

AMENDED IN SENATE JUNE 9, 2010

AMENDED IN SENATE MAY 25, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1335**

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**Introduced by Assembly Member Lieu**

February 27, 2009

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An act to amend Sections 8203 and 8600 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1335, as amended, Lieu. Elections: write-in candidates.

Existing law requires that write-in candidates submit a statement to the appropriate elections official containing specified information about their candidacy.

This bill would require that a write-in candidate for the office of superior court judge include on the statement his or her compliance with certain eligibility provisions for a judge of a court of record.

Existing law requires a petition to be signed by a certain number of qualified ~~register voter signatures~~ *registered voters* when a write-in campaign will be conducted for the office of superior court judge if only the incumbent files nomination papers.

This bill would revise the number of qualified ~~register~~ *registered* voter signatures required to be on these petitions.

*This bill would also incorporate changes to Section 8600 of the Elections Code made by SB 6, to become operative only if both this bill and SB 6 become operative.*

Because the bill would change the duties of local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8203 of the Elections Code is amended  
2 to read:

3 8203. (a) In any county in which only the incumbent has filed  
4 nomination papers for the office of superior court judge, his or her  
5 name shall not appear on the ballot unless there is filed with the  
6 elections official, within 10 days after the final date for filing  
7 nomination papers for the office, a petition indicating that a write-in  
8 campaign will be conducted for the office and signed by ~~4~~ 0.1  
9 percent of the registered voters qualified to vote with respect to  
10 the office, except that the petition must have not fewer than 100  
11 and does not need more than 1,000 signatures.

12 (b) If a petition indicating that a write-in campaign will be  
13 conducted for the office at the general election, signed by ~~4~~ 0.1  
14 percent of the registered voters qualified to vote with respect to  
15 the office as required pursuant to subdivision (a), is filed with the  
16 elections official not less than 83 days before the general election,  
17 the name of the incumbent shall be placed on the general election  
18 ballot if it has not appeared on the direct primary election ballot.

19 (c) If, in conformity with this section, the name of the incumbent  
20 does not appear either on the primary ballot or general election  
21 ballot, the elections official, on the day of the general election,  
22 shall declare the incumbent reelected. Certificates of election  
23 specified in Section 15401 or 15504 shall not be issued to a person  
24 reelected pursuant to this section before the day of the general  
25 election.

26 SEC. 2. Section 8600 of the Elections Code is amended to read:

1 8600. A person who desires to be a write-in candidate and have  
2 his or her name as written on the ballot of an election counted for  
3 a particular office shall file the following:

4 (a) A statement of write-in candidacy that contains the following  
5 information:

6 (1) Candidate's name.

7 (2) Residence address.

8 (3) A declaration stating that he or she is a write-in candidate.

9 (4) The title of the office for which he or she is running.

10 (5) The party nomination which he or she seeks, if running in  
11 a primary election.

12 (6) The date of the election.

13 (7) If for the office of superior court judge, a statement that the  
14 person satisfies the eligibility requirements of Section 15 of Article  
15 VI of the California Constitution.

16 (b) The requisite number of signatures on the nomination papers,  
17 if any, required pursuant to Section 8062, 10220, or 10510 or, in  
18 the case of a special district not subject to the Uniform District  
19 Election Law (Part 4 (commencing with Section 10500) of Division  
20 10), the number of signatures required by the principal act of the  
21 district.

22 *SEC. 2.5. Section 8600 of the Elections Code is amended to*  
23 *read:*

24 8600. ~~Every~~A person who desires to be a write-in candidate  
25 and have his or her name as written on the ballot of an election  
26 counted for a particular office shall file *the following*:

27 (a) A statement of write-in candidacy that contains the following  
28 information:

29 (1) Candidate's name.

30 (2) Residence address.

31 (3) A declaration stating that he or she is a write-in candidate.

32 (4) The title of the office for which he or she is running.

33 (5) The party nomination which he or she seeks, if running in  
34 a *partisan* primary election.

35 (6) The date of the election.

36 (7) *If for the office of superior court judge, a statement that the*  
37 *person satisfies the eligibility requirements of Section 15 of Article*  
38 *VI of the California Constitution.*

39 (b) The requisite number of signatures on the nomination papers,  
40 if any, required pursuant to ~~Sections~~ *Section* 8062, 10220, or 10510

1 or, in the case of a special district not subject to the Uniform  
2 District Election Law (Part 4 (commencing with Section 10500)  
3 of Division 10), the number of signatures required by the principal  
4 act of the district.

5 *SEC. 3. Section 2.5 of this bill incorporates amendments to*  
6 *Section 8600 of the Elections Code proposed by both this bill and*  
7 *Senate Bill 6 of the 2009–10 Regular Session (Chapter 1 of the*  
8 *Statutes of 2009). It shall only become operative if (1) SB 6*  
9 *becomes operative because SCA 4 of the 2009–10 Regular Session*  
10 *is approved by the voters on or before January 1, 2011, and (2)*  
11 *this bill is enacted and becomes effective on or before January 1,*  
12 *2011. If Section 2.5 of this bill becomes operative, Section 2 shall*  
13 *not become operative.*

14 ~~SEC. 3.~~

15 *SEC. 4.* If the Commission on State Mandates determines that  
16 this act contains costs mandated by the state, reimbursement to  
17 local agencies and school districts for those costs shall be made  
18 pursuant to Part 7 (commencing with Section 17500) of Division  
19 4 of Title 2 of the Government Code.