

AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 372

Introduced by Assembly Member Bigelow

February 17, 2015

An act to amend Section 8604 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 372, as amended, Bigelow. Elections: write-in candidates.

Existing law generally prohibits requiring write-in candidates for office to pay a fee or charge. Existing law requires other candidates to pay a filing fee or to submit a petition containing signatures of registered voters in lieu of a filing fee, as specified.

This bill would require write-in candidates for a voter-nominated office who advance to the general election to pay the prescribed filing fee in order to appear on the general election ballot. *This bill would also permit a candidate who alleges to be indigent and unable to pay the requisite fee to submit a statement of financial worth to the Secretary of State for consideration. This bill would require the Secretary of State to furnish the statement of financial worth to a candidate within a prescribed period and to determine whether a candidate who has submitted the statement is in fact indigent. This bill would require a candidate found not to be indigent to pay the filing fee within a prescribed time. This bill would also specify that a candidate found to be indigent is not required to pay the fee to appear on the ballot.*

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

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

1 SECTION 1. Section 8604 of the Elections Code is amended
2 to read:

3 8604. (a) Except as provided in Section 10228 and in
4 subdivision (b), a fee or charge shall not be required of a write-in
5 candidate.

6 (b) A write-in candidate for a voter-nominated office who
7 receives the highest or second highest number of votes cast at the
8 primary election shall, *at least eighty-eight days before the election,*
9 pay the filing fee prescribed by Section 8103 to the Secretary of
10 State to appear on the ballot at the ensuing general election.

11 (c) *Notwithstanding subdivision (b), if a candidate alleges to*
12 *be indigent and unable to pay the fee required by subdivision (b),*
13 *the candidate shall submit to the Secretary of State a statement of*
14 *financial worth to be used in determining whether or not he or she*
15 *is eligible to appear on the ballot at the ensuing general election*
16 *without paying the filing fee.*

17 (d) (1) *The Secretary of State shall furnish the statement of*
18 *financial worth, which may include questions relating to the*
19 *candidate's employer, income, real estate holdings, tangible*
20 *personal property, and financial obligations, beginning one*
21 *hundred fifty-five days before the election. The statement of*
22 *financial worth shall be made available until ninety-six days before*
23 *the election.*

24 (2) *A candidate shall do all of the following with respect to the*
25 *statement of financial worth:*

26 (A) *Submit his or her completed statement to the Secretary of*
27 *State no later than ninety-six days before the election.*

28 (B) *Certify the content of the statement as to its truth and*
29 *correctness under penalty of perjury.*

30 (C) *Sign a release form of the candidate's most recent federal*
31 *income tax report.*

32 (e) *Upon receipt of a statement of financial worth, the Secretary*
33 *of State shall, at least ninety days before the election, determine*
34 *whether or not the candidate is indigent. The Secretary of State*
35 *shall notify the candidate of its findings.*

36 (f) (1) *If the Secretary of State determines that the candidate*
37 *is not indigent, the candidate shall pay the requisite fee at least*
38 *eighty-eight days before the election.*

1 (2) *If the Secretary of State determines that the candidate is*
2 *indigent, the candidate shall not be required to pay the fee and*
3 *shall appear on the ballot at the ensuing general election.*

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