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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 SENATOR**  
(20 Districts, Odd-Numbered)  
**MEMBER OF THE STATE ASSEMBLY**  
(80 Districts)

**June 3, 2008**  
**Statewide Direct Primary Election**

**I. QUALIFICATIONS**

Every candidate shall:

- A. Be a U.S. citizen. Cal. Const., art. IV, § 2(c)<sup>1</sup>
- B. Be a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person. § 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)
  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)

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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.

## **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 and Member of the Assembly is \$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 February 21, 2008 (E-103), 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. § 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 December 28, 2007 (E-158) and February 21, 2008 (E-103). 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. 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 March 7, 2008 (E-88), 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. 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 February 11, 2008 (E-113) and March 7, 2008 (E-88), 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 eligible incumbent fails to file the nomination documents by March 7, 2008 (E-88), any other person, if otherwise qualified, may obtain and file the nomination documents not later than March 12, 2008 (E-83). § 8022
  - 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 March 7, 2008 (E-88) 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 February 11, 2008 (E-113) and March 7, 2008 (E-88), 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 March 7, 2008 (E-88) 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 February 11, 2008 (E-113) and March 7, 2008 (E-88), file with the county elections official a declaration of candidacy.

4. If only one person has declared a candidacy for a partisan nomination at the Primary Election, and that candidate dies after March 7, 2008 (E-88) but on or before March 12, 2008 (E-83), 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 March 21, 2008 (E-74). § 8025

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.
- 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 2008, 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 1, 2008.
- 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 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.