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Summary of **QUALIFICATIONS AND REQUIREMENTS** for
INDEPENDENT NOMINATION

for the Offices of

State Senator

(20 Districts, Odd-Numbered)

and

Member of the State Assembly

(80 Districts)

for the

November 7, 2000

General Election

I. QUALIFICATIONS¹

A candidate shall:

- A. Be a U.S. citizen. Cal. Const. Art. IV, §2(c)²
- B. Have a valid voter registration affidavit on file in the county of residence at the time nomination papers are obtained. Elections Code §201³
- C. Not have served two terms in the State Senate since November 6, 1990, if a candidate for State Senate; not have served three terms in the State Assembly since November 6, 1990, if a candidate for State Assembly.

¹ At the time these summaries of qualifications and requirements were prepared and reproduced, Proposition 198, the Open Primary Initiative and Proposition 208, the Campaign Contributions and Spending Limits Initiative, were the subject of pending litigation before various courts. Please check with your county elections official or the Secretary of State's Office regarding the status of those legal challenges which may affect your candidacy before proceeding with your efforts to become a candidate.

² 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 our office that these provisions violate the U.S. Constitution and are unenforceable.

³ All code section references are to the California Elections Code unless stated otherwise.

D. Disqualifications

A candidate is ineligible for nomination as an independent candidate if:

1. A nomination paper was filed on the candidate's behalf as a partisan candidate or a write-in candidate at the March 7, 2000 Primary Election for any office, and the candidate was defeated for the party nomination at the primary election. §8301
2. At any time during the 13 months preceding the General Election, the candidate was registered as affiliated with any qualified political party. The last day a candidate may be affiliated with a qualified party is October 7, 1999 if desiring to run under the independent nomination procedures in the 2000 General Election. §8550(f)

For purposes of Section 8550, the seven qualified political parties are: American Independent, Democratic, Green, Libertarian, Natural Law, Reform, and Republican.

II. REQUIREMENTS

A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES

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

1. Statement of Intention

File with the Secretary of State Political Reform Division a statement of intention to be a candidate for a specific office (Form 501). This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan.

Gov. Code §85200

2. Campaign Contribution Account

Establish one campaign contribution account at an office of a financial institution located in California upon filing the statement of intention.

- a. The name of the financial institution, the location, and the account number shall be filed with the Secretary of State Political Reform Division within 10 days of establishing the account (Form 502).

- b. 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.
- c. Any personal funds which will be used to promote the election of the candidate shall be deposited in the account prior to expenditure.
- d. All campaign expenditures shall be made from the account.
Gov. Code §85201

3. Exceptions

- a. Parts 1 and 2 (c) and (d), 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 \$1,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee.
Gov. Code §85201(g)

If such candidate later spends \$1,000 or more in a calendar year, he or she must establish a campaign contribution account before the \$1,000 expenditure threshold is reached. The required account information shall be filed with the Secretary of State Political Reform Division within 5 days of establishing the account.
Gov. Code §85201(h)

B. DECLARATION OF INTENTION

Between November 1 and November 10, 1999, file a declaration of intention with the Secretary of State or the elections official of the county in which the candidate resides. §8350

During the period of November 11 to November 15, 1999, if the incumbent officeholder has not filed a declaration of intention to succeed to the same office, then any person, other than the incumbent, may file such a declaration. §8022

This extension will not apply if the incumbent failed to file a declaration of intention because of the term limits set forth in the California Constitution. §8022 & Cal. Const. Art. IV, §2(a)

C. FILING FEE OR SIGNATURES IN LIEU OF FILING FEE

Filing Fee

Candidates must pay a filing fee equal to 1% of the first year's salary. Currently, the filing fee for State Senator and Member of the Assembly is \$990.00. The filing fee must be paid at the time the candidate files the declaration of intention. §§8103 & 8105

or

Signatures In Lieu Of Filing Fee

By November 10, 1999, candidates may elect to submit a minimum of 3,000 valid signatures if running for State Senate, or a minimum of 1,500 valid signatures if running for State Assembly on petitions in lieu of filing fee. §8106

1. Between October 1 and November 10, 1999, the petitions for in-lieu signatures may be obtained from the county elections official and circulated. 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 & 8302
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-of-filing-fee petition for any candidate for whom he or she is eligible to vote. §8106(b)(1)
4. Each circulator of an in-lieu-of-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. Within 10 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall, prior to the close of the nomination period (August 11, 2000), either submit a supplemental petition or pay a pro rata portion of the filing fee to cover the deficiency. §8106 (b)(3)
6. Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§8106(d) & 8405

D. NOMINATION DOCUMENTS

1. Between June 12 and August 11, 2000, 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 & 8403
2. Upon request of a candidate, the county elections official shall provide the candidate with nomination documents. 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)
3. Between June 12 and August 11, 2000, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. §8403
4. Nomination Signatures

Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§8106(d) & 8405

- a. The nomination papers must be signed by at least 3% of the registered voters as of the last registration report prior to the preceding general election. See Attachments for the required number of signatures for each legislative district. §8400
- b. Signers must be registered voters in the district in which the candidate is running. §§100 & 8400
- c. Any registered voter who is a candidate may obtain signatures to and sign his or her own nomination papers. §106(a)
- d. Appointment of nomination paper circulators.
 1. If persons other than the candidate circulate nomination papers, the candidate must appoint such circulators to serve within the county in which they reside for the purpose of securing signatures to the candidate's nomination papers. §8450
 2. Appointed circulators shall be voters registered in the district in which the candidate is to be voted on and shall serve only in that district. §8451

3. The candidate shall file the document evidencing the appointment of circulators with the county elections official on or before the date the nomination papers are left for examination. §§8450, 8451 & 8453
- e. By August 11, the nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§8063 & 8403

5. Declaration Of Candidacy

Failure to file properly 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 August 11, 2000 to the office of the county elections official from whom it was received. §8028
- c. Between June 12 and August 11, 2000, file with the county elections official a declaration of candidacy which states the following:
 1. The candidate's complete 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;
 6. That at no time since October 7, 1999 has the candidate been registered in California as affiliated with a qualified political party (American Independent, Democratic, Green, Libertarian, Natural Law, Reform, or Republican). §8550

E. 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 §87201

This statement is to be filed between June 12 and August 11, 2000. It is not required if the candidate has filed such a statement within the past sixty days for the same jurisdiction.

III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official.
- B. The Senate has a membership of 40 Senators elected for four-year terms, 20 to begin every two years. The Assembly has a membership of 80 members elected for two-year terms. In 2000, candidates will be elected in each of the odd-numbered Senate districts as well as in each Assembly district. The terms of office for both begin on December 4, 2000.
- C. Because of the requirements of the Political Reform Act, As Amended, a candidate should contact the Political Reform Division of the Secretary of State's Office (1500 11th Street, 4th floor, Sacramento, California 95814) 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, and related instructions.
- D. 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.

Independent Candidates for State Senate
Number of Signatures Required to Place
Candidate on November 7, 2000 General Election Ballot

<i>Senate Districts</i>	<i>Oct. 1998 Voter Reg.</i>	<i>Required Signatures*</i>
1	506,347	15,191
3	469,905	14,098
5	410,381	12,312
7	473,466	14,204
9	417,099	12,513
11	420,556	12,617
13	308,352	9,251
15	373,470	11,205
17	389,854	11,696
19	419,542	12,587
21	379,328	11,380
23	458,940	13,769
25	283,724	8,512
27	389,511	11,686
29	381,019	11,431
31	389,183	11,676
33	412,052	12,362
35	421,234	12,638
37	404,800	12,144
39	426,925	12,808

*Independent candidates for State Senate need registered voter signatures equaling 3% of the previous general election's registration total in the district.

Independent Candidates for State Assembly
 Number of Signatures Required to Place Candidate
 on November 7, 2000 General Election Ballot

ASSEMBLY OCT. 1998 REQUIRED ASSEMBLY OCT. 1998 REQUIRED

1	231,003	6,931	41	236,206	7,087
2	205,038	6,152	42	222,734	6,683
3	234,460	7,034	43	168,768	5,064
4	271,887	8,157	44	210,560	6,317
5	226,354	6,791	45	107,698	3,231
6	225,078	6,753	46	67,046	2,012
7	214,746	6,443	47	189,045	5,672
8	208,855	6,266	48	118,342	3,551
9	182,373	5,472	49	133,336	4,001
10	234,781	7,044	50	84,307	2,530
11	206,948	6,209	51	150,485	4,515
12	213,751	6,413	52	133,239	3,998
13	244,827	7,345	53	228,645	6,860
14	227,896	6,837	54	202,960	6,089
15	266,518	7,996	55	138,349	4,151
16	189,203	5,677	56	186,551	5,597
17	175,600	5,268	57	127,108	3,814
18	194,964	5,849	58	156,457	4,694
19	180,543	5,417	59	200,710	6,022
20	180,632	5,419	60	180,309	5,410
21	205,515	6,166	61	140,963	4,229
22	179,426	5,383	62	144,064	4,322
23	128,926	3,868	63	207,133	6,214
24	215,041	6,452	64	167,213	5,017
25	219,747	6,593	65	182,050	5,462
26	177,263	5,318	66	229,731	6,892
27	206,838	6,206	67	205,142	6,155
28	166,632	4,999	68	142,332	4,270
29	202,582	6,078	69	81,065	2,432
30	148,333	4,450	70	216,092	6,483
31	125,023	3,751	71	227,576	6,828
32	204,721	6,142	72	184,476	5,535
33	213,517	6,406	73	202,947	6,089
34	188,339	5,651	74	213,622	6,409
35	243,126	7,294	75	231,078	6,933
36	201,515	6,046	76	206,281	6,189
37	205,382	6,162	77	194,882	5,847
38	214,160	6,425	78	220,644	6,620
39	112,782	3,384	79	128,801	3,865
40	152,191	4,566	80	173,722	5,212

*Independent candidates for Assembly need registered voter signatures equaling 3% of the previous general election's registration total in the district.