

**AMENDED
Information Sheet
Qualifications and Requirements**

United States Representative in Congress, 10th District Special Election

The Governor issued the proclamation for a special **GENERAL** election to be held on **November 3, 2009**. The date of the special **PRIMARY** election is scheduled for **September 1, 2009**.

The date of the primary election is calculated by counting back eight Tuesdays or, if the eighth Tuesday is the day of or the day following a state holiday, the ninth Tuesday preceding the day of the special general election at which the vacancy is to be filled. § 10704¹

I. QUALIFICATIONS

A. A candidate shall be at least 25 years of age, a U.S. citizen for seven years, and a resident of California when elected. There is no durational residency requirement for congressional candidates. U.S. Const., art. I, § 2

B. 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 three months immediately prior to the filing of the declaration of candidacy. § 8001(a)

II. REQUIREMENTS

A. FILING FEES

Every candidate must pay a filing fee equal to 1% of the first year salary; currently, the filing fee is \$1,740. This must be presented to the county elections official at the time the candidate obtains the nomination papers from the county elections official. §§ 8103(a)(2), 8105

A candidate may choose to submit by July 5, 2009*, petitions-in-lieu of filing fees containing a minimum of 3,000 signatures of registered voters residing in the district. § 8106(a)(2) & (b)(3)

¹ All code section references are to the California Elections Code unless stated otherwise.

*Asterisked dates indicate that the deadline falls on a Saturday, Sunday, or a holiday; in most cases, the deadline will move forward to the next business day.

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The 3,000 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 party may submit a petition containing, respectively, 150, 150, 150, or 63 signatures of members of their respective political party. §§ 8106(a)(2) & (a)(6)

1. Petitions for in-lieu signatures may be obtained from the county elections official between the vacancy date and July 5, 2009*.
2. The candidate may submit signatures to cover all or any prorated portion of the filing fee.
3. A registered voter may sign an in-lieu-filing-fee petition for any candidate for whom he or she is eligible to vote.²

B. FOR PARTISAN CANDIDATES ONLY

1. Obtain nomination documents from the county elections official of the candidate's county of residence between July 3, 2009, and July 20, 2009, inclusive. Nomination documents include nomination papers for collecting signatures and a Declaration of Candidacy that must be executed by the candidate. §§ 333, 10704(a)
 - a. The Declaration of Candidacy shall be obtained from, and delivered to, the county elections official of the candidate's county of residence. § 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 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 July 20, 2009, to the office of the county elections official from whom it was obtained. The statement must be signed and dated by the candidate. Any person may return the completed Declaration of Candidacy. §§ 8028 & 10704
2. Gather between 40 and 60 signatures for filing the nomination paper. § 8062(a)(2)

² An exception exists if members of the American Independent, Green, Libertarian, or Peace and Freedom parties wish to use the § 8106(a)(6) provision. In the case of candidates wishing to use this provision, all signatures must be from their political party.

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- a. Signatures on the in-lieu-filing-fee petitions may satisfy this signature requirement if the signers are of the same party as the candidate. § 8061
- b. All signers must be registered voters in the district or political subdivision 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. 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
- e. Any candidate may obtain signatures to and sign his or her own nomination papers. § 106(a)

C. FOR INDEPENDENT CANDIDATES ONLY

- 1. Circulate nomination papers for signatures in the congressional district between July 3, 2009, and July 20, 2009, and leave them for examination with the county elections official of the county in which the papers were circulated. § 10704
 - a. The nomination papers must be signed by voters in the district not less in number than 500 or 1% 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 500.** § 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 in the district or political subdivision in which the candidate is running at the time they sign the nomination papers. §§ 100, 8400
 - d. 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. § 8451
- 2. File with the county elections official, not later than July 20, 2009, a Declaration of Candidacy which states the following:
 - a. The candidate's complete residence address;
 - b. That the candidate is a voter in the precinct in which he or she resides;

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- c. The name of the office sought;
- d. That he or she will not withdraw as a candidate before the election;
- e. That, if elected, he or she will qualify for the office; and
- f. That the candidate is not, and was not at any time during the three months preceding the filing of the declaration of candidacy, registered as affiliated with a political party qualified under Section 5100. §§ 8550, 10704

D. FOR WRITE-IN CANDIDATES ONLY

1. Between July 6, 2009, and August 18, 2009, for the primary election and September 7, 2009 and October 20, 2009, for the general election, file a Statement of Write-In Candidacy. The Statement of Write-In Candidacy shall contain the following information:
 - a. Candidate's name;
 - b. Candidate's complete residence address;
 - c. A declaration stating that the candidate is a write-in candidate;
 - d. The name of the office for which the candidate is running;
 - e. The party nomination which the candidate seeks if running in a primary election (a candidate need not be registered with the party whose nomination he/she is seeking); and
 - f. The date of the election. §§ 8600, 8601
2. In order to be nominated at the primary election, the write-in candidate must receive more votes than any other candidate running for that party's nomination and must also receive votes equal to at least 1% of all votes cast for that office at the last preceding general election at which the office was filled. For this election the requisite vote requirement is **2,952**. § 8605(a)

E. 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)

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GENERAL INFORMATION

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

- B. California has 53 members of the House of Representatives elected for two-year terms.

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.

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**SEPTEMBER 1, 2009 - PRIMARY
NOVEMBER 3, 2009 - GENERAL**

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 | \$1,740 | 3,000 | \$0.58 |
| Republican | \$1,740 | 3,000 | \$0.58 |
| American Independent | \$1,740 | 150* | \$11.60 |
| Green | \$1,740 | 150* | \$11.60 |
| Libertarian | \$1,740 | 150* | \$11.60 |
| Peace and Freedom | \$1,740 | 63* | \$27.619048 |

**NOMINATION SIGNATURE REQUIREMENTS FOR INDEPENDENT CANDIDATES
§ 8400**

| | |
|--|---------|
| Entire votes cast in area (November 4, 2008) | 295,165 |
| Nomination signatures required | 500 |

**WRITE-IN VOTES REQUIRED FOR NOMINATION AT THE SPECIAL PRIMARY ELECTION
§ 8605**

| | |
|---|---------|
| Total votes last cast for office (November 4, 2008) | 295,165 |
| Write-in votes required for nomination | 2,952 |

*Must be registered to vote as affiliated with the same party as the candidate. § 8106(a)(6)