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STATE OF CALIFORNIA | ELECTIONS

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PRESIDENTIAL ELECTOR QUALIFICATION PROCEDURES

Independent Nomination

November 4, 2008
General Election

An independent nominee for President of the United States attains ballot status by qualifying a group of 55 Presidential Electors who pledge their votes to that independent presidential nominee.

I. QUALIFICATIONS

A candidate for presidential elector must have a valid voter registration affidavit on file in the county of residence at the time nomination papers are obtained. There are no political affiliation restrictions on electors...they need only be registered voters in California.

Elections Code § 201¹

In addition to qualifying the 55 presidential electors, the person seeking the independent nomination for President of the United States must be: (1) a natural-born citizen of the United States, (2) at least 35 years of age, and (3) a resident within the United States for 14 years.

U.S. Const., art. II, § 1 (5)

II. REQUIREMENTS

A. A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election and who is defeated for his or her party nomination at the primary election is ineligible for nomination as an independent candidate. § 8301

B. Circulate nomination papers for signatures between April 25, 2008 (E-193) and August 8, 2008 (E-88), and leave them for examination with the county elections official of the county in which the papers were circulated. The nomination papers will be forwarded for filing with the Secretary of State after verification of signatures. § 8403

Whenever a group of candidates for Presidential Elector, equivalent to 55, files a nomination paper with the Secretary of State, the nomination paper may also contain the name of the candidate for U.S. President and U.S. Vice President for whom all of those candidates for Presidential Elector pledge themselves to vote. § 8303

¹ Unless otherwise stated, all code section references are to the California Elections Code.

The nomination papers must be signed by at least 158,372 registered voters (equivalent to 1% of the statewide registration from the November 2006 General Election). § 8400

1. All signers must be registered voters of the state. § 100 and 8400
2. Any registered voter who is a candidate may obtain signatures to and sign his or her own nomination papers. § 106 (a)
3. Circulators shall be registered voters of the state. § 8451
4. The nomination paper shall be delivered to the county elections official of the county in which the signers reside and are voters. § 8403

C. Declaration of Candidacy

1. EACH of the 55 candidates for presidential elector must complete a Declaration of Candidacy and file it with the county elections official of the county in which he or she is registered to vote. The declaration shall state:
 - a. The candidate's residence address;
 - b. That the candidate is a voter in the precinct in which he or she resides;
 - c. The name of the office sought; i.e., presidential elector
 - d. That he or she will not withdraw as a candidate before the election;
 - e. That if elected, he or she will qualify for the office. § 8550
2. The Declaration of Candidacy shall be left with the county elections official not later than August 8, 2008 (E-88). § 8550

GENERAL INFORMATION

- A. The Secretary of State and county elections officials do not supply forms for the independent nomination of presidential elector. However, Attachments 1 and 2 are suggested formats for the Nomination Paper and Declaration of Candidacy, respectively.
- B. Because of the requirements of the Federal Election Campaign Act, As Amended, candidates for federal office should contact the Federal Election Commission at 999 E Street, N.W., Washington, D.C. 20463, or call toll-free 1-800-424-9530 for a copy of the Act, related regulations giving the filing requirements for reporting campaign contributions, and the forms on which to file.

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 document.