



SECRETARY OF STATE
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STATE OF CALIFORNIA

Summary of Qualifications and Requirements
for the Office of

Governor

Partisan and Independent Candidates

Statewide Special Election

October 7, 2003

I. QUALIFICATIONS

A candidate shall:

- A. Be a U.S. citizen. Cal. Const. Art. V, §2¹
- B. Be a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person. §201²
- C. Satisfy the following registration requirements:
 - 1. Partisan Candidates
Be registered with the political party whose nomination he or she is seeking for not less than three months immediately prior to the time the declaration of candidacy is presented to the county elections official or, if eligible to register for less than three months, for as long as he or she has been eligible to register to vote in California. §8001
 - 2. Independent Candidates
Not have been registered as affiliated with any qualified political party within three months immediately prior to the time the declaration of candidacy is presented to the county elections official. §8550(f)
- D. Not have served two terms in the office sought since November 6, 1990.

¹ Article V, section 2 of the California Constitution require five-year residency in California; however, it is the legal opinion of this office that this provision violates the U.S. Constitution.

²All code section references are to the California Elections Code unless stated otherwise.

II. REQUIREMENTS

A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES

Any individual who intends to be a candidate for an elective office shall:

1. Statement of Intention

File with the Secretary of State Political Reform Division 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, including personal funds used for campaign purposes. 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 1 and 2 (c) and (d), 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 §§852

b. Part 2, 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. FILING FEE OR SIGNATURES IN LIEU OF FILING FEE

A candidate must pay a filing fee equal to 2% of the first year's salary for the office. Currently, the filing fee for Governor is \$ 3,500. The filing fee must be paid at the time the candidate files the declaration of candidacy. §§8103 & 8105

Payment of Fee

Candidates may pay the filing fee by cash, check, or money order; some counties may accept credit card payment.

Signatures In Lieu Of Filing Fee

A candidate may choose to submit signatures on petitions in lieu of filing fees by August 9, 2003 (E-59). §8106

Candidates who are members of the Democratic or Republican parties or who are not affiliated with a qualified party must submit 10,000 valid in-lieu signatures to defray the entire filing fee. Candidates who are registered with the American Independent, Green, Libertarian, Natural Law, or Peace and Freedom Party may submit petitions containing valid signatures of at least 10% of the registered voters of their own party to a maximum of 150 signatures. §8106(a)(6)

1. The petitions for in-lieu signatures may be obtained from the county elections official and circulated in the state between July 24 and August 9, 2003 (E-59). Sections of petitions in lieu of filing fee shall be filed with the county elections official of the county in which the signers reside. §8106
2. The candidate may submit signatures to cover all or any prorated portion of the filing fee. §8106(b)(3)
3. Any registered voter may sign an in-lieu-of-filing-fee petition for any candidate for whom he or she is eligible to vote. However, candidates filing signatures-in-lieu pursuant to the provisions of §8106(a)(6) are limited to members of their own party. §§8106(a)(6) &
4. Each circulator of an in-lieu-of-filing-fee petition shall be a registered voter in California. The circulator shall serve within the county in which he or she resides.
5. Within 10 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency of signatures. The candidate shall then, prior to August 9, either submit a supplemental petition containing additional signatures or pay a pro rata

portion of the filing fee to cover the deficiency.

§8106(b)(3)

6. For independent candidates, valid signatures in lieu of the filing fee may be counted towards the nomination sponsor signature requirements. For partisan candidates, valid signatures in lieu of the filing fee may be counted towards the nomination sponsor signature requirements only if signers of the in-lieu-of-filing-fee petitions are of the same political party as the candidate. §§8106(d) & 8405

C. NOMINATION DOCUMENTS

1. Between July 24 and August 9, 2003 (E-59), candidates may obtain nomination documents from the county elections official. Nomination documents include a set of nomination papers for collecting signatures and a declaration of candidacy that the candidate must execute. §§333 & 8020
 - a. The candidate must obtain the declaration of candidacy from, and deliver it to, the county elections official of the county in which he/she resides and is a voter. §8064
 - b. Upon request of a candidate, the county elections official shall provide the candidate with a declaration of candidacy. The county elections official shall not require a candidate to sign, file, or sign and file a declaration of candidacy as a condition of receiving nomination papers. §8020(d)
 - c. The county elections official shall require all candidates filing a declaration of candidacy to execute the declaration in his or her office unless the candidate designates a third party to obtain the declaration form from the county elections official to deliver to the candidate. The written statement shall state that the candidate is aware that the declaration of candidacy must be properly executed and delivered not later than August 9, 2003 (E-59) to the office of the county elections official from whom it was received. The statement must be signed and dated by the candidate. §8028
2. Candidates must secure between 65 and 100 signatures on the nomination paper prior to filing. For partisan candidates, the signers must be members of the same party as the candidate; independent candidates must secure the signatures of voters who are not affiliated with a qualified party. §§8062 & 8400
 - a. Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. For partisan candidates, in-lieu signatures may satisfy this signature requirement only if the signers are members of the same party as the candidate. §§8061(d) & 8405

- b. All signers must be registered voters in the state of California and members of the same political party as the candidate. §8068
- c. The candidate may appoint persons to circulate the nomination paper.
 - (1) Circulators shall be registered voters in California. §8106(b)(4)
 - (2) Each circulator shall circulate the petition only in the county in which he or she resides. §8106(b)(4)
- d. Between July 24 and August 9, 2003 (E-59), 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. §§8020 & 8063

D. STATEMENT OF ECONOMIC INTERESTS

Each candidate 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

This statement is to be filed between July 24 and August 9, 2003 (E-59). It is not required if the candidate has filed such statements within the past sixty days for the same jurisdiction.

III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official.
- B. The term of office for Governor is four years; the current term began on January 6, 2003. A successor elected at the recall election would serve the remainder of this term and be eligible for only one more term.
- C. Because of the requirements of the Political Reform Act, As Amended, a candidate should contact the Political Reform Division of the Secretary of State's Office (1500 11th Street, 4th floor, Sacramento, California 95814) for the most recent copy of the Information Manual on Campaign Disclosure Provisions of the Political Reform Act, which gives the filing requirements for reporting campaign contributions, etc.

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.