

Date of Hearing: April 27, 2022

ASSEMBLY COMMITTEE ON ELECTIONS  
Isaac G. Bryan, Chair  
AB 2577 (Bigelow) – As Amended April 18, 2022

**SUBJECT:** Elections: uniform filing forms.

**SUMMARY:** Requires the Secretary of State (SOS) to establish uniform filing forms for a candidate to use when filing a declaration of candidacy and nomination papers, as specified.

**EXISTING LAW:**

- 1) Prohibits a candidate's name from being printed on a primary election ballot unless the candidate delivers the following nomination documents to the county elections official by the 88th day before the primary election, except as specified:
  - a) A declaration of candidacy.
  - b) Nomination papers signed by signers.
- 2) Specifies the required contents of a declaration of candidacy and nomination papers, and requires those nomination documents to be in substantially the form specified in state law.
- 3) Requires a declaration of candidacy to be executed by the candidate in the office of the elections official of the county of the candidate's residence, or to be properly executed and delivered to that elections official. Requires completed nomination papers to be delivered to the elections official of the county in which the signer resides.
- 4) Requires candidates for certain offices to pay a filing fee, as specified, at the time the candidate obtains nomination forms from the elections official. Permits a candidate who is running for an office for which there is a filing fee to submit a petition containing signatures of registered voters to reduce or waive the filing fee, as specified. These petitions commonly are referred to as signature-in-lieu (SIL) petitions.
- 5) Allows a candidate for United States (US) Senate, US House of Representatives, or elective state office to pay to place a candidate statement in official election materials, subject to certain conditions. Provides that the statement will appear in the following publication:
  - a) In the case of candidates for statewide elective office and Board of Equalization, in the state voter information guide.
  - b) In the case of candidates for US House of Representatives, state Senate, or Assembly, in the county voter information guide.
- 6) Permits each candidate for local nonpartisan elective office to submit a candidate statement to appear in the county voter information guide, subject to specified procedures and restrictions.

- 7) Permits a candidate for elective office, except as specified, to be designated on the ballot with words that describe the elective office that the candidate holds or the principal professions, vocations, or occupations of the candidate, as specified. Requires a candidate who submits a ballot designation to file a ballot designation worksheet that supports the use of that ballot designation, and requires that worksheet to be filed with the elections official at the same time that the candidate files the declaration of candidacy.
- 8) Establishes a Code of Fair Campaign Practices (Code), and declares the purpose of the Legislature in enacting laws related to the Code is to encourage every candidate for public office in this state to subscribe to the Code. Requires an elections official to provide an individual with a blank copy of the Code at the time the individual is issued a declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office. Requires the elections official to accept a completed form from a candidate subscribing to the Code at all times prior to the election, and provides that every code subscribed to by a candidate for public office is a public record open for public inspection until 30 days after the election.
- 9) Requires every candidate for elective state office, other than a justice of an appellate court or the Supreme Court, to file a statement of economic interests (SEI) disclosing the candidate's investments, the candidate's interests in real property, and any income received during the immediately preceding 12 months. Requires this SEI to be filed with the elections official with whom the candidate files a declaration of candidacy, and no later than the final filing date for such a declaration.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Purpose of the Bill:** According to the author:

Interest in representing Rural California comes with its own set of unique challenges. Current law allows each county to have their own set of declaration of candidacy and nomination papers. This can be complicated for an individual seeking to represent their community, especially if the District they are running in has multiple counties with different forms. AB 2577 is a simple fix that will help streamline the process of declaring candidacy by having the Secretary of State establish uniform filing forms for a candidate to use when filing a declaration of candidacy and nomination papers. This common sense solution will help encourage more democratic participation in California by updating the filing form.

- 2) **Candidate Filing Requirements and Multi-County Legislative and Congressional Districts and Previous Legislation:** As detailed above, a candidate for elective office at a primary election must file a number of different documents in order to qualify to appear on the ballot, and there are other documents that a candidate may file, but is not required to file. Many of those documents must be filed with a county elections official, though for some offices, candidates must also file documents with the SOS. Most of these documents must be filed in person by the candidate or by an authorized representative of the candidate. (Candidates for elective state office generally must also file campaign reports and statements

with the SOS, though those documents generally can be filed by mail or electronically, and do not require that the candidate or a representative appear in person at the office of the SOS.)

Candidates who are running for an office that is wholly contained within a single county generally can file all those documents with that county's elections official. A candidate who is running for an office that contains all or portions of multiple counties, however, may need to file certain documents with multiple county elections officials. For instance, if a candidate chooses to collect signatures on an SIL petition to defray or eliminate the filing fee, each SIL petition can only include the signatures of voters from a single county, and the petition must be filed with that county's elections official. Similarly, while most candidates collect all the required nomination signatures needed to qualify for the ballot from voters in a single county, there is no requirement for a candidate to do so. If a candidate collects nomination signatures from voters in more than one county, however, a separate nomination petition is needed for each county.

The most common situation in which a candidate submits documents to multiple county elections officials is when a candidate for US House of Representatives, state Senate, or Assembly wishes to purchase a candidate statement that appears in the voter information guide. Counties have different procedures and requirements for candidate statements (including different requirements for the languages in which ballot materials must be available), and a candidate must pay each county elections official for the costs of including the candidate's statement in that county's voter information guide. As a result, a candidate who is running in a district that includes multiple counties must work individually with each county elections official if the candidate wants to have a candidate statement appear in the voter information guide in every county in the district. (A candidate in a multi-county district can choose to submit a candidate statement only in certain counties in the district.)

For instance, if a candidate in Assembly District 1 wanted to have a candidate statement that appeared in the voter information guide for all of the voters in the district, that candidate would need to submit candidate statements (and the required payment) to 11 different counties. Similarly, a candidate in Senate District 1 would need to work with 14 different county elections officials to ensure that the candidate's statement was sent to all the voters in the district.

Due to concerns about the burdens associated with candidates filing candidate statements in multi-county legislative and congressional districts, the Legislature passed and Governor Brown signed AB 666 (Aguiar Curry), Chapter 160, Statutes of 2018, which required an elections official to accept a candidate statement form from a candidate's county of residence for candidates who are running in multi-county districts, if the candidate provided a hard copy of the candidate statement form and paid the required fee to each county, among other provisions. While AB 666 did not *eliminate* the requirement for candidates in multi-county districts to work with each county elections official in order to have a candidate statement appear in the voter information guides that were received by all the voters in the county, it did ensure that a candidate could use a single form for preparing and submitting a candidate statement to every county elections official in the district.

- 3) **Uniform Nomination Documents:** While AB 666 made a modest change to reduce the burdens on candidates running in multi-county legislative and congressional districts, it is

less clear whether this bill would make a meaningful difference on candidate filing.

While current law requires declarations of candidacy and nomination papers to be in “substantially” the form specified in the Elections Code, there may be slight variations in the format of these documents from county to county. By requiring the SOS to establish uniform versions of the declaration of candidacy and nomination papers, this bill would ensure that all county elections officials are using the same forms, thereby ensuring that a candidate would receive the same form regardless of the county that issued the form. That uniformity, however, is unlikely to ease the candidate filing process for a candidate in a multi-county district. A candidate is required to file a declaration of candidacy only in the county where the candidate is registered to vote, so differences in counties’ versions of the declarations of candidacy would not affect a candidate running in a multi-county district. While a candidate in a multi-county district may file nomination papers in multiple counties, they are not required to do so, and it is rare for candidates to do so given that candidates for the Legislature and Congress need just 40 valid signatures on nomination papers.

Furthermore, state law requires that declarations of candidacy and nomination papers be issued by the elections official of the county for which those documents apply. As a result, even if the SOS developed uniform versions of those nomination documents to be used for candidate filing, a candidate would still need to visit the elections official for each county in which the candidate planned to circulate nomination papers. The candidate could not, for example, obtain nomination documents from one county elections official and file those documents in another county. The requirement for nomination documents to be issued by the elections official of the county for which those documents apply serves multiple purposes, including allowing for tracking of candidate filings and ensuring that nomination signatures are gathered during the appropriate nomination period.

In light of the foregoing information, it is unclear how establishing uniform versions of the declaration of candidacy and nomination papers would facilitate candidate filings by candidates in multi-county districts.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

None on file.

##### **Opposition**

None on file.

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