



SECRETARY OF STATE  
**KEVIN SHELLEY**  
STATE OF CALIFORNIA

Summary of Qualifications and Requirements for  
Partisan Nomination for the Offices of

**State Senator**  
(20 Districts, Odd-Numbered)  
**Member of the State Assembly**  
(80 Districts)

**March 2, 2004 Primary Election**

**I. QUALIFICATIONS**

A candidate shall:

- A. Be a U.S. citizen.<sup>1</sup> Cal. Const., Art. IV, §2(c)
- B. Have a valid voter registration affidavit on file in the county of residence at the time nomination papers are obtained. §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)(1)

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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.

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; not have served three terms in the State Assembly since November 6, 1990 if a candidate for State Assembly. Cal. Const., Art. IV, §2(a)

## 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, including personal funds used for campaign purposes.  
Govt. 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. 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.
  - b. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure.
  - c. All campaign expenditures shall be made from the account.  
Govt. Code §§85200 & 85201
3. Exceptions
  - a. Parts 1 and 2, above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds.  
Govt. 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.  
Govt. 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. Govt. Code §85201(h)

**B. DECLARATION OF INTENTION**

Between October 27 and November 5, 2003, a candidate must file a declaration of intention with the Secretary of State or the elections official of the county in which the candidate resides. §8022

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 during the extension period of November 6 through November 10, 2003. §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. Cal. Const., Art. IV, §2(a), §8022

**C. FILING FEE OR SIGNATURES IN LIEU**

**Full Cash Payment**

A candidate 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. The filing fee must be paid by cash, check, or money order at the time the candidate files the Declaration of Intention. §§8103, 8105

**Signatures In Lieu Of Filing Fee**

At the time of filing the Declaration of Intention, the candidate may elect to submit a minimum of 3,000 valid signatures for State Senator and a minimum of 1,500 valid signatures for Member of the Assembly on petitions in lieu of filing fee. §§8105, 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, Natural Law, or Peace and Freedom parties may submit petitions containing signatures of 10% of the registered voters 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 in the district between September 26 and November 5, 2003. 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 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. 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-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 then, prior to the close of the nomination period, either submit a supplemental petition containing additional signatures 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 towards the nomination sponsor signature requirements if signers of both documents are of the same political party as the candidate. §8106(d)

#### D. NOMINATION DOCUMENTS

1. Between November 10 and December 5, 2003, 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. If the incumbent has filed a declaration of intention but fails to file the nomination documents by December 5, 2003, any other person, if otherwise qualified, may obtain and file the nomination documents not later than December 10, 2003, even if the person has not filed a declaration of intention previously. §8022(b)
  - b. 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
  - c. 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)

d. 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 December 5, 2003 to the office of the county elections official from whom it was received. The statement must be signed and dated by the candidate. §8028

2. 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 political party as the candidate. §8061

b. All signers must be registered voters of the district and members of the same political party as the candidate. §8068

c. The candidate may appoint persons to circulate the nomination paper.

(1) Each circulator shall be a registered voter in the district in which the candidate is seeking election and shall circulate the nomination papers only in the district in which the candidate is seeking election. §8066

(2) The circulator shall circulate the petition only in the county in which he or she resides. §8106(b)(4)

d. Between November 10 and December 5, 2003, 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. If only one person has declared a candidacy for a partisan nomination at the Primary Election, and that candidate dies after December 5 but on or before December 10, 2003, any person qualified under the provisions of Section 8001 may circulate and deliver nomination documents for the partisan nomination for that office to the county elections official by 5 p.m. on December 19, 2003. §8025

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. Govt. Code §87201

This statement is to be filed between November 10 and December 5, 2003. It is not required if the candidate has filed such statements 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 2004, 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 6, 2004.
- 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 11<sup>th</sup> Street, 4<sup>th</sup> 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.

#### **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 document.**