

Information Sheet Qualifications and Requirements

United States Senator Special Primary Vacancy Election*

June 7, 2022

The Governor shall issue a writ of election for a statewide general election to fill a vacancy in the United States Senate. The special vacancy election will be consolidated with the regularly scheduled statewide **primary election** to be held on **June 7, 2022**, and the regularly scheduled statewide **general election** to be held on **November 8, 2022**. § 10720(b)¹

This special vacancy election is for the remainder of the unexpired term in the United States Senate, which ends on January 3, 2023.

I. QUALIFICATIONS

Every candidate shall be at least 30 years of age, a U.S. citizen for nine years, and a resident of California when elected. U.S. Const., art. I, § 3; 20th Amend., § 1²; § 10720(a)

II. REQUIREMENTS

A. FILING FEES

1. Full Payment of Filing Fee

A candidate must pay a filing fee of equal to 2% of the first year's salary for the office of United States Senator as of the first day on which a candidate may circulate petitions in lieu of filing fees, made payable to the Secretary of State. Currently, the filing fee is \$3,480.00. The filing fee must be paid to the county elections official at the time the candidate obtains their Declaration of Candidacy and nomination papers.

§§ 8103(a)(1), 8105

2. Signatures In Lieu of Filing Fee

A candidate may choose to submit, by February 9, 2022 (E-118), a minimum of 4,750 valid signatures on petitions in lieu of filing fee. §§ 8106(a)(3), (b)(3), 8163

- a. Petitions for in-lieu signatures may be obtained from the county elections official and circulated between January 3, 2022 (E-155), and February 9, 2022 (E-118). Sections of in-lieu-filing-fee petitions shall be filed with the county elections official of the county in which the signers reside. §§ 8106(b), 8163

* Assembly Bill (AB) 1495 (Luz Rivas) Chapter 316, Statutes of 2021, amended Section 10720 of the Elections Code effective January 1, 2022.

¹ All code section references are to the California Elections Code unless stated otherwise.

² There is no durational residency requirement to be a candidate for United States Senator.

- b. The candidate may submit signatures to cover all or any prorated portion of the filing fee. § 8106(b)(3)
- c. Any registered voter may sign an in-lieu-filing-fee petition for any candidate for whom they are eligible to vote. § 8106(b)(1)
- d. Circulators of in-lieu-filing-fee petitions must be 18 years of age or older. §§ 102, 8106(b)(4)
- e. Within 10 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, at the time of obtaining nomination documents, pay a pro rata portion of the filing fee to cover the deficiency. §§ 8106(b)(3), 8163
- f. Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§ 8061, 8106(d)

Signature In-Lieu of Filing Fee Requirements
§§ 8106(a)(3), 8163

<u>Candidates</u>	<u>Filing Fee</u>	Signatures In-Lieu of <u>Filing Fee</u>	Value of Each <u>Signature</u>
All Candidates (except write-in candidates)	\$3,480.00	4,750	\$0.732631579

B. BALLOT DESIGNATIONS

- 1. Each candidate who submits a ballot designation shall file a completed ballot designation worksheet that supports the use of that ballot designation by the candidate. The ballot designation worksheet shall be filed with the elections official at the same time the candidate files their Declaration of Candidacy. § 13107.3
- 2. The ballot 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 written request must be accompanied by the ballot designation worksheet. § 13107(h)

C. FOR ALL CANDIDATES (EXCEPT WRITE-IN CANDIDATES)

- 1. Between February 14, 2022 (E-113), and March 11, 2022 (E-88), obtain nomination documents from the county elections official of the candidate's county of residence or another county elections official. Nomination documents include nomination papers for collecting signatures and a Declaration of Candidacy that must be executed by the candidate. §§ 333, 8020, 8040, 8041, 8164

2. Nomination Papers

- a. Gather between 65 and 100 signatures for filing the nomination papers. § 8062(a)(1)
- b. Signatures on the in-lieu filing fee petitions may satisfy the signature requirement. §§ 8061, 8106(d)
- c. Any candidate may obtain signatures to and sign their own nomination papers. § 106(a)
- d. All signers must be registered California voters. §§ 100, 8068
- e. The candidate may appoint persons to circulate the nomination papers. Circulators must be 18 years of age or older. §§ 102, 8066
- f. Between February 14, 2022 (E-113), and March 11, 2022 (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. a voter. §§ 8020, 8063, 8164

3. Declaration of Candidacy

- 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 or another county. §§ 8040, 8064
- b. 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)
- c. The county elections official shall require all candidates filing a Declaration of Candidacy to execute the declaration in their 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 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 5:00 p.m. on March 11, 2022 (E-88), to the office of the county elections official from whom it was received. Any person may return the completed Declaration of Candidacy if the Declaration of Candidacy has been notarized by a California notary public. § 8028

D. FOR WRITE-IN CANDIDATES ONLY AND ONLY FOR THE SPECIAL PRIMARY VACANCY ELECTION

1. Filing Fees

Write-in candidates are not required to pay filing fees. § 8604

2. Nomination Papers

- a. Gather between 65 and 100 signatures for filing the nomination papers. §§ 8062(a)(1), 8600
- b. The candidate may appoint persons to circulate the nomination papers. Circulators must be 18 years of age or older. §§ 102, 8066
- c. All signers must be registered California voters. §§ 100, 8603
- d. Between April 11, 2022 (E-57), and May 24, 2022 (E-14), circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. § 8601

3. Statement of Write-In Candidacy

- a. Between April 11, 2022 (E-57), and May 24, 2022 (E-14), file a Statement of Write-In Candidacy with the county elections official of the candidate's county of residence or with another county elections official. § 8601
- b. The Statement of Write-In Candidacy shall contain the following information:
 - i. Candidate's name,
 - ii. Candidate's complete residence address,
 - iii. A declaration stating that the candidate is a write-in candidate,
 - iv. The name of the office for which the candidate is running,
 - v. The date of the election, and
 - vi. Candidate's 10-year political party preference history. § 8600

- 4. Write-in candidates can only run in the primary election. In order to be nominated to appear on the general election ballot, the write-in candidate must receive the highest number of votes cast for this office or the second highest number of votes cast for this office at the primary election, unless there is a tie. §§ 8142, 8600(c), 8605, 8606

III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official. § 8101
- B. The term of office for the United States Senator is six years. This election is for the remainder of the unexpired term, which ends on January 3, 2023.
U.S. Const., art. I, § 3, 20th Amend., § 1; § 10702(a)

- C. Because of the requirements of the Federal Election Campaign Act, As Amended, a candidate for the office of United States Senator should contact the Federal Election Commission at 999 E Street, NW, Washington, D.C., 20463 or call toll-free (800) 424-9530 for a copy of the Act, related regulations providing the filing requirements for reporting campaign contributions, and the form on which to file.

IMPORTANT NOTICE

This information sheet of candidate qualifications and procedures 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.