

Assembly Bill No. 754

CHAPTER 57

An act to add Section 202 to the Elections Code, relating to elective office.

[Approved by Governor June 29, 2011. Filed with
Secretary of State July 1, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 754, Fletcher. Elective office: military service.

Existing law prescribes the manner in which a person may be nominated to run for office, including the form and filing of a declaration of candidacy and nomination paper.

This bill would permit a person who is deployed on active military service outside of the state to have a declaration of candidacy, nomination paper, or any other paper necessary to run for office filed by an attorney-in-fact who is commissioned and empowered in writing for that purpose through a power of attorney, as specified.

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

SECTION 1. Section 202 is added to the Elections Code, to read:

202. Notwithstanding any other law, a person who is deployed on active military service outside of the state and is unable to appear to file a declaration of candidacy, nomination paper, or any other paper necessary to run for office may have that declaration or paper completed and filed by an attorney-in-fact, commissioned and empowered in writing for that purpose through a power of attorney. At the time of filing the declaration or paper, the attorney-in-fact shall present the original power of attorney duly signed by the deployed person. The power of attorney shall state the office that the deployed person is seeking, including the district number, if any, and shall include a declaration that the deployed person meets the statutory and constitutional qualifications for office that he or she is seeking and that if nominated, the deployed person will accept the nomination and will not withdraw. The power of attorney shall further state that the power of attorney is solely for the purpose of authorizing the attorney-in-fact to file a declaration or paper necessary to run for office. The original or a copy of the power of attorney shall be filed with and attached to the declaration or paper.

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