

# Information Sheet Qualifications and Requirements

## Member of the State Senate, 28<sup>th</sup> District Special Election

The Governor issued the proclamation for a special **GENERAL** election to be held on **May 12, 2020**. The date of the special **PRIMARY** election is scheduled for **March 3, 2020**.

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 special primary election shall be held on the tenth Tuesday preceding the day of the special general election at which the vacancy is to be filled if 1) that Tuesday is an established election date, and 2) a statewide election is schedule for that Tuesday. § 10704(b)

### I. QUALIFICATIONS

Every candidate shall:

- A. Be a U.S. citizen Cal. Const., art. IV, § 2(c)<sup>2</sup>
- B. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § 201
- C. Not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes. § 20
- D. During her or his lifetime serve no more than 12 years in the Senate, the Assembly, or both, in any combination of terms. This subdivision shall apply only to those Members of the Senate or the Assembly who are first elected to the Legislature after 2012 and who have not previously served in the Senate or Assembly. Members of the Senate or Assembly who were elected before June 2012 may serve only the number of terms allowed at the time of the last election before June 2012.

Cal. Const., art. IV, § 2(a)(4)<sup>3</sup>

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

<sup>2</sup> Article IV, section 2(c), of the California Constitution requires a 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>3</sup> Term limits for Members of the State Senate or Assembly who were elected prior to June 2012: Senate – not to have served two terms in the State Senate since November 6, 1990; Assembly – not to have served three terms in the State Assembly since November 6, 1990.

## II. REQUIREMENTS

### A. CAMPAIGN FILINGS AND RESPONSIBILITIES

Any individual who intends to be a candidate for an elective state office shall:

1. Candidate Intention Statement

File with the Secretary of State's Political Reform Division a Candidate Intention Statement (Form 501) for the specific state office sought. A separate Form 501 must be filed for each election, including re-election to the same office. This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan, including expenditures made from personal funds used for campaign purposes. Gov. Code § 85200

2. Campaign Contribution Account

a. A Statement of Organization—Recipient Committee (Form 410) shall be filed with the Secretary of State's Political Reform Division within 10 days of qualifying as a committee by receiving contributions totaling \$2,000 or more in a calendar year. Gov. Code §§ 82013(a), 84101

b. Establish one campaign contribution account at an office of a financial institution located in California after filing the Candidate Intention Statement.

Gov. Code § 85201(a)

c. All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee shall be deposited in the account. Gov. Code § 85201(c)

d. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure. Gov. Code § 85201(d)

e. All campaign expenditures shall be made from the account.

Gov. Code § 85201(e)

3. Exceptions

a. Parts 1 and 2(d) and (e), above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds.

Gov. Code §§ 85200, 85201(f)

b. Part 2, above, does not apply if the candidate does not receive contributions and makes campaign expenditures from personal funds of less than \$2,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee.

Gov. Code § 85201(g)

c. An individual who raises contributions from others for his or her campaign, but who raises or spends less than \$2,000 in a calendar year, shall establish a campaign contribution account but is not required to file a Statement of Organization or other statement of bank account information.

Gov. Code § 85201(h)

B. 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 \$1,104.59. The filing fee must be paid to the county elections official at the time the candidate obtains the nomination papers from the county elections official. §§ 8103(a)(3), 8105

2. Signatures In Lieu of Filing Fee

A candidate may choose to submit by **December 10, 2019**, a minimum of **893** 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 **November 15, 2019**, and **December 10, 2019**. Sections of in-lieu-filing-fee petitions shall be filed with the county elections official of the county in which the signers reside. §§ 8106, 8106.5
- b. The candidate may submit signatures to cover all or any prorated portion of the filing fee. §§ 8106(b)(3), 8106.5
- 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, at the time of obtaining nomination documents, pay a pro rata portion of the filing fee to cover the deficiency. §§ 8106(b)(3), 8106.5
- 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>	Signatures In-Lieu of <u>Filing Fee</u>	Value of Each <u>Signature</u>
All Candidates (except write-in candidates)	\$1,104.59	893	\$1.236943

C. 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(h)

#### D. STATEMENT OF ECONOMIC INTERESTS

Each candidate must file a Statement of Economic Interests with the county elections official disclosing investments, interests in real property, and any income received during the immediately preceding 12 months pursuant to the requirements of the Political Reform Act of 1974, As Amended. Gov. Code §§ 87200, 87201, 87500(d)

This statement is to be filed by **January 9, 2020**. It is not required if the candidate has filed such statements within the past 60 days for the same jurisdiction.

Gov. Code § 87201

#### E. FOR ALL CANDIDATES (EXCEPT WRITE-IN CANDIDATES)

1. Between **December 23, 2019**, and **January 9, 2020**, obtain nomination documents from the county elections official of the candidate's county of residence. 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(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 **December 23, 2019**, and **January 9, 2020**, 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.  
§§ 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 **January 9, 2020**, to the office of the county elections official from whom it was obtained. Any person may return the completed Declaration of Candidacy if the Declaration of Candidacy has been notarized by a California notary public.  
§§ 8028, 10704

F. FOR WRITE-IN CANDIDATES ONLY AND ONLY FOR THE SPECIAL PRIMARY ELECTION<sup>4</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 **January 6, 2020**, and **February 18, 2020**, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside.  
§ 8601

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<sup>4</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.)

3. Statement of Write-In Candidacy

- a. Between **January 6, 2020**, and **February 18, 2020**, 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.

§§ 8142, 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 State Senate has a membership of 40 members elected for four-year terms. This election is for the remainder of the term. Cal. Const., art IV, section 2(a)(1)
- C. Because of the requirements of the Political Reform Act, As Amended, a candidate should visit the website of the Fair Political Practices Commission at [www.fppc.ca.gov](http://www.fppc.ca.gov) for the most recent copy of the Information Manual on Campaign Disclosure Provisions of the Political Reform Act, which gives the filing requirements for reporting campaign contributions, etc.

**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.