

(1) Nomination of candidates for voter-nominated state elected offices and federal elected offices, as defined in Section 359.5; and

(2) Any other candidates for any other offices or political party positions described in this Code who are not otherwise described in subsections (a)(1) or (b) of this section.

(b) This chapter does not apply to:

(a1) Recall elections.

(b2) Presidential primary.

(e3) Nomination of officers of cities or counties whose charters provide a system for nominating candidates for those offices.

(d4) Nomination of officers for any district not formed for municipal purposes.

(e5) Nomination of officers for general law cities.

(f6) Nomination of school district officers.

**SECTION 34. Section 8000.5 of the Elections Code is added to read:**

8000.5.(a) Each voter entitled to vote, whether registered or not registered with a political party, shall receive a ballot in each direct voter choice open primary election by any voting mechanism the State deems official for any such election that includes all candidates for voter-nominated state elected offices and federal elected offices, and nonpartisan office, in the voter's political subdivision, as defined in this Code. All candidates for voter-nominated office, whether registered with a political party or not, shall appear on every such ballot. Each voter entitled to vote, whether registered or not registered with a political party, shall be entitled to vote for any candidate on said ballot. The candidates, regardless of party registration, including candidates registered as "no party," who are the top two vote getters for each voter-nominated office shall become the nominees of the voters and be listed on the ballot for the ensuing general election.

(b) Ballots for use in Presidential primaries and for political party positions shall be governed respectively by Divisions 6 and 7 and by other provisions of this Code relating to such ballots.

**SECTION 35. Section 8001 of the Elections Code is amended to read:**

8001. (a) No declaration of candidacy for a ~~partisan~~ voter-nominated state elected office or federal elected office, or for membership on a county central committee, shall be filed; by a candidate whose affidavit of registration designates a particular political party unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he has been eligible to register to vote in the state, the candidate is shown by his affidavit of registration to be affiliated registered with the political party the nomination of which he seeks designated in the declaration, and (2) the candidate has not been registered as ~~affiliated~~ with a qualified political party other than that political party the nomination of which he seeks designated in the declaration within 12 months, or, in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, within three months immediately prior to the filing of the declaration.

(b) The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered ~~as intending to affiliate with the political party the nomination of which he seeks~~ designated in the declaration, and indicating that the candidate has not been ~~affiliated~~ registered with any other qualified political party for the period specified in subdivision (a) or (c) immediately preceding the filing of the declaration. This section shall not apply to declarations of candidacy filed by a candidate ~~of~~ registered with a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to Section 5100.

(c) No declaration of candidacy for a voter-nominated state elected office or federal elected office shall be filed by a candidate whose affidavit of registration designates "no party" unless the candidate is not, and was not at any time during the 12 months preceding the filing of the declaration of candidacy, registered as a voter with any qualified political party, or in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, at any time during the three months immediately preceding the filing of the declaration, registered as a voter with a political party qualified under Section 5100.

**SECTION 36.** Section 8003 of the Elections Code is hereby repealed:

~~8003. This chapter does not prohibit the independent nomination of candidates under Part 2 (commencing with Section 8300), subject to the following limitations:~~

~~(a) A candidate whose name has been on the ballot as a candidate of a party at the direct primary and who has been defeated for that party nomination is ineligible for nomination as an independent candidate. He is also ineligible as a candidate named by a party central committee to fill a vacancy on the ballot for a general election.~~

~~(b) No person may file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election.~~

**SECTION 37.** Section 8022 of the Elections Code is amended to read:

8022. (a) Each candidate for a party nomination by the voters in a voter choice open primary election for the office of State Senator or Member of the Assembly, or for any state constitutional office, or for Insurance Commissioner, at the direct voter choice open primary election shall file a written and signed declaration of his or her intention to become a candidate for ~~his or her party's~~ nomination by the voters for that office. The declaration of intention shall be filed with either the Secretary of State or the elections official of the county in which the candidate is a resident. The declaration of intention shall be filed, on a form to be supplied by the elections official, not more than 14 nor less than five days prior to the first day on which nomination papers may be presented for filing. If the incumbent fails to file a declaration of intention by the end of that period, persons other than the incumbent may file declarations of intention no later than the first day for filing nomination papers. However, if the incumbent's failure to file a declaration of intention is because he or she has already served the maximum number of terms permitted by the California Constitution for that office, there shall be no extension of the period for filing the declaration of intention. The filing fees and copies of all declarations of intention filed with the county elections official in accordance with this article

shall be immediately forwarded to the Secretary of State. The declaration of intention provided for in this section shall be in substantially the following form:

I hereby declare my intention to become a candidate for the \_\_\_\_\_ Party's nomination by the voters (Name of political party) for the office of \_\_\_\_\_ (Name of office and district, if any) at the direct voter choice open primary election. (  ) I am registered as a voter with the \_\_\_\_\_ (Name of Political Party, if any); or (  ) I am registered as a voter as "no party." (Candidate check applicable statement)

\_\_\_\_\_  
(Signature of candidate)

\_\_\_\_\_  
(Address of candidate)

(b) No person may be a candidate nor have his or her name printed upon any ballot as a candidate for a party nomination by the voters for the office of Senator or Member of the Assembly, or for any state constitutional office, or for Insurance Commissioner at the direct voter choice open primary election unless he or she has filed the declaration of intention provided for in this section. However, if the incumbent of the office who is affiliated registered with any qualified political party files a declaration of intention, but for any reason fails to qualify for nomination for the office by the last day prescribed for the filing of nomination papers, an additional five days shall be allowed for the filing of nomination papers for the office, and any person, other than the incumbent if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he or she has not filed a written and signed declaration of intention to become a candidate for the office as provided in subdivision (a).

**SECTION 38. Section 8025 of the Elections Code is amended to read:**

8025. If ~~only one~~ any candidate has declared a candidacy for a ~~partisan~~ nomination to a voter-nominated office at the direct voter choice open primary election for a ~~party~~ qualified to participate at that election, and that candidate dies after the last day prescribed for the delivery of nomination documents to the elections official, as provided in Section 8020, but not less than ~~83~~ 74 days before the election, any person qualified under the provisions of Section 8001 may circulate and deliver nomination documents for the office to the elections official up to 5 p.m. on the ~~74th~~ 68th day prior to the election. In that case, the elections official shall, immediately after receipt of those nomination documents, certify and transmit them to the Secretary of State in the manner specified in this article.

**SECTION 39. Section 8040 of the Elections Code is amended to read:**

8040. (a) The declaration of candidacy by a candidate shall be substantially as follows:

**DECLARATION OF CANDIDACY**