

Assembly Bill No. 1335

Passed the Assembly August 18, 2010

Chief Clerk of the Assembly

Passed the Senate August 11, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1335, 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 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 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.

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

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

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

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

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

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

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

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

- (1) Candidate's name.
- (2) Residence address.
- (3) A declaration stating that he or she is a write-in candidate.
- (4) The title of the office for which he or she is running.
- (5) The party nomination which he or she seeks, if running in a primary election.
- (6) The date of the election.
- (7) If for the office of superior court judge, a statement that the person satisfies the eligibility requirements of Section 15 of Article VI of the California Constitution.

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

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

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

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

- (1) Candidate's name.
- (2) Residence address.
- (3) A declaration stating that he or she is a write-in candidate.
- (4) The title of the office for which he or she is running.
- (5) The party nomination which he or she seeks, if running in a partisan primary election.
- (6) The date of the election.
- (7) If for the office of superior court judge, a statement that the person satisfies the eligibility requirements of Section 15 of Article VI of the California Constitution.

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

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

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to

local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2010

Governor