



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
ELECTIONS DIVISION

1500 11th Street, 5th Floor, Sacramento, CA 95814 | Tel 916.657.2166 | Fax 916.653.3214 | www.sos.ca.gov

Summary of
Qualifications and Requirements for the Office of

UNITED STATES PRESIDENT

AMERICAN INDEPENDENT, GREEN¹, LIBERTARIAN², AND PEACE AND FREEDOM PARTIES

June 7, 2016, Presidential Primary Election

I. QUALIFICATIONS

Every candidate shall be a natural-born citizen of the United States, at least 35 years of age, and a resident of the United States for at least 14 years. U.S. Const., art. II, § 1, cl. 5

II. REQUIREMENTS

There are two methods by which a person may have his or her name placed on the ballot as a presidential candidate in the June 7, 2016, Presidential Primary Election:

- by the Secretary of State as a generally-recognized candidate, or
- by circulating nomination petitions.

A. GENERALLY-RECOGNIZED CANDIDATES

1. The Secretary of State announces the names of individuals he has determined to be generally advocated for or recognized throughout the United States or California as actively seeking the nomination of the American Independent, Green, Libertarian, and Peace and Freedom parties for President. §§ 6520, 6720, 6851³

Criteria the Secretary of State may use to determine who is a “generally-recognized” candidate includes, but is not limited to:

- a. Qualifying for federal matching funds,
- b. Appearing in presidential public opinion polls, candidates’ forums, or debates,
- c. Being on other states’ primary ballots as a presidential candidate,
- d. Actively campaigning in California for the presidency,
- e. Having a campaign office in California, and
- f. Advice and input from the chairpersons of the respective state parties or state central committees.

¹ Assembly Bill (AB) 477 (Mullin), Chapter 726, Statutes of 2015, adds provisions to the Elections Code for Green Party presidential and county council elections. AB 477 will become effective January 1, 2016.

² Pursuant to California Elections Code section 5006, the Libertarian Party conducts its presidential primary election in accordance with the Peace and Freedom Party’s statutory provisions.

³ All code section references are to the California Elections Code unless otherwise stated.

2. On or before February 8, 2016 (E-120), the Secretary of State will publicly announce this determination. §§ 6520, 6722, 6852
3. Following this announcement, the Secretary of State may add presidential candidates to the selection but may not delete any candidate unless the candidate withdraws in accordance with the provisions of Sections 6521, 6522, 6723, 6724, and 6853. §§ 6520,6722, 6852, 6853
4. The last day a candidate may withdraw from the list of candidates to be certified by the Secretary of State is March 31, 2016** (E-68). To withdraw, the candidate must file an affidavit pursuant to Section 6522, 6724, or 6853 with the Secretary of State. §§ 6521, 6522, 6723, 6724, 6853

B. CIRCULATION OF NOMINATION PETITIONS FOR CANDIDATES (NOT SELECTED BY THE SECRETARY OF STATE) OR DELEGATIONS⁴

1. Any candidate not selected by the Secretary of State desiring to be placed on the Presidential Primary Election ballot without filing a group of candidates for delegates shall have nomination papers circulated on his or her behalf. §§ 6523, 6725, 6853.5
2. To qualify for placement on the Presidential Primary Election ballot, the nomination papers of the candidate must be signed by voters who have selected a preference with the party whose nomination is sought equal in number to not less than 1% of the number of persons who have selected a preference with that party in the 154-Day Report of Registration issued by the Secretary of State. §§ 2187(d)(1), 6523, 6725, 6853.5
3. Each signer of a nomination paper for the American Independent Presidential Primary Election ballot may sign only one paper. The signer shall declare his or her intention to support the presidential preference candidate or the group of candidates for delegates, and include his or her residence address. § 6582
4. Each signer of a nomination paper for the Green, Libertarian, or Peace and Freedom Presidential Primary Election ballot may sign only one paper. The signer shall add her or his printed name and place of residence indicating city and giving the street and number, if any. §§ 6782, 6855
5. Each section of the nomination paper shall be delivered to the elections official of the county where the paper was circulated. §§ 6581, 6583, 6781, 6783, 6854.5

⁴ The Green Party does not have a process for the circulation of nomination petitions for delegations; instead, delegates for the Green Party are selected in accordance with party bylaws and rules and procedures after the Presidential Primary Election.

**Date falls on a weekend or state holiday; it moves forward to the next business day.

6. The period for circulating the nominating papers is February 24, 2016 (E-104), through March 25, 2016 (E-74). §§ 6591, 6791, 6853.5, 6854.5
7. The last day to file nomination papers with the county elections official is March 25, 2016 (E-74). §§ 6591, 6791, 6854.5
8. No later than March 31, 2016** (E-68), the Secretary of State shall prepare a certified list containing the following information:
 - a. American Independent Party: A list containing the names and addresses of the candidates for delegates for whom nomination papers have been filed and who are entitled to be voted for at the Presidential Primary Election. § 6953
 - b. Libertarian and Peace and Freedom parties: A list containing the names of the candidates to appear on the presidential preference primary ballot and the names and addresses of the candidates for delegates for whom nomination papers have been filed and who are entitled to be voted for at the Presidential Primary Election. §§ 6951, 6952
 - c. Green Party: A list containing the names of the candidates to appear on the presidential preference primary ballot. Delegates are selected in accordance with party bylaws and rules and procedures after the Presidential Primary Election. §§ 6853, 6861.5(c), 6863, 6863.5

NOTE: In addition to the above two methods by which a person may have his or her name placed on the Presidential Primary Election ballot, the American Independent, Libertarian, and Peace and Freedom parties allow a group of candidates to qualify for the national convention delegate portion of the primary election ballot. For the American Independent Party, refer to Section 6560, et seq. For the Libertarian and Peace and Freedom parties, refer to Section 6760, et seq.

Moreover, an unselected candidate, who is supported by a group that has qualified by petition to be on the delegate selection portion of the ballot, shall be automatically placed on the presidential portion of the ballot. For the American Independent Party, refer to Section 6524. For the Libertarian and Peace and Freedom parties, refer to Section 6726.

III. GENERAL INFORMATION

- A. The California Elections Code contains various requirements that must be met by anyone planning to run as a presidential candidate for the American Independent, Green, Libertarian, or Peace and Freedom party. The laws vary depending on the candidate's party. Prospective candidates and delegates should review these laws well in advance of

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the June 7, 2016, Presidential Primary Election. For further information, the candidate is advised to consult the California Elections Code at the following sections:

American Independent Party	§ 6500, et seq.
Libertarian and Peace and Freedom parties	§ 6700, et seq.
Green Party	§ 6850, et seq.

The Elections Code is available on the California Legislature's website at:
<http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

- B. A copy of the nomination paper can be obtained from the county elections official. The nomination paper must be delivered to the elections official of the county where the paper circulated. The candidate information sheet (see attached) can be mailed to or filed in person in the Elections Division of the Secretary of State's Office at 1500 11th Street, 5th Floor, Sacramento, California, 95814, or at any county elections office.
- C. Because of the requirements of the Federal Election Campaign Act, As Amended, a presidential candidate should contact the Federal Election Commission at 999 E Street, NW, Washington, D.C., 20463, or call toll-free (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.
- D. No filing fee is required from any person to be voted for at a presidential primary.
§§ 6502, 6702, 6850.7
- E. The term of office for United States President is four years, beginning January 20, 2017.
U.S. Const., art. II, § 1; 20th Amend., § 1

IMPORTANT NOTICE

This information sheet of candidate qualifications and procedures 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.

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