

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

337



FROM: The Registrar of Voters

SUBMITTAL DATE:
January 29, 2014

SUBJECT: Approval of election services for the Senate District 23 Special Vacancy Election [\$415,000-\$565,000 - General Fund]

RECOMMENDED MOTION: That the Board of Supervisors:
1. Approve election services for the 23rd Senate District Special Vacancy Election.

BACKGROUND:

Summary

On December 5, 2013 Governor Edmund G. Brown Jr. ordered a special vacancy election to be held within the 23rd Senate District of the State to fill the vacancy of the office of the State Senator from that district resulting from the resignation of Senator Bill Emmerson. The Secretary of State has set a Special Primary Election date of March 25, 2014, and a Special General Election date of June 3, 2014 to fill the vacancy.

The State will not reimburse the county for the cost of the special elections. Department will use funds on hand to provide the legally required election services, but expect to make a budget adjustment in the third quarter report.

Kari Verjil
Kari Verjil
Registrar of Voters

Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 415,000-565,000	\$ N/A	\$ 415,000-565,000	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ 415,000-565,000	\$ N/A	\$ 415,000-565,000	\$	
SOURCE OF FUNDS: General Fund				Budget Adjustment: No	
				For Fiscal Year: 13/14	

C.E.O. RECOMMENDATION:

APPROVE

BY: *Imelda Delos Santos*
Imelda Delos Santos

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: February 11, 2014
xc: ROV

Kecia Harper-Ihem
Clerk of the Board

By: *Regina Rose*
Deputy

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District: 3 & 5

Agenda Number:

2-5

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Approval of election services for the Senate District 23 Special Vacancy Election [\$415,000-
\$565,000 - General Fund]
DATE: January 29, 2014
PAGE: 2 of 2

Impact on Citizens and Businesses

Registered voters who reside in the 23rd State Senate District will have an opportunity to select a new state senator. Some businesses may serve as polling places.

SUPPLEMENTAL:

Additional Fiscal Information

If a candidate wins the March 25 Primary Election by 50% + 1 vote of the total votes cast, then a runoff election on June 3, 2014 will not be necessary. Estimated cost for the March 25, 2014 Election is \$415,000. Estimated cost for the June 3, 2014 run-off election is \$150,000.

ATTACHMENTS:

Special Election Proclamation
Secretary of State Information Sheet

FILED

In the Office of the Secretary of
of the State of California

DEC 05 2013

By Nab Park
Deputy Secretary of State

Executive Department
State of California

SPECIAL ELECTION PROCLAMATION
BY THE GOVERNOR OF THE STATE OF CALIFORNIA

I, **EDMUND G. BROWN JR.**, Governor of the State of California, do hereby
proclaim and order that a special election shall be held on the 3rd day of June, 2014,
within the 23rd Senate District of the State, to fill the vacancy of the office of State Senator
from that district resulting from the resignation of Senator Bill Emmerson.

IN WITNESS WHEREOF I have hereunto
set my hand and caused the Great Seal of
the State of California to be affixed this 5th
day of December 2013.



Edmund G. Brown Jr.
EDMUND G. BROWN JR.
Governor of California

ATTEST:

Debra Bowen
DEBRA BOWEN
Secretary of State

**Information Sheet
Qualifications and Requirements**

Member of the State Senate, 23rd District Special Election

The Governor issued the proclamation for a special **GENERAL** election to be held on **June 3, 2014**. The date of the special **PRIMARY** election is scheduled for **March 25, 2014**.

The date of the special primary election is calculated by counting back nine Tuesdays preceding the day of the special general election at which the vacancy is to be filled. If the ninth Tuesday is the day following a state holiday, the date of the special primary election is calculated by counting back ten Tuesdays preceding the special general election. § 10704(a)¹

I. QUALIFICATIONS

Every candidate shall:

- A. Be a U.S. citizen Cal. Const., art. IV, § 2(c)²

- B. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § 201

- C. Not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes. § 20

- D. During her or his lifetime serve no more than 12 years in the Senate, the Assembly, or both, in any combination of terms. This subdivision shall apply only to those Members of the Senate or the Assembly who are first elected to the Legislature after the effective date of this subdivision (June 2012) and who have not previously served in the Senate or Assembly. Members of the Senate or Assembly who were elected before the effective date of this subdivision (June 2012) may serve only the number of terms allowed at the time of the last election before the effective date of this subdivision. Cal. Const., art. IV, § 2(a)(4)³

II. REQUIREMENTS

A. CAMPAIGN FILINGS AND RESPONSIBILITIES

Any individual who intends to be a candidate for an elective state office shall:

¹ All code section references are to the California Elections Code unless stated otherwise.

² Article IV, section 2(c), of the California Constitution requires a one-year residency in the legislative district and three years residency in California; however, it is the legal opinion of this office that these provisions violate the U.S. Constitution and are unenforceable.

³ Term limits for Members of the State or Assembly who were elected prior to June 2012: Senate – not to have served two terms in the State Senate since November 6, 1990; Assembly – not to have served three terms in the State Assembly since November 6, 1990.

1. Candidate Intention Statement

File with the Secretary of State's Political Reform Division a Candidate Intention Statement (Form 501) for the specific state office sought. A separate Form 501 must be filed for each election, including re-election to the same office. This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan, including expenditures made from personal funds used for campaign purposes. Gov. Code § 85200

2. Campaign Contribution Account

a. A Statement of Organization—Recipient Committee (Form 410) shall be filed with the Secretary of State's Political Reform Division within 10 days of qualifying as a committee by receiving contributions totaling \$1,000 or more in a calendar year. Gov. Code §§ 82013(a), 84101

b. Establish one campaign contribution account at an office of a financial institution located in California after filing the Candidate Intention Statement. Gov. Code § 85201(a)

c. All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled committee shall be deposited in the account. Gov. Code § 85201(c)

d. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure. Gov. Code § 85201(d)

e. All campaign expenditures shall be made from the account. Gov. Code § 85201(e)

3. Exceptions

a. Parts 1 and 2(d) and (e), above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds. Gov. Code §§ 85200, 85201(f)

b. Part 2, above, does not apply if the candidate does not receive contributions and makes campaign expenditures from personal funds of less than \$1,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee. Gov. Code § 85201(g)

c. An individual who raises contributions from others for his or her campaign, but who raises or spends less than \$1,000 in a calendar year, shall establish a campaign contribution account but is not required to file a Statement of Organization or other statement of bank account information. Gov. Code § 85201(h)

B. FILING FEES

1. Full Payment of Filing Fee

Every candidate must pay a filing fee equal to 1% of the first year salary as of the first day on which a candidate may circulate petitions in-lieu of filing fees. Currently, the filing fee is \$952.91. The filing fee must be paid to the county elections official at the time the candidate obtains the nomination papers from the county elections official.

§§ 8103(a)(3), 8105

2. Signatures In-Lieu of Filing Fee

A candidate may choose to submit by **January 16, 2014**, a minimum of 3,000 valid signatures on petitions in-lieu of filing fees.

§§ 8106(a)(2) & (b)(3), 10704(a)

a. Petitions for in-lieu signatures may be obtained from the county elections official and circulated between **December 6, 2013**, and **January 16, 2014**. Sections of in-lieu-filing fee petitions shall be filed with the county elections official of the county in which the signers reside.

§ 8106

b. The candidate may submit signatures to cover all or any prorated portion of the filing fee.

§ 8106(b)(3)

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

§ 8106(b)(1)

d. **Before January 1, 2014:** Each circulator of an in-lieu-filing-fee petition shall be a registered voter of the district in which the candidate is running. The circulator shall serve within the county in which he or she resides.

§ 8106(b)(4)⁴

On and after January 1, 2014: Circulators of in-lieu-filing-fee petitions must be 18 years of age or older.

§§ 102⁵, 8106(b)(4)

e. Within 10 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, on or before **January 31, 2014**, either submit a supplemental petition containing additional signatures or pay a pro rata portion of the filing fee to cover the deficiency.

§ 8106(b)(3)

f. Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements.

§ 8106(d)

⁴ The U.S. Supreme Court has struck down statutes that require petition circulators to be registered voters. (*Buckley v. American Constitutional Law Foundation, Inc.* (1999) 525 U.S. 182.) Other federal courts have struck down statutes that require petition circulators to reside within the state or locality affected by a petition, especially where requiring circulators to submit to jurisdiction by agreement would achieve the same end and would be more narrowly tailored to further the state's interest in preventing fraud. (See, e.g., *Nader v. Brewer* (9th Cir. 2008); *Krislov v. Rednour* (7th Cir. 2000) 226 F.3d 851; *Lerman v. NYC Board of Elections* (2d Cir. 2000) 232 F.3d 135; and *Chandler v. Arvada* (10th Cir. 2002) 292 F.3d 1236.) The Secretary of State is constitutionally constrained from declaring a state statute invalid, and Elections Code section 8106, subdivision (b), subsection (4) has not been declared unconstitutional by any state or federal court in California. However, given the similarities between this statute and the provisions struck down in the foregoing cases, the Secretary of State does not recommend or support the enforcement of this statute against any petition circulator, especially where the petition circulator agrees to submit to local jurisdiction.

⁵ Senate Bill (SB) 213 amends the laws applying to circulators. SB 213 becomes effective January 1, 2014.



Registrar of Voters Office
Kari Verjil
Registrar of Voters

MEMORANDUM

January 22, 2014

TO: Imelda Delos Santos, Management Analyst
FROM: *Kari Verjil*
Kari Verjil, Registrar of Voters
SUBJECT: Approval of election services for the Senate District 23rd Special Vacancy Election

Attached is a board item that the Registrar of Voter requests' to be placed on the February 11, 2014 Board of Supervisors Agenda:

Approval of election services for the 23rd Senate District Special Vacancy Election. [\$415,000-\$565,000.]

If you have any questions, please do not hesitate to call Kari Verjil or Rebecca Spencer at 951 486-7346.