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Summary of
Qualifications and Requirements for
Independent Nomination for the Offices of

GOVERNOR AND LIEUTENANT GOVERNOR

November 2, 2010, General Election

I. QUALIFICATIONS

Every candidate shall:

- A. Be a U.S. citizen. Cal. Const., art. V, §§ 2 & 9¹
- B. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. Elections Code § 201²
- C. Not have served two terms in the office sought since November 6, 1990. Cal. Const., art. V, §§ 2 & 11
- D. Disqualifications

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

1. Nomination papers were filed on the candidate's behalf as a partisan candidate or a write-in candidate at the June 8, 2010, 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 2010 General Election may be affiliated with a qualified party is October 1, 2009. § 8550(f)

For purposes of Section 8550, the six qualified political parties are: American Independent, Democratic, Green, Libertarian, Peace and Freedom, and Republican. § 5100

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.

II. REQUIREMENTS

A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES

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

1. Candidate Intention Statement

File with the Secretary of State Political Reform Division a Candidate Intention Statement to be a candidate for a specific state 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 Candidate Intention Statement.

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. Gov. Code § 85201(c)

b. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure. Gov. Code § 85201(d)

c. All campaign expenditures shall be made from the account. Gov. Code § 85201(e)

3. Exceptions

a. Parts 1 and 2(b) and (c), 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 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)

c. An individual who raises contributions from others for his or her campaign, but who raises or spends less than \$1,000 in a calendar year, shall establish a campaign contribution account but is not required to file a committee statement of organization or other statement of bank account information. Gov. Code § 85201(h)

B. FILING FEE

Full Payment of Filing Fee

Pay a filing fee equal to 2% of the first year's salary. Currently, the filing fee for Governor is \$3,479.74; for Lieutenant Governor the filing fee is \$2,609.80. The filing fee must be paid at the time the candidate obtains nomination forms from the county elections official. § 8103(a)(1), 8105

Signatures In-Lieu of Filing Fee

Candidates may elect to submit a minimum of 10,000 valid signatures on petitions in-lieu of filing fee by July 22, 2010. § 8106(a)(3)

1. Between April 23, 2010, and July 22, 2010, the petitions for in-lieu signatures may be obtained from the county elections official and circulated. Sections of in-lieu-filing-fee petitions 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-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-filing-fee petition shall be a registered California voter. 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 August 6, 2010, 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. Signatures in-lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§ 8106(d), 8405

C. NOMINATION DOCUMENTS

1. Between June 7, 2010, and August 6, 2010, 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
 - a. 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)

- b. Between June 7, 2010, and August 6, 2010, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. § 8403
 - c. The declaration of candidacy shall be obtained from, and delivered to, the elections official of the county in which the candidate resides and is a voter. §§ 8064, 8403
 - d. 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 6, 2010, to the office of the county elections official from whom it was received. Any person may return the completed declaration of candidacy. § 8028
2. Declaration of Candidacy

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

- a. Between June 7, 2010, and August 6, 2010, 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 1, 2009, has the candidate been registered in California as affiliated with a qualified political party (American Independent, Democratic, Green, Libertarian, Peace and Freedom, or Republican). § 8550
3. 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 2008 Report of Registration, that number is 173,041. § 8400
- b. Signers must be registered voters in California. §§ 100, 8068, 8400

- c. Any registered voter who is a candidate may obtain signatures to and sign his or her own nomination papers. § 106(a)
- d. The candidate may appoint persons to circulate the nomination papers. Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision. § 8451
- e. By August 6, 2010, the nomination papers shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§ 8063, 8403

D. BALLOT DESIGNATIONS

Each candidate who submits a ballot designation shall file a ballot designation worksheet that supports the use of that ballot designation by the candidate. § 13107.3(a)

1. The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her declaration of candidacy. § 13107.3(b)
2. The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request. The request must be accompanied by a ballot designation worksheet. § 13107(e)

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. Gov. Code §§ 87200, 87201

This statement is to be filed between June 7, 2010, and August 6, 2010. It is not required if the candidate has filed such a statement within the past 60 days for the same jurisdiction. Gov. Code § 87201

III. GENERAL INFORMATION

- A. Each of the forms mentioned above is available free of charge from the county elections official. § 8101
- B. The term of office for Governor and Lieutenant Governor is four years, beginning on January 3, 2011. Cal. Const., art. V, § 2 & 11

- C. A candidate should visit the website of the Fair Political Practices Commission at www.fppc.ca.gov for the most recent copy of the Political Reform Act, As Amended, including the Information Manual on Campaign Disclosure Provisions, which gives the filing requirements for reporting campaign contributions, etc.

IMPORTANT NOTICE

This Summary 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.