



SECRETARY OF STATE  
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STATE OF CALIFORNIA

**Summary of Qualifications and Requirements for**

# **Write-In Candidates**

for the  
**October 7, 2003 Statewide Special Election**

## **I. Qualifications**

A candidate shall:

- A. Be a U.S. citizen . Cal. Const. Art. V, §2
- B. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. §201
- C. Not have served two terms as Governor since November 6, 1990.  
Cal. Const. Art. V, §§2 & 11

## **II. General Requirements**

In general, write-in candidates must file declarations of write-in candidacy and submit nomination sponsor signatures, as well as meet campaign disclosure requirements. They do not pay filing fees. The specific requirements follow.

### **A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES**

Any individual who intends to be a candidate for an elective office shall comply with the following Political Reform Act requirements:

#### **Statement of Intention**

1. File with the Secretary of State Political Reform Division an original and one copy of a statement of intention to be a candidate for a specific office (Form 501). This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan. Gov. Code §85200
2. **Campaign Contribution Account**  
Establish one campaign contribution account at an office of a financial institution located in California upon filing the statement of intention.
  - a. All contributions or loans made to the candidate, to a person on behalf of the

candidate, or to the candidate's controlled committee shall be deposited in the account.

- b. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure.
- c. All campaign expenditures shall be made from the account.

Gov. Code §§85200 & 85201

3. Exceptions

- a. Parts a and b(3) and (4), above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds.

Gov. Code §§85200 & 85201(f)

- b. Part b, above, does not apply if the candidate does not receive contributions and makes campaign expenditures from personal funds of less than \$1,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee.

Gov. Code §85201(g)

If such candidate later spends \$1,000 or more in a calendar year, he or she must establish a campaign contribution account before the \$1,000 expenditure threshold is reached. The required account information shall be filed with the Secretary of State Political Reform Division within 5 days of establishing the account.

Gov. Code §85201(h)

B. STATEMENT OF WRITE-IN CANDIDACY

- 1. Between August 11 and September 23, 2003, the candidate must file a statement of write-in candidacy. The statement shall contain the following information:

- a. candidate's name;
- b. candidate's complete residence address;
- c. a declaration stating that the candidate is a write-in candidate;
- d. the name of the office for which the candidate is running;
- e. the party the candidate wishes to represent; and
- f. the date of the election.

§8600\*

- 2. The statement of write-in candidacy shall set forth in full the oath or affirmation provided in Section 3 of Article XX of the California Constitution.

§200

C. FILING FEE

Write-in candidates are not required to pay filing fees.

§8604

D. NOMINATION PAPERS

- 1. Between August 11 and September 23, 2003, write-in candidates must circulate and submit nomination papers signed by not less than 65 nor more than 100 voters of the party the candidate represents or, in the case of an independent candidate, by voters not affiliated with a qualified party.

2. The candidate may appoint persons to circulate the nomination paper. Circulators shall be registered voters in California shall circulate only in their county of residence. §§8042, 8065, and 8066
3. Each section of the nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter not later than September 23, 2003. §8063

F. STATEMENT OF ECONOMIC INTERESTS

Each state candidate except those running for Congress and U.S. Senate must file a Statement of Economic Interests with the county elections official disclosing investments, interests in real property, and any income received during the immediately preceding 12 months pursuant to the requirements of the Political Reform Act of 1974, As Amended. Gov. Code §87201

Candidates for federal office may have similar requirements under federal law and should contact the Federal Election Commission.

This statement is to be filed between August 11 and September 23, 2003.

III. CANVASS OF WRITE-IN VOTES

- A. No name written upon a ballot in any election shall be counted for an office or nomination unless the candidate whose name has been written on the ballot has been certified as a write-in candidate. §15351
- B. The name of a write-in candidate shall be written by hand upon a ballot. The use of pressure-sensitive stickers or methods other than handwriting of indicating the name of the write-in candidate are not valid, and a name indicated by any such method shall not be counted. §15353

**Frequently-Asked Questions Concerning Write-In Candidacies**

**Q.:** Can anyone run as a write-in candidate?

**A.:** Any person who meets the qualifications for the specific office may run as a write-in candidate. However, in order for votes to be counted and certified, the candidate must comply with the specific legal requirements set forth above.

**Q.:** Where can persons obtain the forms they must file to run as a write-in candidate?

**A.:** There is no statutory provision requiring county elections officials to supply forms; however, the official may have the forms necessary for a candidate to complete in order to run as a write-in candidate. The candidate should check with his/her county elections official.

**Q.:** Must a write-in candidate running in the October 7, 2003 statewide special election meet the 3-month party affiliation/twelve-month party disaffiliation requirement in order to run in the November general election (as is required for primary write-in candidates)?

**A.:** No.

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Title 2 California Code of Regulations  
**Write-In Canvass Provisions**

**Section 20101. Definitions.**

(a) For the purpose of sections 20102-20105, "qualified write-in candidate" shall refer to candidates who have complied with Part 3<sup>1</sup> of Division 8 of the Elections Code (beginning at Section 8600).

(b) For the purpose of sections 20102-20105, "ballot" shall include ballot envelope, card, or paper ballot on which write-in votes are authorized to be indicated by Elections Code §302.

**Section 20102. Write-in vote; no office indicated.**

The name of a qualified write-in candidate shall be counted when the name is written in on a voter's ballot and no office is indicated for the candidate, or the office is incompletely indicated (e.g., "Senator" without district number), if:

(a) the candidate is a qualified write-in candidate for an office properly appearing on the voter's ballot; and

(b) no other qualified write-in candidate for any office appearing on the voter's ballot bears a name so similar to the name as written in, considering the voter's misspellings or omission of portions of the name, if any, as to leave a reasonable doubt as to the voter's intention.

**Section 20103. Write-in vote; misspelled or incomplete name.**

The misspelled or incomplete name of a qualified write-in candidate written in on a ballot shall be counted for the candidate when the office for which the candidate has qualified is also indicated on the voter's ballot, if:

(a) the name as written in bears a reasonable resemblance to the qualified candidate's name; and

(b) no other write-in candidate qualified for the indicated office has a name that is so similar to the name as written in as to leave a reasonable doubt as to the voter's intention.

**Section 20104. Write-in vote; misspelled or incomplete name, office omitted.**

The misspelled or incomplete name of a qualified write-in candidate written in on a ballot shall be counted for the candidate even though the office for which the candidate has qualified is omitted or incompletely indicated on the voter's ballot, when:

(a) the name as written in bears a reasonable resemblance to the qualified candidate's name; and

(b) no other write-in candidate qualified for any office properly appearing on the voter's ballot has a name that is so similar to the name as written in as to leave a reasonable doubt as to the voter's intention.

**Section 20105. Write-in vote; wrong office indicated.**

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<sup>1</sup> The Elections Code sections referenced in these regulations have been changed to reflect the accurate Elections Code sections to which they refer, but the regulations themselves have not been similarly amended.

The name of a write-in candidate qualified for an office appearing on the voter's ballot which is written in the pre-printed column designated for an office other than one for which the write-in candidate is qualified shall not be counted for any purpose.

### **IMPORTANT NOTICE**

This Information Sheet of Qualifications and Requirements is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. The candidate should obtain the most up-to-date information available because of possible changes in law or procedure since the publication of this information.

