

AMENDED IN SENATE APRIL 28, 1999

AMENDED IN SENATE APRIL 15, 1999

SENATE BILL

No. 365

Introduced by Senator Lewis

February 11, 1999

An act to amend Sections 8062 and 8106 of, to repeal Section 8067 of, and to repeal and add Section 8061 of, the Elections Code, relating to candidates.

LEGISLATIVE COUNSEL'S DIGEST

SB 365, as amended, Lewis. Candidates: nomination documents.

Existing law requires a person who seeks to have his or her name printed on the ballot used at the direct primary to file with the county elections official a declaration of candidacy and nomination papers. Existing law requires a person to pay a fee to file his or her declaration of candidacy. Existing law permits a candidate to submit a petition containing a specified number of signatures of registered voters in lieu of the filing fee required for the declaration of candidacy.

Existing law provides that, if a candidate submits an in-lieu-filing-fee petition, all signatures are to be counted towards the number of votes required to sign a nomination paper. Existing law authorizes a voter to sign both the nominating papers and an in-lieu-filing-fee petition of a candidate, unless the signatures appearing on the documents are counted towards both the nominating papers and the in-lieu-filing-fee petition signature requirements.

This bill instead would require that, if a candidate submits both nomination papers and a petition containing signatures of registered voters in lieu of a filing fee, the signatures on those nomination documents be submitted on separate forms and that the signatures on the two forms be counted independently of each other for purposes of establishing the minimum number of required signatures.

Existing law establishes the number of registered voters required to sign a nomination paper for federal, state, and local office.

This bill instead would provide that the number of registered voters is not less than 40, except (1) if a political party has less than 50 registered voters in the relevant electoral district from which the candidate is to be nominated, nomination papers are to be signed by not less than 10 percent of the registered voters of the party in that party or (2) if there are less than 250 registered voters in the relevant electoral district from which the candidate is to be nominated, nomination papers are to be signed by not less than 10 registered voters in that district.

This bill would make other technical, conforming changes.

Because the bill would create additional duties for an elections official in processing nomination documents, the bill 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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 8061 of the Elections Code is
2 repealed.

3 SEC. 2. Section 8061 is added to the Elections Code,
4 to read:

5 8061. If a candidate submits both nomination papers
6 and a petition containing signatures of registered voters
7 in lieu of filing a fee, the signatures on those nomination
8 documents shall be submitted on separate forms.
9 Signatures on the two forms shall be counted
10 independently of each other for purposes of establishing
11 the minimum number of required signatures.

12 SEC. 3. Section 8062 of the Elections Code is amended
13 to read:

14 8062. (a) The number of registered voters required
15 to sign a nomination paper for the respective offices may
16 not be less than 40, except as provided in paragraphs (1)
17 and (2):

18 (1) If a political party has less than 50 registered voters
19 in the relevant electoral district from which the
20 candidate is to be nominated, nomination papers shall be
21 signed by not less than 10 percent of the registered voters
22 of the party in that district.

23 (2) If there are less than 250 registered voters in the
24 relevant electoral district from which the candidate is to
25 be nominated, nomination papers shall be signed by not
26 less than 10 registered voters in that district.

27 (b) The provisions of this section are mandatory, not
28 directory, and no nomination paper shall be deemed
29 sufficient that does not comply with this section. This
30 subdivision also may not be construed to prohibit a court
31 from validating a signature which was previously rejected
32 upon showing of proof that the voter whose signature is
33 in question is otherwise qualified to sign the nomination
34 paper.

35 SEC. 4. Section 8067 of the Elections Code is repealed.

36 SEC. 5. Section 8106 of the Elections Code is amended
37 to read:



1 8106. (a) Notwithstanding any other provision of this
2 article, a candidate may submit a petition containing
3 signatures of registered voters in lieu of a filing fee as
4 follows:

5 (1) For the office of California State Assembly, 1,500
6 signatures.

7 (2) For the office of California State Senate and the
8 United States House of Representatives, 3,000 signatures.

9 (3) For candidates running for statewide office, 10,000
10 signatures.

11 (4) For all other offices for which a filing fee is
12 required, if the number of registered voters in the district
13 in which he or she seeks nomination is 2,000 or more, a
14 candidate may submit a petition containing four
15 signatures of registered voters for each dollar of the filing
16 fee, or 10 percent of the total of registered voters in the
17 district in which he or she seeks nomination, whichever
18 is less.

19 (5) For all other offices for which a filing fee is
20 required, if the number of registered voters in the district
21 in which he or she seeks nomination is less than 2,000, a
22 candidate may submit a petition containing four
23 signatures of registered voters for each dollar of the filing
24 fee, or 20 percent of the total of registered voters in the
25 district in which he or she seeks nomination, whichever
26 is less.

27 (6) Notwithstanding any other provision of this
28 section, a candidate seeking the nomination of a qualified
29 party with whom he or she is registered, the registered
30 voters of which who were eligible to vote at the last
31 statewide election constituted less than 5 percent of all
32 registered voters eligible to vote at the last statewide
33 election, may submit a petition containing signatures of
34 10 percent of the registered voters of that party in the
35 district in which he or she seeks nomination, or 150
36 signatures, whichever is less.

37 (7) A voter may sign both a candidate's nomination
38 papers and his or her in-lieu-filing-fee petition.

39 (b) The Secretary of State or an elections official shall
40 furnish to each candidate, upon request, and without



1 charge therefor, forms for securing signatures. The
2 number of forms which the elections official shall furnish
3 a candidate shall be a quantity that provides the
4 candidates with spaces for signatures sufficient in number
5 to equal the number of signatures that the candidate is
6 required to secure pursuant to subdivision (a) if the
7 candidate desires that number of forms. However, the
8 elections official, rather than provide the candidate with
9 the number of forms set forth in the preceding sentence,
10 or upon the request of a candidate, may provide the
11 candidate with a master form that may be duplicated by
12 the candidate at the candidate's expense for the purpose
13 of circulating additional petitions. The Secretary of State
14 shall provide the master form. The elections official may
15 provide candidates a form other than the master form
16 provided by the Secretary of State. However, that form
17 shall meet all statutory requirements, and the elections
18 official shall also make available and accept the master
19 form provided by the Secretary of State. All forms shall be
20 made available commencing 45 days before the first day
21 for circulating nomination papers. However, in cases of
22 vacancies for which a special election is authorized or
23 required to be held to fill the vacancy, and where the
24 prescribed nomination period would commence less than
25 45 days after the creation of the vacancy, the forms shall
26 be made available within five working days after the
27 creation of the vacancy. No other form except the form
28 furnished by the Secretary of State or the elections official
29 or forms duplicated from a master form shall be used to
30 secure signatures. Each petition section shall bear an
31 affidavit signed by the circulator, in substantially the
32 same form as set forth in Section 8041. The substitution of
33 signatures for fees shall be subject to the following
34 provisions:

35 (1) Any registered voter may sign an in-lieu-filing-fee
36 petition for any candidate for whom he or she is eligible
37 to vote.

38 (2) If a voter signs more candidates' petitions than
39 there are offices to be filled, the voter's signatures shall be
40 valid only on those petitions which, taken in the order



1 they were filed, do not exceed the number of offices to be
2 filled.

3 (3) In-lieu-filing-fee petitions shall be filed at least 15
4 days prior to the close of the nomination period. Upon
5 receipt of the minimum number of in-lieu-filing-fee
6 signatures required, or a sufficient combination of
7 signatures and a pro rata filing fee, the elections official
8 shall issue nomination papers provisionally during the
9 nomination period. Within 10 days after receipt of a
10 petition, the elections official shall notify the candidate of
11 any deficiency. The candidate shall, ~~no later than five~~
12 *days upon receiving notification of a deficiency and* prior
13 to the close of the nomination period, either submit a
14 supplemental petition, or pay a pro rata portion of the
15 filing fee to cover the deficiency.

16 (4) If the petition is circulated for an office in more
17 than one county, the candidate shall submit the
18 signatures to the elections official in the county in which
19 the petition was circulated. The elections official shall at
20 least two days after verifying the signatures on the
21 petition, notify the Secretary of State of the total number
22 of valid signatures. If the number of signatures is
23 insufficient, the Secretary of State shall notify the
24 candidate and the elections officials of the fact. The
25 candidate may submit the necessary number of valid
26 signatures at any time prior to the close of the period for
27 circulating nomination papers. Each circulator of an
28 in-lieu-filing-fee petition shall be a registered voter of the
29 district or political subdivision in which the candidate is
30 to be voted on. The circulator shall serve within the
31 county in which he or she resides.

32 (5) Each candidate may submit a greater number of
33 signatures to allow for subsequent losses due to invalidity
34 of some signatures. The elections official shall not be
35 required to determine the validity of a greater number
36 of signatures than that required by this section.

37 (c) For the purposes of this section, the requisite
38 number of signatures shall be computed from the latest
39 registration figures forwarded to the Secretary of State



1 pursuant to Section 2187 prior to the first day on which
2 petitions are available.

3 SEC. 6. No reimbursement shall be made from the
4 State Mandates Claims Fund pursuant to Part 7
5 (commencing with Section 17500) of Division 4 of Title
6 2 of the Government Code for costs mandated by the
7 state pursuant to this act. It is recognized, however, that
8 a local agency or school district may pursue any remedies
9 to obtain reimbursement available to it under Part 7
10 (commencing with Section 17500) and any other
11 provisions of law.

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