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Summary of Qualifications and Requirements for
INDEPENDENT NOMINATION
for the Offices of
Governor and Lieutenant Governor
November 5, 2002 General Election

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 nomination papers are issued to the person. §201²
- C. Not have served two terms as Governor since November 6, 1990, if a candidate for Governor; not have served two terms as Lieutenant Governor since November 6, 1990, if a candidate for Lieutenant Governor. Cal. Const. Art. V, §§2 & 11
- D. Disqualifications

A candidate is ineligible for nomination as an independent candidate if:

1. A nomination paper was filed on the candidate's behalf as a partisan candidate or a write-in candidate at the March 5, 2002 Primary Election for any office, and the candidate was defeated for the party nomination at the primary election. §8301
2. At any time during the 13 months preceding the General Election, the candidate was registered as affiliated with any qualified political party. The last day a candidate desiring to run under the independent nomination procedures in the 2002 General Election may be affiliated with a qualified party is October 5, 2001. §8550(f)

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

² Unless otherwise stated, all code section references are to the California Elections Code.

For purposes of Section 8550, the seven qualified political parties are: American Independent, Democratic, Green, Libertarian, Natural Law, Reform, and Republican.

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 §85201(f)
- 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. DECLARATION OF INTENTION

Between October 29 and November 7, 2001, a candidate must file a declaration of intention with the Secretary of State or the elections official of the county in which the candidate resides. §8350

If the incumbent officeholder has not filed a declaration of intention to succeed to the same office, then any person, other than the incumbent, may file such a declaration during the extension period of November 8 through November 12, 2001. §8022

This extension will not apply if the incumbent failed to file a declaration of intention because of the prohibitions set forth in the California Constitution. §8024 & Cal. Const. Art. V, §§2 & 11

C. FILING FEE OR SIGNATURES IN LIEU OF FILING FEE

Filing Fee

Pay a filing fee equal to 2% of the first year's salary. Currently, the filing fee for Governor is \$ 3,500, and for Lieutenant Governor the filing fee is \$ 2,625. The filing fee must be paid at the time the candidate files the declaration of intention. §§8103 & 8105

Signatures In Lieu of Filing Fee

By November 7, 2001, submit a minimum of 10,000 valid signatures on petitions in lieu of filing fees. §8106

1. Between September 28 and November 7, 2001, the petitions for in-lieu signatures may be obtained from the county elections official and circulated. 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. §8106(b)(1)
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. §8106 (b)(4)
5. Within 10 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, prior to the close of the nomination period (August 9, 2002), either submit a supplemental petition or pay a pro rata portion of the filing fee to cover the deficiency. §§8106(b)(3) & 8405
6. Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§8106(d) & 8405

D. NOMINATION DOCUMENTS

1. Between June 10 and August 9, 2002, 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 must be executed by the candidate. §§333 & 8403
2. Upon request of a candidate, the county elections official shall provide the candidate with nomination documents. 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)
3. Between June 10 and August 9, 2002, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. §8403
4. Nomination Signatures

Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§8106(d) & 8405

 - a. The nomination papers must be signed by at least 1% of the registered voters as of the last registration report prior to the preceding general election. For this election, based on the October 2000 Report of Registration, that number is 157,074. §8400
 - b. Signers must be registered voters in California.

§§100 & 8068

- c. Any registered voter who is a candidate may obtain signatures to and sign his or her own nomination papers. §106(a)
- d. Appointment of nomination paper circulators.
 - 1. The candidate may appoint persons to circulate the nomination papers.
 - 2. Circulators shall be voters registered in California and shall serve only in their county of residence. §8451
- e. By August 9, 2002 the nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§8063 & 8403

5. Declaration Of Candidacy

Failure to properly file the declaration of candidacy will prevent the candidate's name from appearing on the ballot.

- a. The declaration of candidacy shall be obtained from, and delivered to, the county elections official of the county in which the candidate resides and is a voter. §8064
- b. 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, in a written statement signed and dated by the candidate, designates a third party to obtain the declaration form from the county elections official and to deliver it 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, 2002 to the office of the county elections official from whom it was received. §8028
- c. Between June 10 and August 9, 2002, file with the county elections official a declaration of candidacy which states the following:
 - 1. The candidate's complete residence address;
 - 2. That the candidate is a voter in the precinct in which he or she resides;
 - 3. The name of the office sought;

4. That he or she will not withdraw as a candidate before the election;
5. That if elected, he or she will qualify for the office;
6. That at no time since October 5, 2001 has the candidate been registered in California as affiliated with a qualified political party (American Independent, Democratic, Green, Libertarian, Natural Law, Reform, or Republican). §8550

E. 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.

This statement is to be filed between June 10 and August 9, 2002. It is not required if the candidate has filed such a statement 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 and Lieutenant Governor is four years, beginning on January 6, 2003.
- 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, and related instructions.

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.