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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 SENATE, 12TH DISTRICT
June 3, 2008
Special Recall Election

I. QUALIFICATIONS

Every candidate shall:

- A. Be a U.S. citizen. Cal. Const., art. IV, § 2(c)¹
- B. Be a registered voter and otherwise qualified to vote for that office at the time that 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)
- D. Not have served two terms in the State Senate since November 6, 1990, if a candidate for State Senate.

¹Article 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.

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

II. REQUIREMENTS

A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES

For **state legislative offices**, the candidate should contact the Political Reform Division of the Secretary of State's office at (916) 653-6224.

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 \$1,162.08. The filing fee must be paid at the time the candidate obtains nomination forms from the county elections official and is non-refundable. §§ 8103 & 8105

Signatures-In-Lieu of Filing Fee

A candidate may choose to submit, by April 3, 2008 (E-61), a minimum of 3,000 valid signatures for State Senator petitions in lieu of filing fee. § 8106

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 of that party 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 April 1, 2008 (E-63) and April 3, 2008 (E-61). 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. Upon request, 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 April 1, 2008(E-63) and April 5, 2008 (E-59), 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. 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
- 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 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 5, 2008 (E-59) 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

A candidate must secure between 40 and 60 signatures on the nomination paper prior to filing. § 8062

- a. Signatures on the in-lieu-of-filing-fee petitions may satisfy this signature requirement if the signers are members of the same party as the candidate. § 8061
- b. All signers must be registered voters and 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 April 1, 2008 (E-63) and April 5, 2008 (E-59), 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

Failure to properly file the declaration of candidacy will prevent the candidate's name from appearing on the ballot.

- 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. § 8064
- b. 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 April 5, 2008 (E-59) to the office of the county elections official from whom it was received. Any person may return the completed declaration of candidacy. § 8028
- c. Between April 1, 2008 (E-63) and April 5, 2008 (E-59), file with the county elections official a declaration of candidacy.

d. STATEMENT OF ECONOMIC INTERESTS

The candidate should contact the Political Reform division of the Secretary of State's office at (916) 653-6224.

III. GENERAL INFORMATION

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

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IMPORTANT NOTICE

This Information 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.

quirements for reporting campaign contributions, etc.