



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

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

STATE SENATOR

(20 Districts, Even-Numbered)
and

MEMBER OF THE STATE ASSEMBLY

(80 Districts)

November 2, 2010, General Election

I. QUALIFICATIONS

Every candidate shall:

- A. Be a U.S. citizen. Cal. Const., art. IV, § 2(c)¹
- B. Be a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person. Elections Code § 201²
- 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. Cal. Const., art. IV, § 2(a)
- D. 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. § 8301

¹ 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.

² All code section references are to the California Elections Code unless stated otherwise.

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

II. REQUIREMENTS

A. CAMPAIGN COMMITTEE 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 Political Reform Division a Candidate Intention Statement to be a candidate for a specific state 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.
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 Candidate Intention Statement.

- 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.
Gov. Code § 85201(c)
- b. 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)
- c. All campaign expenditures shall be made from the account.
Gov. Code § 85201(e)

3. Exceptions

- a. Parts 1 and 2(b) and (c), 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)
- c. An individual who raises contributions from others for his or her campaign, but who raises or spends less than \$1,000 in a calendar year, shall establish a

campaign contribution account but is not required to file a committee statement of organization or other statement of bank account information.

Gov. Code § 85201(h)

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 State Assembly is \$952.91. The filing fee must be paid at the time the candidate obtains nomination forms from the county elections official.

§§ 8103(a)(3), 8105

Signatures In-Lieu of Filing Fee

Candidates 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 State Assembly on petitions in-lieu of filing fee by July 22, 2010.

§ 8106(a)(1),(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 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 August 6, 2010, 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

C. 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 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, 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 as of the last registration report prior to the preceding general election. See pages 7-8 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, 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 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)

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 §§ 87200, 87201

This statement is to be filed between June 7, 2010, and August 6, 2010. It is not required if the candidate has filed such a statement within the past 60 days for the same jurisdiction. Gov. Code § 87201

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 Senators elected for four-year terms, 20 to begin every two years. The State Assembly has a membership of 80 members elected for two-year terms. In 2010, candidates will be elected in each of the even-numbered Senate districts as well as in each Assembly district. The terms of office for both Senate and Assembly begin on December 6, 2010. Cal. Const., art. IV, § 2
- C. A candidate should visit the website of the Fair Political Practices Commission at www.fppc.ca.gov for the most recent copy of the Political Reform Act, As Amended, including the Information Manual on Campaign Disclosure Provisions, which gives the filing requirements for reporting campaign contributions, etc.

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 State Senate
Number of Signatures Required to Place Candidate on November 2, 2010, General Election Ballot

Senate District	Oct. 2008 Voter Reg.	Required Signatures*
2	477,949	14,339
4	522,335	15,671
6	417,122	12,514
8	477,149	14,315
10	400,834	12,026
12	355,139	10,655
14	493,462	14,804
16	271,280	8,139
18	432,670	12,981
20	289,919	8,698
22	247,303	7,420
24	318,625	9,559
26	386,631	11,599
28	451,440	13,544
30	329,721	9,892
32	318,151	9,545
34	312,226	9,367
36	513,641	15,410
38	461,696	13,851
40	356,244	10,688

*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 Member of the State Assembly
 Number of Signatures Required to Place Candidate on November 2, 2010, General Election Ballot

Assembly District	Oct. 2008 Voter Reg.	Required Signatures*	Assembly District	Oct. 2008 Voter Reg.	Required Signatures*
1	251,520	7,546	41	252,551	7,577
2	239,148	7,175	42	267,240	8,018
3	254,191	7,626	43	200,262	6,008
4	294,413	8,833	44	231,283	6,939
5	261,336	7,841	45	142,382	4,272
6	249,622	7,489	46	106,127	3,184
7	220,418	6,613	47	231,146	6,935
8	229,641	6,890	48	145,508	4,366
9	190,417	5,713	49	157,220	4,717
10	256,235	7,688	50	136,228	4,087
11	205,922	6,178	51	180,705	5,422
12	232,229	6,967	52	143,734	4,313
13	275,677	8,271	53	254,734	7,643
14	266,254	7,988	54	233,028	6,991
15	307,989	9,240	55	183,660	5,510
16	229,504	6,886	56	188,174	5,646
17	183,447	5,504	57	171,668	5,151
18	215,453	6,464	58	185,401	5,563
19	239,833	7,195	59	254,690	7,641
20	204,171	6,126	60	241,742	7,253
21	250,732	7,522	61	153,664	4,610
22	190,234	5,708	62	158,433	4,753
23	149,613	4,489	63	243,308	7,300
24	221,192	6,636	64	241,375	7,242
25	244,611	7,339	65	246,927	7,408
26	203,281	6,099	66	225,546	6,767
27	244,777	7,344	67	264,019	7,921
28	155,895	4,677	68	218,744	6,563
29	241,884	7,257	69	130,676	3,921
30	131,798	3,954	70	295,865	8,876
31	158,280	4,749	71	268,792	8,064
32	239,832	7,195	72	221,935	6,659
33	234,435	7,034	73	232,689	6,981
34	176,917	5,308	74	240,377	7,212
35	235,548	7,067	75	260,967	7,830
36	221,026	6,631	76	241,768	7,254
37	259,044	7,772	77	228,331	6,850
38	259,253	7,778	78	234,884	7,047
39	127,246	3,818	79	160,719	4,822
40	182,618	5,479	80	191,953	5,759

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