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**AB-469 Candidates: nomination documents.** (2017-2018)

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**Assembly Bill No. 469**

**CHAPTER 839**

An act to amend Section 8106 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 469, Cooper. Candidates: nomination documents.

Existing law requires a candidate for elective office to pay a prescribed filing fee or to submit, at least 15 days before the close of the nomination period, a petition containing signatures of registered voters in lieu of the filing fee. Existing law requires the Secretary of State or an elections official to make forms for securing signatures available 45 days before the first day for circulating nomination papers. Existing law requires the elections official, within 10 days after receiving the in-lieu-filing-fee petition, to notify a candidate of any deficiency with the petition. If a deficiency is found, existing law requires the candidate to either submit a supplemental in-lieu-filing-fee petition or pay a pro rata portion of the filing fee to cover the deficiency.

This bill would instead require a candidate to file an in-lieu-filing-fee petition at least 30 days before the close of the nomination period. The bill would decrease the number of required signatures on an in-lieu-filing-fee petition, as specified. The bill would also strike the authorization for a candidate to submit a supplemental petition to cover any deficiency, and it would instead only permit the candidate to pay a pro rata portion of the filing fee. The bill would require that the forms for securing signatures be made available 60 days before the first day for circulating nomination papers and would make a conforming change.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 8106 of the Elections Code is amended to read:

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

- (1) For the office of California State Assembly, 1,000 signatures.
- (2) For the office of California State Senate and the United States House of Representatives, 2,000 signatures.
- (3) For candidates running for statewide office, 7,000 signatures.

(4) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is 2,000 or more, a candidate may submit a petition containing three signatures of registered voters for each dollar of the filing fee, or 7 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

(5) For all other offices for which a filing fee is required, if the number of registered voters in the district in which he or she seeks nomination is less than 2,000, a candidate may submit a petition containing three signatures of registered voters for each dollar of the filing fee, or 14 percent of the total of registered voters in the district in which he or she seeks nomination, whichever is less.

(6) A voter may sign both a candidate's nomination papers and his or her in-lieu-filing-fee petition. However, if signatures appearing on the documents are counted towards both the nomination paper and the in-lieu-filing-fee petition signature requirements, a person may only sign one of the documents.

(b) The Secretary of State or an elections official shall furnish to each candidate, upon request, and without charge, forms for securing signatures. The number of forms that the elections official shall furnish a candidate shall be a quantity that provides the candidates with spaces for signatures sufficient in number to equal the number of signatures that the candidate is required to secure pursuant to subdivision (a) if the candidate desires that number of forms. However, the elections official, rather than provide the candidate with the number of forms set forth in the preceding sentence, or upon the request of a candidate, may provide the candidate with a master form that may be duplicated by the candidate at the candidate's expense for the purpose of circulating additional petitions. The Secretary of State shall provide the master form. The elections official may provide candidates a form other than the master form provided by the Secretary of State. However, that form shall meet all statutory requirements, and the elections official shall also make available and accept the master form provided by the Secretary of State. All forms shall be made available commencing 60 days before the first day for circulating nomination papers. However, in cases of vacancies for which a special election is authorized or required to be held to fill the vacancy, and where the prescribed nomination period would commence less than 60 days after the creation of the vacancy, the forms shall be made available within five working days after the creation of the vacancy. No other form except the form furnished by the Secretary of State or the elections official or forms duplicated from a master form shall be used to secure signatures. Each petition section shall bear an affidavit signed by the circulator, in substantially the same form as set forth in Section 8041. The substitution of signatures for fees shall be subject to all of the following:

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

(2) If a voter signs more candidates' petitions than there are offices to be filled, the voter's signatures shall be valid only on those petitions that, taken in the order they were filed, do not exceed the number of offices to be filled.

(3) In-lieu-filing-fee petitions shall be filed at least 30 days before the close of the nomination period. Within 10 days after receipt of a petition, the elections official shall notify the candidate of any deficiency. The candidate shall then, at the time of obtaining nomination forms, pay a pro rata portion of the filing fee to cover the deficiency.

(4) If the petition is circulated for an office in more than one county, the candidate shall submit the signatures to the elections official in the county in which the petition was circulated. The elections official shall, at least two days after verifying the signatures on the petition, notify the Secretary of State of the total number of valid signatures. If the number of signatures is insufficient, the Secretary of State shall notify the candidate and the elections officials of the fact. The candidate may submit the necessary number of valid signatures at least 30 days before the close of the period for circulating nomination papers. Each circulator shall meet the requirements of Section 102.

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

(c) For purposes of this section, the requisite number of signatures shall be computed from the latest registration figures forwarded to the Secretary of State pursuant to Section 2187 before the first day on which petitions are available.

(d) All valid signatures obtained pursuant to this section shall be counted toward the number of voters required to sign a nomination paper in accordance with Section 8061 or 8405.

**SEC. 2.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the signature forms for in-lieu-filing-fee petitions to be available for use 60 days before the first day for circulating nomination papers for the June 2018 primary election, it is necessary that this act take effect immediately.