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Summary of
Qualifications and Requirements for
Independent Nomination for the Office of

UNITED STATES REPRESENTATIVE IN CONGRESS

(53 Districts)

November 2, 2010, General Election

I. QUALIFICATIONS

A. Every candidate shall be at least 25 years of age, a U.S. citizen for seven years, and a resident of California when elected. U.S. Const., art. I, § 2

B. There are no district residency requirements for Members of Congress.

C. Disqualifications

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

1. Nomination papers were filed on the candidate's behalf as a partisan candidate or a write-in candidate at the June 8, 2010, Primary Election for any office, and the candidate was defeated for the party nomination at the primary election. Elections Code § 8301¹
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 desiring to run under the independent nomination procedures in the 2010 General Election may be affiliated with a qualified party is October 1, 2009. § 8550(f)

For purposes of Section 8550, the six qualified political parties are: American Independent, Democratic, Green, Libertarian, Peace and Freedom, and Republican. § 5100

¹ Unless otherwise stated, all code section references are to the California Elections Code.

II. REQUIREMENTS

A. FILING FEE

Full Payment of Filing Fee

Candidates must pay a filing fee equal to 1% of the first year's salary. Currently, the filing fee for United States Representative in Congress is \$1,740.00. The filing fee must be paid at the time the candidate obtains the nomination forms from the county elections official. §§ 8103(a)(2), 8105

Signatures In-Lieu of Filing Fee

Candidates may elect to submit a minimum of 3,000 valid signatures on petitions in-lieu of filing fee by July 22, 2010. § 8106(a)(2)

1. Between April 23, 2010 and July 22, 2010, 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
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 California voter of the district or political subdivision 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 August 6, 2010, 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 toward the nomination sponsor signature requirements. §§ 8106(d), 8405

B. NOMINATION DOCUMENTS

1. Between June 7, 2010, and August 6, 2010, 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

- a. 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)
 - b. Between June 7, 2010, and August 6, 2010, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. § 8403
2. Declaration of Candidacy
Failure to file the declaration of candidacy properly 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, 8403
 - 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 6, 2010, 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 June 7, 2010, and August 6, 2010, 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 for which he or she is a candidate;
 - 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 1, 2009, has the candidate been registered in California as affiliated with a qualified political party (American Independent, Democratic, Green, Libertarian, Peace and Freedom, or Republican). § 8550
3. 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 of the Congressional District as of the last registration report prior to the preceding general election. See page 6 for the required number of signatures for each congressional district, based on the October 2008 Report of Registration. § 8400

- b. Signers must be registered voters in the district or political subdivision in which the candidate is running. §§ 100, 8068, 8400
- c. Any registered voter who is a candidate may obtain signatures to and sign his or her own nomination papers. § 106(a)
- d. The candidate may appoint persons to circulate the nomination papers. Circulators shall be voters registered 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
- e. By August 6, 2010, the nomination papers shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§ 8063, 8403

D. 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. The request must be accompanied by a ballot designation worksheet. § 13107(e)

III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official. § 8101
- B. The California apportionment of the House of Representatives has a membership of 53 Representatives, elected for two-year terms. The term of office begins on January 3, 2011. U.S. Const., 20th Amend., § 1, art. 1 & 2
- C. A congressional candidate should contact the Federal Election Commission at 999 E Street, N.W., Washington, D.C. 20463 or call toll-free (800) 424-9530 for a copy of the Federal Election Campaign Act, As Amended, related regulations giving the filing requirements for reporting campaign contributions, and the forms on which to file.

IMPORTANT NOTICE

This Summary 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 United States Representative in Congress
 Signatures Required to Place Candidate on November 2, 2010, General Election Ballot

Oct. 2008			Oct. 2008		
Congressional District	Voter Reg.	Required Signatures*	Congressional District	Voter Reg.	Required Signatures*
1	382,274	11,469	27	300,695	9,021
2	366,790	11,004	28	247,142	7,415
3	412,101	12,364	29	309,396	9,282
4	450,584	13,518	30	415,981	12,480
5	311,798	9,354	31	192,341	5,771
6	364,878	10,947	32	242,579	7,278
7	297,110	8,914	33	304,114	9,124
8	389,946	11,699	34	200,637	6,020
9	385,035	11,552	35	261,838	7,856
10	370,113	11,104	36	336,860	10,106
11	378,961	11,369	37	277,143	8,315
12	366,930	11,008	38	250,018	7,501
13	308,638	9,260	39	263,346	7,901
14	347,644	10,430	40	343,761	10,313
15	302,849	9,086	41	362,173	10,866
16	271,061	8,132	42	372,054	11,162
17	286,790	8,604	43	247,091	7,413
18	267,808	8,035	44	349,567	10,488
19	355,708	10,672	45	357,959	10,739
20	206,680	6,201	46	406,942	12,209
21	302,334	9,071	47	216,773	6,504
22	364,767	10,944	48	439,931	13,198
23	325,264	9,758	49	315,888	9,477
24	388,148	11,645	50	391,128	11,734
25	346,894	10,407	51	295,122	8,854
26	369,871	11,097	52	358,733	10,762
			53	323,903	9,718

*Independent candidates for Congress need registered voter signatures equaling 3% of the previous general election's registration total in the district. § 8400