

Initiative and Referendum Qualification Requirements November 6, 2018, General Election

Initiative

The initiative process is the power of the people to place laws and constitutional amendments on the ballot. These measures can either create or change laws (including general obligation bonds) or amend the California Constitution. If the initiative proposes to create or change California law, the proponent(s) must gather petition signatures of registered voters equal to 5% of the total votes cast for Governor in the most recent gubernatorial election. If the initiative proposes to amend the California Constitution, the signature requirement is 8% of the total votes cast for Governor in the most recent gubernatorial election. An eligible initiative will become qualified to be placed on the ballot on the 131st day prior to the next statewide general election or for a special election called by the Governor.

To be enacted, an initiative measure requires a simple majority of the total votes cast. A “yes” vote approves and a “no” vote rejects a proposed law or constitutional amendment placed on the ballot through the initiative process.

Based on the number of votes cast for the office of Governor at the 2014 General Election,* number of signatures required for:

Initiative Statute:	365,880 (5% of 7,317,581)	Cal. Const., art. II, § 8(b); § 9035
Initiative Constitutional Amendment:	585,407 (8% of 7,317,581)	Cal. Const., art. II, § 8(b); § 9035

Referendum

The referendum process is the power of the people to approve or reject laws already adopted by the Legislature. However, this does not apply to laws that have urgency clauses, call for elections, or provide for tax levies or appropriations for current expenses of the state. Proponent(s) wishing to prevent a legislatively adopted law from taking effect must, within 90 days of enactment of the legislation, gather signatures of registered voters equal to 5% of the total votes cast for Governor in the most recent gubernatorial election. A qualified referendum is placed on the ballot for the next statewide general election that occurs at least 31 days after the measure qualifies or for a special election called by the Governor.

A “yes” vote approves a law previously adopted by the Legislature and allows it to take effect. A “no” vote rejects the law previously adopted by the Legislature and prevents it from taking effect.

Based on the number of votes cast for the office of Governor at the 2014 General Election,* number of signatures required for:

Referendum Measure:	365,880 (5% of 7,317,581)	Cal. Const., art. II, § 9(b)
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For additional information regarding the initiative and referendum process, please visit the Secretary of State’s website at <http://www.sos.ca.gov/elections/ballot-measures/how-qualify-initiative/> or <http://www.sos.ca.gov/elections/ballot-measures/referendum/>.

*The 2014 General Election is the most recent gubernatorial election.

Candidate Qualifications and Information
Offices to Be Voted on at the June 5, 2018, Primary Election

Voter-Nominated Offices

Office	Term of Office	Term Begins	Districts	Qualifications
Governor, Lt. Governor	4 years	Jan. 7, 2019	N/A	<p>Citizen of the United States, resident of California, registered voter, and otherwise qualified to vote for that office. May not serve in the same office for more than two terms. The Governor may not hold another public office. May not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes, or for being an official interested in contracts, or becoming a vendor or purchaser at sales, or purchasing scrip or other evidences of indebtedness, in which the official has financial interest.</p> <p style="text-align: right;">§§ 20, 201¹; Gov. Code § 1097; Cal. Const., art. V, §§ 2², 9 & 11</p>
Secretary of State, Controller, Treasurer	4 years	Jan. 7, 2019	N/A	<p>Citizen of the United States, resident of California, registered voter, and otherwise qualified to vote for that office. May not serve in the same office for more than two terms. May not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes, or for being an official interested in contracts, or becoming a vendor or purchaser at sales, or purchasing scrip or other evidences of indebtedness, in which the official has financial interest.</p> <p style="text-align: right;">§§ 20, 201; Gov. Code § 1097; Cal. Const., art. V, § 11;</p>

¹All code section references are to the California Elections Code unless otherwise stated.

²Article V, section 2, of the California Constitution requires five years of residency in California; however, it is the legal opinion of this office that these violate provisions of the U.S. Constitution and are unenforceable.

Candidate Qualifications and Information
Offices to Be Voted on at the June 5, 2018, Primary Election

Voter-Nominated Offices (continued)

Office	Term of Office	Term Begins	Districts	Qualifications
Attorney General	4 years	Jan. 7, 2019	N/A	<p>Citizen of the United States, resident of California, registered voter, and otherwise qualified to vote for that office. Shall have been admitted to practice before the Supreme Court of California for at least five years immediately preceding the election. May not serve in the same office for more than two terms. May not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes, or for being an official interested in contracts, or becoming a vendor or purchaser at sales, or purchasing scrip or other evidences of indebtedness, in which the official has financial interest.</p> <p style="text-align: right;">§§ 20, 201; Gov. Code §§ 1097, 12503; Cal. Const., art. V, § 11</p>
Insurance Commissioner	4 years	Jan. 7, 2019	N/A	<p>Citizen of the United States, resident of California, registered voter, and otherwise qualified to vote for that office. During tenure of office, may not be an officer, agent, or employee of an insurer or directly or indirectly interested in any insurer or licensee under the California Insurance Code, except (a) as a policyholder, or (b) by virtue of relationship by blood or marriage to any person interested in any insurer or licensee. May not serve in the same office for more than two terms. May not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes, or for being an official interested in contracts, or becoming a vendor or purchaser at sales, or purchasing scrip or other evidences of indebtedness, in which the official has financial interest.</p> <p style="text-align: right;">§§ 20, 201; Gov. Code § 1097; Ins. Code §§ 12900, 12901</p>

**Candidate Qualifications and Information
Offices to Be Voted on at the June 5, 2018, Primary Election**

Voter-Nominated Offices (continued)

Office	Term of Office	Term Begins	Districts	Qualifications
Member, State Board of Equalization	4 years	Jan. 7, 2019	4	<p>Citizen of the United States, resident of the district, registered voter, and otherwise qualified to vote for that office. May not serve in the same office for more than two terms. May not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes, or for being an official interested in contracts, or becoming a vendor or purchaser at sales, or purchasing scrip or other evidences of indebtedness, in which the official has financial interest.</p> <p style="text-align: right;">§§ 20, 201; Gov. Code § 1097; Cal. Const., art. V, § 2 & XIII, § 17</p>
United States Senator	6 years	Jan. 3, 2019 (12:00 noon)	N/A	<p>At least 30 years of age, citizen of the United States for at least nine years, and inhabitant of the state when elected.</p> <p style="text-align: right;">U.S. Const., art. I, §§ 1, 3; 20th Amend., § 1</p>
United States Representative in Congress	2 years	Jan. 3, 2019 (12:00 noon)	53	<p>At least 25 years of age, citizen of the United States for at least seven years, and a resident of the state when elected.</p> <p style="text-align: right;">U.S. Const., art. I, §§ 1, 2; 20th Amend., § 1</p>

**Candidate Qualifications and Information
Offices to Be Voted on at the June 5, 2018, Primary Election**

Voter-Nominated Offices (continued)

Office	Term of Office	Term Begins	Districts	Qualifications
State Senator	4 years	Dec. 3, 2018	20 (even - numbered)	<p>Citizen of the United States, resident of California, registered voter in the district at the time nomination papers are issued, and otherwise qualified to vote for that office. Members of the Senate who were elected before June 2012 may not serve more than two terms in the State Senate; for all others, may not serve more than 12 years in the Senate, the Assembly, or both, in any combination of terms. May not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes, or for being an official interested in contracts, or becoming a vendor or purchaser at sales, or purchasing scrip or other evidences of indebtedness, in which the official has financial interest.</p> <p style="text-align: right;">§§ 20, 201; Gov. Code § 1097; Cal. Const., art. IV, § 2³</p>
Member of the State Assembly	2 years	Dec. 3, 2018	80	<p>Citizen of the United States, resident of California, registered voter in the district at the time nomination papers are issued, and otherwise qualified to vote for that office. Members of the Assembly who were elected before June 2012 may not serve more than three terms in the State Assembly, for all others, may not serve more than 12 years in the Senate, the Assembly, or both, in any combination of terms. May not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes, or for being an official interested in contracts, or becoming a vendor or purchaser at sales, or purchasing scrip or other evidences of indebtedness, in which the official has financial interest.</p> <p style="text-align: right;">§§ 20, 201; Gov. Code § 1097; Cal. Const., art. IV, § 2⁴</p>

³Article IV, section 2, of the California Constitution requires one year of residency in the legislative district and three years of residency in California; however, it is the legal opinion of this office that these provisions violate the U.S. Constitution and are unenforceable.

⁴See footnote 3.

Candidate Qualifications and Information
Offices to Be Voted on at the June 5, 2018, Primary Election

Nonpartisan Office

Office	Term of Office	Term Begins	Districts	Qualifications
Superintendent of Public Instruction	4 years	Jan. 7, 2019	N/A	<p>Citizen of the United States, resident of California, and registered voter at the time nomination papers are issued. May not serve more than two terms. May not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes, or for being an official interested in contracts, or becoming a vendor or purchaser at sales, or purchasing scrip or other evidences of indebtedness, in which the official has financial interest.</p> <p style="text-align: right;">§§ 20, 201; Gov. Code § 1097; Cal. Const., art. IX, § 2</p>