
THIRD READING

Bill No: SB 25
Author: Skinner (D)
Amended: 4/13/23
Vote: 21

SENATE ELECTIONS & C.A. COMMITTEE: 7-0, 4/18/23
AYES: Glazer, Nguyen, Allen, McGuire, Menjivar, Newman, Umberg

SUBJECT: Declaration of candidacy: notary

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

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.

Comments

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.

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 4/20/23)

Secretary of State Dr. Shirley N. Weber, Ph.D. (source)

OPPOSITION: (Verified 4/20/23)

None received

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