieu signatures may be obtained from the county elections official between March 20, 2007 and March 21, 2007. § 8106
- B. The candidate may submit signatures to cover all or any prorated portion of the filing fee. § 8106(b)(3)
- C. A registered voter may sign an in-lieu of filing fee petition for any candidate for whom he or she is eligible to vote.<sup>3</sup> §§ 8106(a)(6), 8106(b)(1)
- D. 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)
- E. A candidate who submits a petition in lieu of filing fee 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 paper provided the signers are registrants of the same party as the candidates and haven't already signed another candidate's nomination documents for the same contest. § 8106(a)(7)

### For Partisan Candidates Only

Partisan candidates must obtain nomination documents from the county elections official between March 20, 2007 and April 2, 2007. Nomination documents include a set of Nomination Papers for collecting signatures and a Declaration of Candidacy that must be executed by the candidate. §§ 333, 10704

- A. The Declaration of Candidacy shall be obtained from, and delivered to, the county elections official. § 8064
- B. Notwithstanding § 8028, upon request of a candidate, the county elections official shall provide the candidates with a Declaration of Candidacy and Nomination Papers. 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. The county elections official shall require all candidates filing a declaration of candidacy to execute the declaration in his or her

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<sup>3</sup> An exception exists if members of the American Independent, Green, Libertarian, Natural Law, or Peace and Freedom parties wish to use the provision allowing submission of 150, 150, 150, 39, or 102 signatures, respectively, as appropriate. Candidates who use this provision of the Elections Code must gather all signatures from their political party.

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 April 2, 2007, 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. §§ 8020, 8028

- C. Gather between 40 and 60 signatures for filing the nomination paper. § 8062
  - 1. Signatures on the in-lieu filing fee petitions may satisfy this signature requirement. § 8061
  - 2. All signers must be registered voters and members of the same political party as the candidate. § 8068
  - 3. 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
  - 4. 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. § 8063

### **For Independent Candidates Only**

Independent candidates must circulate Nomination Papers for signatures in the State Assembly District between March 20, 2007 and April 2, 2007, and leave them for examination with the county elections official of the county in which the papers were circulated.

- A. The Nomination Papers must be signed by voters in the district not less in number than 500 or one percent of the entire vote cast in the area at the preceding general election, whichever is less, nor more than 1,000. For this election, the signature requirement is **406**. § 8400
- B. Any candidate may obtain signatures to and sign his or her own nomination papers § 106(a)
- C. All signers must be eligible registered voters at the time they sign the Nomination Papers. § 100
- D. The candidate may appoint circulators to serve within the county in which they reside, for the purpose of securing signatures to the candidate's 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. File with the county elections official, no later than April 2, 2007, a Declaration of Candidacy which states the following:
  - 1. The candidate's 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; and
6. That the candidate is not, and was not at any time during the 3 months immediately preceding the filing of the declaration of candidacy, registered as affiliated with a political party qualified under Section 5100.

## **GENERAL INFORMATION**

1. Each of the forms mentioned above is available free of charge from the county elections official.
2. The California State Assembly has 80 members elected for two-year terms. This election is for the remainder of the term.

This publication 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.

**SPECIAL ELECTION – May 15, 2007**  
**39<sup>th</sup> Assembly District**

**SIGNATURE-IN-LIEU-OF-FILING-FEE REQUIREMENTS**

<u>Signature</u>	<u>Filing Fee</u>	<u>Signatures in Lieu of the Filing Fee</u>	<u>Value of Each Signature</u>
Democratic	\$1,130.98	1,500	\$0.75
Republican	\$1,130.98	1,500	\$0.75
American Independent	\$1,130.98	150*	\$7.54
Green	\$1,130.98	54*	\$20.9444
Libertarian	\$1,130.98	50*	\$22.62
Peace and Freedom	\$1,130.98	83*	\$13.66

**WRITE-IN VOTES REQUIRED FOR NOMINATION**  
**At the special primary election**

Votes last cast for office (November 7, 2006)	40,603
Write-in votes required for nomination	406

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\* Must be registered to vote as affiliated with the same party as the candidate.