

A CANDIDATE GUIDE TO

CALIFORNIA'S OPEN PRIMARY PROCESS

AND THE JUNE 5, 2012 PRIMARY ELECTION

NEW!

PROVIDED BY THE INDEPENDENT VOTER PROJECT

- Easier to run for office
- No restrictions on primary voting
- Top two vote getters face off in November

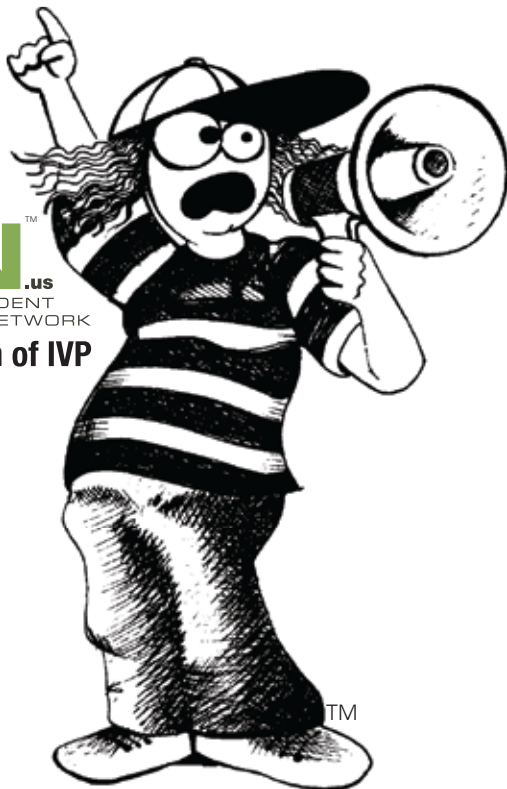
Empowering 3.8 Million
voters to have a Choice

New rules and new opportunities

for California's independent
voters and candidates

Vote for any candidate
or become one
yourself!!!

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“Authors of California's Open Primary”



NEW OPEN PRIMARY RULES FOR CANDIDATES

All candidates appear on a single ballot.

All candidates in a primary election, regardless of party preference, will appear on a single primary election ballot. Voters can vote for any candidate.

Top two candidates advance to the general election.

In the past, the top vote getter from each qualified political party moved on to the general election. This is no longer the case. Now, the top two vote getters in the primary election advance to the November general election.

Anyone can become a candidate in the primary. Anyone meeting the revised qualifications can become a candidate for open primary offices. The rules to become a candidate now are equal for both partisan and independent candidates.

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Candidates and voters can change their party or say they have “no preference” just by changing their voter registration.
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Independents can run in the primary for the first time.

Independent candidates are now allowed in the primary election. If a candidate is one of the top two vote getters in the primary, he or she advances to the general election like any other candidate who is one of the top two vote getters. Candidates are no longer allowed to run as independents in the general election unless they are one of the top two vote getters in the primary election.

Parties can continue to endorse and support candidates.

Political parties can continue to endorse and give financial and organizational support to the candidates of their choice.

Presidential election and party committee offices are unaffected. The initiative does nothing to change the current partisan primary elections for president or party committee offices.

Parties may allow independent voters to participate on remaining partisan ballots. Parties may continue to limit participation in the presidential and party committee elections to those voters who disclose their party preference, or they may allow independents to participate. Generally, political party leaders and party activists have opposed open primaries.

Party preference must be declared at time of filing for office.

Candidates must declare their party preference at the time of filing for office. A candidate's party preference will appear next to his or her name on the primary and general election ballots. Candidates who do not declare a party preference when registering to vote shall have the designation of “Party Preference: None” on the ballot. Selection of party preference does not imply endorsement of the candidate by the party designated. No candidate shall be deemed an official candidate of any party by virtue of selection in the primary.

Ten years of registration history required. The new rules require all candidates' history of voter registration for the previous ten years, including party affiliation or preference, be published on the Secretary of State's official web site.

Important Dates and Deadlines for Candidates

December 30, 2011 – February 23, 2012

Period in which candidates can collect signatures to avoid payment of filing fees (known as in lieu signatures)

February 13 – March 9, 2012

Period for declaring candidacy and filing nomination papers

March 9, 2012, 5:00 p.m.

Deadline for filing nomination papers

May 7 – May 29, 2012

Period to apply for a vote-by-mail ballot

June 5, 2012

Election Day and last day for vote-by-mail ballots to be returned in order to be counted.

Filing Fees

Filing fees are based on a percentage of the salary of the elected office. Filing fees may be reduced or eliminated by obtaining a specified number of signatures from registered voters during the in-lieu period of December 30, 2011 to February 23, 2012.

U.S. Senator (2% of \$174,000 salary)
\$3,480 or 10,000 signatures (\$0.348 each*)

House of Representatives (1% of \$174,000 salary)
\$1,740 or 3,000 signatures (\$0.58 each*)

State Senate (1% of \$95,290.56 salary)
\$952.91 or 3,000 signatures (\$0.317637 each*)

State Assembly (1% of \$95,290.56 salary)
\$952.91 or 1,500 signatures (\$0.635273 each*)

*The value of a single signature in reducing filing fees. Fees are prorated based on the number of signatures collected during the 12/30/2011 – 2/23/2012 in-lieu filing period. These signatures should not be confused with the minimal number of signatures required to submit nomination papers (see below).

Signatures to Submit with Nomination Papers

Nomination Papers

Each candidate must submit a specified number of signatures from registered voters to file nomination papers. The requirements are different for various offices.

State office or United States Senate.

Not fewer than 65 nor more than 100.

House of Representatives in Congress, State Senate or Assembly, Board of Equalization, or any office voted for in more than one county, and not statewide.

Not fewer than 40 nor more than 60.



HOW TO RUN FOR OFFICE UNDER THE NEW OPEN PRIMARY RULES

Anyone who meets the requirements below can run for the following offices in the State of California in the June 5, 2012, primary election. There is no requirement to be affiliated with any political party, although a political party may choose to endorse a candidate or candidates. In addition, candidates can state their political party preference without endorsement or approval from that party.

Office/ Requirement	U.S. Senator	U.S. Representatives ¹	California State Senate ²	California State Assembly ³
Age	At least 30 years of age	At least 25 years of age	Eligible to be a registered voter (at least 18 years of age)	Eligible to be a registered voter (at least 18 years of age)
Citizenship	U.S. citizen for 9 years	U.S. citizen for 7 years	U.S. citizen and California resident for 3 years	U.S. citizen and California resident for 3 years
Residency	Resident on January 13, 2013, the date he or she would be sworn into office if elected	Resident on January 13, 2013, the date he or she would be sworn into office if elected	Registered California voter and resident in the district for one year when nomination papers are issued	Registered California voter and resident in the district for one year when nomination papers are issued
Voter registration	Not applicable	Not applicable	Registered California voter or otherwise qualified to vote for that office when nomination papers are issued	Registered California voter or otherwise qualified to vote for that office when nomination papers are issued
Term limits	Not applicable	Not applicable	Can't have served two terms in the State Senate since November 6, 1990	Can't have served three terms in the State Assembly since November 6, 1990
Filing fee (percentage of salary)	\$3,480 (2% of \$174,000)	\$1,740 (1% of \$174,000)	\$952.91 (1% of \$95,290.56)	\$952.91 (1% of \$95,290.56)
Nomination signatures	Between 65 and 100	Between 40 and 60	Between 40 and 60	Between 40 and 60
Signatures in lieu of filing fees	10,000	3,000	3,000	1,500
Value of each signature in pro-rating and reducing filing fees	\$0.348	\$0.58	\$0.317637	\$0.635273
Period in which candidates can collect signatures to avoid payment of filing fees (known as in-lieu signatures)	December 30 2011 – February 23, 2012	December 30 2011 – February 23, 2012	December 30 2011 – February 23, 2012	December 30 2011 – February 23, 2012
Beginning of period for filing nomination papers	February 13, 2012	February 13, 2012	February 13, 2012	February 13, 2012
Deadline for filing nomination papers	March 9, 2012 5:00 p.m.	March 9, 2012 5:00 p.m.	March 9, 2012 5:00 p.m.	March 9, 2012 5:00 p.m.
Declaration of candidacy	Submit a declaration of candidacy to county official from whom the application was received	Submit a declaration of candidacy to county official from whom the application was received	Submit a declaration of candidacy to county official from whom the application was received	Submit a declaration of candidacy to county official from whom the application was received
Intention statement	Not applicable	Not applicable	File intention statement (Form 501) with Secretary of State prior to solicitation	File intention statement (Form 501) with Secretary of State prior to solicitation
Campaign contribution account	Not applicable	Not applicable	Create campaign contribution account (Form 410) if raising or spending more than \$1,000 in a calendar year	Create campaign contribution account (Form 410) if raising or spending more than \$1,000 in a calendar year
Ballot designation sheet	Submit ballot designation sheet with declaration of candidacy	Submit ballot designation sheet with declaration of candidacy	Submit ballot designation sheet with declaration of candidacy	Submit ballot designation sheet with declaration of candidacy
Party preference history required	10 years	10 years	10 years	10 years
Disclosure information	Contact the Federal Election Commission for copies of the Federal Election Campaign Act at 999 E Street NW, Washington, DC 20463	Contact the Federal Election Commission for copies of the Federal Election Campaign Act at 999 E Street NW, Washington, DC 20463	Visit the Fair Political Practices Commission website for the Campaign Disclosure Provisions of the Political Reform Act at www.fppc.ca.gov	Visit the Fair Political Practices Commission website for the Campaign Disclosure Provisions of the Political Reform Act at www.fppc .

Additional conditions apply. A summary of qualifications for running for each of the offices above can be found at the California Secretary of State's website at www.sos.ca.gov/elections/2012-elections/qualifications.htm. Additional information about California elections can be found at www.IVN.us.

1. All 53 Congressional districts 2. The 20 odd - numbered Senate districts 3. All 80 Assembly districts

The Barriers to Independent Voters that Precipitated the Open Primary Act

The Open Primary Act was precipitated by the growth of registration in decline-to-state (independent) voters and institutional barriers in the California Elections Code that denied ballot access to independent candidates. These laws also disenfranchised independent voters and major party voters who lived in districts that were “safe” for the other major party.

These barriers also deprived independent voters of the option to vote for candidates in primary elections, and they limited electoral choice for all voters. The following describes some of the barriers imposed by California’s ballot access laws that were addressed by the Open Primary Act.

Growth in Independent Voter Registration

Minority voters and younger voters, in particular, are responsible for the growth in independent voters, for example:

- Between 1978 and 2009, Latino independent voters increased from 5% to 21% of all independent registration.
- Asian or “other” voters increased from 5% to 16%.
- Approximately 25% of all registered independent voters fall in the 18 to 29 age group and 60% of all independent voters are under age 50.
- In a number of districts, independent voter registration exceeded that of a major party.

Despite all of the above, independent voters did not have equal access as candidates or voters.

Number of Nominating Signatures Required

Previously there was a strong disparity between the number of signatures that partisan candidates and independent candidates were required to collect.

For example, statewide offices required independent candidates to obtain 173,041 signatures in 60 days, an average of 2,884 per day. Partisan candidates only needed between 65 and 100 signatures and had 25 days to collect them, an average of between 2.6 and 4 per day.

Even independent candidates for the Assembly had to collect between 3,184 and 9,240 signatures in 60 days, an average of between 53 and 154 per day. The net affect of the number of signatures required for independent candidates put them at a disadvantage.

Period and Cost to Collect Signatures

The period when signatures could be collected and the opportunities to collect them also created inequities between partisan candidates and independent candidates. Independent candidates had 60 days to collect signatures, but couldn’t begin until one day before the primary. Partisan candidates only had 25 days, but their collection period began in early February, giving partisan candidates a lead of many months to campaign. The independent candidate had to wait until long after the primary to begin campaigning. In addition, the cost of collecting signatures created an initial financial barrier for independent candidates.

Access to Voters and Voter Lists

Unlike partisan candidates, independent candidates did not have access to lists of registered voters, caucuses or state conventions, and had to identify voters on their own. A voter could only sign one nominating petition per election per office, creating an ever-shrinking pool of potential signatories for the independent candidate who had to collect thousands of signatures. Only California residents were allowed to gather signatures, and the independent candidate was restricted from having an affiliation with a political party during the thirteen month period prior to the general election. The partisan candidate also had an affiliation restriction, although slightly shorter at 12 months, he or she only needed between 65 and 100 signatures, so none of the signature collection burdens of the independent candidate applied to them.

Summary

California voters passed Proposition 14 in June 2010 to correct these and other barriers and inequities.



ABOUT THE INDEPENDENT VOTER PROJECT

The California Independent Voter Project (IVP) is a non-profit, non-partisan, 501(c)4 organization dedicated to better informing voters on important public policy issues and encouraging non-partisan voters to participate in the electoral process.

IVP was founded as the California Independent Voter Project in 2006 in response to the increased polarization of public policy debate and decisions. The organization’s founders imagined a process by which those voters and citizens who had become increasingly disenfranchised and disillusioned by the public decision-making process could again become active participants. Evidence of this trend can be found in the decreasing percentage of voters registered with traditional political parties, and the rapidly increasing number who register as independents, otherwise known as decline-to-state voters or non-partisan voters. The result was the Independent Voter Project.

By educating voters about the steps needed to participate in primary elections, IVP has successfully increased independent voter turnout in California’s elections. IVP conducted extensive research and experimental voter education programs targeted at independent voters in 2006, 2008, and 2010. From the 2006 to 2010 midterm elections, IVP increased independent voter turnout by 419,917 voters.

IVP authored Proposition 14, which was approved by the voters in June 2010. This Top Two Candidates Open Primary Act gave 3.8 million independent voters the right to vote for the candidate of their choice, regardless of the party affiliation of the voter or the candidate.

IVP has a four-pronged approach to ensure independent voters are empowered now and in the future.

- Development of the Independent Voter Network (IVN), a news platform for communication between independent-minded voters, public officials, civic leaders, and journalists (www.IVN.us).
- Defending the open primary through voter and candidate education like this voter guide and other means.
- Researching and promoting additional election reforms.
- Expanding the reach of election reform to other states.

For more information about the new open primary and links to various election-related agencies, go to IVP’s Open Primary page hosted on www.IVN.us. For more information about the Independent Voter Project, go to www.IVN.us and click on “Independent Voter Project.”

Contact Information:

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