

AMENDED IN SENATE MAY 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1768**

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**Introduced by Assembly Member Fong**

February 14, 2014

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An act to amend Section 8040 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1768, as amended, Fong. Declaration of candidacy: residence address.

Existing law requires a candidate for public office to file a declaration of candidacy that contains, among other things, the residence address of the candidate. Existing law provides that a candidate for judicial office is not required to state his or her residence address on a declaration of candidacy. Existing law requires an elections official to verify whether a candidate's residence address is within the appropriate political subdivision and add a specified notation on the declaration of candidacy if the candidate does not state his or her residence address on the declaration. Existing law provides specified procedures to make a voter's registration information confidential, including a voter's residence address.

*This bill would instead provide elections officials with the discretion to allow a candidate for judicial office to withhold his or her residence address from a declaration of candidacy. This bill would also provide elections officials with the discretion to allow ~~exempt from the requirement to state a residence address on a declaration of candidacy~~ a candidate for any office whose voter registration information is confidential, as specified. ~~Because the bill would impose new duties~~*

~~on local elections officials, the bill would create a state-mandated local program, to withhold his or her residence address from a declaration of candidacy.~~

~~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-no. State-mandated local program: yes-no.~~

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

1 SECTION 1. Section 8040 of the Elections Code is amended  
2 to read:

3 8040. (a) The declaration of candidacy by a candidate shall  
4 be substantially as follows:

5  
6 DECLARATION OF CANDIDACY

7  
8 I hereby declare myself a candidate for nomination to the office of \_\_\_\_\_  
9 District Number \_\_\_\_\_ to be voted for at the primary election to be held  
10 \_\_\_\_\_, 20\_\_, and declare the following to be true:

11 My name is \_\_\_\_\_.

12 I want my name and occupational designation to appear on the ballot as  
13 follows: \_\_\_\_\_.

14 Addresses:

15 Residence \_\_\_\_\_

16 \_\_\_\_\_

17 Business \_\_\_\_\_

18 \_\_\_\_\_

19 Mailing \_\_\_\_\_

20 \_\_\_\_\_

21 Telephone numbers: Day \_\_\_\_\_ Evening \_\_\_\_\_

22 Web site: \_\_\_\_\_

23 I meet the statutory and constitutional qualifications for this office (including,  
24 but not limited to, citizenship, residency, and party preference, if required).

25 I am at present an incumbent of the following public office

1 (if any) \_\_\_\_\_.

2 If nominated, I will accept the nomination and not withdraw.

3 \_\_\_\_\_  
4 Signature of candidate

5  
6 A candidate for voter-nominated office shall also complete all of the following:

7  
8 ±

9 (1) I hereby certify that:

10 (a) At the time of presentation of this declaration, as shown by my current  
11 affidavit of registration, I have disclosed the following political party  
12 preference, if any: \_\_\_\_\_.

13 (b) My complete voter registration and party affiliation/preference history,  
14 from [10 years prior to current year] through the date of signing this  
15 document, is as follows:

16 Party Registration	17 County	18 Timeframe (by year)
19 _____	_____	_____
20 _____	_____	_____
21 _____	_____	_____

22 (2) Pursuant to Section 8002.5 of the Elections Code, select one of the  
23 following:

24  
25 \_\_\_\_\_ Party Preference: \_\_\_\_\_ (insert the name of the  
26 qualified political party as disclosed upon your affidavit of registration).

27  
28 \_\_\_\_\_ Party Preference: None (if you have declined to disclose a preference  
29 for a qualified political party upon your affidavit of registration).

30  
31 Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.  
32 \_\_\_\_\_  
33 Signature of candidate

34  
35 State of California )  
36 County of \_\_\_\_\_ ) ss.  
37 )

38  
39 Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

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\_\_\_\_\_  
Notary Public (or other official)  
Examined and certified by me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any declaration of candidacy in his or her possession which is entitled to be filed under the provisions of the Elections Code Section 18202.

(b) ~~At the discretion of the elections official, a candidate for a judicial office, or a candidate for any office whose voter registration information is confidential under Section 2166, 2166.5, or 2166.7, shall not be required to state~~ *may withhold* his or her residence address ~~on~~ *from* the declaration of candidacy. If a candidate does not state his or her residence address on the declaration of candidacy, the elections official shall verify whether the candidate’s address is within the appropriate political subdivision and add the notation “verified” where appropriate on the declaration.

~~SEC. 2. 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.~~

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