



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

May 16, 2011

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 11034

TO: All County Clerks/Registrars of Voters

FROM: Jana M. Lean
Jana M. Lean
Chief, Elections Division

RE: Political Party: Americans Elect Petition Process

As many of you are aware, Americans Elect is a political body intending to qualify as a political party utilizing the petition process that is set forth in California Elections Code section 5100(c). Americans Elect is currently circulating petitions throughout the state.

The petition process to qualify a political body as a political party is similar to the initiative petition process. (Elections Code section 5100(c).) For example, the petitions must be filed with the appropriate county elections officials. Additionally, the petitions may be submitted in sections; however, all the sections submitted in a single county must be filed at the same time.

Americans Elect has specified that it is seeking to participate in the 2012 presidential primary. As you know, the 2012 Presidential Primary Election is currently scheduled for February 7, 2012; however, the Legislature is considering Assembly Bill 80 (Fong), which would move the Presidential Primary Election to June 5, 2012. Because there are two possible presidential primary election dates, our office has provided to Americans Elect suggested deadline information for both dates.

With respect to the petition process, a political body intending to qualify in California must collect petition signatures from registered voters equal in number to 10% of the total votes cast in the last gubernatorial election. (Elections Code section 5100(c).) The current signature requirement is 1,030,040 (10% of 10,300,392 votes cast at the November 2, 2010, General Election).

Those signatures must be submitted to your offices, for you to count and verify before submitting the results to our office. The Secretary of State must determine that the political body has met the requirement set forth in Elections Code section 5100(c) at least 135 days prior to the primary election in order for the political body to qualify to appear on the ballot at that election.

CCROV # 11034

May 16, 2011

Page 2

If the presidential primary election is held on February 7, 2012, the Secretary of State must make her determination on or before September 25, 2011. The suggested timelines to qualify a political body as a political party for a presidential primary election held on February 7, 2012, are set forth in Attachment A. To permit your offices to utilize the time afforded under the law to review those signatures, our office recommended to Americans Elect that petition signatures be filed with your offices on or before May 25, 2011.

If the presidential primary election is held on June 5, 2012, the Secretary of State must make her determination on or before January 22, 2012. The suggested timelines to qualify a political body as a political party for a presidential primary election held on June 5, 2012, are set forth in Attachment B. To permit your offices to utilize the time afforded under the law to review those signatures, our office recommended to Americans Elect that petition signatures be filed with your offices on or before September 16, 2011.

If you have any questions, please feel free to contact Rachelle Delucchi at Rachelle.Delucchi@sos.ca.gov or (916) 657-2166.

Attachments: A and B

ATTACHMENT A

February 7, 2012, Election

Suggested Deadlines to Qualify a Political Party Using the Random Sample Method

If the raw count total equals 100% or more of the total number of signatures needed to qualify the political body as a political party, the elections official is required to verify 500 signatures or 3% of the number of signatures filed, whichever is greater. This process is referred to as a random sample. Counties receiving less than 500 petition signatures are required to verify all the signatures filed in their office. If there is more than 110% of the required number of valid signatures to qualify the political party to participate in the February 7, 2012, election, the petition will be qualified. (Elections Code section 9030.)

July 20, 2011 – Suggested last day for the political body to file the petition with county elections officials.

August 1, 2011 – Last day for county elections officials to complete raw count totals and certify raw numbers to the Secretary of State.

August 9, 2011 – Last day for Secretary of State to receive raw count total from each county elections official, determine whether the petitions meet the minimum signature requirement, generate the random sample, and notify each county elections official of results.

September 22, 2011 – Last day for county elections officials to verify and certify the results of the random sampling of signatures to the Secretary of State.

September 25, 2011 (E-135) – Last day for Secretary of State to determine whether the political body qualifies to participate in the February 7, 2012, election or 100% signature verification is necessary. At this point, if 100% signature verification were necessary, the political body would not qualify to participate in the February 7, 2012, election.

Suggested Deadlines to Qualify a Political Party Using the Full Check Method

If the result of the random sample indicates that the number of valid signatures represents between 95% and 110% of the required number of signatures to qualify the political body as a political party, the Secretary of State directs the county elections officials to verify every signature on the petition. This process is referred to as a full check. Within 30 working days of receipt of this notification, the county elections

officials determine the total number of qualified signatures and transmit this information to the Secretary of State. (Elections Code section 9031.)

May 25, 2011 – Suggested last day for the political body to file the petition with county elections officials.

June 7, 2011 – Last day for county elections officials to complete raw count totals and certify raw numbers to the Secretary of State.

June 16, 2011 – Last day for Secretary of State to receive raw count total from each county elections official, determine whether the petitions meet the minimum signature requirement, generate the random sample, and notify each county elections official of results.

July 29, 2011 – Last day for county elections officials to verify and certify the results of the random sampling of signatures to the Secretary of State.

August 8, 2011 – Last day for Secretary of State to determine whether the petition qualifies or 100% signature verification is necessary.

September 21, 2011 – If 100% signature verification is necessary, last day for county elections officials to certify to the Secretary of State results of the 100% signature verification.

September 25, 2011 (E-135) – Last day for the Secretary of State to determine whether the political body qualifies to participate in the February 7, 2012, election.

ATTACHMENT B

June 5, 2012, Election

Suggested Deadlines to Qualify a Political Party Using the Random Sample Method

If the raw count total equals 100% or more of the total number of signatures needed to qualify the political body as a political party, the elections official is required to verify 500 signatures or 3% of the number of signatures filed, whichever is greater. This process is referred to as a random sample. Counties receiving less than 500 petition signatures are required to verify all the signatures filed in their office. If there is more than 110% of the required number of valid signatures to qualify the political party to participate in the June 5, 2012, election, the petition will be qualified. (Elections Code section 9030.)

November 10, 2011 – Suggested last day for the political body to file the petition with county elections officials.

November 23, 2011 – Last day for county elections officials to complete raw count totals and certify raw numbers to the Secretary of State.

December 2, 2011 – Last day for Secretary of State to receive raw count total from each county elections official, determine whether the petitions meet the minimum signature requirement, generate the random sample, and notify each county elections official of results.

January 18, 2012 – Last day for county elections officials to verify and certify the results of the random sampling of signatures to the Secretary of State.

January 22, 2012 (E-135) – Last day for Secretary of State to determine whether the political body qualifies to participate in the June 5, 2012, Statewide Direct Primary Election or 100% signature verification is necessary. At this point, if 100% signature verification were necessary, the political body would not qualify to participate in June 5, 2012, election.

Suggested Deadlines to Qualify a Political Party Using the Full Check Method

If the result of the random sample indicates that the number of valid signatures represents between 95% and 110% of the required number of signatures to qualify the political body as a political party, the Secretary of State directs the county elections officials to verify every signature on the petition. This process is referred to as a full check. Within 30 working days of receipt of this notification, the county elections

officials determine the total number of qualified signatures and transmit this information to the Secretary of State. (Elections Code section 9031.)

September 16, 2011 – Suggested last day for the political body to file the petition with county elections officials.

September 28, 2011 – Last day for county elections officials to complete raw count totals and certify raw numbers to the Secretary of State.

October 7, 2011 – Last day for Secretary of State to receive raw count total from each county elections official, determine whether the petitions meet the minimum signature requirement, generate the random sample, and notify each county elections official of results.

November 22, 2011 – Last day for county elections officials to verify and certify the results of the random sampling of signatures to the Secretary of State.

December 2, 2011 – Last day for Secretary of State to determine whether the petition qualifies or 100% signature verification is necessary.

January 18, 2012 – If 100% signature verification is necessary, last day for county elections officials to certify to the Secretary of State results of the 100% signature verification.

January 22, 2012 (E-135) – Last day for the Secretary of State to determine whether the political body qualifies to participate in the June 5, 2012, election.