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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Steven Glazer, Chair  
2023 - 2024 Regular

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**Bill No:** SB 25 **Hearing Date:** 4/18/23  
**Author:** Skinner  
**Version:** 4/13/23  
**Urgency:** No **Fiscal:** No  
**Consultant:** Scott Matsumoto

**Subject:** Declaration of candidacy: notary

**DIGEST**

This bill permits a candidate who will not be in the State of California during the entire nomination period to appear before a notary public of another state to complete the declaration of candidacy, as specified.

**ANALYSIS**

Existing law:

- 1) Requires nomination documents to be made available and provided free of charge. Provides, between the 113th day to the 88th day before the election, the nomination papers must be delivered to the county elections official of the county in which the signer resides and is a voter.
- 2) Requires the declaration of candidacy be delivered to the county elections official of the candidate's county of residence by 88th day before the election. Provides that a candidate running for the office of United States House of Representative, who does not reside in the district where seeking office, can deliver the Declaration of Candidacy to the county elections official in any county within the district where the candidate is seeking office and from whom it was received.
- 3) Requires a candidate for public office to file a declaration of candidacy that contains, among other things, the residence address of the candidate.
- 4) Requires the declaration to be subscribed and sworn before a notary public or other official.

This bill:

- 1) Provides that if a candidate will not be within the State of California during the entire nomination period and is unable to appear before a notary public appointed by the Secretary of State (SOS) or other California official to complete their declaration of candidacy, the candidate may appear before a notary public in another state to complete the declaration of candidacy. Requires the candidate to attach a notarial certificate from the out-of-state notary that complies with the law of the notary's state to their declaration of candidacy.

- 2) Makes various changes to the sample declaration of candidacy form, such as adding a notary public seal and clarifying that the notary public or other official completing the certificate verifies only the identity of the individual who signed the document and not the truthfulness, accuracy, or validity of the declaration of candidacy.
- 3) Makes other minor, nonsubstantive changes.

### **BACKGROUND**

Declaration of Candidacy. When seeking office in primary elections, a declaration of candidacy is required to be submitted by the candidate. When completing the form, the filer includes various contact information and certifies their party preference and that they meet the statutory and constitutional qualifications for the office being sought. A notary public or another official must sign on the declaration of candidacy before it is examined and certified by the county elections official and submitted to the SOS.

Notary Publics. A notary public is an official appointed by the SOS to serve the public as an impartial witness in performing a variety of official acts related to the signing of important documents. According to the SOS, a notary public is responsible for overseeing notary commissions within the State, as well as authenticating the signatures of California public officials and notaries public. The SOS grants four-year notary public commissions to qualified persons, approves notary public education courses, authorizes notary seal manufacturers, investigates violations of notary public law and takes disciplinary action, and issues apostilles. To become a notary public, you must be at least 18 years of age, a legal California resident, complete a course of study approved by the SOS, satisfactorily complete and pass a written examination prescribed by the SOS, and clear a background check.

As it related to the declaration of candidacy, the ability of a notary public, or other official, to sign a form similar to the declaration of candidacy goes back to at least 1913, pursuant to SB 1259 (Larkins), Chapter 690, Statutes of 1913.

### **COMMENTS**

- 1) According to the Author: Requiring candidates for statewide office to file their declaration of candidacy physically in California is generally not a problem. However, unavoidable circumstances sometimes arise, such as a family emergency or a significant medical event, which require candidates to be temporally located outside of California during the time period they are required to declare their candidacy. SB 25 ensures the law allows flexibility for these situations by allowing candidates to submit their declaration of candidacy with a United States notary public if they are unable to be physically present in California.
- 2) Argument in Support. In a letter sponsoring SB 25, Secretary of State Dr. Shirley N. Weber, Ph.D., stated, in part, the following:

*This bill would allow a candidate, such as a member of the California Congressional Delegation, to complete their declaration of candidacy for state*

*office if they are physically located in another located outside California but within the United States.*

*Senate Bill 25 expands on the existing process used to verify the identity of people who submit a declaration of candidacy to run for state office. Specifically, SB 25 would amend the identity verification process for candidates who do not submit their declaration of candidacy in-person to a county elections official in California. Existing law requires that the declaration of candidacy form is submitted along with a notarial certificate to verify the candidate's identity. However, the requirement to obtain identity verification from an in-state notary public has the potential to create unintended constraints for candidates whose business, public service, or other activities may require a candidate to leave the state during the period for submitting a declaration of candidacy.*

*Senate Bill 25 aims to solve this problem by allowing candidates for state office to submit a declaration of candidacy performed by a California commissioned notary or a notary outside of California within the United States. This solution would help prevent disenfranchisement of candidates and voters to the extent that the existing process reduces the number of candidates that voters may choose from on Election Day.*

#### **RELATED/PRIOR LEGISLATION**

AB 1210 (Nakano), Chapter 513, Statutes of 2003, imposed mandatory education requirements for notaries public and required the SOS to review and approve (by regulation) education courses that vendors wish to offer.

#### **POSITIONS**

**Sponsor:** Secretary of State Dr. Shirley N. Weber, Ph.D.

**Support:** None received

**Oppose:** None received

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